

# Chapter

# Three

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### 3.0.100 Applicability

All developments within the City must comply with the provisions of Sections 3.1 - Access and Circulation through 3.6 - Other Standards. Some developments, such as major projects requiring land division and/or Site Design Review approval, may require detailed findings demonstrating compliance with each chapter of the Code. For smaller, less complex projects, fewer Code provisions may apply. Though some projects will not require land use or development permit approval (e.g., building of single-family houses on platted lots that are not subject to Section 3.7 - Sensitive Lands), they are still required to comply with the provisions of this section.

### 3.0.200 Types of Design Standards

The City's development design standards are contained in Chapters 2 and 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which sections apply.

- A. Chapter 3.0.** The design standards contained within the following sections apply throughout the City, for all land use types:
- 3.1 - Access and Circulation
  - 3.2 - Landscaping, Street Trees, Fences and Walls
  - 3.3 - Vehicle and Bicycle Parking
  - 3.4 - Public Facilities Standards
  - 3.5 - Surface Water Management
  - 3.6 - Other Standards
  - 3.7 - Sensitive Lands
  - 3.8 - Loading Standards
  - 3.9 - Flood Hazard Management
  - 3.10 - Historic Preservation
- B. Chapter 2.0.** Contains the specific references for each land use district (Chapter 2.0) provides design standards that are specifically tailored to the district. For example, the Residential District contains building design guidelines that are different than those provided in the Commercial District, due to differences in land use, building types, and compatibility issues. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

## **3.1 Access and Circulation**

### **3.1.100 Purpose**

The purpose of this section is to help ensure that developments provide safe and efficient circulation for pedestrians and vehicles.

### **3.1.200 Vehicular Access and Circulation**

#### **3.1.201 Intent and Purpose**

The intent of this section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain adequate performance standards and to maintain the “functional classification” of roadways as required by the City’s Transportation System Plan (TSP). Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments to construct planned streets (arterials and collectors) and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the Comprehensive Plan by function (see Section 3.4.100 - Transportation Standards). Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.

#### **3.1.202 Applicability**

This ordinance shall apply to all public streets within the City and to all properties that abut these streets.

### 3.1.203 Access Permit Required

Access to a public street requires an access permit in accordance with the following procedures:

- A. Permits for access to City streets shall be subject to review and approval by the City's Engineer based on the standards contained in this chapter, and the provisions of Section 3.4.100 - Transportation Standards. An access permit may be in the form of a letter to the applicant or it may be attached to a land use decision notice as a condition of approval.**
- B. Permits for access to state highways shall be subject to review and approval by Oregon Department of Transportation (ODOT), except when ODOT has delegated this responsibility to the City or Umatilla County, in which case the City or County shall determine whether access is granted based on its adopted standards.**
- C. Permits for access to County highways shall be subject to review and approval by Umatilla County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.**

### 3.1.204 Traffic Study Requirements

The City or other agency with access jurisdiction may require a traffic study be prepared by a qualified professional to determine access, circulation, and other transportation requirements (see also Section 3.4.100 - Transportation Standards.)

### 3.1.205 Conditions of Approval

The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. **Access to and from off-street parking areas shall not permit backing onto a public street.**

### 3.1.206 Access Options

When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods. These methods are “options” to the developer/subdivider, unless one method is specifically required by Chapter 2.0 (i.e., under “Special Standards for Certain Uses” a minimum of 10 feet per lane is required).

#### **A. Option 1**

Access is from an existing or proposed alley or mid-block lane. **If a property has access to an alley or lane, direct access to a public street is not permitted.**

#### **B. Option 2**

Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to ensure access to the closest public street for all users of the private street/drive.

#### **C. Option 3**

Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a condition of approving a new access. Street accesses shall comply with the access spacing standards in Section 3.1.207 - Access Spacing.

#### **D. Land Divisions Fronting onto an Arterial Street**

New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., including through flag lots and mid-block lanes).

### 3.1.206 Access Options Cont.

#### **E. Double-Frontage Lots**

When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and groundcover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance of the buffer shall be ensured by the owner (i.e., through homeowner's association, etc.).

**Important be sure to cross-reference to other code sections:** Provisions in Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley, or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the Comprehensive Plan or an adopted Local Streets Plan. (Refer to Section 3.4.100 Transportation Standards.)

### 3.1.207 Access Spacing

Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

#### **A. Local Streets**

A minimum of 50 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection C., below.

#### **B. Arterial and Collector Streets**

Access spacing on collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's TSP.

### **3.1.207 Access Spacing Cont.**

#### ***C. Special Provisions for All Streets***

Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2.0 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections A. and B., above, may be required by the City, County, or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

#### ***D. Corner Clearance***

The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the City's TSP.

### **3.1.208 Number of Access Points**

For single-family (detached and attached), two-family, and three-family housing types, one street access point is generally permitted per lot, when alley access cannot otherwise be provided, except that two access points may be allowed, subject to the access spacing standards in Section 3.1.207 - Access Spacing. The number of street access points for multi-family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety, and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section 3.1.209 - Shared Driveway, in order to maintain the required access spacing, and minimize the number of access points.

### **3.1.209 Shared Driveways**

The number of driveway and private street intersections with public streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or Site Design Review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

### **3.1.209 Shared Driveways Cont.**

#### **A. Shared Driveways and Frontage Streets**

Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

#### **B. Access Easements**

Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, and pathways and cross accesses at the time of final plat approval (Section 4.3 - Land Divisions and Lot Line Adjustments) or as a condition of site development approval (Section 4.2 - Development Review and Site Design Review).

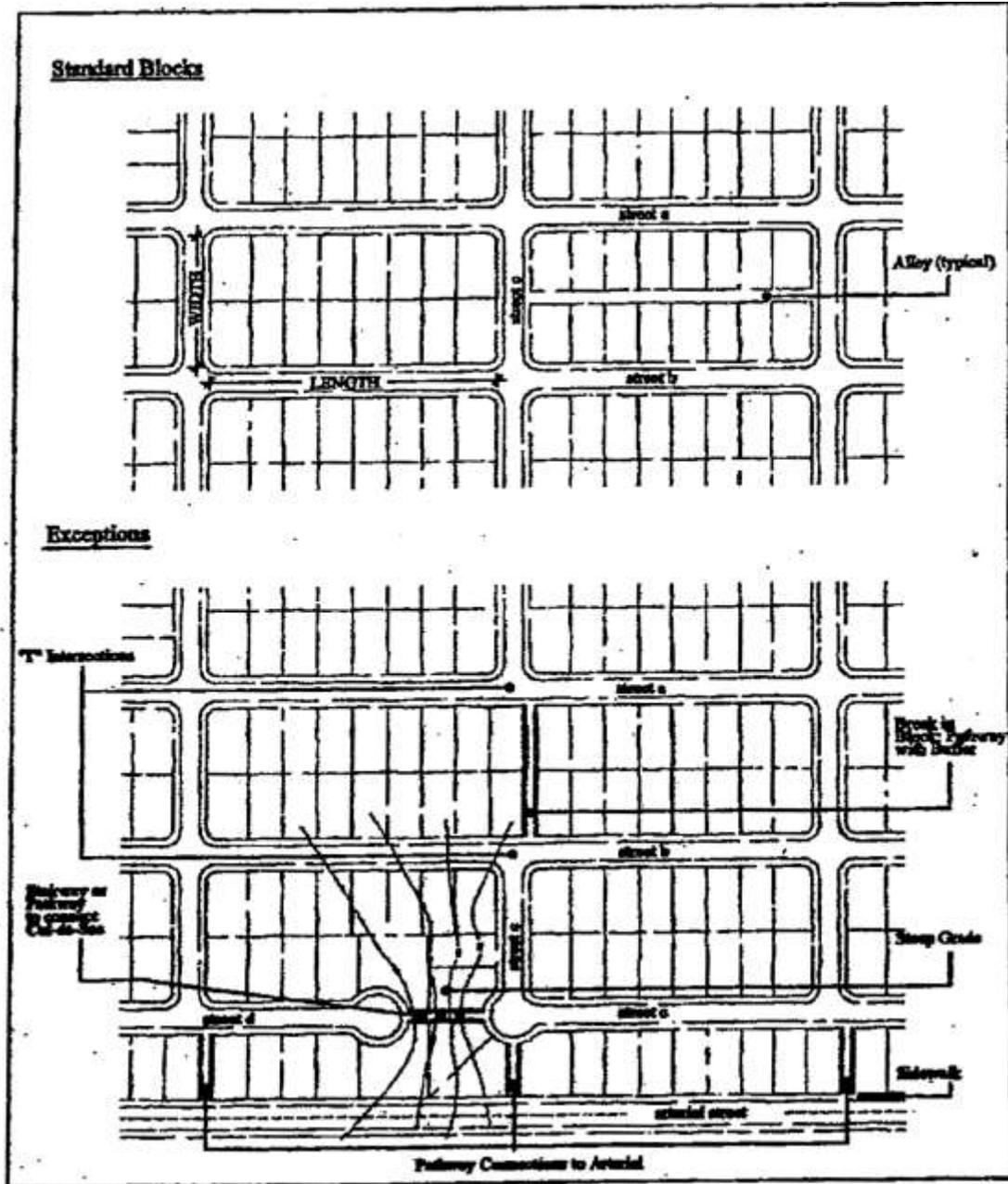
#### **C. Exception**

Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.

#### **D. Cross Access**

Cross access is encouraged and may be required between contiguous sites in Commercial and Industrial Districts and for multi-family housing in the Residential Multi-Family Sub-district of the Residential District, in order to provide for more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

Figure 3.1.210 - Street Connectivity and Formation of Blocks



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### **3.1.210 Street Connectivity and Formation of Blocks Required**

Land divisions and large site developments often involve development of land not previously developed. This creates opportunities to help ensure that pedestrian and vehicular circulation is preserved both to and from the new development. To accomplish this, site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

#### ***A. Block Length and Perimeter***

The maximum block length and perimeter shall not exceed:

- 1. 600 feet length and 1,200 feet perimeter in the Residential District;**
- 2. 400 feet length and 1,200 feet perimeter in the Commercial District, except as provided by Section 2.2.140 - Building Orientation;**
- 3. Not applicable to the Residential Suburban, Farm Residential, or Industrial District;**

#### ***B. Street Standards***

Public and private streets shall also conform to Section 3.4.100 -Transportation Standards, Section 3.1.300 - Pedestrian Access and Circulation and applicable Americans with Disabilities Act (ADA) design standards.

#### ***C. Exception***

Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 3.1.300 - Pedestrian Access and Circulation. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. Additional exceptions may be granted for issues of topography and existing development such as rail lines.

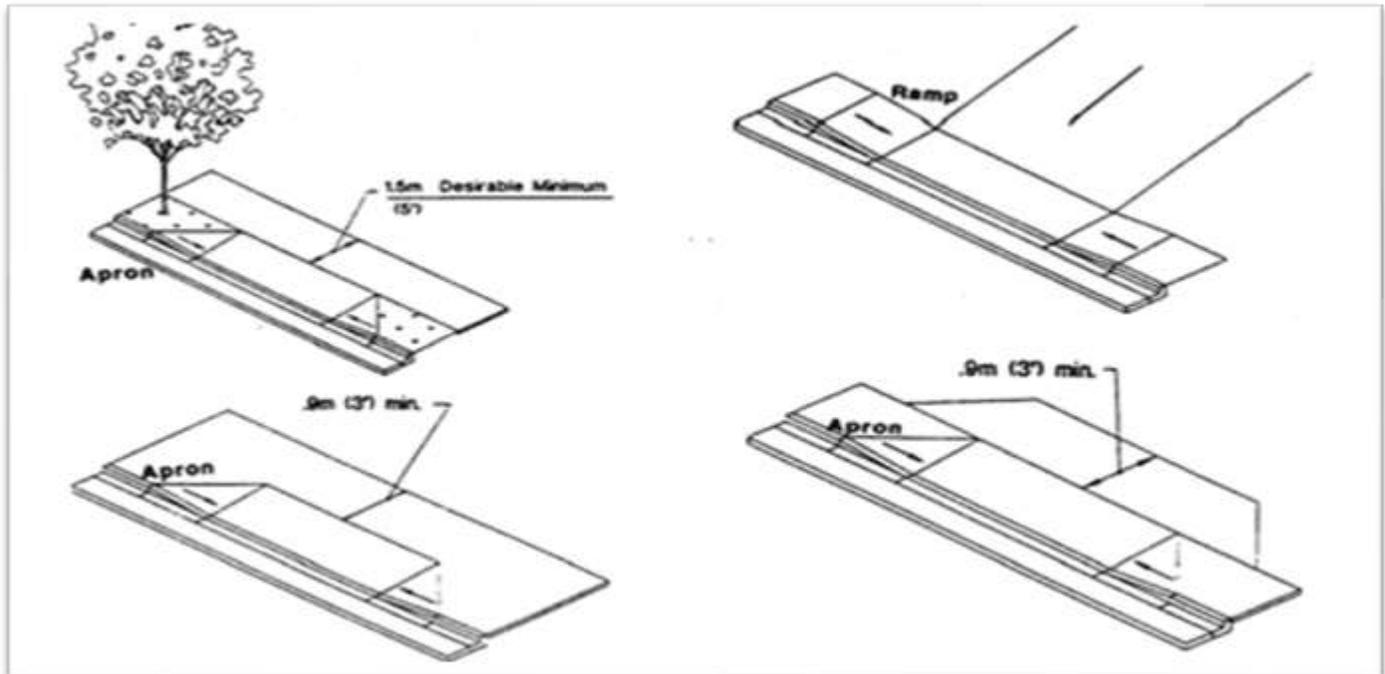
### 3.1.211 Driveway Openings

Driveway openings (or curb cuts) shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) are required to provide adequate site access, minimize surface water runoff, and avoid conflicts between vehicles and pedestrians.

- A. Single-family, two-family, and three-family uses shall have a minimum driveway opening of 10 feet and a maximum width of 24 feet. One recreational vehicle pad driveway may be provided in addition to the standard driveway.**
- B. Multiple family uses with between four and seven dwelling units shall have a minimum driveway width of 20 feet and a maximum width of 24 feet.**
- C. Multiple family uses with more than eight dwelling units, and off-street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.**
- D. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Section 3.3 - Vehicle and Bicycle Parking.**
- E. Driveway approaches should be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicle conflicts. This criterion is mandatory for accesses to state highways.**

### 3.1.211 Driveway Openings Cont.

**Figure 3.1.211 - Illustration of Driveway Opening Standards**



#### **F. Driveway Aprons**

Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for Driveway Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel, that is a minimum of 3 feet in width with a cross slope not exceeding 2 percent.

- G. Loading Area Design:** *The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.*

### 3.1.212 Fire Access and Parking Area Turn-arounds

A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, refer to Section 3.4.100 - Transportation Standards, M.

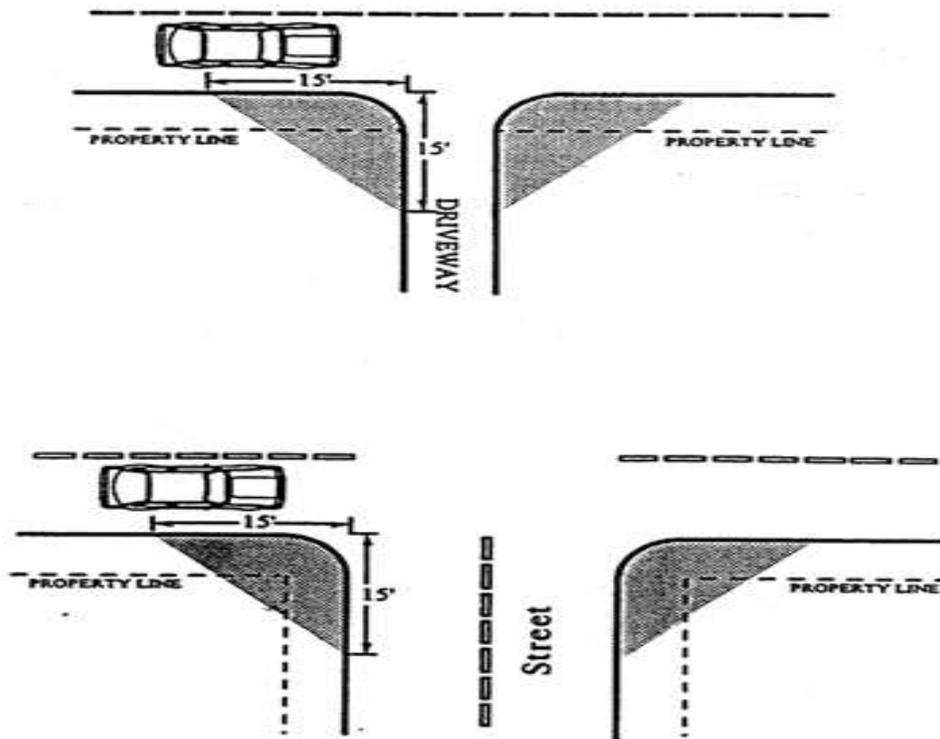
### 3.1.213 Vertical Clearances

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

### 3.1.214 Vision Clearances

No signs, structures, or vegetation in excess of 2 feet in height shall be placed in "vision clearance areas," as shown in Figure 3.1.300, N., below. The minimum vision clearance area may be increased by the Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). *This standard is applicable to driveways, streets, alleys, and mid-block lanes.*

Figure 3.1.214 Vision Clearance Areas



### 3.1.215 Construction

The following development and maintenance standards shall apply to all driveways and private streets, except that the standards do not apply to driveways serving one single-family detached dwelling:

#### **A. Surface Options**

Driveways, parking areas, aisles, and turn-arounds may be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paved surfaces shall be subject to review and approval by the Engineer.

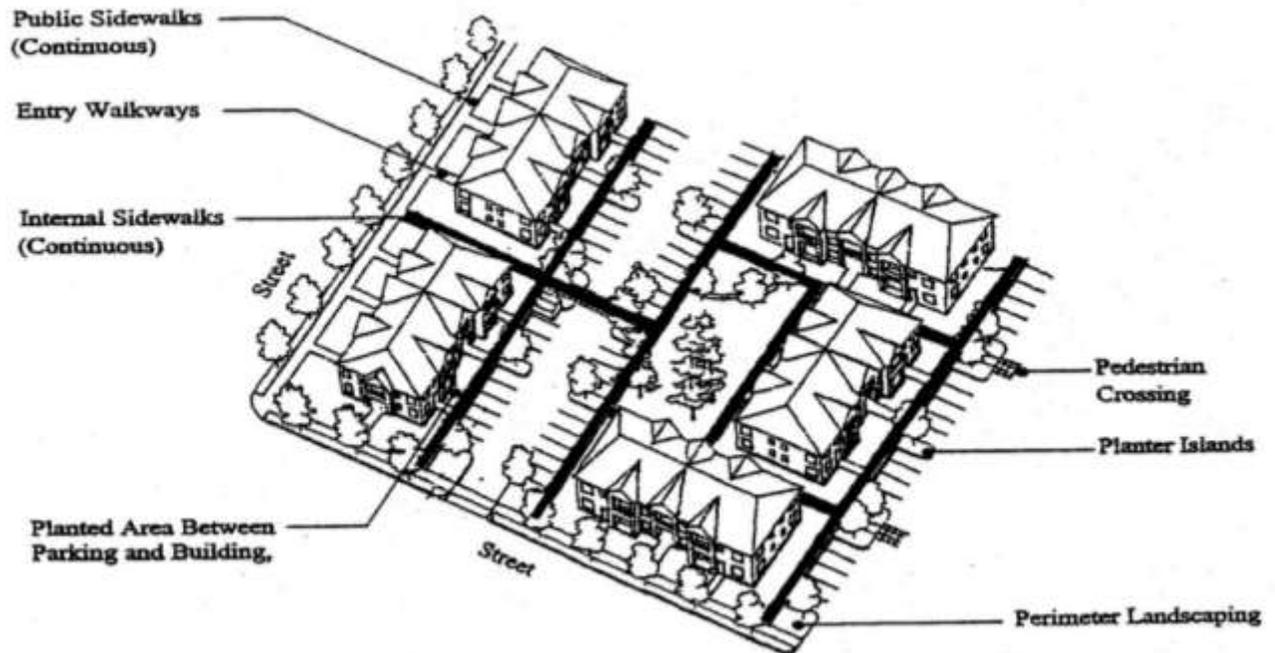
#### **B. Surface Water Management**

When a paved surface is used, all driveways, parking areas, aisles, and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with City standards.

#### **C. Driveway Aprons**

***When driveway approaches or “aprons” are required to connect driveways to the public right-of-way, they shall be paved*** with concrete surfacing (see also Section 3.1.211 –Driveway Openings.)

**Figure 3.1.300A - Pedestrian Pathway System for Multifamily Development (Typical)**



### 3.1.300 Pedestrian Access and Circulation

To ensure safe, direct, and convenient pedestrian circulation, all new development, including new land divisions that create lots for new single-family detached housing, shall provide a continuous pedestrian and/or multi-use pathway system. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in Section 3.1.300, subsections B.1. through B.3., below. Sidewalks along the public street may be found to provide sufficient pedestrian circulation to satisfy the requirements of this section. A permit for a single-family residence on an existing lot of record is exempt from these requirements.

- A. Continuous Pathways.** The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.1.200 - Vehicular Access and Circulation, and Section 3.4.100, Transportation Standards.

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### 3.1.300 Pedestrian Access and Circulation Cont.

- B. Safe, Direct, and Convenient Pathways.** Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
1. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  2. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  3. Primary Entrance. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. If no public entrance exists, street connections shall be provided to the main employee entrance.
  4. Residential Primary Entrance. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multi-family buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard, or breezeway that serves as a common entrance for more than one dwelling.
- A. Connections within Development.** For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities, common areas (as applicable), and adjacent developments to the site, as applicable.
- B.** A new subsection proposed for this section of the Development Code requires developers to coordinate improvement or provision of transit amenities with the transit service provider when they are developing adjacent to an existing or planned transit stop. While service may be limited in Weston at the present time and for the near future, these changes support the continued development of transit as a transportation option for Weston residents, employees, and visitors.

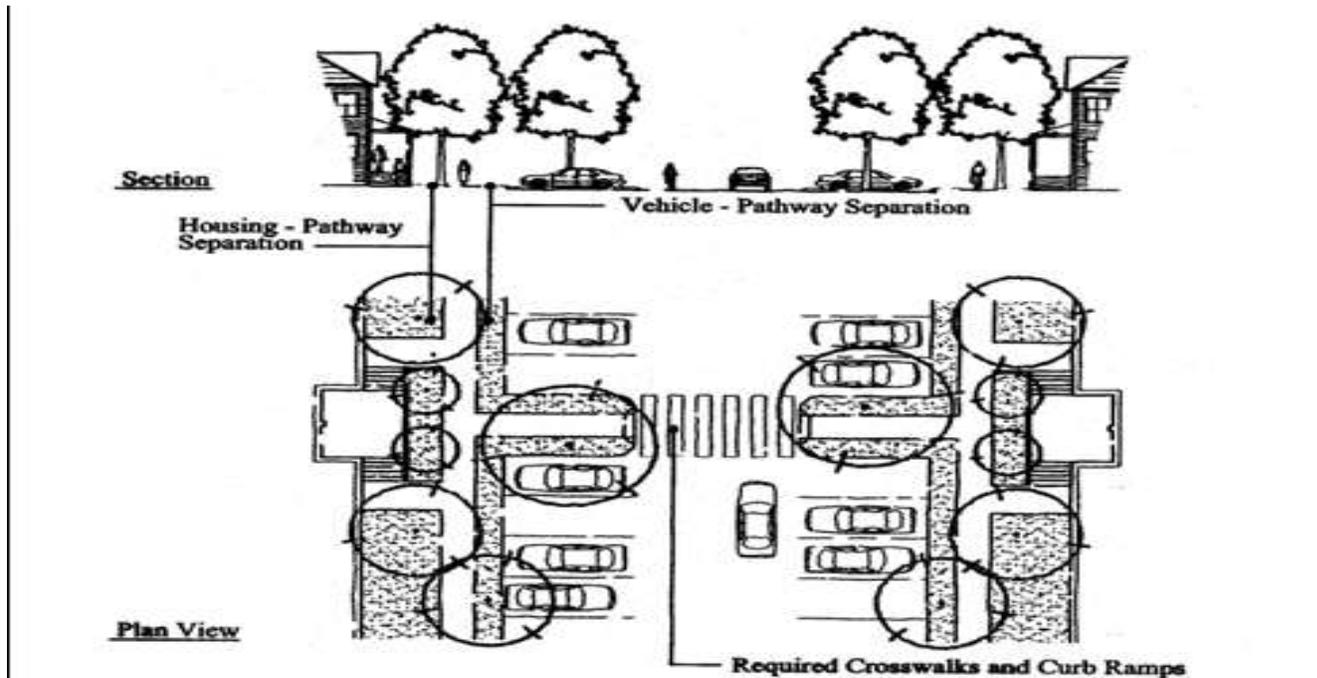
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### 3.1.300 Pedestrian Access and Circulation Cont.

1. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the standards in Section 3.1.210 - Street Connectivity and Formation of Blocks Required. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
2. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
3. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
4. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
5. The decision authority may determine, based upon facts in the record, that a pathway is impracticable due to physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

### 3.1.300 Pedestrian Access and Circulation Cont.

Figure 3.1.300B - Pathway Standards (Typical)



- C. Design and Construction.** Pathways shall conform to all of the standards in 1 through 5, below:
1. **Vehicle/Pathway Separation.** Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with ADA-compliant curb ramps.
  2. **Housing/Pathway Separation.** Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation as measured from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Section 3.3 - Vehicle and Bicycle Parking. No pathway/building separation is required for commercial, industrial, public, or institutional uses.
  3. **Crosswalks.** Where pathways cross a parking area, driveway, or street ("crosswalk"), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway.

### 3.1.301 Pedestrian Access and Circulation Cont.

4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. See also, Section 3.4.100 - Transportation Standards for public multi-use pathway standard.
  5. Accessible routes. Pathways shall comply with the ADA, which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with the following standards:
    - a. Shall not contain curbs or stairs;
    - b. Must be at least 3 feet wide;
    - c. Is constructed with a firm, stable, slip-resistant surface; and
    - d. The slope shall not be greater than 1:12 in the direction of travel.
- D. Transit Stop Amenities.** For all development subject to Site Design Review that is adjacent to an existing or planned transit stop, the developer shall coordinate provision or improvement of transit stop amenities with the transit service provider.

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## 3.2 Landscaping, Street Trees, Fences and Walls

### 3.2.100 Purpose

The purpose of this section is to promote community health, safety, and welfare by protecting natural vegetation and setting development standards for landscaping, street trees, fences, and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses.

Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The section is organized into the following sections:

***3.2.200 Landscape Conservation - Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands, and other protected natural resource areas. This section cross-references Section 3.7 - Sensitive Lands, which regulates development of sensitive lands.***

***3.2.300 New Landscaping - New Landscaping sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2.0 - Land Use Districts for specific types of development.***

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

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

### 3.2.200 Landscape Conservation

- A. Applicability.** All development sites requiring a Site Design Review containing significant vegetation, as defined below, shall comply with the standards of this section. The purpose of this section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to the removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and allows for water conservation due to larger plants having established root systems.
- B. Significant Vegetation.** “Significant vegetation” means:
1. **Significant Trees and Shrubs.** Individual trees and shrubs with a trunk diameter of 4 inches or more, as measured 4 feet above the ground (diameter at breast height [DBH]), and all plants within the drip line of such trees and shrubs shall be protected. *Other trees may be deemed significant when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.).*
  2. **Sensitive Lands.** Trees and shrubs on sites that have been designated as “Sensitive Lands” in accordance with Section 3.7 - Sensitive Lands (e.g., due to slope, natural resource areas, wildlife habitat, etc.) shall be protected.
  3. **Exception:** Protection shall not be required for plants listed as non-native invasive plants by the Oregon State University Extension Service (OSU) in the applicable OSU bulletins for Umatilla County.
- C. Mapping and Protection Required.** Significant vegetation may be mapped as required by Section 4.2 - Development Review and Site Design Review and Section 3.7 - Sensitive Lands. Significant trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.

### 3.2.200 Landscape Conservation Cont.

- D. Protection Standards.** All of the following protection standards shall apply to significant vegetation areas:
1. Protection of Significant Trees (subsection B.1). Significant trees identified as meeting the criteria in section B shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district.
  2. Sensitive Lands (subsection B.2). Sensitive lands shall be protected in conformance with the provisions of Section 3.7 - Sensitive Lands.
  3. Conservation Easements and Dedications. When necessary to implement the Comprehensive Plan, the City may require dedication of land or recording of a conservation easement to protect sensitive lands, including groves of significant trees.
  4. Replanting. When conservation of significant vegetation is not practicable (per standard 1 above) the significant vegetation owner or applicant shall replace prior to occupancy. Replacement planting shall meet requirements in Section 3.2.300 - New Landscaping.
- E. Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Section 3.7 - Sensitive Lands.
- F. Exemptions.** The protection standards in Section 3.2.200 - Landscape Conservation, D., shall not apply in the following situations:
1. Dead, Diseased, and/or Hazardous Vegetation. Vegetation that is dead or diseased, or poses a hazard to personal safety, property, or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.

### 3.2.200 Landscape Conservation Cont.

2. **Emergencies.** Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the Planning Commission or designee. Planning Commission or appointed official shall prepare a notice or letter of decision within three days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.

### 3.2.300 New Landscaping

- A. **Applicability.** This section shall apply to all development requiring Site Design Review, as well as new single-family development and other developments with required landscaping.
- B. **Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the application submittal requirements in Section 4.2 - Development Review and Site Design Review, and Section 4.2.500 - Site Design Review - Application Submission Requirements, B.5. Landscape plans shall comply with at least three of the ten materials in Section 3.2.300 - New Landscaping, D., below.
- C. **Landscape Area Standards.** The minimum percentage of required landscaping equals:
  1. Residential Districts. 20 percent of the site.
  2. Commercial District. 10 percent of the site.
  3. Industrial District. A minimum of 10 percent of the site shall be landscaped.
- D. **Landscape Materials.** Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:
  1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.
  2. Plant Selection. A combination of deciduous and evergreen trees, shrubs, and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
  3. “Non-native, invasive” plants, as per Section 3.2.200 - Landscape Conservation, B., shall be prohibited.

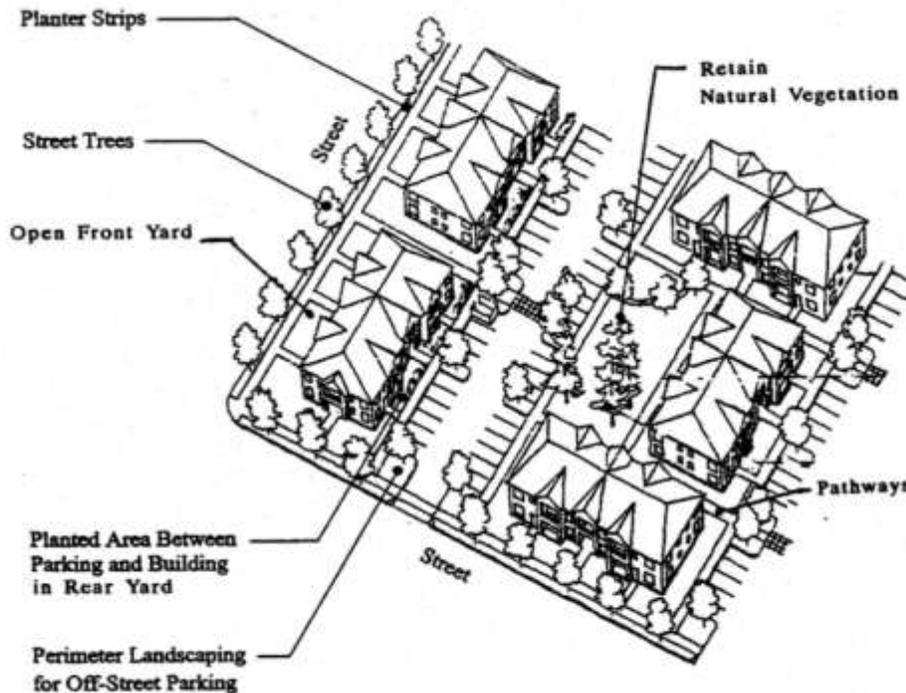
### 3.2.300 New Landscaping Cont.

4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 50 percent of the required landscape area; except in the Commercial District where hardscape features may cover up to 50 percent of the landscape area. Swimming pools, sports courts, and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
5. Non-plant Ground Covers. Bark dust, chips, aggregate, or other non-plant ground covers may be used but shall cover no more than 50 percent of the area to be landscaped. "Coverage" is measured based on the size of plants at maturity or after two years of growth, whichever comes sooner.
6. Tree Size. Trees shall have a minimum caliper size of 2 inches or greater at time of planting.
7. Shrub Size. Shrubs shall be planted from 1-gallon containers or larger.
8. Ground Cover Size. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, including grasses. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants. Ground cover plants shall be sized and spaced in the following manner: planted at a rate of one plant per 12 inches on center, in triangular spacing.
9. Significant Vegetation. Significant vegetation preserved in accordance with Section 3.2.200 - Landscape Conservation may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The street tree standards of Section 3.2.400 - Street Trees may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.
10. Stormwater Facilities. Stormwater facilities (e.g., detention/retention ponds and swales) should be landscaped with water-tolerant, native plants.
11. Drainage Fields. Landscaping plans shall contain adequate drainage fields.

### 3.2.300 New Landscaping Cont.

**Figure 3.2.300D - Landscape Areas in a Multiple Family Development (Typical)**

**E. Landscape Design Standards.** All yards, parking lots, and required street tree



planter strips shall be landscaped in accordance with the provisions of this section, Sections 3.2.100 through 3.2.500. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering based on the following standards:

1. Yard Setback Landscaping. Landscaping shall satisfy the following criteria:
  - a. Provide visual screening and privacy within side and rear yards, while leaving front yards and building entrances mostly visible for security purposes;
  - b. Use shrubs and trees as wind breaks where appropriate;
  - c. Retain natural vegetation to the extent practicable;
  - d. Define pedestrian pathways and open space areas with landscape materials;
  - e. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;

### 3.2.300 New Landscaping Cont.

#### E. Landscape Design Standards Cont.

- f. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
  - g. Use a combination of plants for year-long color and interest;
  - h. Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.
2. Parking areas. A minimum of 5 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or groundcover plants. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 10 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 30 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 15 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.
  3. Buffering and Screening Required. Buffering and screening are required under the following conditions:
    - a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the site for security. The height of the wall or screening shall not exceed 5 feet. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number, and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.

### 3.2.300 New Landscaping Cont.

- b. Parking/Maneuvering Area Adjacent to Building. When a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer no less than 2 feet in width. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground floor living space, a landscape buffer is required to fulfill this requirement.
- c. Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-oriented Uses. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, non-see-through fence, or a similar feature that provides a non-see-through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Section 3.1 - Access and Circulation. See Section 3.2.500 - Fences and Walls for standards related to fences and walls.

**F. Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged, and maybe required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

**G. Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified by Chapter 2.0, and the City may require additional landscaping through the Conditional Use Permit process (Section 4.4 - Conditional Use Permits).

### 3.2.400 Street Trees

Street trees shall be planted for all developments subject to Land Division or Site Design Review. Requirements for street tree planting strips and tree wells are provided in Section 3.4.100 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

### 3.2.400 Street Trees Cont.

- A. Growth Characteristics.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:
1. Provide a broad canopy where shade is desired.
  2. Use lower-growing trees for spaces under utility wires.
  3. Select trees that can be “limbed-up” where vision clearance is a concern.
  4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
  5. Use species with similar growth characteristics on the same block for design continuity.
  6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
  7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
  8. Select trees for their seasonal color, as desired.
  9. Use deciduous trees for summer shade and winter sun.
- B. Caliper Size.** The minimum caliper size at planting shall be 2 inches, based on the American Association of Nurserymen Standards. If this caliper is not available, the City Council may accept replacement trees.
- C. Spacing and Location.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.
- D. Soil Preparation, Planting and Care.** The developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary during the first two years after planting).

### 3.2.400 Street Trees Cont.

- E. Assurances.** At the time of building permit application submittal, City staff shall choose one of the following assurances:
1. The developer shall pay a fee to the City, in accordance with the adopted fee schedule, for each required street tree. The fee shall cover the City's expense for planting and the first two years of care.
  2. The City shall require the developer to provide a performance and maintenance bond in an amount determined by an engineer, to ensure the planting of the tree(s) and care during the first two years after planting.

### 3.2.500 Fences and Walls

The following standards shall apply to all fences and walls.

- A. General Requirements.** All fences and walls shall comply with the standards of this section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Section 4.2 - Development Review and Site Design Review or Section 4.4 - Conditional Use Permits. Walls built for required landscape buffers shall comply with Section 3.2.300 - New Landscaping.

**B. Dimensions.**

1. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 6 feet in height, in conformance with the Uniform Building Code. (as per State Building Codes).
2. ***The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way.***
3. Walls and fences to be built for required buffers shall comply with Section 3.2.300 - New Landscaping.
4. ***Fences and walls shall comply with the vision clearance standards of Section 3.1.214 - Vision Clearances.***
5. ***Retaining walls shall conform to Oregon building codes.***

### 3.2.500 Fences and Walls Cont.

- C. **Materials.** Prohibited materials include concrete blocks, straw bales, barbed/razor wire, and landscaped hedges greater than 6 feet in height.
- D. **Maintenance.** For safety and for compliance with the purpose of this chapter, walls and fences required as a condition of development approval shall be maintained in good condition, or otherwise replaced by the owner.
- E. **Permit Requirements.** *An application for a fence permit shall include a site plan that identifies the location of the fence on the property and the location of property boundaries. For a fence proposed to be located on or adjacent to a property line, the applicant shall provide proof of the location of the property boundary such as a survey, letter of agreement from neighboring property owner(s), or other documents satisfactory to the City Official that demonstrates that the proposed fence will be located on or within the property owned by the applicant.*

## 3.3 Vehicle and Bicycle Parking

### 3.3.100 Purpose

The purpose of this section is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle-parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This section recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This section also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

### 3.3.200 Applicability

All developments subject to Site Design Review (Section 4.2 - Development Review and Site Design Review), including development of parking facilities, shall comply with the provisions of this section.

### 3.3.300 Vehicle Parking Standards

The minimum number of required off-street vehicle parking spaces (i.e., parking that is located in parking lots and garages and not in the street right-of-way) shall be determined based on the standards in this section. There is no minimum number of off-street parking spaces required in the Commercial District (or in designated historic districts); however, the “maximum parking” standards of this section apply.

#### 3.3.301 Vehicle Parking Maximum Standards Option

The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, and pathway or landscape area. Credit shall be allowed for “on-street parking,” as provided in Section 3.3.306 - Credit for On-Street Parking.

#### 3.3.302 Residential Uses

**Single-family detached housing.** Two parking spaces shall be provided for each detached single-family dwelling or manufactured home on an individual lot.

**Two- and three-family housing.** 1.5 spaces per dwelling unit.

**Multi-family and single-family attached housing.**

Studio units or 1-bedroom units less than 500 square feet - 1 space/unit.

1-bedroom units 500 square feet or larger - 1.50 spaces/unit.

2-bedroom units - 1.75 spaces/unit.

3 bedroom or greater units - 2.00 spaces/unit.

Retirement complexes for seniors 55 years or greater - 1 space per unit.

**Rooming and boarding houses, dormitories.** Two spaces for each three guest rooms, or one per three beds, whichever is more.

**Senior housing.** Same as for retirement complexes.

### 3.3.302 Residential Uses Cont.

**Manufactured home parks.** Same as for single-family detached housing.

**Accessory dwelling.** None required.

### 3.3.303 Commercial Uses.

**Auto, boat, or trailer sales, retail nurseries, and similar bulk retail uses.** One space per 1,000 square feet of the first 10,000 square feet of gross land area; plus, one space per 5,000 square feet for the excess over 10,000 square feet of gross land area; and one space per two employees.

**Business, general retail, personal services.** General - one space per 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.

**Chapels and mortuaries.** One space per four fixed seats in the main chapel.

**Hotels and motels.** One space for each guest room, plus one space for the manager.

**Offices.** Medical and Dental Offices - one space per 350 square feet of gross floor area; General Offices - one space per 450 square feet of gross floor area.

**Restaurants, bars, ice cream parlors, and similar uses.** One space per four seats or one space per 100 square feet of gross leasable floor area, whichever is less.

**Theaters, auditoriums, stadiums, gymnasiums, similar uses.** One space per four seats.

### 3.3.304 Industrial Uses

**Industrial uses, except warehousing.** One space per two employees on the largest shift or one space per 700 square feet of gross floor area, whichever is less, plus one space per company vehicle.

**Warehousing.** One space per 1,000 square feet of gross floor area or one space per two employees, whichever is greater, plus one space per company vehicle.

**Public utilities (gas, water, telephone, etc.), not including business offices.** One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.

### 3.3.305 Public and Institutional Uses

**Child care centers having 12 or more children.** One space per two employees; a minimum of two spaces is required.

**Churches and similar places of worship.** One space per four seats.

**Golf courses, except miniature.** Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses - four spaces per hole.

**Hospitals.** Two spaces per patient bed.

**Nursing and convalescent homes.** One space per three patient beds.

**Rest homes, homes for the aged, or assisted living.** One space per two patient beds or one space per apartment unit.

**Schools (elementary and middle school).** One and one-half spaces per classroom, or the requirements for public assembly areas as set forth herein, whichever is greater.

**High schools.** One and one-half spaces per classroom, plus one space per ten students the school is designed to accommodate, or the requirements for public assembly as set forth herein, whichever is greater.

**Colleges, universities, and trade schools.** One and one-half spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing.

**Unspecified Uses.** Where a use is not specifically listed, parking requirements shall be determined by finding a use similar to those listed in terms of parking needs.

### 3.3.306 Credit for On-Street Parking

The amount of off-street parking required may be reduced by one off-street parking space for every on-street parking space adjacent to a commercial development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT, and/or County standards. The following constitutes an on-street parking space:

**A. Parallel parking, every 24 feet of uninterrupted curb;**

**B. 45-degree diagonal, each with 14 feet of curb;**

**C. 90-degree (perpendicular) parking, each with 12 feet of curb;**

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

### 3.3.306 Credit for On-Street Parking Cont.

- E. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and***
- F. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street spaces is permitted.***

### 3.3.307 Parking Location and Shared Parking

#### A. Location

Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports and other structures, or on driveways or parking lots that have been developed in conformance with this Code. Specific locations for parking are indicated in Chapter 2.0 for some land uses (e.g., the requirement that parking be located to side or rear of buildings, with access from alleys, for some uses). See also Section 3.1 - Access and Circulation.

#### B. Off-site parking

*Except for single-family dwellings, the vehicle parking spaces required by this section may be located on another parcel of land, provided the parcel is within 250 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.*

#### C. Mixed uses

*If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.*

### **3.3.307 Parking Location and Shared Parking Cont.**

#### *D. Shared parking*

*Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators allow that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.*

#### *E. Availability of facilities*

*Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees, as applicable. Signs shall conform to the standards of Section 3.6 - Other Standards.*

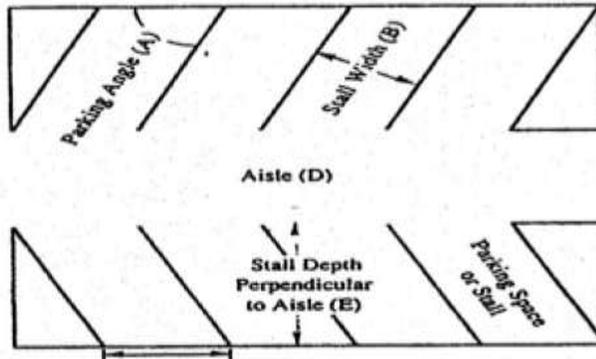
### **3.3.308 Maximum Number of Parking Spaces**

The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this section by more than 10 percent. Spaces provided on street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply toward the maximum number of allowable spaces. **Parking spaces provided through "shared parking" also do not apply toward the maximum number.**

### 3.3.309 Parking Stall Standard Dimensions and Compact Car Parking

All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with Figure 3.3.309. (Disabled person parking shall be provided in conformance with Section 3.3.310 - Disabled Person Parking Spaces.)

**Figure 3.3.309 - Parking Dimensions**



**Minimum Parking Space and Aisle Dimensions**

Angle (A)	Type	Stall Width (B)	Curb Length (C)	1-Way Aisle Width (D)	2-Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in	12 ft.	24 ft.	8 ft.
	Compact	7 ft. 6 in.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact	7ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

See also, Chapter 2.0 - Land Use District standards; Section 3.1 - Access and Circulation; Section 3.2 - Landscaping, Street Trees, Fences and Walls.

### 3.3.310 Disabled Person Parking Spaces

<b>Minimum Number of Accessible Parking Spaces</b> ADA Standards for Accessible Design 4.1.2 (5)			
Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (60" & 96" aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
<b>Column A</b>			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\* one out of every 8 accessible spaces      \*\* 7 out of every 8 accessible parking spaces

The following parking shall be provided for disabled persons, in conformance with the ADA. Disabled parking is included in the minimum number of required parking spaces in Section 3.3.305 - Public and Institutional Uses.

**See: Figure 3.3.310(1) - Disabled Person Parking Requirements (Above)**

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### 3.3.310 Disabled Person Parking Spaces Cont.

#### **A. Accessible Parking Spaces**

When a business, state, or local government agency or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

The ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.

#### **B. Accessible Parking Space for Cars**

***Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.***

#### **C. Van-Accessible Parking Spaces**

*Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:*

### 3.3.310 Disabled Person Parking Spaces Cont.

#### Figure 3.3.310(2) - Van Accessible Parking Space.

A wider access aisle (96 inches) to accommodate a wheelchair lift;



- i. A vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space; and
- ii. An additional sign that identifies the parking spaces as “van accessible.”
- iii. One of eight (minimum) accessible parking spaces must be van-accessible.

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### 3.3.310 Disabled Person Parking Spaces Cont.

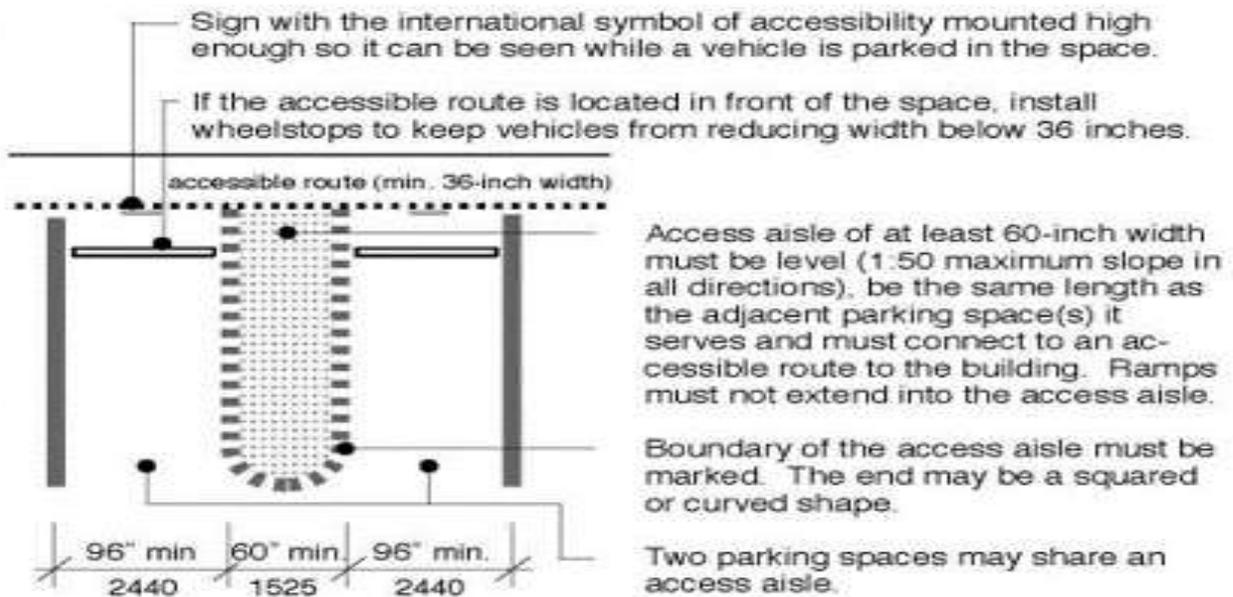
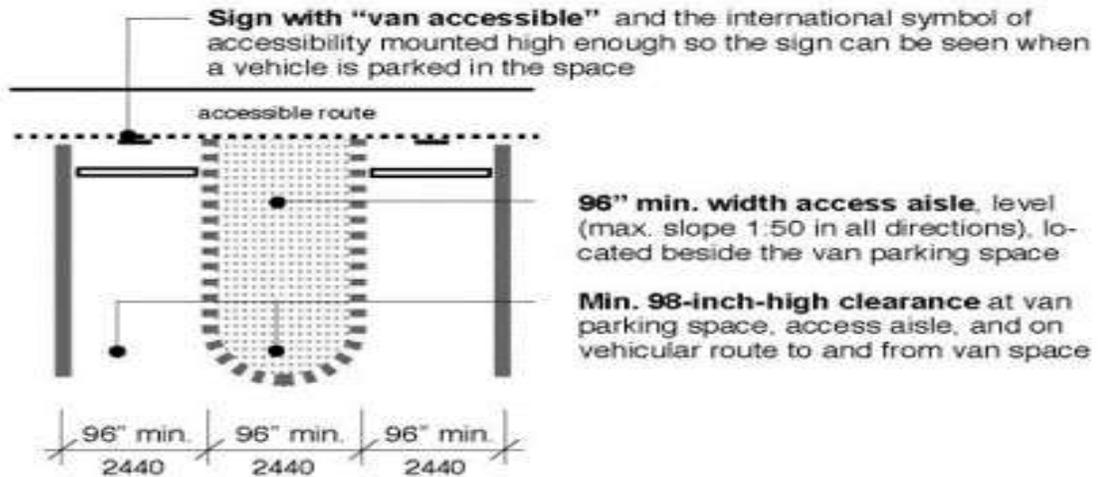
#### **D. Location**

*Accessible parking spaces must be located on the shortest accessible route of travel to an accessible facility entrance. Where buildings have multiple accessible entrances with adjacent parking, the accessible parking spaces must be dispersed and located closest to the accessible entrances.*

*When accessible parking spaces are added in an existing parking lot, locate the spaces on the most level ground close to the accessible entrance. An accessible route must always be provided from the accessible parking to the accessible entrance. An accessible route never has curbs or stairs, must be at least 3 feet wide, and has a firm, stable, slip-resistant surface. The slope along the accessible route should not be greater than 1:12 in the direction of travel.*

Accessible parking spaces may be clustered in one or more lots if equivalent or greater accessibility is provided in terms of distance from the accessible entrance, parking fees, and convenience. Van-accessible parking spaces located in parking garages may be clustered on one floor (to accommodate the 96-inch minimum height requirement).

**Figure 3.3.310(3) - Features of Accessible Parking Spaces for Cars**  
**Figure 3.3.310(4) - Three Additional Features for Van Accessible**



**Parking Spaces**

ADA Standards for Accessible Design (28 CFR Part 36):

- 4.16 Alterations;
- 4.1.2 Accessible Sites and Exterior Facilities: New Construction, and
- 4.1.6 Parking and Passenger Loading Zones.

### 3.3.400 Bicycle Parking Requirements

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

- A. Number of Bicycle Parking Spaces.** A minimum of two bicycle parking spaces per use is required for all uses with more than ten vehicle parking spaces. The following additional standards apply to specific types of development:
1. Multi-Family Residences. Every residential use of four or more dwelling units provides a minimum of one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room, or similar area. In those instances, in which the residential complex has no garage or other easily accessible storage unit, the bicycle parking spaces may be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.
  2. Parking Lots. All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every ten motor vehicle parking spaces.
  3. Schools. Elementary and middle schools, both private and public, provide one bicycle parking space for every ten students and employees. High schools provide one bicycle parking space for every five students and employees. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
  4. Colleges, universities, and trade schools. Provide one bicycle parking space for every ten motor vehicle spaces plus one space for every dormitory unit. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
  5. Commercial District. Within the Commercial District, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six bicycles. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted “U” style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per ten employees, with a minimum of one space per store.

### 3.3.400 Bicycle Parking Requirements Cont.

6. **Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every ten motor vehicle parking spaces is required.
- B. Exemptions.** This section does not apply to single-family, two-family, and three-family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten vehicle parking spaces.
- C. Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no further away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters, and other pedestrian amenities.
- D. Visibility and Security.** Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- F. Lighting.** Bicycle parking should be at least as well-lit as vehicle parking for security.
- G. Reserved Areas.** Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only.
- H. Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Section 3.1 - Access and Circulation).

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## 3.4 Public Facilities Standards

### 3.4.000 Purpose and Applicability

**A. Purpose.** The purpose of this section is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking, and bicycling. This section is also intended to implement the City's TSP.

**Important cross-reference to other standards:** The City requires that streets provide direct and convenient access, including regular intersections. Section 3.1 - Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks.

**B. When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction or repair of transportation facilities, utilities, and other public improvements within the City shall occur in accordance with the standards of this section. No development may occur unless the public facilities related to development comply with the public facility requirements established in this section.

**C. Standard Specifications.** The City's chosen engineer shall establish standard construction specifications consistent with the design standards of this section and application of engineering principles. They are incorporated in this Code by reference.

**D. Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of development approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

### 3.4.100 Transportation Standards

#### 3.4.101 Development Standards

No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Section 3.1 - Access and Circulation and the following standards are met:

- A. *Streets within or adjacent to a development shall be improved in accordance with the TSP and the provisions of this section.*
- B. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this section, and public streets shall be dedicated to the applicable City, County, or state jurisdiction.
- C. New streets and drives connected to a collector or arterial street shall be paved.
- D. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate or object against the formation of a Local Improvement District in the future) in lieu of street improvements if one or more of the following conditions exist:
  1. **A partial improvement may create a potential safety hazard to motorists or pedestrians;**
  2. Due to the developed condition of adjacent properties, it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself; provide increased street safety or capacity, or improved pedestrian circulation;
  3. The improvement would be in conflict with an adopted capital improvement plan; or
  4. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.

#### 3.4.102 Variances

Variances to the transportation design standards in this section may be granted by means of a Class B Variance, as governed by Section 5.1 - Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic constraints or constraints posed by sensitive lands (Section 3.7 - Sensitive Lands).

### 3.4.103 Creation of Rights-of-Way for Streets and Related Purposes

Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the TSP, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the engineer and shall name “the public” as grantee.

### 3.4.104 Creation of Access Easements

The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Section 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code Section 10.207.

### 3.4.105 Street Location, Width, and Grade

Except as noted below, the location, width, and grade of all streets shall conform to the City’s adopted TSP; and an approved street plan or subdivision plat. The City’s adopted TSP is hereby incorporated by reference. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets:

- A. *Street grades shall be approved by the engineer in accordance with the design standards in Section 3.4.114 - Grades and Curves; and*
- B. *Where the location of a street is not shown in an existing street plan (see Section 3.4.108 - Future Street Plan and Extension of Streets, the location of streets **in a development shall either:***
  1. **Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this section, or**
  2. **Conform to a street plan adopted by the City Council, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic the capacity of adjoining streets, and the need for public convenience and safety.**

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### 3.4.106 Minimum Rights-of-Way and Street Sections

Street rights-of-way and improvements shall be the widths in Table 3.4.106. A variance shall be required in conformance with Section 3.4.102 - Variances to vary the standards in Table 3.4.106. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:

- A. Street classification in the TSP;
- B. Anticipated traffic generation;
- C. On-street parking needs;
- D. Sidewalk and bikeway requirements based on anticipated level of use;
- E. Requirements for placement of utilities;
- F. Streetlighting;
- G. Minimize drainage, slope, and sensitive lands impacts;
- H. Street tree location, as provided for in Section 3.2.400 - Street Trees;
- I. Protection of significant vegetation;
- J. Safety and comfort for motorists, bicyclists, and pedestrians;
- K. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;
- L. Access needs for emergency vehicles; and
- M. Transition between different street widths (i.e., existing streets and new streets).

**Table 3.4.106  
Street Standards for City of Weston**

<b>STREET TYPE</b>	<b>RIGHT-OF-WAY WIDTH</b>	<b>TOTAL PAVED SURFACE WIDTH</b>	<b>PARKING STRIP WIDTH</b>	<b>BIKE LANE</b>	<b>WALKWAY (PLANTING STRIP)</b>
<b>Arterial <sup>(3)</sup></b>	<b>78'-88'</b>	<b>52'</b>	<b>8' on both sides</b>	<b>6' on both sides</b>	<b>6'-10' (7'-8')</b>
<b>Collector <sup>(2, 3)</sup></b>	<b>60'-66'</b>	<b>36'-38'</b>	<b>7'-8' on both sides</b>	<b>Shared Roadway</b>	<b>5'-6' (7'-8')</b>
<b>Local Option <sup>(1)</sup></b>	<b>54'-56'</b>	<b>25'-28'</b>	<b>7' on both sides</b>	<b>Shared Roadway</b>	<b>5'- 6' (7'-8')</b>
<b>Local Option <sup>(1)</sup></b>	<b>47'-52'</b>	<b>21'</b>	<b>7' on both sides</b>	<b>Shared Roadway</b>	<b>5'- 6' (7'-8')</b>
<b>Local Option <sup>(1)</sup></b>	<b>56'-62'</b>	<b>32'-34'</b>	<b>7' on both sides</b>	<b>Shared Roadway</b>	<b>5'-6' (7'-8')</b>
<b>Alley</b>	<b>16'-20'</b>	<b>12'-16'</b>	<b>None</b>	<b>None</b>	<b>None</b>

**Notes: For all rights-of-ways, one street name sign shall be provided at each intersection for each street. Non-conforming streets are present in the City of Weston including undersized alleys.**

**<sup>(1)</sup> Paved walkways and planting strips shall be provided unless (a) the City determines they are precluded by physical constraints, such as steep slopes, wetlands, waterways, existing structures, and mature trees, or (b) the City is unable to establish a rough proportionality between this requirement, and the nature and extent of impacts of the proposed development, in accordance with Dolan v. City of Tigard (US Supreme Court, 1994).**

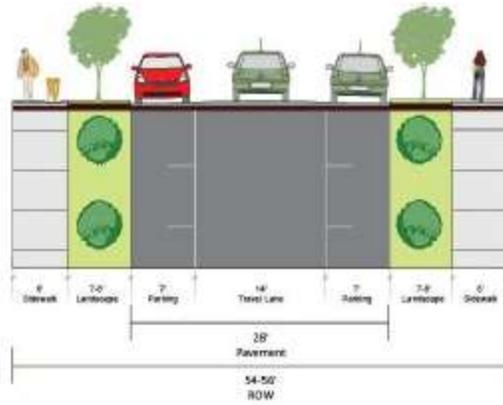
**<sup>(2)</sup> Parking may be provided on unpaved shoulder that is designated as a planting strip.**

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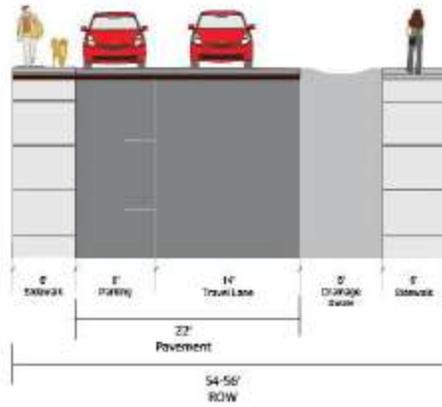
## **Street Standards for the City of Weston Cont.**

- (3) In the commercial zoning districts, including mixed-use districts that permit commercial uses, a minimum of 9-foot wide curb-tight paved walkway with tree wells for street trees shall be installed instead of a walkway and planting strip. At least 6 feet of walkway width shall be unobstructed by tree wells, poles, signs, fire hydrants, mailboxes, benches, and other permanent objects. **Obstructions shall not be placed in such a manner that they impair visibility by motorists.** Spacing of Street Trees shall be as specified in Section 3.2.400 - Street Trees of this Code.**
- (4) Notwithstanding, in Residential and Commercial Zones, walkways may be constructed with the following surfaces.*
- a. Asphalt, a minimum of 2 inches over a compacted gravel base at least 4 inches thick.*
  - b. Concrete, to existing City standards;*
  - c. Gravel; 3/4-inch minus only, a minimum of 4 inches in depth, over a mechanically compacted earth or rock base, grade and mechanically compacted to provide passage for wheelchairs, electric scooters, or other vehicles commonly used by disabled persons.*

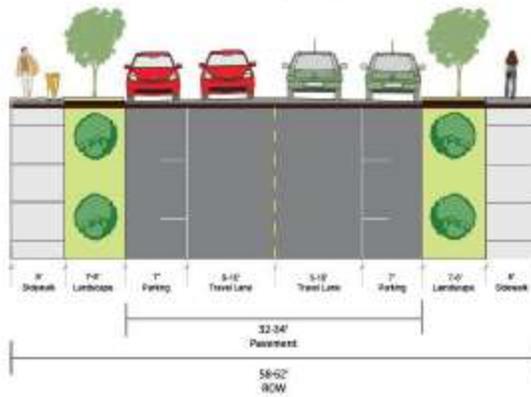
**Figure 3.4.106(1)**  
Weston TSP Local Street Standards



Local Street Option 1



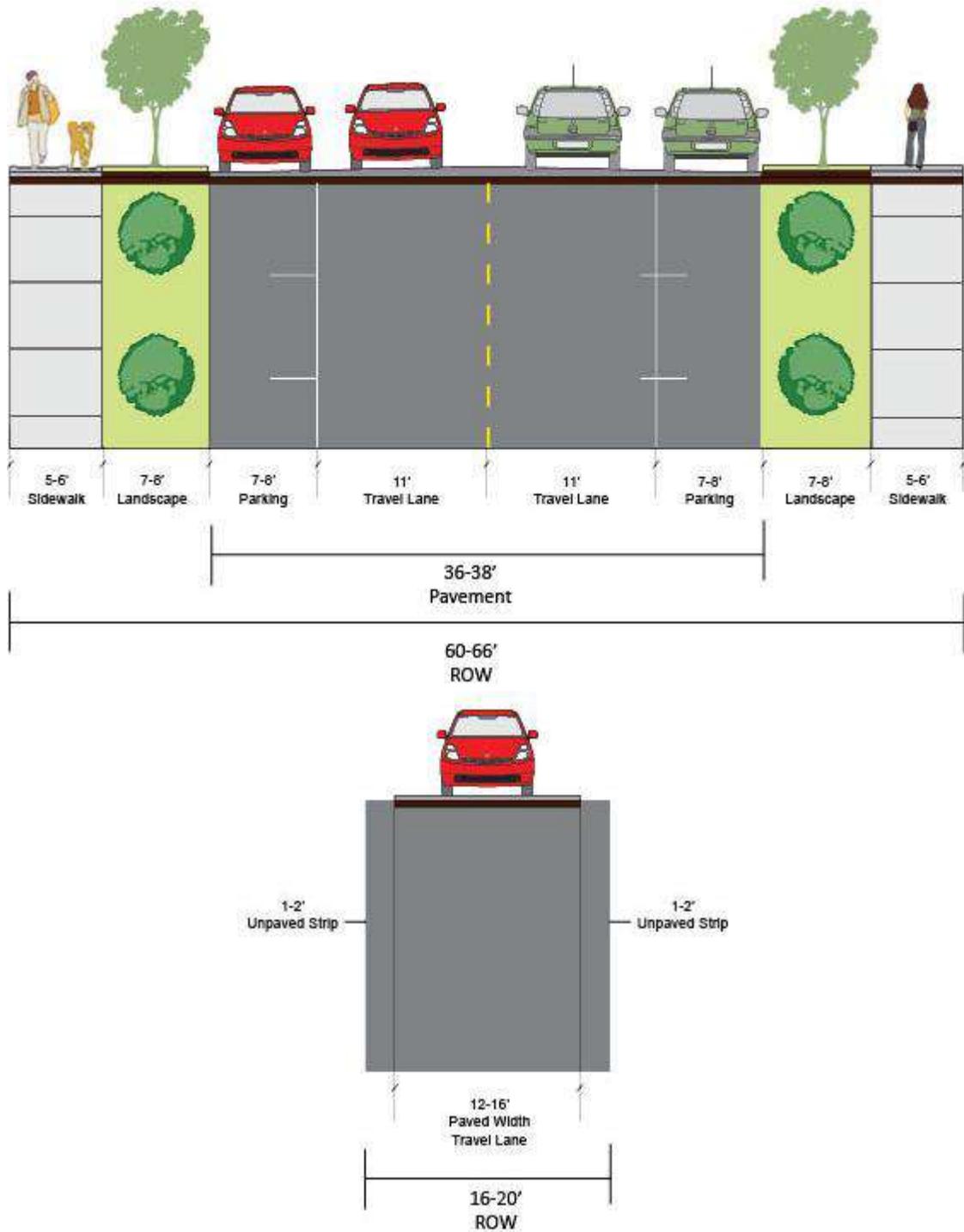
Local Street Option 2



Local Street Option 3

**Figure 3.4.106(2)**

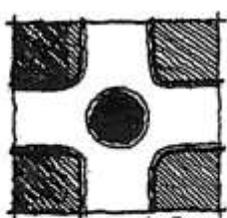
Weston TSP Collector and Alley Street Standards



### 3.4.107 Traffic Signals and Traffic Calming Features.

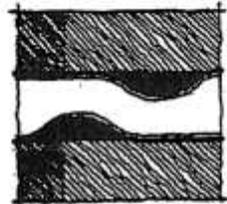
- A. *Traffic calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic.*
- B. *Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual and the Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of development approval.*
- C. *Traffic signals and traffic calming features on roads under State jurisdiction shall be determined by the ODOT.*

**Figure 3.4.107 - Traffic Calming Features**



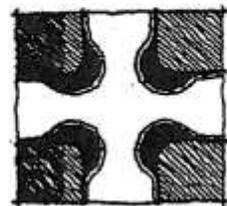
Traffic Circles

Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.



Chicanes

Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.

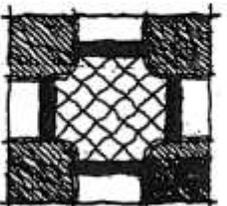


Curb Bulb-Outs,

Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible.

Chokers/Neckdowns

Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.



Special Paving

Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

*Figure 3.4.107 - Traffic Calming Features Drawing      Technique      Description*

### **3.4.108 Future Street Plan and Extension of Streets**

- A. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision in order to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed future streets from the boundaries of the proposed land division and shall include other parcels within 400 feet surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.**
- B. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the City Council determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to 1 through 3, below:**
- 1. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs or dead-end streets since they are intended to continue as through streets when the adjoining property is developed.**
  - 2. A barricade (e.g., fence, bollards, boulders, or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.**
  - 3. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.**

### **3.4.109 Street Alignment and Connections**

- A. Staggering of streets making “T” intersections at collectors and arterials shall be designed so that no jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.**

### 3.4.109 Street Alignment and Connections Cont.

- B. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (offset) intersections.**
- C. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns or compliance with other standards in this Code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15 percent for a distance of 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.**

### 3.4.110 Sidewalks, Planter Strips, Bicycle Lanes

Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.106, applicable provisions of the TSP, the Comprehensive Plan, and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

### 3.4.111 Intersection Angles

Streets shall be laid out so as to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity. In addition, the following standards shall apply:

- A. Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;**

### 3.4.111 Intersection Angles Cont.

- B. Intersections that are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and***
- C. Right-of-way lines that intersect with arterial streets shall have a corner radius of not less than 20 feet.***

### 3.4.112 Existing Rights-of-Way

Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.4.000 - Purpose and Applicability, D.

### 3.4.113 Cul-de-sacs

A dead-end street shall be no more than 200 feet long, shall not provide access to more than 25 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this Code preclude street extension and through circulation:

- A. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. Circular turnarounds shall have a radius as specified by the fire chief and generally shall be no less than 20 feet and not more than a radius of 40 feet (i.e., from center to edge of pavement) except that turnarounds maybe larger when they contain a landscaped island or parking bay in their center. When an island or parking bay is provided, there shall be a tire apparatus lane of 20 feet in width; and***
- B. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.***

### 3.4.114 Grades and Curves

Grades shall not exceed 10 percent on arterials, 12 percent on collector streets, or 12 percent on any other street (except that local or residential access streets may have segments with grades up to 15 percent for distances of no greater than 250 feet), and:

- A. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and**
- B. Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging 5 percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.**

### 3.4.115 Curbs, Curb Cuts, Ramps, and Driveway Approaches

Concrete curbs, curb cuts, wheelchair, bicycle ramps, ramps, and driveway approaches shall be constructed in accordance with standards specified in Section 3.1 - Access and Circulation.

### 3.4.116 Streets Adjacent to Railroad Right-of-Way

Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by ODOT and the rail service provider.

### 3.4.117 Development Adjoining Arterial Streets

Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

- A. A parallel access street along the arterial with a landscape buffer separating the two streets;**

### **3.4.117 Development Adjoining Arterial Streets Cont.**

- B. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Section 3.1.206 - Access Options;***
- C. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or***
- D. Other treatment suitable to meet the objectives of this subsection;***
- E. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Section 3.1.200 - Vehicular Access and Circulation.***

### **3.4.118 Alleys. Public or Private**

Alleys shall conform to the standards in Table 3.4.106. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.

### **3.4.119 Private Streets**

Private streets shall not be used to avoid connections with public streets. Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited. Design standards for private streets shall conform to the provisions of Table 3.4.106.

### **3.4.120 Street Names**

No street name shall be used that will duplicate or be confused with the names of existing streets in Umatilla County, except for extensions of existing streets. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.

### 3.4.121 Survey Monuments

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

### 3.4.122 Street Signs

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

### 3.4.123 Street Light Standards

Streetlights shall be installed in accordance with City standards.

### 3.4.124 Street Cross-Sections

The final lift of asphalt or concrete pavement shall be placed on all newly constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the Engineer. The final lift shall also be placed no later than when 50 percent of the structures in the new development are completed or two years from the commencement of initial construction of the development, whichever is less.

- A. Sub-base and leveling course shall be of select crushed rock;**
- B. Surface material shall be of Class C or B asphaltic concrete;**
- C. The final lift shall be Class C asphaltic concrete as defined by APWA standard specifications; and**
- D. No lift shall be less than 1-1/2 inches in thickness.**

### 3.4.125 Fire Apparatus Access Roads

*Fire apparatus access roads shall be in accordance with this section and all other applicable requirements of the International Fire Code, 2019. The fire code officials may be guided by the Oregon Department of Land Conservation and Development's (DLCD) Neighborhood Street Design Guidelines, June 2001.*

#### A. Required Access

##### 1. Access and Loading.

Facilities, buildings, or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved driving surface capable of supporting the imposed load of fire apparatus weighing at least 75,000 pounds (34,050 kilograms).

**Exception:** The minimum weight specified may be increased by the fire code official based on the actual weight of the fire apparatus vehicles serving the jurisdiction that provides structural fire protection services to the location, including fire apparatus vehicles that respond under automatic and mutual aid agreements.

##### 2. Access in Urban-wildland Interface Areas. For egress and access concerns in urban-wildland interface locations, the fire code official may be guided by the Urban Wildland Interface Code.

#### B. Minimum Specifications

##### 1. Access Road Width with a Hydrant.

**Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet (7,925 millimeter [mm]), exclusive of shoulders (see Figure 3.4.125(1)).**

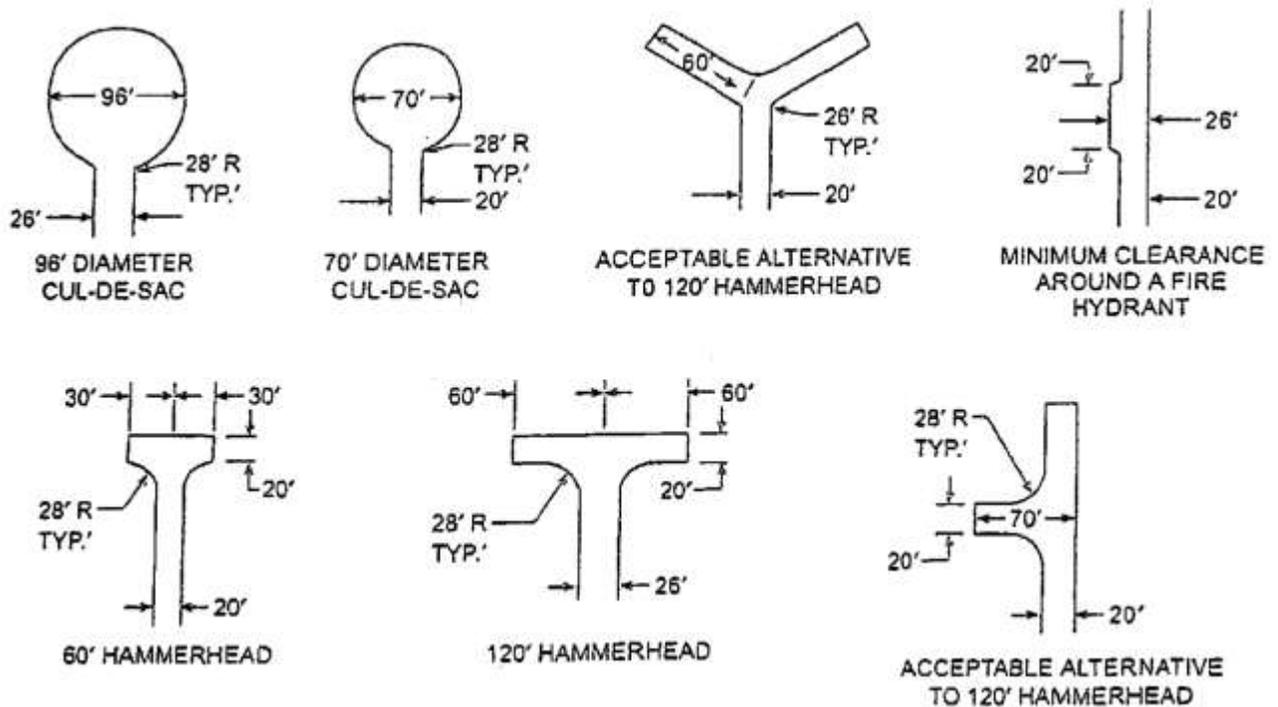
**Exceptions:** The fire code official is authorized to modify the provisions of Section 3.4.125 - Fire Apparatus Access Roads, subsection B.1., above where:

- a. All one- and two-family dwellings located along the narrowed fire apparatus access road are protected with an approved automatic fire sprinkler system.
- b. Provisions are made for the emergency use of sidewalks by such means as rolled or mountable curbs capable of supporting the fire department's apparatus.
- c. Streets or roadways are identified for one-way circulating flow of traffic, or pullouts are provided every 150 feet (45,720 mm) on streets or roadways identified for two-way traffic.
- d. A grid system for traffic flow is provided and streets or roadways in the grid do not exceed 300 feet (91,400 mm) in length and are accessible at each end from approved access roadways or streets.

### 3.4.125 Fire Apparatus Access Roads Cont.

Figure 3.4.125(1)

#### Dead-End Fire Apparatus Access Road Turnaround



(For SI: 1 foot=305 mm)

2. **Grade:** Fire apparatus roads shall not exceed 10 percent in grade. **Exception:** Grades steeper than 10 percent as approved by the fire code official.
3. **Turning radius:** The minimum turning radius shall be determined by the fire code official.
4. **Angles of Approach:** The angles of approach and departure for any means of egress shall not be less than the design limitations of the fire apparatus of the fire department, subject to the approval of the fire code official.
5. **Dead-ends:** Dead-end fire apparatus access roads in excess of 150 feet (45,720 mm) shall be provided with width and turnaround provisions in accordance with Table 3.4.125(1) and Section 3.4.125 - Fire Apparatus Access Roads, subsection B.

### 3.4.125 Fire Apparatus Access Roads Cont.

**TABLE 3.4.125(1) REQUIREMENTS FOR DEAD-END FIRE**

Apparatus Access Roads

(For SI: 1 foot = 305 mm)

LENGTH (feet)	WIDTH (feet)	TURNAROUNDS REQUIRED
0 to 150	20	None required
151 to 500	20	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure 3.4.125(1)
501 to 750	26	120-foot Hammerhead, 60-foot "Y" or 96-foot-diameter cul-de-sac in accordance with Figure 3.4.125(1)
Over 750		Special approval required

#### 6. Fire apparatus access road gates

**Gates securing the fire apparatus access roads shall comply with all of the following criteria:**

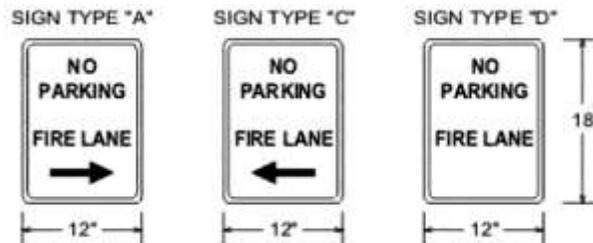
- a. Where a single gate is provided, the gate width shall be no less than 20 feet (6,096 mm). Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 12 feet (3,658 mm).
- b. Gates shall be of the swinging or sliding type.
- c. Construction of gates shall be of materials that allow manual operation by one person.
- d. Construction of gates shall be maintained in an operative condition at all times and replaced or repaired when defective.
- e. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the fire code official.
- f. Methods of locking shall be submitted for approval by the fire code official.
- g. Electric gate operators, where approved, shall be listed in accordance with UL 325.
- h. Gates intended for automatic operation shall be designed, constructed, and installed to comply with requirements of ASTM F2200.

### 3.4.125 Fire Apparatus Access Roads Cont.

#### 7. Signs

Where required by the fire code official, fire apparatus access roads shall be marked with permanent NO PARKING-FIRE LANE signs complying with Figure 3.4.125(3) below. Signs shall have a minimum dimension of 12 inches (305 mm) wide by 18 inches (457 mm) high and have red letters on a white reflective background. Signs shall be posted on one or both sides of the fire apparatus road.

Figure 3.4.125(3) Fire Lane Signs



8. Roads 20 to 26 Feet in Width: Fire Lane signs as specified in subsection g., above shall be posted on both sides of fire apparatus access roads that are to 20 26 feet wide (6,059 to 7,926 mm).
9. Roads More Than 26 feet in Width: Fire Lane signs as specified in subsection g., above shall be posted on one side of fire apparatus access roads more than 26 feet wide (7,925 mm) and less than 32 feet wide (9,754 mm).

#### C. Commercial and Industrial Developments

1. Buildings Exceeding Three Stories or 30 Feet in Height: Buildings or facilities exceeding 30 feet (9,144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure.
2. Buildings Exceeding 62,000 Square Feet in Area  
Buildings or facilities having a gross building area of more than 62,000 square feet (5,760 m<sup>2</sup>) shall be provided with two separate and approved fire apparatus access roads. Exception: Projects having a gross building area of up to 124,000 square feet (11,520 m<sup>2</sup>) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.
3. Remoteness: Where two access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the property or area to be served, measured in a straight line between accesses.

### 3.4.125 Fire Apparatus Access Roads Cont.

#### *Aerial Fire Apparatus Access Roads*

##### 1. Where required

**Building or portions of buildings or facilities exceeding 30 feet (9,144 mm) in height above the lowest level of fire department vehicle access shall be provided with approved fire apparatus access roads capable of accommodating fire department aerial apparatus.**

##### Where required

Where the vertical distance between the grade plane and the highest roof surface exceeds 30 feet (9,144 mm), approved aerial fire apparatus access roads shall be provided. For purposes of this section, the highest roof surface shall be determined by measurement of the eave of a pitched roof, the intersection of the roof to the exterior wall, or the top of parapet walls, whichever is greater.

#### **D. Fire-Flow Requirements for Buildings**

Fire-flow requirements for buildings will conform to the Oregon Fire Code Appendix B: Fire-Flow Requirements for Buildings.

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### 3.4.200 Public Use Areas

#### A. Dedication Requirements.

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.
2. If determined by the City Council to be in the public interest in accordance with adopted Comprehensive Plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent, and location suitable for the development of parks and other public uses.
3. All required dedications of public use areas shall conform to Section 3.4.700 - Construction Plan Approval and Assurances.

**B. Acquisition by Public Agency.** If the developer is required to reserve land area for a park, playground, or other public use, the land shall be purchased by the appropriate public agency within six months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner.

**C. System Development Charge Credit.** Donation of a conservation easement on land to the City for public use areas shall be eligible as a half credit toward any system development charge for parks.

### 3.4.300 Sanitary Sewer and Water Service Improvements

**A. Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City's construction specifications and the applicable Comprehensive Plan policies.

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

**C. Over-sizing.** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the Comprehensive Plan. The developer shall be entitled to System Development Charge credits for the over-sizing.

### 3.4.300 Sanitary Sewer and Water Service Improvements Cont.

- D. Permits Denied.** Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system that cannot be rectified by the development and that if not rectified, will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in **ORS 191.505.**

### 3.4.400 Storm Drainage

- A. General Provisions.** The City shall issue a development permit only where adequate provisions for stormwater and floodwater runoff have been made in conformance with Section 3.5 - Surface Water Management.
- B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the Engineer.
- C. Effect on Downstream Drainage.** Where it is anticipated by the Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- D. Easements.** Where a development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a stormwater easement or drainage right-of-way conforming substantially with the lines of such watercourse and such further width as will be adequate for conveyance and maintenance.

### 3.4.500 Utilities

- A. Underground Utilities.** All utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface-mounted transformers, surface-mounted connection boxes, and meter cabinets, which may be placed above ground, temporary utility service facilities during construction, and high-capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, in order to facilitate underground placement of utilities:

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### 3.4.500 Utilities Cont.

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Section 3.1 - Access and Circulation);
2. The City reserves the right to approve the location of all surface-mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

**B. Easements.** Easements shall be provided for all underground utility facilities.

**C. Exception to Under-Grounding Requirement.** The standard applies only to proposed subdivisions. An exception to the under-grounding requirement may be granted due to physical constraints, such as steep topography, sensitive lands (Section 3.7 - Sensitive Lands), or existing development conditions.

### 3.4.600 Easements

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public utilities shall be dedicated on a final plat, or provided for in the deed restrictions. See also, Section 4.2 - Development Review and Site Design Review, and Section 4.3 - Land Divisions and Lot Line Adjustments. The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 5 feet unless otherwise specified by the utility company, applicable district, or City-appointed engineer.

### 3.4.700 Construction Plan Approval and Assurances

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council. The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. See also Section 4.2.400 - Site Design Review - Application Review Procedure and Section 4.3.180 - Performance Guarantee.

### 3.4.800 Installation

- A. **Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this section, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. **Adopted Installation Standards.** The Standard Specifications for Public Works Construction, Oregon Chapter APWA shall be a part of the City's adopted installation standard(s); other standards may also be required upon recommendation of the Engineer.
- C. **Commencement.** Work shall not begin until the City has been notified in advance in writing.
- D. **Resumption.** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing.
- E. **City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Modifications requested by the developer shall be subject to land use review under Section 4.6 - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.
- F. **Engineer's Certification and As-Built Plans.** A registered engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide three set(s) of "as-built" plans, in conformance with the Engineer's specifications, for permanent filing with the City.

### 3.5 Surface Water Management

*The City of Weston manages surface water as required by state and federal agencies. The Oregon Department of Environmental Quality (DEQ) standards for Erosion and Sediment Control as well as Stormwater Management should be complied with for all development within the City of Weston.*

### 3.6 Other Standards

#### 3.6.100 Density Transfers

- A. Purpose.** The purpose of this section is to implement the Comprehensive Plan and protection of open spaces through the allowance of housing density transfers. “Density Transfers” are the authorized transfer of allowed housing units (per Chapter 2.0) from one portion of a property to another portion of the same property, or from one property to another property.
- B. Determination of Allowable Housing Units.** The number of allowed housing units on a property is based on the surface area of the property (acres) times the maximum allowed housing density in Chapter 2.0.
- C. Density Transfer Authorized.** Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A density transfer shall not be approved unless it meets one or more of the criteria in 1 through 4 below, and it conforms to Section 3.6.100 - Density Transfers, D and E.
1. Protection of sensitive land areas as defined in Section 3.7 - Sensitive Lands (and listed below) either by dedication to the public or a land trust, or by a non-revocable conservation easement. Sensitive land areas include:
    - a. Land within the 100-year floodplain;
    - b. Land or slopes exceeding 20 percent;
    - c. Drainage ways;
    - d. Wetlands;
  2. Dedication of land to the public for park or recreational purposes; or
  3. The density transfer is used to develop a mix of single-family and multi-family housing on the same property or development site.

### 3.6 Other Standards Cont.

- D. Prohibited Density Transfers.** Density shall not be transferred from land proposed for street right-of-way, stormwater detention facilities, private streets, and similar areas that do not provide open space or recreational values to the public.
- E. Density Transfer Rules.** All density transfers shall conform to all of the following rules:
1. Allowed housing units shall be transferred only to buildable lands (“receiving areas”). The number of allowed housing units shall be reduced on properties from which density is transferred (“sending areas”) based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with current zoning and development codes;
  2. The number of units that can be transferred is limited to the number of units that would have been allowed on 100 percent of the unbuildable area if not for these regulations; and
  3. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per gross acre permitted under the applicable Comprehensive Plan designation; except as otherwise permitted through the Master Planned Development process (Section 4.5 - Master Planned Developments).
  4. All density transfer development proposals shall comply with the development standards of the applicable land use district, except as otherwise allowed by the Master Planned Development process (Section 4.5 - Master Planned Developments).

#### 3.6.200 Solar Access

The use of solar energy collectors for the purpose of providing domestic energy is a permitted accessory use within all zones, whether as a part of a structure or incidental to a group of structures in the vicinity. Use of solar energy collectors is subject to the restraints imposed by the diversity of topography within the city limits, plus existing structures and vegetation. No guarantee is hereby given that all property within the city limits is entitled to the use of solar collectors. However; as a general policy, reasonable care shall be taken to protect the opportunity for the utilization of solar collectors at all of the locations available, while limiting visual impacts (glare) to the greatest extent practicable.

### **3.6.300 Windmills**

The use of windmills for the purpose of providing domestic energy is a permitted accessory use within all zones, whether as a part of a structure or incidental to a group of structures in the vicinity. Use of windmills is subject to the restraints imposed by the diversity of topography within the city limits, plus existing structures and vegetation. No guarantee is hereby given that all property within the city limits is entitled to the use of windmills. However, as a general policy, reasonable care shall be taken to protect the opportunity for the utilization of windmills at all of the locations available, while limiting visual impacts (glare) and noise impacts to the greatest extent practicable.

### **3.6.400 Environmental Performance**

The City of Weston requires projects to meet state and federal standards for air quality, water quality, emissions, and other environmental concerns, when applicable, but does not require any additional local compliance verification.

### **3.6.500 Signs**

#### **A. Residence**

1. One name plate or home occupation sign shall be allowed on each dwelling unit. These signs shall not be larger than 4 square feet in area.
2. House numbers shall be placed on the front of all dwelling units.
3. Signs not larger than 12 square feet may be placed on or at the entrances to apartments and manufactured dwelling parks.
4. Signs advertising the property for sale, lease, or rent shall not exceed 6 square feet. Such signs shall not be allowed to remain on the property after the property is sold, leased, or rented.
5. Signs may be illuminated by exterior lights.
6. One sign shall be allowed per subdivision, advertising lots or homes for sale. Such sign shall not exceed 50 square feet in area, shall be set back at least 20 feet from the nearest street, and shall not obstruct the view from existing residences.
7. Billboards are not allowed. However, small signs providing direction to community facilities are allowed.
8. Other sign types, such as murals and banners, will require approval through the sign permit process and shall be designed so as not to constitute a nuisance to properties within the viewshed of the sign.

### **3.6.500 Signs Cont.**

#### **B. Commercial**

1. Signs shall be set back at least 10 feet from any residential property.
2. **Moving or flashing signs are generally restricted, but may be permitted through a Conditional Use Permit.**
3. Total area of all signs shall not exceed 1 square foot per 100 square feet of the building's ground floor area, except that no sign need be smaller than 4 square feet in area.
4. No sign shall project above the roof edge of the building containing the business that the sign identifies.
5. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.
6. Street numbers shall be placed on the front and rear facades of each building or shop where applicable.
7. No commercial signs are allowed off-site.
8. Billboards are not allowed. However, small signs providing direction to community facilities are allowed.
9. **Other sign types, such as murals and banners, will require approval through the sign permit process and shall be designed so as not to constitute a nuisance to properties within the viewshed of the sign.**

#### **C. Industrial**

1. Signs shall be set back at least 10 feet from a residential property.
2. Moving or flashing signs are generally restricted but may be permitted through a Conditional Use Permit.
3. Signs visible from residential properties shall be shielded or directed so as not to constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.
4. Billboards are not allowed. However, small signs providing direction to community facilities are allowed.
5. Other sign types, such as murals and banners, will require approval through the sign permit process and shall be designed so as not to constitute a nuisance to properties within the viewshed of the sign.

### 3.6.600 Storage Containers

- A. **Storage on Residentially Zoned Properties.** *Only accessory storage buildings shall be outright permitted as accessory storage* in any residential zone. *Cargo containers, recreational vehicles, bus bodies, and similar prefabricated items are not permitted to be used as permanent accessory storage buildings on residential properties.*
- B. Temporary placement of cargo containers and other portable storage containers (PSC) are allowed for the purposes of unloading or loading household contents, for up to 30 days in any one calendar year. *Allowed for construction purposes for duration and up to 30 days from when construction is completed.*
- C. PSCs may be permitted in residential zones if the following standards are met:
1. The maximum allowable area of a PSC shall be 160 square feet with no dimension exceeding 20 feet.
  2. *No more than one PSC shall be placed on any lot at one time.*
  3. PSCs shall not be placed or unloaded on any street within the City.
  4. PSCs shall be placed no closer than 10 feet to a front property line and shall comply with the side and rear lot setback requirements and vision clearance standards for structures in the applicable zone.
  5. PSCs shall only be placed on a hard surface and shall not be located in any required open space, landscaped area, on any sidewalk or trail, or in any location that blocks or interferes with any vehicular and/or pedestrian circulation, and shall be located in accordance with all applicable building and fire code regulations for the purpose of ensuring safe ingress and egress to dwellings, access to utility shut-off valves, and for fire protection.
  6. *During a construction project under an active building permit, PSCs and trailers may be used to store tools and materials on site. All such storage facilities must be removed within 30 days of completion or cessation of construction.*
  7. *No PSCs shall be placed for a total of more than 180 days under any circumstances.*

### 3.6.600 Storage Containers Cont.

- D. Cargo Containers.** Placement of cargo containers as an accessory storage use is limited to commercial and industrial zones. Cargo containers must meet the Building Code, and require a County Building Permit. Cargo containers must meet setback requirements of the underlying zone, may not be stacked (except industrial zones), must be painted a single uniform color matching or complimenting adjacent structure(s), **and materials stored in them may be subject to review and approval by the fire marshal.**

### 3.7.000 Sensitive Lands

The City of Weston requires projects to meet state and federal standards for sensitive lands, including wetlands, waterbodies, conservation areas, and other designated lands, when applicable, but does not require any additional local compliance verification.

### 3.8.000 Loading Standards

#### 3.8.100 Purpose

The purpose of this section of the Code is to provide standards for a minimum number of loading spaces required to ensure adequate areas for loading for larger uses and developments. The regulations ensure that the appearance of loading areas will be consistent with that of parking areas.

#### 3.8.200 Loading Standards

##### **A. Number of Loading Spaces.**

1. Buildings where all of the floor area is residential use must meet the standards of this paragraph.
  - a. No loading spaces are required where there are less than 50 dwelling units in the building and the site abuts a local street.
  - b. One loading space is required for all other buildings.
2. Buildings where any of the floor area is in use other than the Residential District must meet the standards of this paragraph.
  - a. No loading spaces are required for buildings with less than 20,000 square feet of floor area.
  - b. One loading space is required for buildings with 20,000 square feet or more of floor area.
  - c. Two loading spaces are required for buildings with more than 50,000 square feet of floor area.

**3.8.200 Loading Standards Cont.**

- B. Size of Loading Spaces.** Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.
- C. Placement, Setbacks, and Landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in Chapters 2 and 3. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

## 3.9.0000

### STATE OF OREGON MODEL FLOOD HAZARD MANAGEMENT ORDINANCE

Current Version Effective: October 23, 2020

#### Introduction

The model flood hazard ordinance has been prepared by the State of Oregon Department of Land Conservation and Development (DLCD) and has been reviewed and approved by FEMA Region X. Adoption of the ordinance language provided will ensure compliance with the minimum standards for participation in the National Flood Insurance Program (NFIP). The model flood hazard ordinance includes standards and provisions that encourage sound floodplain management. The language is based on the minimum requirements of the NFIP found in the Code of Federal Regulations (CFRs), Oregon's statewide land use planning Goal 7, and the Oregon specialty codes.

#### How to Use this Document:

This 2019 version of the model ordinance includes a Table of Contents and a Regulatory Crosswalk that identifies the federal and state standards that align to and are reflected in each section.

Ordinance Language Legend:

- [Hyperlinks](#): Link to other sections of the document; including the Appendix

Note Regarding the Appendices:

**As updates are implemented by either FEMA, the Federal Government, the State of Oregon, or Umatilla County, these enhancements to the primary document, along with pertinent supplemental data, will be integrated into the relevant sections, including forthcoming amendments to Chapter 7. It is essential to recognize that these documents will need additional referencing when making decisions pertaining to future planning cases and applications.**

#### Summary of Changes from 2014 version to 2019 Version Oregon Model Flood Hazard Ordinance:

The 2019 version of the Oregon Model Flood Hazard Ordinance (to be referred to herein as the "2019 model ordinance"), varies from the previous version in its reorganization of some sections and subsections, as well as the modification of content to include new sections and revisions to existing sections.

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## Summary of Changes from the 2014 version to the 2019 Version

### Oregon Model Flood Hazard Ordinance: Cont.

In general, the content was revised to more closely match (verbatim) the language in the sections of Code of Federal Regulations (CFR), which contain the minimum requirements for the National Flood Insurance Program (NFIP). The content was also revised to incorporate relevant standards in the State of Oregon's Specialty Codes, and updates to those standards that have changed in the last 5 – 10 years. A breakdown of the primary changes found in the 2019 model ordinance is provided below:

1. Some definitions have been added, removed, or reworded to match the CFR definitions verbatim, as required by FEMA. There are additional optional and recommended definitions provided in [Appendix A](#).
2. The 2019 model ordinance notes the requirement for coordination with State of Oregon Specialty Codes (section 3.0.230(sec.3.3) and incorporates relevant requirements (higher standards) from the Specialty Codes to ensure alignment between the model flood ordinance language and the building code language. For example, the 2019 model ordinance:
  - a. Directly addresses “Garages” (section 3.9.574(sec.5.2.2) and “Tanks” (section 3.9.550(sec.5.15) by incorporating the relevant NFIP and State of Oregon Specialty Code requirements into the ordinance language.
  - b. Incorporates the Specialty Codes additional standards for flood openings in residential structures that require a building permit (section 3.9.573(sec.5.2.1).
3. The floodplain development permit and permit review requirements have been expanded in the 2019 model ordinance (sections 3.9.466(4.3.2) and 3.9.430(sec.4.21) to more accurately capture all of the information a community Floodplain Administrator is required to obtain and review to ensure a floodplain development proposal complies with the standards of the 2019 model ordinance (minimum NFIP and state standards).
4. The 2019 model ordinance expands the requirements for “Information to be Obtained and Maintained” (section 3.9.440(sec.4.2.2). To reflect the NFIP minimum requirements and Oregon Specialty Code Requirements.
5. The 2019 model ordinance also has a new section, 3.9.460(sec.4.2.3.1), “Community Boundary Alterations”, that reflects the NFIP minimum requirement for communities to notify FEMA when their boundaries change (i.e. when annexations occur).

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## Summary of Changes from the 2014 version to the 2019 Version of the Oregon Model Flood Hazard Ordinance Cont.

6. The 2019 model ordinance clearly indicates that floodplain managers have a duty to conduct Substantial Improvement (SI) assessments and Substantial Damage (SD) determinations in a new section 3.9.463(sec.4.24). Both SI and SD are defined in section 3.9.150(sec.2). SI review is required for all structural development proposals and other development activities associated with or attached to a structure. This section is designed to help ensure that each floodplain development file includes SI calculations whenever appropriate, as well as the floodplain administrator's determination of whether the proposed development activity qualifies as SI. SD review is required whenever structures have been damaged due to natural or other events (i.e. house fire). Please refer FEMA Publication 758: Substantial Improvement/Substantial Damage Desk Reference, available for download at: <https://www.fema.gov/media-library/assets/documents/18562> for additional details regarding SI and SD.
7. There is a change to the "Variance Conditions" section in the 2019 model ordinance. Per FEMA guidance, the variance condition related to historic structures has been removed. For more details, including an explanation of the reasons for this change, please see the note in [Appendix, for section 3.9.468\(sec.4.4.1\)](#).
8. In the 2019 model ordinance, subdivisions and other development proposals (including manufactured dwelling parks and subdivisions) have been addressed directly in the new section 3.9.560(sec.5.16), and the language reflects the requirements minimum NFIP requirements in 44 CFR 60.3(a)(4), and 60.3(b)(3).
9. Section 3.9.570(sec.5.1.7), "Use of Other Base Flood Data" has been moved out of the administration section and the language has been updated to reflect the minimum state and NFIP standards.
10. Section 3.9.571(sec.5.1.8), "Structures Located in Multiple or Partial Flood Zones", has been added to reflect how the NFIP and State of Oregon Specialty Codes address structures that fall within multiple flood zones or are partially within one or more flood zones.
11. Section 3.9.572(sec.5.2), which addresses the specific standards for riverine flood zones has been re-organized slightly, but it is still broken down by the type of FEMA Flood Insurance Rate Map (FIRM) flood zone and the level of detail or information available. It has also been amended to add the following sections at the beginning:
  - a. Section 3.9.573(sec.5.2.1), "Flood Openings," which covers the NFIP minimum requirements and additional Oregon Specialty Code requirements for residential structures requiring a building permit.
  - b. Section 3.9.574(sec.5.2.2), "Garages," addresses the specific requirements for attached and detached garages under the NFIP minimum standards and Oregon Specialty Code requirements.

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### Summary of Changes Made Under October 2020 Revisions to the Model Ordinance Language:

1. Addition of the word “and” after the first bullet in Section 3.9.583(sec.5.2.3.5), the standards for recreational vehicles based on FEMA interpretation of the regulatory language for this standard in 44 CFR 60.3 as having an implied “and”.
2. Addition of the words “conversion to” into the residential and non-residential development standards Sections 3.9.580(sec.5.2.3.2) and 3.9.581(sec.5.2.3.3). *This language was added to ensure that structures that are converted to different uses within the Special Flood Hazard Area are brought into compliance with residential standards for life, safety, and property damage prevention purposes.*
3. Addition of “replacement” to the language in 3.9.582(Sec. 5.2.3.4) standards for manufactured dwellings to ensure that the standards in this section are applied to replacement manufactured homes as well as new and substantially improved manufactured dwellings.

**THIS SECTION IS INTENTIONALLY RESERVED FOR THE INCLUSION OF ANY ADDITIONAL REQUIREMENTS THAT MAY ARISE IN THE FUTURE.**

**Oregon Model Flood Ordinance Regulatory  
Crosswalk**

<b>Section</b>	<b>Code of Federal Regulations (CFR) and Technical Bulletin Citation(s)</b>	<b>State of Oregon Citation(s) (Goal 7, Specialty Codes*, ORS)</b>
1.1 Statutory Authorization	59.22(a)(2)	Goal 7; ORS 203.035 (Counties), ORS 197.175 (Cities)
1.2 Findings of Fact	59.22(a)(1)	Goal 7
1.3 Statement of Purpose	59.2; 59.22(a)(1) and (8); 60.22	Goal 7
1.4 Methods of Reducing Flood Losses	60.22	Goal 7
2.0 Definitions	59.1	Goal 7
3.1 Lands to Which this Ordinance Applies	59.22(a)	Goal 7
3.2.0.0 Basis for Establishing the Special Flood Hazard Areas	59.22(a)(6); 60.2(h)	Goal 7
3.3.0.0 Coordination with Specialty Codes Adopted by the State of Oregon Building Codes Division	ORS 455	
3.4.1.0 Compliance	60.1(b) – (d)	Goal 7
3.4.2.0 Penalties for Noncompliance	60.1(b) – (d)	Goal 7
3.5.1.0 Abrogation	60.1(b) – (d)	Goal 7
3.5.2.0 Severability		
3.6.0.0 Interpretation	60.1(b) – (d)	Goal 7
3.7.1.0 Warning		
3.7.2.0 Disclaimer of Liability		
4.1.0.0 Designation of the Floodplain Administrator	59.22(b)(1)	Goal 7
4.2.1.0 Permit Review	60.3(a)(1) – (3); 60.3(c)(10)	Goal 7
4.2.2.0 Information to be Obtained and Maintained	59.22(a)(9)(iii); 60.3(b)(5)(i) and (iii); 60.3(c)(4); 60.3(b)(3); 60.6(a)(6)	Goal 7; R105.9; 110.33; R106.1.4; R109.1.3; R109.1.6.1; R322.1.10; R322.3.6
4.2.3.1 Community Boundary Alterations	59.22(a)(9)(v)	Goal 7
4.2.3.2 Watercourse Alterations	60.3(b)(6) – (7), 65.6(12 -13)	Goal 7
4.2.3.3 Requirement to Submit New Technical Data	65.3, 65.6, 65.7, 65.12	Goal 7
4.2.4.0 Substantial Improvement and Substantial Damage Assessments and Determinations	59.1; 60.3(a)(3); 60.3(b)(2); 60.3(b)(5)(i); 60.3(c)(1),(2),(3),(5) – (8),(10), (12); 60.3(d)(3); 60.3(e)(4),(5),(8)	Goal 7
4.3.1.0 Floodplain Development Permit Required	60.3(a)(1)	Goal 7

4.3.2.0 Application for Development Permit	60.3(a)(1); 60.3(b)(3); 60.3(c)(4)	Goal 7; R106.1.4; R322.3.6
4.4.0.0 Variance Procedure	60.6(a)	Goal 7
4.4.1.0 Conditions for Variances	60.6(a)	Goal 7
4.4.2.0 Variance Notification	60.6(a)(5)	Goal 7
5.1.1.0 Alteration of Watercourses	60.3(b)(6) and (7)	Goal 7
5.1.2.0 Anchoring	60.3(a)(3); 60.3(b)(1),(2), and (8)	Goal 7; R322.1.2
5.1.3.0 Construction Materials and Methods	60.3(a)(3), TB 2; TB 11	Goal 7; R322.1.3; R322.1.3
5.1.4.1 Water Supply, Sanitary Sewer, and On-Site Waste Disposal Systems	60.3(a)(5) and (6)	Goal 7; R322.1.7
5.1.4.2 Electrical, Mechanical, Plumbing, and Other Equipment	60.3(a)(3)	Goal 7; R322.1.6;
5.1.5.0 Tanks	R322.2.4; R322.3.7	
5.1.6.0 Subdivision Proposals	60.3(a)(4)(i) – (iii); 60.3(b)(3)	Goal 7
5.1.7.0 Use of Other Base Flood Data	60.3(a)(3); 60.3(b)(4); 60.3(b)(3); TB 10-01	Goal 7; R322.3.2
5.1.8.0 Structures Located in Multiple or Partial Flood Zones	R322.1	
5.2.1.0 Flood Openings	60.3(c)(5); TB 1; TB 11	Goal 7; R322.2.2; R322.2.2.1
5.2.2.0 Garages	TB 7-93	R309
5.2.3.1 Before Regulatory Floodway	60.3(c)(10)	Goal 7
5.2.3.2 Residential Construction	60.3(c)(2)	Goal 7
5.2.3.3 Non-residential Construction	60.3(c)(3) – (5); TB 3	Goal 7; R322.2.2; R322.2.2.1
5.2.3.4 Manufactured Dwellings	60.3(b)(8); 60.3(c)(6)(iv); 60.3(c)(12)(ii)	Goal 7; State of OR Manufactured Dwelling Installation Specialty Code (MDISC) and associated statewide Code Interpretation dated 1/1/2011
5.2.3.5 Recreational Vehicles	60.3(c)(14)(i) – (iii)	Goal 7
5.2.3.6 Appurtenant (Accessory) Structures	60.3(c)(5); TB 1; TB 7-93	S105.2; R105.2
5.2.4.0 Floodways	60.3(d); FEMA Region X Fish Enhancement Memo (Mark Riebau)	Goal 7
5.2.5.0 Standards for Shallow Flooding Areas	60.3(c)(7),(8),(11), and (14)	Goal 7
5.3.0.0 Specific Standards for Coastal High Hazard Flood Zones, and	60.3(e); TB 5; TB 8; TB 9	Goal 7; R322.3.1; R322.3.2; R322.3.3; R322.3.4; R322.3.5
5.3.1.0 Development Standards		

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5.3.1.1 Manufactured Dwelling Standards  
for Coastal High Hazard Zones

60.3(e)(8)(i) – (iii)

Goal 7;  
RR322.3.2; State of OR  
Manufactured Dwelling  
Installation Specialty  
Code (MDISC)  
and associated  
statewide Code  
Interpretation dated  
1/1/2011

5.3.1.2 Recreational Vehicle Standards for  
Coastal High Hazard Zones

60.3(e)(9)(i)- (iii)

Goal 7

5.3.1.3 Tank Standards for Coastal High  
Hazard Zones

R322.2.4; R322.3.7

Link to Oregon Specialty Codes: <https://codes.iccsafe.org/content/ORRSC2021P1/index>

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### **3.9.100 Flood Hazard Management**

#### **3.9.110 STATUTORY AUTHORIZATION**

The State of Oregon has in OR ORS 197.175 (FOR CITIES) delegated the responsibility to local governmental units to adopt floodplain management regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Weston, in Umatilla County, Oregon does ordain as follows:

#### **3.9.120 FINDINGS OF FACT**

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

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

#### **3.9.130 STATEMENT OF PURPOSE**

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

- A. Protect human life and health;*
- B. Minimize expenditure of public money for costly flood control projects;*
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;*
- D. Minimize prolonged business interruptions;*
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in special flood hazard areas;*
- F. Help maintain a stable tax base by providing for the sound use and development of flood hazard areas so as to minimize blight areas caused by flooding;*
- G. Notify potential buyers that the property is in a special flood hazard area.*
- H. Notify those who occupy special flood hazard areas that they assume responsibility for their actions.*
- I. Participate in and maintain eligibility for flood insurance and disaster relief.*

**3.9.140****METHODS OF REDUCING FLOOD LOSSES**

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

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

Manual for Ordinance Drafting and Maintenance waters or may increase flood hazards in other areas.

**3.9.150****DEFINITIONS**

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

**APPEAL:** A request for a review of the interpretation of any provision of this ordinance or a request for a variance.

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

**AREA OF SPECIAL FLOOD HAZARD:** The land in the floodplain within a community subject to a 1 percent or greater chance of flooding in any given year. It is shown on the Flood Insurance Rate Map (FIRM) as Zone A, AO, AH, A1-30, AE, A99, AR (V, V1-30, VE). "Special flood hazard area" is synonymous in meaning and definition with the phrase "area of special flood hazard".

**BASE FLOOD:** The flood having a one percent chance of being equaled or exceeded in any given year.

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

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

**BREAKAWAY WALL:** A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

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

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**DEFINITIONS CONT.****FLOOD OR FLOODING:**

(a) A general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters.

(2) The unusual and rapid accumulation or runoff of surface waters from any source. (3) Mudslides (i.e., mudflows) which are proximately caused by flooding as defined

in paragraph (a)(2) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current.

(b) The collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in paragraph (a) (1) of this definition.

**FLOOD ELEVATION STUDY:** See “Flood Insurance Study”.

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

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

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

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

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**DEFINITIONS CONT.**

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

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

**HISTORIC STRUCTURE:** Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - a. By an approved state program as determined by the Secretary of the Interior or b. Directly by the Secretary of the Interior in states without approved programs.
  - b. Directly by the Secretary of the Interior in states without approved programs.

**LOWEST FLOOR:** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

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

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

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

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

**RECREATIONAL VEHICLE:** A vehicle which is:

1. Built on a single chassis.
2. 400 square feet or less when measured at the largest horizontal projection.
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**SPECIAL FLOOD HAZARD AREA:** See "Area of special flood hazard" for this definition.

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

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

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

**SUBSTANTIAL IMPROVEMENT:** Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**VARIANCE:** A grant of relief by the City of Weston from the terms of a flood plain management regulation.

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

[See Additional Language Provided in Appendix A](#)

**3.9.200****GENERAL PROVISIONS****3.9.210****LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all special flood hazard areas within the jurisdiction of the City of Weston, Oregon.

**3.9.220****BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS**

The special flood hazard areas identified by the Federal Insurance Administrator in a scientific and engineering report entitled “The Flood Insurance Study (FIS) for *Basis for Establishing the Areas of Special Flood Hazard*.”

The Special Flood Hazard Areas identified by the Federal Insurance and Mitigation Administration in a scientific and engineering report entitled Flood Insurance Study (FIS) for Umatilla County, Oregon, and Incorporated areas” dated September 3, 2010, with accompanying Flood Insurance Rate Maps (FIRM) or Digital Flood Insurance Rate Maps (DFIRM), and other supporting data, are hereby adopted by reference and declared to be a part of this ordinance. **The FIS and the FIRM panels (41059C0758G, effective on 9/3/2010 and 41059C0766G, effective on 9/3/2010) are on file at City Hall, Weston, Oregon, 97886.**

**3.9.230****COORDINATION WITH STATE OF OREGON SPECIALTY CODES**

Pursuant to the requirement established in ORS 455 that the City of Weston, Oregon administers and enforces the State of Oregon Specialty Codes, the City of Weston, Oregon does hereby acknowledge that the Oregon Specialty Codes contain certain provisions that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this ordinance is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

**3.9.300****COMPLIANCE AND PENALTIES FOR NONCOMPLIANCE****3.9.310****COMPLIANCE**

All development within special flood hazard areas is subject to the terms of this ordinance and required to comply with its provisions and all other applicable regulations.

**3.9.320****PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$1,000 per day, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing contained herein shall prevent the City of Weston, Oregon from taking such other lawful action as is necessary to prevent or remedy any violation.

**3.9.330 ABROGATION AND SEVERABILITY****3.9.340 ABROGATION**

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

**3.9.350 SEVERABILITY**

This ordinance and the various parts thereof are hereby declared to be severable. If any section clause, sentence, or phrase of the Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Ordinance.

**3.9.360****INTERPRETATION**

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

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

**3.9.370****WARNING AND DISCLAIMER OF LIABILITY****3.9.380****WARNING**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

**3.9.390****DISCLAIMER OF LIABILITY**

This ordinance shall not create liability on the part of the City of Weston, Oregon, any officer or employee thereof, or the Federal Insurance Administrator for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

**3.9.400****ADMINISTRATION****3.9.410****DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR**

The Planning Commission and the City Council are hereby appointed as the designees to administer, implement, and enforce this ordinance by granting or denying development permits in accordance with its provisions. The Floodplain Administrators may further delegate authority to assist with implementation of these provisions.

[Additional Language Provided in Appendix](#)

**3.9.420****DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR**

Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

**3.9.430****PERMIT REVIEW**

Review all development permits to determine that:

- A. The permit requirements of this ordinance have been satisfied;
- B. All other required local, state, and federal permits have been obtained and approved.
- C. Review all development permits to determine if the proposed development is located in a floodway. If located in the floodway assure that the floodway provisions of this ordinance in section 3.9.590 (sec.5.2.4 ) are met; and
- D. Review all development permits to determine if the proposed development is located in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of sections 3.9.570 (Sec. 5.1.7); and
- E. Provide to building officials the Base Flood Elevation (BFE) and the appropriate required elevations shall be set (at freeboard which is set at 2' above BFE) where applicable to any building requiring a development permit.
- F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in 3.9.150 (sec. 2.0).
- G. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions in section 3.9.520 (sec.5.1.1.)
- H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

**3.9.440 INFORMATION TO BE OBTAINED AND MAINTAINED**

The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with section 3.9.570 (sec. 5.1.7)
- B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections 3.9.590 (sec. 5.2.4), 3.9.430 (sec. 4.2.1(B)) are adhered to.
- C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- D. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- E. Maintain all Elevation Certificates (EC) submitted to the community;
- F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section 3.9.570 (sec. 5.1.7).
- G. Maintain all floodproofing certificates required under this ordinance;
- H. Record and maintain all variance actions, including justification for their issuance;
- I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section 3.9.590 (sec. 5.2.4).
- J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section 3.9.463 (sec. 4.2.4).
- K. Maintain for public inspection all records pertaining to the provisions of this ordinance.



**3.9.462****REQUIREMENT TO SUBMIT NEW TECHNICAL DATA**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process.

The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- A. Proposed floodway encroachments that increase the base flood elevation; and
  - B. Proposed development which increases the base flood elevation by more than One (1) foot in areas where FEMA has provided base flood elevation but no floodway.
- The applicant shall be responsible for preparing all technical data to support CLOMR/LOMR applications and paying any processing or application fees associated with the CLOMR/LOMR.

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

An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

[Additional Language Provided in Appendix](#)

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**3.9.463 SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS**

Conduct Substantial Improvement (SI) (as defined in section 3.9.150 (sec. 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with section 3.9.440 (sec. 4.2.2). Conduct Substantial Damage (SD) (as defined in section 3.9.150 (sec. 2.0) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area (as established in section 3.9.200 (sec. 3.2) are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**3.9.464 ESTABLISHMENT OF DEVELOPMENT PERMIT****3.9.465 FLOODPLAIN DEVELOPMENT PERMIT REQUIRED**

A development permit shall be obtained before construction, or development begins within any area horizontally within the special flood hazard area established in section 3.9.200 (sec. 3.2). The development permit shall be required for all structures, including manufactured dwellings, and for all other development, as defined in section 3.9.150 (sec. 2.0, including fill and other development activities.

**3.9.466 APPLICATION FOR DEVELOPMENT PERMIT**

Application for a development permit may be made on forms furnished by the Floodplain Administrator and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

- A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of section 3.9.440 (sec. 4.2.2).
- B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- C. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in section 3.9.581 (sec. 5.2.3.3).

### 3.9.466 Application for Development Permit Cont.

- D. Description of the extent to which any watercourse will be altered or relocated.
- E. Base Flood Elevation data for subdivision proposals or other development when required per sections 3.9.560 (sec.4.2.1) and 3.9.400 (sec. 5.1.6).
- F. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- G. The amount and location of any fill or excavation activities proposed.

### 3.9.467

### VARIANCE PROCEDURE

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

### 3.9.468

### CONDITIONS FOR VARIANCES

- A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of sections 3.9.300 (sec. 4.4.1 (C) and (E), and 3.9.300 (sec. 4.4.2). As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause;
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.

**3.9.468 CONDITIONS FOR VARIANCES CONT.**

- E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of section 3.9.468 (sec. 4.4.1 (B) – (D)

are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

- G. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure. FEMA Region X advocates for the use of the Substantial Improvement Definition historic structure exclusion. The Region believes it may represent a less rigorous process for exclusion than the variance process.

For Historic Buildings the term substantial improvement does not, however, include: Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specification which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.”

*Per FEMA P-467-2 (May 2008) Floodplain Management Bulletin Historic Structures, and FEMA P-993 (July 2014) Floodplain Management Bulletin: Variances and the National Flood Insurance Program. Always check for updates to FEMA region x for any changes to rulings for all parts of the Flood Plain Management Criteria....*

[Additional Language Provided in Appendix](#)

RESERVED FOR ADDITIONAL SPECIAL INFORMATION AND RULES AND OR DATA PERTAINING TO HISTORIC PRESERVATION AND VARIANCES THERE BY ASSIGN TO HISTORIC PRESERVATION OF HISTORIC SITES. IN FLOOD ZONES.

**RESERVED FOR ADDITIONAL SPECIAL INFORMATION AND RULES AND OR DATA PERTAINING TO HISTORIC PRESERVATION AND VARIANCES THERE BY ASSIGN TO HISTORIC PRESERVATION OF HISTORIC SITES. IN FLOOD ZONES.**

**RESERVED FOR ADDITIONAL SPECIAL INFORMATION AND RULES AND OR DATA PERTAINING TO HISTORIC PRESERVATION AND VARIANCES THERE BY ASSIGN TO HISTORIC PRESERVATION OF HISTORIC SITES. IN FLOOD ZONES.**

[Additional Language Provided in Appendix](#)

**3.9.469****VARIANCE NOTIFICATION**

**Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with section 3.9.400 (sec. 4.2.2) and 3.9.140 (Sec. 1.4).**

**3.9.500****PROVISIONS FOR FLOOD HAZARD REDUCTION****3.9.510****GENERAL STANDARDS**

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

**3.9.520****ALTERATION OF WATERCOURSES**

Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with sections 3.9.461 (sec. 4.2.3.2) and 3.9.462 (sec. 4.2.3.3).

**3.9.530****ANCHORING**

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- B. All manufactured dwellings shall be anchored per section 3.9.582 (sec. 5.2.3.4).

**3.9.540****CONSTRUCTION MATERIALS AND METHODS**

- A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**3.9.541****UTILITIES AND EQUIPMENT****3.9.542****WATER SUPPLY, SANITARY SEWER, AND ON-SITE  
WASTE DISPOSAL SYSTEMS**

- A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.
- B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.
- C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

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**3.9.543 ELECTRICAL, MECHANICAL, PLUMBING, AND  
OTHER EQUIPMENT**

Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level (new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE) or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

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

**3.9.550 TANKS**

- A. Underground tanks shall be anchored to prevent flotation, collapse and lateral movement under conditions of the base flood.
- B. Above-ground tanks shall be installed at or above the base flood elevation levels (at the freeboard elevation of a minimum 2'ft above the determined BFE) or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**3.9.560 SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS**

- A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.
- B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:
  1. Be consistent with the need to minimize flood damage.
  2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
  3. Have adequate drainage provided to reduce exposure to flood hazards.

### **3.9.570 USE OF OTHER BASE FLOOD ELEVATION DATA**

When Base Flood Elevation data has not been provided in accordance with section 3.9.220 (sec. 3.2) the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, in order to administer section 3.9.500 (sec. 5.0). All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) must meet the requirements of section 3.9.560 (sec. 5.1.6).

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc.... where available and at least (2 FEET ABOVE HIGHEST ADJACENT GRADE).

NOTE: Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

### **3.9.571 STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES**

In coordination with the State of Oregon Specialty Codes:

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

[Additional Language Provided in Appendix](#)

### **3.9.572 SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES**

These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in section 3.9.510 (sec. 5.1) of this ordinance.

**3.9.573****FLOOD OPENINGS**

All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- B. Be used solely for parking, storage, or building access;
- C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
  1. A minimum of two openings,
  2. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
  3. The bottom of all openings shall be no higher than one-foot above grade.
  4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
  5. All additional higher standards for flood openings in the State of Oregon Residential *Specialty Codes Section R-322.2.2* shall be complied with when applicable.

**3.9.574****GARAGES**

- A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
  1. If located within a floodway the proposed garage must comply with the requirements of section 3.9.590 (sec. 5.2.4).
  2. The floors are at or above grade on not less than one side;
  3. The garage is used solely for parking, building access, and/or storage;
  4. The garage is constructed with flood openings in compliance with section 3.9.573 (sec. 5.2.1) to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
  5. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
  6. The garage is constructed in compliance with the standards in section 3.9.500 (sec.5.1); and
  7. The garage is constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.
- B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section 3.9.584 (sec.5.2.3.6) or non-residential structures in section 3.9.581 (sec.5.2.3.3) depending on the square footage of the garage.

**3.9.575 FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD  
AREAS WITH BASE FLOOD ELEVATIONS**

In addition to the general standards listed in section 3.9.500 (sec. 5.1) the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

**3.9.576 BEFORE REGULATORY FLOODWAY**

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

**3.9.580****A. RESIDENTIAL CONSTRUCTION**

New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the Base Flood Elevation (BFE) (*new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area*) Enclosed areas below the lowest floor shall comply with the flood opening requirements in section 3.9.573 (sec. 5.2.1).

[Additional Language Provided in Appendix](#)

Reserved for additional information and data pertaining to residential construction within flood plains and floodways

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**3.9.581****A. NON-RESIDENTIAL CONSTRUCTION**

New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall:

1. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE) and *(new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE, including any basement area)*

Or, together with attendant utility and sanitary facilities:

[Additional Language Provided in Appendix](#)

- i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Floodplain Administrator as set forth 3.9.440 (section 4.2.2).
- B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in 3.9.573 (section 5.2.1).
- C. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

[Additional Language Provided in Appendix](#)

**3.9.582****MANUFACTURED DWELLINGS**

Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with section 3.9.573

(sec. 5.2.1);

The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;

Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

Electrical crossover connections shall be a minimum of twelve (12) inches above Base Flood Elevation (BFE).

**3.9.583****RECREATIONAL VEHICLES**

Recreational vehicles placed on sites are required to:

- A.: Be on the site for fewer than 180 consecutive days, and
- B.: Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- C.: Meet the requirements of section 3.9.582 (sec. 5.2.3.4), including the anchoring and elevation requirements for manufactured dwellings.

**3.9.584****ACCESSORY (APPURTENANT) STRUCTURES**

Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

**3.9.584 ACCESSORY (APPURTENANT) STRUCTURES Cont.**

- A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in section 3.9.590 (sec. 5.2.4).**
- B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;**
- C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.**
- D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;**
- E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.**
- F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings in section 3.9.573 (sec. 5.2.1);**
- G. Appurtenant structures shall be located and constructed to have low damage potential;**
- H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with section 3.9.550 (sec.5.1.5).**
- I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.**

[Additional Language Provided in Appendix](#)

**3.9.590****FLOODWAYS**

Located within the special flood hazard areas established in section 3.9.220 (sec.3.2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
  - 1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge;
  - Or,
  - 2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- B. If the requirements of section 3.9.590 (sec. 5.2.4 (A)) are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of section 3.9.500 (sec. 5.0.)

**3.9.591****STANDARDS FOR SHALLOW FLOODING AREAS**

Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

**3.9.592****STANDARDS FOR AH ZONES**

Development within AH Zones must comply with the standards sections 3.9.500-3.9.510, 3.9.572, 3.9.591, (sec. 5.1, 5.2, and 5.2.5).

**3.9.593****STANDARDS FOR AO ZONES**

In AO zones, the following provisions apply in addition to the requirements in sections 3.9.500-3.9.510, and 3.9.591 (sec.5.1 and 5.2.5):

- A. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (*new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE*) For manufactured dwellings the lowest floor is considered to be the bottom of the longitudinal chassis frame beam.
- B. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:
  1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (*new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE*) (at least two (2) feet if no depth number is specified); or
  2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM (*new or substantially improved shall be at the freeboard elevation which is set at the minimum at 2'ft above the determined BFE*) or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as stated in section 3.9.581 (sec. 5.2.3.3(A)(4)).
- C. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
  1. Be on the site for fewer than 180 consecutive days, and
  2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
  3. Meet the elevation requirements of section 3.9.591 (sec. 5.2.5.2(A)), and the anchoring and other requirements for manufactured dwellings of section 3.9.582 (sec. 5.2.3.4).
- D. In AO zones, new and substantially improved appurtenant structures must comply with the standards in section 3.9.584 (sec.5.2.3.6).
- E. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in section 3.9.573 (sec. 5.2.1).

**3.9.594****CRITICAL FACILITIES**

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area. Construction of new critical facilities shall be permissible within the SFHA only if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three (3) feet above the Base Flood Elevation (BFE) or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility shall also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

This regulatory language has been developed to prevent the location of critical facilities within high-risk flood hazard areas. This is because critical facilities when damaged by flooding cause significant impacts to a community, risk to lives, and/or risks to critical infrastructure. Critical facilities like schools, hospitals, and fire stations often act as shelters and are required to provide aid during flood events and should not be placed in special flood hazard area.

**3.9.595****BELOW-GRADE CRAWL SPACES**

- A. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required flood openings stated (3.9.573). Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.
- B. The crawlspace is an enclosed area below the Base Flood Elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade
- C. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.
- D. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

**3.9.595****BELOW-GRADE CRAWL SPACES Cont.**

- E. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.
- F. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.
- G. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.
- H. The velocity of floodwaters at the site shall not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.
- I. Below-grade crawlspaces are allowed subject to the standards in the optional language, as found, in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in special.

**3.9.596****ADDITIONAL CRITERIA**

The more elevated a structure is the more it is protected from flood hazards. ASCE 24 provides recommended levels of elevation for different types of non-residential structures, and these can provide guidance on the appropriate amount of freeboard (additional elevation) to be used for this section.

- A. The Flood Insurance Manual indicates that flood insurance companies are requiring both a Maintenance Plan and an Emergency Action Plan (EAP) for flood insurance policies to be rated based on floodproofing providing protection to the structure during the base flood event.
- B. The lowest floor, including basement elevated to one (2) foot above the Base Flood Elevation (BFE).
- C. Applicants shall supply a maintenance plan for the entire structure to include but not limited to: exterior envelop of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers, and components, as well as all associated hardware, and any materials or specialized tools necessary to seal the structure
- D. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

**3.9.600-****APPENDIX A – ADDITIONAL DEFINITIONS**

**BUILDING:** See "Structure."

**BELOW-GRADE CRAWL SPACE:** Means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

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

**ELEVATED BUILDING:** Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**FLOODPLAIN OR FLOOD PRONE AREA:** Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**FLOODPLAIN ADMINISTRATOR:** The community officials designated by title to administer and enforce the floodplain management regulations.

**FLOODPLAIN MANAGMENT:** The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**FLOODPLAIN MANAGEMENT REGULATIONS:** Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction

**HAZARDOUS MATERIAL:** The Oregon Department of Environmental Quality defines hazardous materials to include any of the following:

- (a) Hazardous waste as defined in ORS 466.005;
- (b) Radioactive waste as defined in ORS 469.300, radioactive material identified by the Energy Facility Siting Council under ORS 469.605 and radioactive substances defined in ORS 453.005
- (c) Communicable disease agents as regulated by the Health Division under ORS Chapter 431 and 433.010 to 433.045 and 433.106 to 433.990
- (d) Hazardous substances designated by the United States Environmental Protection Agency (EPA) under section 311 of the Federal Water Pollution Control Act, P.L. 92-500, as amended;
- (e) Substances listed by the United States EPA in section 40 of the Code of Federal Regulations, Part 302 – Table 302.4 (list of Hazardous Substances and Reportable Quantities) and amendments;
- (f) Material regulated as a Chemical Agent under ORS 465.550;
- (g) Material used as a weapon of mass destruction, or biological weapon; (h) Pesticide residue;
- (i) Dry cleaning solvent as defined by ORS 465.200(9).

### 3.9.600 Appendix -A- Additional Definitions Cont.

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

(a) **Conditional Letter of Map Amendment (CLOMA):** A CLOMA is FEMA's comment on proposed structure or group of structures that would, upon construction, be located on existing natural ground above the base (1-percent-annual-chance) flood elevation on a portion of a legally defined parcel of land that is partially inundated by the base flood.

(b) **Conditional Letter of Map Revision (CLOMR):** A CLOMR is FEMA's comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

(c) **Conditional Letter of Map Revision based on Fill (CLOMR-F):** A CLOMR-F is FEMA's comment on a proposed project that would, upon construction, result in a modification of the special flood hazard area through the placement of fill outside the existing regulatory floodway.

(d) **Letter of Map Amendment (LOMA):** An official amendment, by letter, to the Flood Insurance Rate Maps (FIRMs) based on technical data showing that an existing structure, parcel of land or portion of a parcel of land that is naturally high ground, (i.e., has not been elevated by fill) above the base flood, that was inadvertently included in the special flood hazard area.

(e) **Letter of Map Revision (LOMR):** A LOMR is FEMA's modification to an effective Flood Insurance Rate Map (FIRM), or Flood Boundary and Floodway Map (FBFM), or both. LOMRs are generally based on the implementation of physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the SFHA. The LOMR officially revises the FIRM or FBFM, and sometimes the Flood Insurance Study (FIS) report, and, when appropriate, includes a description of the modifications. The LOMR is generally accompanied by an annotated copy of the affected portions of the FIRM, FBFM, or FIS report.

(f) **Letter of Map Revision based on Fill (LOMR-F):** A LOMR-F is FEMA's modification of the special flood hazard area shown on the Flood Insurance Rate Map (FIRM) based on the placement of fill outside the existing regulatory floodway.

(g) **PMR:** A PMR is FEMA's physical revision and republication of an effective Flood Insurance Rate Map (FIRM) or Flood Insurance Study (FIS) report. PMRs are generally based on physical measures that affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing regulatory floodway, the effective base flood elevations, or the special flood hazard area.

**REGULATORY FLOODWAY:** See "Floodway".

**SHEET FLOW AREA:** See "Area of shallow flooding".

**WATER DEPENDENT:** Means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of intrinsic nature of its operations.

**WATER SURFACE ELEVATION:** The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.



**3.10**

**WESTON HISTORIC PRESERVATION**

*WESTON HISTORIC PRESERVATION ORDINANCE (“THE ORDINANCE”).*

*(Adopted May 20<sup>th</sup> 2025)*

**3.10:0.0.0.0. POLICY.**

It is hereby declared to be the policy of the *City of Weston, Oregon, in carrying out the “historic sites and structures” goal and policy of the City’s comprehensive plan, to identify Significant Historic Resources and to encourage and promote their restoration and preservation.*

**3.10.:0.1.0.0. PURPOSE, APPLICABILITY, SEVERABILITY, AND CONFLICT WITH OTHER LAWS**

**1. PURPOSE:**

- a. The purpose of this Historic Preservation Ordinance is to establish rules and procedures for the identification, designation, and preservation of Significant Historic Resources associated with the community’s history and prehistory; to encourage the rehabilitation and ongoing viability of designated Significant Historic Resources, archaeological objects, sites, and sites of archaeological significance; to strengthen public support for historic preservation efforts within the community and foster civic pride; and to encourage cultural heritage tourism.

**2. APPLICABILITY.**

- a. This Ordinance shall apply to all Locally Significant Historic Resources as defined herein. In addition:
- b. *Sections 13, 14, 15, and 16 apply to National Register Resources listed after February 23, 2017.*
- c. *Regulations adopted prior to February 23, 2017, regarding the preservation, restoration, rehabilitation, reconstruction, alteration, relocation, and demolition of a National Register Resource apply until removed or amended by the City.*
  - i. No provision of this Ordinance shall be construed to prevent the ordinary maintenance of a Significant Historic Resource provided such action does *not change the design, materials, or appearance of such resource.*

- 3. **SEVERABILITY.** If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding will not affect the validity of the remaining portions of the Ordinance, which shall remain in force and effect.

- 4. **CONFLICTS WITH OTHER LAWS.** If any provision in this Ordinance is found to be in conflict with any federal or state law, the federal or state law shall prevail. In the event of conflict with other city ordinances or regulations, the previously established statute shall take precedence.

**3.10.:0.2.0.0. DEFINITIONS:**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

**ALTERATION:**

A physical modification of the interior or exterior of a Significant Historic Resource owned by the City and identified as significant in the record of Designation. Alterations do not include painting, color selection, or ordinary maintenance or repair of a Significant Historic Resource unless such activity alters a character-defining feature.

**ARCHAEOLOGICAL OBJECT:**

*An object that is at least 75 years old; is part of the physical record of an indigenous or other culture found in the state or waters of the state; and is material remains of past human life or activity of archaeological significance including, but not limited to, monuments, symbols, tools, facilities, technological by-products and dietary by-products.*

**ARCHAEOLOGICAL SITE:**

*A geographic locality within the City, including but not limited to submerged and submersible lands and the bed of the sea within the state's jurisdiction, that contains archaeological objects and the contextual associations of the archaeological objects with each other; or biotic or geological remains or deposits. Examples of archaeological sites include but are not limited to shipwrecks, lithic quarries, house pit villages, camps, burials, lithic scatters, homesteads and town sites.*

**BUILDING:**

A house, barn, church, hotel, or similar construction created principally to shelter any form of human activity.

**CERTIFICATE OF APPROPRIATENESS:**

A document issued by the Historic Preservation Officer indicating that the applicant satisfactorily met the provisions of this Ordinance for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of a Significant Historic Resource, or new construction within the designated boundary of a Significant Historic Resource.

**CHARACTER-DEFINING FEATURE(S):**

The visual and physical aspect(s) of a Locally Significant Historic Resource that convey(s) its historic integrity and historic significance.

**DEMOLITION:**

*Any act that destroys, removes, or relocates, in whole or in part, a significant historic resource such that its historic, cultural, or architectural character or significance is lost.*

**DISTRICT:**

A significant concentration, linkage, or continuity of sites, buildings, structures, or objects united historically or aesthetically by plan or physical development.

**ELIGIBLE/CONTRIBUTING:** *An historic resource existing within the applicable period of significance that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district.*

### **3.10.:0.2.0.0. DEFINITIONS CONT.**

**ELIGIBLE/SIGNIFICANT**: *An historic resource existing within the applicable period of **significance** that retains and exhibits sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties strengthen the historic integrity of an existing or potential historic district, and are likely individually eligible for designation to the Resource List.*

**EXCEPTIONAL SIGNIFICANCE**: The quality of historic significance achieved outside the usual norms of age, association, or rarity.

**HISTORIC CONTEXT STATEMENT**: *An element of the City of Weston comprehensive plan that describes the important broad patterns of historical development in the City and the region, and identifies historic resources representative of the important broad patterns of historic development. The Historic Context Statement also identifies Historic Resources that are representative of the important broad patterns of historical development.*

**HISTORIC INTEGRITY**: The quality of wholeness of historic location, design, setting, materials, workmanship, feeling, and/or association of a historic resource.

**HISTORIC PRESERVATION OFFICER**: The appointed official responsible for the administration of this Ordinance.

**HISTORIC PRESERVATION PLAN**: *An element of the City of Weston comprehensive plan that contains the City's goals and policies for historic resource preservation and the processes for creating and amending the program to protect Significant Historic Resources.*

**HISTORIC RESOURCES**: *Those buildings, structures, objects, sites, or districts that have a potentially significant relationship to events or conditions of the human past.*

**HISTORIC RESOURCE INVENTORY**: The City's record of buildings, structures, objects, sites, and districts that is used to identify historic resources that may be determined significant and designated to the Resource List.

**HISTORIC SIGNIFICANCE**: The association of a building, structure, site, object, or district with historic events, trends, persons, architecture, method of construction, or that have yielded or may yield information important in prehistory or history.

**LOCALLY SIGNIFICANT HISTORIC RESOURCE**: *A building, structure, site, object, or district designated to the City's Resource List.*

**NATIONAL REGISTER RESOURCE**: *Buildings, structures, objects, sites, or districts listed in the National Register of Historic Places pursuant to the National Historic Preservation Act of 1966, as amended (PL 89-665; 16 U.S.C 470).*

**NON-CONTRIBUTING**: *An historic resource existing within the applicable period of significance that does not retain or exhibit sufficient integrity (location, design, setting, materials, workmanship, feeling, and association) to convey a sense of history. These properties do not strengthen the historic integrity of an existing or potential historic district in their current condition.*

**NOT IN PERIOD**: *A building, structure, object, or site that was originally constructed outside the applicable period of significance.*

### **3.10.:0.2.0.0. DEFINITIONS CONT.**

**OBJECT:** A construction that is largely artistic in nature or is relatively small in scale and simply constructed in comparison to buildings or structures, such as a fountain, sculpture, monument, milepost, etc.

**OWNER:**

- i. The owner of fee title to the property as shown in the deed records of the county where the property is located; or*
- ii. The purchaser under a land sale contract, if there is a recorded land sale contract in force for the property; or*
- iii. If the property is included within a revocable trust, the grantor of the revocable trust; and*
- iv. Does not include individuals, partnerships, corporations or public agencies holding easements or less than fee interests (including leaseholds) of any nature; or*
- v. For an historic resource with multiple owners, including a district, a simple majority of owners as defined in (i)-(iv).*

*For National Register Resources, those individuals, partnerships, corporations or public agencies holding fee simple title to property.*

**PERIOD OF SIGNIFICANCE:** The time period during which a Significant Historic Resource was associated with an important historic event, trend, person(s), architecture, or method of construction.

**PRESERVATION:** The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a Significant Historic Resource.

**RECORD OF DESIGNATION:** The official document that describes how a Locally Significant Historic Resource meets the criteria for designation to the Resource List.

**RECONSTRUCTION:** The act or process of depicting, by means of new construction, the form, features, or detailing of a non-surviving building or structure for the purpose of replicating its appearance at a specific period of time and in its historic location.

**REHABILITATION:** The process of returning a Significant Historic Resource to a state of utility through repair or alteration, which makes a use possible while preserving those portions and features of the Significant Historic Resource and its site that convey its historic significance.

**RELOCATION:** Moving of a Significant Historic Resource from its original location described in the Record of Designation.

**RESTORATION:** The act or process of accurately depicting the form, features, and character of a historic-contributing resource or historic-non-contributing resource as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a preservation project.

**3.10.:0.2.0.0. DEFINITIONS CONT.**

**RESOURCE LIST:** *The list of Locally Significant Historic Resources provided in the City's comprehensive plan and historic preservation ordinance as important to its history and afforded protection under this Ordinance.*

**SIGNIFICANT HISTORIC RESOURCE:** A Locally Significant Historic Resource and/or a National Register Resource.

**SITE:** The location of a significant event, prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historic, cultural, or archeological value regardless of any existing building, structure, or object.

**STRUCTURE:** A functional construction other than a Building, such as an aircraft, bridge, fence, dam, tunnel, etc.

**STREETScape:** The physical parts and aesthetic qualities of a public right-of-way, including the roadway, gutter, tree lawn, sidewalk, retaining walls, landscaping and building setback.

**3.10.:0.3.0.0. HISTORIC LANDMARKS COMMISSION:**

*The City of Weston, Oregon Historic Landmarks Commission is hereby established with the following provisions:*

- a. **The Mayor and City Council shall appoint a Historic Preservation Officer to serve as staff to the Historic Landmarks Commission and to carry out the administrative provisions of this Ordinance. The Historic Preservation Officer may appoint one or more designees for this purpose.**
- b. ***The Mayor: subject to City Council approval, shall appoint a Historic Landmark Commission (hereinafter, the “Commission”), consisting of five (5) members and two (2) alternate members, with a demonstrated interest in, knowledge of, or competence in historic preservation. All reasonable efforts shall be made to appoint members with professional experience in the fields of preservation, architecture, archaeology, community history, building trades, real estate, or related specialties. The majority of members must either live within the City of Weston; or in the Urban Growth Boundary; or may live outside the City Urban Growth Boundaries with specialty skills. Members must serve without compensation, but are eligible for reimbursement of expenses related to their service.***
- c. **Initial appointments to the Commission must be for terms of one, two, and three years. The Commission will define initial terms for members, subject to City Council approval. Subsequent terms of appointment must be for 3 years, or in the case of a replacement, for the remainder of the unexpired term. Members must be eligible for reappointment.**
- d. **Three members or alternates must be present to establish quorum to conduct official business. The concurring vote of the member’s present must be required for approval or disapproval of any motion or other action of the Commission.**
- e. **A Chair, Vice-Chair, and Secretary must be elected annually by and from the seated membership. Officers are eligible for reelection.**
- f. ***The Commission shall meet at least four times a year, and as required to conduct business in a timely fashion.***
- g. **The Historic Preservation Officer shall request that the City Council consider declaring the position vacant of any member who is absent from three meetings in a single calendar year without being excused prior to the meeting by the Chair of the Commission.**

**3.10.:0.4.0.0. COMMISSION DUTIES**

*The Commission shall have the following duties:*

- a. Employing the procedures and criteria in these regulations, the Commission shall identify and evaluate Historic Resources in the City of Weston, determine the historic integrity and historic significance of Historic Resources and maintain a Historic Resource Inventory consistent with the standards of the Oregon State Historic Preservation Office.*
- b. Employing the procedures and criteria in Section 11, the Commission shall recommend to the City Council, Historic Resources for designation to the Resource List.*
- c. Employing the procedures and criteria in these regulations, the Commission shall review and act upon applications for the preservation, rehabilitation, reconstruction, alteration, relocation, or demolition of Significant Historic Resources, and new construction within the designated boundary of a Significant Historic Resource as described in this regulation.*
- d. The Commission shall support the enforcement of all federal and state laws relating to the protection of National Register Resources, Archaeological Sites, and Archaeological Objects regardless if they are designated to the Resource List.*
- e. Upon request, the Commission shall provide the Oregon State Historic Preservation Office written comments on or before the stated deadline regarding the eligibility of historic resources for listing in the National Register of Historic Places. The Commission shall hold a noticed public hearing as part of their deliberations and take into account public testimony when writing comments.*
- f. The Commission shall perform any other functions that may be designated by resolution or motion of the City Council.*
- g. The Commission may assume responsibility for functions of the Oregon State Historic Preservation Office under state and federal law as delegated by the Oregon State Historic Preservation Office.*
- h. The Commission may adopt and publish and adopt written and graphic guidelines and example materials to clarify the standards in this regulation and to assist applicants in developing complete and viable applications to preserve, rehabilitate, reconstruct, alter, relocate and demolish a Significant Historic Resource, and or erect new construction within the designated boundary of a Significant Historic Resource.*

**3.10.:0.4.0.0. COMMISSION DUTIES CONT.**

- i. The Commission shall undertake to inform the citizens of, and visitors to the City of Weston, regarding the community's history and prehistory; promote research into its history and prehistory; collect and make available materials on the preservation of historic resources provide information on state and federal preservation programs and incentives; and document historic resources prior to their alteration, demolition, or relocation and archive that documentation.
- j. The Commission may recommend to the City Council to seek, accept, and expend public appropriations; seek, accept, and expend grant and gift funds; cooperate with public and private entities; and assist the owners of Significant Historic Resources in securing funding for the preservation of their properties. **The Commission is required to obtain prior authorization from the Mayor and City Council before making any financial commitments or seeking grants that could potentially create financial obligations for the City. All financial transactions will require prior approval from the City Council and shall be primarily funded through grants or donations.**
- k. The Commission may recommend incentives and code amendments to the *Planning Commission and City Council* to promote historic preservation in the community.
- l. The Commission may comment on local, state, or federal issues, laws, and requests relating to historic preservation.

**3.10.:0.5.0.0. INVENTORYING, EVALUATING, AND DETERMINING SIGNIFICANCE OF HISTORIC RESOURCES.**

*The following procedures shall be used to identify Historic Resources that may be considered for designation as a Locally Significant Historic Resource on the Resource List.*

- a. *The Historic Resource Inventory and Resource List shall be maintained as a public record with the exception of archaeological sites, the publication of which is prohibited by state law.*
- b. The Commission shall determine and periodically revise priorities for the Historic Resource Inventory based on the community's needs and interests, goals established in *the City of Weston Historic Preservation Plan*, and *Historic Context*, if these documents are adopted.
- c. The Commission may take photographs and create physical descriptions based on on-site observations, or obtain information concerning Historic Resources through archival research, oral histories, or any other appropriate method allowed by law.

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### **3.10.:0.5.0.0. INVENTORYING, EVALUATING, AND DETERMINING SIGNIFICANCE OF HISTORIC RESOURCES. CONT.**

- d. Historic Resources shall be evaluated for their historic integrity and significance and recorded in the Historic Resource Inventory as Eligible/Significant (ES), Eligible/Contributing (EC), Non-Contributing (NC), or Not in Period (NP). Evaluation and documentation of properties in the Historic Resource Inventory shall follow the document "Guidelines for Historic Resource Surveys in Oregon, 2010" or most recent guidance for such efforts published by the Oregon State Historic Preservation Office and be supplied to the agency within six (6) months of the completion of the study.*
- e. Historic Properties added to the Historic Resource Inventory are not subject to the regulations described in Sections 12, 13, 14, 16, 17, and 18.*
- f. The objection of an owner shall not prevent a property being inventoried, evaluated, or determined significant for placement on the Historic Resource Inventory.*

### **3.10.:0.6.0.0. DESIGNATION OF HISTORIC RESOURCES TO THE RESOURCE LIST.**

*Historic Resources, including buildings, structures, sites, objects, historic districts may be designated to the Resource List as provided in this Section.*

- a. A Historic Resource need not be recorded in the Historic Resource Inventory before designation to the Resource List.*
- b. The Commission may recommend that the Planning Commission and/or City Council designate a Historic Resource to the Resource List at a public meeting as a land-use action to provide recognition of its significance.*
- c. The Commission may recommend additional protections to supplement the regulations in this Historic Preservation Ordinance to the Planning Commission and/or City Council as part of the designation process necessary for the protection of a Historic Resource recommended for designation to the Resource List.*
- d. The Commission shall evaluate and determine that a historic resource has sufficient historic integrity and historic significance to merit designation to the Resource List as a Locally Significant Historic Resource using the following criteria:*
  - i. The Historic Resource is located within the boundaries of the City of Weston, Oregon.*
  - ii. The Historic Resource is over fifty (50) years of age or is of exceptional significance, or in the case of a district, the majority of the properties are over fifty (50) years old or have exceptional significance.*
  - iii. The Historic Resource possesses sufficient historic integrity to convey its significant relationship to events or conditions of the human past.*

**3.10.:0.6.0.0. DESIGNATION OF HISTORIC RESOURCES TO THE RESOURCE LIST. CONT.**

- iv. The Historic Resource has historic significance as demonstrated by meeting at least one of the following criteria:
  - 1. Association with events that have made a significant contribution to the broad patterns of local, regional, state, or national history; and/or
  - 2. Association with the lives of persons significant to local, regional, state, or national history; and/or
  - 3. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction;
  - 4. Yielding, or being likely to yield information important in prehistory or history; or
  - 5. Relevance within the local Historic Context and priorities described in the Historic Preservation Plan when such documents exist.
- v. The Commission shall consider the factors described in Section 13(d)(2)(a-f) when considering designating a National Register Resource to the Resource List.
- e. Designation Procedure. The *City Council, Commission*, or any person, group, or government agency may nominate a Historic Resource for designation to the Resource List, provided the proposed Historic Resource is not the subject of a pending application for alteration, relocation, or demolition. *Designation of a Historic Resource to the Resource List shall be processed according to Section 3.10.500 and 3.10.600 of the City Land Use Ordinance, under provisions of OAR 660-023-200...* The designation procedures are as follows:
  - i. The proposed designation of a Historic Resource to the Resource List shall include a description of the boundaries of the proposed nominated area and the buildings, structures, objects, sites, and districts contained therein; a description of the historic resource(s)' Character-Defining Features and how these reflect the Historic Resource(s)' Historic Significance and Historic Integrity; a statement explaining how the historic resource(s) meet(s) the criteria under provisions of this Section; photos, maps, drawings, and other appendices to support the assertions made in the submitted documentation. The Historic Preservation Officer may establish additional standards for a complete application.

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**3.10.:0.6.0.0. DESIGNATION OF HISTORIC RESOURCES TO THE RESOURCE LIST CONT.**

- ii. Upon acceptance of a completed application, *except in the case of Archeological Sites* the City shall notify *the owner by mail and publicly post the meeting*. The owner(s) shall be notified in writing of the designation process and their right to support or object to the designation of the Historic Resource to the Resource List under the provisions of ORS 197.772.
  1. An owner may object to the designation of the Historic Resource to the Resource List *within 120 days of the beginning of the public notice period*. Such objection shall be submitted on the public record and shall remove the Historic Resource from any consideration for designation to the Resource List.
  2. An owner's objection to the designation of a Historic Resource to the Resource List does not remove the Historic Resource from the Historic Resource Inventory.
  3. *A permit to demolish or modify a Historic Resource under consideration for designation to the Resource List shall not be issued for 120 days from the date of the owner's objection to the designation or the application to alter, relocate, or demolish the Historic Resource, whichever occurs first.*
- iii. Following the designation, the Historic Preservation Officer shall prepare a Record of Designation that includes a description of the boundaries of the proposed nominated area and the buildings, structures, objects, sites, and districts contained therein; a description of the historic resource(s)' Character-Defining Features and how these reflect the Historic Resource(s)' Historic Significance and Historic Integrity; a statement explaining how the historic resource(s) meet(s) the criteria under provisions of this Section; photos, maps, drawings, and other appendices to support the assertions made in the submitted documentation.
- iv. The Commission shall forward applications recommended for approval or denial to the *City Council and/or Planning Commission, which will vote on the designation and any related processes* with the Record of Designation.

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**3.10.:0.6.0.0. DESIGNATION OF HISTORIC RESOURCES TO THE RESOURCE LIST CONT.**

- f. The *City Council* or any person, group, or government agency may request an amendment a Record of Designation for a Significant Historic Resource on the Resource List, provided the proposed Significant Historic Resource is not the subject of a pending application for alteration, relocation, or demolition. The Commission may establish standards for a complete amendment application. An amendment to a Record of Designation shall be processed *according to Section 3.10.500 and 3.10.600 of the City's Land Use Ordinance, under provisions of OAR 660-023-200 for a meeting or hearing*, and processed as described in Section 11(a-d). Before approving the amendment, the Commission shall find that the amendment meets the Criteria described in Section 11(e). Objection by the Owner shall not prevent an amendment to a Record of Designation.

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**3.10.:0.7.0.0. DESIGN REVIEW FOR LOCALLY SIGNIFICANT HISTORIC RESOURCES DESIGNATED TO THE RESOURCE LIST.**

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No exterior portion of a Locally Significant Historic Resource or Non-Contributing or Not in Period resource; new construction within the boundary of a Locally Significant Historic Resource; or interior of a Locally Significant Historic Resource owned by the *City* identified as significant in the Record of Designation may be constructed, preserved, rehabilitated, or altered without a Certificate of Appropriateness signed by the Historic Preservation Officer as provided in this Section. Certificates must be presented to the *Planning Commission* before a permit may be issued.

- a. In approving a permit for the preservation, restoration, rehabilitation, reconstruction, or rehabilitation of a Significant Historic Resource the *Planning Commission* may find that under state law the Significant Historic Resource does not meet current building code requirements but is not dangerous.
- b. Activities not subject to the provisions of this Section when not specifically noted in the Record of Designation as a Character-Defining Feature include:
- i. Alterations to building interiors, except those that are owned by the and noted as significant in the Record of Designation as a character-defining feature.
  - ii. Application of exterior or interior paint.
  - iii. Alterations to vegetative landscape features, including tree removal.

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**3.10.:0.7.0.0. DESIGN REVIEW FOR LOCALLY SIGNIFICANT HISTORIC RESOURCES**

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**DESIGNATED TO THE RESOURCE LIST. CONT.**

- c. The Historic Preservation Officer shall prepare a staff report that summarizes the proposed project, notes the criteria specified in these regulations under which the application will be considered, and make a recommendation to the Commission to approve, approve with conditions, or deny the application for a Certificate of Appropriateness. Materials that may be used in the preparation of the staff report include the Record of Designation; and/or National Register nomination document; and/or other archival photos, maps; and/or other documentary evidence specific to the subject property; and/or observations from on-site inspections to document its historic appearance or alteration over time; and/or documents and publications of the National Park Service or Oregon State Historic Preservation Office.
- d. The Commission shall review and act upon applications for the alteration, relocation, and demolition of a Locally Significant Historic Resource. Applications for the alteration of a Locally Significant Historic Resource may be approved, approved with conditions, or denied. Applications for the relocation or demolition of a Locally Significant Historic Resource may be approved, approved with conditions, or the action delayed for up to *120 days*. The Commission shall develop written findings to support its decisions. The Historic Preservation Officer shall include any conditions imposed by the Commission in the Certificate of Appropriateness pursuant to this Section.
- e. A Certificate of Appropriateness issued for the alteration of a Locally Significant Historic Resource shall be effective for a period of *120 days from the date of its issuance*. *A Certificate of Appropriateness issued for the relocation or demolition of a historic resource shall be effective for a period 120 days. A Certificate of Appropriateness may be extended for up to 120 days.*
- f. A Significant Historic Resource may be altered, relocated, or demolished without a Certificate of Appropriateness when the *Historic Landmarks Commission and Planning Commission* finds that the condition of a Significant Historic Resource poses a clear and immediate hazard to public safety. The Historic Preservation Officer shall provide the written comments of the *Historic Landmarks Commission* to the Planning Commission at its next regular meeting.

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**3.10.:0.7.0.0. DESIGN REVIEW FOR LOCALLY SIGNIFICANT HISTORIC RESOURCES**

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**DESIGNATED TO THE RESOURCE LIST CONT..**

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- g. The Historic Preservation Officer may issue a Certificate of Appropriateness for the alteration of a Locally Significant History Resource when the proposed alteration will not significantly change the qualities that merited the designation of the Locally Significant Historic Resource to the Resource List. A completed Certificate of Appropriateness shall be presented to the (State Building Codes Official) before a permit is issued. The Historic Preservation Officer shall make a list of certificates issued in this manner available to the Commission at each regular meeting. Decisions of the Historic Preservation Officer are appealable to the Commission. The Historic Preservation Officer may choose to refer any application for a Certificate of Appropriateness to the Commission. Activities eligible for a Certificate of Appropriateness issued as described in this provision include the following:
- i. Construction of a fence that *meets City Planning Code Section 3.2.500*
  - ii. Demolition of a Not-In-Period or Non-contributing outbuilding within the designated boundary of a Locally Significant Historic Resource specifically noted as not historically significant in its Record of Designation. *City of Weston Planning Code 3.10.600.*
  - iii. Replacement of historic materials when the replacement material exactly matches the material type, dimension(s); color(s), shape(s), texture(s). No more than 20% of exterior siding, details, or the total number of windows may be replaced under this provision in a two-year time period.
- h. A public hearing before the Commission and a signed Certificate of Appropriateness shall be required for activities not exempted under this Section.

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**3.10.:0.7.0.0. DESIGN REVIEW FOR LOCALLY SIGNIFICANT HISTORIC RESOURCES**

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**DESIGNATED TO THE RESOURCE LIST. CONT**

- i. In order to approve an application for the alteration of a Locally Significant Historic Resource, the Commission shall find that the proposal meets the following standards:**
  - i. A property must be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships; and/or**
  - ii. The historic integrity of a property must be retained and preserved. The relocation of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property must be avoided; and/or**
  - iii. A property must be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, must not be undertaken; and/or**
  - iv. Changes to a property that have acquired historic significance in their own right must be retained and preserved; and/or**
  - v. Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property must be preserved; and/or**
  - vi. Deteriorated historic features must be repaired rather than replaced. The severity of deterioration requires replacement of a distinctive feature, the new feature must match the old in design, color, texture, and, where possible, materials. Replacement of missing features must be substantiated by documentary and physical evidence; and/or**
  - vii. Chemical and physical treatments, if appropriate, must be undertaken using the gentlest means possible. Treatments that cause damage to historic materials may not be used; and/or**
  - viii. Archeological resources must be protected and preserved in place. If such resources must be disturbed, mitigation measures must be undertaken; and/or**
  - ix. New additions, exterior alterations, or related new construction must not destroy historic materials, features, and spatial relationships that characterize the property. The new work must be differentiated from the old and must be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment; and/or**

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**3.10.:0.7.0.0. DESIGN REVIEW FOR LOCALLY SIGNIFICANT HISTORIC RESOURCES**

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**DESIGNATED TO THE RESOURCE LIST. CONT.**

- x. **New additions and adjacent or related new construction must be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.**
- j. **In addition to meeting the applicable guidelines in 11(i)(i-x) of this Section, to approve an application for the alteration of a Locally Significant Historic Resource the Commission must find that the proposal meets the following design standards as applicable:**
  - i. **Vacant buildings must be weather- and vandal-proof in order to minimize further deterioration and the threat to public safety; and/or**
  - ii. **New additions must be subordinate to the original building, meaning lower in height, attached to the rear or set back along the side, smaller in scale, and have less architectural detail; and/or**
  - iii. **Height, width, setback, roof shape, and the overall scale and massing of new buildings within historic districts and on lots with existing Historic Resources, or additions to Historic Resources must be compatible with the existing historic building(s) and, in the case of historic districts, the overall streetscape; and/or**
  - iv. **In historic districts and on lots with existing Locally Significant Historic Resources, materials on at least the primary façade(s) of new buildings must be compatible in size, shape, color, and texture to the original materials on the facades of surrounding historic buildings; and/or**
  - v. **Architectural details on new construction (including wood or metal trim, porches, cornices, arches, and window and door features, etc.) must be complimentary, but must not replicate historic features on surrounding historic buildings; and/or**
  - vi. **Window and door opening should be similar in size and orientation (vertical to horizontal) to openings on historic buildings and should take up a similar percentage of the overall façade as those on surrounding historic buildings; and/or**
  - vii. **In historic districts and on lots with existing Locally Significant Historic Resource the relationship of the width to the height of the principal elevations for new buildings and additions to existing Locally Significant Historic Resources must be in scale with the surrounding structures and streetscape. Wider new buildings can be divided into segments that more closely resemble the façade widths of historic buildings; and/or**

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**3.10.:0.7.0.0. DESIGN REVIEW FOR LOCALLY SIGNIFICANT HISTORIC RESOURCES**

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**DESIGNATED TO THE RESOURCE LIST. CONT.**

- viii. In historic districts and on lots with existing Locally Significant Historic Resources, the roof shape of new buildings and additions to existing Locally Significant Historic Resources must be visually compatible with the surrounding structures and streetscape. Unusual roof shapes, materials, and pitches are discouraged; and/or
- ix. Any applicable design guidelines adopted by the Commission as part of the body's duties described in Section 9(h).

**3.10.:0.8.0.0 ADDITIONAL PROTECTIONS FOR NATIONAL REGISTER RESOURCES.**

The Commission may recommend that the *City Council* adopt, amend, or remove additional protections for a National Register Resource, provided the National Register Resource is not the subject of a pending application for alteration, relocation, or demolition. Application of additional protections to a National Register Resource shall be *processed according to Section 3.10.500 and 3.10.600 of the City Land Use Ordinance, under provisions of OAR 660-023-200 for a meeting or hearing*, and processed as described in Section 11(a-d). A National Register Resource need not be designated to the Resource List for additional protections to be applied.

- a. National Register Resources within the corporate boundaries of the *City of Weston* may be designated to the Resource List using the procedures outlined in Section 11 and made subject to the regulations of Sections 12, 13, 14, 15, and 16 as a means of providing additional protections. Application of additional protections shall be processed *according to Section 3.10.500 and 3.10.600 of the City Land Use Ordinance, under provisions of OAR 660-023-200 for a meeting or hearing*, and subject to the specific provisions of 13(b-d) of this Section.
- b. *Regulations adopted prior to February 23, 2017 Existing Regulations are in a separate section of this Historic Preservation Ordinance. regarding the alteration, preservation, restoration, rehabilitation, reconstruction, relocation, and/or demolition of a National Register Resource may be amended or removed when the proposed National Register Resource is not the subject of a pending application for alteration or demolition. The action shall be processed according to Section 3.10.500 and 3.10.600 of the City Land Use Ordinance, under provisions of OAR 660-023-200 for a meeting or hearing.*
- c. *Additional protections may be applied to National Register Resources without owner consent under the provisions of OAR 660-023-0200(8)(b).*

**3.10.:0.8.0.0 ADDITIONAL PROTECTIONS FOR NATIONAL REGISTER RESOURCES. CONT.**

- d. The *City of Weston* or any person, group, or government agency may propose that a National Register Resource be considered for additional protections according to the following process:
1. The proposal must include the National Register nomination document and a complete list of the additional protections proposed. The Historic Preservation Officer may establish additional standards for a complete application.
  2. *At a public meeting or hearing, the Historic Landmarks and Planning Commission shall consider all of the following factors:*
    - a. *The historic characteristics identified in the National Register nomination document; and*
    - b. *The historic significance of the resource; and*
    - c. *The relationship to the historic context statement and historic preservation plan contained in the comprehensive plan, if they exist; and*
    - d. *The goals and policies in the City of Weston Comprehensive Plan; and*
    - e. *The effects of the additional protection measures on the ability of Significant Historic Resource owners to maintain and modify features of their Significant Historic Resource; and*
    - f. *Any other relevant factors.*

**3.10.:0.9.0.0. DEMOLITION AND RELOCATION OF SIGNIFICANT HISTORIC RESOURCES.**

The Commission may approve, approve with conditions, or deny an application to demolish or relocate a Significant Historic Resource. A public hearing before the *Historic Landmarks Commission and Planning Commission or City Council* and a Certificate of Appropriateness signed by the Historic Preservation Officer shall be required to demolish or relocate Significant Historic Resource.

- a. *“Demolition” shall be as defined in Section 7.g of this Ordinance.*
- b. *In addition to the criteria stated in Section 14(c-e), the Commission shall consider the following factors when reviewing an application for the demolition or relocation of a National Register Resource: Condition, historic integrity, age, historic significance, value to the community, economic consequences, design or construction rarity, and consistency with and consideration of other policy objectives in the acknowledged comprehensive plan.*

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**3.10 :0.9.0.0. DEMOLITION AND RELOCATION OF SIGNIFICANT HISTORIC RESOURCES. CONT.**

- c. When approving or approving with conditions the Demolition of a Significant Historic Resource, the Historic Landmarks Commission must find the following:
  - i. The applicant completed a replacement plan for the site, including drawings approved by the *Historic Landmarks Commission and Planning Commission*. If the property is located within a historic district, plans must be submitted for review and approved by the Commission prior to the application to demolish the Significant Historic Resource pursuant to these regulations as they relate to new construction; and
  - ii. *The Planning Commission* determines and states in writing that the Significant Historic Resource cannot be safely removed from the site; and
  - iii. The value to the community of the proposed use of the Significant Historic Resource outweighs the value of retaining the Significant Historic Resource. Public testimony must be considered when making this determination.
- d. When approving or approving with conditions the relocation of a Significant Historic Resource, the Historic Landmarks Commission must find the following:
  - i. If the Significant Historic Resource is located within a historic district, the owner completed a replacement plan for the site, including drawings approved by the *Weston Historic Landmarks Commission and Planning Commission*. Plans must be submitted for review and approved by the Commission prior to the application to demolish the Significant Historic Resource pursuant to these regulations as they relate to new construction; and
  - ii. The value to the community of the proposed use of the Significant Historic Resource outweighs retaining the Significant Historic Resource in its original location; and
  - iii. The relocated Significant Historic Resource remains within the city limits of *the City of Weston*; and
  - iv. The new site provides a suitable setting and ensures the Significant Historic Resource's long-term preservation; and
  - v. The owner has an approved plan for the new site.

**3.10.0.9.0.0. DEMOLITION AND RELOCATION OF SIGNIFICANT HISTORIC RESOURCES. CONT.**

- e. In approving an application for the demolition or relocation of a Significant Historic Resource, the Commission may impose the following conditions:
  - i. Completion of photographic, video, textual and/or drawn recordation of the subject property in its original location; and/or
  - ii. A Significant Historic Resource be relocated to a new site when demolition is proposed, and that, to the extent feasible, the new location is similar to the original site and that the original setback and orientation of the building is replicated on the new lot; and/or
  - iii. The owner obtain permission from the National Park Service to move the National Register Resource in order to retain the property's listing in the National Register of Historic Places and/or assume all responsibility and cost of removing the property from the National Register of Historic Places if permission cannot be obtained; and/or
  - iv. Delay the demolition of the Significant Historic Resource in the interest of exploring reasonable alternatives. *120 days for delay or other needed processes is recommended, except in an emergency such as collapse.*
  - v. Other reasonable mitigation measures.
- f. Upon issuing a Certificate of Appropriateness for the demolition of a Significant Historic Resource, the Historic Preservation Officer shall post a legal notice *in the normally designated public places, as defined by City Ordinance*, announcing the demolition, the criteria under which the demolition was approved, the historic significance of the property, and invite the public to provide alternatives to the demolition for consideration by the Commission.
- g. Relocated Significant Historic Resources shall remain designated to the Resource List unless removed from the Resource List under the provisions of this regulation.
- h. Demolished Significant Historic Resources shall be removed from the Resource List using the procedures described in this Ordinance. Upon removal, such resources shall not be subject to the provisions of this Ordinance.
- i. Notice of this relocation or demolition of a Locally Significant Resource or National Register Resource shall be provided to the State Historic Preservation Office.

**3.10.:1.0.0.0. PRESERVATION OF ARCHAEOLOGICAL RESOURCES.**

*The following provisions apply to the preservation of archaeological resources under Oregon State law.*

- a. Archeological resources must be protected and preserved in place subject to the requirements of federal, state, and local regulations, including the guidelines administered by the Oregon State Historic Preservation Office and ORS 358.905—358.962.*
- b. A person may not excavate, injure, destroy or alter an archaeological site or object or remove an archaeological object located on public or private lands unless that activity is authorized by a permit issued under ORS 390.235. A violation of this subsection is a misdemeanor.*

**3.10.:1.1.0.0. REMOVAL OF SIGNIFICANT HISTORIC RESOURCES FROM THE RESOURCE LIST.**

A public hearing before the Commission and a Certificate of Appropriateness signed by the Historic Preservation Officer shall be required to remove a Significant Historic Resource from the Resource List.

- a. A National Register Resource must first be removed from the National Register of Historic Places before an owner may apply for the National Register Resource to be removed from the Resource List.*
- b. An application to remove a Significant Historic Resource from the Resource List must not be considered for one (1) year after the date of decision for the denial of an application for the relocation or demolition of the same Locally Significant Historic Resource under Section 14.*
- c. Any individual or group, including the Commission acting on its own initiative, may initiate the removal of a Significant Historic Resource by submitting a complete application to the Historic Preservation Officer. The Historic Preservation Officer may establish standards for a complete application.*
- d. In order to approve an application for the removal of a Locally Significant Historic Resource from the Resource List the Commission shall find the following:*
  - i. The Locally Significant Historic Resource has lost the qualities for which it was originally recognized; and/or*
  - ii. Additional information shows that the Locally Significant Historic Resource no longer satisfies the criteria for recognition or did not satisfy the criteria for recognition at time of listing; and/or*
  - iii. The Planning Department declares that the Locally Significant Historic Resource poses a clear and immediate hazard to public safety and must be demolished to abate the unsafe condition.*

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### **3.10.:1.1.0.0. REMOVAL OF SIGNIFICANT HISTORIC RESOURCES FROM THE RESOURCE LIST. CONT.**

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- iv. *The designation of the property to the Resource List was imposed on the property at the time of designation and:*
  - 1. *The owner has retained ownership since the time of the designation; and*
  - 2. *The owner can demonstrate that the owner objected to the designation on the public record; or*
  - 3. *Was not provided an opportunity to object to the designation; and*
  - 4. *The owner requests in writing that the local government remove the property from the Resource List.*
- e. **Significant Historic Resources destroyed by flood, fire, or other natural or accidental act or which meet the definition of” Demolition under this Ordinance may be removed from the Resource List by the Historic Preservation Officer. Notice of this action and written and photographic evidence documenting the demolition of the Significant Historic Resource must be provided to the Commission at the next regular meeting and to the State Historic Preservation Office (“SHPO”). If a Significant Historic Resource is also listed in the National Register, the Historic Preservation Officer shall request that the SHPO remove the property from the National Register if not requiring the owner to do so under the provisions of this regulation.**
- f. **Upon removing a Significant Historic Resource from the Resource List, the Historic Preservation Officer shall *post an announcement of the removal in normally approved public sites according to City Ordinance. The announcement shall list the criteria under which the removal was approved, and the historic significance of the property.***
- g. **A Significant Historic Resource removed from the Resource List under the provisions of this Section shall not be subject to the requirements of this Ordinance.**

#### **3.10.:1.2.0.0. Re-submittal of a Previous Application:**

An application for a Certificate of Appropriateness may be appealed first to the City Council. Decisions of the City Council may be appealed *to the Land Use Board of Appeals (LUBA).*

#### **3.10.:1.3.0.0. Enforcement.:**

Penalties for violations of this Ordinance shall be the same as for per violations of the City of Weston Planning Ordinances. (old development codes 3.10.800). Enforcement of these codes follows procedures found in 1.4. Enforcement within this issue of development *codes and the violations and enforcement in these this code 1.4.200, 1.4.300.:*

