

Chapter 3.0 - Design Standards

3.0 - Design Standards Administration

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Chapter 3.0 - Design Standards Administration

3.0.1 Applicability

All developments within the City must comply with the provisions of Chapters 3.1 through 3.6. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the Code. For small, less complex projects, fewer Code provisions may apply. Though some projects will not require land use or development permit approval (e.g., building of single family houses on platted lots, that are not subject to Chapter 3.7 - Sensitive Lands), they are still required to comply with the provisions of this Chapter.

3.0.2 Types of Design Standards

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant Code sections within the chapters to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determine which sections apply.

A. Chapter 3. The design standards contained within the following chapters apply throughout the City, for all land use types:

3.1 - Access and Circulation

3.2 - Landscaping, Street Trees, Fences and Walls

3.3 - Automobile and Bicycle Parking

3.4 - Public Facilities Standards

3.5 - Surface Water Management

3.6 - Other Design Standards

3.7 - Sensitive Lands

B. Chapter 2. Each land use zone (Chapter 2) provides design standards that are specifically tailored to the zone. For example, the two Residential Zones contain building design guidelines that are different than those provided in the General Commercial Zone due to differences in land use, building types, and compatibility issues. In addition, each zone provides special standards that are meant to address the impacts or characteristics of certain land uses.

Chapter 3.1 - Access and Circulation

Sections:

3.1.1 - Purpose

3.1.2 - Vehicular Access and Circulation

3.1.3 - Pedestrian Access and Circulation

3.1.1 Purpose

The purpose of this chapter is to ensure that developments provide safe and efficient access and circulation for pedestrians and vehicles. Section 3.1.2 provides standards for vehicular access and circulation. Section 3.1.3 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Chapter 3.4, Section 1.

3.1.2 Vehicular Access and Circulation

- A. Intent and Purpose. The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain an adequate “level of service” and to maintain the “functional classification” of roadways. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets. The roadway system will be designed in a manner that limits impervious surfaces to the greatest extent possible.
- B. Applicability. This ordinance shall apply to all public streets within the City and to all properties that abut these streets.
- C. Access Permit Required. Access to a public street requires an Access Permit in accordance with the following procedures:
1. Permits for access to City streets shall be subject to review and approval by the City based on the standards contained in this Chapter, and the provisions of Chapter 3.4, Section 1 - Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
 2. Permits for access to County roads shall be subject to review and approval by Marion County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

- D. Traffic Study Requirements. The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See also, Chapter 3.4, Section 1 - Transportation Standards.)
- E. Conditions of Approval. The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.
- F. Access Options. When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods (a minimum of 10 feet per land is required). These methods are “options” to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under “Special Standards for Certain Uses”).
1. Option 1. Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
 2. Option 2. Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
 3. Option 3. Access is from a public street adjacent to the developed parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section G, below.
 4. Subdivision Fronting onto an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of 2 or more lots (e.g., includes flag lots and mid-block lanes).
 5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the two Residential Zones, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential Zones, a landscape buffer with trees and/or shrubs and ground cover not less than 10 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner.

G. Access Spacing. Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. **Local Streets.** A minimum of 50 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.
2. **Arterial and Collector Streets.** Access spacing on collector and arterial streets, and at controlled intersections (i.e., with 4-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the Manual for Uniform Traffic Control Devices.
3. **Special Provisions for All Streets.** Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 - Land Use Zones. For example, access consolidation, shared access, and/or access separation greater than that specified in subsection 1-2, may be required by the City or County for the purpose of protecting the function, safety and operation of the street for all users. (See Section 'I', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

H. Number of Access Points. For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section 'G', above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section I, below, in order to maintain the required access spacing, and minimize the number of access points.

I. Shared Driveways. The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3) or as a condition of site development approval (Chapter 4.2).
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

J. Street Connectivity and Formation of Blocks Required. In order to promote efficient vehicular and pedestrian circulation throughout the City, land divisions and large site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed:
 - a. 600 feet length and 1,600 feet perimeter in the Residential Zones;
 - b. 400 feet length and 1,200 feet perimeter in the General Commercial Zone.
 - c. 700 feet length and 1,800 feet perimeter in the Industrial-Commercial Zone.
2. Street Standards. Public and private streets shall also conform to Chapter 3.4, Section 1 - Transportation Standards, and Section 3.1.3 - Pedestrian Circulation, and applicable Americans With Disabilities Act (ADA) design standards.
3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 3.1.3.A. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles.

K. Driveway Openings. Driveway openings, or curb cuts, shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians:

1. Single family, two-family, and three-family uses shall have a minimum driveway width of 10 feet, and a maximum width of 24 feet, except that one recreational vehicle pad driveway may be provided in addition to the standard driveway for lots containing more than 8,000 square feet of area.
2. Multiple family uses with more than 3 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.
3. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3.

4. **Driveway Aprons.** Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel that is a minimum of 3 feet in width, with a cross slope not exceeding 2%.
- L. **Fire Access and Parking Area Turnarounds.** A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner.
- M. **Vertical Clearances.** Driveways, private streets, aisles, turn-around areas and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.
- N. **Vision Clearance.** No signs, structures or vegetation in excess of 3 feet in height shall be placed in "vision clearance areas." The minimum vision clearance area may be increased by the City upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.).
- O. **Construction.** The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:
 1. **Surface Options.** Driveways, parking areas, aisles, and turnarounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the City.
 2. **Surface Water Management.** When a paved surface is used, all driveways, parking areas, aisles and turnarounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards.
 3. **Driveway Aprons.** When driveway approaches or "aprons" are required to connect private driveways to the public right-of-way, they shall be paved with asphalt, concrete, or comparable surfacing, with a cross section slope not to exceed 2% and a slope not to exceed 10% for the first ten feet of approach within the private property. (See also, Section K.) (Ordinance 2007, #84)

3.1.3 Pedestrian Access and Circulation

- A. **Pedestrian Access and Circulation.** To ensure safe, direct and convenient pedestrian circulation, all developments, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsection 1-3, below:

1. **Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with provisions of Section 3.1.2 - Vehicular Access and Circulation, and Chapter 3.4, Section 1 - Transportation Standards.
2. **Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
 - a. **Reasonably direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
 - b. **Safe and convenient.** Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
 - c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
 - d. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.
3. **Connections Within Development.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities and common areas (as applicable), and adjacent developments to the site, as applicable.
4. **Street Connectivity.** Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 3.1.2. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all of the following criteria:
 - a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
 - b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted.
 - c. Stairs or switch-back paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;

- d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
- e. The City Council may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

B. Design and Construction. Pathways shall conform to all of the standards in 1-5:

1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
3. **Crosswalks.** Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermoplastic striping or similar type of durable application.
4. **Pathway Surface.** Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths shall be the same materials, at least 10 feet wide. (See also, Chapter 3.4, Section 1 - Transportation Standards for public, multi-use pathway standard.)
5. **Accessible Routes.** Pathways shall comply with the Americans With Disabilities Act, which requires accessible routes of travel.

Chapter 3.2 - Landscaping, Street Trees, Fences and Walls

Sections:

3.2.1 Purpose

3.2.2 Landscape Conservation

3.2.3 New Landscaping

3.2.4 Street Trees

3.2.5 Fences and Walls

3.2.1 Purpose.

The purpose of this chapter is to promote community health, safety and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

This chapter is organized into the following sections:

Section 3.2.2 - Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.

Section 3.2.3 - New Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2 - Land Use Zones, for specific types of development.

Section 3.2.4 - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort and aesthetic purposes.

Section 3.2.5 - Fences and Walls, sets standard for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.2.2 Landscape Conservation

A. Applicability. All development sites containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development and protect vegetation that is subject to requirements for Sensitive Lands (Chapter 3.7). The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature

landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. “Significant vegetation” means:

1. **Significant Trees and Shrubs.** Individual trees and shrubs with a trunk diameter of 4 inches or greater, as measured 4 feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.)
2. **Sensitive Lands.** Trees and shrubs on sites that have been designated “Sensitive Lands”, in accordance with Chapter 3.7 (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
3. **Exception.** Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Marion County.

C. Mapping and Protection Required. Significant vegetation shall be mapped as required by Chapter 4.2 - Site Design Review and Chapter 3.7 - Sensitive Lands. Significant trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip-line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. All of the following protection standards shall apply to significant vegetation areas:

1. **Protection of Significant Trees (Section B.1)** Significant trees identified as meeting the criteria in Section B.1 shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use zone.
2. **Sensitive Lands (Section B.2).** Sensitive lands shall be protected in conformance with the provisions of Chapter 3.7.
3. **Conservation Easements and Dedications.** When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.

E. Construction. All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 3.7 - Sensitive Lands.

F. Exemptions. The protection standards in “D” shall not apply in the following situations:

1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.
2. Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat of life or safety, as determined by the City. City Staff shall prepare a notice or letter of decision within 10 days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

3.2.3 New Landscaping

A. Applicability. This Section shall apply to all developments requiring Site Design Review, and other developments with required landscaping.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2, Section 5.B (Landscape Plans).

C. Landscape Area Standards. The minimum percentage of required landscaping equals:

1. Residential Zones. 20% of the site.
2. General Commercial Zone. 5% of the site.
3. Industrial-Commercial Zone. 20% of the site.

D. Landscape Materials. Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:

1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.
2. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
3. “Non-native, invasive” plants, as per Section 3.2.2.B, shall be prohibited.
4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 50% of the required landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 65% of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after 5 years of growth, whichever comes sooner.
 6. Tree Size. Trees shall have a minimum thickness of 1-½ inches or greater, or be 4 feet or taller, at time of planting.
 7. Shrub Size. Shrubs shall be planted from 3 gallon containers or larger.
 8. Ground Cover Size. Ground cover plants shall be sized and spaced so that they grow together to cover a minimum of 65% of the underlying soil within 3 years.
 9. Significant Vegetation. Significant vegetation preserved in accordance with Section 3.2.2 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.4 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
 10. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.
- E. Landscape Design Standards. All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter (Sections 3.2.1 through 3.2.5). Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading and wind buffering, based on the following standards:
1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
 - a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;
 - b. Use shrubs and trees as wind breaks, as appropriate;
 - c. Retain natural vegetation, as practicable;
 - d. Define pedestrian pathways and open space areas with landscape materials;
 - e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;
 - f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided.
 - g. Use a combination of plants for year-long color and interest;

- h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales and detention/retention ponds.
 - i. Use the appropriate native landscaping and the appropriate design to increase infiltration and reduce the amount of surface water runoff from the site. Treatments might include swales, filter strips, ponds and wetlands. Landscaping for water quality will count towards percentage of landscaping required on site.

- 2. **Parking Areas.** A minimum of 5% of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 5 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 20 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 12 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.

- 3. **Buffering and Screening Required.** Buffering and screening are required under the following conditions:
 - a. **Parking/Maneuvering Area Adjacent to Streets and Drives.** Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality materials), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year of planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.

 - b. **Parking/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no more than 3 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.

 - c. **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas, shall be screened from view from all public streets and Residential zones. Screening shall be provided by one or more of the

following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see through fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.5 for standards related to fences and walls.)

- F. Maintenance and Irrigation. The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.
- G. Additional Requirements. Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 4.4).

3.2.4 Street Trees

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Chapter 3.4.1 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

- A. Growth Characteristics. Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:
1. Provide a broad canopy where shade is desired.
 2. Use low-growing trees for spaces under utility wires.
 3. Select trees which can be “limbed-up” where vision clearance is a concern.
 4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
 5. Use species with similar growth characteristics on the same block for design continuity.
 6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seed or fruit.
 7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
 8. Select trees for their seasonal color, as desired.
 9. Use deciduous trees for summer shade and winter sun.

- B. Caliper Size. The minimum caliper size at planting shall be 1-½ inches, based on the American Association of Nurseryman Standards.
- C. Spacing and Location. Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities and similar physical barriers.
- D. Soil Preparation, Planting and Care. The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.
- E. Assurances. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

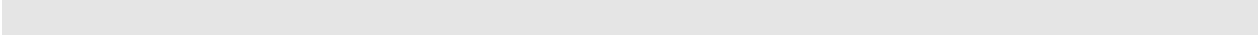
3.2.5 Fences and Walls

The following standards shall apply to all fences and walls:

- A. General Requirements. All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.2 - Site Design Review or Chapter 4.4 - Conditional Use Permits. Walls built for required landscape buffers shall comply with Section 3.2.3.
- B. Dimensions.
 1. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 6 feet in height, in conformance with the Uniform Building Code.
 2. The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.
 3. Walls and fences to be built for required buffers shall comply with Section 3.2.3.
 4. Fences and walls shall comply with the vision clearance standards of Section 3.1.2.
- C. Materials.
 1. Fences and walls shall not be constructed of nor contain any material that could cause bodily harm, such as barbed wire, broken glass, spikes, or any other hazardous or dangerous materials. Electric fences are not permitted.

2. Electric or barbed wire fences intended to contain or restrict cattle, sheep, horses or other livestock, and existing prior to annexation to the City, may remain.

D. Maintenance. For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.



Chapter 3.3 - Vehicle and Bicycle Parking

Sections:

3.3.1 Purpose

3.3.2 Applicability

3.3.3 Automobile Parking Standards

3.3.4 Bicycle Parking Standards

3.3.1 Purpose

The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

3.3.2 Applicability.

All developments subject to site design review (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

3.3.3 Vehicle Parking Standards.

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in Table 3.3.3.A.

Table 3.3.A - Vehicle Parking - Minimum Standards Option

The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces for garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway or landscape area. Credit shall be allowed for “on-street parking,” as provided in Table 3.3.3.B.

Residential Uses

Single family detached housing. 2 parking spaces shall be provided for each detached single family dwelling or manufactured home on an individual lot.

Two- and three-family housing. 1.5 spaces per dwelling unit.

Multi-family and single family attached housing.

- a. Studio units or 1-bedroom units less than 500 square feet - 1 space/unit.
- b. 1-bedroom units 500 square feet or larger - 1.5 spaces/unit.
- c. 2-bedroom units - 1.75 spaces/unit.
- d. 3-bedroom or greater units - 2 spaces/unit
- e. Retirement complexes for seniors 55 years or greater - 1 space/unit.

Senior housing. Same as for retirement complexes.

Manufactured home parks. Same as for single-family detached housing.

Commercial Uses

Auto, boat or trailer sales, retail nurseries and similar bulk retail uses. 1 space/1,000 square feet of the first 10,000 square feet of gross land area; plus 1 space/5,000 square feet for the excess over 10,000 square feet of gross land area; and 1 space/2 employees.

Business, general retail, personal services. General - 1 space/350 square feet gross floor area. Furniture and appliances - 1 space/750 square feet of gross floor area.

Chapels and mortuaries. 1 space /4 fixed seats in the main chapel.

Hotels and motels. 1 space/each guest room, plus 1 space for the manager.

Offices. Medical and Dental offices - 1 space/350 square feet of gross floor area; General Offices - 1 space/450 square feet of gross floor area.

Restaurants, bars, ice cream parlors or similar uses. 1 space/4 seats or 1 space/100 square feet of gross leasable floor areas, whichever is less.

Theaters, auditoriums, stadiums, gymnasiums, similar uses. 1 space/4 seats.

Industrial Uses

Industrial uses, except warehousing. 1 space/2 employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus 1 space/company vehicle.

Public and Institutional Uses

Child care centers having 13 or more children. 1 space/2 employees; a minimum of 2 spaces is required.

Churches and similar places of worship. 1 space /4 seats.

Golf courses, except miniature. 8 spaces/hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses - 4 spaces/hole.

Hospitals. 2 spaces per patient bed.

Nursing and convalescent homes. 1 space/3 patient beds.

Rest homes, homes for the aged, or assisted living. 1 space/2 patient beds or 1 space/apartment unit.

Schools, elementary and junior high. 1½ spaces/classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.

High schools. 1½ spaces/classroom, plus 1 space/10 students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.

Trade schools. 1½ spaces/classroom, plus 1 space/5 students the school is designed to accommodate, plus requirements for on-campus student housing.

Unspecified Uses.

Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is similar to those listed in terms of parking needs.

Table 3.3.3.B - Credit for On-Street Parking

On-Street Parking Credit. The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City and/or County standards. The following constitutes an on-street parking space:

- a. Parallel parking, each 24 feet of uninterrupted curb;
- b. 45 degree diagonal, each with 10 feet of curb;
- c. 90 degree (perpendicular) parking, each with 10 feet of curb;
- d. Curb space must be connected to the lot which contains the use;
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.

A. Parking Location and Shared Parking.

1. Location. Vehicle parking is allowed only on approved parking shoulders (streets); within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this Code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). See also, Chapter 3.1 - Access and Circulation.
2. Off-site parking. Except for single-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provide the parcel is within a reasonable walking distance of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
3. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
4. Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
5. Availability of Facilities. Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.6.

B. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on on-street, or within the building footprint of structures, shall not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

C. Parking Stall Standard Dimensions and Compact Car Parking. All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping. Standard parking spaces shall conform to the dimensions in Table 3.3.3.C. Disabled person parking spaces shall conform to the standards (and dimensions) in Section 3.3.3.D.

Table 3.3.3.C - Minimum Parking Space and Aisle Dimensions.

Angle	Type	Width	Curb Length	1-Way Aisle Width	2-Way Aisle Width	Stall Depth
0° (Parallel)	Standard Compact	8 feet 7 ft. 6 in.	22 ft. 6 in. 19 ft. 6 in.	12 feet 12 feet	24 feet 24 feet	8 feet 7 ft. 6 in.
30°	Standard Compact	9 feet 7 ft. 6 in.	18 feet 15 feet	12 feet 12 feet	24 feet 24 feet	17 feet 14 feet
45°	Standard Compact	9 feet 7 ft. 6 in.	12 ft. 6 in. 10 ft. 6 in.	12 feet 12 feet	24 feet 24 feet	19 feet 16 feet
60°	Standard Compact	9 feet 7 ft. 6 in.	10 ft. 6 in. 8 ft. 6 in.	18 feet 15 feet	24 feet 24 feet	20 feet 16 ft. 6 in.
90°	Standard Compact	9 feet 7 ft. 6 in.	9 feet 7 ft. 6 in.	24 feet 22 feet	24 feet 24 feet	19 feet 15 feet

Important cross-references:

See also, Chapter 2 - Land Use Zone standards; Chapter 3.1 - Access and Circulation; Chapter 3.2 - Landscaping; Chapter 3.5 - Surface Water Management.

D. Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans With Disabilities Act. Disabled parking is included in the minimum number of required parking spaces in Section C.

Table 3.3.3.D - Disabled Person Parking Requirements


Minimum Number of Accessible Parking Spaces
ADA Standards for Accessible Design 4.1.2(5)

Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" and 90" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4

3.3.4 Bicycle Parking Requirements

All uses which are subject to Site Design Review are encouraged to provide bicycle parking, in conformance with the following guidelines, which are evaluated during Site Design Review:

- A. Number of Bicycle Parking Spaces. A minimum of 2 bicycle parking spaces per use is recommended for all uses with greater than 10 vehicle parking spaces. The following additional standards are recommended for specific types of development:
1. **Multi-Family Residences.** Every residential use of 4 or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
 2. **Parking Lots.** All public and commercial parking lots and parking structures provide a minimum of one bicycle space for every 10 motor vehicle parking spaces.
 3. **Schools.** Elementary and middle schools, both private and public, provide one bicycle parking space for every 10 students and employees. High schools provide one bicycle parking space for every 5 students and employees. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
 4. **Trade schools** provide one bicycle parking space for every 10 motor vehicle spaces. Fifty percent of the bicycle parking spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
 5. **Commercial Zone.** With the General Commercial Zone, bicycle parking for customers should be provided along the street at a rate of at least one space per use. Individual uses may provide their own parking, or spaces may be clustered to serve up to 6 bicycles. Bicycle parking spaces should be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted “U” style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) should be provided at a rate of one space per 10 employees, with a minimum of one space per store.
 6. **Multiple Uses.** For buildings with multiple uses (such as commercial mixed use center), bicycle parking standards should be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is recommended.
- B. Exemptions. This Section does not apply to single family, two-family, and three-family housing (attached, detached or manufactured housing), home occupations, or other developments with fewer than 10 vehicle parking spaces.

- C. Location and Design. Bicycle parking should be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, street lights, planters and other pedestrian amenities.
 - D. Visibility and Security. Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
 - E. Options for Storage. Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
 - F. Lighting. Bicycle parking should be at least as well lit as vehicle parking for security.
 - G. Reserved Areas. Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only.
 - H. Hazards. Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as to not conflict with vision clearance standards (Chapter 3.1 - Access and Circulation).
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Chapter 3.4 - Public Facilities Standards

Sections:

3.4.0 Purpose and Applicability

3.4.1 Transportation Standards

3.4.2 Public Use Areas

3.4.3 Water Service Improvements

3.4.4 Storm Drainage Improvements

3.4.5 Utilities

3.4.6 Easements

3.4.7 Construction Plan Approval and Assurances

3.4.8 Installation

3.4.0 Purpose and Applicability

A. Purpose. The purpose of this Chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking and bicycling.

Important cross-reference to other standards: The City requires that streets provide direct and convenient access, including regular intersections. Chapter 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks.

B. When Standards Apply. Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

C. Standard Specifications. The City shall establish standard construction specifications consistent with the design standards of this Chapter and application of engineering principles. They are incorporated in this Code by reference.

D. Conditions of Development Approval. No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

3.4.1 Transportation Standards

- A. Development Standards. No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.1 - Access and Circulation, and the following standards are met:
1. Streets within or adjacent to a development shall be improved in accordance with the Comprehensive Plan and the provisions of this Chapter.
 2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the applicable city or county jurisdiction;
 3. New streets and drives connected to a collector or arterial street shall be paved; and
 4. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate (object) against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:
 - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
 - b. Due to the developed condition of adjacent properties it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
 - c. The improvement would be in conflict with an adopted capital improvement plan; or
 - d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
- B. Variances. Variances to the transportation design standards in this Section may be granted by means of a Class B Variance, as governed by Chapter 5.1 - Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (Chapter 3.7).
- C. Creation of Rights-of-Way for Streets and Related Purposes. Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Comprehensive Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City and shall name "the public," as grantee.
- D. Creation of Access Easements. The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

E. Street Location, Width and Grade. Except as noted below, the location, width and grade of all streets shall conform to an approved street plan or subdivision plat. Street location, width and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

1. Street grades shall be approved by the City in accordance with the design standards in Section ‘N’, below; and
2. Where the location of a street is not shown in an existing street plan (See Section ‘H’), the location of streets in a development shall either:
 - a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
 - b. Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

F. Minimum Rights-of-Way and Street Sections. Street rights-of-way and improvements shall be the widths in Table 3.4.1. A variance shall be required in conformance with Section 3.4.1.B to vary the standards in Table 3.4.1. These standards shall be the minimum requirements for all streets, except those in ODOT and County jurisdiction.

Table 3.4.1 - City of Scotts Mills Right-of-way and Street Design Standards

Street Classification	Improvement Width (Curb to Curb)	Sidewalk Width	Bikeway Width	Right-of-way Width
Arterial	44 feet	6 feet	5 feet each side	66 feet
Collector	36 feet	5 feet	5 feet each side	60 feet
Local	34 feet	5 feet	not required	50 feet
Cul-de-sac	34 feet	5 feet	not required	50 feet
Cul-de-sac bulb	48 foot radius	5 feet	not required	53 foot radius
Alley	20 feet	not required	not required	20 feet

G. Traffic Signals and Traffic Calming Features.

1. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.

2. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.

H. Future Street Plan and Extension of Streets.

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed when the City Council determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
 - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
 - b. A barricade (e.g., fence, bollards, boulders or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
 - c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

I. Street Alignment and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area or similar neighborhood amenity. This standard applies to four-way and three-way (off-set) intersections.
3. All local and collector streets which abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to

provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.

4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas and parks.
5. In order to promote efficient vehicular and pedestrian circulation throughout the City, the design of subdivisions and alignment of new streets shall conform to the following standards in Chapter 3.1 - Access and Circulation: The maximum block length shall not exceed:
 - a. 600 feet in the Residential Zones.
 - b. 400 feet in the General Commercial Zone.
 - c. 600 feet in the Industrial Commercial Zone.

Exceptions to the above standards may be granted when an access way is provided at or near mid-block, in conformance with the provisions of Chapter 3.1, Section 3.A.

- J. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.1, applicable provisions of the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.
- K. Intersection Angles. Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area or similar neighborhood amenity. In addition, the following standards shall apply:
 1. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;
 2. Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and
 3. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.
- L. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.4.0.D.

M. Cul-de-sacs. A dead-end street shall not provide access to greater than 8 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius of no less than 48 feet, and not more than a radius of 40 feet (i.e., from center to edge of pavement); except that turnarounds may be larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and
2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

N. Grades and Curves. Grades shall not exceed 10% on arterials, 12% on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:

1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and
2. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signal, shall provide a landing averaging 5% or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

O. Curbs, Curb Cuts, Ramps, and Driveway Approaches. Concrete curbs, curb cuts, wheelchair, bicycle ramps and driveway approaches shall be constructed in accordance with standards specified in Chapter 3.1 - Access and Circulation.

P. Development Adjoining Arterial Streets. Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;
2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 3.1, Section 2.F.
3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
4. Other treatment suitable to meet the objectives of this subsection.
5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Chapter 3.1, Section 2.

- Q. Alleys, Public or Private. Alleys shall conform to the standards in Table 3.4.1. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.
- R. Private Streets. Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets shall conform to the provisions of Table 3.4.1.
- S. Street Names. No street name shall be used which will duplicate or be confused with the names of existing streets in Marion County, except for extensions of existing streets. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.
- T. Survey Monuments. Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certifications to the City that all boundary and interior monuments shall be reestablished and protected.
- U. Street Signs. The City or Marion County shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required.
- V. Mail Boxes. Plans for mail boxes to be used shall be approved by the United States Postal Service.
- W. Street Light Standards. Street lights shall be installed in accordance with City standards.
- X. Street Cross-Sections. The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City. The final lift shall also be placed no later than when 50% of the structures in the new development are completed or 2 years from the commencement of initial construction of the development, whichever is less.
1. Sub-base and leveling course shall be of select crushed rock.
 2. Surface material shall be of Class C or B asphaltic concrete;
 3. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and
 4. No lift shall be less than 1-1/2 inches in thickness.

3.4.2 Public Use Areas

A. Dedication Requirements.

1. Where a proposed park, playground or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.
2. If determined by the City Council to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent and location suitable for the development of parks and other public uses.
3. All required dedications of public use areas shall conform to Section 3.4.0.D (Conditions of Approval).

B. Acquisition by Public Agency. If the developer is required to reserve land area for a park, playground, or other public use, the land shall be acquired by the appropriate public agency within 18 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

C. System Development Charge Credit. Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

3.4.3 Water Service Improvements

A. Water Mains Required. Water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

B. Water Plan Approval. Development permits for water improvements shall not be issued until the City has approved all water plans in conformance with City standards.

C. Over-sizing. Proposed water systems shall be sized to accommodate additional development within the areas as projected by the Comprehensive Plan. The developer shall be entitled to system development charge credits for the over-sizing.

D. Permits Denied. Development permits may be restricted by the City where a deficiency exists in the existing water system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505.

3.4.4 Storm Drainage Improvements

- A. General Provisions. The City shall issue a development permit only where adequate provisions for storm water and flood water runoff have been made in conformance with Chapter 3.5 - Surface Water Management.
- B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City.
- C. Effect on Downstream Drainage. Where it is anticipated by the City that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- D. Storm Drainage Plan Required for New Development and Redevelopment.
 1. Purpose: To minimize the amount of stormwater runoff resulting from development utilizing nonstructural controls where possible to protect and enhance water quality, to prevent and/or reduce soil erosion, and to prevent structural and environmental damage.
 2. Plan for Storm Drainage
 - a. A storm drainage and erosion control plan shall be required for all residential development over 25,000 square feet; and for all commercial, industrial, and recreational development. This requirement includes all proposals in or immediately adjacent to open areas identified in the Comprehensive Plan, in or adjacent to an identified Major Hazard area and in areas with a hydrological connection (or up gradient from) to an area having an historic localized flooding problem resulting from storm drainage. The plan shall contain at a minimum:
 - i. The methods to be used to minimize the amount of runoff sedimentation and pollution created from the development both during and after construction. Site specific considerations may be incorporated. The plan shall be consistent with the specific drainage basin or sub-basin plan (i.e., a Water Quality Management Plan or Salmon recovery plan).
 - ii. An analysis of the methods to increase infiltration on site and reduce the amount of stormwater runoff generated from the site.
 - iii. Calculations of the amount of impervious surface before development and the amount of impervious surface after development.
 - iv. An analysis of source controls as an alternative method to control stormwater runoff and volume such as infiltration, detention and storage techniques.

- v. An analysis of methods used to control (reduce) pollutants such as vegetated swales and compost filters.
 - vi. Statement of consistency with the City and Marion County's stormwater improvement standards and Comprehensive Plans. If located within a DEQ 303(d) listed watershed, consistency with the required urban or rural residential Water Quality Management Plan (WQMP) and implementation measures.
- b. The City or Marion County may require that the applicant design and construct a drainage system which will insure that off-site impacts caused by that development can be mitigated. This system may need to be located off-site.
 - c. Facilities developed on site may be used to implement a basin-wide or sub-basin drainage management plan, if necessary.

3. General Standards

- a. All development shall be planned, designed, constructed and maintained to:
 - i. Assure that the amount of surface water drainage from the site is not greater after full site development than before development.
 - ii. Protect and preserve existing natural drainage channels to the maximum extent practicable;
 - iii. Protect development from flood hazards;
 - iv. Provide a system by which water within the development will be controlled without causing damage or harm to the natural environment, or to property or persons within the drainage basin;
 - v. Assure that waters drained from the development are substantially free of pollutants;
 - vi. Assure that waters are drained from the development in such a manner that will not cause erosion to any greater extent than would occur in the absence of development.
- b. In the event a development or any part thereof is traversed by any water course, channel, stream or creek, gulch or other natural drainage channel, adequate easements for storm drainage purposes shall be provided to the City, Marion County, or utility district. This does not imply maintenance by the City.
- c. Channel obstructions are not allowed, except as approved for the creation of detention or retention facilities approved under the provisions of this Ordinance, or water diversions permitted by the Oregon Water Resources Department. Fences with swing gates may be utilized.

4. Specific Standards

- a. Siting, sizing, and development of drainage control facilities shall be consistent with accepted engineering practices. Basin or sub-basin plans previously adopted by Marion County shall guide the development of drainage control facilities except when such plans are superseded by new basin or sub-basin plans, such as an urban or rural residential Water Quality Management Plan, or when such plans are in conflict with the following provisions, or other provisions of this Section:
 - i. Detention ponds outside the channel shall be planned for at least a 25-year frequency storm at full site development. This requirement may be reduced by the City when site conditions, such as terrain or geologic hazard, limit development of detention ponds, and when other drainage control methods appropriate to the site are provided.
 - ii. The rate of release or outflow from a detention facility shall not exceed the rate of runoff from the undeveloped site during a 10-year frequency storm. This may be accomplished with an adjustable flow valve or a system of orifices or other appropriate mechanism accommodating a 5-year outflow. Each facility constructed outside the channel shall provide an overflow which will allow volume exceeding a 25-year frequency storm to spill.
 - iii. In all residential development, the slope of the edges of a retention or detention pond shall not exceed 1:3. Maximum depth should not exceed 3 feet. Adequate security measures that do not result in the fencing of the facility must be provided to prevent a safety hazard. Drainage must be designed to prevent frequent water ponding unless a year-round pond is incorporated in the site design.
 - iv. For commercial, industrial and multi-family residential development, maximum side slope of drainage facilities shall not exceed 1:1. Shallower slopes may be required as appropriate to maintain slope stability. Access for maintenance equipment shall be provided. Depth should not exceed 12 feet. The burden of justification increases with depth of the facility. Detention or retention facilities must be integrated with the site design. Adequate security measures that do not result in fencing of the facility must be provided to prevent a safety hazard. Drainage facilities must be designed to prevent water ponding unless a year-round pond is incorporated in the site design.
 - v. Detention facilities may be allowed in conjunction with parking lots or commercial or industrial rooftops. Underground detention pipes are discouraged in areas of high water tables.
 - vi. Rooftop detention is acceptable on residential structures with appropriate engineering considerations. Rooftop detention must not exceed bearing characteristics of the structure or soils. An emergency overflow shall be provided.

- vii. Parking lot detention is acceptable if water depth does not exceed 12 inches at the deepest point. Asphalt surfaces to be inundated shall be minimized. A minimum slope of 1% must be provided.
- viii. All outflow shall be conveyed to the nearest natural drainageway. The developer or property owner (including maintenance association, if appropriate) shall be responsible for construction and maintenance of the facility. An adequate surety bond for construction may be required.

b. Flow Alteration.

- i. Natural drainage pattern shall not be substantially altered on the site.
- ii. Accelerated release of stored water is prohibited. Flow shall not be diverted to lands which have not previously encountered overland flow from the same upland source unless adjacent downstream owners agree.

3.4.5 Utilities

A. Underground Utilities. All utility lines including, but not limited to, those required for electric, communication, lighting and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and high capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);
2. The City reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made. See Development Code, subsection 3.4.6.

B. Easements. Easements shall be provided for all underground utility facilities.

C. Exception to Under-Grounding Requirement. The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

3.4.6 Easements

Easements for storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions. The developer or applicant shall make arrangements with the City, the applicable district and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. Unless otherwise specified by the utility company, applicable district, or the City; the City's standard width for public main line utility easements adjacent public right-of-way shall be six (6) feet and a minimum of fifteen (15) feet in width when not adjacent public right-of-way.

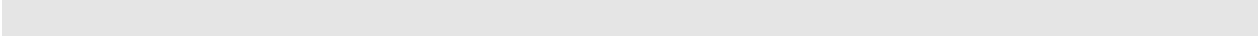
Wherever possible the easement shall be centered or border a lot/property line. For public utility easements, the public facility shall serve as the centerline of the easement. Easements for public utilities shall be restricted in scope to the activity permitted necessary to accomplish the purpose of the easement, unless otherwise allowed and approved by the City. Easements for public utility improvements shall prohibit the placement of any building on or over the easement. A property owner may use the easement area but agrees not to plant, build, or construct any buildings or other structures on the easement that may interfere with the use of the easement. The City is not obligated to replant or replace any structures within the easement following any excavation or other disturbance permitted by the easement.

3.4.7 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by the City Council. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also, Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions.

3.4.8 Installation

- A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at their own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. Adopted Installation Standards. The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A., shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City.
- C. Commencement. Work shall not begin until the City has been notified in advance.
- D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified.

- E. City Inspection. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Chapter 4.5 - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. Engineer's Certification and As-Built Plans. A registered engineer shall provide written certification in a form required by the City that all improvements, workmanship and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptances of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 3 sets of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.
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Chapter 3.5 - Surface Water Management

[Reserved]

Note: The Department of Land Conservation and Development and the Department of Environmental Quality are planning to publish a model ordinance on Urban Surface Water Management/Water Quality that could be added to this document.]

Chapter 3.6 - Other Design Standards

Sections:

3.6.1 Density Transfer

3.6.2 Signs

3.6.1 Density Transfers

- A. Purpose. The purpose of this chapter is to implement the City's Comprehensive Plan and encourage the protection of open spaces through the allowance of housing density transfers. "Density transfers" are the authorized transfer of allowed housing units (per Chapter 2) from one portion of a property to another portion of the same property, or from one property to another property.
- B. Determination of Allowable Housing Units. The number of allowed housing units on a property is based on the surface area of the property (acres) times the maximum allowed housing density in Chapter 2.
- C. Density Transfer Authorized. Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A density transfer shall not be approved unless it meets one or more of the criteria in 1-4 below, and it conforms to subsection D-E:
1. Protection of sensitive land areas as defined in Chapter 3.7 and listed below either by dedication to the public or a land trust, or by a non-revocable conservation easement. Sensitive land areas include:
 - a. Land within the 100-year floodplain;
 - b. Land or slopes exceeding 25%;
 - c. Drainageways;
 - d. Wetlands
 2. Dedication of land to the public for park or recreational purposes; or
 3. The density transfer is used to develop a mix of single family and multi-family housing on the same property or development site.
- D. Prohibited Density Transfers. Density shall not be transferred from: land proposed for street right-of-way, stormwater detention facilities, private streets, and similar areas which do not provide open space or recreational values to the public.

E. Density Transfer Rules. All density transfers shall conform to all of the following rules:

1. Allowed housing units shall be transferable only to buildable lands (“receiving areas”). The number of allowed housing units shall be reduced on properties from which density is transferred (“sending areas”) based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with the current provisions of this Development Code;
2. The number of units which can be transferred is limited to the number of units which would have been allowed on 75% of the unbuildable area if not for these regulations;
3. The total number of housing units per property or development site shall not exceed 100% of the maximum number of units per gross acre permitted under the applicable comprehensive plan designation;
4. All density transfer development proposals shall comply with the development standards of the applicable land use zone.

3.6.2 Signs

A. Purpose. The purpose of these sign regulations is to provide equitable signage rights, reduce signage conflicts, promote traffic and pedestrian safety, increase the aesthetic value and economic viability of the City, all by classifying and regulating the location, size, type and number of signs and related matters, in a content-neutral manner.

B. Definitions. See Signs, Chapter 1.3.

C. General Provisions.

1. Conflicting Standards: Signs shall be allowed subject to the provisions of this subsection, except when these provisions conflict with the specific standards for signs in the subject zone.
2. Uniform Sign Code: All signs shall comply with the provisions of the Uniform Sign Code of the Uniform Building Code.
3. Sign Clearances: A minimum of 8 feet above sidewalks and 15 feet above driveways shall be provided under free-standing or wall-mounted signs.

D. Signs Generally Permitted The following signs and sign work are permitted in all zones. These signs shall not require a permit, and shall not be included when determining compliance with total allowed area:

1. Painting, change of sign face or copy and maintenance of signs legally existing on the effective date of this Ordinance. If structural changes are made, or there is a change of use, the sign shall conform in all respects with these regulations.

2. Temporary signs that do not exceed 6 square feet in area. No lot may display temporary signs for more than 90 days in any 365-day period. Only one temporary sign per lot may be displayed at a time.
3. Real estate signs not exceeding 6 square feet which advertise the sale, rental or lease of premises upon which the sign is located. Real estate signs may be used up to two years without a permit.
4. Signs posted by or under governmental authority including legal notices, traffic, danger, no trespassing, emergency and signs related to public services or safety.
5. Incidental signs that do not exceed 6 square feet.
6. Flags on permanent flag poles which are designed to allow raising and lowering of the flags.
7. Signs within a building.
8. In a Commercial zone, signs painted or hung on the inside of windows.
9. Residential Name Plates: Shall not exceed two square feet. Only one such sign shall be permitted upon the premises and may only be indirectly illuminated.

E. Prohibited Signs. The following signs are prohibited:

1. Balloons or similar types of tethered objects.
2. Portable signs.
3. Roof signs.
4. Signs that emit odor, visible matter, or sound; however an intercom system for customers remaining in their vehicles, such as used in banks and "drive thru" restaurants, shall be allowed.
5. Signs that use or employ side guy lines of any type.
6. Signs that obstruct any fire escape, required exit, window or door opening used as a means of egress.
7. Signs closer than 24 inches horizontally or vertically from any overhead power line or public utility guy wire.
8. No vehicle or trailer shall be parked on a public right-of-way or public property, or on private property so as to be visible from a public right-of-way which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business or activity located on the same or nearby premises. This provision applies where the primary

purpose of a vehicle is for advertising purposes and is not intended to prohibit any form of vehicular sign, such as a sign attached to a motor vehicle which is primarily used for business purposes, other than advertising.

9. Rotating/revolving signs, except by conditional use permit.
10. Flashing signs.
11. Private signs that project into or over driveways and public right-of-ways, except signs under a canopy that projects over a public sidewalk and the sign is not less than 8 feet above the sidewalk.
12. Signs that obstruct required vision clearance area or obstruct a vehicle driver's view of official traffic control signs and approaching or merging traffic, or which present a traffic hazard.
13. Signs that interfere with, imitate, or resemble any official traffic control sign, signal or device, emergency lights, or appears to direct traffic, such as a beacon light.
14. Signs attached to any pole, post, utility pole or placed on its own stake and placed into the ground in the public right-of-way.
15. Message Signs, except by conditional use permit.
16. Projecting Signs.
17. Any sign on unimproved property, unless allowed as a temporary sign.
18. Any illegible sign or sign that has 25% or more of its surface destroyed, defaced, missing or inaccurately represents the name or nature of the current business(es) occupying the structure.

F. Signs in Non-Commercial Zones. The following regulations apply to signs in the Residential Single Family and Residential Multi Family Zones.

1. Maximum number. Any combination of wall, canopy or free-standing signs not exceeding the sign area and height limitations of this Section; plus signs allowed in Section D, above.
2. Maximum total sign area for property on which the building or buildings are located:
 - a. Single-family and two-family (duplex) dwelling - 6 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 4 square feet.
 - b. Multiple family dwelling - 24 square feet provided total sign area on a free-standing sign shall be limited to a maximum of 18 square feet.
3. Maximum sign height:

- a. Wall, canopy or window sign - 4 feet.
 - b. Free-standing sign - 6 feet.
4. Location:
- a. Wall, canopy or window sign - shall be set back from the property lines of the lot on which it is located, the same distance as the building containing the permitted use.
 - b. Free-standing sign - where fences are allowed.
5. Illumination. Signs may only be indirectly illuminated by a concealed light source, shall not remain illuminated between the hours of 11:00 p.m. and 6:00 a.m., and shall not flash, blink, fluctuate or produce glare.

G. Signs in Commercial and Industrial Zones.

- 1. Total allowed area. Total allowed area of 40 square feet per sign, except monument signs which may be 60 square feet per sign.
- 2. Type, maximum number and size of signs. One free-standing sign per street frontage, and a total of no more than two wall or canopy signs.
- 3. Maximum sign height:
 - a. Wall and canopy signs shall not project above the parapet or roof eaves.
 - b. Free-standing signs - maximum total height of 10 feet.
- 4. Location:
 - a. Wall signs may project up to 1.5 feet from the building.
 - b. Free-standing sign and monument signs - no limitation except shall not project over street right-of-way and shall comply with requirements for vision clearance areas and special street setbacks.
- 5. Appearance and Construction:
 - a. Signs must be built of such materials as to be consistent with the age, appearance and purpose of the building(s) adjacent to it.
 - b. The design and appearance of all signs must reflect and be consistent with the appearance, design, architecture and historical character of adjacent buildings and uses.

H. Review Procedures.

1. Permit Required. No property owner, lessee or contractor shall construct or alter any sign without first obtaining a valid sign permit.
2. Current Signs. Owners of conforming or nonconforming signs existing as of the date of adoption of this Ordinance are not required to obtain a permit.
3. Permit Fees. Permit fees shall be established from time to time by City Council resolution.
4. Application Requirements. An application for a sign permit shall be made on a form prescribed by the City. The application shall include, at a minimum, a sketch drawn to scale indicating the proposed sign and identifying existing signs on the premises, the sign's location, graphic design, structural and mechanical design and engineering data which ensures its structural stability. The application shall also contain the names and address of the sign company, person authorizing erection of the sign and the owner of the subject property.

The City shall issue a permit for a sign unless the sign is in violation of the provisions of these regulations or other provisions of this Code. Sign permits mistakenly issued in violation of these regulations or other provisions of this Ordinance are void. The City may revoke a sign permit if the City finds that there was a material and misleading false statement of fact in the application for the permit.

5. Design, Construction, and Maintenance. All signs shall be designed, constructed, and maintained according to the following standards:
 - a. All signs shall comply with the applicable provisions of the Uniform Building Code in effect at the time of the sign permit application and all other applicable structural, electrical and other regulations. The issuance of a sign permit under these regulations does not relieve the applicant of complying with all other permit requirements.
 - b. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of these regulations, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building, or other structure by direct attachment to a rigid wall, frame, or structure.
 - c. All signs shall be maintained in a good structural condition and readable at all times.
 - d. The owner shall be responsible for its erection and maintenance and its compliance with the provisions of these regulations or other laws or Ordinances regulating signs.

I. Nonconforming Signs.

1. Alteration of Nonconforming Sign Faces. When a nonconforming sign face is damaged or destroyed by fire, flood, wind, or other calamity or act of nature, such sign face may be restored to its original condition provided such work is completed within 30 days of such calamity. A sign structure or support mechanisms so damaged shall not be replaced except in conformance with the provisions of these regulations.
2. Abandoned Signs. All signs for a business shall be removed within thirty days after that business ceases to operate on a regular basis, and the entire sign structure or structures shall be removed within 6 months of such cessation of operation. Illegal and abandoned signs which are not removed or are erected in violation of this ordinance may be removed by the City of Scotts Mills following notice to the property owner. The property owner will be assessed the cost of sign removal if the owner fails to remove the non-conforming, illegal or abandoned sign and the City exercises its authority under this provision.

J. Variances - Signs. Any allowance for signs not complying with the standards set forth in these regulations shall be by variance. Variances to Chapter 3.6.2 will be processed according to the procedures in Chapter 5.1, but the criteria in Chapter 5.1 shall not be used. The following criteria shall be used to review and decide sign variance applications:

1. There are unique circumstances or conditions of the lot, building or traffic pattern such that the existing sign regulations create an undue hardship;
2. The requested variance is consistent with the purpose of the chapter as stated in Section 3.6.2;
3. The granting of the variance compensates for those circumstances in a manner equitable with other property owners and is thus not a special privilege to any other business. The variance requested shall be the minimum necessary to compensate for those conditions and achieve the purpose of this chapter;
4. The granting of the variance shall not decrease traffic safety nor detrimentally affect any other identified items of public welfare;
5. The variance will not result in a special advertising advantage in relation to neighboring businesses or businesses of a similar nature. The desire to match standard sign sizes (for example, chain store signs) shall not be listed or considered as a reason for a variance; and
6. The variance request shall not be the result of a self-imposed condition or hardship.

3.6.3 Recreational Vehicles

Recreational vehicles parked on developed or undeveloped Single Family, Multi-Family or General Commercial zoned property containing single-family dwellings, shall conform to the following regulations.

1. Recreational vehicles must be parked on a graveled or paved driveway, side yard or back yard, but not within the minimum 20 foot front yard or any side yard street setback.
 2. Recreational vehicles must be property of temporary visitors or the owner/renter of the developed. Property.
 3. Recreational vehicle must be self contained.
 4. Recreational Vehicle shall not connected to septic or sewer.
 5. Developed property may contain a recreational vehicle for residential recreational vehicle use a total of 14 out of 30 consecutive days during the calendar year.
- B. Recreational vehicle use or storage on the property zoned General Commercial or Industrial Commercial is prohibited except in a recreational vehicle park or commercial storage area.
- C. Recreational vehicle storage or overnight use is prohibited on city streets and rights-of-way.

(2007, Ordinance #84)

3.6.4. Open Camping

- A. No open camping shall be permitted on undeveloped property.

3.6.5 Prohibited Uses

- A. Equine Facilities. Equine facilities as defined by ORS 455.315 are prohibited in all zones. (Ordinance 2007, #85)

Chapter 3.7 - Sensitive Lands

Sections:

3.7.0 Sensitive Land Administration

3.7.1 Flood Hazard

3.7.2 Requirements for Wetlands

3.7.3 Requirements for Riparian Corridors

3.7.0 Sensitive Land Administration

A. Description of Sensitive Land. Certain land characteristics may render a site “sensitive” to development. Sensitive land includes, but is not limited to:

1. Land having geologic hazard potential or identified by the Oregon Department of Geology and Mineral Industries (DOGAMI) in *Earthquake Hazard Publication of Small Urban Areas*, hereby incorporated by reference.
2. Land containing soils subject to high erosion hazard when disturbed, or lands containing soils subject to high shrink-swell potential as identified by the USDA Natural Resources Conservation Service in the *Soil Survey of Marion County Area, Oregon*, hereby incorporated by reference.

B. Consideration. An applicant for a land partition or building permit shall consider the geology, topography, soils, vegetation and hydrology of the land when designing a parcel or lot, or siting improvements. The City or Marion County Building Official may impose conditions or modifications necessary to mitigate potential hazards or otherwise provide for compliance with adopted Comprehensive Plan policies.

C. Mitigating Sensitive Land Conditions. The following guidelines shall be considered in the establishment of conditions and mitigating measures:

1. Roads should be located in upland areas on benches, ridge tops and gentle slopes as opposed to steep hillsides and narrow canyon bottoms.
2. Native vegetation removal or soil disturbance should be minimized on moderate and steep slopes and hillsides. If possible, avoid such activities during winter months.
3. Surface water runoff should be minimized or provide appropriate means for handling surface water runoff.
4. Techniques should be utilized that minimize erosion, such as protective ground cover.
5. Engineering assessment of hazard potential should be required for land development.
6. Geotechnical investigations should be required for roads and foundation in slide-prone areas.

D. Notice of Highly Expansive Soils. If the City or Marion County Building Official requires a site soil analysis and site recommendation report as a condition of approval for issuance of a building report for a residence, and the analysis and report identify the presence of highly expansive soils, then prior to issuance of a building permit, such official shall:

1. Include a copy of that report with the construction plans filed with the building permit in City Hall and at Marion County Building Department; and
2. Record in the Marion County Clerk Lien Record a notice containing a legal description of the property and an informational notice in the following form:

This property has been identified as having highly expansive soils. This condition may create special maintenance requirements. Before signing or accepting any instrument transferring title, persons acquiring title should check with the appropriate planning or building department.

E. Development Activities in Wetlands.

1. If the subject property is situated wholly or partially within areas identified as wetlands on Statewide Wetlands Inventory on file at City Hall, and if a permit from the Division of State Lands has not been issued for the proposed activity, the City shall provide notice to the Division of State Lands, the applicant, and the owner of record within 5 days of receipt of the following types of applications:
 - a. Subdivisions, planned unit developments.
 - b. Building permits for new structures.
 - c. Conditional use permits and variances that involve physical alterations to the land or construction of new structures.
 - d. Other development permits and approvals that allow physical alteration of the land, including development in the floodplain.
2. If the Division of State Lands responds to a notice provided by this section, approval of the application shall include one of the following notice statements:
 - a. Issuance of a permit under ORS 541.605 to 541.685 by the Division of State Lands is required for the project before any physical alteration takes place within the wetlands; or
 - b. The Division of State Lands has determined that no permit is required; or
 - c. The Division of State Lands has determined that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.
3. If the Division of State Lands fails to respond to any notice provided under this section within 30 days of notice, the approval of the application shall include written notice to

the applicant and the owner of record that the proposed activity may require state or federal permits.

- F. Partitions and Map Amendments in Wetlands. If the subject property for a partition, or quasi-judicial comprehensive plan map or zoning map amendment is situated wholly or partially within areas identified as wetlands on the Statewide Wetlands Inventory, the City shall provide notice to the applicant and the owner of record of the possible presence of wetlands and the potential need for state and federal permits. The City shall provide the Division of State Lands with a copy of the notification.

3.7.1 Flood Hazard

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

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

- B. Land to Which This Section Applies. The Flood Damage Prevention Section shall apply to all areas of special flood hazards within the jurisdiction of Scotts Mills. The areas of special flood hazard identified by the Federal Insurance Administration on the Flood Insurance Rate Map dated March 1, 1979 is hereby adopted by reference and declared to be a part of this Code. The Flood Insurance Rate Map is on file with the City.

- C. Development Permit.

1. Development Permit Required. A development permit shall be obtained prior to construction or development of a new structure, substantial improvement to any structure, the placement of a manufactured dwelling, or the initiation of other land development activities including, but not limited to, mining, dredging, filling, grading, paving, excavation or drilling operations within any area of special flood

hazard. Agricultural practices of a recurring character are exempt from the provisions of this ordinance.

2. Duties and Responsibilities of the City Recorder. The City Recorder is hereby appointed to administer and implement this section by granting or denying development permit applications in accordance with its provisions. Duties of the City Recorder shall include, but are not limited to, review of all development permits to determine that:
 - a. The permit requirements of this section have been satisfied;
 - b. All necessary permits have been obtained from Federal, State, or local governmental agencies from which prior approval is required;
 - c. The proposed development will not cause a significant negative effect on surrounding properties by changing the flow of flood waters or increasing flood elevations in the immediate vicinity.
3. Use of Other Base Flood Data. When base flood elevation data has not been provided, the City Recorder/Clerk may obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, State, or other source, in order to administer Section D, General Standards.
4. Information to be Obtained and Maintained.
 - a. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section C.3, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new or substantially improved floodproofed structures:
 - i. Verify and record the actual elevation (in relation to mean sea level), and
 - ii. Maintain the floodproofing certifications.
5. Alteration of Watercourses.
 - a. Notify adjacent communities, the Division of State Lands, and the Land Conservation and Development Commission prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

6. Interpretation of FIRM boundaries. Make interpretations where needed as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation. Such appeals shall be granted consistent with the standards of Section 60.6 of the rules and regulations of the National Flood Insurance Program. (44 CFR 59-76)

D. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes must likewise be securely anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

2. Construction Materials and Methods.

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be elevated above the base flood elevation, or shall be designed to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system; and
- b. All new and replacement storm drainage systems shall be designed to minimize or eliminate infiltration of flood waters and discharge into the flood waters.

4. Subdivision Proposals.

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;

- b. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
 - c. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 25 lots or 5 acres (whichever is less).
- 5. Review of Building Permits. Where the average grade elevation cannot be determined from available information, such as the Flood Insurance Map, topographic maps, surveys of adjacent structures or road centerline elevations, the applicant shall submit a record of the average grade elevation as certified by an Oregon registered professional land surveyor. Applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.
- 6. Residential Construction.
 - a. New and substantially improved dwellings shall have the lowest floor, including basement, elevated a minimum of one foot above the base flood elevation.
 - b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by an Oregon registered professional engineer or architect or must meet or exceed the following minimum criteria:
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- 7. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy as certified by an Oregon registered professional engineer; and
 - c. Be certified by an Oregon registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
 - d. Nonresidential structures that are elevated and not floodproofed must meet the same standards for space below the lowest floor.
 - e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
8. Manufactured homes. All manufactured homes to be placed or substantially improved within Zone A shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this section.
9. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRM's as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:
- a. New construction and substantial improvements of residential structures within AO zones shall have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified.)
 - b. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - i. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, to or above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - ii. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level

is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

- c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

3.7.2 Requirements for Wetlands

A. Purpose and Intent.

The purpose of this ordinance is to protect and restore wetlands and the multiple social and environmental functions and benefits these areas provide individual property owners, the community, and the watershed. Specifically, this ordinance is intended to:

1. Protect habitat for fish and other aquatic life,
2. Protect habitat for wildlife,
3. Protect water quality for human uses and aquatic life,
4. Control erosion and limit sedimentation,
5. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,
6. Reduce the effects of flooding,
7. Promote recharge of shallow aquifers,
8. Provide opportunities for recreation and education,
9. Protect open space, and
10. Minimize the economic impact to affected property owners.

B. Definitions.

As used in this ordinance the following words and phrases, unless the context otherwise requires, shall mean:

Functions and Values: Functions refers to the environmental roles served by wetlands and buffer areas including, but not limited to, water quality protection and enhancement, fish and wildlife habitat, flood storage, nutrient attenuation, and sediment trapping. Values refer to the qualities ascribed to a wetland such as educational and recreational opportunities, open space, and visual aesthetic qualities.

Mitigation: Taking one or more of the following actions listed in order of priority:

- a. Avoiding the impact altogether by not taking a certain development action or part of that action;
- b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

- d. Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the development action by monitoring and taking appropriate corrective measures;
- e. Compensating for the impact by replacing or providing comparable substitute resources or environments.

Restoration: To rehabilitate a previously drained or degraded wetland area by providing wetland hydrology, removing fill material, restoring native vegetation or other means of reestablishing wetland features.

Wetland: An area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions.

Wetland Delineation: A determination of wetland presence by a qualified professional that includes marking the wetland boundaries on the ground and/or on a detailed map prepared by professional land survey or similar accurate methods.

C. Procedures for Identifying Wetlands.

1. The wetland regulations contained in this ordinance apply to those wetlands identified and mapped in the City of Scotts Mills Local Wetlands Inventory, Wetland Functional Assessment and Wetland Significance Determination. The ordinance applies to wetlands inside city limits and to wetlands outside the city limits and inside the UGB upon annexation of such land.
2. Wetlands identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy.
 - a. Precise wetland boundaries may vary from those shown on the map. For any proposed development impacting a wetland or within 25 feet of an identified wetland, the applicant shall conduct a wetland delineation and submit it to the Division of State Lands for review and approval. The more precise boundary obtained through a wetland delineation can be identified, mapped, and used for review and development without a change in the wetland inventory mapping.
 - b. Property owners who believe wetlands have been incorrectly mapped on their properties can correct the map by submitting written verification from the Division of State Lands that confirms that there are no wetlands on the property or contains the correct location of the wetlands.

D. Compliance With State and Federal Regulations

1. All activities wholly or partially within wetlands are subject to Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

E. Division of State Lands Notification Required

1. The City shall provide notice to the Division of State Lands, the applicant and the owner of record, within five working days of the acceptance of any complete application for the following activities that are wholly or partially within areas identified as wetlands on the Local Wetlands Inventory or within 25 feet of such areas:
 - a. Subdivisions;
 - b. Building permits for new structures;
 - c. Other development permits and approvals that allow physical alteration of the land involving excavation and grading, including permits for removal or fill, or both, or development in floodplains and floodways;
 - d. Conditional use permits and variances that involve physical alterations to the land or construction of new structures; and
 - e. Planned unit development approvals.
2. This section does not apply if a permit from the Division of State Lands has been issued for the proposed activity.
3. City approval of any activity described in this section shall include one of the following notice statements:
 - (a) Issuance of a permit under ORS 196.600 to 196.905 by the Division of State Lands required for the project before any physical alteration takes place within the wetlands;
 - (b) Notice from the Division of State Lands that no permit is required; or
 - (c) Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill or alter the wetlands are submitted.
4. If the Division of State Lands fails to respond to any notice provided under this section within 30 days of notice, the City approval may be issued with written notice to the applicant and the owner of record that the proposed action may require state or federal permits.
5. The City may issue local approval for parcels identified as or including wetlands on the Local Wetlands Inventory upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and

federal permits and providing the Division of State Lands with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.

3.7.3 Requirements for Riparian Corridors

A. Purpose and Intent

The purpose of this ordinance is to protect and restore water bodies and their associated riparian areas, in order to protect and restore the multiple social and environmental functions and benefits these areas provide individual property owners, communities, and the watershed. The ordinance is based on the “safe harbor” approach as defined in Oregon Administrative Rules 660-23-0090(5) and (8). Specifically, this ordinance is intended to:

1. Protect habitat for fish and other aquatic life,
2. Protect habitat for wildlife,
3. Protect water quality for human uses and aquatic life,
4. Protect any associated wetlands,
5. Control erosion and limit sedimentation,
6. Promote recharge of shallow aquifers,
7. Provide a stream “right of way” to accommodate lateral migration of the channel and protect the stream and adjacent properties,
8. Reduce the effects of flooding,
9. Reserve space for storm water management facilities, other utilities, and linear parks, and
10. Minimize the economic impact to affected property owners.

The intent of the ordinance is to meet these goals by modifying the location, but not the intensity of development, where possible. The ordinance excludes new structures from buffer areas established around fish-bearing streams and any adjacent wetland in Scotts Mills. The ordinance also prohibits vegetation removal or other alteration in these buffers and establishes a preference for native vegetation in the buffers. For cases where buffer establishment creates a hardship for individual property owners, the ordinance provides a procedure to apply for a variance or generate density credits. Changes to the buffer width shall be offset by appropriate restoration or mitigation, as stipulated in the ordinance.

B. Definitions

1. Conservation easement: an option available to the local landowner that conditions the use of the buffer and provides perpetual protection for the resource. The landowner has the option of donating the easement to a land trust as a charitable contribution to reduce the owner’s income tax burden or donating it to a local government for reduction or elimination of property tax on the parcel.

2. Density Compensation: a process to grant a developer of a subdivision or planned unit development compensation for developable land that has been lost due to the buffer requirement.
3. Density Credit: Means granting a developer proposing a subdivision or planned unit development a credit when more than 5 percent of the developable land is consumed by the buffer. Credits are calculated using Table 1. The density credit is accommodated at the development site by allowing greater flexibility in the setbacks, frontage distances or minimum lot sizes.

**Table 1
Density Credit Calculations**

Percent of site lost to buffers	Density credit*
5.1 to 50%	1.0 unit
51 to 70**	1.0 unit
71 to 100**	2.0 units

*Additional dwelling units allowed over base density

**Credit may be transferred to a different parcel

4. Fish Use: streams inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from the natural resources inventory in the comprehensive plan.
5. Impervious Surface: any material which reduces and prevents absorption of storm water into previously undeveloped land.
6. Lawn: grass or similar materials maintained as a ground cover of less than six (6) inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used. Annual or biannual mowing of native grasses, as a part of a vegetation management plan to prevent the incursion of undesirable non-native weed species is allowed.
7. Mitigation: includes taking one or more of the following actions listed in order of priority:
 - a. Avoiding the impact altogether by not taking a certain development action or part of that action;
 - b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

- d. Reducing or eliminating the impact over time by preservation and maintenance operation during the life of the development action by monitoring and taking appropriate corrective measures;
 - e. Compensating for the impact by replacing or providing comparable substitute resources or environments.
8. Net Loss: a permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures taken.
 9. Non-conforming: a structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, through expansion, reconstruction, or substantial improvement may be regulated.
 10. Off-Site Mitigation: habitat mitigation measures undertaken in areas distant from a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.
 11. On-Site Mitigation: habitat measures undertaken within or in proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations directly affected by that action.
 12. Riparian Area: the area adjacent to a river, lake, stream, or wetland, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.
 13. Riparian Buffer: a zone within the riparian area where placement of new structures, surficial alteration and disturbance, and vegetation removal, is limited or prohibited in order to preserve the environmental and social benefits of the riparian area.
 14. Riparian Corridor: includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary
 15. Stream: a channel such as a river or creek that carries flowing surface water including perennial and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels. A stream that has been subsequently channelized or altered by other man-made impacts, or used for irrigation or drainage purposes, is still considered a stream.
 16. Structure: a building or other major improvement that is built, constructed or installed, not including minor improvements, such as utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances.

17. Substantial Improvement: any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred. For the purposed of this definition “Substantial Improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specification which are solely necessary to assure safe living conditions, or

Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

18. Top of Bank: Means the stage or elevation at which water overflows the natural banks of streams or other water of the state, and begins to inundate the upland areas. In absence of physical evidence, the two-year recurrence interval flood elevation may be used to approximate the bankfull stage or delineate the top of bank.

C. Identifying Riparian Areas and Establishing the Location of the Riparian Buffer

1. The natural resources inventory contained in the Comprehensive Plan specifies which streams are fish-bearing and the stream-size category (see Figure __ of the Natural Resources Element of the Comprehensive Plan). Based on the classification contained in this inventory, the following protected riparian corridors shall be established:
 - a. Butte Creek shall have a buffer of 50 feet from the top and on either side of bank except as identified below;
 - b. Where the riparian buffer includes all or portion of a significant wetland as identified in the Natural Resources Element of the Comprehensive Plan or by on-site investigation, the standard distance to establish the riparian buffer shall be measured from, and include, the upland edge of the wetland.

- c. Except as provided for in subsection (b) above, the measurement of the distance to the protected riparian corridor boundary shall be from the top of the bank. The measurement shall be slope distance. In areas where the top of each bank is not clearly defined, the riparian buffer shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward.
- d. The requirement to establish a riparian buffer applies to land inside city limits and to land outside the city limits and inside the UGB upon annexation of such land.
- e. Water areas, wetlands and significant riparian corridors identified in the Comprehensive Plan are shown on maps that may not have site-specific accuracy. Property owners who believe their properties lie outside the depicted riparian buffer can correct the map by submitting a survey, performed by a qualified surveyor (Public Land Surveyor), to the local governing body. The survey must show the normal high water line of the stream on a parcel base map, or where riparian corridors contain significant wetlands, the survey must show the upland edge of the wetland. Wetland delineations, if required, shall be prepared by a qualified environmental consultant and submitted to the Oregon Division of State Lands for review and approval prior to submittal to the City.

D. Protecting Riparian Resource by Managing Activities in the Riparian Buffer

- 1. The permanent alteration of the riparian buffer by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided they are designed to avoid and minimize intrusion into the riparian area, and no other options or locations are feasible, and any applicable state and/or federal permits are obtained as required in Section X.XXX.06:
 - a. Streets, roads, and paths;
 - b. Drainage facilities, utilities, and irrigation pumps;
 - c. Stormwater treatment facilities when they are located in severely degraded parts of the protected riparian corridor and designed so as to enhance overall function of the riparian resource (for example a grassy swale or constructed wetland with a buffer of native vegetation and that is located within previously farmed or cleared area).
 - d. Water-related and water-dependent uses (for example boat launch, fishing dock);
 - e. Replacement of existing structures with structures in the same location that do no disturb additional riparian surface area;

- f. Structures or other non-conforming alterations existing fully or partially within the protected riparian corridor may be expanded provided the expansion does not occur within the riparian buffer. Substantial improvement of a non-conforming structure in the riparian buffer shall require compliance with the standards of this ordinance;
 - g. Existing lawn and non-native plantings within the riparian buffer may be maintained, but not expanded within the protected area. Development activities on the property shall not justify replacement of the riparian buffer area with lawn; and
 - h. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the local government and appropriate natural resource agency staff, for example Oregon Department of Fish and Wildlife, Division of State Lands, Department of Environmental Quality, Water Resources Department. Such alteration of the riparian buffer shall be approved only if less-invasive or nonstructural methods will not adequately meet the stabilization or flood control needs.
2. Removal of riparian vegetation in the buffer is prohibited, except for:
- a. Removal of non-native vegetation and subsequent replacement with native plant species. The City of Scotts Mills will provide a list of native and non-native plant species. The replacement vegetation shall cover, at a minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation;
 - b. Removal of vegetation necessary for the development of approved water-related or water dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use; and
 - c. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the City of Scotts Mills and replanting with native species. If no hazard will be created, the City may require these trees, once felled, to be left in place in the protected riparian corridor.
 - d. Incidental removal of vegetation associated with recreational, educational, scientific research and land survey activities.
3. Exceptions: The following activities are not required to meet the standards of this section if applicable.

- a. Normal and accepted farming and ranching practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the protected riparian corridor since prior to the date of adoption of this ordinance.

E Adjusting Riparian Buffers

1. Permanent alteration of the riparian buffer by placement of structures or impervious surfaces within the riparian buffer, or placement of structures overhanging the riparian buffer, on existing lots or proposals to partition a lot, is allowed subject to approval of a variance granted under subsection 3.7.3 E (4). and subject to the mitigation requirement of subsection 3.7.3 E (3).
2. Subdivisions and planned unit developments proposed after the adoption of this ordinance must conform to the buffer requirements but may apply for density credits to compensate for developable land that has been lost due to the buffer requirement.
 - a. A developer proposing a subdivision or planned unit development can get density credits when more than 5 percent of the developable land is consumed by the buffer. Credits are calculated using Table 1 in subsection 3.7.3 B (3). The density credit is accommodated at the development site by allowing greater flexibility in the setbacks, frontage distances or minimum lot sizes but can be used off-site if on-site accommodation is not practical.
3. Proposals for development activities within the riparian buffer allowed in subsection 3.7.3 E (1). will include proposed mitigation for unavoidable impacts and shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW). The review and/or mitigation recommendation from ODFW shall be submitted with the application. For purpose of implementing Goal 5, the goal is no net loss of protected resources and no net loss of habitat values.
4. Variance
 - a. In cases where the application of the buffer is demonstrated to render an existing lot or parcel unbuildable, a property owner may request a variance to the riparian buffer. Granting of a variance requires findings that satisfy all three of the following criteria:
 - i. The proposed development requires deviation from the riparian buffer standards; and
 - ii. Strict adherence to the riparian buffer standard and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and

- iii. The property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity.

5. Variance Applications

- a. The applicant shall provide sufficient information regarding the proposed development and potential impact to riparian resources and the proposed mitigation plan to allow the ODFW to determine whether the proposal has minimized impacts to the riparian buffer and whether the proposed mitigation will provide equal or better protection of riparian resources. This information includes, but is not necessarily limited to:
 - i. A plot plan showing the top of the stream or waterbody bank, the riparian buffer, any wetlands, and any applicable setbacks;
 - ii. The extent of development within the protected riparian corridor;
 - iii. Uses that will occur within the protected riparian corridor and potential impacts (for example: chemical runoff, noise, etc.);
 - iv. The extent of vegetation removal proposed;
 - v. Characteristics of existing vegetation (types, density);
 - vi. Any proposed alterations of topography or drainage patterns,
 - vii. Existing uses on the property and any potential impacts they could have on riparian resources, and
 - viii. Proposed mitigation.

F. Compliance With State and Federal Regulations. All activities wholly or partially within riparian corridors are subject to applicable Division of State Lands permit requirements under the Removal-Fill Law and U.S. Army Corps of Engineers permit requirements under Section 404 of the Clean Water Act. Where there is a difference between local, state or federal regulations, the more restrictive regulations shall apply.

G. Violations.

Any activities within a riparian buffer not authorized under this ordinance are a violation. Violators shall be subject to the enforcement procedures pursuant to Scotts Mills' Development Code. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

H. Conflicts.

To best protect important functions and values of riparian buffers in the event that the requirements of this section conflict with other ordinance requirements, the City shall apply the requirements that best provide for the protection of the resource.

I. Severability.

The sections and subsections of this ordinance are severable. The invalidity of one section or subsection shall not affect the validity of the remaining sections, or permit approvals and prosecutions brought pursuant to this section.