

**Ordinance No. 383**  
**ARLINGTON ZONING ORDINANCE**

The City of Arlington, Gilliam County, Oregon, ordains as follows:

**Article 1**  
**Introductory Provisions**

SECTION 1.1 - TITLE. This ordinance shall be known as the City of Arlington Zoning Ordinance.

SECTION 1.2 - PURPOSE.

- (1) To implement the Arlington Comprehensive Plan as adopted by the Arlington City Council.
- (2) To comply with ORS Chapter 227 and 197.
- (3) To promote the public health, safety and welfare of the citizens of the City of Arlington.
- (4) To repeal and replace Ordinance No 317, and all amendments thereto.

SECTION 1.3 - DEFINITIONS. As used in this ordinance, the singular includes the plural and the masculine includes the feminine and neuter; the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

- (1) ACCESS. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.
- (2) ACCESS CLASSIFICATION. A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.

- (3) ACCESS CONNECTION. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
- (4) ACCESS MANAGEMENT. The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
- (5) ACCESSWAY. A walkway that provides pedestrian and bicycle passage either between roads or from a road to a building or other destination such as a school, park, or transit stop. Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.
- (6) ACCESSORY USE OR ACCESSORY STRUCTURE. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- (7) ALLEY. A street which affords only a secondary means of access to the property.
- (8) APARTMENT. A building (or portion thereof) consisting of separate living units designed for occupancy by three or more families living independently of each other.
- (9) AUTOMOBILE WRECKING YARD. Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.
- (10) BED AND BREAKFAST. An establishment in a residential district that contains up to five (5) guest bedrooms, is owner or manager occupied, provides a morning meal, and limits the length of stay to fifteen (15) days.
- (11) BOARDING HOUSE, LODGING, OR ROOMING HOUSE. A building where lodging with or without meals is provided for compensation, for over four (5) guests to a maximum of twelve (12) guests.
- (12) BUILDING. A structure or mobile home unit built for the support, shelter, or enclosure of persons, animals, chattels or property of any kind.
- (13) CHURCH. A building or edifice used primarily for religious worship.

- (14) CITY. City of Arlington.
- (15) CITY COUNCIL. Arlington City Council
- (16) COMMISSION. Arlington City Planning Commission.
- (17) CONTIGUOUS LAND. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-of-way) which would deny access between the two parcels under single ownership.
- (18) CORNER CLEARANCE. The distance from a public or private road intersection to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
- (19) CROSS ACCESS. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
- (20) DUPLEX. A building containing two dwelling units designed for occupancy by two families.
- (21) DWELLING, SINGLE-FAMILY. Any building designed or used exclusively for occupancy by one family and containing one dwelling unit, including manufactured homes meeting the requirements of Section 4.9.
- (22) EASEMENT. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.
- (23) FAMILY. Means one (1) or more persons, excluding servants, related by blood, marriage, legal adoption, or legal guardianship, occupying a single non-profit housekeeping unit and using common housekeeping facilities; a group of not more than five (5) unrelated persons living together as a single non-profit housekeeping unit and using common housekeeping facilities.
- (24) FAMILY DAYCARE PROVIDER. A day care provider which meets the requirements of ORS Chapter 443.
- (25) FOURPLEX. A building containing four dwelling units designed for occupancy by four families.
- (26) FRONTAGE ROAD. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The

frontage road provides access to private properties while separating them from the arterial street.

(27) FUNCTIONAL AREA (INTERSECTION). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.

(28) FUNCTIONAL CLASSIFICATION. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.

(29) HEIGHT OF BUILDING. The vertical distance measured from the “average grade” to the highest point of the roof beams of flat roofs, to the deck line of mansard roofs, or to the center height between eaves and ridges for gable, nip, or gambrel roofs.

(30) HOME OCCUPATION. Means a lawful occupation carried on by a resident of a dwelling unit as an accessory use within the dwelling unit or an accessory building on the lot or parcel with the dwelling unit and the occupation is incidental or secondary to residential use and provided the occupation is conducted so that the following apply:

- (A) It does not give the appearance of a business.
- (B) It does not change the character of the dwelling.
- (C) There is no display, except by a non-illuminated sign no larger than one (1) square foot, which may not protrude more than six (6) inches from the exterior of the dwelling unit.
- (D) No outside assistants are employed on-site. Family members who are also dwelling residents are permitted to be employed.
- (E) There is no increase in noise outside the dwelling unit.
- (F) There is only a minor increase, if any, in traffic traveling to and from the dwelling unit.

See Supplemental Provisions, Section 4.13 for additional requirements.

(31) GRADE (ADJACENT GROUND). Grade is the lowest point of elevation of the finished surface of the ground, paving, or sidewalk within the area between the building and the property line, or when the property line is more than five (5)

feet from the building between the building and a line five (5) feet from the building.

(32) INDUSTRIAL. The making of commodities by manufacturing, assembling, fabrication, or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof;

(A) *Light Industrial*—is defined as those activities listed above which occur totally within an enclosed structure. There is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the exterior walls of the structure.

(B) *Heavy Industrial*—is defined as those activities listed above which can occur outside an enclosed structure. The uses include outside storage, loading and unloading, stockpiling, etc. for which there is no odor, vibration, dust, or noise discernable to the human sensory perception beyond the property line of the site.

(33) JOINT ACCESS (OR SHARED ACCESS). A driveway connecting two or more contiguous sites to the public street system.

(34) LOT. A parcel, tract, or area of land whose boundaries have been established by some, legal instrument, which is recognized as a separate legal entity for purposes of transfer of title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.

(35) LOT AREA. The total area of the lot measured in the horizontal plane within the lot boundary lines.

(36) LOT, CORNER. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

(37) LOT DEPTH. The average distance measured from the front lot line to the rear lot line.

(38) LOT, FLAG. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.

(39) LOT FRONTAGE. That portion of a lot extending along a street right-of-way.

(40) LOT LINE, FRONT. The line on the lot facing the street from which the access to the lot is commonly made.

- (41) LOT, THROUGH. (or Double Frontage Lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.
- (42) LOT WIDTH. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
- (43) MANUFACTURED DWELLING.
- (A) ***Residential Trailer***--a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes, and that was constructed before January 1, 1962.
- (B) ***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.
- (C) ***Manufactured Home***--
1. For any purpose other than that set forth in subparagraph 2 of this paragraph, "manufactured home" means 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; or
  2. For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.
  3. "Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.

- (44) MOBILE HOME PARK. Any privately owned place where four or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.
- (45) MULTIPLE FAMILY DWELLING. Dwelling designed or intended for the residence of three or more families.
- (46) NONCONFORMING ACCESS FEATURES. Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.
- (47) NON-CONFORMING STRUCTURE OR USE. A lawfully existing structure for use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
- (48) OWNER. A person, his authorized agent or representative having legal authority to use, transfer or lease land.
- (49) PARCEL. A division of land comprised of one or more lots in contiguous ownership.
- (50) PARKING PLACE. A rectangular area not less than 20 feet long and 10 feet wide, together with maneuvering and access space for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.
- (51) PLANNING COMMISSION. City of Arlington Planning Commission.
- (52) PLAT. An exact and detailed map of the subdivision of land.
- (53) PERSON. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
- (54) PLOT PLAN. A drawing indicating the location of existing and proposed structures on a lot or parcel together with other site information as required.
- (55) PRIVATE ROAD. Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.

- (56) PUBLIC ROAD. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
  
- (57) REASONABLE ACCESS. The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the City of Arlington.
  
- (58) RECREATIONAL VEHICLE. A vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a gross floor space of less than 400 square feet. The unit shall be identified as a recreational vehicle by the manufacturer.
  
- (59) RECREATIONAL VEHICLE PARK. Any area designed to establish, operate, manage, or maintain the same for picnicking or overnight recreational vehicle or tent camping by the general public. This includes areas open to use free of charge or through a payment of a tax or fee or by virtue of rental, lease, license, membership, association, or common ownership. This further includes but not limited to those areas divided into two or more lots, parcels, units, or other interests for the purposes of such use. Such recreational vehicle parks as defined are not intended for residential occupancy.
  
- (60) RESIDENTIAL USE. A structure or use designed or used for occupancy as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.
  
- (61) RESIDENTIAL FACILITY. A residential care, residential training, or residential treatment facility licensed or registered by or under the authority of the Department, as defined in ORS 443.400 under ORS 443.400 to ORS 443.460, or licensed by the State of Oregon Division under ORS 418.205 to ORS 418.327 which provides residential care alone or in conjunction with treatment or training, or the combination thereof, for six to fifteen individuals who need not be related. Staff persons required to meet the licensing requirement shall not be counted in the number of facility residences and need not be related to each other or to any resident of the residential facility.
  
- (62) RESIDENTIAL HOME. A residential treatment or training or adult foster home licensed by or under the authority of the Department as defined ORS 443.400, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to ORS 443.500, or an adult foster home licensed under ORS 443.705 to 443.825, which provides residential care alone or in conjunction with



treatment or training, or a combination thereof, of five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any residents of the residential home.

- (63) RIGHT-OF-WAY. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose.
- (64) SETBACK. An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.
- (65) SIGN. An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.
- (66) SIGNIFICANT CHANGE IN TRIP GENERATION. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) local 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.
- (67) STREET. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.
- (68) STRUCTURE. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
- (69) STUB-OUT (STUB-STREET). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

- (70) SUBSTANTIAL ENLARGEMENTS OR IMPROVEMENTS. An increase in existing square footage or increase in assessed valuation of the structure of 25% or more in the square footage or assessed value.
- (71) TRACT OR AREA. The area within a measurable boundary of land or contiguous parcels of land.
- (72) TRIPLEX. A building containing three dwelling units designed for occupancy by three families.
- (73) USE. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
- (74) VEHICLE IMPOUND YARD. A vehicle impound yard is a duly licensed facility in which automobile and other vehicles are stored or impounded for a short duration pending their disposition and disbursement to other facilities. The impound yard shall be managed and screened so as to not provide visual or audio impact on surrounding land uses.
- (75) YARD. An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
- (76) YARD, FRONT. A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.
- (77) YARD, REAR. Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
- (78) YARD, SIDE. The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

**Article 2**  
**Basic Provisions**

SECTION 2.1 - COMPLIANCE WITH ORDINANCE PROVISIONS.

- (1) The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.
- (2) A building permit is required for all structures containing more than 120 square feet. In order to obtain the City approval of a building permit for a single-family or duplex dwelling unit and/or accessory structures, a plot plan must be prepared and presented, along with the building permit application to the City Recorder. The plot plan shall include the lot dimensions; proposed and existing structures, including dimensions and height of building; proposed and existing setbacks from all property lines; driveway locations and off street parking area; water and sewer locations; and sidewalk locations. All other proposed uses are required to prepare and submit a site plan. Sample plot plans/site plans are available at City Hall.

SECTION 2.2 - ESTABLISHMENT OF LAND USE ZONES. This ordinance hereby establishes the following land use zones for the City.

ZONE	ABBREVIATED DESIGNATIONS
Residential	R-1
Residential	R-2
Commercial	C-1
Industrial	M-1
Land Intensive Industrial	M-2
Geological Hazard	GH
Airport Development	AD
Open Space/Public Facilities	O/S

SECTION 2.3 - LOCATION OF ZONES. The boundaries of the zones listed in this ordinance are indicated on the Arlington Zoning Map.

SECTION 2.4 - ZONING MAP. The official Zoning Map of the City of Arlington is located in the City Council Chambers of City Hall and is hereby adopted by reference. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

SECTION 2.5 - ZONING BOUNDARIES. Unless otherwise specified, zone boundaries are center lines of streets, lot lines, or city limits lines.

**Article 3**  
**Land Use Zones**

SECTION 3.1 - RESIDENTIAL ZONE "R-1".

**USES.** Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R-1" Residential Zone shall comply with the following regulations:

(1) PERMITTED USES:

- (A) Single-family dwellings including manufactured homes meeting the standards of Section 4.9. Each dwelling unit shall utilize two (2) of the following design features to provide visual relief along the front of the residence.
1. Dormers
  2. Gables
  3. Recessed entries
  4. Covered porch entries
  5. Cupolas
  6. Pillars or posts
  7. Bay window (min. 12" projection)
  8. Eaves (min. 6" projection)
  9. Off-sets in building face or roof (min. 16")
- (B) Public parks, public recreation areas and community or neighborhood centers.
- (C) Accessory uses and accessory buildings which are customarily incidental to the above uses. Detached accessory buildings shall not be located

within the required setback areas or less than 6-1/2 feet from the main building. Accessory uses and accessory buildings are those which are clearly incidental and subordinate to the primary use of the main building. The height of accessory buildings shall be limited to 14 feet. The area of an accessory building shall be limited to 600 square feet.

- (D) Family Day Care Provider.
- (E) Nameplates and signs. One non-illuminated nameplate not to exceed 1-1/2 square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- (F) Residential homes.
- (G) Home occupation (See Supplemental Provisions, Section 4.13.)
- (H) Transportation Improvements
  - 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
  - 2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  - 3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
  - 4. Landscaping as part of a transportation facility.
  - 5. Emergency measures necessary for the safety and protection of property
  - 6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
  - 7. Construction of a street or road as part of an approved subdivision or

land partition approved consistent with the applicable land division ordinance.

- (2) CONDITIONAL USES. Permitted with approval of the Planning Commission in accordance with Section 5.1.
- (A) Churches
  - (B) Mobile homes parks
  - (C) Public schools and libraries
  - (D) Lodge for civic or fraternal organization carrying on no commercial activity
  - (E) Duplexes, two unit dwellings.
  - (F) Necessary public utilities and public services, public service buildings, with safeguards against harm to adjacent or abutting residential property as required by the Planning Commission.
  - (G) Bed and Breakfast facilities meeting the provisions of Section 4.10
  - (H) Residential facilities
  - (I) Planned Unit Development (PUD)
  - (J) Transportation Improvements
    - 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
  - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
2. Construction of rest areas, weigh stations, temporary storage, and processing sites.
  3. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
  4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
- (K) **Accessory Buildings.** An accessory building of more than 600 square feet in area or more than 14 feet in height, which is to be located on the same lot or parcel as the primary use.
- (3) **HEIGHT.** Buildings, structures, or portions thereof shall not be erected to exceed a height of 2-1/2 stories or 35 feet.
- (4) **AREA.**
- (A) **Front Yard.** There shall be a front yard of not less than 20 feet in depth.
  - (B) **Side Yard.** On interior lots, there shall be a side yard on each side of the main building and each side yard shall have a width of not less than 5 feet.



On corner lots the interior side yards shall have a width of not less than 5 feet but the side yard on the street side of such corner lot shall not be less than 10 feet in width.

- (C) Rear Yard. There shall be a rear yard of not less than 5 feet in depth.
- (D) Lot Area. Every lot shall have a minimum average width of not less than 50 feet and an area of not less than 7,500 square feet for each single family dwelling.

Duplexes shall have a lot area of not less than 10,000 square feet for the structure.

(5) PARKING REGULATIONS.

- (A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit.
- (B) Uses Other Than Dwellings. Churches, lodges for civic and fraternal organizations; one parking space shall be provided for each 4 seats in the main assembly room, or one parking space for each 30 square feet of floor space within the main assembly room.

(6) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to the property on which the dwelling is located.

(7) GARAGE OR CARPORT. Each dwelling unit shall be provided with an attached or detached garage or carport capable of containing at least one standard size automobile.

SECTION 3.2 - RESIDENTIAL ZONE "R-2".

**USES.** Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R-2" Residential Zone shall comply with the following regulations.

(1) PERMITTED USES.

- (A) Single-family dwellings including manufactured homes meeting the standards of Section 4.9. Each dwelling unit shall utilize two (2) of the

following design features to provide visual relief along the front of the residence.

1. Dormers
  2. Gables
  3. Recessed entries
  4. Covered porch entries
  5. Cupolas
  6. Pillars or posts
  7. Bay window (min. 12" projection)
  8. Eaves (min. 6" projection)
  9. Off-sets in building face or roof (min. 16")
- (B) Public parks, public recreation areas and community or neighborhood centers.
- (C) Accessory uses and accessory buildings which are customarily incidental to the above uses. Detached accessory buildings shall not be located within the required setback areas or less than 6-1/2 feet from the main building. Accessory uses and accessory buildings are those which are clearly incidental and subordinate to the primary use of the main building. The height of accessory buildings shall be limited to 14 feet. The area of an accessory building shall be limited to 600 square feet.
- (D) Nameplates and signs. One non-illuminated nameplate, not to exceed 1-1/2 square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed 8 square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board, not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- (E) Residential homes.
- (F) Home occupation. (See Supplemental Provisions, Section 4.13.)

(G) Transportation Improvements

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(2) CONDITIONAL USES. Permitted with approval of the Planning Commission in accordance with Section 5.1.

- (A) Churches
- (B) Public schools and libraries
- (C) Lodge for civic or fraternal organization carrying on no commercial activity
- (D) Duplexes, two unit dwellings, triplexes, fourplexes, and sixplexes
- (E) Necessary public utilities and public services with safeguards against noncompatibility to adjacent or abutting residential property as required by the Planning Commission.

- (F) Mobile homes parks
- (G) Bed and Breakfast facilities meeting the provisions of Section 4.10
- (H) Boarding house
- (I) Residential facilities
- (J) Transportation Improvements
  - 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
    - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
    - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
    - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
    - d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
  - 2. Construction of rest areas, weigh stations, temporary storage, and processing sites.
  - 3. If review under this Section indicates that the use or activity is

inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

(K) Accessory Buildings. An accessory building of more than 600 square feet in area or more than 14 feet in height, which is to be located on the same lot or parcel as the primary use.

(3) HEIGHT. Buildings, structures, or portions thereof shall not be erected to exceed a height of 2-1/2 stories or 35 feet.

(4) AREA.

(A) Front Yard. There shall be a front yard of not less than 20 feet in depth.

(B) Side Yard. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 5 feet. On corner lots the interior side yards shall have a width of not less than 5 feet but the side yard on the street side of such corner lot shall not be less than 10 feet in width.

(C) Rear Yard. There shall be a rear yard of not less than 5 feet in depth.

(D) Lot Area. Every lot shall have a minimum average width of not less than 70 feet and an area of not less than 6,000 square feet for each single-family dwelling.

Duplexes	10,000 square feet
Triplexes	12,000 square feet
Fourplexes	14,000 square feet
Sixplexes	16,000 square feet

(5) PARKING REGULATIONS.

(A) Dwellings. Two parking spaces shall be provided on the lot for each dwelling unit.

- (B) Uses other than Dwellings. Churches, lodges for civic and fraternal organizations; one parking space shall be provided for each 4 seats in the main assembly room, or one parking space for each 30 square feet of floor space within the main assembly room.
- (6) SANITATION REGULATIONS. Before any dwelling is occupied, it must be connected to the city sewer system at such time as the city sewer system becomes available to that property on which the dwelling is located.
- (7) GARAGE OR CARPORT. Each dwelling unit shall be provided with an attached or detached garage or carport capable of containing at least one standard size automobile.
- (8) MULTIFAMILY DEVELOPMENTS. See supplemental provisions.

SECTION 3.3 - COMMERCIAL ZONE "C-1".

**USES.** Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "C-1" Commercial Zone shall comply with the following regulations.

- (1) PERMITTED USES. Subject to site plan approval.
  - (A) Retail trade establishments in which the operation takes place solely within an enclosed building.
  - (B) Business, governmental or professional offices
  - (C) Financial institution
  - (D) Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning establishment, and electrical repair shops
  - (E) Public park, public recreation areas and community centers
  - (F) Transportation Improvements
    - 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
  4. Landscaping as part of a transportation facility.
  5. Emergency measures necessary for the safety and protection of property.
  6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
  7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
- (2) CONDITIONAL USES. Permitted with approval of the Planning Commission in accordance with Article 5 of this ordinance.
- (A) Retail trade establishments at which any part of the operation takes place outside an enclosed building.
  - (B) Churches
  - (C) Commercial amusement
  - (D) Residential occupancies, such as single-family dwellings, duplexes, or apartments, may be located on the second floor of a commercial structure provided there is an existing or proposed commercial use on the ground floor of the structure.
  - (E) Recreational vehicle park
  - (F) Light industrial uses provided that all activities and operations except off-street parking and loading take place wholly within an enclosed building and that it is not deemed to be incompatible with surrounding uses because of noise, odor, sight or other kinds of environmental pollution.

- (G) Lodge for civic or fraternal organization
- (H) Transportation Improvements
  - 1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:
    - a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
    - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
    - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
    - d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
  - 2. Construction of rest areas, weigh stations, temporary storage, and processing sites.
  - 3. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
  - 4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This



period shall not exceed three years.

- (3) HEIGHT. Buildings, structures or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.
- (4) SETBACK REQUIREMENTS. In the Commercial zone, setbacks shall be as follows.
  - (A) No front yard setback is required.
  - (B) No buildings shall be constructed or located closer than 5 feet from the rear lot line.
- (5) PARKING REGULATIONS.
  - (A) Residential Off-Street Parking. For residential uses, one parking space for each dwelling unit.
  - (B) Off-Street Parking. See supplemental provisions.
  - (C) Parking Area Approval. Land used for parking areas in this zone shall be developed in accordance with a plan approved in writing by the Planning Commission. The area must be surfaced with asphaltic concrete, or other type of surfacing approved by the Planning Commission and all parking spaces shall be individually marked.

SECTION 3.4 – INDUSTRIAL “M-1”.

- (1) PERMITTED USES. Light industrial uses as defined. Subject to site plan approval.
  - (A) Transportation Improvements
    - 1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
    - 2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
    - 3. Project specifically identified in the Transportation System Plan as not requiring further land use regulation.

4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(2) CONDITIONAL USES.

(A) Heavy industrial uses as defined.

(B) Necessary public facilities.

(C) Transportation Improvements

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS and EA shall be reviewed and used as the basis for findings to comply with the following criteria:

a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.

b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.

d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.

2. Construction of rest areas, weigh stations, temporary storage, and processing sites.

3. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

(3) HEIGHT. Buildings, structures, or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.

(4) SETBACK REQUIREMENTS. In the Industrial zone, setbacks shall be as follows.

(A) No front yard setback is required.

(B) No buildings shall be constructed or located closer than 5 feet from the rear lot line.

(C) Interior side yard setback shall be 5 feet.

(D) No building shall be closer to a lot in a residential or agricultural zone than a distance equal to the height of the building or 50 feet, whichever is greater.

(5) PARKING REGULATIONS.

(A) Off-street Parking. See supplemental provisions.

SECTION 3.5 – LAND INTENSIVE INDUSTRIAL "M-2".

(1) PERMITTED USES. Light industrial uses as defined. Subject to site plan approval.

(A) Transportation Improvements

1. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
2. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
3. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
4. Landscaping as part of a transportation facility.
5. Emergency measures necessary for the safety and protection of property.
6. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan except for those that are located in exclusive farm use or forest zones.
7. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

(2) CONDITIONAL USES.

(A) Heavy industrial uses as defined.

(B) Necessary public facilities.

(C) Transportation Improvements

1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2)

not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

- a. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
  - b. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - c. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - d. The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
2. Construction of rest areas, weigh stations, temporary storage, and processing sites.
  3. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.
  4. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
- (3) HEIGHT. Buildings, structures, or portions thereto shall not be erected to exceed a height of 2-1/2 stories or 35 feet, whichever is less.
  - (4) AREA AND SETBACK REQUIREMENTS. In the Land Intensive Industrial

zone, the minimum lot area and setbacks shall be as follows.

- (A) A minimum lot size of 40 acres shall be required.
  - (B) No front yard setback is required.
  - (C) No buildings shall be constructed or located closer than 5 feet from the rear lot line.
  - (D) Interior side yard setback shall be 5 feet.
  - (E) No building shall be closer to a lot in a residential or agricultural zone than a distance equal to the height of the building or 50 feet, whichever is greater.
- (5) PARKING REGULATIONS.
- (A) Off-street Parking. See supplemental provisions.

SECTION 3.6 - GEOLOGICAL HAZARD COMBINING ZONE (GH)

- (1) REGULATIONS APPLY. In any zone which is a combined (GH) Zone, the requirements and standards of this Section shall apply in addition to those herein specified for such zone previously; provided, that if a conflict in regulations or standards occurs, the provisions of this Section shall govern.
- (2) APPLICATION OF PROVISIONS. The provisions of this Section shall apply to all areas of special geological hazards within the jurisdiction of the City as may now or in the future be identified. Until such time as specific, such hazards are accurately identified by the City or agencies such as the Oregon Department of Geology and Mineral Industries, each development proposal shall be reviewed pursuant to general information available (SCS Soils Survey Data) with emphasis on identifying geological hazard factors such as slopes greater than thirty percent (30%) and unstable soils.)
- (3) USES PERMITTED OUTRIGHT. In a zone with which the (GH) Zone is combined, the following uses are the only uses permitted outright, and these uses are permitted only if such uses are permitted in the zone regulations for the primary zone:
  - (A) Agricultural use conducted without locating a structure in the zone, except for a boundary fence, and shall be restricted to prevent destruction of

vegetation sufficient to cause erosion.

- (B) Industrial or commercial use that does not require a structure other than surfacing at ground level, such as for a loading area, parking area, or that requires only temporary structures that will not necessitate ground excavation for placement.
  - (C) Recreation use that requires no structures, alteration of the natural geology or vegetation removal without immediate replacement.
  - (D) Portions of a residential use that do not contain buildings such as a lawn, garden, parking area or play area, or a related use thereof that does not require alteration of the natural geology or excavation thereof.
- (4) CONDITIONAL USE PERMITTED. In a zone with which the (GH) Zone is combined, those uses permitted by the primary zone shall be permitted subject to this Section and the provisions of the primary zone.
- (5) PERMIT FOR USE OR DEVELOPMENT. No person shall construct, reconstruct or install a development, install a mobile home or divide land in a (GH) Zone unless a permit has been received for the work, except for those uses permitted by this ordinance. Except for improvement of an existing structure, which is less than substantial as determined by a certified building official or the City upon appeal, no permit shall be issued unless the work will be reasonably safe from geological hazard and otherwise comply with this Section and this ordinance, and other applicable regulations. Said permits shall be processed in the same manner as a conditional use permit under this ordinance as set forth in Article 5 of this ordinance.
- (6) APPLICATION REQUIREMENTS. An application for a use or development in a zone with which the (GH) Zone is combined shall be accompanied by the following:
- (A) Site Investigation Report. An application for a use or development in a (GH) Zone requires a site investigation report for the subject area. The site investigation report shall provide information on the site of the development and adjacent land that is likely to be affected by a proposed development. Unless the City determines specific items are not required, the report shall include the information described in this Section together with appropriate identification of information sources and the date of the information. Before a development permit can be issued, the site investigation report shall be referred to in the deed and other documents of sale and shall be a record of deeds.

- (B) Topography Map. A topography base map (1 to 100) scale and with a contour interval of two feet (2') shall be accompanied by references to the source and date of information used.
1. The position of the lot line.
  2. The boundaries of the property.
  3. Each geological feature classification type.
  4. Areas of open ground and the boundaries and species identification of major plant communities.
  5. Any springs, streams, marshy areas, standing bodies of water or intermittent waterways.
  6. Cut terraces, erosion scarps and areas exhibiting significant surface erosion due to improper drainage and runoff concentration.
  7. Geological information, including lithologic and structural details important to engineering and geologic interpretation.
- (C) Subsurface Analysis. If upon initial investigation it appears there are critical areas where the establishment of geologic conditions at depth is required, a subsurface analysis obtained by drill holes, well logs and other geophysical techniques shall be conducted by the person responsible for the site investigation report to include the following data as appropriate:
1. The lithology and compaction of all subsurface horizons to bedrock.
  2. The depth, width, slope and bearing of all horizons containing significant amount of silt and clay and any other subsurface layers which could reduce the infiltration of surface water.
- (D) Development Proposal. The site investigation report shall include the following information on the proposed development as applicable:
1. Plans and profiles showing the position and height of each structure, paved area and areas where cut and fill is required for the construction.



2. The percent and location of the surface of the site, which will be covered by impermeable surfaces.
3. A stabilization program for the development describing
  - a. How much of the site will be exposed during construction and what measures will be taken to reduce wind erosion and soil movement during construction.
  - b. A revegetation program designed to return open soil areas, both pre-existing and newly created, to a stable condition as soon as possible following construction and the period of time during which revegetation occurs.
  - c. Areas to be protected from vegetation loss or ground water pollution shall be identified and means for protection described.

(E) Conclusions in the Site Investigation.

1. The site investigation report shall contain conclusions stating the following:
  - a. How the intended use of the land is compatible with the conditions.
  - b. Any existing or potential hazards noted during the investigation.
2. Mitigating recommendations for specific areas of concern shall be included.
3. Conclusions shall be based on data included in the report, and the sources of information and facts shall be specifically referenced.

(7) STANDARDS FOR BUILDING CONSTRUCTION:

- (A) Building construction shall only be approved under conditions that do not adversely affect geological stability or vegetation. The grading of land and the orientation and design of a building shall avoid creating conditions that will cause erosion or accretion of soil. Where there is some risk of these conditions occurring, a “qualified geological expert” shall certify that the design and control measures will comply with this standard.

- (B) Construction work shall be scheduled and conducted to avoid erosion and temporary stabilization measures may be needed until permanent installations are accomplished.
- (8) STANDARDS FOR AN ACCESS ROUTE IN (GH) ZONE: An access route within a (GH) Zone shall comply with the following:
  - (A) A road or street shall be stabilized by planking, gravel or pavement as deemed necessary.
  - (B) A roadway shall be built without installation of excessive fill, diversion of water or excessive cuts unless the site investigation determined that such conditions will not be detrimental to the area or create unwarranted maintenance problems or additional hazards.
- (9) REGULATIONS NOT A GUARANTEE: The degree of geological hazard protection afforded by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based upon engineering and scientific methods of study. Greater hazards than those anticipated by these provisions may occur on occasion or the natural hazard may be increased by human or natural causes. The identification of areas subject to geological hazards pursuant to the provisions of this Ordinance does not imply that lands outside such areas will be free from such hazards. This Ordinance shall not create liability on the part of the City or any officer or employee thereof for any damages that result from reliance on the provisions or designations of this Ordinance or any administrative decisions lawfully made thereunder.

SECTION 3.7 – AIRPORT DEVELOPMENT ZONE (AD). In order to carry out the provisions of this overlay zone, there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Arlington Municipal Airport and the City of Arlington. This overlay zone is intended to prevent the establishment of air space obstructions in airport air space through height restrictions and other land use controls as deemed essential to protect health, safety and welfare of the people of the City of Arlington.

- (1) COMPLIANCE. In addition to complying with the provisions of the primary zoning district, uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provisions shall apply.
- (2) SPECIAL DEFINITIONS.

- (A) *Airport Approach Safety Zone*--A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of:
1. 1,250 feet for a utility runway having only visual approaches.
  2. 1,500 feet for a runway other than a utility runway having only visual approaches.
  3. 2,000 feet for a utility runway having a non-precision instrument approach.
  4. 3,500 feet for a non-precision instrument runway other than utility having visibility minimums greater than three-fourths (3/4) of a statute mile.

The Airport Approach Safety Zone extends for a horizontal distance of 5,000 feet at a slope of twenty feet (20') for each foot upward (20:1) for all utility and visual runways and 10,000 feet at a slope of thirty-four feet (34') for each one foot upward (34:1) for all non-precision instrument runways other than utility.

- (B) *Airport Hazard*--Any structure, tree or use of land, which exceeds height limits established by the Airport Imaginary Surfaces.
- (C) *Airport Imaginary Surfaces*--Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone, and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.
- (D) *Conical Surface*--Extends one foot upward for each twenty feet (20') outward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000) feet from the center of each end of the Primary Surface of each visual and utility runway or 10,000 feet from all non-precision instrument runways other than utility at one-hundred fifty feet (150') above the airport elevation and upward extending to a height of three-hundred fifty feet (350') above the airport elevation.
- (E) *Horizontal Surface*--A horizontal plan one-hundred fifty feet (150') above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and 10,000 feet from the center of

each end of the Primary Surface of all other runways and connecting the adjacent arcs by lines tangent to those arcs.

- (F) *Noise Sensitive Area*--Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.
- (G) *Place of Public Assembly*--A structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation, or similar activity.
- (H) *Primary Surface*--A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the primary Surface is 250 feet for utility runways having only visual approaches, 500 feet for utility runways having nonprecision instrument approaches, 500 feet for other than utility runways having only visual approaches or nonprecision instrument approaches with visibility minimums greater than three-fourths of a mile and 1,000 feet for nonprecision instrument runways with visibility minimums of three-fourths of a mile or less and for precision instrument runways.
- (I) *Runway Protection Zone (RPZ)*--An area off the runway end (formerly the clear zone) used to enhance the protection of people and property on the ground. The RPZ is trapezoidal in shape and centered about the extended runway centerline. It begins at the end of the turf and/or loose gravel runway. The RPZ dimensions are functions of the type of aircraft and operations to be conducted on the runway.
- (J) *Structure*--Any manmade object either permanent or temporary, including mobile objects.
- (K) *Transitional Zones*--Extended one foot upward for each seven feet (7') outward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of one-hundred fifty feet (150') above the airport elevation (Horizontal Surface).
- (L) *Tree*--Any object of natural growth.
- (M) *Utility Runway*--A runway that is constructed for and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

- (N) *Visual Runway*--A runway that is intended solely for the operation of aircraft using visual approach procedures with no instrument approach procedures has been approved, or planned, or indicated on an FAA or state planning document or military service airport planning document.
- (O) *Approach Surface*--A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of: 1,250 feet for utility runway having only visual approaches; 1,500 feet for a runway other than a utility runway having only visual approaches; 2,000 feet for a utility runway having a nonprecision instrument approach; 3,500 feet for a nonprecision instrument runway other than utility, having visibility minimums greater than three-fourths of a statute mile; 4,000 feet for a nonprecision instrument runway having visibility minimums as low as three-fourths statute mile; and 16,000 feet for precision instrument runways. The Approach Surface extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward to each foot upward (20:1) for all utility and visual runways; 10,000 feet at a slope of 34 feet outward for each foot upward (34:1) for all nonprecision instrument runways other than utility; and for all precision instrument runways extends for a horizontal distance of 10,000 feet at a slope of 50 feet outward for each foot upward (50:1); thence slopes upward 40 feet outward for each foot upward (40:1) an additional distance of 40,000 feet.

(3) PERMITTED COMMERCIAL AND RECREATIONAL AIRPORT USES AT NON-TOWERED AIRPORTS. Within airport boundaries established pursuant to Land Conservation and Development Commission rules, Arlington's land use regulations must authorize the following uses and activities:

- (A) Customary and usual aviation-related activities including but not limited to takeoffs, landings, aircraft hangars, tie-downs, construction and maintenance of airport facilities, fixed-base operator facilities and other activities incidental to the normal operation of an airport;
  - 1. Emergency medical flight services;
  - 2. Law enforcement and firefighting activities;
  - 3. Flight instruction;
  - 4. Aircraft service, maintenance and training;

5. Crop dusting and other agricultural activities;
  6. Air passenger and air freight services at levels consistent with the classification and needs identified in the State Aviation System Plan;
  7. Aircraft rental;
  8. Aircraft sales and sale of aeronautic equipment and supplies; and
  9. Aeronautic recreational and sporting activities.
- (4) PERMITTED USES. The following uses are permitted subject to Site Plan Review.
- (A) Accepted farming practices
  - (B) Air cargo terminals
  - (C) Aircraft sales, repair, service, storage, schools relating to aircraft operations, and facilities on the airport property essential for the operation of airports, such as fuel storage, hangar use, F.B.O. offices, etc.
  - (D) Air passenger terminals
  - (E) Public and semi-public buildings, structures, and uses essential to the welfare of an area, such as fire stations, pump stations, and water storage.
  - (F) Taxi and bus terminals
  - (G) Snack shop for airport clientele with a total floor area of no larger than 1,000 square feet.
  - (H) Other uses where the ongoing operations and the use must be directly dependent upon and directly associated with the airport.
- (5) CONDITIONAL USES.
- (A) Assembly and manufacture of consumer goods or articles used by other industries.
  - (B) Assembly, repair, and storage of heavy vehicles and machinery.

- (C) Storage and processing of agricultural products
  - (D) Warehouse and freight terminal operations
  - (E) Professional offices
  - (F) Public utility facilities
- (6) PROHIBITED USES.
- (A) New structures or buildings are not allowed within the Runway Protection Zone.
  - (B) The siting of new industrial uses and the expansion of existing industrial uses where either, as a part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors.
- (7) USE AND DEVELOPMENT LIMITATIONS.
- (A) No new structure, except one customarily used for aeronautical purposes, shall penetrate into the Airport Imaginary Surfaces as defined in subsection 2(C).
  - (B) No glare producing material (unpainted metal, reflective glass, and similar materials, etc.) shall be used on the exterior of structures within the Airport Approach Safety Zone.  
  
No use may produce electromagnetic interference which may conflict with any present or planned operations of the airport.
  - (C) Any proposed water impoundments within the City shall meet the requirements of ORS 836.623(2) through (6).
  - (D) In noise sensitive areas (the Ldn 55 noise contour) a Declaration of anticipated noise from the aircraft shall be recorded against the property in the deed records of Gilliam County. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of final plat approval for land divisions.
  - (E) Within the Airport Overlay Zone, a Hold Harmless Agreement and Aviation and Hazard Easement shall be attached to any new partition or

subdivision plat, and shall be recorded against the property in the deed records of Gilliam County at the time the plat is recorded. Property owners or their representatives are responsible for providing the recorded instrument prior to issuance of building permits.

(F) Liquid and Solid Wastes.

Storage of animal, vegetable, or other wastes, which attract insects, rodents, or birds or otherwise create a health hazard, shall be prohibited.

(G) Discharge Standards.

There shall be no emissions of smoke, fly ash, dust, vapor, gases, or other forms of air pollution that may cause nuisance or injury to human, plant or animal life, or to property, or that may conflict with any present or planned operations of the airport.

(H) Lighting.

1. Sign lighting and exterior lighting shall project directly into an adjoining residential zone.
2. Unless necessary for safe and convenient air travel, sign lighting and exterior lighting shall not project directly into the runway, taxiway, or approach zone.

(8) LANDSCAPING.

- (A) Site plan submitted with application for a building permit must include a landscaping plan, which shows the location and type of plant materials.
- (B) All unused property shall be maintained in native or existing vegetative ground cover or planted grass, shrub and bark dust, or other suitable ground cover in an uncluttered manner.
- (C) Responsibility for establishment and maintenance of landscaping rests with the property owner.

(9) PARKING.

- (A) Site plan(s) submitted with an application for a building permit must include a parking plan, which shows the location and number of parking spaces, circulation patterns, and ingress and egress provisions.
- (B) All industrial uses within an Airport Development Zone shall provide at



least two (2) parking spaces for every three (3) employees on the major shift during normal season.

- (C) All commercial uses shall follow the Zoning Ordinance for the required number of parking spaces.
- (D) All parking lots shall have an all-weather surface.
- (E) Adequate provision for safe and convenient circulation, ingress and egress shall be provided.

(10) DIMENSIONAL STANDARDS.

- (A) Minimum street frontage of lots: Fifty feet (50').
- (B) Vision clearance setback from all street intersections: Thirty-five feet (35').
- (C) No building shall be closer to a farm zone than the height of the building in the AD zone.
- (D) Maximum height: Two (2) stories or thirty feet (30'), whichever is less, if not equipped with a sprinkler system. Three (3) stories or forty-five feet (45'), whichever is less, if equipped with sprinkler system approved by the Fire Marshal. Structures on the airport property necessary for the operation of the airport may be higher.

(11) FEDERAL AVIATION ADMINISTRATION.

- (A) Must meet all standards as set forth by the Federal Aviation Administration.

(12) PERMITTED USES WITHIN THE RUNWAY APPROACH ZONE (RPZ). While it is desirable to clear all objects from the RPZ, some uses are permitted, provided they do not attract wildlife, are below the approach surface and do not interfere with navigational aids.

- (A) Agricultural operations (other than forestry or livestock farms).
- (B) Golf courses (but not clubhouses).
- (C) Automobile parking facilities.

(13) USE LIMITATIONS.

- (A) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit, land division appeal, deed, and mortgage records. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 Ldn. The planning and building department will review building permits or noise sensitive developments.
- (B) No development that attracts or sustains hazardous bird movements from feeding, watering, or roosting across the runways and/or approach and departure patterns of aircraft. Planning authority shall notify Oregon Aeronautics of such development (e.g., waste disposal sites and wetland enhancements) within the airport overlay zone so as to provide Oregon Aeronautics Section an opportunity to review and comment on the site in accordance with FAA AC 150/5200-33.
- (C) No development that attracts or sustains hazardous bird movements from feeding, watering, or roosting across the runways and/or approach and departure patterns of aircraft. Planning authority shall notify Oregon Aeronautics of such development (e.g., waste disposal sites, open water impoundments, and wetland enhancements) within the airport overlay zone so as to provide Oregon Aeronautics Section an opportunity to review and comment on the site in accordance with FAA AC 150/5200-33.
- (D) Siting of new industrial uses and the expansion of existing industrial uses is prohibited where either, as part of regular operations, would cause emissions of smoke, dust or steam that would obscure visibility within airport approach corridors.
- (E) Outdoor lighting for new industrial, commercial or recreational uses or the expansion of such uses is limited to prevent light from projecting directly onto an existing runway or taxiway or into existing airport approach corridors except where necessary for safe and convenient air travel.
- (F) The establishment of new water impoundments larger than one-quarter acre

in size within the airport boundary and RPZ is prohibited. Wetland mitigation required for projects located within the airport boundary or RPZ may be authorized within the airport boundary where it is impractical to provide mitigation off-site. Seaplane landing areas are exempt from this prohibition.

- (G) The establishment of new landfills near airports, consistent with Department of Environmental Quality (DEQ) rules is prohibited.

(14) NONCONFORMING USES.

- (A) The regulations for this overlay district shall not be construed to require the removal, lowering, or alteration of any structure not conforming to such regulations. The regulations shall not require any change in the construction, alteration or intended use of any structure, the construction or alteration of which was begun prior to the effective date of this Airport Overlay Zone.

- (B) Notwithstanding the preceding provision of this section, the owner of any existing structure that has an adverse effect on air navigation as determined by Oregon Aeronautics is hereby required to permit the installation, operation, and maintenance of obstruction markers as deemed necessary by the Oregon Aeronautics. Certain objects and structures must be marked to make them more visible to pilots. The installation of any such markers will be based on the characteristics of the structure including location, size or height, shape, function and permanence in addition to effects on air navigation.

(15) REQUIREMENT FOR MITIGATION. Land use regulations and standards for land use decisions regarding land use compatibility and other requirements of this code shall consider the effects of mitigation measures or conditions which could reduce the potential for safety risk or incompatibility.

(16) VARIANCES.

- (A) Any person desiring to erect or increase the height of any structure, or use not in accordance with provisions prescribed in this Ordinance may apply for a variance.

- (B) Application for Variance must be accompanied by a determination from Oregon Aeronautics and the Federal Aviation Administration as to the effect of the proposal on the safe and efficient use of navigable airspace.

- (C) Any variance granted may be conditioned as to require the owner of the

structure to install, operate and maintain, at the owner's expense, obstruction markers.

(17) NOTICE TO AERONAUTICS REQUIRED.

- (A) Any proposed quasi-judicial Comprehensive Plan Map, or Zoning Map amendment involving property within 5,000 feet of the end of the runway shall require notice to the Oregon Aeronautics Division in accordance with ORS 227.175. The notice shall be provided by mail within twenty (20) days of the public hearing before the City Council.

SECTION 3.8 – OPEN SPACE/PUBLIC FACILITIES ZONE (O/S). The purpose of the Open Space/Public Facilities Zone is to provide and areas for parks and other necessary public facilities. This zone is also intended to serve as the mechanism to implement the public parks land use designation of the Comprehensive Plan and to serve as a holding zone for lands for which no other use has been determined. Permitted use snot subject to site plan review in this zone shall include, but not limited to, recreational activities, nonprofit community activities and arts festivals.

(1) PERMITTED USES.

(A) Permitted Uses Subject to Site Plan Review.

1. Public parks, playgrounds, temporary concessions incidental to and serving park/recreation user, swimming pools, and tennis courts
2. Municipal and governmental services and functions.

(2) SITE DEVELOPMENT REQUIREMENTS. None.

(3) SETBACK REQUIREMENTS. The minimum setback requirement shall be as follows:

- (A) No structure shall be placed closer than ten (10) feet form the public right-of-way line of a dedicated public street.
- (B) Side Yard/Rear Yard: No structure shall be placed closer than ten (10) feet from the property lines for one (1) and two (2) story structures and for structures more than two (2) stories in height, the minimum yard is increased one (1) foot for each additional story. Projections may not encroach more than two (2) inches for each foot of required yard width

- (4) MAXIMUM BUILDING HEIGHT. Thirty-five (35) feet.
- (5) PARKING REGULATIONS. Municipal and Government Offices: One (1) off-street parking space shall be provided on the building site or adjacent to the site for each permanent employee and adequate off-street parking shall be provided on or adjacent to the building site to meet the needs of the proposed use.
- All parking areas and driveways shall be hard surfaced prior to occupancy, under the following circumstances:
- (A) New construction
  - (B) Change of Use
  - (C) New parking area
- (6) LANDSCAPING. All landscaping shall be in conformance with the landscape standards in this Ordinance.

**Article 4**  
**Supplementary Provisions**

SECTION 4.1 - MAINTENANCE OF MINIMUM ORDINANCE REQUIREMENTS.

No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

SECTION 4.2 - ACCESS. Every lot shall abut a street, other than an alley, for at least 35 feet except as provided for in this ordinance.

SECTION 4.3 - GENERAL PROVISIONS REGARDING ACCESSORY USES. An accessory use shall comply with all requirements for a principal use, except as this Ordinance specifically allows to the contrary, and shall comply with the following limitations:

- (1) A side yard or rear yard may be reduced to three feet (3') for an accessory structure erected more than sixty-five feet (65') from a front lot line, provided the structure is detached from other buildings by six and one-half feet (6-1/2'). An accessory structure shall not exceed a height of 14 feet nor an area of six hundred (600) square feet without approval of the Planning Commission following the procedure of Article 5.
- (2) Boats and trailers, travel trailers, pickup campers or coaches, motorized dwellings and similar recreational equipment may be stored on a lot but not used as an accessory use in any zone.

SECTION 4.4 - GENERAL PROVISIONS REGARDING ACCESSORY USES. An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

SECTION 4.5 - HISTORIC STRUCTURE PRESERVATION. Upon receiving an application for demolition or major exterior alteration involving an historic area, site, structure or object, as designated by the Comprehensive Plan, the Planning Commission in a public meeting

shall review the application to determine its conformance with the Historic Preservation factors of this ordinance.

Demolition Procedure - If it is determined the Land Use action will result in the demolition or extensive exterior modification of any historical building, the Planning Commission shall review the application taking into account the following:

- (1) State of repair of the building.
- (2) The reasonableness of the cost of restoration or repair.
- (3) The purpose of preserving such designated historical building and sites.
- (4) The character of the neighborhood.
- (5) All other factors the Planning Commission feels are appropriate.

Following the Planning Commission review, the Planning Commission may approve or deny the permit for Land Use action or delay action for sixty (60) days to allow cognizant agencies to explore alternatives. If no suitable alternatives are available, the permit may be issued. The Planning Commission, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) days.

Major Exterior Alteration Procedure - Exterior alterations shall be in accordance with the following:

- (1) Upon receipt of an application for a major exterior alteration of a historic structure listed in the Comprehensive Plan, the Planning Commission, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historic significance contained in the Comprehensive Plan.
- (2) Major exterior alterations as defined by this section include any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.
- (3) All applications for major exterior alteration shall be accomplished by plans and specifications of the proposed alteration. The Planning Commission may request additional sketches and other information deemed necessary to make an informed decision.
- (4) In order to approve the application, the Planning Commission shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or find the alteration will enhance

the historical value of the resource. Conditions may be attached to the approval if the Planning Commission deems it necessary to achieve the above objectives. The Planning Commission shall disapprove the request if the proposal would reduce the resource's value or historic significance.

Conditions attached to a permit for major exterior alteration of a historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures, or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.

The Planning Commission shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the resource.

- (5) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions.

SECTION 4.6 - MINIMUM STANDARDS FOR MOBILE HOMES AND RESIDENTIAL TRAILERS PLACED IN MOBILE HOME PARKS. A mobile home or residential trailer permitted as a single-family dwelling shall be in compliance with the following standards at a minimum:

- (1) All pre-owned and pre-occupied units (i.e., used) shall be inspected by a certified Building Official prior to installation and occupancy to insure that such units are in such condition as to not be detrimental to the public health, safety and general welfare of the occupants or to the adjoining properties. The costs of such inspection shall be borne by the applicant.
- (2) The unit shall be placed upon a foundation having permanence and strength equal to that provided by a concrete or masonry block foundation, and such foundation shall be installed according to manufacturer's instructions and as approved by the Building Official. All road and transient lights, and wheels shall be removed.
- (3) The unit shall have a continuous perimeter or skirting that shall be composed of the same material and finish as the exterior of the unit, or shall be of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals but there shall be provisions for ventilation and access to the space under the unit.



- (4) All plumbing, electrical and other public service and utility connections shall be approved by the Building Official.
- (5) All accessory buildings, structures and additions shall comply with State and local construction and installation standards and be approved in accordance therewith by the Building Official. Accessory structures include porches and steps, awnings, cabanas, carports or any other structure or addition that depends in part on the unit for its structural support, or in any manner is immediately adjacent to or attached to the unit. Such structures and/or additions shall not total more than thirty percent (30%) of the total living space of the original unit and such structures or additions combined. Roofing and siding materials shall be of similar material and color, and complimentary to the existing unit.
- (6) Except for factory constructed components intended to be joined together to form a single dwelling unit, no two (2) or more individually constructed units may be joined together in any manner to form a single dwelling unit, nor may a “mobile home” unit be joined together with an existing conventionally constructed dwelling unit to form a single unit. “Mobile home” units also shall not be interconnected in any manner for utilization as two (2) or three (3) family dwelling units.
- (7) Residential trailers and all other “single-wide” mobile home units shall be limited to location within a duly approved mobile home park.

SECTION 4.7 - MOBILE HOME AUTHORIZED AS TEMPORARY RESIDENCE ON INDIVIDUAL LOT. A mobile home may be authorized as a temporary residence on an individual lot and shall comply with the following additional provisions:

- (1) The mobile home shall be occupied by the owner of the lot on which the mobile home is located except as approved by the City.
- (2) The mobile home shall be placed upon a lot for which a building permit for a housing unit has been obtained or as otherwise approved by the City.
- (3) The mobile home shall be occupied only during a period in which satisfactory progress is being made toward the completion of the housing unit on the same site.
- (4) Electric, water and sewer utility connections shall be made to the mobile home.
- (5) The owner of the lot agrees to remove the mobile home from the lot not later than eighteen (18) months from the date on which the building permit for the housing

unit is issued or not later than two (2) months following the completion of the housing unit, whichever occurs first.

- (6) The owner of the lot agrees to remove all evidence that the mobile home has been on the lot within thirty (30) days after the removal of the mobile home.
- (7) The City may also approve such mobile homes as temporary housing for construction or other seasonal employment for a period of six (6) months or the time period of said employment, whichever is less, unless specifically approved for a longer period of time not to exceed eighteen (18) months.
- (8) The City Recorder may review permits issued under this Section at any time and may revoke the permits when they are found to be not in compliance. Any accessory or secondary mobile home dwelling placed under a permit authorized by this Section must be located as close as possible to the primary dwelling under construction. Unless there are physical limitations of the land, this should be within one hundred feet (100') of said dwelling.

SECTION 4.8 - MOBILE HOME AUTHORIZED AS TEMPORARY RESIDENCE FOR CARE OF RELATIVE IN CONJUNCTION WITH EXISTING RESIDENTIAL USE.

(1) PURPOSE AND INTENT.

- (A) It is the intent of the temporary use permit section to provide a set of procedures and standards for temporary use of structures which, because of personal hardship needs, require special consideration for temporary usage after demonstration or temporary need and a finding of no adverse impact to the welfare of adjacent properties and the community as a whole.
- (B) The provisions of this Section are to apply when the proposed use does not qualify as a continuation of a conforming use, not permitted by right, nor permitted through the operations or other more pertinent procedures and provisions of this Zoning Ordinance; provided, however, temporary use permits are not to be construed, permitted nor utilized as a means to abrogate the intent, purpose or procedures of the City's Comprehensive Plan or Zoning Ordinance regulations.
- (C) No temporary permit shall be granted which would have the effect of creating a permanent rezoning or result in a hardship when the use is not permitted to continue at the expiration of the permit periods. Further, no temporary permit may be granted which has the effect of conferring a

special privilege for which other property within the same zone may not be equally eligible.

- (2) As a temporary use in every zone, the City may allow one accessory mobile home dwelling complying with the standards of Section 4.9 of this Chapter, except subsections 4.9(2) and (6) and the manufactured date of June 15, 1976 in subsection 4.9(1), and providing that no additions to the mobile home shall be permitted in conjunction with a primary dwelling with the following findings:
  - (A) That an accessory dwelling is necessary to care for or provide custody of an elderly, mentally handicapped or infirm relative who a medical doctor certifies is in need of this kind of care or custody.
  - (B) Residential utilities and facilities can be provided. Septic feasibility is required prior to approval.
- (3) A temporary use permit granted under this Section is void when the elderly, mentally handicapped or infirm relative who is the subject of the permit moves to another residence, or is absent from the residence for more than one hundred twenty (120) days or leaves the residence with no likelihood of returning. Exception to the one hundred twenty (120) day limit can be provided for because of extraordinary circumstances such as an extended hospitalization.
- (4) Within thirty (30) days of the permit becoming void or revoked, the accessory mobile home dwelling shall be removed by the owner of the real property unless otherwise approved by the City.
- (5) The City may review permits issued under this Section at any time and may revoke the permits when they are found to be not in compliance.
- (6) Any accessory mobile home dwelling placed under a permit authorized by this Section must be located as close as possible to the primary dwelling.

#### SECTION 4.9 - MANUFACTURED HOME SITING STANDARDS.

- (1) Only those manufactured homes used as permanent residences and manufactured after June 15, 1976, which exhibit the Oregon Department of Commerce "Insignia of Compliance" that indicates conformance with Housing and Urban Development (HUD) standards shall be permitted.

- (2) Such manufactured homes shall be at least twenty four feet (24') wide, with exterior dimensions enclosing a space of not less than eight hundred sixty four (864) square feet.
- (3) In addition, the manufactured home shall have horizontal siding or other siding materials, similar to that presently used on houses constructed under the Uniform Building Code (UBC).
- (4) Have a wood or composition shingle roof with a nominal pitch of three feet (3') in height for each twelve feet (12') in width.
- (5) The manufactured home shall be attached to permanent foundation. Foundations, tie-downs or other supports shall be provided to withstand the specified horizontal, up-lift and overturning wind forces on a manufactured home, based on accepted engineering design standards, as approved by the Oregon State Department of Commerce. All wheels and towing assemblies shall be removed.
- (6) Be placed on an excavated and backfilled concrete foundation, enclosed at the perimeter with no more than sixteen inches (16") of the enclosing concrete or masonry material exposed above grade. Where the building site has a sloped grade, no more than sixteen inches (16") of the enclosing material shall be exposed on the uphill side of the home. If the manufactured home is placed on a basement, the sixteen (16") limitation shall not apply.
- (7) The unit shall have a continuous perimeter or skirting that shall be composed of the same material and finish as the exterior of the unit, or shall be of brick, concrete or masonry block. Such skirting shall be secure against the entrance of animals but there shall be provisions for ventilation and access to the space under the unit.

SECTION 4.10 - BED AND BREAKFAST FACILITIES DEVELOPMENT STANDARDS. A bed and breakfast facility approved as a conditional use in the residential zones of the City shall have the following approval standards.

- (1) The structure shall retain the characteristics of a single-family dwelling.
- (2) The number of guest rooms shall be limited to five (5) and the number of guests shall be limited to ten (10).
- (3) In addition to the required off-street parking for each residential use, one (1) off-street parking space for each bed and breakfast guest shall be provided.

- (4) Signs shall be limited to one non-illuminated sign, not exceeding four (4) square feet. No off-premises signs are permitted.
- (5) Submission of an acceptable site plan that meets off-street parking requirements and provides landscaping appropriate to a residential neighborhood.

SECTION 4.11 - EARTH MOVEMENT AND REMOVAL. A written permit approved by the Planning Commission shall be required to remove 50 cubic yards or more of earth material from any individual property within a calendar year.

SECTION 4.12 - SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES.

- (1) Any signs erected or to be erected in Commercial or Industrial zones shall be reviewed and approved by the Planning Commission and shall meet the standards outlined below. A sign application may be picked up at City Hall.
  - (A) Principal Signs. A principal sign advertising the business may be a combination of free-standing, flush-mounted or projecting signs. Free-standing and projecting sign areas are computed by totaling both sides of the signs.
  - (B) Sign Area. The amount of area of the sign is computed on a basis of one square foot of sign for each lineal foot of frontage the property or business on the public right-of-way in the City. In the case of multiple businesses within the same building, the amount of frontage of the business within the building will be the determining factor. In the case of a corner lot, the sign size facing each street shall be limited to the amount of lineal frontage on each street. In no case shall the total signage area for an individual property exceed 200 square feet. Further, no individual sign shall exceed 100 square feet of area.
  - (C) Prohibited Signs. The following signs are prohibited in the City of Arlington:
    - 1. Any flashing, moving, animated, blinking or rotating signs whose illumination changes with time or which is designed in a manner to simulate motion. Time and temperature reader boards excluded.
    - 2. The sign would extend, such as a roof sign, above the roof line of the building to which it is to be attached.

3. The Building or Zoning Official determines a sign to be in violation of ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic or signals.
4. The sign is placed on, affixed to or painted on a motor vehicle, vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
5. The sign is a private sign placed on, painted on or affixed to a utility pole, tree or rock.
6. The sign would bear or contain statements, words or pictures of an obscene, indecent or immoral character such as will offend the public morals or decency.
7. Projecting or free-standing signs which would project into the public right-of-way.
8. The sign advertises goods or services not available on the premises.

SECTION 4.13 – HOME OCCUPATION PERMITS. The purpose of this section is to establish a procedure to permit home occupations, as defined, as an accessory use in conjunction with residential dwellings within the R-1 and R-2 zones.

- (1) PERMITS REQUIRED. A business license and a home occupation permit shall be required to establish a home occupation in conjunction with a dwelling unit in the R-1 or R-2 zones. The permit for a home occupation shall simply indicate that the owner of the home occupation recognizes the limitations specified in Section 1.3(29) of this Ordinance, and agrees to abide by them in the conduct of the home occupation.
- (2) In the event City staff determines that the home occupation is violating the criteria specified in Section 1.3(29) of this Ordinance, it shall revoke the home occupation permit with a written notice, if the violation is not corrected within five (5) days of the written notice the home occupation shall be discontinued.
  - (A) The homeowner or applicant may file an appeal to the Planning Commission, following the appeal procedures established in Section 8.7 and the hearings process established in Section 8.5. The Planning Commission shall conduct a public hearing on the matter.

- (B) During the period between the termination of the permit by staff and final decision by Planning Commission and/or City Council should there be subsequent appeal, the home occupation shall remain closed and discontinued pending the final decision by the hearings body.

SECTION 4.14 - CLEAR-VISION AREAS.

- (1) Establishment of Clear-Vision Areas: In all zones, a clear-vision area shall be maintained on the corners of all property at the intersection of two (2) streets or a street and an alley. A clear-vision area shall contain no planting, fence, wall structure or temporary or permanent obstruction exceeding two and one-half feet (2-1/2') in height, measured from the top of the curb or where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided all branches and foliage are removed to a height of eight feet (8') above the grade.
- (2) Measurement of Clear-Vision Area: A clear-vision area shall consist of a triangular area two (2) sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection and so measured, and the third side of which is a line across the corner of the lot joining the nonintersecting ends of the other two (2) sides (See Appendix for diagrammatic illustration). The following measurements shall establish clear-vision areas within the City.
  - (A) In an industrial zone, the minimum distance shall be fifty feet (50'), or at intersections including an alley, ten feet (10').
  - (B) In all other zones, the minimum distance shall be in relationship to street and road right-of-way widths as follows:

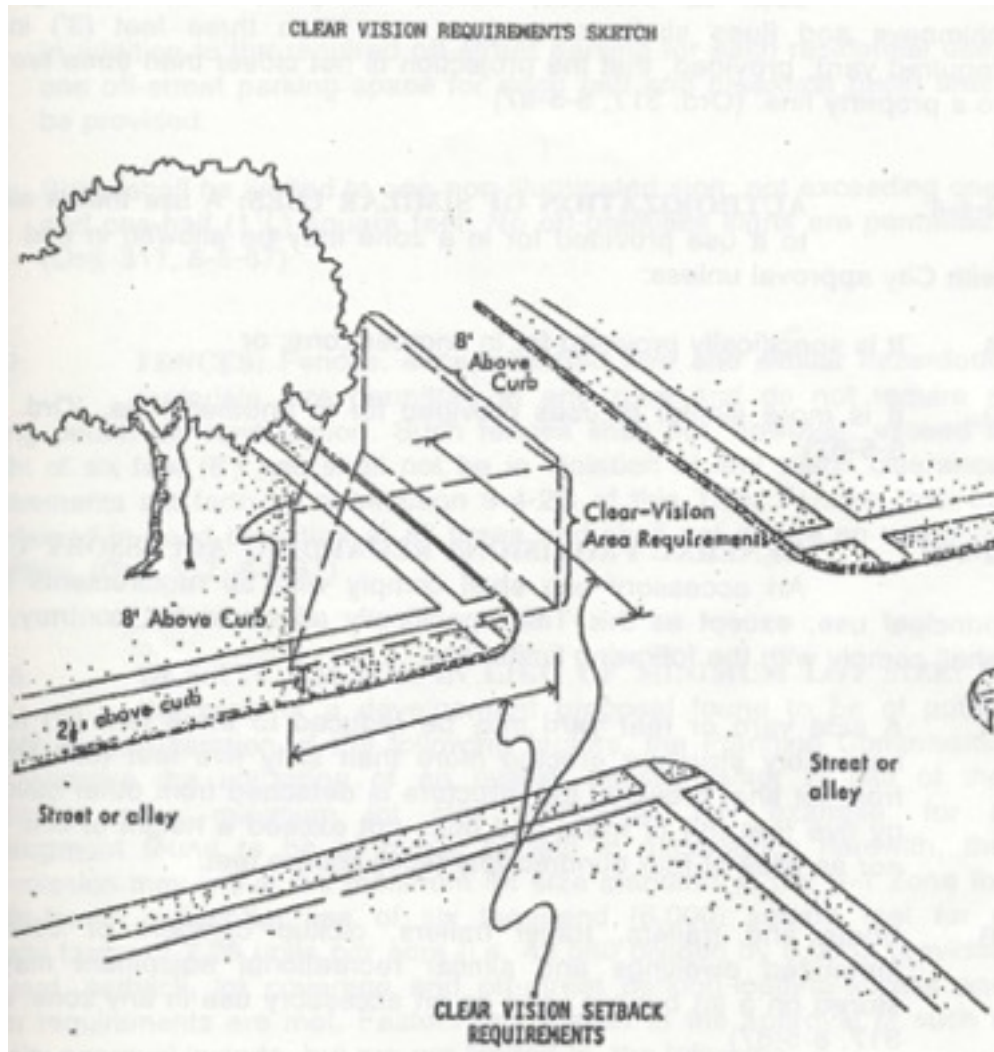
<u>ROW Width</u>	<u>Measurement</u>
80 feet and more	20 feet
60 feet	30 feet
50 feet	40 feet

(See clear vision requirements sketch below)

SECTION 4.15 - PROJECTIONS FROM BUILDINGS. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than three feet (3') into a required yard; provided, that the projection is not closer than three feet (3') to a property line.

SECTION 4.16 – FENCES. Fences, except barbed wire and similar hazardous materials, are permitted in any zone and do not require a zoning permit for construction. Such fences shall not, however, exceed a height of six feet (6') and shall not be in violation of any vision clearance requirements set forth by Section 4.14 of this Ordinance. Fences shall be maintained in good condition at all times and shall not create an unsightly condition.





SECTION 4.17 - OFF-STREET PARKING AND LOADING.

- (1) OFF-STREET PARKING REQUIREMENTS. At the time of construction, reconstruction or enlargement of a structure, or at the time a use is changed in any zone, off-street parking spaces shall be provided as follows unless greater requirements are otherwise established. Where square feet of the structure or use are specified as the basis for the requirements, the area measured shall be the gross floor area primary to the functioning of the particular use of the property. When the requirements are based on the number of employees, the number counted shall be those working on the premises during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

USE

MINIMUM REQUIREMENTS

A. Residential:

One-, two- and three-family dwelling	2 spaces per dwelling unit
Residential use containing 4 or more dwelling units	2 spaces per dwelling unit
Rooming or boarding house	Spaces equal to 100 percent of the number of dwelling units plus 1 additional space for the owner or manager

B. Commercial Residential:

Hotel	1 space per 2 guest rooms plus 1 space per 2 employees
Motel	1 additional space for the owner or manager

C. Institutional:

Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	1 space per 4 beds for patients or residents
Hospital	1 1/2 spaces per bed
Welfare or correctional institution	1 space per 6 beds for patients or inmates

<u>USE</u>	<u>MINIMUM REQUIREMENTS</u>
D. Place of Public Assembly:	
Church	1 space per 6 seats or feet of bench length in the main auditorium, or 1 space for each 75 feet of floor area of main auditorium not containing fixed seats.
Elementary or junior high school	1 space per classroom plus 1 space per administrative employee or 1 space per 4 seats or 8 feet of bench length in the auditorium or assembly room whichever is greater
High school, college, commercial school for adults	1 space per classroom plus 1 space per administrative employee plus 1 space for each 6 students or 1 space for 4 seats or 8 feet of bench length in the main auditorium or assembly room, whichever is greater
Library, reading room	1 space per 400 square feet of floor area plus 1 space per 2 employees
Other auditorium meeting room	1 space per 6 seats or 8 feet of bench length, or 1 space for each 75 square feet of floor area for assembly room not containing fixed seats
Preschool, nursery, kindergarten	2 spaces per teacher
E. Commercial Amusement:	
Bowling alley	5 spaces per alley plus 1 space for 2 employees
Dance hall, skating rink	1 space per 100 square feet of floor

	area plus 1 space per 2 employees
Stadium, arena, theater	1 space per 4 seats or 8 feet of bench length

USE

MINIMUM REQUIREMENTS

F. Commercial:

Bank, office (except medical and dental)	1 space per 600 square feet of floor area plus 1 space per 2 employees
Eating or drinking establishment	1 space per 250 square feet of floor area
Medical and dental clinic	1 space per 300 square feet of floor area plus 1 space per 2 employees
Mortuaries	1 space per 6 seats or 8 feet of bench length in chapels
Retail store except as provided in the next paragraph below	1 space per 300 square feet of floor area designated for retail sales
Service or repair shop, retail store handling exclusively bulk merchandise such as automobiles and furniture	1 space per 600 square feet of floor area

G. Industrial:

Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee
Wholesale establishment	1 space per employee plus 1 space per 700 square feet of parking serving area

- (2) OFF-STREET PARKING AND LOADING. Buildings or structures to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number

and size to handle adequately the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Title shall not be used for loading and unloading operations except during periods of the day when not required to care for parking needs. General provisions are as follows:

- (A) The provision and maintenance of off-street parking and loading space is a continuing obligation of the property owner. Should the owner or occupant of any lot or building change the use to which the lot or building is put, thereby increasing off-street parking and loading requirements, it shall be a violation of this Title to begin or maintain such altered use until such time as the increased off-street parking or loading requirements are complied with.
  - (B) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.
  - (C) Owners of two (2) or more uses or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the City in the form of deeds, leases or contracts to establish the joint use.
  - (D) Off-street parking spaces for dwellings shall be located on the same parcel with the dwelling. Other required parking spaces for residential uses shall be located not farther than five hundred feet (500') from the building or use they are required to serve, measured in a straight line from the building.
- (3) DESIGN AND IMPROVEMENT STANDARDS FOR PARKING LOTS.
- (A) Areas used for parking for more than two (2) vehicles shall have durable and dustless surfaces adequately maintained.
  - (B) Except for parking in connection with a single-family residential dwelling, parking and loading areas adjacent to or within a residential zone or adjacent to a dwelling shall be designed to minimize disturbances to residents by the erection between the uses of a sight-obscuring fence or planted screen of not less than six feet (6') in height except where vision clearance is required.
  - (C) Parking spaces along the outer boundaries of a parking lot shall be contained by a bumper rail or by a curb which is at least four inches (4")

high and which is set back a minimum of one and one-half feet (1 ½') from the property line.

- (D) Artificial lighting which may be provided shall not shine or create glare in any residential zone or any adjacent dwelling.
- (E) Except for single-family and duplex dwellings, groups of more than two (2) parking spaces shall be so located and served by a driveway that their uses will require no backing movements or other maneuvering with a street right of way other than an alley.
- (F) The standards set forth in the table shown below shall be the minimum for parking lots approved under this Ordinance (all figures are in feet except as noted):

A Parking Width Angle	B Stall Width	C Stall to Curb (19' Long Stall)	D Aisle Width	E Curb Length Per Car	F1 Center-to-Center of two-row bin with access road between Curb-to-Curb	F2
Over-Lap C-C						
0'	8'6"	8.5	12.0	23.0	29.0	--
20'	8'6"	14.5	11.0	24.9	40.0	32.0
30'	8'6"	16.9	11.0	17.0	44.8	37.4
40'	8'6"	18.7	12.0	13.2	49.4	42.9
45'	8'6"	19.4	13.5	12.5	52.3	46.3
50'	8'6"	20.0	12.5	11.1	52.5	47.0
60'	8'6"	20.7	18.5	9.8	59.9	55.6
70'	8'6"	20.8	19.5	9.0	61.1	58.2
80'	8'6"	20.2	24.0*	8.6	64.4	62.9
90'	8'6"	19.0	25.0*	8.5	63.0	--

\*Two-way circulation.

SECTION 4.18 - ADDITIONAL CONDITIONS TO DEVELOPMENT PROPOSALS.

- (1) The City may require additional conditions for development proposals.
  - (A) The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.
  - (B) The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
  - (C) Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
  - (D) Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or roads

that serve the proposed use where the existing transportation system may be burdened by the proposed use.

**SECTION 4.19 – SUPPLEMENTARY PROVISIONS RELATED TO TRANSPORTATION.**

**(1) STREET STANDARDS.**

**RECOMMENDED STREET DESIGNS STANDARDS**

Classification	Pavement Width	ROW Width	Travel Lanes No./lane width	Parking Lanes No./width	Bike Lanes No./width	Planting, Utility, sidewalks (each side)
Arterial – Option 1	36 ft.	70 ft.	2/12 ft.	none	2/6 ft	12 ft.
Arterial – Option 2	52 ft.	80 ft.	2/12 ft.	2/8 ft.	2/6 ft.	14 ft.
Arterial – Option 3	48 ft.	70-80 ft.	3/12 ft. <sup>4</sup>	none	2/6 ft.	11-16 ft.
Collector	36 ft.	60ft.	2/10 ft.	2/8 ft.	none	13 ft.
Minor – Option 1	24 ft.	50 ft.	2/10 ft.	none	none	15 ft.
Minor – Option 2	34 ft.	50 ft.	2/12 ft.	2/7 ft.	none	13 ft.
Alley	20 ft.	20 ft.	2/10 ft.	none	none	none

<sup>1</sup>Right-of-way

<sup>2</sup>May require on-street parking if parking cannot otherwise be accommodated.

<sup>3</sup>Includes 12-foot divider for left-turn refuge lane.

<sup>4</sup>Includes one 12-foot center two-way turn lane.

**(2) ACCESS MANAGEMENT.**

(A) General. The intent of this section is to manage access to land development to preserve the transportation system in terms of safety, capacity, and function. This ordinance shall apply to all arterials and collectors within the City of Arlington and to all properties that abut these roadways. This ordinance is adopted to implement the access management policies of the City of Arlington as set forth in the Transportation System Plan.

(B) Corner Clearance.

1. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

<u>Functional Classification</u>	<u>Public Road Spacing</u>	<u>Private Drive Spacing</u>
Arterial		
I-84	2-3 mi.	NA
OR 19	300 ft.	150 ft.



Arlington: I-84 – Dahlia St.	300 ft.	150 ft.
Other arterials in UGB	600 ft.	300 ft.
Collector	300 ft.	150 ft.
Minor Street	300 ft.	each lot

2. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
3. Where no other alternatives exist, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

(C) Joint and Cross Access.

1. Adjacent commercial or office properties classified as major traffic generators (i.e. shopping plazas, office parks), shall provide a cross access drive and pedestrian access to allow circulation between sites.
2. A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
  - a. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  - b. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles;
  - c. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive;
  - d. A unified access and circulation system plan for coordinated or shared parking areas is encouraged.

3. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
4. Pursuant to this section, property owners shall:
  - a. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
  - b. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - c. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
5. The City may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
  - a. Joint access driveways and cross access easements are provided in accordance with this section.
  - b. The site plan incorporates a unified access and circulation system in accordance with this section.
  - c. The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
6. The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

(C) Access Connection and Driveway Design.

1. Driveways shall meet the following standards:

- a. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and a maximum width of 12 feet and shall have appropriate signage designating the driveway as a one way connection.
  - b. For two-way access, each lane shall have a minimum width of 10 feet and a maximum width of 12 feet.
2. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
  3. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on-site circulation.

(D) Requirements for Phased Development Plans.

1. In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.
2. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.

(E) Reverse Frontage.

1. Lots that front on more than one road shall be required to locate motor vehicle accesses on the road with the lower functional classification.
2. When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road. Access rights of these lots to the arterial shall be dedicated to the City of Arlington and recorded with the deed. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located within the public right-of-way.

(F) Shared Access.

1. Subdivisions with frontage on the state highway system shall be designed into shared access points to and from the highway. Normally a maximum of two accesses shall be allowed regardless of the number of lots or businesses served. If access off of a secondary road is possible, then access should not be allowed onto the state highway. If access off of a secondary road becomes available, then conversion to that access is encouraged, along with closing the state highway access.

(H) Lot Width-to-Depth Ratios.

1. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made feature.

(I) Connectivity.

1. The road system of proposed subdivisions shall be designed to connect with existing, proposed, and planned roads outside of the subdivision as provided in this section.
2. Wherever a proposed development abuts unplatted land or a future development phase of the same development, road stubs shall be provided to provide access to abutting properties or to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn-around unless specifically

exempted by the Public Works Director, and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land.

3. Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic-calming measures are the preferred means of discouraging through traffic.
4. Culs-de-sac or permanent dead-end roads may be used as part of a development plan. However, through roads are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting roads infeasible. Where culs-de-sac are planned, accessways shall be provided connecting the ends of culs-de-sac to each other, to other roads, or to neighborhood activity centers.

(J) Variances to Access Management Standards.

1. The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
2. Applicants for a variance from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:
  - a. Indirect or restricted access cannot be obtained;
  - b. No engineering or construction solutions can be applied to mitigate the condition; and
  - c. No alternative access is available from a road with a lower functional classification than the primary roadway.
3. No variance shall be granted where such hardship is self-created.

(K) Nonconforming Access Features.

1. Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
  - a. When new access connection permits are requested;
  - b. Change in use or enlargements or improvements that will increase trip generation.

## **SUPPLEMENTAL PROVISIONS**

### SECTION 4.20 – SITE PLAN APPROVAL.

- (1) **PURPOSE.** The purpose of the site plan approval process is to provide the City with a detailed drawing or drawings of a proposed land use. A site plan shall be provided for all proposed uses other than single-family or duplex residential uses and/or accessory structures. Where the proposed use is an outright permitted use within the zone in which the proposal is located, a site plan may be approved by the City Staff. However, at the discretion of the City Staff, such site plans may be referred to the Planning Commission in either an administrative or quasi-judicial process such as a conditional use proceeding. Site plans for proposed conditional uses will become an integral part of the record and provide the basis for City staff reports, and the basis of final review and approval by the Planning Commission or governing body.
- (2) A site plan shall be drawn to scale and indicate the following:
  - (A) Dimensions and orientation of the parcel.
  - (B) Locations and heights of buildings and structures, both existing and proposed (scaled elevation drawings or photographs may be required).
  - (C) Location and layout of parking and loading facilities.
  - (D) Location of points of entry and exit for pedestrians, motor vehicles and internal circulation patterns.
  - (E) Location of existing and proposed walls and fences and indication of their height and materials.
  - (F) Proposed location and size of exterior lighting.
  - (G) Proposed location and size of exterior signs.
  - (H) Site specific landscape plan including percentage of total net area.
  - (I) Location and species of trees greater than 6 inches in diameter when measured four feet above the ground and an indication of which trees to be removed.

- (J) Contours mapped at 2-foot intervals. (5-foot contours may be allowed on steep slopes).
  - (K) Natural drainage.
  - (L) Other significant natural features.
  - (M) Legal description of the lot.
  - (N) Percentage of the lot covered by any and all proposed and remaining structures to include asphalt concrete and Portland Cement Concrete.
  - (O) Locations and dimensions of all easements and nature of the easements.
  - (P) Service areas for uses such as loading and delivery.
  - (Q) Grading and drainage plan.
  - (R) Other site elements which will assist in the evaluation of site development.
  - (S) A statement of operations shall accompany the site plan. A brief narrative on the nature of the activity, including:
    - 1. Number of employees
    - 2. Method of import and export
    - 3. Hours of operation including peak times
    - 4. Plans for future expansion
- (3) SITE PLAN REVIEW CRITERIA. The following criteria shall be used in evaluation proposals.
- (A) Natural Features. Where existing natural or topographic features are present, they shall be used to enhance the development; (i.e., the use of small streams in the landscaping design, rather than culvert and fill).
  - (B) Trees. Existing trees shall be left standing except where necessary for building placement, sun exposure safety or other valid purpose. Vegetative buffers should be left along major streets or highways, or to separate adjacent uses.



- (C) Grading. The grading and contouring of the site shall take place and on-site surface drainage and on-site storage of surface water facilities are constructed when necessary, so there is no adverse effect on neighboring properties, public rights-of-way, or the public storm drainage system. Graded areas shall be replanted as soon as possible after construction to prevent erosion. A construction erosion control plan may be required.
- (D) Public Facilities. Adequate capacity of public facilities for water, sanitary sewers, storm drainage, fire protection, streets, and sidewalks shall be provided to the subject parcel. Development of on-site and off-site public facilities necessary to serve the proposed use shall be consistent with the Comprehensive Plan and any adopted public facilities plan(s). Underground utilities may be required. On-site detention or treatment of stormwater may be required.
- (E) Traffic. The following traffic standards shall be applicable to all proposals. When evaluating traffic issues, consideration shall be given to the proposed usage (i.e., employees, customers, freight, service) and to the potential types of traffic (i.e., vehicles, pedestrians, bicycles).
1. On-site traffic circulation shall be designed according to accepted engineering guidelines to be safe and efficient.
  2. The access point(s) between the subject property and the public street shall be reasonably safe. Minimal factors to be considered in evaluating the proposed access points include the average speed of the traffic on the public street(s), the proposed usage of the access points, the distance between the existing and proposed access points, vision clearance, and the pre-existing location of the access point(s) on the subject property.
  3. Access to all state highways will require a permit from ODOT. Access spacing and location shall address the states Access Management policies. Frontage improvements, such as curb and sidewalk to ADA standards, may be required by ODOT as a condition to access.
  4. Traffic Impact Report – The applicant may be required to provide a traffic impact report prepared by an Oregon licensed traffic engineer. Every effort will be made to inform the applicant within 20 days of receiving a completed application whether a traffic impact report and/or a determination of the level of service will be

required. Unforeseen circumstances could result in a delayed request for this information.

- (F) Storage. All outdoor storage areas and garbage collection areas shall be screened through the use of vegetative materials or appropriate fencing.
- (G) Equipment Storage. Design attention shall be given to the placement or storage of mechanical equipment so as to be screened from view and that an adequate sound buffer will be provided to meet at a minimum the requirements of Section 5-1-3 of the Municipal Code relative to noise.
- (H) The following criteria shall be applied to the maximum extent possible without causing significant adverse impacts on the operating efficiency of the proposed use:
  - 1. **Compatibility**. The height, bulk and scale of buildings shall be compatible with the site and the buildings in the vicinity. Use of materials shall promote harmony with surrounding structures and sites.
  - 2. **Design**. Monotony design in single or multiple projects shall be avoided. Variety of detail, form and siting shall be used to provide visual interest.
  - 3. **Orientation**. Buildings shall have their orientation toward the street rather than the parking area.
  - 4. **Parking**. Parking areas shall be located behind the buildings or on one or both sides.
- (4) COMPLIANCE. After site plan approval or approval of a change to a site plan as provided in this Ordinance, it shall be unlawful for any person to cause or permit the proposed use in any manner except in complete and strict compliance with the approved site plan.

SECTION 4.21 – LANDSCAPING AND DEVELOPMENT STANDARDS.

(1) PURPOSE.

- (A) Landscaping standards apply to all new multi-family, commercial and industrial uses, including change of use, and parking lots of 4 spaces or more.

- (B) For sites which do not conform to these requirements, an equal percentage of the site must be made to comply with these standards as the percentage of building or parking lot expands, e.g. if the building or parking lot area is to expand by 25%, then 25% of the site must be brought up to the standards required by this ordinance.
- (2) PROCEDURE. A landscaping plan shall be submitted to the planning director at the time of application for a building permit, conditional use permit, or site plan review for all new multifamily, commercial, industrial uses, including change of use, and parking lots of 4 spaces or more.
- (A) The planning director shall review all landscaping plans for compliance with the provisions of this ordinance and notify the property owner of deficiencies in a submitted plan.
  - (B) A building permit, conditional use permit, or site plan review shall not be issued until a landscaping plan has been approved by the planning director.
  - (C) The required landscaping shall be in place prior to issuance of a certificate of occupancy.
- (3) CONTENTS OF LANDSCAPING PLAN. A landscaping plan submitted to the planning director as required by this ordinance shall identify the placement and type of plant materials to provide an effective means for evaluating whether the chosen plant materials will:
- (A) Survive in the climate and soils of the proposed site;
  - (B) Satisfy the functional objectives of landscaping as detailed in this ordinance, including erosion control, screening and shade within a reasonable time.
- (4) GENERAL LANDSCAPING STANDARDS. The following landscaping standards apply to all new multi-family, commercial and industrial uses, including change of use, and parking lots of 4 or more spaces.
- (A) The property owner shall be responsible for any future damage to a street, curb or sidewalk caused by landscaping.
  - (B) Landscaping shall be selected and located to deter sound, filter air contaminants, curtail erosion, contribute to living privacy, reduce the visual impacts of large buildings and paved areas, screen, and emphasize or separate outdoor spaces of different uses or character.

- (C) Landscaping in parking areas shall be planted in combination along the perimeter and in the interior of the lot and shall be designed to guide traffic movement and lessen the visual dominance of the lot.
- (D) Plants that minimize upkeep and maintenance shall be selected.
- (E) Plants shall complement or supplement surrounding natural vegetation.
- (F) Plants chosen shall be in scale with building development.
- (G) Minimum landscaping as a percent of gross site area shall be as follows:

<u>ZONE</u>	<u>PERCENT</u>
Multi-family	20%
Commercial	15%
Industrial	15%
Parking Lots	10%

- (H) Deciduous trees shall have straight trunks, be fully branched, have a minimum caliper of 1-1/2 inches and be adequately staked for planting.
- (I) Evergreen trees shall be a minimum of three (3) feet in height, fully branched and adequately staked for planting.
- (J) Shrubs shall be a minimum 18 inches in height and spaced not more than four (4) feet apart for planting.
- (K) Ground cover, defined as living material and not including bark chips or other mulch, shall be planted on a maximum 18 inches on center between plants and rows.
- (L) Watering systems shall be installed to assure landscaping success. If plantings fail to survive, it is the responsibility of the property owner to replace them.
- (M) Trees shall not be planted closer than 25 feet from the curb line of intersections of streets or alleys, and not closer than 10 feet from private driveways (measured at the back edge of the sidewalk), fire hydrants, or utility poles.
- (N) Street trees shall not be planted closer than 20 feet to light standards. Except for public safety, no new light standard location should be

positioned closer than 10 feet to any existing street tree, and preferably such locations will be at least 20 feet distant.

- (O) Trees shall not be planted closer than 2-1/2 feet from the face of the curb except at intersections, where it should be 5 feet from the curb in a curb return area.
- (P) Where there are overhead power lines, tree species that will not interfere with those lines shall be chosen.
- (Q) Trees shall not be planted within 2 feet of any permanent hard surface paving or walkway. Sidewalk cuts in concrete for trees shall be at least 4 feet by 4 feet; however, larger cuts are encouraged because they allow additional air and water into the root system and add to the health of the tree. Space between the tree and such hard surface may be covered by permeable non-permanent hard surfaces such as grates, bricks on sand, paver blocks, cobblestones, or ground cover.
- (R) Trees, as they grow, shall be pruned to their natural form to provide at least 8 feet of clearance above sidewalks and 12 feet above street roadway surfaces.
- (S) Existing trees may be used as street trees if there will be no damage from the development which will kill or weaken the tree. Sidewalks of variable width and elevation may be utilized to save existing street trees, subject to approval by the City Engineer.
- (T) Vision clearance hazards shall be avoided.

#### SECTION 4.22 - PEDESTRIAN AND BICYCLE ACCESS AND FACILITIES.

- (1) General. The purpose of this section is to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets
- (2) On-site facilities should be provided, where appropriate, to accommodate safe and convenient pedestrian and bicycle access.
  - (A) Pedestrian Access and Circulation
    - 1. Single family residential developments should include streets and accessways.

2. Sidewalks should be required along arterials, collectors, and most local streets.
3. Pedestrian circulation should be provided in new commercial, office, and multi-family residential developments.

(B) Bicycle Parking

1. New development should consider providing bicycle parking facilities as appropriate.

(C) Commercial Development Standards

1. New commercial buildings, particularly retail shopping and offices, should be orientated to the road where possible.
2. Off-road motor vehicle parking for new commercial developments should, where possible, be located at the side or behind the building(s).
3. Site plans for industrial and commercial developments should show pedestrian and bicycle facilities.

- (3) Cul-de-sacs should provide through connections where possible.

**Article 5**  
**Conditional Uses**

SECTION 5.1 - AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES.

- (1) Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the Planning Commission in accordance with the standards and conditions in this Article. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the Planning Commission considers necessary to protect the best interest of the surrounding property or the City as a whole.
- (2) GENERAL STANDARDS FOR GRANTING CONDITIONAL USES.
  - (A) The proposal will be consistent with the Comprehensive Plan and the objectives of the Zoning Ordinance and other applicable policies of the City.
  - (B) Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value, and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
  - (C) The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
  - (D) The proposal will preserve assets of particular interest to the community.
  - (E) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.
- (3) STANDARDS GOVERNING SPECIFIC CONDITIONAL USES. A conditional use listed below shall comply with the standards of the zone in which it is located and with the standards and conditions set forth in this Section.

- (A) Church, Hospital, Nursing Home, Convalescent Home, Retirement Home.
1. Such uses may be authorized as a conditional use only after consideration of the following factors:
    - a. Sufficient area provided for the building, required yards, and off-street parking (related structures and uses such as a manse, parochial school, or parish house are considered separate principal uses and additional lot areas shall be required therefore).
    - b. Probable growth and needs therefore.
    - c. Adequacy of access to and from principal streets together with the probable effect on traffic volumes or abutting and nearby streets.
  2. Such uses or related buildings shall be at least thirty feet (30) from a side or rear lot line.
  3. Such uses may be built to exceed the height limitations of the zone in which it is located to a maximum height of fifty feet (50) if the total floor area of the building does not exceed the area of the site and if the yard (setback) dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.
- (B) Dog Pounds and Kennels. The Planning Commission may authorize a dog pound or kennel as a conditional use; provided, that building and site design provisions are adequate to minimize noise and odor. When necessary to protect surrounding properties, the City may require a sight-obscuring fence or hedge, and may restrict vehicular access and loading facilities, especially those required by trucks transporting large animals.
- (C) Commercial Use or Accessory Use Not Wholly Enclosed Within a Building or Retail Establishment, Office, Service Commercial Establishment, Financial Institution, or Personal or Business Service Establishment of a Lot in a Residential Zone. In any zone, permitting a commercial use or accessory use not wholly enclosed within a building or a retail or other business establishment on a lot abutting or across the street from a lot in a residential zone, such use may be permitted as a conditional use subject to the following standards:



1. A sight-obscuring fence or evergreen hedge may be required by the City when, in its judgment, such a fence or hedge or combination thereof is necessary to preserve the values or nearby properties or to protect the aesthetic character of the neighborhoods or vicinity.
2. In addition to the requirements of the applicable zone, the City may further regulate the placement and design of signs and lights in order to preserve the values or nearby properties; to protect them from glare, noise or other distractions; or to protect the aesthetic character of the neighborhood or vicinity.
3. In order to avoid unnecessary traffic congestion and hazards, the City may limit access to the property.

(D) Manufactured or Mobile Home Park. Such a park shall be built to State standards in effect at the time of construction, the following provisions, and any additional conditions set forth in the City approval prior to occupancy.

1. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by State law.
2. The space provided for each unit shall be provided with piped potable water and electrical and sewerage connections and shall not be less than thirty feet (30) in width nor less than forty feet (40) in length.
3. The number of spaces for individual units shall not exceed twelve (12) for each acre of the total area in the mobile home park. Except that the City may vary this density as follows:
  - a. If decided open space equals fifty percent (50%) or more of the total area of the park, a maximum ten percent (10%) increase in units per acre may be granted.
  - b. If in addition to subsection 3(a) above a maintained playground area with approved equipment, such as goal posts, swings, slides, etc., is provided, the maximum increase in units per acre may be increased an additional five percent (5%).
  - c. If in addition to subsections 3(a) and 3(b) above an

approved recreation/community building is provided, an additional ten percent (10%) increase of units/acre may be allowed (maximum total increase possible – 25%).

4. No unit in the park shall be located closer than fifteen feet (15) from another unit or from a general use building in the park. No unit or other building or structure shall be within twenty five feet (25) of a public street property boundary or ten feet (10) of another property boundary.
5. A mobile home permitted in the park shall meet the following standards as determined by an inspection by the Building Official:
  - a. It shall have a State Insigne indicating compliance with Oregon State Home Construction Standards in effect at the time of manufacture.
  - b. It shall contain not less than two hundred twenty five (225) square feet of space as determined by measurement of the exterior of the unit exclusive of any trailer hitch device.
6. A mobile home permitted in the park shall be provided with a continuous skirting.
7. If the park provides spaces for fifty (50) or more units, each vehicular way in the park shall be named and marked with signs which are similar in appearance to those used to identify public streets. A map of the named vehicular ways shall be provided to the appropriate fire department.
8. The park shall have water supply mains designed to serve fire hydrants and hydrants shall be provided within five hundred feet (500) of each space or structure, shall be located on a vehicular way and shall conform in design and capacity to required City standards.
9. A parking space shall be provided for each unit space on the site. In addition, guest parking spaces shall also be provided in every park within two hundred feet (200) of the unit spaces served and at a ratio of one parking space for each two (2) unit spaces.
10. Roadways within the park shall be improved with all-weather dustless surface and shall not be less than thirty feet (30) in width

if parking is permitted on the margin of the roadway, or less than twenty feet (20) in width if parking is not permitted on the edge of the roadway and an adequate designated area is provided and improved for guest parking and tenant recreational vehicles.

- (E) Multi-Family Dwelling Complex. A multi-family dwelling complex shall comply with the following provisions, and any additional conditions set forth in the City's approval, and shall be constructed pursuant thereto prior to occupancy:
1. If such a complex or any unit thereof is more than five hundred feet (500) from a public fire hydrant where such a system is available, such shall be provided at appropriate locations on a vehicular way and shall conform in design and capacity to required standards.
  2. A minimum of at least two thousand five hundred (2,500) square feet plus one hundred (100) square feet per dwelling unit may be required to be provided for recreational play area, group or community activities. (No play area is required if more than 70% of the area is preserved as open space and is sufficiently developed and landscaped, or the development is to be occupied solely by the elderly).
  3. All such complexes shall provide both an ingress and egress.
  4. All roadways and parking areas shall be paved, and roadways shall not be less than twenty feet (20) in width, except as approved by the City.
  5. A sight-obscuring fence or evergreen hedge may be required by the City when, in its judgment, such screening is necessary to preserve the values of nearby properties, protect the aesthetic character of the neighborhood or vicinity, and to provide security for occupants of the subject complex.
- (F) Recreation Vehicle Park. A recreation vehicle park shall be built to State standards in effect at the time of construction, with the following provisions and any additional conditions set forth in the City's approval prior to occupancy:

1. Trash receptacles for the disposal of solid waste materials shall be provided in convenient locations for the use of guests of the park and located in such number and be of such capacity that there is not uncovered accumulation of trash at any time.
2. No recreation vehicle shall remain in the park for more than thirty (30) days in any sixty (60) day period, except as approved by the City.
3. The park shall be maintained in a neat appearance at all times. Except for vehicles, there shall be no outside storage of materials or equipment belonging to the park or to any guest of the park.
4. Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by State law.

(G) Radio, Television Tower, Utility Station or Substation.

1. In a residential zone, all equipment storage on the site may be required to be within an enclosed building.
2. The use may be required to be fenced and provided with landscaping.
3. The minimum lot size for a public utility facility may be waived on finding that the waiver will not result in noise or other detrimental effects to adjacent property.
4. Transmission towers, hoses, overhead wires, pumping stations, and similar gear shall be so located, designed and installed as to minimize their conflict with scenic values.

(4) PLACING CONDITIONS ON A PERMIT. In permitting a new conditional use or the alteration of an existing conditional use, the Planning Commission may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following.

- (A) Increasing the required lot size or yard dimension
- (B) Limiting the height, size or location of buildings
- (C) Controlling the location and number of vehicle access points

- (D) Increasing the street width
  - (E) Increasing the number of required off-street parking spaces
  - (F) Limiting the number, size, location and lighting of signs
  - (G) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property
  - (H) Designating sites for open space.
  - (I) Requiring proper drainage and pest control
  - (J) Placing time limits on the use and requiring periodic reviews
- (5) PROCEDURE FOR TAKING ACTION ON A CONDITIONAL USE APPLICATION.
- (A) Application for a Conditional Use. A property owner shall initiate a request for a conditional use or the modification of a conditional use by filing an application along with drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.
  - (B) Public Hearings on Conditional Use. Before the Planning Commission can act on a conditional use request, a public hearing must be held.
  - (C) Notification Action. Within five (5) days following the Planning Commission decision, the City Recorder shall provide the applicant with a written notice of the Planning Commission's action on the application.
  - (D) Time Limit on a Permit for Conditional Use. Authorization of a conditional use shall be void after 6 months, unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend authorization for an additional 6 months on request.
- (6) RESUBMITTAL. If a request is denied by the City staff or hearing body and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six (6) month restriction granted. If conditions have changed to an

extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.

- (7) FINAL ACTION. Except as provided for under ORS 227.178, the City shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within 120 days from the date a complete application is submitted to the City. Within 30 days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30 day period. The 120 day time period will commence on the date the application is deemed complete.
  
- (8) EXISTING LAND USES.
  - (A) Land uses which lawfully existed at the time of the adoption of this ordinance and which would be considered as conditional uses in this ordinance shall be considered as existing conditional uses.
  
  - (B) An expansion, enlargement or change of use to another listed conditional use shall be required to be approved by the Planning Commission in accordance with this article.
  
- (9) REVOCAION OF CONDITIONAL USE PERMIT.
  - (A) Any conditional use permit shall be subject to denial or revocation by the Planning Commission if the application includes or included any false information, or if the conditions of approval have not been complied with or are not being maintained.
  
  - (B) In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed under Article 5 of this Ordinance in order for the holder of a conditional use permit to show cause why the permit should not be revoked.
  
  - (C) If the Planning Commission finds that the conditions of approval have not been complied with or are not being maintained, a reasonable time shall be given for making corrections. If corrections are not made, revocation of the conditional use permit shall become effective ten days after the time specified.
  
  - (D) Reapplication for a conditional use which has been revoked cannot be made within one year after the date of the Planning Commission's action,

except that the Planning Commission may allow a new application to be considered if new evidence or a change in circumstances warrant it.

## **PLANNED UNIT DEVELOPMENT**

SECTION 5.2 - APPLICABILITY OF PLANNED UNIT DEVELOPMENT REGULATIONS. The requirements for a planned unit development set forth in this chapter are in addition to the conditional use procedures and standards of Article 5 of this ordinance.

SECTION 5.3 - PURPOSE FOR PLANNED UNIT DEVELOPMENT REGULATIONS. The planned unit development authorization serves to encourage developing as one project, tracts of land that are sufficiently large to allow a site design for a group of structures. Deviation from specific site development standards is allowable as long as the general purposes for the standards are achieved and the general provisions of the zoning regulations are observed. The planned approach is appropriate if it maintains compatibility with the surrounding area and creates an attractive, healthful, efficient and stable environment. It should either promote a harmonious variety or grouping of uses or utilize the economy of shared services and facilities. It is further the purpose of authorizing planned unit developments to take into account the following:

- (1) Advances in technology and design.
- (2) Recognition and resolution of problems created by increasing population density.
- (3) A comprehensive development equal to or better than that resulting from traditional lot-by-lot land use development, in which the design of the overall unit permits increased freedom in the placement and uses of buildings and the location of open spaces, circulation facilities, off-street parking areas and other facilities.
- (4) The potential of sites characterized by special features of geography, topography, size or shape.

SECTION 5.4 - FINDINGS FOR PROJECT APPROVAL. The Commission may approve a planned unit development if it finds that the planned unit Planning development will satisfy standards of both Article 5 of this ordinance and this section and including the following:

- (1) The proposed planned unit development is an effective design consistent with the Comprehensive Plan.
- (2) The applicant has sufficient financial capability to assure completion of the planned unit development. The applicant must demonstrate proof of loan funds or



other financial documents that show sufficient resources are committed to the project.

SECTION 5.5 - DIMENSIONAL AND BULK STANDARDS. A tract of land to be developed as a planned unit development shall be of a configuration that is conducive to a planned unit development.

- (1) The minimum lot area, width and frontage requirements otherwise applying to individual building sites in the zone in which a planned unit development is proposed do not apply within a planned unit development. Minimum setbacks from the planned unit development exterior property lines as required by the zone will be maintained. The density standards as allowed by the applicable zone shall be maximum density allowed in the PUD except as noted.
- (2) Buildings, off-street parking and loading facilities, open space, landscaping and screening shall provide protection to properties outside the boundary lines of the development comparable to that otherwise required of development in the zone.
- (3) The maximum building height shall, in no event, exceed those building heights prescribed in the zone in which the planned unit development is proposed.

SECTION 5.6 – COMMON OPEN SPACE. Common open space is land that is left open without structures for use by all owners or tenants of the Planned Unit Development. Streets, public or private are not to be considered as common open space. At least 50% of the gross land area contained in the Planned Unit Development shall be designated as Common Open Space. Land shown on the final development plan as common open space shall be conveyed to an association of owners or tenants, created as a nonprofit corporation under the laws of the state, which shall adopt and impose articles of incorporation and bylaws and adopt and impose a declaration of covenants and restrictions on the common open space that is acceptable to the Planning Commission as providing for the continuing care of the space. Such an association shall be formed and continued for the purpose of maintaining the common open space.

SECTION 5.7 - DESIGN STANDARDS. Although the planned unit development concept is intended to provide flexibility of design, the following are the minimum design standards which will be allowed:

- (1) Private streets shall have a minimum improved width of twelve (12) feet for each lane of traffic. If on-street parking spaces are provided, they shall be improved to provide an additional eight (8) feet of street width for each side of the street that the parking is provided. Rolled curbs and gutters may be allowed.

- (2) Utilities shall be underground where practicable.
- (3) The overall density of the proposed Planned Unit Development may be increased by a factor of 33%, if the development includes some of the following improvements: approved walkways or bike paths, play areas and defined recreational activities and spaces or other amenities. The increased density must be approved by the Planning Commission, after evaluation of the proposed improvements.

SECTION 5.8 - ACCESSORY USES IN A PLANNED UNIT DEVELOPMENT. In addition to the accessory uses typical of the primary uses authorized, accessory uses approved as a part of a planned unit development may include the following uses:

- (1) Golf course
- (2) Private park, lake or waterway
- (3) Recreation area
- (4) Recreation building, clubhouse or social hall
- (5) Other accessory structures which are designed to serve primarily the residents of the planned unit development, and are compatible to the design of the planned unit development.

SECTION 5.9 - APPLICATION SUBMISSION. An applicant shall include with the application for approval of a planned unit development a preliminary development plan as described in this section. The procedure for review and approval of a planned unit development is the same as contained in Section 5.1 of this ordinance.

SECTION 5.10 - PRELIMINARY DEVELOPMENT PLAN. A preliminary development plan shall be prepared and shall include the following information:

- (1) A map showing street systems, lot or partition lines and other divisions of land for management, use or allocation purposes.
- (2) Areas proposed to be conveyed, dedicated or reserved for public streets, parks, parkways, playgrounds, school sites, public buildings and similar public and semi-public uses.

- (3) A plot plan for each building site and common open space area, showing the approximate location of buildings, structures and other improvements and indicating the open space around buildings and structures.
- (4) Elevation and perspective drawings of proposed structures.
- (5) A development schedule indicating:
  - (A) The approximate date when construction of the project can be expected to begin.
  - (B) The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin. Buildings shall conform to the current Uniform Building Code (UBC) as of date of issue of the building permit.
  - (C) The anticipated rate of development.
  - (D) The approximate dates when each stage in the development will be completed.
  - (E) The area, location and degree of development of common open space that will be provided at each stage.
- (6) Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned unit development and any of its common open space areas.
- (7) The following plans and diagrams:
  - (A) An off-street parking and loading plan.
  - (B) A circulation diagram indicating proposed movement of vehicles, goods and pedestrians within the planned unit development and to and from thoroughfares. Any special engineering features and traffic regulation devices shall be shown.
  - (C) A landscaping and tree plan.
- (8) A written statement which is part of the preliminary development plan shall contain the following information.
  - (A) A statement of the proposed financing.

- (B) A statement of the present ownership of all the land included within the planned unit development.
- (C) A general indication of the expected schedule of development.

SECTION 5.11 - APPROVAL OF THE PRELIMINARY DEVELOPMENT PLAN. The approval of the preliminary development plan by the Planning Commission shall be binding on both the Planning Commission and the applicant. However, no construction shall commence on the property until approval of the final development plan is granted.

SECTION 5.12 - APPROVAL OF THE FINAL DEVELOPMENT PLAN.

- (1) The final development plan shall be submitted to the Planning Commission within six months of the date of approval of the preliminary development plan. The Planning Commission may extend for up to six months the period for filing of the final development plan. After review, the Planning Commission shall approve the final development plan if it finds the plan is in accord with the approved preliminary development plan.
- (2) A material deviation from the approved preliminary development plan shall require the preliminary development plan to be re-examined by the Planning Commission.
- (3) Within thirty (30) days after approval of the final development plan, the applicant shall file and record the approved final development plan with the Gilliam County Clerk.

SECTION 5.13 - CONTROL OF THE DEVELOPMENT AFTER COMPLETION. The final development plan shall continue to control the planned unit development after the project is completed and the following shall apply:

- (1) The building official shall issue a certificate of completion of the planned unit development and shall note the issuance on the Planning Commission copy of the recorded final development plan.
- (2) After the certificate of completion has been issued, no change shall be made in development contrary to the approved final development plan without approval of an amendment to the plan except as follows:

- (A) Minor modifications of existing buildings or structures.
- (B) A building or structure that is totally or substantially destroyed may be reconstructed.
- (C) An amendment to a completed planned unit development may be approved if it is appropriate because of changes in conditions that have occurred since the final development plan was approved or because there have been changes in the development policy of the community as reflected by the Comprehensive Plan or related use regulations. The procedure shall be as outlined in Section 5.9 of this Article.

**Article 6**  
**Exceptions and Variances**

SECTION 6.1 - NONCONFORMING USES.

- (1) A nonconforming use or structure may be continued but may not be altered or expanded. The expansion of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure which conforms with respect to use may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
- (2) If a nonconforming use is discontinued for six months, further use of the property shall conform to this ordinance.
- (3) If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
- (4) If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance. If a nonconforming structure is removed from the site, a future structure shall conform to this ordinance.
- (5) Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the City and construction has commenced prior to the adoption of this ordinance provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

SECTION 6.2 - GENERAL EXCEPTIONS TO YARD REQUIREMENTS. The following exceptions to yard requirements are authorized for a lot in any zone, except a corner lot. Any front yard need not exceed:

- (1) The average of the front yards on abutting lots which have buildings within 100 feet of the lot; or

- (2) The average of the front yard of a single abutting lot, which has a building within 100 feet, and the required depth for that zone.

SECTION 6.3 - GENERAL EXCEPTIONS TO BUILDING HEIGHT LIMITATIONS.

Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aerials, firepoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

SECTION 6.4 - AUTHORIZATION TO GRANT OR DENY VARIANCES.

The Planning Commission may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. In granting a variance, the Planning Commission may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

SECTION 6.5 - CIRCUMSTANCES FOR GRANTING A VARIANCE. A variance may be granted only in the event that all of the following circumstances exist:

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

SECTION 6.6 - PROCEDURE FOR GRANTING A VARIANCE.

- (1) APPLICATION FOR A VARIANCE. A property owner shall initiate a request for a variance by filing an application with the City Recorder.
- (2) PUBLIC HEARING ON A VARIANCE. Before the Planning Commission may act on a request for a variance, it shall hold a public hearing.
- (3) NOTIFICATION OF DECISION. Within 10 days after a decision has been rendered by the Planning Commission with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the Planning Commission.
- (4) TIME LIMIT FOR A PERMIT FOR A VARIANCE. Authorization for a variance shall be void after six (6) months, unless substantial construction pursuant thereto has taken place. However, the Planning Commission may, at its discretion, extend the authorization for an additional six (6) months on request.
- (5) RESUBMITTAL. If a request is denied by the City staff or hearing body and no appeal is filed, or if upon review or appeal the denial is affirmed, no new request for the same or substantially similar proposal shall be filed within six (6) months after the date of final denial. An application may be denied without prejudice and a waiver of the six month restriction granted. If conditions have changed to an extent that further consideration of an application is warranted, the hearing body, on its own motion, may consider new evidence and waive the six (6) month restriction.
- (6) FINAL ACTION. Except as provided for under ORS 227.178, the City shall take final action on conditional use permits and variances, including the resolution of all appeals to the City Council under ORS 227.180, within 120 days from the date a complete application is submitted to the City. Within 30 days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30 day period. The 120 day time period will commence on the date the application is complete.

SECTION 6.7 – ADMINISTRATIVE VARIANCES. An administrative variance may be granted by staff without the normal public hearing before the Planning Commission, provided:

- (1) The variance requested is for relief of a physical or spatial requirement of this



Ordinance and the variance is 10 percent or less of the specified requirement.

- (2) Notice to affected property owners shall be required as specified in Section 8.5 of this Ordinance.
  - (A) At the end of the ten (10) day period provided for review, the City shall render a decision based upon the appropriate approval criteria for variances or conditional uses and prepare a written decision together with the findings of fact on which the decision is based.
  - (B) Anyone filing a written objection may appeal the staff decision to the Planning Commission.

## **Article 7 Amendments**

SECTION 7.1 - FORMS OF AMENDMENTS. An amendment to this ordinance may take the following forms.

- (1) Amendment to the text. (Legislative Revision)
- (2) Amendment to the Map. (Legislative Revision or Quasi-Judicial Change)

### SECTION 7.2 - LEGISLATIVE REVISIONS.

- (1) Proposed amendments to this ordinance shall be deemed legislative revisions if:
  - (A) The proposed amendment involves the text of this ordinance, and/or
  - (B) The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Legislative revisions shall be initiated by:
  - (A) A majority vote of the City Council or,
  - (B) A majority vote of the Planning Commission or,
  - (C) A request by the City Attorney or City Planner.

### SECTION 7.3 - QUASI-JUDICIAL CHANGES.

- (1) A proposed amendment to this ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the Zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.
- (2) Quasi-judicial changes may be initiated by property owners or contract purchaser or his or their authorized agent.

- (3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter, city staff shall make the initial determination. The staff decision may be appealed to the Planning Commission.

SECTION 7.4 - AMENDMENT TO ZONING ORDINANCE. An amendment to the Zoning Ordinance may be initiated by the Planning Commission, City Council, or by application of the property owner. The proposed amendment must also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for the first public hearing. If the application is for change of quasi-judicial nature, the Planning Commission shall conduct a public hearing on the proposed amendment at its earliest practical meeting date after the proposal is submitted and shall follow the adopted rules for quasi-judicial hearings. Within sixty (60) days after the hearing, the Planning Commission shall render a decision. The decision of the Planning Commission shall then be brought before the City Council along with a summary of the Planning Commission's proceedings and findings of fact, at the second regular Council meeting following said Planning Commission decision, except that in no event shall the decision be brought to the City Council until after the time for appeal has elapsed. The City Council shall then review the decision of the Planning Commission on the record without hearing further evidence. It shall either affirm the decision of the Planning Commission or set the matter for hearing de novo before the City Council. The City Council must take final action on an amendment request. Amendments shall be made by ordinance.

- (1) The following criteria must be followed in deciding upon a quasi-judicial proceeding.
  - (A) The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
  - (B) The requested zone change or conditional use must be justified by proof that:
    - 1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.
    - 2. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
    - 3. The public need is best served by changing the classification of the subject site in question as compared with other available property.

4. The potential impact upon the area resulting from the change has been considered.

(C) Approval Criteria for Amendments.

1. The applicant must show that the proposed change conforms with the Comprehensive Plan.
2. A plan or land use regulation amendment significantly affects a transportation facility if it:
  - a. Changes the functional classification of an existing or planned transportation facility;
  - b. Changes standards implementing a functional classification system;
  - c. Allows types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or
  - d. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.
3. Amendments to the comprehensive plan and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  - a. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
  - b. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
  - c. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

- (2) The courts will require a "graduated burden of proof" depending upon the drastic nature of the proposed rezoning.
  
- (3) Procedural Process of a quasi-judicial hearing.
  - (A) Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidence.
  - (B) There must be a record which will support the findings made by the decision makers.
  - (C) Pre-hearing contact must be disclosed by the decision-makers at the outset of the public hearing.

SECTION 7.5 – NOTIFICATION OF DECISION. Within 5 working days after a final decision on an amendment to the comprehensive plan, zoning ordinance text or plan/zone map, the City Recorder shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision. Within 5 working days after a final decision, the City shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing that they be given notice. The notice shall meet the requirements of ORS 197.615.

SECTION 7.6 – LIMITATION OF REAPPLICATIONS. No application of a property owner for an amendment to a zone boundary shall be considered by the Planning Commission within the one year period immediately following a previous denial of such request, except the Planning Commission may permit a new application if, in the opinion of the Planning Commission, new evidence or a change of circumstances warrant it.

SECTION 7.7 – RECORD OF AMENDMENTS. The Recorder shall maintain records of amendments to this ordinance.

**Article 8**  
**Administrative Provisions**

SECTION 8.1 – ADMINISTRATION. The City Recorder is appointed by the City Council and shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by the City Recorder regarding a requirement of the ordinance may be made only to the Planning Commission as outlined in Section 8.7.

SECTION 8.2 – BUILDING PERMIT REQUIRED. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Recorder. The applicant shall pay a fee as established by City ordinance at the time the application is filed.

SECTION 8.3 – FORM OF PETITIONS, APPLICATIONS AND APPEALS. All petitions, applications, and appeals provided for in this ordinance shall be made on the forms provided by City Recorder.

SECTION 8.4 – FILING FEES.

- (1) The following fees shall be paid to the City Recorder upon filing for an application.  
Such fees shall not be refundable. No application filed shall be acted upon until the required fee is paid.

(A) Variance	\$ 75.00
(B) Zone Change	\$250.00
(C) Conditional Use	\$150.00
(D) Appeals	\$150.00

- (2) The City of Arlington, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To

properly process a land use application, the City must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, actual attendance at the Planning Commission and/or City Council meeting. The City utilizes a consultant to ensure land use applications are processed fairly and promptly. Because of the reduced budgets, the City finds it necessary to transfer those administrative costs to the applicant, as a part of the land use planning process. These administrative costs shall be limited to \$500 without written approval by the applicant.

SECTION 8.5 – PUBLIC HEARINGS.

- (1) Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least ten days prior to the date of hearing.
- (2) In addition, a notice of hearing on a conditional use, a variance, or an amendment to a zone boundary shall be mailed to owners of property within 100 feet of the property for which the variance, conditional use or zone boundary amendment has been requested. The notice of hearing shall be mailed at least ten (10) days prior to the date of the hearing.

Said notice shall - - -

- (A) Explain the nature of the application and the proposed use or uses which could be authorized, ORS 197.763(3)(a).
- (B) List the applicable criteria from the ordinance and the plan that apply to the application, ORS 197.763(3)(b).
- (C) Set forth the street address or other easily understood geographical reference to the subject property, ORS 197.763(3)(c).
- (D) State the date, time, and location of the hearing, ORS 197.763(3)(d).
- (E) State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on that issue, ORS 197.763(3)(3) and ORS 197.763(1)1.
- (F) State that failure to provide sufficient specificity to afford the decision-maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue, ORS 197.763(3)(e).

- (G) Include the name of a local government representative to contact and a telephone number where additional information may be obtained, ORS 197.763(3)(9).
- (H) State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, ORS 197.763(3)(h).
- (I) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost, ORS 197.763(3)(I).
- (J) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(j).
- (K) If a proposed zone boundary amendment has been initiated by the City and is declared by the City to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the Council shall be observed.

SECTION 8.6 – AUTHORIZATION OF SIMILAR USES. The Planning Commission may permit, by following the procedures outlined in Article 5, Section 5.1, in a particular zone, a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

SECTION 8.7 - APPEAL FROM DECISION OF THE CITY STAFF.

- (1) An appeal from a decision of the City Staff may be filed with the City Recorder.
- (2) An appeal from a decision of the City Staff may only be initiated by filing a Notice of Intent to Appeal.
- (3) The decision of the City Staff shall be final, unless a written Notice of Intent to Appeal is filed with the City Recorder within 15 days of the date of the decision.
- (4) The Notice of Intent to Appeal shall contain a copy of the application for the permit and a copy of the City Staff's decision.



- (5) The Notice of Intent to Appeal shall state the specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the City Staff is not in conformance with the applicable criteria and standards set forth in the City Zoning Ordinance.
- (6) A Notice of Intent to Appeal shall be accompanied by the required fee as set by City Council resolution.
- (7) An appeal of a decision of the City Planner shall be heard by the Planning Commission following the procedures of Section 8.5, Public Hearings. Notice to affected property owners, if appropriate, shall be submitted.

SECTION 8.8 - APPEAL OF DECISIONS OF THE PLANNING COMMISSION

- (1) The applicant, or any person who provided testimony, either in person or in writing, at the hearing before the Planning Commission, may appeal the decision of the Planning Commission to the City Council.
- (2) The appeal of a decision of the Planning Commission may only be initialized by filing a Notice of Intent of Appeal, as set forth in this section.
- (3) The decision of the Planning Commission shall be final, unless a written Notice of Intent of Appeal is filed with the City Recorder within 15 days from the date it was signed by the Chair, unless the City Council, on its own motion, orders a review of the decision within 15 days of the date of the recorded decision.
- (4) Every Notice of Intent Appeal shall contain:
  - (A) A copy of the application or adequate reference to the matter sought to be appealed and the date of the decision of the Planning Commission;
  - (B) A statement that the appellant either participated in the hearing in person or in writing or that the appellant is the applicant;
  - (C) The specific issues which are the basis for the appeal and the specific reasons the appellant contends the decision of the hearing body is not in conformance with the Comprehensive Plan, Zoning Ordinance, Subdivision or Oregon Revised Statutes. Such issues shall be raised with sufficient specificity so as to afford the City Council an adequate opportunity to respond to each issue;
  - (D) The required fee as set this ordinance.

- (E) Hearings before the City Council shall be conducted in compliance with Section 8.5, Public Hearings.
- (5) The City Council's consideration of the Planning Commission's decision may be confined to the record of the proceeding before the Planning Commission, or, the Council may hear the material de novo. The record shall include:
- (A) All materials, memorandum, stipulations, exhibits and motions submitted during the proceeding and received or considered by the Planning Commission;
  - (B) All materials submitted by the City staff with respect to the application;
  - (C) The minutes of the hearing before the Planning Commission;
  - (D) The written decision of the Planning Commission;
  - (E) The Notice of Intent to Appeal;
  - (F) Oral and written argument; if any, by the hearing participants, their legal representatives or City staff, made at the time of the hearing before the City Council.
- (6) The City Council may affirm, reverse or modify the action of the Planning Commission in full or in part. The City Council may also remand the matter back to the Planning Commission for further consideration.
- (7) The City Council shall adopt a written decision that clearly states the basis for its decision within thirty (30) days of the close of the hearing. When an application is approved, the term of approval shall be specified, including any restrictions and conditions. A proposed decision submitted by the City Staff or any other person may be adopted by the City Council as submitted, or as amended by the City Council.

## **Article 9 General Provisions**

SECTION 9.1 – INTERPRETATION. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

SECTION 9.2 – SEVERABILITY. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent Jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 9.3 – ABATEMENT AND PENALTY. A violation of this ordinance may be the subject of criminal, civil, or other sanctions authorized under a City ordinance.

- (1) CRIMINAL PENALTIES. Unless otherwise specified, every violation of the terms of this ordinance is a Class B Violation. Each day such violation continues shall be considered a separate offense.
  
- (2) CIVIL PENALTIES AND REMEDIES. In addition to, or in lieu of, criminal actions, a violation of this ordinance or a permit issued hereunder may be the subject of a civil action in the nature of a debt or of any appropriate remedy issuing from a court of competent jurisdiction, including mandatory and prohibitory injunctions and orders of abatement.

SECTION 9.4 – REPEALER. Arlington Ordinance #317 and all amendments thereto are hereby repealed.

**Article 10**  
**Emergency**

SECTION 10.1 – EMERGENCY. That whereas conditions in the City of Arlington are such that this ordinance is necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist, and this ordinance shall take effect and be in full force and effect after its approval by the Mayor.

**Article 11**  
**Adoption**

1. This revised Zoning Ordinance was presented to the Arlington City Council on April 5, 2000.
2. The Arlington City Council approved Ordinance No. 383 on April 5, 2000, which adopted this Zoning Ordinance by reference.

CITY OF ARLINGTON, OREGON

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Fred J. Ericksen, Mayor

ATTEST:

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Kay F. West, City Recorder

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**Codified Version**

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**Ordinance No. 383  
as amended by Ordinance No. 395**

**ZONING ORDINANCE  
City of Arlington  
Gilliam County, Oregon**

PREPARED FOR  
**ARLINGTON CITY PLANNING COMMISSION  
AND CITY COUNCIL**

PREPARED BY  
Daniel R. Meader, Planning Consultant  
**TENNESON ENGINEERING CORPORATION**  
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June 2003

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**Codified Version**