

**ORDINANCE BILL NO. 14 FOR 2023**

**ORDINANCE NO. 1321**

**SWEET HOME ORDINANCE AMENDING VARIOUS PORTIONS OF SWEET HOME MUNICIPAL CODE TITLE 17.**

WHEREAS, the City of Sweet Home adopted an almost entirely new development code in September, 2022; and

WHEREAS, use of the new development code has revealed some mistakes and need for clarifications; and

WHEREAS, the City's population is approaching 10,000, which makes certain State land use regulations applicable; and

WHEREAS, the new development code did not comply with Senate Bill 458, which was passed in 2021 and requires the City to make changes to its land division regulations; and

WHEREAS, Adult-oriented businesses have detrimental effects of neighboring properties, which necessitate regulating their placement; and

WHEREAS, Application LA 23-02 proposed changes to the development code correcting mistakes and amending the code to address these issues; and

WHEREAS, on June 15, 2023, the City of Sweet Home Planning Commission held a public hearing regarding the Application LA 23-02, after which the Commission recommended to the Sweet Home City Council that the City Council approve application LA 23-02 and adopt the amendments to the Sweet Home Development Code, also known as Sweet Home Municipal Code Title 17; and,

WHEREAS, the City Council held a public hearing on June 27, 2023 regarding Application LA23-02, after which the Council approved the application; and,

WHEREAS, City residents were notified on April 19, 2023 through a Measure 56 compliant notification process, and the Department of Land Conservation and Development (DLCD) received notice on April 13, 2023, more than 35 days in advance of the Planning Commission public hearing on June 15, 2023.

NOW THEREFORE,

The City of Sweet Home does ordain as follows:

Section 1. SHMC 17.04.020 DEFINITIONS is amended to include the following definitions:

ADULT-ORIENTED USE - Establishments that provide sexually oriented entertainment, services, or products. Such establishments exclude minors by virtue of age under the law of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian, or spouse. Types of uses include, but are not limited to, adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios,

adult bookstores, adult paraphernalia shops, nude photography studios, or eating and drinking establishments that have sexually oriented entertainment such as nude dancers, strippers, or other similar entertainers.

PREEXISTING – Any use or structure existing before adoption of the current applicable provision of the Sweet Home Municipal Code.

STORAGE AREA – A storage unit facility, either enclosed within a structure or within a site obscuring fence, and having one or more of the following: large storage units, small storage units, and/or covered or uncovered RV, boat and commercial inventory storage.

Section 2. The following sections of SHMC Chapter 17.06 are amended to read as follows:

**17.06.020 CLASSIFICATION OF ZONES**

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

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

**17.06.030 LOCATION OF ZONES**

The boundaries for the zones listed in this title are indicated on The City Zoning Map of 2022 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.

**17.06.050 ZONING OF ANNEXED AREAS**

All areas annexed to The City shall be specifically placed in a City zone or zones by the City Council, after receiving and considering the recommendations of The City’s Planning Commission.

Section 3. SHMC 17.10.030 SPECIAL USES and 17.12-030 SPECIAL USES are amended to include the following subsection:

K. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

Section 4. SHMC 17.12.060 DIMENSION STANDARDS is amended to read as follows:

**17.12.060 DIMENSIONAL STANDARDS**

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

<b>Minimum Lot Area &amp; Width</b>	
Single Family	5,000 square feet
Duplex	5,000 square feet
Attached Dwelling	2,000 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	25 feet
<b>Minimum Setbacks</b>	
Front Yard	15 feet
Garage, Carport	20 feet to the entrance
Side Yard (Interior)	5 feet
Side Yard (Street)	15 feet
Rear Yard	10 feet
Attached Side Yard	0 feet/10 feet Exterior Boundary
<b>Maximum Structure Height</b>	
Single-family	30 feet
Single-family Attached, Duplex	40 feet
Accessory Building	20 feet (Roof Apex)
<b>Maximum Lot Coverage</b>	
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. 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.

Section 5. SHMC 17.14.030 SPECIAL USES is amended to include the following subsection:

- L. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

Section 6. SHMC 17.14.060 DIMENSION STANDARDS is amended to read as follows:

**17.14.060 DIMENSIONAL STANDARDS**

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

<b>Minimum Lot Area &amp; Width</b>	
Single Family	5,000 square feet
Duplex	5,000 square feet
Attached Dwelling	2,000 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
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Single-family	30 feet
Single family Attached, Duplex, Multi-family	40 feet
Accessory Building	20 feet (Roof Apex)
<b>Maximum Lot Coverage</b>	
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. 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.

Section 7. SHMC 17.16.020 PERMITTED USES subsections G and H are amended to read as follows:

- 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, not including adult-oriented uses.
- 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, not including adult-oriented uses.

Section 8. SHMC 17.16.030 SPECIAL USES is amended to include the following subsection H:

- H. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

Section 9. SHMC 17.16.060 DIMENSIONAL STANDARDS is amended to include the following subsection B:

- 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.

Section 10. SHMC 17.16.070 DEVELOPMENT STANDARDS, subsection A is amended to read as follows:

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

Section 10. SHMC 17.18.020 PERMITTED USES is amended to include the following as subsection A, with the existing subsections re-lettered to follow:

- A. Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14].

Section 11. SHMC 17.18.020(l)(1) and (l)(5) are amended to read as follows:

- 1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store, not including adult-oriented uses;
- 5. Eating or drinking establishments such as restaurant, tavern or cocktail lounge, not including adult-oriented uses;

Section 12. SHMC 17.18.030 SPECIAL USES is amended to include the following as subsection I:

I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

Section 13. SHMC 17.18.040 CONDITIONAL USES is amended to include the following as subsection J, with the remaining existing subsections re-lettered to follow:

J. Open Storage complying with SHMC 8.04.030

Section 14. SHMC 17.18.050(A) is amended to read as follows:

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

<b>Minimum Lot Area</b>	
Multi Family (3 or More)	9,000 square feet (parcel) 1,500 square feet per unit
All Other Development	None
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Principal and Accessory Building	40 feet
<b>Maximum Lot Coverage</b>	100%

Section 15. SHMC 17.20.020 PERMITTED USES is amended to include the following as subsection A, with the existing subsections re-lettered to follow:

A. Duplexes, multi-family dwellings and residential facilities shall be subject to the requirements of the R-3 zone [SHMC 17.14].

Section 16. SHMC 17.20.020(T) is amended to read as follows:

T. Warehouse, storage facility including mini-storage.

Section 17. SHMC 17.20.020(W)(1) and (W)(5) are amended to read as follows:

1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store, not including adult-oriented uses;

5. Eating or drinking establishments such as restaurant, tavern or cocktail lounge, not including adult-oriented uses;

Section 18. SHMC 17.20.030 SPECIAL USES is amended to include the following as subsection I:

I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

Section 19. SHMC 17.20.040 CONDITIONAL USES is amended to include the following as subsection H, with the remaining existing subsections re-lettered to follow:

H. Open Storage complying with SHMC 8.04.030

Section 20. SHMC 17.20.050(A) is amended to read as follows:

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

<b>Minimum Lot Area</b>	
Multi Family (3 or More)	9,000 square feet (parcel) 1,500 square feet per unit
All Other Development	None
<b>Minimum Setbacks</b>	
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
<b>Maximum Structure Height</b>	
Principal and Accessory Building	35 feet
<b>Maximum Lot Coverage</b>	100%

Section 21. SHMC 17.22.040 CONDITIONAL USES is amended to include the following as subsection F, with the remaining existing subsections re-lettered to follow:

F. Adult-oriented uses.

Section 22. SHMC 17.22.060 DEVELOPMENT STANDARDS is amended to include the following as subsection I, with the remaining existing subsections re-lettered to follow:

I. Adult-oriented uses. Where allowed by conditional use, adult-oriented uses shall meet the following standards:

1. An adult-oriented use shall not be established or expanded within 500 feet of any residential zone or use.
2. An adult-oriented use shall not be established or expanded within 500 feet of the property line of a church, school, or public park.

Section 23. SHMC 17.24.060 DIMENSION STANDARDS is amended to read as follows:

**17.24.050 DIMENSIONAL STANDARDS**

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

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

B. Minimum setback: where a front, 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.

Section 24. SHMC Chapter 17.26 RECREATION COMMERCIAL ZONE (RC) is renumbered to be SHMC Chapter 17.25

Section 25. SHMC 17.25.020(G) is amended to read as follows:

G. Eating and drinking establishment, not including adult-oriented uses.

Section 26. SHMC 17.25.030 SPECIAL USES is amended to include the following as subsection I:

I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.

Section 27. SHMC 17.25.050(A)(3) is amended to read as follows:

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 12 feet;
  - c. Street side shall be minimum of 15 feet;
  - d. A garage/carport 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.



- Section 28. SHMC 17.25.050(A)(5) is amended to read as follows:
5. Building coverage shall not exceed 40% of the land area.
- Section 29. SHMC 17.25.050(B)(2)(e) is amended to read as follows:
- B. Single-family attached dwellings shall meet the following standards.
    - e. A garage/carport shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
- Section 30. SHMC 17.25.050(B)(4) is amended to read as follows:
4. Building coverage shall not exceed 60% of the land area.
- Section 31. SHMC 17.25.050(B) is amended to include the following subsection (5) with the remaining existing subsections renumbered to follow:
5. A carport or garage is required.
- Section 32. SHMC 17.25.050(C)(2)(d) is amended to read as follows:
- d. A garage/carport shall have a minimum setback of 20 feet from the point of access to the vehicle doors; and
- Section 33. SHMC 17.26.020(B)(1) and (4) are amended to read as follows:
1. Retail store or shop, such as food store, drug store, apparel store, hardware store or furniture store, not included adult-oriented uses;
  4. Eating or drinking establishments such as restaurant, tavern or cocktail lounge, not included adult-oriented uses; except drive-up, -in or -through facilities shall not be permitted
- Section 34. SHMC 17.26.030 SPECIAL USES is amended to include the following as subsection I:
- I. Lot Division for Middle Housing, subject to the provisions in Chapter 17.72.
- Section 35. SHMC 17.42.030(N) is amended to read as follows:
- N. Unimproved Street. Development of property adjacent to an unimproved right-of-way shall require the installation of an improved surface to meet fire code requirements and the submittal of a development agreement to participate in future street improvements, conforming to the regulations in SHMC 17.58.050(B)(2).
- Section 36. SHMC 17.42.050(A)(2) is amended to read as follows:
2. When located on an arterial or collector street, as designated in the City's adopted Transportation System Plan.

Section 37. SHMC 17.42.110(A)(4) is amended to read as follows:

4. No more than 2 single-family detached dwellings or 2 duplexes shall have their sole access to the easement. Easements serving 2-3 homes or 2-3 duplexes shall comply with the provisions for a Residential Neighborhood Street. Easements serving 4 or more homes, or 4 or more duplexes shall comply with the local street standards and Chapter 17.110 Subdivision standards.

Section 38. SHMC 17.44.020(A) is amended to read as follows:

- A. Application. Except as modified or restricted elsewhere within this Development Code, the provisions of this Chapter shall apply to the following types of development:
  1. Any new building or structure erected after the effective date of this Development Code.
  2. For existing commercial, industrial, or multifamily residential structures, the construction or provision of additional floor area, seating capacity, or other expansion of an existing building or structure.
  3. For existing single family or duplex residences, any expansion greater than 50% of the original floor area.

Section 39. SHMC 17.44.080(B) is amended to read as follows:

- B. Parking Spaces. Parking spaces shall be a minimum 9-feet wide and 20-feet in length. Up to 20% of the parking area may contain "compact spaces" with dimensions of 8 feet in width and 16 feet in length.

Section 40. SHMC 17.50.050(L) is amended to read as follows:

- L. Wall Sign. A flat display surface directly adhered onto a building or structure.

Section 41. SHMC 17.50.110 is amended so as to delete subsection (H).

Section 42. SHMC 17.52.030(C)(1) is amended to read as follows:

1. Barbed wire is permitted on top of a six-foot tall fence in non-residential zones only. The total height of the fence and barbed wire is limited to seven feet. Barbed-wire-only fences are prohibited except as allowed in subsection "a." below:
  - a. Livestock Containment. Where cattle, sheep, horses or other livestock are permitted or existed when the property was annexed to The City, barbed wire is permitted when used to contain or restrict livestock provided that the fences are posted at 15-foot intervals with clearly visible warnings of the hazard.

Section 43. SHMC 17.56.040(B) is amended to read as follows:

- B. Chimneys, flues, belt courses, leaders, sills, pilasters, lintels and ornamental features may project not more than 2.5 feet into a required side yard, provided the chimneys and flues shall not exceed 6 feet in width.

Section 44. SHMC 17.58.050(B)(2) and (3) are amended such that the word “non-remonstrance” is deleted, and the word “development” is inserted.

Section 45. SHMC 17.66.020(E) is amended such that the word “purposes” is deleted.

Section 46. SHMC 17.70.010(A) is amended to include subsection 4, that reads as follows:

- 4. An accessory structure shall be separated from all other structures by a minimum of 6 feet.

Section 44. SHMC 17.72.030(C)(1) is amended such that the term “R-3” is deleted, and the term “R-2” is inserted.

Section 45. SHMC 17.72.040 is created to read as follows:

#### **17.72.40 LOT DIVISIONS FOR MIDDLE HOUSING**

A. *Background.* Senate Bill 458 was adopted by the Oregon Legislature in 2021 as a follow-up to House Bill 2001 (which legalized middle housing in many cities throughout the state) and allows lot divisions for middle housing that enable them to be sold or owned individually.

B. *Purpose.* To allow middle housing lot divisions for any HB 2001 middle housing type (duplexes, triplexes, quadplexes, townhouses, and cottage clusters) built in accordance with ORS 197.758. Senate Bill 458 only applies to middle housing land divisions permitted on or after June 30, 2022.

C. *Submittal Requirements.* The applicant shall prepare and submit a tentative plan for the division including the following:

- 1. A proposal for development of middle housing in compliance with the Oregon residential specialty code and applicable middle housing land use regulations,
- 2. Separate utilities for each dwelling unit,
- 3. Easements,
  - a. Easements shall be submitted in a form approved by the City and address specific issues like maintenance and repair, cost-sharing, access, notice, damage, disputes, etc.
  - b. Types of easements include:
    - i. Locating, accessing, replacing and servicing all utilities;

- ii. Pedestrian access from each dwelling unit to a private or public road;
  - iii. Any common use areas or shared building elements;
  - iv. Any dedicated driveways or parking; and
  - v. Any dedicated common area.
4. One dwelling unit per each resulting lot or parcel (except common areas), and
5. Demonstration that the buildings will meet the Oregon residential specialty code and
6. Homeowners Association information or maintenance plans if the division results in any dedicated common areas.

D. Additional Requirements and Prohibitions

1. Further division of the resulting lots or parcels is prohibited.
2. Notation in the final plat indicating approval was provided under SB 458 is required.
3. Where a lot of parcel abuts a street, street frontage improvements are required (consistent with House Bill 2001).
4. Hard surfaced pedestrian connectivity from each unit to the sidewalk of the adjacent public or private road is required.
5. If the original parcel did not previously provide a dedication, right-of-way dedication is required.
6. Vertical divisions shall not be allowed (i.e. divisions in which one or more units of middle housing is not on the ground floor).
7. If the proposed division results in any shared common areas, the formation of a Homeowners Association to maintain such areas is required.

E. Decision Criteria

1. Each original parcel/parent lot shall satisfy the dimensional standards of the applicable zone.
2. The original parcel/parent lot shall meet the Development Standards for Land Division of Chapter 17.58.
3. Existing dwellings and accessory structures on the original parcel/parent lot shall comply with the setback requirements of the applicable zone, including accessory structures which have a setback established by the building size.

4. Adequate public facilities, including access, shall be available to serve the existing and newly created parcels. If adjacent properties are undeveloped, not developed to their maximum density, or landlocked, consideration will be given to extending appropriate access to those properties in accordance with provisions in Chapters 17.42 and 17.44.

F. Final Plat Approval

1. *Survey.* A final survey of the approved plat shall be recorded within two years of the final decision. Failure to record a plat within the required time period shall void the approval and require a new partitioning application.
2. *Final approval.* The City Manager shall sign the final plat if the plat substantially conforms to the approved preliminary plat, and if the conditions of approval are satisfied.
3. *Final plat.* The final plat shall conform to the requirements in ORS Chapter 92 and applicable County surveying requirements.
4. *Recording of approved plat.* The final Plat shall be recorded with Linn County and a copy of the recorded document shall be submitted to The City. The applicant shall be responsible for all recording fees.
5. *Sale and development.* No parcel shall be sold, transferred or assigned until the final approved Plat is recorded and evidence of the recording is submitted to The City. Building permits shall not be issued prior to recording of the final plat if the proposed structure will violate this Code absent recording the partition.
6. *Validity.* Middle Housing lot division approval is valid in perpetuity upon recording of the final surveyed plat.

G. Expedited Land Division

1. When an expedited land division for residential use is requested by an Applicant, The City shall use the procedures for expedited land divisions specified under ORS 197.365 in lieu of the procedures described in Chapter 17.98, if the application complies with the conditions and standards of ORS 197.360 through 197.380.

Section 46. SHMC 17.90.030 TABLE OF LAND USE APPLICATION PROCEDURES is amended to include the following row within the table:

Land Use Action	Type	Staff	Planning Commission	City Council
Vacation and Dedication of Public Ways	Type - IV	Recommendation to Planning Commission	Recommendation to City Council	Final Decision unless appealed

Section 47. SHMC 17.108.020 PROCESS is amended to read as follows:

**17.108.020 PROCESS**

Proposed alterations of nonconforming uses shall submit a Conditional Use application, which shall be reviewed in accordance with the Type III review procedures in Chapter 17.126.

Section 48. SHMC 17.108.030 APPLICATION is amended to read as follows:

**17.108.030 APPLICATION**

A Conditional Use application for an alteration or expansion of a nonconforming use shall be filed with the City and accompanied by the appropriate fee. Notice shall be subject to the provisions in Chapter 17.126. The application shall contain sufficient information and/or plans to address the decision criteria.

Section 49. SHMC Chapter 17.119 VACATION AND DEDICATION OF PUBLIC WAYS is created to read as follows:

**17.119 VACATION AND DEDICATION OF PUBLIC WAYS**

**17.119.010 GENERALLY**

- A. Upon receiving a proposal to vacate or dedicate all or part of any street, avenue, boulevard, alley, plat, public square or other public place, or before initiating such vacation or dedication proceedings on its own motion, the Council shall refer the proposal to the Planning Commission.
- B. The Planning Commission shall review the proposal, hold hearings thereon as it deems proper and make recommendations to the Council.
- C. In the event that the Council finds that immediate action is necessary to initiate proceedings for vacation or dedication before the proposal is referred to the Planning Commission for consideration, the Council may proceed, but the Planning Commission shall be promptly advised and afforded an opportunity to make recommendations at the hearing before the Council.
- D. Notwithstanding the provisions above, any vacation of any street, avenue, boulevard, alley, plat, public square, or other public place must comply with State Law. See Oregon Revised Statutes 271.080 through 271.230.

Section 50. Should any section, clause, or provision of this ordinance be declared invalid by a court of competent jurisdiction, the decision shall not affect the validity of the Ordinance as a whole or of the remaining sections. Each section, clause, and phrase are declared severable.

Section 51. This ordinance takes effect and becomes operative 30 days after the day on which it is passed by the Council.

PASSED by the Council and approved by the Mayor this 25<sup>th</sup> day of July, 2023.

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Mayor

ATTEST:

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City Manager - Ex Officio City Recorder