

ARTICLE II – ZONES AND ZONING REGULATIONS

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ARTICLE II
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17.06 CITY COMPREHENSIVE PLAN AND ESTABLISHMENT OF ZONES

17.06.010 ADOPTION OF COMPREHENSIVE PLAN

- A. The purpose of this Chapter is to promote the public health, safety and general welfare of The City of Sweet Home and to assist in implementing the adopted Statewide Planning Goals.
- B. The Comprehensive Plan as amended and approved by ordinance by the City Council is the official guide for decisions related to land use, and by this reference is made a part thereof.

17.06.020 CLASSIFICATION OF ZONES

For the purposes of this title, the following zones are established:

Zone	Abbreviation	Zone	Abbreviation
Residential Low-Density	R-1	Industrial	I
Residential Medium-Density	R-2	Public Facility	PF
Residential High-Density	R-3	Recreation Commercial Mixed Use Employment	RC MUE
Residential Mixed Use	MU	Natural Resources Overlay	NRO
Commercial Central	C-1	Flood Hazard Overlay	FHO
Commercial Highway	C-2	Historic Property Overlay	HPO
Commercial Neighborhood	C-3		

17.06.030 LOCATION OF ZONES

The boundaries for the zones listed in this title are indicated on The City Zoning Map of 2003 and all amendments made, which are adopted by reference. The boundaries shall be modified in accordance with zoning map amendments which shall be adopted by reference.

17.06.040 ZONING MAPS

A zoning map or zoning map amendment adopted by this title or by an amendment thereto shall be prepared by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained at City Hall as long as this title remains in effect.

17.06.050 ZONING OF ANNEXED AREAS

All areas annexed to The City shall continue to be zoned under the existing county zoning, unless the area or a part of the area is specifically placed in a zone or zones by the City Council, after receiving and considering the recommendations of The City's Planning Commission.

17.06.060 LOCATION OF ZONE BOUNDARIES

- A. Boundaries. The boundaries for the zones listed in this Development Code are indicated on the Zoning Map of The City of Sweet Home, which is hereby adopted by this reference and hereinafter referred to as the "Zoning Map" in this Development Code. The boundaries shall be modified, only in accordance with the Sweet Home Comprehensive Plan land use designations and policies, with zone map amendments, and adopted by ordinance.
- B. Zoning Map. The official "Zoning Map" shall be maintained on file at City Hall as long as this Development Code remains in effect. Amendments thereto shall be endorsed on the map with the number of the ordinance by which the change was made. Failure to revise the map shall not affect the validity of any zone change.
- C. Boundary Resolution. The City Council shall resolve any dispute over the exact location of a zone boundary. In interpreting the location of such boundaries on the Sweet Home Zoning Map, the City Council shall rely on the Sweet Home Comprehensive Plan Map and the following guidelines for the location of zone boundaries:
 - 1. Rights-of-Way. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks, alleys, irrigation canals, bridges, or other right-of-way shall be construed to follow such center lines. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same land use district designation that is applicable to lands abutting the vacated areas.
 - 2. Parcel, Lot and Tract. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries.
 - 3. Jurisdiction Boundary. Boundaries indicated as approximately following a city or county boundary, or the urban growth boundary, shall be construed as following said boundary.
 - 4. Natural Features. Boundaries indicated as approximately following a river, stream, drainage channel, drainage basin, topographic contour or other changeable natural feature not corresponding to any feature listed in subsections C.1. through 3. immediately above, shall be construed as following such feature.

17.08 USES - GENERAL

17.08.010 INTERPRETATIONS OF USES

- A. Types of Uses. Within each zone, uses are classified as “permitted,” “special permitted” and “conditional.” Further, uses are functionally classified by description of the particular activity, such as “single-family residence.”
- B. Interpretation of Uses. Where a use is not defined in Chapter 17.04, the words of this Development Code describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires an alternative interpretation.
- C. Prohibited Uses. A use not specifically identified as permitted, special permitted or conditionally permitted within a zone, or, otherwise allowed through interpretation, shall be considered a prohibited use.
- D. City Authorization. The City may permit uses in a zone similar to uses permitted outright in that zone.

17.08.020 PERMITTED USES - ALL ZONES

The following uses and activities are permitted in all zones:

- A. Placement and maintenance of underground or above ground wires, cables, pipes, guys, support structures, pump stations, drains, and detention basins within rights-of-way by public agencies and utility companies for telecommunications, or electrical power transmission, or transmission of natural gas, petroleum products, geothermal water, water, wastewater, sewage and rainwater.
- B. Railroad tracks and related structures and facilities located within rights-of-ways controlled by railroad companies.
- C. Surfaced travel lanes, curbs, gutters, drainage ditches, sidewalks, transit stops, landscaping and related structures and facilities located within rights-of-way controlled by a public agency.
- D. Expansion of public right-of-way and widening or adding improvements within the right-of-way, provided the right-of-way is not expanded to more width than prescribed for the street in the Public Facilities segment of the Comprehensive Plan.

17.08.030 PROHIBITED USES

The following uses are prohibited regardless of the underlying zone:

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- A. The use of private property for the burial of human remains, and, family burial grounds.
- B. Breeding, raising and/or keeping of swine.
- C. Commercial feed lots, dairies, and auction yards for livestock.
- D. Rendering plants, slaughterhouses, and meat packing plants.

17.10 RESIDENTIAL LOW-DENSITY ZONE (R-1)

17.10.010 PURPOSE



The purpose of the R-1 zone is to provide areas suitable and desirable for single-family homes, associated public service uses and duplexes on corner lots. The R-1 zone is most appropriate in areas which have developed or will develop with single-family homes at a density which warrants provision of public water and sewer facilities.

17.10.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the R-1 zone:

- A. Single-family dwelling.
- B. Duplex on a corner lot where each living unit has access from a separate street.
- C. Residential care homes, licensed by the State of Oregon.
- D. Day care facility; day nursery for 12 or fewer children.
- E. Open space and parks identified in The City's adopted Parks Master Plan.

17.10.030 SPECIAL USES

The following uses, when developed under the special development requirements, are permitted in the R-1 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions, subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Manufactured homes on individual lots, subject to provisions in Chapter 17.66.
- G. Home occupations, subject to the provisions of Chapter 17.68.
- H. Residential accessory structures, subject to the provisions in Chapter 17.70.
- I. Residential accessory dwelling, subject to the provisions in Chapter 17.72.

- J. Temporary uses, subject to provisions in Chapter 17.74.

17.10.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Cemetery.
- B. Church, religious institution, club, lodge, fraternal organization.
- C. Community center.
- D. Hospital and medical clinics.
- E. Private golf course, country club or recreational club.
- F. Public school and private schools, except trade schools.
- G. Public utility facility.
- H. Bed and breakfast establishments and short-term rentals, subject to provisions in Chapter 17.76.
- I. Secondary use on a lot without a primary use.
- J. Duplexes not located on a corner lot.
- K. Amateur radio, police and fire antennas.
- L. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.10.050 DENSITY REGULATIONS

- A. Single Family and Manufactured Homes - No more than one dwelling per lot or parcel, other than an approved residential accessory dwelling unit.
- B. Duplex – No more than one duplex per corner lot or parcel.
- C. Residential Development – Maximum of 5.4 dwelling units per net acre.

17.10.060 DIMENSIONAL STANDARDS

ARTICLE II ZONES AND ZONING REGULATIONS

- A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-1 zone:

Minimum Lot Area & Width	
Single Family Dwelling, Manufactured Home	7,000 square feet
Duplex	9,000 square feet
Other Uses	Sufficient to meet density and development requirements
Minimum Width at Building Line	70-feet
Minimum Setbacks	
Front Yard	15-feet
Garage, Carport	20-feet to entrance
Side Yard (Interior)	5-feet minimum any side 12-feet both sides combined
Side Yard (Street)	15 feet
Rear Yard	15 feet
Maximum Structure Height	
Primary Building	30 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	40%

- B. On a flag lot, or similarly configured lot, the inset front yard setback shall be a minimum of 15 feet.
- C. Regardless of the side and rear yard requirements of the zone, an accessory structure, excluding detached accessory dwellings, may be built to within five feet of side or rear lot line; provided, the structure is more than 70 feet from the street abutting the front yard and 20 feet from the street abutting the street side yard.

17.10.070 DEVELOPMENT STANDARDS

All development in the R-1 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. All single-family homes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.

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- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.12 RESIDENTIAL MEDIUM-DENSITY ZONE (R-2)

17.12.010 PURPOSE

The purpose of the R-2 zone is to provide areas suitable and desirable for single-family homes, duplexes, condominiums, town houses and appropriate community facilities.

17.12.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the R-2 zone:

- A. Single-family dwelling;
- B. Single-family attached dwellings.
- C. Duplex (two-family) dwelling.
- D. Residential care homes, licensed by the State of Oregon.
- E. Day care facility; day nursery for 12 or fewer children.
- F. Open space and parks identified in The City's adopted master parks plan.

17.12.030 SPECIAL USES

The following uses, when developed under the special development requirements, are permitted in the R-2 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Manufactured homes on individual lots, subject to provisions in Chapter 17.66.
- G. Home occupations, subject to the provisions of Chapter 17.68.
- H. Residential accessory structures, subject to the provisions in Chapter 17.70.
- I. Residential accessory dwelling, subject to the provisions in Chapter 17.72.

- J. Temporary uses, subject to provisions in Chapter 17.74.

17.12.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Multi-family dwellings.
- B. Cemetery.
- C. Church, religious institution, club, lodge, fraternal organization.
- D. Community center.
- E. Hospital and medical clinics.
- F. Professional office, except for animal clinic.
- G. Private golf course, country club or recreational club.
- H. Public school and private schools, except trade schools.
- I. Public utility facility.
- J. Bed and breakfast establishments, and short term rentals subject to provisions in Chapter 17.76.
- K. Secondary use on a lot without a primary use.
- L. Amateur radio, police and fire antennas.
- M. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.12.050 DENSITY REGULATIONS

- A. Single Family and Manufactured Homes, Duplexes - No more than one residential structure per lot or parcel, other than an approved residential accessory dwelling.
- B. Other Residential Development – Maximum of 9.0 dwelling units per net acre.

17.12.060 DIMENSIONAL STANDARDS

ARTICLE II ZONES AND ZONING REGULATIONS

- A. Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-2 zone:

Minimum Lot Area & Width	
Single Family	5,000 square feet
Duplex	7,000 square feet
Attached Dwelling	3,500 square feet
Multiple Family (3 or more)	2,500 square feet per unit
Other Uses	Sufficient to meet setbacks and development requirements
Minimum Width at Building Line – Corner Lot	70 feet
Minimum Width at Building Line – Interior Lot	60 feet
Minimum Width at Building Line – Attached	30 feet
Minimum Setbacks	
Front Yard	15 feet
Garage	20 feet to the entrance
Side Yard (Interior)	5 feet
Side Yard (Street)	15 feet
Rear Yard	15 feet
Attached Side Yard	0 feet/10 feet Exterior Boundary
Maximum Structure Height	
Single-family	30 feet
Single-family Attached, Duplex	40 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	
Single-family	40%
Single-family Attached	60%
Duplex, Multi-family	60%

- B. On a flag lot, the inset front yard setback shall be a minimum of ten feet.
- C. No building shall be located closer than one-half the distance of the right-of-way projected for the abutting street, based on the street classification, plus the required front setback from a centerline of a street other than an alley.

17.12.070 DEVELOPMENT STANDARDS

All development in the R-2 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. All single-family homes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.

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- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.14 RESIDENTIAL HIGH-DENSITY ZONE (R-3)

17.14.010 PURPOSE

The purpose of the R-3 zone is to provide areas suitable and desirable for high-density residential development, and particularly for apartments, but where other types of residential and related public service uses are appropriate. The R-3 zone is most appropriate in areas which have been developed for high-density residential use or which are suitable for such use due to proximity to downtown Sweet Home and to highway-related commercial areas inside The City.

17.14.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the R-3 zone:

- A. Single-family dwelling.
- B. Single-family attached dwellings.
- C. Duplex (two-family) dwelling.
- D. Multi-family dwelling.
- E. Residential care homes and facilities, licensed by the State of Oregon.
- F. Day care facility; day nursery for 12 or fewer children.
- G. Open space and parks identified in The City's adopted Parks Master Plan.

17.14.030 SPECIAL USES

The following uses, when developed under the special development requirements, are permitted in the R-3 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Manufactured dwelling park, subject to the provisions of Chapter 17.64.

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- G. Manufactured homes on individual lots, subject to the provisions of Chapter 17.66.
- H. Home occupations, subject to the provisions of Chapter 17.68.
- I. Residential accessory structures, subject to the provisions in Chapter 17.70.
- J. Residential accessory dwelling, subject to the provisions in Chapter 17.72.
- K. Temporary uses, subject to provisions in Chapter 17.74.

17.10.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Cemetery.
- B. Church, religious institution, club, lodge, fraternal organization.
- C. Community center.
- D. Hospital and medical clinics.
- E. Professional office, except for animal clinics.
- F. Private golf course, country club or recreational club.
- G. Public school and private schools, except trade schools.
- H. Public utility facility.
- I. Bed and breakfast establishments and short-term rentals, subject to provisions in Chapter 17.76.
- J. Secondary use on a lot without a primary use.
- K. Amateur radio, police and fire antennas.
- L. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.14.050 DENSITY REGULATIONS

ARTICLE II ZONES AND ZONING REGULATIONS

- A. Single Family and Manufactured Homes, Duplexes – No more than one residential structure per lot or parcel, other than an approved accessory dwelling unit; maximum of 9.0 dwelling units per net acre.
- B. Multi-family – Maximum of 28 units per net acre.

17.14.060 DIMENSIONAL STANDARDS

Unless otherwise required by this Development Code, the following minimum dimensional standards shall be required for all development in the R-3 zone:

Minimum Lot Area & Width	
Single Family	5,000 square feet
Duplex	7,000 square feet
Attached Dwelling	3,500 square feet
Multiple Family (3 or more)	9,000 square feet (parcel) 1,500 square feet per unit
Other Uses	Sufficient to meet setbacks and development requirements
Minimum Width at Building Line – Corner Lot	70 feet
Minimum Width at Building Line – Interior Lot	60 feet
Minimum Width at Building Line – Attached	25 feet
Minimum Setbacks	
Front Yard	15 feet
Garage	20 feet to the entrance
Side Yard (Interior)	5 feet (per story)
Side Yard (Street)	15 feet
Rear Yard	15 feet
Attached Side Yard	0 feet 10 feet Exterior Boundary
Maximum Structure Height	
Single-family	30 feet
Single family Attached, Duplex, Multi-family	40 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	
Single-family	40%
Single-family Attached	60%
Duplex, Multi-family	60%

17.14.070 DEVELOPMENT STANDARDS

All development in the R-3 Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. All single-family homes shall require a garage or carport; and in addition, provide two hard-surfaced parking spaces. Other uses identified in the zone shall comply with provisions in Chapter 17.44

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- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.16 MIXED-USE ZONE (MU)

17.16.010 PURPOSE

The Mixed-Use Zone is intended to provide areas appropriate for centralized commercial facilities to serve the needs of area residents and provide a variety of housing opportunities in support of commercial activities.

17.16.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the MU zone:

- A. Single-family, attached dwellings.
- B. Multi-family dwellings.
- C. Residential care homes and facilities, licensed by the State of Oregon.
- D. Day care facility; day nursery for 12 or fewer children.
- ~~E.~~ E. Open space and parks identified in The City's adopted Parks Master Plan.
- ~~F.~~ F. Nursing homes, assisted living centers, convalescent homes, housing specifically designed for, and occupied by, individuals 55 years of age and older, and similar facilities.
- ~~G.~~ G. Retail trade establishments engaged in selling goods or merchandise to the general public for personal or household consumption such as retail groceries, hardware stores, department stores and sporting goods stores.
- ~~H.~~ H. Retail service establishments offering services and entertainment to the general public for personal or household consumption such as eating and drinking establishments, motels and hotels (but excluding recreational vehicle parks and campgrounds), banks, real estate, and financial services.
- ~~I.~~ I. Business service establishments engaged in rendering services to other businesses on a fee or contract basis such as building maintenance, employment services, and consulting services.
- J. Professional offices and clinics for medical, dental, legal, engineering and other professions
- K. Public and private utility buildings and structures, including but not limited to electric substations, telephone exchanges, and communications antennas or towers.

- L. Publicly owned and operated facilities or structures, including government offices and stations, public use buildings and recreation sites, excluding water and sewage treatment facilities.

17.16.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the MU zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions, subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Cottage cluster development, subject to provisions in Chapter 17.62.
- F. Residential accessory structures, subject to the provisions in Chapter 17.70.
- G. Temporary uses, subject to provisions in Chapter 17.74.

17.16.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Houses of worship, subject to provisions in Chapter 17.78.
- B. Public and private schools, pre-schools, kindergartens, elementary, middle and high schools, including business, art, dancing, trade, technical, or similar schools.
- C. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.16.050 DENSITY REGULATIONS

The maximum allowable density shall be 9 dwelling units per net acre for single family attached homes, and, 32 dwelling units per net acre for multi-family development.

17.16.060 DIMENSIONAL STANDARDS

ARTICLE II ZONES AND ZONING REGULATIONS

Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the MU Zone:

Minimum Lot Area	
All Development	5,000 square feet
Minimum Lot Dimension Requirements	
Lot Width	50 feet
Lot Depth	100 feet
Minimum Setbacks	
Front Yard	10 feet
Garage, carport	20 feet to entrance
Side Yard	5 feet
Side Yard (adjacent to "R" zone)	5 feet + 5 feet per story
Side Yard (Street)	10 feet
Rear Yard	5 feet
Rear Yard (adjacent to "R" zone)	5 feet + 5 feet per story
Maximum Structure Height	
Primary Structure	40 feet
Accessory Building	20 feet (Roof Apex)
Maximum Lot Coverage	75%

17.16.070 DEVELOPMENT STANDARDS

Unless otherwise amended by Chapter 17.106, all development in the MU Zone shall comply with the applicable provisions of this Development Code. The following references additional development requirements:

- A. Off-street Parking. Uses identified in the MU zone shall comply with provisions in Chapter 17.44.
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Outdoor Storage and Display. Outdoor storage and display of merchandise, material, or equipment shall be permitted only when such storage is incidental to a permitted use located on the same property, and provided that:
 - 1. The storage area shall be completely enclosed by sight obscuring fences, walls, or buildings or a combination thereof. Said walls or fences shall be not less than six feet in height.

ARTICLE II ZONES AND ZONING REGULATIONS

2. There shall be no outdoor storage of merchandise, materials, equipment, or other goods to a height greater than that of any enclosing fence, wall, or building.
 3. Outdoor display of limited commercial goods may be permitted in front of the building, such as adjacent to the sidewalk, provided that the sidewalk is not obstructed, or the sidewalk is widened to create additional space outside of the normal 5-foot walkway.
- G. Mixing Uses. Residential and commercial uses may be mixed either on the entire site, within a building or both. No more than 90% of the development shall be a single use, as measured by square footage of building floor area or square footage devoted to a use or activity.
- H. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).



17.18 COMMERCIAL CENTRAL ZONE (C-1)

17.18.010 PURPOSE

The purpose of the C-1 zone is to provide an area suitable and desirable for retail and service enterprises, offices, financial institutions and public service uses which are appropriate in the intensively developed commercial center of the community in order to meet shopping and other business needs of area residents. The C-1 zone is appropriate only in the downtown area of The City.

17.18.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the C-1 zone:

- A. Dwellings located above a first-floor commercial business.
- B. Parking lot;
- C. Family day care center; not a home occupation.
- D. Community center;
- E. Bus depot, taxicab stand;
- F. Club, lodge, fraternal organization;
- G. Newspaper office, print shop;
- H. Motel, hotel, rooming/boarding house establishment;
- I. A commercial enterprise which may be classified as belonging to one of the following use groups:
 - 1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store;
 - 2. Automobile, boat, truck or trailer sales establishment; provided any associated repair shall be incidental to the operation and that all sales, service, storage, repair and display shall occur within an enclosed building;
 - 3. Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, tailor shop or locksmith;
 - 4. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-1 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop;

ARTICLE II ZONES AND ZONING REGULATIONS

- 5. Eating or drinking establishments such as restaurant, tavern or cocktail lounge;
 - 6. Office, business or professional;
 - 7. Financial institution, such as bank; and
 - 8. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall.
- J. Antique shop or second-hand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building.

17.18.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the C-1 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned developments, subject to the applicable provisions of Chapter 17.60.
- E. Home occupations within a pre-existing residence, subject to the provisions of Chapter 17.68.
- F. Bed and breakfast, and short term rentals within a pre-existing residence, subject to the provisions of Chapter 17.76.
- G. Temporary uses, subject to provisions in Chapter 17.74.

17.18.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Church, nonprofit religious or philanthropic institution.
- B. Governmental structure or use of land.
- C. Public utility facility.
- D. Automobile service station; provided, that no major automobile repair, overhaul or reconstruction shall be permitted; and provided, further, that any incidental automobile repair shall be performed entirely within an enclosed building.

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- E. Any use permitted in a C-1 zone with customer drive-in service facilities, per requirements in Chapter 17.18.060.
- F. Small animal clinic or animal hospital; provided, all animals shall be kept at all times within an enclosed building.
- G. Amateur radio antennas.
- H. Commercial radio stations and antennas.
- I. Marijuana retailer or medical dispensary.
- J. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.18.050 DIMENSIONAL STANDARDS

- A. Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the C-1 Zone:

Minimum Lot Area	
All Development	None
Minimum Setbacks	
Front Yard	0 feet
Side Yard	0 feet
Street Side Yard	0 feet
Rear Yard	0 feet
Front Yard (adjacent to "R" zone)	20 feet
Side Yard (adjacent to "R" zone)	10 feet
Street Side Yard (adjacent to "R" zone)	15 feet
Rear Yard (adjacent to "R" zone)	10 feet
Maximum Structure Height	
Principal and Accessory Building	40 feet
Maximum Lot Coverage	100%

- B. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- C. Setbacks for Automobile Service Stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of 15 feet from the property line separating the yard from the street.

17.18.060 DEVELOPMENT STANDARDS

All development in the C-1 Zone shall comply with the following specific standards:

- A. Off-street Parking. Uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Site Development Review. All new development and expansion of an existing structure or use in the C-1 Zone shall be subject to the Site Development Review procedures of Chapter 17.102.
- G. Outdoor Storage and Display. Permanent outdoor storage and display of merchandise, material, or equipment shall be prohibited. Temporary outdoor display of merchandise shall be allowed, provided the display is limited to business hours.
- H. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- I. Drive-Through Facilities. Drive-up, drive-in and drive-through facilities (e.g., associated with restaurants, banks, car washes and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all of the following standards:
 - 1. The facility receives access from an alley or driveway, and not a street;
 - 2. None of the drive-up, drive-in or drive-through facilities (e.g., driveway queuing areas, window, teller machines, service windows, drop-boxes and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. Walk-up only teller machines and kiosks are exempted from this requirement;
 - 3. The facility is subordinate to a primary permitted use. **Subordinate** means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and

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4. No more than one drive-up, drive-in or drive-through facility shall be permitted on one block, or for a distance of 300 linear feet along the same street frontage, whichever is less.
- J. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.20 COMMERCIAL HIGHWAY ZONE (C-2)

17.20.010 PURPOSE

The purpose of the C-2 zone is to provide areas suitable and desirable for highway related commercial enterprises intended to meet the business needs of area residents and highway travelers. The C-2 zone is appropriate in areas along or near U.S. Highway 20 east and west of downtown Sweet Home which have developed with commercial activities or which have potential for such activity as long as sufficient vehicular access control is maintained.

17.20.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the C-2 zone:

- A. Parking lot.
- B. Day care center.
- C. Community center.
- D. Bus depot, taxicab stand.
- E. Club, lodge, fraternal organization.
- F. Newspaper office, print shop.
- G. Commercial enterprises with customer drive-in service facilities, pursuant to requirements in Chapter 17.18.060.
- H. Automobile service station, provided, any incidental automobile repair shall be performed entirely within an enclosed building.
- I. Automobile, boat, truck, trailer sales, service, rental, display, storage and repair.
- J. Cabinet or similar woodworking shop.
- K. Cold storage plant, ice processing plant.
- L. Feed, seed store.
- M. Heavy equipment, implement, machinery sales, service, rental, display, storage and repair.
- N. Lumber, building materials sales and storage.

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- O. Outdoor commercial amusement or recreation establishment such as miniature golf course or drive-in theater, but excluding uses such as race track or automobile speedway.
- P. Plumbing, heating, electrical or paint contractor's storage, sales or repair shop.
- Q. Tire sales, repair shop.
- R. Truck terminal, freight depot.
- S. Warehouse, storage area including mini-storage.
- T. Wholesale establishment.
- U. Motel, hotel, rooming/boarding house establishment.
- V. A commercial enterprise which may be classified as belonging to one of the following use groups:
 - 1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store.
 - 2. Automobile, boat, truck or trailer sales establishment; provided any associated repair shall be incidental to the operation and that all sales, service, storage, repair and display shall occur within an enclosed building.
 - 3. Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, tailor shop or locksmith.
 - 4. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-2 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop.
 - 5. Eating or drinking establishments such as restaurant, tavern or cocktail lounge.
 - 6. Office, business or professional, including medical clinics.
 - 7. Small animal clinic or animal hospital; provided, all animals shall be kept at all times within an enclosed building.
 - 8. Financial institution, such as bank.
 - 9. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall.
- W. Antique shop or second-hand store; provided, all business, service, storage, sales, repair and display shall be conducted entirely within an enclosed building.

17.20.030 SPECIAL USES

ARTICLE II ZONES AND ZONING REGULATIONS

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the C-2 zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Home occupations within a pre-existing residence, subject to the provisions of Chapter 17.68.
- F. Bed and breakfast, and short term rentals within a pre-existing residence, subject to the provisions of Chapter 17.76.
- G. Temporary uses, subject to provisions in Chapter 17.74.

17.20.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Church, nonprofit religious or philanthropic institution.
- B. Governmental structure or use of land.
- C. Public utility facility.
- D. Machine and welding shops, sheet metal, wood, fiberglass manufacturing and other similar uses;
- E. Amateur radio antennas.
- F. Commercial radio stations and antennas.
- G. Marijuana retailer or medical dispensary.
- H. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.20.050 DIMENSIONAL STANDARDS

ARTICLE II
ZONES AND ZONING REGULATIONS

- A. Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the C-2 Zone:

Minimum Lot Area	
All Development	None
Minimum Setbacks	
Front Yard	20 feet
Side Yard	0 feet
Street Side Yard	20 feet
Rear Yard	0 feet
Side Yard (adjacent to "R" zone)	10 feet
Rear Yard (adjacent to "R" zone)	10 feet
Maximum Structure Height	
Principal and Accessory Building	35 feet
Maximum Lot Coverage	100% ??

- B. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- C. Setbacks for Automobile Service Stations. Freestanding gasoline pumps and pump islands may occupy a required front or street side yard; provided, they are a minimum of 15 feet from the property line separating the yard from the street.

17.20.060 DEVELOPMENT STANDARDS

All development in the C-2 Zone shall comply with following specific standards:

- A. Off-street Parking. Uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Site Development Review. All new development and expansion of an existing structure or use in the C-2 Zone shall be subject to the Site Development Review procedures of Chapter 17.102.

ARTICLE II ZONES AND ZONING REGULATIONS

- G. Outdoor Storage and Display. Outdoor storage shall be limited to those items normally displayed; e.g., automobiles for an automobile dealership. Permanent outdoor storage of merchandise, material, or equipment shall be permitted, provided the storage area is surrounded by a sight-obscuring fence. Temporary outdoor display shall be allowed, provided the display of merchandise is limited to business hours.
- H. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- I. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).



17.22 INDUSTRIAL ZONE (I)

17.22.010 PURPOSE

The purpose of the Industrial zone is to provide areas suitable and desirable for all types of industrial activity; provided that, development controls are utilized to minimize possible harmful effects related to air and water pollution and to potential nuisance hazards such as fire, explosion or noise. The I zone is appropriate in those large areas already developed for industrial use and in those areas possessing site characteristics suitable for industry, such as good access to highway and rail facilities, readily available water and sewer systems, level and well drained sites, and little or no potential hazard to nearby residential or commercial areas.

17.22.020 PERMITTED USES

The following uses, when developed under the applicable development standards in the Development Code, are permitted in the I zone:

A. Manufacturing and Assembly, Secondary Processing

1. Food processing, including canning, freezing, drying, dairy products and similar food processing and preserving, beverage bottling facility, including warehousing and distribution, but excluding processes which involve the slaughter of animals.
2. Textile mill products including apparel and other finished products made from fabrics and similar materials.
3. Furniture and fixtures including retail wood products.
4. Printing, publishing, and allied industries.
5. Rubber and miscellaneous plastics.
6. Leather and leather goods, but excluding a tannery.
7. Cement, glass, clay and stone products manufacturing.
8. Fabricated metal products.
9. Electrical and electronic equipment, machinery and supplies but excluding batteries.
10. Battery manufacture, sales and service.
11. Measuring, analyzing, and controlling instruments; photographic, medical, and optical goods; watches and clocks.
12. Freight terminals, including loading docks, storage, warehousing and wholesale distribution, cold storage lockers and similar personal storage facilities such as mini-storage warehouses.
13. Other manufacturing, wholesaling or distributing activities similar to those listed.

B. Wholesale trade and distribution facilities, but excluding trade and distribution involving:

1. Metals and minerals.
 2. Scrap and waste material.
 3. Farm-product raw materials.
 4. Chemicals and allied products.
 5. Petroleum and petroleum products.
- C. Public and private utility facilities, including water and sewage treatment facilities, substations, pumping stations and similar facilities with outdoor equipment storage permitted.
- D. Commercial radio stations and antennas, or other wireless telecommunications facilities.

17.22.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the I zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Temporary uses, subject to provisions in Chapter 17.72.

17.22.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Manufacturing and related uses including:
 1. Cement, lime or similar products manufacture;
 2. Explosives storage or manufacture;
 3. Petroleum products manufacture or refining;
 4. Pulp mill;
 5. Rendering plant, tannery, slaughterhouse;
 6. Smelting, refining of metallic ore; and
 7. Other uses similar to the above which may possess characteristics injurious to public health and safety due to emission of smoke, noise, dust, odor, refuse, fumes, vibration or similar hazard.

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- B. Automobile wrecking yard, junkyard;
- C. Public utility or safety facility;
- D. A single-family dwelling occupied by the owner, manager, night watchperson or caretaker of the industrial establishment.
- E. Marijuana producer, marijuana processor, marijuana wholesaler, a marijuana laboratory, a marijuana test facility, a marijuana grow site, and a marijuana processor site.
- F. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.22.050 DIMENSIONAL STANDARDS

- A. Unless otherwise permitted in this Development Code, the following minimum dimensional standards shall be required for all development in the I Zone:

Minimum Lot Area	
All Development	None
Minimum Setbacks	
Front Yard	20 feet
Side Yard	0 feet
Street Side Yard	20 feet
Rear Yard	0 feet
Side Yard (adjacent to "R" zone)	20 feet
Rear Yard (adjacent to "R" zone)	20 feet
Maximum Structure Height	
Principal and Accessory Building	No Limit
Maximum Lot Coverage	75%

- B. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.

17.22.060 DEVELOPMENT STANDARDS

All development in the I Zone shall comply with the following specific standards shall apply:

- A. Off-street Parking. Parking, driveway and loading improvements shall comply with provisions in Chapter 17.44.

ARTICLE II ZONES AND ZONING REGULATIONS

- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to the provisions contained in Chapter 17.52.
- D. Landscaping. Landscaping improvements shall conform to the provisions contained in Chapter 17.54.
- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- F. Site Development Review. All new development and expansion of an existing structure or use in the I Zone shall be subject to the Site Development Review procedures of Chapter 17.102.
- G. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- H. Limitations on Use. Uses permitted outright involving manufacture and all conditional uses shall meet all applicable standards and regulations of the Oregon State Board of Health, the Oregon Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. Prior to approval of conditional use permits or zoning permits, evidence shall be submitted to The City indicating that the proposed activity has been approved by all appropriate regulatory agencies.
- I. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).



17.24 PUBLIC FACILITY ZONE (PF)

17.24.010 PURPOSE

The purpose of the Public Facility zone is to provide areas appropriate for specific public and semi-public uses and to ensure their compatibility with adjacent uses. It is intended that this zone be applied to individual parcels shown to be an appropriate location for a certain public or semi-public use.

17.24.020 PERMITTED USES

The following uses are permitted in the PF zone and subject to a Site Development Review:

- A. Educational facilities, including:
 - 1. Kindergartens;
 - 2. Elementary, junior high and high schools;
 - 3. Stadiums and athletic fields;
 - 4. Playgrounds;
 - 5. Open space.

- B. Municipal service facilities, including:
 - 1. Fire and Police stations.
 - 2. City Hall;
 - 3. Community centers and recreational facilities
 - 4. Sewage treatment facilities;
 - 5. Water treatment facilities;
 - 6. Public Works Shops;
 - 7. Wireless Telecommunication Facilities;
 - 8. Libraries.
 - 9. Parks and Open Space

17.24.030 SPECIAL PERMITTED USES

The following uses, when developed under the special development requirements, are permitted in the PF zone:

- A. Property line adjustments, subject to the provisions in Chapter 17.92.
- B. Partitions, subject to the provisions in Chapter 17.58.
- C. Subdivisions, subject to the applicable provisions of Chapter 17.58.

17.24.040 CONDITIONAL USES

ARTICLE II ZONES AND ZONING REGULATIONS

The following uses require approval of a Conditional Use Permit:

- A. Fraternal and civic organizational facilities
- B. Hospitals and overnight clinics
- C. Semi-public facilities such as houses of worship, cemeteries, monasteries, and similar.
- D. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section.

17.24.050 DIMENSIONAL STANDARDS

The following dimensional standards shall be required for all development in the Public Facility Zone:

Minimum Lot Area	Sufficient to allow the use and comply with setback requirements.
Minimum Setbacks	
Front Yard – Non-residential	None
Front Yard - Residential	15-feet
Side Yard – Non-residential	None
Side Yard - Residential	15 feet
Rear Yard – Non-residential	None
Rear Yard – Residential	15 feet
Maximum Structure Height	60 feet
Maximum Lot Coverage	80%

17.24.060 DEVELOPMENT STANDARDS

All development in the Public Facility Zone shall comply with the applicable provisions of Chapter 2.40 of this Code. In addition, the following specific standards shall apply:

- A. Off-street Parking. All uses identified in the zone shall comply with provisions in Chapter 17.44
- B. Signs. Signs shall conform to the standards contained in Chapter 17.50.
- C. Fencing. Fences shall conform to provisions contained in Section 17.52.
- D. Landscaping. Landscaping improvements shall conform to provisions contained in Chapter 17.54.

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- E. Yards and Lots. Yards and lots shall conform to provisions contained in Chapter 17.56.
- G. Site Development Review. All new development or expansion of an existing structure or use shall be subject to the Site Development Review procedures of Chapter 17.102.
- H. Exterior Lighting. Exterior lighting shall be located in such a manner so as not to face directly, shine or reflect glare onto a street, a highway or a lot in a residential zone.
- G. Other. A property owner is advised other regulations may apply for property in an identified natural resource area (Chapter 17.28); the flood hazard area (Chapter 17.30) and in or near an identified historical site (Chapter 17.32).

17.26 RECREATION COMMERCIAL ZONE (RC)
[CURRENT ZONING]

17.26.010 PURPOSE

The purpose of the RC zone is to provide and maintain areas which possess unique characteristics for recreation-related commercial and residential development, and which are suitable and desirable for recreation businesses for tourists and recreationists in the area. A high standard is essential in order to maintain and enhance the appearance of the area and its unique value to the community.

17.26.020 PERMITTED USES

In an RC zone, the following uses and their accessory uses are permitted outright:

- A. Motel, hotel or resort.
- B. Recreational vehicle park.
- C. Recreational vehicle park with owner time share.
- D. Museum or art gallery.
- E. Community center, meeting facility, convention center or similar use.
- F. Residential uses related to or in conjunction with a recreational development.
- G. Eating and drinking establishment.
- H. Recreational retail, such as ski, hiking, climbing or similar equipment.
- I. Arts and crafts workshops and retail sales.
- J. Amusement or recreation services.
- K. Recreational teaching facilities.
- L. Single-family dwellings on legal lots of record at the time of enactment of this Chapter.

17.26.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the RC zone:

- A. Property line adjustments, subject to provisions in Chapter 17.92.
- B. Partitions, subject to provisions in Chapter 17.58.
- C. Subdivisions subject to provisions in Chapter 17.58.
- D. Planned development, subject to the provisions of Chapter 17.60.
- E. Home occupations within a pre-existing residence, subject to the provisions of Chapter 17.68.
- F. Residential accessory dwellings, subject to provisions of Chapter 17.72.
- G. Bed and breakfast within a pre-existing residence, subject to the provisions of Chapter 17.76.
- H. Temporary uses, subject to provisions in Chapter 17.72.

17.26.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Listed permitted uses in the I zone.
- B. Recreation oriented uses or activities not listed as permitted.
- C. Residential uses not related to or in conjunction with a recreational development.
- D. Public storage facility.
- E. Non-recreational retail.
- F. Governmental structure or use of land, or public utility facility.
- G. Other uses compatible with the purpose and intent of the zone, and whose off-site impacts would not significantly exceed those of the other conditionally permitted uses listed in this section.

17.26.050 SPECIAL STANDARDS

In the RC zone, the following special standards shall apply unless modified as a part of a planned development.

- A. Single-family dwellings and accessory uses shall meet the following minimum standards.

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1. Minimum lot size shall be 5,000 square feet.
2. Minimum lot width shall be 50 feet.
3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 15 feet;
 - b. Side shall be a minimum five feet with a combined minimum of 13 feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 20 feet.
4. Building height shall not exceed 30 feet.
5. Building coverage shall not exceed 35% of the land area.
6. A carport or garage is required.
7. Off-street parking will be based on The City parking standards.

B. Single-family attached dwellings shall meet the following standards.

1. Minimum lot size shall be 2,000 square feet per unit.
2. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be 15 feet;
 - b. Sides between units shall be zero;
 - c. Sides on exterior boundaries shall be five feet;
 - d. Street side shall be a minimum of 15 feet;
 - e. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - f. Rear shall be a minimum of 15 feet.
3. Building height shall not exceed 40 feet.
4. Building coverage shall not exceed 70% of the land area.
5. Off-street parking will be based on The City parking standards.

C. Two-family dwellings and accessory uses shall meet the following standards.

1. Minimum lot size shall be 7,000 square feet.
2. Minimum lot width shall be 70 feet.
3. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be a minimum of 15 feet;
 - b. Side shall be a minimum of five feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 20 feet.
4. Building height shall not exceed 40 feet.
5. Building coverage shall not exceed 60% of the land area.

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6. A carport or garage for each unit is required.
- D. Multi-family dwellings and accessory uses shall meet the following standards.
1. Minimum lot size shall be 1,500 square feet per unit.
 2. Minimum yard setbacks:
 - a. Front, from either a public or private street, shall be 20 feet;
 - b. Side shall be a minimum ten feet;
 - c. Street side shall be minimum of 15 feet;
 - d. A garage shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
 - e. Rear shall be a minimum of 20 feet.
 3. Building height shall not exceed 40 feet.
 4. Building coverage shall not exceed 60% of the land area.
 5. Off-street parking will be based on The City parking standards.
- E. Commercial establishments shall meet the following standards.
1. Off-street parking will be based on The City parking standards.
 2. A minimum of 15% of the land area shall be designed as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 45 feet.
 4. Yard setbacks:
 - a. Front, from either a public or private street, shall be 20 feet; and
 - b. Sides, none, except if abutting residential zones, and then the side yard shall be at least ten feet. The required side yard shall be increased by one-half foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential zones, and then the rear yard shall be at least ten feet. The required rear yard shall be increased by one-half foot for each foot that the building height exceeds 20 feet.

17.26.060 DEVELOPMENT PLAN REVIEW

In the RC Zone, submittal of a plan for development on a specific piece of property shall comply with the following.

- A. The site plan, with proposed land uses, shall include accurate measurements from property lines to and between all structures.
- B. Building types, with approximate dimensions should be submitted. The plans should indicate the general height, bulk and appearance of buildings.
- C. Vehicular and pedestrian access and circulation must be included on the plan.

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- D. The configuration, including a count and size of all spaces and aisle widths, of all parking areas should be included.
- E. Existing natural features such as streams, riparian zone, wetlands and topography must be shown before construction and include proposed impacts to the natural resources.
- F. Proposals for landscaping, fencing or other barriers should be included on the plan.
- G. Proposals for the location, size, height and lighting of signs should be submitted.
- H. Proposals for the provision of water, fire suppression, sewage, storm drainage, exterior lighting and solid waste must be submitted.

17.26 MIXED USE EMPLOYMENT ZONE (MUE)
[ALTERNATE TO RC ZONE]

17.26.010 PURPOSE

The purpose of the Mixed Use Employment zone is to provide a mix of business and professional services, research facilities, offices, retail and services firms and limited manufacturing opportunities. While primarily intended as an employment center, opportunities will be available for residential development as either a separate or ancillary use. It is expected that industrial uses will likely locate near or adjacent to the existing rail line, while residential and commercial facilities will gravitate toward the South Santiam River.

17.26.020 PERMITTED USES

In an MUE zone, the following uses and their accessory uses are permitted outright:

A. Residential Uses

1. Single family detached and attached homes.
2. Duplex
3. Multi-family homes.
4. Residential care homes and facilities, licensed by the State of Oregon.

B. Commercial Uses

1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store;
2. Personal or business service establishment such as barber or beauty shop, dry cleaning establishment, tailor shop or locksmith;
3. Repair shop for the type of goods offered for sale in retail trade establishment permitted in a C-1 zone, such as shoe repair shop, small appliance repair shop, television repair shop or watch repair shop;
4. Eating or drinking establishments such as restaurant, tavern or cocktail lounge; except drive-up, -in or -through facilities shall not be permitted
5. Office, business or professional;
6. Financial institution, such as bank; except drive-up, -in or -through facilities shall not be permitted
7. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall.
8. Motel, hotel or resort.
9. Recreational vehicle park.
10. Small scale food/beverage manufactures – i.e., bakeries, microbreweries – where primary retail sales are on-site.

C. Industrial Uses

1. Manufacturing, fabrication, assembling and packaging activities, including accessory storage, for the following products and/or materials: cloth, fiber, fur and hair; electrical and communication equipment; cosmetics, drugs and pharmaceuticals; food, beverage, dairy products; and medical, dental, optical precision and surgical instruments and equipment
2. Research and scientific laboratories
3. Wholesale distribution and warehousing facilities (limited to properties adjacent to railroad right-of-way)
4. Wineries, breweries and distilleries
5. Other employment uses that are compatible with the purpose and intent of the zone, and having limited off-site impacts. The intent is to permit flexibility in allowing appropriate uses generated by emerging technologies. For example, server farms or call centers would be consistent with provision.

D. Public and Community Related Uses

1. Art galleries, libraries and museums
2. Community center, meeting facility, convention center or similar use.
3. Hospital, health and medical clinics
4. Golf courses and country clubs
5. Public and private parks.

17.26.030 SPECIAL USES

The following uses, when developed under the applicable development standards of this Development Code and special development requirements, are permitted in the MUE zone:

- A. Property line adjustments, subject to the provisions in Chapter 17.92.
- ~~B. Partitions, subject to the provisions in Chapter 17.58.~~
- C. Subdivisions, subject to the provisions in Chapter 17.58.
- D. Planned development, subject to the provisions in Chapter 17.60.
- E. Cottage cluster development, subject to the provisions in Chapter 17.62.
- F. Home occupations, subject to the provisions in Chapter 17.68.
- G. Residential accessory dwellings, subject to the provisions in Chapter 17.72.
- H. Temporary uses, subject to the provisions in Chapter 17.74.

17.26.040 CONDITIONAL USES

The following uses require approval of a Conditional Use Permit:

- A. Manufacturing, fabrication, assembling, processing, canning, packaging, compounding, storage and treatment activities for the following activities and/or materials: brick, concrete, cement, clay, mortar, plaster and tile; chemicals and floor coverings; extraction or removal of sand, gravel, topsoil, clay, dirt, precious metals, gems or other natural resources; and paper
- B. Houses of worship, Churches, temples, synagogues and places of worship, including cemeteries and customary accessory buildings and uses, per Chapter 17.76.
- C. Clubs, lodges. Clubs, lodges, fraternal institutions and other places of assembly for membership groups.
- D. Governmental structure or use of land, or public utility facility.
- E. Utilities and communication facilities, such as telephone exchanges, electric substations and television stations
- F. Public and private schools, kindergarten, elementary, middle and high schools
- G. Colleges and trade schools
- H. Marijuana retailer or medical dispensary.
- I. Any other use that is compatible with the purpose and intent of the zone, and that would have off-site impacts that would not significantly exceed those that are typical of the other conditionally permitted uses listed in this section.

17.26.050 DEVELOPMENT STANDARDS

In the MUE zone, the following special standards shall apply unless modified as a part of a planned development.

- A. Single-family dwellings shall meet the following minimum standards.
 - 1. Minimum lot size shall be 5,000 square feet.
 - 2. Minimum lot width shall be 50 feet.
 - 3. Minimum yard setbacks:
 - a. Front - 15 feet.
 - b. Side – 5 feet.
 - c. Street side - 15 feet;

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- d. Garage - 20 feet to entrance
 - e. Rear - 15 feet.
 - 4. Building height – 30 feet residence, 20 feet – accessory building.
 - 5. Building coverage shall not exceed 40% of the land area.
- B. Single-family attached dwellings shall meet the following standards.
 - 1. Minimum lot size shall be 2,000 square feet per unit.
 - 2. Minimum yard setbacks:
 - a. Front - 15 feet.
 - b. Sides between units – 0 feet
 - c. Sides on exterior boundaries – 5 feet
 - d. Street side - 15 feet;
 - d. Garage - 20 feet to entrance
 - e. Rear - 15 feet.
 - 3. Building height shall not exceed 40 feet, 20 feet – accessory building.
 - 4. Building coverage shall not exceed 70% of the land area.
- C. Two-family dwellings and accessory uses shall meet the following standards.
 - 1. Minimum lot size shall be 7,000 square feet.
 - 2. Minimum lot width shall be 70 feet.
 - 3. Minimum yard setbacks:
 - a. Front - 15 feet.
 - b. Side – 5 feet.
 - c. Street side - 15 feet;
 - d. Garage - 20 feet to entrance
 - e. Rear - 15 feet.
 - 4. Building height shall not exceed 40 feet. 20 feet – accessory building.
 - 5. Building coverage shall not exceed 60% of the land area.
- D. Multi-family dwellings and accessory uses shall meet the following standards.
 - 1. Minimum lot size shall be 1,500 square feet per dwelling unit.
 - 2. Minimum yard setbacks:
 - a. Front - 20 feet.
 - b. Side – 10 feet.
 - c. Street side - 15 feet;
 - d. Garage - 20 feet to entrance
 - e. Rear - 20 feet.
 - 3. Building height shall not exceed 40 feet, 20 feet – accessory building.
 - 4. Building coverage shall not exceed 60% of the land area.
- E. Commercial establishments shall meet the following standards.
 - 1. Off-street parking will be based on The City parking standards.

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2. A minimum of 15% of the land area shall be designed as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 45 feet.
 4. Yard setbacks:
 - a. Front - 20 feet
 - b. Sides, none, except if abutting residential use or zone, and then the side yard shall be at least 15 feet. The required side yard shall be increased by one foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential use or zone, and then the rear yard shall be at least 15 feet. The required rear yard shall be increased by one foot for each foot that the building height exceeds 20 feet.
 5. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- F. Industrial establishments shall meet the following standards.
1. Off-street parking will be based on The City parking standards.
 2. A minimum of 15% of the land area shall be designated as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 60 feet.
 4. Yard setbacks:
 - a. Front - 20 feet
 - b. Sides, none, except if abutting residential use or zone, and then the side yard shall be at least 20 feet. The required side yard shall be increased by one foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential use or zone, and then the rear yard shall be at least 20 feet. The required rear yard shall be increased by one foot for each foot that the building height exceeds 20 feet.
 5. Minimum Setback. Where a side or rear yard is not required and a structure is not to be erected at the property line, it shall be set back at least three feet from the property line.
- G. Public, public facility and similar types of uses shall meet the following standards.
1. Off-street parking will be based on The City parking standards.
 2. A minimum of 15% of the land area shall be designated as open space with appropriate landscaping. To the maximum extent feasible, natural features of the land shall be preserved.
 3. Building height shall not exceed 50 feet.

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4. Yard setbacks:
 - a. Front - 20 feet
 - b. Sides, none, except if abutting residential use or zone, and then the side yard shall be at least 20 feet. The required side yard shall be increased by one foot for each foot of building height that exceeds 20 feet.
 - c. Rear, none, except if abutting residential use or zone, and then the rear yard shall be at least 20 feet. The required rear yard shall be increased by one foot for each foot that the building height exceeds 20 feet.

17.26.060 SPECIAL DEVELOPMENT REQUIREMENT

With the exception of constructing a single-family home, a Planned Development shall be required for any proposed project or development exceeding one acre in size.

17.28 NATURAL RESOURCES OVERLAY ZONE (NRO)

17.28.010 PURPOSE

The NRO zone is designed to protect identified significant natural resources in The City of Sweet Home. The intent of this zone is to ensure reasonable economic use of property while protecting valuable natural resources. Requirements in this Chapter apply only to that portion of a property located within the NRO zone.

17.28.020 ESTABLISHMENT AND APPLICABILITY

The NRO zone is an overlay zone is used and applied to any parcel having one of the following identified natural resources:

- A. Significant wetlands, as mapped in The City's Local Wetlands Inventory (LWI).
- B. Riparian corridors, as mapped in The City's Riparian Inventory.

17.28.030 ACTIVITIES SUBJECT TO REVIEW

In the NRO zone, the following actions are subject to review. These shall be processed as a Type I application and subject to the standards contained in this Chapter and applicable provisions of the underlying zone:

- A. New structural development.
- B. Exterior expansion of any building or structure.
- C. Increases in impervious surfaces or storage areas.
- D. Grading, excavation or fill.
- E. Removal of native vegetation.

17.28.040 EXCEPTIONS IN THE RIPARIAN ZONE

The following activities may be excepted from the requirements of this Chapter, if administrative review finds that they meet the standards listed in this Chapter.

- A. Drainage facilities, utilities and irrigation pumps.
- B. Streets, roads, driveways or paths.
- C. Water-related and water-dependent uses.

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- D. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area.
- E. Removal of non-native vegetation and replacement with native plant species.
- F. Alteration of the area by placement of structures or impervious surfaces within the Riparian Zone upon demonstration that equal or better protection for identified resources will be ensured through restoration of riparian areas, enhanced buffer treatment or similar measures; providing that, the alterations not exceed 50% of the width of the riparian area, measured from the upland edge of the Zone.

17.28.050 AGENCY REVIEW

Decisions made by The City of Sweet Home under this Chapter do not supersede the authority of the state or federal agencies which may regulate or have an interest in the activity in question.

- A. It is the responsibility of the landowner or applicant to ensure that any necessary state or federal permits or clearances are obtained.
- B. The City will notify the Division of State Lands for development permits and other land use decisions affecting inventoried wetlands.

17.28.060 GENERAL DEVELOPMENT STANDARDS

- A. The City of Sweet Home has adopted safe harbor setback methodology for the identification of significant riparian corridors and significant wetlands. These resources are identified on the Local Wetlands Inventory and Riparian Inventory Maps. Property owners are responsible to have a qualified professional identify the wetlands boundary on the affected property.

<i>Natural Area</i>	<i>Width of Vegetated Corridor, per side</i>
South Santiam River	75'
Ames Creek and Wiley Creek	50'



- B. Setbacks for structures within a riparian corridor are measured from the top of bank, which is the line of ordinary high water in a two-year event.
- C. For an exception to be allowed, the applicant shall comply with the following requirements:
 - 1. Demonstrate that no other practicable access to the buildable area exists.
 - 2. Design roads, driveways and paths to be the minimum width necessary while allowing for safe passage of vehicles and/or pedestrians.

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3. Consider the need for future extensions of shared access, access easements or private streets in order to avoid subsequent encroachments into a significant natural resource.
4. During construction, no stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant natural resource.
5. Erosion control measures, such as silt fences and biofilter bags, shall be used to reduce the likelihood of sediment and untreated stormwater entering a significant natural resource.
6. Utilities and drainage facilities: Public and private utilities or drainage facilities may be placed when it is shown that no other practicable alternative location exists. If a utility or drainage facility is allowed, the following standards shall apply:
 - a. Demonstrate that no other practicable access exists.
 - b. The corridor necessary to construct utilities shall be the minimum width practical so as to minimize intrusion into a significant natural resource.
 - c. Removal of trees and native vegetation shall be avoided unless absolutely necessary. Native vegetation shall be used to restore the vegetative character of the construction corridor.
 - d. The existing grade of the land shall be restored after construction.
 - e. No stockpiling of fill materials, parking or storage of equipment shall be allowed within a significant natural resource.
7. Structures or other non-conforming alterations existing fully or partially within a significant Natural Resource may be expanded provided the expansion occurs outside of a significant natural resource. Substantial improvement of a non-conforming structure in a significant natural resource shall require compliance with the standards of this Chapter.
8. Existing lawn within a significant natural resource may be maintained, but not expanded within the limits of a significant natural resource. Development activities shall not justify replacement of native vegetation, especially riparian vegetation, with lawn.

D. Vegetation Removal and Replacement

1. Removal of non-native vegetation and replacement with native plant species is permitted.
2. The replacement vegetation shall at a minimum:
 - a. Cover the area from which vegetation was removed.
 - b. Maintain or exceed the density of the removed vegetation.
 - c. Maintain or improve the shade provided by the vegetation.

- E. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from a licensed professional, and the Community Development Director or designee.



- F. The control or removal of nuisance plants should primarily be by non-chemical means (e.g., hand-pulling).
1. If non-chemical means fail to adequately control nuisance plant populations, a glyphosate-based herbicide, or other environmentally safe herbicide, may be used.
 2. No pre-emergent herbicides or auxin herbicides that pose a risk of contaminating water should be used.
 3. Herbicide applications must be applied according to manufactured specifications.

17.28.070 VARIANCES

A variance to the provisions of this Chapter may be applied for to consider claims of map errors verified by DSL, and when necessary to allow reasonable economic use of the subject property. Permanent alteration of the significant natural resource by an action requiring a variance is subject to the mitigation procedures and criteria of this chapter. Variances shall be processed per provisions in Chapter 17.106.

17.28.080 MITIGATION STANDARDS

When impacts to any identified significant natural resource occur, mitigation will be required.

- A. For impacts to wetlands, the following standards and criteria shall apply.
1. The applicant must obtain a fill and removal permit from the Oregon Division of State Lands and U.S. Army Corps of Engineers.
 2. The applicant must provide an approved mitigation plan that complies with all Oregon Division of State Lands and U.S. Army Corps of Engineers wetland regulations.
- B. For impacts to riparian corridors, the following standards and criteria shall apply:
1. A mitigation plan prepared by a qualified professional shall be submitted to The City. The mitigation plan shall meet the following criteria:
 - a. Mitigation for impacts to a non-wetlands riparian area shall require a minimum mitigation area ratio of one to one.
 - b. The mitigation plan shall document:
 - (1) The location of the impact.
 - (2) The existing conditions of the resource prior to impact.
 - (3) The location of the proposed mitigation area.
 - (4) A detailed planting plan of the proposed mitigation area with species and density.
 - (5) A narrative describing how the resource will be replaced.

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2. Mitigation shall occur on-site and as close to the impact area as possible. If this is not feasible, mitigation shall occur within the same drainage basin as the impact.
3. All vegetation planted within the mitigation area shall be native to the region. Species to be planted in the mitigation area shall replace those impacted by the development activity.
4. Trees shall be planted at a density of not less than five per 1,000 square feet. Shrubs shall be planted at a density of not less than ten per 1,000 square feet.

17.28.09 PLAN AMENDMENT OPTION

- A. Any owner of property affected by the NRO Zone may apply for a Zone amendment. The amendment must be based on a specific development proposal. The effect of the amendment would be to remove the NRO Zone from all or a portion of the property. The applicant shall demonstrate that such an amendment is justified by completing an Environmental, Social, Economic and Energy (ESEE) Consequences Analysis prepared in accordance with Oregon Administrative Rules. If the application is approved, then the ESEE analysis shall be incorporated by reference into the applicable Sweet Home Inventory and the Maps shall be amended.
- B. The ESEE analysis shall adhere to the following requirements.
 1. The ESEE analysis must demonstrate to the ultimate satisfaction of the Sweet Home City Council that the adverse economic consequences of not allowing the conflicting use are sufficient to justify the loss, or partial loss, of the resource.
 2. The ESEE analysis must demonstrate why the use cannot be located on land outside of the natural resource area.
 3. The ESEE analysis shall be prepared by a qualified professional experienced in the preparation of Goal 5 ESEE analyses, with review by DLCD.

17.30 FLOOD HAZARD OVERLAY ZONE (FHO)

17.30.010 STATUTORY AUTHORIZATION

The State of Oregon has in O.R.S. 197.175, Cities' and Counties' Planning Responsibilities delegated the responsibility to local governmental units to adopt floodplain management regulations designed to protect the public health, safety and general welfare of its citizenry.

17.30.020 FINDINGS OF FACT

- A. 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.
- B. These flood losses may be caused by the cumulative effect of obstructions in special flood hazard areas which increase flood heights and velocities, and when inadequately anchored, cause damage in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to flood loss.

17.30.030 STATEMENT OF PURPOSE

It is the purpose of this Chapter to promote public health, safety, and general welfare, and to minimize public and private losses due to flooding in flood hazard areas by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;
- F. To help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;

- G. Notify potential buyers that the property is in a special flood hazard area;
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions;
- I. Participate in and maintain eligibility for flood insurance and disaster relief.

17.30.040 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting development which is dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that development vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- D. Controlling filling, grading, dredging, and other development which may increase flood damage;
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

17.30.050 DEFINITIONS

Unless specifically defined below, words or phrases used in this Chapter shall be interpreted so as to give them the meaning they have in common usage.

APPEAL. A request for a review of the interpretation of any provision of this Chapter or a request for a variance.

AREA OF SHALLOW FLOODING. A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a 1% or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

AREA OF SPECIAL FLOOD HAZARD. The land in the floodplain within a community subject to a 1% or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR. **SPECIAL FLOOD HAZARD AREA** is synonymous in meaning and definition with the phrase **AREA OF SPECIAL FLOOD HAZARD**.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION (BFE). The elevation to which floodwater is anticipated to rise during the base flood.

BASEMENT. Any area of the building having its floor subgrade (below ground level) on all sides.

BUILDING. See **STRUCTURE**.

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

DEVELOPMENT. Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

FLOOD or FLOODING.

1. A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters.
 - b. The unusual and rapid accumulation or runoff of surface waters from any source.
 - c. Mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection 1.b. of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.
2. The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection 1.a. of this definition.

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

FLOOD INSURANCE RATE MAP (FIRM). The official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A **FIRM** that has been made available digitally is called a **DIGITAL FLOOD INSURANCE RATE MAP (DFIRM)**.

FLOOD INSURANCE STUDY (FIS). See **FLOOD ELEVATION STUDY**.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

FLOODWAY. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. Also referred to as **REGULATORY FLOODWAY**.

FUNCTIONALLY DEPENDENT USE. A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

HIGHEST ADJACENT GRADE. The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

HISTORIC STRUCTURE. Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. 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.

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LETTER OF MAP CHANGE (LOMC). An official FEMA determination, by letter, to amend or revise effective Flood Insurance Rate Maps and Flood Insurance Studies. The following are categories of **LOMCs**:

1. **CONDITIONAL LETTER OF MAP AMENDMENT (CLOMA).** A **CLOMA** is FEMA's comment on a proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1% annual chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.
2. **CONDITIONAL LETTER OF MAP REVISION (CLOMR).** A **CLOMR** is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.
3. **CONDITIONAL LETTER OF MAP REVISION BASED ON FILL (CLOMR-F).** A **CLOMR-F** is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.
4. **LETTER OF MAP AMENDMENT (LOMA).** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.
5. **LETTER OF MAP REVISION (LOMR).** A **LOMR** is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. **LOMRs** are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The **LOMR** officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The **LOMR** is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.
6. **LETTER OF MAP REVISION BASED ON FILL (LOMR-F).** A **LOMR-F** is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.
7. **PMR.** A **PMR** is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. **PMRs** are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building

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access or storage in an area other than a basement area is not considered a building's **LOWEST FLOOR**, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

MANUFACTURED DWELLING. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term **MANUFACTURED DWELLING** does not include a “recreational vehicle” and is synonymous with **MANUFACTURED HOME**.

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

MEAN SEA LEVEL. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.

NEW CONSTRUCTION. For floodplain management purposes, **NEW CONSTRUCTION** means structures for which the “start of construction” commenced on or after the effective date of a floodplain management regulation adopted by The City and includes any subsequent improvements to such structures.

RECREATIONAL VEHICLE. A vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

SPECIAL FLOOD HAZARD AREA. See **AREA OF SPECIAL FLOOD HAZARD** for this definition.

START OF CONSTRUCTION. Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The **ACTUAL START** means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory

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buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the **ACTUAL START OF CONSTRUCTION** means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

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

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

SUBSTANTIAL IMPROVEMENT. Any 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 which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. 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
2. Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

VARIANCE. A grant of relief by The City from the terms of a floodplain management regulation.

VIOLATION. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Chapter is presumed to be in violation until such time as that documentation is provided.

17.30.060 LANDS TO WHICH CHAPTER APPLIES

This Chapter shall apply to all special flood hazard areas within the jurisdiction of The City.

17.30.070 BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled "The Flood Insurance Study (FIS) for Linn County, Oregon and Incorporated Areas", dated September 29, 2010 and the revised

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date December 27, 2012, with accompanying Flood Insurance Rate Maps (FIRMs) 41043C0895G, 41043C0911G, 41043C0912G, 41043C0913G, 41043C0914G, 41043C0916G, 41043C0917G, 41043C0918G, and 41043C0919G are hereby adopted by reference and declared to be a part of this Chapter. The FIS and FIRM panels are on file at City Hall, 3225 Main Street, Sweet Home, Oregon.

17.30.080 COORDINATION WITH STATE OF OREGON SPECIALTY CODES

Pursuant to the requirement established in O.R.S. Chapter 455 that The City administers and enforces the State of Oregon Specialty Codes, The City 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 Chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

17.30.090 COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE

- A. *Compliance.* All development within special flood hazard areas is subject to the terms of this Chapter and required to comply with its provisions and all other applicable regulations.
- B. *Penalties for noncompliance.* No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations. Violations of the provisions of this Chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a violation and may be prosecuted under the provisions of Chapter 9.36 and any amendments thereto. Abatement of the violations of this Chapter 17.30 can be accomplished by any remedy open to The City, including using the procedures set out in Chapter 8.04 for abatement of nuisances. Each day that a violation exists is a separate offense. Nothing contained herein shall prevent The City from taking such other lawful action as is necessary to prevent or remedy any violation.

17.30.100 ABROGATION AND SEVERABILITY

- A. *Abrogation.* 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 restrictions shall prevail.
- B. *Severability.* This Chapter and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

17.30.110 INTERPRETATION

In the interpretation and application of this Chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

17.30.120 WARNING AND DISCLAIMER OF LIABILITY

- A. *Warning.* 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 man-made 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.
- B. *Disclaimer of liability.* This Chapter shall not create liability on the part of The City, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this Chapter or any administrative decision lawfully made hereunder.

17.30.130 DEVELOPMENT PERMIT REQUIREMENT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Chapter 17.30.070. The permit shall be for all structures, including manufactured homes, as set forth in Chapter 17.30.030, and for all other development.

17.30.140 DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR

The City Manager, and the City Manager's designee, is hereby appointed to administer, implement, and enforce this Chapter by granting or denying development permits in accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

17.30.150 APPLICATION FOR DEVELOPMENT PERMIT

- A. Application for a development permit shall be made on forms furnished by the building inspection program and may include, but not be limited to, plans in

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duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question, existing or proposed structures, fill, storage of materials and drainage facilities.

B. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by a registered design professional that the floodproofing methods for any nonresidential structure meet the floodproofing criteria; and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

17.30.160 DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR

Duties of the Floodplain Administrator, or their designee, shall include, but not be limited to:

A. *Permit review.* Review all development permits to determine that:

1. The permit requirements of this Chapter have been satisfied;
2. All other required local, state, and federal permits have been obtained and approved;
3. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of Chapter 17.30.220 are met; and
4. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available then ensure compliance with the provisions of Chapter 17.30.190.G. below; and
5. Provide to building officials the Base Flood Elevation (BFE) and freeboard, applicable to any building requiring a development permit.
6. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Chapter 17.30.030.
7. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in Chapter 17.30.190.A.
8. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

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- B. *Information to be obtained and maintained.* The following information shall be obtained and maintained and shall be made available for public inspection as needed:
1. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with Chapter 17.30.190.G.
 2. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of Chapters 17.30.220 and 17.30.170.B.2. are adhered to.
 3. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
 4. Where base flood elevation data are utilized, obtain as-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
 5. Maintain all Elevation Certificates (EC) submitted to The City.
 6. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this Chapter and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with Chapter 17.30.190.G.
 7. Maintain all floodproofing certificates required under this Chapter.
 8. Record and maintain all variance actions, including justification for their issuance.
 9. Obtain and maintain all hydrologic and hydraulic analyses performed as required under Chapter 17.30.220.
 10. Record and maintain all substantial improvement and substantial damage calculations and determinations as required under Chapter 17.30.160.F.
 11. Maintain for public inspection all records pertaining to the provisions of this Chapter.
- C. *Community boundary alterations.* The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately

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represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

D. *Watercourse alterations.*

1. Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:
 - a. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
 - b. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.
2. The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under subsection E. below. Ensure compliance with all applicable requirements in subsection E. below and Chapter 17.30.190.A.

E. *Requirement to submit new technical data.*

1. A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions, as soon as practicable, but not later than six months after the date such information becomes available. A community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Section 44 of the Code of Federal Regulations (CFR), Sub-Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.
2. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:
 - a. Proposed floodway encroachments that increase the base flood elevation; and
 - b. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.
3. An applicant shall notify FEMA within six months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

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4. The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR-F.
 5. The Floodplain Administrator shall be under no obligation to sign the community acknowledgement form, which is part of the CLOMR/LOMR application, until the applicant demonstrates that the project will or has met the requirements of this code and all applicable state and federal laws.
- F. *Substantial improvement and substantial damage assessments and determinations.* Conduct Substantial Improvement (SI) (as defined in Chapter 17.30.030) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with subsection B. above. Conduct Substantial Damage (SD) (as defined in Chapter 17.30.030) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in Chapter 17.30.050) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

17.30.170 ESTABLISHMENT OF DEVELOPMENT PERMIT

- A. *Floodplain development permit required.* A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area established in Chapter 17.30.050. The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in Chapter 17.30.030, including fill and other development activities.
- B. *Application for development permit.* Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
1. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of Chapter 17.30.160.B.
 2. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
 3. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-

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residential structure meet the floodproofing criteria for non-residential structures in Chapter 17.30.210.C.3.

4. Description of the extent to which any watercourse will be altered or relocated.
5. Base flood elevation data for subdivision proposals or other development when required per Chapters 17.30.160.A. and 17.30.190.F.
6. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
7. The amount and location of any fill or excavation activities proposed.

17.30.180 VARIANCE PROCEDURE

The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

A. *Conditions for variances.*

1. Generally, variances may be issued 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 the provisions of subsections 3., 5., and C. below. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increase.
2. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
3. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
5. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of subsections 2. through 4. above are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

B. *Appeal Board.*

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1. The City Council shall hear and decide appeals and requests for variances from the requirements of this Chapter.
 2. The City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made in the enforcement or administration of this Chapter.
 3. Those aggrieved by the decision of the City Council may appeal the decision as provided for by law.
 4. In passing upon the applications, the City Council shall consider technical evaluations, relevant factors and standards specified in other sections of this Chapter:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on individual owners;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing and anticipated development;
 - h. The relationship of the proposed use to the Comprehensive Plan;
 - i. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and
 - k. The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer and water systems, streets and bridges.
 5. Upon consideration of the factors of subsection A. above, the City Council may attach such conditions to the granting of a variance as it deems necessary to further the purposes of this Chapter.
 6. The City shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.
- C. *Variance notification.* Any applicant to whom a variance is granted shall be given written notice 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 and a record of all variance actions, including justification for their issuance shall be maintained in accordance with Chapter 17.30.160.B.

17.30.190 PROVISIONS FOR FLOOD HAZARD REDUCTION—GENERAL STANDARDS

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In all special flood hazard areas, the following standards shall be adhered to:

- A. *Alteration of watercourses.* Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with Chapters 17.30.160.D. and 17.30.160.E.
- B. *Anchoring.*
 - 1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - 2. All manufactured dwellings shall be anchored per Chapter 17.30.210.C.4.
- C. *Construction materials and methods.*
 - 1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - 2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- D. *Utilities and equipment.*
 - 1. *Water supply, sanitary sewer, and on-site waste disposal systems.*
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
 - b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
 - c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.
 - 2. *Electrical, mechanical, plumbing, and other equipment.*
 - a. Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall meet all the requirements of this section if replaces as part of a substantial improvement.

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- b. If replaced as part of substantial improvement, shall meet all the requirements of this section.

E. Tanks.

- 1. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- 2. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

F. Subdivision proposals and other proposed developments.

- 1. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or five acres, whichever is the lesser, shall include within such proposals, base flood elevation data.
- 2. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
 - c. Have adequate drainage provided to reduce exposure to flood hazards.

G. Use of other base flood data.

- 1. When base flood elevation data has not been provided in accordance with Chapter 17.30.050 the Local Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state, or other source, in order to administer this section and Chapter 17.30.210. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of subsection F. above.
- 2. Base flood elevations shall be determined for development proposals that are five acres or more in size or are 50 lots or more, whichever is lesser in any A Zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided base level engineering data, and photographs of past flooding, and the like where available. In unnumbered A Zones, when no base flood elevation data is available, the minimum elevation requirement is two feet above the highest adjacent grade to reasonably safe from flooding. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

H. *Structures located in multiple or partial flood zones.* In coordination with the State of Oregon Specialty Codes:

1. When a structure is located in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
2. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

17.30.200 CRITICAL FACILITIES

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

17.30.210 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES

These specific standards shall apply to all new construction and substantial improvements in addition to the general standards contained in Chapter 17.30.190.

A. *Flood openings.*

1. All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements.
2. Enclosed areas below the base flood elevation, including crawl spaces shall:
 - a. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of flood waters;
 - b. Be used solely for parking, storage, or building access;
 - c. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
 - i. A minimum of two openings,
 - ii. The total net area of non-engineered openings shall be not less than one square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,

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- iii. The bottom of all openings shall be no higher than one-foot above grade,
- iv. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of flood water into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
- v. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

B. *Garages.*

- 1. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
 - a. If located within a floodway the proposed garage must comply with the requirements of Chapter 17.30.220;
 - b. The floors are at or above grade on not less than one side;
 - c. The garage is used solely for parking, building access, and/or storage;
 - d. The garage is constructed with flood openings in compliance with subsection A. above to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of flood water;
 - e. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
 - f. The garage is constructed in compliance with the standards in Chapter 17.30.190 and
 - g. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- 2. Detached garages must be constructed in compliance with the standards for appurtenant structures in subsection C.6. below or non-residential structures in subsection C.3. below depending on the square footage of the garage.

C. *For riverine (non-coastal) special flood hazard areas with base flood elevations.* In addition to the general standards listed in Chapter 17.30.190 the following specific standards shall apply in riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

- 1. *Before regulatory floodway.* In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development,

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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.

2. *Residential construction.*

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the Base Flood Elevation (BFE).
- b. Enclosed areas below the lowest floor shall comply with the flood opening requirements in subsection A. above.

3. *Non-residential construction.*

- a. New construction and substantial improvement of any commercial, industrial, or other non-residential structure shall:
 - i. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE); or, together with attendant utility and sanitary facilities;
 - ii. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - iii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - iv. 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 section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth Chapter 17.30.160.B.
- b. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in subsection A. above.
- c. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).
- d. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelop 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.
- e. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

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4. *Manufactured dwellings.*
 - a. New or substantially improved manufactured dwellings supported on solid foundation walls shall be constructed with flood openings that comply with subsection A. above;
 - b. The bottom of the longitudinal chassis frame beam shall be at or above base flood elevation;
 - c. New or substantially improved manufactured dwellings 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 (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques); and
 - d. Electrical crossover connections shall be a minimum of 12 inches above Base Flood Elevation (BFE).
5. *Recreational vehicles.* Recreational vehicles placed on sites are required to:
 - a. Be on the site for fewer than 180 consecutive days; and
 - b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
 - c. Meet the requirements of subsection C.4. above, including the anchoring and elevation requirements for manufactured dwellings.
6. *Appurtenant (accessory) structures.* Relief from elevation or floodproofing requirements for residential and non-residential structures in riverine (non-coastal) flood zones may be granted for appurtenant structures that meet the following requirements:
 - a. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in Chapter 17.30.220;
 - b. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;
 - c. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet;
 - d. The portions of the appurtenant structure located below the base flood elevation must be built using flood resistant materials;
 - e. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

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- f. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in subsection A. above;
- g. Appurtenant structures shall be located and constructed to have low damage potential;
- h. Appurtenant structures shall 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 Chapter 17.30.190.E.;
- i. Appurtenant structures shall be constructed with electrical, mechanical, 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.

17.30.220 FLOODWAYS

Located within the special flood hazard areas established in Chapter 17.30.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
 - 1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; or
 - 2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, Section 65.12 are fulfilled.
 - a. If an encroachment proposal resulting in an increase in base flood elevation meets the following criteria:
 - i. Is for the purpose of fish enhancement,
 - ii. Does not involve the placement of any structures (as defined in Chapter 17.30.030) within the floodway,
 - iii. Has a feasibility analysis completed documenting that fish enhancement will be achieved through the proposed project,
 - iv. Has a maintenance plan in place to ensure that the stream carrying capacity is not impacted by the fish enhancement project,

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- v. Has approval by the National Marine Fisheries Service, the State of Oregon Department of Fish and Wildlife, or the equivalent federal or state agency, and
 - vi. Has evidence to support that no existing structures will be negatively impacted by the proposed activity; then an approved CLOMR may be required prior to approval of a floodplain permit.
- B. New installation of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:
 - 1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or
 - 2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or general welfare of the public and it meets the following criteria:
 - a. As required by 44 CFR Ch. 1, Subpart 60.3(d)(3) and subsection A.2. above, it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory structures, or property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;
 - b. The replacement manufactured dwelling shall have the bottom of the longitudinal chassis frame beam elevated to or above the base flood elevation and any accessory buildings or structures (encroachments) shall have the finished floor elevated a minimum of 18 inches above the BFE as identified on the Flood Insurance Rate Map;
 - c. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by The City and anchored per Chapter 17.30.210.C.4.;
 - d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, or property improvements (encroachments) do not displace water to the degree that it causes a rise in the water level or diverts water in a manner that causes erosion or damage to other properties;
 - e. The location of a replacement manufactured dwelling is allowed by Sweet Home Municipal Code Title 17;
 - f. Electrical crossover connections shall be a minimum of 12 inches above the base flood elevation; and

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- g. Any other requirement deemed necessary by The City.
- 3. If the requirements of subsection A. above are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of Chapters 17.30.190 and 17.30.210.

17.32 HISTORICAL PROPERTY OVERLAY ZONE (HPO)

17.32.010 PURPOSE

The purpose of this Overlay Zone is to:

- A. Promote the historic, educational, architectural, cultural, economic, and general welfare of the public through the preservation, restoration and protection of those buildings, structures, sites, zones, and objects of historic interest within The City;
- B. Foster civic pride in the accomplishments of the past; and
- C. Carry out the provisions of the Land Conservation and Development Commission Goal 5.

17.32.020 CONFORMANCE REQUIRED

No land shall be used, and no building, site, object, zone, or structure of significance, or part thereof, shall be demolished, moved, or altered, nor shall any new construction take place within a zone or on a landmark site except in conformity with this Development Code.

17.32.030 DEFINITIONS

The following definitions shall apply to this Section:

ALTERATION - A change, addition, or modification to the exterior of a building.

CULTURAL RESOURCE INVENTORY - Historical buildings or sites identified as “significant” on the Goal 5 historical resource inventory.

DEMOLISH - To raze, destroy, dismantle, deface or in any other manner cause partial or total destruction of a landmark or any building within an historic zone.

HISTORIC ZONE - A geographically definable area, the boundaries of which have been adopted by the City Council pursuant to provisions in Chapter 17.32.

LANDMARK - Any site, object, building or structure designated by the City Council pursuant to provisions in Chapter 17.32.

MAJOR PUBLIC IMPROVEMENT - The expenditure of public funds or the grant of permission by a public body to undertake change in the physical character of property within a zone or on a landmark site, except for the repair or maintenance of existing public improvements.

17.32.040 LANDMARK AND ZONE DESIGNATION

- A. Process. The process for designating a landmark or historic zone may be initiated by the City Council, the Planning Commission, or by any interested person who submits an application for designation to the City Manager or designee. At the time of application, The City shall provide the property owner and applicant with information regarding the benefits and restriction of designation.
- B. Information. The following information shall be required in an application:
1. The applicant's name and address;
 2. The owner's name and address, if different from the applicant;
 3. A written description of the boundaries of the proposed zone or the location of the proposed landmark;
 4. A map illustrating the boundaries of the proposed zone or the location of the proposed landmark;
 5. A statement explaining the following:
 - a. The reason(s) why the proposed zone or landmark should be designated;
 - b. The reason(s) why the boundaries of the proposed zone are appropriate for designation;
 - c. The potential impact, if any, which designation of the proposed zone or landmark would have on the residents or other property owners in the area.
 6. Any other information deemed necessary by The City.
- C. City Council Action. Within seven days of receipt of a complete application, the City Manager or designee shall forward the request to the City Council. The City Council shall hold a public hearing within 45 days of receipt of the application pursuant to ~~Chapter 152.419~~ Section 17.132 of this Development Code. The City Council shall make a written record approving, approving with conditions, disapproving, or postponing final action on the request.
- D. Decision Criteria. The City Council shall consider the following criteria in determining whether to approve a proposed landmark or zone:
1. Association with the life or activities of a person, group, organization, or institution that has made a significant contribution to The City, county, state, or nation;
 2. Association with an event that has made a significant contribution to The City, county, state, or nation;
 3. Association with broad patterns of political, economic, or industrial history in The City, county, state, or nation;
 4. Significance as an example of a particular architectural style, building type and/or convention;

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5. Significance due to quality of composition, detailing, and/or craftsmanship;
 6. Significance as an example of a particular material and/or method of construction;
 7. Significance because the resource retains its original design features, materials, and/or character;
 8. Significance as the only remaining, or one of the few remaining resources of a particular style, building type, design, material, or method of construction;
 9. Significance as a visual landmark;
 10. Significance because existing land-use surrounding the resource contribute to the integrity of the historic period represented;
 11. Significance because the resource contributes to the continuity or historic character of the street, neighborhood, and/or community;
 12. Significance because the property is 50 years old or older in conjunction with other criteria listed above;
 13. The resource is listed on the National Register of Historic Places.
- E. Removal of Designation. The process for removing a landmark or historic zone designation may be initiated by the City Council, the Planning Commission, or by any interested person who submits to the City Manager or designee an application for removal of the designation. The City Council may amend or rescind its designation by following procedures required by this Development Code for designating a landmark, including the adoption of appropriate findings.

17.32.050 DEMOLITION AND MOVING

- A. City Manager Approval. No person shall move, demolish, or cause to be demolished a landmark or a significant resource in an historic zone, unless a permit to do so has first been obtained from the City Manager or designee. Application for a permit shall be on a form provided by The City.
- B. Review Process. Upon receipt of a completed application, the City Manager or designee shall include the demolition request on the agenda for consideration at the next available Planning Commission meeting. The Planning Commission shall hold a public hearing pursuant to Chapter 17.130 of this Development Code within 45 days after a completed application has been received by The City. The Planning Commission shall request comments from any historical commission recognized by The City.
- C. Decision Criteria. In determining whether the requested demolition or moving is appropriate, the Planning Commission shall consider the following:
1. Plans, drawings, and photographs submitted by the applicant.
 2. Information presented at the public hearing concerning the proposal.
 3. The purpose of this chapter as set forth in Chapter 17.32.010.
 4. The criteria used in the original designation of the resource.

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5. If within an historic zone, the resource's contribution to the zone and the subsequent integrity of the zone if the resource is demolished or moved.
 6. Whether denial of the request will involve substantial hardship to the applicant.
 7. Whether issuance of the permit would act to the substantial detriment of the public welfare and be contrary to the purpose and scope of this Development Code.
 8. The economic, social, environmental and energy consequences of demolishing or moving the resource compared to preserving it.
 9. The physical condition of the resource.
 10. Comments from the historical commission.
- D. Planning Commission Approval. The Planning Commission may approve the demolition or moving request after considering the criteria in this section. If no appeal is filed, the City Manager or designee shall issue the permit in compliance with all other codes and ordinances of The City.
- E. Planning Commission Denial. The Planning Commission may disapprove the demolition or removal request if after considering the criteria in this section it determines that, in the interest of preserving historical or architectural values, the resource should not be demolished or moved.
- F. Planning Commission Postponement. The Planning Commission may postpone taking final action on a request for issuance of a demolition or moving permit for a period fixed by the Planning Commission as follows:
1. No more than 60 days following the date of public hearing. Further postponements may be made for a period not to exceed a total of 120 days from the date of hearing, if the Planning Commission makes the findings specified in item (2) of this Subsection.
 2. Further postponements as stated above may only be made if the Planning Commission finds:
 - a. There is a program or project underway that could result in public or private acquisition of the landmark or resource; and
 - b. There is a reasonable ground for believing the program or project may be successful.
 3. After granting a further postponement, the Planning Commission may order the City Manager or designee to issue the permit if it finds:
 - a. All programs or projects to save the resource have been unsuccessful;
 - b. The application for demolition or moving has not been withdrawn; and
 - c. The application otherwise complies with City Codes and state law.
- G. Appeals. A decision by the Planning Commission to approve, disapprove or postpone issuance of a demolition or moving permit or to grant a further

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postponement may be appealed to the City Council by any aggrieved party who appeared orally or in writing, in person or through an attorney at the Planning Commission hearing and presented or submitted testimony related to the request under consideration.

- H. Final Decision. If no decision on the application is made by the Planning Commission within the periods specified above, the City Manager or designee shall issue the permit.
- I. Alternative Actions. At the time a demolition or moving application is made the City Manager or designee shall review alternatives to demolition or moving with the owner of the resource, including local, state and federal preservation programs.
- J. Additional Requirements. During a period of postponement, the Planning Commission may require the property owner to:
 - 1. List the resource for sale with a real estate agent for a period of not less than 90 days. The real estate agent shall advertise the resource in local and state newspapers of general circulation in the area for a minimum of 10 days over a 5-week period.
 - 2. Give public notice by posting the hearing notice on-site in addition to a "For Sale" sign which shall read: HISTORIC BUILDING TO BE MOVED OR DEMOLISHED - FOR SALE. Lettering on the sign shall be at least one foot in height. The sign shall be provided by The City and be posted in a prominent and conspicuous place within ten feet of a public street abutting the premises on which the resource is located. The applicant is responsible for assuring that the sign is posted for a continuous 90-day period in conjunction with (1) above.
 - 3. Prepare and make available any information related to the history and sale of the property to all individuals, organizations, and agencies who inquire.
 - 4. Assure that the owner has not rejected the highest bona fide offer for sale and removal of the resource.
- K. Press Notification. Prior to issuance of a demolition permit, the Community and Economic Development Director or designee shall issue a press release to local and state newspapers of general circulation in the county. The press release shall include, but is not limited to, a description of the significance of the resource, the reasons for the proposed demolition or removal, and possible options for preserving the resource.
- L. Permit Conditions. As a condition for approval of a demolition permit, the Planning Commission may:
 - 1. Require photographic documentation, preparation of architectural drawings, and other graphic data or history as it deems necessary to

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preserve an accurate record of the resource. The historical documentation materials shall be the property of the county or other party determined appropriate by the Planning Commission.

2. Require that specific artifacts, materials, or equipment be protected and saved. The owner may keep all such materials. The applicant shall be provided with a list of persons capable of salvaging the resource.

- M. Dangerous Building. This Development Code shall not be construed to make it unlawful for any person, without prior approval of the Planning Commission, to comply with an order by the City Council to remove or demolish any landmark determined by the City Council to be dangerous to life, health, or property.

17.32.060 EXTERIOR ALTERATION AND NEW CONSTRUCTION

- A. Scope. No person shall alter a landmark or any significant resource in an historic zone nor shall any new building or structure be constructed in an historic zone or on a landmark site unless approval is first obtained under this section. In addition, no major public improvements shall be made on a landmark site or in an historic zone unless approved by the Planning Commission.
- B. Application Process. An application for alteration of a landmark or new construction in a historic zone or on a landmark site shall be made to the City Manager or designee. The application shall be on a form provided by The City.
- C. Approval Requirements. The City Manager or designee shall approve the alteration request if:
1. There is no change in the appearance or material of the resource as it exists; **or**
 2. The proposed alteration duplicates or restores the affected exterior features and materials as determined from historic photographs, original building plans, or other evidence of original features or materials.
- D. Planning Commission Action. If a request for alteration does not meet the provisions of subsection (C) of this Section, the City Manager or designee shall forward the application to the Planning Commission. The Planning Commission, after notice and public hearing held in accordance with provisions in Chapter 17.130 of this Development Code, shall approve or disapprove issuance of the requested permit. The Planning Commission may attach conditions to the approval which must be adhered to for the approval to remain valid.
- E. Decision Criteria. The Planning Commission shall consider the following criteria in determining whether to approve an alteration request:
1. The purpose of this Chapter.

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2. The use of the resource, the reasonableness of the proposed alteration, and the relationship of these factors to the public interest in the preservation of the resource.
 3. The value and significance of the resource.
 4. The physical condition of the resource.
 5. The effect of requested changes related to the original exterior design, arrangement, proportion, detail, scale, color, texture, and/or materials.
 6. Pertinent aesthetic factors as identified by the Planning Commission.
 7. Economic, social, environmental and energy consequences of the proposed alteration.
 8. Any design guidelines adopted by the Planning Commission.
- F. Repair and Maintenance Provisions. Nothing in this Development Code shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, material or appearance of such feature or which the City Manager or designee shall determine is required for the public safety due to an unsafe or dangerous condition.

17.32.070 NOTICE AND PUBLIC HEARING

The hearing shall be conducted as a Type III hearing and subject to the notice, procedural and appeal provisions for such actions.