

Title VIII

ZONING

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HISTORY:

UGB zoning ordinances—CHAPTERS 15B, and 15D (*Ord. 661,4-9-85*) referred to original text of the City zoning ordinance (*Ord. 601, 8-8-78*) rather than sections of the City Code. Chapters 3A and 5A (Residential Protection Overlay and Industrial Protection Overlay) were created in 2002 to allow overlaps in zoning of residential and industrial areas.

Chapter 1

GENERAL PROVISIONS

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8.1.1 TITLE

This Ordinance shall be known as the "Zoning Title" for the City of Vale.

8.1.2 PURPOSE

The several purposes of this Title are:

- to encourage the most appropriate use of land;
- to conserve and stabilize the value of property;
- to aid in the rendering of fire and police protection;
- to provide for adequate light and air;
- to lessen congestion;
- to encourage the orderly growth of the City;
- to prevent undue concentration of population;
- to facilitate adequate provisions for community utilities and facilities such as water, sewerage and transportation; and
- in general to promote public health, safety, convenience and general welfare.

8.1.3 DEFINITIONS

As used in this Title, the masculine includes the feminine and neuter and singular includes the plural. The following words and phrases, unless the context otherwise requires, shall mean:

ACCESSORY USE: A use incidental and subordinate to the main use of the property, and which is located on the same lot with the main use. A home occupancy is an accessory use.

ALLEY: A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

APARTMENT HOUSE: See Dwelling, Multi-family.

BILLBOARD: A sign which has a surface sign space upon which advertising may be posted, painted or affixed and which is primarily designed for the rental or lease of such sign space for advertising not relating to the use of the property upon which the sign exists.

BOARDING, LODGING OR ROOMING HOUSE: A building where lodging with or without meals is provided for compensation for not less than five (5) nor more than ten (10) guests.

BUILDING: A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

CITY: City of Vale.

PLANNING COMMISSION: The City Planning Commission.

DWELLING, DUPLEX: Dwelling, two-family. A detached building containing two (2) dwelling units.

DWELLING, MULTI-FAMILY: A building containing two (2) or more dwelling units.

DWELLING, SINGLE-FAMILY: A detached building containing one dwelling unit.

DWELLING UNIT: One or more rooms designed for occupancy by one family and not having more than one cooking facility. For the purpose of this Title, a trailer house is not a dwelling unit.

FAMILY: An individual, or two (2) or more persons related by blood, marriage, legal adoption or guardianship living together in a dwelling unit which board and lodging may also be provided for not more than four (4) additional persons excluding servants; or a group of not more than five (5) persons who need not be related by blood, marriage, legal adoption or guardianship, living together in a dwelling unit.

MOTEL: A building or group of buildings on the same lot containing guests [*sic*] units with separate entrances from the building exterior and consisting of individuals [*sic*] sleeping quarters, detached or in connected rows, with or without cooking facilities, for rental to transients.

NON-CONFORMING USE: A lawful existing structure or use at the time this Title or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

PARKING SPACE: A rectangular area not less than twenty feet (20') long and eight feet (8') wide together with maneuvering and access space required for a standard American automobile to park within the rectangle.

PERSON: Every natural person, firm, partnership, association, or corporation.

PROFESSIONAL OFFICES: Offices or clinics for doctors, dentists, lawyers or architects or any office of a similar nature or impact. (*Ord. 601, 7-7-78*)

PUBLIC FACILITIES: Structures or uses owned or operated by governmental or other untaxed entities, or intended for use or occupation by, or service to, the public. (*Ord. 782A, 10-28-97*)

RESIDENTIAL FACILITY: A facility licensed by or under the authority of the Department of Human Resources under Oregon Revised Statutes 443.400 to 443.460 which provided residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

RESIDENTIAL HOME: A home licensed by or under the authority of the Department of Human Resources under Oregon Revised Statutes 443.400 to 443.825 which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. (*Ord. 704, 6-26-90*)

SCREENING: See Fence, Sight Obscuring.

SIGN: A presentation or representation, other than a house number, which by words, letters, figures, designs, pictures, or colors publicly displayed, give notice relative to a person, a business, an article or merchandise, a service, an assemblage, a solicitation, or a request for aid or other type of advertising. This includes the surface upon which the presentation or representation is displayed. Each display surface of a sign shall be considered to be the sign.

STORY: That portion of a building included between the upper surface of any floor and upper surface of the floor next above, except that the top story shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet (6') above grade, such basement or cellar shall be considered a story.

STREET: The entire width between the boundary lines of every way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms "road," "highway," "lane," "place," "avenue," "alley," or other similar designation.

STRUCTURE: That which is built or constructed. An edifice or building of any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

STRUCTURAL ALTERATION: A change to the supporting members of a structure, including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders, or the roof.

TRAILER HOUSE OR MOBILE HOME: A building or vehicle originally designed or presently constructed to be used as a dwelling or lodging place and to be movable from place to place over streets.

TRAILER PARK: A plot of ground upon which two (2) or more trailer houses occupied for dwelling or sleeping purposes is located, regardless of whether a charge is made for such accommodation.

USE: The purpose for which land or a structure is designed, arranged, or intended, or for which it is occupied or maintained.

VISION CLEARANCE AREA: A triangular area on a lot at the intersection of two (2) streets or a street and a railroad, two (2) sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot joining the ends of the other two (2) sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to the point of the intersection.

YARD: An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Title.

YARD, FRONT: A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the building.

YARD, REAR: A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the main building.

YARD, SIDE: A yard between the front and rear yards and measured horizontally and at right angles to the side lot line from the side lot line to the nearest point of the building.

8.1.4 COMPLIANCE WITH PROVISIONS OF THE ZONING TITLE

No structure or premises shall hereafter be used or occupied, and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of this Title.

8.1.5 CLASSIFICATION OF ZONES

For the purposes of this Title, the City is divided into zones designated as follows:

<i>Zone</i>	<i>Abbreviated Designation</i>
Residential	R1
Residential/Professional Offices	R2
General Commercial	C
Industrial	I

8.1.6 ZONING MAP

- (A) The location and boundaries of the zones designated in Section 8-1-5 are hereby established as shown on the map entitled "Zoning Map of the City of Vale, Oregon". The effective date of zoning is the date shown on the Zoning Map. The Map shall be signed by the City Manager. The Map shall hereafter be referred to as the Zoning Map.
- (B) The signed copy of the Zoning Map shall be maintained without change on file in the office of the City Manager and is hereby made a part of this Title. *(Ord. 601, 7-7-78; amended by Ord. 832, 3-11-2003)*

8.1.7 COMPREHENSIVE PLAN ADOPTED

The 2003 Comprehensive Plan for the City is hereby adopted. *(Ord. 834, 6-24-2003)*

8.1.8 PROPOSALS TO AMEND OR ADOPT LAND USE REGULATIONS

A proposal to amend the Comprehensive Plan or a land use regulation, or to adopt a new land use regulation, shall be forwarded to the Director of the Oregon Department of Land Conservation and Development (DLCD) at least forty five (45) days before the final City Council hearing on adoption. The proposal submitted shall contain four (4) copies of the text and any supplemental information the City Council believes is necessary to inform the Director of DLCD as to the effect of the proposal and shall indicate the date of the final hearing on adoption by the City Council.

8.1.9 NOTICE OF AMENDMENT OR NEW REGULATION

Upon any amendment to the Comprehensive Plan or a land use regulation, or any adoption of a new land use regulation, the City Council shall forward to the Director of the Oregon Department of Land Conservation

and Development a copy of the adopted text of the Comprehensive Plan provision or land use regulation together with the findings adopted by the City Council. The text and findings shall be mailed or otherwise submitted not later than five (5) working days after the final decision by the City Council. If the proposed amendment or new regulation that the Director received under Section 8.1.8 has been substantially amended, the City Council shall specify the changes that have been made in the notice provided to the Director.

8.1.10 FINAL ACTION ON APPLICATION FOR PERMIT OR ZONE CHANGE

- (A) In accordance with ORS 227.178, except as provided in subsection (C) of this Section, the City shall take final action upon an application for a permit or zone change, within one hundred twenty (120) days after the application is deemed complete.
- (B) In accordance with ORS 227.178, if an application for a permit or a zone change is incomplete, the City Council or its designate shall notify the applicant of what information is missing within thirty (30) days of receipt of information. The application shall be deemed complete for the purposes of subsection (A) of this Section upon receipt by the City Council or its designate of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete for the purpose of subsection (A) of this Section on the thirty first day after the City first received the application.
- (C) In accordance with ORS 227.178, the one hundred twenty (120) day period specified in subsection (A) hereof may be extended for a reasonable period of time at the request of the applicant. Subsection (A) shall not apply to decisions not wholly within the authority and control of the City Council, nor to an amendment to the Comprehensive Plan or a land use regulation which has been acknowledged or to the adoption of a new land use regulation that was forwarded to the Director of the Department of Land Conservation and Development under ORS 197.610(1).
(Ord. 704, 6-26-90)

Chapter 2

RESIDENTIAL ZONE R1

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8.2.1 USES PERMITTED OUTRIGHT

In an R1 Zone the following uses and their accessory uses are permitted outright:

- (A) Single-family dwellings.
- (B) Residential homes.
- (C) Double wide mobile homes.
- (D) Duplexes. (*Ord. 704, 6-26-90*)

8.2.2 CONDITIONAL USES PERMITTED

In an R1 Zone the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Sections 8.9.1 to 8.9.6.

- (A) Golf course and other open land recreational use but excluding intensive commercial amusement use such as "pitch and putt" golf course, driving range, automobile racetrack, or amusement park.
- (B) Community building.
- (C) Radio or television transmitter or tower.
- (D) Utility lines, station or substation.
- (E) Multi-family dwellings of more than two (2) dwelling units.
- (F) Residential facilities (*Ord. 704, 6-26-90*)
- (G) Boarding, lodging or rooming house.

- (H) Single wide mobile homes.
- (I) Public facilities or a residentially compatible character for which because of the temporary nature of use re-zoning to PF-RESIDENTIAL is not appropriate. *(amended by Ord. 782A, 10-28-97)*

8.2.3 SIGNS

In an R1 Zone the following signs are permitted:

- (A) One nonilluminated name plate or sign not exceeding one and one-half (1.5) square feet in area for each dwelling.
- (B) One nonilluminated sign pertaining to the lease, rental, or sale of the property and not exceeding eight (8) square feet in area.
- (C) One sign per tract of land or subdivision advertising the sale of the property. Such sign shall not exceed eighty (80) square feet in area, and shall be removed one year from the date of construction. The Commission may grant an extension of time not to exceed one year. *(Ord. 601, 8-8-78)*
- (D) Signs for conditional uses in accordance with Section 8-9-6. *(Ord. 647, 10-25-83)*
- (E) One sign per boarding, lodging or rooming house and not exceeding eight (8) square feet in area.

8.2.4 LOT SIZE

In an R1 Zone the minimum lot size shall be as follows:

- (A) The minimum lot area shall be seven thousand fifty (7,050) square feet.
- (B) The minimum lot width at the front of the building line shall be seventy five feet (75’).
- (C) The minimum lot depth shall be ninety four feet (94’).
- (D) The minimum lot area for a two-family dwelling shall be seven thousand fifty (7,050) square feet. The minimum lot area for any multi-family dwelling allowed as a conditional use shall be related to the number of bedrooms in each dwelling unit as prescribed in the following table:

	<i>Square Feet of Lot Area to be Added for Each Dwelling Unit Over Two</i>
Studio or Efficiency	750 square feet
1 bedroom	1000 square feet
2 bedroom	1500 square feet
3 bedroom	2250 square feet
4 bedroom	2500 square feet

8.2.5 SETBACK REQUIREMENTS

Except as provided in Sections 8.7.1 and 8.7.6, in an R1 Zone the yards shall be as follows:

- (A) The front yard shall be a minimum of twenty feet (20’).
- (B) Each side yard shall be a minimum of five feet (5’) from outside of overhang, each with at least ten feet (10’) between building overhangs.
- (C) The rear yard shall be a minimum of twenty feet (20’).

8.2.6 HEIGHT OF BUILDINGS

In an R Zone no building shall exceed a height of thirty five feet (35') measured from the grade.

8.2.7 LOT COVERAGE

In an R1 Zone buildings and paved areas shall not occupy more than eighty percent (80%) of the lot area.
(Ord. 601, 8-8-78)

Chapter 3

RESIDENTIAL/PROFESSIONAL OFFICE R2

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8.3.1 USES PERMITTED OUTRIGHT

In an R2 Zone the following uses are permitted outright:

- (A) Single family dwellings.
- (B) Duplexes.
- (C) Double wide mobile homes.
- (D) Professional offices.
- (E) Churches.

8.3.2 CONDITIONAL USES PERMITTED

In an R2 Zone the following uses and their accessory uses are permitted when authorized in accordance with Sections 8.9.1 to 8.9.6:

- (A) All uses listed under Section 8.2.2 of this Title as conditional uses permitted in an R1 Zone.

8.3.3 SIGNS

In an R2 Zone, provisions of Section 8.2.3 of this Title apply.

8.3.4 LOT SIZE

In an R2 Zone, provisions of Section 8.2.4 of this Title, relative to coverage, apply.

8.3.5 SETBACK REQUIREMENTS

In an R2 Zone, provisions of Section 8.2.5 of this Title, relative to setbacks, apply. Provisions of Section 8.2.7, relating to lot coverage, also apply in an R2 Zone. (*Ord. 601, 8-8-78*)

Chapter 3A

RESIDENTIAL PROTECTION OVERLAY

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8.3A.1 PURPOSE; CRITERIA

The purpose of a Residential Protection Overlay (RPO) Zone is to provide for the continuation of established residential use in selected Industrially zoned (I) areas. In determining whether to establish an RPO zone within an existing Industrial zone, the City shall consider the following:

- (A) The number of residences within the proposed RPO zone prior to January 1, 1995;
- (B) The economic hardships, if any, experienced by existing residential owners as a result of restrictions imposed by the Industrial zone designation;
- (C) The economic hardships that would be experienced by nonresidential owners within the Industrial zone resulting from the creation of an RPO zone as an overlay zone; and
- (D) Whether the creation of an RPO zone would impede the orderly development of Industrial uses within the area. *(amended by Ord. 830, 8-27-2002)*

8.3A.2 PERMITTED USES

Uses allowed as permitted uses in Sections 8.2.1 and 8.3.1 are also permitted in an RPO zone, but only to the extent that those uses existed prior to January 1, 1995. Industrial uses identified in 8.5.1 as permitted uses shall continue to be permitted uses. *(amended by Ord. 830, 8-27-2002)*

8.3A.3 CONDITIONAL USES

Those uses conditionally permitted under the provisions of 8.2.2 and 8.3.2 (R-1 and R-2 conditional uses) are allowed as conditional uses, but only to the extent that those uses existed prior to the establishment of

the Industrial zone in the area. However, those uses otherwise conditionally permitted under the provisions of 8.5.2 are explicitly prohibited in an RPO zone.

8.3A.4 STANDARDS

Signs, lot sizes, setback and other requirements will conform to those standards applicable to the specifications in Sections 8.2 and 8.3 (R-1 and R-2 Residential) and 8.5 (Industrial) respectively.

8.3A.5 RESIDENTIAL CONSTRUCTION

No new construction shall be permitted on residential structures within an RPO zone, if the effect of the construction is to substantially expand the residential use of the property. Residential buildings which are damaged or destroyed, in whole or in part, may be rebuilt within 24 months, so long as they conform to the uses existing prior to the damage or destruction. A rebuilt residential building shall have a square footage no greater than that of the structure it replaces, or more storeys, except upon the granting of a variance upon a showing of hardship.

8.3A.6 RECONSIDERATION

After due notice and hearing, the City may from time to time review and rescind any RPO zone designation if the City determines that the criteria for establishing an RPO zone set forth in 8.3A.1 are no longer being met. (*Ord. 825, 1-29-2002*)

Chapter 4

COMMERCIAL ZONE C

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8.4.1 USES PERMITTED

In a C Zone, the following uses and their accessory uses are permitted:

- A use permitted outright or as a conditional use in an R Zone except public facilities pursuant to 8.17.2.
- Amusement enterprise, including pool hall, bowling, dancing hall and skating rink.
- Auditorium, exhibition hall, or other public assembly room except public facilities of a commercially compatible character pursuant to Sec. 8.17.3.
- Automobile service station.
- Automobile laundry.
- Automobile, truck, boat or trailer sales, rental, service, parts and repair.
- Bakery.
- Bank, loan company, or similar financial institution.
- Barber shop.
- Beauty shop.
- Bicycle shop.
- Blueprinting, photostating, or other reproduction.
- Book or stationery store, or newsstand.
- Bookbindery.
- Building supply.
- Bus station.

- Business machines, retail and service.
- Cabinet, carpenter or woodworking shop.
- Catering establishment.
- Clinic, except animal clinic.
- Clothes cleaning or laundry agency.
- Clothing store or tailor shop.
- Club, lodge, union or fraternal organization except public facilities of a commercially compatible character pursuant to Sec. 8.17.3.
- Cocktail lounge or tavern.
- Confectionery store, including soda fountain.
- Curtain or drapery shop.
- Dancing school or music studio.
- Day nursery.
- Delicatessen.
- Drug store, pharmacy.
- Dry cleaning or pressing, except those using highly volatile or combustible materials or using high pressure steam tanks or boilers.
- Dry goods, millinery or dress shop.
- Electrical supply store.
- Feed and seed store.
- Florist shop.
- Floor covering sales and service.
- Food store.
- Freight depot.
- Frozen food lockers, retail only.
- Furniture store.
- Garden store.
- Gift, hobby or art shop.
- Grocery store.
- Hardware store.
- Health studio, physical therapist, reducing salon.
- Hotel or motel.
- Ice or cold storage plant.
- Jewelry store, including repairing.

- Laboratory for research or testing.
- Laundry, dry cleaning, or dyeing establishment.
- Leather goods sales, including harness and saddle shop.
- Locksmith.
- Machinery or equipment sales, service or storage.
- Magazine or newspaper distribution agency.
- Meat market, retail only.
- Mortuary, undertaking or funeral parlor.
- Newspaper publishing.
- Notions.
- Office, business or professional.
- Office supplies.
- Paint store, including related contractor shop.
- Parking lot or parking garage except public facilities of a commercially compatible character pursuant to Sec. 8.17.3.
- Pet shop.
- Plumbing, heating, electrical, or paint contractor sales, repair or storage.
- Printing plant.
- Radio or television sales and service.
- Restaurant or hotel supply.
- Restaurant or tearoom.
- Retail store.
- Scientific or professional instrument sale or repair.
- Secondhand store.
- Self-service laundry.
- Shoe store or shoe repair shop.
- Storage building for household goods.
- Studio; art, music or photography.
- Taxidermy shop.
- Telephone or telegraph exchange.
- Theater, except drive-in theater.
- Trailer park.
- Upholstery shop.
- Welding, sheet metal, or machine shop.
- Wholesale distribution or outlet, including warehousing and storage.
- Wholesale office or showroom with merchandise on the premises limited to small items and samples.
(amended by Ord. 782A, 10-28-97)

8.4.2 SIGNS

In a C Zone, signs located within one hundred feet (100') of a residential zone shall be set back at least ten feet (10') from the lot in a residential zone, shall not be moving or intermittent flashing, and shall not exceed an area of twenty five (25) square feet on each side.

8.4.3 SETBACK REQUIREMENTS

Except as provided in Sections 8.7.2 and 8.7.7, in a C Zone, the yards shall be as follows:

- (A) The side yard shall be a minimum of ten feet (10') between building overhangs where abutting a residential zone.
- (B) The rear yard shall be a minimum of twenty feet (20') where abutting a residential zone. (*Ord. 601, 8-8-78*)

Chapter 5

INDUSTRIAL ZONE I

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8.5.1 USES PERMITTED

In an I Zone, the following uses and their accessory uses are permitted:

- (A) Warehousing and storage, excluding storage of hazardous products.
- (B) Wholesale distribution and sales outlet.
- (C) Service stations.
- (D) Railroad facilities.
- (E) Manufacturing, repairing, fabricating, processing or packaging.
- (F) Utility facilities necessary for public services, excluding waste disposal facilities and public facilities of an industrially compatible character pursuant to Sec. 8.17.4 (*amended by Ord. 782A, 10-28-97*)
- (G) A dwelling for caretaker or night watchman on the property.
- (H) Geothermal development.
- (I) Freight depots.

8.5.2 CONDITIONAL USES

In an I Zone, the following uses are permitted as conditional uses when authorized in accordance with Section 8.9.1 to 8.9.6 of this Title:

- (A) Junkyards or automobile wrecking yards.

- (B) Animal slaughterhouses.
- (C) Rendering plants.
- (D) Any uses that may possess characteristics injurious to health and safety due to emissions of smoke, dust, odor, fumes, refuse, noise or other effluents.

8.5.3 SITE PLAN REVIEW

Site plans for all permitted and conditional uses as delineated in Sections 8.5.1 and 8.5.2 must be submitted to the Planning Commission for review. Construction and development of the site shall be in substantial conformance to the plans approved by the Planning Commission.

8.5.4 LIMITATIONS ON USE

In an I Zone, the following conditions and limitations shall apply:

- (A) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (B) Points of access from a public street to properties in an I Zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.
- (C) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land uses in the residential zones.

8.5.5 SIGNS

In an I Zone, signs located within one hundred feet (100') of a residential zone shall comply with Section 8.2.3 of this Title.

8.5.6 SETBACK REQUIREMENTS

Except as provided in Sections 8.7.2 and 8.7.7 of this Title, in an I Zone the yards shall be as follows:

- (A) The side yard shall be a minimum of ten feet (10') between building overhangs.
- (B) The rear yard shall be a minimum of twenty feet (20').

8.5.7 COMPLIANCE WITH STATE REGULATIONS

All uses involving manufacturing, repair, storage or processing shall meet all applicable standards and regulations of the State Board of Health, Department of Environmental Quality, and any other public agency having appropriate regulatory jurisdiction. (*Ord. 647, 1 0-25-83*)

Chapter 5A

INDUSTRIAL PROTECTION OVERLAY

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8.5A.1 PURPOSE; CRITERIA

The purpose of a Industrial Protection Overlay (IPO) Zone is to provide for the continuation of established industrial uses in selected R-1 and R-2 zoned areas. In determining whether to establish an IPO zone within an existing R-1 or R-2 zone, the City shall consider the following:

- (A) The number of industrial uses within the proposed IPO zone prior to January 1, 1995;
- (B) The economic hardships, if any, experienced by existing industrial owners as a result of restrictions imposed by the Residential zone designation;
- (C) The economic hardships that would be experienced by nonindustrial owners within the Residential zone resulting from the creation of an IPO zone as an overlay zone; and
- (D) Whether the creation of an IPO zone would impede the orderly development of residential uses within the area. *(amended by Ord. 831, 8-27-2002)*

8.5A.2 PERMITTED USES

Uses identified as permitted uses in 8.5.1 are also permitted in an IPO zone, but only to the extent that those uses existed prior to January 1, 1995. Residential uses identified in 8.2.1 and 8.3.1 shall continue to be permitted uses. *(amended by Ord. 831, 8-27-2002)*

8.5A.3 CONDITIONAL USES

No conditional uses identified in 8.5.2 are allowed as conditional uses in an IPO Zone. Residential conditional uses identified in 8.2.2 and 8.3.2 (R-1 and R-2 conditional uses) shall continue to be allowed as conditional uses.

8.5A.4 STANDARDS

Signs, lot sizes, setback and other requirements will conform to those standards applicable to the specifications in Sections 8.2.2 and 8.3.2 (R-1 and R-2) and 8.5 (Industrial) respectively.

8.5A.5 INDUSTRIAL CONSTRUCTION

No new construction shall be permitted on industrial structures within an IPO zone, if the effect of the construction is to substantially expand the industrial use of the property. Industrial buildings which are damaged or destroyed, in whole or in part, may be rebuilt within 24 months, so long as they conform to the uses existing prior to the damage or destruction. A rebuilt industrial building shall have a square footage no greater than that of the structure it replaces, or more storeys, except upon the granting of a variance upon a showing of hardship.

8.5A.6 RECONSIDERATION

After due notice and hearing, the City may from time to time review and rescind any IPO zone designation if the City determines that the criteria for establishing an IPO zone set forth in 8.5A.1 are no longer being met. (*Ord. 824, 1-29-2002*)

Chapter 6

OFF-STREET PARKING AND LOADING

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8.6.1 OFF-STREET PARKING

At the time of erection of a new structure within any zone in the City, or at the time of an enlargement or change in use of an existing structure within the C and I Zones, off-street parking spaces shall be provided in accordance with the requirements of this Section unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if elimination would result in less than is required by this Section.

Where square feet are specified, the area measured shall be the gross floor area primary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

USE	STANDARD
<i>Residential</i>	
One-family dwelling	One space per dwelling unit
Multi-family dwelling	Three spaces per two dwelling units
Boarding, lodging, or rooming house	Spaces equal to 80 percent of the number of guest accommodations plus one additional space for the owner or manager.
<i>Commercial/Residential</i>	
Commercial/Residential	One space per two guest rooms plus one space per two employees
Motel	One space per guest room or suite plus one additional space for the owner or manager.
Club; lodge	Spaces to meet the combined requirements of the uses being conducted such as a hotel, restaurant, auditorium, etc.

<i>Institutional</i>	
Convalescent hospital, nursing home, sanitarium, rest home, home for the aged	One space per two beds for patients or residents
Hospital	Spaces equal to 1.5 times the number of beds.
<i>Places of Public Assembly</i>	
Church	One space per four seats or eight feet of bench length in the main auditorium.
Library; reading room	One space per 400 square feet of floor area plus one space per two employees
Nursery; primary <i>[school]</i>	Two spaces per teacher
Elementary or junior high school	One space per classroom plus one space per administrative employee or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.
High school	One space per classroom plus one space per administrative employee plus one space for six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater.
College; commercial school for adults	One space per five seats in classrooms
Other auditorium; meeting room	One space per four seats or eight feet of bench length
<i>Commercial Amusement</i>	
Arena; theater	One space per four seats or eight feet of bench length
Bowling alley	Five spaces per alley plus one space per two employees
Dance hall; skating rink	One space per 100 square feet of floor area plus one space per two employees
<i>Commercial</i>	
Retail store except as provided in following paragraph	One space per 200 square feet of floor area
Service or repair, retail store handling exclusively bulky merchandise such as automobiles and furniture	One space per 600 square feet of floor area
Bank; office (except medical or dental)	One space per 600 square feet plus one space per two employees
Medical and dental clinic	One space per 300 square feet of floor area plus one space per two employees
Eating and drinking establishment	One space per 200 square feet of floor area
Mortuaries	One space per four seats or eight feet of bench length in chapels
<i>Industrial</i>	
Storage warehouse; manufacturing establishment; rail or trucking freight terminal	One space per employee
Wholesale establishment	One space per employee plus one space per 600 square feet of patron serving area

8.6.2 OFF-STREET LOADING

- (A) *Passengers.* A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than twenty five (25) students.
- (B) *Merchandise, Materials or Supplies.* Buildings or structures to be built or substantially altered which receive and distribute material or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use. Off-street parking areas used to fulfill the requirements of this Chapter shall not be used for loading and unloading operations except during the periods of the day when not required to take care of parking needs.

8.6.3 GENERAL PROVISIONS—OFF-STREET PARKING AND LOADING

- (A) The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this Chapter. Use of property in violation hereof shall be a violation of this Chapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this Chapter to begin or maintain which altered use until the required increase in off-street parking or loading is provided.
- (B) Requirements for types of buildings and uses not specifically listed herein shall be determined by the Commission, based upon the requirements of comparable uses listed.
- (C) In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of the several uses computed separately.
- (D) Owners of two (2) or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Building Official in the form of deeds, leases, or contracts to establish the joint use.
- (E) Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not farther than five hundred feet (500') from the building or use they are required to serve, measured in a straight line from the building.
- (F) Required parking space shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
- (G) Unless otherwise provided, required parking and loading spaces shall not be located in a required yard.
- (H) Plans shall be submitted as provided in Section 8.12.3 of this Title.
- (I) *Design Requirements for Parking Lots:*

- (1) Areas used for standing and maneuvering of vehicles shall have a durable and dustless surface maintained adequately for all-weather use and so drained as to avoid flow of water across public sidewalks.
 - (2) Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize the disturbance of residents by the erection between the uses of a sight obscuring fence of not less than five feet (5') nor more than six feet (6') in height except where vision clearance is required.
 - (3) Parking spaces along the outer boundaries of a parking lot shall be contained by a curb at least four inches (4") high and set back a minimum of four and one-half feet (4.5') from the property line or by a bumper rail.
 - (4) Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.
 - (5) Access aisles shall be of sufficient width for all vehicles turning and maneuvering.
 - (6) Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.
 - (7) Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provided maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.
 - (8) Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points twenty feet (20') from the intersection .
 - (9) Lighting of the parking area shall be deflected from a residential zone.
- (J) Completion Time for Parking Lots. Required parking spaces shall be improved and available for use by the time the use served by the parking is ready for occupancy. An extension of time may be granted by the Building Official providing a performance bond, or its equivalent, is posted equaling the cost to complete the improvement as established by the Building Official. In the event the improvements are not completed within one year's time, the bond or its equivalent shall be forfeited and the improvements thenceforth constructed under the direction of the City. (*Ord. 601, 8-8-78*)

Chapter 7

SUPPLEMENTARY PROVISIONS

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8.7.1 ZONE BOUNDARIES

Unless otherwise specified, zone boundaries are property lines, the center line of street, alleys and railroad right of way, or such lines extended. Where a zone boundary divides a land parcel under a single ownership into two (2) zones, the entire parcel shall be placed in the zone that accounts for the greater area of the lot by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than ten feet (10'). If the adjustment involves a distance of more than twenty feet (20'), the procedure for a zone change shall be followed.

8.7.2 GENERAL PROVISIONS REGARDING ACCESSORY USES

Accessory uses shall comply with all requirements for the principal use except where specifically modified by this Title and shall comply with the following limitations:

- (A) Fences, which may be located within yards, shall not exceed three feet (3') from the grade of the street center line in the front yard and shall not conflict with requirements of a vision clearance area.

- (B) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.
- (C) A guest house may be maintained accessory to a dwelling provided there are no cooking facilities in the guest house.
- (D) Regardless of the side yard requirements of the zone, in a residential zone a side or rear yard may be reduced to three feet (3') for an accessory structure erected more than sixty five feet (65') from a street other than an alley, provided the structure is detached from other buildings by five feet (5') or more and does not exceed a height of one story nor an area of four hundred fifty (450) square feet.

8.7.3 AUTHORIZATION OF SIMILAR USES

The Commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this Section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

8.7.4 PROJECTIONS FROM BUILDINGS

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than two feet (2') into a required yard or into required open space as established by coverage standards.

8.7.5 MAINTENANCE OF MINIMUM REQUIREMENTS OF THE ZONING TITLE

No lot area, yard or other open space, or required off-street parking-loading area existing on or after the effective date of this Title shall be reduced in area, dimension, or size below the minimum required by this Title, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this Title for one use be used as the lot area, yard, or other open space or off-street parking or loading area requirement for any other use.

8.7.6 GENERAL EXCEPTION TO LOT SIZE REQUIREMENTS

If, at the time of passage of this Title, a lot, or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to single-family residence.

8.7.7 EXCEPTION TO YARD REQUIREMENTS

- (A) Subject to the requirements of subsection (B) of this Section, in the case of dwellings, the following exception to the front yard requirement is authorized for a lot in any zone: If there are dwellings on both abutting lots with front yards of less than the required depth for the zone, the front yard for the lot need not exceed the average front yard of the abutting dwellings. If there is a dwelling on one abutting lot with a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth one-half ($\frac{1}{2}$) way between the depth of the abutting lot and the required front yard depth.

- (B) To permit or afford better light, air and vision on more heavily traveled streets and on streets of substandard width; to protect arterial streets; and to have the location of structures compatible with the need for the eventual widening of streets, a yard shall be provided abutting the streets and portions of streets hereinafter named which shall be greater than the required yard dimension specified in the zone by the number of feet set forth in the right-hand column, measured at right angles to the center line of the street, and, unless otherwise specified, measured from the center line of the street as constructed and improved with a hard surface pavement, or where not paved, from the center line of general extension thereof of the street right of way.

<i>Street or Portion of Street</i>	<i>Setback</i>
All streets less than 60' in width except those specifically listed below	30 feet

8.7.8 GENERAL EXCEPTION TO BUILDING HEIGHT LIMITATIONS

The following types of structures or structural parts are not subject to the building height limitations of this Title: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors, and other similar projections.

8.7.9 ACCESS

All lots shall abut a street other than an alley for a width of at least twenty five feet (25').

8.7.10 VISION CLEARANCE

The vision clearance area shall contain no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet (2.5') in height measured from the grade of the street center line. Vision clearance areas shall be provided. In a residential zone at an intersection including an alley, the minimum distance shall be thirty feet (30'). (*Ord. 601, 8-8-78*)

8.7.11 [EMPTY]

8.7.12 PURPOSE

This Ballot Measure 37 Property Compensation Ordinance is intended to implement the provisions added to Chapter 197 of Oregon Revised Statutes by Ballot Measure 37 (November 2, 2004). These provisions establish a prompt, open, thorough and consistent process that enables property owners an adequate and fair opportunity to present their claims to the city; preserves and protects limited public funds; and establishes a record of the city's decision capable of circuit court review. (*Ord. 847, 3-14-2006*)

8.7.13 DEFINITIONS

As used in this Ordinance, the following words and phrases mean:

City Manager. The City Manager of the City of Vale, or his or her designee.

Claim. A claim filed under Ballot Measure 37.

Exempt Land Use Regulation. A land use regulation that:

- (a) Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
- (b) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
- (c) Is required in order to comply with federal law;
- (d) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
- (e) Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.

Family Member. Includes the wife, husband, son, daughter, mother, father, brother, brother_in_law, sister, sister_in_law, son_in_law, daughter_in_law, mother_in_law, father_in_law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.

Land Use Regulation. Includes:

- (a) Any statute regulating the use of land or any interest therein;
- (b) Administrative rules and goals of the Land Conservation and Development Commission;
- (c) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
- (d) Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
- (e) Statutes and administrative rules regulating farming and forest practices.

Owner. The present owner of the property, or any interest therein.

Valid Claim. A claim submitted by the owner of real property that is subject to a land use regulation adopted or enforced by the city that restricts the use of the private real property in a manner that reduces the fair market value of the real property. (*Ord. 847, 3-14-2006*)

8.7.14 CLAIM FILING PROCEDURES

- (1) A person seeking to file a claim under this ordinance must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the city manager's office, or another city office if so designated by the city manager.
- (2) A claim shall include:
 - (a) The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;
 - (b) The address, tax lot, and legal description of the real property that is the subject of the claim, together with a title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation reflecting sole ownership of the property by the claimant, and the date the property was acquired;
 - (c) The current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;

- (d) The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon; and
 - (e) Copies of any leases or Covenants, Conditions and Restrictions (“CCR’s) applicable to the real property, if any, that impose restrictions on the use of the property.
- (3) Notwithstanding a claimant’s failure to provide all of the information required by subsection (2) of this section, the city may review and act on a claim. (*Ord. 847, 3-14-2006*)

8.7.15 CITY MANAGER INVESTIGATION AND RECOMMENDATION

- (1) Following an investigation of a claim, the city manager shall forward a recommendation to the city council that the claim be:
- (a) Denied;
 - (b) Investigated further;
 - (c) Declared valid, and waive or modify the land use regulation, or compensate the claimant upon completion of an appraisal; or
 - (d) Evaluated with the expectation of the city acquiring the property by condemnation.
- (2) If the city manager’s recommendation is that a claim be denied, and no elected official informs the city manager within 14 days that the official disagrees, then the city manager may deny the claim. If an elected official objects, then the city manager shall wait an additional seven days to see whether two more elected officials object to the proposed denial. If they do, then the city manager shall schedule a work session with the city council. If not, the city manager may deny the claim. (*Ord. 847, 3-14-2006*)

8.7.16 CITY COUNCIL PUBLIC HEARING

The City Council shall conduct a public hearing before taking final action on a recommendation from the City Manager. Notice of the public hearing shall be provided to the claimant, to owners and occupants of property within 300 feet of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the City Council whose boundaries include the subject property. (*Ord. 847, 3-14-2006*)

8.7.17 CITY COUNCIL ACTION ON CLAIM

- (1) Upon conclusion of the public hearing, and prior to the expiration of 180 days from the date the claim was filed, the City Council shall:
- (a) Determine that the claim does not meet the requirements of Measure 37 and this Ordinance, and deny the claim; or
 - (b) Adopt a Resolution with findings therein that supports a determination that the claim is valid and either direct that the claimant be compensated in an amount set forth in the Resolution for the reduction in value of the property, or remove, modify or direct that the challenged land use regulation not be applied to the property.
- (2) The City Council’s decision to waive or modify a land use regulation or to compensate the owner shall be based on whether the public interest would be better served by compensating the owner or by removing or modifying the challenged land use regulation with respect to the subject property. (*Ord. 847, 3-14-2006*)

Chapter 8

NONCONFORMING USES AND STRUCTURES

Sections

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8.8.1 CONTINUATION OF NONCONFORMING USE OF STRUCTURE

Subject to the provisions of Sections 8.7.10 to 8.8.5 of this Title, a nonconforming structure or use may be continued and maintained in reasonable repair but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure which was arranged or designed for the nonconforming use at the time of passage of this Title is permitted.

8.8.2 NONCONFORMING STRUCTURE

Except for signs, a structure conforming as to use but nonconforming as to height, setback, or coverage may be altered or extended providing the alteration or extension does not exceed the height, setback or coverage requirements of this Title. A nonconforming sign shall not be altered or extended except to make it comply with the requirements of this Title.

8.8.3 DISCONTINUANCE OF A NONCONFORMING USE

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone and, after change, it shall not be changed back to the nonconforming use.

8.8.4 CHANGE OF A NONCONFORMING USE

If a nonconforming use is changed, it shall be changed to a use conforming to the regulations of the zone and, after change, it shall not be changed back to the nonconforming use.

8.8.5 DESTRUCTION OF A NONCONFORMING USE

If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding eighty percent (80%) of the value of the structure, a replacement structure or use on the property shall comply with the provisions for a conforming use in the zone. The value of the structure for purposes of this Section shall be determined by establishment of its replacement cost using current values for labor and materials.

8.8.6 COMPLETION OF STRUCTURE

Nothing contained in this Chapter shall require any change in the plans, construction, alteration, or designed use of a building for which construction work has commenced prior to the adoption of this Title. (*Ord. 601, 8-8-78*)

Chapter 9

CONDITIONAL USES

Sections

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8.9.1 AUTHORIZATION TO GRANT OR DENY CONDITIONAL USES

Uses designated in this Title as conditional uses may be permitted, enlarged, or otherwise altered upon authorization by the Commission in accordance with the standards and procedures set forth in Sections 8.9.1 to 8.9.6 of this Chapter.

Conditional uses are those which may be appropriate, desirable, convenient or necessary in the districts in which they are allowed but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed.

In permitting a conditional use or modification of an existing conditional use, the City may impose, in addition to those standards and requirements expressly specified by this Title, the following additional conditions which the City considers necessary to protect the best interests of the surrounding property or the City as a whole. These conditions include increasing the required lot size or yard dimensions, limiting the height of buildings, controlling the location and number of vehicle access points, increasing the street width, increasing the number of off-street parking and loading spaces required, limiting the size, number and location of signs, requiring screening landscaping to protect adjacent property, controlling noise, smoke, odor, dust or gas and other conditions consistent with the intent of the particular zone in which a conditional use is allowed.

In the case of a use existing prior to the effective date of this Title and which is classified in this Title as a conditional use, any change in use or in lot area or any alteration of the structure shall conform to the requirements dealing with conditional uses. *(Ord. 601, 8-8-78)*

The City shall not require conditions which would have the effect, either of themselves or cumulatively, of discouraging or denying the needed housing through unreasonable cost or delay. Therefore, multiple-family housing shall be subject to the development standards in Chapters 2 and 3 of this Title or other applicable sections of this Title, but shall not be subject to any increase in required lot size or yard dimensions, limiting height of buildings, increasing street width, increasing the number of off-street parking and loading spaces, and screening landscaping required pursuant to this Title. *(Ord. 667, 9-10-85)*

8.9.2 APPLICATION FOR A CONDITIONAL USE

A property owner or his authorized agent may INITIATE a request for a conditional use or the modification of any existing conditional use by filing an application with the City Manager using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and names and addresses of property owners within one hundred feet (100'). The Commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties. The application shall be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) for the cost of each registered letter required to be sent to affected landowners. This fee is subject to revision by resolution of the City Council from time to time. (*Ord. 783, 3-24-98; amended by Ord. 832, 3-11-2003*)

8.9.3 PUBLIC HEARING ON A CONDITIONAL USE

Before the Commission may act on a request for a conditional use, it shall hold a public hearing. The hearing shall be held within forty (40) days after the application for the conditional use is filed. The City Manager shall give notice of the hearing in the following manner:

- (A) Notice of the hearing shall be published in the official newspaper of the City not less than eight (8) days nor more than twenty (20) days prior to the date of the hearing.
- (B) Not less than twenty (20) days (*Ord. 712, 9-8-92*) prior to the date of the hearing, notices shall be sent by registered mail, or by personal service, to all property owners within the area enclosed by lines parallel to and one hundred feet (100') from the exterior boundaries of the property involved. The names and addresses of property owners shall be those shown in the records of the County Assessor. Failure of a person to receive the notice shall not invalidate the proceedings in connection with the application for a conditional use. (*Ord. 601, 8-8-78*)
- (C) Notices to property owners shall:
 - (1) Explain the nature of the application and the proposed use or uses which could be authorized;
 - (2) List the applicable criteria from the ordinance and the Comprehensive Plan that apply to the application at issue;
 - (3) Set forth the street address or other easily understood geographical reference to the subject property;
 - (4) State the date, time and location of the hearing;
 - (5) State the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
 - (6) Include the name of local government representative to contact and the telephone number where additional information may be obtained;
 - (7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
 - (8) If any staff report is to be used at the hearing, state that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and
 - (9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. (*Ord. 704, 6-26-90; amended by Ord. 832, 3-11-2003*)

8.9.4 RECESS OF THE HEARING BY THE COMMISSION

The Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing is resumed.

8.9.5 NOTIFICATION OF ACTION

Within five (5) days after a decision has been rendered, the City Manager shall provide the applicant with written notice of the Commission's action on the request for a conditional use. (*Ord. 832, 3-11-2003*)

8.9.6 STANDARDS GOVERNING CONDITIONAL USES

A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

- (A) *Setback.* In a residential zone, yards shall be at least two-thirds (2/3) the height of the principal structure. In any zone, additional yard requirements may be imposed.
- (B) *Height Exception.* A church or governmental building may be built to exceed the height limitations of the zone in which it is located to a maximum height of fifty feet (50') if the total floor area of the building does not exceed one and one-half (1.5) times the area of the site and if the yard dimensions in each case are equal to at least two-thirds (2/3) of the height of the principal structure.
- (C) *Mobile Homes.* In an R1 or an R2 Zone, mobile homes shall be required to meet the following standards:
 - (1) Must be on a lot not less than seventy five feet by ninety four feet (75' x 94') or a minimum of seven thousand fifty (7,050) square feet.
 - (2) Must have the tongue and wheels removed and be out [*sic*] down on a permanent foundation with tie down, both approved by the City and the Building Inspector.
 - (3) Must hook up to the City water and sewer, if available.
 - (4) Must have a minimum floor space of at least five hundred (500) square feet. Double wide mobile homes must have a minimum floor space of nine hundred (900) square feet.
 - (5) Must not be over five (5) years old and must meet State Plumbing, Building and Electrical Codes.
- (D) *Limitation on Access to Property and on Openings to Buildings.* The City may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit or prohibit building openings within fifty feet (50') of residential property in a residential zone if the openings will cause glare or excessive noise or otherwise adversely affect adjacent residential property.
- (E) *Signs.* In case of a conditional use the sign limitations of a zone may be exceeded to allow one indirectly illuminated sign or nonilluminated sign, not more than six (6) square feet in area, on each side of a structure abutting a street. In addition, a church may have a bulletin board not exceeding ten (10) square feet in area. Said sign shall pertain to the conditional use and may be located in required yards.
- (F) *Schools.*

- (1) Nursery schools shall provide and maintain at least one hundred (100) square feet of outdoor play area per child. A sight-obscuring fence at least four feet (4') but not more than six feet (6') shall separate the play area from abutting lots.
 - (2) Primary schools shall provide one acre of site area for each ninety (90) pupils or one acre for every three (3) classrooms, whichever is greater.
 - (3) Elementary schools shall provide one acre of site area for each seventy-five (75) pupils or one acre for every two and one-half (2.5) classrooms, whichever is greater.
- (G) *Utility Station or Substation.* In the case of a utility station or substation the City may waive the minimum lot size required only if it is determined that the waiver will not have a detrimental effect on adjacent property. (*Ord. 601, 8-8-78*)

Chapter 10

VARIANCES

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8.10.1 AUTHORIZATION TO GRANT OR DENY VARIANCES

The Commission may grant variances from the provisions of this Title where it can be shown that owing to unusual topographic conditions, unusual conditions as to the shape of the property or the location of the building on the property, or other conditions over which the applicant has had no control, the literal interpretation of this Title would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of property for purposes not authorized within the zone in which the proposed use would be located. In granting the variance the Commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood or otherwise achieve the purpose of this Title. (*Ord. 601, 8-8-78*)

8.10.2 APPLICATION FOR A VARIANCE

A request for a variance may be initiated by a property owner or his authorized agent by filing an application with the City Manager. The application shall be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) for the cost of each registered letter required to be sent to affected landowners. This fee is subject to revision by resolution of the City Council from time to time. (*Ord. 686, 6-9-87; amended by Ord. 783, 3-24-98; amended by Ord. 832, 3-11-2003*)

8.10.3 NOTICE OF A PUBLIC HEARING ON A VARIANCE

(A) Before authorization for a variance is granted it shall be considered by the Commission at a public hearing. The City Manager shall send notice of the hearing by registered mail, or by personal service, to property owners within one hundred feet (100') of the exterior boundaries of the property where the variance is requested and other adjacent property owners deemed to be affected by the request. Names for the purpose of the notification shall be obtained from the records of the County Assessor. Failure of a person to receive the notice shall not invalidate any proceedings in connection with the application for a variance. The Commission may recess a public hearing in order to obtain more information or to serve further notice to persons it decides

are affected by the proposed variance. The Commission shall announce the time and date the hearing is to be rendered.

(B) Notice shall:

- (1) Explain the nature of the application and the proposed use or uses which could be authorized;
- (2) List the applicable criteria from the ordinance and the Comprehensive Plan that apply to the application at issue;
- (3) Set forth the street address or other easily understood geographical reference to the subject property;
- (4) State the date, time and location of the hearing;
- (5) State the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the decision maker an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue;
- (6) Include the name of local government representative to contact and the telephone number where additional information may be obtained;
- (7) State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost;
- (8) If any staff report is to be used at the hearing, state that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost; and
- (9) Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. (*Ord. 704, 6-26-90; amended by Ord. 832, 3-11-2003*)

8.10.4 NOTICE TO APPLICANT

The City Manager shall notify the applicant for a variance of the action of the Commission within five (5) days after a decision has been rendered. (*Ord. 832, 3-11-2003*)

8.10.5 CONDITIONS FOR GRANTING A VARIANCE

No variance shall be granted unless it can be shown that all of the following conditions exist:

- (A) Exceptional or extraordinary conditions apply to the property that do not generally apply to other properties in the same zone or vicinity, which conditions are a result of lot size or shape, topography, or other circumstances over which the applicant has no control.
- (B) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.
- (C) The authorization of the variance shall not be materially detrimental to the purpose of this Title, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any City development pattern or policy.
- (D) The variance requested is the minimum variance from the provisions and standards of this Title which will alleviate the hardship. (*Ord. 601, 8-8-78*)

Chapter 11

AMENDMENTS TO THE ZONING TITLE

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8.11.1 AUTHORIZATION TO INITIATE AMENDMENTS

An amendment to this Title in the text or map may be initiated by the City Council, the Commission, or by application of a property owner or his authorized agent.

8.11.2 APPLICATION FOR A ZONING CHANGE

An application for an amendment by a property owner or his authorized agent shall be filed with the City Manager. The application shall be filed at least twenty (20) days prior to the hearings on the request. The application shall be accompanied by a fee of fifty dollars (\$50.00) plus five dollars (\$5.00) for the cost of each registered letter required to be sent to affected landowners. This fee is subject to revision by resolution of the City Council from time to time. (*Ord. 783, 3-24-98; amended by Ord. 832, 3-11-2003*)

8.11.3 PUBLIC HEARING ON AN AMENDMENT

A public hearing shall be held by the Commission and the City Council on any amendment to the Zoning Ordinance.

- (A) *Notice of Hearing.* Notice of time and place of the public hearing before the Commission and of the purpose of the proposed amendment shall be given by the City Manager in the following manner:
 - (1) If an amendment to the text of this Title or a change in the Zoning Map of an area of ten (10) acres or more is proposed, the notice shall be by three (3) publications in the official City newspaper once a week for three (3) consecutive weeks prior to the date of the hearing.

- (2) If an amendment to the Zoning Map of an area of less than ten (10) acres is proposed, the notice shall be by one publication in the official City newspaper, not less than eight (8) days nor more than twenty (20) days prior to the date of the hearing and by sending written notice by registered mail, or by personal service, not less than twenty (20) days (*Ord. 712, 9-8-92*) prior to the date of hearing to owners of property within the area enclosed by the lines parallel to and one hundred feet (100') from the exterior boundaries of the property involved, using for this purpose the names and addresses of the owners as shown upon the records of the County Assessor. Where all property so located is under the same ownership, owners of property abutting that of the same ownership shall be notified in the manner as provided in this Section.
 - (3) Failure of a person to receive the notice shall not invalidate any proceedings in connection with the proposed zone change.
- (B) *Recess of Hearing.* The Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing shall be resumed.
- (C) *Notice and Hearing Before City Council.* After the hearing and recommendations have been made to the Commission, the City Council shall hold a public hearing upon the proposed amendment. Notice of the hearing shall be by one publication in the official City newspaper not less than five (5) days nor more than twenty (20) days prior to the date of the hearing.
- (D) The City Council shall approve or reject the proposed amendment. An approved amendment shall be adopted by ordinance. (*Ord. 832, 3-11-2003*)

8.11.4 RECORDS OF AMENDMENTS

The signed copy of the amendment to the text and map of this Title shall be maintained without change on file in the office of the City Manager. The City Manager shall maintain a record of the amendments to the text and map of this Title in a form convenient for the use of the public. (*Ord. 601, 8-8-78; amended by Ord. 832, 3-11-2003*)

8.11.5 NOTICE TO MOBILE HOME PARK TENANTS

In accordance with ORS 227.175, if an application would change the zone of property which includes all or part of a mobile home or manufactured dwelling park as defined in ORS 446.003, written notice by first class mail shall be sent to each existing mailing address for tenants of the mobile home or manufactured dwelling park at least twenty (20) days but not more than forty (40) days before the date of the first hearing on the application. The City may require an applicant for such a zone change to pay the cost of such notice. (*Ord. 704, 6-26-90*)

Chapter 12

ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

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8.12.1 ENFORCEMENT

The City Manager shall have the power and duty to enforce the provisions of this Title. An appeal from a ruling of the City Manager shall be made to the Commission. (*Ord. 832, 3-11-2003*)

8.12.2 APPEAL

An action or ruling of the Commission authorized by this Title may be appealed to the City Council within fifteen (15) days after the Commission has rendered its decision by filing written notice with the City Manager. If no appeal is taken within the fifteen (15) day period, the decision of the Commission shall be final. If an appeal is filed, the City Council shall receive a report and recommendation from the Commission and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in the official City newspaper not less than eight (8) days prior to the date of the hearing. (*Ord. 832, 3-11-2003*)

8.12.3 FORM OF PETITIONS, APPLICATIONS AND APPEALS

Petitions, applications and appeals provided for in this Title shall be made on forms provided for the purpose or as otherwise prescribed by the City in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. Where plans must be submitted, the plans submitted shall show the site and its relationship to adjacent property at a suitable scale and with sufficient supplemental drawings

or material to show all elements necessary to indicate the dimensions and arrangement of the proposed development and its relationship to surrounding properties and streets.

8.12.4 INTERPRETATION

The provisions of this Title shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by a provision of this Title are less restrictive than comparable conditions imposed by any other provisions of this Title, or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

8.12.5 SEVERABILITY

The provisions of this Title are hereby declared to be severable. If any section, sentence, clause or phrase of this Title is adjudged by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Title.

8.12.6 PERMITS

- (A) No building or structure subject to any of the provisions of this Title shall be erected, moved, reconstructed, extended, enlarged or altered except upon first obtaining from the Building Official a permit to do so, upon compliance with this Title and all other applicable ordinances, State laws and regulations. The application fee for a building permit shall be the sum of \$25.00. This fee is subject to revision by resolution of the City Council from time to time. (*Ord. 783, 3-24-98*)
- (B) Applications for building permits shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon, the exact sizes and locations on the lot of the buildings and other structures, existing and proposed; the existing and intended use for each building, structure or part thereof; the number of families to be accommodated, if any; and such information as is needed to determine their conformance with the provisions of this Title.
- (C) All structural designs and specifications of structures primarily designed or intended for public assembly use by the general public, shall be approved by and carry the registration stamp of a duly registered architect or engineer before a building permit for such structure is issued.

8.12.7 TIME LIMIT ON A PERMIT FOR A VARIANCE

A permit for a conditional use or for a use involving a variance shall be void after one year if no substantial construction has taken place.

8.12.8 PENALTY

A person who violates or refuses to comply with any provision of this Title shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment of not more than thirty (30) days, or both fine and imprisonment, for each provision violated. it shall be the responsibility of the offender to abate the violation and each day that such violation is permitted to exist shall constitute a separate offense. (*Ord. 601, 8-8-78*)

Chapter 13

AIRPORT OVERLAY ZONE

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8.13.1 PURPOSE

In order to carry out the provisions of this overlay zone there are hereby created and established certain zones which include all of the land lying beneath the Airport Imaginary Surfaces as they apply to the Vale Airport. Such zones are shown on the map attached hereto and made a part of this chapter. Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the city of Vale.

8.13.2 COMPLIANCE

In addition to complying with the provisions of the primary zoning district uses and activities shall comply with the provisions of this overlay zone. In the event of any conflict between any provisions of this overlay zone and the primary zoning district, the more restrictive provision shall apply.

8.13.3 SPECIAL DEFINITIONS

AIRPORT APPROACH SAFETY ZONE: A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the Primary Surface. The inner edge of the approach surface is the same width as the Primary Surface and extends to a width of 1,250 feet for Utility Runway having only visual approaches and 1,500 feet from a runway other than a Utility Runway having only visual approaches. The Airport Approach Safety Zone extends for a horizontal distance of 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

AIRPORT HAZARD: Any structure, tree or use of land which exceeds height limits established by the Airport Imaginary Surfaces.

AIRPORT IMAGINARY SURFACES: Those imaginary areas in space which are defined by the Airport Approach Safety Zone, Transitional Zones, Horizontal Zone, Clear Zone and Conical Surface and in which any object extending above these imaginary surfaces is an obstruction.

CLEAR ZONE: Extends from the primary surface to a point where the approach surface is 50 feet above the runway end elevation.

CONICAL SURFACE: Extends 20 feet outward for each one foot upward (20:1) for 4,000 feet beginning at the edge of the horizontal surface (5,000 feet from the center of each end of the Primary Surface of each visual and utility runway at 150 feet above the airport elevation) and upward extending to a height of 350 feet above the airport elevation.

HORIZONTAL SURFACE: A horizontal plane 150 feet above the established airport elevation, the perimeter of which is constructed by swinging arcs of 5,000 feet from the center of each end of the Primary Surface of each visual or utility runway and connecting the adjacent arcs by lines tangent to those arcs.

NOISE SENSITIVE AREAS: Within 1,500 feet of an airport or within established noise contour boundaries exceeding 55 Ldn.

PLACE OF PUBLIC ASSEMBLY: Structure or place which the public may enter for such purposes as deliberation, education, worship, shopping, entertainment, amusement, awaiting transportation or similar activity.

PRIMARY SURFACE: A surface longitudinally centered on a runway. When the runway has a specially prepared hard surface, the Primary Surface extends 200 feet beyond each end of that runway. When the runway has no specially prepared hard surface, or planned hard surface, the Primary Surface ends at each end of that runway. The width of the Primary Surface is 25 feet for Utility Runways having only visual approaches and 50 feet for other than utility runways.

TRANSITIONAL ZONES: Extend seven feet outward for each one foot upward (7:1) beginning on each side of the Primary Surface which point is the same elevation as the runway surface, and from the sides of the approach surfaces thence extending upward to a height of 150 feet above the airport elevation (Horizontal Surface).

UTILITY RUNWAY: A runway that is constructed and intended to be used by propeller driven aircraft of 12,500 pounds maximum gross weight or less.

8.13.4 PERMITTED USES WITHIN THE AIRPORT APPROACH SAFETY ZONE

Any uses permitted outright in the underlying zone may be permitted in the Airport Approach Safety Zone, except as provided in Section 8.13.7.

8.13.5 CONDITIONAL USES WITHIN THE AIRPORT APPROACH SAFETY ZONE

Except as provided in Section 8.13.7, any conditional uses in the underlying zone may be permitted in the Airport Approach Safety Zone when authorized in accordance with Chapter 9 of this Title.

8.13.6 DEVELOPMENT STANDARDS

The following development standards shall apply in the Airport Approach Safety Zone:

- (A) All permitted and conditional uses proposed in this Zone are subject to site plan review by the Planning Commission. A site plan, drawn to scale, and accompanying specifications, shall include the following information:
 - (1) Lot dimensions and setbacks.
 - (2) Sizes and locations of all existing and proposed structures or other uses.
 - (3) Height of proposed structures.
 - (4) Any other information that may be relevant for review to assure compliance with the purpose of this Chapter.
- (B) Construction and development of the site shall be in substantial conformance to the plans approved by the Planning Commission.
- (C) All proposed development in the Airport Approach Safety Zone is subject to appropriate provisions of an airport master plan, if one is adopted for the Vale airport.
- (D) The height of any structure or part of a structure, such as a chimney, tower or antenna, shall not project above the airport approach surface, and may be further limited according to requirements established by the Planning Commission or by other Municipal or government authorities.

8.13.7 LIMITATIONS

- (A) To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the Airport Imaginary Surfaces as defined above under Section 8.13.3.
- (B) The following uses are prohibited in the Airport Approach Safety Zone:
 - (1) Landfills, garbage dumps, water impoundments or other uses that attract birds.
 - (2) Churches, auditoriums, school facilities, hospitals, day care centers and other public or private meeting places designed to accommodate more than twenty-five (25) persons at one time.
 - (3) Uses that interfere with aviation due to height of structures, glare from buildings, smoke, lights that shine upwards and radio interference from transmissions.
- (C) No structure or building shall be allowed within the Clear Zone.
- (D) Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.
- (E) No glare producing materials shall be used on the exterior of any structure located within the Airport Approach Safety Zone.
- (F) In noise sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit of construction of noise sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospital, or public libraries) the permit applicant shall be

required to demonstrate that a noise abatement strategy will be incorporated into the building design which will achieve an indoor noise level equal to or less than 55 Ldn. The Planning Commission will review building permits for noise sensitive land use. (*Ord. 706, 11-27-90, eff. 12-27-90*)

Chapter 14

HISTORIC PRESERVATION ZONE HP

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8.14.1 PURPOSES

The Historic Preservation Zone HP is an overlay zone that applies to all sites and structures listed in the Vale Comprehensive Plan Inventory of Historic Sites and Structures. The purposes of the Historic Preservation Zone are to:

- (A) Implement the historic preservation policies in the Vale Comprehensive Plan.
- (B) Encourage the preservation and rehabilitation of sites and structures that represent significant aspects of Vale’s history and architectural heritage.
- (C) Strengthen the economy of Vale by protecting and enhancing the City’s attractions to residents and visitors.

8.14.2 PERMITTED USES

The uses permitted in the Historic Preservation Zone shall be the same as the uses permitted in the underlying zone.

8.14.3 BUILDING AND DEMOLITION PERMITS

A permit is required for the alteration of the exterior appearance, the demolition or the removal of any site or structure listed on the Vale Comprehensive Plan Inventory of Historic Sites and Structures.

- (A) "Exterior appearance" as governed by this Chapter includes any alteration of a facade, texture, design, material, fixtures or other such treatment.

- (B) Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any historic site or structure that does not involve a change in design, material or external appearance thereof; nor does this Chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such feature when the Building Inspector or Fire Marshal certifies to the Planning Commission that such action is required for the public safety due to an unsafe or dangerous condition.

8.14.4 PERMIT PROCESS

The following process shall be followed for permits required under Section 8.14.3:

- (A) The Building Inspector shall refer an application for a permit to work on or demolish a historic site or structure to the Planning Commission through the City staff.
- (B) Such application shall be accompanied by a fee of \$25.00 and by such material as required by the Planning Commission as being reasonably necessary for proper review of the proposed work. This fee is subject to revision by resolution of the City Council from time to time. (*Ord. 783, 3-24-98*)
- (C) Within thirty (30) days from the date of receipt of an application from the Building Inspector, the Planning Commission shall hold a public meeting to review the permit request. Notice of such meeting shall be published in a newspaper of general circulation at least seven (7) calendar days in advance of the meeting. The applicant and any other interested parties shall have the opportunity to be present at this meeting and to present information pertaining to the permit request. The Planning Commission shall complete its review at this meeting and make a final decision. The decision shall be in writing and shall state findings of fact and reasons relied upon in making the decision.
- (D) The decision of the Planning Commission shall be transmitted to the Building Inspector within three (3) working days after the meeting pertaining to the permit request.
- (E) In review of an application to wholly or partially remove or demolish a historic site or structure, the Planning Commission may defer action on the request for a period not to exceed ninety (90) days. During this period, the Planning Commission shall attempt to determine if public or private acquisition and preservation is feasible, or if other alternatives are possible to prevent demolition or removal of the historic site or structure.

8.14.5 PERMIT CRITERIA

The Planning Commission, or City Council on appeal, shall approve a permit required under Section 8.14.3 if it determines that the proposed work will not detrimentally alter, destroy or adversely affect any exterior architectural feature of a historic structure, or in the case of proposed construction of a new improvement, building or structure on a historic site, the exterior of such improvements will not adversely affect the site and will be compatible with the external appearance of existing historic structures, if any, on the site.

8.14.6 APPEALS

Decisions made pursuant to this Chapter may be appealed under the provisions of Chapter 12.

8.14.7 HARDSHIPS

The Planning Commission or City Council may approve a permit required under Section 8.14.3 for alteration of a historic site or structure if the applicant presents clear and convincing evidence that denial of the permit

will work immediate and substantial hardship on the applicant because of special circumstances of the property owner, tenant, or resident, or because of conditions peculiar to the site structure involved. If a hardship is found to exist, the Planning Commission or City Council shall make written findings to that effect, specifying the facts and reasons relied upon in making such a determination. (*Ord. 647, 10-25-83*)

Chapter 15A

URBAN GROWTH AREA JOINT MANAGEMENT AGREEMENT

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8.15A.1 INTRODUCTORY PROVISIONS

8.15A.1.1 PURPOSE OF AGREEMENT:

The purpose of this agreement is to establish a joint, cooperative agreement between Malheur County and Vale in the adoption of and administration of the City's urban growth boundary.

More specifically, this agreement shall establish the growth boundary for Vale in agreement with the County; shall provide for the administration of unincorporated lands within the urban growth boundary; shall provide for use provisions and land development standards to guide growth in the urban growth area; shall specify the means whereby the unincorporated lands may be annexed; shall specify the mechanism for amending this agreement; and, shall provide other administrative provisions deemed necessary.

8.15A.1.2 DEFINITIONS:

As used in this agreement, unless the context shall otherwise require, the singular shall include the plural and the masculine shall include the feminine and neuter. The following words and phrases shall mean:

ANNEXATION: An act commenced by a city through a public hearing, the intent of which is to incorporate additional land into the legal boundaries of the city.

CITY: The City of Vale, Oregon.

CITY COMMISSION: The City of Vale Planning Commission

CITY COUNCIL: The duly elected governing body for the City of Vale.

COUNTY: The County of Malheur, Oregon.

COUNTY COMMISSION: The Malheur County Planning Commission

COUNTY COURT: The duly elected governing body for Malheur County. Oregon.

DIRECTOR: The Planning Director for Malheur County.

LAND USE ACTION: A specific use or development of land or structures thereon that is subject to the applicable County or City land use plan and implementing ordinances.

PERMIT: As used herein, permit shall mean the approval of a proposed land use action. without limitation, including minor and major partitions, subdivisions, zone changes, variances, conditional uses and zoning permits.

PLANNING OFFICIAL: The Planning Official for the City of Vale.

PUBLIC FACILITIES AND SERVICES: Projects, activities and facilities which the planning agency determines to be necessary for the public health, safety and welfare.

URBAN GROWTH AREA: The land outside the corporate limits of the City, but enclosed by the urban growth boundary.

URBAN GROWTH BOUNDARY: The defined boundary of the City's growth and development area encompassing the land deemed needed to support that growth and development during the planning period.

8.15A.1.3 URBAN GROWTH BOUNDARY AND URBAN AREA LAND USE DESIGNATIONS MAP:

For purposes of administration, the County hereby accepts and adopts the City Plan Map as the urban growth boundary for the City. The Map specifies the land use classifications, as defined in the Vale Comprehensive Plan and applicable to the urban growth area.

8.15A.1.4 RELATIONSHIP TO COMPREHENSIVE PLAN, ZONING AND LAND DIVISION ORDINANCES AND DEVELOPMENT REGULATIONS:

By accepting this agreement, Malheur County hereby:

- (A) Adopts the City urban growth boundary as shown on the Plan Map,
- (B) Accepts the Vale zone designations and development standards for lands within the urban growth area as shown on the Plan Map and as defined in the Vale Comprehensive Plan;

- (C) Agrees that all land use actions in the urban growth area shall comply with the substantive provisions of the Vale Comprehensive Plan, as applicable, and shall be in conformance with the zoning and development standards specified therein;
- (D) Agrees to amend the Malheur County Comprehensive Plan and implementing ordinances to incorporate the necessary changes to bring the County Plan and ordinances into conformance with the City's planning program.

8.15A.2 SUBSTANTIVE PROVISIONS

- (A) *Growth Boundary Administration:* The City shall administer all lands within the corporate limits. Malheur County shall retain responsibility for administration of all unincorporated lands within the Vale urban growth boundary. Such responsibility shall cease immediately upon annexation.
- (B) *Land Use Designations and Development Standards:*
 - (1) Until such time as unincorporated areas of the urban growth area are annexed, the land use designations as shown on the City Plan Map shall control growth and development in these areas.
 - (2) All use and development within the urban growth area shall comply with the appropriate substantive provisions of the City's zoning and land development regulations, including those applicable to utilities and streets. In addition, all standards of construction for water and sewer facilities, streets and other required improvements shall comply with the standards specifications for the City.

8.15A.3 ADMINISTRATIVE PROVISIONS

8.15A.3.1 REVIEW PROCESS FOR LAND USE ACTIONS:

- (A) Permits requiring only ministerial action (*i.e.*, require no public hearing and/or notice to adjacent landowners), shall be referred by the Director to the Planning Official within three (3) working days of the date the application is filed with the County Planning Department. In the event there is no response or recommendation received from the City within ten (10) days from the date the application is filed with the County Planning Department, the Director shall presume the application is acceptable to the City and shall proceed to review and either approve or disapprove the application pursuant to County review procedures. In the event the Director's decision is contrary to the recommendation of the City, the Director shall issue a tentative decision and provide the applicant and City a copy of that tentative decision within five (5) days of the action. The tentative decision of the Director shall not become final for ten (10) days from the date of the tentative decision to provide the applicant. City and County an opportunity to resolve the differences. If agreement cannot be reached within ten (10) days. the tentative decision of the Director shall become final. If agreement is reached and the tentative decision is modified, the modifications shall be shown in the final decision of the Director. All final actions of the Director may be appealed by any aggrieved party in the manner prescribed in County ordinance.
- (B) Permits requiring discretionary review (*i.e.*, requires a public hearing and/or notice to adjacent landowners) shall be forwarded to the City by the Director within seven (7) days of the date the application is filed with the County Planning Department. Review of discretionary permits shall proceed as follows:
 - (1) The City shall review the application and, if it deems necessary, shall respond with its comments on recommendations prior to the commencement of the hearing (if possible) or during the hearing or, in the case of a permit application requiring administrative review with notice, prior to the deadline set for receipt of written testimony. The

date set for public hearing or as deadline for receipt of written testimony shall be such as to provide both the City Commission and City Council an opportunity to review the application in a regularly scheduled meeting.

- (2) No response from the City shall be presumed to mean the City has no objections to the application.
- (3) The County shall retain full decision-making authority in reviewing all permits for land use actions in the urban growth area. In making its decision, the County shall consider, and is obligated to respond to all comments submitted by the City with regard to the application. The final decision of the County shall be provided to the City within five (5) days of the date of the final action. The City reserves the right to appeal any final action of the County.

8.15A.3.2 PUBLIC FACILITIES AND SERVICES:

- (A) The cost of extension or improvements of public facilities and utilities required as a condition of a permit approval shall be borne by the developer, unless the City or County agrees to bear all or any portion of the costs thereof.
- (B) Creation of a new street or improvements of existing streets or rights of way shall conform to the City's existing street patterns and Master Plan and shall be engineered and constructed to City specifications. Road maintenance shall be the responsibility of the County or appropriate road district, if and only if, the road is formally accepted into the road system pursuant to the provisions of State statute.
- (C) The City and County shall exchange recommendations with respect to the following items which are within, or adjacent to, or which directly impact, the Vale urban growth boundary and all lands adjacent therein, and for which either has the ultimate decision-making capacity:
 - (1) Capital improvement programs and major public works projects for transportation, recreation, sewer, water or drainage facilities; acquisition or development of property; or other similar activities.
 - (2) Functional plans, or amendments thereto, for utilities, drainage, solid waste, transportation, recreation or other similar activities.
 - (3) Plans or amendments thereto, for economic and industrial development.
 - (4) Design and engineering standards for urban facilities and services.

8.15A.3.3 URBAN SERVICES:

- (A) Extension of City water and/or sewer services shall be permitted only when consistent with the policies of the Vale Comprehensive Plan and with any adopted functional plans for water and/or sewer extension which are consistent with the Comprehensive Plan.
- (B) City services such as water, sewer and street maintenance shall be provided only to those areas which either annex to the City or which enter into an unlimited agreement signed by the affected property owners that they will consent to petition for annexation at a time specified by the City.
- (C) All City services shall be provided and maintained to City standards, and under supervision of the City, unless some other arrangement acceptable to the City has been made for the maintenance and supervision of said services.

8.15A.3.4 SPECIAL DISTRICT COORDINATION:

- (A) When a special district situated fully or partially within the urban growth area has entered into an intergovernmental coordination agreement with the County and the City, it shall be given the opportunity to review and comment on the land use actions and activities specified herein.

- (B) If such an agreement is entered into, the special district shall give the City and County the opportunity to review and comment on the following district activities which may apply to the lands within the urban growth boundary:
 - (1) Major public works projects to be provided by the district.
 - (2) Plans for establishment, improvement or extension of facilities provided by the district.
 - (3) Capital improvement programs and design standards which are being developed by the district.

8.15A.3.5 ANNEXATIONS:

- (A) The City may annex land after having received a request for annexation when affirmative findings are made in relation to the following:
 - (1) The land is contiguous with the City limits and within the urban growth boundary.
 - (2) The development of the property is compatible with the rational and logical extension of utilities and streets to the surrounding area.
 - (3) The City is capable of providing and maintaining its full range of urban services to the property without negatively impacting existing systems and the City’s ability to adequately serve all areas within the existing City limits.
- (B) Within seven (7) days after an annexation application has been filed with the City, the City shall forward the application to the County Court and shall give the County no less than thirty (30) days to review and comment on the request. Additional time may be provided at the request of the County and with the concurrence of the City. The County’s review shall address consistency of the annexations with the City and the County Comprehensive Plan and development regulations, as well as its possible impact on the immediate area, the neighborhood, and the entire urban area. No response from the County shall be presumed to mean that the County has no objection to the proposed annexation.
- (C) Requests for annexation to the City of areas outside the urban growth boundary shall not be considered until such time as the boundary is amended to include the subject land. Once the boundary has been amended. the annexation application can be processed.
- (D) Establishment of the urban growth boundary does not imply that all land within the boundary shall be annexed to the City.

8.15A.3.6 AMENDMENTS TO THE URBAN GROWTH BOUNDARY:

- (A) Amendments to the Vale urban growth boundary may be initiated by the City, County or an affected property owner.
- (B) An application to amend the urban growth boundary shall be filed with the City as an application to amend the City’s Comprehensive Plan and/or Plan Maps. The City’s review and decision shall proceed any action by the County on the requested amendment. The City shall forward the application to the County within seven (7) days of the date the application is filed with the City. The City shall provide the County sufficient time prior to the City’s public hearing for both the County Commission and the County Court to consider the request at a regularly scheduled meeting. The County reserves the right to withhold comment on the application until such time as it is brought before the County for review.
- (C) The City shall review the requested amendment to the urban growth boundary in public hearing and shall consider whether or not it will be practical in the future to provide public facilities and services in a manner consistent with the Comprehensive Plan, public facilities plans and the

agreement. All amendments to the City's urban growth boundary shall be found consistent with the criteria of Goal 14, Statewide Planning Goals and Guidelines, as well as other applicable goals, plans and ordinances. The final action of the City on the proposed amendment to the urban growth boundary shall be placed in writing and is applicable under the provision of State statute.

- (D) In the event the City approves the requested amendment to the urban growth boundary, the final action of the City shall be forwarded to the County within five (5) days of the date of the final action of the City. The approval of the requested amendment by the City shall be conditioned on the approval by the County of a like amendment to the County Comprehensive Plan and Plan Map. Once the City has approved the requested amendment to the City's Comprehensive Plan and Plan Maps, the applicant shall immediately file with the County an application to amend the County Comprehensive Plan and Plan Map corresponding to the amendment to the City plan and Plan Map. County review shall be as specified in County ordinance for review of requests to amend the County land use plan and/or Plan Map. Following review of the application, the County shall either approve the request or disapprove the request. The final action of the County is appealable in the manner prescribed by State statute.
- (E) An amendment to the City's urban growth boundary shall not be effective until such time as both the City and County have amended their respective plans and plan maps and the County adopts the City's Plan Map amendment as an amendment to the implementing ordinance for this agreement.

8.15A.3.7 ZONE DESIGNATION CHANGES:

- (A) Applications to amend the zone designations within the urban growth area or to amend the provisions of any zone applied to lands within the urban growth area shall be initiated by filing the appropriate application with the City. The City's review of the proposed zone change or amendment to the provisions of a zone shall proceed as specified by City ordinance. City shall forward a copy of an amendment request to the County within seven (7) days of the date the application is filed with the City. The City shall schedule its hearing to provide the County sufficient time for both the County Commission and County Court to review the amendment in regularly scheduled meetings. The County shall not have the authority to INITIATE amendments to the zoning or zone provisions as applied within the urban growth area.
- (B) The City shall review the amendment request as specified in City ordinance, shall consider all pertinent testimony and shall set forth its findings, conclusions and decisions in writing. If the decision of the City is to deny the requested amendment, the matter shall not be forwarded to the County. The City's decision to deny a requested zone change is appealable pursuant to the provisions of State statute. If the decision of the City is to approve the requested amendment, that approval shall be conditioned upon the County approving the amendment. The City's final action on the amendment shall be forwarded to the County within five (5) days of the date of that action.
- (C) The County shall review the City's decision to approve an amendment to the zoning or zone provisions as applied in the urban growth area in the manner prescribed amending the zoning or zone text as set forth in the appropriate County ordinance. The County shall review the record of the City's review and its findings and conclusions. In the event the County acts to deny the requested amendment, the County shall set forth appropriate findings in support of its decision. The final action of the County to approve or disapprove an amendment request may be appealed in the manner specified in State statute.

8.15A.3.8 REVIEW, AMENDMENT AND TERMINATION OF THIS AGREEMENT:

- (A) This agreement may be reviewed and amended at any time by the mutual consent of both parties and after public hearing by the City Council and County Court. Either governing body may consult the respective Planning Commission for a recommendation. Amendments to this agreement shall be heard initially before the City and, if approved by the City, shall be forwarded to the County. Approval by both parties shall be in the form of an ordinance amending the ordinance adopting this agreement. Any amendment to this agreement shall not be effective unless and until both the City and the County approve said amendment .
- (B) Any modification of this agreement shall be consistent with other provisions of this agreement, both the City and County Comprehensive Plans, and with applicable State law.
- (C) This agreement may be terminated by either party under the following procedure:
 - (1) A public hearing shall be called by the party considering termination. The party shall give the other party notice of hearing at least forty (40) days prior to the scheduled hearing date. The forty (40) day period shall be used by both parties to seek resolution of differences.
 - (2) Public notice of the hearing shall be in accordance with each party's respective ordinance requirements for notice of legislative actions.
 - (3) An established date for termination of the agreement shall be at least ninety (90) days after the public hearing in order to provide ample time for resolution of differences.

8.15A.3.9 APPEALS:

Any person or party aggrieved by a decision or ruling pursuant to this agreement shall have the right of appeal as set forth in the appropriate ordinance or in State law.

8.15A.3.10 ENFORCEMENT:

- (A) The County shall be responsible for enforcement of all land use ordinances within the urban growth area. The County shall have the exclusive right to decide whether to proceed with any enforcement actions. All enforcement actions shall be taken in accordance with the enforcement provisions of the County ordinances.
- (B) The County shall indemnify and hold the City harmless from any claims for damages arising out of enforcement of the land use ordinances within the urban growth area.
- (C) The County shall be responsible for all costs connected with enforcement of the land use ordinances within the urban growth area.

8.15A.3.11 FEES:

Applications for land use actions to be filed with the County shall be accompanied by the fee set forth in appropriate County ordinance. Applications for zone changes or zone provision amendments and for amendments to the urban growth boundary shall be filed with the City and be accompanied by the appropriate fee as specified in City ordinance. (*Ord. 660, 4-9-85*)

8.15A.3.12 [Repealed by Ord. 776, 8-12-97, eff. 9-12-97]

Chapter 15B

URBAN GROWTH AREA RESIDENTIAL (R) ZONE

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8.15B.1 PURPOSE

The purpose of the Urban Growth Area Residential (R) Zone is to provide land use and development standards to those unincorporated areas of the Vale urban growth area designated for residential use and shown on the "Urban Growth Boundary and Urban Area Land Use Designation Map" as residential. The elements of the Residential Zone shall apply to all unincorporated lands in the urban growth area designated residential until such time as they are annexed by the City.

8.15B.2 PRINCIPAL USE

The following principal uses and their accessory uses are permitted outright in the Residential Zone:

- Farm use as defined in ORS 215.203(2)(a)
- Single-family dwelling
- Double-wide mobile home
- Duplex

8.15B.3 CONDITIONAL USES

In a Residential Zone, the following uses and the accessory uses are permitted when authorized in accordance with the requirements of sections 46 to 51 of Ordinance No. 601 [codified as Sec. 8.9.1 et seq. of Title VIII (Zoning)]:

- Church
- Golf course

- Governmental structure, but not limited to a public park
- Community building
- Hospital, sanitarium, rest home, home for the aged, nursing home or convalescent home
- Radio or television transmitter or tower
- School
- Utility lines, station or substation
- o Multi-family dwelling of more than two-dwelling units
- o Boarding, lodging or rooming house
- o Single-wide mobile homes

8.15B.4 SITE STANDARDS

The following site standards shall apply to all uses and developments in the Residential Zone:

- (A) *Lot Area:* The following lot size provisions shall apply to uses and developments in the Residential Zone:
 - (1) All residential uses shall require a minimum lot size of five (5) acres, except that lots and parcels legally existing as of the effective date of this Chapter and less than five (5) acres in size shall retain the right to a single-family dwelling or a mobile home provided the lot or parcel meets all other standards of the City Zoning Ordinance [SEE Title VIII of this Code.]
 - (2) All uses, other than residential uses, permitted in the Residential Zone shall require lots or parcels of sufficient size as to provide for the use, all required yard and setbacks, required off-street parking and loading areas and for on-site sewage and water facilities.

- (B) *Setback Requirements:* Except as provided in Ordinance No. 601, sections 30 and 35 [codified as Sec. 8.7.1 and 8.7.6, respectively, of Title VIII (Zoning)], in a Residential Zone, the yards shall be as follows:
 - (1) The front yard shall be minimum [sic] of twenty feet (20).
 - (2) Each side yard shall be a minimum of five feet (5') from outside of overhang, each with at least ten feet (10') between building overhangs.
 - (3) The rear yard shall be a minimum of twenty feet (20').

- (C) *General Site Requirements:*
 - (1) *Height of Buildings:* In a residential Zone, no building shall exceed a height of thirty-five feet (35') measured from the grade.
 - (2) *Lot Coverage:* In a Residential Zone, buildings and paved areas shall not occupy more than eighty percent (80%) of the lot area.
 - (3) *Projections from Buildings:* Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than two feet (2') into a required yard or into required open space as established by coverage standards.
 - (4) *Signs:* In a Residential Zone, the following signs are permitted:

- (a) One nonilluminated name plate or sign not exceeding one and one-half (1.5) square feet in area for each dwelling.
 - (b) One nonilluminated sign pertaining to the lease, rental or sale of the property and not exceeding eight (8) square feet in area.
 - (c) One sign per tract of land or subdivision advertising the sale of the property. Such sign shall not exceed eighty (80) square feet in area and shall be removed one year from the date of construction. The Commission may grant an extension of time not to exceed one year.
 - (d) Signs for conditional uses in accordance with section 51 of Ordinance No. 601 [*codified as Sec. 8.9.6 of Title VIII (Zoning)*].
 - (e) One sign per boarding, lodging or rooming house and not exceeding eight (8) square feet in area.
- (5) Vision clearance shall be maintained in accordance with section 39 of Ordinance No. 601 [*codified as Sec. 8.7.10 of Title VIII (Zoning)*].
- (6) Off-street parking and loading shall be provided in accordance with the provisions of sections 27 through 29 of Ordinance No. 601 [*codified as Sec. 8.6.1 et seq. of Title VIII (Zoning)*]. (Ord. 661, 4-9-85)

Chapter 15C

URBAN GROWTH AREA COMMERCIAL (C) ZONE

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8.15C.1 PURPOSE

The purpose of the Urban Growth Area Commercial (C) Zone is to provide land use and development standards to those unincorporated areas of the Vale urban growth land designated commercial on the "Urban Growth Boundary and Urban Area Designations Map." The elements of the Commercial Zone shall apply to all unincorporated lands in the urban growth area designated commercial until such time as they are annexed by the City.

8.15C.2 PRINCIPAL USES

The principal uses and the accessory uses listed in Section 19, Ordinance No. 601 are permitted outright in the Commercial Zone. [NOTE: Sec. 19 of Ord. 601 is Sec. 8.4.1 of Title VIII (Zoning) AS ORIGINALLY CODIFIED, which permitted the following uses and their accessory uses:

- A use permitted outright or as a conditional use in an R Zone.
- Amusement enterprise, including pool hall, bowling, dancing hall and skating rink.
- Auditorium, exhibition hall, or other public assembly room.
- Automobile service station.
- Automobile laundry.
- Automobile, truck, boat or trailer sales, rental, service, parts and repair.
- Bakery.
- Bank, loan company, or similar financial institution.
- Barber shop.

- *Beauty shop.*
- *Bicycle shop.*
- *Blueprinting, photostating, or other reproduction.*
- *Book or stationery store, or newsstand.*
- *Bookbindery.*
- *Building supply.*
- *Bus station.*
- *Business machines, retail and service.*
- *Cabinet, carpenter or woodworking shop.*
- *Catering establishment.*
- *Clinic, except animal clinic.*
- *Clothes cleaning or laundry agency.*
- *Clothing store or tailor shop.*
- *Club, lodge, union or fraternal organization.*
- *Cocktail lounge or tavern.*
- *Confectionery store, including soda fountain.*
- *Curtain or drapery shop.*
- *Dancing school or music studio.*
- *Day nursery.*
- *Delicatessen.*
- *Drug store, pharmacy.*
- *Dry cleaning or pressing, except those using highly volatile or combustible materials or using high pressure steam tanks or boilers.*
- *Dry goods, millinery or dress shop.*
- *Electrical supply store.*
- *Feed and seed store.*
- *Florist shop.*
- *Floor covering sales and service.*
- *Food store.*
- *Freight depot.*
- *Frozen food lockers, retail only.*
- *Furniture store.*
- *Garden store.*

- *Gift, hobby or art shop.*
- *Grocery store.*
- *Hardware store.*
- *Health studio, physical therapist, reducing salon.*
- *Hotel or motel.*
- *Ice or cold storage plant.*
- *Jewelry store, including repairing.*
- *Laboratory for research or testing.*
- *Laundry, dry cleaning, or dyeing establishment.*
- *Leather goods sales, including harness and saddle shop.*
- *Locksmith.*
- *Machinery or equipment sales, service or storage.*
- *Magazine or newspaper distribution agency.*
- *Meat market, retail only.*
- *Mortuary, undertaking or funeral parlor.*
- *Newspaper publishing.*
- *Notions.*
- *Office, business or professional.*
- *Office supplies.*
- *Paint store, including related contractor shop.*
- *Parking lot or parking garage.*
- *Pet shop.*
- *Plumbing, heating, electrical, or paint contractor sales, repair or storage.*
- *Printing plant.*
- *Radio or television sales and service.*
- *Restaurant or hotel supply.*
- *Restaurant or tearoom.*
- *Retail store.*
- *Scientific or professional instrument sale or repair.*
- *Secondhand store.*
- *Self-service laundry.*
- *Shoe store or shoe repair shop.*
- *Storage building for household goods.*

- *Studio; art, music or photography.*
- *Taxidermy shop.*
- *Telephone or telegraph exchange.*
- *Theater, except drive-in theater.*
- *Trailer park.*
- *Upholstery shop.*
- *Welding, sheet metal, or machine shop.*
- *Wholesale distribution or outlet, including warehousing and storage.*
- *Wholesale office or showroom with merchandise on the premises limited to small items and samples.]*

8.15C.3 SITE STANDARDS

The following site standards shall apply to all uses and developments in the Commercial Zone:

- (A) *Lot Area:* The following lot size provisions shall apply to uses and developments in the Commercial Zone:
- (1) Except for dwellings and mobile homes, the minimum lot size shall be six thousand (6,000) square feet. In no case shall a lot be less than the size needed to provide for the use, all required yard and setbacks, required off-street parking and loading areas, and for on-site sewage and water facilities.
 - (2) Dwellings and mobile homes shall require a minimum lot size of five (5) acres except that lots and parcels legally existing as of the effective date of this Article and less than five (5) acres in size may be conditionally approved for a single-family dwelling or mobile home provided the lot or parcel meets all other standards of this Article.
- (B) *Signs:* In a Commercial Zone, signs located within one hundred feet (100') of a residential zone shall be set back at least ten feet (10') from the lot in a residential zone, shall not be moving or intermittent flashing, and shall not exceed an area of twenty five (25) square feet on each side.
- (C) *Setback Requirements:* Except as provided in sections 31 and 36 of Ordinance No. 601 [*codified as Sec. 8.7.1 and 8.7.6, respectively, of Title VIII (Zoning)*], in a Commercial Zone the yards shall be as follows:
- (1) The side yard shall be a minimum of ten feet (10') between building overhangs where abutting a residential zone.
 - (2) The rear yard shall be a minimum of twenty feet (20') where abutting a residential zone.
- (D) *Off-Street Parking and Loading.* At the time of erection of a new structure within any zone in the City, or at the time of an enlargement or change in use of an existing structure within the Commercial and Industrial Zones, off street parking spaces shall be provided pursuant to sections 27 through 29, Ordinance No. 601 [*codified as Sec. 8.6.1 et seq. of Title VIII (Zoning)*]. (*Ord. 661, 4-9-85*)

Chapter 15D

URBAN GROWTH AREA INDUSTRIAL (I) ZONE

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8.15D.1 PURPOSE

The purpose of the Urban Growth Area Industrial (I) Zone is to provide land use and development standards to those unincorporated areas of the Vale urban growth area designed for industrial use on the "Urban Growth Boundary and Urban Area Land Use Designations Map". The elements of the Industrial Zone shall apply to all unincorporated lands in the urban growth area designated industrial until such time as they are annexed by the City.

8.15D.2 USES PERMITTED

In an Industrial Zone, the following uses and their accessory uses are permitted:

- Warehousing and storage, excluding storage of hazardous products
- Wholesale distribution and sales outlet
- Service stations
- Railroad facilities
- Manufacturing, repairing, fabricating, processing or packaging
- Utility facilities necessary for public services, excluding waste disposal facilities
- A dwelling for caretaker or night watchman on the property
- Geothermal development
- Freight depots

8.15D.3 CONDITIONAL USES

In an Industrial Zone, the following uses are permitted as conditional uses when authorized in accordance with Sections 46 to 51 of Ordinance No. 601 [codified as Sec. 8.9.1 et seq. of Title VIII (Zoning)]:

- Junk yards or automobile wrecking yards
- Animal slaughterhouses
- Rendering plant
- Any uses that may possess characteristics injurious to health and safety due to emissions of smoke, odor, dust, fumes, refuse or other effluents

8.15D.4 SITE STANDARDS

Site plans for all permitted and conditional uses as delineated in Sections 8.15D.2 and 8.15D.3 of this Chapter must be submitted to the Planning Commission for review. Construction and development of the site shall be in substantial conformance to the plans approved by the Planning Commission.

- (A) *Limitations on Use:* In an Industrial Zone, the following conditions and limitations shall apply:
- (1) Materials shall be stored and ground shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
 - (2) Points of access from a public street to properties in an Industrial Zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.
 - (3) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zones.
- (B) *Signs:* In an Industrial Zone, signs located within one hundred feet (100') of a residential zone shall comply with Section 9 of Ordinance No. 601 [codified as Sec. 8.2.4 of Title VIII (Zoning)].
- (C) *Setback Requirements:* Except as provided in Sections 31 to 36 of Ordinance No. 601 [codified as Sec. 8.7.1 through 8.7.6 of Title VIII (Zoning)], in an Industrial Zone the yards shall be as follows:
- (1) The side yard shall be a minimum of ten feet (10') between building overhangs.
 - (2) The rear yard shall be a minimum of twenty feet (20').
- (D) Off-Street parking and loading shall be provided pursuant to Sections 27 through 29 of Ordinance No. 601 [codified as Sec. 8.6.1 et seq. of Title VIII (Zoning)].
- (E) Vision clearance shall be maintained in accordance with Section 39, Ordinance 601 [codified as Sec. 8.7.10 of Title VIII (Zoning)].

8.15D.5 PROHIBITION OF USE

Uses and developments which create significant waste and/or requires [sic] discharge of waste or by-products into the air, water or land shall not be permitted in the I Zone if such impacts create the potential for adverse impacts on the health or safety of the public and said adverse impacts can be mitigated through provisions facilities such as sewer and water. (Ord. 661, 4-9-85)

Chapter 15E

INDUSTRIAL-COMMERCIAL CONDITIONS

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8.15E.1 GENERAL CONDITIONS

The following general conditions apply to Urban Growth Area Commercial Zones and Urban Growth Area Industrial Zones:

- (A) The following intrusions are exempt from yard requirements: eaves, cornices, belt courses, sills, awnings, buttresses and other similar features, which may not in any case protrude more than two feet (2') into any required yard area; chimneys and fireplaces, provided they do not exceed eight feet (8') in width, and do not protrude more than two feet (2') into any required yard area; and uncovered porches, platforms or landings which do not exceed above the level of the first floor of the building, and do not protrude more than four feet (4') into any front or rear yard setback area, or more than two feet (2') into any side yard setback area.
- (B) All uses involving manufacturing, repair, storage or processing shall meet all applicable standards and regulations of the State Board of Health, Department of Environmental Quality and any other public agency having appropriate regulatory jurisdiction. (*Ord. 661, 4-9-85*)

Chapter 15F

URBAN GROWTH AREA AIRPORT ZONE

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8.15F.1 PURPOSE

The Urban Growth Area Airport Zone is intended to protect airport facilities from incompatible uses, provide for future airport expansion, and to ensure compatibility at the airport with adjacent land use.

8.15F.2 PERMITTED USES

The following uses are permitted in the Urban Growth Area Airport Zone:

- Facilities on the airport property essential for the operation of the airport such as runways, hangers, aircraft maintenance and fuel services, including fuel storage.
- Offices and structures to support airport activities, such as fixed base operator’s office.
- Aircraft sales, repair, service, storage and schools relating to aircraft operations.
- Air cargo terminals.
- Passenger terminals and passenger services, including food services.
- Open spaces.
- Public parking and/or auto or vehicular storage.
- Agricultural and farm uses.
- Farm chemical aerial application activities such as storage for aerial application chemicals, storage for equipment associated with aerial application, mixing facilities.

8.15F.3 CONDITIONAL USES

The following are conditional uses in the Urban Growth Area Airport Zone subject to the provisions of Chapter 15A of Title VIII (Zoning) of the City Code:

- Temporary housing for caretaker and/or security guard for the airport and/or aircraft. This permit shall be issued for a six-month (6) period only.
- Facility for the temporary use of the Interagency fire crews waiting for deployment. This permit shall be issued for a one-year period only.
- Municipal wells and the supporting underground pipe lines, structures and storage facilities associated with the operation of the Vale municipal water system including water storage and chlorination facility.
- Temporary storage of municipal equipment and public works supplies. Storage is not to exceed 120 days in any calendar year.
- Airport related/airport dependent commercial or industrial facilities.
- Park or other recreation area, including trap shooting facility. (*Ord. 851, 8-8-2006*)

8.15F.4 LIMITATIONS ON USE

All materials shall be stored and grounds and buildings shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or will otherwise create a health hazard.

All activities will occur in the area of the hangers. There will be no activity or storage in the area of the City of Vale municipal well field or the associated pipeline unless it is directly related to the operations of the municipal wells and is such that there will be no adverse impact on the wells.

8.15F.5 COMPLIANCE WITH STATE REGULATIONS

All uses involving manufacture, repair, storage or processing (including farm chemical storage, mixing and container disposal) shall meet all applicable standards and regulations of the Oregon Health Division, Oregon Department of Environmental Quality, Oregon Department of Agriculture, and any other public agency having appropriate regulatory jurisdiction.

8.15F.6 SITE PLAN REVIEW

All permitted and conditional uses as delineated in Sections 8.15F.2 and 8.15F.3 must be submitted to the Planning Commission for review and approval.

8.15F.7 TEMPORARY USE PERMIT RENEWAL

Any use that is identified as "temporary" shall be issued a permit for a length of time not to exceed a length of time so designated for that activity. This permit may be renewed by application to, and approval by, the Vale Planning Commission. In no case will a temporary permit exceed one calendar year.

8.15F.8 COMPATIBILITY WITH AIRPORT APPROACH OVERLAY ZONE

All permitted, conditional, and accessory uses as delineated in sections 8.15F.2 and 8.15F.3 shall comply with the provisions of Chapter 13 (Airport Approach Zone AA) of Title VIII (Zoning) of the City Code, as applicable. (*Ord. 787, 6-23-98; amended by Ord. 851, 8-8-2006*)

Chapter 16

*[Reserved for Planned Unit
Development zoning]*

Chapter 17

PUBLIC FACILITIES

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8.17.1 PURPOSE

The PUBLIC FACILITY (PF) zones are designed to provide areas which are in or designated for governmental or public use, or held for such use, with development regulations which ensure development occurs in a manner compatible with surrounding uses.

8.17.2 PF-RESIDENTIAL

- (A) *General:* Public facilities of a neighborhood-service nature or which are otherwise compatible with residential uses shall be sited in areas zoned PF-RESIDENTIAL.
- (B) *Permitted Uses:* In a PF-RESIDENTIAL zone, the following uses and their accessory uses are permitted:
 - (1) Parks.
 - (2) Schools.
 - (3) Recreation facilities.
- (C) *Conditional Uses:* In a PF-RESIDENTIAL zone, the following uses are permitted as conditional uses when authorized in accordance with Section 8.9.1 to 8.9.6 of this Title:
 - (1) Fire stations.
 - (2) Libraries.
 - (3) Utility substations.
 - (4) Churches.

- (5) Hospitals, sanitariums, rest homes, homes for the aged, nursing homes or convalescent homes.
- (6) Municipal water supply facilities.

8.17.3 PF-COMMERCIAL

- (A) *General:* Public facilities which are high traffic generators shall be sited in areas zoned PF-COMMERCIAL.
- (B) *Permitted Uses:* In a PF-COMMERCIAL zone, the following uses and their accessory uses are permitted:
 - (1) Government offices.
 - (2) Meeting halls.
 - (3) Fire stations.
 - (4) Libraries and museums.
 - (5) Visitor facilitates.
- (C) *Conditional Uses:* In a PF-COMMERCIAL zone, the following uses are permitted as conditional uses when authorized in accordance with Section 8.1.9 to 8.9.6 of this Title:
 - (1) Jails.
 - (2) Government repair shops, warehouses, and yards.
 - (3) Any use authorized as a permitted or conditional use in a PF-RESIDENTIAL zone.

8.17.4 PF-INDUSTRIAL

- (A) *General:* Public facilities which are of a manufacturing or repair nature, or which by virtue of noise, dust, refuse, odor or other emissions are inappropriate in residential or commercial areas shall be sited in areas zoned PF-INDUSTRIAL.
- (B) *Permitted Uses:* In a PF-INDUSTRIAL zone, the following uses and their accessory uses are permitted:
 - (1) Government repair shops, warehouses, and yards.
 - (2) Municipal water supply facilities.
- (C) *Conditional Uses:* In a PF-INDUSTRIAL zone, the following uses are permitted as conditional uses when authorized in accordance with Sections 8.9.1 to 8.9.6 of this Title:
 - (1) Waste processing, treatment and disposal facilities (excluding facilities for processing, treating and disposing of hazardous waste).
 - (2) Geothermal development.
 - (3) Public uses which by virtue of emissions of smoke, noise, dust, odor, refuse or other effluents may be inappropriate in or near residential or commercial areas.
- (D) *Compliance with State Regulations:* All uses in the PF-INDUSTRIAL zone shall comply with the provisions of Section 8.5.7 as applicable.

8.17.5 SITE PLAN REVIEW

Site plans for all permitted and conditional uses must be submitted to the Planning Commission for review and approval.

8.17.6 LIMITATIONS ON USE

- (A) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or create a health or safety hazard.
- (B) Points of access from any public street to any public-facility use shall be so located as to minimize traffic congestion and avoid directing traffic into residential areas.
- (C) Building entrances or other openings adjacent to or across the street from residential areas shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land uses in residential zones.

8.17.7 SIGNS

Signs located within one hundred feet (100') of a residential zone shall comply with the provisions of Sec. 8.2.3 of this Title.

8.17.8 SETBACK REQUIREMENTS

- (A) Setbacks specified in Sec. 8.2.5 of this Title shall apply in all public-facilities zones, except that public facilities built within that area designated as the "Fire Limits" in Sec. 3.6.1 of Title III (Building and Fire Regulations) may be built to the lot lines provided they are constructed of fireproof materials.
- (B) Accessory structures in all public-facilities zones shall comply with the setback requirements of Sec. 8.7.2(D).
- (C) All public facilities shall provide for off-street parking pursuant to Sec. 8.6.1 et seq. (*Ord. 782A, 10-28-97*)