

# PRIVATE SITE AND PUBLIC FACILITY STANDARDS

## CHAPTER 14

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# PRIVATE SITE AND PUBLIC FACILITY STANDARDS

## CHAPTER 14

### OFF STREET PARKING AND LOADING

**14.005 Application.** The provisions of this Section shall apply to all land within the City, except for the area identified in Section 7.135, of the City Code, Boundaries of the Parking District.

**14.010 Off-Street Parking Requirements.** Except as provided in Section 14.005, at the time of erection of a structure or at the time of enlargement, increase in capacity or change from one of the following classifications to another of the following classifications, off-street parking spaces shall be provided as follows unless varied through Section 14.048:

[Amended by Ordinance 00-09, enacted May 1, 2000]

USE	OFF STREET PARKING
<b>Residential</b>	
Single Family	2 spaces
Two Family	4 spaces
Three Family	5 spaces
Four Family	6 spaces
Five+ Dwelling Units	1.5 spaces per unit plus 1 space per 5 units for RV storage
Dormitories	5 spaces per unit plus 1 space per 2 beds
Residential Home	1 space per 4 beds
Manufactured Home Park	2 spaces per home
<b>Care Facilities</b>	
Day Care	1 space per attendant
Nursing/Retirement Home, Sanitarium, Residential Facility	1 space per 4 beds
Hospital	1 space per 2 beds
Correctional Institution	1 space per 10 beds

<b>Retail/Service</b>	
Retail Store	1 space per 250 square feet <sup>1</sup>
Automobile Sales	1 space per 700 square feet <sup>1</sup>
Furniture Store	1 space per 700 square feet <sup>1</sup>
Bank or Professional Office	1 space per 400 square feet <sup>1</sup>
Medical/Dental Clinic or Office	1 space per 200 square feet <sup>1</sup>
Restaurant, Tavern or Bar	1 space per 100 square feet <sup>1</sup>
Hotel	1 space per 1.5 guest rooms
Motel	1 space per each guest room
Mortuary	1 space per 4 seats
<b>Industry</b>	
Storage Warehouse	1 space per 700 square feet <sup>1</sup> plus 1 space per employee
Wholesale or Manufacturing Business	1 space per 700 square feet <sup>1</sup> plus 1 space per employee
Air, Rail, Trucking Freight Terminal	1 space per 700 square feet <sup>1</sup> plus 1 space per employee
<b>Recreation</b>	
Stadium or Race Track	1 space per 4 seats or 8' of bench length
Indoor Arena or Theater	1 space per 4 seats or 8' of bench length
Bowling Alley	4 spaces per alley
Dance Hall or Skating Rink	1 space per 50 square feet of dance/skating area
Amusement Park	1 space per 750 square feet of patron activity area

<b>Public</b>	
Library	1 space per 400 square feet <sup>1</sup> patron reading area
Church	1 space per 4 seats or 8' of bench length
College	1 space per 4 seats
High School	1 space per classroom plus 1 space per administrative employee plus 1 space per 4 students
Junior High School	1 space per classroom plus 1 space per administrative employee plus 1 space per 6 students
Elementary School	1 space per classroom plus 1 space per administrative employee plus 1 space per 6 students
Auditoriums or Meeting Rooms	1 space per 4 seats or 1 space per 100 square feet <sup>1</sup>
Club or Association	1 space per 4 seats or 1 space per 100 square feet <sup>1</sup>

<sup>1</sup> A measure of gross floor area

- (1) **Space Computation.** Space computations for any use which result in fractional requirements shall be increased to the next higher full digit.
- (2) **Disabled Spaces**
  - a. **Minimum Number.** Parking spaces for use by people with disabilities shall be provided at the following ratios. Of these disabled spaces, one in every eight accessible spaces, but no less than one, shall be van accessible.

Required Parking Spaces	Required Disabled Spaces
1 – 25	1
26 – 50	2
51 – 75	3
76- 100	4
101-150	5

151-200	6
201-300	7
301- 400	8
401- 500	9
501-1000	2% of total required
1001 +	20 + 1 @ each 100 over 1000

- b. Location. Parking spaces for use by people with disabilities and accessible passenger loading zones that serve a particular building shall be the spaces or zones which meet disabled parking design standards and are located closest to the nearest accessible entrance or an accessible route. In separate parking structures or lots that do not serve a particular building, parking spaces for use by people with disabilities shall be located on the shortest possible circulation route to an accessible pedestrian entrance of the parking facility.
- c. Dimensions and Design.
1. Parking spaces for use by people with disabilities shall be at least eight feet wide and shall have an adjacent access aisle a minimum of six feet wide.
  2. Van accessible spaces shall be at least nine feet wide and shall have an adjacent access aisle that is at least eight feet wide and located on the passenger side of the parking space.
  3. Parking access aisles shall be part of an accessible route to the building or facility entrance. Two accessible parking spaces may share a common access aisle.
  4. Parked vehicle overhangs shall not reduce the width of an accessible circulation route.
  5. Vertical clearance shall not be less than 98 inches over the entire parking and aisle areas.
  6. Parking spaces and access aisles shall be level with surface slopes not exceeding 1:50 in all directions.
- d. Signs. Accessible parking spaces shall be designated as reserved for the disabled by a sign showing the international symbol of accessibility. All signs used to designate accessible parking spaces need to state ORS.620 (towing) and ORS 811.615 (fines). Van accessible space shall display an additional sign stating "Van Accessible". No signs shall be obscured by a vehicle parked in the space.

[Added by Ordinance 00-09, enacted May 1, 2000]

- (3) **Unlisted Uses.** Parking requirements for types of structures and uses not specifically listed in Section 14.005 to 14.045 shall be determined by the Director based upon the requirements of comparable uses listed herein.

- (4) **Maximum Allowable Number of Automobile Spaces.** The number of spaces provided by any particular use in ground surface lots shall not exceed the required number of spaces provided by this ordinance by more than 10%. Spaces provided on street or within the building footprint of structures, such as in rooftop parking or under structure parking or in multilevel parking above or below surface lots, shall not apply towards the maximum number of allowable spaces.

**14.012 Downtown Business Zone.**

- (1) Off-street parking and loading for uses located outside of the Downtown Parking District shall conform to the provisions of Sections 14.005 to 14.045.
- (2) For uses located within the Downtown Parking District, off street parking and loading requirements do not apply, provided the use complies with the following:
- a. Prior to occupancy of a newly constructed building, the owner or occupant shall pay into the Downtown Parking District the sum of Five Hundred Dollars (\$500.00), for each 1,000 square feet of gross floor area (or portion thereof).
  - b. Prior to occupancy of a newly enlarged building, the owner or occupant shall pay into the Downtown Parking District the sum of Five Hundred Dollars (\$500.00), for each 1,000 square feet of new gross floor area (or a portion thereof).
  - c. Upon a change of use requiring additional off street parking as determined by Sections 14.005 to 14.045, the owner or occupant shall pay into the Downtown Parking District, the sum of One Hundred Dollars (\$100.00), for each parking space which would otherwise have been required by said sections.
  - d. These fees constitute buy in charges to reimburse costs already incurred in the provision of off street parking. They do not offset the annual charges otherwise due the District.
  - e. In lieu of the above fees, the owner or occupant may provide the off street parking required by Sections 14.005 to 14.045. Where a portion of the required spaces are provided, the owner or occupant shall receive a credit of One Hundred Dollars (\$100.00) for each space actually provided. The owner or occupant shall remain responsible for annual District charges.

[Added by Ordinance 96-12, enacted April 15, 1996]

**14.015 Off Street Loading Requirements.** Structures to be built or substantially altered which receive and distribute material and merchandise by truck shall provide the following minimum number of off street loading berths as established by the following formula:

- (1) The following standards shall be used in establishing the minimum number of berths required:

<u>Number of Berths</u>	<u>Gross Floor Area in Square Feet</u>
0	Up to 5,000
1	5,000 to 20,000
2	20,000 to 50,000

For each additional 50,000 square feet of gross floor area, one additional berth shall be provided.

- (2) A loading berth shall contain a space 10 feet wide and 35 feet long and have a clearance height of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the dimensions shall be increased to accommodate the larger average vehicle size.

**14.020 Submission of Parking or Loading Plan.** A plan, drawn to scale, indicating how the off street parking and loading requirements are to be fulfilled, shall accompany the site plans submitted pursuant to the requirements of Sections 11.050 to 11.090. The plan shall show all those elements necessary to indicate that said requirements are being fulfilled and shall include the following:

1. Delineation of individual standard and disabled parking and loading spaces.
2. Circulation area necessary to serve spaces.
3. Access to streets and property to be served..
4. Curb cuts. For properties fronting Category 4 highways or 5-lane arterial streets, the location of existing access points on both sides of the road within 500 feet in each direction, and within 300 feet for properties fronting Category 5 highways and 3-lane arterial streets.
5. All planned transportation features (such as acceleration lanes and traffic signals)
6. Dimensions, continuity and substance of screening.
7. Grading, drainage, surfacing and subgrading details.
8. Delineation of obstacles to parking and circulation in finished parking area.
9. Specifications as to signs and bumper guards.

10. Trip Generation or appropriate traffic studies if required under Section 14.050 (6).
11. Other information as deemed necessary by the Director.

[Amended by Ordinance 00-09, enacted May 1, 2000]

**14.025 General Provisions - Off Street Parking and Loading.** The following general provisions shall apply to off street parking and loading facilities:

- (1) The maintenance of off street parking and loading spaces is a continuing obligation of the property owner. No building or other permit shall be issued until a plan, as required by Section 14.020, is presented to show property that is and will remain available for exclusive use of off street parking and loading space. The subsequent use of property shall be conditional upon the unqualified continuance and availability of the parking and loading facilities required. The location of the parking and loading facilities may be changed.
- (2) Parking spaces in public streets shall not be considered as fulfilling any part of the parking requirements of Chapters 10 to 14. Except for single and two and three family dwellings, parking spaces shall be so located and served by a driveway that its use will require no backing movements or other maneuvering within a street right-of-way other than an alley.
- (3) In the event several uses occupy a single structure or parcel of land, the total requirements for off street parking shall be the sum of the requirements of several uses computed separately.
- (4) **Joint Use.**
  - a. For the purpose of Sections 14.005 to 14.045, the following uses are considered as daytime uses: banks, business offices, retail stores, personal service shops, clothing or shoe repair or service shops, manufacturing or wholesale buildings and other similar primarily daytime uses when authorized by the Director.
  - b. For the purpose of Section 14.005 to 14.045, the following uses are considered as night time or Sunday uses: Auditoriums incidental to a public or private school, churches, dance halls, theaters, drinking and eating establishments and other similar primarily night time uses when authorized by the Director.
  - c. The Director may authorize the joint use of parking facilities for the following uses or activities under the following conditions:

[Amended by Ordinance 6413, enacted January 3, 1983]

- i. Up to 50 percent of the parking facilities required by Sections 14.005 to 14.045 for a theater, dance hall, eating or drinking establishment or other similar primarily night time use, may be supplied by off street parking facilities provided by the daytime use specified in paragraph (a).
  - ii. Up to 50 percent of the off street parking facilities required by Sections 14.005 to 14.045 for any daytime use specified under (a) above, may be supplied by the parking facilities provided for night time or Sunday use specified in paragraph (b).
  - iii. Up to 100 percent of the parking facilities required by Sections 14.005 to 14.045 for a church or for an auditorium incidental to a public or private school, may be supplied by the off street parking facilities provided by daytime uses specified in paragraph (a).
- d. Conditions required for joint use:
- i. The structure or use for which application is being made to permit joint use of off street parking facilities, shall be located within 300 feet of the street parking facilities which would provide the joint use.
  - ii. The applicant shall show that there is no substantial conflict in the principle operating hours of the two structures or uses for which joint use of off street parking facilities is proposed.
  - iii. A properly drawn legal instrument executed by the parties concerned for joint use of off street parking facilities and duly approved as to form and manner of execution by the City Attorney, shall be filed with the Director. Joint use parking privilege shall continue in effect only so long as such an instrument, binding on all parties, remains in force. If such instrument becomes legally ineffective, then parking shall be provided as otherwise required. Such authorized joint use shall be terminated by the Director upon change of uses, operating hours or other similar conditions deemed to violate the intent of Sections 14.005 to 14.045. The Director shall hold a hearing pursuant to Sections 12.625 to 12.665 before taking such action.

- (5) Required parking spaces shall be available for the parking of operable passenger vehicles of residents, visitors, customers and employees only.
- (6) In any residential zone, all motor vehicles incapable of movement under their own power shall, except in an emergency, be stored in a completely screened space, garage, or carport.

**14.030 Location of Parking Facilities.** Off street parking facilities shall be located within the following distances measured in a straight line from the nearest point of the parking facility to the nearest point of the structure that such facility is required to serve:

- (1) **Dwellings.** On the same lot with the structure at a distance not to exceed 150 feet.
- (2) **Commercial Uses.** The parking facility shall be located on the same lot or a lot contiguous to the same lot on which the structure of the parking facility is required to serve, is located at a distance not to exceed 150 feet.
- (3) For all other uses, such parking facilities shall be located not more than 300 feet from the structure the parking facility is required to serve.

**14.035 Enlargement or Change of Use**

- (1) Whenever any structure is enlarged or expanded or the use is changed, off street parking and loading shall be provided for the expansion, enlargement or change of use prior to occupancy in accordance with the requirements of 14.005 to 14.045, except that no additional spaces need be provided in the case of enlargement or expansion where the number of parking spaces required for such expansion or enlargement since April 20, 1981, is less than two additional spaces.
- (2) Off street parking and loading spaces existing prior to April 20, 1981, may be included in the amount necessary to meet the requirements in case of subsequent enlargements of the structure or use.

**14.040 Design Requirements for Parking and Loading Facilities**

- (1) All areas used for off-street parking and maneuvering of vehicles, including driveways and truck loading areas, shall have either concrete or asphalt surfaces, constructed in a manner approved by the City

Engineer, in conformance with Sections 14.005 to 14.045 and drained so as to avoid flow of water across sidewalks.

- (2) Parking and loading facilities adjacent to residential zones or uses shall be designed to minimize disturbance of residents through conformance with applicable provisions of Chapter 14.
- (3) Parking spaces along the outer boundaries of a parking area shall be contained by a bumper rail or curb at least four inches high and set back a minimum of four feet from the property line.
- (4) Access aisles which provide for two way traffic, shall be a minimum of 24 feet in width and those which provide one way traffic shall be a minimum of 15 feet in width.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (5) Design and construction of parking areas shall be based on the standards of Chapters 10 to 14 and those depicted in Exhibits 700 and 701, entitled "Angled Parking Standards", as provided in Sections 10.305 to 10.315.
- (6) Directional signs and pavement markings shall be used to control vehicle movement within parking and loading facilities.
- (7) Small Vehicle Parking.
  - a. Parking spaces with dimensions as set forth in the definition of "Parking Space, Small Vehicle" in Section 10.010, may be designed for small vehicles, provided the area of the parking lot or facility designated for small vehicles is not usable for standard size automobiles due to obstructions, unusual site configuration or where the use of said space will preserve a tree.
  - b. Small vehicle parking spaces may satisfy up to 30 percent of the spaces required by Section 14.010, except that only one small vehicle parking space may be used in computing said requirement when the total number of required parking spaces is less than ten (10).
- (8) Parking spaces assigned for restricted use by the handicapped shall be a minimum of fourteen (14) feet in width. Each space shall be marked by a sign placed at the front of the space, which stands not less than two feet or more than four feet in height.

**14.045 Completion Time of Parking and Loading Facilities.** Required parking and loading spaces shall be improved and made available for use before the final inspection under the building permit or before a change of use and resulting occupancy are commenced. In the event the improvements are not completed within one year's time from the date of building permit issuance, the site plan bond shall be forfeited and the improvements thenceforth constructed under the direction of the City Engineer.

[Added by Ordinance 97-28, enacted December 15, 1997]

**14.046 Bicycle Parking Facilities.** Bicycle parking facilities shall be provided for all new or expanded multi dwelling residential, institutional, commercial and industrial uses except for businesses located within the Downtown Business Zone. Bicycle parking shall be provided as follows:

- (1) One bicycle parking space shall be provided for every twelve (12) required off street parking spaces, with a minimum of one bicycle parking space.
- (2) Required bicycle parking facilities shall be located no further than fifty feet (50') from a public entrance.
- (3) Bicycle parking facilities may be provided in a dedicated area within a building that is accessible to bicycle storage.

[Added by Ordinance 97-28, enacted December 15, 1997]

**14.047 Bicycle Parking Design Guidelines**

- (1) Bicycle parking facilities shall either be stationary racks, which accommodate bicyclist's locks securing the frame and both wheels or lockable rooms or enclosures in which the bicycle is stored.
- (2) Bicycle parking spaces shall be at least six feet (6') long and two feet (2') wide. Upright bicycle storage structures are exempted from the parking space length standard.
- (3) A five-foot (5') aisle for bicycle maneuvering shall be provided and maintained beside or between each row of bicycle parking.
- (4) Bicycle racks or lockers shall be anchored to the ground surface or to a structure.

[Added by Ordinance 97-28, enacted December 15, 1997]

**14.048 Vehicle Parking Variance Criteria.**

Upon submission of documentation by the applicant of how the project meets the following criteria, the Director may approve a variation to the parking requirements of Section 14.010 , if the Director finds that:

- (1) The parking needs of the use will be adequately served; and either
- (2) Shared Parking is provided consistent with the requirements of Section 14.025(4); or
- (3) The applicant provides an acceptable proposal for an alternate modes of transportation program, including a description of existing and proposed facilities and assurances that the use of alternate modes of transportation will continue to reduce the need for on-site parking on an on-going basis.

[Added by Ordinance 97-28, enacted December 15, 1997]

[Added by Ordinance 00-09, enacted May 1, 2000]

## **SITE ACCESS AND BOUNDARIES**

### **14.050 Access and Driveways**

- (1) Each lot and parcel shall abut upon an improved street with sidewalks, for the entire length of the lot frontage. A lot or parcel which abuts only the end of a public street, not terminating in a cul de sac, shall not be considered as having access, nor shall an alley be considered as sufficient access.\*

\* A lot or parcel abutting a dedicated but unimproved street, shall not be required to improve the abutting portion of the street as a condition of development permit approval provided that the street has been constructed to the minimum emergency standards of Section (2) and the property owner executes a recordable local improvement contract toward the formation of a Local Improvement District to construct the street and sidewalk.

[Amended by Ordinance 96-31, enacted October 21, 1996]

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (2) Minimum Emergency Access Standards
  - a. Unobstructed street width and uniform surface of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches.

- b. Roads shall be designed and maintained to support the imposed loads of a 50 thousand-pound vehicle and be provided with a surface so as to provide all-weather driving capabilities.
- c. Dead-end streets in excess of 150 feet in length shall be provided with approved provisions for the turning around of fire apparatus.
- d. The required street width shall not be obstructed in any manner, including parking of vehicles. Minimum widths shall be maintained at all times.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (3) All new development and redevelopment shall meet the following access design standards:

- (a) On Category 4 highways and 5-lane arterial streets, maintain 500-foot spacing (centerline-to-centerline) between either public or private access on both sides of the roadway and both sides of the proposed access point.

(b) On Category 5 highways and 3-lane arterials, 300-foot spacing (centerline-to-centerline) between either public or private access on both sides of the roadway and both sides of the proposed access point.

(c) On Category 6 highways, 150-foot spacing (centerline-to-centerline) between either public or private access on both sides of the roadway and both sides of the roadway and both sides of the proposed access point.

[Amended by Ordinance 00-09, enacted May 1, 2000]

(4) For each single family dwelling, a private access driveway shall be provided which shall be at least 10 feet in width. For two or more dwelling units, a private access driveway shall be provided; the improved portion of which shall be at least 20 feet in width. When parking is to be permitted on either or both sides of such driveway, there shall be provided a parking lane on that side of the driveway of at least eight feet in width. For two or more dwelling units, if the driveway dead ends, a turnaround area of not less than 20 feet in diameter shall be provided, which is other than the private driveway service to the dwelling.

(5) The surface of driveways shall be of material meeting the standards of Subsection 14.040 (1). All driveways shall be well drained so as to prevent ponding greater than one half inch in depth or two feet in diameter and the provisions for drainage shall be approved by the City Engineer.

[Added by Ordinance 00-09, enacted May 1, 2000]

(6) Access points to an industrial or commercial site from a street shall be located to minimize traffic congestion and hazard. No access point shall be allowed which would direct industrial or commercial traffic into a residential zone. Wherever possible, access points shall be so located so as to serve more than one industrial or commercial site or use.

[Added by Ordinance 00-09, enacted May 1, 2000]

(7) All Proposed zone changes, subdivisions, partitions, new development and or/redevelopment shall provide a traffic impact study to the City of Klamath Falls and Oregon Department of Transportation if the proposed use:

- a) Directly accesses a state highway; *or*
- b) Requires a comprehensive plan amendment; *or*
- c) Under the TSP, there is a recognized traffic safety or operations deficiency in streets impacted by the proposed land use action;

and the proposed use exceeds the thresholds defined as:

- d) trip generation threshold- 50 newly generated trips (inbound and outbound) during the adjacent street peak hour; *or*,
- e) mitigation threshold- installation of any traffic control device and/or construction of geometric improvements that will affect the progression or operation of traffic travelling on, entering, or exiting the highway; *or*,
- f) Heavy vehicle trip generation threshold- 20 newly generated heavy vehicle trips (inbound and outbound) during the day.

[Added by Ordinance 00-09, enacted May 1, 2000]

**14.051 Traffic Impact Study Requirements.** A traffic impact study shall be developed by a Professional Engineer and include the following minimum requirements:

[Added by Ordinance 00-09, enacted May 1, 2000]

- 1) The analysis shall include alternates other than what the developer originally submits as a proposal for access.
- 2) The analysis of alternate access proposals shall include:
  - a) Existing daily and appropriate design peak hour counts, by traffic movements, at intersections that would be affected by traffic generated by the development.
  - b) Projected daily and appropriate design peak hour volumes for these same intersections and at the proposed access points after completion of the development. If the development is to be constructed in phases, projected traffic volumes at the completion of each phase shall be determined.
  - c) Trip Generation shall be calculated using the Institute of Transportation Engineers' manual "Trip Generation – 5<sup>th</sup> Edition" or other, more current, and/or applicable information.
  - d) A determination of the need for a traffic signal based on warrants in the "Manual on Uniform Traffic Control Devices".
- 3) The recommendations made in the report shall be specific and based on a minimum level of service when the development has been completed. As an example, if a traffic signal is recommended, the recommendations should include the type of traffic signal control and what movements should be signalized. If a storage lane for right turns or left turns is needed, the recommendations should include the amount of storage needed. If several intersections are involved for signalization, and an interconnected system is considered, specific analysis should be made concerning progression of traffic between intersections.
- 4) The internal circulation of parking lots must be analyzed to the extent that it can be determined whether the points of access will operate properly.

- 5) An analysis of the impacts to neighboring driveway access points and adjacent streets affected by the proposed new development driveways.
- 6) A discussion of bike and pedestrian use and the availability of transit to serve the development.

[Added by Ordinance 00-09, enacted May 1, 2000]

**14.053 Access Variances.** Access variances will be reviewed by the City of Klamath Falls and/or the Oregon Department of Transportation for proposed driveways that do not meet the access spacing criteria. Variances may be allowed under the following conditions:

[Added by Ordinance 00-09, enacted May 1, 2000]

- 1) The parcel's highway frontage, topography, or location would otherwise preclude issuance of a conforming access point.
- 2) Alternative access (crossover easement, shared, side street, and/or rear access) is not available to the parcel.

[Added by Ordinance 00-09, enacted May 1, 2000]

**14.055 Through Lots and Parcels.** Through lots and parcels shall be avoided, except where they are essential to provide separation of residential development from an arterial street or adjacent nonresidential activities or to overcome specific disadvantages of topography and orientation. A planting screen easement at least 10 feet wide and across, which there shall be no right of access, may be required along the line of building sites abutting such an arterial street or other incompatible uses.

**14.060 Angle of Lot and Parcel Side Lines.** The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face.

**14.065 Sizing of Large Lots and Parcels.** In dividing land into large lots or parcels which at some future time are likely to be redivided, the Commission may require that the blocks be of such size and shape so as to allow them to be later divided into lots or parcels conforming to the applicable provisions of Chapters 10 to 14 and contain such restrictions as will provide for extension and opening of streets at intervals which will permit a subsequent land development into lots or parcels complying with the provisions of Chapters 10 to 14.

## ENVIRONMENTAL

**14.100 Applicability.** In all zones, no development shall occur absent continuing conformance with the provisions of Sections 14.100 to 14.115.

### 14.105 Noise.

- (1) For purposes of this Section, the following definitions shall apply:
  - a. "Noise Level" shall mean the weighted sound pressure level measured by use of a metering characteristic with an "A" frequency weighing network and reported as dBA.
  - b. "Statistical Noise Level" shall mean the noise level which is equaled or exceeded a stated percentage of the time. An  $L_{10} = 65$  dBA means that in any hour of the day, 65 dBA can be equaled or exceeded only 10 percent of the time or for six minutes.
  - c. "Sound Pressure Level" shall mean 20 times the logarithm to the base 10 of the ratio of the root mean square pressure of the sound to the reference pressure. Sound pressure level is given in decibels (dB). The reference pressure is 20 micropascals.
- (2) No use shall be made of a lot or parcel which causes or permits the operation of a noise source if the statistical noise levels generated by that source and measured as provided by Section 14.105 (5), exceed the following levels:

#### **Allowable Statistical Noise Levels In Any One Hour**

<u>7 AM to 10 PM</u>	<u>10 PM to 7 AM</u>
$L_{50}$ - 55 dBA	$L_{50}$ - 50 dBA
$L_{10}$ - 60 dBA	$L_{10}$ - 55 dBA
$L_1$ - 75 dBA	$L_1$ - 60 dBA

- (3) Notwithstanding the provisions of Subsection (2) above, no use shall be made of a lot or parcel of an industrial or commercial noise source if an impulsive sound is emitted in the air by that source which exceeds the peak sound pressure levels specified below and measured as provided by Section 14.105 (5).

<u>7 AM to 10 PM</u>	<u>10 PM to 7 AM</u>
----------------------	----------------------

100 dBA

80 dBA

- (4) Sound Measurement procedures as required by this section, shall conform to these procedures as adopted by the Environmental Quality Commission of the State of Oregon and set forth in the Sound Measurement Procedures Manual (NPCS-1).
- (5) Unless otherwise specified, the appropriate measurement point shall be that point on the property line of the lot or parcel nearest to the noise source.

[Amended by Ordinance 6413, enacted January 3, 1983]

- a. Twenty-five feet (7.6 meters) toward the noise source from the nearest affected building on said adjacent property;
  - b. That point on the affected property line nearest the noise source.
- (6) When requested by appropriate employees of the City, the owner or operator of a noise source shall provide the following:
    - a. Access to the site;
    - b. Reasonable facilities, where available, including but not limited to electric power, ladders and other similar facilities;
    - c. Cooperation in the reasonable operation, manipulation or shut down of various equipment or operations as needed to ascertain the source of sound and measure its emission.
  - (7) The provisions of this section shall not apply to the following noise sources:
    - a. Emergency equipment not operated on a regular or scheduled basis;
    - b. Warning devices not operated continuously for more than five minutes;
    - c. Sounds created by the tires or engine used to propel any road vehicle complying with the Noise Control Regulations as developed by the Department of Environmental Quality and provided in Chapter 340 of the Oregon Administrative Rules;
    - d. Sound created by bells or chimes;

- e. Sounds that originate on construction sites;
- f. Sounds created by construction or maintenance equipment;
- g. Sounds created by lawn care maintenance and snow removal equipment;
- h. Sounds created by the operation of aircraft or any railroad equipment or facility or activity conducted at an airport or railroad yard that is directly related to flight or train operations.
- i. Sounds created by the operation of road maintenance equipment complying with the noise rules for such equipment.

**14.110 Air Quality.** The discharge of air contaminants from any development, shall not exceed the limits set forth in this section or those limits established by the Oregon Department of Environmental Quality pursuant to ORS 468 and 468A, whichever are the more stringent. The discharge shall be measured at the source, except for suspended particulate matter, carbon monoxide and lime dust, which shall be measured at any contamination locale.

- (1) Smoke measured at the point of discharge into the air shall not exceed an opacity of 20 percent for more than three minutes in any one hour.
- (2) The following air contaminants shall not exceed the prescribed standards:

<u>AIR CONTAMINANT</u>	<u>AVERAGING TIME</u>	<u>STANDARDS</u>
Suspended Particulate Matter	Ann. Geometric Mean	60 ug/m
	24 hours	150 ug/m
	Monthly	100 ug/m
Carbon Monoxide	8 hours	10 mg/m
	1 hour	40 mg/m
Sulfer Dioxide	Ann. Arithmetic Ave.	
	24 hours	260 ug/m
	3 hours	1300 ug/m
Photochemical Oxidants	1 hour	160 ug/m
Nitrogen Dioxide	1 hour	100 ug/m
Hydrocarbons	3 hours (nonmethane)	160 ug/m
Lead	Monthly	3 ug/m
Lime Dust	Monthly (CaO)	10 ug/m

Notes:

Not to be exceeded more than once per year.

24 hour average not more than 15 percent of the time.  
ug/m = Micrograms per cubic meter of air.  
mg/m = Milligrams per cubic meter of air.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (3) Measurements of air contaminants shall be by the procedures and with the equipment approved by the Oregon Department of Environmental Quality or acceptable and equivalent methods of measurement approved by the Public Works Director. Persons responsible for a suspected source of air pollution, upon request of the City, shall provide quantitative and qualitative information regarding the discharge that will accurately describe operation conditions. Persons responsible for a suspected source of air pollution, upon request of the City, shall provide quantitative and qualitative information regarding the discharge that will accurately describe operation conditions.

#### Suspended Particulate Matter

Concentrations of suspended particulate matter in ambient air as measured by an approved method for total suspended particulate (TSP), or by an approved method for the fraction of TSP which is equal to or less than ten microns in aerodynamic diameter, ( $PM_{10}$ ), shall not exceed:

- (1) 60 micrograms of TSP per cubic meter of air as an annual geometric mean for any calendar year at any site.
- (1) 150 micrograms of TSP per cubic meter of air as a 24-hour average concentration more than once per year at any one site.
- (2) 50 micrograms of  $PM_{10}$  per cubic meter of air as an annual arithmetic mean. This standard is attained when the expected annual arithmetic mean concentration, as determined in accordance with Appendix K of 40 CFR 50 is less than or equal to 50 micrograms per cubic meter at any site.
- (3) 150 micrograms of  $PM_{10}$  per cubic meter of air as a 24-hour average concentration for any calendar day. This standard is attained when the expected number of days per calendar year with a 24-hour concentration above 150 micrograms per cubic meter as determined in accordance with Appendix K of 40 CFR 50 is equal to or less than one at any site.

#### Sulfur Dioxide

Concentrations of sulfur dioxide in ambient air measured by an approved method shall not exceed:

- (1) 0.02 ppm as an annual arithmetic mean for any calendar year at any site.

- (2) 0.10 ppm as a 24-hour average concentration more than once per year at any site.
- (3) 0.50 ppm as a three-hour average concentration more than once per year at any site.

#### Carbon Monoxide

For comparison to the standard, averaged ambient concentrations of carbon monoxide shall be rounded to the nearest integer in parts per million (ppm). Fractional parts of 0.5 or greater shall be rounded up. Concentrations of carbon monoxide in ambient air as measured by an approved method, shall not exceed:

- (1) 9 ppm as an eight-hour average concentration more than once per year at any site.
- (2) 35 ppm as a one-hour average concentration more than once per year at any site.

#### Ozone

Concentrations of ozone in ambient air as measured by an approved method shall not exceed 0.12 ppm as a one-hour average concentration. This standard is attained when, at any site the expected number of days per calendar year with maximum hourly concentrations greater than 0.12 ppm is equal to or less than one as determined by the method of Appendix H, 40 CFR 50.

- (3) Measurements of air contaminants shall be by the procedures and with the equipment approved by the Oregon Department of Environmental Quality or acceptable and equivalent methods of measurement approved by the Public Works Director. Persons responsible for a suspected source of air pollution, upon request of the City, shall provide quantitative and qualitative information regarding the discharge that will accurately describe operation conditions

#### Nitrogen Dioxide

Concentrations of Nitrogen Dioxide in ambient air as measured by an approved method shall not exceed 0.053 ppm as an annual arithmetic mean at any site.

#### Particle Fallout

The particle fallout rate as measured by an Oregon standard method at a location approved by the Department of Environmental Quality shall not exceed:

- (1) 10 grams per square meter per month in an industrial area.

- (2) 5.0 grams per meter per month in an industrial area if visual observations show a presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.
- (3) 5.0 grams per square month in residential and commercial areas.
- (4) 3.5 grams per square meter per month in residential and commercial areas if visual observations show the presence of wood waste or soot and the volatile fraction of the sample exceeds 70 percent.

Calcium Oxide (Lime Dust)

- (1) Concentrations of calcium oxide present as total suspended particulate, TSP, as measured by an approved method at a location approved by the Department of Environmental Quality, shall not exceed 20 micrograms per cubic meter in residential and commercial areas.
- (2) Concentrations of calcium oxide present as particle fallout as measured by an Oregon standard method at a location approved by the Department of Environmental Quality shall not exceed 0.35 grams per square meter per month in residential and commercial areas.

Ambient Air Quality Standard for Lead

The lead concentration in ambient air as measured by an approved method shall not exceed 1.5 micrograms per cubic meter as an arithmetic average concentration of all samples collected at any site during any one calendar quarter.

[Amended by Ordinance 6413, enacted January 3, 1983]

[Amended by Ordinance 00-09, enacted May 1, 2000]

**14.115 Heat and Glare.** Except for exterior lighting, operations producing heat or glare, shall be conducted entirely within an enclosed building.

## FENCES AND SCREENING

### 14.150 Screens.

- (1) All trash containers greater than 50 gallons in capacity, shall be screened to a height of six feet, by a sight-obscuring fence.
- (2) All nonresidential service, repair, storage or merchandise display performed in conjunction with any use in any Neighborhood Commercial Zone, shall be conducted wholly within an enclosed building, except for the following: off street parking or loading, drive up windows and fuel sales and related minor service for motor vehicles.

[Amended by Ordinance 6413, enacted January 3, 1983]

- a. In any Neighborhood Commercial Zone, all such activities shall be conducted wholly within an enclosed building.
  - b. In a General Commercial, Commercial/Light Industrial, Industrial or Public Facility Zone, wherever any area which is used for off street parking or loading contains five or more spaces and lies within 500 feet of any residential use or zone, a planting screen of not less than six feet in height shall be provided and maintained as a buffer between such zones or uses, except when the view is blocked by change of grade or similar features.
- (3) Except in a Single Family Residential Zone, wherever any area which is used for off street parking or loading contains five or more spaces and lies within 500 feet of any residential use or zone, a planting screen of not less than six feet in height shall be provided and maintained as a buffer between such zones or uses, except when the view is blocked by change of grade or similar features.
  - (4) Industrial, commercial or public facility uses abutting a residential zone shall provide and maintain along such abutting property lines, a planting screen or sight obscuring fence not less than six feet in height and which attains a mature height of at least seven feet or similar screening measures as may be prescribed by the Director.

[Amended by Ordinance 6413, enacted January 3, 1983]

- (5) A planting screen or sight-obscuring fence, across which there shall be no right of access, may be required along the lot line of building sites abutting arterial streets or other incompatible uses.

- (6) Where, because of intense shade, soil conditions, or similar characteristics, a required planting screen cannot be expected to thrive, a sight obscuring fence or similar nonvegetative screening or similar configurations may be substituted upon approval of the Director.

[Amended by Ordinance 6413, enacted January 3, 1983]

#### **14.155 Specifications.**

- (1) Fences. Unless otherwise specified, fencing or other nonvegetative screening shall not exceed three and one half (3 1/2) feet in height in a required front yard or exterior side yard nor seven feet in height in all other areas and shall be constructed in a manner which is not detrimental to the aesthetics of the surrounding area. This shall include, but not be limited to, locating of fence stringers towards the interior of the lot, fence type and composition, fence color and texture and overall appearance pursuant to Section 14.155 (3).
- (2) Planting Screens. Unless otherwise specified, all planting screen specifications required by Chapters 10 to 14 shall conform to the provisions of Sections 14.425. Planting screens shall be sufficient to obscure the proposed use within 12 months of planting.
- (3) All required fences and screenings shall conform to plans submitted to and approved by the Director.

[Amended by Ordinance 6413, enacted January 3, 1983]

**14.160 Time of Completion.** All fencing and screening required by Chapters 10 to 14 shall be installed prior to occupancy or commencement of use. Where compliance with the preceding sentence is not possible because of the season of the year, the director may grant an appropriate delay provided such delay shall not exceed six months.

## RECYCLING ACCOMMODATIONS

**14.180 Recycling Accommodation Requirements.** All commercial and multifamily developments requiring a design review as indicated in Section 12.808, shall provide an opportunity to recycle on site for use by the residents.

- (1) Commercial developments having a solid waste receptacle shall provide a site of equal or greater size to the receptacle. This site must be located adjacent to or with access to, the solid waste receptacle. The site must accommodate recyclable materials collected by the local solid waste franchisee under its on route collection program. Both the recycle site and the common solid waste receptacle shall be screened to a height of six feet (6') with a sight obscuring fence or vegetation.
- (2) Multifamily Residential. All newly constructed multifamily units, either as part of an existing development or as a new development, shall provide an opportunity for a recycling site, in accordance with the following standards:
  - a. Multifamily developments not sharing a common solid waste receptacle shall provide an individual curbside recycling container for each dwelling unit in the development. This container shall be allowed at the curb on pick up days only.
  - b. Multifamily developments sharing a common solid waste receptacle shall provide a site of equal or greater size adjacent to or with access comparable to, the common solid waste receptacle to accommodate materials collected by the local solid waste franchisee under its residential route collection program for purposes of recycling. Both the recycle site and the common solid waste receptacle shall be screened to a height of six feet with a sight obscuring fence or vegetation.

[Added by Ordinance 97-28, enacted December 15, 1997]

## FLOODPLAIN MANAGEMENT

**14.200 General.** The standards provided in Sections 14.200 to 14.240, shall apply in all areas within a Floodplain Hazard Overlay Zone as established in Section 12.550. When flood proofing is utilized for a structure, a registered engineer or licensed architect shall certify that the flood proofing method is adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the base flood and otherwise conforms to the flood proofing standards of the State Structural Specialty Code and Chapters 10 to 14.

### **14.205 Residential Construction.**

- (1) New construction, or structural improvement valued above 50 percent of the assessed value of the structure of any residential structure, shall have the lowest finished floor level, including basement, elevated at least one foot above base flood elevations.
- (2) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Design for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding, shall be provided.
  - b. The bottom of all openings shall be no higher than one foot above grade.
  - c. Openings may be equipped with screens, louvers or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**14.210 Nonresidential Construction.** New construction or structural improvements valued above 50 percent of the assessed value of the structure of any commercial, industrial or other nonresidential structure, shall either have the lowest finished floor level, including basement, elevated one foot above the base flood elevation; or together with attendant utility and sanitary facilities shall:

- (1) Be flood proofed in accordance with the provisions of Section 14.220, so that below the base flood level of the structure is watertight and substantially impermeable to the passage of water; and

- (2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards or practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans.
- (4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 14.205.
- (5) Applicants flood proofing nonresidential buildings, shall be notified that flood insurance premiums will be based on rates that are one foot below the flood proofed level (e.g. a building constructed to the base flood level will be rated as one foot below that level).

#### **14.215 Anchoring.**

- (1) All new construction or structural improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (2) All mobile and manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement and shall be installed using methods and practices that minimize flood damage. 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).

#### **14.220 Construction Materials and Methods.**

- (1) All new construction or structural improvements shall be constructed with materials and utility equipment resistant to flood damage. The State Structural Specialty Code shall be used where applicable to determine appropriate material and equipment.
- (2) All new construction or structural improvements shall be constructed using methods and practices that minimize flood damage. The State Structural Specialty Code shall be used where applicable for construction methods.

- (3) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **14.225 Public Facility Standards**

- (1) A public facility in a Floodplain Hazard Overlay Zone shall be designed, located and constructed to minimize or eliminate flood damages.
- (2) A new or replacement water supply system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system.
- (3) A new or replacement sanitary sewage system shall be designed, located and constructed to minimize or eliminate infiltration of flood waters into the system and discharges from the system into flood waters.
- (4) An on site septic tank system or other individual waste disposal system is prohibited in the floodplain.

#### **14.230 Land Development Standards**

- (1) A land development within a Floodplain Hazard Overlay Zone shall be designed and constructed to minimize flood damage, including but not limited to the provision of adequate surface drainage to reduce exposure to flood hazards.
- (2) A land development which will alter or relocate a watercourse shall be designed, constructed and maintained to retain the 100-year flood carrying capacity of the watercourse.
- (3) A land development proposal involving more than 50 lots or five acres shall include data showing the base flood elevation.

**14.235 Manufactured Home Standards.** All manufactured homes to be placed or substantially improved within the Flood Hazard Zone, shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system, in accordance with the provisions of Section 14.215 (2).

**14.240 Storage of Materials.** Storage of materials that are buoyant, flammable, toxic or otherwise injurious to persons or property if transportable by flood waters, are prohibited.

**14.245 Floodways.** Located within areas of special flood hazard established in Section 12.550, are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements and other development unless certification by a registered professional engineer or architect is provided, demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) If Section 14.245 (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 14.200, Flood Plain Management.

## GRADING CUTS AND FILLS

**14.250 Grading and Filling of Structure Sites.** Grading and filling of sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards as determined by the Public Works Director.

- (1) Cut slopes shall not exceed one foot vertically to one and one half feet horizontally.
- (2) Fill slopes shall not exceed one foot vertically to two feet horizontally.
- (3) The type of soil utilized for fill shall have shearing, slumping and similar characteristics necessary to support the structure intended and be approved by the Public Works Director prior to development. Fill materials that may present a water quality problem on the site or within the surrounding area, due to their physical characteristics or contamination from oil, industrial waste or similar pollutants, shall not be permitted.
- (4) Layered fill shall not exceed six inches maximum per layer.
- (5) Fill shall be compacted to accepted engineering standards sufficient to support the structure intended and existing water shall be allowed to settle prior to development upon the site.
- (6) Changes in slopes shall be rounded and cut slopes shall be planted with material suitable to prevent erosion or similar soil instability problems.
- (7) Existing vegetation, including trees, shall be saved when to do so will not adversely affect the engineering soundness of the cut or fill involved.

## HISTORIC PRESERVATION

**14.260 General.** All development shall be undertaken so as to conserve, protect and preserve to the maximum extent practicable, those sites, structures and objects of statewide or local importance that represent archaeological and historical resources and:

- (1) Are associated with events that have made a significant contribution to the broad patterns of local, regional or national history;
- (2) Are associated with the lives of persons significant to the history of the City of Klamath Falls or the region;
- (3) Embody the distinctive characteristics of the type, period or method of construction or that represent the work of a master, or that possess high artistic values or that represent a significant and distinguishable entity whose components may lack individual distinction;
- (4) Have yielded or may be likely to yield information important to the history of the City of Klamath Falls or the region; and
- (5) Are designated on the "Statewide Inventory of Historical Sites and Buildings" published by the Oregon Department of Transportation on file in the City of Klamath Falls Planning Department.

[Amended by Ordinance 00-09, enacted May 1, 2000]

## **SIGNS**

**14.300 Purpose.** The purpose of these sign regulations are to encourage the effective use of signs as a means of communication in the City; to maintain and enhance the aesthetic environment; to minimize the possible adverse effect of signs on nearby public and private property; and to enable the fair and consistent enforcement of these sign restrictions. It is also intended to protect the public from hazardous conditions by prohibiting signs that are structurally unsafe, obscure or distract the vision of motorists or compete or conflict with necessary traffic signs and warning signs. This sign ordinance is adopted under the zoning authority of the City in furtherance of the more general purposes set forth in the Community Development Ordinance. Sections 14.300 to 14.368 shall be known as the "Uniform Sign Act" (The Act).

[Repealed by Ordinance 97-13, enacted May 5, 1997]

[Added by Ordinance 97-13, enacted May 5, 1997]

### **14.304 Applicability.**

- (1) A sign may be erected, placed, established, painted, created or maintained in the City only in conformance with the standards, procedures, exemptions and other requirements of this act.
- (2) The effect of this act is more specifically set forth herein, is:
  - a. To establish a permit system to allow a variety of types of signs in commercial and light industrial zones and a limited variety of signs in other zones, subject to the standards and the permit procedures of this act;
  - b. To allow certain signs that are small, unobtrusive and incidental to the principle use of the respective lots on which they are located, subject to the substantive requirements of this act, but without a requirement for permits;
  - c. To provide for temporary signs without commercial messages in limited circumstances in the public right of way;
  - d. To prohibit all signs not expressly permitted by this act.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.305** [Repealed by Ordinance 6413, enacted January 3, 1983]

### **14.308 Permits Required.**

- (1) If a sign requiring a permit under the provision of this act is to be placed, constructed, erected or modified on a lot, the owner of the lot shall secure a sign permit prior to the construction, placement, erection or modification of such a sign in accordance with the requirements of Section 14.312.
- (2) No signs shall be erected in the public right of way except in accordance with Section 14.340 and 14.344.
- (3) No sign permit of any kind shall be issued for an existing or proposed sign unless such sign is consistent with the requirements of this act (including those protecting existing signs) in every respect and with the Uniform Sign Program in effect for the property.
- (4) A sign permit fee must be paid at the time of application, if this fee is not paid, the application will not be considered complete.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.310** [Repealed by Ordinance 6413, enacted January 3, 1983]

**14.312 Permit Procedures.** The following procedures shall govern the application for and issuance of all sign permits under this ordinance and the submission and review of Uniform Sign Programs.

- (1) Applications. All applications for sign permits of any kind shall be submitted to the Director on an application form or in accordance with application specifications published by the Director.
- (2) Fees. Each application for a sign permit shall be accompanied by the applicable fees, which shall be established by the governing body of the City from time to time by resolution.
- (3) Completeness. Within five days of receiving an application for a sign permit or for a Uniform Sign Program, the Director shall review it for completeness. If the Director finds that it is complete, the applications shall then be processed. If the Director finds that it is incomplete, the Director shall within such five (5) day period, send to the applicant, a notice of the specific ways in which the application is deficient, with appropriate references to the applicable sections of this act.
- (4) Action. Within seven (7) days of the submission of a complete application for a sign permit, the Director shall either:

- a. Issue the sign permit if the sign(s) that is the subject of the application conforms in every respect with the requirements of this act and of the applicable or Uniform Sign Program.

- b. Reject the sign permit if the sign(s) that is the subject of the application fails in any way to conform with the requirements of this act and of the applicable Uniform Sign Program. In case of a rejection, the Director shall specify in the rejection, the section or sections of the ordinance or applicable plan with which the sign(s) is inconsistent.
- (5) Action on Plan. On any application for approval of a Uniform Sign Program, the Director shall take action on the applicable one of the following dates:
  - a. Fourteen (14) days after the submission of a complete application if the application is for signs on existing buildings; or
  - b. On the date of final action on any related application or development plan is for signs involving new construction.
- (6) On or before such applicable date, the Director shall either:
  - a. Approve the proposed plan if the sign(s) as shown on the plan and the plan itself conforms in every respect with the requirements of this act; or
  - b. Reject the proposed plan if the sign(s) as shown on the plan or the plan itself fails in any way to conform to the requirements of this act. In case of a rejection, the Director shall specify in the rejection, the section or sections of the ordinance with which the plan is inconsistent.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.315** [Repealed by Ordinance 6413, enacted January 3, 1983]

**14.316** **Permits to Construct or Modify Signs.** Signs identified as "S" on Table 1, shall be erected, installed or created only in accordance with a duly issued and valid sign construction permit from the Director. Such permits shall be issued only in accordance with the following requirements and procedures.

- (1) Permit for New Sign or for Sign Modification. An application for construction, creation or installation of a new sign or form modification of an existing sign shall be accompanied by detailed drawings to show the dimensions, design, structure and location of each particular sign, to the extent that such details are not contained within a Uniform Sign Program then in effect for the lot. One application and permit may include multiple signs on the same lot.

- (2) Inspection. The Director shall cause an inspection of the lot for which each permit for a new sign or for modification of an existing sign is issued during the sixth (6th) month after the issuance of such permit or at such earlier date as the owner may request. If the construction is not substantially complete at the time of inspection, the permit shall lapse and become void. If the construction is complete and in full compliance with this act and with the building and electrical codes, the permit shall be considered valid. If the construction is substantially complete but not in full compliance with this act and applicable codes, the Director shall give the owner or applicant notice of the deficiencies and shall allow an additional 30 days from the date of inspection for the deficiencies to be corrected. If the deficiencies are not corrected by such date, the permit shall lapse. If the construction is then complete, the permit shall be considered valid.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.320 Uniform Sign Program.** A sign located in an approved Planned Unit Development shall conform to all requirements of this chapter, including those of the district in which the property is located, unless specially exempted therefrom as part of the Planned Unit approval under Section 12.360.

- (1) If a condition of planned Unit Development approval requires a Uniform Sign Program, the owner shall submit to the Director a Uniform Sign Program containing the following:
  - a. An accurate site plan of the lot, at such scale as the Director may reasonably require;
  - b. Location of buildings, parking lots, driveways and landscaped areas on such lot;
  - c. Computation of the maximum total sign area, the maximum area for individual signs, the height of signs and the number of freestanding signs allowed on the lot(s) included in the plan under this act; and
  - d. An accurate indication on the site plan of the proposed location of each present and future sign of any type, whether requiring a permit or not, except that incidental signs need not be shown.
- (2) Provisions of the Uniform Sign Program. The Uniform Sign Program shall specify standards for consistency among all signs within the development affected by the Plan with regard to:

- a. Number of signs per tenants;
  - b. Designation of major tenants;
  - c. Sign type;
  - d. Letter height;
  - e. Illumination;
  - f. Color scheme;
  - g. Location of each sign on the buildings;
  - h. Materials;
  - i. Sign proportions; and
  - j. Variations for major tenants
- (3) Identifying Window Signs in the Uniform Sign Program. A Uniform Sign Program including window signs may simply indicate the areas of the windows to be covered by window signs and the general type of window signs (e.g. paper affixed to window, painted, etched on glass or some other material hung inside window) and need not specify the exact dimensions or nature of every window sign.
- (4) The aggregate area of all signs and the area of any freestanding sign shall not exceed that permitted in Section 14.332.
- (5) Other Provisions of a Uniform Sign Program. The Uniform Sign Program may contain such other restrictions as the owners of the unified development may reasonably determine.
- (6) Consent. The Uniform Sign Program shall be signed by all owners or their authorized agents in such form as the Director shall require.
- (7) Procedures. A Uniform Sign Program shall be included in any development plan, site plan, planned unit development or other official plan required by the City for the proposed development and shall be processed simultaneously with such other plan.

- (8) Amendment. A Uniform Sign Program may be amended by filing a revised Uniform Sign Program that conforms with all requirements of the act then in effect. The Uniform Sign Program may not be altered without written permission of the Planning Director. In addition, no changes may be made without the written permission of a majority of tenants whose existing signs are in compliance with the previously established sign program.
- (9) Existing Signs not Conforming to the Uniform Sign Program. If any new or amended Uniform Sign Program is filed for a property on which existing signs are located, it shall include a schedule for bringing into conformance, all signs not conforming to the proposed amended plan or to the requirements of this act in effect on the date of submission.
- (10) Binding Effect. After approval of a Uniform Sign Program, no sign shall be erected, placed, painted or maintained except in conformance with such plan and such plan may be enforced in the same way as any provision of this act. In case of any conflict between the provisions of such a plan and any other provision of this act, the act shall control.
- (11) For purposes of this Act, the following PUD zone designations shall be subject to the sign standards applicable to the following corresponding zoning designations:

<b><u>BASIN VIEW</u></b>		<b><u>HARBOR ISLES</u></b>		<b><u>CAMPUS</u></b>	
<u>PUD Zone</u>	<u>Zoning District</u>	<u>PUD Zone</u>	<u>Zoning District</u>	<u>PUD Zone</u>	<u>Zoning District</u>
Single Family	SF	Single Family	SF	High Density	A
Multi Family	MD	Single Family	SF	Neighborhood Comm	NC
Commercial	NC	w/o setbacks		Medical-Professional	NC
School	PF	Multi Family	MD	Highway Commercial	GC
		Multi Family	MD	Schools	PF
		Condominium		Office	NC

[Amended by Ordinance 6413, enacted January 3, 1983]

[Repealed by Ordinance 97-13, enacted May 5, 1997]

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.324 Exempt Signs**

- (1) Any public notice or warning required by a valid and applicable federal, state or local law, regulation or ordinance;
- (2) Any sign that is not visible beyond the boundaries of the lot or parcel on which it is located or from any public thoroughfare or right of away;

- (3) Works of art that do not include a commercial message;
- (4) Holiday displays that do not include a commercial message, but only between November 15 and January 15;
- (5) Traffic control signs on private property, such as stop, yield and similar signs, the face of which meet Department of Transportation standards and which contain no commercial message of any sort;
- (6) Real Estate Signs. One temporary nonilluminated real estate sign per lot, that does not exceed 8 square feet in area and 4 feet in height, within residential zoning districts and 32 square feet in area and seven feet in height, in all other zoning districts, but only if the sign remains in place no more than seven (7) days after the sale or rental of the property;
- (7) Construction Signs. Construction signs with a maximum of thirty two (32) square feet of total signage area limited to the duration of the construction period;
- (8) Political Signs;
- (9) Flags;
- (10) Signs having an area of not more than one and a half square feet, the message of which is limited to conveying street numbers, the name of the owner of the premises and the name of the occupants of the premises;
- (11) One church or institutional bulletin board per lot without interior illumination having an area not exceeding 25 square feet;
- (12) Signs indicating only the date of construction of a building and having an area not exceeding four square feet;
- (13) Lost Animal and Garage Sale Signs. One temporary sign per lot placed on private property with the permission of the owner for a period not to exceed ten (10) days;
- (14) Window Signs. A window sign of no more than 4 square feet in area and placed no more than 25 feet above finished grade, if the sign area fills less than 25 percent of the area of the window and such signs do not exceed 25 percent of the total allowable sign area for the premises. The area of a window sign not exempt from permit requirements under this paragraph is calculated as a part of and limited by the total allowable sign area for the premises;

(15) Signs Carried by a Person. A sign carried by a person and not set on or affixed to the ground.

(16) Inflated balloons having an area of not more than two (2) square feet.

[Added by Ordinance 97-13, enacted May 5, 1997]

[Amended by Ordinance 00-09, enacted May 1, 2000]

**14.325** [Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.328 Prohibited Signs.** All signs not expressly permitted under this act or exempt from regulation hereunder in accordance with the previous section, are prohibited by the City. Such signs include, but are not limited to:

- (1) Beacons
- (2) Pennants
- (3) Strings of lights not permanently mounted to a rigid background, except those exempt under the previous section.
- (4) Moving signs
- (5) Illusion signs
- (6) No unofficial sign which purports to be, is an imitation of or resembles an official traffic sign or signal or which attempts to direct the movement of traffic or which hides from view any official traffic sign or signal.
- (7) Portable signs
- (8) Vehicle signs, if:
  - a. The vehicle is not in operable condition;
  - b. The sign is roof mounted and has more than two (2) faces or any face exceeds four square feet in area;
  - c. The principle use of the vehicle at the time of the display is for display of the signs; or
  - d. It is a commercial sign and the vehicle is not used in the normal course of business as a delivery vehicle for persons or goods.

(9) Roof signs

(10) Signs pertaining to an activity, business, product or service not conducted on the premises upon which the sign is located.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.330** [Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.331** [Amended by Ordinance 6413, enacted January 3, 1983]

[Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.332 Private Property (Permanent).**

(1) Signs shall be allowed on private property in the City in accordance with and only in accordance with, Table 1. If the letter "P" appears for a sign type in a column, such sign is allowed without prior permit approval in the zoning districts represented by that column. If the letter "S" appears for a sign type in a column, such sign is allowed only with prior permit approval in the zoning districts represented by that column. Special conditions may apply in some cases. If the letter "N" appears for a sign type in a column, such a sign is not allowed in the zoning districts represented by that column under any circumstances.

(2) Although permitted under the previous paragraph, a sign designated by an "S" or "P" in Table 1 shall be allowed only if:

a. The size, location and number of signs on the lot conform with the requirements of Table 2, which establish permitted sign dimensions by sign type and with any additional limitations listed in Table 1; and

b. The characteristics of the sign conform with the limitations of Table 3, Permitted Sign Characteristics and with any additional limitations on characteristics in Table 1.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.335** [Amended by Ordinance 6413, enacted January 3, 1983]

[Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.336 Private Property (Temporary).** Temporary signs on private property shall be allowed only upon the issuance of a Temporary Sign Permit, which shall be subject to the following requirements:

- (1) Term. A temporary sign permit shall allow the use of a temporary sign for a specified 30 day period.
- (2) Number. Only one temporary sign permit shall be issued to the same business license holder on the same lot in any calendar year.

- (3) Other Conditions. A temporary sign shall be allowed only in districts with a letter "S" for "Temporary Signs" on Table 1 and subject to all of the requirements for temporary signs as noted therein.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.340 Public Right of Way (Permanent).** No signs shall be allowed in the public right of way, except for the following:

- (1) Public signs erected by or on behalf of a governmental body to post legal notices, identify public property, convey public information and direct or regulate pedestrian or vehicular traffic;
- (2) Bus stop signs erected by a public transit company;
- (3) Information signs for a public utility regarding its poles, lines, pipes or facilities; and
- (4) Awning, projecting and suspended signs projecting over a public right of way in conformity with the conditions of Table 1 of this act.
- (5) Other Signs Forfeited. Any sign installed or placed on public property, except in conformance with the requirements of this section, shall be forfeited to the public and subject to confiscation. In addition to other remedies hereunder, the City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign.

[Amended by Ordinance 6413, enacted January 3, 1983]

[Amended by Ordinance 6545, enacted November 16, 1987]

[Repealed by Ordinance 97-13, enacted May 5, 1997]

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.344 Public Right of Way (Temporary).** Permits for temporary private signs in the public right of way shall be issued in accordance with the following conditions:

- (1) Term and Number of Permits. The term of such a permit shall be 60 days. No more than one permit for temporary signs shall be issued to any applicant in any calendar year.
- (2) Number of Signs. No more than 10 signs may be erected under one permit.
- (3) Emergency Signs. Emergency warning signs erected by a governmental agency, a public utility company or a contractor doing authorized or permitted work within the public right of way.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.345** [Amended by Ordinance 6413, enacted January 3, 1983]  
[Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.348 Computations.** The following principles shall control the computation of sign area and sign height.

- (1) **Computation of Area of Individual Signs.** The area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle or combination thereof that will encompass the extreme limits of the writing, representation, emblem or other display, together with any material of color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. The area of the support structure of a freestanding sign is counted in the total area of the sign to the extent that the support structure exceeds the minimum required for support of the sign. But, if the sign is less than eight (8) feet in height, a plain pedestal for a freestanding sign shall not be counted in the total area of the sign.
- (2) **Computation of Area of Multifaced Signs.** The sign area of a sign with more than one face shall be computed by adding together the area of all wall sign faces placed back to back, so that both faces cannot be viewed from any point at the same time and when such sign faces are part of the same structure and are not more than 42 inches apart, the sign area shall be computed by the measurement of one of the faces.
- (3) **Computation of Height.** The height of a sign shall be computed as the vertical distance from the elevation of the nearest sidewalk or if there is no sidewalk within twenty five (25) feet, from the lowest point of the finished grade on the lot upon which the sign is located and within twenty five (25) feet of the sign, to the uppermost point on the sign or sign structure, whichever is higher.
- (4) **Computation of Maximum Total Permitted Sign Area for a Lot.** The permitted sum of the area of all individual signs on a lot shall be computed by applying the formulas contained in Table 2, Number, Dimensions and Location of Individual Signs by Zoning District.

### **A KEY TO TABLES 1 THROUGH 3**

SF	Single Family Residential	GC	General Commercial
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MD	Medium Density Residential	LI	Light Industrial
A	Apartment Residential	I	Industrial
DB	Downtown Business	NC	Neighborhood Commercial
PUB	Institutional Uses Permitted in Residential Zones (includes Public Facility Zone)		

**TABLE 1  
PERMITTED SIGNS BY TYPE AND ZONING DISTRICT**

P= allowed without sign permit      S= allowed only with sign permit      N= not allowed

ZONING	SF	MD	A	NC	PUB <sup>1</sup>	GC	LI	I
<b>DB<sup>2</sup></b>								
<b>Sign Type:</b>								
<b>Freestanding</b>								
Residential	P <sup>3</sup>	P <sup>3</sup>	P <sup>3</sup>	N	N	N	N	N
Other	N	S <sup>3</sup>	S <sup>3</sup>	S	S	S	S	S
Incidental <sup>4</sup>	N	N	P <sup>6</sup>	P <sup>6</sup>	P	P	P	P
<b>Building</b>								
Banner	N	N	N	S	N	S	S	S
Building Marker	P	P	P	P	P	P	P	P
Canopy	N	N	N	S	N	S	S	S
Identification <sup>6</sup>	P	P	P	P	P	P	P	P
Incidental <sup>4</sup>	N	N	P <sup>6</sup>	P <sup>6</sup>	P	P	P	P
Marquee <sup>7</sup>	N	N	N	N	N	S	N	N
Projecting <sup>7</sup>	N	N	N	S	N	S	S	S
Residential <sup>3</sup>	P	P	P	N	N	N	N	N
Roof	N	N	N	N	N	N	N	N
Roof, Integral	N	N	N	N	N	S	N	N
Suspended <sup>7</sup>	N	N	N	N	P	N	N	N
Temporary <sup>8</sup>	N	N	N	S	N	S	N	N
Wall	S <sup>9</sup>	S <sup>9</sup>	S <sup>9</sup>	S	P	S	S	S
<b>Miscellaneous</b>								

<sup>1</sup> This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential and public facility zones. Such use may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.

<sup>2</sup> Must comply with Downtown Business Zone Design Review Standards and be reviewed by the Downtown Design Review Committee.

<sup>3</sup> No commercial message allowed on sign.

<sup>4</sup> No commercial message of any kind allowed on sign if such message is legible from any location off the lot on which the sign is located.

<sup>5</sup> May include only building name, date of construction or historical data on historic site, must be cut or etched into masonry, bronze or similar material.

<sup>6</sup> Only address and name of occupant allowed.

<sup>7</sup> If such a sign is suspended or projects above the public right of way, the issuance and continuation of a sign permit shall be conditioned on the sign owner obtaining a right-of-way encroachment permit and maintain in force

liability insurance for such sign in such form and such amount as the Director may reasonably from time to time determine, provided that the amount of such liability insurance shall be at least \$500,000 per occurrence per sign. Signs projecting over State Highway right-of-way are subject to the permitting requirements of Oregon Department of Transportation.

<sup>8</sup> The conditions of Sections 14.344 and 14.352 apply.

<sup>9</sup> Wall signs in residential zones shall be restricted to locations with licensed Home Occupations and these signs shall not exceed four (4) square feet.

[Amended by Ordinance 00-09, enacted May 1, 2000]

**TABLE 2  
NUMBER, DIMENSIONS AND LOCATION OF  
INDIVIDUAL SIGNS BY ZONING DISTRICT**

Individual signs shall not exceed the applicable maximum number dimensions or setbacks shown on this table

	<b>SF</b>	<b>MD</b>	<b>A</b>	<b>NC</b>	<b>PUB<sup>1</sup></b>	<b>GC</b>	<b>LI</b>	<b>I</b>	<b>DB<sup>2</sup></b>
Max area per sign face (sq. ft.)	6 <sup>8</sup>	6 <sup>8</sup>	6 <sup>8</sup>	32	32	80	80	80	40
Maximum Height (feet)	5 <sup>8</sup>	5 <sup>8</sup>	5 <sup>8</sup>	8	25	25	25	25	8
Setback for signs 8 feet or less in height	5	5	5	5	5	5	5	5	0
Setback for signs greater than 8 feet in height	n/a	n/a	n/a	n/a	25	25	25	25	n/a
Number Permitted per lot	1	1	n/a	n/a	1	n/a	n/a	n/a	n/a
1 per 175 feet of street frontage	n/a	n/a	1	1	n/a	1	1	1	1
<b>Building</b>									
Area	2	2	2	n/a <sup>3</sup>	n/a <sup>3</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>	n/a <sup>4</sup>
Wall Area <sup>5</sup> (percent <sup>6</sup> )	n/a	n/a	n/a	10%	n/a	15%	5%	5%	5%
Projecting <sup>7</sup> (sq. feet pr face)	n/a	n/a	n/a	12	12	24	24	24	4

<sup>1</sup> This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in public facility and residential zones. Such use may include, but are not necessarily limited to, churches, schools, funeral homes and cemeteries.

<sup>2</sup> Must comply with Downtown Business Zone Design Review Standards.

<sup>3</sup> Total building sign area permitted equals 1.25 square feet for each linear foot of total building frontage for the first 200 feet of frontage, plus ½ square foot for each additional linear foot of building frontage.

<sup>4</sup> Total building sign area permitted equals 2 square feet for each linear foot of total building frontage for the first 200 feet of frontage, plus ½ square foot for each additional linear foot of building frontage.

<sup>5</sup> This total area percentage shall include temporary signs.

<sup>6</sup> The percentage figure here shall mean the percentage of the area of the wall of which such sign is apart or to which each such sign is most nearly parallel.

<sup>7</sup> Maximum projection of any projecting sign shall not exceed four feet.

<sup>8</sup> Freestanding signs identifying the name of a neighborhood or subdivision in residential zones shall be permitted with a maximum of two signs: one per street frontage, 50 square feet per face and 7 feet in height.

[Amended by Ordinance 00-09, enacted May 1, 2000]

**TABLE 3  
PERMITTED SIGN CHARACTERISTICS BY ZONING DISTRICT**

P= allowed without sign permit      S= allowed only with sign permit      N= not allowed

	SF	MD	A	NC	PUB <sup>1</sup>	GC	LI	I	DB <sup>2</sup>
Changeable Copy	N	N	N	S	P	S	N	N	N
Illumination, Internal <sup>3</sup>	N	N	N	S	P	S	S	S	S
Illumination, External <sup>3,4</sup>	N	N	P	S	P	S	S	S	S

<sup>1</sup> This column does not represent a zoning district. It applies to institutional uses permitted under the zoning ordinance in residential and public facility zones. Such use may include, but are not necessarily limited to churches, schools, funeral homes and cemeteries.

<sup>2</sup> Must comply with Downtown Business Zone Design Review Standards and be approved by the Downtown Design Review Commission.

<sup>3</sup> No direct or significant glare from the sign shall be cast onto any adjacent lot that is zoned and used for residential purposes.

<sup>4</sup> Shall not have exposed bulbs.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.350** [Repealed by Ordinance 97-13, enacted May 5, 1997]

**14.352 Design, Construction and Maintenance.** All signs shall be designed, constructed and maintained in accordance with the following standards:

- (1) All signs shall comply with applicable provisions of the Uniform Building Code and the County Electrical Code.
- (2) An electric sign shall be constructed of material defined as incombustible under the Uniform Building Code (UBC). An electric sign shall be rain tight, but service holes fitted with waterproof covers may be provided to each compartment of such sign. All electric signs installed or erected in the City shall bear the label of Underwriters Laboratories, Inc.
- (3) Except for banners, flags, temporary signs and window signs conforming in all respects with the requirements of this act, all signs shall be constructed of permanent materials and shall be permanently attached to the ground, a building or another structure by direct attachment to rigid wall, frame or structure.

- (4) No person shall fail to maintain a sign on such person's premises, including signs exempt from the permit requirements, in good structural condition at all times. All signs, including all metal parts and supports thereof that are not galvanized or of rust resistant metals, shall be kept neatly painted. The City shall inspect and may order the painting, repair, alteration or removal of a sign that constitutes a hazard to safety, health or public welfare because of inadequate maintenance, dilapidation or obsolescence, under the procedures prescribed by Section 10.205.

[Added by Ordinance 97-13, enacted May 5, 1997]

#### **14.356 Historic Signs.**

- (1) Historic Sign Inventory. The inventory of historically significant signs shall be designated by the Planning Commission.
- (2) Criteria for designation of historic signs. All signs for which designation as a Historic Sign are requested shall be substantially in existence at the time of the application; shall be displayed in its original location or remain associated with the original business; and shall meet one of the following criteria:
  - a. The sign is exemplary of technology, craftsmanship, uses historic sign materials or means of illumination and is not significantly altered from its original form. If the sign has been significantly altered, it must be restorable to its historic appearance.
  - b. The sign is integrated into the architecture of the building and is exemplary of a historically significant architectural style.
- (3) The owner of any sign may request that the sign be reviewed for significance in the Historic Sign Inventory upon written application to the Planning Commission.

Applications shall include written findings addressing the review criteria for designations of historic signs, with current and historic photographs of the sign, if available.

- a. The Planning Commission shall refer all requests for inclusion to the Downtown Design Review Commission for its review and recommendation.
- b. The Planning Commission shall decide, based on the review criteria above and the recommendation of the Downtown Design

Review Commission, whether to approve the request to include the sign on the inventory.

- c. Signs on the Historic Sign Inventory shall be exempt from all requirements of this sign act. Also, the sign area of the historic sign is exempted from the total allowable sign area, as defined in this Section, except as modified by Planning Commission conditions.
- d. The Planning Commission shall have the authority to impose conditions regulating area, maintenance, etc., on the signs included in the Historic Sign Inventory to further the purpose and intent of this act.
- e. Removal or demolition of a Historic Sign shall be evaluated through the sign permit process. The Downtown Design Review Commission shall review the sign permit request at its next regularly scheduled meeting and shall have the authority to delay issuance for 30 days from the date of the review meeting. Such delay shall allow the staff to discuss other options to remove and demolish with the applicant.
- f. Signs on the Historic Sign Inventory, which have been destroyed or damaged by fire or other acts of God to an extent greater than 50% of the sign's value, may be reconstructed in an historically accurate manner. Such reconstruction shall be authorized by the Planning Commission, only after the determination that the reconstruction will be an accurate duplication of the historic sign.

(4) Maintenance and Modification of Historic Signs.

- a. All parts of the historic sign, including but not limited to, neon tubes, incandescent lights and shields and sign faces shall be maintained in a functioning condition as originally designed. Replacement of the visible components with substitutes recreating the original appearance shall be permitted provided such replacement accurately reproduce the size, shape, color and finish of the original sign. Failure to maintain the sign in accordance with this section shall be grounds for review of the historic sign designation by the Planning Commission.
- b. Modifications of a historic sign may be allowed after review by the Planning Commission, only if such modifications do not substantially alter the historic style.

[Added by Ordinance 97-13, enacted May 5, 1997]

#### 14.360 Compliance.

- (1) Except as otherwise provided herein, the owner of any lot or other premises on which exists a sign that does not conform with the requirements of this act or for which there is no current and valid sign permit shall be obligated to remove such sign or in the case of a nonconforming sign, to bring it into conformity with the requirements of this act. Sign(s) made nonconforming by the adoption of this act may remain in place and be maintained for a period ending no later than May 5, 2012.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (2) A legal nonconforming sign and nonconforming sign structure must be brought into compliance with this act or terminate and cease to exist when any one of the following conditions occur:

[Amended by Ordinance 00-09, enacted May 1, 2000]

- a. Whenever there is a change of tenant or vacation of the premises by a former tenant, except in cases where multiple tenants are displayed on a freestanding sign. In cases where the applicant can demonstrate exceptional or extraordinary financial hardship, the Director may waive this requirement;

[Amended by Ordinance 00-09, enacted May 1, 2000]

- b. Whenever the sign is damaged more than fifty percent (50%) of its total replacement value or destroyed from any cause whatsoever;
- c. Whenever a lack of sign maintenance reduces the sign value to less than fifty percent (50%) of its total replacement value;
- d. When a business to which the sign pertains is expanded by greater than 10% of the existing gross floor area;
- e. Whenever a request is made for a permit to alter the structural support of the sign;
- f. Whenever there is a request for a building permit to make improvements to the face of the building on which the nonconforming sign is located excluding normal repair and maintenance efforts;

- g. Any existing sign having value of one hundred dollars (\$100) or less shall be brought into conformance with this act or removed within sixty (60) days of the effective date of this act.

- (3). Any existing sign which exceeds the maximum area or height limitations of this act by twenty percent (20%) or less shall be considered to be a conforming sign for purposes of this section and need not be removed or altered; but if such sign is replaced or renovated, it shall conform to all requirements of this action. Such sign is not exempt from the amortization provisions of this section.

[Added by Ordinance 97-13, enacted May 5, 1997]

[Amended by Ordinance 00-09, enacted May 1, 2000]

#### **14.364 Appeals and Variances.**

- (1) Any aggrieved person who contests an interpretation of this act which causes denial of a permit or who believes a violation alleged in a notice of violation issued pursuant to 14.364 to be factually or legally incorrect, may appeal the denial or notice of violation to the Planning Commission in a manner provided by the Commission as a "Quasi Judicial Hearing" or may in the case of a denial, request that a variance be granted, in accordance with the Variance procedures in Sections 11.200-11.275. An appeal from a denial and a request for a variance may be filed as an alternative.
- (2) The Planning Director or other authorized representative of the City Manager, may grant an administrative variance to the Sign Act. Requests for administrative variances which meet the following criteria may be considered for approval by the Planning Director or otherwise, the request shall be forwarded to the Planning Commission for its consideration:
  - a. Relief is requested from height, setback or sign separation requirements;
  - b. The exception requested may not exceed twenty percent (20%), the maximum standards for height;
  - c. The exception requested may not be reduced by more than twenty percent (20%) the minimum standard for setbacks or sign separation. All exceptions and requests will be evaluated in accordance with the criteria in Section 11.265.
- (3) No person may appeal to or request a variance from the Planning Director or Planning Commission if the person has displayed, constructed, altered or relocated a sign without a sign permit as required by 14.316.



- (4) The Planning Director and the Planning Commission has no jurisdiction to hear a request for nor authority to grant a variance that would increase the maximum permitted sign area on a single lot or building, the maximum area of a freestanding sign or from the prohibitions of Section 14.328. But the Commission has jurisdiction to hear an appeal of a permit denial or of a notice of violation alleging that a sign would exceed the maximum permitted sign area or is prohibited if the appellant's position is that the sign does not exceed such area or is not prohibited.
- (5) The Planning Commission or Planning Director may make any variance it grants subject to any reasonable conditions that it deems necessary or desirable to make the device that is permitted by the variance compatible with the purpose of this act.

[Added by Ordinance 97-13, enacted May 5, 1997]

**14.368 Violations.** Any of the following shall be a violation of this act and shall be subject to the enforcement remedies and penalties by this act, by the zoning ordinance and by state law. Each sign installed, created, erected or maintained in violation of this act shall be considered a separate violation when applying the penalty portions of Section 10.210.

- (1) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which the sign is located;
- (2) To install, create, erect or maintain any sign requiring a permit without such a permit;
- (3) To install, create, erect or maintain any sign in a way that is inconsistent with any plan or permit governing such sign or the lot on which sign is located;
- (4) To fail to remove any sign that is installed, created, erected or maintained in violation of this act or for which the sign permit has lapsed; or
- (5) To continue any such violation. Each such day of a continued violation shall be considered a separate violation when applying the penalty portions of this act.

[Added by Ordinance 97-13, enacted May 5, 1997]

## **EXTERIOR LIGHTING**

**14.370 General.** Where required pursuant to the provisions of Chapters 10 to 14, the installation of exterior lighting shall be the responsibility of the developer. Such lighting capacity shall be approved by the Public Works Director and lighting shall be placed on City approved poles. Lamp sizes ranging from 2,500 to 6,000 lumens shall utilize a mounting height of 25 feet, while lamp sizes of more than 6,000 lumens shall be mounted at a height from 30 to 35 feet. All electrical distribution facilities installed for the purpose of supplying electrical power to exterior lighting shall be placed underground.

**14.375 Placement.** Low hanging branches and trees which seriously impair the effectiveness of the lighting shall be trimmed to provide maximum lighting efficiency. Exterior lighting as provided shall be directed away from adjacent properties and shall be so deflected as not to shine into structures used as dwellings.

## **VISION CLEARANCE**

**14.390 General.** Vision clearance areas, except in the Downtown Business Zoning District, corner lots or parcels at street intersections shall have a minimum of fifteen (15) foot legs along each street and ten (10) feet legs for alley street intersections as measured from the property line. Vision clearance areas shall not be required at a height of ten feet or more above the curb level or ten feet, six inches above the shoulder of a street that does not have a curb or below two feet, six inches of height above a street curb or shoulder. This Section shall not be construed as waiving or altering any yard requirements that may be required by any other code or ordinance provision.

[Amended by Ordinance 96-20, enacted July 1, 1996]

## LANDSCAPING

**14.400 Open Space or Area.** Any open space or area, including yards, required by Chapters 10 to 14 of multifamily residential, commercial, light industrial, industrial or public facility uses, shall be landscaped and permanently maintained in accordance with the provisions of Sections 14.400 to 14.430.

**14.405 Required Tree Planting.** Whenever a portion of a lot or parcel area is required to be devoted to landscaped open space, one tree and two shrubs shall be required for each 1,000 square feet of such space or fraction thereof. In all zones, one tree is required for each 1,500 square feet of required yard space.

- (1) As a requirement of subdivision plat approval, the applicant shall provide for the planting of shade or conifer trees on the proposed development.
- (2) Street trees are to be planted within 10 feet of the curbs on both sides of all streets, except alleys and within vision clearance areas.
- (3) A minimum of one tree shall be planted for every 50 feet of such frontage along each street.
- (4) The Commission may grant an exception to such requirements upon a finding that there are trees existing along said streets or on abutting properties which in the opinion of the Commission comply with the spirit and intent of Chapters 10 to 14.
- (5) New trees to be provided pursuant to Sections 14.400 to 14.430, shall conform to the provisions of Section 14.425 be chosen from the approved street tree list provided in Section 14.408 and shall be a minimum of two (2) inch caliper size, measured four inches above the ground, except "small trees" listed in Section 14.408(1) that shall be a minimum of one and a half (1 ½) inch caliper size, measured four inches above the ground.

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (6) Mulch, consisting of wood chips, bark, or similar organic material, shall be installed and maintained no less than three (3) inches in depth within the dripline of required trees,

[Amended by Ordinance 00-09, enacted May 1, 2000]

- (7) Such trees shall be maintained by the owner in a healthy condition, for a period of not less than ten two years from planting. The developer shall replace trees, which die within that time. Beyond such time the City shall maintain and replace said trees.

[Amended by Ordinance 00-09, enacted May 1, 2000]

**14.408 Approved Street Trees.** The following tree species list shall be chosen from when fulfilling street tree planting requirements:

- (1) **Small Trees.** Small or narrow stature trees under twenty-five feet ( 25') in height, less than sixteen feet (16') wide; may be spread at any interval twenty feet (20') apart or greater. Sidewalk cuts to be a minimum of three feet by three feet (3' x 3').
  - a. Quercus 'Gimschmidt' - Red Spire
  - b. Acer rubrum 'Bowhall' - Bowhall Red Maple
  - c. Acer platanoides 'Columnar' - Columnar Norway Maple
  - d. Pyrus callertana 'Chanticleer' - Chanticleer Flowering Pear
  - e. Prunus sargentii 'Columnaris' - Sargent Columnar Cherry
  - f. Fraxinus oxycarpa 'Golden Desert' - Golden Desert Ash
  - g. Fagus sylvatica 'Fastigiata' - Dawyck Beech
  
- (2) **Medium Trees.** Medium size trees, twenty five feet (25') to forty feet (40') tall, sixteen (16') to thirty five feet (35') wide, may be spread at any interval thirty feet (30') apart or greater. Sidewalk cuts to be a minimum of four feet by four feet (4' x 4').
  - a. Acer platanoides 'Crimson King' - Crimson King Maples
  - b. Prunus serrulata 'Kwanzan' - Kwanzan Flowering Cherry
  - c. Cercis canadensis - Eastern Redbud
  - d. Acer campestre - Hedge Maple
  - e. Pyrus calleryana 'Bradford' - Bradford Flowering Pear
  - f. Koelreuteria paniculata - Golden Rain Tree
  - g. Fraxinus oxycarpa 'Flame' - Flame Ash
  - h. Prunus subhirtella 'Autumnalis'

- (3) Large Trees. Large trees, over forty feet (40'), more than thirty five feet (35') wide; may be spaced at any interval forty feet (40') or greater. Sidewalk cuts shall be a minimum of five feet by five feet (5' x 5').
- a. Gleditsia triacanthos 'Shademaster' - Shademaster Honey Locust
  - b. Gleditsia triacanthos 'Moraine' - Moraine Honey Locust
  - c. Ginkgo biloba (grafter males only) - Maidenhair Tree
  - d. Tilia cordata - Little Leaf Linden
  - e. Liriodendron tulipifera - Tulip Tree
  - f. Acer platanoides 'Parkway' - Parkway Maple
  - g. Acer rubrum 'Franks Red' - Red Sunset Maple
  - h. Celtis occidentalis - Hackberry
  - i. Fraxinus americanas 'Rosehill Ash' - Rosehill Ash

[Added by Ordinance 97-28, enacted December 15, 1997]

#### **14.410 Landscaping of Parking Areas**

- (1) Where the provision of off street parking is required, there shall be landscaped open space within the perimeter of the parking area or areas, in the minimum amount of 15 square feet for each parking space, which shall be so located that no parking space is more than 12 feet from a portion of landscaped open space required by this section. In no case shall there be less than 200 square feet of landscaped area. The required landscaped open space need not be contiguous. There shall be at least one tree in each separate area and a minimum vegetative cover of at least 50% of the area set aside for landscaping.

[Amended by Ordinance 96-20, enacted July 1, 1996]

- (2) When parking areas project into required yards, the remaining yard area shall be landscaped to provide partial screening of the parking area. Landscaping shall include plantings and berms not exceeding 30 inches in height. Tree limbs shall have a clearance of eight feet above grade. Landscaping in such yards shall include trees placed not less than one tree for each 50 feet of frontage.

- (3) Trees required by Sections 14.400 to 14.430 shall be included in computing any number required by Section 14.405.
- (4) The following provisions shall apply to all parking areas containing five or more spaces:
  - a. Parking lots shall be screened from abutting land uses in accordance with the provisions of Section 14.150.
  - b. Parking lots shall have landscaped islands at the ends of parking rows to facilitate movement of traffic and to break large areas of parking surface.
  - c. A minimum of 3 percent of the space provided for vehicular circulation such as driveways, driveway easements or open parking areas shall be in landscaping which shall be evenly distributed throughout. Long rows of parking spaces shall be interrupted by a landscape break. The minimum dimensions of the landscaped area on any one side shall be three feet in length and the landscaping shall be protected from vehicular damage by some form of wheel guard.

**14.415 Yards.** All yards of developed property not otherwise subject to the provisions of Sections 14.400 to 14.430 shall be maintained by the owner of the lot or parcel in shrubs, decorative rock, grass or similar vegetative ground cover.

**14.420 Multifamily Dwellings - Playgrounds.** All multifamily dwellings having seven or more dwelling units shall provide a recreation area and suitable playground or recreation equipment on the same lot or parcel as such dwelling units are located. Such recreation areas shall contain a minimum of 20 square feet per dwelling unit with no single site containing less than 150 square feet. Playground equipment shall include at least one of the following for a minimum area site: climber, play sculpture, play wall, sand box, slide, balance beam, horizontal ladder, parallel bar or swings.

**14.425 Specifications.** Unless otherwise specified, all landscaping required by Sections 14.400 to 14.430 or other applicable sections of Chapters 10 to 14 shall conform to the following provisions:

- (1) All trees required to be planted by Chapters 10 to 14 shall be maintained in a healthy condition by the owner unless otherwise specified. They shall not be pruned, except to remove dead wood, in such a manner as to prevent growth to a height of at least 15 feet or to reduce existing height below 15 feet. Where new tree plants are otherwise required, existing

trees may be counted as required trees if the earth under their branches remains undisturbed.

- (2) Landscaping shall primarily consist of ground cover, ferns, trees, shrubs other living plants and with sufficient permanent irrigation installation to properly maintain all vegetation. Decorative design elements such as foundations, pools, benches, sculptures, planters and similar elements may be placed within the area.
- (3) Spacing of shrubs refers to the distance between the centers of the plants. Where not intended as screening, such spacing shall generally be equal to the first numeral for the planting height, i.e. 3 feet 4 inch shrub = 3 feet on center spacing. However, narrower, upright plants shall be spaced closer. Where such shrubs are intended as screening, spacing shall be in such a manner so as to be sight obscuring within 12 months of the date of planting.
- (4) Notwithstanding other provisions of Chapters 10 to 14, all shrubs and trees shall be at least 10 feet from geothermal conduit lines and rain basins and five feet from other underground utilities. All shrubs and trees shall be no closer than three feet from the sidewalk.
- (5) Unless otherwise provided by Chapters 10 to 14, all plant dimensions and species shall be specified by the Planning Director.
- (6) The City of Klamath Falls prohibits the use of all varieties of poplar and willows for landscaping. See City Code Section 5.632 (6).

**14.430 Installation.** Landscaping, including trees, shall be installed prior to occupancy, unless security equal to the cost of such landscaping as determined by the Director is provided pursuant to the provisions of Section 12.845, assuming such installation within six months after occupancy. In the event such installation is not completed within the six month period; the City may utilize such securities pursuant to the provisions of Subsection 12.845 (3).

## **BIKEWAYS**

**14.450 Design Speeds.** A design speed of 20 mph shall be used for bikeways with grades above 3 percent and at or below 7 percent. Sections with grades steeper than 7 percent, shall use a 30-mph design speed and one way climbing grades of 3 percent or more may use a 15-mph design speed.

**14.455 Curves.** Curve radii shall be selected from Exhibit L, Drawing Number 600, of Sections 10.305 to 10.315, to provide a smooth transition in change of direction. Simple curves are adequate for bikeway use. If the angle between consecutive tangents is of 10 degrees or less, no curve is required. Curves with a radius of 100 feet or less shall be widened on two-way bikeways to compensate for lean and increased sight distance in accordance with Exhibit N, Drawing 601, of Sections 10.305 to 10.315. The amount of widening shall be limited to four feet. If centerline striping is required because of inadequate sight distance or high traffic volume, the striping shall carry a uniform width parallel to the outside edge of surfacing.

### **14.460 Width and Clearances**

- (1) The minimum width of pavement for a two way bikeway shall be eight feet and for a one way bikeway, six feet. In divided sections of a two-way bikeway, the minimum width of the one way sections shall be six feet.
- (2) The desirable vertical clearance is 9.5 feet and in no case, shall it be less than 8.5 feet. Clearance of less than 9.5 feet shall be used only with the approval of the Public Works Director. The standard horizontal clearance between the edge of the pavement and any obstruction (including bikeway signs) shall be two feet; vegetation along the right of way shall be trimmed to provide this clearance. In particularly critical areas, at least a minimum one-foot clearance shall be provided. Fences, walls and guardrails may be placed a minimum of one foot from the edge of the pavement if it is impractical to obtain the standard horizontal clearance on the inside of curves.
- (3) Standard bridge or other crossing structure width is twelve feet. If special problems are encountered, eight feet may be used upon approval of the Public Works Director. Adequate stopping sight distance must be provided in all cases.

**14.465 Sight Distances.** Bikeway alignments must provide adequate horizontal and vertical stopping distances. Appropriate sight distances for various speeds and grades are provided in Exhibit N, Drawing Number 602, of Section 10.310.

**14.470 Vertical Curves.** Vertical curves for various speeds and grade difference shall be selected from Exhibit N, Drawing Number 603, of Section 10.310. The design speed for the descending grade controls the selection of two-way facilities.

**14.475 Grades, Crossings and Drainage.** Bikeway cross slopes shall not exceed 0.02 foot per foot on tangent sections. Adverse super elevation shall be avoided. Long, steep, uphill grades shall be avoided and any grade in excess of 10 percent requires approval of the Public Works Director. A maximum grade of 4.5 percent is desirable, although 10 percent is tolerable for a distance of 50 feet or less. Desirable gradients are shown in Exhibit N, Drawing Number 604, of Section 10.310, for various lengths of grade. For example, for a distance of 400 feet, the desirable gradient would be 2 percent. Bikeways with anticipated high volumes shall have grade separated crossings at:

- (1) Arterials and collector streets;
- (2) Places where the bikeway crosses intersections where the average daily traffic count exceeds 3,000 and bicycle traffic impedes the orderly flow of motor vehicles;
- (3) Where a conflict of bicycle and high speed motor vehicle traffic exists; and
- (4) Where the bikeway cannot be conveniently routed elsewhere.

Specifications for such crossings shall be approved by the Public Works Director. Bikeways must be provided with drainage provisions adequate to protect the bikeway from physical damage or hazard. Tile drains, culverts or ditches may be used to provide drainage. Special efforts shall be made to keep culverts and ditches clear and designed in a manner that will not impede usage of the bikeway.

**14.480 Railroad Tracks, Manholes and Grates.** When bikeways must cross railroads at grade, a right angle (90 degrees) crossing shall be required. Manholes, grates for drains, storm sewers and similar structures that might cause skids, shall not be placed on curves. Any grates that must be installed in bikeway surfaces rather than in curbs shall include grillwork designed to prevent the catching of a bicycle wheel.

**14.485 Bases and Surfacing.** Bikeways shall be designed to support light maintenance vehicles over their full length and heavy vehicles at their crossings with streets and by an 8,000 pound pickup truck making one trip per day. Bikeway subgrades shall be treated with an approved soil sterilant. Specific surfacing design for individual projects shall be obtained from the Public Works Director. Finish surfaces shall be made as smooth as possible. Particular attention shall be paid to smoothing expansion joints, driveways, railroad crossings and paving joints. Asphaltic concrete surfacing shall be box or machine laid rather than being placed by hand. Gravel surfaced driveways shall be paved at the point where the bikeway crosses them,

to at least five feet beyond the edge of the bikeway on each side, in accordance with Exhibit N, Drawing 605 of Section 10.310. If the driveway is descending to the bikeway, paving shall be extended to 10 feet on the high side of the bikeway. Sod or topsoil shall be used next to the bikeway surface instead of exposed base rock.

**14.490 Guardrail, Fences and Curbs.** When a bikeway is constructed on a freeway section, it shall be allowed within the access control line and shall be separated from the motor vehicle roadway by a chain link fence six feet in height. If it is necessary to construct the bikeway adjacent to the motor vehicle roadway, it shall be separated from the said roadway by a standard guardrail or other approved barrier. Placement of fences, guardrail and other barriers must conform to the standard clearances specified by the Public Works Director. If it is necessary to control access of motor vehicles, reflectorized posts may be required at the bikeway entrances to allow access for light maintenance vehicles. Bicycle and wheelchair ramp for bikeways is specified in Exhibit N, Drawing Number 606 of Section 10.310. Design of curbs shall conform to specifications provided in Exhibit N, Drawing Number 607 of Section 10.310.

## STORM DRAINAGE

**14.500 Surface Drainage and Storm Sewer System.** Drainage facilities shall be provided within the land development. Design of drainage within the land development shall take into account the capacity and grade necessary to maintain unrestricted flow from areas draining through the land development and to allow extension of the system to serve such areas and shall be subject to the review and approval of the Public Works Director. Such facilities may take either of the following forms or a combination of the two:

- (1) Underground storm sewers and pipe, in which case the land development drainage system shall be connected to drainage ways or storm sewers outside the land development.
- (2) Above or below ground on site detention and dispersal facilities, in which case the design shall be subject to the approval of a certified engineer and the City Engineer. Where designed as the sole means of providing surface drainage in the land development, such above or below ground detention and dispersal systems shall be designed to allow no more surface drainage from the land development than would flow before urbanization.

**14.505 Water courses.** If a land development is traversed by a watercourse, such as a drainage way, channel or stream, there shall be provided a storm water easement or drainage right of way conforming substantially with the lines of the watercourse, as such floodwater is determined by the City Engineer. Streets parallel to the watercourse may be required.

## **PARKS**

**14.550 General.** Land reserved for parks, playgrounds or other similar recreation purposes pursuant to Sections 11.950 or proposed to be dedicated to the public for such purposes shall be of suitable character for such purposes and shall be adequate in size, location, dimensions, topography and street access for the particular purposes envisioned by the Parks, Recreation and Open Space Master Plan. The park, recreation , trails, or open space site shall be shown and marked on the final plat, "Reserved for Park, Recreation, Trails and/or Open Space Purposes". When such sites are required, the Park Board shall determine the number of acres to be reserved pursuant to the Parks, Recreation and Open Space Master Plan. The Parks, Recreation and Cemeteries Advisory Board may require that the park, recreation, trail or open space site be located at a suitable place on the edge of the land development, so that additional land may be added at such time as the adjacent land is developed or available for acquisition.  
[Amended by Ordinance 00-09, enacted May 1, 2000]

**14.555 Park and Recreation Sites - Specifications.** The average slope of park and recreation sites shall not exceed 8 percent and such sites shall be adequately drained so as to prevent ponding exceeding three quarters inch in depth or three feet in diameter. Where the developer proposes improvements in exchange for System Development Charge credits under City Code Section 3.565, the total cost of improvements shall be included in the Improvement Guarantee required pursuant to the provisions of Section 11.920. A recreation site shall have a total frontage on one or more streets of at least 100 feet and no other dimension of the site shall be less than 100 feet.  
[Amended by Ordinance 00-09, enacted May 1, 2000]

## **SOLAR ACCESS SETBACK**

**14.870 – 14.876** [Repealed by Ordinance 00-09, enacted May 1, 2000]

## **SOLAR ACCESS PERFORMANCE**

**14.880 Purpose.** Sections 14.880 - 14.888 of the Solar Access Ordinance, apply to new development activities related to the creation of subdivisions involving ten or more lots. The purpose of the Solar Access Performance Standards (Sections 14.882 to 14.888), is to provide a reasonable amount of solar access in new developments at the design stage, wherever feasible, so that the economic value of solar radiation falling on those properties will be preserved, investments in solar equipment will be secure and the option to use solar energy will be preserved and encouraged.

These provisions require that most lots in new residential developments have useful solar access due to their size, orientation or other features. Similar provisions apply to habitable structures in multi family development in which there will be more than one structure per lot. If a subdivision or planned unit development provide more solar access than required, it may exceed the density ordinarily permitted in the zone.

[Added by Ordinance 6535, enacted August 17, 1987]

### **14.882 Applicability.**

- (1) A residential subdivision creating ten or more lots or a multifamily development on one lot in a residential district, shall comply with the provisions of Section 14.884, except as provided in Subsection (2).
- (2) The Planning Director shall exempt a development from Section 14.884 (1)a (2)a, to the minimum extent necessary to preserve maximum allowed residential density. In order to qualify for an exception, the applicant must show that complying with the applicable standard or Section 14.884 will:
  - a. Reduce the density below that planned and permitted in the underlying zone; or
  - b. Cause a substantial cost increase to provide roads, site drainage, utility connections or other infrastructure requirements; or
  - c. Prevent construction of structures of a size and height comparable to residential structures in developments immediately adjacent to the proposed development in the same zone.

- (3) The Planning Director shall exempt individual lots within a subdivision from the applicable standard of Section 14.884 if the applicant can demonstrate that:
- a. The lots have a north facing slope of 25% or greater; or
  - b. Property to the north and directly adjacent to the lots is zoned for uses other than Single Family, Medium Density or Apartment Residential and is not protected under this ordinance.

[Added by Ordinance 6535, enacted August 17, 1987]

#### **14.884 Standards**

- (1) Single Family Residential - a development in the Single Family Residential district shall comply with the following standards:
- a. South Wall Protection. At least ninety percent of the lots shall have a Solar Factor equal to or greater than 62, based on the formula below:  
  
$$\text{Solar Factor} = N \times 2.22 \times (.45 + P)$$
  - b. South Roof Protection. A lot that is exempt from Section 14.884 (1)a, pursuant to Section 14.882 (2), shall have at least a minimum solar factor of 27.
- (2) Medium Density or Apartment Residential - a development in the Medium Density or Apartment Residential districts shall comply with the following standards:
- a. South Wall Protection. At least ninety percent of the lots shall have a Solar Factor equal to or greater than 89, based on the formula contained in 14.884 (1)a.
  - b. South Roof Protection. Lots exempt from Section 14.884 (2)a, pursuant to Section 14.882 (2), shall have a solar factor of at least 44.
- (3) Alternative solar Access Protection Standard. At the option of the applicant, as an alternative to the standards in Sections 14.884 (1) or (2), a lot may be designed in any manner to protect solar access to the southern building line at ground level (south roof protection), whichever standard is applicable, to be measured on affected lots to the north.

[Added by Ordinance 6535, enacted August 17, 1987]



**14.886 Density Bonus.** An increase of 10% in maximum residential densities as specified in Section 12.960, shall be given if the development complies with at least one of the following:

- (1) For a subdivision or Planned Unit Development in the Single Family Residential District, 100% of the lots have a Solar Factor equal to or greater than 62.
- (2) For a subdivision or planned unit development in a Medium Density or Apartment Residential District, 100% of the lots have a Solar Factor equal to or greater than 89.
- (3) For a multifamily development with two or more structures on a lot, 100% of the south wall area of habitable structures is unshaded at noon on December 21, or at least 25% of the wall area in habitable structures is south wall and 100% of the south wall is unshaded at noon on December 21.
- (4) For a subdivision or planned unit development, a solar envelope controlling shade from both structures and vegetation is included as a deed covenant with all lots having solar access.

[Added by Ordinance 6535, enacted August 17, 1987]

**14.888 Information Recorded with Plat.** The following information shall be recorded on the face of the subdivision plat or on documents recorded with the plat:

- (1) The solar factor for each lot.
- (2) For multi family development with two or more structures on a lot, shadow patterns for the structures and a designation on each structure as to whether it is protected from shade on the south wall at ground level or eight feet above ground level.
- (3) All exempt vegetation.
- (4) A southern building line and solar envelope, when applicable.

[Added by Ordinance 6535, enacted August 17, 1987]

## SOLAR ACCESS PERMIT

**14.890 Applicability.** Sections 14.890 - 14.900 of the Solar Access Ordinance is optional to the applicant and is intended as a protection from shading of solar equipment (passive and active) by adjacent vegetation. An owner of property in the Single Family, Medium Density or Apartment Residential districts may apply for and be subject to a Solar Access Permit (Sections 14.892 to 14.898).

[Added by Ordinance 6535, enacted August 17, 1987]

**14.892 Application.** A Solar Access permit application shall be on forms provided by the City and shall include:

- (1) A legal description of the lot on which the solar energy system is or will be situated and proof that the applicant is the owner of the lot.
- (2) Evidence that a solar energy system is installed or a written commitment to install the proposed energy system within one year of the effective date of the permit.
- (3) A scaled drawing of the solar energy system showing the system's dimensions.
- (4) A sunchart.
- (5) The solar heating hours for which protection is sought.
- (6) A list of the lots, all or a portion of which, are within 150 feet as measured within 55 degrees east or west of true south (19 degrees east of magnetic south) of the solar energy system, including unbuildable areas and existing vegetation identified as exempt and nonexempt.
- (7) A plan of the applicant's property, drawn to scale, showing the location of the following: vegetation shown on a sunchart, labeled exempt or nonexempt; other vegetation that may shade the solar energy system, labeled exempt or nonexempt; and the solar energy system, its height above grade, distance from property lines and orientation from true south.
- (8) For each affected lot, a description of the requested solar envelope.
- (9) Evidence the height of the requested solar envelope at the northern lot line of an affected property is not less than the permitted height of structures on that lot under section 14.864.

- (10) Evidence that the solar energy system will be situated on the applicant's property so each other property affected by the permit is restricted to the minimum extent practicable.

- (11) An application fee, as set by Resolution of the City Council.

[Added by Ordinance 6535, enacted August 17, 1987]

#### **14.894 Procedure.**

- (1) If the Planning Director finds that the application is not complete and accurate, he or she shall notify the applicant by first class mail of deficiencies and inaccuracies. If the Planning Director finds that the application is complete and accurate, he or she shall notify by first class mail, owners of record of lots that would be affected if the permit is granted.
- (2) The notice shall include information submitted under Section 14.892 (1) and (4) through (10); a description of the rights and responsibilities of owners of property subject to a solar access permit, including a right to a hearing before the permit is issued; and a form to submit to the Planning Department to request a hearing.
- (3) If a person entitled to notice of the pending application does not request a hearing within 10 days after notice is mailed pursuant to Section 14.894 (1), the Planning Director shall process the application without a hearing as provided in Section 10.805 (4). If, within 10 days after the notice was mailed, the Planning Director receives a request for a hearing from a person entitled to notice of the pending application, the Director shall initiate such a hearing as provided in Section 10.805 (3) and (4).
- (4) If the permit is approved, the permittee shall record the permit in the chain of title for every property affected by the permit. The permit shall only be effective against those properties for which the permit is recorded.

[Added by Ordinance 6535, enacted August 17, 1987]

#### **14.896 Required Findings.**

- (1) Prior to making a decision granting approval, approval with conditions or denial of the requested solar access permit, the director shall analyze the following criteria and incorporate such analysis in his decision:

- a. The solar access permit is in conformance with the Comprehensive Plan and all other provisions of Chapters 10 to 14.
  - b. The solar access permit would not unreasonably restrict the use and planting of vegetation on adjacent, presently underdeveloped property.
  - c. The solar access permit would not materially restrict a substantial property right possessed by other property owners under like conditions in the same vicinity and zone.
- (2) The Director, in conditionally approving a solar access permit, shall set forth in his decision, clear and objective conditions which will ensure the intent and purpose of Chapters 10 to 14 and allow for reasonable use and development of affected properties.

#### **14.898 Remedy.**

- (1) A solar access permit holder may request that the Director review the provisions of the Solar Access Permit by providing the following information to the Director:
- a. A copy of the Solar Access Permit.
  - b. A new sunchart documenting that nonexempt vegetation is shading the solar energy system during protected solar heating hours.
  - c. The legal description of the lot on which the alleged nonexempt vegetation is situated, the address of the property owner and a scaled plot plan showing the nonexempt vegetation on the lot.
  - d. Evidence that the solar energy system still exists and is operating.
  - e. Evidence that no vegetation on the permittee's property is violating the terms of the solar Access Permit.
  - f. If the permittee allow nonexempt vegetation to encroach 10 feet or more into his protected area before filing a request for permit enforcement, the request for enforcement shall be denied.
- (2) If the Director finds that the permittee's request for review is complete and accurate, the director shall notify by registered mail to the last

known address the owner of the property on which the alleged shading vegetation or structure is situated. The notice shall include information submitted by the permittee to the Director under subsection (1); a description of the rights and responsibilities of the affected property owner under the provisions of the Solar Access Permit; and a request by the Director to meet with the affected property owner, or his or her representative, within 14 days of the date the notice was mailed to review the alleged violation.

- (3) If, as a result of the meeting with the property owner or representative, a time frame and method for the trimming, removal or transplanting of offending vegetation cannot be arrived at and agreed to by both the permittee and affected property owner or if no meeting is requested by the affected property owner within the 14 day time period identified in 14.898 (2), then the solar access permit holder may bring an appropriate action in a court of competent jurisdiction to obtain a judgment for removal of vegetation which violates the permit.
- (4) The permittee shall be charged for the cost of trimming any nonexempt vegetation that was listed on the recorded permit. The owner of the property on which the offending vegetation is situated shall be charged for the cost of trimming any nonexempt vegetation that was not listed on the permit. Charges shall be a lien on the property until paid.

[Added by Ordinance 6535, enacted August 17, 1987]

**14.900 Termination.** The solar access permit shall automatically become null and void if the solar energy system, in original, modified or replaced form, is disconnected or nonfunctioning for 365 consecutive days. The City shall record a Notice of Termination in the chain of title for each property that was affected by the permit within 30 days of notification that their system has been disconnected or nonfunctioning for 365 consecutive days.

[added by Ordinance 6535, enacted August 17, 1987]

## TELECOMMUNICATIONS

### 14.950 Purpose.

- (1) The purpose and intent of Sections 14.950-14.996 (the "Act") is to provide a uniform and comprehensive set of standards for the development of telecommunication facilities and the installation of minor antennas. The regulations contained herein are designed to protect and promote public health, safety and community welfare while at the same time not unduly restricting the development of needed telecommunications facilities and important amateur radio installations. They have been developed to further the policies and principles of the comprehensive plan.
- (2) It is furthermore intended that these regulations specifically accomplish the following:
  - a. Protect the visual character of the community from the potential adverse effects of telecommunication facility development and minor antenna installation;
  - b. Protect the inhabitants of the City from the possible adverse health effects associated with exposure to high levels of RF/EMR;
  - c. Protect the environmental resources of the community;
  - d. Create telecommunication facilities that will serve as an important and effective part of the area's emergency response network; and
  - e. Simplify and shorten the process for obtaining necessary permits for telecommunication facilities while at the same time protecting the legitimate interests of the City's citizens.

[Added by Ordinance 97-1, enacted January 6, 1997]

### 14.952 Minimum Application Requirements.

- (1) The Director shall establish and maintain a list of information that must accompany every application for the installation of a telecommunications facility. Said information may include, but shall not be limited to, completed supplemental project information forms, cross sectional area calculations, service areas maps, network maps, alternative site analysis, visual impact demonstrations including mock ups and/or photomontages, visual analysis, RF/EMR exposure studies, title reports identifying legal

access, security programs, lists of other nearby telecommunications facilities and deposits for peer review. The Director may release an applicant from having to provide one or more of the pieces of information on this list upon a finding that in the specific case involved said information is not necessary to process or make a decision on the application being submitted.

- (2) The Director is explicitly authorized at his/her discretion to employ on behalf of the City, an independent technical expert to review any technical materials submitted including, but not limited to, those required under this Section and in those cases where a technical demonstration of unavoidable need or unavailability of alternatives is required. The applicant shall pay all the costs of said review, including any administrative costs incurred by the City. Any proprietary information disclosed to the City or the expert hired shall remain confidential and shall not be disclosed to any third party.

[Added by Ordinance 97-1, enacted January 6, 1997]

#### **14.956 Life of Permits.**

- (1) A conditional use permit or a site plan approval authorizing establishment of a telecommunication facility must be renewed every ten (10) years. The grounds for nonrenewal shall be limited to a finding that:
  - a. the use involved is no longer allowed in the zoning district involved and does not comply with the provisions of Sections 12.860-12.895,
  - b. the facility fails to comply with the relevant requirements of this Act as they exist at the time of renewal and the permittee has failed to supply assurances acceptable to the Director that the facility will be brought into compliance within one hundred twenty (120) days,
  - c. the permittee has failed to comply with the conditions of approval imposed,
  - d. the facility has not been properly maintained, or
  - e. the facility has not been upgraded to minimize its impact to the greatest extent permitted by the technology that exists at the time of renewal and is consistent with the provision of universal service at affordable rates. The grounds for appeal of issuance of

a renewal shall be limited to a showing that one or more of the situations listed above do in fact exist.

- (2) If a use permit or other entitlement for use is not renewed, it shall automatically become null and void without notice of hearing ten (10) years after it is issued or upon cessation of use for more than a year and a day, whichever comes first. Unless a new use permit or entitlement for use is issued within one hundred twenty (120) days thereafter all improvements installed including their foundations down to 3 feet shall be removed from the property and the site restored to its natural preconstruction state within one hundred eighty (180) days of nonrenewal or abandonment. Any access road installed shall also be removed and the ground returned to its natural condition unless the property owner establishes to the satisfaction of the Director that these Sections of road are necessary to serve some other allowed use of the property that is currently present or to provide access to adjoining parcels.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.958 Basic Requirements.** The following requirements shall apply to all telecommunications facilities:

- (1) All telecommunication facilities shall meet all the requirements established by the other provisions of the CDO that are not in conflict with the requirements contained in this Act;
- (2) All telecommunication facilities shall comply at all times with all FCC rules, regulations and standards;
- (3) All telecommunication facility installations shall be consistent with applicable open space easements and other similar use restrictions on the subject property; and
- (4) All telecommunication facilities shall maintain in place a security program that will prevent unauthorized access and vandalism.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.960 Location.** All telecommunication facilities shall be located so as to minimize their visibility and the number of distinct facilities present. To this end, all of the following measures shall be implemented:

- (1) No telecommunication facility shall be installed within the safety zone of the Airport unless the Airport Manager indicates that it will not adversely affect the operation of the airport;

- (2) No telecommunication facility shall be installed at a location where special painting or lighting will be required under FAA regulations unless technical evidence acceptable to the Director or the Commission, as appropriate, is submitted showing that this is the only technically feasible location for this facility;
- (3) No telecommunication facility shall be installed on an exposed ridgeline unless it blends with the surrounding existing natural and man made environment in such a manner as to be effectively unnoticeable;

- (4) Except as may be allowed by a variance, a telecommunication facility that is readily visible from off site shall be installed closer than one (1) mile from another readily visible uncamouflaged or unscreened telecommunication facility unless it is a collocated facility, situated on a multiple user site or blends with the surrounding existing natural and man made environment in such a manner so as to be effectively unnoticeable;
- (5) No telecommunication facility that is readily visible from off site shall be installed on a site that is not already developed with telecommunication facilities or other public or quasi public uses unless it blends with the surrounding existing natural and man made environment in such a manner so as to be effectively unnoticeable or technical evidence acceptable to the Director or Commission, as appropriate, is submitted showing a clear need for this facility and the infeasibility of collocating it on one of these former sites.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.962 Special Setbacks.** Telecommunication towers shall be set back at least twenty percent (20%) of the tower height from all property lines and at least one hundred feet (100') from any residentially zoned property or public park. Guy wire anchors shall be set back at least twenty feet (20') from any property line.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.964 Height.**

- (1) The height of a telecommunications tower shall be measured from the natural, undisturbed ground surface below the center of the base of said tower to the top of the tower itself or if higher, the tip of the highest antenna or piece of equipment attached thereto. In the case of building mounted towers, the height of the tower includes the height of the portion of the building on which it is mounted. In the case of "crank up" or other similar towers whose height can be adjusted, the height of the tower shall be the maximum height to which it is capable of being raised.
- (2) Telecommunications towers may exceed the height limits for the affected zone so long as technical evidence acceptable to the Director or Commission, as appropriate, is submitted demonstrating unavoidable need or an overall lessened visual impact. In no instance, however, shall the height of a telecommunication tower exceed 150 feet. A broadcast AM radio tower may be up to 250 feet tall when technical evidence has been submitted showing that a tower of the height proposed is necessary to provide service at the frequency being used.

- (3) Satellite dish and parabolic antennas shall be situated as close to the ground as possible without compromising their function, preferable on the sides of buildings or on the ground on slopes below the ridgeline.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.966 Structural Requirements.** No telecommunication facility shall be designed and/or sited such that it poses a potential hazard to nearby residences or surrounding properties or improvements. To this end, any telecommunication tower located at a distance of less than one hundred ten percent (110%) of its height from a habitable structure, property line or other tower shall be designed and maintained to withstand without failure the maximum forces expected from wind, earthquakes and ice when the tower is fully loaded with antennas, transmitters and other equipment and camouflaging. Initial demonstration of compliance with this requirement shall be provided via submission of a report to the Director prepared by a structural engineer licensed by the State of Oregon describing the tower structure, specifying the number and type of antennas it is designed to accommodate, providing the basis for the calculations done and documenting the actual calculations performed.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.968 Basic Tower and Building Design.** All telecommunication facilities shall be designed to blend into the surrounding environment to the greatest extent feasible. To this end, all the following measures shall be implemented:

- (1) Telecommunication towers shall be constructed out of metal or other nonflammable material;
- (2) Telecommunication towers taller than 35 feet shall be monopoles or guyed/lattice towers except where satisfactory evidence is submitted to the Director or Commission, as appropriate, that a self supporting tower is required to provide the height and/or capacity necessary for the proposed telecommunication use, to minimize the need for screening from adjacent properties or to reduce the potential for bird strikes;
- (3) Satellite dishes other than microwave dishes shall be of mesh construction, except where technical evidence acceptable to the Director or Commission, as appropriate, is submitted showing that this is infeasible;
- (4) Telecommunication support facilities (i.e. vaults, equipment rooms, utilities and equipment enclosures) shall be constructed out of nonreflective materials (visible exterior surfaces only);
- (5) Telecommunication support facilities shall be no taller than one story (15') in height and shall be treated to look like a building or facility typically found in the area;



- (6) Telecommunication support facilities in areas of high visibility shall where possible, be sited below the ridgeline or designed (i.e. placed underground, depressed or located behind earth berms) to minimize their profile; and
- (7) All buildings, poles, towers, antenna supports, antennas and other components of each telecommunications site shall be initially painted and thereafter repainted as necessary with a "flat" paint. The color selected shall be one that in the opinion of the Director will minimize their visibility to the greatest extent feasible. To this end, improvements which will be primarily viewed against soils, trees or grasslands shall be painted a blue grey that matches the typical sky color at that location.

[Added by Ordinance 97-1, enacted January 6, 1997]

#### **14.970 Critical Disaster Response Facilities**

- (1) All radio, television and voice communication facilities providing service to government or the general public shall be designed to survive a natural disaster without interruption in operation. To this end, all the following measures shall be implemented:
  - a. Nonflammable exterior wall and roof covering shall be used in the construction of all buildings;
  - b. Openings in all buildings shall be protected against penetration by fire and wind blown embers;
  - c. The telecommunication tower when fully loaded with antennas, transmitters, other equipment and camouflaging shall be designed to meet seismic zone 3 UBC construction standards. All equipment mounting racks and equipment used shall be anchored in such a manner that an earthquake will not tip them over, throw the equipment off its shelves or otherwise act to damage it;
  - d. All connections between various components of the facility and with necessary power and telephone lines shall be protected against damage by wildfire, flooding and earthquake; and
  - e. A self contained emergency power supply capable of operating the facility for at least twenty four (24) hours and protected against damage from wildfires and earthquakes shall be installed.

- (2) Demonstration of compliance with requirements (1)a., b., d., & e. (fire only) shall be evidenced by a certificate signed by the Fire District No. 1 Fire Chief on the plans submitted.
- (3) Demonstration of compliance with requirements (1)c. through (1)e. (earthquake only) shall be provided via a second certification on said plans signed by a structural engineer or other appropriate professional licensed by the State of Oregon.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.972 Collocated and Multiple User Facilities.** All collocated and multiple user telecommunication facilities shall be designed to promote facility and site sharing. To this end, telecommunication towers and necessary appurtenances, including but not limited to, parking areas, access roads, utilities and equipment buildings shall be shared by site users when in the opinion of the Director or Commission, as appropriate, this will minimize overall visual impact.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.974 Building Mounted Facilities.** All building mounted telecommunication facilities shall be located and designed to appear an integral part of the structure. To this end, all of the following measures shall be implemented:

- (1) Roof mounted antennas taller than ten feet (10') and all building mounted telecommunication towers shall be located no closer to the nearest edge of the roof than the height of the antenna or tower with all antennas and other equipment attached;
- (2) Wall mounted antennas shall be architecturally integrated into the building via any means acceptable to the Director or Commission, as appropriate, including painting;
- (3) Wall mounted antennas shall be located as close to but no more than four feet (4') from the face of the wall;
- (4) Wall mounted antennas shall not exceed a total of 50 square feet per building face excluding mountings.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.976 Lighting.**

- (1) All telecommunication facilities shall be unlit except for the following:

- a. A manually operated or motion detector controlled light above the equipment shed door which shall be kept off except when personnel are actually present at night; and
  - b. The minimum tower lighting required under FAA regulations.
- (2) Where tower lighting is required, it shall be shielded or directed to the greatest extent possible in such a manner as to minimize the amount of light that falls onto nearby residences.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.978 Roads & Parking.** Access roads and parking areas serving only telecommunication facilities shall be served by the minimum necessary. To this end, all the following measures shall be implemented:

- (1) Access roads shall be limited to eight feet (8') in width except where safety considerations demonstrated to the satisfaction of the Director demand a greater width with turnouts as required by the Fire Marshal. they shall have a paved surface;
- (2) Existing roads shall whenever possible, be upgraded the minimum amount necessary to meet the standards in subsection (1) above and used for access;
- (3) Existing parking areas shall whenever possible, be used; and
- (4) Any new parking areas constructed shall be no larger than 400 square feet.

Any new roads or parking areas built shall whenever feasible, be shared with subsequent telecommunication facilities and/or other permitted uses.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.980 Signage.** all telecommunication facilities shall be clearly identified as to location and operator so as to facilitate emergency response. To this end, all of the following measures shall be implemented:

- (1) Address signs shall be installed in conformance with Fire Marshal requirements at the entrance of the public way, where needed to provide direction along the access road and a the facility itself; and
- (2) A permanent, weather proof, approximately 16 by 32 inch facility identification sign shall be placed on the gate in the fence around the equipment building or if there is no fence, next to the door of the equipment shed itself. Said sign shall identify the facility operator,

provide his/her address and specify a 24 hour telephone number at which he/she can be reached.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.982 Landscaping.** All telecommunications facilities shall be installed in such a manner so as to maintain and enhance existing vegetation. To this end, all of the following measures shall be implemented:

- (1) Existing trees and other screening vegetation in the vicinity of the facility and along the access road and power/telecom line routes involved shall be protected from damage, both during the construction period and thereafter;
- (2) Additional trees and other landscaping shall be planted and henceforth maintained in all undeveloped areas of the site in conformance with Sections 14.400 to 14.430; and
- (3) No actions shall be taken subsequent to project completion with respect to the vegetation present that would increase the visibility of the facility itself or the access road and power/telecom lines serving it.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.984 Environmental Resource Protection.** All telecommunication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented:

- (1) No telecommunication facility or related improvements including but not limited to access roads and power lines shall be sited so as to create a significant threat to the health or survival of plant or animal species identified by ODFW as rare, threatened or endangered;
- (2) No telecommunications facility or related improvements shall be sited such that their construction will damage an archaeological site or have an adverse effect on the historic character of a historic feature; and
- (3) No telecommunications facility shall be sited such that its presence threatens the health or safety of migratory birds.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.986 RF/EMR Emissions.** No telecommunication facility shall be sited or operated in such a manner so as to contribute to ambient RF/EMR emissions in excess of then current FCC adopted RF/EMR emissions standards.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.988 Exemptions.** Nothing in this Act shall apply to the siting of a satellite dish less than one (1) meter in diameter as an accessory use in a residential zone or less than two (2) meters in diameter as an accessory use in a nonresidential zone.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.990 Basic Requirements for Minor Antennas.** Minor antennas may be installed, erected, maintained and/or operated in any zoning district so long as all the following conditions are met:

- (1) The underlying use involved is accessory to the primary use of the property which is not a telecommunications facility;
- (2) No more than three (3) other antenna or satellite dishes larger than two feet (2') in diameter, other than amateur radio antennas are present on the parcel;
- (3) The combined effective radiated power radiated by all the antenna present on the parcel is less than 1500 watts;
- (4) The antenna is not situated between the primary building on the parcel and any public or private street adjoining the parcel;
- (5) The antenna is located outside all yard and street setbacks and no closer than twenty feet (20') to any property line;
- (6) None of the guy wires employed are anchored within the area in front of the primary structure on the parcel;
- (7) No portion of the antenna area extends beyond the property lines or into the area in front of the primary building on the parcel;
- (8) At least ten feet (10') of horizontal clearance exists between the antenna and any power lines;
- (9) All towers, masts and booms are made of a noncombustible material and all hardware such as brackets, turnbuckles, clips and similar type equipment subject to rust or corrosion has been protected either by galvanizing or sheradizing after forming;
- (10) The materials employed are not unnecessarily bright, shiny or reflective and are of a color and type that blends with the surroundings to the greatest extent possible; and

- (11) The installation is in compliance with the manufacturer's structural specifications and the requirements of the Uniform Building Code.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.992 Satellite Dishes.** The following standards are deemed necessary and reasonable as set forth in 14.990 and to address public safety and protect minimum aesthetic values in the City:

- (1) Ground and building mounted satellite dishes may be installed, erected, maintained and/or operated in any zoning district where minor antennas are permitted so long as all the following conditions are met:
- a. The applicable setbacks are complied with to assure fire response access and light and air between structures;
  - b. Any roof mounted satellite dish larger than one (1) meter in diameter is located in back of and does not extend above the peak of the roof in order to maintain the roof line aesthetics of a neighborhood;
  - c. Any ground mounted satellite dish with a diameter greater than one (1) meter that is situated less than five (5) times its actual diameter from adjoining property lines has screening treatments located along the antenna's nonreception windows axes and low level landscape treatments along its reception window axes to maintain the neighborhood's aesthetics and not unreasonably interfere with a neighboring property owner's enjoyment of their property; and
  - d. For any roof or mast mounted satellite dish larger than one (1) meter in diameter, a building permit has been obtained to protect against collapse of the structure with injury to persons or property.
- (2) No person shall place a satellite dish on private property without first submitting sufficient information to the Director, including but not limited to a site plan and elevations, to determine compliance with this Section. The Director may approve, disapprove or modify the proposed placement. In addition, he/she may require that the satellite dish be of a specific diameter, color or type of construction.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.994 Panel Antenna.** Ground and building mounted panel antenna may be installed, erected, maintained and/or operated in any zoning district where minor antenna are permitted so long as all the following conditions are met:

- (1) The minimum standards are specified in Section 14.980 are complied with;
- (2) No more than one (1) other panel antenna is present on the parcel; and
- (3) Any roof mounted panel antenna with a face area greater than three and one half (3½) square feet is located behind and does not extend above the peak of the roof nearest to the closest inhabited area off site or public road, if there is one.

[Added by Ordinance 97-1, enacted January 6, 1997]

**14.996 Other Antenna.** Ground and building mounted radio and receive only television antennas may be installed, erected, maintained and/or operated in any zoning district where minor antenna are permitted under this title so long as all the following conditions are met:

- (1) The minimum standards specified in Section 14.980 are complied with;
- (2) No boom or any active element of the antenna is longer than fifteen feet (15'); and
- (3) Any wire antenna that is not self supporting is supported by objects within the property lines but not within the area in front of the primary structure on the property.

[Added by Ordinance 97-1, enacted January 6, 1997]