CHAPTER 3 — Community Design Standards

Chapters:

Chapter 3.0 - Design Standards Administration

Sections:

3.0.100 Design Standards - Purpose

The following provisions describe how the Community Design Standards (Chapter 3) are intended to be applied and the relationship between Chapter 3 and the supplemental design standards for specific land uses and building types contained in Chapter 2.

3.0.200 Design Standards - Applicability

The standards in Chapter 3 are applied based on whether a project is classified as a *Major Project* or a *Minor Project*. In addition, each chapter of Chapter 3 contains "applicability directions." In general, the chapters are applied as follows:

A. Major Project. Major projects, including developments that require Site Design Review (Chapter 4.2), Land Division approval (Chapter 4.3), Master Planned Development (Chapter 4.5), and amendments to the Comprehensive Plan or Zoning Map (Chapter 4.7), must conform to the applicable sections of:

- Access and Circulation (Chapter 3.1)
- Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
- Parking and Loading (Chapter 3.3)
- Public Facilities (Chapter 3.4)
- Surface Water Management (Chapter 3.5)
- Signs (Chapter 3.8)
- Sensitive Lands (Chapter 3.7)

B. Minor Project. Minor projects are small developments and land use actions that require only Land Use Review or Conditional Use approval (no site design review). The following chapters generally apply; however, individual sections will not apply to some projects.

- Access and Circulation (Chapter 3.1)
- Landscaping, Street Trees, Fences and Walls (Chapter 3.2)
- Parking and Loading (Chapter 3.3)
- Surface Water Management (Chapter 3.5)
- Signs (Chapter 3.6)
- Sensitive Lands (Chapter 3.8)

C. Non-Conforming Situations. See Chapter 5.3 for provisions related to non-conforming uses and developments.

Chapter 3.1 — Access and Circulation

Sections:

3.1.100 Purpose

The purpose of this Chapter is to ensure that developments provide safe, efficient and attractive access and circulation for pedestrians and vehicles. Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian access and circulation. Standards for streets and other transportation system improvements are provided in Section 3.4.100.

3.1.200 Vehicular Access and Circulation

A. Intent and Purpose. The intent of this Section is to manage access to land uses and on-site circulation, and to preserve the transportation system in terms of safety, capacity, and function. This Section applies to all public streets within the City of Cottage Grove, and to all properties that abut these roadways. This Section implements the access management policies of the Cottage Grove Transportation System Plan.

B. Applicability. This Chapter applies to all public streets within the City and to all properties that abut these streets. The standards apply when lots are created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation; and when properties are subject to Land Use Review or Site Design Review.

C. Access Permit Required. Access (e.g., a new curb cut or driveway approach) to a public street requires an Access Permit. 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. In either case, approval of an access permit shall follow the procedures and requirements of the applicable road authority (i.e. Cottage Grove, Lane County or ODOT), Permits shall be processed as Type I applications, normally at time of Land Use Review. If the developer proposes exceptions to the standards of this chapter, the permit shall be processed as a Type II application.

D. State Access Permits. ODOT has responsibility and authority in managing access to State Highways. Projects with direct access onto a State Highway shall be required to obtain a State access permit. An approved State access permit must be submitted as part of all Type II and III land use permits. Conditions placed by the State upon these access permits shall be considered conditions of approval for all applicable development approvals.

E. Traffic Study Requirements. The City may require a traffic study prepared by a qualified professional to determine access, circulation, and other transportation requirements in

conformance with Section 4.1.900, Traffic Impact Study.

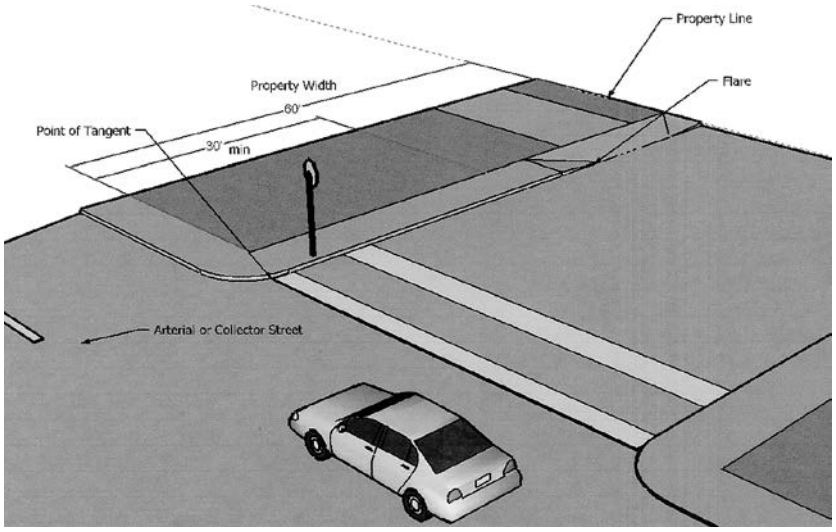
F. Conditions of Approval. The City may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system.

G. Corner and Intersection Separation; Backing onto Public Streets. New and modified accesses shall conform to the following standards:

1. Except as provided under subsection 4, below, the distance from a street intersection to a driveway or other street access shall meet the minimum spacing requirements for the street's classification in the City's Transportation System Plan. No driveway approach may be located closer to the corner than 30 feet on local streets, 50 feet on collector streets, and 75 feet on arterials;

2. When the above requirements cannot be met due to lack of frontage, the driveway may be located such that the driveway apron will begin at the farthest property line, but at no time shall new property access be permitted within 30 feet of an intersection. Where no other alternatives exist, the City may allow construction of an access connection at a point less than 30 feet from an intersection, provided the access is as far away from the intersection as possible (See Figure 3.1.200.G). In such cases, the City may impose turning restrictions (i.e., right in/out, right in only, or right out only);

Figure 3.1.200.G Driveway Location Alternative



3. Access to and from off-street parking areas shall not permit backing onto a public street, except for single-family and two-family dwellings;

4. The City may reduce required separation distance of access points where they prove

impractical due to lot dimensions, existing development, other physical features, or conflicting code requirements, provided all of the following requirements are met:

a. Joint-use driveways and cross-access easements are provided in accordance with subsection 3.1.200.H;

b. The site plan incorporates a unified access and circulation system in accordance with this Section; and

c. The property owner(s) enter in a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint-use driveway.

H. Site Circulation. New developments shall be required to provide a circulation system that accommodates expected traffic on the site. Pedestrian connections on the site, including connections through large sites, and connections between sites (as applicable) and adjacent sidewalks, must conform to the provisions in Section 3.1.300.

I. Joint and Cross Access – Requirement. The number of driveway and private street intersections with public streets should be minimized by the use of shared driveways for adjoining lots where feasible. When necessary for traffic safety and access management purposes, or to access flag lots, the City may require joint access and/or shared driveways in the following situations as follows:

1. For shared parking areas;

2. For adjacent developments, where access onto an arterial is limited;

3. For multi-tenant developments, and multi-family developments on multiple lots or parcels. Such joint accesses and shared driveways shall incorporate all of the following:

   a. A continuous service drive or cross-access corridor that provides for driveway separation consistent with the applicable transportation authority's access management classification system and standards;

   b. A design speed of 10 miles per hour and a maximum paved width of 24 feet, in addition to any parking alongside the driveway; additional driveway width or fire lanes may be approved when necessary to accommodate specific types of service vehicles, loading vehicles, or emergency service provider vehicles;

   c. Driveway stubs to property lines (for future extension) and other design features to make it easy to see that the abutting properties may be required with future development to connect to the cross-access driveway;

   d. Fire Department-approved turnaround for service drives or driveways over 150 feet long.

J. Joint and Cross Access – Reduction in Required Parking Allowed. When a shared driveway is provided or required as a condition of approval, the land uses adjacent to the shared driveway may have their minimum parking standards reduced in accordance with the shared parking provisions of Section 3.3.300.C.

K. Joint and Cross Access – Easement and Use and Maintenance Agreement. Pursuant to this Section, property owners shall:

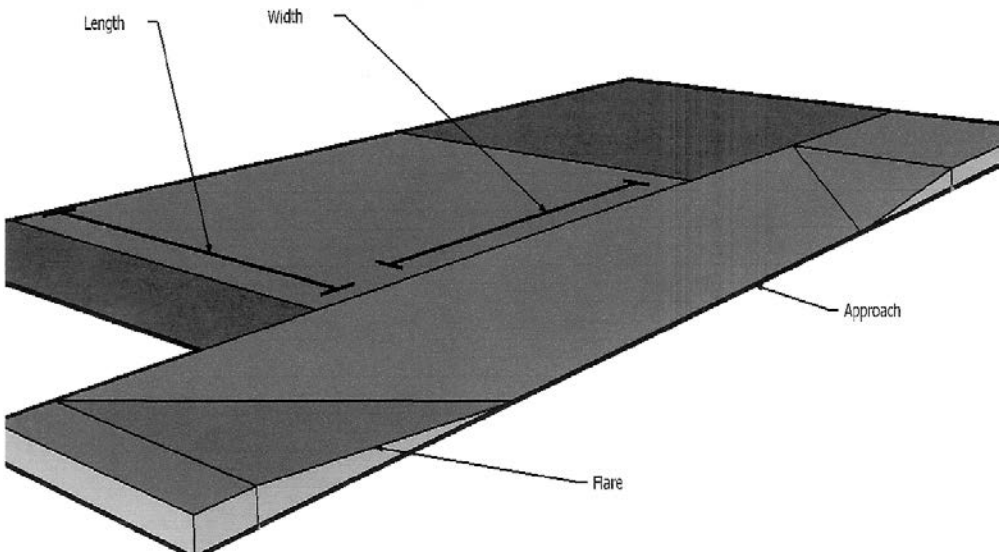
1. Record an easement with the deed allowing cross-access to and from other properties served by the joint-use driveways and cross-access or service drive;

2. Record an agreement with the deed that remaining access rights along the roadway for the subject property shall be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;

3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

L. Access Connections and Driveway Design. All commercial and industrial driveway connections to a public right-of-way (access) and driveways shall conform to all of the following design standards:

Figure 3.1.200.L(1) Driveway Elements



1. Driveway Dimensions. Driveways shall meet the following standards:

   a. Driveway Width. The width of the driveway (measured along the curbline) shall not exceed the following dimensions:

DRIVEWAY WIDTH

Frontage	**One Driveway Approach**	**Two Driveway Approaches**
(in feet)	(min/max in feet)	(min/max in feet)
Under 30	12/16	Not Permitted
30 to 60	12/20	Not Permitted
60 to 80	12/30	12/22
Over 80, but not exceeding 100	12/30	12/30

   b. Commercial Driveway Throat Lengths. Minimum commercial driveway throat lengths, measured from curb line to first on-site conflict point, are 35 feet (approximately 2 car lengths) on commercial collector and arterial streets. The City may require longer driveway throat lengths when deemed necessary.

2. Driveway Approaches. Driveway approaches shall be designed and located based on the following considerations:

   a. Provide exiting vehicles with an unobstructed view of other vehicles and pedestrians

   b. Prevent vehicles from backing into the flow of traffic on the public street or causing conflicts with on-site circulation;

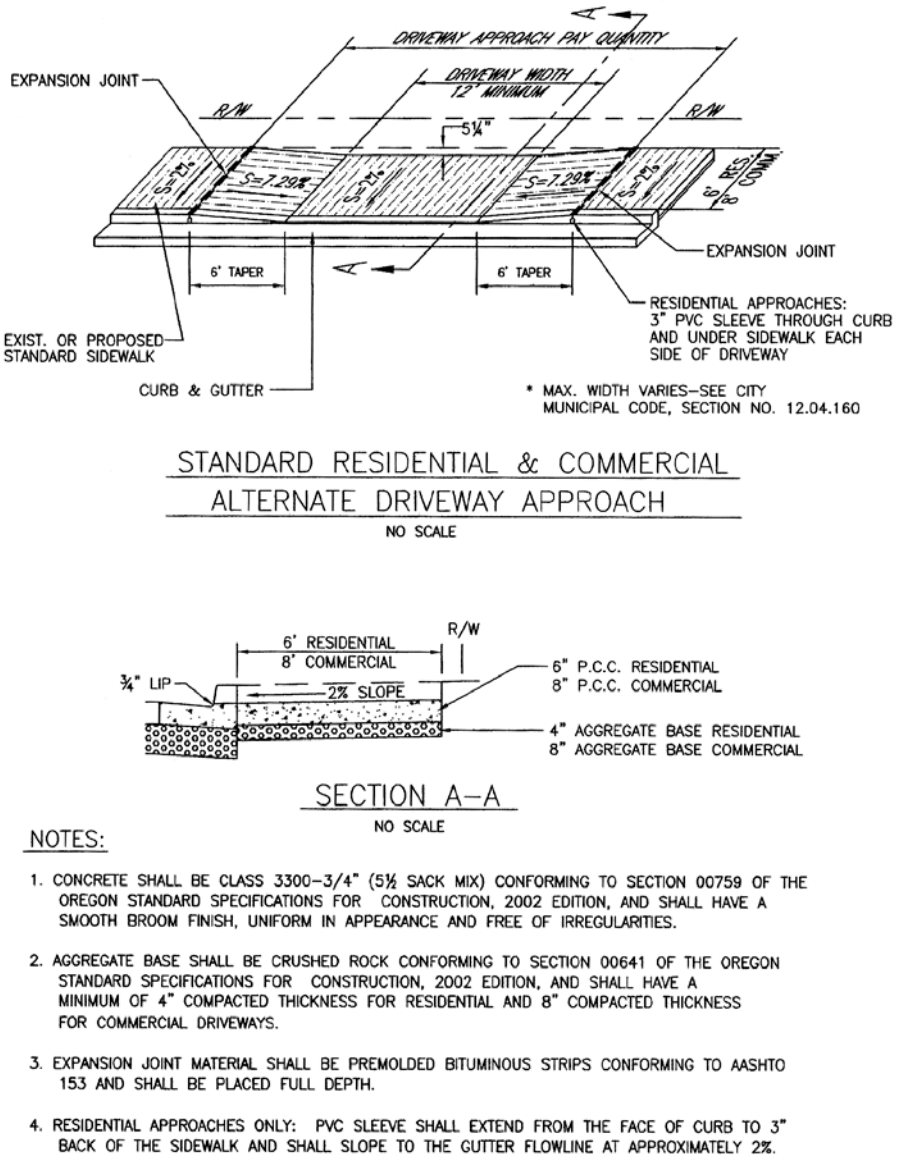
   c. Avoid construction of driveway accesses along acceleration or deceleration lanes or tapers due to the potential for vehicular conflicts;

   d. Locate driveways to allow for safe maneuvering in and around loading areas. See also, Chapter 3.8, Loading;

   e. Access corner tracts from the lesser (lowest classification) street; and

   f. Consider characteristics of property, including location, size and orientation of structures on site, number of driveways needed to accommodate anticipated traffic, location and spacing of adjacent or opposite driveways.

Figure 3.1.200.L(2) Example of Acceptable Driveway Approach construction

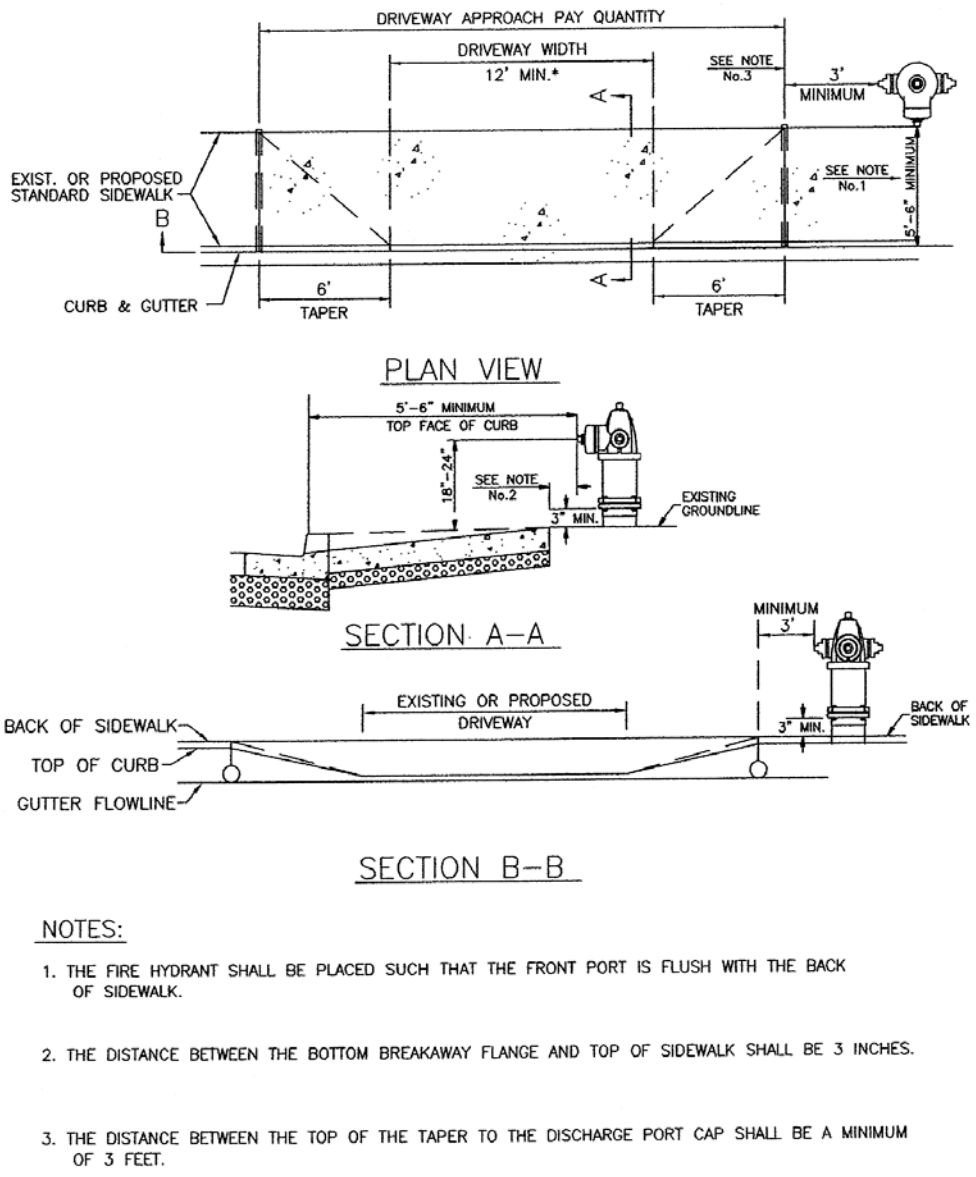


NOTES:

1. CONCRETE SHALL BE CLASS 3300–3/4" (5½ SACK MIX) CONFORMING TO SECTION 00759 OF THE OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2002 EDITION, AND SHALL HAVE A SMOOTH BROOM FINISH, UNIFORM IN APPEARANCE AND FREE OF IRREGULARITIES.
2. AGGREGATE BASE SHALL BE CRUSHED ROCK CONFORMING TO SECTION 00641 OF THE OREGON STANDARD SPECIFICATIONS FOR CONSTRUCTION, 2002 EDITION, AND SHALL HAVE A MINIMUM OF 4" COMPACTED THICKNESS FOR RESIDENTIAL AND 8" COMPACTED THICKNESS FOR COMMERCIAL DRIVEWAYS.
3. EXPANSION JOINT MATERIAL SHALL BE PREMOLDED BITUMINOUS STRIPS CONFORMING TO AASHTO 153 AND SHALL BE PLACED FULL DEPTH.
4. RESIDENTIAL APPROACHES ONLY: PVC SLEEVE SHALL EXTEND FROM THE FACE OF CURB TO 3" BACK OF THE SIDEWALK AND SHALL SLOPE TO THE GUTTER FLOWLINE AT APPROXIMATELY 2%.

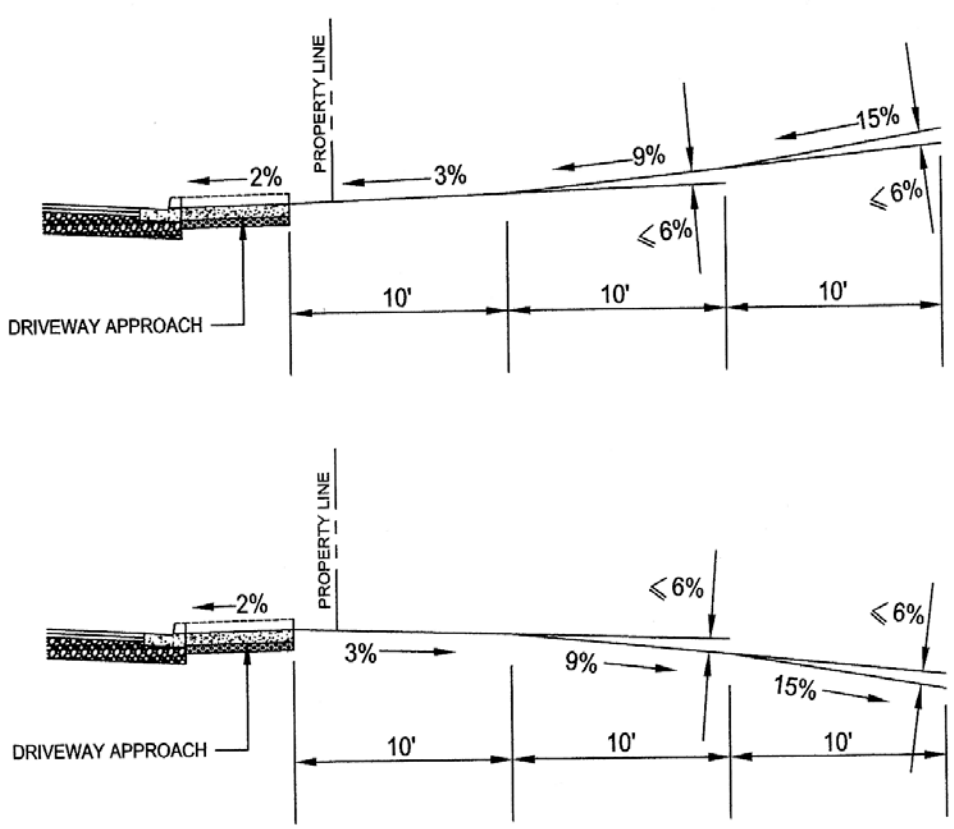
3. Driveway Construction. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown in Figure 3.1.200.L(2). Driveway aprons shall conform to ADA requirements for sidewalks and walkways, which generally require a continuous unobstructed route of travel that is not less than 4 feet in width, with a cross slope not exceeding 2%, and providing for landing areas and ramps at intersections. Driveways shall conform to Fire Code requirements for placement of driveways next to fire hydrants, as shown in Figure 3.1.200.L(3). See also Engineering Department standards for driveway construction.

Figure 3.1.200.L(3) Fire Hydrant & Driveway Spacing



4. Driveway Slopes. Driveways shall be sloped to ensure that vehicles can be parked on the driveway, rather than in the street. Examples of acceptable driveway slopes are shown in Figure 3.1.200.L(4). The maximum grade for a residential driveway shall be 15%. The maximum grade for a commercial/industrial driveway shall be 7%. The change in grade after the driveway approach should not exceed +/- 6 percent in 10 feet for all driveways. Commercial and industrial driveways that have a change in grade of 3% in 10 feet and 6 percent in 10 feet shall have a 10 foot vertical curve connecting tangents.

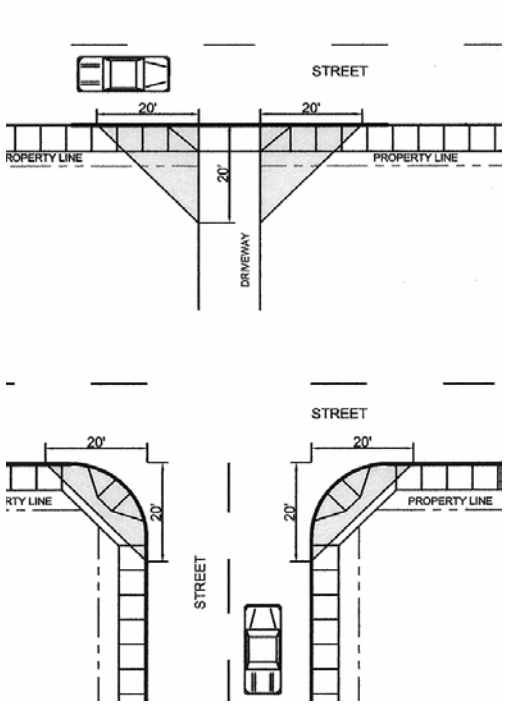
Figure 3.1.200.L(4) Example of Acceptable Driveway Slopes



M. Fire Access and Turnarounds. When required under the Uniform Fire Code, fire access lanes with turnarounds shall be provided. Except as waived in writing by the Fire Marshal, 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. The drive shall contain unobstructed adequate aisle width of 20 feet with paved surface between 14-20 feet, an unobstructed vertical clearance of 13 feet 6 inches and approved turn-around area for emergency vehicles, as required by the current adopted Oregon Fire Code. The Fire Marshal may require that fire lanes be marked as "No Stopping/No Parking." For requirements related to cul-de-sacs or dead-end streets, please refer to Section 3.4.100.N.

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

Figure 3.1.200.N Vision Clearance Areas



O. Vision Clearance. No visual obstruction (e.g., sign, structure, solid fence, or shrub vegetation) between 2 1/2 feet and 8 feet in height shall be placed in "vision clearance areas" on streets, driveways, alleys, or mid-block lanes, as shown in Figure 3.1.200.N. The minimum vision clearance area may be modified by the City Engineer upon finding that more or less sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). This standard does not apply to light standards, utility poles, trees trunks and similar objects.

P. Construction. The following development and maintenance standards shall apply to all driveways, parking areas, turnarounds, alleys and private streets:

1. Surface Options. Driveways, parking areas, alleys, aisles, and turnarounds may be paved with asphalt, concrete, or comparable surfacing, or an approved durable non-paving or porous paving material, excluding gravel, may be used to reduce surface water runoff and protect water quality. Driveway and street materials shall be subject to review and approval by the City Engineer.

2. Surface Water Management. When non-porous paving is used, all driveways, parking areas, alleys, aisles, and turnarounds shall have on-site collection 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 Chapter 3.5 and

applicable engineering standards. Single-family and two-family dwellings shall be exempt from this standard.

3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing and conform to the City's engineering design criteria and standard specifications. (See general illustrations in Section 3.1.200.L, above.)

3.1.300 Pedestrian Access and Circulation

A. Site Layout and Design. To ensure safe, direct, and convenient pedestrian circulation, all developments, except single-family and two-family detached housing (i.e., on individual lots), shall provide a continuous pedestrian system. The pedestrian system shall be based on the standards in subsections 1-3, below:

1. Continuous Walkway System. The pedestrian walkway system shall extend throughout the development site and connect to all future phases of development, and to existing or planned off-site adjacent trails, public parks, and open space areas to the greatest extent practicable. The developer may also be required to connect or stub walkway(s) to adjacent streets and to private property with a previously reserved public access easement for this purpose, in accordance with the provisions of Section 3.1.200, Vehicular Access and Circulation, and Section 3.4.100, Transportation Standards.

2. Safe, Direct, and Convenient. Walkways 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 involve a significant amount of out-of-direction travel for likely users.

   b. Safe and convenient. Routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.

   c. "Primary entrance" for commercial, industrial, mixed use, public, and institutional buildings 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.

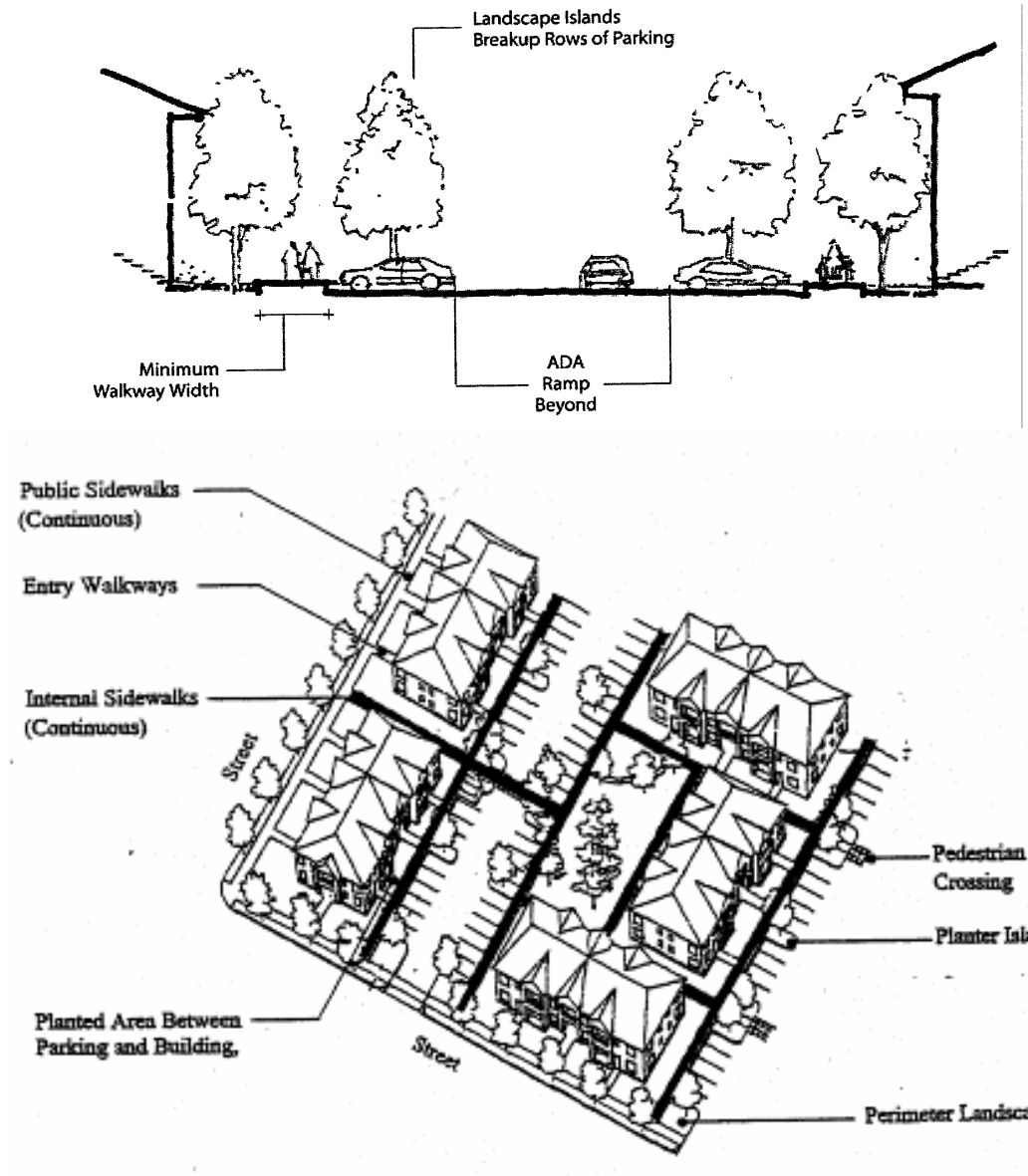
   d. "Primary entrance" for residential buildings is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the "primary entrance" may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.

3. Connections Within Development. Connections within developments shall be provided as required in subsections a-c, below:

   a. Walkways shall connect all building entrances to one another to the extent practicable, as generally shown in Figure 3.1.300.A(1);

   b. Walkways shall connect all on-site parking areas, storage areas, recreational facilities and common areas, and shall connect off-site adjacent uses to the site to the extent practicable. Topographic or existing development constraints may be cause for not making certain walkway connections, as generally shown in Figure 3.1.300.A(1); and

Figure 3.1.300.A(1) Pedestrian Pathway System (Typical)



c. Large parking areas shall be broken up so that no contiguous parking area exceeds 3 acres. Parking areas may be broken up with plazas, large landscape areas with pedestrian access ways (i.e., at least 20 feet total width), streets, or driveways with street-like features. Street-like features, for the purpose of this section, means a raised sidewalk of at least 4-feet in width, with 6-inch curb, accessible curb ramps, street trees in planter strips or tree wells, and pedestrian-oriented lighting. (See also standards in Section 2.3.150.)

B. Walkway Design and Construction. Walkways, including those provided with pedestrian access ways, shall conform to all of the standards in subsections 1-5, as generally illustrated in Figure 3.1.300.B:

1. Vehicle/Walkway Separation. Except for crosswalks (subsection 2), where a walkway abuts a driveway or street, it shall be raised 6 inches and curbed along the edge of the driveway/street. Alternatively, the decision body may approve a walkway abutting a driveway at the same grade as the driveway if the walkway is protected from all vehicle maneuvering areas. An example of such protection is a row of decorative metal or concrete bollards designed for withstand a vehicle's impact, with adequate minimum spacing between them to protect pedestrians.

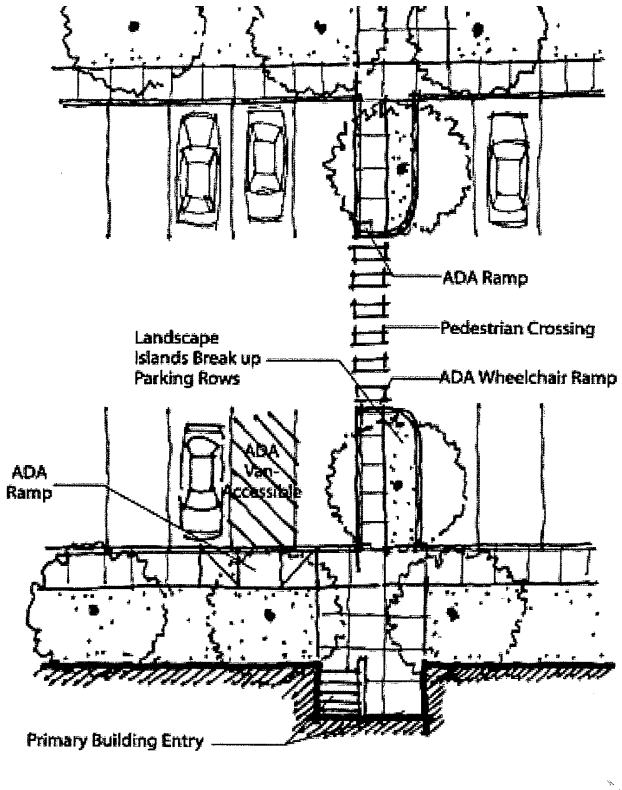
2. Crosswalks. Where walkways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with striping or contrasting paving materials (e.g., light-color concrete inlay between asphalt), which may be part of a raised/hump crossing area.

3. Walkway Width and Surface. Walkway and accessway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, as approved by the City Engineer, at least 6 feet wide. Multi-use paths (i.e., for bicycles and pedestrians) shall be concrete or asphalt, at least 10 feet wide. (See also, Section 3.4.100 - Transportation Standards for public, multi-use pathway standard.)

4. Accessible routes. Walkways shall comply with applicable Americans with Disabilities Act (ADA) requirements. The ends of all raised walkways, where the walkway intersects a driveway or street shall provide ramps that are ADA accessible, and walkways shall provide direct routes to primary building entrances.

5. Sidewalk construction and maintenance. Sidewalk construction and maintenance shall be the responsibility of the abutting property owner.

Figure 3.1.300B Pedestrian Walkway Detail (Typical)



Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

Sections:

3.2.100 Purpose

The purpose of Chapter 3.2 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. The Chapter is organized into the following sections:

Section 3.2.200 - 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 3.2.300 - 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 relevant standards are provided in Chapter 2, Land Use Districts, for specific types of development.

Section 3.2.400 - Street Trees sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.

Section 3.2.500 - Fences and Walls sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

3.2.200 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, controls erosion, and allows for water conservation due to larger plants having established root systems.

B. Significant Vegetation. "Significant vegetation" means individual trees and shrubs within designated Willamette River Greenway and/or Riparian areas, in accordance with Chapter 3.7, and trees not within a Sensitive Lands area that have a caliper of 8 inches or larger, except that protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University (OSU) Extension Service in the applicable OSU bulletins for Lane County, and plants listed by the City as prohibited street trees and landscape plants. Non-native, invasive plants include, but are not limited to: purple loosestrife, leafy spurge, yellow starthistle, puncture vine, gorse, scotch broom, and non-native blackberry.

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 diameter or caliper at 4 feet above grade. 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 construction boundaries, building setbacks, and other protection or mitigation requirements.

D. Protection Standards. Significant trees and shrubs identified as meeting the criteria in Section B, above, shall be retained to minimize the risk of erosion, landslide, and stormwater runoff. Where protection is impracticable because it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district, the City may allow removal of significant vegetation from the building envelope as defined by required yard setbacks. Where other areas must be disturbed to install streets or utilities, the applicant may be required to restore such areas after construction with landscaping or other means to prevent erosion and to protect the public health, safety, and welfare. With the owner's consent, the City may accept a land dedication or become a party to a conservation easement on private property for conservation purposes.

E. Construction. All significant vegetation on a site that is not otherwise designated and approved by the City for removal shall be protected prior to, during, and after construction in accordance with a limit-of-clearing and grading plan approved by the City. The City may limit grading activities and operation of vehicles and heavy equipment in and around significant vegetation areas to prevent compaction, erosion, pollution, or landslide hazards.

F. Exemptions. The protection standards in "D" and "E" shall not apply to:

1. Dead or Diseased Vegetation. Dead or diseased significant vegetation may be removed through a Type I Land Use Review.

2. Hazardous Vegetation and Other Emergencies. Significant vegetation may be removed without land use approval pursuant to Chapter 4 when the vegetation poses an immediate threat to life or safety, or the vegetation must be removed for other reasons of emergency (e.g., fallen over road or power line, blocked drainage way, or similar circumstance), as determined by the City or emergency service provider.

3.2.300 Landscaping

A. Applicability. This Section shall apply to all new developments requiring Site Design Review. This section is not applicable to single-family or two-family dwellings.

B. Landscaping Plan Required. A landscape plan is required. All landscape plans shall conform to the requirements in Chapter 4.2.500, Section B.5 (Landscape Plans).

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

1. Residential and Residential-Commercial Districts. 10% of the site. (*Note: Not applicable to detached single-family or two-family homes*.)

2. Central Business District. 0% of the site.

3. Community Commercial District. 10% of the site.

4. Commercial Tourist District. 15% of the site.

5. Commercial Tourist Limited District. 15% of the site.

6. Light Industrial District. 5% of the site.

7. Medium/Heavy Industrial District. 5% of the site.

8. Parks & Recreation District. 0% of the site.

Note: A 0% minimum landscaping requirement does not override requirements within individual sections of this code. See 3.2.300E.

D. Landscape Materials. Permitted landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below. "Coverage" is based on the projected size of the plants at maturity, i.e., typically 3 or more years after planting.

1. Existing Vegetation. Existing non-invasive vegetation may be used in meeting landscape requirements. When existing mature trees are protected on the site (e.g., within or adjacent to parking areas) the decision making body may reduce the number of new trees required depending on the number and size of existing tree(s) protected.

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. When new vegetation is planted, soils shall be amended, as necessary, to allow for healthy plant growth.

3. "Non-native, invasive" plants, as per Section 3.2.200.B, shall be removed during site development and the planting of new invasive species is prohibited.

4. Hardscape features, i.e., patios, decks, plazas, etc., may cover up to 10 percent of the required landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.

5. Ground Cover Standard. All landscaped area, whether or not required, that is not planted with trees and shrubs, or covered with non-plant material (subsection 8, below), shall have ground cover plants that are sized and spaced as follows: a minimum of one plant per 12 inches on center in triangular spacing, or other planting pattern that is designed to achieve 75 percent coverage of the area not covered by shrubs and tree canopy.

6. Tree Size. Trees shall have a minimum diameter or caliper 4 feet above grade of 2 inches or greater at time of planting.

7. Shrub Size. Shrubs shall be planted from 5 gallon containers or larger.

8. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used, but shall cover no more than 25 percent of the area to be landscaped and shall be confined to areas underneath plants. Non-plant ground covers cannot be a substitute for ground cover plants.

9. Significant Vegetation. Significant vegetation protected in accordance with Section 3.2.200 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 3.2.400 may be waived by the City when existing trees protected within the front or street side yard provide the same or better shading and visual quality as would otherwise be provided by street trees.

10. Storm Water Facilities. Storm water treatment facilities (e.g., detention/retention ponds and swales designed for water quality treatment), when required under Section 3.4.400, shall be landscaped with water tolerant, native plants, including native grasses.

E. Landscape Design Standards. All yards, parking lots, and required street tree planter strips that are required to meet the standards of this Section shall be landscaped to provide, as applicable, erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following criteria:

1. Yard Setback Landscaping. Landscaping in yards shall:

   a. Provide visual screening and privacy within side and rear yards and from incompatible adjoining uses or busy streets;

   b. Use shrubs and trees as wind breaks;

c. Retain natural vegetation;

d. Define pedestrian pathways and open space areas with landscape materials;

e. Provide focal points within a development, for example, by preserving large or unique trees or groves, 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.

2. Parking areas.

a. A minimum of 10 percent of the total surface of all parking areas as measured around the perimeter of parking spaces and maneuvering areas shall be landscaped. Such landscaping shall consist of trees and shrubs and/or ground cover plants that conform to the criteria in Section 3.2.300.E.1.a-h above. "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.

b. Parking area landscaping shall consist of at minimum:

1) Trees: 1 tree for every 3,000 square feet of paved vehicular use area evenly distributed throughout site;

2) Landscaping between street and parking area within 50 feet of street: A landscape strip at least 7 feet in width is required between a street and parking area. It may be pierced by pedestrian and vehicular accessways. Strips shall be planted with low shrubs to form a continuous screen at least 30 inches high and maintained not to exceed 42 inches high or a masonry wall; and shall contain 1 canopy tree every 30 linear feet as measured along street lot line and living plant materials covering 75% of required landscape area within 3 years;

3) Perimeter parking area landscaping: All parking areas shall provide perimeter Landscape strip at least 7 feet in width along perimeter of parking lot must include 100% site obscuring 6 foot fence or wall against interior lot lines of residential districts, or 50% site obscuring 6 foot fence (chain link with slats and vegetation) against interior lot lines of adjoining commercial or industrial properties; and

5) Planting islands: Planting islands shall be provided at the ends of each parking row and at intervals within parking rows so that no parking stall is more than 45

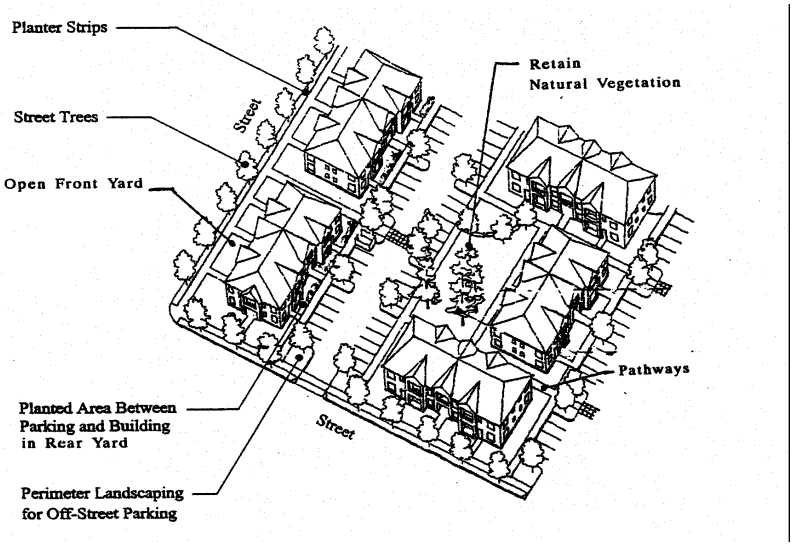
feet from a planting island. Planting islands shall be at least 7 feet in width, as measured from the outside edge of a 6 inch wide curb, and a minimum area of 140 square feet. Each of these islands shall provide at least 1 canopy tree.

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 7 foot wide landscape strip shall be located parallel to the street to provide visual buffering. The 7 foot wide landscape strip shall include either an evergreen hedge; decorative wall (masonry or similar quality material) with openings; arcade, trellis, or similar partially opaque structure 3-4 feet in height. The required screening shall have breaks, where necessary, to allow pedestrian access to the site. The design of the wall or screening shall also provide breaks or openings for visual surveillance of the site and 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 1 year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other vegetative ground cover to provide 75% vegetative cover. All landscaping shall be irrigated.

   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 curb and a raised walkway, plaza, or landscaped buffer not less than 5 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect pedestrians, landscaping, and buildings from being damaged by vehicles. Where parking areas are located adjacent to residential ground-floor living space, a 4-foot wide landscape buffer with a curbed edge may fulfill this requirement.

Figure 3.2.300E General Landscape Areas (Typical)



c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Other Screening When Required. All mechanical equipment, outdoor storage and manufacturing areas shall be screened from view from all public streets and adjacent Residential districts. Garbage areas and/or containers shall be screened on all sides regardless of their location on the property. When these or other areas are required to be screened, such screening shall be provided by:

1) A decorative wall (i.e., masonry or similar quality material),

2) An evergreen hedge,

3) An opaque fence complying with Section 3.2.500, or

4) A similar feature that provides an opaque 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 3.2.500 for standards specific to fences and walls.)

d. Flag Lot Screen. In approving a flag lot, the City may require a landscape screen and/or fence be installed along property line(s) of the flag lot, for privacy of adjoining residents, in accordance with the provisions of Section 4.3.115. A flag lot screen shall not be required if the abutting property owner(s) indicate in writing that they do not want a screen or fence; however, the owner may install one at his or her discretion.

F. Maintenance and Irrigation. Irrigation is required for all required commercial, industrial or multi-family landscape areas. The use of drought-tolerant plant species is encouraged. 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 man-made features required by this Code shall be maintained in good condition, or otherwise replaced by the owner. Backflow devices shall be required for all irrigation systems.

3.2.400 Street Trees

Street trees shall be planted for all developments that are subject to Subdivision, Master Plan or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.100, Transportation Standards. Planting of street trees shall generally follow construction of curbs and sidewalks; however, the City may defer tree planting until final inspection of completed dwellings to avoid damage to trees during construction. The planting and maintenance of street trees shall conform to the following standards and guidelines and any applicable road authority requirements:

A. Growth Characteristics. Trees shall be selected based on climate zone, growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection by developers and approval by the City:

1. Provide a broad canopy where shade is desired and over pedestrian walkways or parking areas, except where limited by available space or except in section 4.

2. Use low-growing trees for spaces under low utility wires.

3. Select trees that can be “limbed-up” to comply with vision clearance requirements.

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 trees that produce excessive seeds or fruit.

7. Select trees that are well-adapted to the environment, including soil, wind, sun exposure, temperature tolerance, and exhaust. Drought-resistant trees should be chosen where they suit the specific soil type.

8. Select trees for their seasonal color if desired.

9. Use deciduous trees for summer shade and winter sun, unless unsuited to the location due to soil, wind, sun exposure, annual precipitation, or exhaust.

10. The diameter of the tree trunk at maturity shall not exceed the width and size of the planter strip or tree well.

B. Caliper Size. The minimum diameter or caliper size at planting, as measured 4 feet above grade, shall be 2 inches.

C. Spacing and Location. Street trees shall be planted within the street right-of-way within existing and proposed planting strips or in sidewalk tree wells on streets without planting strips, except when utility easements occupy these areas. Selected street tree species should be low maintenance and not interfere with public safety. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity and, at a minimum, the planting area shall contain 16 square feet, or typically, 4 feet by 4 feet. 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. All street trees shall be placed outside utility easements. If preexisting utility easements prohibit street trees within the sidewalk, required trees may be located in the front yard setback or within other required landscape areas as approved by the approval body.

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 three years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first three years after planting, after which the adjacent property owners shall maintain the trees.

E. Street Tree List. See the following list for appropriate street trees. The developer may plant a tree species not included on this list when approved by the Community Development Director.

Table 3.2.400(F) TREES APPROVED FOR STREET TREE PLANTING

***THE SPACING OF STREET TREES WILL BE ON AVERAGE 30 FEET ON CENTER, EXCEPT IN SPECIAL PLANTING DESIGNATED OR APPOVED BY A LANDSCAPE ARCHITECT.*

Class I Ultimate height to thirty feet; for use where planter strip is less than four feet, or where there are overhead wires.

List of Acceptable Trees for Class I

Flowering Ash	Glorybower	Shadbush
Bitter Cherry	Goldenrain tree	Shantung Maple
Chitalpa	Lavelle Hawthorne	Silver Bell
Flowering Dogwood	Japanese Lilac	Tartarian Maple
Eastern Redbud	Amur Maple	Trident Maple
Franklin	Paperbark Maple	

Class II Ultimate height thirty-one to fifty feet, for use where planter strip is four to eight feet.

List of Acceptable trees for Class II

Claret Ash	Chinese Scholar Crimson	Hedge Maple
European Ash	Chinese Elm	Red Maple
Green Ash	American Hornbeam	Schwedleri Norway Maple
Modesto Ash	King Norway Maple	Forest Green Hungarian Oak
Oregon Ash	Columnar Norway Maple	Westminister Globe Oak
Tupelo		

Class III Ultimate height fifty-one feet and above, for use where planter strip is greater then six feet.

List of Acceptable Trees for Class III

White Alder	Douglas Fir	Northern Red Oak
Blue Ash	Gingko (Male Only)	Pin Oak
White Ash	Western Hemlock	Red Oak
White Birch	Japanese Zelkova	Scarlet Oak
American Birch	Katsura	Shumard Oak
Columnar European Beech	Kentucky Coffee Tree	Swamp White Oak
European Beech	London Plane	White Oak
Bald Cypress	Norway Maple	Willow Oak
Atlas Cedar	Sugar Maple	Oregon Myrtle
Deodar Cedar	Sycamore Maple	Pecan
Western Red Cedar	Burr Oak	
Common Hackberry	English Oak	

Trees Recommended for Riparian Soils**

Red Alder	American Elm	Oregon Oak Red Oak
Green Ash	Little Leaf Linden	White Oak
Oregon Ah	Big Leaf Maple	Sweetgum
White Ash	Red Maple	Tupelo
Western Catalpa	Silver Maple	Gingko (Male Only)
Bald Cypress	Sugar Maple	Hawthorne
Box Elder	Sycamore Maple	Western Hemlock

**Riparian soils are soils that are considered "flooded" or "wet land" sites.*
***Above trees are tolerant of riparian soils, but can be used in other soil conditions as well.*

Trees Recommended for right-of-way use

**RIGHT-OF-WAY TREES ARE MAXIMUM 35 FEET IN CANOPY SPREAD DUE TO POSSIBLE UNDERGROUND UTITLIES, RIGHT-OF-WAY TREES ARE SUBJECT TO REVIEW BY COMMUNINTY DEVELOPMENT DEPARTMENT; SEE RECOMMENDATIONS FOR PLANTING*

Class I	Class II	Class III
Flowering Ash	Claret Ash	White Alder
Bitter Cherry	European Ash	White 'paper' Birch
Chitalpa	Oregon Ash	Common Hackberry
Flowering Dogwood	Columnar Norway Maple	Male Gingko
Eastern Redbud	Hedge Maple	Sugar Maple
Franklin	Tupelo	
Glorybower	Forest Green Hungarian Oak	
Goldenrain tree		
Lavelle Hawthorne		
Amur Maple		
Paperbark Maple		
Shantung Maple		
Tartarian Maple		
Trident Maple		
Shadbush		
Silver Bell		
Japanese Lilac		

3.2.500 Fences and Walls

Construction of fences and walls shall conform to all of the following requirements:

A. General Requirements. All fences and walls shall comply with the height limitations of the respective zoning district (Chapter 2) and the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with land division approval (e.g., flag lots), approval of a conditional use permit, or site design review approval. If a fence is approved for greater than 6 feet in height, a building permit is also required. Any wall over 4 feet in height (measured from the bottom of the footing to the top of the wall) shall require a building permit and appropriate design from a licensed engineer. Fences must be located on private property. Fences and walls proposed on public right-of-way or public easements shall be subject to land use review approval.

B. Dimensions.

1. Except as provided under subsections 2 and 3, below, the height of fences and walls within a front yard setback shall not exceed 4 feet as measured from the grade closest to the street right-of-way.

2. A retaining wall exceeding 4 feet in height within a front yard setback, which is necessary for site grading and development, may be approved through a land division or site development review.

3. No fence or wall may exceed 6 feet in height. Exceptions to this standard may be approved through a variance, master planned development or site design review.

4. One arbor, gate, or similar garden structures not exceeding 10 feet in height and 25 square feet in ground coverage, and has an entrance with a minimum clearance of 36 inches in width and 80 inches in height is allowed within each yard abutting a street, provided that it is not within a clear vision triangle.

5. Walls and fences to be built for required buffers shall comply with Section 3.2.300.

6. Fences, walls and hedges shall comply with the vision clearance standards of Section 3.1.200.

C. 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 property owner.

D. Materials.

1. Permitted fence and wall materials: wood; metal; bricks, stone; concrete block; stucco, or similar masonry; and non-prohibited evergreen plants.

2. Prohibited fence and wall materials: straw bales; barbed or razor wire; scrap lumber, scrap metal, or other scrap materials; hedges higher than 8 feet. Barbed wire on top of chain link or other fencing may only be approved on industrial, commercial or institutional use categories through a Class B Variance (Chapter 5.1.400).

3. Retaining walls constructed of brick or masonry exceeding 4 feet in height (as measured from bottom of footing to top coping) shall be subject to building permit review and approval by the City Building Official. Design of such walls shall be certified by a licensed architect or engineer.

Chapter 3.3 — Parking and Loading

Sections:

3.3.100 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 economic viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Because vehicle parking facilities occupy large amounts of land, they must be planned and designed carefully to use the land efficiently, minimize stormwater runoff, and maintain the visual character of the community. This Chapter recognizes that each development has unique parking needs and provides 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.

3.3.200 Applicability

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

3.3.300 Automobile Parking Standards

A. Applicability. All development within the City of Cottage Grove shall comply with the provisions of this Chapter.

B. Vehicle Parking - Minimum Standards by Use. The number of required off-street vehicle parking spaces shall be determined in accordance with the standards in Table 3.3.300.A, or alternatively, through a separate parking demand analysis prepared by the applicant and subject to a Type II Land Use Review (or Type III review if the request is part of an application that is already subject to Type III review). Where a use is not specifically listed in this table, parking requirements are determined by finding that a use is similar to one of those listed in terms of parking needs, or by estimating parking needs individually using the demand analysis option described above. Parking that counts toward the minimum requirement is parking in garages, carports, parking lots, bays along driveways, and shared parking. There is no minimum number of off-street parking spaces required in the Central Business District (or in designated downtown historic district); however, the "maximum parking" standards of this Chapter apply.

Table 3.3.300.A – Minimum Required Parking by Use

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Residential Categories	
Household Living	
Accessory Dwelling	1 space per unit
Single Family Dwelling, including attached and detached dwellings and manufactured homes	2 spaces per dwelling unit
Two and Three-Family Dwelling (duplex and triplex)	2 spaces per dwelling unit
Multifamily	1 space per studio or 1-bedroom unit 1.5 spaces/unit per 2-bedroom unit 2 spaces/unit per 3-bedroom or larger unit
Group Living, such as congregate care, and similar special needs housing	0.5 space per 4 bedrooms in nursing or convalescent homes, rest homes, or assisted living 1 space per unit in retirement complexes for seniors 55 or older

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Commercial Categories	
Drive-Up/Drive-In/Drive-Through (drive-up windows, kiosks, ATM's, similar uses/facilities), per Section 2.3.180	1 space for each employee per shift. See Section 2.3.180 for queuing area requirements
Bed and Breakfast Inn	1 space per bedroom, plus 1 space for manager or proprietor
Educational Services, not a school (e.g., tutoring or similar services)	2 space per 1,000 sq. ft. floor area
Entertainment, Major Event	per CU review (Chapter 4.4)
Offices	2 spaces per 1,000 sq. ft. floor area
Outdoor Recreation, Commercial	per CU review (Chapter 4.4)
Parking Lot (when not an accessory use)	per CU review (Chapter 4.4)
Quick Vehicle Servicing or Vehicle Repair. (See also Drive-Up/Drive-In/Drive-Through Uses)	2 spaces, or per CU review (Chapter 4.4)
Retail Sales and Service	General Retail: 2 spaces per 1,000 sq. ft.
	Restaurants and Bars: 8 spaces per 1,000 sq. ft. of gross leaseable floor area
	Health Clubs, Gyms, Continuous Entertainment (*e.g.,* bowling alleys): 3 space per 1,000 sq. ft.
	Lodging (hotels, motels, inns), (see also Bed and Breakfast Inns): 1 space per rentable room; for associated uses, such as restaurants, entertainment uses, and bars, see above
	Theaters and Cinemas: 1 space per 4 seats
Self-Service Storage	Minimum of 3 spaces per site

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Industrial Categories	
Light and Medium/Heavy Industrial Service (See also Drive-Up Uses)	1 space per 500 sq. ft. of floor area per site review
Light and Medium/Heavy Manufacturing and Production	1 space per 1,000 sq. ft. of floor area, and 1 space per company vehicle
Warehouse and Freight Movement	1 space per 2000 sq. ft. of floor area, and 1 space per company vehicle
Waste-Related	per CU review (Chapter 4.4)
Wholesale Sales - fully enclosed - not enclosed	 1 space per 1,000 sq. ft. per CU review (Chapter 4.4)
Institutional Categories	
Basic Utilities	None
Colleges	per CU review (Chapter 4.4)
Community Service	1 space per 200 sq. ft. of floor area, plus 1 space per fleet vehicle
Daycare, adult or child day care; does not include Family Daycare (12 or fewer children) under ORS 657A.250	1 space per 500 sq. ft. of floor area
Parks and Open Space	None required except as required for ADA compliance or as required by a Conditional Use Permit.
Religious Institutions and Houses of Worship	1 space per 75 sq. ft. of main assembly area or 1 per 4 seats in chapel, whichever is greater; or per CU review, as applicable

Use Categories *(Examples of uses are in Chapter 1.4; definitions are in Chapter 1.3.)*	**Minimum Parking per Land Use** (fractions rounded down to the closest whole number)
Schools	Grade, elementary, middle, junior high schools: 1 space per employee or 1 per 4 seats in auditorium, whichever is greater, or per CU review (Chapter 4.4)
	High schools: 1.5 spaces per classroom, plus 1 space per 10 students. If the school is designed to accommodate related uses such as auditoriums, stadiums, theatres, and gymnasiums, additional parking shall be provided at a rate of 1 space per 4 seats, or per CU review (Chapter 4.4)
Other Categories	
Accessory Uses (with a permitted use)	No standard, except some uses may be required to provide parking under the minimum standards for primary uses, as determined by the decision body through Land Use Review, Conditional Use Permit review, or Site Design Review.
Agriculture – Animals	None, or per CU review (Chapter 4.4)
Agriculture – Nurseries and similar horticulture	See Retail Sales and Wholesale, as applicable
Mining	Determined per CU review (Chapter 4.4)
Radio Frequency Transmission Facilities	None
Rail Lines and Utility Corridors, except those existing prior to effective date of Development Code are allowed.	None
Temporary Uses (limited to "P" and "CU" uses), per Section 4.9.100.	As determined per Section 4.9.100
Transportation Facilities (operation, maintenance, preservation, and construction	None

C. Credit for On-Street Parking. The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space abutting a commercial or industrial development, up to 50 percent of the requirement. On-street parking shall follow the established or approved configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT and/or County

standards. Parking credit can only be granted for developments with frontage on streets that allow parking on both sides.

One on-street parking space shall be defined as follows:

1. Parallel parking, each 24 feet of uninterrupted curb, where allowed;

2. 45 degree diagonal, each 14 feet of curb, where allowed;

3. 90 degree (perpendicular) parking, each 12 feet of curb, where allowed;

4. Curb space must be connected to the lot that contains the use;

5. Parking spaces will not obstruct a required clear vision area or violate any law; and

6. 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 action limiting general public use of on-street spaces is permitted except as permitted by City Council.

D. Vehicle Parking - Minimum Accessible Parking.

1. Accessible parking shall be provided for all uses in accordance the standards in Table 3.3.300.B; parking spaces used to meet the standards in Table 3.3.300.B shall be counted toward meeting off-street parking requirements in Table 3.3.300.A;

2. Such parking shall be located in close proximity to building entrances and shall be designed to permit occupants of vehicles to reach the entrance on an unobstructed path or walkway. Accessible routes should be linked to required access aisles;

3. Accessible spaces shall be grouped in pairs where possible;

4. Where covered parking is provided, covered accessible spaces shall be provided in the same ratio as covered non-accessible spaces;

5. Required accessible parking spaces shall be identified with signs and pavement markings identifying them as reserved for persons with disabilities; signs shall be posted directly in front of the parking space at a height of no less than 42 inches and no more than 72 inches above pavement level. Van spaces shall be specifically identified as such.

Table 3.3.300.B - Minimum Number of Accessible Parking Spaces Source: Table 1106.1 2010 Oregon Structural Specialty Code			
Total Parking in Lot	Minimum Number of Accessible Spaces	Number of Van Accessible Spaces	"Wheelchair User Only" Spaces
1 to 25	1	1	-
26 to 50	2	1	-
51 to 75	3	1	-
76 to 100	4	1	-
101 to 150	5		1
151 to 200	6		1
201 to 300	7		2
301 to 400	8		2
401 to 500	9		2
501 to 1000	2% of total	-	1 in every 6 accessible spaces or portion thereof
1001 and over	20 plus 1 for each 100, or fraction thereof, over 1,000	-	1 in every 6 accessible spaces or portion thereof

E. Off-site parking. Except for single-family or two-family dwellings, the vehicle parking spaces required by this Chapter may be located on another parcel of land, provided the parcel is within 400 feet of the use it serves, commercial parking is allowed in the underlying zone, and the City has approved the off-site parking through Land Use Review. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument as approved by the Community Development Director. This binding agreement may restrict future changes to the property.

F. General Parking Standards.

1. Location. Vehicle parking is allowed only on streets, within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Chapter 2, Land Use Districts, prescribes parking location for some land uses (e.g., the requirement that parking for some multiple family and commercial developments be located to side or rear of buildings), and Chapter 3.1, Access and Circulation, provides design standards for driveways. Street parking spaces shall not include space in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pedestrian accessway, landscape, or other undesignated area. Required off-street parking shall not be located in the front or street side setback.

2. 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). The City may reduce the total parking required accordingly through Land Use Review.

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

4. 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. Signs shall conform to the standards of Chapter 3.9.

5. Lighting. Parking areas shall have lighting to provide at least 2 foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.

6. Screening of Parking Areas. Parking spaces shall be located or screened so that headlights do not shine onto adjacent residential uses, per Section 3.2.300.E.

G. Exceptions and Special Standards for Parking.

1. Exceptions for required parking.

   a. Seasonal outdoor seating where the seating area is less than 500 square feet is exempt from the required parking standards.

   b. The total number of required motor vehicle parking spaces for an industrial, commercial or office use may be reduced by 5 percent for each of the listed activities that are provided by the owners or operators, up to a maximum 15 percent reduction in the total number of motor vehicle spaces per development.

      1) Designating at least 10% of the employee motor vehicle parking spaces as carpool/vanpool parking and placing such spaces closer to the building than other employee parking;

      2) Providing showers and lockers for employees who commute by bicycle;

      3) Providing twice as many covered, secured bicycle parking racks or facilities as required by this ordinance;

4) Providing a transit facility (e.g. bus stop) that is approved by the local transit authority, with related amenities. Related amenities include, but are not limited to, a public plaza, pedestrian sitting areas, shelter and additional landscaping;

5) Other incentives provided in an approved Employee Transportation Demand Management (TDM) Plan.

2. Special Standards for Commercial Customer Parking. The motor vehicle parking areas shall be located and designed to facilitate safe and convenient pedestrian and bicycle movement to and from public sidewalks, streets or transit stops. Ways to achieve this standard may include, but are not limited to:

   a. Front facades and primary entrances of all buildings are oriented to a public street or a private internal drive or street, to minimize pedestrian and bicycle travel through a parking area and to provide safe, convenient, and direct travel routes for pedestrians;

   b. One or more raised walkways are provided through the parking areas, meeting federal American with Disabilities Act requirements, in order to provide safe, convenient, and direct travel routes for pedestrians through the parking areas;

   c. Walkways abutting parking spaces or maneuvering areas are protected from vehicles through either landscaping buffers, minimum 3 feet wide on each side, or curbs on both sides;

   d. Walkways across vehicle aisles are delineated with non-asphaltic material in a different color or texture than the parking areas;

   e. On-site pedestrian walkways and bikeways connect to existing pedestrian and bicycle circulation systems that serve adjacent commercial uses or residential areas;

   f. Internal drives or streets are designed to City standards for local streets in regard to pavement width, sidewalks and street trees. Sidewalks comply with ADA standards. Sidewalks 10-15 feet wide abutting front building facades are strongly encouraged. Internal vehicular circulation design for the site complies with City street connectivity standards, including maximum block length and perimeter.

   g. Internal drives or streets connect to public streets abutting the site, unless physically precluded by pre-existing buildings.

   h. Structures are located on the site to facilitate future infill and redevelopment of parking and landscape areas.

   i. For shopping centers abutting one or more transit routes, one or more transit stops are located and designed with the approval when applicable of the local transit provider;

   j. No drive-up, drive-in, or drive-through drives or lanes are located between a building

and a public or private street.

H. Maximum Number of Parking Spaces. The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the minimum number of spaces required for each use as provided by this Section by more than 50%. Spaces provided on-street, or within the building footprint of structures, such as in rooftop parking or under-structure parking, or in multi-level parking above or below surface lots, shall not apply toward the maximum number of allowable spaces. Parking spaces provided through "shared parking" also do not apply toward the maximum number.

I. Parking Stall Design and Minimum Dimensions. All off-street parking spaces shall be improved to conform to City standards for surfacing, stormwater management, and striping. Standard parking spaces shall conform to the following standards and the dimensions in Figures 3.3.300.F(1) through (4), and Table 3.3.300.F:

1. Motor vehicle parking spaces shall measure minimum 9 feet wide by 20 feet long;

2. For large parking lots exceeding 20 stalls, alternate rows may be designated for compact cars provided that the compact stalls do not exceed 30% of the total required stalls. A compact stall shall measure minimum 8 feet in width and 17 feet in length and shall be signed for compact car use;

3. All parallel motor vehicle parking spaces shall measure 9 feet by 22 feet unless within a public right-of-way, when they shall measure a minimum of 7 to 8 feet by 22 feet;

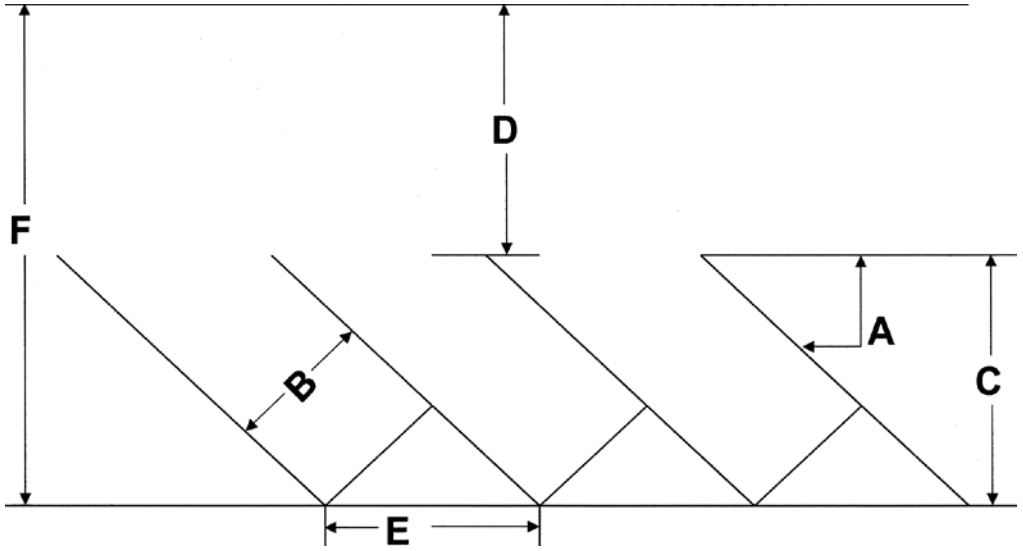
4. Parking area layout shall conform to the dimensions in Figure 3.3.300.F(1) and (2), and Table 3.3.300F, below;

5. Public alley width may be included as part of dimension "D" in Figure 3.3.300.F(1), but all parking stalls must be on private property;

6. Parking areas shall conform to Federal Americans With Disabilities Act (ADA) standards and Oregon Structural Specialty Code for parking spaces (dimensions, van accessible parking spaces, etc.). Parking structure vertical clearance, van accessible parking spaces, should refer to Federal ADA guidelines; and

7. Bicycle parking shall be on a 2 feet by 6 feet minimum concrete pad per bike, or within a garage or patio of residential use.

Figure 3.3.300.F(1) - Parking Area Layout



Parking Angle	Stall Width (in feet)	Stall Depth (in feet)	Minimum Clear Aisle Width (*one way aisle) (in feet)	Stall Distance at Bay Side (curb length) (in feet)	Minimum Bay Width (in feet)
A	B	C	D	E	F
Parallel	9.0	9.0	12.0	22.0	21.0
	9.5	9.5	12.0	22.0	22.0
	10.0	10.0	12.0	22.0	22.0
45 degrees	9.0	19.8	13.0	12.7	32.8
	9.5	20.1	13.0	13.4	33.1
	10.0	20.5	13.0	14.1	33.5
60 degrees	9.0	21.0	18.0	10.4	39.0
	9.5	21.2	18.0	11.0	39.2
	10.0	21.5	18.0	11.9	39.5
70 degrees	9.0	21.0	19.0	9.6	40.0
	9.5	21.2	18.5	10.1	39.6
	10.0	21.2	18.0	10.6	39.2
90 degrees	9.0	20.0	24.0	9.0	44.0
	9.5	20.0	24.0	9.5	44.0
	10.0	20.0	24.0	10.0	44.0

*24' minimum for two-way traffic

Figure 3.3.300.F(2) Minimum Standard Single-Accessible Parking Space

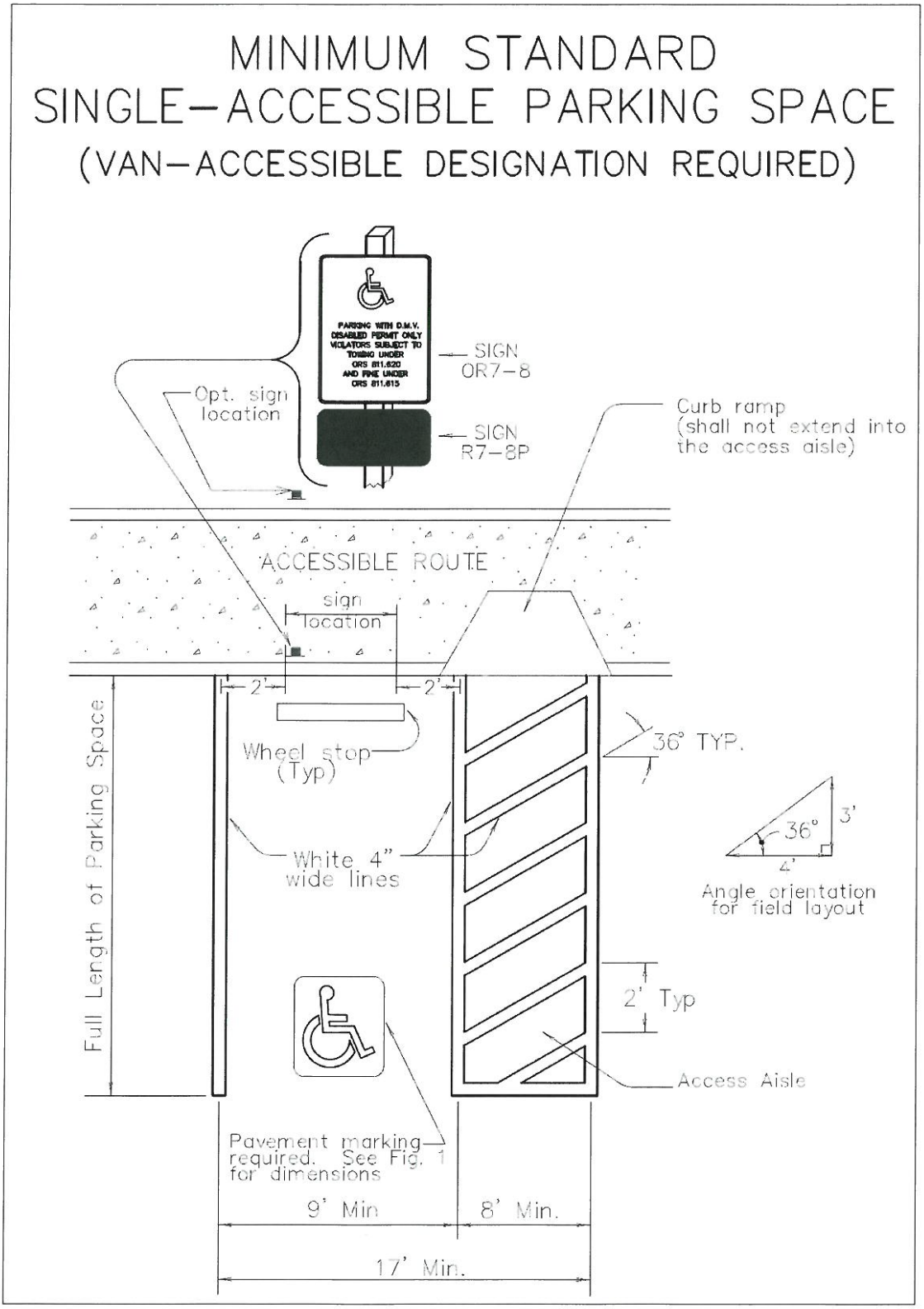


Figure 3.3.300.F(3) Minimum Standard Double-Accessible Parking Space

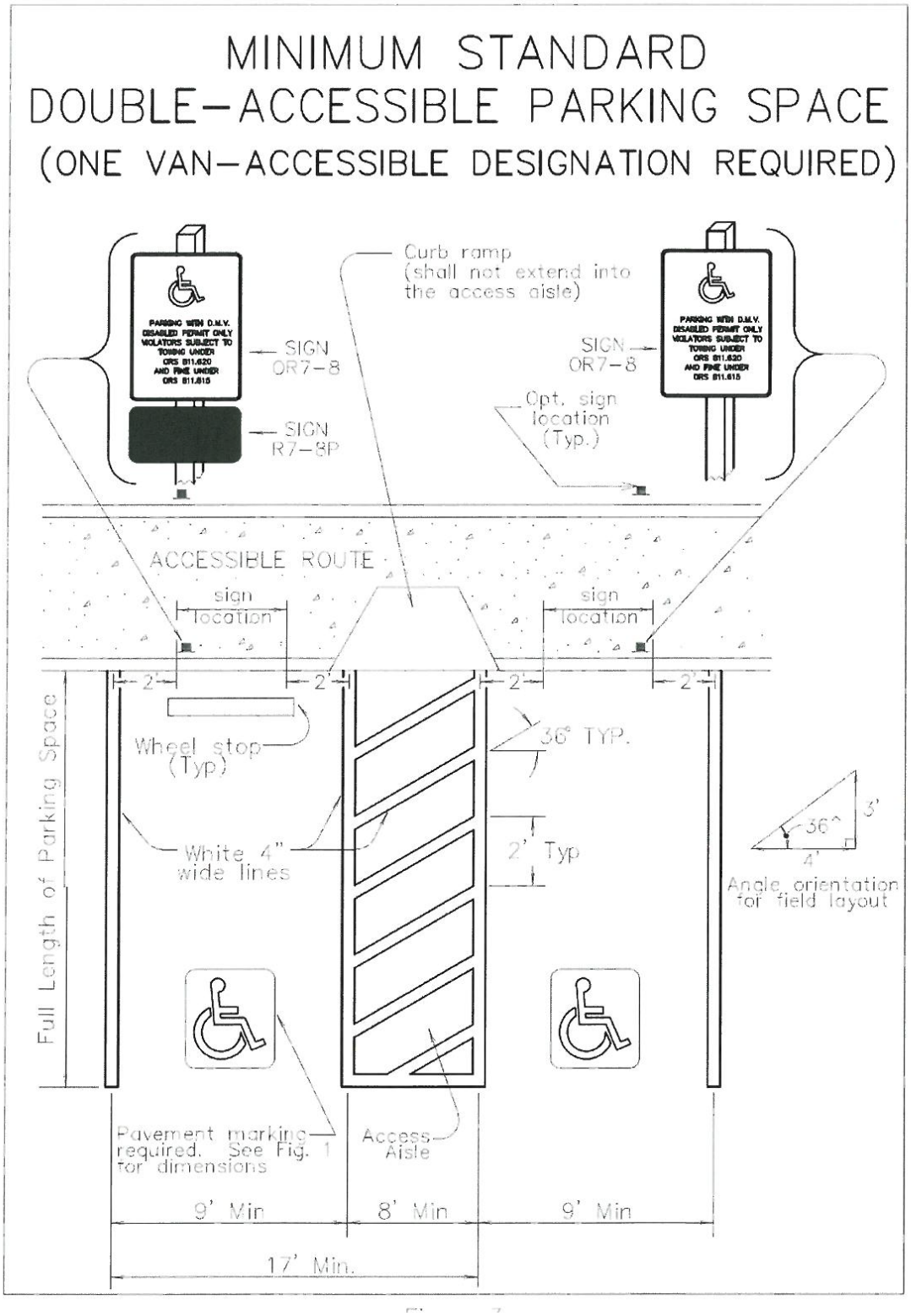
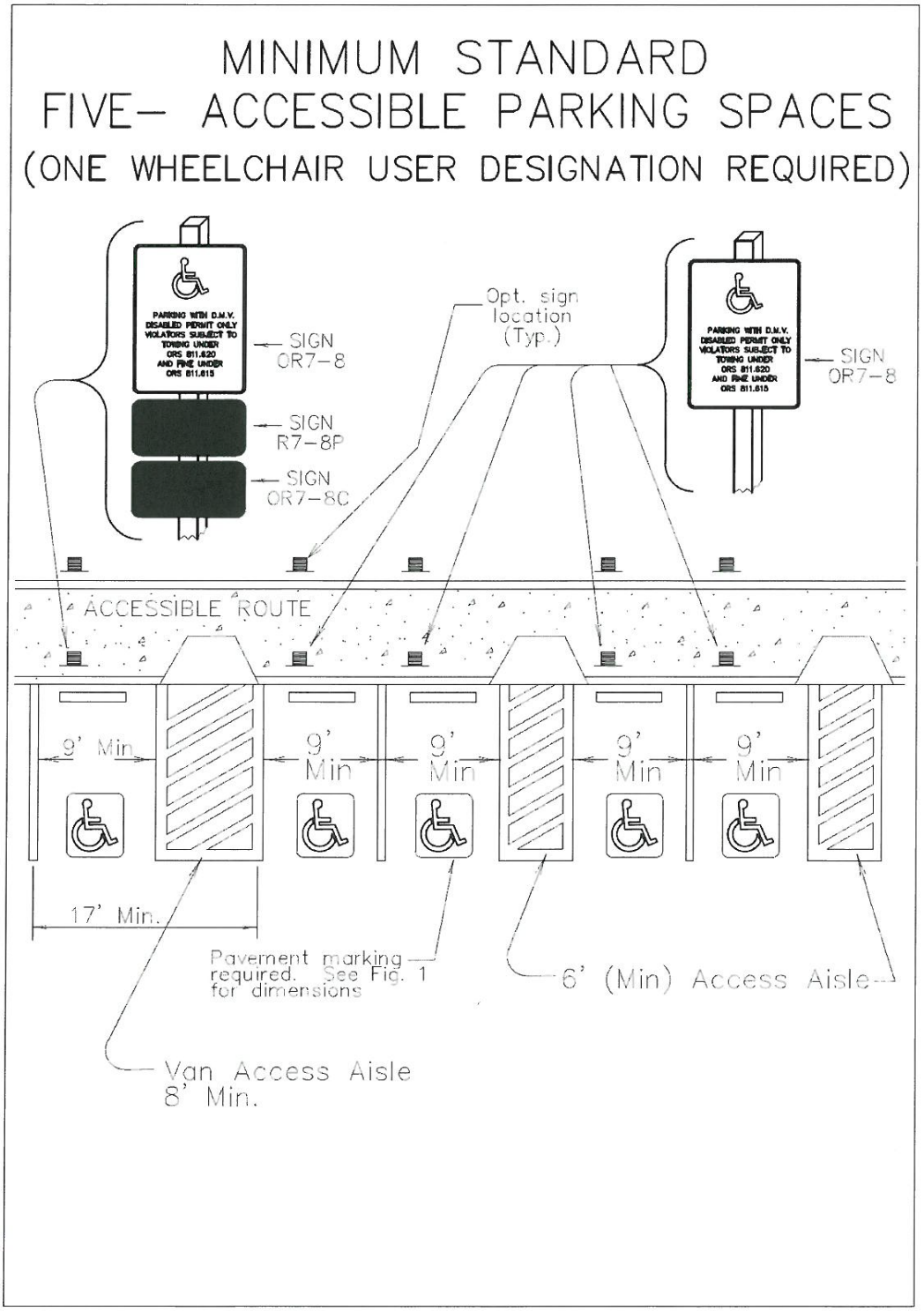


Figure 3.3.300.F(4) Minimum Standard Five-Accessible Parking Spaces (One Wheelchair User Designation Required)



Important cross-references:

See also, Chapter 2, Land Use District standards, for parking location requirements for some multifamily and commercial land uses; Chapter 3.1, Access and Circulation, for driveway standards; Chapter 3.2, Landscaping ; and Chapter 3.5, Surface Water Management.

3.3.400 Bicycle Parking Requirements

A. Applicability. All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the standards in Table 3.3.400, and subsections A-H, below. This section does not apply to single-family, two-family, and three-family housing (detached, attached or manufactured housing), home occupations or other developments with fewer than 3 vehicle parking spaces.

B. Minimum Required Bicycle Parking Spaces. A minimum of one bicycle parking space per use is required for all uses subject to Site Design Review. Table 3.3.400 lists additional standards that apply to specific types of development. Uses shall provide long- and short-term bicycle parking spaces, as designated in Table 3.3.400 and subsections C-J below. Where two options are provided (e.g., 2 spaces, or 1 per 8 bedrooms), the option resulting in more bicycle parking is used.

Table 3.3.400
Minimum Required Bicycle Parking Spaces

Use Categories	**Specific Uses**	**Long-term Spaces** (covered or enclosed)	**Short-term Spaces** (near building entry)
Residential Categories			
Household Living	Multifamily	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms or per CU review	None
Retirement home or assisted living complex		2, or 2 per 10 employees	
Commercial Categories			
Retail Sales And Service		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats or per CU review	None
Industrial Categories			
Manufacturing And Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse And Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
Institutional Categories			
Basic Utilities	Bus transit center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park and ride	8, or 5 per acre	None

Table 3.3.400
Minimum Required Bicycle Parking Spaces

Use Categories	Specific Uses	Long-term Spaces (covered or enclosed)	Short-term Spaces (near building entry)
Parks (active recreation areas only)		None	8, or per CU review
Schools	Grades 1-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per school, or per CU review
Colleges	Excluding dormitories (see Group Living, above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories			
Other Categories	Determined through Land Use Review, Site Design Review, or CU Review, as applicable		

C. Special Standards for the Central Business District. Within the Central Business District zone, bicycle parking for customers shall be provided in the right-of-way along the street at a rate of at least one space per building. In addition, individual uses shall provide the required bicycle parking in front along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Several businesses may combine required parking into common bicycle parking structures if desired. Common bicycle parking shall not exceed 6 bicycle areas per parking structure.

D. Location and Design.

1. Location. Bicycle parking should be no farther from the main building entrance than the distance to the closest vehicle space, or no more than 50 feet. Long-term (i.e., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable. Street furniture includes benches, street lights, planters and other pedestrian amenities.

2. Pedestrian passage. The location of the rack and subsequent parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Walkways from bicycle parking to the main

entrance shall be hard surfaced and a minimum 4 feet in width.

3. Parking Space Dimensions. Bicycle parking spaces shall be at least 2 feet wide by 6 feet long and, when covered, provide a vertical clearance of 7 feet. An access aisle of at least 5 feet wide shall be provided and maintained beside or between each row of bicycle parking.

4. Design. Bicycle racks shall hold bicycles securely by means of the frame. The frame must be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels. Bicycle parking racks, shelters and lockers must be securely anchored to the ground or to the structure.

E. Visibility and Security. Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

F. Options for Storage. Long-term bicycle parking requirements for multiple family uses 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.

G. Lighting. For security, bicycle parking shall be at least as well lit as vehicle parking.

H. Reserved Areas. Areas set aside for bicycle parking shall be clearly marked and reserved for bicycle parking only.

I. 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).

J. Multiple Uses. For buildings with multiple uses (such as a commercial or mixed use center), bicycle parking standards shall 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 required.

3.3.400 Loading Areas

A. Purpose. The purpose of this section of the Code is to provide standards (1) for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and (2) to ensure that the appearance of loading areas is consistent with that of parking areas.

B. Applicability. Section 3.3.400 applies to residential projects with 50 or more dwelling units, and non-residential and mixed-use buildings with 20,000 square feet or more total floor area.

C. Number of Loading Spaces.

1. Residential buildings. Buildings where all of the floor area is in residential use shall meet the following standards:

    a. Fewer than 20 dwelling units on a site that abuts a local street: No loading spaces are required.

    b. All other buildings: One space.

2. Non-residential and mixed-use buildings. Buildings where any floor area is in non-residential uses shall meet the following standards:

    a. Less than 20,000 square feet total floor area: No loading spaces required.

    b. 20,000 to 50,000 square feet of total floor area: One loading space.

    c. More than 50,000 square feet of total floor area: Two loading spaces.

D. Size of Spaces. Required loading spaces shall be at least 35 feet long and 10 feet wide, and shall have a height clearance of at least 13 feet 6 inches.

E. Placement, setbacks, and landscaping. Loading areas shall conform to the setback and perimeter landscaping standards in Chapters 2 and 3. Where parking areas are prohibited between a building and the street, loading areas are also prohibited. The decision body may approve a loading area adjacent to or within the street right-of-way through Site Design Review or Conditional Use Permit review, as applicable, where it finds that loading and unloading operations are short in duration (i.e., less than 1 hour), not obstruct traffic during peak traffic hours, or interfere with emergency response services.

Chapter 3.4 — Public Facilities

Sections:

3.4.010 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, bus transit, and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.

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. Engineering Design Criteria, Standard Specifications and Details. The Oregon Standard Specifications for Construction with Appendum shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the City Engineer. The design criteria, standard construction specifications and details maintained by the City Engineer, or any other road authority with jurisdiction, shall supplement the general design standards of this Development Code. The City's specifications, standards, and details are hereby incorporated into 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 the development on public facilities. Findings in the development approval shall indicate how the required improvements are directly related and roughly proportional to the impact.

3.4.100 Transportation Standards

A. Development Standards. The following standards shall be met for all new uses and developments:

1. All new lots created, consolidated, or modified through a land division, partition, lot line adjustment, lot consolidation, or street vacation must have frontage or approved access to a public street;

2. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter;

3. 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 road authority; and

4. New streets, alleys and drives shall be paved.

B. Guarantee. The City may accept a future improvement guarantee (e.g., owner agrees not to object to the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:

1. A partial improvement may create a potential safety hazard to motorists or pedestrians;

2. 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;

3. The improvement would be in conflict with an adopted capital improvement plan; or

4. The improvement is associated with an approved land partition in the R-1 or R-2 District and the proposed land partition does not create any new streets**.**

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 in the public interest by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code.

D. Creation of Access Easements. The City may approve an access easement 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 the Transportation System Plan and 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 Engineer in accordance with the design standards in Section 'O', below; and

2. Where the location of a street is not shown in an existing street plan, 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 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 3.4.100. A variance or Master Plan approval shall be required to vary the standards in Table 3.4.100. Where a range of width is indicated, the width shall be the narrower in the range unless unique and specific conditions exists as determined by the decision-making authority based upon the following factors:

1. Street classification in the Transportation System Plan;

2. Anticipated traffic generation;

3. On-street parking needs;

4. Sidewalk and bikeway requirements based on anticipated level of use;

5. Requirements for placement of utilities;

6. Street lighting;

7. Minimize drainage, slope, and sensitive lands impacts, as identified by Chapter 3.7;

8. Street tree location, as provided for in Chapter 3.2;

9. Protection of significant vegetation, as provided for in Chapter 3.2;

10. Safety and comfort for motorists, bicyclists, and pedestrians;

11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;

12. Access needs for emergency vehicles; and

13. Transition between different street widths (i.e., existing streets and new streets).

Table 3.4.100.F Street Standards

Street Type	Avg. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Planting Strips or Tree Wells	Side-walks
				Motor Vehicle Travel Lanes	Median/ Center Turn Lanes	Bike Lanes	On-Street Parking		
Arterials									
Boulevards:									
2-Lane Boulevard		60’-100’	32’-50’	11’	None	2 at 5-6’	8’ bays	7’-12’	6’-12’
3-Lane Boulevard		70’-100’	44’-62’	11’	12’	2 at 5-6’	8’ bays	7’-12’	6’-12’
5-Lane Boulevard		95’-121’	66’-84’	11’	12’	2 at 5-6’	8’ bays	7’-12’	6’-12’
Avenues:									
2-Lane Avenue		60’-90’	30’-49’	10’-10.5’	none	2 at 5-6’	8’ bays	7’-12’	6’-12’
3-Lane Avenue		70.5’-97.5’	41.5’-60.5’	10’-10.5’	11.5’	2 at 5-6’	8’ bays	7’-12’	6’-12’
Collectors									
Residential:					As per traffic calming				
No Parking		50’-60’	22’	11’			None	7’-8’	6’-12’
Parking One Side		50’-80’	25’-27’	9’-10’			7’ lane	7’-8’	5’-12’
Parking Both Sides		57’-80’	32’-34’	9’-10’			7’ lanes	7’-8’	5’-12’
Commercial (Collectors and Local Streets):					As per traffic calming				
Parallel One Side		55’-80’	28’-40’	10’		5’-6’	8’ lane	7’-8’	6’-12’
Parallel Both Sides		63’-80’	36’-48’	10’		5’-6’	8’ lanes	7’-8’	6’-12’
Angled Parking One Side		65’-80’	37’-56’	10’		5’-6’	Varies	7’-8’	6’-12’

Street Type	Avg. Daily Trips (ADT)	Right-of-Way Width	Curb-to-Curb Paved Width	Within Curb-to-Curb Area				Planting Strips or Tree Wells	Side-walks
				Motor Vehicle Travel Lanes	Median/ Center Turn Lanes	Bike Lanes	On-Street Parking		
Angled Parking Both Sides		81'-100'	54'	10'		5'-6'	Varies	7'-8	6'-12'
Local Streets					As per traffic calming				
Parking One Side		50'-60'	28'	20'			7' lane	4'-12'	5'-6'
Parking Both Sides		56'-60'	32'	18'			7.5' lanes	4'-12'	5'-6'
No Parking		36'-56'	20'	20'			None	4'-12'	5'-6'

Figure 3.4.100.F(1) Three-Lane Arterial-Boulevard Street Section

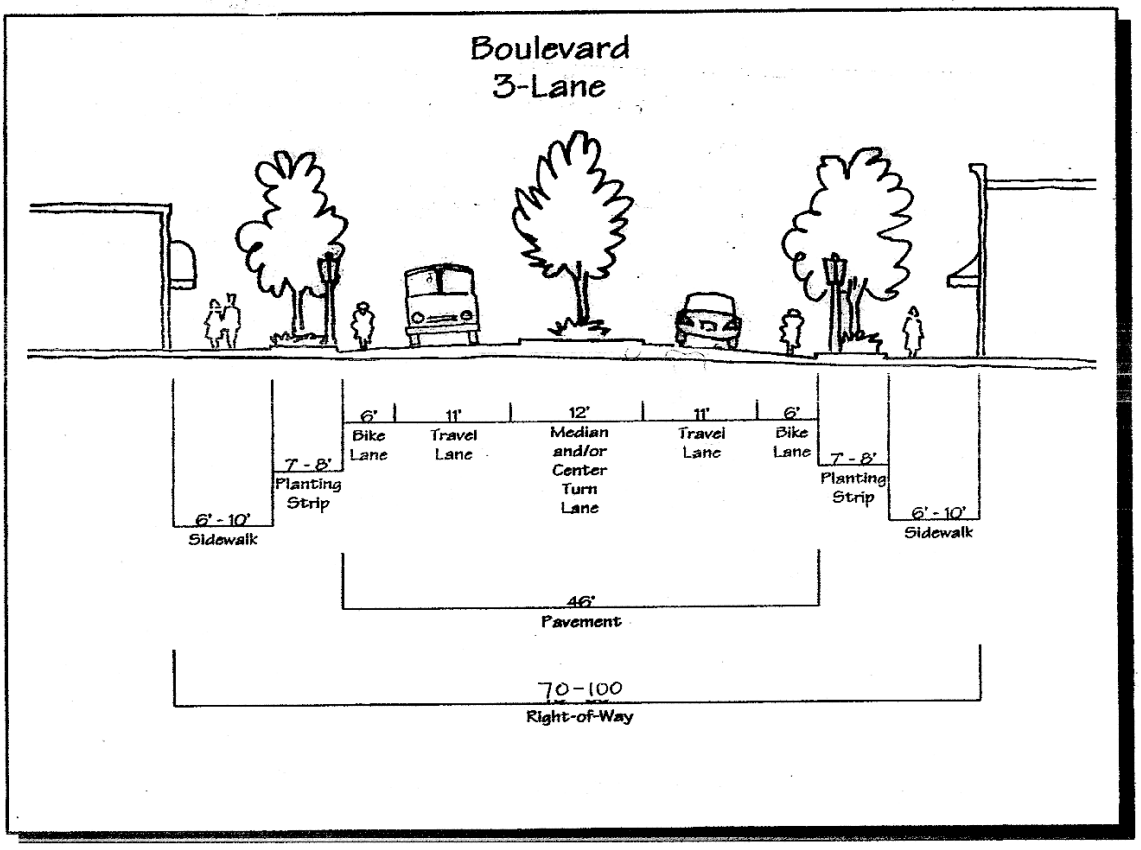
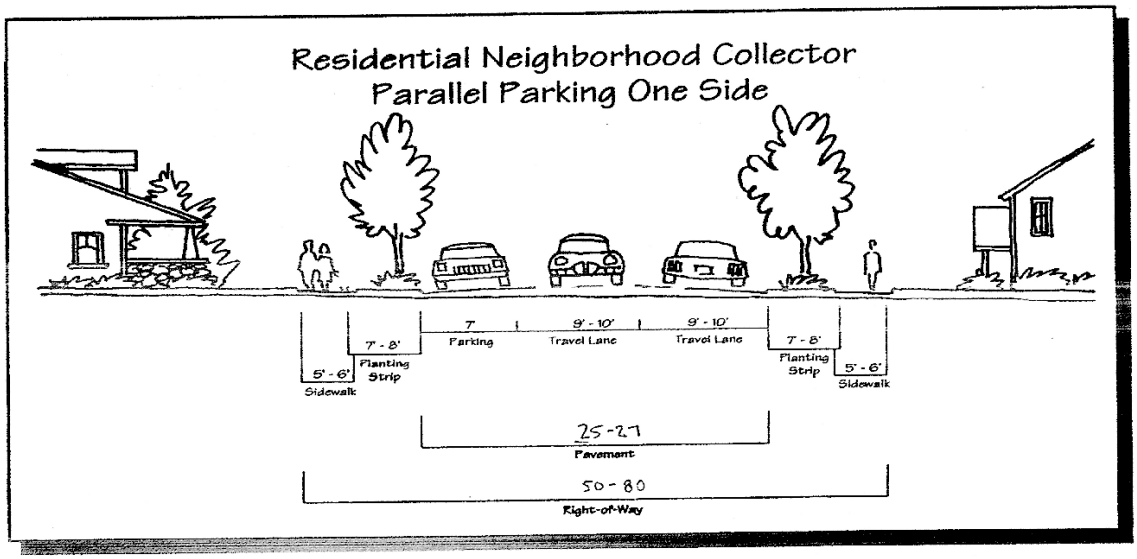


Figure 3.4.100.F(2) Residential Collector Street Sections



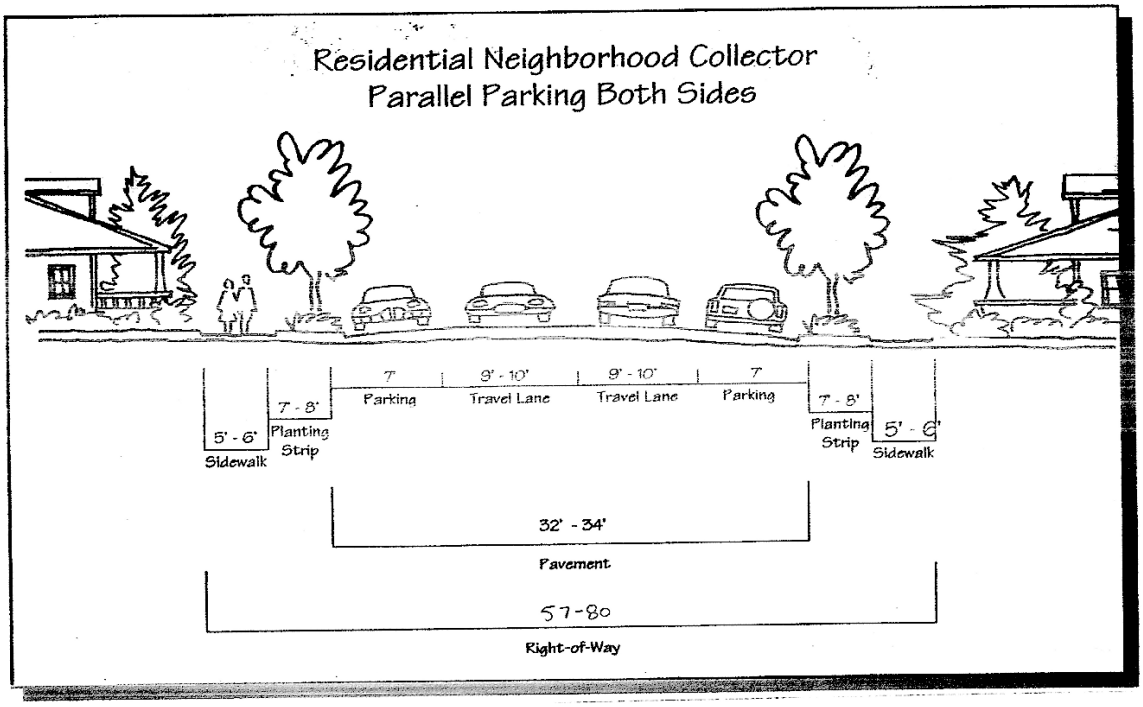
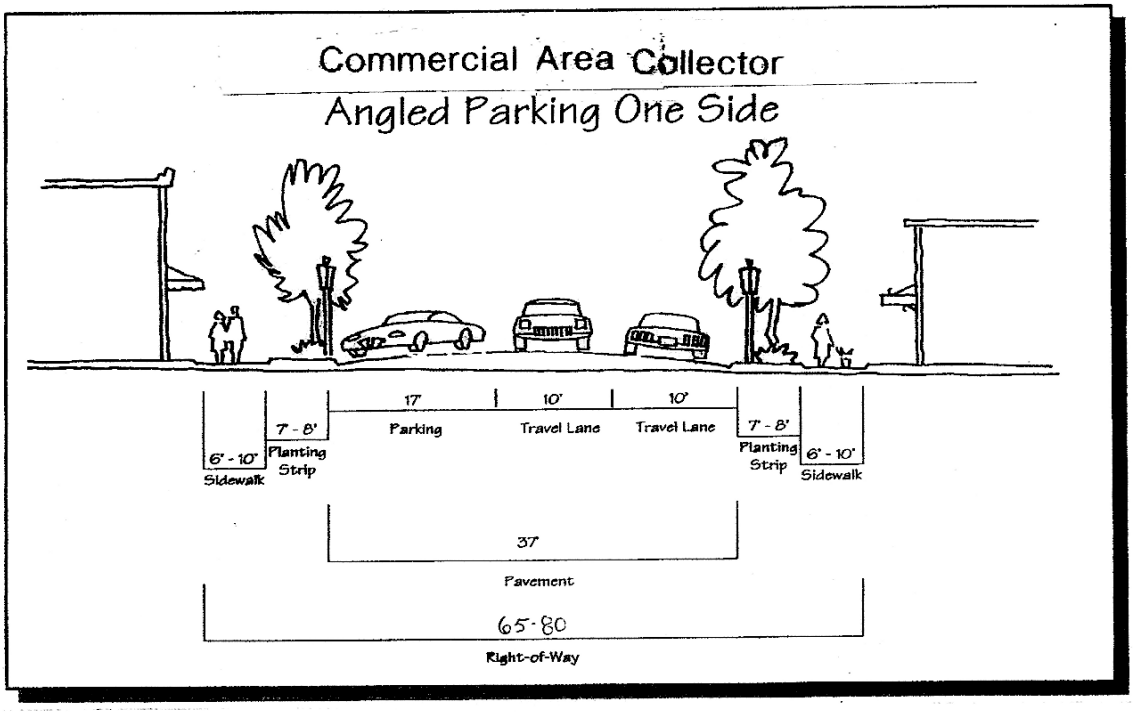


Figure 3.4.100.F(3) Commercial/Industrial Collector Street Sections (Parking One Side)



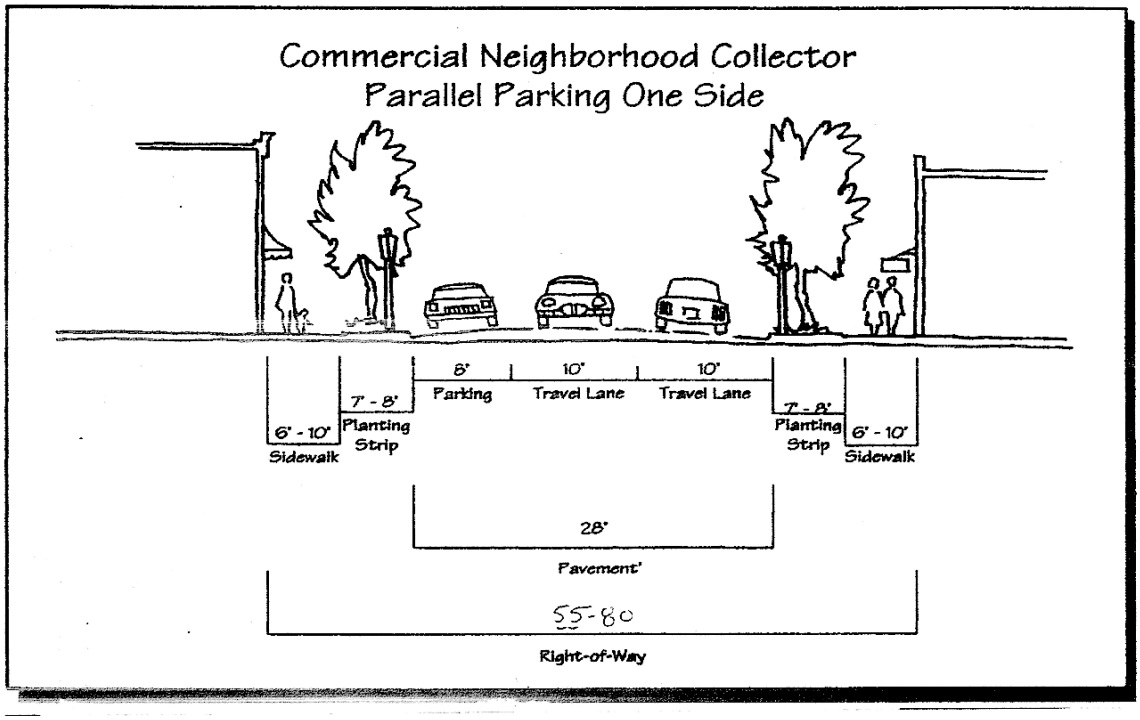
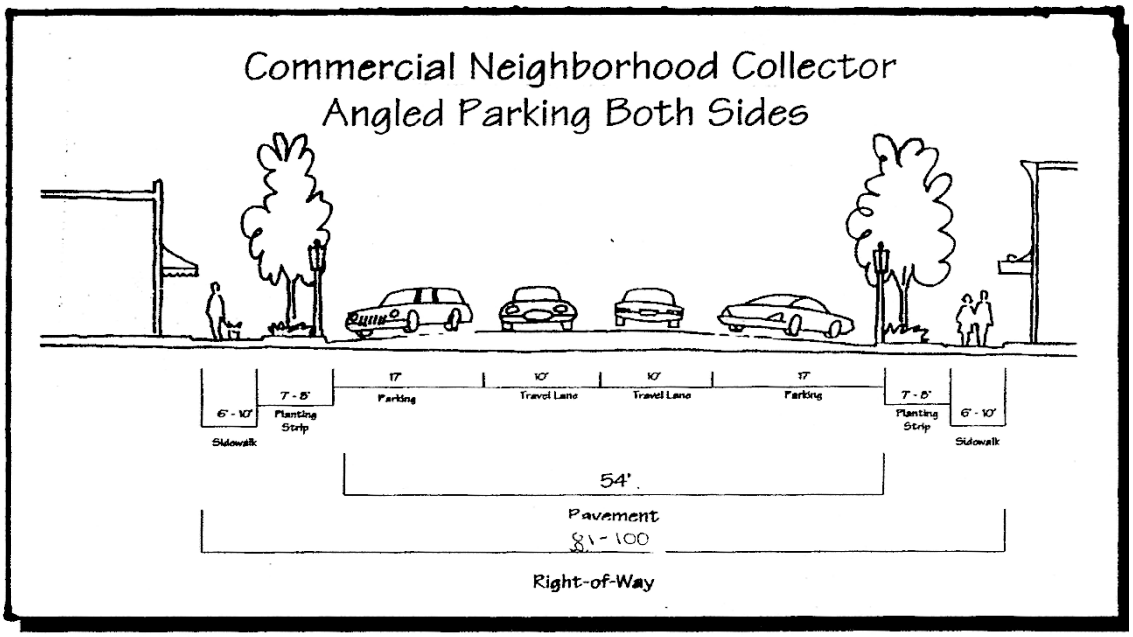


Figure 3.4.100.F(4) Commercial/Industrial Collector Street Sections (Parking Two Sides)



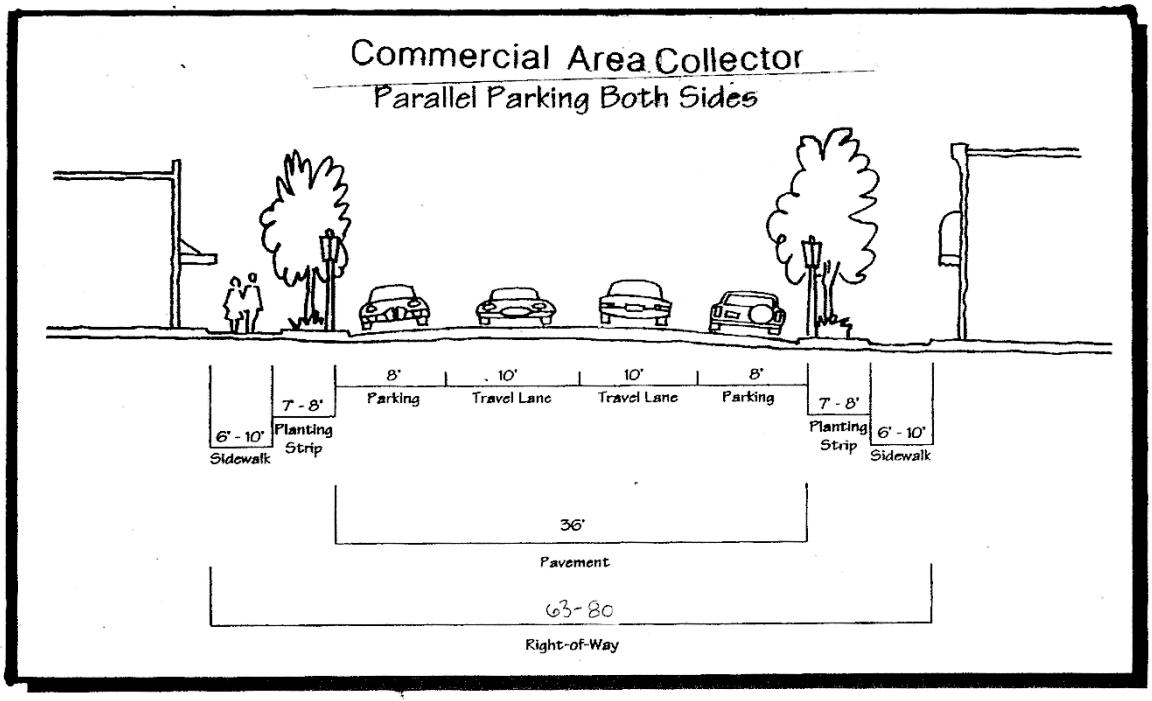


Figure 3.4.100.F(5) Local Residential Street Sections

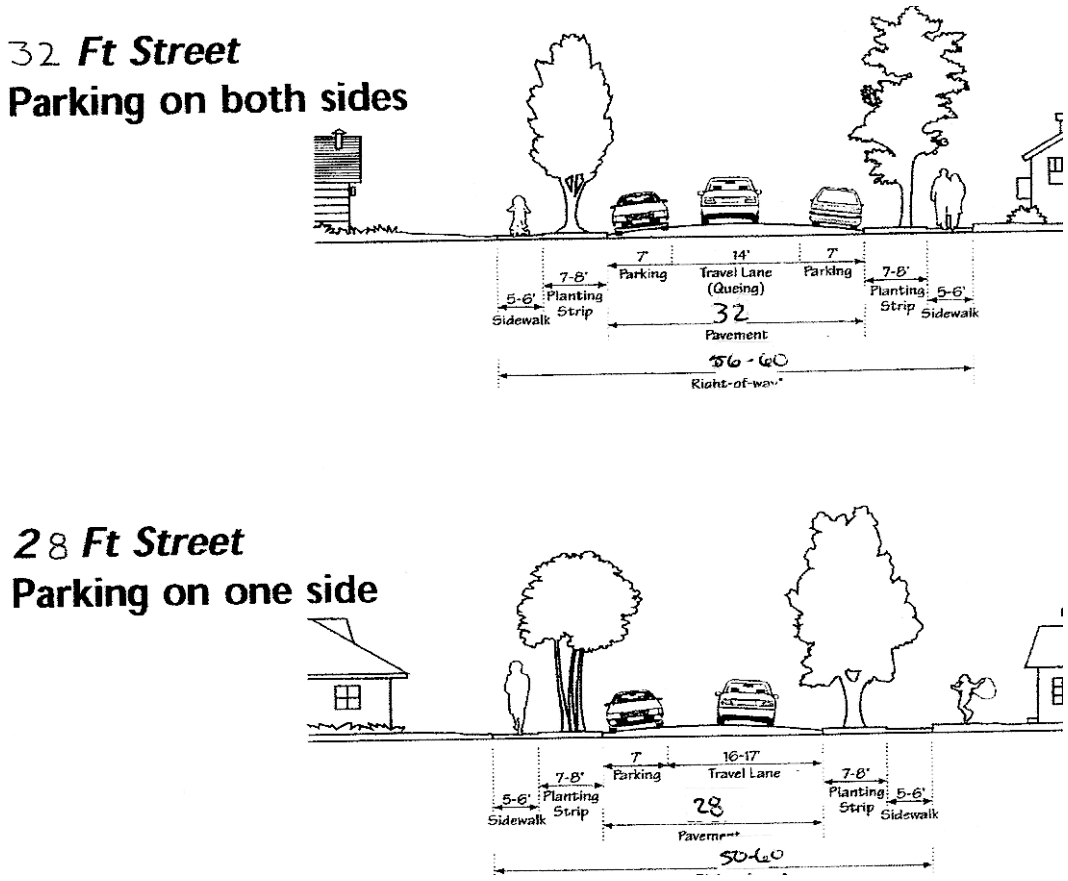
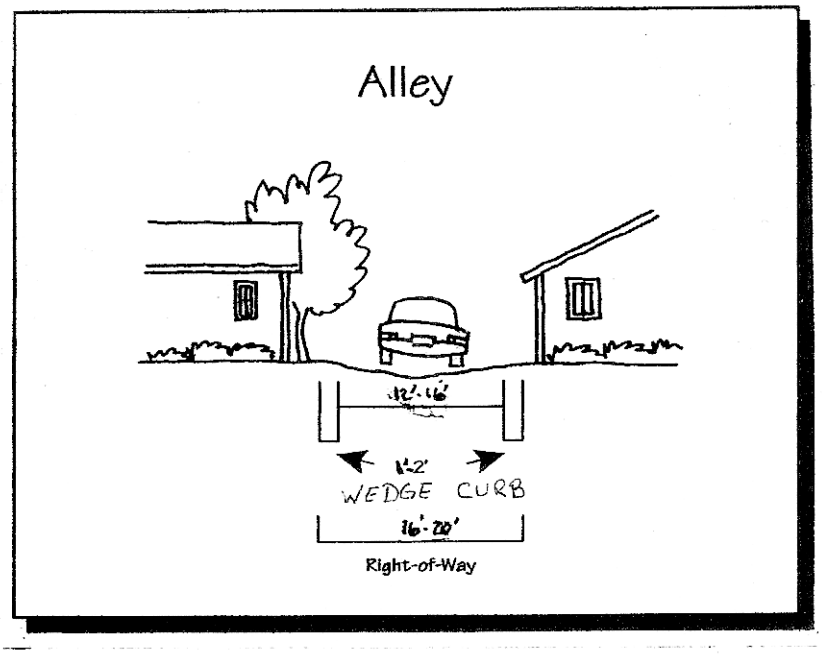
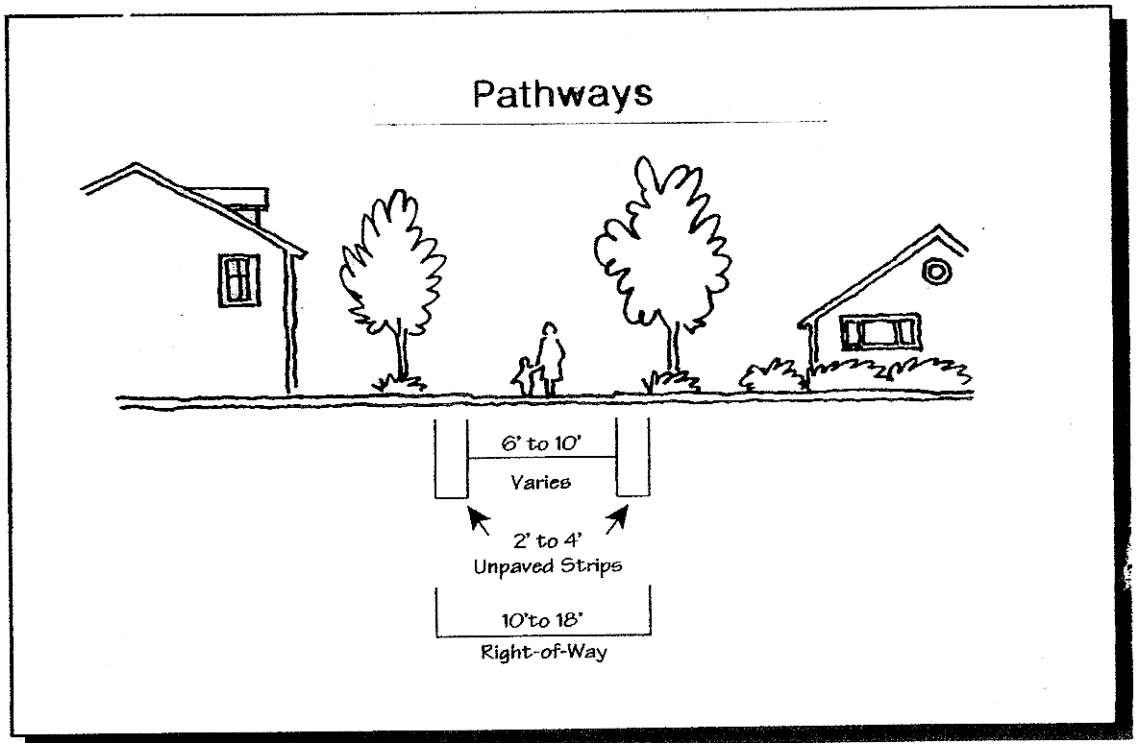


Figure 3.4.100.F(6) Alley and Pathway Sections





G. Subdivision Street Connectivity. All subdivisions shall conform to all the following access and circulation design standards, as applicable:

1. Connectivity to Abutting Lands. The street system of proposed subdivisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section. Wherever a proposed development abuts unplatted land or a future development phase of the same development, street stubs shall be provided to allow access to future abutting subdivisions and to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Fire Marshal, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

2. When Abutting an Arterial Street. Property access to abutting arterials shall be minimized. Where such access is necessary, shared driveways may be required in conformance with Section 3.1.2. If vehicle access off a secondary street is possible, then the road authority may prohibit access to the arterial.

3. Continuation of Streets. Planned streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods and to facilitate emergency access and evacuation. Connections shall be designed to meet or exceed the standards in subsection 4, below, and to avoid or minimize through traffic on local streets. Appropriate design and traffic control and traffic calming measures, as provided in subsection H, below, are the preferred means of discouraging through traffic.

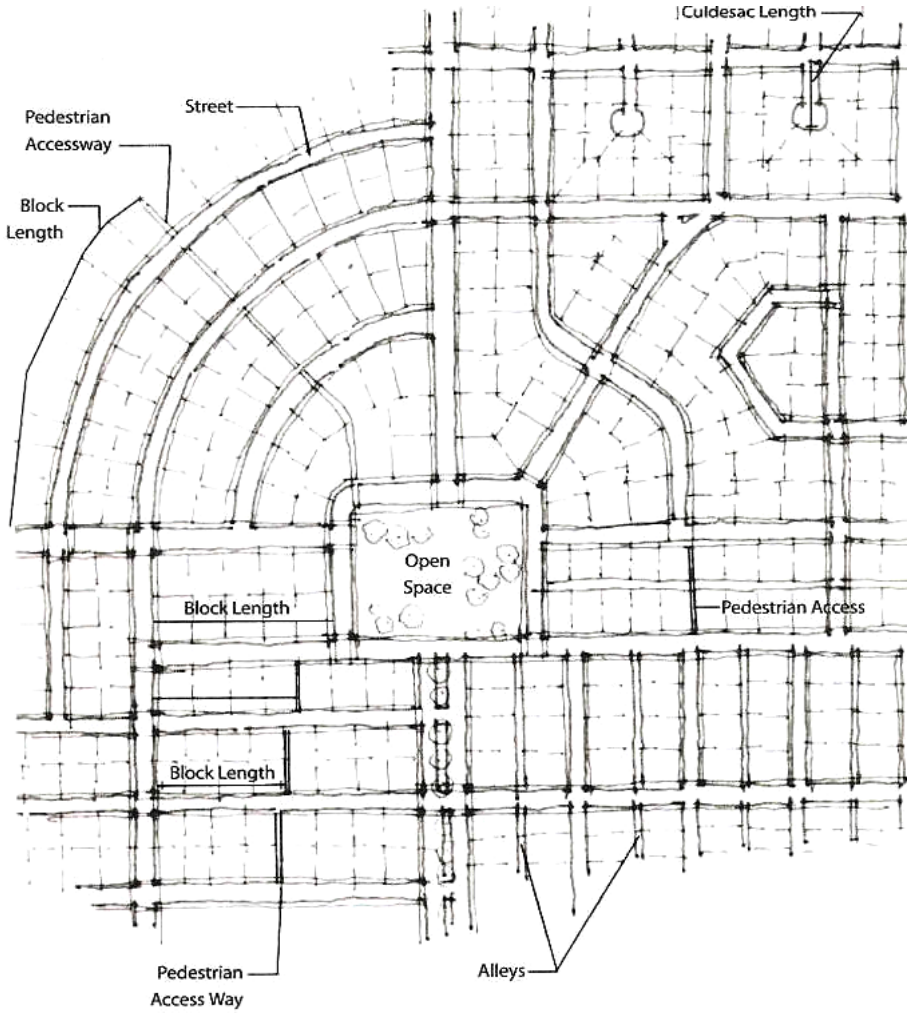
4. Street Connectivity and Formation of Blocks. In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments of more than 2 acres shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (minimum and maximum distances between two streets or a street and its nearest accessway):

    a. Residential Districts: Minimum of 100 feet block length and maximum of 400 feet length; maximum 1,400 feet block perimeter;

    b. Commercial Districts: Minimum of 100 feet length and maximum of 400 feet length; maximum 1,200 feet perimeter;

    c. Not applicable to the Industrial Districts.

Figure 3.4.100.G - Street Connectivity and Formation of Blocks



5. Accessway Standards. Where a street connection in conformance with the maximum block length standards in subsection 4 is impracticable, an accessway shall be provided at or near the middle of a block in lieu of the street connection, as generally shown in Figure 3.4.100.G. The City may also require developers to provide an accessway where a cul-de-sac or other street is planned and the accessway would connect the streets or provide a connection to other developments. Such access ways shall conform to all of the following standards:

   a. Accessways shall be no less than 10 feet wide and located within a right-of-way or easement allowing public access and, as applicable, emergency vehicle access;

   b. If the streets within the subdivision or neighborhood are lighted, all accessways in the subdivision shall be lighted. Accessway illumination shall provide at least 2 foot candles;

c. A right-of-way or public access easement provided in accordance with subsection b that is less than 20 feet wide may be allowed on steep slopes where the decision body finds that stairs, ramps, or switch-back paths are required;

d. All accessways shall conform to applicable ADA requirements;

e. The City may require landscaping as part of the required accessway improvement to buffer pedestrians from adjacent vehicles, provided that landscaping or fencing adjacent to the accessway does not exceed 4 feet in height; and

e. These standards may be modified by the decision body without a variance when the modification affords greater convenience or comfort for, and does not compromise the safety of, pedestrians or bicyclists.

H. Traffic Signals and Traffic Calming Features.

1. 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 in conformance with the road authority's requirements. The developer's cost and the timing of improvements shall be included as a condition of development approval.

2. When an intersection meets or is projected to meet traffic signal warrants, the City may accept alternative mitigation, such as a roundabout, in lieu of a traffic signal, if approved by the City Engineer and applicable road authority.

3. The City may require the installation of calming features such as traffic circles, curb extensions, reduced street width (parking on one side), medians with pedestrian crossing refuges, and/or special paving to slow traffic in neighborhoods or commercial areas with high pedestrian traffic.

I. 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 divisible parcels within 600 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 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 street ends shall provide turnarounds constructed to Uniform Fire Code standards for streets over 150 feet in length. See also, Section 3.1.200.

J. Street Alignment, Radii, and Connections.

1. Staggering of streets making "T" intersections at collectors and arterials shall be designed so that offsets of more 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 200 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 that stub into 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. 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 allow continuity in street alignments and to facilitate future development of vacant or redevelopable lands.

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 block length standards in Section 3.1.200.

6. Corner curb radii shall be 20 feet -30 feet based on street classification, except where smaller radii are approved by the City Engineer.

K. Sidewalks, Planter Strips, Bicycle Lanes. Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.100, applicable provisions of Transportation System Plan, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks and planter strips in the right-of-way is the continuing obligation of the adjacent property owner.

L. 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. 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

2. Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.

M. Existing Rights-of-Way. Whenever existing rights-of-way adjacent to a proposed development are less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.4.100.

N. Cul-de-sacs. A cul-de-sac street shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation. When cul-de-sacs are provided, all of the following shall be met:

1. The cul-de-sac shall not exceed a length of 400 feet; the length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac;

2. The cul-de-sac shall terminate with a circular or hammer-head turnaround meeting the Uniform Fire Code. Circular turnarounds shall have a radius of no less than 39.5 feet, and not more than a radius of 45 feet (i.e., from center to edge of pavement); except that turnarounds shall be larger when they contain a landscaped island or parking bay at their center. When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and

3. The cul-de-sac shall provide, or not preclude the opportunity to later install, a pedestrian and bicycle accessway connection between it an adjacent streets access ways, parks, or other right-of-way. Such accessways shall conform to Section 3.1.400.

O. Grades and Curves. Grades shall not exceed 6% on arterials, 10% on collector streets, or 15% on any other street (except that local or residential access streets may have segments with grades which exceed 15% for distances of no greater than 100 feet), and:

1. Centerline curve radii shall not be less than 300 feet on arterials, 200 feet on major 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 signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.

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

Q. Streets Adjacent to Railroad Right-of-Way. When a transportation improvement is proposed within 300 feet of a public railroad crossing, or a modification is proposed to an existing public crossing, the Oregon Department of Transportation and the rail service provider shall be notified and given an opportunity to comment, in conformance with the provisions of Chapter 4. Private crossing improvements are subject to review and licensing by the rail service provider.

R. Alleys, Public or Private. Alleys shall conform to the standards in Table 3.4.100. 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.

S. Private Streets. Private streets shall conform to City standards of construction and Table 3.4.100.F and shall provide sidewalks or pathways as approved by the City. Private streets shall not be used to avoid public access connectivity required by this Chapter. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited*;* and

T. Street Names. No new street name shall be used which will duplicate or be confused with the names of existing streets in Lane County. Street names, signs, and numbers shall conform to the standards in Chapter 12.16 of the Cottage Grove Municipal Code, except as requested by emergency service providers.

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

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

W. Mail Boxes. Plans for mail boxes shall be approved by the United States Postal Service.

X. Street Light Standards. Street lights shall be installed in accordance with City standards.

Y. Street Cross Sections. Street cross sections shall be constructed to Engineering Department Standards.

3.4.200 Public Use Areas

A. Dedication of Public Use Areas.

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, provided that the impact of the development on the City park system is roughly proportionate to the dedication or reservation being made.

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

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

3.4.300 Sanitary Sewer and Water Service Improvements

A. Sewers and Water Mains Required. Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's Sanitary Sewer Master Plan, Water System Master Plan, and the applicable construction specifications. When streets are required to be stubbed to the edge of the subdivision, sewer and water system improvements shall also be stubbed with the streets, except as may be waived by the City Engineer.

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

C. Over-Sizing. The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.

D. Inadequate Facilities. Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems.

3.4.400 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 the City's Storm Drainage Master Plan and Chapter 3.5, Surface Water Management.

B. Accommodation of Upstream Drainage. Culverts and other drainage facilities shall be large enough to accommodate existing and potential future 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 Engineer.

C. Effect on Downstream Drainage. Where it is anticipated by the City Engineer 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. Over-Sizing. The City may require as a condition of development approval that sewer, water, and/or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable Water, Sewer, and/or Storm Drainage Master Plan, provided that the city may grant the developer credit toward any required system development charge for the same.

E. Existing Watercourse. Where a proposed development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect the public health and safety.

3.4.500 Utilities

A. Underground Utilities.

1. Generally. All new 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.

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

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

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

    c. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and

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

B. Exception to Undergrounding Requirement. An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Chapter 3.7), or existing development conditions.

3.4.600 Easements

A. Provision. 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. The City's standard width for public main line utility easements shall be determined by the City Engineer.

B. Recordation. As determined by the City Engineer, all easements for sewers, storm drainage and water quality facilities, water mains, electric lines, or other public utilities shall be recorded with the final plat. See Chapter 4.2, Site Design Review, and Chapter 4.3, Land Divisions.

3.4.700 Construction Plan Approval and Assurances

A. Plan Approval and Permit. 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 City Council.

B. Performance Guarantee. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See Section 4.2.4, Site Design Review, and Section 4.3.180, Land Divisions.

3.4.800 Installation

A. Conformance Required. Improvements installed by the developer either as a requirement of these regulations or at his/her 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 Engineer.

C. Commencement. Work shall not begin until the City has been notified in advance in writing.

D. Resumption. If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.

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 to the approved design requested by the developer may be subject to review under Chapter 4.6, 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 civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide 2 sets of "as-built" plans, in conformance with the City Engineer's specifications, for permanent filing with the City.

Chapter 3.5 — Surface Water Management

[Reserved for Surface Water Management standards that will be adopted by City following adoption of new Stormwater Management Plan.]

Chapter 3.6 — Other Standards

Sections:

[3.6.100 Reserved]

[3.6.200 Reserved]

[3.6.300 Reserved]

Chapter 3.7 — Sensitive Lands

Sections:

3.7.010 Purpose and Applicability

The following sections contain design standards related to areas of environmental concern within the City of Cottage Grove. These standards are applicable to any development subject to Land Use or Site Design Review on hillsides, in designated floodplains, along river corridors, or within the state-designated Willamette River Greenway.

The requirements of this section are in addition to other provisions of this code. Where the provisions of this chapter conflict with other provisions of this code, the provisions that are more restrictive of regulated development activity shall govern. Requirements of this chapter are in addition to those of the Specialty Codes adopted by Chapter 15.04 of the Cottage Grove Municipal Code.

3.7.100 Hillside Development

A. Intent and Purpose. The intent and purpose of the provisions of this section are as follows. Unless otherwise provided, the hillside area regulations are in addition to generally applicable standards provided elsewhere in this code.

1. To implement the landslide hazard prevention goals in the City of Cottage Grove Natural Hazard Mitigation Plan;

2. To implement the “Hillside Development” element of the City of Cottage Grove Comprehensive Plan;

3. To provide for the review of hillside development applications and evaluate properties for potential slope related hazards;

4. To assess the risk that a proposed use or activity may adversely affect the stability and slide susceptibility of an area; and thus promote the public health, safety, and welfare;

5. To establish standards and requirements for the development of lands in a hillside area; and

6. To mitigate risk within a hillside area, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher risk of hazard at any location.

B. Definitions. As used in this chapter, except where the context otherwise clearly requires:

1. Certified Engineering Geologist means any Geologist who is certified in the specialty of Engineering Geology under provisions of ORS 672.505 to 672.705 and registered in the State of Oregon.

2. Civil Engineer means a Professional Engineer, registered with the State of Oregon, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

3. Contiguous Slope means a slope bounded by a summit, benches or plateaus (including basal plains) of sufficient width that a profile line constructed from the lower toe of the slope to the furthest point of the plateau or bench will have a slope of less that that specified by the particular Hillside Area Level detailed in Exhibit 1 to this ordinance.

4. Emergency Action means an action that must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property.

5. Erosion means the wearing away of the earth's surface as a result of the movement of wind, water, or ice.

6. Excavation means any act by which earth, sand, gravel, rock or any similar material is dug into, cut, quarried, uncovered, removed, displaced, relocated or bulldozed, including the conditions resulting there from.

7. Fill or Backfill means a deposit of earth or other natural or manmade material placed by artificial means. This includes approved waste materials and the re-deposit of previously removed material.

8. Geological Assessment means an assessment prepared and stamped by a Certified Engineering Geologist, detailing the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geological hazards, and furnish professional analysis of information to assess the suitability of the site for development. Geological assessment must be prepared in accordance with the report requirements identified in this chapter. The geological assessment may be incorporated into or included as an appendix to the geotechnical report.

9. Geotechnical Assessment means a written assessment prepared and stamped by a geotechnical engineer or professional licensed in the State of Oregon to perform such work stating whether or not a significant risk of landslide hazard exists due to seismic or water induced forces, or if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the assessment. The assessment shall detail the surface and subsurface conditions of the site and delineate the areas of the property that might be subject to geotechnical hazards.

10. Geotechnical Engineer means a Professional Engineer, registered with the State of Oregon as provided by ORS 672.002 to 672.325, who by training, education and experience is qualified in the practice of geotechnical or soils engineering practices.

11. Geotechnical Evaluation means a written letter or evaluation prepared and stamped by a geotechnical or civil engineer identifying whether a landslide hazard exists due to seismic or water induced forces or soil conditions; and whether a significant landslide hazard risk may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the evaluation.

12. Geotechnical Report means a report prepared and stamped by a Geotechnical Engineer, evaluating the site conditions and recommending design and mitigation measures necessary to reduce the risk associated with development and to facilitate a safe and stable development. A geotechnical report must be prepared in accordance with the report requirements identified in this Chapter.

13. Grading means the act of excavating or filling, which results in the changing of the elevation or drainage pattern of the surface of the land.

14. Ground Disturbance means any excavation of 50 cubic yards or more.

15. Hazardous Vegetation means as defined by Section 8.12.045 of the Municipal Code.

16. Hillside Area means any property with slopes of 15% or more.

17. Landslide means the downslope movement of soil, rocks, or other surface matter on a site. Landslides may include, but are not limited to, slumps, mudflows, earthflows, debris flows, and rockfalls.

18. Mitigation Measure means an action designed to reduce project-induced geologically hazardous area impacts.

19. Slope means an inclined earth surface, the inclination of which is expressed denoting a given rise in elevation over a given run in distance. A fifteen percent slope, for example, refers to a fifteen foot rise in elevation over a distance of one hundred feet. Slopes are measured across a horizontal rise and run calculation within any horizontal twenty-five foot distance.

20. Tree means any living, standing, woody plant, having a trunk eight inches or more in diameter or 25 inches in circumference, measured at a point of four feet above grade at the base of the trunk.

21. Tree Removal means to cut down a tree or remove all or 50% or more of the crown, trunk, or root system of a tree; or to damage a tree so as to cause the tree to decline or die. "Removal" includes but is not limited to topping, damage inflicted upon a root system by application of toxic substances, operation of equipment and vehicles, storage of materials, change of natural grade due to unapproved excavation or filling, or unapproved alteration

of natural physical conditions. “Removal” does not include normal trimming or pruning of trees.

22. Vegetative Removal means the disturbance or removal of more than 2,500 square feet of existing vegetative ground cover including but not limited to trees, brush, grass and low growing ground cover plants.

C. Regulated Activities; Permit and Approval Requirements; Applicability. Except as provided under section 18.41.040, no person shall engage in any of the following regulated activities in hillside areas of 15% or greater, without first obtaining a Hillside Development Permit as required by this chapter.

1. Tentative or final platting of partitions, subdivisions, manufactured home parks, planned unit developments, or mixed use master plans;

2. Proposed planned unit developments, or mixed use master plans;

3. Construction of new commercial building;

4. Construction of new residential building;

5. Construction of roads and/or utilities;

6. Excavation/fill/grading;

7. Expansion of footprint of more than 500 square feet of any existing structure, building, road or utility; or

8. Tree removal on slopes greater than 60%;

9. Vegetation removal that exceeds 2,500 square feet;

10. Any property where a geotechnical evaluation, assessment or geotechnical report has not been conducted in the last 10 years, subject to review by the City Engineer;

11. At the request of the City Engineer.

D. Application Process. The application may be processed simultaneously with other land use applications, but approval of the other land use applications shall be subject to the Hillside Development Permit being issued and the appeal period having expired.

The requirements of this chapter are in addition to other provisions of this code. Where the provisions of this chapter conflict with other provisions of this code, the provisions that are more restrictive of regulated development activity shall govern.

E. Exemptions. The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter:

1. Construction/modifications of utilities and streets within existing footprint of street;

2. Interior remodels;

3. Exterior alterations and/or additions under 500 square feet in area;

4. Construction of accessory structures under 200 square feet in area;

5. Construction/renovation of retaining walls less than 4' in height (measured from bottom of footing to top of wall); or

6. Excavation or fill under 50 cubic yards.

F. Hillside Area Levels & Mapping. Hillside Area Levels for the purpose of this Chapter are:

1. Level 1 hillside area is any area with a slope of 15 to 20 percent;

2. Level 2 hillside area is any area with a slope of 20 to 25 percent; and

3. Level 3 hillside area is any area with a slope of greater than 25 percent.

4. Hillside area levels 1-3 are mapped on the "Slopes In Cottage Grove", as prepared by Lane Council of Governments, dated April 19, 2006, which is on file in the Community Development Department. This map provides guidance only. Final determination of slopes should be determined by a professional licensed in the State of Oregon to perform such surveys. This map provides guidance only. Slopes should be determined on a site-specific basis by a registered surveyor.

G. Geotechnical Evaluation, Assessments & Reports.

1. Geotechnical Evaluations-Level 1.

   a. Geotechnical Evaluations shall be based on site visits(s) and literature review and shall state the planned property use for which the evaluation was performed.

   b. Geotechnical Evaluations shall be performed by a Geotechnical Engineer registered in the State of Oregon, or Civil Engineer registered in the State of Oregon, or a combination thereof.

   c. The author of the evaluation shall state whether or not, in their professional opinion, a significant landslide hazard exists due to seismic or water induced forces; soil conditions; and if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the evaluation.

   d. The evaluation shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds it probable that a significant risk may exist, at which point the author(s) shall recommend either a Geotechnical Assessment

or a Geotechnical Report.

f. The Geotechnical Evaluation shall be stamped by the author(s).

f. The Geotechnical Evaluation is required at the time of Hillside Development Permit application submittal.

2. Geotechnical Assessment – Level 2.

a. Geotechnical Assessments shall be based on site visit(s), literature review and shallow borings of sufficient depth, frequency and distribution to identify the soil or rock zones apt to mobilize under seismic or water induced forces;

b. Geotechnical Assessment shall be performed by a Geotechnical Engineer registered in the State of Oregon;

c. The author of the assessment shall state whether or not, in their professional opinion, a significant risk of landslide hazard exist due to seismic or water induced forces, or if significant landslide hazard risk from any cause may become present after development, based on the planned use of the property. The contiguous slope shall be considered in the assessment;

d. The assessment shall detail the surface and subsurface conditions of the site and delineating the areas of a property that might be subject to geotechnical hazards;

e. The assessment shall contain recommendations to be followed during construction of the proposed work, unless the author(s) finds that a significant risk may exist, at which point they shall recommend a Geotechnical Report be performed;

f. The Geotechnical Assessment shall be stamped by the author; and

g. The Geotechnical Assessment is required at the time of Hillside Development Permit application submittal.

3. Geotechnical Report-Level 3.

a. A Geotechnical Report shall be required:

1. For slopes greater than 25%; or

2. Where a geological evaluation or assessment recommends preparation of a Geotechnical Report; or

3. Where a landslide risk has been identified by the Oregon Department of Geology and Mineral industries; or

4. Where unusual and site specific circumstances including, but not limited to, importance of facility, land form mobilization history or potential impacts to

surrounding existing structures, exist and the City Engineer makes a written finding that such hazard may exist based on the evidence available and that a detailed examination of the site's geotechnical characteristics is warranted.

b. The Geotechnical Report shall include at minimum the following:

1) A report shall evaluate the site conditions and recommend design and mitigation measures necessary to reduce the risk associated with development and to facilitate a safe and stable development;

2) The author of the geotechnical report shall state that, in their opinion, a geological assessment is not required. If a Geological Assessment is required, it shall be performed by a Certified Engineering Geologist registered in the State of Oregon. Assessments shall be prepared in accordance with the Guidelines for Preparing Engineering Geologic Reports in Oregon as adopted by the Oregon State Board of Geologist Examiners. The report shall detail the conditions of the surface and subsurface conditions of the site and delineating the areas of the property that might be subject to specified geologic hazards. The report shall be stamped by the author;

3) Comprehensive description of the site topography; including the characterization of each type of native and imported soil likely to be impacted by the planned activities including: Atterburg Limits, Specific Gravity, Natural Moisture Content, Cohesion, Internal Angle of Friction;

4) An estimate of the safety factor against slope instability before and after development considering gravity forces, seismic forces, hydraulic impacts under varied ground water or vadose zone conditions, and vegetation removal;

5) Sections through the hillside illustrating pre and post development configurations for structures, piping and roads;

6) Estimate of the allowable bearing strength of the soil for foundations and identification of areas requiring further detailed work;

7) Assessment of the safety of and recommendations for cut and fill operations, including specific requirements for plan modification, corrective grading and special techniques and systems to facilitate a safe and stable development;

8) Assessment of and recommendations for mitigation of potential adverse impacts on structures, roads, and piping systems;

9) Recommendations for transport and collection of surface and subsurface (if present) water;

10) Recommendations on vegetation removal and replacement;

11) Description of the field investigation and findings;

12) Other recommendations as necessary, commensurate with the project grading and development;

13) Geotechnical Reports shall be in accordance with recommendations of the Geotechnical Institute of the American Society of Civil Engineers; The Geotechnical Report shall be prepared and stamped by the author; and

14) The Geotechnical Report is required at the time of Hillside Development Permit application submittal.

H. Review Procedure and Approvals.

1. No regulated activity may be initiated until the City Engineer has reviewed the Geotechnical Evaluation, Assessment or Report, and/or the Geological Assessment; has made a recommendation to the Community Development Director, and the Community Development Director has made a decision and issued a Hillside Development Permit (Type I or II).

2. Level 1 Hillside Development Permits shall be processed as Type I applications. Level 2 & Level 3 Hillside Development Permits shall be processed as Type II applications. Upon review of the application, the Community Development Director and/or City Engineer may choose to process a Level 3 Permit as a Type III application.

3. A Geotechnical Evaluation, Assessment or Report and/or a Geological Assessment must be submitted concurrently with the Hillside Development Permit application.

4. Review of submittals shall include examination to ensure that the following criteria are met:

   a. Required elements are completed;

   b. Geotechnical or Geological Report procedures and assumptions are generally accepted; and

   c. All conclusions and recommendations are supported and reasonable.

5. Conclusions and recommendations stated in an approved Geotechnical Evaluation, Assessment or Report; and/or Geological Assessment shall then be directly incorporated as permit conditions or provide the basis for conditions of approval of the regulated activity.

6. An excavation and fill permit may be required pursuant to Section 15.20 “Erosion Prevention and Construction Site Management Practices” of the Cottage Grove Municipal Code.

I. Independent Review. Where the City Engineer determines that a Geotechnical Evaluation, Assessment or Report and/or the Geological Assessment fails to meet one or more of the review criteria, or the City Engineer determines that it lacks the qualifications or expertise to

fully review the above noted items, the Community Development Director on the recommendation of the City Engineer, may elect to have an independent Certified Engineering Geologist and/or Geotechnical Engineer undertake the review, at City expense.

J. Certification of Compliance. No regulated activity requiring a Geotechnical Evaluation, Assessment, or Report shall receive initial inspection on a valid permit for properties located in a hillside area until the City receives a written statement by a civil or geotechnical engineer or other licensed professional that all performance, mitigation, or monitoring measures contained in an approved Geotechnical Report are completed, in place, and operable.

K. Disclosure. As a condition of City permits or approvals of regulated activities located in hillside areas, the owner:

1. Shall record a declaratory statement against the property stating the property contains slopes of fifteen percent or more and that all approved Geotechnical Evaluations, Assessment, or Reports and/or Geological Assessments for such property are on file with the City; and

2. Shall provide evidence of such recording to the Community Development Department.

L. Emergency Actions. The person undertaking an emergency action as defined by this chapter shall notify the Community Development Director or City Engineer upon the immediately following the commencement of the emergency activity. If the Community Development Director after review by the City Engineer determines that the action or part of the action taken is beyond the scope of an allowed emergency action, enforcement action may be taken.

3.7.200 Flood Damage Prevention

A. Statutory authorization. The State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.

B. Findings of fact.

1. The flood hazard areas of the city are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

2. The flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

3. The city has the primary responsibility for planning, adoption and enforcement of land use regulations to accomplish proper management of special flood hazard areas.

C. 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 condition in specific areas by provisions designed to:

1. Protect human life and health;

2. Minimize damage to public facilities and utilities, such as water and sewage treatment plants, water and gas mains, electric, telephone and sewer lines, streets and bridges, that are located in areas of special flood hazard;

3. Help maintain a stable tax base by providing for the sound use and development of flood prone areas;

4. Minimize expenditure of public money for costly flood control projects;

5. Minimize the need for rescue, emergency services, and relief associated with flooding and generally undertaken at the expense of the general public;

6. Minimize prolonged business interruptions, unnecessary disruption of commerce, access and public service during times of flood;

7. Ensure that potential buyers are notified that property is in an area of special flood hazard;

8. Ensure that those who occupy within the areas of special flood hazard assume responsibility for their actions, and;

9. Manage the alteration of areas of special flood hazard, stream channels and shorelines to minimize the impact of development on the natural and beneficial functions.

D. Methods of reducing flood losses. In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Requiring development that is vulnerable to floods, including structures and facilities necessary for the general health, safety and welfare of citizens, to be protected against flood damage at the time of initial construction;

2. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which increase flood heights, velocities, or erosion;

3. Controlling filling, grading, dredging and other development which may increase flood damage or erosion;

4. Preventing or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards to other lands;

5. Preserving and restoring natural floodplains, stream channels, and natural protective

barriers which carry and store flood waters, and;

6. Coordinating with and supplementing provisions of State of Oregon Specialty Codes enforced by the State of Oregon Building Codes Division.

E. Definitions.

1. For purposes of this Chapter, the following words, terms, and phrases shall be defined as follows:

   a. Accessory Structure means a structure on the same parcel of property as a principal structure, the use of which is incidental to the use of the principal structure.

   b. Appeal means a request for review of an interpretation or decision made by the Community Development Director and of any provision of this Chapter or a decision on a request for a variance.

   b. Area of Shallow Flooding means a designated Zone AO or Zone AH on a community's Flood Insurance Rate Map (FIRM) with a 1 percent (1%) or greater annual chance of flooding in any given year. Zone AO has an average base flood depth of 1 to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Zone AO is characterized as sheet flow; Zone AH indicates ponding and is shown with Base Flood Elevations.

   c. Area of Special Flood Hazard means the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. The Area of Special Flood Hazard is synonymous with Special Flood Hazard Area (SFHA). The SFHA is shown on Flood Insurance Rate Maps and includes the letters A and AE.

   d. Base Flood means a flood having a one percent chance of being equaled or exceeded in any given year, and is synonymous with the one hundred year flood.

   e. Base Flood Elevation (BFE) means the water surface elevation during the base flood in relation to a specified datum. The Base Flood Elevation (BFE) is depicted on the FIRM to the nearest foot and in the FIS to the nearest 0.1 foot. BFE includes base flood depth as used for Zone AO.

   f. Basement means any area of the building having its floor sub-grade (below ground level) on all sides.

   g. Below-grade Crawlspace means an enclosed area below the Base Flood Elevation in which the interior grade does not exceed 2 feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the bottom of the lowest horizontal structural member of the lowest floor, does not exceed 4 feet at any point.

   h. Conditional Letter of Map Revision (CLOMR) is a letter from FEMA commenting on whether a proposed project, if built as proposed, would meet the minimum NFIP

standards or proposed hydrology changes. If the project, built as proposed, revises the Flood Insurance Rate Map and/or Flood Insurance Study, a LOMR is required to be submitted no later than 6 months after project completion.

i. Datum means the vertical control datum from which all vertical elevations are determined. Historically, Flood Insurance Rate Maps have used the National Geodetic Vertical Datum of 1929 (NGVD29). The vertical datum currently adopted by the federal government as a basis for measuring heights is the North American Vertical Datum of 1988 (NAVD88). (See Mean Sea Level.)

j. De Minimis Development means development that is exempt under this code provided impacts of the development are negligible or insignificant. Examples include: paving or hardscaping of flat areas; certain types of fencing per Table 3.7.210; and raised garden beds.

k. Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, fencing, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

l. Digital FIRM (DFIRM) means Digital Flood Insurance Rate Map. It depicts flood risk and zones and flood risk information. The DFIRM presents the flood risk information in a format suitable for electronic mapping applications.

m. Elevated Building means a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

n. Encroachment means the activities or construction within the Floodway including, fill, excavation, grading, new construction, substantial improvements and other development.

o. Essential Facility or Critical Facility means:

    i. Hospitals and other medical facilities having surgery and emergency treatment areas;

    ii. Fire and police stations;

    iii. Tanks or other structures containing, housing or supporting water or fire-suppression materials or equipment required for the protection of essential or hazardous facilities or special occupancy structures;

    iv. Emergency vehicle shelters and garages;

    v. Structures and equipment in emergency-preparedness centers;

    vi. Standby power generating equipment for essential facilities; and

vii. Structures and equipment in government communication centers and other facilities required for emergency response.

p. FEMA means the Federal Emergency Management Agency.

q. Flood or Flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from:

i. The overflow of inland or tidal waters; and/or,

ii. The unusual and rapid accumulation of runoff or surface waters from any source.

r. Flood Insurance Rate Map (FIRM) means the official map of a community, issued by the Federal Insurance Administration, delineating the Special Flood Hazard Areas and the risk premium zones applicable to the community.

s. Flood Insurance Study (FIS) means the official report provided by the Federal Insurance Administration evaluating flood hazards and containing flood profiles, regulatory Floodway boundaries and water surface elevations of the base flood.

t. Flood Proofed or Flood Proofing means any combination of structural and nonstructural additions, changes or adjustment to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

u. Floodway (regulatory Floodway) means the channel of a river or other watercourse and those portions of the land areas adjacent to the channel that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

v. Historic Structure means a structure that is:

i. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or to a district preliminarily determined by the Secretary to qualify as a registered historic district;

iii. Individually listed on a state inventory of historic places which have been approved by the Secretary of the Interior, or;

iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior, or;

b. Directly by the Secretary of the Interior in states without approved programs.

w. Letter of Map Change (LOMC) means an official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and/or Flood Insurance Studies. LOMCs are issued in the following categories:

i. Letter of Map Amendment (LOMA) means an amendment to the FIRM based on technical data showing that an existing structure or parcel of land that has not been elevated by fill (natural grade) was inadvertently included in the special flood hazard area because of an area of naturally high ground above the base flood.

ii. Letter of Map Revision (LOMR) is a letter from FEMA stating that an existing structure or parcel of land that has been elevated by fill would not be inundated by the base flood. A LOMR revises the current FIRM and/or FIS to show changes to the floodplains, Floodways or flood elevations. LOMRs are generally based on manmade alterations that affected the hydrologic or hydraulic characteristics of a flooding source and thus result in modification to the existing regulatory Floodway, the effective Base Flood Elevation or the Special Flood Hazard Area. It is recommended that a Conditional Letter of Map Revision be approved by FEMA prior to issuing a permit to start a project that has a potential to affect the special flood hazard area. (See Conditional Letter of Map Revision.)

x. Lowest Floor means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is built and maintained in accordance with the applicable design requirements of the Oregon Specialty Codes and this ordinance.

y. Manufactured Dwelling or Home means a structure, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term "Manufactured Dwelling" does not include a "Recreational Vehicle."

z. Manufactured Home Park means a parcel, or contiguous parcels or lots of land divided into site or lots of two or more manufactured homes that are for rent or sale.

aa. Mean Sea Level means for purposes of the National Flood Insurance Program, datum to which Base Flood Elevations shown on a community's FIRM are referenced. (See Datum.)

bb. New Construction means a structure for which the "start of construction" commenced on or after November 11, 1985, and includes any subsequent substantial improvements to the structure.

cc. Oregon Specialty Codes means the combined specialty codes adopted under ORS 446.062, 446.185, 447.020 (2), 455.020 (2), 455.496, 455.610, 455.680, 460.085, 460.360, 479.730 (1) or 480.545, but does not include regulations adopted by the State

Fire Marshal pursuant to ORS chapter 476 or ORS 479.015 to 479.200 and 479.210 to 479.220. The combined specialty codes are often referred to as building codes.

dd. Recreational Vehicle means a vehicle that is built on a single chassis; is 400 square feet or less when measured at the largest horizontal projection; is designed to be self-propelled or permanently towed by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

ee. Special Flood Hazard Area means zones on Flood Insurance Rate Maps that depict the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. "Special Flood Hazard Area" is synonymous with "Area of Special Flood Hazard." Special Flood Hazard Areas on Flood Insurance Rate Maps always include the letters A or AE.

ff. Start of Construction includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not the alteration affects the external dimensions of a building.

gg. Structure means a walled and roofed building, a manufactured dwelling, a modular or temporary building, or a gas or liquid tank that is principally aboveground.

hh. Substantial Damage means damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed by 50% of the market value before the damage occurred.

ii. Substantial improvement means reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. For the purposes 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 market value of the structure is:

i. The real market value of the structure prior to the start of the initial repair or improvement; or

ii. In the case of damage, the real market value of the structure prior to the damage occurring.

Substantial Improvement does not include either:

(a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications, which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or;

(b) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

jj. Variance means a grant of relief from the requirements of this Chapter that permits construction in a manner that would otherwise be prohibited by this Chapter.

kk. Violation means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications or other evidence of compliance of this ordinance is presumed to be in violation until such time as that documentation is provided.

ll. Water Dependent Use means a facility that cannot be used for its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers or water intakes. The term does not include long-term storage, manufacture, sales or service facilities.

mm. Water Surface Elevation means the height, in relation to a specific datum, of floods of various magnitudes and frequencies in the flood plains of coastal or riverine areas.

2. Unless specifically defined in this Section, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage and to give this Chapter its most reasonable application.

F. Applicability. This ordinance shall apply to all Special Flood Hazard Areas within the jurisdiction of Cottage Grove. Nothing in this Ordinance is intended to allow uses or structures that are otherwise prohibited by this Development Code or State of Oregon Specialty Codes.

G. Basis for Areas of Special Flood Hazard. The Area of Special Flood Hazard identified by the Federal Emergency Management Agency in its Flood Insurance Study (FIS) for Lane County, Oregon and Incorporated Areas, dated June 2, 1999 with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), as amended and updated by

FEMA, are adopted by reference and declared a part of this ordinance. The FIS and the FIRM are on file at the Community Development Department, City Hall, 400 East Main Street, Cottage Grove, Oregon.

Areas of Special Flood Hazard are depicted on FIRMS and DFIRMs as Special Flood Hazard Areas (SFHA). When the Base Flood Elevation has not been identified, the best available information for flood hazard area as identified in Section J shall be the basis for regulation.

H. Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division. Pursuant to the requirement established in ORS 455 that the City of Cottage Grove administers and enforces the State of Oregon Specialty Codes, the City Council of the City of Cottage Grove does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in Special Flood Hazard Areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

I. Floodplain Development Permit Required. A development permit shall be required prior to initiating development activities in any Special Flood Hazard Area established in Section G. The permit shall be for all proposed development as set forth in Section E Definitions, including the placement of manufactured dwellings.

J. Administration.

1. Designation of Floodplain Administrator. The Community Development Director or his/her designee is appointed as the Floodplain Administrator who is responsible for administering and implementing the provisions of this ordinance.

2. Duties of the Floodplain Administrator shall include, but not be limited to:

    a. Review all proposed construction and other development, including the placement of manufactured dwellings, to determine whether such construction or other development will be located in Special Flood Hazard Areas or other flood-prone areas;

    b. Review permit applications for new development or modifications of any existing development in Special Flood Hazard Areas for compliance with the requirements of this ordinance;

    c. Review proposed development to assure that all necessary permits have been received from those federal, state, and local governmental agencies from which approval is required. Copies of such permits shall be maintained on file;

    d. Review all development permit applications to determine if proposed development is located in the regulatory Floodway, and if so, ensure that the encroachment standards of Section O(2) are met;

    e. When Base Flood Elevation data or data have not been provided, the Floodplain Administrator shall obtain, review and reasonably utilize any Base Flood Elevation and floodway data available from a Federal, state or other authoritative source in order to

administer the provisions of this ordinance;

f. When Base Flood Elevations are not available:

(a) Review proposed development to determine whether development proposals are reasonably safe from flooding;

(b) Review all development permits for all new subdivision proposals and other proposed development (including proposals for manufactured home parks and subdivisions) greater than 5 acres or 50 lots, whichever is the lesser, to ensure a base flood elevation has been established.

g. Where a determination is needed of the exact location of boundaries of the Special Flood Hazard Areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Floodplain Administrator shall make a determination through a Type II application process. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the determination through a Type III application process;

h. Issue development permits when the provisions of this ordinance have been met, or deny the same in the event of noncompliance;

i. Obtain, verify and record the actual elevation in relation to the vertical datum used on the effective FIRM, or in relation to the highest adjacent grade where no Base Flood Elevation is available, of the lowest floor level, including basement, of all new construction or substantially improved structures, including manufactured dwellings, that are located in special flood hazard areas;

j. Obtain, verify and record the actual elevation of finished construction, in relation to the vertical datum used on the effective FIRM, or highest adjacent grade where no Base Flood Elevation is available, to which a new or substantially improved non-residential structure located in a non-coastal special flood hazard area has been flood-proofed. When floodproofing is utilized for a non-residential structure, the Floodplain Administrator shall obtain a Floodproofing Certificate (FEMA Form 81-65) which has been signed and sealed by a registered professional engineer or architect;

k. Ensure that all records and certifications pertaining to the provisions of this ordinance are permanently maintained the Community Development Department office and available for public inspection;

l. Make periodic inspections of Special Flood Hazard Areas to establish that development activities are being performed in compliance with this ordinance, and to verify that existing buildings and structures maintain compliance with this ordinance;

m. Coordinate with the Building Official to inspect areas where buildings and structures in Special Flood Hazard Areas have been damaged, regardless of the cause of damage, and notify owners that permits may be required to repair, rehabilitate, demolish, relocate, or reconstruct structures;

n. Make substantial improvement and/or substantial damage determinations for all structures located in Special Flood Hazard Areas.

K. Floodplain Development Permit.

1. A Floodplain Development Permit shall be obtained prior to start of all proposed construction and other development including the placement of manufactured homes within any Special Flood Hazard Area.

2. The Floodplain Development Permit shall be a Type I Application as set forth by Chapter 4.1. The Community Development Director may require a Type II Application if discretion is involved in the review of the application.

3. Application Requirements for Floodplain Development Permit. Application for a development permit shall be made on forms furnished by the Community Development Department and may include but not be limited to:

   a. Plans in triplicate drawn to scale, with elevations of the project area and the nature, location, dimensions of existing or proposed structures, earthen fill placement, storage of materials or equipment and drainage facilities;

   b. Delineation of Special Flood Hazard Areas, regulatory Floodway boundaries including Base Flood Elevations, or flood depth in AO zones, where available;

   c. For all proposed structures, elevation in relation to the highest adjacent grade and the Base Flood Elevation, or flood depth in AO zones, of the:

      i. Lowest enclosed area including crawlspace or basement floor; and

      ii. Top of the proposed garage slab, if any; and

      iii. Next highest floor.

   d. Locations and sizes of all flood openings, if required, in any proposed structure;

   e. The proposed elevation to which a non-residential structure will be flood-proofed or elevated;

   f. Specifications for any proposed flood-proofing of nonresidential structures and an indication that the proposed flood-proofing will be certified by a professional engineer or architect prior to issuance of the development permit;

   g. Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development; and

   h. Evidence that all necessary permits can be obtained from those governmental agencies from which approval is required by Federal or State law.

i. For reconstruction, rehabilitation, additions or other improvements to existing non-conforming buildings, evidence to determine improvement costs and actual repair/damage value for substantial improvement/substantial determination, including market value estimates of existing building(s) prior to damage/improvement, and market value estimate of building(s) post repair/improvement. Estimates must include all structural elements, interior finish elements, utility and service equipment, labor and other costs associated with demolishing, removing, or altering building components, construction management, and any improvements beyond pre-damaged condition.

4. Approval Requirements. No Floodplain Development Permit shall be issued until compliance with this ordinance and other applicable codes and regulations has been demonstrated. Specifically, the following documentation is required prior to issuance of a Floodplain Development Permit:

   a. Evidence that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law;

   b. A FEMA-approved CLOMR if the project will involve adding fill exceeding 50 cubic yards, cause a watercourse alteration, modify Base Flood Elevation, or change the boundaries of the floodway or special flood hazard area;

   c. A complete pre-construction Elevation Certificate signed and sealed by a registered professional surveyor, except as provided in Section P(3) for wet-proofed accessory structures; and

   d. Certification from a registered professional engineer or architect that any proposed non- residential flood-proofed structure will meet the flood-proofing criteria of the NFIP and Oregon Specialty Codes.

5. During construction.

   a. For all new construction and substantial improvements, the permit holder shall provide to the Floodplain Administrator an as-built certification of the floor elevation or flood-proofing level immediately after the lowest floor or flood-proofing is placed and prior to further vertical construction;

   b. Any deficiencies identified by the Floodplain Administrator shall be corrected by the permit holder immediately and prior to work proceeding. Failure to submit certification or failure to make the corrections shall be cause for the Floodplain Administrator to issue a stop-work order for the project.

6. Finished Construction. In addition to the requirements of the Oregon Specialty Codes pertaining to certificate of occupancy, and prior to the final inspection, the owner or authorized agent shall submit the following documentation for finished construction that has been signed and sealed by a registered surveyor or engineer:

   a. For elevated buildings and structures in Special Flood Hazard Areas, the elevation of

the lowest floor, including basement, or where no Base Flood Elevation is available, the height of highest adjacent grade of the lowest floor;

b. For non-residential buildings and structures that have been flood-proofed, the elevation to which the building or structure was flood-proofed.

c. Failure to submit certification or failure to correct violations shall be cause for the Floodplain Administrator to withhold a certificate of occupancy until such deficiencies are corrected.

7. Expiration of Floodplain Development Permit. Floodplain development permits issued under this Chapter shall become invalid unless the work authorized by such permit is commenced within 180 days after issuance or the work is suspended or abandoned for a period of 180 days after the work commences. Extensions for period of not more than 180 days each shall be requested in writing and shall be reviewed against the current FIRM and this Chapter.

L. Watercourse Alterations

1. Development shall not diminish the flood carrying capacity of a watercourse. If a watercourse will be altered or relocated as a result of the proposed development the applicant must submit certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

2. Applicant will be responsible for obtaining all necessary permits from governmental agencies from which approval is required by federal, state, or local law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334; the Endangered Species Act of 1973, 16 U.S.C. 1531-1544; and State of Oregon Division of State Lands regulations.

3. The Floodplain Administrator shall notify adjacent communities and the Oregon Department of Land Conservation and Development prior to any alteration or relocation of the watercourse. Copies of such notification shall be submitted to the Federal Insurance Administrator. The applicant shall provide to the Floodplain Administrator the technical information necessary to prepare the notification.

4. The Floodplain Administrator shall assure that maintenance for the altered or relocated portion of the water course is provided so that the flood carrying capacity will not be diminished. It shall be the responsibility of the applicant to perform required maintenance.

5. The applicant shall submit required technical data to the Floodplain Administrator prior to any watercourse alteration that will result in the expansion, relocation or elimination of the special flood hazard area.

M. Requirement to Submit New Technical Data

1. Within six months of project completion, an applicant who obtains a Conditional Letter of Map Revision (CLOMR) from FEMA, or whose development involves more than 50 cubic

yards of fill, alters a watercourse, modifies floodplain boundaries, or modifies Base Flood Elevations, shall obtain from FEMA a Letter of Map Revision (LOMR) reflecting the as-built changes to the FIS and/or FIRM and provide a copy of the final LOMR to the City.

2. It is the responsibility of the applicant to have technical data prepared in a format required for a CLOMR or LOMR and to submit such data to FEMA on the appropriate FEMA Form MT-2 application forms. Submittal and processing fees for these map revisions shall be the responsibility of the applicant.

3. Applicants shall be responsible for all costs associated with obtaining a CLOMR or LOMR from FEMA.

4. The Floodplain Administrator shall be under no obligation to sign the Community Acknowledgment Form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met all applicable requirements of this ordinance.

N. Non-conversion of Enclosed Areas below the Lowest Floor. To ensure that enclosed areas below the lowest floor continue to be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation/recreation/bathrooms, etc., the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;

2. Require such applicants to enter into a "NON-CONVERSION DEED DECLARATION FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent. The deed declaration shall be recorded with Lane County, and shall be in a form acceptable to the Floodplain Administrator.

O. Provisions for Flood Hazard Reduction

1. Site Improvements and Subdivisions

   a. Where Special Flood Hazard Areas have not been defined within the community or a Base Flood Elevation has not been provided, all plans and permits for proposed construction, subdivisions, placement of manufactured homes, or other development shall be consistent with the need to ensure that building sites will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes historical data, high water marks, photographs of past flooding, etc.

   b. All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. No new building lots shall be created entirely within the regulatory Floodway. All new lots shall be buildable without requiring development within the Floodway (i.e. minimum lot size under base zoning must be provided outside of the Floodway) and, where possible, allow building outside of the Special Flood Hazard Area.

c. If a parcel has a buildable site outside the Special Flood Hazard Area, it shall not be subdivided to create a new lot, tract or parcel for a building that does not have a buildable site outside the Special Flood Hazard Area. This provision does not apply to lots set aside from development and preserved as open space.

d. Where a Special Flood Hazard Area has been defined but a Base Flood Elevation has not been provided, it shall be generated for subdivision and partition proposals and other proposed developments (including proposals for manufactured home parks and commercial or industrial site developments) by the applicant per Section 4 below.

e. Site improvements, subdivisions, and manufactured home parks shall have public utilities and facilities such as sewer, gas, electric and water systems located and constructed to minimize or eliminate flood damage and infiltration of floodwaters into the systems. Replacement public utilities and facilities such as sewer, gas, electric, and water systems likewise shall be sited and designed to minimize or eliminate damage and infiltration of floodwaters.

f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters in the systems and discharges from the systems into flood waters. Onsite waste disposal systems shall be located to avoid functional impairment to them or contamination from them during flooding.

g. Subdivisions proposals and other proposed new development, including manufactured home parks, shall have adequate drainage provided to reduce exposure to flood hazards. In AO and AH zones, drainage paths shall be provided to guide floodwater around and away from proposed structures.

h. New essential facilities shall not be constructed in the regulatory Floodway, and shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area.

2. Development in Regulatory Floodways

a. Except as provided below, encroachments, including fill, new construction, substantial improvements, solid fences or other non-De Minimis development, are prohibited in the regulatory Floodway.

b. Temporary encroachments in the regulatory Floodway for the purposes of capital improvement projects (including bridge construction/repair) must have a Floodplain Development Permit. This includes ensuring that all other required permits and permissions are obtained from federal, state and local agencies. If the temporary encroachment results in an increase in flood levels during the occurrence of the base flood discharge, a CLOMR is not required to be obtained when:

i. The project is limited as to duration with the days and dates that the structure or other development will be on site specified in the development permit. If a longer permit is required, a new permit should be issued;

ii. All other accessory equipment and temporary structures (i.e. construction trailers) are restricted from the regulatory Floodway;

iii. The project limits placement of equipment and material in the regulatory Floodway to that which is absolutely necessary for the purposes of the project;

iv. Structures shall be placed on site so the flood damages are minimized;

v. The project includes a flood warning system sufficient to allow equipment to be evacuated from the regulatory Floodway and placed outside the area of special flood hazard in the event of imminent flood;

vi. The project applicant identifies insurable structures affected by an increase in Base Flood Elevation. The community should disclose to all owners of insurable structures and all applicants for permits in the affected area that there is an increased risk of flooding for the duration of the temporary encroachment; and

vii. The project applicant is provided with written notification that they may be liable for any flood damages resulting from the temporary encroachment.

c. Projects for stream habitat restoration may be allowed without certification by a registered professional engineer provided:

i. A Floodplain Development Permit is obtained prior to initiating development activities;

ii. The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023);

iii. A qualified professional (a Registered Professional Engineer, or staff of NRCS; the county, or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in the 100-year flood levels as close to zero as practically possible given the goals of the project;

iv. No structures would be impacted by a potential rise in flood elevation; and

v. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

d. Water dependent uses may be allowed provided:

i. A Variance is approved per criteria in Section W of this ordinance;

ii. A Floodplain Development Permit is obtained prior to initiating development activities;

iii. A registered professional civil engineer provides certification demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that such encroachment will not result in any increase in flood levels during the occurrence of the base flood discharge; and

iv. The project limits placement of equipment, material, and structures in the regulatory Floodway to that which is absolutely necessary for the purposes of the project.

e. Fences in the Floodway. Fences may be allowed in the regulatory Floodway per Table 3.7.210, if they are open barb or barbless, or open pipe or rail fencing (e.g. corrals) with limited cross channel fencing. Other types of fencing must meet the standards of (d) above.

3. Zones with Base Flood Elevations but No Regulatory Floodway

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

b. Applicants of proposed projects that increase the Base Flood Elevation more than one foot shall obtain from FEMA a Conditional Letter of Map Revision (CLOMR) before the project may be permitted. As soon as possible, but no later than 6 months after project completion, an application for a Letter of Map Revision (LOMR) shall be submitted by the applicant to FEMA. The applicant is responsible for paying any costs associated with the CLOMR and LOMR process.

4. Special Flood Hazard Areas Without Base Flood Elevations

When Special Flood Hazard Areas have been provided by FEMA on Flood Insurance Rate Maps, but Base Flood Elevations have not been provided, the Floodplain Administrator shall:

a. Require that a Base Flood Elevation be generated whenever development is proposed on greater than 50 lots or 5 acres (whichever is the lesser); or

b. If Base Flood Elevations are not available, and are not required to be generated, the standards below shall apply:

i. No encroachments, including structures or fill, shall be located in an Area of Special Flood Hazard within an area equal to the width of the stream or fifty feet, whichever is greater, measured from the ordinary high water mark; and

ii. The lowest floor of any building or structure, including the bottom of the longitudinal chassis frame bean of the manufactured dwelling, shall be elevated a minimum of three (3) feet above highest adjacent grade. Below grade crawlspaces are prohibited.

P. Building Design and Construction. Within the Special Flood Hazard Area, buildings and structures shall be designed and constructed in accordance with the flood-resistant construction provisions of the Oregon Specialty Codes, including but not limited to the Residential Specialty Code, the Manufactured Dwelling Installation Specialty Code, and the Structural Specialty Code, and as specified below:

1. In all Special Flood Hazard Areas:

   a. New construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure;

   b. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

   c. New construction and substantial improvements shall be constructed using methods and practices that minimize flood damage;

   d. New structures placed in the SFHA should be elevated by methods other than fill. Projects that involve adding fill exceeding 50 cubic yards shall pursue CLOMR-Fs prior to LOMR-Fs to ensure ESA compliance;

   e. Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities (including ductwork) must be elevated or waterproofed to a minimum of two (2) foot above the Base Flood Elevation; and

   f. Any alteration, repair, reconstruction or non-substantial improvement to a building that is not in compliance with the provisions of this ordinance shall be undertaken only if said non-conformity is not furthered, extended or replaced. Flood-resistant materials shall be used below BFE.

2. Specific Building Design and Construction Standards for Residential Construction.

   In addition to Paragraph (1) of this section:

   a. Required Free Board. New construction and substantial improvement of residential structures located in Special Flood Hazard Areas shall have the lowest floor elevation, including basement, elevated a minimum of two (2) foot above the Base Flood Elevation or three (3) feet above highest adjacent grade where no BFE is defined; and

   b. Requirements for enclosed spaces below lowest floor. New construction and substantial improvement that have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and 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 be certified by a registered professional engineer or architect and must meet or exceed the following minimum criteria:

i. A minimum of two (2) openings having a total net area of not less than one (1) 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 (1) foot above grade; and

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

3. Specific Building Design and Construction Standards for Nonresidential Construction.

In addition to Paragraph (1) of this Section, new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated according to Table 2-1 of the American Society of Civil Engineers, Flood Resistant Design and Construction Standard (ASCE 24); 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;

c. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

d. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator;

e. Non-residential structures that are elevated, not floodproofed, must meet residential standards in (2) above; and

f. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below).

g. Applicants floodproofing nonresidential buildings shall provide a comprehensive Maintenance Plan for the entire structure to include but not be limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

h. Applicants floodproofing nonresidential buildings shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

4. Specific Building Design and Construction Standards for Manufactured Dwellings.

In addition to Paragraphs (1) and (2)(b) of this Section, new, replacement, and substantially improved manufactured dwellings are subject to the following standards:

a. If the manufactured dwelling is supported on solid foundation walls, the ground area reserved for the placement of a manufactured dwelling shall be a minimum of two (2) foot above BFE unless the foundation walls are designed to automatically equalize hydrostatic forces by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

i. A minimum of two (2) openings having a total net area of not less than one (1) 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 (1) foot above grade; and

iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

b. The bottom of longitudinal chassis frame beam in A zones shall be at or above BFE;

c. The manufactured dwelling shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors; and

d. Electrical crossover connections shall be a minimum of two (2) foot above BFE.

Q. Below Grade Crawlspaces

1. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section (2) below. Because of hydrodynamic loads, crawlspace construction is not recommended in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

2. The crawlspace is an enclosed area below the Base Flood Elevation and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot

above the lowest adjacent exterior grade.

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

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

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

6. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the bottom of the structural support of the next higher floor, must not exceed four (4) feet at any point.

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

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

R. Recreational Vehicles

In all Special Flood Hazard Areas, Recreational Vehicles authorized as Temporary Trailers under Chapter 14.4.9.100 or stored on properties in Special Flood Hazard Areas shall:

1. Be on the site for fewer than 180 consecutive days; or

2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions.

S. Essential Facilities. Construction of new essential facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area. Construction of new essential facilities shall be permissible within the Special Flood Hazard Area if no feasible alternative site is available. Floodproofing and sealing measures must be taken to ensure that toxic substances or priority organic pollutants as defined by the Oregon Department of Environmental Quality will not be displaced by or released into floodwaters. The lowest floor

shall be elevated three feet above the Base Flood Elevation or to the height of the 500-year flood, whichever is higher. Access routes elevated to or above the level of the Base Flood Elevation shall be provided to all essential facilities to the maximum extent possible.

T. Tanks

1. New and replacement tanks in flood hazard areas either shall be elevated above the Base Flood Elevation on a supporting structure designed to prevent flotation, collapse or lateral movement during conditions of the base flood, or be anchored to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy assuming the tank is empty, during conditions of the design flood.

2. New and replacement tank inlets, fill openings, outlets and vents shall be placed a minimum of two (2) feet above Base Flood Elevation or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tank during conditions of the design flood.

U. Fences. Floodplain Development Permits are required for certain fences and walls located in the Special Flood Hazard Area, as indicated in Table 3.7.210 below. New and replacement fencing shall be designed to collapse under conditions of the base flood or to allow the passage of water by having flaps or openings in the areas at or below the Base Flood Elevation sufficient to allow flood water and associated debris to pass freely. Fencing located in the regulatory Floodway shall meet the requirements of Section O(2) Development in Regulatory Floodways. See Table 3.7.210 below for specific requirements.

Table 3.7.210 Fencing and Walls in Special Flood Hazard Area

Fence or Wall Type	Fencing and Walls Allowed?		
	Floodway Fringe	**Regulatory Floodway**	**Shallow/Sheetflow/ Ponding Zones**
A	yes	yes	yes
B	yes	Yes, with limited cross channel fencing	yes
C	Design Review Required	Design Review Required	Design Review Required
D	Yes, if open at base to BFE	Variance Required	Yes, if open at base to BFE
E	Yes, if open at base to BFE	Variance Required	Yes, if open at base to BFE
F	Yes, if adequate openings at base to BFE	Variance Required	Yes, if adequate openings at base to BFE
G	Yes, if adequate openings at base to BFE	Variance Required	Yes, if adequate openings at base to BFE
H	Yes, if adequate openings at base to BFE	Variance Required	Yes, if adequate openings at base to BFE

Fence/Wall Types:

A	Open barb or barbless wire. Open means no more than one horizontal strand per foot of height.
B	Open pipe or rail fencing (e.g. corrals). Open means rails occupy less than 10% of the fence area and posts are spaced no closer than 8 feet apart.
C	Collapsible fencing
D	Other wire, pipe, or rail fencing (e.g. field fence, chicken wire, etc.) which does not meet open requirements above
E	Chain link fencing
F	Continuous wood fencing
G	Masonry walls
H	Retaining walls, bulkheads

Design Review:	Floodplain Development Permit (Type II) required. Must ensure fence will collapse under anticipated base flood conditions. Debris impact must be considered.
Variance:	Type III Variance required. Not allowed unless shown, using FEMA-approved engineering/modeling standards, to cause no-rise in BFE.

V. Other Development, including Accessory Structures, in Special Flood Hazard Areas (all A zones).

1. All development (including substantial improvements) in high hazard areas (all A zones) for which provisions are not specified in this ordinance or covered by Oregon Specialty Codes shall:

   a. Obtain a Floodplain Development Permit;

   b. Be located and constructed to have low damage potential;

   c. Be constructed with materials resistant to flood damage;

   d. If located in a regulatory Floodway, meet the limitations of this ordinance;

   e. Be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

   f. Have all enclosures below the Base Flood Elevation designed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or:

      i. Provide a minimum of two (2) openings with a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding;

      ii. The bottom of all openings shall be no higher than one (1) foot above the higher of the exterior or interior grade or floor immediately below the opening; and

      iii. Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention; and

   g. Have electrical and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

2. Walled and roofed accessory structures that are exempt from Oregon Special Code requirements, including substantial improvement to existing accessory structures, shall meet the requirements of paragraph (1) above and shall:

   a. Be less than 200 square feet and not exceed one story;

   b. Have unfinished interiors and not be temperature controlled;

c. Not be used for human habitation and may be used solely for parking of vehicles or storage of items having low damage potential when submerged; and

d. Not be used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation.

W. Variance Procedures and Criteria

1. Variance Procedure

   a. An application for a Floodplain Development Variance is a Type III Quasi-Judicial decision. A Type III application must be submitted to the City of Cottage Grove on an application form provided by the City and include at minimum the same information required for a floodplain development permit and an explanation for the basis for the variance request.

   b. The applicant carries the burden to show that the variance is warranted and meets the criteria set out herein.

   c. Upon consideration of the criteria in Section 2 (Criteria for Variances) and the purposes of this ordinance, the City of Cottage Grove may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

   d. The Floodplain Administrator shall maintain a permanent record of all variances and report any variances to the Federal Emergency Management Agency upon request.

2. Criteria for Variances

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

   b. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with criteria in this section. As the lot size increases the technical justification required for issuing the variance increases.

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

   d. Variances shall only be granted upon a:

i. Showing of good and sufficient cause;

ii. Determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

iii. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.

e. Variances may be issued for a water dependent use provided that the criteria in Section (O)(2) are met, and the structure or development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

f. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the Statewide Inventory of Historic Properties, or designated with a local Historic Preservation Overlay zone without regard to the procedures set forth in this section.

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

h. In passing upon such applications, the City shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and the:

i. Danger that material may be swept onto other lands to the injury of others;

ii. Danger to life and property due to flooding or erosion damage;

iii. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

iv. Importance of the services provided by the proposed facility to the community;

v. Necessity to the facility of a waterfront location, where applicable;

vi. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

vii. Compatibility of the proposed use with existing and anticipated development;

viii. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

ix. Safety of access to the property in times of flood for ordinary and emergency vehicles;

x. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at this site; and,

xi. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

3. Variance Decision. If the variance is approved, the Community Development Director shall notify the applicant in writing following the procedures established in Section 4.1.300 that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the Base Flood Elevation increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

X. Violation and Penalty.

1. No structure or land shall hereafter be located, extended, converted or altered unless in full compliance with the terms of this ordinance and other applicable regulations.

2. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violation of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this Chapter or fails to comply with any of its requirement shall upon conviction thereof be fined not more than 500 dollars, imprisoned for a period not to exceed 30 days, or punished by both such fine and imprisonment.

3. Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violations of any provisions of this Chapter are committed, continued or permitted by such person, firm or corporation, and shall be punishable therefore, as provided for in this Chapter.

4. In addition, each person, firm or corporation found guilty of a violation shall pay all costs and expenses involved in the case of all parties.

5. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.

Y. Abrogation and Greater Restrictions. This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this Chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

Z. Warning and Disclaimer of Liability. The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This Chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this Chapter or any administration decision lawfully made thereunder.

3.7.300 Riparian Development

A. Applicability. The following standards are applicable to lands adjacent to the Coast Fork of the Willamette River, Row River, Silk Creek and Bennett Creek. This section applies the standards and specific rules for riparian safe harbors as established in OAR 660-023. The requirements of this section are in addition to other provisions of this code, and will be enforced as part of Land Use, Site Review, or other development review. If riparian modifications occur that are not associated with a development project, these standards shall be enforced through a Type II application.

B. Purpose. The purpose of this section is to:

1. To improve and maintain water quality in the Coast Fork Willamette River sub-basin;

2. To mitigate potential flood damage caused by modification of natural riparian habitats;

3. To protect native riparian habitats for sensitive fish and animals that depend upon the rivers and their banks;

4. To implement the “Willamette River Greenway” and “Riparian Resources” elements of the Cottage Grove Comprehensive Plan;

5. To protect aesthetic value of the City’s waterways; and

6. To implement Goal 5 Riparian Safe Harbor standards established in OAR 660-023.

C. Definitions. For the purpose of this section, the following definitions from OAR 660-023-0090 Riparian Corridors apply:

1. **Riparian Area** is the area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem. Significant riparian areas are identified in the adopted Goal 5 Riparian Resource Inventory.

2. **Riparian Corridor** is a Goal 5 resource that includes the water areas, fish habitat, adjacent riparian areas, and wetlands within the riparian area boundary.

3. **Riparian corridor boundary** is an imaginary line that is a certain distance upland from the top bank as specified in subsection D of this section.

4. **Stream** is a channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

5. **Structure** is a building or other improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components.

6. **Top of bank** shall have the same meaning as "bankfull stage" defined in OAR 141-085-0010(12).

D. Riparian Corridor Boundary. Along all riparian areas identified in the adopted Goal 5 Riparian Resource Inventory, the riparian corridor boundary shall be 50 feet from top of bank.

When the riparian corridor includes all or portions of a significant wetland as defined by the acknowledged Local Wetland Inventory map, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.

E. Prohibited Development & Vegetation Removal within Riparian Corridor Boundary.

Permanent alteration of the riparian area by grading or by the placement of structures or impervious surfaces shall be prohibited within the riparian corridor boundary, except as identified in subsection E below. Vegetation removal shall be prohibited, except as identified in subsection F below.

F. Exempt Development.

The following uses are allowed through a Type II application, provided they are designed and constructed to minimize intrusion into the riparian area:

1. Streets, roads and paths;

2. Drainage facilities, utilities, and irrigation pumps;

3. Water-related and water-dependent uses;

4. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area; and

5. Removal of non-native vegetation and replacement with native plant species; and

6. Removal of vegetation necessary for the development of water-related or water-dependent uses.

G. Variance from Riparian Corridor Requirements. Request for relief from the above standards shall be processed pursuant to the Type III Variance application requirements set forth in Chapter 4.1. Variances may be granted for the permanent alteration of the riparian area by placement of structures or impervious surfaces within the riparian corridor boundary if:

1. The restrictions in this section render a lot existing at the date of the adoption of this ordinance not buildable, at which time a lesser setback of 25 feet from the riparian boundary corridor shall be applied; or

2. It can be demonstrated that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment, or similar measures. In no case shall such alterations occupy more than 50 percent of the width of the riparian area measured from the upland edge of the corridor.

3.7.400 Willamette River Greenway

A. Intent and Purpose. The Willamette River Greenway is a State-designated scenic corridor along both sides of the Coast Fork of the Willamette River within the City of Cottage Grove. The boundaries of the approved Willamette River Greenway shall be maintained on a map at the City of Cottage Grove Community Development Department Office.

The purpose of the Willamette River Greenway designation is to protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River.

The qualities of the Willamette River Greenway shall be protected, conserved, enhanced and maintained consistent with the lawful uses present on December 6, 1975. Intensification of uses, changes in use or developments may be permitted after this date only when they are consistent with the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals, as appropriate, and when such changes have been approved by the approval body through a Type III application process.

B. Applicability. The land use element of the comprehensive plan and underlying zoning district shall determine the uses permitted in the Greenway. All intensification, changes of use or development activities in the Greenway are subject to this section unless otherwise exempted in Section C Definitions.

C. Definitions.

1. Change of Use: means making a different use of the land or water than that which existed

on December 6, 1975. It includes a change which requires construction, alterations of the land, water or other areas outside of existing buildings or structures and which substantially alters or affects the land or water. It does not include a change of use of a building or other structure which does not substantially alter or affect the land or water upon which it is situated. The sale of property is not in itself considered to be a change of use. An existing open storage area shall be considered to be the same as a building. Landscaping, construction of driveways, modifications of existing structures, or the construction or placement of such subsidiary structures or facilities as are usual and necessary to the use and enjoyment of existing improvements shall not be considered a change of use for purposes of this section.

2. Intensification: means any additions which increase or expand the area or amount of an existing use, or the level of activity. Remodeling of the exterior of a structure not excluded below is an intensification when it will substantially alter the appearance of the structure. Maintenance and repair usual and necessary for the continuance of an existing use is not an intensification of use. Reasonable emergency procedures for the safety or the protection of property are not an intensification of use. Residential use of lands within the Greenway includes the practices and activities customarily related to the use and enjoyment of one's home. Landscaping, construction of driveways, modification of existing structures or construction or placement of such subsidiary structures or facilities adjacent to the residence as are usual and necessary to such use and enjoyment shall not be considered an intensification for the purposes of this section.

D. Criteria and conditions. The approval body shall consider the following objectives, make affirmative findings on each of them through a Type III Conditional Use Permit per Chapter 4.4, and shall impose conditions on the permit to carry out the purpose and intent of the Willamette River Greenway Statutes:

1. Significant fish and wildlife habitats shall be protected;

2. Identified scenic area, viewpoints and vistas shall be preserved;

3. Any structure must be located outside the existing vegetative fringe or behind a setback line which is at least 50 feet (whichever is the greatest distance) from the top of the river bank to insure that areas of natural, historical or recreational significance will be protected, conserved, maintained or enhanced to the maximum extent possible (setback line shall not apply to water-related or water-dependent uses);

4. The natural vegetative fringe along the river shall be enhanced and protected to the maximum extent practicable in order to assure scenic quality, protection of wildlife, protection from erosion and screening of uses from the river;

5. The proposed development change or intensification of use is compatible with the site and surrounding area;

6. Any development will be located away from the river to the maximum extent possible;

7. The proposed development, change or intensification of use will provide the maximum landscaped area, open space or vegetation between the activity and the river;

8. Necessary public access will be provided to and along the river by appropriate legal means;

9. The proposed development meets the Vegetation Maintenance Standards in Section 3.7.300; and

10. The proposed development, change or intensification of use meets the requirements of the City of Cottage Grove Comprehensive Plan, the Willamette River Greenway Statute, Statewide Planning Goal 15, ORS Chapter 290.010 to 390.220 and ORS Chapter 390.310 to 390.368, the interim goals in ORS 215.515(1) and the statewide planning goals.

E. Notice to Department of Transportation. The city will not permit an intensification, change of use or development on lands within the boundaries of the Willamette River Greenway without first giving immediate notice by "certified mail – return receipt requested" to the Department of Transportation of an application for a Greenway conditional use permit. Notice of action taken by the city on an application shall be furnished to the Department of Transportation.

3.7.500 Wetland Protection

A. **Background.** The City of Cottage Grove completed a Local Wetland inventory (LWI) in 2011 in accordance with Department of State Lands (DSL) administrative rules (OAR). DSL approved this inventory on 1/5/2012. The LWI report describes the location, quantity, and quality of a total of 47 wetlands within the study area including 27 wetlands not previously on file with DSL. The study area consisted of Cottage Grove's Urban Growth Boundary with potential expansion properties to the South. Of these 47 wetlands, 37 met state criteria for locally significant wetland (LSW) qualification. 35 of the wetlands designated as locally significant lie partially or entirely within the City of Cottage Grove's urban growth boundary. These 35 LSW were the subject of a 2012 Economic, Social, Environmental, and Energy (ESEE) analysis. Review LWI map for specific wetland designations.

B. Applicability. This ordinance is applicable to any activity within any wetlands within the corporate limits of the City of Cottage Grove, whether on the LWI map or not.

Unless otherwise stated, the City of Cottage Grove shall apply the following provisions in conjunction and concurrently with the requirements of any other development permit being sought by an applicant. If no other permit is being sought, the Community Development Director shall serve as the appr**o**ving authority through a Type I or II process.

C. Purpose. It is the purpose of this chapter to promote the health, safety, and general welfare of the present and future residents of the City of Cottage Grove by providing for the protection, preservation, proper maintenance, and use of the wetland areas within the City of Cottage Grove. This code is designed to:

1. Implement the goals and policies of the City of Cottage Grove's Comprehensive Plan;

2. Satisfy the requirements of Statewide Planning Goals 5 and 6;

3. Protect Cottage Grove wetland areas, thereby protecting the hydrologic and ecologic functions wetlands provide, including reduced adverse effects of erosion and flooding;

4. Protect fish and wildlife habitat;

5. Protect the amenity values and educational opportunities of wetlands;

6. Improve and promote coordination among local, state, and federal agencies regarding development activities in and near wetlands.

D. Determination of Locally Significant Wetlands. In accordance with rules adopted by DSL (OAR 141-086-3000), wetlands within the City of Cottage Grove have been assessed and a local significance determination made. Locally significant wetlands are identified as such on the City of Cottage Grove LWI map.

All wetlands, mapped or not, remain subject to DSL review and permitting. Oregon's Removal-Fill Law (ORS 196.795-990) requires people who plan to remove or fill material in waters of the state to obtain a permit from the DSL. The City of Cottage Grove shall notify the Oregon DSL in writing of all applications to the City of Cottage Grove for development that occurs in, or within 20 feet of, any wetland identified on the Local Wetlands Inventory map whether locally significant or not.

E. Definitions. As used in this chapter:

1. Economic, Social, Environmental, Energy (ESEE) Analysis **–** Analysis required of local governments in developing a program to achieve Goal 5 compliance for all significant resource sites. "ESEE consequences" are the positive and negative economic, social, environmental, and energy (ESEE) consequences that could result from a decision to allow, limit, or prohibit a conflicting use. [See OAR **660-023-0040 for more detail on ESEE Decision Process.]**

2. Jurisdictional Delineation **–** A current delineation of a wetland's boundaries that is approved by DSL. A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a LWI boundary may only be a rough map with an accuracy target of 5 meters (approximately 16.5 feet). [See OAR 141-90-005 et seq. for specifications for wetland delineation reports.]

3. Jurisdictional Determination **–** A written decision by DSL that waters of the state subject to regulation and authorization requirements of OAR 141-085, 141-089, 141-0100 and 141-0102 are present or not present on a land parcel. The Jurisdictional Determination may include a determination of the geographic boundaries of the area subject to state

jurisdiction. A Jurisdictional Determination may, but does not necessarily, include a determination that a particular activity is subject to DSL permitting requirements.

4. Jurisdictional Wetland **–** Wetlands regulated by the U.S. Environmental Protection Agency, the Army Corps of Engineers, and the DSL. This includes all wetlands on the City of Cottage Grove LWI map. Activities that may affect these wetlands are subject to agency review and may be restricted or require state/local permits before work may be done.

5. Locally Significant Wetland **–** Wetlands determined to be Locally Significant Wetlands based on Oregon Administrative Rules for Identifying Significant Wetlands (OAR 141-86-300 through 141-86- 350). If the assessed wetland unit provides "diverse" wildlife habitat, "intact" fish habitat, "intact" water quality function, or "intact" hydrologic control function, then the wetland is locally significant. Locally Significant Wetlands are identified on the City of Cottage Grove LWI. Locally Significant Wetlands also constitute the Wetland Protection Area (unless otherwise indicated in this ordinance).

6. Local Wetlands Inventory (LWI) **–** *Cottage Grove Local Wetland Inventory Report* and LWI map produced by Environmental Science Associates (ESA) in 2011 and approved by DSL in 2012, and any subsequent revisions as approved by the DSL. The LWI is a comprehensive survey and assessment of all wetlands over a half acre in size within the urbanizing area. This includes both locally significant wetlands, and wetlands that are not identified as locally significant (including probable wetlands).

7. Probable Wetlands (PW) **–** An area noted during the course of LWI field work that appears to meet, or does meet, wetland criteria but is small or of undetermined size, and is mapped as a point rather than a polygon on the LWI maps.

8. Qualified Wetland Professional – A professional with a background in wetland science and experience with conducting wetland delineations and determinations.

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

10. Wetland Protection Area **–** An area subject to the provisions of this chapter that is constituted by wetlands determined to be locally significant as shown on the LWI (unless otherwise indicated under Section H.5). The wetland protection area extends 20 feet from the mapped LWI boundary unless an onsite or off site determination or wetland delineation provides a more refined estimation of the wetland boundary.

F. Prohibited Uses. Except as exempted or allowed in Sections G-H, the following uses are prohibited within a wetland protection area:

1. Placement of new structures or impervious surfaces;

2. Excavation, drainage, grading, fill, or removal of vegetation;

3. Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the wetland protection area;

4. Disposal or temporary storage of refuse, yard debris, or other material;

5. Discharge or direct runoff of untreated stormwater unless as a conditional use meeting requirements in Section H; or

6. Any use not specifically allowed in Section H.

G. Exempt Uses. The following activities and maintenance thereof are exempted from wetland protection area regulations, provided that any applicable state or federal permits are secured:

1. Maintenance of any use or development that was lawfully existing on the date of adoption of this ordinance, [October 14, 2013] per the standards for Non-Conforming Development in Chapter 14.5.2;

2. The maintenance and alteration of pre-existing ornamental landscaping so long as no additional native vegetation is disturbed;

3. Wetland restoration and enhancement of native vegetation;

4. Cutting and removal of trees that pose a hazard to life or property due to threat of falling;

5. Cutting and removal of trees to establish and maintain defensible space for fire protection;

6. Removal of non-native vegetation;

7. Maintenance and repair of existing utilities;

8. Maintenance of existing drainage ways, ditches, or other water control structures, as approved by DSL;

9. Emergency stream bank stabilization approved by DSL, to remedy immediate threats to life or property; or

10. Non-motorized, passive outdoor recreational activities, including hiking, mountain biking, wildlife viewing, picnicking, etc.

H. Allowed Uses. The following activities and maintenance thereof are allowed within a wetland protection area upon City review and approval through a Type I or II process and provided any applicable state or federal permits are secured:

1. Replacement of a permanent, legal, nonconforming structure in existence on the date of adoption of this ordinance with a structure on the same building footprint, or expansion of the original building footprint, and in accordance with the provisions of Sections 3.7.2, 3.7.3, and 5.2.

2. Expansion of existing roads and streets in adopted Transportation System Plan provided that such practices avoid sedimentation and other discharges into the wetland or waterway.

3. Installation of interpretive/educational displays.

4. New fencing, provided:

    a. The fencing does not affect the hydrology of the site;

    b. The fencing does not present an obstruction that would increase flood velocity or intensity; and,

    c. Fish habitat is not adversely affected by the fencing.

5. The following activities are also allowed on wetlands receiving Limited Protection as identified in the ESEE Analysis with varying development buffers of 25 or 50 feet also provided impacts to the wetland are minimized or mitigated (Type II review):

    a. Wetland restoration and enhancement activities including:

        i. Non-native vegetation removal.

        ii. Invasive species removal.

        iii. Native plantings.

        iv. Endangered species habitat restoration.

        v. Maintenance of wetland functions.

    b. Trails and low impact recreational and educational park uses including:

        i. Expanded and new multi-use trails.

        ii. Information signs and kiosks.

        iii. Wildlife viewing platforms.

        iv. Active recreational activities.

c. Adopted Master Plan activities.

d. Unavoidable planned public roads.

e. Limited access points when no others exist.

g. Culvert replacement, meeting Oregon Department of Fish and Wildlife (ODFW) guidelines and criteria, to:

i. Remove barriers to fish passage.

ii. Reduce upstream flooding.

iii. Improve water quality.

iv. Maintain or repair culvert function.

I. Notification and Coordination with State Agencies. The City of Cottage Grove shall notify the Oregon DSL in writing of all applications to the City of Cottage Grove for development activities - including development applications, building permits, and other development proposals - that occur in, or within 20 feet of, any wetland identified on the Local Wetlands Inventory map.

J. Violations and Penalty. When a wetland has been altered in violation of this Chapter, enforcement shall be conducted as outlined in Chapter 1.5 of the Development Code. In instances where violations of DSL requirements have occurred, DSL enforcement mechanisms apply. In some cases, both local and DSL enforcements may occur.

K. Application requirements for Wetland Review. Where Wetland Review is applicable to approve any Allowed Uses under Section H., applicants shall submit the following materials:

1. A scale drawing that clearly depicts any LWI map wetland boundary within the subject parcel and any wetland within 20 feet of the development on an adjacent parcel, all surface water sources, existing trees and vegetation, property boundaries, and proposed site alterations including proposed excavation, fill, structures, and paved areas.

2. Written statement of compliance demonstrating consistency with approval criteria for any proposed Allowed Use(s).

3. Demonstration of avoidance of impacts to wetland protection area (if applicable). This can be demonstrated by any one of the following:

a. Submitting an offsite determination, conducted by DSL, that concludes the proposed activities will occur outside the wetland; or

b. Submitting an onsite determination, conducted by a qualified wetland professional, that concludes the proposed activities will occur outside the wetland protection area; or

c. Submitting a current wetland delineation (completed within the last five years), certified by DSL, that shows the proposed activities will occur outside the wetland protection area.

L. Approval Criteria for Wetland Review. In approving Allowed Uses under Section H, and/or ensuring compliance with Prohibited Uses, the approval body shall base its decision on the following criteria through a Type I or II process:

1. The proposed project will not result in excavation or filling of a wetland or reduction of wetland protection area, except as allowed elsewhere in this code;

2. Specified criteria for proposed use in Section H. Allowed Uses; and

3. Comments and recommendations on proposed uses received from DSL and ODFW.

M. Variances. The Planning Commission shall be the approval body for applications for variances to the Wetland protection provisions. Variances shall be processed as a Type III land use procedure following sections 4.1.400 of the Development Code. The Planning Commission may approve or approve with conditions a request for a Variance based upon findings that all of the following approval criteria have been satisfied:

1. The applicant has exhausted all other options available under this chapter to relieve the hardship;

2. The variance is the minimum necessary to alleviate the hardship;

3. All state and federal permits required for authorization of wetland impacts are obtained;

4. There is no feasible on-site alternative to the proposed activities, including but not necessarily limited to: reduction in size, density or intensity; phasing of project implementation; change in timing of activities, revision of road and lot layout; and/or related site planning considerations, that would allow a reasonable economic use with less adverse impacts;

5. The proposal utilizes to the maximum extent possible innovative construction, design, and development techniques, including pervious surfaces, which minimize to the greatest extent possible net loss of wetland functions and values; and

6. The area of disturbance is limited to the area that has the least practical impact on the wetland functions and values.

N. Mapping Boundary Corrections. The boundaries of locally significant wetlands are based on the City's LWI.

1. Wetland boundary corrections will be processed administratively. The Community Development Director may correct the location of the wetland boundary when the applicant has shown that a mapping error has occurred and the error has been verified by the DSL.

2. Delineations verified by DSL shall be used to automatically update and replace LWI mapping.

3. No formal variance application or plan amendment is needed for map corrections where approved delineations are provided.

Chapter 3.8 - Signs

Sections:

3.8.100 Purpose

The City recognizes the importance of an aesthetically pleasing community, to the continued welfare of its population, and to the economic development of the City. The regulation of the quantity, size and type of signs within the city provides equity among users and insulates neighbors from adverse effects of signs. This chapter does not regulate the content of any sign. Rather, this chapter has the following specific objectives:

A. To ensure that signs are designed, constructed, installed and maintained so that public safety and traffic safety are not compromised;

B. To allow and promote positive conditions for meeting sign users' needs, while at the same time avoiding nuisances to nearby properties and promoting a pleasing environment;

C. To reflect and support the permitted uses found throughout the various zoning districts;

D. To allow for adequate and effective signage for all industrial and commercial zoning districts, while preventing signs from dominating the visual appearance of the area;

E. To maintain and protect the City's architectural and natural heritage in accordance with the goals established by the Comprehensive Plan and this development code;

F. To provide regulations that can be administered to allow sign owners and sign users the opportunity to realize the value of their investment and make as many of their own choices as possible while protecting the needs of the public; and

G. To protect residential neighborhoods from the adverse impact that signs may have on the residential atmosphere.

3.8.150 Definitions

Abandoned Sign. Those signs not used in conjunction with a business for more than 90 days.

Alteration. Any change excluding content or copy, and including but not limited to the size, shape, method of illumination, position, location, materials, construction, or supporting structure of a sign.

Automatic Changing Sign. An electronically or electrically controlled time, temperature and date sign, message center or reader board where different copy changes are shown on the same location.

Awning. A shelter supported entirely from the exterior wall of a building and composed of non-rigid materials except for supporting framework. The area of the awning that contains sign copy shall be considered a wall sign.

Banner. A sign made of any lightweight, non-rigid material such as plastic, fabric or other flexible material with no enclosing framework.

Beacon Light. Any light with one or more beams, capable of being directed in any direction or directions or capable of being revolved automatically.

Bench Sign. A sign located on any part of the surface of a bench or seat placed on or adjacent to a public right-of-way.

Billboard Sign. An off-premise sign that advertises a business, organization, event, person, place or thing not located upon the premises where such sign is located.

Bulletin Board or Reader Board. A sign of permanent nature, but which accommodates changeable copy, indicating the names of persons associated with, events conducted upon, or products or services offered upon, the premises upon which the sign is located.

Canopy. A permanent roofed structure that may be free-standing or partially attached to a building for the purpose of providing shelter to patrons in automobiles or on foot, but shall not mean a completely enclosed structure. Also called a “marquee”.

Change of Copy. The change of logo and/or message upon the face or faces of a legal sign.

Construction Sign. Any sign giving the name or names of principal contractors, architects, and lending institutions responsible for construction on the site where the sign is placed, together with other information included thereon.

Directional Sign. An on-premise sign designed to be read by a person already on the premises

and used only to identify and locate an office, entrance, exit, telephone or similar place, service or route, including signs limited to directional messages, such as "One Way," "Entrance" or "Exit."

Directory Sign. A sign on which the names and location of occupants or the use of a building is given. This shall include office buildings and church directories.

Double Faced Sign. Signs which are counted as one sign; however, the sign area shall be the sum of the two faces for the purposes of this chapter.

Erect. To construct, paint, place, affix or otherwise bring into being.

Exempt. Signs listed in Section 3.8.250 are exempted from normal permit requirements; however, still subject to the restrictions of this chapter.

Flashing Signs. An artificially illuminated sign that sends out or reflects sudden and brief blazes of light at predetermined and/or random intervals of time.

Frontage. A single wall surface of a building facing a given direction.

Free-Standing Sign. Any ground mounted, pole or monument sign supported by one or more uprights or braces placed upon the ground, and not attached to any building.

Grade. The lowest elevation point of the finished ground surface directly below or at the sign location, and any point within 5 feet from the sign location. If the sign or any projection is within 5 feet of a public sidewalk, alley or other public way, the grade will be the elevation of the sidewalk, alley or public way.

Ground and/or Pole Sign. Any sign that is supported by structures or supports in or upon the ground and independent of support from any building.

Identification Sign. A sign that is limited to the name, address and number of a building, institution or person and to the activity carried on in the building, or institution, or the occupancy.

Illegal Sign. A sign that is erected in violation of the City of Cottage Grove Development Code.

Illuminated Sign. Any sign which has characters, letters, figures or designs artificially illuminated in any manner, including internally mounted fluorescent lights, light emitting diodes ("LEDs"), or luminous tubes.

Marquee Sign. Any sign attached to and made a part of a marquee. A marquee (or canopy) is defined as a permanent roof-like structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and generally designed and constructed to provide protection against the weather.

Monument Sign. A sign that is affixed to a base that is no more than 30 inches above the nearest ground surface.

Mural. A large picture painted or affixed on a wall that does not advertise a business name, consumer product, commercial/professional service, or sales promotion.

Nonconforming Sign. An existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of this code.

Off-Premise Sign. A sign that contains a message unrelated to a business or profession conducted upon the premises where such sign is located.

Pennant. A tapering flag or strip of small flags.

Permanent Sign. Any legally placed sign which is intended to be and is so constructed as to be of a lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in a permanent manner affixed to the ground, wall or building.

Political Sign. Any sign advocating for the election of a candidate or the passage or defeat of a ballot measure. Political signs shall be considered temporary in nature.

Portable Sign. Any temporary sign that is capable of being moved easily and is not affixed to the ground or a structure.

Projecting Sign. Any sign, other than a wall sign that projects 12 inches or more beyond such building or wall.

Real Estate Sign. Any sign used to offer for sale, lease, or rent the property upon which the sign is placed.

Roof Sign. Any sign erected or constructed upon and over the roof of any building.

Sign. Any fabricated emblem or display, including its structure, consisting of any letter(s), character, design, figure, line, logo, mark, picture, plane, point, poster, stripe, stroke, trademark, reading matter or illuminating device which is constructed, attached, erected, fastened, or manufactured in any manner whatsoever to attract the public in any manner for recognized purpose to any place, subject, person, firm, corporation, public performance, Chapter, machine or merchandise display.

Sign Area. The entire area within a single continuous perimeter formed by lines joined at right angles which encloses the extreme limits of a sign, and which in no case passes through or between any adjacent elements of the same. However, such perimeter shall not include any structural elements lying outside and below the limits of such sign, and not forming an integral part of the display.

Sign Height. The vertical distance from the lowest point of the adjacent grade below the sign to the highest part of the sign.

Subdivision Sign. Signs advertising land subdivisions involving more than three continuous lots.

Temporary Sign. Any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other like materials, with or without frames, and any other type sign not permanently attached to the ground or a structure, intended to be displayed for a short period of time only.

Wall Sign. Any sign attached to, erected against or painted on a wall of a building or structure with the exposed face of the sign in a plane approximately parallel to the plane of said wall and not projecting more than 12 inches.

Window Sign. Any sign affixed to or upon a window facing the outside and which is intended to be seen from the exterior and advertises a business name, consumer products, commercial/promotional services and sales promotions.

3.8.200 Prohibited Signs

The following signs are not permitted on any premises in any zone district outside a building or structure. Signs listed in this section may be permitted subject to a variance (see Chapter 4.1):

A. Illegal signs, i.e. signs installed without required permits, inspection approvals, or those improperly constructed;

B. Rotating or flashing signs;

C. Advertisement flags, pennants, banners, pinwheels, or similar signs or items;

D. Signs extending more than thirty feet in height above grade;

E. Any portable sign, except as permitted under the provisions of this chapter;

F. Signs in the public right of way not authorized by a government agency;

G. Signs illuminated or which use lighting where such lighting is directed at any portion of a traveled street or onto adjacent residential private property, or impair the vision of a driver of a motor vehicle.

3.8.250 Exempt Signs

The following signs shall be allowed in all land use districts (or as specified below) and are exempt from permits but may be subject to regulations. These exemptions shall not relieve the sign owner of the responsibilities of sign placement and maintenance, or from other provisions of

this ordinance or any other law or ordinance regulating the same.

A. Governmental Signs for control of traffic and other regulatory purposes, official notices, street signs, danger signs, railroad crossing signs, and signs of public service companies indicating danger and aids to service or safety which are erected by or on the order of, a public officer in the performance of his public duty.

B. Directional Signs which provide direction or instruction and are located entirely on the property to which they pertain and do not in any way advertise a business and do not exceed 6 square feet in area; signs identifying rest rooms, public telephones, walkways, or signs providing direction such as parking lot entrance and exit signs and signs meant to serve public safety or convenience such as "office" signs and "parking" signs. No sign shall be located in a vision clearance area.

C. Interior-Only Signs located in the interior of any building or within an enclosed lobby or court or premises or any building or group or buildings, which are designed and located to be viewed exclusively by patrons using the interior of such premises, court yards or building.

D. No Trespassing Signs or other such signs regulating the use of a property, such as not hunting, no fishing, etc., of no more than 2 square feet in area.

E. Memorial Signs or tablets, names of buildings, and date of erection when cut into any masonry surface or inlaid so as to be part of the building of when constructed of bronze or other non-combustible material.

F. Notice Bulletin Boards not over 24 square feet in area for medical, public, non-profit, charitable or religious institutions where the same are located on the premises of said institution.

G. Flags, emblems, or insignia of any nation or political subdivision.

H. Murals as defined in this chapter; EXCEPT where subject to design review within the Downtown Historic District.

I. Window Signs or merchandise, pictures or models or products or services in a window display that generally advertise financial, commercial and professional services.

J. Temporary Banners or Signs. Total time for a temporary banner or sign to be displayed shall not exceed 14 calendar days unless otherwise specified. Exceptions to this time limit are business closure (Going out of business) and Christmas season signage, which may be displayed for 30 days prior to the event and shall be removed the day after the event. No extensions of these times shall be permitted. Temporary signs shall not be displayed in the public right of way and shall have the permission of the property owner on which they are displayed. Such signs shall not be illuminated.

K. Garage Sale Signs. One temporary sign advertising a garage sale posted on the premises

from which the garage sale is to be held. Such signs shall be either a wall sign or a free standing sign limited in size to 16 square feet in area and a height of 6 feet. In addition, one off-premise directional sign limited in size to 4 square feet and a height of 30 inches. All such signs must be removed immediately at the close of the sale.

L. Political Signs. Temporary political signs shall not exceed 6 square feet in area for each candidate or ballot measure and not more than 1 sign may be placed on any single parcel of property. Such signs may be placed on private property only. Such signs shall not be erected more than 60 days prior to the election date and shall be removed within 10 days after the election date for which they were erected.

M. Construction Project Signs. After appropriate building permits have been obtained, signs may be erected in conjunction with construction projects and used for the purpose of publicizing the architects, engineers and construction organization participating in the project. No such signs shall exceed 32 square feet in area; no free standing sign shall exceed 8 feet in height. All such signs shall be removed 5 days after completion and prior to occupancy.

N. Real Estate Signs. One real estate sign advertising the sale, rental or lease of the premises on which displayed is not to exceed the following area and height requirements:

1. Residential zone: 6 square feet per side in surface area with a maximum height of 6 feet above grade.

2. Commercial zone: 32 square feet and 10 feet above grade.

3. Industrial zone: 32 square feet and 8 feet above grade.

4. Real estate subdivision signs (subdivision signs are defined as signs advertising land subdivisions involving more than 3 continuous lots): 32 square feet and 8 feet above grade. Real estate signs may be single or double-faced, may be flat-wall signs or pole mounted.

O. Temporary Sandwich Board Signs in Commercial or Industrial Districts: Commercial businesses may have one temporary portable sandwich board (A-frame) sign per business or in the public right-of-way adjoining the lot provided the sign area does not exceed 15 square feet total, is only in view of the public when the business is open (e.g. taken in at night), and is located out of the ADA pedestrian corridor, away from fire exits or hydrants, and out of any vision clearance area.

P. Drive Up Menu Boards. Menu boards placed in a driveway specified for drive up transactions shall be used solely for vehicular and pedestrian product purchasing or transaction information. This sign shall be located out of the front yard setback and will be located where the primary viewing is to the drive up customers. Maximum height of this sign shall be 8 feet and maximum size shall be 40 square feet. Each drive up will be limited to 2 menu boards through exempt status. Additional menu boards will be counted as a sign

towards the permitted allowable signs for the district (i.e. counted as 1) wall sign if placed on the structure). These signs shall be used only for providing product or transaction information necessary for utilizing the drive up.

3.8.300 Sign Permits

A. Sign Permits Required. To ensure compliance with the regulations of this chapter, a Sign Permit shall be required for the following:

1. All new signs;

2. Alteration of existing signs;

3. Any relocation of a sign; and

4. Works of art, graphics and murals on a building within the Downtown Historic District.

B. Sign Permit Procedures. No sign shall be installed, altered or relocated without an approved sign permit. Sign permits shall be processed as a Type I application, except for those signs and/or murals within the Downtown Historic District, which shall be processed as a Type II application. Approval of a sign permit shall be granted based on compliance with the criteria in this chapter. Upon approval of a sign permit, a building permit and/or electrical permit for the construction of the approved sign may be granted.

C. Plans, Specifications and Other Data. The application for a sign permit shall comply with the procedures established in Chapter 4.1 for Type I or Type II application submittals. The application shall include complete information as required on application forms provided by the Community Development Department, including a scaled site plan and elevation drawings of building(s) with the proposed sign(s), elevations of all existing signage, plans indicating the scope and structural details of the work to be done, including details of all connections, supports and footings, and materials to be used, a statement of valuation, and electrical information. Type II applications shall also include responses to the applicable design criteria detailed in D below. Type III applications for Comprehensive Sign Plans shall include responses to the criteria included in Section 3.8.800.

A building permit and/or electrical permit for the installation of the sign will be issued following the approval of the Type I, II or III sign permit application.

D. Criteria for Historic District Signage. Signage in the C-2 District shall be subject to Type II Sign Permit approval. If the sign involves a historic structure or sign of primary significance, the Community Development Director may process the application as a Type III Historic Alteration Permit.

To receive design review approval, any new or altered sign within the Downtown Historic District shall show compliance with the recommendations for signage found in the City of Cottage Grove Downtown Historic District Design Guidelines (Chapter 3, Specific Design

Guidelines for Downtown District).

3.8.350 Non-Conforming Signs

For the purposes of the section, a non-conforming sign shall be defined as an existing sign, lawful at the time of enactment of this ordinance, which does not conform to the requirements of this code.

A. Compliance. All on-site, nonconforming signs prohibited in this code shall be removed when the current business ceases to operate.

B. Damaged Non-Conforming Signs. Should any non-conforming sign be damaged by any means to the extent of more than 60 percent of its replacement cost or sign area at the time of damage, it shall be reconstructed in conformance with this code.

C. Enlarging Non-Conforming Signs. No non-conforming sign may be enlarged or altered in a way that would increase its nonconformity.

D. Abandoned Non-Conforming Signs. Any non-conforming sign or sign structure that remains empty for a period of 90 days shall be considered an abandoned sign. Any non-conforming sign and/or sign structure located on property previously used by a business that ceases operation shall be removed.

E. Existing Non-Conforming Signs. When an application is made for new signs on property that has existing non-conforming signs, permits may be issued provided the proposed signs together with the existing signs do not exceed the allowable number and types of permitted signs.

F. Modification of Non-Conforming Signs. An owner of a non-conforming sign, who wishes to bring the sign closer into conformance with this code, may petition for a Type II Design Review from the need to bring the sign into total compliance. If in the opinion of the Director, the improvement is appropriate, a variance may be granted.

G. Exemption from Non-conforming Status. An owner of a nonconforming sign may apply for a determination that the sign qualifies as an historic or significant sign. The Planning Commission can grant this exemption through a Type III process, upon finding that the following criteria have been met:

1. The sign does not constitute a significant safety hazard due to structural inadequacies or the impact on traffic.

2. Due to age, relation to an historic event, or general recognition, the sign has become a recognized Cottage Grove landmark.

3. For an historic sign exemption, the sign is:

a. Attached to a primary or secondary structure as recognized on the City's historic inventory; The Sign adds to the architectural and historic significance of the premises, taking into account the size, location, construction and lighting of the sign; and

b. A recommendation is received from the Oregon State Historic Preservation Office giving its recommendation on (a) and (b) above.

1. For significant signs, the sign is:

a. Maintained essentially as originally constructed, with sufficient remaining original workmanship and material to serve as instruction in period fabrication; and

a. The sign is associated with significant past trends in structure, materials, and design and is in conformance with generally accepted principles of good design, architecture and maintenance.

3.8.400 Residential Districts Signs

The following sign standards have been established for residential districts (including R, R-1, R-2, R-3, RC and MHP).

A. Home Occupation & Cottage Industry. Each dwelling unit that has received Community Development Department approval for a home occupation (Section 2.2.200.G) shall be allowed 1 non-illuminated sign of not more than 2 square feet of surface area per side, not to exceed a total of 4 square feet.

B. Multi-Family, Mobile Home Parks, Day Care Facilities, Subdivisions and Group Living Facilities. Each group living situation, multiple family dwelling complex, daycare facility, subdivision, and mobile home park shall be allowed 1 wall sign or free standing sign at each public vehicular entrance of not more than 8 square feet for 1 face, or 16 square feet for 2 or more faces. The maximum height for free standing signs shall be 5 feet above grade. The maximum height for wall signs shall be 20 feet above grade, provided that in no case shall a wall sign extend above the building wall. Internally illuminated signs shall be prohibited.

C. Bed and Breakfast Inns. Bed & Breakfast Inns permitted under Section 2.2.200.D shall be allowed 1 sign per street frontage, not to exceed a total of 4 square feet of surface area per sign.

D. Non-residential Professional Offices or Retail Uses. Each approved development area shall be limited to 1 free-standing sign and 1 wall sign. The free standing sign shall be a maximum of 16 square feet for 1 face and 32 square feet for 2 or more faces. The wall sign shall be a maximum of 16 square feet. Free-standing signs shall not be more than 6 feet above grade. Each detached building shall be permitted 1 additional wall sign not to exceed 8 feet square feet. Neon signs are prohibited.

3.8.450 Central Business District Signs

The following sign standards have been established for the Central Business (C-2) district:

A. Single Business. Each business shall be permitted 1 wall or projecting sign per building wall fronting a public street of 2 square feet per lineal foot of building wall facing the principal street. Maximum size of any sign shall be 40 square feet for 1 side or 80 square feet for 2 or more sides.

B. Second Story Businesses. Second story businesses facing a public street shall be permitted signage of 1 square feet per lineal foot of building wall.

C. Free Standing Signs. Each building shall be permitted 1 free standing sign which shall be limited to a maximum area of 40 square feet for one side or 80 square feet for two (2) or more sides. The maximum height for free standing signs shall be 20 feet above grade.

D. Business Identification. In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

E. Encroachment. The minimum height for all signs encroaching in the public right of way shall be 8 feet above grade. The maximum encroachment into the public right of way shall be 6 feet, provided that no sign shall encroach within 2 feet of any curb or driveway line.

F. Murals. Murals within the Downtown Historic District require Design Review Approval. These murals may not advertise a business.

G. Materials Not Allowed. The following sign materials and/or sign types are not allowed in the Downtown Commercial Historic District: roof signs; internally illuminated signs; vinyl or plastic signs; or flat plywood signs. Approval for these sign materials and/or types shall only be given through Type III Design Review.

3.8.500 Community Commercial District Signs

The following sign standards have been established for the Community Commercial (C-2P) District:

A. Single Business. Each business which occupies a separate development site shall be permitted a maximum number of 3 signs totaling 200 square feet for all faces.

B. Multiple Businesses. Multiple businesses occupying the same building and/or approved development site shall be permitted a maximum number of 2 wall signs for each business, totaling 2 square feet per lineal foot of business frontage facing the principal street. Maximum size of combined wall signage per business shall be 100 square feet.

C. Free Standing, Roof and Projecting Signs for Multiple Tenant Sites. In addition to wall signs permitted above, 1 sign from this group shall be permitted for each approved multi-tenant development site. The total area permitted for a free standing sign, roof or projecting sign shall be 50 square feet for 1 face or 100 square feet for 2 or more faces at a maximum of 20 feet above grade.

D. Business Identification. In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

E. Encroachment. The minimum height for all signs encroaching in the public right of way shall be eight feet above grade. The maximum encroachment into the public right of way shall be 6 feet, provided that no sign shall encroach within 2 feet of any curb or driveway line.

E. Comprehensive Signage Plan. Applicants may choose to apply for a Comprehensive Sign Plan approval to modify the above requirements (see Section 3.8.800).

3.8.550 Commercial Tourist District Signs

The following sign standards have been established for the Commercial Tourist(CT)/Commercial Tourist Limited (CT/L) Districts:

A. Single Business. Each stand-alone business shall be permitted a maximum number of 3 wall signs totaling 200 square feet for all faces.

B. Multiple Businesses. Multiple businesses occupying the same building and/or development site shall be permitted a maximum number of 1 wall sign for each business, totaling 2 square feet per lineal foot of business frontage facing the principal street. Maximum size of combined wall signage per business shall be 100 square feet.

C. Free standing, Roof and Projecting Signs. In addition to wall signs permitted above, each multi-business development site may have 1 sign from this group. The total area permitted for a free standing sign, roof or projecting sign shall be 100 square feet for 1 face or 200 square feet for 2 or more faces at a maximum of 20 feet above grade.

D. Business Identification. In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

E. Comprehensive Signage Plan. Applicants may choose to apply for a Comprehensive Sign Plan approval to modify the above requirements (see Section 3.8.800).

3.8.600 Industrial District Signs

The following sign standards have been established for industrial (M-1, M-2) districts:

A. Single Business. Each business shall be permitted a total number of 2 wall or projecting signs with a maximum of 100 square feet for all faces.

B. Free standing or Roof Signs. In addition to wall signs permitted above, 1 sign from this group shall be permitted for each approved development site. The total area permitted for a free standing sign, roof or projecting sign shall be 50 square feet for 1 face or 100 square feet for 2 or more faces at a maximum of 30 feet above grade.

C. Business Identification. In addition to the signage allowed above, each business may have 1 unlighted sign not exceeding 1 square foot in area per tenant and bearing only property numbers, postbox numbers, names of occupants, or occupation of occupant of the premises.

D. Comprehensive Signage Plan. Applicants may choose to apply for a Comprehensive Sign Plan approval to modify the above requirements (see Section 3.8.800).

3.8.610 Business Park District Signs

The following sign standards have been established for Business Park (BP) districts:

A. Master Planning. No sign shall be permitted within the BP District without a sign permit as provided in Chapter 3.8. A sign concept plan showing the locations, general size, style and materials of sign must be submitted as part of the planned development proposal pursuant to Chapter 4.5, Master Planned Developments.

B. Business Park Identification. Business parks may have 1 sign along each adjacent street frontage. Signs along street frontages are limited to the name of the business park and the management company, must be ground signs, and shall not exceed 50 square feet in size and 7 feet in height.

C. Business Identification. One directory sign is allowed for each building, at the building's main point of entry, and shall include only the name of the businesses and/or their suite or building numbers. Directory signs must be ground signs, and may not exceed 25 square feet in size and 5 feet in height. Each business may have 1 wall sign not to exceed 40 square feet.

D. Uniformity. All signs must generally be similar in size, color, shape and in other aspects of appearance, to assist in providing a uniform theme for the development.

3.8.650 Parks & Recreation District Signs

1 free standing sign shall be permitted at each entrance and shall not exceed 32 square feet for all faces. The total sign height shall be a maximum of 6 feet above grade. In addition to the free standing sign, 2 wall signs shall be allowed not to exceed a total combined square footage of 40

square feet. Additional signage must be approved under a Master Plan by the Planning Commission. No internally lit signs shall be allowed. External lighting on signs shall be non-intrusive.

3.8.700 Schools

Every public, federal or state funded school shall be allowed a maximum of 2 wall signs not to exceed a total combined area of 80 square feet and 1 free standing sign not to exceed 40 square feet. The total sign height for free standing signs shall be a maximum of 8 feet above grade. Neon signage will not be allowed.

3.8.750 Churches

Each approved development area shall be limited to 3 free standing and/or wall signs. The signs shall be a maximum of 32 square feet for 1 face and 64 square feet for 2 or more faces. Free standing signs or wall signs shall not be more than 6 feet above grade. Each detached building shall be permitted 1 additional wall sign not to exceed 8 square feet. Neon signs are prohibited. Each development may have 1 exempt reader board of no more than 24 square feet, not to exceed 8 feet above grade if free standing.

3.8.800 Comprehensive Sign Plan

A. Purpose. A comprehensive sign plan is intended to integrate the signs proposed for a development project with the design of the structures, into a unified architectural statement. A Comprehensive Sign Plan provides a means for defining common sign regulations for multi-tenant projects, to encourage effective design and display of multiple signs through incentives and to achieve, not circumvent, the intent of this ordinance.

B. Applicability. Commercial or Industrial property owners/developers in the C-2P, C-T, M-1 or M-2 land use districts may apply for a comprehensive sign plan. A comprehensive sign plan may be required concurrent with or as a condition of approval for a Master Plan in any zoning district.

C. Approval Authority. The Planning Commission shall approve a Comprehensive Sign Plan through a Type III application process.

D. Application requirements. An application for a Comprehensive Sign Plan shall include all information and materials required as follows:

1. Location: identification of sign locations on the buildings and on the building.

2. Materials: description of the type of sign and sign materials including construction materials and proposed lighting if any. Any graphics, murals, neon lighting, or outline lighting must be specified on the signage plan.

3. Size: itemization of sign size or sign area at identified locations.

4. Letter style: description of dominant letter style and letter height to be used on the signs. Modifications to the lettering style to accommodate federally registered trademarks will be allowed; however, the Planning Commission may limit logo size.

5. Color scheme: listing of colors to be used on each sign.

E. Revisions to Comprehensive Sign Plans. The Community Development Director may approve revisions to a Comprehensive Sign Plan if the intent of the original approval is not affected. Revisions that substantially deviate from the original approval shall require the approval of a new Comprehensive Sign Plan.

F. Comprehensive Sign Plan Standards. A Comprehensive Sign Plan shall comply with the following standards:

1. A sign shall enhance the overall development, be in harmony with, and relate visually to other signs included in the Comprehensive Sign Plan, to the structures and/or developments they identify, and to the surrounding development;

2. The Comprehensive Sign Plan shall accommodate future revisions that may be required because of changes in use or tenants; and

3. The Comprehensive Sign Plan shall comply with the standards of this development code, except that flexibility may be allowed with regards to sign area, number, location, and/or height to the extent that the Comprehensive Sign Plan will enhance the overall development and will more fully accomplish the purposes of this development code.