

**Ordinance No. 2009-01**

**AN ORDINANCE AMENDING THE CITY OF JOSEPH TRANSPORTATION SYSTEM PLAN TO INCORPORATE THE BICYCLE AND PEDESTRIAN PLAN AND AMENDING THE CITY'S ZONING AND LAND DIVISION ORDINANCES**

WHEREAS, the City of Joseph received grant funding from the Oregon Department of Transportation (ODOT) to fund a complete sidewalk plan and anticipates receiving ODOT funding for related sidewalk improvements;

WHEREAS, the Transportation System Plan (TSP) does not adequately address needed bicycle and pedestrian improvements within the Joseph Urban Growth Boundary;

WHEREAS, ODOT awarded a contract to Alta Planning and Design, with assistance from DKS and Winterbrook Planning, to prepare draft and revised versions of the Bicycle and Pedestrian Plan and implementing land use regulations;

WHEREAS, the City held open houses and workshops in August and September of 2008 and February of 2009 to identify bicycle and pedestrian planning issues and to consider recommended solutions;

WHEREAS, the City Council held an open house and public hearing to review the final drafts of the Bicycle and Pedestrian Plan on May 18, 2009;

WHEREAS, the City Council held an open house and public hearing to review the final drafts of amendments to the Zoning and Land Division Ordinances on June 18, 2009; and

WHEREAS, ODOT supports adoption of the Bicycle and Pedestrian Plan and proposed amendments to the zoning and land division ordinances as shown in Exhibits A, B, C and D.

**NOW, THEREFORE, THE CITY OF JOSEPH, OREGON ORDAINS AS FOLLOWS:**

Section 1. The City of Joseph Transportation System Plan (adopted by Ordinance No. 2004-01) is hereby amended to incorporate the City of Joseph Bicycle and Pedestrian Plan (2009) as shown in Exhibit A.

Section 2. The City of Joseph Zoning Ordinance (adopted by Ordinance No. 2002-04) is hereby amended as shown in Exhibit B.

Section 3. The City of Joseph Subdivision and Partition Ordinance (adopted by Ordinance No. 76-6) is hereby renamed the City of Joseph Land Division Ordinance and is further amended as

2009-01

shown in Exhibit C.

Section 4. The City of Joseph Comprehensive Land Use Plan (adopted by Ordinance No. 96-04 is hereby amended as shown on Exhibit D.

Section 5. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 6. In case of conflict, the Bicycle and Pedestrian Plan of 2009 supercedes the 2001 Transportation System Plan.

First reading: June 18, 2009.

Second reading: July 9, 2009


Dated, this 9<sup>th</sup> day of July, 2009.

ENACTMENT. Passed by the Common Council of the City of Joseph, this 9<sup>th</sup> day of July by the following vote:


Aye: 6

Nay: 0

Absent: 1

  
Dennis Sands, Mayor

Attest:

  
Noma McDaniel, City Recorder

## Zoning Ordinance 2009-01 Amendment

### Section 1.

Amend the Joseph Zoning Ordinance 2009-01, Article 1.020 to read as follows:

The purpose of this ordinance is to encourage appropriate and orderly physical development without diminishing the desirability of the town's living and recreating space, considering such standards as open space, desired levels of population density, adequate community facilities and to promote in other ways the public's general health, safety, convenience and welfare. It is also the intent of this ordinance to implement the provisions of the City of Joseph's Comprehensive Land Use Plan and any amendments thereto. The City finds that vacation rental occupancy of dwelling units constitutes a visitor oriented commercial use in the City's residential areas. In order to maintain the residential character and livability of its neighborhoods and to prevent the adverse effects of the vacation rental occupancy of dwelling units on residential neighborhoods, it is necessary to limit and regulate the vacation rental occupancy of dwelling units.

### Section 3.

Amend Zoning Code, Shared Bicycle and Pedestrian Definitions, by adding a new definition of vacation rental occupancy to read as follows:

Vacation home rental occupancy. "Vacation home rental occupancy" means the use of a dwelling unit by any person or group of persons who occupies or is entitled to occupy a dwelling unit for remuneration for a period of time between one (1) and thirty (30) days. "Remuneration" means compensation, money, rent or other bargained for consideration given in return for occupancy, possession or use of real property.

### Section 5.

Amend Zoning Code, Section 3.020, by adding a new Section 5, to read as follows:

#### 5. Vacation Rentals.

##### 1. Occupancy Requirements

- a. No person shall occupy, use, operate or manage, nor offer or negotiate to use, lease or rent a dwelling unit in the R1 and R2 zones for vacation home rental occupancy except:
  - i. A dwelling for which a vacation home rental permit or Conditional Use Permit (CUP) has been issued to the owner of that dwelling; and
  - ii. A dwelling which qualified as a short term rental or was issued a Conditional Use Permit (CUP) prior to January 1, 2016 as determined through the Short Term Rental Registration process or Conditional Use Permit process.
  - iii. A dwelling which has been approved for use as a bed and breakfast establishment.

- b. In the Commercial zones, the rental of a dwelling, or portion thereof for periods of less than thirty days shall be considered a motel and subject to the requirements of the fee for Transient Room Tax.


READ for the first time in full this 02nd day of June, 2016.

READ for the second time on this 1st day of September, 2016.

READ for the third time by title only on this 6th day of October, 2016.

PASSED AND ADOPTED by the City Council of the City of Joseph, Oregon, and signed by the Mayor of the City of Joseph, Oregon, this 6th day of October, 2016, effective immediately.

Ayes: 7      Nays: 0      Absent: 0

  
\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder



# APPENDIX E – JOSEPH ZONING ORDINANCE (2009) ADOPTED BY ORDINANCE 2009-01

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## ARTICLE 1. INTRODUCTORY PROVISIONS.

### **Section 1.010. Title.**

This ordinance shall be known as the Joseph Zoning Ordinance (2009) replacing Ordinance No. 2002-04.

### **Section 1.020. Purpose.**

The purpose of this ordinance is to encourage appropriate and orderly physical development without diminishing the desirability of the town's living and recreating space, considering such standards as open space, desired levels of population density, adequate community facilities and to promote in other ways the public's general health, safety, convenience and welfare. It is also the intent of this ordinance to implement the provisions of the City of Joseph's Comprehensive Land Use Plan and any amendments thereto.

### **Section 1.030. Definitions.**

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

#### **Access Related Definitions**

- **Access.** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
- **Access Classification.** A ranking system for roadways used to determine the appropriate degree of access management. Factors considered include functional classification, the appropriate local government's adopted plan for the roadway, subdivision of abutting properties, and existing level of access control.
- **Access, Cross.** A service drive providing vehicular access between two or more contiguous sites so a motorist, bicyclist, or pedestrian need not enter the public street system.
- **Access Connections.** Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.
- **Access Features, Nonconforming.** Features of the property access that existed prior to the date of ordinance adopting and do not conform with the requirements of this ordinance.
- **Access, Joint or Shared.** A driveway connecting two or more contiguous sites to the public street system.
- **Access Management.** The process of providing and managing access to land development while preserving the regional flow of traffic in terms of safety, capacity, and speed.
- **Access, Reasonable.** The minimum number of access connections, direct or indirect, necessary to provide safe access to and from the roadway, as consistent with the purpose and intent of this ordinance and any applicable plans and policies of the (city/county).
  - **Accessway.** A walkway that provides pedestrian and bicycle passage either between streets or from a street to a building or other destination such as a school, park, or

transit stop.

- Accessways generally include a walkway and additional land on either side of the walkway, often in the form of an easement or right-of-way, to provide clearance and separation between the walkway and adjacent uses.
- Accessways through parking lots are generally physically separated from adjacent vehicle parking or parallel vehicle traffic by curbs or similar devices and include landscaping, trees, and lighting.
- Where accessways cross driveways, they are generally raised, paved, or marked in a manner that provides convenient access for pedestrians.

Accessory Use or Accessory Structure. A use or structure incidental and subordinate to the main use of the property, as storage of automobiles in a garage is accessory to residential use of a dwelling. A home occupation is considered an accessory use.

Americans With Disabilities Act and Guidelines.

- Federal law prohibiting discrimination against people with disabilities. Requires public entities and public accommodations to provide accessible accommodations for people with disabilities.
- Accessibility Guidelines (ADAAG) provide scoping and technical specifications for new construction and alterations undertaken by entities covered by ADA.

Annexation. An action commenced by a city through public hearing, the intent of which is to incorporate additional land into legal boundaries of the City.

Attached House (Townhome or Rowhouse). A dwelling unit located on its own lot which shares one or more common or abutting walls with one or more dwelling units. The common or abutting wall must be shared for at least 50 percent of the length of the side of the dwelling. An attached house does not share common floor/ceilings with other dwelling units. An attached house is also called a townhome, rowhouse, zero-lot line dwelling, or a common-wall house.

Bicycle Related Definitions

- Bike Lane. A portion of the roadway which has been designated by striping and pavement markings for the preferential or exclusive use of bicyclists.
- Bikeway. A generic term for any road, street, path or way which in some matter is specifically designated for bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are to be shared with other transportation modes.
- Bikeway, Shoulder. A type of bikeway where bicyclists travel on a paved shoulder.
- Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which any person or persons may ride, and with two tandem wheels at least 14 inches in diameter. An adult tricycle is considered a bicycle.
- Bicycle Facility. Any facility provided for the benefit of bicycle travel, including bikeways and parking facilities as well as all other roadways not specifically designated for bicycle use.
- Wide Outside Lane. A wider than normal curbside travel lane that is provided for ease

of bicycle operation where there is insufficient room for a bike lane or shoulder bikeway.

Building. A structure, but not an R.V. or mobile home, built for support, shelter or enclosure of persons, animals, chattels or property of any kind and having a fixed base on or fixed connection to the ground.

City. The City of Joseph, Oregon.

**Clearance (for Vehicles) Definitions**

- Clearance, Corner. The distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way.
- Clearance, Lateral. The width required for safe passage as measured in a horizontal plane.
- Clearance, Vertical. The height required for safe passage as measured in a vertical plane.

Commercial. A zone and land use that involves the buying/selling of goods or services.

Commercial Outdoor Use. A use supporting a commercial activity in a commercial zone.

Comprehensive Land Use Plan. The controlling land use document for the City of Joseph. The Comprehensive Land Use Plan includes and is implemented by the City of Joseph:

- Annexation Ordinance.
- Land Division Ordinance.
- Transportation System Plan (including the Joseph Bicycle and Pedestrian Plan).
- Zoning Ordinance.

Community Building. A publicly owned structure, used and operated for the benefit of the general public.

Community Center. A structure, either public or private non-profit, used primarily as a facility for public purposes and gatherings.

Conditional Use. A use specifically identified within a zone that may be allowed, subject to a public hearing and satisfaction of any applicable standards. Generally, conditional uses should conform to the general use and purpose of the area or zone in which they are located.

Council. The Common Council of the City of Joseph, Oregon.

**Curb Related Definitions.**

- Curb Extension. A section of sidewalk extending into the roadway at an intersection or

midblock crossing that reduces the crossing width for pedestrians and may help reduce traffic speeds.

- Curb Ramp. A combined ramp and landing to accomplish a change in level at a curb. This element provides street and sidewalk access to pedestrians using wheelchairs.
- Curb Ramp, Diagonal. Curb ramp positioned at the apex of the curb radius at an intersection, bisecting the corner angle.
- Curb Ramp, Parallel. Curb ramp design where the sidewalk slopes down on either side of a landing. Parallel curb ramps require users to turn before entering the street.
- Curb Ramp, Perpendicular. Curb ramp design where the ramp path is perpendicular to the edge of the curb.

#### **Dwelling Related Definitions**

- Dwelling, Multi-Family. A building or portion thereof, designed for occupancy by two or more families living independently of each other.
- Dwelling, Single-Family. A detached building containing one dwelling unit and designed for occupancy by one family only.
- Dwelling Unit. A living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence of 10 or less persons. (UBG 205)

Downtown Area. The eight block area fronting Main Street (Wallowa Lake Highway 82) from East Maple Street to West Third Street. The east and west boundaries of the Downtown Area are the alleys that parallel Main Street. The Downtown area has curb extensions, diagonal on-street parking, and special sidewalk block paving.

Easement. A grant of one or more property rights by a property owner to or for use by the public, or another person or entity.

#### **Fence Related Definitions**

- Electric Fence. Any fence with any portion electrified or with electrical insulators.
- Fence. Any man made structure except a building, constructed of wood, chain link, brick, cement block, berms, wrought iron, decorative metal or other man-made material which serves to enclose a lot or parcel or any material portion of a lot or parcel, including without limitation intended and by way of example only, gates, livestock stock panels, arbors and lattice.
- Solid Fence. A fence which does not allow persons on each side of a fence to view substantially all of the scenery on the other side of the fence. Woven wire fences are an example of a fence which is not a solid fence.
- Support System shall mean posts, rock jacks or bracing.
- Woven Wire Fences shall mean a fence constructed almost entirely of wood and/or steel posts, and agricultural woven wire fencing material commonly referred to as "field fence" or "horse fence".

Home Occupation. A lawful occupation carried on by an occupant at their primary residence as an accessory use within the same dwelling or an existing accessory structure, not to exceed one-third of dwelling, and which does not constitute a hazard or public

nuisance.

Hostel. An establishment having beds rented or kept for rent on a daily basis to travelers for a charge or fee paid or to be paid for rental or use of facilities and which are operated, managed or maintained under the sponsorship of a nonprofit organization which holds a valid exemption from federal income taxes under the Internal Revenue Code of 1954 as amended.

Light Industrial Business. A business engaged in manufacturing or repairing of a product. Said business must comply with all state and local codes concerning sound levels, utility, and structural guidelines. A qualifying business located in a commercial zone may not adversely affect the nature of the commercial and adjoining residential zones in any way.

#### **Lot Related Definitions**

- Lot. A parcel or tract of land.
- Lot Area. The total horizontal area within the lot lines of a lot, exclusive of streets and easements of access to other property.
- Lot, Corner. A lot abutting on two or more streets, other than an alley, at their intersection.
- Lot Depth. The average distance measured from the front lot line to the rear lot line.
- Lot, Flag. A lot not meeting minimum frontage requirements and where access to the public road is by a narrow, private right-of-way line.
- Lot Frontage. That portion of a lot extending along a street right-of-way line.
- Lot Line. The property line bounding a lot.
- Lot Line, Front. The lot line separating the lot from the street other than an alley. In the case of a corner lot, the front line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.
- Lot Line, Rear. The lot line which is most opposite and most distant from the front lot line. In case of irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
- Lot Line, Side. Any lot line, not a front or rear lot line.
- Lot, Through. A lot having frontage on two parallel or approximately parallel streets other than alleys.
- Lot Width. The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
- Reversed Corner Lot. A corner lot, the side street line of which is substantially a continuation of the front line of the first lot to its rear.

Major Traffic Generators. A "major traffic generator" is a land use that generates more than 400 daily trips as determined by the latest edition of the Institute of Transportation Engineers *Trip Generation Manual*.

#### **Mobile Home Related Definitions**

- Mobile Home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities and that is intended for



permanent human occupancy and is being used for residential purposes. A mobile home shall consist of one of two following classifications:

- Triple-Wide. Three separate housing units expressly manufactured to be connected together to form one single-family residence.
- Double-Wide. Two separate housing units expressly manufactured to be connected together to form one single-family residence.
- Mobile Home Park. A place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any other person for a charge or fee paid or to be paid for rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

Neighborhood Activity Center. An attractor or destination for residents of surrounding residential areas. Includes, but is not limited to existing or planned schools, parks, shopping areas, transit stops, and employment areas.

Non-Conforming Structure or Use. A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of this ordinance (or amendment) for the zone in which it is located.

ODOT. The Oregon Department of Transportation.

Owner. An owner of real property as shown by deed or contract and officially recorded in the office of the Wallowa County Clerk or on the last complete assessment role. An owner shall also include an authorized agent of owners of real property affected.

Part Time Resident. For the purposes of determining eligibility for home occupations, you are a part time resident if you reside outside the City limits at any time during the term of the Home Occupation permit.

#### **Pedestrian, Crosswalk, Sidewalk, and Walkway Definitions**

- Crosswalk. That part of the roadway at an intersection that is included within the extensions of the lateral lines of the sidewalks on opposite sides of the roadway, measured from the curb line, or in the absence of curbs from the edges of the roadway, or in the absence of a sidewalk on one side of the roadway, the part of the roadway included within the extension of the lateral lines of the sidewalk at right angles to the centerline. Also, any portion of a roadway at an intersection or elsewhere that is distinctly indicated for pedestrian crossing by lines or other markings on the surface.
- Crossing, Midblock. A crossing point positioned within a block rather than at an intersection.
- Detectable Warning. Standardized surface feature built in, or applied to, walking surfaces or other elements to warn pedestrians with vision impairments of hazards on a sidewalk and/or landing platform, such as the curb line or drop-off.
- Landing. Level area of sidewalk at the top or bottom of a ramp.
- Pedestrian. A person afoot, in a wheelchair, or walking a bicycle.
- Pedestrian-Actuated Traffic Signal. Push button or other control operated by

pedestrians designed to interrupt the prevailing signal cycle to permit pedestrians to cross a signalized intersection or midblock crossing.

- Pedestrian Facility. A facility provided for the benefit of pedestrian travel, including walkways, crosswalks, signs, signals, illumination and benches.
- Refuge Island. An island in the center of a road that physically separates the directional flow of traffic and can provide pedestrians with a place of refuge and reduce the crossing distance between safety points.
- Sidewalk. A walkway separated from the roadway with a curb, constructed of a durable, hard and smooth surface, designed for preferential or exclusive use by pedestrians.
- Tactile Warning. Change in surface condition providing a tactile cue to alert pedestrians with vision impairments of a potential hazardous situation.
- Vibrotactile Pedestrian Device. Device that communicates information about pedestrian timing through a vibrating surface by touch.
- Vision Impairment. Loss or partial loss of vision.
- Walk Interval. Traffic signal phase in which the WALKING PERSON (symbolizing WALK) signal indication is displayed.
- Walkway. A transportation facility built for use by pedestrians, including persons in wheelchairs. Walkways include sidewalks, paths and paved shoulders.

Person. A natural person, firm, partnership, association, social or fraternal organization, corporation, trust, estate, receiver, syndicate, branch of government, or any group or combination action as a unit.

#### **Permitted Transportation Uses and Activities**

- Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.
- Projects specifically identified in the Transportation System Plan and Bicycle and Pedestrian Plan as not requiring further land use regulation.
- Landscaping as part of a transportation facility.
- Emergency measures necessary for the safety and protection of property.
- Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan and Bicycle and Pedestrian Plan except for those that are located in exclusive farm use or forest zones.
- Construction of a street or road as part of an approved land division.

Planning Official. A City employee or contract employee designated by the City Council to administer this ordinance.

Plat. An exact and detailed map showing the subdivision of land.

Primary. The largest or most substantial element on the property, as in "primary" use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Primary Residence. A dwelling where one actually lives for determination of his civil status or other legal purposes because it is actually or legally his permanent and principal home. All other similar elements are secondary in size or importance.

Public Facilities and Services. Projects, activities, and facilities which the City determines to be necessary for the public health, safety and welfare.

### **Road and Roadway, Alley and Street Definitions**

- Alley. A narrow street which affords only secondary means of access to property.
- Right-Of-Way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility, or other public purpose.
- Road, Frontage or Service Road. A public or private drive which generally parallels a public street between the right-of-way and the front building setback line. The frontage road provides access to private properties while separating them from the arterial street.
- Road, Private. Any roadway for vehicular travel which is privately owned and maintained and which provides the principal means of access to abutting properties.
- Road, Public. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
- Roadway Construction or Reconstruction. Does not include maintenance and repair of existing roadways, or providing a gravel or paved surface to existing vehicular travel lanes of 24 feet or less within dedicated rights-of-way.
- Roadway Functional Classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
- Roadway Intersection Functional Area That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
- Roadway Pavement Markings. Painted or applied lines or legends placed on a roadway surface for regulating, guiding or warning traffic.
- Roadway, Signed Shared. A shared roadway which has been designated by signing or directional pavement markings as a preferred route for bicycle use.
- Roadway, Shared. A type of bikeway where bicyclists and motor vehicles share the same travel lane.
- Roadway, Shoulder. The portion of a roadway that is contiguous to the travel lanes provided for pedestrians, bicyclists, emergency use by vehicles and for lateral support of base and surface courses.
- Street. A public or private right-of-way which provides ingress and egress to adjacent properties for vehicular, bicycle, pedestrian, public utilities and other such uses. The term "street" shall include such designations as "highways," "roads," "lane," "avenue," "alley," "court," or other such similar terms.
- Street, Arterial. Higher volume streets with a minimal number of access points, providing direct routes between cities, districts, and neighborhoods; includes sidewalks and bike lanes.
- Street, Collector. Serves local access needs through connecting local streets to arterial; includes sidewalks and may have on-street parking and bike lanes.
- Street, Cul-de-sac or Dead-end Street. A short section of residential street intended to



serve only adjacent land in residential neighborhoods, typically includes a bulb-shaped turn-around area for emergency vehicles.

- Street, Half. A portion of the ultimate width of a street, usually along the edge of a subdivision, where the remaining portion of the street could be provided in another subdivision.
- Street, Minor. A street intended primarily for access to abutting properties.
- Street, Residential. Provides access to individual residential or multi-family lots, includes walkways, on-street parking, and is designed for very low speeds
- Street Stub-Out (Stub-street). A portion of a street or cross access drive used as an extension to an abutting property that may be developed in the future.

#### **Shared Bicycle and Pedestrian Definitions**

- Minimum Clearance Width. The narrowest point on a sidewalk or path. A minimum clearance width is created when obstacles, such as utility poles or tree roots, protrude into the sidewalk and reduce the design width.
- Reasonably Direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
- Safe and Convenient. Bicycle and pedestrian routes that are reasonably free from hazards, and provide a reasonably direct route of travel between destinations.
- Shared Use or Multi-Use Path. A path physically separated from motor vehicle traffic by an open space or barrier and either within a roadway right-of-way or within an independent right-of-way, used by bicyclists, pedestrians, joggers, in-line skaters, and other non-motorized users.

Sign. An identification, description, or device which is affixed to or represented directly or indirectly upon a building, structure or land and which directs attention to a product, place, activity, person, institution or business.

Significant Change in Trip Generation. A change in the use of the property, including land, structures or facilities, or an expansion of the size of the structures or facilities causing an increase in the trip generation of the property exceeding: (1) local — 10 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under local jurisdiction; or (2) State — exceeding 25 percent more trip generation (either peak or daily) and 100 vehicles per day more than the existing use for all roads under state jurisdiction.

Structure. Something constructed or built or piece of work artificially built up or composed of parts joined together in some definite manner. Structures with roofs are required to meet standard setbacks.

Structural Alteration. A change to the supporting members of structure including foundations, bearing walls, or partitions, columns, beams girders or any structural change in the roof or in the exterior walls.

Recreational Vehicle (R.V.). A vehicle or similar portable device including trailers,

campers, motor homes and the like, originally designed or presently constructed to permit temporary human occupancy for living or sleeping.

Recreational Vehicle (R.V.) Park. A lot which is operated on fee or other basis as a place for the parking or siting of two or more occupied R.V.'s.

Travelers' Accommodations. Any primary residence, which is not a hotel or motel, having rooms, apartments or sleeping facilities rented or kept for rent on a daily or weekly basis to travelers or transients for a charge or fee paid or to be paid for rental or use of facilities excluding hotels and motels in R1 and R2 zones.

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

Utility Structure. A building, plant, works or other property used for the development or transmission of a commodity including such commodities as water, gas, sewer service, electricity, telephone, and television.

Variance. A deviation either from the size or uses allowed within a given zone or area, subject to a public hearing, and provided that the resulting use or size generally conforms to the surrounding area or zone.

#### **Yard-Related Definitions**

- Setback. The distance between a building or other feature of development and a property line. Minimum and maximum setbacks may be required for front, side and rear yards. Building setbacks are measured from the foundation nearest the property line to the respective property line. Setbacks for covered decks and porches are measured from the edge of the deck or porch nearest the property line to the property line.
- Yard. An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance. Sidewalks, patios and unroofed decks are so excepted.
- Yard, Front. A yard between side lots lines and measured horizontally at right angles to the front lot line to the nearest point of a building or other structure.
- Yard, Rear. A yard between side lot lines and measured horizontally at right angles to the rear lot line to the nearest point of a building or other structure.
- Yard, Side. A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of the building or other structure.
- Yard, Side Street. A yard adjacent to a street between the front yard and the rear yard lot line measured horizontally and at right angles from the side lot line to the nearest point of the building or other structure.

Wayfinding. A system of information comprising visual, audible, or tactile elements that helps users experience an environment and facilities getting from point A to point B.

#### **Section 1.040. Compliance with this Ordinance.**

A lot or land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance permits. Penalties enforcing the provisions of this ordinance shall be set by Resolution of the City Council.

**Section 1.050. Relationship to Comprehensive Land Use Plan.**

A permit may be issued and a use allowed only as it conforms to this ordinance and as it relates to the City of Joseph's Comprehensive Land Use Plan, including the Transportation System Plan and the Bicycle and Pedestrian Plan.

**Section 1.060. Interpretation.**

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

**Section 1.070. Applicability.**

This ordinance shall be applicable to all land within the corporate limits of the City of Joseph, Oregon.

## **ARTICLE 2. ESTABLISHMENT OF ZONES**

**Section 2.010. Classification of Zones.**

For purpose of this ordinance, the following zones are hereby established:

<b><u>Zone</u></b>	<b><u>Abbreviated Designation</u></b>
Select Residential	R-1
General Residential	R-2
Commercial	C
Industrial	I

**Section 2.020. Location of Zones.**

The boundaries for the zones listed in this ordinance are indicated on Joseph Zone Map which is hereby adopted by reference. The boundaries shall be modified in accordance with the provisions of Joseph's Land Use Plan and with the zoning map amendments which shall be adopted by reference.

**Section 2.030. Zoning Map.**

A zoning map or zoning map amendment adopted by Section 2.020 of this ordinance by an amendment thereto shall be prepared or modified by authority of the City Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

**Section 2.040. Zone Boundaries.**

Unless otherwise specified, zone boundaries are section lines, subdivision lines, center lines of street or railroad right-of-ways, or such lines extended.

**Section 2.050. Zoning of Annexed Areas.**

Unzoned areas annexed to the City shall be zoned at the time of annexation and shall comply with the provisions and policies of the Joseph Land Use Plan and this ordinance.

**ARTICLE 3. USE ZONES**

**Section 3.010. Uses Permitted Outright in a Select Residential Zone, R-1.**

In an R-1 zone, the following uses and their accessory uses are permitted outright:

1. Single-family dwelling. A minimum floor space of 1,000 square feet of living space is required.
2. Manufactured homes, placed outside of a manufactured home subdivision provided they:
  - A. Be multi-sectional ("double wide" or wider) and enclose a floor area of not less than 1,000 square feet;
  - B. Be placed on an excavated and back-filled foundation, enclosed at the perimeter such that they are not located more than 12 inches above grade;
  - C. Have a roof with a minimum pitch of 3 feet in height for each 12 feet in width;
  - D. Have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the City;
  - E. Be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single family dwellings constructed under the state building code as defined in ORS 455.010;
  - F. Not be sited adjacent to any structure listed on the Register of Historic Landmarks and Districts.
3. Livestock grazing and crop cultivation including farm, orchard, truck garden or plant nursery.
4. Public park.
5. Temporary R.V.'s provided that:
  - A. Prior to its installation, the owner shall obtain a zoning permit for ninety (90) days with 180 days maximum per annum;
  - B. If not self-contained, the R.V.'s shall be connected, prior to issuance of the permit, to

the City's sewer and water system at the owner's expense;

- C. There shall be no more than one R.V. allowed per city lot or in addition to an existing single-family dwelling;
  - D. The storage of a non-occupied R.V. does not constitute a use.
- 6. Two-family (duplex) dwelling.
  - 7. Permitted transportation uses and facilities as defined in Section 1.030.

**Section 3.020. Conditional Uses Permitted in an R-1 Zone.**

In an R-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 6:

- 1. Church.
- 2. Community building.
- 3. School, public or private.
- 4. Home occupation.
- 5. Travelers' accommodation. The facility is subject to review during the first three years of the operation after which time a permanent permit for the facility as an accredited travelers' accommodation will be issued. Said accommodation shall also be subject to the following:
  - A. That each rental unit have one off-street parking space and the owner's unit have two parking spaces;
  - B. That only one ground or wall wood sign of six (6) square feet maximum size with no more than 150 watts of illumination be allowed;
  - C. An annual inspection by the County Health Department shall be required; and
  - D. That all State requirements be met.
- 6. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects which are:
  - A. Designated in the Transportation System Plan (including the Bicycle and Pedestrian Plan) but for which no site-specific decisions have been made; or
  - B. Not otherwise approved as the result of a land division, site development review or conditional use application.

**Section 3.030. Dimensional Standards in an R-1 Zone.**

In an R-1 zone, the following dimensional standards shall apply:

1. The front yard shall be a minimum of 15 feet except that garages shall be set back from the front line at least 20 feet as measured from the foundation.
2. Each side yard shall be a minimum of 5 feet, except that on the corner lots, the side yard on the street shall be a minimum of 10 feet.
3. The rear yard of the primary structure shall be a minimum of 20 feet. Accessory buildings shall have a rear yard of not less than five feet.
4. No structure shall be placed less than ten feet from the high water mark of any irrigation ditch or stream.
5. No structure shall be placed less than ten feet from the high water mark of the Wallowa River.
6. The minimum lot area shall be 5850 square feet.
7. The minimum lot width at the front building line shall be 50 feet.
8. No building shall exceed the height of 25 feet as measured from the base of the foundation, except church spire or as provided in SECTION 5.040.
9. All roofing must be non-reflective.
10. The dimensional standards of this section shall be met in the event of any future partition or lot line adjustment.

**Section 3.040. Uses Permitted Outright in a General Residential Zone, R-2.**

In an R-2 Zone, the following uses and their accessory uses are permitted outright:

1. Any use permitted outright in an R-1 Zone.
2. Multiple-family dwelling.
3. Church.
4. School, public or private.
5. Permitted transportation uses and activities as defined in Section 1.030, Definitions.

**Section 3.050. Conditional Uses Permitted in an R-2 Zone.**

In an R-2 zone, the following uses and their accessory uses are permitted when authorized in



accordance with Article 6:

1. Government use.
2. Hospital, nursing home or residential care facilities as defined by State Statutes.
3. Recreational vehicle park.
4. Utility structure.
5. Circus, fair and carnival.
6. Home occupation.
7. Traveler's accommodation. The facility is subject to review during the first three years of the operation after which time a permanent permit for the facility as an accredited travelers' accommodation will be issued. Said accommodation shall also be subject to the following:
  - A. That each rental unit have one off-street parking space and the owner's unit have two parking spaces;
  - B. That only one ground or wall wood sign of six (6) square feet maximum size with no more than 150 watts of illumination be allowed;
  - C. An annual inspection by the County Health Department shall be required; and
  - D. That all State requirements be met.
8. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects which are:
  - A. Designated in the Transportation System Plan (including the Bicycle and Pedestrian Plan) but for which no site-specific decisions have been made; or
  - B. Not otherwise approved as the result of a land division, site development review or conditional use application.

**Section 3.060. Dimensional Standards in an R-2 Zone.**

In an R-2 zone, the following dimensional standards shall apply:

1. The front yard shall be a minimum of 15 feet except that garages shall be set back from the front line at least 20 feet as measured from the foundation.
2. Each side yard shall be a minimum of 5 feet, except that on the corner lots, the side yard on the street shall be a minimum of 10 feet.

3. The rear yard of the primary structure shall be a minimum of 20 feet. The rear yard of an accessory structure shall be not less than five (5) feet.
4. No structure shall be built less than ten feet from the high water mark of any irrigation ditch or stream.
5. No structure shall be built less than ten feet from the high water mark of the Wallowa River.
6. The minimum lot area shall be 5850 square feet, except that for each dwelling unit over two, the minimum lot area shall be increased 1000 square feet per additional unit.
7. The minimum lot width at the front building line shall be 50 feet.
8. No building shall exceed the height of 25 feet, except a church spire or as provided in SECTION 5.040.
9. All roofing must be non-reflective.
10. The dimensional standards of this section shall be met in the event of any future partition or lot line adjustment.

**Section 3.070. Uses Permitted Outright in a Commercial Zone, C.**

In a C zone, the following uses are permitted outright:

1. Retail or wholesale establishment.
2. Eating or drinking establishment.
3. Financial institution.
4. Office.
5. Sign.
6. Hotel, motel.
7. Government use.
8. Community building, community center not including schools or churches.
9. Repair and maintenance shops.
10. Amusement establishment.



11. Second hand store.
12. Second floor residential.
13. Permitted transportation uses and activities as defined in Section 1.030, Definitions.

**Section 3.080. Conditional Uses in a C Zone.**

In a C zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 6:

1. Residential (Single and Multiple Family).
2. Mini-storage buildings.
3. Light industrial business.
4. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects which are:
  - A. Designated in the Transportation System Plan (including the Bicycle and Pedestrian Plan) but for which no site-specific decisions have been made; or
  - B. Not otherwise approved as the result of a land division, site development review or conditional use application.

**Section 3.090. Dimensional Standards in a C Zone.**

In a C zone, all new structures and any alterations, repairs, or extensions of an existing structure shall conform to the following standards:

1. All roofing must be non-reflective.
2. Height shall not exceed 30 feet as measured from the average elevation of the finished ground level at the center of all walls of a building to the highest point of the structure. This height of 30 feet is restricted to that portion of Highways 82/351 and the alley bordering the lot east or west of the property line. In all other commercial zones, the height is restricted to 25 feet as measured from the average elevation of the finished ground level at the center of all walls of a building to the highest point of the structure.
3. There shall be no yard setbacks in a C zone.

**Section 3.100. Uses Permitted Outright in an Industrial Zone, I.**

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

1. Repair and maintenance shops.
2. Light industry.

3. Mini-storage and storage building and warehouses.
4. Blacksmith and machine shops.
5. Welding shops.
6. Manufacturing, processing, or treatment plants or other uses which comply with State and Federal Environmental Quality standards.
7. Granaries.
8. Permitted transportation uses and activities as defined in Section 1.030, Definitions.

**Section 3.110. Conditional Uses Allowed in an I Zone.**

In the I zone, the following uses and their accessory uses are permitted when authorized in accordance with Article 6.

1. A single-family residential dwelling necessary for the caretakers, watchmen, or the owner of the industry existing on the parcel.
2. R.V. Parks.
3. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects which are:
  - A. Designated in the Transportation System Plan (including the Bicycle and Pedestrian Plan) but for which no site-specific decisions have been made; or
  - B. Not otherwise approved as the result of a land division, site development review or conditional use application.

**Section 3.120. Dimensional Standards in an I Zone.**

In the I zone, the lot size shall be determined by the anticipated use, providing it generally conforms to:

1. Existing land uses.
2. The provisions of the Joseph Land Use Plan.
3. The purpose of this ordinance.

## **ARTICLE 4. SUPPLEMENTAL PROVISIONS**

**Section 4.010. Maintenance of Minimum Ordinance 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 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.

**Section 4.020. Access Management and Connectivity.**

The purpose of this section is to implement the Transportation System Plan (including the Bicycle and Pedestrian Plan) by managing access to roadways while allowing for the safe and efficient movement of people and goods. The standards in this section are intended to maintain roadway safety, capacity, foster connectivity, be consistent with roadway functional classifications, and maintain highway mobility (level of service) standards set forth in the Transportation System Plan.

1. General Frontage Standard. Except as modified in this section, every lot shall abut a street, other than an alley, for at least 25 feet.
2. Applicability. Except for Subsection 4.020.1 above, Section 4.020 shall apply to arterial and collector streets (as defined in the Transportation System Plan) and to properties that abut such streets.
3. Cross Access for Major Traffic Generators Required. Subsection 4.020.3 applies to major traffic generators as defined in Section 1.030 and is intended to minimize traffic congestion from commercial and office development. Adjacent commercial or office properties identified as major traffic generators shall provide a cross access drive and bicycle and pedestrian access to allow circulation between sites.
4. Joint Use Driveways and Cross Access Easements Required Where Feasible. For commercial and offices uses that are not major traffic generators, a system of joint use driveways and cross access easements to allow circulation between sites shall be established and incorporate the following:
  - A. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
  - B. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles
  - C. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross-access via a service drive.
  - D. A unified access and circulation system plan for coordinated or shared parking areas.
  - E. The City of Joseph may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.
5. Shared Parking. Shared parking areas shall be permitted as a reduction in required

vehicle parking spaces if peak demands do not occur at the same time periods.

6. Implementation of Cross Easements and Shared Parking Agreements. Where cross access easements or shared parking are required and feasible, property owners shall:

- A. Record an easement with the deed allowing cross access to and from other properties served by the joint use driveways and cross access or service drive;
- B. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City of Joseph and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
- C. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.

7. Reduction in Access Separation Distances. The city may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- A. Joint access driveways and cross access easements are provided in accordance with this section.
- B. The site plan incorporates a unified access and circulation system in accordance with this section.
- C. The property owner enters into a written agreement with the (city/county), recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.

8. Driveway and Approach Standards. Driveways and their approaches shall meet the following standards:

- A. If the driveway is a one way in or one way out drive, then the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one way connection.
- B. For two-way access, each lane shall have a minimum width of 10 feet and a maximum width of 12 feet.
- C. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
- D. The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

9. Nonconforming Access Features. Legal access connections in place as of (date of

adoption) that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:

- A. When new access permits are requested; or
- B. Change in use, enlargements, or improvements that will increase trip generation to 400 daily trips or above.

10. Requirements for Consolidated Development Plans. Subsection 5 promotes unified access and circulation systems.

- A. Plans for phased developments, development sites under the same ownership, or development sites that have been consolidated for the purposes of development and comprised of more than one building site, shall be reviewed as single properties in relation to the access standards of this ordinance.
  - a. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage.
  - b. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans.
  - c. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.
- B. All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles, and pedestrian walkways.

11. Access to Street of Lower Classification Required.

- A. Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
- B. New direct accesses to individual one and two family dwellings shall be prohibited on all but District-level State Highways.

**Section 4.023. Corner Clearance Standards.**

- 1. Corner clearance for access connections shall meet or exceed the minimum access connection spacing requirements for that roadway.
- 2. New access connections shall not be permitted within the functional area of an intersection as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.

3. Where no other alternatives exist, the Planning Official may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e. right in/out, right in only, or right out only) may be required.

**Section 4.025. Commercial Building and Parking Orientation Standards.**

1. New commercial buildings shall be oriented to the street, near or at the setback line. A main entrance shall be oriented to the street. For lots with more than two front yards, the building(s) shall be oriented to the two busiest streets.
2. Off-street motor vehicle parking for new or expanded commercial development shall not be located between the building and Main Street in the downtown area. Existing downtown off-street parking areas are exempt from this standard.

**Section 4.027. Pedestrian Circulation and Bicycle Circulation and Parking.**

Safe and convenient pedestrian and bicycle access shall be provided within new subdivisions, and within new or expanded multi-family, commercial, industrial, school, park and office developments as set forth in this section.

1. Bicycle and Pedestrian Access. Bicycle and pedestrian access shall provide safe, direct and convenient connections to adjacent streets, as well as residential areas and neighborhood activity centers within one-half mile of the development.
  - A. Residential developments shall include streets with walkways and accessways.
  - B. Pedestrian circulation through parking lots shall be provided in the form of accessways or other clearly defined walkways.
  - C. Internal pedestrian circulation shall be provided by clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.
  - D. Bikeways shall be required along all arterial and collector streets. Striped bike lanes or other separated bikeways shall be provided on roadways serving 3,000 vehicle trips per day or greater.
  - E. Walkways shall be required along both sides of all arterials, collectors, and local streets.
2. Bicycle Parking. Bicycle parking shall be provided for new multiple family, commercial, office, industrial, park, school and other institutional uses, and to additions to these uses of 1,000 square feet or greater. Bicycle parking is not required for single-family and two-family housing (attached, detached, or manufactured housing), home occupations, agriculture or livestock uses. Table A sets forth bicycle parking standards. Where two options are provided, the option resulting in more bike parking shall be used.

<b>Table A. Minimum Required Bicycle Parking Spaces</b>
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<b>Table A. Minimum Required Bicycle Parking Spaces</b>			
Use Categories	Specific Uses	Long-Term Spaces (covered or enclosed)	Short-Term Spaces (near building entrances)
<b>Residential Categories</b>			
Household Living	Multi-Family	1 per 4 units	2, or 1 per 20 units
Group Living		2, or 1 per 20 bedrooms	None
	Dormitory	1 per 8 bedrooms	None
<b>Commercial Categories</b>			
		2, or 1 per 12,000 sq. ft. of floor area	2, or 1 per 5,000 sq. ft. of floor area
	Lodging	2, or 1 per 20 rentable rooms	2, or 1 per 20 rentable rooms
Office		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 40,000 sq. ft. of floor area
Commercial Outdoor Recreation		8, or 1 per 20 auto spaces	None
Major Event Entertainment		8, or 1 per 40 seats per CU review	None
<b>Industrial Categories</b>			
Manufacturing and Production		2, or 1 per 15,000 sq. ft. of floor area	None
Warehouse and Freight Movement		2, or 1 per 40,000 sq. ft. of floor area	None
<b>Institutional Categories</b>			
Basic Utilities	Bus Transit Center	8	None
Community Service		2, or 1 per 10,000 sq. ft. of floor area	2, or 1 per 10,000 sq. ft. of floor area
	Park-and-Ride	8, or 5 per acre	None
Schools	Grades 2-5	1 per classroom, or per CU review	1 per classroom, or per CU review
	Grades 6-12	2 per classroom, or per CU review	4 per classroom, or per CU review
Colleges	Excluding dormitories (see Group Living above)	2, or 1 per 20,000 sq. ft. of net building area, or per CU review	2, or 1 per 10,000 sq. ft. of net building area, or per CU review
Medical Centers		2, or 1 per 70,000 sq. ft. of net building area, or per CU review	2, or 1 per 40,000 sq. ft. of net building area, or per CU review
Religious Institutions and Places of Worship		2, or 1 per 4,000 sq. ft. of net building area	2, or 1 per 2,000 sq. ft. of net building area
Daycare		2, or 1 per 10,000 sq. ft. of net building area	None
Other Categories	Determined through Site Development or Conditional Use Review as applicable		

- A. **Location and Design:** Long-term (e.g., covered) bicycle parking should be incorporated whenever possible into building design. Short-term bicycle parking, when allowed within a public right-of-way, should be coordinated with the design of street furniture, as applicable.
- B. **Visibility and Security:** Bicycle parking for customers and visitors of a use shall be visible from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.

- C. Options for Storage: Long-term bicycle parking requirements for multiple family uses and employee parking can be met by providing a bicycle storage **room**, bicycle lockers, racks, or other secure storage space inside or outside of the building.
- D. Lighting: For security, bicycle parking shall be at least as well-lit as vehicle parking.
- E. Reserved Area: Areas set aside for bicycle parking shall be clearly-marked and reserved for bicycle parking only.
- F. Hazard: Bicycle parking shall not impede or create a hazard for pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards.
- G. Additional Location and Design Guidance: The Design Guidelines chapter of the 2009 Joseph Bicycle and Pedestrian Plan provides further guidance on the location and design of short- and long-term bicycle parking facilities.

**Section 4.030. General Provisions Regarding Accessory Use.**

An accessory use or structure shall comply with the requirements for a principal use or structure, except as this ordinance specifically allows to the contrary. Accessory structures are allowed in all zones.

**Section 4.040. Signs in a Residential Zone.**

In an R-1 or R-2 zone, signs are generally regulated and allowed as follows:

- 1. One temporary sign pertaining to the lease, rental or sale of the property and not exceeding eight square feet in area.
- 2. One temporary sign per tract of land or subdivision advertising the sale of the tract of land or lots and not exceeding 32 square feet in area.
- 3. A temporary political sign, not exceeding 6 square feet in area, purporting to advertise a candidate or issue for a period not to exceed 60 days prior to the date of an election. Said sign must be removed not later than 10 days after the date of the election.
- 4. Private signs shall not be allowed in any portion of a public right-of-way unless specifically authorized by the City.
- 5. Sign ordinance 2003-02 governs signs in the Commercial Zone.

**Section 4.050. Fences and Intersection Safety.**

Fences and walls that are located within yards shall comply with the standards of this section and shall require a permit prior to construction.

- 1. Residential Zone: In residential zones in the City.
  - A. No solid fence shall be higher than six (6) feet above the natural ground level at any place: provided, however, that woven wire fences eight (8) feet in height are allowed.



- B. Arches and arbors over a gate may be up to eight (8) feet above the natural ground level.
- 2. Commercial and Industrial Zones: In commercial and industrial zones in the City.
  - A. Properties abutting a residential zone shall comply with their specific zone.
  - B. Any fence abutting alleys must comply with their specific zone.
  - C. Maximum fencing of eight (8) feet in height is allowed. Barbed wire may be allowed between six and eight feet in height, with each strand spaced equally apart and not more than three strands.
- 3. All zones throughout the City.
  - A. No fence or vegetation shall materially obstruct or impair visibility at intersections of public roads, private roads and/or alleys.
  - B. Electric fences are prohibited, except electric fences which are located at two feet distance inside an existing woven wire or solid fence.
  - C. No fences shall be located on or within any public right of way. Any pre-existing fence located on or within a public right of way (is grand-fathered in as of this date) any fence after this date shall be removed by and at the sole cost and expense of the owner of the property benefited by the fence, within 30 days as requested by the City.
  - D. No fence shall materially impair access to the City's or any public utilities' infrastructure within a public right of way.
  - E. If a fence has one surface which is finished and another which is unfinished, the supporting system and unfinished surface shall face the interior of the lot or parcel of the person erecting the fence.
- 4. Building Requirements. As applicable, the construction, repair and replacement of fences shall comply with the Uniform Building Code as administered by the State Building Codes Department.
- 5. Effective Date.
  - A. All fences constructed before the effective date of this Section 4.050 with the exception of unsightly or hazardous fences shall be deemed to be in compliance with the City of Joseph Zoning Ordinance. After the effective date of this Section 4.050, all further fence construction and replacement shall comply with this Section 4.050.
  - B. The effective date of this Section 4.050 is April 7, 2006.

6. **Self Help Remedy.** If any person violates this Section 4.050, without limiting the other rights and remedies of the City or any affected person, the City may give the person notice of the violation, and if the violation is not cured within 30 days after the date such notice is given, a court hearing will take place, with the sole cost and expenses being that of the property owner.

**Section 4.060. Flood Plain.**

No structure constructed, reconstructed or altered shall be located within a flood plain area as identified in the City of Joseph's Land Use Plan unless adequate flood precaution measures have been taken according to the Department of Housing and Urban Development guidelines.

**Section 4.070. Historically Significant Buildings.**

The following provisions shall apply to buildings currently listed as being of historical importance in Joseph's Land Use Plan and future additions to that list. Uses, alterations or demolition of historical buildings shall be according to the following:

1. Historical buildings may be used conditionally for purposes not otherwise authorized in the zone in which they are located. Such conditional uses shall be granted only as they will preserve the integrity of the building and historic value and will be subject to review by the Council, following the provisions of Article 6.
2. Exterior alterations shall be in accordance with the following:
  - A. Upon receipt of an application for exterior alteration of a historic structure listed on the significant building list, the Council, at a public hearing, shall review the proposed alteration to determine whether the proposed changes will alter the resource's historical significance. This review shall be based on the criteria for determining historic significance contained in the comprehensive plan.
  - B. Exterior alterations as governed by this ordinance include any change or alteration of a facade, texture, design, material, fixtures, or other treatment.
  - C. All application for exterior alteration shall be accompanied by plans and specifications of the proposed alteration. The Council may request additional sketches and other information deemed necessary to make an informed decision.
  - D. The Council shall approve the change if the treatment proposed is determined to be harmonious and compatible with the character of the resource. In order to approve the application, the Council shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture, and construction materials and/or find that the alteration will enhance the historical value of the resource. Conditions may be attached to the approval if the Council so deems it necessary to achieve the above objectives. The Council shall disapprove the request if the proposal would reduce the resource's value or historic significance.

- E. Conditions attached to a permit for exterior alterations of a significant historic structure shall be limited to requirements addressing architectural design, surface, texture, materials, fixtures or other facade or surface treatments which are deemed inconsistent with the integrity of the historic values being preserved.
  - F. The Council shall not make any recommendations or requirements except for the purpose of preventing developments out of character with the historic aspects of the resource.
  - G. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspector shall certify is required by the public safety because of an unsafe condition.
3. A demolition permit shall be applied for when a historical building is to be destroyed. The permit application shall be reviewed by the City Council in a public hearing. If the permit is tentatively approved, demolition will not commence for a minimum of 90 days in order that an alternative to demolition may be devised. If no alternative is forthcoming at the end of the 90 day period, demolition may proceed.

**Section 4.080. Off-Street Automobile and Truck Parking.**

The City shall require that off-street parking be provided in connection with the establishment of new uses or the expansion of existing uses. The City shall require the standards of the Architectural Graphic Standards, the edition in effect on the effective date of this ordinance, adopted by reference. When square feet are specified, the area measured shall be the gross floor area of the building, but shall exclude any space within a building devoted to the off-street parking or loading. When the number of employees is specified, persons counted shall be those working on premises, including proprietors, during the largest shift at peak season. New uses shall provide off-street parking as listed in the following examples:

- |  |  |
|--|--|
| 1. Hotels, motels.   | One space per guest room.  |
| 2. Retail, wholesale, commercial establishment, eating or drinking establishments or financial institutions. | One space per 400 square feet floor area.                          |
| 3. Places of assembly, including fraternal organizations and churches.                                       | One space per 35 square feet of floor area used as a meeting room. |
| 4. Industrial/light industrial   | One space per employee.  |
| 5. Institutional uses, including hospitals, nursing homes, and rest homes.                                   | One space per two beds for patients or residents                   |

6. Multiple-family dwellings

One and one-half spaces per unit.

**Section 4.085. When a Transportation Impact Study (TIS) is Required.**

1. **Threshold.** An applicant shall submit a TIS when a proposed land use action affects a transportation facility as set forth below. The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development. The developer shall be required to mitigate impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.
  - A. If a proposed development will generate 400 or more daily trip ends, as defined by the Institute of Transportation Engineers (ITE), *Trip Generation Manual* or trip generation studies of comparable uses prepared by an engineer, then a TIS shall be required. The requirements for the TIS shall be established by the Planning Official in consultation with ODOT.
  - B. If a proposed development will generate 100 or more daily trip ends but less than 400 daily trip ends, then a Transportation Site Review (TSR) shall be required. The requirements of a TSR shall be established by the County Planning Department or City Planning Official in consultation with ODOT.
2. **Special Transportation Analysis.** Projects that generate less than 100 daily trip ends may also be required to provide traffic analysis when a capacity problem and/or safety concern is caused and/or is adversely impacted by the development. The Planning Official shall determine the scope of this special analysis in consultation with ODOT.

**Section 4.090. Home Occupations.**

1. A Home Occupation may only be conducted/approved if:
  - A. It is conducted at the primary residence of the applicant.
  - B. It is secondary to the use of the dwelling for dwelling purposes.
  - C. It does not change the residential character of the lot in any manner visible off the property.
  - D. The applicant is not a part time resident.
  - E. It does not create objectionable noise, noticeable vibration, or objectionable odor at the property lines.
  - F. It does not create waste or unsightly conditions visible off the property.
  - G. It does not create interference with radio or TV reception in the vicinity.

- H. It does not have full time employees on the premises who are not residents of the premises.
  - I. It occupies 33% or less of the dwelling floor area not considering basement and garage. No restriction shall be placed on the percentage of the accessory structure used for the home occupation as long as the residential character of the lot is not changed in any manner visible off the property.
  - J. It has sufficient parking for both the residential and specific business use as defined in this regulation.
  - K. Does not create a volume of traffic inconsistent with the level of traffic of the street on which it is located.
2. Applicant must show that his intended home occupation cannot be conducted in the commercial zone by the following:
- A. Available Space, and/or
  - B. Profit/Loss.
3. The following are examples of permitted home occupations provided they do not violate any of the provisions of the previous paragraphs.
- A. Dressmaking, sewing, and tailoring.
  - B. Painting, sculpting, or writing.
  - C. Telephone answering.
  - D. Home crafts, such as model making, rug weaving, lapidary work, and cabinet making.
  - E. Tutoring, or educational activity limited to four students at a time.
  - F. Home cooking and preserving.
  - G. Computer programming or Internet based business.
  - H. Barber shops and beauty parlors (limited to one chair).
  - I. Mail order operation.
4. The following are prohibited as home occupations:
- A. Any occupation as a part time resident.

- B. Animal hospitals.
  - C. Private clubs.
  - D. Repair shops.
  - E. Restaurants.
  - F. Stables or kennels.
  - G. Automobile repair or paint shops.
5. The purpose of a home occupation is to provide an incubation period for a business in a cost effective manner with the intent of moving to the commercial zone.
  6. Any proposed home occupation that is neither specifically permitted by paragraph (2) or specifically prohibited by paragraph (3) shall be considered a conditional use and be granted or denied by the City Council upon consideration of those standards contained in paragraph (1).
  7. In determining whether or not to grant a Conditional Use Permit for a home occupation, the City Council will assess the level of public contact, retail sales, or customer activity on the premises.

**Section 4.100. Flag Lots.**

Flag lots may be created to provide access to future development. A flag lot driveway may serve no more than two dwelling units unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six. A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure, or other obstacles shall be placed within the drive area.

## **ARTICLE 5. EXCEPTIONS**

**Section 5.010. Non-Conforming Use.**

1. A non-conforming use or structure may be continued but may not be altered or extended. The extension of a non-conforming use to a portion of a structure which was arranged or designed for the non-conforming use at the time of passage of this ordinance is not an enlargement or expansion of a non-conforming use. Any expansion of a non-conforming use or structure must meet the current standards set forth in this ordinance
2. If a non-conforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
3. If a non-conforming use is replaced by another use or structure, the new use shall conform to this ordinance. For example, single-wide mobile homes in any R-1 zone may not be replaced by other single-wide mobile homes even though they may be tenant



occupied and owned.

4. If a non-conforming structure or a structure containing a non-conforming use is destroyed by any cause to an extent exceeding 80% of its fair market value as indicated by the records of the County Assessor, a future structure or use on this site shall conform to this ordinance.
5. Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designation of use of a structure for which a permit has been issued by the City or state and construction has commenced prior to the adoption of this ordinance, providing the structure, if non-conforming or intended for a non-conforming use, is completed and in use within two years from the time the permit is issued.

**Section 5.020. General Exceptions to Lot Size Requirements.**

If a property ownership consisting of the entire contiguous land holdings held in a single ownership at the time of passage of this ordinance has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the holdings may be occupied by a use permitted in the zone subject to the other requirements of the zone, provided that, if there is an area deficiency, residential use shall be limited to a single-family dwelling or to the number of dwelling units consistent with the density requirements of the zone. The record of ownership as recorded in the office of the Wallowa County Clerk at the time of passage of this ordinance shall be the basis for application of this exception unless the owner submits proof that a different ownership existed at the time the provision of this ordinance became applicable to the land concerned.

**Section 5.030. General Exceptions to Yard Requirements.**

The following exceptions to yard requirements are authorized for a lot 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 intervening lot need not exceed the average depth of the front yards of the abutting lots.
2. If there is a building on one abutting lot which is within 100 feet of the lot and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth.

**Section 5.040. General Exceptions to Building Height Limitations.**

Vertical projections such as chimneys, spires, domes, elevator shaft housing, towers, aeries, flagpoles, and other similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

**Section 5.050. Projections from Buildings.**

Fixed architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and

flues shall not project more than 24 inches into a required yard.

**Section 5.060. Modifications to Access Standards.**

An applicant may seek relief from the access standards in Section 4.020 by providing factual evidence that addresses the following criteria:

1. The proposed modification is consistent with the stated purpose and intent of Section 4.020;
2. Unique or special conditions related to the property itself make strict application of the provisions impractical;
3. Indirect or restricted access cannot be obtained;
4. Every feasible option for meeting access standards has been seriously considered;
5. No engineering or construction solution can reasonably be applied to mitigate the condition;
6. No reasonable alternative access is available from a street with a lower functional classification than the primary roadway;
7. The need for the modification did not result from an previous action taken by the property owner (i.e., the hardship is not self-imposed).

**ARTICLE 6. CONDITIONAL USES**

**Section 6.010. Authorization to Grant or Deny Conditional Uses.**

A conditional use listed in this ordinance shall be permitted, altered or denied in accordance with the standards and procedures of this article. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, a change in the use or in lot area or an alteration of structure shall conform with the requirements for conditional use. In judging whether or not a conditional use proposal shall be approved or denied, the Council shall weigh the proposal's appropriateness and desirability or the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed. To approve such use, the Council shall find the following criteria are either met, or are not applicable.

1. The proposal will be in compliance with the City of Joseph's Comprehensive Land Use Plan and applicable provisions of this ordinance, including but not limited to the applicable dimensional standards of Article 3 and the supplemental provisions of Article 4.
2. Taking into account location, size, design and operation characteristics, the proposal will have minimal impact on the abutting properties and the surrounding area compared to the impact of the development that is permitted outright.

3. The location and design of the site and structures for the proposal will be as attractive and as consistent with other developments within the area and the zone as possible.
4. The proposal will preserve assets of particular interest to the community as may be identified within the Comprehensive Land Use Plan.
5. The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal and is not motivated solely by such purposes as the alteration of property value or speculative purposes.

**Section 6.015. Additional Review Criteria for Transportation Projects.**

The following criteria apply to transportation projects identified as conditional uses in the use zone:

1. Transportation projects shall comply with the Transportation System Plan and applicable review criteria and standards of this ordinance, and shall also be designed to:
  - A. Minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - B. Preserve or improve the safety and function of the facility through access management, traffic calming, or other design features.
  - C. Include provision for bicycle and pedestrian circulation as consistent with the Comprehensive Land Use Plan, Transportation System Plan (including the Bicycle and Pedestrian Plan) and other applicable requirements of this ordinance.
  - D. Be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
2. For State projects that require an Environmental Impact Statement (EIS) or Environmental Assessment (EA), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the criteria listed in this section.
3. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

**Section 6.020. Placing Conditions on a Permit.**

In permitting a new conditional use or the alteration of an existing conditional use, the Council may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as whole. These conditions may include the following:

1. Limiting the manner in which the use is conducted including restricting the time an activity may take place and restraints to minimize such environmental effect as noise, vibration, air pollution, glare and odor.
2. Establishing a special yard or other open space or lot area or dimension.
3. Limiting the height, size or location of a building.
4. Designating the size, number, location and nature of vehicle access points.
5. Increasing the amount of street dedication, roadway width or improvements within the street right-of-way.
6. Designating the size, location, screening, draining, surfacing or other improvement of a parking area or truck loading area.
7. Limiting or otherwise designating the number, size, location, height and lighting of signs.
8. Limiting the location and intensity of outdoor lighting and requiring its shielding.
9. Requiring diking, screening, landscaping or other facilities to protect adjacent or nearby property and designating standards for its installation and maintenance.
10. Designating the size, height, location and materials for a fence.
11. Protecting and preserving existing trees, vegetation, water resources, fish and wildlife habitat or other significant natural resources.
12. Requiring dedication of land for streets, transit facilities, walkways, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.
13. Requiring improvements such as paving, curbing, installation or contribution to traffic signals, construction of walkways, bikeways, accessways, paths, or streets that serve the proposed use where the existing transportation system may be burdened by the proposed use.
14. Other conditions to permit the development of the City in conformity with the intent and purpose of the Comprehensive Land Use Plan.

**Section 6.030. R.V. Conditional Use Standards.**

In addition to the standards of the zone in which the conditional use is located and the other standards of this ordinance and section, an R.V. park approved as a conditional use shall use the following procedures and meet the following standards:

1. All R.V. parks must be registered, operated and maintained as provided in ORS 446.002

to 446.200.

2. Application shall be made to the City Recorder for establishment of an R.V. park and shall contain a plot and area plan, legal description of the property, number of units to be established, name of applicant and such other information as required by State Law and considered necessary by the Council.
3. Application shall be accompanied by a non-refundable fee which has been set by the Council by Resolution and there shall also be an annual licensing fee of \$25.00. Said fees will be used to defray costs of administering the provisions of this ordinance.

**Section 6.040. Procedure for Taking Action on a Conditional Use Application.**

The procedure for taking action on a conditional use application shall be as follows:

1. A property owner may initiate a request for a conditional use by filing an application with the City Recorder.
2. Before the Council may act on a conditional use application, it shall hold a public hearing thereon, following the procedure as established in Section 10.060 of this ordinance.
3. Within 5 days after a decision has been made on a conditional use application, the City Recorder shall provide the applicant with written notice of the decision of the Council.

**Section 6.050. Time Limit on a Permit for a Conditional Use.**

Authorization of a conditional use shall be void after one year unless substantial construction pursuant thereto has taken place or unless specifically authorized by the Council for an additional period not to exceed one more year. Request for extension must be in writing prior to the deadline.

## **ARTICLE 7. VARIANCES**

**Section 7.010. Authorization to Grant or Deny Variances.**

The Council may authorize variances from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of this ordinance would cause an undue or unnecessary hardship. In granting a variance, the Council may attach conditions which it find necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of this ordinance. Variances shall not be granted for a use or for a lot size deviation that is specifically allowed as a use or a lot size within another zone.

**Section 7.020. Criteria for Granting a Variance.**

A variance may be granted only in the event that all of the following criteria are met.

1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography or other circumstances over which the owners of property since the



enactment of this ordinance had no control.

2. The variance is necessary for the preservation of a property right of the applicant, substantially the same as owners of the other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purpose of this ordinance or the property in the same zone or vicinity in which the property is located or otherwise conflict with the objectives of any City Plan or Policy.
4. The variance request is the minimum variance which would alleviate the hardship and the hardship was not self-imposed.

**Section 7.030. Procedure for Taking Action on a Variance Application.**

The procedures for taking action on a variance application shall be as follows:

1. A property owner may initiate a request for a variance by filing an application with the City Recorder using forms prescribed pursuant to Section 9.040.
2. Before the Council may act on a variance application, it shall hold a public hearing thereon, following the procedures as established in Section 9.060.
3. Within five (5) days after a decision has been rendered within reference to a variance application, the City Recorder shall provide the applicant with written notice of the decision of the Council.

**Section 7.040. Time Limit on a Permit for Variance.**

Authorization of a variance shall be void after one year unless substantial construction has taken place. However, the council may, upon request, extend written authorization for an additional period not to exceed one year.

## **ARTICLE 8. AMENDMENTS**

**Section 8.010. Authorization to Initiate Amendments.**

An amendment to the text of this ordinance, the Land Use Plan or to the zoning map may be initiated by the Council, the City Land Use Planning Commission (should one be established), or by application of a property owner. The request by a property owner for an amendment shall be accomplished by filing a statement of purpose or application with the City Recorder, consistent with ORS 227.220 and 227.240.

**Section 8.020. Public Hearings on Amendments.**

The Council shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall render a decision with 120 days from the date the application has been deemed complete. The decision shall be placed in written form and forwarded to the applicant within 5 days after the decision is made. The decision may constitute an approval, disapproval, or modified approval of the amendment.



**Section 8.030. Record of Amendments.**

The final decision of the council regarding an amendment to this ordinance or zoning map shall be maintained for public inspection in the office of the City Recorder.

**Section 8.040. Limitation of Reapplication.**

No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the Council within a one year period following denial of the request.

**Section 8.050. Amendment Review Criteria.**

This section sets forth criteria for amendments to adopted plans and land use regulations.

1. An amendment to land use regulations (i.e., the zoning, subdivision or annexation ordinances) must be consistent with the Comprehensive Land Use Plan and Transportation System Plan, including the Bicycle and Pedestrian Plan.
2. An amendment to the Comprehensive Land Use Plan or Transportation System Plan must be consistent with applicable Statewide Planning Goals and administrative rules.
3. An amendment to the Comprehensive Land Use Plan or implementing land use regulations which significantly affects a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:
  - A. Limiting allowed land uses to be consistent with the planned function of the transportation facility;
  - B. Amending the Transportation System Plan or Bicycle and Pedestrian Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,
  - C. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.
4. A plan or land use regulation amendment significantly affects a transportation facility if it:
  - A. Changes the functional classification of an existing or planned transportation facility;
  - B. Changes standards implementing a functional classification system;
  - C. Allows types or levels of land use that would result in levels of travel or access that are inconsistent with the functional classification of a transportation facility; or

- D. Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.

## **ARTICLE 9. ADMINISTRATIVE PROVISIONS**

### **Section 9.010. Interpretation.**

Where the conditions imposed by a provision of this ordinance are less restrictive than comparable conditions imposed by any other provisions of this ordinance or any other ordinance, the provisions which are more restrictive shall govern.

### **Section 9.020. Administration.**

The Council shall designate a City employee to administer this ordinance and the land division ordinance. The designate shall be known as the "Planning Official" and shall provide recommendations concerning applications made pursuant to the requirements of this ordinance and the land division ordinance. The City Recorder shall have final responsibility for issuing land use permits under this ordinance.

### **Section 9.030. Appeals.**

Final decision of the Council may be appealed in compliance with ORS 197.763, provided that the appeal is filed within twenty-one (21) days after the officer has rendered his decision. Written notice of the appeal shall be filed with the City Recorder.

### **Section 9.040. Forms of Petition, Applications and Appeals.**

Petitions, applications and appeals provided for in ordinance shall be made on forms prescribed by the City. Applications shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; and the sizes and locations on the lot of existing and proposed structures; the intended use of each structure; the number of families, if any, to be accommodated thereon; the relationship of the property to the surrounding area; and such other information as is needed to determine conformance with the purpose of this ordinance.

### **Section 9.050. Filing Fees.**

Fees for applications shall be paid to the City Recorder upon filing an application. Such fees, which shall be set by resolution of the Council, will be used to defray the cost of administering this ordinance and shall be non-refundable.

### **Section 9.060. Public Hearings.**

1. Each notice of a public hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least 20 but not more than 30 days prior to the date of the hearing.
2. In addition, a notice of hearing on a conditional use, a variance or an amendment to a zone boundary shall be mailed to all owners of property within 250 feet of the property for which the variance, conditional use or zoning map amendment has been requested. The notice of hearing shall be at least 20 days prior to the date of the hearing and shall be by regular mail, first class.

3. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
4. The Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decided may be interested in the application being considered. Upon recessing a hearing, the time and date when the hearing is to be resumed shall be announced.

**Section 9.070. Consolidated Procedure.**

An applicant may apply at one time for all permits or zone changes needed for a development project. The applicant can consolidate any presentations/testimony that would customarily be given separately with respective applications. The consolidated proposal shall be reviewed with respect to the appropriate provisions of this ordinance. Although the application can be presented as a consolidated proposal, separate approvals/denials will be given for the various components of the proposal with regard to the permits being requested.

**Section 9.080. Time Limit on Decisions.**

The City shall take final action on an application for a permit or zone change, including resolution of all appeals under ORS 227.180, within 120 days after the application is deemed complete. The 120 day period may be extended for a reasonable period of time at the request of the applicant. This provision does not apply to Comprehensive Land Use Plan amendments.

**Section 9.090. Approval Without Hearing.**

The City Council or Planning Official may approve or deny an application for a permit other than a Conditional Use Permit or Variance without a hearing if the City gives notice of the decision and provides an opportunity for an appeal of the decision to those persons who would have had a right to notice if a hearing had been scheduled or who are adversely affected or aggrieved by the decision. Notice of the decision shall be given in the same manner as notice of the hearing would have been given if a hearing had been held. An appeal shall be heard by the City Council as a de novo hearing.

**Section 9.100. Notice Regarding Land Use Actions.**

1. Notice shall be sent to ODOT regarding any land use action on or adjacent to a state transportation facility.
2. Notice shall be sent to the City or County public works department as appropriate, regarding any land use action that potentially affects another jurisdiction's transportation facility. Notice also shall be sent to ODOT.
3. Upon written request, notice shall be sent to providers of public transit and special interest transportation groups such as truckers, railroad, bicyclists, pedestrians, and disabled persons regarding any roadway or other transportation project.

## **ARTICLE 10. ZONING AND SITE DEVELOPMENT REVIEW PROCEDURES**

**Section 10.010. Purpose.**

The purpose of Article 10 is to:

1. Provide procedures and standards for administration of Zoning and Site Development Review permits;
2. Promote the public health, safety and general welfare by carrying out Comprehensive Land Use Plan and Transportation System Plan policies; and
3. Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards.

**Section 10.020. Applicability.**

Either Zoning Review or Site Development Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing and similar maintenance and repair shall be exempt from review.

1. **Zoning Review.** Zoning Review is a review conducted by the Planning Official without a public hearing. It is for minor developments, such as single family homes on existing lots, that do not require a conditional use permit or site development review approval. Zoning Review ensures compliance with the basic land use and development standards of the use zone, such as lot area, building setbacks, lot coverage, maximum building height, and other provisions of Article 3. Zoning Review is required for all of the types of land uses and development listed below. Land uses and developments exceeding the thresholds below require Site Development Review.
  - A. Change in occupancy from one type of land use to a different land use;
  - B. Single-family detached dwelling (including manufactured home on its own lot);
  - C. A single duplex, or up to two single family attached (town home) units not requiring a land division, and accessory parking on the same lot;
  - D. Non-residential building additions up to 1000 square feet or 50% of an existing structure;
  - E. Home occupations;
  - F. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Article 6 - Conditional Use Permits;
  - G. Temporary uses requiring a permit;

H. Accessory structures and accessory parking;

I. Development and land uses that are part of a previously approved Site Development Review or Conditional Use Permit application;

J. Public improvements required by a condition of development approval (e.g., transportation facilities and improvements, parks, trails, and similar improvements, as determined by the Planning Official).

2. **Site Development Review.** Site Development Review is conducted by the Planning Official or City Council (if referred to the Council by the Planning Official) in accordance with this section.

A. Site Development Review applies to commercial, industrial, institutional, public and multi-family residential development that is not specifically listed under Section 10.020.1 above (applications subject to Zoning Review).

B. Site Development Review ensures compliance with the land use and development standards in Article 3 (e.g., lot area, building setbacks, lot coverage, maximum building height) and the supplemental development standards and public improvement requirements in Article 4.

**Section 10.030. Zoning Review Procedure and Standards.**

When Zoning Review is required, it shall be conducted prior to issuance of building permits, occupancy permits, business licenses, or public improvement permits, as determined by the Planning Official. An application for Zoning Review shall be approved only upon meeting all of the following standards:

1. The proposed land use or development is permitted by the underlying zoning district (Article 3); and
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height and other applicable standards of the underlying land use district are met (Article 3).

Zoning reviews do not address a project's compliance with applicable building, fire and life safety regulations.

**Section 10.040. Site Development Review - Application Review Procedure.**

When Site Development Review is required, it shall be conducted by the Planning Official or City Council (if referred by the Planning Official) after providing notice as set forth in Section 9.090 and using the application requirements and approval criteria contained in Sections 10.050 - 060, below.

**Section 10.050. Site Development Review - Application Submission Requirements.**



The following information is required for Site Development Review application submittal as deemed applicable by the Planning Official:

1. Site Development Review Information. An applicant for Site Development Review shall provide the following information.

A. A site analysis map showing:

- a. The applicant's entire property (properties under the same ownership) and the surrounding properties to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent properties and development.
- b. The property boundaries, dimensions and gross area shall be identified;
- c. Topographic contour lines at 2-foot intervals for slopes of less than 10 percent, and 5-foot intervals for steeper slopes;
- d. Identification of slopes greater than 25 percent;
- e. The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;
- f. Where available and relevant to the proposal, information related to: distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property; the number and direction of lanes to be constructed on the driveway, plus striping plans; planned transportation features (lanes, signals, bikeways, walkways, crosswalks, etc.); and trip generation data or appropriate traffic studies;
- g. Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;
- h. Resource areas, including marsh and wetland areas, streams, and wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
- i. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
- j. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;



- k. The location, size and species of trees and other vegetation having a caliper (diameter) of six (6) inches or greater at four feet above grade;
  - l. North arrow, scale, names and addresses of all persons listed as owners of the subject property on the most recently recorded deed; and
  - m. Name and address of project designer, engineer, surveyor, and/or planner, if applicable.
- B. Proposed site plan. The site plan shall contain the following information:
- a. The proposed development site, including boundaries, dimensions, and gross area;
  - b. Features identified on the existing site analysis maps that are proposed to remain on or removed from the site;
  - c. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  - d. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site.
  - e. Setback dimensions for all existing and proposed buildings shall be provided on the site plan.
- C. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access:
- a. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops);
  - b. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
  - c. Loading and service areas for waste disposal, loading and delivery;
  - d. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements;
  - e. Location, type, and height of outdoor fencing and lighting;
  - f. Location of mail boxes, if known;
  - g. Name and address of project designer, if applicable;

- h. Locations of bus stops and other public or private transportation facilities;
  - i. Locations, sizes, and types of signs;
  - j. Location of utility connections and pipe sizes.
- D. Architectural drawings. Architectural drawings showing one or all of the following shall be required for new buildings and major remodels:
- a. Building elevations (as determined by the Planning official) with building height and width dimensions;
  - b. Building floor plans with dimensions and use of rooms;
  - c. Building materials, colors and type;
  - d. The name of the architect or designer.
- E. Preliminary grading plan. A preliminary grading plan shall be required for development sites of 10,000 square feet or larger. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required by the City Engineer.
- F. Landscape plan. The Planning Official may require a landscape plan showing:
- a. The location and height of existing and proposed fences, buffering or screening materials;
  - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
  - d. Existing and proposed building and pavement outlines;
  - e. Specifications for irrigation (may be automatic or other approved method of irrigation) and anticipated planting schedule;
- G. Sign drawings shall be required in conformance with this ordinance.
- H. Deed restrictions. Copies of all existing and proposed restrictions or covenants, including those for access control.

- I. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Section 10.060 Approval Criteria.
- J. Traffic Impact Study, when required, shall be prepared in accordance with City and ODOT requirements (Section 4.085).
- K. Public Facilities and Services Demand. The applicant shall work with City staff to assess the impact of the development on the transportation system (including street access, pedestrian ways and bikeways), the drainage system, the parks system, the water system, and the sewer system. For each public facility system and type of impact, improvements shall be identified necessary to meet City standards and to minimize the impact of the development.
- L. State Highway Access Permit. A copy of an approved State Access Permit shall be submitted for any proposal creating a new access or changing an existing access onto a State Highway;
- M. Other information determined by the Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features or project impacts (e.g., traffic, environmental features, natural hazards, etc.), in conformance with this ordinance.

**Section 10.060. Site Development Review - Approval Criteria.**

The Planning Official (or City Council on referral) shall make written findings with respect to all of the following criteria when approving, approving with conditions, or denying an application:

1. The application complies with all of the applicable provisions of the underlying Land Use District (Article 3).
2. The application complies with all of the development standards in this ordinance, with particular focus on Article 4 Supplemental Provision requirements.
3. Conditions of approval required as part of any prior Land Divisions Conditional Use Permits, or Variances (or other land use approvals) shall be met.
4. Conditions of approval require dedication of land for and improvements to public facilities (including but not limited to sanitary sewer, water, storm drainage, communication and transportation facilities) that will be impacted by or are inadequate to handle the additional burden caused by the proposed use.
5. Proposed roads follow the natural topography and preserve natural features of the site as much as possible and planned alignments minimize grading. The road system provides adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection. Access is properly placed in relation to sight distance, driveway

spacing, and other related considerations, including opportunities for joint and cross access and meets the access management standards in the Transportation System Plan.

6. An internal bicycle and pedestrian system of sidewalks or paths provides connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides and pedestrian linkages shall also be provided to the peripheral street system.
7. Any application that involves access to the State Highway System has been reviewed by the Oregon Department of Transportation for conformance with state access management standards.

**Section 10.070. Bonding, Assurances and Exactions.**

1. Performance (or "Completion") Bonds for Public Improvements. On all projects where public improvements are required, the City shall require a bond in an amount equal to the contract amount of the public improvements as a condition of site development approval in order to guarantee the public improvements. The City shall be named "obligee" on all bonds.
2. Release of Performance Bonds. The bond or assurance shall be released at the end of a one-year warranty period, which shall begin when the Planning official finds the completed project conforms to the site development approval, including all conditions of approval.
3. Completion of Landscape Installation. Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to 150% of the cost of the landscaping as determined by the Planning official or a qualified landscape architect is filed with the Planning official assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.
4. Dedication of Real Property – City Obligation. In situations where this ordinance requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is directly related to and roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

**Section 10.080. Development in Accordance With Permit Approval; Modifications; Permit Expiration.**

Development shall not commence until the applicant has received all of the appropriate land use and development approvals (i.e., site development review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required public improvements), and may require bonding or other assurances for improvements.

Development Review and Site Development Review approvals shall be subject to all of the following standards and limitations:

1. Modifications to Approved Plans and Developments. Minor modifications of an approved plan or existing development may be approved by the Planning Official under Zoning Review. However, major modifications, as determined by the Planning Official, shall be reviewed by the City Council under Site Development Review procedures.
2. Approval Period. Zoning Review and Site Development Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:
  - A. A public improvement plan or building permit application for the project has not been submitted within one year of approval; or
  - B. Construction on the site is in violation of the approved plan.
3. Extension. The Planning Official shall, upon written request by the applicant, grant a written extension of the approval period not to exceed one year; provided that:
  - A. No changes are made on the original approved site development review plan;
  - B. The applicant can show intent of initiating construction on the site within the one-year extension period;
  - C. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site development review shall be required; and
  - D. The applicant demonstrates that failure to obtain building permits within one year of site design approval was beyond the applicant's control.
4. Phased Development. Phasing of development may be approved with the Site Development Review application, subject to the following standards and procedures:
  - A. A phasing plan shall be submitted with the Site Development Review application.
  - B. The Planning Commission shall approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 3 years without reapplying for site development review.
  - C. Approval of a phased site development review proposal requires satisfaction of all of the following criteria:

- a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
- b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require Planning Commission approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.3.180. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
- c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
- d. An application for phasing may be approved after Site Development Review approval as a minor modification.



# APPENDIX F – JOSEPH LAND DIVISION ORDINANCE (2009) ADOPTED BY ORDINANCE 2009-01

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## CHAPTER 1. INTRODUCTORY PROVISIONS

**Section 101. Short Title.** This ordinance may be cited as the Joseph Land Division Ordinance (2009) and replaces the “Sub-division and Partitioning Ordinance of the City of Joseph, Wallowa County, Oregon” adopted by Ordinance No. 76-6.

**Section 102. Purpose.** In their interpretation and application, the provision of this ordinance shall be held to be the minimum requirement adopted for the public health, safety, and welfare. It is further provided to carry out the intent of the City of Joseph’s Comprehensive Land Use Plan and to promote orderly growth, consistent with the purposes of the plan.

**Section 103. Scope of Regulations.** All subdivision and partition plats created within the limits of the City of Joseph shall be approved in accordance with these regulations. A person desiring to subdivide land or desiring to partition land shall submit tentative plans and final documents for approval as required by this ordinance and Oregon Revised Statutes (ORS) Chapter 92.

**Section 104. Definitions.** Definitions used in this ordinance are found Section 1.030, Definitions in the Joseph Zoning Ordinance (2009) and include the following statutory definitions specifically related to the land division process:

Declarant means the person who files a declaration under ORS 92.075.

Declaration means the instrument described in ORS 92.075 by which the subdivision or partition plat was created.

Lawfully established unit of land means:

- A lot or parcel created pursuant to ORS 92.010 to 92.190; or
- Another unit of land created:
  - In compliance with all applicable planning, zoning and subdivision or partition ordinances and regulations; or
  - By deed or land sales contract, if there were no applicable planning, zoning or subdivision or partition ordinances or regulations.

Lawfully established unit of land does not mean a unit of land created to establish a separate tax account.

Lot means a single unit of land that is created by a subdivision.

Negotiate means any activity preliminary to the execution of a binding agreement for the sale of land in a subdivision or partition, including but not limited to advertising, solicitation and promotion of the sale of such land.

Parcel means a single unit of land that is created by a partition.

Partition means either an act of partitioning land or an area or tract of land partitioned.

Partition land means to divide land to create not more than three parcels of land within a calendar year. Partitioning does not include:

- A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance;
- The division of land resulting from the recording of a subdivision or condominium plat;
- A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(q) to (s). However, any property divided by the sale or grant of property for state highway, county road, city street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned; or
- A sale or grant by a public agency or public body of excess property resulting from the acquisition of land by the state, a political subdivision or special district for highways, county roads, city streets or other right of way purposes when the sale or grant is part of a property line adjustment incorporating the excess right of way into adjacent property. The property line adjustment shall be approved or disapproved by the applicable local government. If the property line adjustment is approved, it shall be recorded in the deed records of the county where the property is located.

Partition plat includes a final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a partition.

Plat includes a final subdivision plat, replat or partition plat.

Property line means the division line between two units of land.

Property line adjustment means the relocation or elimination of a common property line between abutting properties.

Replat means the act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in the subdivision.

Sale or sell includes every disposition or transfer of land or an interest or estate therein.

Subdivide land means to divide land to create four or more lots within a calendar year.

Subdivision means either an act of subdividing land or an area or a tract of land subdivided.

Subdivision plat includes a final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

Utility easement means an easement noted on a subdivision plat or partition plat for the purpose of installing or maintaining public or private utility infrastructure for the provision of water, power, heat or telecommunications to the public.

## **CHAPTER 2. FILING PROCEDURES FOR TENTATIVE PLANS**

**Section 201. Submission Of Tentative Subdivision Plan.** Whenever it is proposed to subdivide land, those persons responsible for said subdivision shall prepare and submit, at least five (5) copies of the tentative plan to the Planning Official's office at least fifteen (15) days prior to the City Council's regularly scheduled meeting. The tentative plan shall contain such information as indicated below.

**Section 202. Scale.** The tentative plan of a subdivision shall be on a scale of one inch equal 100 feet, or for areas over 100 acres, one inch equal 200 feet.

**Section 203. General Information.** The following information shall be shown on the tentative plan of a subdivision.

1. Name of Subdivision. The name of any proposed subdivision shall not be the same as or similar to any name used on a recorded plat within Wallowa County as required by ORS 92.090 and shall be approved by the Council.
2. Date, north point and scale of drawing.
3. An indication of the drawing as a tentative plan.
4. The township, range, and section in which the subdivision is located.
5. Names and addresses of the owner(s), sub-divider, and engineer or surveyor responsible for laying out the subdivision.
6. The location and dimensions of all existing or proposed streets within and adjacent to the proposed subdivision.

7. The location and design of all proposed pedestrian and bicycle facilities, including accessways.
8. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
9. Proposed sites if any, allocated for purposes other than single-family dwellings.
10. Location of existing and proposed access point(s) on both sides of the road where applicable;
11. Distances to neighboring constructed access points, median openings (where applicable), traffic signals (where applicable), intersections, and other transportation features on both sides of the property;
12. Number and direction of lanes to be constructed on the driveway plus striping plans;
13. All planned transportation features (such as walkways, bikeways, auxiliary lanes, signals, etc.);
14. Parking and internal circulation plans including walkways and bikeways;
15. A detailed description of any requested variance and the reason the variance is requested.
16. The location and design of bicycle parking facilities shall be indicated on the site plan. The development shall include the number and type of bicycle parking facilities required in section 4.087 of the City of Joseph Zoning Ordinance.
17. The location and approximate dimensions of proposed lots and the proposed lot and block numbers.
18. Proposed sites if any, allocated for purposes other than single-family dwellings.
19. Existing uses and significant natural features of the property and locations of existing structures to remain on the property after platting.
20. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision or partition, together with the purpose of conditions or limitations of such reservation, if any.
21. Location of any significant drainage ways or easements in or adjacent to the proposed subdivision.
22. Contour lines related to some established bench work or other datum approved by the City.

**Section 204. Supplemental Information.**

1. Water Supply. A brief statement indicating proposed source of water, estimated pressure, and other related water service facilities.
2. Sewage Disposal. A brief statement indicating proposed methods of sewage disposal, storm drainage, and data pertinent thereto.
3. Public Utilities. The location and kind of existing and proposed public utilities in or adjacent to the subdivision.
4. Ownership. A preliminary title report issued by a licensed title company indicating all owners of record may be necessary as determined by the City.
5. Additional Information. Such other information as deemed necessary by the City to comply with the intent of this ordinance shall be furnished by the sub-divider.

**Section 205. Preliminary Review of Tentative Plan.** Upon receipt, the Planning Official shall furnish one copy of a tentative plan and supplementary information to the City Mayor or manager and such other agencies as are known to be affected, including but not limited to irrigation districts, special water districts, fire districts, and school districts. The following access-related criteria for subdivision and site plan review shall be the basis for approval by the City:

1. All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.
2. Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
3. The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
4. An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development.
5. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
6. The access shall be consistent with the access management standards adopted in the Transportation System Plan.

**Section 206. Approval of Tentative Subdivision Plan.**

1. Within forty (40) days from the first meeting of the Council following submission of a tentative plan of a subdivision, the Council shall review the plan and the reports of appropriate officials, agencies and districts. The Council may approve the tentative plan



as submitted or as it may be modified in conformance with this ordinance. If the Council does not approve the plan, it shall so express its disapproval and its reason therefore in writing to the sub-divider.

2. No plan or map shall be approved unless it complies with ORS 92. Said approval of the tentative plan shall indicate approval of the final plat, provided, however, that no substantial changes are made in the subdivision and that the sub-divider complies with the requirements of this ordinance.

### **CHAPTER 3. FINAL PLAT**

**Section 301. Submission of the Subdivision Plat.** Within one year after approval of the tentative plan, the sub-divider shall cause the subdivision or any part thereof to be surveyed and a plat prepared in conformance with and indicating the same information as the approved tentative plan. Extensions may be granted as determined necessary by the City Council.

**Section 302. Action on Final Plat.** A subdivision plat, when ready for final approval prior to recording, shall be substantially in accord with the approved tentative plan.

1. Before approval by the City, the final plat shall indicate the signatures of all persons set out in the dedication, signatures of the mortgagees, if any, the signature of the County Surveyor, the signature of the County Assessor, and the seal of the registered professional engineer or registered land surveyor responsible for the laying out of the subdivision.
2. All signatures must be in black ink.
3. The plat shall be presented and prepared on such material as required by ORS 92.080.
4. The final plat, when presented for approval thereof by the City, shall be accompanied by an exact duplicate copy.
5. The City shall withhold final approval of a plat until a field check of the subdivision has been made as required by ORS 92.100.
6. If the City does not approve the plat, it shall advise the sub-divider of the changes or additions that must be made and shall afford the sub-divider an opportunity to make corrections.
7. If the City determines that the plat conforms to all requirements, as specified by this ordinance, it shall give its approval, provided supplemental documents and provisions for required improvements are satisfactory.

**Section 303. Time Limit for the Recording of a Plat.** Within ninety (90) days after the date the last required approving signature has been obtained, the sub-divider shall record the final plat. Failure to record within the ninety (90) day period may cause the subdivision to be declared null and void.



## **CHAPTER 4. PARTITIONING PROCEDURE**

**Section 401. General Information.** The following information shall be required when submitting a partitioning plan to the City for review:

1. North point, scale and date.
2. Names and addresses of the land owners, mortgagees, if any, the developer and the engineer or surveyor responsible for the surveying and preparation of the description for each parcel involved.
3. A plan of the proposed partitioning showing parcel dimensions, bearings of all lines, area of each parcel and the names of existing and proposed streets.
4. Topography, when considered necessary by the City.
5. Legal description.
6. A statement regarding contemplated water supply and sewage disposal for each tract.
7. Such additional information as the City deems necessary within the intent of this ordinance.

**Section 402. Submission and Approval of a Partition.** The Planning Official may approve a preliminary partition application when the following criteria are met:

1. The proposed parcels conform to the minimum lot size requirements of the zoning ordinance.
2. The proposed parcels conform to the provisions of the comprehensive land use plan.
3. The proposed parcels conform to the general provisions of this ordinance.

It is further provided that the Planning Official may, if considered so necessary, refer the application to the City Council for review.

**Section 403. Serial Partitioning.** Serial partitioning shall not be permitted in lieu of the subdivision process. The Planning Official or Council may require a master development plan prior to approving a partition.

## **CHAPTER 5. GENERAL REGULATIONS AND DESIGN STANDARDS**

**Section 501. Streets.** Each lot or parcel approved through the land division process shall abut a public or private street for the required minimum lot frontage for the zoning district where the lots or parcels are located. The location, width and grade of streets shall be considered in their relation to existing streets in the vicinity of the proposed subdivision or partition, to the

topographical conditions, and to the proposed use of land to be served by the streets and shall be, whenever possible, extension of existing center lines. Streets should intersect at or as near right angles as practicable. These regulations may be modified where the City determines that topography, or the small number of lots or parcels involved or other unusual conditions, justify such modification. If not otherwise indicated in the comprehensive plan or a capital improvement's plan, streets shall conform to standards of the Transportation System Plan (including the Pedestrian and Bicycle Plan) as summarized in Table A.

**Table A. Street Standards**

STREET TYPE	RIGHT-OF-WAY WIDTH	TOTAL SURFACE WIDTH	PARKING STRIP WIDTH	BIKE LANE	WALKWAY (PLANTING STRIP)	CURB RETURN RADIUS	MAXIMUM PERCENT OF GRADE	MINIMUM RADIUS OF CURVATURE
<b>Arterial</b>	80'	48'-52'	8' on both sides <sup>3</sup>	6' on both sides <sup>4</sup>	6'-18' <sup>2</sup> (7'-8') <sup>3</sup>	20'	10%	700'
<b>Collector</b>	66'-72'	32'-34'	7-8' on both sides <sup>3</sup>	5' on both sides <sup>4</sup>	5'-6' (7'-8') <sup>3</sup>	20'	12%	500'
<b>Local</b>	47'-51'	25'-28"	7'-8' parking on one side <sup>1</sup>	<u>None</u>	5-6' (7'-8')	15'	13%	100'
<b>Alley</b>	16'-20'	12'-16'	None	None	None	15'	10%	150'

Notes: For all right-of-ways, one street name sign shall be provided at each intersection for each street.

1. Parking may be provided on unpaved shoulder that is designated as a planting strip. The minimum sidewalk width on Main Street in downtown Joseph is 10 feet.
2. Optional planting strips and appropriate curb extensions may be accommodated within walkways.
3. In physically-constrained areas, a planter strip may be constructed in lieu of on-street parking; conversely, on-street parking may also be constructed in lieu of a planter strip at the City's discretion. Parking may consist of parallel or angled parking in downtown Joseph.
4. Narrower bike lanes may be allowed under certain circumstances, as explained in the Design Guidelines chapter of the Joseph Bicycle and Pedestrian Plan.
5. Standards for cul-de-sacs are addressed in Section 501.11 below.

1. Street Grades. No street grade shall be in excess of eight percent, unless the Council finds that, because of topographic conditions, a steeper grade is necessary.
2. Reserve Block. Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the Council, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case, unless the land comprising such strips is placed in the name of the City of Joseph for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the Council or such other person as may have jurisdiction.
3. Additional right-of-way. Where topographical requirements necessitate either cuts or fills for the proper grading of the street, additional right-of-way shall be required to allow

all cut and fill slopes to be within the rights-of-way.

4. Street Names. Except for extensions of existing street, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the Council.
5. Street Dedication. If an area or unit of land to be sub-divided or partitioned includes a portion of a right-of-way, highway or road, the location of which has been determined by the City, but which has not been acquired by the City, the person subdividing or partitioning said land shall dedicate such right-of-way, highway or road for the purpose or use proposed.
  - A. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.
  - B. In no instance shall a sub-divider be required to dedicate more than 25 percent of the total land area of the subdivision.
6. Radius At Street Intersection. The property line radius at street intersections shall be approved by the Council.
7. Two-level Streets. Where it is determined that two-level streets best serve hillside tracts, the right-of-way shall be of sufficient width to provide on each level, space for one sidewalk, plus a minimum width of 20 feet for roadway, curbs, and drainage facilities. Between the two street levels and out to the right-of way lines there shall be space for cut and fill slopes.
8. Street Improvements. All plans and specifications for street improvements, including pavement, curbs, sidewalks and surface drainage shall be approved by the Council prior to construction. Approval of the subdivision may be withheld until the Council is satisfied that some or all of the following improvements will be completed:
  - A. Clearing and grading to full right-of-way limits.
  - B. Storm drainage facilities both within and outside of right-of-way limits if determined to be so necessary by the Council.
  - C. Base and/or pavement materials for streets as required by the Council.
9. Connectivity. The street system of proposed land divisions shall be designed to connect with existing, proposed, and planned streets outside of the subdivision as provided in this Section.
  - A. Wherever a proposed land division abuts unplatted land or a future development phase

of the same development, street stubs shall be provided to provide access to abutting properties or to logically extend the street system into the surrounding area. All street stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the street shall be the responsibility of any future developer of the abutting land.

10. Local Connectivity. Minor collector and local residential access streets shall connect with surrounding streets to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation.

- A. Connections shall be designed to avoid or minimize through traffic on local streets.
- B. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.

11. Cul-de-Sacs and Accessways. Cul-de-sacs or permanent dead-end streets are discouraged but may be used to serve a proposed development plan where topographical, environmental, or existing adjacent land use constraints make connecting streets infeasible.

- A. Cul-de-sac lengths in excess of 300 feet are prohibited.
- B. Where cul-de-sacs are planned, accessways shall be provided connecting the ends of cul-de-sacs to each other, to other streets, or to neighborhood activity centers.

12. Corner Clearance.

- A. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
- B. New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
- C. Where no other alternatives exist, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (e.g., right in/out, right in only, or right out only) may be required.

13. Joint and Cross Access. Where land divisions are proposed in commercial areas the City shall require cross access easements and bicycle and pedestrian access as provided in the Joseph Zoning Ordinance, Section 4.020.

14. Access Connection and Driveway Design. Access connections and driveway design, where approved through the land division process, shall comply with the Joseph Zoning

Ordinance, Section 4.020.

15. Nonconforming Access Features. Legal access connections in place as of (date of adoption) that do not conform with the standards herein are considered nonconforming features. These access connections shall be brought into compliance with applicable standards under the following conditions:
  - A. When new access connection permits are requested; or
  - B. Change in use or enlargements or improvements that will increase trip generation are requested.
16. Accessways. Accessways, when required through the land division process, shall meet the following standards:
  - A. Accessways for pedestrians and bicyclists shall be 10 feet wide and located within a 20-foot-wide right-of-way or easement. If the streets within the subdivision are lighted, the accessways shall also be lighted. Stairs or switchback paths may be used where grades are steep, but shall be designed in a manner to facilitate reasonably direct pedestrian and bicycle access.
  - B. Accessways for pedestrians and bicyclists shall be provided at mid-block where the block is longer than 600 feet.
  - C. The Planning Official or City Council may determine, based upon evidence in the record, that an accessway is impracticable. Such evidence may include but is not limited to:
    - a. Physical or topographic conditions make an accessway connection impractical. Such conditions include but are not limited to freeways, railroads, extremely steep slopes, wetlands, or other bodies of water where a connection cannot reasonably be provided.
    - b. Buildings or other existing development on adjacent lands physically preclude a connection now or in the future, considering potential for redevelopment.
    - c. Where accessways would violate provisions of leases, easements, covenants, restrictions, or other agreements existing as of May 1, 1995 that preclude a required accessway connection.
17. Perimeter Street Dedication. If any lot abuts a street right-of-way that does not conform to the design specifications of this ordinance, the owner may be required to dedicate up to one-half of the total right-of-way width required by this ordinance.
18. Pedestrian Access and Circulation. Internal pedestrian circulation shall be provided in for all lots and parcels approved through the land division process.



19. Shared Parking. Shared parking is required as provided in the City of Joseph Zoning Ordinance, Section 4.020.

**Section 502. Subdivision Blocks.** Subdivision blocks, block lengths and widths shall be determined by giving consideration to the following factors.

1. The distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision.
2. Topography.
3. Adequate lot size.
4. Need for and direction of the flow of through and local traffic. Provided, however, that in no instance shall the block width be more than 300 feet.

**Section 503. Mid-block Accessways.** Where topographic or other conditions make it necessary or desirable, the Council may require an accessway through a block on a public right-of-way of such width, at such location and of such material or materials as the Council may specify.

**Section 504. Lot Dimensions.** All lots and parcels shall conform to minimums established in the City of Joseph Zoning Ordinance.

1. Each proposed lot must be buildable in conformance with the requirements of this ordinance and all other applicable regulations.
2. In cul-de-sacs the minimum lot or parcel line fronting the turnaround shall be 30 feet, and in no case, shall the lot or parcel width be less than 50 feet at the building line.
3. If topography, drainage or other conditions justify, the City may require a greater area on any or all lots or parcels.

**Section 505. Curved Front Lot Lines.** When front lot lines are on a curve or arc, the front line distances shall be indicated on the final plat by bearing and chord distance.

**Section 506. Lot Line.**

1. Side lot or parcel lines shall be as close to right angles to the front street line as practicable.
2. Unless otherwise approved, rear lot lines shall be not less than one-half the width of the front lot lines.
3. To provide for proper site design and prevent the creation of irregularly shaped parcels, the depth of any lot or parcel shall not exceed 3 times its width (or 4 times its width in rural areas) unless there is a topographical or environmental constraint or an existing man-made



feature such as a railroad line

**Section 507. Building Lines Along Streets.** Unless otherwise approved because of some unusual topographic or other conditions, minimum building lines shall be in accordance with setback requirements of the zone in which the subdivision or partition is located.

**Section 508. Public Survey Monuments.** Any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced in accordance with ORS 92.

**Section 509. Sewage Disposal.** All lots or parcels shall be serviced by the City's sewage system. It shall be the sub-divider's responsibility to furnish and install all material necessary to comply with City requirements on sewage disposal. These infrastructure improvements become the property of the City.

**Section 510. Water Supply.** The sub-divider shall be responsible for providing water lines and fire hydrants to each lot or parcel and connecting the subdivision to the City mains, as required by the Council. Adequate water pressure, as determined by the Oregon State Board of Health, will be provided to each lot by the Developer.

**Section 511. Underground Facilities.** All permanent utility services to lots in a sub-division shall be provided from underground facilities and no overhead utility service to a subdivision shall be permitted. The sub-divider shall be responsible for complying with the requirements of this section and shall:

1. Obtain all necessary permits for the placement of all underground facilities.
2. Make all necessary arrangements with utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the Public Utility Commissioner of the State of Oregon.
3. Underground easement for utilities shall be provided for by the sub-divider and set forth on the final plat. Each easement shall be a minimum of ten feet in width, and when possible, centered on a bordering lot line.

**Section 512. Improvement Guarantee.** The Council may, if deemed so necessary, execute an agreement with the sub-divider to have any or all of the above improvements provided by the sub-divider before the parcels within the proposed subdivision are offered to the general public for sale.

**Section 513. Flag Lot Standards.** Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials. Flag lots may be permitted for residential development when necessary to achieve planning objectives, such as reducing direct access to roadways, providing internal platted lots with access to a residential street, or preserving natural or historic resources,

under the following conditions:

1. Flag lot driveways shall be separated by at least twice the minimum frontage requirement of that zoning district.
2. The flag driveway shall have a minimum width of 10 feet and maximum width of 20 feet.
3. In no instance shall flag lots constitute more than 10 percent of the total number of building sites in a recorded or unrecorded plat, or three lots or more, whichever is greater.
4. The lot area occupied by the flag driveway shall not be counted as part of the required minimum lot area of that zoning district.
5. No more than one flag lot shall be permitted per private right-of-way or access easement.

**Section 514. Reverse Frontage.** When a residential subdivision is proposed that would abut an arterial, it shall be designed to provide through lots along the arterial with access from a frontage road or interior local road.

1. Access rights of these lots to the arterial shall be dedicated to the (city/county) and recorded with the deed.
2. A berm or buffer yard may be required at the rear of through lots to buffer residences from traffic on the arterial. The berm or buffer yard shall not be located with the public right-of-way.

**Section 515. Shared Access.** Land divisions with frontage on the state highway system shall be designed to have a maximum of two shared access points to and from the highway, regardless of the number of lots or businesses served.

1. If access off of a secondary street is possible, then access shall not be allowed onto the state highway. If access off of a secondary street is possible in the future, then the land division layout shall allow for conversion of access to that secondary road with a stub-out or reserved right-of-way.
2. New direct accesses to lots or parcels accommodating individual one and two family dwellings shall be prohibited on all state highways except district-level state highways

**Section 516. Pedestrian and Bicycle Circulation.** Safe and convenient pedestrian and bicycle access shall be provided within new land divisions. Bicycle access shall provide safe, direct and convenient connections to adjacent streets, as well as residential areas and neighborhood activity centers within one-half mile of the development. Residential developments shall include streets with walkways and accessways.

1. Bikeways and sidewalks shall be required along all arterials and collectors.
2. On-site facilities shall be provided that accommodate safe and convenient pedestrian and bicycle access within new subdivisions, multi-family developments, planned development,

shopping centers, and commercial districts, and connecting to adjacent residential areas and neighborhood activity centers within one-half mile of the development. Residential developments shall include streets with sidewalks and accessways. Pedestrian circulation through parking lots shall be provided in the form of accessways or other clearly-defined walkways.

3. Bikeways shall be required along all arterials and collectors. Striped bike lanes or other separated bikeways shall be provided on roadways serving 3,000 vehicle trips per day or greater.
4. Sidewalks shall be required along both sides of all arterials, collectors, and most local streets, except that sidewalks are not required along controlled access roadways (freeways).

**Section 517. Relief from Access Requirements.** The granting of relief from these access standards of this chapter shall be in harmony with the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored. Applicants for relief from these standards must provide proof of unique or special conditions that make strict application of the provisions impractical. Applicants shall include proof that:

1. Indirect or restricted access cannot be obtained;
2. No engineering or construction solutions can be applied to mitigate the condition; and
3. No alternative access is available from a street with a lower functional classification than the primary roadway.

## **CHAPTER 6. SPECIAL PROVISIONS**

**Section 601. Variance Process.** In requesting a variance, the applicant must submit a written statement specifying the reasons and conditions a specific variance should be submitted to the Council before the presentation of the final plat. In granting or denying a variance, the Council shall make a written record of its findings and reasons for supporting or denying the variance. Such findings shall be kept on file as a matter of public record.

**Section 602. Variance Application.** The Council may authorize conditional variance to requirements of this ordinance. A variance may be granted only in the event that all of the following circumstances exist:

1. Exceptional or extraordinary circumstances apply to the property that do not apply generally to other properties in the same vicinity and result from tract size or shape, topography or other circumstances.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same vicinity possess.

3. The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
4. The variance is the minimum variance which would alleviate the hardship and the hardship was not self-imposed.

**Section 603. Appeal and Request for Reconsideration.**

1. Any person may appeal a decision on a partition made by the Planning Official. The appeal shall be filed with the office of the City Recorder within ten (10) days of the Council's action.
2. Any person who participated in the review of a land division by the City Council may request reconsideration of the Council's decision. The request for reconsideration shall be filed with the office of the City Recorder within ten (10) days of the Council's action.
3. If still aggrieved by the Council's action, a person may use the procedures as provided in ORS 34.100.

**Section 604. Severability.** The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

**Section 605. Applicability.** This ordinance shall be applicable to all lands within the corporate limits of the City of Joseph, Oregon.

**Section 606. Penalties For Violation.** In addition to Penalties provided by State law, a person who violates or fails to comply with the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 100 days, or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues.

**Section 607. Establishment of Planning Commission.** If and when the City considers it desirable to establish a planning commission, as provided in ORS 227, the referral, recommendatory and subsequent appeal provisions normally attributed to a commission may be transferred from the Council to the Commission in matters relating to the enforcement of this ordinance.

**Section 608. Fees.** Land division fees shall be adopted by Council resolution and periodically will be amended to cover actual costs of development review.