

TITLE XV, CHAPTER 155 (ZONING AND DEVELOPMENT)

SUMMARY OF MAJOR REVISIONS

This comparison attempts to explain the rationale for **MAJOR TEXT** revisions in each Section of Chapter 155, not wordsmithing/style edits or minor text changes. -----

Blue underline text represents new language, ~~red strikethrough text indicates deletion of existing language.~~

| DIVISION NO. 155.1 - INTRODUCTION | | |
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| SECTION NO. | EDITED TEXT | EDITS EXPLAINED |
| 155.1.2. 2-110 – Compliance and Scope | A. <u>Fees and Costs.</u> <u>1. Deposits Required. All land use applications will require a deposit, as determined by the current Fees and Deposits Schedule established by the City Council in effect at the time the application is made. If the application deposit is insufficient to cover the costs of processing the application, the applicant will be notified of the deficiency and shall pay and submit an additional deposit in the identical amount as the initial deposit. If there is a balance in the application deposit, or any additional deposit required, when the City Council has taken final action on the application, the balance will be refunded to the applicant.</u> <u>2. Expenditures Defined; Accounting Schedule. Expenditures will be tracked by application. Expenditures are all costs associated with the permit including, but not limited to, mailing costs, newspaper notification costs,</u> | The added language was adopted by Ordinance No. 213 in November of 2012. It allowed the City to recover its costs for reviewing land use applications, e.g., postage, publication, consultants, filings. It is added here to incorporate that Ordinance language in this latest revision of Code. |

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| <p>155.1.2.2<u>110</u> – Compliance and Scope (Cont'd)</p> | <p><u>staff labor, costs associated with services provided by a professional planner, and appropriate review by the City Engineer, the City Attorney, etc. All expenditures will be tallied on a monthly basis and the applicant will be notified of the balance or deficiency of the application deposit no later than the end of the calendar monthly following the calendar month for which the accounting is being made. Any deficiency will be billed and will be paid by the applicant to the City within thirty (30) calendar days of the date of billing. In any event, all expenditures incurred by the City associated with the permit will be fully paid prior to final approval by the City Council.</u></p> <p><u>3. Modification of Fees.</u> The schedule of deposits and/or permit fees may be hereafter modified by resolution duly adopted by the City Council. The addition of any new activities to the Fees and Deposits Schedule will only be done by Ordinance duly adopted by the City Council.</p> | |
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| <p>155.1.3 – Definitions</p> | | <p>On advice of City Attorney, definitions for words/terms not actually used in Chapter 155 were deleted.</p> <p>Definitions for existing words/terms were updated to comply with newer OAR and/or ORS</p> |

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| 155.1.3 – Definitions (Cont'd) | | definitions. New definitions were added to clarify terms not defined in Code before. Also added were definitions for terms in Chapter 155 for which there were no existing definitions, such as “building official,” “planning official,” and “site plan.” |
| 155.1.4 – Enforcement | | <p>City Attorney recommended that this Enforcement section be revised “to work with / rely on” the Code provisions of Dunes City’s Chapter 36 (Code Enforcement).</p> <p>The extensive revisions to this section comply with the City Attorney’s recommendation. The Chapter 36 language has been modified here so that it is applicable to Zoning and Development regulations. The additional language also puts the Zoning and Development Enforcement provisions at the beginning of Chapter 155 where they can be easily referenced by staff and residents. ❖</p> |
| DIVISION NO. 155.2 – LAND USE ZONE ADMINISTRATION | | |
| 155.2.0.120 – Urban Growth Boundary | 155.2.0.120 — Urban Growth Boundary All properties located within the City limits are declared to be within the City’s Urban Growth Boundary. | Deleted this section because the location of the City’s City Limits and UGB have been established and acknowledged. This declaration doesn’t do anything. |
| 155.2.0.130120 – Determination of Zone Boundaries | Where uncertainty exists regarding the specific location of a zone boundary, an application for Determination of Zone Boundaries may be submitted to the City. An application shall include the material and information | During preliminary review of the proposed changes to 155, City Attorney noted that these types of procedures were usually discretionary |

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| 155.2.0. 130 120 – Determination of Zone Boundaries (Cont'd) | required at Section 155.4.1.120.D.2. In considering the application, the City will use the Type II procedures at Section 155.4.1.140 and will apply the following criteria | decisions (or a property owner wouldn't need to ask), recommended that Planning Commission makes the determination using a Type II (Quasi-Judicial) process and added the new language. |
| 155.2.0.130.1 – Transfer of Property Between Adjacent Parcels | All property transfers between adjacent parcels shall be handled as "lot line" adjustments. See 155.4.3.210. | The cross reference is not needed here and not all transfers of property are lot or property line adjustments. |
| 155.2.1. 111 120 – Conditional Uses/Uses Subject to Review | <p>B. Residential Care Homes and Facilities. Plan review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code. The Planning Commission shall do this review as a Type I procedure.</p> <p>C. Manufactured Home Parks are allowed subject to approval granted through the Subdivision or Planned Unit Development process of Chapter 155.</p> <p>D. Home Occupations are allowed subject to approval granted through the Home Occupation Permit process and provisions of Section 155.4.9.2110 – Home Occupation Permit.</p> <p>E. Temporary Seasonal and Special Events, Temporary Sales Offices or Model Homes and Temporary Buildings are allowed subject to approval granted through the Temporary Use Permit process and provisions of Section</p> | <p>Paragraph B was added by the Planning Commission to give the City some additional oversight for these types of facilities which are licensed and certified by the State and must follow strict State guidelines for operations.</p> <p>Paragraphs C, D, E, and F were added because they are allowed uses provided certain permits are obtained. Again, this gives the City additional oversight if needed and clarifies for staff and the public what uses are allowed.</p> |
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| Conditional Uses/Uses Subject to Review (Cont'd) | <u>155.4.9.100 – Temporary Use Permit.</u> <u>F. Temporary occupancy of recreational vehicles and travel trailers may be allowed in the R-1 Zone subject to approval granted through the process and provisions of Section 155.4.9.120 – Temporary Occupancy of Recreational Vehicles and Travel Trailers.</u> | |
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| 155.2.1. 220 <u>210</u> – Accessory Buildings | <p>Accessory buildings in the residential district<u>zone</u> include detached garages, sheds, workshops, green houses, guesthouses and similar structures. No accessory building in the residential district<u>zone</u> may have a kitchen facility. <u>Accessory buildings may not be sited prior to the issuance of a residential building permit. A building permit may not be issued for an accessory building until the certificate of occupancy for the primary residence has been issued.</u></p> <p><u>Accessory buildings shall be limited in size not to exceed the total square foot area of the primary residence's footprint and shall not exceed the height of the primary residence. Accessory buildings shall be constructed from the same materials and style and design of the primary residence. Exception: Buildings two hundred (200) square feet or less are exempt from the materials, style and design requirements provision.</u></p> | After considerable discussion the Planning Commission expanded the rules for accessory buildings to ensure that a land owner could not build one without first building the primary dwelling (to prevent owners from only building an accessory structure without further development). The expanded language also helps to ensure that accessory buildings do not become “eyesores” in the neighborhood. |
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| <p><u>155.2.1.240 – Guest Houses</u></p> | <p><u>A guest house is a separate structure either constructed on site or a manufactured dwelling, but not a recreational vehicle. Guest houses shall be constructed from the same materials and style and design of the primary residence. One guest house shall be allowed per lot of record in the R-1 zone, provided that setback and height standards of the zone are met. The primary dwelling and guest house shall be considered as one dwelling unit. Land divisions separating an approved guest house from the primary dwelling shall not be allowed. A guest house must conform to the following standards:</u></p> <p><u>A. The maximum floor area of the guest house shall be eight hundred fifty (850) square feet, excluding the garage.</u></p> <p><u>B. A guest house may include a toilet or bathroom plus one additional sink but shall not include a stove, oven or other cooking appliances.</u></p> <p><u>C. The guest house shall be located within one hundred (100) feet of the primary dwelling to which it is accessory. The distance shall be measured from the closest portion of each structure.</u></p> <p><u>D. The guest house shall receive all utilities via extensions of the same service lines as that of the primary dwelling for water, electric, gas, or alternative energy. No separate meters for the guest house shall be allowed.</u></p> <p><u>E. If the primary dwelling is on a septic system, then the guest house shall use the same septic system as the primary dwelling, pending certification that the existing system is adequate to accommodate the additional residential use.</u></p> <p><u>F. The guest house shall not have a separate address</u></p> | <p>Entire Section added to address Council and Planning Commission concerns about lack of clarity around description and use of guest houses and certain limitations on guest houses</p> |
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| 155.2.1.240 – Guest Houses (Cont'd) | from the primary dwelling. G. The guest house shall not be rented for any purpose other than as part of the property as a whole. | |
| 155.2.2. 130 180 – Signs | <p>A. Within the Community Commercial Zone, the the erection of a <u>new</u> on-premises sign is a permitted <u>allowed use after an application is submitted and City approval is granted pursuant to the Type I process at Section 155.4.1.4. An application to erect a new sign must include a design drawing done to scale indicating the dimensions and height of the sign and be accompanied by the required fee.</u></p> <p>B. Existing signs that are legal non-conforming uses or that have a valid sign permit may be repaired and repainted without obtaining a new permit, so long as there is no significant change in the general dimensions or height. Such a significant change would make it necessary to obtain a permit and comply with the requirements of this Section 155.2.2.130.</p> <p>C. Definitions. For the purpose of Section 155.2.2.130, the following definitions shall apply unless the context clearly indicates or requires a different meaning:</p> | <p>Paragraphs A, B and C were added to create explicit approval and style guidelines for signage in the CC zone.</p> <p>The section was rearranged slightly for improved readability and flow.</p> |
| 155.2.2.210 – Travel Trailer and Recreational Vehicles (RV) Parks | <p>155.2.2.210 – Travel Trailer and Recreational Vehicles (RV) Parks</p> <p>Travel trailer and RV parks shall be designed, constructed, and maintained according to the following standards and requirements:</p> | This entire section was deleted by City Attorney during her review, edited and moved to 155.4.9.5 (Recreational Vehicle Parks), where the requirements for development and the approvals processes are outlined in connection with the |

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| 155.2.2.210 – Travel Trailer and Recreational Vehicles (RV) Parks (Cont'd) | <p>A. Site plan. See Section 155.4.9.5.130</p> <p>B. Development standards.</p> <p>1. Park area. Travel trailer or RV Park shall be created on a lot or parcel of land not less than five acres in area.</p> <p>2. Space requirements.</p> <p>3. Setbacks.</p> | rules of Type III and Type II (Quasi-Judicial) decisions like for subdivisions and PUDs. |
| 155.2.3.200-110 – Lakes and Shorelands (R-1 Zone) | <p>B. Conditional Uses</p> <p>—Boathouses and docks that do not comply with the standards for issuance of a building permit are allowed as conditional uses provided:</p> | This paragraph B was deleted because it conflicts with A and is redundant. |
| 155.2.3.200-110 – Lakes and Shorelands (R-1 Zone) (Cont'd) | <p>3. Construction</p> <p>a. Construction requirements for covered or enclosed structures are as specified in the Oregon State Structural Specialty Code (OSSSC). All other structures shall conform to the OSSSC and the standards set forth herein. The Oregon Marine Board document entitled "Layout and Design Guidelines for Recreational Boat Launching and Transient Tie-Up Facilities" revised September 1992, or its current or successor version in effect at the time construction occurs, shall be the standard guide for construction of like structures in Dunes City. The specific inclusion herein of some of the construction requirements from that document is not to be construed as an exclusion</p> | <p>Paragraph (a) was deleted because it is outdated language. The proposed new language is up-to-date and more correctly describes the process for dock approvals by the City and DSL.</p> <p>The design standards of paragraphs (b) and (c) were mostly deleted because they are covered by the Oregon Structural Specialty Code and not subject to regulation by the City.</p> |

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| 155.2.3. 200-110 – Lakes and Shorelands (R-1 Zone) (Cont'd) | of the other requirements of the document. The Oregon Structural Specialty Code (OSSC), which is based on the International Building Code (IBC), generally applies to landside structures such as stairs and landings. However, there may components of the on-water or in-water facility that are covered by the OSSC (e.g., pilings, docks). Upon signature of the Planning Official on an applicant's Waterway Structure Registration Application, the application will be subject to review and approval by the Oregon Department of State Lands (DSL) and other State and federal agencies. | |
| 155.2.3. 200-110 – Lakes and Shorelands (R-1 Zone) (Cont'd) | 4. Access to Structures and Landings | This section as added to address concerns about placing docks in areas with steep banks that may be subject to erosion if disturbed. |
| 155.2.3. 200-110 – Lakes and Shorelands (R-1 Zone) (Cont'd) | 6. Other Requirements | This section was moved from 155.2.3.300 (Shorelands) and edited to clarify and reinforce City regulations for activity in the riparian/shoreland area. |
| 155.2.3. 250-120 – Lakes and Shorelands (CC Zone) | Dunes City has jurisdiction for all shoreland structures that are accessed from properties within Dunes City. Construction of any dock, boathouse or any water-dependent structure requires approval of all applicable local, State and federal agencies. | This short section added to be consistent with language for R-1 Zone. |
| 155.2.3. 400-130 – Booth Island | (d) No fencing of property boundaries shall be allowed. (e) Livestock, unconfined pets or domesticated animals are prohibited. | After considerable discussion by two different Planning Commissions and a Citizens Advisory Committee this entire section was deleted |

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| <p>155.2.3. 400 <u>130</u> – Booth Island (Cont'd)</p> | <p>(f) No hunting shall occur within the Open Space Overlay Zone.</p> <p>(g) Vegetation removal shall be limited to 25 feet area around the dwelling site, its pathways, accessory structures and facilities. Vegetation removal shall be allowed for solar access, but limited to no more than needed based upon a solar site analysis utilizing sunchart methodology as required by Oregon Department of Energy tax credit standards as certified by ODES tax credit certified technician.</p> <p>(h) All structures shall be of stick built construction. Recreational vehicles, trailers and manufactured dwellings are prohibited for residential use. Dwelling structures shall be limited to 2000 square feet of living space.</p> <p>(i) Motorized vehicles are limited to all terrain vehicles for transportation use only and used only on clearly marked pathways designed for common use and minimal vegetation disturbance.</p> <p>(j) Fire retardant roofs on all structures.</p> <p>(n) The first 50 feet perpendicular to the shoreline shall be a "no touch" zone with no disturbance to vegetation, no building and no recreational activities.</p> <p>(o) Woody debris shall be left along the shoreline and in the 100 foot riparian buffer and aquatic plant life with the exception of invasive noxious plants shall be left undisturbed.</p> <p>(p) All docks shall be no larger than 400 square feet with a maximum shoreline width of 20 feet.</p> | <p>because the majority of discussion participants agreed that the protections afforded by Lakes and Shorelands Code and the language for protection of Wetland and Riparian Areas are adequate for protection of Booth Island.</p> <p>It may be worth noting that some of the deleted language had been crafted to add additional specific protections for the island given its unique characteristics and high value habitat. In fact, some of those protections were suggested by ODFW during its review of two minor partition applications in 2006. ODFW also noted at the time that the partition proposals also addressed "the idea of small footprints combined with large parcels, central access point and proposed additional restrictions" that minimized impacts to the island resources.</p> <p>See, for example, paragraphs B(2)(d) through B(2)(j) and B(2)(n) through B(2)(p) at left.</p> |
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| 155.2.4 – Fragile Lands Overlay Zone | | No major changes. |
| 155.2.5 – Wetland Overlay Zone | | No major changes. |
| 155.2.6. 300 <u>120</u> – Riparian Overlay Zone | | There were numerous outdated OAR and ORS references in the definition section (155.2.6.300) which have been corrected where needed and, where appropriate, eliminated. Definitions themselves were updated to match current OAR and ORS definitions. Otherwise, no major changes. ❖ |
| DIVISION NO. 155.3 – DESIGN STANDARDS | | |
| 155.3.0. 1 <u>100</u> – Applicability | 155.3.0.1 – Applicability | The entire section was deleted because it contained language that was not clear and objective in nature or was not considered to be enforceable code language. Much of the language is revised/repeated elsewhere in 155.3 so is redundant here. |
| 155.3.0.2 – Types of Design Standards | 155.3.0.2 – Types of Design Standards | Deletions are intended to simplify the language and ensure that it is clear and objective, and not repetitive. New section is now 155.3.0.100. |
| 155.3.1. 2 <u>110</u> – Vehicular Access and Circulation | as required by the City's Master Road Plan. Major streets including highways, arterials, and collectors serve as the primary system for moving people and goods. "Access management" is a primary concern on these streets. Local streets and alleys provide access to individual properties. If vehicular access and circulation | The deleted language was determined to be unnecessary for enforcement purposes as it is an explanation of the importance of managing access and circulation. It is not clear and objective code. All references here to the Master |

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| 155.3.1. 2-110 – Vehicular Access and Circulation (Cont'd) | <p>are not properly designed, these streets will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.</p> <p>To achieve this policy intent, state and local streets have been categorized in the Master Road Plan by function and classified for access purposes based upon their level of importance and function. (See Section 155.3.4.1.) Regulations have been applied to these streets for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the street network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed street and access systems and discouraging the unplanned subdivision of land.</p> | Road Plan are also unnecessary. |
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| 155.3.1. 2-110 – Vehicular Access and Circulation (Cont'd) | <p><u>Level of Service (LOS).</u></p> <p><u>Functional Classification.</u></p> | These two definitions were added to explain their meaning as used in the intro to 155.3.1. 2-110 . |
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| 155.3.1. 2-110 – Vehicular Access and Circulation (Cont'd) | D. <u>Traffic Study Requirements.</u> The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See Section 155.3.4.1 – Transportation Standards. <u>The City, after review by the City Engineer, or other road authority with jurisdiction, may require a Traffic Impact Study (TIS) as part of an application for development, a change in use, or a change in access. A TIS shall be required when a land use application involves one or more of the following actions:</u> | This revision and the seven actions that were added to clearly explain what would trigger a TIS were added by the City Attorney and City Engineer to be more clear. |
| 155.3.1. 2-110 – Vehicular Access and Circulation (Cont'd) | Edits to paragraphs E through L in 155.3.1. 2-110 : | Changes to these paragraphs were made by the Planning Commission and the Road Commission at the time. Most of the language was not clear and objective and allowed for decisions to be made by the City on a case-by-case basis, which is not allowed. Standards and decisions must be applied across the board except where Conditional Use Permits or Variances may be allowed. |
| 155.3.1. 2-110 – Vehicular Access and Circulation (Cont'd) | M. <u>Vision Clearance.</u> <u>A vision clearance area must be maintained on the corners of all property adjacent to the intersection of two streets, an alley and street or a driveway providing access to a street. The clear vision area is a triangle established across the corner of property adjacent to intersections of public or private streets or alleys and at intersections of driveways and streets. The two legs of the clear vision triangle are each measured from the point of intersection with the</u> | The definition for Vision Clearance was added by the Planning Commission because there was no clear existing definition. The language comes from a combination of other city code. |

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| 155.3.1. 2-110 – Vehicular Access and Circulation (Cont'd) | <u>roadway. Measurements along a driveway are taken at the edge of the roadway.</u> No signs, structures, or vegetation, <u>or other obstructions to vision</u> in excess of three and a feet half feet (3.5') in height shall be placed <u>are allowed</u> in <u>the</u> vision clearance area <u>except street signs, posts or poles (e.g., power, signal or luminaire poles).</u> <u>Driveway approaches and driveways are not permitted within the clear vision area.</u> as shown in Appendix 155.6 Vision Clearance Diagram. | |
| 155.3.2 – Landscaping, Street Trees, Fences, and Walls | Sections: 155.3.2.1 — Purpose 155.3.2.2 — Landscape Conservation 155.3.2.3 — New Landscaping 155.3.2.4 — Street Trees 155.3.2.5 — Fences and Walls | The entire section was deleted by the Road Commission circa 2012 possibly because it contained no content of substance. Code related to private fences and walls is contained elsewhere. |
| 155.3.3.1 00 – Vehicle and Bicycle Parking | The purpose of this Section <u>155.3.3</u> is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking | Unknown who deleted the narrative of the Purpose section. The narrative is not necessary. The first sentence describes the purpose for vehicle and bicycle parking standards. |
| 155.3.3. 3-120 – Vehicle Parking and Loading Standards | A. <u>Required Parking</u> requirements <u>Spaces.</u> | Changes to the table describing the number of parking spaces were made by the Planning Commission and the Road Commission. |

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| 155.3.3. 3-120 – Vehicle Parking and Loading Standards (Cont'd) | D. <u>Parking Area Design and Improvement.</u> <u>[Reserved]</u> | Paragraph content deleted by the Road Commission at the time, with recommendation to keep header reserved. |
| 155.3.3. 3-120 – Vehicle Parking and Loading Standards (Cont'd) | (2) – Parking table. | The original table of dimensions was deleted and replaced with a simplified version. |
| 155.3.3. 3-120 – Vehicle Parking and Loading Standards (Cont'd) | F. Off-Street Loading. <u>1. Purpose. The purpose of this Section 155.3.3.120(F) is to provide standards for a minimum number of off-street loading spaces that will ensure adequate loading areas for large uses and developments, and to ensure that the appearance of loading areas is consistent with that of parking areas.</u> | Planning Commissioners and CAC members discussed changes to the off-street loading text at some length. They agreed to include the language here in order to provide the City with some control for future development. |
| 155.3.3. 3-120 – Vehicle Parking and Loading Standards (Cont'd) | G. Disabled Person Parking Spaces. The following parking shall be provided for disabled persons, in conformance with the Americans with Disabilities Act. | Deleted language has been replaced with current ADA language and a more current diagram. |
| 155.3.3. 4-130 – Bicycle Parking Standards | <u>A. Standards. Bicycle parking spaces shall be provided with new development and, where a change of use occurs, at a minimum, shall follow the standards in Table 155.3.3.130(A). Where an application is subject to Conditional Use Permit approval or the applicant has requested a reduction to an automobile parking</u> | Planning Commissioners and CAC members agreed to add new language here in order to give the City some oversight should bicycle regs be needed in the future. The language inserted here comes from Model Development Code. |

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| 155.3.3. 4 <u>130</u> – Bicycle Parking Standards (Cont'd) | standard, the Planning Commission may require bicycle parking spaces in addition to those in Table 155.3.3.130(A). | |
| 155.3.4. 0 <u>100</u> – Purpose | Important cross-reference to other standards: The City requires that streets provide direct and convenient access, including regular intersections. Section 155.3.1 – Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks. | This paragraph was probably deleted by the Planning Commission and the Road Commission. It is not needed language and some of it isn't true. |
| 155.3.4. 0 <u>100</u> – Purpose (Cont'd) | B. When Standards Apply. C. Standard Specifications. D. Conditions of Development Approval. | These paragraphs were probably deleted by the Planning Commission and the Road Commission. The City Engineer provides the standards for street construction although the City would like to develop new standards. Some of the deleted language is included elsewhere in Code, such as in requirements for Subdivisions and PUDs. |
| 155.3.4. 1 <u>110</u> – Transportation Standards | | Paragraphs A, B, C, D, E, and F were probably edited by the Planning Commission and the Road Commission. Much of the language is not necessary here or relevant to Dunes City, street engineering is subject to City Engineer approval as well as final plat approvals. |
| 155.3.4. 1 <u>110</u> – Transportation Standards (Cont'd) | I. Street Alignment and Connections. Street alignment and connections shall be constructed to the specifications of the City Engineer. | The Planning Commission and the Road Commission deleted the remainder of paragraph I, with the intent that the City Engineer would |

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| | | have oversight of future street development, not City Staff. |
| 155.3.4.1-110 – Transportation Standards (Cont'd) | <p>J. <u>Sidewalks, Planter Strips, Bicycle Lanes.</u></p> <p>K. <u>Intersection Angles.</u></p> <p>L. <u>Existing Rights-of-Way.</u></p> <p>M. <u>Dead-End Streets. Dead-end streets shall be constructed to the specifications of the City Engineer.</u></p> <p>N. <u>Grades and Curves.</u></p> <p>O. <u>Curbs, Curb Cuts, Ramps, and Driveway Approaches.</u> Concrete curbs, curb cuts, wheelchair and bicycle ramps, and driveway approaches shall be constructed <u>to the specifications of the City Engineer.</u></p> <p>Q. <u>Development Adjoining Arterial Streets. Development adjoining arterial streets shall be constructed to the specifications of the City Engineer.</u></p> <p>R. <u>Alleys, Public or Private.</u></p> <p>T. <u>Survey Monuments.</u></p> <p>W. <u>Street Light Standards.</u></p> | The Planning Commission and the Road Commission deleted the bulk of the text in the paragraphs listed to the left, with the intent that the City Engineer would have oversight of street development, not City Staff. |
| 155.3.4.2-120 – Public Use Areas | <p>A. — <u>Dedication Requirements. When consistent with Constitutional limitations, 1. —</u> Where a proposed City parks, playgrounds or other public use areas shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat.</p> | During review of this section, City Attorney revised paragraph A, noting that as originally written the language might not always be enforceable could be considered an unconstitutional “taking.” The revision makes the language lawful, but the City would have to consider this requirement on a case-by-case basis. |

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| 155.3.4. 2 120 – Public Use Areas (Cont'd) | | The balance of the section was deleted by the Planning Commission and the Road Commission. |
| 155.3.4. 3 130 – Sanitary Sewer and Water Service Improvements | | No major changes. |
| 155.4.3. 4 140 – Storm Drainage Improvements | | Edited to refer to City's Chapter 141 (Surface Water Management) where Erosion and Sediment Control standards are located. |
| 155.3.4. 5 150 – Utilities | 5. All electric meters and water meters serving one lot shall be located within the boundaries of the lot served. Exceptions to this rule will be processed according to the provisions of Section 155.5.1 – Variances. All water meters shall be located in an easily accessible and visible location between the pump and the water treatment system on the outside of any structures pursuant to Title V (Public Works), Chapter 51 – Shared Domestic Water Right, Section 51.60. Any electric meters or water meters that the developer may wish to locate and install in a City right of way, will be avoided or be subject to review and approval according to the provisions of Section 155.5.1 – Variances. | Paragraph 5 added circa 2016 to tie back to City's Chapter 51 (Shared Domestic Water Right) where meter locations are specified. |
| 155.3.4. 6 160 – Fire Hydrants | | Fire hydrants are not currently allowed in Dunes City. This section is reserved for future use. |

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| 155.3.4. 7 170 – Public Utility Easements | | No major changes. |
| 155.3.4. 8 180 – Construction Plan Approval | The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. | No major changes, except redundant language has been deleted. |
| 155.3.4. 9 190 – Installation | | No major changes. |
| 155.3.5 – Surface Water Management | | Refers to City's Chapter 141 (Surface Water Management) where Erosion and Sediment Control standards are provided. |
| 155.3.6 – All Uses | | Entire section deleted as language is awkward here and is included elsewhere in 155. |
| 155.3.6 – Solar Access | | Entire section was edited by the Planning Commission circa 2012 and then by CACs circa 2018 so as to read more clearly and conform to ORS rules for solar. |
| 155.3.6.1 00 – Purpose | The City of Dunes City encourages the implementation and use of solar power. The protection of land for solar access will be with a solar energy easement that runs with the property. | This section was edited by the Planning Commission circa 2012 with language from ORS 227 re solar access ordinances. The last sentence, "No person..." is from ORS 105.880. |

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| 155.3.6.1 00 – Purpose (Cont'd) | No person conveying or contracting to convey fee title to real property shall include in an instrument for such purpose a provision prohibiting the use of solar energy systems by any person on that property. | Definitions were deleted, updated to match ORS definitions, and moved to a separate section. |
| 155.3.6. 2-110 - General | Within the jurisdiction of Dunes City, provision for solar access is made by solar energy easements. Such easements: paragraphs A through F | New guidelines were added by the Planning Commission. Deletion of old text may have been done because language was not very clear and may have been deemed difficult to enforce. |
| 155.3.6. 3-120 – Definitions | | New definitions that conform to ORS definitions were added by the Planning Commission. |
| 155.3.6. 4-130 – Easement Appurtenant/Termination | | New text added by the Planning Commission appears to conform to language from ORS 105.890. |
| 155.3.6. 5-140 – Easement Instrument/Recordation | | New text added by the Planning Commission appears to conform to language from ORS 105.895. Old, deleted text appears to be not clear and not objective. Code language must be clear and objective. |
| 155.3.7.3.3. Limitations | | Likely deleted because Planning Commission opted not to require solar permits, rather decided for easements as per ORS statutes. |
| 155.3.7.4. Applications | | See above. |

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| 155.3.7.5. Procedure | | This type of review would be more correctly done by the Planning Commission as a Type II or III decision in conjunction with a public hearing, not the Building Official alone. |
| 155.3.7.6. Enforcement | | Planning Commission deleted this section. Enforcement process seems to contradict other City Code. |
| 155.3.8—Traffic Impact Studies | | This is covered thoroughly elsewhere in 155. ❖ |
| DIVISION NO. 155.4 – APPLICATION AND REVIEW PROCEDURES | | |
| 155.4.0.110 – Administration of Land Use and Development Permits | Section <u>Division</u> 155.4 provides all of the application requirements and procedures for obtaining permits required by this Chapter 155 code section . Refer to Table 155.4.1. 2-110 in Section 155.4.1 for a key to determining <u>determine</u> which land use permits and procedures apply to are required, and the decision-making body for a particular type of permit application. | This section was edited by City Attorney during her review of 155 to make the language more general as not all permits issued by the City are land use permits. |
| 155.4.1.110 – Types of Applications and Review Procedures | All land use and development permit applications, except permits required in Chapters 154 <u>92, 93</u> , 153 and 154, are shall be decided by using the procedures contained in this Chapter <u>Section 155.4.1</u> . General procedures provisions for all permits are contained in Section 155.4.1. 3 <u>120</u> . Specific procedures for certain types of permits are contained in Sections 155.4.1. 4 <u>130</u> through 155.4.1. 8 <u>160</u> . The procedure “Type” assigned to each permit governs the decision-making process | The City Attorney made substantial changes to this section, including paragraphs A through D to ensure that the City complied with State laws and the processes are accurately described. Note that Expedited Land Use and Limited Land Use decisions are eliminated from City Code. |

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| 155.4.1.110 – Types of Applications and Review Procedures (Cont'd) | for that permit. There are six four types of permit/decision-making procedures: Type I, II, III and IV, Expedited Land Use decisions and Limited Land Use Decisions. These procedures are described in subsections A through D below. Table 155.4.1. 2-110 lists all most of the City's land use and development applications and their required permit procedures. | They are very, very rarely used, and the process for each is governed by ORS. |
| 155.4.1.110 – Types of Applications and Review Procedures (Cont'd) | Table 155.4.1.2-110 SUMMARY OF DEVELOPMENT DECISIONS/PERMITS BY TYPE OF DECISION-MAKING PROCEDURE* | Edited substantially to reflect changes in section numbering throughout 155. |
| 155.4.1. 3-120 – General Provisions | <u>Concept Assistance</u> A discretionary, informal process where an individual appears before the planning staff or the Planning Commission and requests general guidance regarding future land development. This step occurs prior to a pre-application conference or the filing of an application. Guidance provided during this process will not be considered as a land use determination or decision | This type of action by the Planning Commission could lead to accusations of conflict of interest or bias in any related future decisions by the Planning Commission and City Council and violates the public hearing/decision-making rules. |
| 155.4.1. 3-120 – General Provisions (Cont'd) | 2. <u>Check for acceptance and completeness.</u> In reviewing an application for completeness, the following procedure shall be used: a. When the City receives an application <u>from a record owner of property or contract</u> | The City Attorney added substantial content re checking for completeness. This ensures that the City is following State guidelines for completeness review. |

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| 155.4.1. 3-120 – General Provisions (Cont’d) | <p><u>purchaser (as described above)</u>, the Planning Secretary-Official shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant:</p> <ul style="list-style-type: none"> (1) The required form; (2) The required fee; (3) The signature of <u>a record owner of property or contract purchaser (as described above)</u>the applicant on the required form, <u>including</u> and signed written authorization <u>designating a representative to make the application on the applicant’s behalf.</u>of the property owner of record if the applicant is not the owner. <p>b. Completeness.</p> | |
| 155.4.1. 3-120 – General Provisions (Cont’d) | 3. — Once an application is deemed complete: | Entire section deleted by City Attorney who noted that it was not enforceable and best left out of Code. |
| 155.4.1. 3-120 – General Provisions (Cont’d) | FE. <u>Planning Secretary’s Duties.</u> The Planning Secretary-Official shall: | City Attorney deleted most of the Planning Official role description, as most of the provisions are unnecessary. |
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| 155.4.1.4130 – Type I Procedure (Ministerial) | <p>C. <u>Final Decision.</u> The <u>Planning Official's</u> decision shall be <u>come</u> final fourteen (14) calendar days after the date it is mailed or otherwise provided to the applicant <u>in writing</u>, whichever occurs first. If the decision is to be appealed, the appeal must be filed with the Planning Secretary before the final decision date.</p> | <p>Edited for clarity and consistency by City Attorney.</p> <p>Paragraph C re appeal process was deleted as it would be unusual for an applicant to appeal a Type I decision. Type I decisions are not discretionary and, therefore, not land use decisions.</p> |
| 155.4.1.5140 – Type II Procedure (Quasi-Judicial) | <p>A. General. The Type II Procedure will generally be used for advisory functions (e.g. Concept Assistance and Code Interpretation) in the land use processes and will not be defined by criteria outside that stated in this chapter. The application will be heard in open public session of the Planning Commission or Road Commission with opinions and recommendations becoming part of the public record. <u>Pre-application conference. Required for all Type II applications.</u></p> <p>Also new content in paragraphs B through G.</p> | <p>This section was edited to eliminate “advisory decisions” by the Planning Commission—code for decisions must be clear and objective.</p> <p>Added content in paragraphs B – G ensure that City Code complies with State Code governing limited land use decisions and other decisions that do not require public hearings and that Code clearly describes the application requirements, the notice of application process and the Commission’s decision process.</p> |
| 155.4.1.6150 – Type III Procedure (Quasi-Judicial) | <p>A. <u>Pre-application conference. Required for all Type III applications</u>discretionary land use permits including preliminary P.U.D. plans and conditional use permits.</p> <p>B. <u>Application requirements.</u></p> <ol style="list-style-type: none"> 1. Type III applications shall be made on forms provided by the Planning Secretary<u>Official</u>; 2. <u>Submittal Information.</u> Type III applications shall: | <p>Edited so as to conform to language for Type II application requirements and refer applicants to appropriate Code sections for specific information.</p> |

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| <p>155.4.1.6150 – Type III Procedure (Quasi-Judicial) (Cont'd)</p> | <p>a. Include the information requested on the application form, Subsection D of Section 155.4.1.120, and any and by the Planning Secretary provisions of Chapter 155 that pertain specifically to the type of application submitted;</p> <p>b. Be filed with copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action;</p> <p>c. Be accompanied by the required fee; and</p> <p>d. Include an impact study statement for achieving compliance with all City Code relating to Type III applications. The impact study will quantify/assess the effect of the development on the transportation systems, wetlands, riparian areas and Shorelands shorelands. The study will propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, and affected private property users. In situations where this Code requires the dedication of real property to the City, the applicant will either specifically agree to the dedication requirement, or provide evidence that shows that the real property dedication requirement is not roughly proportional to the projected impacts of the development. (See Section 155.3.4.110 – Transportation Standards, Section 155.2.5 – Wetland</p> | |
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| 155.4.1. 6 150 – Type III Procedure (Quasi-Judicial) (Cont’d) | Overlay Zone, Section 155.2.6 – Riparian Overlay Zone, and Section 155.2.3 – Open Space Overlay Zone. | |
| 155.4.1. 6 150 – Type III Procedure (Quasi-Judicial) (Cont’d) | <p>C. — Process in General</p> <p>Per ORS 197.522 a land use application will be:</p> <p>Approved if the application meets all City Code requirements.</p> <p>2. — Approved if an application does not meet all City Code requirements, but can be changed to meet all requirements. The application approval decision will specify all reasonable conditions necessary to meet all City Code requirements.</p> <p>3. — Disapproved if any City Code requirement cannot be met with stipulated conditions, or the applicant declines acceptance of any stipulated condition.</p> | <p>This paragraph C was deleted by City Attorney who noted that the language was not exactly what ORS 197.522 says.</p> <p>Approval criteria is listed elsewhere in City Code.</p> |
| 155.4.1. 6 150 – Type III Procedure (Quasi-Judicial) (Cont’d) | <p>From paragraph DC Notice of Hearing:</p> <p>(5) — For appeals, the appellant and all persons who provided testimony.</p> | <p>This section regarding appeals was deleted— appeals procedures are listed elsewhere in Code. Also the Planning Commission is the appellate body for Type I decisions but does not hold hearings for appeals.</p> |
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| <p>155.4.1.6150 – Type III Procedure (Quasi-Judicial) (Cont'd)</p> | <p>From paragraph E-D (6)(a-e)re conflict of interest:</p> <p>6. Participants in a <u>Quasi-Judicial</u>Type III hearing are entitled to an impartial review authority as free from potential <u>or actual</u> conflicts of interest and pre-hearing ex parte contacts (see Subsection 7 below) as reasonably possible. However, the public has a countervailing right of free access to public officials.Therefore, <u>therefore</u>:</p> <p><u>a. A member of the Planning Commission or City Council shall not participate in any proceeding which they, or any of the following, has a direct or substantial financial interest: their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, or any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment.</u></p> | <p>The section about conflict of interest and ex parte contact was substantially edited to: 1) provide much needed clarity, 2) align more closely with what actual ORS language says.</p> |
| <p>155.4.1.6150 – Type III Procedure (Quasi-Judicial) (Cont'd)</p> | <p>F.E. <u>The Planning Commission Recommendation Decision Process.</u></p> <p>and</p> <p><u>F. The City Council Decision Process.</u></p> | <p>These two subsections were revised to include content that details the Planning Commission's Recommendation process and the Council's decision process. The added content complies with State law and provides clear instructions for City and Staff to follow.</p> |

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| 155.4.1.7160 – Type IV Procedure (Legislative) | <p>A. <u>Application requirements.</u></p> <ol style="list-style-type: none"> 1. <u>Except when initiated by the City Council,</u> Type IV applications shall be made on forms provided by the Planning Secretary<u>Official</u>; 2. <u>Except when initiated by the City Council,</u> | <p>Text added to clarify that the Council may initiate Type IV procedures without completing a City form. This type of action could include revising the Comp Plan, Land Use Code or Master Transportation Plan (as noted in paragraph K).</p> <p>Citizens <i>may</i> initiate Type IV procedures.</p> |
| 155.4.1.7160 – Type IV Procedure (Legislative) (Cont'd) | Remainder of section, Paragraphs B through K | No major changes except to add language re instructions for City and Staff for consistency with previous sections. |
| 155.4.1.8 Expedited Land Division | | Entire section deleted by City Attorney. These types of actions are thoroughly governed by State ORS and are not considered land use decisions, therefore should not be in Land Use Code. |
| 155.4.1.9 Limited Land Use Decision | | Entire section deleted by City Attorney. The only LLUDs considered statutory in City Code are partitions and subdivisions which are covered in Code elsewhere in 155 and edited by City Attorney for compliance with State rules. |
| 155.4.2 [Reserved] Site Review Permit | | <p>Entire section deleted by Planning Commission circa 2012. The language is confusing.</p> <p>Site Reviews (sans permits) are generally done with applications for partitions, subdivisions, lot line adjustments and the like. Proposed new</p> |

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| 155.4.2 Site Review Permit [Reserved] (Cont'd) | | Code also adds language requiring CUPs on non-traditional development. Conditions of Approval are often attached to a CUP. |
| 155.4.3.100 – Purpose | | No major changes. Definitions were clarified to match State definitions. |
| 155.4.3.110 – General Requirements | preliminary plat tentative plan evaluation | “Preliminary Plan” has been changed to “Tentative Plan” throughout to conform to State language. |
| 155.4.3.110 – General Requirements (Cont'd) | <p>C. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two times the minimum lot size allowed by the underlying land use district), the City shall require that the lots be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code. A re-division plan shall be submitted which identifies:</p> <p>D. Temporary Sales Office. A temporary sales office in conjunction with a subdivision may be approved as set forth in Section 155.4.9.1– Temporary Use Permits.</p> | <p>Paragraph C, E, F, G, and H of this section were moved to 155.4.3.140 (Approval Criteria for Tentative Plan) and edited by City Attorney.</p> <p>Paragraph C was also moved to 155.4.3.130 (Tentative Plan Submission Requirements) and edited slightly.</p> <p>Paragraph D was deleted from here. Language re Temporary Sales Office appears at 155.4.9 (Temporary Use Permits).</p> |
| 155.4.3.120 – Approval Process | <p>E. Phased Development.</p> <p>1. The City may approve a time schedule for developing a subdivision in phases, but in no</p> | No major changes in this section but paragraph E was edited by City Attorney and moved to 155.4.3.140 (Approval Criteria for Tentative Plan) |

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| 155.4.3.120 – Approval Process (Cont'd) | case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than two years without reapplying for a preliminary plat; | |
| 155.4.3.130 – Tentative Plan Submission Requirements | <u>4. Future Re-division Plan. When subdividing or partitioning tracts into large lots (i.e., greater than two (2) times the minimum lot size allowed by the underlying land use zone), the application must include a re-division plan which identifies:</u> | No major changes in this section, but note that Future Re-division Plan was moved here from 155.4.3.110 and slightly edited by City Attorney. |
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| 155.4.3.140 – Approval Criteria: Tentative Plan | <u>D. Future Re-division Plan.</u> <u>E. Development in a 100-year flood plain.</u> <u>F. Determination of Base Flood Elevation.</u> <u>G. Utilities.</u> <u>H. Drainage.</u> <u>I. Phased Development for Subdivision Application.</u> | No major changes in this section, but note that paragraphs D through H were moved here from 155.4.3.110 and slightly edited by City Attorney. Paragraph I was moved here from 155.4.3.120 and slightly edited by City Attorney so that, together, this rule acts as approval criteria. |
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| 155.4.3.150 – Variances Authorized | | No major changes. |
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| 155.4.3.160 –Final Plat Submission Requirements and Approval Criteria | | No major changes. |
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| 155.4.3.170 – Public Improvements | | No major changes. |
| 155.4.3.180 – Performance Guarantee | | No major changes. |
| 155.4.3.190 – Filing and Recording | | No major changes. |
| 155.4.3.200 – Replatting and Vacation of Plats | | Minor edits made by City Attorney. |
| 155.4.3.210 – Property Line Adjustments | <p>A. The transfer of property between adjacent parcels is permissible without approval by the City so long as the transfer does not result in the creation of a lot, which is less than one acre in size, or unless the "donating" lot is less than one acre in size prior to the transfer of property to the adjoining parcel. In the event the transfer would create a lot less than one acre in size, or the donating lot is less than one acre in size, such transfer shall require approval of the City. Approval shall be conditional and subject to a conditional use permit being granted pursuant to the general provisions of this part providing for the granting of a conditional use permit.</p> <p>B. Lots, which are conforming prior to donations of a portion of the lot to an adjoining lot, will remain conforming, so long as the transfers are made to conform to A. above.</p> | <p>City Attorney suggested that this language was inadequate and recommended that the City replace it with a clear process.</p> <p>The new, inserted, language is from model development code and Sutherlin code provided by City Attorney. It lays out a clear process and requirements for minor property line adjustments.</p> <p>When the application requirements are met the Planning Official can use the approval criteria to determine whether or not to approve the application. This eliminates the need for Planning Commission involvement and the Mayor's sign off.</p> <p>Filing and recording procedures are meant to insure that the adjustment is properly filed with the County and that the City has a record on file.</p> |

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| 155.4.3.210 – Property Line Adjustments (Cont'd) | | Note: There are property line adjustments that require a Conditional Use Permit. Those are discussed in 155.4.4 (Conditional Use Permits). |
| 155.4.4.1100 – Purpose | The purpose of this Section 155.4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged or altered if the site is appropriate and if other appropriate conditions of approval can be met for permitting conditional uses . | Edited for clarity. |
| 155.4.4.2110 – Approval Process | | No major changes. |
| 155.4.4.3120 – Application Submission Requirements | <p>A. A detailed, written narrative that clearly explains how the conditional use affects compliance with the approval criteria and applicable standards of the original development application and the reasons for the conditional use application; Existing site conditions;</p> <p>H. In addition to the application submission requirements of Subsections A through G above, if a conditional use permit application is for multifamily housing, the application must include a detailed, written maintenance plan that clearly describes how any common or open space areas (e.g., landscaping, private tracts, common driveways, private alleys, building exteriors, and/or similar common areas) shall be maintained. The maintenance plan must describe regular and uniform upkeep of landscaping</p> | <p>Paragraphs A through G were edited to be more specific and to conform to other application submission requirements.</p> <p>Paragraph H re multifamily housing was added because multifamily housing has been added back in Code as a conditional use.</p> <p>Note: Multifamily housing was allowed and</p> |

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| 155.4.4. 3 <u>120</u> – Application Submission Requirements (Cont’d) | <u>as well as routine inspection, repair and replacement as necessary of all common lighting fixtures, fire suppression systems, safety controls, and other community systems that serve residents. The maintenance plan must also describe when maintenance activities will be implemented and how they will be funded on an ongoing basis. The purpose of this requirement is to provide for additional review to encourage development that is healthy, safe and compatible with the surrounding neighborhood.</u> | provided for in older versions of the City Zoning and Development Code, but eventually the provisions were removed. It has been added back to align with the City’s Comprehensive Plan and to give the City some oversight in the event that an application for multifamily housing is ever submitted. |
| 155.4.4. 4 <u>130</u> – Criteria, Standards and Conditions of Approval | <p>A. <u>General Use Criteria. General Use Criteria apply to all uses, including multifamily housing.</u></p> <p>B. <u>Multifamily Housing. In addition to the General Use Criteria described in Subsection A above and the conditions of approval in Subsection C below, the following conditions, which are intended to control development scale, avoid or minimize impacts associated with traffic, parking and design compatibility, and ensure management and maintenance of common areas, apply to any conditional use permit proposal which involves multifamily housing:</u></p> <p>B <u>3. Multifamily Dwellings (to a maximum of four-plexes).</u></p> <p>C <u>14. The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable</u></p> | <p>This section was extensively edited to ensure that code is clear and objective, not discretionary—consideration of applications for CUPs must be decided with clear and objective criteria and standards. Old code was discretionary and confusing.</p> <p>All content re multifamily housing is new. City’s Attorney and Contract Planner provided feedback and recommendations on proposed new language.</p> <p>New language is based on model development code, code from another small city and recommendations by Contract Planner and City Attorney.</p> <p>Dunes City’s Comprehensive Plan states, “Policy H10. Dunes City will implement clear and objective conditional use standards for</p> |

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| 155.4.4. 4 <u>130</u> – Criteria, Standards and Conditions of Approval (Cont'd) | as approved pursuant to this Chapter 155. | <p><i>multifamily housing.”</i> And <i>“Multiple units up to four-plexes may be built as provided in the zoning ordinance.”</i></p> <p>This added by Planning Commission with the intent that the City will have some oversight to be sure conditions are being met, especially w/multifamily units.</p> |
| 155.4.4.140 – Revocation | | A separate, numbered section was created for Revocation. The revisions to content give the City some additional oversight to make sure that CUPs don't stay on the books, unused forever. |
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| 155.4.4. 5 <u>150</u> – Additional Development Standards for Conditional Use Types | | No major changes. |
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| 155.4.5 – PUDs | | This section was so chaotic the approval criteria for preliminary and final were almost identifiable. City Attorney revised several sections and moved them to other sections in a format that more closely follows other application submission and approval requirements and is easier to read. |
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| 155.4.5.105 – Size and Facility Standards 155.4.5.106 – Land Coverage | | These eight sections, 155.4.5.105 through 113, were revised slightly and reorganized by City Attorney and moved to new section 155.4.5.160 (Tentative PUD Plan Approval Criteria). |

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| 155.4.5.107 – Residential Density 155.4.5.108 – Lot Area and Dimension Standards 155.4.5.109 – Perimeter Standards and Visual Screening 155.4.5.110 – Open Space Standards 155.4.5.111 – Maintenance of Common Land and Facilities; Owners or Tenants Associations 155.4.5.112 – Dedications, Easements, and Similar Requirements 155.4.5.113 – Construction Standards | | <p>It may look like a lot of deleted text but it is reinserted in a better order in the more appropriate section. 😊</p> |
| 155.4.5.1440 – Approval Process | The City Council may approve minor changes in an approved Final P.U.D. application requested by the applicant if such changes are consistent with the purposes and general character of the application. All other modifications, including extension or revisions of the stage development schedule, will be processed in the same manner as the original application or final approval and will be subject to the same procedural requirements. E. — Phased Development. | <p>Edited to eliminate redundancy.</p> <p>The paragraph of D (shown at left) was deleted because it did not clearly describe the types of changes that could be made without a modification application. Now, all or most all changes to submitted plans require the modification approval process.</p> <p>Paragraphs E and F were moved to new 155.4.5.160 (Tentative PUD Plan Approval</p> |

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| | F. Ownership | Criteria). |
| 155.4.5.1 1550 – Tentative PUD Plan Submission Requirements | <p>g. The percentage of the proposed development that falls within the sensitive area of the watershed serving Dunes City, as defined in the Dunes City Drinking Water Source Assessment (Lane Council of Governments 2002), including but not limited to that area within 1000 feet of the shores of Lakes Woahink, Little Woahink or Siltcoos, including major inlets and outlets.</p> <p>6. A detailed, written narrative that clearly explains all departures from the provisions of Division 155.2 – Land Use Zones and Division 155.3 – Design Standards.</p> <p>7. Detailed exterior building plans and elevations.</p> <p>8. Detailed grading or earth moving plans.</p> <p>9. Detailed landscaping plans.</p> <p>C. Applicant’s Design Team.</p> | <p>From paragraph A of this Section. This was deleted by the Planning Commission and/or the Road Commission circa 11/29/2011. Staff did not identify a reason—written minutes from that time do not include detailed explanation or discussion of proposed changes.</p> <p>The referenced document on file at City Hall is titled “Dunes City Drinking Water Source Assessment and Potential Planning Strategies.”</p> <p>These from paragraph B were moved to this section from 155.4.5.116170 (Final PUD Plan Submission Requirements and Procedure for Final Plat Approval) to show what must be included in the tentative plan.</p> <p>Paragraph C was moved by City Attorney from old, and now deleted 155.4.5.120 (Applicant’s Design Team) as the language was relevant to tentative plan submission requirements.</p> |
| 155.4.5.160 – Preliminary Tentative PUD Plan Approval Criteria | C. Lot Area and Dimension Standards. The minimum lot area, width, depth, height, and setback requirements of this Chapter applicable to the zone in which the PUD lies shall not dictate the strict guidelines for development within the PUD, but shall serve as a guideline to ensure that the development | <p>This is where City Attorney moved the content from old 155.4.5.105 through 113.</p> <p>The last sentence of paragraph C was deleted out of concern about the possibility that the City could wind up with tiny lots and buildings that</p> |

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| <p><u>155.4.5.160 – Preliminary Tentative PUD Plan Approval Criteria</u> (Cont'd)</p> | <p><u>shall be in harmony with the character of the surrounding area. Individual buildings, accessory buildings, off-street common parking, loading facilities, open space, landscaping, and screening may be located without reference to lot lines, except the boundary lines of the P.U.D.</u></p> | <p>straddle two lots.</p> |
| <p>155.4.5.1670 – Final PUD Plan Submission Requirements and Procedure for Final Plat Approval</p> | <p>A. <u>Application.</u> The Final PUD Application shall conform in all major respects with the Preliminary Tentative PUD application. <u>In addition to the information and material required by Section 155.4.1.120(D) the application shall also indicate all owners of record, contract purchasers, holders of options, and proposed developers. Final PUD applications shall be accompanied by the filing fee to defray the cost of processing the application, and</u> shall include the following information:</p> <p>a. One copy of the final plat for showing each tax lot created and a reproducible transparency of the final plan(s) will be submitted. This plan will be sufficiently detailed to indicate fully the ultimate operations and appearance of the development and will include, at a minimum, the following:</p> <p>1. Detailed locations of water, sewage, drainage facilities and utility easements.</p> | <p>New text added by City Attorney to conform more closely with application submission and procedure for approval of subdivisions and partitions.</p> <p>The itemized list of details to be included on the final plat are deleted because paragraph A above says, "The Final PUD Application shall conform in all major respects with the Preliminary Tentative PUD application." The details are specified in the Tentative PUD Plan Submission Requirements 155.4.5.150 and do not need to be duplicated here.</p> |

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| <p>155.4.5.116<u>70</u> – Final PUD Plan Submission Requirements and Procedure for Final Plat Approval (Cont'd)</p> | <p>B. <u>Review.</u> by City Council. Within 45 days after receipt of the application for final approval, t<u>The Planning Commission shall consider the Final PUD Application</u> application <u>along with any referrals received concerning the application</u> <u>using the Type II process.</u> If it appears from the evidence presented that the Final Application substantially conforms to the Preliminary P.U.D. Application, the conditions, stipulations, and limitations or changes required by the Order of Preliminary P.U.D. Approval, and all applicable laws and ordinances, the Planning Commission shall approve the application.</p> | <p>Paragraph B was edited by City Attorney because 1) The 45 day timeline is incorrect, and 2) the references to Planning Commission approval or denial are not clear and object here—they have been edited and moved to 155.4.5.180 (Final PUD Plan Approval).</p> |
| <p>155.4.5.117<u>80</u> – Final PUD Plan Approval Criteria</p> | <p>A. <u>Approval criteria.</u> <u>Approval of the Final PUD plan shall be based on consistency with the following criteria:</u>In addition to the following development and maintenance standards and principles, the City Council will expressly find that the following criteria are met before it approves a P.U.D.:</p> <ol style="list-style-type: none"> <u>1. The Final Application shall substantially conform to the Preliminary PUD application, the conditions, stipulations, and limitations or changes required by the Order of Preliminary PUD Approval, and all applicable laws and ordinances.</u> <u>2. If the application does not comply with the criterion above, the City may either:</u> | <p>Paragraphs A and A(1) and A(2) edited by City Attorney to correctly describe the PUD approval criteria. Old A(2) through A(6) have been deleted as they are redundant and not needed here.</p> |

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| 155.4.5.120 — Applicant's Design Team | | This entire section was revised slightly and moved to 155.4.5.150 (Tentative PUD Plan Submission Requirements) paragraph C. |
| 155.4.6. 3 <u>120</u> – Modifications Process and Criteria | <p>B. Major Modification Request. -An applicant may request a major modification as follows:</p> <p>1. Upon the Planning Secretary determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification<u>A pre-application conference is required for all Type II and Type III applications. The Planning Official shall determine whether the modification application shall be processed as a Type II or Type III Procedure.</u></p> <p><u>C. Application Submittal Requirements.</u></p> <p><u>D. Notices, Hearings, Decisions, and Appeals of Decisions.</u></p> <p><u>E. Approval Criteria.</u></p> <p><u>F. Conditions of Approval.</u></p> | <p>This section was extensively edited by City Attorney and Staff to correct unlawful language and to limit the kind of and number of modifications that can be made to an approved application. Without limitations an applicant can, essentially, make endless modifications—in that scenario it would make more sense to start over with an entirely new application.</p> <p>As previously written, the modification process was unlawful—City Attorney and Staff have added language to specify that modifications are processed as Type II or Type III decisions.</p> <p>Paragraphs C, D, E, and F added here to conform with application requirements, processes and approval criteria in other sections and specific to modifications.</p> |
| 155.4.6.4 — Minor Modifications | | Deleted entirely. There was no criteria for determining a major or minor modification. |
| 155.4.7 – Land Use Zone Map Amendments | <p><u>Sections:</u></p> <p><u>155.4.7.100 Purpose</u></p> <p><u>155.4.7.110 Approval Process</u></p> <p><u>155.4.7.120 Approval Criteria</u></p> <p><u>155.4.7.130 Record of Amendment</u></p> | <p>City Attorney suggested adding description of process, criteria, etc. as in other sections with detailed decision-making instructions. New text is from other sections of 155 as well as Model Development Code and includes</p> |

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| 155.4.7 – Land Use Zone Map Amendments (Cont'd) | 155.4.7.140 Transportation Planning Rule Compliance | <p>guidelines for determining which type of decision will be used for various applications.</p> <p>This is a significant improvement to inform Staff and citizens about the process.</p> |
| 155.4.8 Code Interpretations | | Stand-alone code interpretations are best made in the context of another application. If kept in Code language would need substantial revisions with decision process spelled out, criteria for decision, etc. The process would be at least a Type III. |
| 155.4.8 Code Amendments | | New Section. Old Code did not contain provisions for amending Code. Although the State has rules, City Attorney suggested adding this for clarity. |
| 155.4.9 Miscellaneous Permits/ Applications | | Semi-extensive wordsmithing in this entire Section to make clear what triggers the requirement for a special permit and describe the requirements for submitting an application for one. |
| 155.4.9. 1100 – Temporary Use Permits | A. Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and vegetable stands. Three | <p>Edits made to make language more clear and objective and to specify requirements of applicant.</p> <p>Planning Commission edited language in paragraph A to address potential concerns/conflicts between temporary uses and existing uses/neighbors and to specify</p> |

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| <p>155.4.9.1100 – Temporary Use Permits (Cont'd)</p> | <p>types of temporary uses require permit approval (See A, B and C)<u>Permit approval may be granted for structures or uses which are temporary or seasonal in nature, such as temporary construction trailers and leasing offices, and seasonal sales such as Christmas tree sales and vegetable stands. Such activities may have adverse impacts on surrounding property, therefore some restrictions are necessary.</u></p> <p><u>B. The three types of temporary uses that require permit approval are:</u></p> | <p>application requirements.</p> <p>Much of the new language comes from model development code.</p> <p>Edits to paragraph B and subsections provide clear and objective standards and criteria that applicant and Staff must follow. The clear standards allow an application to be processed as a Type I or II decision.</p> |
| <p>155.4.9.2110 – Home Occupation Permit</p> | | <p>Minor edits in the Section help ensure that a home occupation cannot become a nuisance or cause safety or public health issues in the neighborhood.</p> |
| <p><u>155.4.9.120 – Temporary Occupancy of Recreational Vehicles and Travel Trailers</u></p> | | <p>This Section was added by the Planning Commission in response to the many inquiries received by the City about living in recreational vehicles and travel trailers—a use not currently allowed by Code, except for short-term. This question was addressed at one time by a Resolution. Commissioners opted to address the issue in land use Code to give the City options for how and when this use could be allowed and to give the City some oversight over health and safety and the length of time a unit can be occupied.</p> <p>The language was adapted from other city code and from model development code.</p> |

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| 155.4.9.4130 – Manufactured Home Parks Reserved | | <p>The process for MHPs is now included in 155.2.2.120(B) (Conditional Uses/Uses Subject to Review). There is no permit for this type of use—it must be addressed similar to a subdivision or PUD.</p> <p>Planning Commission opted to keep Section number in case another type of Temporary Use Permit is identified in future.</p> |
| 155.4.9.510 – Travel Trailer and Recreational Vehicle (RV) Parks | | <p>RV Parks are an allowed use, per 155.2.2.120(C). However, their approval process must follow the process similar to subdivisions and PUDs.</p> <p>Revisions throughout reflect the changes needed to follow the correct process.</p> |
| 155.4.9.510.110 – General Requirements | <p>A. — Definitions:</p> <p>A. Travel trailer and recreational vehicleRV parks involve the creation of two or more sites on one parent lot, parcel or tract may be established in the <u>Community Commercial (C-1) zone on lots/parcels of five (5) acres or more through the approval process described in Section 155.4.10.120.</u></p> | <p>Definitions were deleted. The definitions appear in the Definitions Section of 155 and do not need to be repeated here.</p> <p>Edited paragraphs new A through D edited by City Attorney to outline the correct process for application and approval of a RV Park.</p> <p>Old paragraphs F through L were deleted as the flood and drainage requirements are addressed elsewhere in Code, as are zoning requirements.</p> |

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| 155.4. 9.5 <u>10</u> .120 – Approval Process | E. — <u>Phased Development.</u> | This was moved to 155.4.10.140 to be addressed and used as approval criteria. |
| 155.4. 9.5 <u>10</u> .130 – Tentative Site Plan Submission Requirements | | No major changes. |
| 155.4. 9.5 <u>10</u> .140 – Tentative Site Plan Approval Criteria | | The added text was moved to this Section from the old 155.2.2.210 (Travel Trailer and RV Parks) and slightly edited by City Attorney to act as specific approval criteria for RV parks. Otherwise, no major changes. |
| 155.4. 9.5 <u>10</u> .150 – Variances Authorized | | No major changes. |
| 155.4. 9.5 <u>10</u> .160 – Final Site Plan Submission Reqs and Approval Criteria | | No major changes. |
| 155.4. 9.5 <u>10</u> .170 – Public Improvements | | No major changes. ❖ |
| DIVISION NO. 155.5 – EXCEPTIONS TO CODE STANDARDS | | |
| 155.5.0. <u>100</u> – Introduction to Exceptions | This Subsection provides standards and procedures for variances and non-conforming situations (i.e., existing | This entire division was extensively reworked. It was chaotic and very difficult to interpret. |

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| <p>to Code Standards 155.5.0.<u>100</u> – Introduction to Exceptions to Code Standards (Cont’d)</p> | <p>uses or development that do not comply with the Code). This code <u>Code Chapter 155</u> cannot provide standards to fit every potential development situation. The City’s varied geography and complexities of land development require flexibility. <u>Subsection Division 155.5</u> provides that flexibility while maintaining <u>ensuring that</u> the purposes and intent of the Code <u>development standards are met</u>. The variance procedures provides relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes.</p> <p><u>The purpose of a variance and this Division 155.5 shall be to prevent or to lessen such practical difficulties and unnecessary physical hardships which are inconsistent with the objectives of Chapter 155. A practical difficulty or unnecessary physical hardship may result from the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic, or other physical conditions on the site or in the immediate vicinity.</u></p> | <p>New Section numbering and Section titles more closely align with language elsewhere in 155.</p> <p>Changes made to the Introduction attempt to clarify that Variances and Nonconforming Uses and Development are two different subjects and are treated differently.</p> <p>New language comes from model development code and code used by the City of Florence in this case.</p> |
| <p>155.5.1.<u>100</u> – Variance Limitations</p> | <p>A. — Purpose</p> <p>The purpose of a variance is to provide relief when a strict application of the zoning requirements imposes unusual practical difficulties, or unnecessary physical hardships may result from the size, shape, or dimensions of a site or the location of</p> | <p>Changes made in this Section are intended to clarify what a variance does (and does not do).</p> |

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| <p>155.5.1.100 – Variance Limitations (Cont'd)</p> | <p>existing structures thereon; from geographic, topographic, or other physical conditions on the site or in the immediate vicinity; or from population densities, street locations, or traffic conditions in the immediate vicinity.</p> <p>The power to grant variances does not extend to use regulations. In other words, no variance can be granted which would have the effect of rezoning and granting a special privilege not shared by other property in the same district.</p> <p><u>A. A variance shall not be granted as a substitute for, or in lieu of, a change in zone. A variance does not apply to Use Regulations. A variance may be granted for a regulation prescribed by this Chapter 155 with respect to the following:</u></p> <p><u>1. Fences, hedges, walls, or landscaping.</u></p> | <p>Language of paragraphs C,D and E was moved here from elsewhere in this Section and slightly edited. Other added language is from Florence Code and/or model development code.</p> |
| <p><u>155.5.1.110 – Application Submission Requirements</u></p> | | <p>This language comes from the old 155.5.1.2 and has been edited to conform with other language for Application Submission Requirements. Paragraphs A through D were added for conformation and to detail additional application material. Again, much of the new language is from Florence Code and Model Development Code used by other cities.</p> |
| <p><u>155.5.1.120 – Approval Process</u></p> | <p><u>Upon receipt of a complete application for a variance, a public hearing, or hearings, shall be scheduled in accordance with the 155.5.1.120 – Approval Process provisions of a A variance application shall be a Type III Procedure (Subsection Section 155.4.1.6150) except as</u></p> | <p>Again, much of the new language is from Florence Code and Model Development Code used by other cities and added to make the process clear to all.</p> |

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| | otherwise specified in Chapter 155 (e.g. See Section 155.4.3.150 authorizing approval through the Type II process in conjunction with a land division). | |
| 155.5.1.130B -- Approval Criteria | A. The Planning Commission may recommend approval of a variance to a regulation prescribed by this Chapter 155 when, on the basis of the application, investigation and evidence submitted, the Planning Commission finds: | This language is from old 155.1.1, paragraph B. Another chaotic section, edited for clarity and conformation to other application approval criteria. Some content deleted from elsewhere in this Section was moved here for clarity. |
| 155.5.1.2 Variance Application | | This Section was moved to new 155.5.1.110 with minor edits. |
| 155.5.1.140 – Effective Date | A variance shall become effective on the City Council’s final decision or the applicant’s appeal period is resolved. | CAC recommended that Planning Commission add this language based on language in Florence Code. |
| 155.5.1.150 – Expiration | Authorization of a variance shall be void one (1) year after the date of approval of a variance application, unless a building permit has been issued and substantial construction pursuant thereto has taken place. Substantial construction shall be considered to be completion of a building foundation. The applicant may apply to the Planning Commission for an extension of one (1) year maximum duration based on compliance with the following criteria: | Ditto above. |
| 155.5.2.1100 – Procedure Purpose | Non-conformities are processed as a Type I Procedure (Subsection 155.4.1.4) with appeal to the Planning Commission as a Type II Procedure (Subsection 155.4.1.5). There were lots, structures and uses that | The entire Exceptions to Code Standards was chaotic and confusing. It has been revised for clarity and organization. |

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| 155.5.2.110 – Procedure <u>Purpose</u> (Cont'd) | <u>were lawful before the effective date of this Chapter 155, or amendment hereto, but which have become either prohibited, regulated or restricted under the new terms and conditions of this Chapter 155.</u> | This Section was changed from “Procedure” to “Purpose” so as to describe its function. Note: There should be no procedure involved. Either a use, building or lot is nonconforming or it’s not. New language explains what can be done in nonconforming situations and process for remedy, if needed. |
| 155.5.2.110 – Nonconforming Uses | If a lawful use of a structure, or of a structure and premises in combination exists at the effective date of adoption or amendment of this Section that would not be allowed in the district under the terms of this part, the lawful <u>Where a use of land exists that would not be permitted under the current Code, but was lawful at the time it was established, the</u> use may be continued so long as provided <u>it remains otherwise lawful, subject</u> <u>conforms</u> to the following provisions: | Planning Commission has attempted to separate the nonconforming types as: 1) uses, 2) buildings, and 3) lots. This is to clarify the types of nonconformities, rather than referring interchangeably to uses, lots, buildings, and developments. Revisions provide more clear and objective language. New language is from Florence and Model Development Code. |
| 155.5.2.120 – Nonconforming Buildings | <u>Section 155.5.2.120 regulates nonconforming development, which includes buildings that lawfully existed before the effective date of this Chapter 155, or amendment hereto, that could not be built under the provisions of this Code today. Examples include restrictions on lot area, lot coverage, location on a lot, setbacks, height, yard, access parking, landscaping, or other physical restriction or requirement. If the building was lawful when constructed it may remain on the site so long as it remains otherwise lawful and complies with the following:</u> | Ditto above. Note that some deleted text has been revised and reinserted elsewhere in appropriate and rearranged locations. |

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| <u>155.5.2.130</u> – Nonconforming Lots | <u>A. Any lot having an area or dimension less the minimum one (1) acre shall be designated a building site provided the following criteria are met;</u> | New language is from Florence Code and clarifies what exactly is a nonconforming lot. Also clearly stipulates the requirements to be met in order to build on smaller parcels. |
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| 155.5.2.3 Repairs and Maintenance | | This Section was moved to 155.5.5.2.120 (Nonconforming Buildings). |
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| 155.5.2.4 Non-Conforming Uses Under Conditional Use or Temporary Permits | | As current Code is written this is difficult to interpret, e.g., is the “use” a use, building, or lot. Planning Commission deleted the text because it’s not clear. Explanations for Conditional Uses and Temporary Permits are clarified elsewhere in 155. ❖ |
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| DIVISION NO. 155.6 – APPENDIX (LOT DEPTH/WIDTH, TYPE, SETBACKS, COVERAGE, AND VISION CLEARANCE AND STREET TYPES DIAGRAMS FOR R-1 ZONE) | | |
| Staff created and Planning Commission and CACs approved new diagrams to illustrate: 1) lot depth and width measurements, 2) types of lots, 3) setbacks for different types of lots, 4) lot coverage maximum, 5) street types, and 6) intersection vision clearance. Also added were clear definitions from elsewhere in 155 for all of the above. ❖ | | |