

ARTICLE 35

Supplementary Provisions

SECTION 3.35.000 Similar Uses

The Director may permit in any zone a use not listed in this ordinance if the requested use is of the same general type and is similar to the uses permitted within the zone. The decision of the Director may be reviewed by the Commission on its own motion or appealed to the Commission pursuant to §2.400 of this ordinance.

SECTION 3.35.010 Maintenance of Minimum Requirements

No lot area, yard, or other open space existing on or after the effective date of this ordinance, shall be reduced below the minimum required for it by this ordinance, and no lot area, yard, off-street parking and loading area or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use. This section does not apply to area requirements reduced below the minimum as a result of the creation of cemetery lots.

Exceptions to property development standards may be permitted for public and semipublic buildings and uses provided that the minimum area is sufficient to accommodate the use proposed.

SECTION 3.35.020 Exception to Yard Requirements

The following exceptions to yard requirements may be authorized in any zone:

1. If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting yards.
2. When a Boundary Line Adjustment under other provisions of this ordinance is impractical or impossible, structures may be located within the required side or rear yard or across a property line provided:
 - a. The two lots or parcels are under the same ownership, and
 - b. The owner executes and records an agreement to convey both parcels as a single unit of land, thereby recognizing one lot of record. This agreement shall be prepared in a form which is acceptable to the Director.
3. Where a preexisting, lawfully established structure encroaches into a required yard, the structure may be replaced and/or extended along a parallel line in relation to the required yard, provided the replacement or extension results in no further encroachment into the required yard setback.

4. A fence or retaining wall that does not require a building permit is not subject to yard setback requirements.

SECTION 3.35.030 Exception to Height Requirements

Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy or storage of materials or products are not subject to the building height limitations of this ordinance.

SECTION 3.35.040 Projections from Buildings

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project more than 25 inches into a required yard unless otherwise provided for in this ordinance.

SECTION 3.35.045 Location of Temporary Real Estate Sales Office

A temporary real estate sales office may be established in any subdivision or planned development where more than 50 lots or dwelling units are for sale. Upon completion of the lot or unit sales, the office shall either be removed or converted to a use permitted in the applicable zone.

SECTION 3.35.050 Access onto County Roads

Standards of access for new lots and parcels onto County roads are regulated by the Douglas County Public Works Department and are initiated with an access permit application. These standards of access shall be maintained in accordance with the provisions of Chapter 4 of this ordinance; except standards of access for multi-family and condominium development, development which will generate more than 300 trips per day on County facilities; and, other identified development shall be as follows:

1. Multi-family and condominium developments containing no more than four dwelling units may be established on a site which has access to a publicly maintained street via a private street which is at least 25 feet in width and paved with a surface at least 18 feet in width and otherwise constructed to Douglas County Private Roadway Standards §4.425. Substitute paving material and subgrade material may be approved by the Director upon a written notice by the County Engineer that such substitute material will provide an equally suitable roadway.
2. Multi-family and condominium developments containing five to twelve dwelling units may be established on a site which has access to a publicly maintained street via a private street which is at least 60 feet in width, paved with a surface at least 22 feet in width and otherwise constructed to Douglas County Private Roadway Standards §4.425. Substitute paving material and subgrade material may be approved by the Director upon a written notice by the County Engineer that such substitute material will provide an equally suitable roadway.

3. Multi-family and condominium developments containing more than twelve dwelling units shall be established on sites which front on a publicly owned and maintained street.
4. For multi-family and condominium development, points of access (driveway, entrance way, etc.) shall have a minimum paved width of 18 feet and all off-street parking spaces shall be accessed directly via a paved width of 18 feet in width exclusive of all parking spaces.
5. For multi-family and condominium development, the Director may request review by affected government agencies to determine whether additional access points are necessary. After review, the Director may require the establishment of additional access points.
6. For development which will generate more than 300 trips per day as described in the Institute of Transportation Engineers (ITE) manual and for which access will be directly on to a County maintained road, the following access management standards shall apply unless alternative standards are approved by the Douglas County Public Works Department.

<i>Standard</i>	<u>Arterial</u> Rural/Urban	<u>Major Collector</u> Rural/Urban	<u>Minor Collector</u> Rural/Urban
<i>Access Spacing</i>	1320 ft./990 ft.	660 ft./660 ft.	660 ft./330 ft.
<i>Signal Spacing</i>	*½ mile	*½ mile	*¼ mile

* Signals will not be placed on most rural roads.

Douglas County may, upon the recommendation of the Public Works Department, require a Traffic Impact Study (TIS) prior to authorization of alternative standards or to assess transportation impacts of development which will generate over 300 trips. The TIS shall be prepared as described in Chapter Four, §4.100.5.(7).

7. For development with access directly on to a County maintained road, an approach permit shall be obtained from the Douglas County Public Works Department.
8. Access review on County maintained roads shall be consistent with the procedures established by the Douglas County Public Works Department and decisions related to access for land use(s) shall be consistent with the Comprehensive Plan.
9. Douglas County may apply conditions of approval to approach permits.

SECTION 3.35.060 Coordination of Development Review

To maintain a process for coordinated review of future land use decisions affecting transportation facilities, corridors and sites and to provide information to ODOT, City of Roseburg, City of Myrtle Creek, Ports of Umpqua and Coos Bay and affected school districts in Douglas County of applications made under Sections 2.060 (3) & (4), land divisions, developments generating more than 300 trips per day and development within Airport Impact Zones, Douglas County will:

1. Provide written information to the affected jurisdiction describing the proposed action prior to making a final land use decision; and
2. Provide an opportunity to the affected jurisdiction to qualify as a party to the proceeding.

SECTION 3.35.065 Access onto State Roads

ODOT has responsibility and authority in managing access to State Highways. This section outlines the County coordination process with ODOT when an ODOT access permit, for direct access to a state highway, is required. Douglas County will:

1. Provide applicants with information related to the need for a State access permit;
2. Refer land use permits, including those which result from actions listed in Section 3.35.060, with direct access to State Highways to ODOT, and
3. Require applicant(s) to provide either authorization of an approved State access permit, or a State access permit, prior to a land use application or permit being considered complete.
 - a. If the applicant and ODOT cannot agree on an access permit, the permit or application will not be accepted as complete.
 - b. If the applicant agrees to specific conditions for the access permit, the agreement may be referenced in the County's land use decision.

SECTION 3.35.070 Bicycle and Pedestrian Circulation

Bicycle Circulation

1. Bicycle parking facilities shall be provided as part of new multi-family residential developments of four units or more and new retail, office and institutional development within Urban Unincorporated Areas (UUA's) and Urban Growth Boundaries (UGB's) where this ordinance is applicable. Bicycle parking facilities shall not be required for existing developments.

The installation of bicycle parking facilities shall occur as follows:

<u>USE</u>	<u>STANDARD</u>
Multi-Family Residential - 4+	1 space per dwelling unit
Retail	1 space per 3,000 sq. ft.
Office	1 space per 1,000 sq. ft.
Institutional	1 space per 1,000 sq. ft.

2. The installation of public bikeways as part of new subdivisions, multi-family developments, planned developments and for new commercial structures greater than 3,000 sq. ft. within commercial districts shall occur, as described below, within the UUA of Green and UGB's where this ordinance is applicable. If Urban Growth Management Agreement (UGMA) standards exist which address public bikeways, those standards shall apply.
 - a. As a condition of development approval, public bikeway improvements necessary to develop designated bikeways, in the Comprehensive Plan, shall be installed along the front of the subject parcel. Bikeway improvements shall meet those standards described in the Douglas County Comprehensive Plan and shall be installed under the guidance of the Public Works Department.

Pedestrian Circulation

3. The installation of public sidewalks as part of new subdivisions, multi-family developments, planned developments and within commercial districts shall occur, as described below, within the UUA of Green and UGB's as implemented through the UGMA. If UGMA supplemental standards exist, which address public sidewalks, those standards shall apply. Public sidewalks shall not be required for existing developments.

The installation of public sidewalks shall occur as follows:

<u>USE</u>	<u>STANDARD</u>
New Subdivision	Along adjacent arterials, major collectors and minor collectors, and on local streets where specified in the Comprehensive Plan or in a Urban Growth Management Agreement, to County standards.
Multi-family unit(s)	Along adjacent arterials, major collectors and minor collectors to County standards.

<u>USE</u>	<u>STANDARD</u>
Planned Developments	Along adjacent arterials, major collectors and minor collectors to County Standards
Commercial district	Along adjacent arterials, major collectors and minor collectors to County Standards

SECTION 3.35.080 Internal Pedestrian Circulation

Prior to issuance of a building or placement permit for new office parks and commercial developments located within Urban Unincorporated Areas (UUA's) and Urban Growth Boundaries (UGB's) where this ordinance is applicable, the plot plan which accompanies the application for a building permit shall demonstrate internal circulation is being provided through clustering of buildings, construction of accessways, walkways and similar techniques, and as provided in Table 1 of Chapter 4 (Design Standards for Urban Roadways).

SECTION 3.35.100 Off-Street Parking

At the time of erection of a new structure or at the time of enlargement or change in use of an existing structure, off-street parking spaces shall be provided in accordance with this section. In an existing use, the parking space shall not be eliminated if elimination would result in less space than is required by this section. Where square feet are specified the area measured shall be the gross floor area necessary to the functioning of the particular use of the property but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises during the largest shift at peak season, including proprietors.

<u>USE</u>	<u>MINIMUM STANDARD</u>
1. Residential	
a. Single-family dwelling	1 space per dwelling unit.
b. Residential hotel, rooming or boarding house.	4 spaces per 5 guest accommodations.
c. 2 family or multi-family dwellings	3 spaces per 2 dwelling units.
2. Commercial residential	
a. Motel	1 space per guest or suite, plus 1 additional space for the owner or manager.

USEMINIMUM STANDARD

b. Club, Lodge

1 space for each 5 seats, or
1 space for each 50 square
feet of floor area used for
assembly, whichever is greater.

3. Institutional

a. Welfare or Correctional
Institution

1 space per 5 beds for
patients or inmates, plus 1
space per employee.

b. Convalescent hospital,
nursing home, sanitarium,
rest home for the aged

1 space per 5 beds for
patients or residents, plus
1 space per employee.

c. Hospital

3 spaces per 2 beds.

4. Place of public assembly

a. Church

1 space for 4 seats or every
8 feet of bench length in
the main auditorium.

b. Library, reading room

1 space per 400 square feet
of floor area plus 1 space
per employee.

c. Preschool, nursery,
kindergarten

2 spaces per teacher; plus
off-street loading and
unloading facility.

d. Elementary or junior
high school

1 space per classroom; plus
1 space per administrative
employee or 1 space per 4
seats or every 8 feet of
bench length in the
auditorium or assembly room
whichever is greater.

<u>USE</u>	<u>MINIMUM STANDARD</u>
e. High school	1 space per classroom; plus 1 space per administrative employee or plus 1 space for each 6 students or 1 space per 4 seats or every 8 feet of bench length in the auditorium or assembly room whichever is greater.
f. Other auditorium, meeting room	1 space per 4 seats or every 8 feet of bench length.
5. Commercial amusement	
a. Stadium, arena, theater	1 space per 4 seats or every 8 feet of bench length or equivalent capacity if no seating is provided.
b. Bowling alley	5 spaces per alley plus 1 space per 2 employees.
c. Dance hall, skating rink	1 space per 100 square feet of floor area plus 1 space per 2 employees.
6. Commercial	
a. Retail store except as provided in Subsection (b)	1 space per 200 square feet of floor area plus 1 space per employee.
b. Service or repair shop, retail store handling exclusively in bulk merchandise such as automobiles and furniture	1 space per 600 square feet of floor area plus 1 space per employee.
c. Bank, office (except medical and dental)	1 space per 600 square feet of floor area plus 1 space per employee.
d. Medical & dental clinic	1 space per 300 square feet of floor area plus 1 space for every 4 seats.

<u>USE</u>	<u>MINIMUM STANDARD</u>
e. Eating or drinking establishment	1 space per 200 square feet of floor area, plus 1 space for every 4 seats.
f. Mortuaries	1 space per 4 seats or every 8 feet of bench length in chapels.
7. Industrial	
a. Storage warehouse, manufacturing establishment, rail or trucking freight terminal	1 space per employee.
b. Wholesale establishment	1 space per employee plus 1 space per 700 square feet of patron serving area.

SECTION 3.35.150 Off-Street Loading

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

SECTION 3.35.200 General Provisions - Off Street Parking and Loading

1. The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use of off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this ordinance. Use of property in

violation hereof shall be a violation of this ordinance. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and a violation of this ordinance to begin or maintain such altered use until the required increase in off-street parking or loading is provided.

2. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Director based upon the requirements of comparable uses listed herein.
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 the several uses computed separately.
4. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap.
5. Off-street parking spaces shall be located on the same or abutting lot with the building or use they are intended to serve.
6. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.
7. Plans shall be submitted in sufficient detail so that they may be reviewed and approved by the appropriate reviewing authority.
8. Design requirements for parking lots:
 - a. Areas used for standing and maneuvering of vehicles shall have a durable and dustless, but not necessarily paved, surface maintained adequately for all weather use.
 - b. Except for parking to serve residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents.
 - c. Access aisles shall be of sufficient width for all vehicle turning and maneuvering.
 - d. Groups of more than four (4) parking spaces shall be served by a driveway so that no backing movement or other maneuvering will be required within a street.

- e. Lighting of the parking area shall be deflected from a residential zone.
- 9. Required parking spaces shall be improved and available for use by the time the use to be served by the parking space is ready for occupancy.
- 10. The provision for bonding or other assurance of improvements provided in Chapter 4 of this Ordinance may be used to fulfill the requirements of this chapter.

SECTION 3.35.250 Resource Zone Road Improvements

- 1. The following uses may be allowed within the TR, FG, FC, FF, and AW zoning districts to allow for maintenance and minor improvement of public roads.
 - a. Climbing and passing lanes within the right-of-way existing as of July 1, 1987.
 - b. Reconstruction or modification of public roads and highways, including the placement of utility facilities overhead and in the subsurface of public roads and highways along the public right of way, but not including the addition of travel lanes, where no removal or displacement of buildings would occur, or no new land parcels result.
 - c. Temporary public road and highway detours that will be abandoned and restored to original condition or use at such time as no longer needed.
 - d. Minor betterment of existing public roads and highway related facilities, such as maintenance yards, weigh stations and rest areas, within right-of-way existing as of July 1, 1987, and contiguous public-owned property utilized to support the operation and maintenance of public roads and highways.
- 2. Road Improvement Conditionally Approved

The following uses may be conditionally approved within the resource zones, subject to the applicable provisions of OAR 660.

- a. Construction of additional passing and travel lanes of public roads and highways requiring the acquisition of right-of-way but not resulting in the creation of new land parcels.
- b. Reconstruction or modification of public roads and highways involving the removal or displacement of buildings but not resulting in the creation of new land parcels.

- c. Improvement of public road and highway related facilities, such as maintenance yards, weigh stations and rest areas, where additional property or right-of-way is required but not resulting in the creation of new land parcels.

SECTION 3.35.300 Design Review Overlay (AC)

The purpose of the Design Review Overlay is to ensure that architectural design, density, landscaping, yard width and depth, aesthetic qualities, method of ingress and egress, and other special site design features are of such standards as to achieve compatible land uses, attractive communities and safe thoroughfares.

1. Development plans, specifications, and uses shall be reviewed, pursuant to §2.060.2 of this ordinance to address specific Comprehensive Plan concerns, Urban Growth Management Agreement (UGMA) provisions, or conditions of approval, for properties within the Design Review Overlay. Design review concerns are generally site specific and may relate to one or more of the following issues: vehicular access; compliance with the North Umpqua Park or Public Recreation Area Overlay; design standards for the South Umpqua Valley Industrial Park; special commercial uses; aesthetic or visual impact; land use compatibility; and, density.
2. Reasonable conditions may be required by the Approving Authority in connection with review under this Section in order to meet the purpose of the Design Review Overlay. Such conditions may include, but are not limited to:
 - a. Architectural design;
 - b. Lot size; yards; buffers;
 - c. Fences and walls;
 - d. Control of points of vehicular ingress and egress;
 - e. Special provisions on signs;
 - f. Landscaping and grounds maintenance;
 - g. Control of noise, odors or other nuisances;
 - h. Limitation of time for certain activities; and
 - i. Compatibility with Comprehensive Plan or UGMA objectives for the subject area(s).

SECTION 3.35.400 Cultural, Historic and Archaeological Resources Overlay (CHA)

The purpose of this overlay district is to reasonably assure that resources classified as "significant" in Douglas County's Historic Resource Register are conserved and protected, while providing an expedient process for reviewing land use actions that may affect identified sites.

Prior to approval of a building permit or other land use action, the following measures shall be utilized:

1. Administratively determine the following:
 - a. Whether the application for a building permit pertains to a registered significant cultural or historic resource;
 - b. Whether the application for a new or expanded land use is within or on a registered archaeological site; and
 - c. Whether to approve or deny an application to alter or demolish a historic resource as provided in §9.070 and §9.080 of this Ordinance.
2. Upon determination that an application pertains to a registered significant resource, as described in Subsection 1.a or 1.b above, the Director shall notify and forward the application to the chairman of the Historic Resource Review Committee.
3. Upon notification from the Director of an application referenced in Subsection 1.a, 1.b or 1.c above, the chairman of the Historic Resource Review Committee may call for a hearing pursuant to the provisions of §2.060.5 of this Ordinance.
4. The Historic Resource Review Committee shall conduct the public hearing, review the application, construct findings and render a decision in accordance with §9.070 for alterations and exterior remodeling, and §9.080 for demolitions.

SECTION 3.35.500 Geologic Hazards Overlay (GH)

The purpose of the Geologic Hazards overlay district is to protect the public health, safety and welfare by assuring that development in hazardous or potentially hazardous areas is appropriately planned to mitigate the threat to man's life and property.

The district is intended to be applied to areas identified as subject to geologic hazards by the Douglas County Comprehensive Plan, or portions of the Comprehensive Plan of an incorporated city where jurisdiction of land use regulations has been retained by Douglas County. Prior to development, the following measures shall be utilized:

1. Any proposed development on slopes greater than 25% shall be reviewed to ensure site suitability. Such review shall be conducted in the process for building permit approval and, unless the site has been identified as a hazard area, shall rely on provisions of the Uniform Building Code, as adopted by Douglas County, for protection of the public health, safety and welfare.
2. Any proposed development in an identified hazard area shall be preceded by a written report by an engineering geologist or an engineer who certifies he is qualified to evaluate soils for suitability. For purposes of this section, development shall include any excavation or change in topography, such as home construction, associated roads, driveways, septic tank disposal fields, wells and water tanks. The written report of the engineering geologist or engineer shall certify that the development proposed may be completed without threat to public safety or welfare and shall be used in ministerially reviewing the development proposal.
3. In approval of a development permit, the following standards shall be adhered to in order to ensure site and area stability:
 - a. Maintain vegetation and eliminate widespread destruction of vegetation.
 - b. Carefully design new roads and buildings with respect to:
 - (1) placement of roads and structures on the surface topography.
 - (2) surface drainage on and around the site.
 - (3) drainage from buildings and road surfaces.
 - (4) placement of septic tank disposal fields.
 - c. Careful construction of roads and buildings.
 - (1) avoid cutting toeslopes of slump blocks.
 - (2) careful grading around the site, especially avoiding over-steepened cut banks.
 - (3) revegetating disturbed areas as soon as possible.
4. Conditions shall be imposed if recommended by the engineering geologist or engineer to reasonably assure that the development is protected from damage by mass movement. If highly expansive soils are identified in the report, then a copy of that report shall be filed with the plans for construction, and a notice shall be recorded in the County Clerk Lien Record pursuant to 1989 Or. Laws Ch. 1026.

SECTION 3.35.600 Potential Water Impoundment Overlay (WO)

The Potential Water Impoundment Overlay classification is intended to protect resource areas identified as potential water impoundment sites in the Comprehensive Plan from significant conflicting uses. The overlay zone protects these sites from irreversible loss for water impoundment use while permitting nonpreemptive underlying uses.

1. Except as provided in Subsection 2 of this section, uses permitted in areas designated as potential water impoundment sites shall be as set forth in the underlying zoning district.
2. Where permitted by the underlying zoning district, schools, churches, and public utility facilities shall be allowed provided it is demonstrated that it is not feasible to locate the use outside the potential water impoundment site.
3. Uses and activities which are permitted conditionally in the underlying zone(s) are permitted conditionally in the (WO) overlay upon a finding that it does not interfere with the future use of the site for a water impoundment.
4. Property development standards of the underlying zone shall apply; however, lots, parcels or units of land subject to this overlay shall not be divided.

SECTION 3.35.700 Dredge Material Disposal and Mitigation Site Overlay (D/MO)

The Dredge Material Disposal and Mitigation Site Overlay classification is intended to protect sites identified in the Comprehensive Plan for their potential as dredged material disposal and mitigation sites and to prevent them from being used for significant conflicting and preemptory uses. The purpose of the district is to protect those sites from irreversible loss for their intended uses.

1. Property which is subject to this Overlay district may be used for uses specified as permitted outright in the underlying zoning district, provided, however, that no structures or public utility facilities shall be allowed.
2. Conditional uses of the underlying zoning district shall not be allowed.
3. Where the disposition of dredged material is designed to prepare a site for future accommodation of a more intense use, that use or conditional use shall not be permitted until deposition in the area is complete. The provisions of the overlay designation for that portion of the site shall no longer apply upon receipt of an engineer's certification verifying that:
 - (1) filling of the site has been completed; and
 - (2) the site has been prepared to reasonably accommodate uses of the underlying zone.

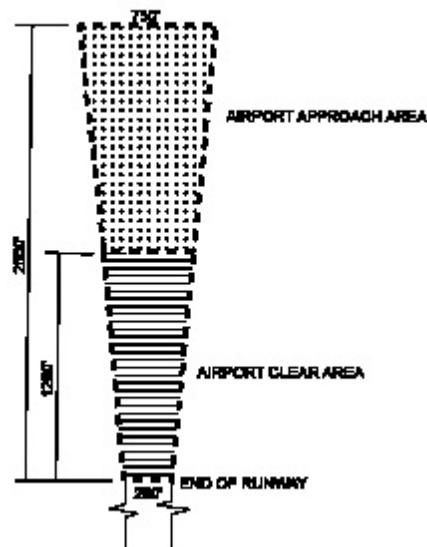
SECTION 3.35.800 Airport Impact Overlay (AIO)

The purpose of the Airport Impact Overlay District is to protect the public health, safety and welfare by assuring that development within areas impacted by airport operations is appropriately planned to mitigate such operations. This overlay district is also intended to prevent the establishment of air space obstructions in air approaches through height restrictions and other land use controls, as deemed essential to protect the public health, safety and welfare.

The Overlay shall be applied to Airport Approach areas, as herein defined, and depicted in the County Zoning Atlas.

1. **Definitions:** For the purpose of this section only, the following definitions are established:
 - a. **AIRPORT APPROACH AREA:** A wedge-shaped area described by boundaries where the inner edge of the Airport Approach Area coincides with each end of the runway and is 250 feet wide at each terminus. The Airport Approach Area expands outward uniformly to a width of 750 feet at a horizontal distance of 2,500 feet from the terminus, with its centerline being the continuation of the centerline of the runway.
 - b. **AIRPORT CLEAR AREA:** The Airport Clear Area coincides with the Airport Approach Area for a horizontal distance of 1,250 feet from the runway termini.
 - c. **PLACE OF PUBLIC ASSEMBLY:** A structure which is designed to accommodate more than 25 persons at one time for such purposes as deliberation, education, worship, shopping, entertainment or amusement.

AIRPORT IMPACT OVERLAY AREA



2. **Permitted Uses:** Uses and activities permitted by the underlying zoning district shall be allowed unless specifically prohibited by Subsection 3 of this section.
3. **Limitations:**
 - a. No place of public assembly shall be permitted within an established Airport Approach Area.
 - b. No multi-family dwelling shall be permitted within the Airport Approach Area.
 - c. No structure or object, including chimneys, towers, antennae, utility poles, trees, etc., shall exceed 35 feet in height in the Airport Approach Area.
 - d. Within the Airport Approach Area, sign lighting and exterior lighting shall not blink, flash, shimmer, oscillate, rotate or project into the approach surface in such a manner as to result in confusion or distraction to pilots.
 - e. Within the established Airport Clear Area, the following uses and activities are permitted:
 - (1) Farm use, excluding any permanent structures or objects.
 - (2) Roadways or other uses consistent with the underlying zone which do not include any permanent structures or objects, and which are located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights, or result in glare, or in any other way impair visibility in the vicinity of the landing approach.
 - f. No use shall be allowed in the Airport Impact Overlay District if such use is likely to attract an unusual quantity of birds.

SECTION 3.35.900 North Umpqua Park or Public Recreation Area Overlay (PO)

The North Umpqua Park or Public Recreation Area Overlay classification is intended to protect and conserve areas identified as containing public value for: park or recreational use, aesthetic or visual value, camping, picnicking, and passive outdoor games and activities. This area, as identified in the Comprehensive Plan, will be protected from significant conflicting uses by this classification. This overlay classification will promote compatible underlying uses and allow other uses subject to administrative review.

1. Except as provided below, uses and property development standards in areas subject to the North Umpqua Park or Public Recreation Area (PO) Overlay shall be set forth in the underlying zoning district. Except as

provided in ORS 527.722, only those uses which are or may be made compatible with the park, recreational, and scenic values set forth in the Comprehensive Plan shall be permitted. Uses that cannot be made compatible or which interfere with park, recreational, and scenic values shall not be permitted.

2. In addition to notice otherwise required by this ordinance, notice for all land use or development requests shall be as provided in Section 2.065.11. except that the following uses do not require such notice and shall be processed as permitted uses with standards and the design standards of the State Scenic Waterways Program (OAR 736-040-0035(7)(a)(A through D) and (b)) shall be applied.
 - a. For existing grazing and farming operations: construction of fences; repair and maintenance of, or additions to farm buildings; and, construction of silos and grain storage facilities, and other structures or buildings as are needed in conjunction with the existing grazing and farming use.
 - b. For existing residential structures: maintenance of existing homes; modifications to existing single family dwellings; and, construction of garages or subsidiary and lesser accessory structures that are necessary to the use of existing homes.
3. Any application for which notice is required under §2.065.11. shall not be considered complete until the State Parks and Recreation Department provides written response that the request, as proposed, or with conditions, may or may not proceed through the land use process. The conditions in the State Parks and Recreation Department response shall apply to the permit. If agreement cannot be reached on the conditions, then a Variance, pursuant to Article 40, shall be required to modify the conditions. Any modification shall not jeopardize park, recreational and scenic values.

SECTION 3.35.940 Right-of-Way Protection Overlay (RW)

The Right-of-Way Protection Overlay (RW) classification is intended to protect future streets identified in the Circulation Plans and Land Use Element of the Comprehensive Plan from significant conflicting uses. Requiring development to be in accordance with the requirements of the overlay zone and preventing preemptory uses along identified routes ensures that sufficient and appropriate streets can be provided for future community development.

The RW Overlay shall be applied to designated principal highways, arterials, major and minor collectors, and necessary local streets shown on the Circulation Plans for Green, Glide, and Tri City which require future right-of-way.

1. **Definitions:** For the purpose of this section only, the following definitions are established.

FUTURE RIGHT-OF-WAY: The right-of-way required to develop streets not yet constructed or dedicated but shown on the Comprehensive Plan.

2. Except as provided in Subsection 5, uses and activities permitted in an RW Overlay shall be set forth in the underlying zone.
3. Uses and activities which are permitted conditionally in the underlying zone are permitted conditionally in the RW Overlay upon a finding that they do not interfere with future use and development of ultimate and future rights-of-way.
4. Property development standards of the underlying zone shall apply provided they do not conflict with the RW Overlay. If a conflict exists, then the standards of this section shall apply.
5. Except as provided in Subsection 6, property which is subject to the RW Overlay District may be used for uses specified as permitted outright in the underlying zone, except that no structures shall be located within the future right-of-way. In addition, no structures shall be located within the setback distances specified in the underlying zone. Setback distances shall be measured from the future right-of-way lines.
6. Structures not part of a subdivision or partition platted or recorded after the effective date (1/3/86) of this amendment may be located in the future right-of-way or setbacks from such right-of-way if:
 - a. The applicant, with assistance from the County Engineer, proposes an alternative alignment;
 - b. The alternate alignment is found to meet County design standards and objectives of the Circulation Plan by the County Engineer and Planning Director; and
 - c. The alternate alignment does not adversely impact street alignment on any adjacent properties.
7. An Administrative Variance from regulations in the RW Overlay District may be authorized pursuant to the Administrative Action process of §2.060.1, by the Director upon a finding that:
 - a. An alternative alignment meeting the requirements of §3.35.940 is not feasible.
 - b. The denial of the variance would preclude all economically feasible private uses.
 - c. The Planning Director shall grant a variance if the Overlay would preclude the location or construction of a dwelling in residential zones or a commercial or industrial structure in other zones.

SECTION 3.35.950 Exceptions Process Limited Use Overlay (EP)

The Exceptions Process Limited Use Overlay classification is intended to designate the uses permissible in areas which have been excepted from certain Statewide Planning Goals through the "reasons" exception process of Goal 2, Part II(c). These uses will have been specifically identified during the exception process and may include uses from various zones or may not include all uses in any one particular zone.

This Overlay Classification is the method to identify and designate all uses permitted in the exception area as identified in the exception process.

1. Property subject to this overlay classification may be used for uses specified in the order adopted by the Board of Commissioners amending the Comprehensive Plan through the "reasons" exception process under Statewide Planning Goal 2 (OAR 660-04-022) for the property involved.
2. Permitted uses and conditional uses of the underlying zoning classification shall not be allowed, except if the underlying zoning classification was in effect for the property at the time the exception was initiated.
3. Accessory uses to the main use or uses listed in the Plan Amendment and Exceptions Order are permitted. Accessory uses may be developed simultaneously but not prior to the main use.
4. Development standards of the underlying zone shall apply to development of the uses specified in the order unless specifically excepted by the Plan Amendment and Exceptions Order or unless the order requires conflicting development standards.
5. All requirements and conditions for the development of the property imposed in the order shall be considered a requirement of this overlay classification. A violation of a requirement or condition imposed in the order shall be a violation of this ordinance.

SECTION 3.35.960 Tsunami Inundation Overlay (TIO)

The purpose of the Tsunami Inundation Overlay is to implement state legislation and agency rules adopted by the Governing Board of the Oregon Department of Geology and Mineral Industries (DOGAMI). The TIO Overlay is intended to reduce the risk of loss of life in the event of a Tsunami inundation. Inundation risks can be reduced by the provision of information and assistance from DOGAMI to developers, and by limiting where certain types of essential facilities or special occupancy structures may be located. This overlay also requires that, after land use approval, developers subject to overlay requirements shall submit building plans or proposals to DOGAMI for their review and response prior to receiving a development permit.

The Overlay shall be applied to the Tsunami Inundation Zone, as defined in this Section, and as depicted in the Comprehensive Plan.

1. **Definitions:** For the purpose of this section only, the following definitions are established:

ESSENTIAL FACILITY: Hospitals and other medical facilities having surgery and emergency treatment areas; fire and police stations; structures and equipment in emergency-preparedness centers; and structures and equipment in government communication centers and other facilities required for emergency response.

HAZARDOUS FACILITY: Structures housing, supporting or containing sufficient quantities of toxic or explosive substance to be of danger to the safety of the public if released.

MAJOR STRUCTURE: A building over six stories in height with an aggregate floor area of 60,000 square feet or more; every building over ten stories in height; and parking structures as determined by Department of Consumer and Business Services rule.

SPECIAL OCCUPANCY STRUCTURE: Covered structures whose primary occupancy is public assembly with a capacity greater than 300 persons; buildings with a capacity greater than 50 individuals for every public or private school through secondary level or day care centers; buildings for colleges or adult education schools with a capacity greater than 500 persons; medical facilities with 50 or more resident, incapacitated patients already included in this definition; jails and detention facilities; and all structures and occupancies with a capacity greater than 5,000 persons.

TSUNAMI INUNDATION ZONE: A Tsunami is a series of ocean waves caused by an undersea earthquake. The Tsunami Inundation Zone was scientifically modeled by DOGAMI and estimates how far upland the tsunami wave will run.

2. **Permitted Uses:** Uses and activities permitted by the underlying zoning district shall be allowed unless specifically prohibited by Subsection 3 of this section. Water-dependent and water-related facilities and structures in the tsunami inundation zone are exempt from Tsunami Inundation Overlay restrictions.
3. **Buildings Prohibited:** The construction of, conversion to, or replacement of the following essential facilities or special occupancy structures shall not be allowed in the tsunami inundation zone:
 - a. Hospitals and other medical facilities having surgery and emergency treatment areas;
 - b. Fire and Police station unless there is a need for a strategic location;
 - c. Government communication centers and other emergency response centers.

- d. Private or public elementary and/or secondary school, or day care center, with a capacity greater than 50 individuals unless there is a need for the school to be within the boundaries of a school district and no other sites are available;
 - e. Colleges or adult education schools with a capacity greater than 500 persons; and
 - f. Jails and detention facilities
- 4. DOGAMI Review:** After planning approval, or prior to issuance of a development permit for construction of, conversion to, or replacement of any development on the following list, the owner or developer shall consult with the local building official to determine whether ORS 455 applies (in this subsection, ORS 455 shall specifically refer to those sections of the statute dealing with tsunami inundation zones, specifically the “prohibition of construction for certain facilities and structures” and, the “regulation of certain vulnerable structures”, identified in the 2001 Edition of the statutes as ORS 455.446 and ORS 455.447):
- 1) Emergency preparedness center
 - 2) Hazardous Facilities
 - 3) Covered structures used primarily for public assembly with capacity over 300 people
 - 4) Medical facilities with over 50 patients
 - 5) Structures with capacity over 5,000 persons
- a. If the building official determines that ORS 455 is not applicable, then the owner or developer may proceed through the development permit process without further review under this Section.
 - b. If the building official determines that ORS 455 is applicable, then the owner or developer shall consult with DOGAMI and submit a copy of building plans or proposals to that agency for their review. In cases where ORS 455 is applicable, a local development permit shall not be issued until a written response is received from DOGAMI.