

**CITY OF GRASS VALLEY ZONING ORDINANCE**  
**SHERMAN COUNTY, OREGON**

#120

1978

## **ORDINANCE NO. 120**

### **City of Grass Valley Zoning Ordinance Sherman County, Oregon**

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# GRASS VALLEY ZONING ORDINANCE

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## ORDINANCE NO. 120

AN ORDINANCE REPLACING THE TEXT OF ORDINANCE NO.120, CITY OF GRASS VALLEY ZONING ORDINANCE (AS AMENDED), SHERMAN COUNTY, OREGON

The City of Grass Valley, Oregon, does ordain as follows:

### ARTICLE I. INTRODUCTORY PROVISIONS

Section 1.1 - Title. This ordinance shall be known as the City of Grass Valley Zoning Ordinance.

Section 1.2 - Purpose.

1. To implement the Grass Valley Comprehensive Plan 1978, as adopted by the Grass Valley City Council.
2. To comply with ORS Chapter 227 and 197.
3. To promote the public health, safety and welfare of the citizens of the City of Grass Valley.
4. To repeal and replace the Zoning Ordinance of 1971.

Section 1.3 - Definitions. As used in this ordinance the singular includes the plural and the masculine includes the feminine and neuter; the word "may" is discretionary, the word "shall" is mandatory. The following words and phrases shall mean:

1. Access. A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.
2. 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 plans for the roadway, subdivision of abutting properties, and existing level of access control.
3. Access connection. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system
4. Access management. The process of providing and managing access to land development while preserving the flow of traffic in terms of safety, capacity, and speed.
5. Accessory use or accessory structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.

6. Accessway. A walkway, as opposed to a sidewalk, is not adjacent to a road and provides a pedestrian and bicycle connection either between roads or from a road 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.
7. Alley. A street which affords means of access to the property.
8. Automobile wrecking yard. Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.
9. Apartment. A building (or portion thereof) consisting of separate living units designed for occupancy by three or more families living independently of each other.
10. Building. A structure or mobile home unit built for the support, shelter or the enclosure of persons, animals, chattels, or property of any kind.
11. Church. A building or edifice used primarily for religious worship.
12. City. City of Grass Valley.
13. City Council. Grass Valley City Council.
14. Contiguous land. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-of-way which would deny access between the two parcels under single ownership).
15. Corner clearance. The distance from a public or private road intersection 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.
16. Cross access. A service drive providing vehicular access between two or more contiguous sites so the driver need not enter the public street system.
17. Duplex. A building containing two dwelling units designed for occupancy by two families.
18. Dwelling. A detached building for and occupied exclusively by one family, including mobile homes.
19. 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.

20. Family. An individual or two or more persons related by blood, marriage or legal adoption or legal guardianship, living together in a dwelling unit. Meals or lodging may also be provided for not more than five additional persons who need not be related by blood, marriage, adoption or legal guardianship living in a dwelling unit.
21. Farm use. The current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by poultry, fur-bearing animals, or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, excluding feedlots. It includes the preparation and storage of products raised on such land for man's use and animal use and disposal by marketing or otherwise.
22. Frontage 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.
23. Functional area (intersection). That area beyond the physical intersection of two roads that comprises decision and maneuver distance, plus any required vehicle storage length.
24. Functional classification. A system used to group public roadways into classes according to their purpose in moving vehicles and providing access.
25. Home occupation. The lawful occupation carried on by a resident of a dwelling as an accessory use solely within the same dwelling, provided:
  - A. There is no more than one additional person employed other than the resident of the dwelling, and
  - B. The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution.
26. Industrial. The making of commodities by manufacturing, assembling, fabrication, generating or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.
27. Joint access (or shared access). A driveway connecting two or more contiguous sites to the public street system.
28. Lot. A parcel, tract, or area of land whose boundaries have been established by some, legal instrument, which is recognized as a separate legal entity for purposes of transfer to title, has frontage upon a public or private street, and complies with the dimensional requirements of this code.
29. Lot area. The total area of the lot measured in the horizontal plane within the lot boundary lines.

30. Lot, corner. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.
31. Lot depth. The average distance measured from the front line to the rear lot line.
32. 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.
33. Lot frontage. That portion of a lot extending along a street right-of-way.
34. Lot line, front. The line on the lot facing the street from which the access to the lot is commonly made.
35. Lot, through (or double frontage lot). A lot that fronts upon two parallel streets or that fronts upon two streets that do not intersect at the boundaries of the lots.
36. Lot width. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
37. Mobile Home. A vehicle or structure with an axle or axles suitable for transportation upon the public highway system and designed for permanent human occupancy. Such dwellings, if not commercially constructed, must meet all applicable building codes. Mobile homes must be skirted and be attached to a septic disposal system approved by the Sherman-Wasco Public Health Department.
38. Mobile home park. Any privately owned place where two or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is the rental of spaces.
39. Multiple family dwelling. Dwelling designed or intended for the residence of two or more families.
40. Nonconforming access features. Features of the property access that existed prior to the date of ordinance adoption and do not conform with the requirements of this ordinance.
41. Non-conforming structure or use. A lawfully existing structure for use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
42. Owner. A person, his authorized agent or representative having legal authority to use, transfer or lease land.
43. Parcel. A division of land comprised of one or more lots in contiguous ownership.



44. Parking place. A rectangular area not less than 20 feet long and 10 feet wide, together with maneuvering and access space for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.
45. Person. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
46. Plat. An exact and detailed map of the subdivision of land.
47. Private road. A road not under the jurisdiction of a public body that provides the principal means of access to an abutting property.
48. Public road. A road under the jurisdiction of a public body that provides the principal means of access to an abutting property.
49. Reasonable access. 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 of Grass Valley.
50. Recreational vehicle. A vehicle or structure designed for highway use that is intended or used for human occupancy, is not being used for residential or business purposes, and is being used solely for vacation and recreational purposes.
51. Residential use. A structure or use designed or used for occupancy as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.
52. Right-of-way. Land reserved, used, or to be used for a highway, street, alley, walkway, drainage facility or other public purpose.
53. Setback. An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.
54. Sign. An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.
55. 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 existing use for all roads under state jurisdiction.

56. Street. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway-, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.
57. Structure. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
58. 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.
59. Substantial enlargements or improvements. An increase in existing square footage or increase in assessed valuation of the structure of 25% or more in the square footage or assessed value.
60. Tract or area. The area within a measurable boundary of land or contiguous parcels of land.
61. Use. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
62. Yard. An open space on a lot, which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
63. Yard, front. A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.
64. Yard, rear. Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
65. Yard, side. The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

## ARTICLE 2. BASIC PROVISIONS

### Section 2.1- Compliance with Ordinance Provisions.

1. The land may be used and a structure or part of a structure may be constructed, reconstructed, altered, occupied or used only as this ordinance shall permit.

### Section 2.2- Establishment of Land Use Zone.

1. This ordinance hereby establishes the following land use zones for the City.

<u>Zone</u>	<u>Abbreviated Designations</u>
Commercial -Light Industrial C-I Zone	C-I
Commercial "C" Zone	C
Residential Zone "R"	R
Residential-Agricultural	R-A
Open Space	OS

### Section 2.3- Location of Zones.

1. The boundaries of the zones listed in this ordinance are indicated on the Grass Valley zoning map, which is attached to this ordinance.

### Section 2.4- Zoning Map.

1. The Zoning Map of the City of Grass Valley is enclosed in this ordinance as Appendix I and incorporated herein. Zoning Map Amendments shall be dated with the effective date of the ordinance that adopts the map amendment and filed in the office of the City Recorder.

### Section 2.5- Zoning Boundaries.

1. Unless otherwise specified, zone boundaries are centerlines of streets, lot lines, or city limits lines.

## ARTICLE 3. LAND USE ZONES

### Section 3.1- Commercial-light Industrial C-I Zone.

Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "C-I" Zone shall comply with the following regulations:

1. Permitted Uses:

- A. Retail trade establishments in which operation takes place within an enclosed building.
- B. Business, governmental or professional office
- C. Financial institution
- D. Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning establishment, and electrical repair shop.
- E. Public park, public recreation areas and community center.
- F. Transportation improvements (Ord No. 2003-2)
  - 1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
  - 2) Construction of rest areas, weigh stations within existing rights-of-way.
  - 3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  - 4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
  - 5) Landscaping as part of a transportation facility.
  - 6) Emergency measures necessary for the safety and protection of property.
  - 7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
  - 8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

2. Signs. Signs shall pertain only to goods and services sold on the premises. Signs are permitted in a ratio of one square foot of sign area to each linear foot of property frontage. Maximum sign area shall be 100 square feet.
3. Conditional Uses:
  - A. Development of industrial sites within the Commercial-light Industrial Zone shall be considered on an individual basis by the City Council. A public hearing shall be required.
  - B. Taverns
  - C. Commercial amusement
  - D. Apartments
  - E. Craft industries, family-oriented
  - F. Service commercial establishments such as hotel, motel, gasoline service station or restaurant.
  - G. Agricultural support services including produce storage facilities.
  - H. Single family dwelling including a mobile home.
  - I. Similar uses as authorized by the City Council.
  - J. Transportation improvements (Ord No. 2003-2)
    1. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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 following criteria:
      - a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
      - b) The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.

- c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
    - d) The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
  - 2. 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.
  - 3. Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
- 4. Height. Buildings, structures or portions thereto shall not be erected to exceed a height of two and one-half stories or 35 feet.
- 5. Setback requirements. In the Commercial-light Industrial Zone setbacks shall be as follows:
  - A. No buildings shall be constructed or located closer than 20 feet from the front lot line.
  - B. Corner lot side-yard set back shall be 15 feet.
  - C. Side-yard set back shall be 15 feet.
  - D. No building shall be closer to a lot in a residential zone than a distance equal to the height of the building or 20 feet, whichever is greater.
- 6. Parking regulations.
  - A. Off street parking. A minimum of 2 car spaces shall be provided for each 1,500 square feet or less of the ground floor area of the building, plus 2 car spaces for each 1,500 square feet or less of the floor area of each additional floor, excluding the basement. This requirement does not apply for motels, which must have at least 1 off-street parking space per each rental unit. The parking area above required shall be contiguous to the commercial property it serves and this provision shall be interpreted or applied so as to result in sufficient off-street parking for all employees of the business.
  - B. Parking area approval. Land used for parking areas in this zone shall be developed in accordance with a plan approved in writing by the City Council. The area must be surfaced with asphaltic, concrete, or other type of surfacing approved by the City Council.

Section 3.2- Commercial "C" Zone.

Uses. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "C" Commercial Zone shall comply with the following regulations:

1. Permitted uses.

- A. Retail trade establishments in which operation takes place within an enclosed building.
- B. Business, governmental or professional office.
- C. Financial institution
- D. Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning establishment, and electrical repair shop.
- E. Public park, public recreation areas and community center.
- F. Transportation improvements (Ord No. 2003-2)
  - 1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
  - 2) Construction of rest areas, weigh stations within existing rights-of-way.
  - 3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
  - 4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
  - 5) Landscaping as part of a transportation facility.
  - 6) Emergency measures necessary for the safety and protection of property
  - 7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
  - 8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

2. Signs. Signs shall pertain only to goods and services sold on the premises. Signs are permitted in a ratio of one square foot of sign area to each linear foot of property frontage. Maximum sign area is 100 square feet.
3. Conditional uses.
  - A. Churches
  - B. Taverns
  - C. Commercial amusement
  - D. Apartments
  - E. Craft industries, family-oriented
  - F. Service commercial establishments such as hotel, motel, gasoline service station or restaurant.
  - G. Agricultural support services including produce storage facilities.
  - H. Similar uses as authorized by the City Council.
  - I. Transportation improvements (Ord No. 2003-2)
    - 1) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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 following criteria:
      - a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
      - b) The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
      - c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.



- d) The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
  - 2) 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.
  - 3) Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
4. Height. Buildings, structures or portions thereto shall not be erected to exceed a height of two and one-half stories or 35 feet.
  5. Set back requirements. In the Commercial Zone set backs shall be as follows.
    - A. No buildings shall be constructed or located closer than 10 feet from the front lot line.
    - B. Side yard set back shall be 5 feet.
    - C. No building shall be closer to a lot in a residential or agricultural zone than a distance equal to the height of the building or 20 feet, whichever is greater.
  6. Off-street Parking. No requirement in Commercial zone.

#### Section 3.3 -Residential Zone "R".

Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R" Residential Zone shall comply with the following regulations:

1. Permitted uses.
  - A. Single family dwellings.
  - B. Public parks, public recreation areas and community or neighborhood centers.
  - C. Mobile homes.
  - D. Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall be located not less than 20 feet from the front line and not less than 10 feet from the main building. Detached accessory buildings shall be located not less than 5 feet from the side or rear lot lines. Detached accessory buildings on a corner lot shall not project into the side yard set back area on the street side of such corner lot.
  - E. Name plates and signs. One non-illuminated nameplate not to exceed one and one-half square feet in area placed flat against the building, for each dwelling containing a home

occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.

F. Transportation improvements (Ord No. 2003-2)

- 1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- 2) Construction of rest areas, weigh stations within existing rights-of-way.
- 3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- 4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- 5) Landscaping as part of a transportation facility.
- 6) Emergency measures necessary for the safety and protection of property.
- 7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
- 8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

2. Conditional uses. Permitted with approval of the City Council in accordance with Section 5.1.

- A. Churches
- B. Mobile home parks
- C. Public schools and libraries
- D. Apartments, three or more dwelling units
- E. Home occupation
- F. Lodge for civic or fraternal organization carrying on no commercial activity.
- G. Duplexes, two unit dwellings

- H. Necessary public utilities and public services, county service buildings, with safeguards against harm to adjacent or abutting residential property as required by the City Council.
- I. Private recreation areas.
- J. Transportation improvements (Ord No. 2003-2)
  - 1) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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 following criteria:
    - a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
    - b) The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
    - c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
    - d) The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
  - 2) 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.
  - 3) Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.
- 3. Height. Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.
- 4. Area.
  - A. Front yard. There shall be a front yard of not less than 20 feet in depth.
  - B. The side yard shall be a minimum of 10 feet.

- C. Rear yard. There shall be a rear yard of not less than 15 feet in depth.
- D. The minimum lot size shall conform to the requirements of the County Health Department and the State Sanitary Authority, but the minimum lot area shall be 10,000 square feet.

5. Parking regulations.

- A. Dwellings. One parking space shall be provided on the lot for each dwelling unit.
- B. Uses other than dwellings. Churches, lodges for civic and fraternal organizations; one parking space shall be provided for each four seats in the main assembly room, or one parking space for each 30 square feet of floor space within the main assembly room.

Section 3.4 – Residential - Agricultural Zone "R-A".

Uses. Buildings and structures hereafter erected, structurally altered, enlarged, or moved or land hereafter used in the "R-A" Residential-Agricultural Zone shall comply with the following regulations:

1. Permitted uses.

- A. Farm use as defined
- B. Farm dwellings or dwellings for owners, operators
- C. Public parks, recreation areas and community centers.
- D. Accessory buildings customarily provided in conjunction with farm use.
- E. Non-farm single family dwelling including a mobile home on a minimum one-acre tract.
- F. Public schools and libraries.
- G. Name plates and signs. One non-illuminated nameplate not to exceed one and one-half square feet in area placed flat against the building for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- H. Transportation improvements (Ord No. 2003-2)
  - 1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.

- 2) Construction of rest areas, weigh stations within existing rights-of-way.
- 3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- 4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- 5) Landscaping as part of a transportation facility.
- 6) Emergency measures necessary for the safety and protection of property.
- 7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
- 8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

2. Conditional uses. Permitted with approval of the City Council in accordance with Section 5.1.

- A. Churches
- B. Mobile home parks
- C. Home occupation
- D. Duplexes, two unit dwellings
- E. Necessary public utilities and public services, county service buildings, with safeguards against harm to adjacent or abutting residential property as required by the City Council.
- F. Private recreation areas.
- G. Transportation improvements (Ord No. 2003-2)
  - 1) Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan; or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review. Transportation projects shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. 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 following criteria:

- a) The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
  - b) The project is designed to minimize unavoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
  - c) The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
  - d) The project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
- 2) 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.
  - 3) Authorization of a conditional use shall be void after a period specified by the applicant as reasonable and necessary based on season, right-of-way acquisition, and other pertinent factors. This period shall not exceed three years.

3. Area.

- A. The minimum lot size shall be 10,000 square feet.
- B. Front yard. There shall be a front yard of not less than 30 feet in depth.
- C. Side yard. There shall be a side yard on each side of the main building and each side yard shall have a depth of not less than 15 feet.
- D. Rear yard. There shall be a rear yard of not less than 30 feet in depth.

4. Height. Buildings, structures, or portions thereof shall not be erected to exceed a height of 35 feet excluding agricultural storage facilities.

5. Parking regulations.

- A. All equipment shall be stored on the property in compliance with yard requirements.
- B. One off-street parking space shall be provided on the lot for each dwelling unit.

Section 3.5- Open Space "OS".

Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "OS" Open Space Zone shall comply with the following regulations:

1. Permitted uses.
  - A. Public parks, recreation areas and community centers.
  - B. Necessary public utilities and public services.
  - C. Transportation improvements (Ord No. 2003-2)
    - 1) Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
    - 2) Construction of rest areas, weigh stations within existing rights-of-way.
    - 3) Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
    - 4) Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
    - 5) Landscaping as part of a transportation facility.
    - 6) Emergency measures necessary for the safety and protection of property.
    - 7) Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan or the Statewide Transportation Improvement Plan adopted by the Oregon Transportation Commission except for those that are located in exclusive farm use zones.
    - 8) Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.
2. Other provisions. No permanent residential, commercial or industrial structure is permitted in the Open Space Zone.

## ARTICLE 4. SUPPLEMENTARY PROVISIONS

Section 4.1 - 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 too required lot area, yard or other open space for another use.

Section 4.2 - Access. Every lot shall abut a street, other than an alley, for least 25 feet.

Section 4.3 - General Provisions Regarding Accessory Uses. An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

Section 4.4 - Fences. A fence or hedge within a front yard or a street side yard shall not exceed an elevation six feet above the street curb elevation.

Section 4.5 - Additional Conditions to Development Proposals. The City may require additional conditions for development proposals. (Ord No. 2003-2)

1. The proposed use shall not reduce the level of service (LOS) below a D rating for the public transportation system. For developments that are likely to generate more than a V/C ratio of 75 or greater, the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding road system. The developer shall be required to mitigate impacts attributable to the project.
2. The determination of the scope, area, and content of the traffic impact study shall be coordinated with the provider of the affected transportation facility, i.e. city, county, or state.
3. Dedication of land for roads, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.
4. Construction of the developer's fair share of improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or roads that serve the proposed use where necessary to mitigate the impacts to the existing transportation system caused by the proposed use.

Section 4.6 - Access Management. (Ord No. 2003-2)

### 1. General

The intent of this section is to manage access to land development to preserve the transportation system in terms of safety, capacity, and function. This ordinance shall apply to all arterials and collectors within the City of Grass Valley and to all properties that abut these roadways. This ordinance is adopted to implement the access management policies of the City of Grass Valley as set forth in the Transportation System Plan.



2. Corner Clearance

- A. Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.

Functional Classification	Access Category	Urban /Rural	Intersection				Signal Spacing	Median Control
			Public Road		Private Drive			
			Type	Spacing	Type	Spacing		
Arterial <sup>1</sup>	Urban/ Other	U	At grade	770 ft			NA	NA
Collector	NA	R	At grade	700 ft	Lt./Rt. Turns	1,200 ft.	NA	NA
Local Street	NA	R	At grade	200-400 ft	Lt./Rt. Turns	Vary	NA	NA

- B. It should be noted that existing developments and legal accesses on the transportation network would not be affected by the recommended access management standards until one or more of the following actions is taken:
- 1) Either a land use action is proposed,
  - 2) A safety or capacity deficiency is identified that requires specific mitigation,
  - 3) A specific access management strategy/plan is developed,
  - 4) Redevelopment of existing properties along the highway occurs, or
  - 5) A major construction project is begun on the street.
- C. New connections shall not be permitted within the functional area of an intersection or interchange as defined in paragraph 1 above, unless no other reasonable access to the property is available.
- D. 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 (i.e. right in/out, right in only, or right out only) may be required.

3. Joint and Cross Access

- A. Adjacent commercial or office shall provide a cross access drive and pedestrian access to allow circulation between sites.
- B. A system of joint use driveways and cross access easements shall be established wherever feasible.

<sup>1</sup> Management of access to State Highway is controlled by Oregon Department of Transportation. The 1999 Highway Plan and OAR 734.051. *Deviations to access standards may be granted following the processes outlined in the Oregon Administrative Rules*

- C. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
- D. Pursuant to this section, property owners shall:
  - 1) 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;
  - 2) Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway;
  - 3) Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- E. The City may reduce required separation distance of access points on streets under the City's jurisdiction where they prove impractical, provided all of the following requirements are met:
  - 1) Joint access driveways and cross access easements are provided in accordance with this section.
  - 2) The site plan incorporates a unified access and circulation system in accordance with this section.
  - 3) The property owner enters into a written agreement with the City, 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.
- F. The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

#### 4. Access Connection and Driveway Design

- A. Driveways shall meet the following standards:
  - 1) 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 a maximum width of 12 feet and shall have appropriate signage designating the driveway as a one way connection.
  - 2) For two-way access, each lane shall have a minimum width of 16 feet and a maximum width of 24 feet.

- B. Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view of the street for a distance based on the stopping distance of a vehicle traveling at the posted speed of the street. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.
- C. The length of driveways shall be designed in accordance with the anticipated storage length needed for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public road or causing unsafe conflicts with on-site circulation.

#### 5. Requirements for Phased Development Plans

- A. In the interest of promoting unified access and circulation systems, development sites under the same ownership or 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. 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. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. 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 internal to the development 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.

#### 6. Reverse Frontage

- A. Lots that front on more than one road shall be required to locate motor vehicle accesses on the road with the lower functional classification.
- B. 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. Access rights of these lots to the arterial shall be dedicated to the appropriate local jurisdiction or state agency and recorded with the deed. 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.

#### 7. Shared Access

- A. Subdivisions with frontage on the state highway system with no reasonable alternate means of access shall be designed into shared access points to and from the highway. If access off of a secondary road is possible, then direct access may not be allowed onto the state highway. If access off of a secondary road becomes available, then conversion to that access is required, along with closing the state highway access.

## 8. Lot Width-to-Depth Ratios

- A. 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.

## 9. Connectivity

- A. The road system of proposed subdivisions shall be designed to connect with existing, proposed, and planned roads outside of the subdivision as provided in this section.
- B. Wherever a proposed development abuts unplatted land or a future development phase of the same development, road stubs shall be provided to provide access to abutting properties or to logically extend the road system into the surrounding area. All road stubs shall be provided with a temporary turn-around unless specifically exempted by the Public Works Director, and the restoration and extension of the road shall be the responsibility of any future developer of the abutting land.
- C. Minor collector and local residential access roads shall connect with surrounding roads to permit the convenient movement of traffic between residential neighborhoods or facilitate emergency access and evacuation. Connections shall be designed to avoid or minimize through traffic on local roads. Appropriate design and traffic control such as four-way stops and traffic calming measures are the preferred means of discouraging through traffic.
- D. Culs-de-sac or permanent dead-end roads may be used as part of a development plan. However, through roads are encouraged except where topographical, environmental, or existing adjacent land use constraints make connecting roads infeasible. Where culs-de-sac are planned, accessways shall be provided connecting the ends of culs-de-sac to each other, to other roads, or to neighborhood activity centers.

## 10. Variances to Access Management Standards

- A. The granting of the variance shall meet the purpose and intent of these regulations and shall not be considered until every feasible option for meeting access standards is explored.
- B. Applicants for a variance 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 road with a lower functional classification than the primary roadway.

C. No variance shall be granted where such hardship is self-created.

#### 11. Nonconforming Access Features

A. 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:

- 1) When new access connection permits are requested;
- 2) Change in use or enlargements or improvements that will increase trip generation by more than 10%.

#### Section 4.7 - Pedestrian and Bicycle Access and Facilities. (Ord No. 2003-2)

##### 1. General

The purpose of this section is to provide for safe and convenient pedestrian, bicycle and vehicular circulation consistent with access management standards and the function of affected streets

2. On-site facilities should be provided, where appropriate, to accommodate safe and convenient pedestrian and bicycle access.

##### A. Pedestrian Access and Circulation

- 1) Single family residential developments shall include either public or private streets and accessways to all residential dwellings within the development.
- 2) Sidewalks shall be required along arterials, collectors, and on local streets should, based on the average daily traffic on the street preclude the safe use of the street by pedestrians.
- 3) Pedestrian circulation should be provided in new commercial, office, and multi-family residential developments.

##### B. Bicycle Parking

- 1) New development should consider providing bicycle parking facilities as appropriate.

##### C. Commercial Development Standards

- 1) New commercial buildings, particularly retail shopping and offices, should be orientated to the road where possible.
  - 2) Off-street vehicle parking for new commercial developments should, where possible, be located at the side or behind the building(s).
  - 3) Site plans for industrial and commercial developments should show pedestrian and bicycle facilities.
3. Culs-de-sac should provide through connections where possible.

## ARTICLE 5. CONDITIONAL USES

### Section 5.1- Authorization to Grant or Deny Conditional Uses.

1. Conditional uses listed in this ordinance may be permitted, enlarged, or otherwise altered upon authorization by the City Council in accordance with the standards and conditions in this article. In permitting a conditional use or the modification of conditional use, the City Council may impose, in addition to those standards and requirements expressly specified by the ordinance, any additional conditions which the City Council considers necessary to protect the best interest of the surrounding property or the City as a whole.
2. Standards for granting conditional uses.
  - A. The proposal will be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city.
  - B. Taking into account location, size, design and operation characteristics, the proposal will have minimal adverse impact on the (a) livability, (b) value and (c) appropriate development of abutting properties and the surrounding area compared to the impact of development that is permitted outright.
  - C. The location and design of the site and structures for the proposal will be as attractive as the nature of the use and its setting warrants.
  - D. The proposal will preserve assets of particular interest to the community.
  - E. 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 values for speculative purposes.

3. Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions which it find necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:
  - A. Increasing the required lot size or yard dimension.
  - B. Limiting the height, size or location of buildings.
  - C. Controlling the location and number of vehicle access points.
  - D. Increasing the street width.
  - E. Increasing the number of required off-street parking spaces.
  - F. Limiting the number, size, location and lighting of signs.
  - G. Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
  - H. Designating sites for open space.
  - I. Requiring proper drainage and pest control.
  - J. Placing time limits on the use and requiring periodic reviews.
4. Procedure for taking action on a conditional use application.
  - A. Application for a conditional use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder. The City Council may require other drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.
  - B. Public hearings on conditional use. Before the City Council may act on a request for a conditional use, it shall hold a public hearing.
  - C. Notification action. Within 10 days after a decision has been rendered by the City Council with reference to a request for conditional use, the City shall provide the applicant with written notice of the decision of the Council.
  - D. Time limit on a permit for conditional use. Authorization of a conditional use shall be void after 6 months, unless substantial construction pursuant thereto has taken place. However, the City Council may, at its discretion, extend authorization for an additional 6 months on request.

5. Conditional use permits shall only be issued if such uses do not necessitate the provision of additional public service or if such uses will require additional public services the applicant has made provisions for the additional services. In the later instance, the City Council may require the proponent to assure his full and faithful performance thereof, in one of the following ways.
  - A. A surety bond, in a form approved by the City attorney and executed by a surety company authorized to transact business in the state of Oregon.
  - B. A personal bond, in a form approved by the City attorney, cosigned by at least one additional person together with evidence of financial responsibility and resources of those signing the bond sufficient to provide reasonable assurance of ability to proceed in accordance with the agreement.
  - C. Cash

## ARTICLE 6. EXCEPTIONS AND VARIANCES

### Section 6.1 - Nonconforming Uses.

1. A nonconforming use or structure may be continued but may not be altered or expanded. The expansion of a nonconforming use to a portion or a structure which was arranged or designed for the nonconforming use at the time of passage of this ordinance is not an enlargement or expansion of a nonconforming use. A nonconforming structure, which conforms with respect to use, may be altered or expanded if the alteration or expansion does not cause the structure to deviate further from the standards of this ordinance.
2. If a nonconforming use is discontinued for a period of one year, further use of the property shall conform to this ordinance.
3. If a nonconforming use is replaced by another use, the new use shall conform to this ordinance.
4. If a nonconforming structure or a structure containing a nonconforming use is destroyed by any cause to an extent exceeding 80 percent of its fair market value as indicated by the records of the county assessor, a future structure or use on the site shall conform to this ordinance.
5. Nothing contained in this ordinance shall require any change in the plans, construction, alteration or designated use of a structure for which a permit has been issued by the city and construction has commenced prior to the adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.



Section 6.2 - General Exceptions to Yard Requirements. The following exceptions to yard requirements are authorized for a lot in an R zone, except a corner lot. Any front yard need not exceed:

1. The average of the front yards on abutting lots which have buildings within 100 feet of the lot, or
2. The average of the front yard of a single abutting lot, which has a building within two feet, and the required depth for that zone.

Section 6.3 - General Exceptions to Building Height Limitations. Vertical projections such as chimneys, spires, domes, elevator shaft housings, towers, aerials, flagpoles and similar objects not used for human occupancy are not subject to the building height limitations of this ordinance.

Section 6.4 - Projections from Buildings. Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shaft not project more than 24 inches into a required yard setback area.

Section 6.5 - Authorization to Grant or Den Variances. The City Council may authorize a variance 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 the ordinance would cause an undue or unnecessary hardship. No variance shall be granted within the zone in which the proposed use would be located. In granting a variance, the City Council may attach conditions, which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

Section 6.6 - Circumstances for Granting a Variance. 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 which 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 enactment of this ordinance have had no control.
2. The variance is necessary for the preservation of a property rights of the applicant substantially the same as owners of other property in the same zone or vicinity possesses.
3. The variance would not be materially detrimental to the purposes of this ordinance, or to 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 requested is the minimum variance, which would alleviate the hardship.
  - A. Application for a variance. A property owner may initiate a request for a variance by filing an application with the City Recorder.

- B. Public hearing on a variance. Before the City Council may act on a request for a variance, it shall hold a public hearing.
- C. Notification of decision. Within 10 days after a decision has been rendered by the City Council with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the City Council

## ARTICLE 7. AMENDMENTS

### Section 7.1- Forms of Amendments.

- 1. An amendment to this Ordinance may take the following forms:
  - A. Amendment to the text. (Legislative revision and quasi-judicial)
  - B. Amendment to the map. (legislative revision and quasi-judicial)

### Section 7.2 -Legislative Revisions.

- 1. Proposed amendments to this Ordinance shall be deemed legislative revisions if:
  - A. The proposed amendment involves the text of this Ordinance and/or;
  - B. The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.
- 2. Legislative revisions shall be initiated by a resolution of a majority of the City Council.

Section 7.3 - Quasi-Judicial Changes.

1. Proposed amendments to this Ordinance shall be deemed a quasi-judicial change if the proposed amendment involves the zoning map and does not have widespread and significant impact beyond the immediate area or the proposed amendment.
2. Quasi-judicial changes may be initiated by:
  - A. Property owners or contract purchaser or his or their authorized agent.
  - B. In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter the decision of the City Council shall be final.

Section 7.4 - Amendment Hearings. The City Council shall conduct a public hearing on a proposed amendment at the earliest possible meeting after it is submitted. Within 40 days after the hearing the City Council shall by ordinance approve, disapprove, or modify the proposed amendment.

1. The following criteria must be followed in deciding upon quasi-judicial proceedings.
  - A. The applicant must show that the proposed change conforms with the Comprehensive Plan. (Ord No. 2003-2)
  - B. A zoning map or zoning text amendment significantly affects a transportation facility if it: (Ord No. 2003-2)
    - 1) Changes the functional classification of an existing or planned transportation facility;
    - 2) Changes standards implementing a functional classification system;
    - 3) Allows types or intensities of land use that would result in either the type or quantity or traffic, or access that would be inconsistent with the functional classification of a transportation facility as established in the adopted Transportation System Plan; or
    - 4) Would reduce the level of service of the facility below the minimum acceptable level for that facility established in the adopted Transportation System Plan.
  - C. Amendments to the zoning map and text which significantly affect a transportation facility shall include mitigation measures that result in allowed land uses being 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: (Ord No. 2003-2)
    - 1) Limiting allowed land uses to be consistent with the planned function of the transportation facility;

- 2) Amending the Transportation System 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,
- 3) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes.

Section 7.5 – Notification of Decision. Within 10 days after a decision has been rendered by the City Council on an amendment initiated by a property owner, the City Recorder shall provide the applicant with the notice of the City Council’s decision.

Section 7.6 – Limitation of Reapplications. No application of a property owner for an amendment to the zone boundary shall be considered by the City Council within the one year period immediately following a previous denial of such request, except the City Council may permit a new application if in the opinion of the City Council new evidence or a change of circumstances warrant it.

Section 7.7 – Record of Amendments. The Recorder shall maintain records of amendments to this ordinance.

## ARTICLE 8. ADMINISTRATIVE PROVISIONS

Section 8.1 - Administration. The Town Marshall or a City Official appointed by the City Council as Zoning Ordinance Administrator shall have the power and duty to enforce the provisions of this Ordinance. An appeal from a ruling by him regarding a requirement of the Ordinance may be made only to the City Council.

Section 8.2 - Building Permit Required. Prior to the erection, movement, reconstruction, extension, enlargement, or alteration of any structure, a permit for such erection, movement, reconstruction, extension, enlargement, or alteration shall be obtained from the City Recorder. The applicant shall pay a fee as established by City Ordinance at the time the application is filed.

Section 8.3 - Form of Petitions, Applications and Appeals. All petitions, applications, and appeals provided for in this Ordinance shall be made on the forms outlined in Appendix II of this Ordinance.

Section 8.4 - Filing Fees. The following fees shall be paid to the City Recorder upon filing of an application. Such fees shall not be refundable.

1. Variance: \$
2. Zone Change: \$
3. Conditional Use: \$

### Section 8.5- Public Hearings.

1. Each notice of hearing authorized by this ordinance shall be published in a newspaper of general circulation in the City at least 10 days prior to the date of 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 owners of property within 250 feet of the property for which the variance, conditional use or zone boundary, amendment has been requested. The Notice of hearing shall be mailed at least 10 days prior to the date of the hearing. If a proposed zone boundary amendment has been initiated by the City Council and is declared by the City Council to be a major reclassification, the mailing of individual notice is not required but such additional means of informing the public as may be specified by the Council shall be observed.
3. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.
4. The City Council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the

proposal being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 8.6 - Authorization of Similar Uses. The City Council may permit in a particular zone a use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed of a use specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

## ARTICLE 9. GENERAL PROVISIONS

Section 9.1 - Interpretation. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement, which is more restrictive, shall govern.

Section 9.2 - 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 9.3 - Abatement and Penalty.

1. Violation of any provision of this Ordinance or of any amendment of this Ordinance is punishable upon conviction by a fine of not more than \$100.00 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.00.
2. In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

## ARTICLE 10. EMERGENCY

Section 10.1- Emergency. That whereas conditions in the City of Grass Valley, are such that this Ordinance is necessary for the immediate preservation of the public health, peace and safety, an emergency is hereby declared to exist, and this Ordinance shall take effect and be in full force and effect after its approval by the Mayor.

ADOPTED by the Council of Grass Valley, Oregon, this \_\_\_\_\_ day of June, 1978, by the following vote:

Yeas: \_\_\_\_\_

Nays: \_\_\_\_\_

Read the first time: \_\_\_\_\_, 1978  
Read the second time by title on July \_\_\_\_\_, 1978

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Recorder