

Chapter 2

Zoning Districts

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Section 2.1

ZONING DISTRICT ADMINISTRATION

2.1.100 Classification of Zoning Districts. All land within the city of Sutherlin is classified into zoning districts. The use of each lot, parcel and tract of land is subject to the uses permitted by the applicable zoning district. The zoning districts are as shown on the zoning district map.

2.1.110 Zoning District Map.

- A. Consistency with Zoning District Map.** The boundaries of zoning districts are indicated on the city's official zoning district map. Said map by this reference is made a part of this Sutherlin development code. A certified print of the adopted zoning district map, and any map amendments, shall be maintained by the city.
- B. Applicability of Zoning Requirements.** Each lot, tract and parcel of land or portion thereof within the zoning district boundaries as designated and marked on the zoning district map, is classified, zoned and limited to the uses as hereinafter specified and defined.
- C. Zoning District Map Amendments.** All amendments to the city zoning district map shall be in accordance with the provisions of section 4.8. The city shall make available for public inspection an up-to-date copy of the zoning map.

2.1.120 Determination of Zoning District Boundaries. Where due to the scale, lack of scale, lack of detail or illegibility of the city zoning district map, or due to any other reason, there is uncertainty as to the intended location of district boundary lines, the boundary lines shall be determined in accordance with the following:

- A.** Boundaries indicated as approximately following the center lines of streets, highways, railroad tracts or alleys shall be construed to follow such center lines;
- B.** Boundaries indicated as approximately following the boundaries of a parcel lot, or tract shall be construed as following such boundaries;
- C.** Boundaries indicated as approximately following a city boundary, or the urban growth boundary, shall be construed as following said boundary;
- D.** Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be construed as following river, stream and/or drainage channels or basins, as applicable; and
- E.** Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a zoning district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject zoning districts down the centerline of the right-of-way.

2.1.130 Accessory Buildings, Uses and Dwellings. Accessory uses and structures as defined in section 1.3 shall comply with the following standards:

- A. Primary Use Required.** An accessory structure shall not be allowed before or without a primary use, as identified in sections 2.2 through 2.5.

- B. Setback Standards.** Accessory structures shall comply with the applicable minimum setback standards of the zone; the maximum setback provisions shall not apply.
- C. Compliance with Subdivision Standards.** The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.
- D. Outdoor Sales/Display as an Accessory Use.** Temporary outdoor sales or displays shall not encroach into a public right-of-way.
- E. Special Use Standards.** The special use standards contained in section 2.6.100, Accessory Dwellings, and section 2.6.110, Accessory Uses and Structures, shall also apply.

Section 2.2

RESIDENTIAL DISTRICTS

2.2.100 Purpose and Applicability.

- A. Purpose.** The residential districts provide for neighborhoods ranging in densities from very low to moderately high. The differences in these densities and regulations are intended to support the varying lifestyles of the City's residents. The districts provide for a range of residential habitation including residential-hillside, single family, multifamily, manufactured home, and combinations thereof, together with home occupations, schools, parks, and public services necessary for neighborhood living.
- B. Applicability.** Residential zoning districts fall under four categories:
 1. Residential Hillside (RH); This district preserves the visual and physical identity of the hills, as well as the native geologic conditions so far as practicable through larger lot sizes and special construction standards, while permitting single family residential development.
 2. Low density residential (R-1); This district is a low density area that protects established single family neighborhoods and preserves the residential quality, value identity environmental privacy, light and air and outdoor space that is meant to conform to systems and facilities which support the residential quality of the area.
 3. Medium density residential (R-2); This district is a medium density area allowing a compatible mix of both single family and multiple family housing protected as to residential quality, value, identity, environmental privacy, light and air and outdoor space that is meant to conform to systems and facilities which support the residential quality of the area.
 4. Multifamily residential (R-3); This district is a medium to high density area meant to serve as a general residential district allowing a large variety of housing and densities without conflict together with certain nonresidential uses.

2.2.110 Permitted Uses, Conditional Uses, and Structures. Table 2.2.110 identifies land uses according to permit status. See key below the table:

Table 2.2.110 – Permitted Uses				
<i>Uses¹</i>	<i>Status of Use in District</i>			
	<i>RH</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
<i>Residential</i>				
Single Family Dwellings				
- Single family dwelling	S-P	P	P	P
- Single family non-attached zero-lot line	S-PUD	P	P	P
- Attached townhome – maximum of 4 attached	S-PUD	N	P	P
- Attached townhome – maximum of 8 attached	S-PUD	N	N	P
- Accessory dwellings	S-PUD	S	S	S
Duplex				
- Corner lot	S-PUD	P	P	P
- Interior lot	S-PUD	N	P	P
Manufactured Homes – individual lots	S-PUD	S	S	S
Manufactured Home Park	N	N	N	S
Multifamily Dwelling				
- 3 or 4 dwellings	N	N	P	P
- more than 4 dwellings	N	N	N	P
Residential care home/facility				
- Residential care home	C	S	S	S
- Residential care facility	N	N	S	S
Family daycare	P	P	P	P
Agriculture, Horticulture (and livestock) – Existing use	P	P	P	P
<i>Public and Institutional</i>				
Churches and places of worship	N	C	C	C
Clubs, lodges, similar uses	N	C	C	C
Government office and facilities (administration, public safety, transportation, utilities and similar uses)	N	C	C	C

Key:

- | | |
|---|---|
| <i>P = Permitted</i> | <i>RH = Residential hillside district</i> |
| <i>S = Permitted with special standards or limitations</i> | <i>R-1 = Low density district</i> |
| <i>C = Conditional use permit required</i> | <i>R-2 = Medium density district</i> |
| <i>N = Not permitted</i> | <i>R-3 = High density district</i> |
| <i>S-PUD Permitted With Planned Unit Development (All RH development applications require geotechnical study and report.)</i> | |

Table 2.2.110 – Permitted Uses				
<i>Uses¹</i>	<i>Status of Use in District</i>			
	<i>RH</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Libraries, museums, community centers, and similar uses	N	C	C	C
Public parks and recreational facilities	P	P	P	P
Schools (public and private)	C	P	P	P
Telecommunications structures (including wireless) (S)	C	C	C	C
Uses similar to those listed above	P/S/S- PUD/C/N	P/S/C/N	P/S/C/N	P/S/C/N
Bed and Breakfast Inns and Vacation Rentals	S/C	S/C	S/C	S/C
Accessory Use and Structures	P	P	P	P

2.2.120 Development Standards. Table 2.2.120 provides the development standards for Sutherlin’s residential districts.

Table 2.2.120 – Development Standards				
<i>Standard</i>	<i>RH</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Minimum Zone Size	None	None	None	None
Minimum-Maximum Density (dwelling units/net acre)	0-3 du/acre	0-6 du/acre	0-12 du/acre	8-27 du/acre
Minimum Lot Area (square feet)				
- single family non-attached lot	12,000 s.f.	7,500 s.f.	6,000 s.f.	5,000 s.f.
- duplex lot	na	9,000 s.f.	6,000 s.f.	6,000 s.f.
- single family attached lot	na	na	3,000 s.f.	2,000 s.f.
- multiple family lot	na	na	9,000 s.f.	6,000 s.f.

Key:

- | | |
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Table 2.2.120 – Development Standards

<i>Standard</i>		<i>RH</i>	<i>R-1</i>	<i>R-2</i>	<i>R-3</i>
Minimum Lot Dimensions (feet)					
- width at frontage – standard		50 ft.	50 ft.	40 ft.	40 ft.
- width at frontage – townhouse		24 ft.	n/a	24 ft.	24 ft.
- width at frontage – flag lot (Section 2.6.200)		20 ft.	20 ft.	20 ft.	20 ft.
- depth – alley right-of-way		100 ft.	90 ft.	80 ft.	70 ft.
- depth – no alley r-o-w.		100 ft.	100 ft.	90 ft.	80 ft.
Maximum Lot Coverage(1)		35% (Geotechnical Report Required)	50%	60%	60%
Minimum Dwelling Unit Size (except does not apply to accessory dwelling units)		1,200 sf.	1,200 s.f.	1,000 s.f.	no standard
Maximum Height In Feet	Primary structure	35 ft.	35 ft.	35 ft.	35 ft.
	Accessory structure	20 ft.	20 ft.	20 ft.	20 ft.
Minimum Setback in Feet	Front				
	- house	15 ft.	15 ft.	15 ft.	15 ft.
	- garage entrance	20 ft.	20 ft.	20 ft.	20 ft.
	Side – one story	5 ft.	5 ft.	5 ft.	5 ft.
	Side – two story	10 ft.	10 ft.	7 ft.	7 ft.
Side – townhouse (common wall)	0 ft.	0 ft.	0 ft.	0 ft.	
Street side	- one story	20 ft.	15 ft.	10 ft.	10 ft.
	- two story	20 ft.	15 ft.	15 ft.	15 ft.
Rear		10 ft.	10 ft.	10 ft.	10 ft.

(1) Compliance with other code standards may preclude development at the maximum allowable lot coverage.

Section 2.3

COMMERCIAL DISTRICTS

2.3.100 Purpose and Applicability.**A. Purpose.** The purpose of the commercial districts is to:

1. Allow a mixture of complimentary land uses that may include, retail, offices, commercial services, civic uses, and housing to create economic and social vitality and to encourage the linking of trips;
2. Develop commercial and mixed-use areas that encourage walking as an alternative to driving, and provide more employment and housing options;
3. Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
4. Provide both formal and informal community gathering places;
5. Provide roadway and pedestrian connections from the commercial districts to neighborhoods and other employment areas;
6. Maintain, preserve and enhance the distinct storefront character, which identifies the downtown commercial district;
7. Encourage efficient land use by facilitating compact development and minimizing the amount of land needed for surface parking;
8. Facilitate development (land use mix, density and design) that can be served by public transit where applicable;
9. Provide appropriate locations and design standards for automobile and truck-dependent uses;
10. Maintain mobility along traffic corridors and statewide highways; and
11. Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.

B. Applicability. Commercial zoning districts fall under two categories:

1. Downtown Commercial (C-1); and
2. Community Commercial (C-3).

2.3.110 Permitted uses, Conditional Uses, and Structures.

A. Permitted, Conditional Uses and Structures. The land uses listed in Table 2.3.110 are permitted in the commercial districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.3.110 and the land uses that are approved as “similar” to those in Table 2.3.110 may be permitted. The land uses identified with a “C” in Table 2.3.110 require conditional use permit approval prior to development, in accordance with section 4.5 Conditional Use Permits.

B. Determination of Similar Land Use. Similar use determinations shall be made in conformance with the procedures in section 4.9 Code Interpretations.

Table 2.3.110 – Permitted Uses		
Uses	Status of Use in District	
	C-1	C-3
<i>Residential</i> , provided that the residential component comprises not more than 50% of the building floor area.	P	P
Residential Home	CS	CS
Residential Facility	P	P
Residential Center	P	P
Commercial		
Retail Sales and Professional/Personal Service		
- enclosed within a building	P	P
- not enclosed	N	P
Restaurants	P	P
Office and Clinics (Professional, Medical, Dental, etc., including Medical Laboratories)	P	P
Mortuaries, Crematoriums and Columbarium excluding outside storage or display	P	P
Lodging, including Bed and Breakfast	P	P
Vehicle Sales and Services, Including fuel sales	C	P
Commercial and Public Parking	P	P
Commercial Storage		
- enclosed in an upper story of a building	P	P
- not enclosed in building or on ground floor	C	P
Entertainment		
- enclosed in building (e.g., theater)	P	P
- not enclosed (e.g., amusement)	C	C
Recreational Vehicle Sales, Services and Parks	C	P
Wholesale		
- enclosed in a building	C	P
- not enclosed in a building	N	P
Mixed Use (residential with commercial or civic use) See Residential, above.	P	P
Civic		
Government	P	P
Parks and Open Space	P	P
Private Utilities	P	P
Schools		
- pre-school, daycare, and primary	C	C
- secondary, colleges, and vocational	C	C
Clubs and Religious Institutions	C	C
Industrial		
Manufacturing and Production		
- greater than 5,000 sq. ft.	N	C
- not enclosed in a building or on ground floor	C	C

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Warehouse		
- enclosed in an upper story of a building	P	P
- not enclosed in a building or on ground floor	N	P
Telecommunications structures, including wireless	C/S	C/S
Transportation, Freight and Distribution	N	C
Industrial Service (e.g., cleaning, repair)	C	C
Processing of Raw Materials	N	C

Key:

P = Permitted

S = Permitted with special standards or limitations

C = Conditional use permit required

N = Not permitted

C-1 = Downtown Commercial District

C-3 = Community Commercial District

2.3.130 Development Standards. All developments within the commercial districts must comply with the development standards listed in Table 2.3.130.

Table 2.3.130 – Development Standards		
<i>Standards</i>	<i>Status of Standard in District</i>	
	C-1	C-3
Zone Size minimum	None	None
Building Height – maximum (feet)	50 ft. 60 ft. when at least 10,000 s.f. of floor area is residential	35 ft. 50 ft. when at least 10,000 s.f. of floor area is residential
Yard Setbacks (feet)		
- front setback – minimum	0 feet	0 feet
- front setback – maximum (1)	10 feet – except the setback may be increased to provide a pedestrian plaza, extra-sidewalk, or outdoor seating area.	20 feet, when C-3 site abuts a residential district
- side setbacks		0 feet side and rear, except 10 feet minimum adjacent to
- rear setbacks	0 feet side and rear, except 10 feet minimum adjacent to residential district	residential district
Lot Size and Dimensions	No Standard	No Standard
Lot Coverage – maximum coverage (2)	80%	75%

Notes:

(1) The maximum front setback standard is met when at least 50 percent of the site frontage has building facade(s) placed at the minimum setback, at the maximum setback, or anyplace in between the minimum and maximum setback. Alternatively, the building may be setback by more than the maximum setback if the intervening space is improved with a pedestrian plaza with decorative pavers, landscape planters, seating, and other furnishings or amenities, as approved through Site Plan Review.

(2) Compliance with other code standards may preclude development at the maximum allowable lot coverage.

2.3.135 Special Status for Single Family Residences. Existing uses granted special status (allowed) in commercial districts: Notwithstanding the restrictions of any other section of the Sutherlin Municipal Code, all single-family residential dwellings built before January 1, 2006, on commercial zoned properties are considered conforming to the base district. If any building on these properties is substantially destroyed, as defined in 5.3.110, it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted commercial use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of section 2.3.110 and 2.3.130

Section 2.4

PUBLIC / SEMI-PUBLIC DISTRICTS

2.4.100 Purpose and Applicability.

- A. Purpose.** The purpose of this district is to provide for the review and location of public and semi-public facilities and related uses, which by necessity, character, or effect will be compatible with surrounding uses.
- B. Applicability.** The public/semi-public district applies to lands that have been so designated on the zoning map. Such designation is made upon a finding of public need for public/semi-public uses or facilities.

2.4.110 Permitted Uses. The following land uses are permitted in the Public/Semi-Public District, subject to Site Plan Review:

Table 2.4.110 – Permitted Uses	
<i>Uses</i>	<i>Status of Use in District</i>
Country clubs, private clubs, golf courses	P
Hospitals, sanitariums, nursing homes, convalescent homes, institutions of mentally disabled and not less than 50 feet from an adjoining use.	P
Places of worship; except tents, and other temporary structures or buildings not permitted	P
Private educational institutions	P
Public facilities; except not allowing public business offices, repair, or storage facilities.	P
Public parks, public recreation areas, and publicly owned and operated properties	P
Public schools	P
Uses similar to those listed above	P

Key:

P = Permitted

S = Permitted with special standards or limitations

C = Conditional use permit required

N = Not permitted

P = Public/Semi-Public district

2.4.120 Permitted Accessory Uses and Structures. A public/semi-public district accessory uses and structures are permitted subject to review and approval in a public hearing, and attachment of conditions as necessary to ensure compatibility with adjacent land uses.

2.4.130 Development Standards.

Table 2.4.130 – Development Standards	
Standard	P
Zone size minimum (square feet)	7,500 s.f.
Lot size minimum (square feet)	none
Lot depth minimum (feet)	100 ft.
Lot frontage minimum (feet)	75 ft.
Lot Coverage maximum (percent)	Minimum lot coverage shall be the same as adjoining districts. When site adjoins more than one district, an average shall be taken based upon the proportion of boundary shared with each district.
Yard Setback minimums (feet)	
- front setback	10 ft., except may be reduced to 0 ft. when the development is adjacent to the C-1 district.
- side setbacks	10 ft. side and rear
- rear setbacks	
Building Height maximum (feet)	35 ft., except increased height allowed subject to Conditional Use Permit

Section 2.5**INDUSTRIAL DISTRICTS****2.5.100 Purpose and Applicability.**

- A. Purpose.** The industrial districts accommodates a range of heavy manufacturing, assembly, and processing of raw materials, junk yard, motor vehicle wrecking yards, light manufacturing, warehousing and distribution, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in the downtown. The district's standards are based on the following principles:
1. Ensure efficient use of land and public services.
 2. Provide a balance between jobs and housing, and encourage mixed-use development.
 3. Provide transportation options for employees and customers.
 4. Provide business services close to major employment centers.
 5. Ensure compatibility between industrial uses and nearby residential areas.
 6. Provide appropriately zoned land with a range of parcel sizes for industry.
 7. Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.
- B. Applicability.** Industrial zoning districts fall under two categories:
1. Light industrial (M-1); and
 2. General industrial (M-2).

2.5.110 Permitted Uses.

- A. Permitted Uses.** The land uses listed in Table 2.5.110 are permitted in the industrial districts, subject to the provisions of this chapter. Only land uses that are specifically listed in Table 2.5.110, and land uses that are approved as “similar” to those in Table 2.5.110, may be permitted. The land uses identified with a “C” in Table 2.5.110 require Conditional Use Permit approval prior to development or a change in use, in accordance with section 4.5.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in section 4.9 Code Interpretations.

Table 2.5.110 – Permitted Uses		
Uses	M-1	M-2
<i>Industrial</i>		
Heavy manufacturing, assembly, processing of raw materials	N	C
Light manufacture (e.g., electronic equipment, electronic vehicles, printing, bindery, furniture, and similar goods)	P	P
Warehousing and distribution	P	P
Junk yard, motor vehicle wrecking yard, and similar uses	N	P
Research facilities	P	N
Mini-warehouse and storage	P	N
<i>Residential</i>		
Caretaker unit	P	P
<i>Commercial</i>		
Offices and other commercial uses that are incidental to a primary industrial use	P	P
Vehicle repair, sales, rental, storage, service and fuel sales	P	N
Entertainment (e.g., theaters, amusement uses)	C	N
Hotels and motels	P	N
Medical and dental clinics and laboratories	P	N
Outdoor commercial uses (e.g., outdoor storage and sales)	P	N
Personal and professional services (e.g., child care, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, convenience stores/mini-marts, banks and financial institutions, and similar uses)	C	N
Repair services	P	N
Wholesale trade and services	P	N
<i>Public and Institutional Uses</i>		
Government facilities (e.g., public safety, utilities, school district bus facilities, public work yards, and	P	P

Table 2.5.110 – Permitted Uses

Uses	M-1	M-2
similar facilities)		
Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)	P	P
Parks and open space	P	P
Vocational schools	P	P
Telecommunication structures, including wireless (S)	C	C
Accessory Uses and Structures	P	P

Key:*P = Permitted**S = Permitted with special standards or limitations**C = Conditional use permit required**N = Not permitted***2.5.120 Development Standards.****A. Setbacks.****Table 2.5.120A – Setbacks**

Standards	M-1	M-2
Front yard setbacks, minimum	20	20 ft. The setback standard shall increase by one foot for every one foot of building height in excess of 35 feet.
Rear yard setback, minimum	None Except that buildings shall be setback from residential districts by a minimum of 40 feet.	None Except that buildings shall be setback from residential districts by a minimum of 40 feet, and from other non-industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 35 feet.
Side yard setback, minimum	None Except that buildings shall be setback from residential districts by a minimum of 25 feet.	None Except that buildings shall be setback from residential districts by a minimum of 40 feet and from other non-industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 35 feet.
Lot Coverage, maximum	70 percent	80 percent

- B. Building Height** The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

1. Base Requirement. Buildings shall be no more than three (3) stories or thirty-five (35) feet in height, whichever is greater.
2. Performance Option. The allowable building height may be increased to sixty (60) feet, when approved as part of a conditional use permit. The development approval may require additional setbacks, stepping-down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent non-industrial development. Roof equipment and other similar features that are necessary to the industrial operation shall be screened, and may not exceed sixty (60) feet in height without approval of a conditional use permit. Wireless communication facilities such as monopoles and towers shall be required to meet the standards under section 2.6.190.

2.5.125 Special Status for Single Family Residences Existing uses granted special status (allowed) in industrial districts: Notwithstanding the restrictions of any other section of the Sutherlin Municipal Code, all single-family residential dwellings built before January 1, 2006, on industrial zoned properties are considered conforming to the base district. If any building on these properties is substantially destroyed, as defined in 5.3.110, it may be rebuilt to the same size as existed when it was destroyed, subject to the regulations of any applicable overlay district. If an existing single-family residence is converted to a permitted industrial use, the special status granted here is rescinded, and the use of the property must thereafter conform to the requirements of Section 2.5.110 and 2.5.120.

Section 2.6

Special Use Standards

Determining consistency with Special Use Standards is considered a Type I Procedure and is processed pursuant to Section 4.2.120.

2.6.100 Accessory Dwellings. Where accessory dwelling units (ADUs) are permitted, they shall conform to the following standards:

- A. Building Codes.** Comply with applicable building codes and structural specialty codes;
- B. One ADU per Lot.** A maximum of one (1) accessory dwelling unit is allowed per single family dwelling lot;
- C. Floor Area.** The maximum floor area of the accessory dwelling shall not exceed six hundred (600) square feet. Dwellings in excess of six hundred (600) square feet are considered duplexes (not accessory dwellings), if attached to the primary dwelling, or second dwellings (also not an accessory dwelling) if not attached. Second dwellings on a lot or parcel are not permitted in the RH or R-1 zones;
- D. Parking.** One (1) off-street parking space shall be provided for the accessory dwelling;
- E. Development Standards.** Comply with the setback, building height, lot coverage, and other applicable development standards;
- F. Architecture.** Accessory dwellings in all residential zones shall be constructed of

similar or better quality and type of materials as used in the principal structure on the same lot. Accessory dwellings shall not be in a manufactured home. Accessory dwellings shall be stick-built. Wood, brick, stone, cultured stone, and concrete-fiber (imitation wood) siding are allowed. Vinyl, metal, concrete block, and T111 (wood paneling) are not allowed. Acceptable roof materials include concrete composite, architectural grade composite, tile, architectural grade metal roofing with non-metallic finish, and similar quality materials as determined by the City;

- G. **Infrastructure.** Sewer, water and utility services shall be provided to the dwelling in conformance with City standards.

2.6.110 Accessory Uses and Structures.

- A. **Applicability.** Accessory uses and structures shall be incidental to the principal use. They must occupy less floor area, cover less lot area, and have a use that is secondary to the primary structure(s) and use(s) on the property.
- B. **Accessory Building. Relationship to Other Uses.** Accessory buildings may be used for home occupations, in conformance with section 2.6.150. Only accessory dwelling units may be used for sleeping or living purposes, and they shall conform to the standards in section 2.6.100.
- C. **Accessory Building. Location.** An accessory building shall be located on the same lot with the principal building. Accessory buildings shall conform to all regulations of the zone district wherein it exists, except as modified by the following standards:
 - 1. All accessory buildings that are not attached to the primary dwelling shall be set back a minimum of twenty-five (25) feet from the public street providing vehicle access to the primary building. These buildings may encroach into the standard rear and side yard setbacks, provided that required separation for fire protection is provided and the following standards are met:
 - a. On a corner lot, the accessory building shall not be located closer to the street side property line than that required for the main building. On a lot in the RH district, the accessory building shall not be located closer than twenty (20) feet from rear and side property lines;

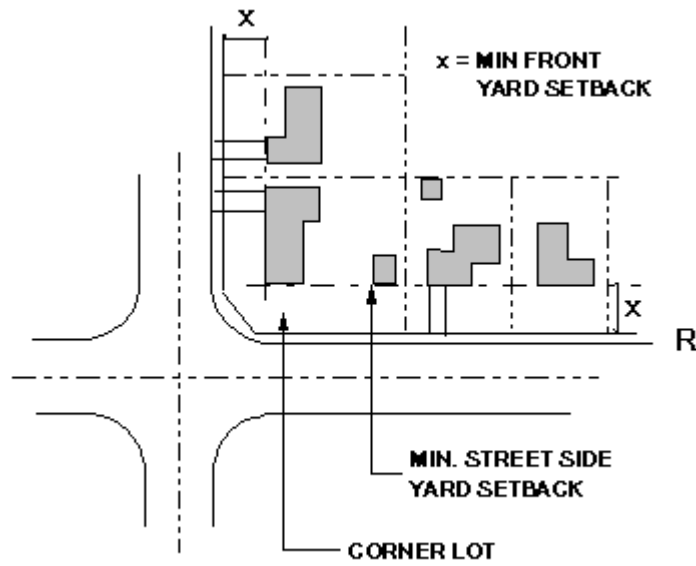


Figure 2.6.100D1a Accessory Building Street Setback

- b. On a through lot, the accessory building shall not be located closer to the rear property line than the distance required for front yard setback;
- c. An accessory building exceeding eight (8) feet in height or six hundred (600) square feet shall not be located closer than seven (7) feet to any property line.

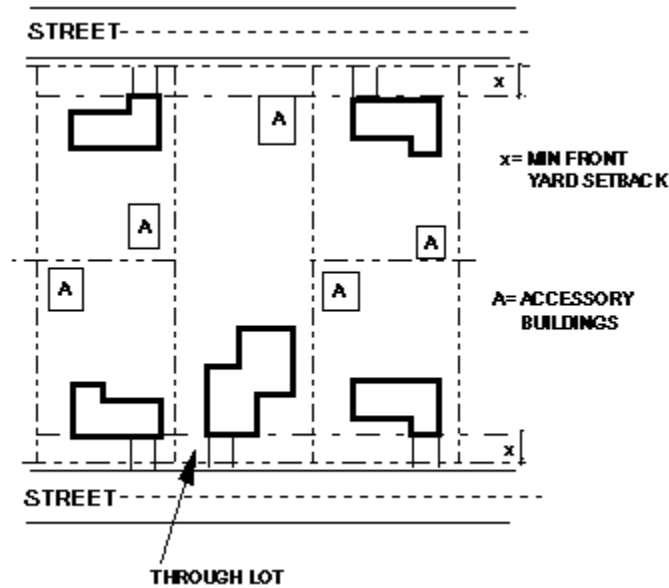


Figure 2.6.110D1c Accessory Building Height/Setback

2. Any building that is accessory to any residential building shall not be erected to a height exceeding fifteen (15) feet; except that an accessory structure may exceed fifteen (15) feet in height when each applicable setback is increased by one (1) foot for every one (1) foot of building height over fifteen (15) feet. Buildings shall not exceed the height limitation of the underlying zone;

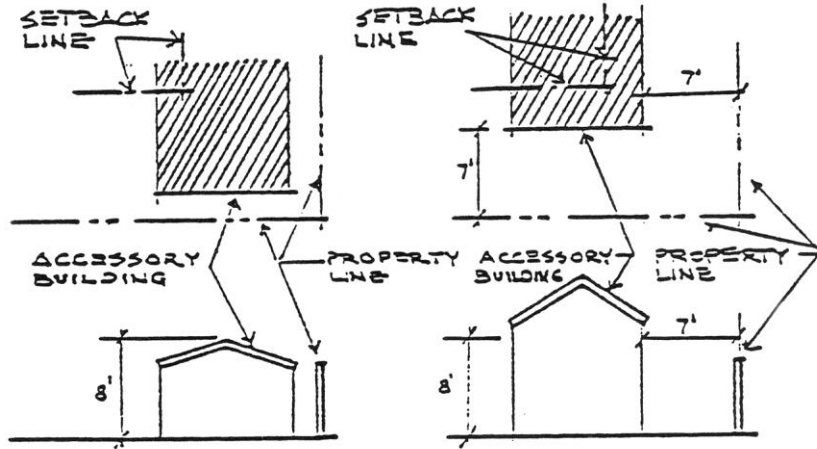


Figure 2.6.100D2 Accessory Building Lot Coverage

3. An accessory building shall not occupy more than twenty-five (25) percent of the area lying between the rear of the main building and the rear property line.

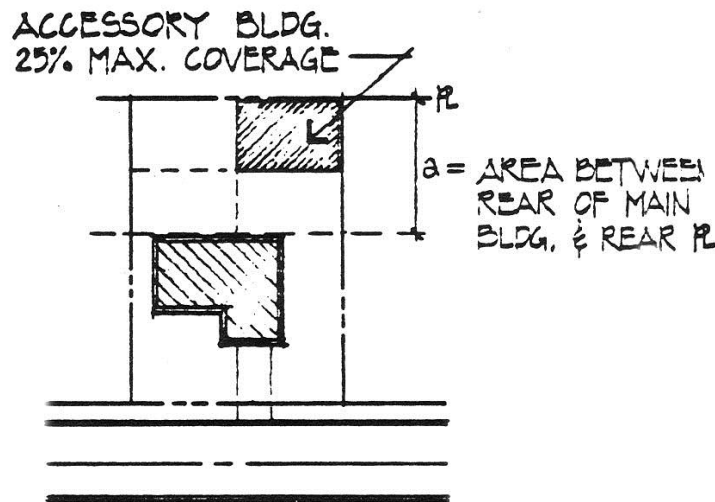


Figure 2.6.100D3 Accessory Building Rear Property Line

2.6.120 Bed and Breakfast. Bed and breakfast use is allowed in all commercial districts and allowed in all residential districts subject to approval of a conditional use permit and conformance to the following standards:

- A. **Accessory Use.** A bed and breakfast facility must be accessory to a residential use on the subject site. This means that the individual or family who operates the facility must occupy the house as their primary residence. The house must be at least five (5) years old before a bed and breakfast facility is allowed.
- B. **Maximum Size.** Bed and breakfast facilities are limited to a maximum of five (5) bedrooms for guests and the maximum occupancy per night shall be established by conditional use permit.
- C. **Employees.** Bed and breakfast facilities may have nonresident employees for the lodging activity such as booking rooms and food preparation, if approved as part of the conditional use permit. Hired service for normal maintenance, repair and care of the residences or site such as yard maintenance may also be approved. The number of employees and the frequency of employee auto trips to the facility may be limited or monitored with conditions as part of the conditional use permit approval.
- D. **Service to Guests.** Food services may only be provided to overnight guests of a bed and breakfast in residential districts; food service may be provided to overnight guests and other guests in the commercial districts. Any other service is subject to the use requirements of the land use district.
- E. **Meetings and Social Gatherings.**
 - 1. Commercial meetings. Activities including luncheons, banquets, parties, weddings, meetings, charitable fund raising, commercial or advertising activities, or other gatherings for direct or indirect compensation are prohibited at a bed and breakfast facility.
 - 2. Private social gatherings. The residents of bed and breakfast facilities may be allowed to have social gatherings, parties, or meetings if authorized in the conditional use permit.

2.6.130 Drive-Through Facilities. Drive-through facilities (drive-up windows and associated drive aisles at banks, restaurants, pharmacies, and other commercial uses; automotive fuel pump islands; and similar drive-through facilities) are a permitted use and shall be oriented toward side or rear yards. Where a drive-through facility or associated drive lane or queuing area must abut a street right-of way, such facility shall be setback from the street rights-of-way behind a landscape buffer of not less than eight (8) feet in width. In the C-1 zone, a drive-through facility shall not be placed within the minimum-maximum setback. See Figure 2.6.130.

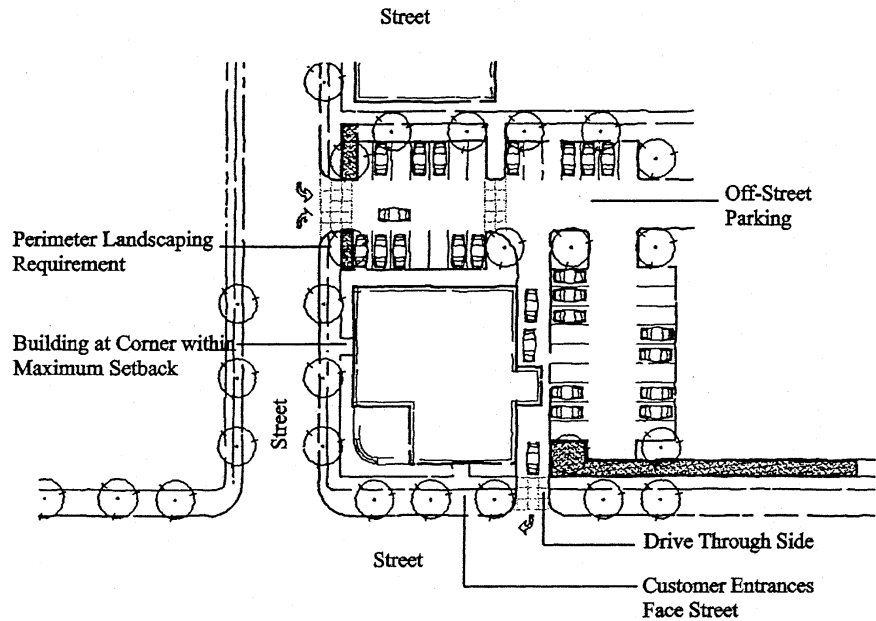


Figure 2.6.130 Drive-Through Facilities.

2.6.140 Special Residences. Group care residences are residential treatment or training residences or adult foster residences licensed by the state of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for residents who need not be related. Staff persons must meet state of Oregon licensing requirements, shall not be counted in the number of home, facility and center residents, and need not be related to each other or the residents. Residential care homes, facilities and centers shall comply with the following standards, consistent with ORS 197.660-670:

- A. **Licensing.** All residential care homes shall be duly licensed by the State of Oregon.
- B. **Parking.** A minimum of one (1) parking space shall be provided for each employee and typical number of visitors, in accordance with Section 3.4 Parking requirements.
- C. **Development Review.** Development review shall be required for new structures to be used as residential care homes or facilities, and for conversion of an existing residence to be used as a residential care home, to ensure compliance with the licensing, parking, and other requirements of this Code.

2.6.150 Home Occupation. Home occupations are subject to the following standards:

- A. **Appearance of Residence.**
 1. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
 2. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.

3. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
4. Products and or equipment produced or used by the home occupation shall not be displayed to be visible from outside any structure.

B. Storage.

1. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
2. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited.
3. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

C. Employees.

1. There shall be no more than one (1) employee at the home occupation site at any given time, in addition to any family member(s) who work and reside(s) at the site. As used in this chapter, the term a home occupation site means the lot on which the home occupation is conducted.
2. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
3. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

D. Advertising and Signs. Home occupations shall comply with the residential use sign regulations in section 3.7.

E. Vehicles, Parking and Traffic.

1. One commercially licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-way when parked in the driveway or other location on the home occupation site.
2. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 9 p.m. to 7 a.m.
3. There shall be no more than one client's or customer's vehicle at any one time and no more than eight per day at the home occupation site.

F. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 7 a.m. to 9 p.m. only, subject sections A and E, above.

G. Prohibited Home Occupation Uses:

1. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, State or federal standards, or that can be detected beyond the property line is prohibited.

2. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed subject to A-F, above.
3. Any use described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibrations, such as:
 - a. Ambulance service;
 - b. Animal hospital, veterinary services, including auto painting;
 - c. Auto and other vehicle repair, including auto painting; and
 - d. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.

H. Enforcement. The city or designee may visit and inspect the site of home occupations in accordance with this section periodically to ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with section 1.4 Enforcement.

2.6.160 Manufactured Homes on Individual Lots. Manufactured homes are subject to all of the following design standards, consistent with ORS 197.307(5). Exception: The following standards do not apply to units that were placed on their current site prior to the effective date of this code.

- A. Relocation.** Once occupied for residential use, a manufactured home shall not be relocated to a different residentially zoned lot in the City.
- B. Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than one thousand (1,000) square feet in R-2 and R-3 zones, or one thousand two hundred (1,200) square feet in R-1 and RH zones;
- C. Roof.** The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each twelve (12) feet in width (fourteen (14) degrees);
- D. Residential Building Materials.** The manufactured home shall have non-reflective exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal or vinyl siding, and composite roofing is superior to metal roofing);
- E. Garages and Carports.** The manufactured home shall have a garage or carport constructed with like materials when nearby residences have carports or garages. The city may require an attached or detached garage where that would be consistent with the predominant construction of immediately surrounding residences;
- F. Thermal Envelope.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the state building code. Evidence demonstrating that the manufactured home meets “super good cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement; additional manufacturer’s certification shall not be

required;

- G. Placement.** The manufactured home shall be placed on an excavated and back-filled permanent full perimeter concrete or block foundation with footings below the frost line. The manufactured home shall not be located more than sixteen (16) inches above grade, and shall comply with the minimum set-up standards of the adopted state administrative rules for manufactured dwellings, chapter 918. Where the building site has a sloped grade, the manufactured home shall not be more than sixteen (16) inches above grade on the uphill side of the home; and
- H. Prohibited.** A manufactured home shall not be located in a designated historic district.

2.6.170 Manufactured Home Parks. Manufactured home parks are subject to compliance with subsections A-F, below:

- A. Parcel Size.** Parcels shall be a minimum of one (1) acre or larger.
- B. Permitted Uses.** Single family residences, manufactured home park manager's office, home occupations, and accessory structures which are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with section 2.6.150, Home Occupations.
- C. Space.** The minimum size pad or space for each home is two thousand five hundred (2,500) square feet. Each space shall be at least thirty (30) feet wide and forty (40) feet long, in accordance with ORS 446.100(c).
- D. Setbacks and Building Separation.** The minimum setback between park structures and abutting properties is fifteen (15) feet. The minimum setback between park structures and public street right-of-way is fifteen (15) feet. At least a ten (10) foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of fourteen (14) feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than five (5) feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than six (6) feet to any other structure or dwelling, except that a double carport or garage may be built which serves two (2) dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least three (3) feet.
- E. Perimeter Landscaping.** When manufactured homes are oriented with their back or side yards facing a public right-of-way, the city may require installation of fencing and planting of a fifteen (15) foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
- F. House Design (parks smaller than 3 acres).** In addition to health and safety codes and standards and other applicable regulations, manufactured homes in parks smaller than three (3) acres shall meet the following design standards, consistent with ORS 197.314(6):
 1. The manufactured home shall have a pitched roof with a slope not less than three (3) feet in height for each twelve (12) feet in width (fourteen (14) degrees);

2. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding, and composite roofing is superior to metal roofing);
3. Exception: Subsections 1-2, above, do not apply to manufactured homes legally placed on a site prior to the effective date of this code.

2.6.180 Residential Sales Office, Temporary. A temporary residential sales office (i.e., model house, manufactured home, or similar residential building) is permitted for the sale of homes being constructed on the premises and for a period not exceeding eighteen (18) months. An extension of this time requires approval by the Planning Commission/City. The residential sales office is subject to the following conditions:

- A. Temporary Occupancy Permit.** Prior to use of the premises as a temporary residential sales office, a temporary occupancy permit shall be obtained from City or its designee; and
- B. Conversion and Final Approval of Dwelling.** Prior to the sale of any dwelling that has been used as a temporary residential sales office, the dwelling shall be restored to comply with all applicable codes and ordinances, and final approval obtained from the City of Sutherlin.

2.6.190 Wireless Telecommunication Facilities.

- A. Purpose and Intent.** The provisions of this section are made to establish a reasoned approach for the construction, placement, modification, maintenance, and removal of telecommunication facilities. The establishment of these regulations recognize the need of telecommunication providers to build out their systems over time to provide wireless telecommunication services to municipal residents and businesses. The specific purposes of this section are as follows:
 1. To minimize the number of transmission towers throughout the community;
 2. To encourage the co-location of telecommunication facilities;
 3. To encourage the use of existing buildings, structures, utility poles or water towers as opposed to the construction of new telecommunication towers;
 4. To ensure that all telecommunication facilities are located and designed to minimize the visual impact on the immediate surroundings and throughout the community and
 5. To minimize public inconvenience and disruption. It is not the intent of the City to discriminate among providers of functionally equivalent services, or to prohibit or have the effect of prohibiting the provision of wireless services.
- B. Definitions.** For the purposes of this code, the following terms and phrases shall have the following meaning. If the general definitions in section 1.090 conflict, the following definitions shall control.

Alternative Structures: Existing man-made structure that camouflages or conceals the presence of telecommunication facilities, such as clock tower,

bell tower, church steeple, water tower, light pole, and similar alternative-design mounting structure.

Ancillary Facilities: The buildings, cabinets, vaults, closures, and equipment required for operation of telecommunication facilities including but not limited to repeaters, equipment housing, and ventilation and other mechanical equipment.

Antennas: An electrical conductor or group of electrical conductors that transmit or receive radio waves that function at line of sight transmission, excluding amateur radio antennas.

Cellular System: A wireless system that operates by dividing a large geographical service area into cells and assigning the same frequencies to multiple, non-adjacent cells (frequency reuse).

Co-location: The mounting or installation of an antenna on an existing tower, building or structure for the purpose of transmitting or receiving radio frequency signals for communications purposes.

Existing Structure: Structure in existence prior to an application for a wireless communication facility installation.

Private Telecommunications Network: A system, including the construction, maintenance or operation of the system, for the provision of a service or any portion of a service which is owned or operated exclusively by a person for their use and not for resale, directly or indirectly.

Provider: A person in the business of offering telecommunication services for monetary or other consideration.

Stealth Design: A telecommunication facility that is designed or located in such a way that its appearance is not readily recognizable as telecommunications equipment.

Telecommunication Facility: A facility designed or used for the purpose of transmitting, receiving, or relaying wireless voice or data signals from one or more telecommunication services, including any transmission towers, poles, antennas, or other structures.

Telecommunication Service: The business of transmission, for money or other consideration, wireless telecommunications in electromagnetic, electronic, or optical form. This includes but is not limited to cellular radiotelephones, personal communications services, enhanced/specialized mobile radios, commercial paging services, and digital television.

Tower: Any structure built for the sole or primary purpose of supporting antennas and their associated facilities.

Guyed tower: A tower supported by the use of permanently anchored cables (guy wires).

Lattice tower: A tower characterized by an open framework of lateral cross members that stabilize the tower.

Monopole tower: A single upright pole, engineered to be self supporting without lateral cross supports or guys.

C. Permit Procedures

1. Permit Required. No telecommunication facility, as defined in Section 3.29.040, shall be constructed, modified to increase its height, installed, or otherwise located within the city, except as provided in this section. A telecommunication facility shall require a conditional use permit.
2. Conditional Use Permit. A telecommunication facility requires a conditional use permit and shall be processed in accordance with the conditional use permit procedures of Section 4.05. The criteria contained in this section, as well as the criteria contained in Section 4.05 of this code, shall govern approval or denial of the conditional use permit application. In the event of a conflict in criteria, the criteria in this section shall govern. No building permit shall be issued prior to completion of the conditional use permit process, including any local appeal.
3. Fee. The fee for a conditional use permit shall be set by council resolution. The fee for any telecommunication facility that has been erected without a building permit or without a conditional use permit shall be double the regular permit fee.
4. Application requirements:
 - a. Co-location or Installation of Antennas: In addition to standard required application material, an applicant who proposes to install or co-locate an antenna shall submit the following information. Additional application materials are required, as specified in paragraph (c) below, for applications for the required conditional use permit.
 - (1) A description of the proposed antenna's location, design and height.
 - (2) A statement documenting that placement of the antenna is designed to allow future co-location of additional antennas if technologically possible.
 - (3) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.
 - (4) A written statement indicating whether the frequency used by the applicant is in close proximity to the frequency used by local public safety officials. If the frequency is so close as to potentially interfere with public safety

communications, the applicant shall provide a technical evaluation indicating the range of potential interference problems, shall consult with public safety officials about the evaluation, and shall agree in writing to cooperate in good faith with public safety officials to minimize interference to the greatest extent possible prior to installing its facilities.

b. Construction of Towers. In addition to standard required application material, an applicant for the construction of a transmission tower shall submit the following information.

- (1) A description of the proposed tower location, design, and height.
- (2) The general capacity of the tower in terms of the number and type of antennas it is designed to accommodate.
- (3) A signed agreement stating that the applicant will allow co-location with other users, provided that all safety, structural, and technological requirements are met. This agreement shall also state that any future owners or operators will allow co-location on the tower.
- (4) A landscaping plan, drawn to scale, showing the proposed and existing landscaping, including type, spacing, size, and irrigation methods.
- (5) Written statements from the Federal Aviation Administration, the Oregon Department of Aviation, and the Federal Communication Commission stating that the proposed wireless communication facility complies with regulations administered by that agency, or that the facility is exempt from regulation.

c. Conditional Use Permit Applications. In addition to the application requirements specified above, applications for conditional use permits shall include the following information.

- (1) A visual impact analysis showing the appearance of the proposed tower, antenna or ancillary facility from at least three points within a two-mile radius. The analysis shall include the following:
 - (a) A map of the vicinity within two miles of the proposed facility that shows where any portion of the tower would be visible;
 - (b) Photo-simulations, elevations or other visual or graphic simulations that shows the proposed facilities in place; and
 - (c) An assessment of potential mitigation measures.
- (2) Documentation that alternative sites within a one-mile radius of the proposed site have been considered for technological feasibility and availability. Provide documentation why other technologically feasible or available sites are unacceptable.
- (3) Documentation that co-location is impractical on existing

structures for reasons of structural capacity, safety, available space, or failing to meet service coverage area needs.

- (4) A current overall system plan for the city, showing facilities presently constructed or approved, and future expansion plans.
- (5) A statement explaining the need for the location, design, and height of the proposed tower or antenna.

D. Standards and Criteria

1. Setback. A tower shall be set back at least 150 percent of its height from the nearest public road. All measurements are from the tower base except that a guyed tower shall be measured from the guy wire ground attachment.
2. Building Code Compliance. The construction of all telecommunication facilities shall comply with Roseburg code chapter 16.05 and the Oregon electrical safety specialty code and the uniform building code (Oregon structural specialty code) that is in effect at the time the building permit is approved.
3. Visual Impact:
 - a. Towers and attached antennas shall be made of galvanized steel, painted in neutral shades that are compatible with the surrounding environment, or constructed according to a stealth design, as approved by the city. Ancillary facilities shall be finished in such a way as to blend with the surrounding environment.
 - b. The lowest 6 feet of the facility or tower shall be visually screened by trees, large shrubs, solid walls, or fences.
 - c. Towers shall be located so that visual impacts from any point within the city to the ridgelines surrounding the city shall be minimized to the greatest possible extent.
 - d. Alternative structures and stealth designs shall be used whenever feasible in locating antennas.
4. Tower Height. Telecommunication facilities shall be subject to the height limitations of the zone in which the facility will be located as well as the height limitations in subsection 15. The height and mass shall not exceed that which is essential for its intended use and public safety.
5. Separation Between Towers. No tower shall be constructed within 2000 feet of any existing tower, unless this requirement is specifically waived by the city for purposes of mitigating visual impact or improving compatibility with other uses of the property.
6. Co-location. Joint use of any new telecommunication tower is required whenever feasible. New transmission towers shall be designed to accommodate co-location of additional providers. Providers who own or manage towers shall provide co-location sites for additional telecommunication service providers at a reasonable cost, to the extent practicable. All co-located facilities shall be designed in such a way as to be visually compatible with the structures on which they are placed.

7. Equipment Shelters. All associated transmittal equipment shall be housed in an enclosed shelter. Equipment shelters adjacent to towers shall not exceed 750 square feet in area or 12 feet in height. The shelter shall be screened and landscaped to minimize visual impact.
8. Fencing. Telecommunication facilities shall be surrounded with protective fencing and entered through a locked gate.
9. Roadways. All roadways constructed to access telecommunication facilities will be paved with an all-weather surface designed to support emergency equipment and of sufficient width, with approved turn-around in accordance with Uniform Fire Code rules and regulation.
10. Display. No signs, striping, graphics, or other attention-getting devices shall be permitted on towers, except that one non-illuminated sign, not to exceed three square feet, is permitted to identify the owner and to provide emergency contact information.
11. Lighting. No lighting shall be permitted on towers except as required by the Federal Aeronautics Administration or the Oregon Department of Aviation.
12. Removal of Wireless Telecommunication Facilities. A lease agreement between the property owner(s) and the provider shall be made available including a provision establishing responsibility for the removal of a wireless telecommunication facility within one year after active operation has been discontinued. The property owner(s) shall be responsible for insuring that this provision of the lease is met. The city is an intended third party beneficiary of the lease provision and shall be recorded as such with the county clerk as a deed covenant.
13. Modification of Telecommunication Facilities. All modifications of a telecommunication facility shall be reviewed as a new use, subject to the standards/design regulations pertinent to the zone designation in which it is located. It will be reviewed through a conditional use permit process.
14. Maintenance. All telecommunication facilities shall be maintained in good repair and in a safe and clean condition. All telecommunication facilities determined by the building department to be in other than good repair or a safe and clean condition shall be considered nuisances and subject to abatement proceedings.
15. Specific Standards and Criteria by Zone. All criteria of the underlying zoning district shall apply unless superceded by the following standards/criteria.
 - a. Telecommunication Facilities in Residential Zones. In the RH, R-1, R-2 and R-3 zones, telecommunication facilities will be allowed as follows:
 - (1) Antennas attached to existing alternative structures shall be allowed subject to conditional use permit approval. For the purpose of this section in residential zoning districts, “existing alternative structures” shall include the replacement of existing pole, mast, or tower structures (such as stadium light towers) for the combined purpose of their previous use and wireless facilities.

- (2) A stealth design facility that does not exceed the height of the existing structure on which it is mounted shall be allowed subject to conditional use permit approval.
- (3) Towers are prohibited.
- b. Telecommunication Facilities in Non-Residential Zones.
 - (1) CS Zone. Telecommunication facilities shall be allowed upon conditional use permit approval, subject to the condition that the maximum height for any antenna or tower will not exceed 10 feet above the tallest structure or landscape element within 50 feet of the tower.
 - (2) C-1 and C-3 Zones. Telecommunication facilities attached to existing structures or alternative structures and towers shall be allowed upon conditional use permit approval, subject to the condition that the maximum height for any antenna or tower shall not exceed 10 feet above the tallest structure or landscape element within 50 feet of the antenna or tower.
 - (3) M-1 and M-2 zones. Telecommunication facilities shall be allowed upon conditional use permit approval, subject to the condition that the maximum height for any antenna or tower shall not exceed 160 feet from grade.

2.6.210 RH Zone and slopes greater than 12% – Development Standards. This section describes the permit requirements for lands proposed for development within the RH zone and in areas with a slope of greater than 12%. Site Development, grading and excavation in all other zones is detailed within Section 2.6.220. Land designated RH has been determined to be in an area with slopes that are potentially unstable. Any cut, fill, or construction on these sites may add to this potential instability. The requirements of this section are intended to reduce as much as possible the adverse effects of development for the owner and for other properties which may be affected by ground movement, erosion or excessive runoff.

- A. **Application Required.** All applications for development within the RH Zone or areas with slopes greater than 12% shall be accompanied by at least 3 copies of a site plan. Site plan requirements are detailed below in B.
- B. **Site Plan Requirements.** The following plans shall be required for any development requiring a physical constraints permit:
 - 1. Site Plan. A site plan clearly showing the following:
 - a. Project name.
 - b. Vicinity map.
 - c. Scale (the scale shall be at least one (1) inch equals fifty (50) feet or larger).
 - d. North arrow.
 - e. Date.
 - f. Street names and locations of all existing and proposed streets within or on the boundary of the proposed development.
 - g. Lot layout with dimensions for all lot lines.
 - h. Location and use of all proposed and existing buildings, fences and structures within the proposed development. Indicate which buildings are to remain and which are to be removed.

- i. Location and size of all public utilities affected by the proposed development.
 - j. Location of drainage ways or public utility easements in and adjacent to the proposed development.
 - k. A topographic map(s) of the site at a contour interval of five (5) feet or less showing existing and proposed ground contours.
 - l. Location of all parking areas and spaces, ingress and egress on the site, and on-site circulation.
 - m. Locations of all existing natural features including, but not limited to, all trees of a caliper greater than 12 inches in diameter, natural drainage or creeks on the site, faults, and rock outcroppings. Indicate any contemplated modifications to a natural feature.
 - n. The proposed method of erosion control, water runoff control, and tree protection for the development.
 - o. Building envelopes for all existing and proposed new parcels.
2. Additional Plans and Studies. The director may waive any of the above site plan elements, or require additional plans and studies necessary to evaluate the application including but not limited to:
- a. Geologic Impact Statement. A site-specific geologic impact statement prepared by a qualified geotechnical engineer or geological consultant. If the size of a proposed development is increased, or the location of a proposed development is changed, a new impact statement may be required.
 - b. Certification of Plans. A statement prepared by a qualified geotechnical engineer or geological consultant certifying that the development plans and specifications comply with the limitations imposed by the geologic impact statement, and that the proposed construction will not adversely affect the site and adjacent properties.

C. Ministerial Actions. Applications for hillside development which are not part of a planning action shall be reviewed and decided by the director as a Type I or II procedure.

D. Planning Actions. Hillside developments which are part of either an administrative or quasi-judicial planning action shall be reviewed and decided by the approving authority per the appropriate provisions of a Type III or IV procedure.

E. Planning Commission. Approval. Hillside development approval shall be issued by the approving authority when the applicant has demonstrated the following:

- 1. Hazards. The development will not cause damage or hazard to persons or property upon or adjacent to the area of development.
- 2. Mitigation. The applicant has considered the potential hazards that the development may create and implemented reasonable measures to mitigate the potential hazards caused by the development.
- 3. Impact. The applicant has taken all reasonable steps to reduce the adverse impact on the environment. Irreversible actions shall be considered more seriously than reversible actions. The approving authority shall consider the existing development of the surrounding area, and the maximum permitted development permitted by this Ordinance.

- 4 Compliance. The development is in compliance with the requirements of this chapter and all other applicable city ordinances and state and federal regulations.
- F. Changes to Plans.** The approving authority has the power to amend plans to include one or both of the following conditions if it is deemed necessary to mitigate any potential negative impact caused by the development:
1. Natural Features. Require the retention and/or addition of trees and other vegetation, rocks, ponds, water courses and other natural features.
 2. Plan Changes. Require plan revision or modification to mitigate possible negative or irreversible effects upon the topography or natural features that the proposed development may cause.
- G. Plan Denial.** The approving authority may deny the physical constraint permit if, in its opinion, one or more of the following is found to apply:
1. The proposed development will have a detrimental effect on the lands regulated and protected by this chapter.
 2. The proposed development is inconsistent with the comprehensive plan.
 3. Where it appears that the proposal is part of a more extensive development that would require a master site plan, or other planning action. In this case, approval is to be postponed until a complete planning application has been processed.
- H. As-Built Certification.** Within 30 days after completion of the project, and before final acceptance of public improvements by the city engineer, the applicant shall submit to the director a statement prepared by a qualified geotechnical engineer or geological consultant certifying that the construction was completed in accordance with the plans and specifications as they relate to mitigation of the geologic impacts to the site and adjacent properties.
- I. Erosion, Slope Failure, Cuts and Fills.** This section describes standards for control of runoff, and the permit requirements for control of erosion and slope failure, and for cuts and fills. Any development which increases the natural runoff by decreasing the infiltration of the soil by any means shall conform to the following standards:
1. Roof Drainage. All roof drainage must be collected, controlled and directed either by underground pipe or concrete or asphalt gutter to a city street or storm drain or to a natural water course. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
 2. Hard Surface Drainage. All drainage from driveways, parking areas and other impervious surfaces must be collected, controlled and directed to a city street or storm drain or natural water course by underground pipe or concrete or asphalt gutter or disposed of on site. The method of control and conveyance of storm water to the storm system shall be determined by the approving authority.
 3. Dry Wells. Connection to dry wells may be allowed for roof and hard surface drainage only with the approval of the city engineer, where city storm system is not available within 300 feet, the ground water table is well below the proposed dry well during all seasons, and a non-remonstrance agreement for future street and storm sewer improvements is signed by the applicant and recorded with the deed.

4. Alternative Storm Water Disposal Systems. Any alternative methods of storm water disposal not herein described, such as a bio-swale or leach field, must be approved by the city engineer.

J. Erosion and Slope Failure. All development on lands with highly erosive lands or slopes greater than 12%, and all development which removes vegetation or disturbs topsoil and leaves the disturbed soil exposed shall comply with the following standards:

1. Re-vegetation. Any exposed soil shall be revegetated in a manner to reestablish a complete vegetative cover within 1 year of time of planting. If irrigation is not provided, then the exposed soil must be planted with species which can survive without irrigation.
2. Maintenance. Vegetative cover, rock, dry or conventional masonry, or other permanent cover must be maintained in perpetuity on areas which have been disturbed.
3. Temporary Erosion Control. During construction, erosion control measures such as straw bales, sediment fences, etc., shall be incorporated into plans to control erosion from the site as needed.
4. Exception. The above restrictions shall not apply to areas of exposed bedrock which exhibit no erosion potential.
5. Utility Anchors. Concrete anchors shall be constructed when pipelines are installed at grades of 20% or greater, in accordance with city standards.

K. Cuts and Fill. All cuts, grading or fills shall be designed in a manner that will be stable for the intended use, conform to the applicable requirements of the most current versions of the uniform building code and the Oregon structural specialty code, and meet the following requirements:

1. Documentation. Prior to initiating any cut or fill in excess of 10 cubic yards, the applicant shall submit documentation showing the amount and location of each cut or fill.
2. Approval. Any cuts and/or fills greater than 50 cubic yards shall require a Site Plan approval per the provisions of Section 2.6.210(B).
3. 250+ Cubic Yards.
 - a. Any cuts and/or fills greater than 250 cubic yards must be designed by a licensed professional engineer.
 - b. If the cut and/or fill is not a city street or a public right-of-way, a licensed professional engineer shall declare to the city, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the approved plans.
4. Right to Inspect. Nothing in this section shall abridge the city's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.
5. Master Plans. Any development or partitioning which is proposed on erosive and slope failure lands must be shown on a master plan at the time the final plan or plat is filed. All development must comply with the master plan. Any improvements necessary for the implementation of the master plan (e.g., storm drains, gutters, etc.), must be constructed by the applicant prior to any development occurring on the parcels.

6. Foundations. All structures in erosive and slope failure lands shall have foundations which have been designed by a geotechnical engineer.
7. Building Envelopes. All newly created lots or lots modified by a lot line adjustment must include a buildable area of sufficient size to accommodate the uses permitted in the underlying zone, unless the division or lot line adjustment is for open space or conservation purposes.

2.6.220 Site Development, Excavation, Grading – In all Zones. Except as provided in section 2.6.210, excavation, fill placement, or removal of trees or ground cover shall require a permit from the Planning Department.

- A. **Documentation.** Prior to initiating any cut or fill in excess of 10 cubic yards, the applicant shall submit documentation showing the amount and location of each cut or fill and include, at a minimum, the following information:
1. Map/Plan: The submitted map/plan shall include date, north arrow, location of adjoining streets, structures and property, existing utilities, scale, contours at no more than 2-foot intervals.
 2. Property Description(s): Legal description including accurate property lines and boundaries.
 3. Planned Improvements: Proposed location of all improvements, including, but not limited to, structures, utilities, roads, storm drainage, and retaining walls.
 4. Topography: Natural features, tree groupings, rivers, streams, wetlands, or other geographical features.
 5. Stabilization/Erosion Control Method(s): Proposed methods for bank stabilization, erosion control plan and measures (DEQ requirements), and land restoration.
 6. Vegetation/soils: General description and notation of trees and ground cover; general description of soils and characteristics. Subject to review, certain development projects may require a geo-technical report.
 7. Water Courses: Identify all or portions of rivers, streams, wetland, springs, or other source where the continuous presence of water is indicated and which would be disturbed.
 8. Grading Plan: Plan including cut and fill areas, existing and finish grades and slope height.
 9. Drainage: Drainage plan complying with adopted storm drainage standards.
 10. Supplementary Information: Name and address of property owner.
 11. Project Description: General description of the proposed project.
 12. Schedule: Proposed time schedule for excavation, land clearing, or fill placement, land restoration, bank stabilization and erosion control, and future development.
 13. Additional Permit(s): Permit approvals or applications from other agencies such as the Oregon Department of State Lands, Oregon Department of Environmental Quality, or the U.S. Army Corps of Engineers shall be provided at the time of application submittal.
 14. Other: Other information as deemed necessary by the Sutherlin Planning Department in order to adequately review and approve the application.

- B. **Exceptions.** A site development permit shall not be required for the following activities:
1. Projects or developments which have received Site Plan Review approval under section 4.3.
 2. The installation and maintenance of public utilities and infrastructure such as water lines, water meters, pump stations, sewer lines, and streets by the City of Sutherlin, other utilities or their contractors.
 3. Removal of trees and ground cover in emergency situations involving immediate danger to life or property or substantial fire hazards.
 4. Removal of trees, ground cover, or obnoxious vegetation on partially developed property for purposes of general property and utility maintenance, fire hazard removal, landscaping, or gardening without the use of a bulldozer or similar mechanical equipment.
- C. **Minimum Requirements:**
1. Each permit approval shall be subject to the requirement that all ground stabilization be maintained and not be allowed to deteriorate.
 2. Removal of vegetation shall not occur more than 30 days prior to grading or construction.
 3. If a building permit is issued as part of the project, the requirements of the excavation/land clearing permit shall be completed prior to framing or set-up. Erosion control and stabilization methods shall be in place prior to and during the entire construction phase of the project.
 4. Temporary or stockpile fill placement shall only be allowed for a maximum of 30 days prior to commencement of grading work.
 5. Any cuts and/or fills greater than 50 cubic yards shall require a site plan approval per the provisions of section 2.6.210(B).
 6. If the cut and/or fill is not a city street or public right-of-way, a licensed professional engineer shall declare to the city, after the cut and/or fill is completed, that it was constructed to plans and meets all standards set forth in the approved plans.
- D. **Right to Inspect:** Nothing in this section shall abridge the city's right to inspect work in progress or in its completed state, to make appropriate measurements and tests to determine if the cut and fill was made according to plan, and to require alterations prior to final approval of the cut and/or fill.

2.6.230 Watercourse Protection. Mature ground cover and trees, wildlife habitats, and the natural contours of the watercourses identified below shall be preserved as provided herein. For distances noted in the following table, measured from the top of the stream bank, there shall be a setback of structural and any other physical development such as parking lots, retaining walls, channel alterations, etc. from the stream bank unless, after consultation with the Oregon Department of Fish and Wildlife, findings are made by the Director pursuant to Section 5.2.120(B) that a proposed reduction in setback:

- A. Will not have a significant adverse impact on stream bank erosion, water temperature and quality, or wildlife;

- B. Is required for flood control, and actions are taken to mitigate such impacts as much as is possible;
- C. Is not required for flood control; and
- D. Is not in conflict with any other drainage ordinance or plan.

For the purposes of this Section, the top of the stream bank shall be as determined by the elevation at which water overflows the natural bank and begins to inundate upland areas. In absence of physical evidence, the two-year recurrence interval flood elevation may be used to delineate the top of bank.

Watercourse	Setback	Setback
	All Residential and CS zones	All Commercial, Industrial, and FR-75 Zones
Sutherlin Creek	50'	50'
Cooper Creek	50'	50'
Cook Creek	25'	50'

2.6.240 Agriculture, Livestock. The total number of livestock allowed on a property shall be limited to the area of the property divided by the total minimum area required listed below:

- A. Types of animals allowed:
 1. One horse or bovine per acre; or
 2. One goat, llama, alpaca, sheep per half acre.
 3. A minimum of 500 square feet of area shall be required for each chicken, other fowl, or rabbit on the property.
 4. The number of colonies of bees allowed on a property shall be limited to one colony for each 10,000 square feet and shall be located no closer than 50 feet from any property line.
- B. **Containment:** Animals subject to this section shall be effectively contained by fencing, coop, hutch, or other means to prevent them from violating the provisions of section 6.04.030 of Sutherlin Municipal Code, pertaining to animals at large.
- C. **Nuisances:** Animals subject to this section shall not violate the provisions of section 6.04.040 of Sutherlin Municipal Code pertaining to nuisance noise nor section 8.16.040E pertaining to nuisance odor.
- D. **Violation:** Violation of the provisions of this section shall be subject to enforcement and penalties prescribed under section 1.4 of the Sutherlin Development Code.