

WALDPORT PLANNING COMMISSION  
JANUARY 22, 2024  
MEETING NOTICE AND AGENDA

THE WALDPORT PLANNING COMMISSION WILL MEET ON MONDAY, JANUARY 22, 2024 AT 2:00 P.M. AT WALDPORT CITY HALL, 355 NW ALDER STREET TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. REVIEW OF MINUTES FROM NOVEMBER 27, 2023
3. CITIZENS' OPENING COMMENTS
4. ACTION ITEMS AND NEW BUSINESS
  - A. Waldport Development Code Review – Proposed Text Changes
  - B. Other Business
5. PLANNER UPDATES
6. CITIZENS' CLOSING COMMENTS
7. COMMISSION COMMENTS AND RECOMMENDATIONS
8. ADJOURNMENT

Attachments:

- November 27, 2023 Minutes
- Development Code – Proposed Text Changes
- Planner's Log

Notice given this 17<sup>th</sup> day of January 2024

NOTE: The City Council Meeting Room is accessible to all individuals. Pursuant to Order 20-16, comments prior to the meeting may be emailed to: [reda.eckerman@waldport.org](mailto:reda.eckerman@waldport.org). The public is also encouraged, if they see fit, to mail written testimony to the City. Comments may be mailed to PO Box 1120, Waldport, OR, 97394. Comments must be received no later than 1:30 pm on the day of the meeting to be considered.

## **WALDPORT PLANNING COMMISSION**

**November 27, 2023**

### **MEETING MINUTES**

1. CALL TO ORDER AND ROLL CALL: Chair Barham called the meeting to order at 2:00p.m. Chair Barham and Commissioners Schlosser, Miklic, Crall, Campbell, and Buck then answered the roll. A quorum was present.
2. MINUTES: The Commission considered the minutes from the September 25th, 2023 meeting. Commissioner Miklic moved to approve the minutes as presented. Commissioner Crall seconded and the motion carried unanimously.
3. CITIZEN'S OPENING COMMENTS: None.
4. ACTION ITEMS AND NEW BUSINESS:

- A. Public Hearing - Case File #2-CU-PC-23, Conditional Use to construct and operate a self-storage facility:

Chair Barham opened the public hearing at 2:02 p.m., calling for abstentions, ex parte contact, conflicts of interest, bias. None were announced. There were no objections to any member of the Commission participating in the hearing.

Staff Report: City Planner White reviewed the staff report, explaining that this was a conditional use application to construct and operate a self-storage facility at 120 SW Kathleen Street within the Planned Industrial zone. The public hearing announcement had been mailed to surrounding property owners, posted on the City's website, and published in the News Times. No comments have been received except from the Fire District (Deputy State Fire Marshal). Comments from the Fire District will be incorporated into the final design. The conditional use, if approved, would be good for two years and would expire at the end of the two-year period unless substantial construction has taken place and the conditions of approval have been fulfilled. A maximum of two one-year extensions can be granted by the Planning Commission.

With regard to utilities, the applicant is proposing a sanitary sewer holding tank for Phase 1 (1 building). Phase 2 (1 building) will be constructed when the City installs a sewer pump station and force main in the industrial park. Water will be provided by Southwest Lincoln County Water People's Utility District. Electricity will be provided by Central Lincoln People's Utility District.

Mr. White referred to the proposed layout that was included in the application including 8 parking spots, 1 spot per 600 square feet of building.

Applicant Presentation: Mr. Buchko addressed the Commission and provided a

brief explanation of the proposed development and answered the Commissioners' questions. Anticipated storage customers are boats, RVs, and construction equipment. Units will have two garage doors for pull through access. Each unit will have electric meters for keeping track of individual usage and billing. One of the units will be used as an office and have a shared bathroom for renter's use.

Structures will be constructed of metal and are anticipated to be delivered and assembled on-site in March 2024.

Proponents: None.

Opponents: None.

Rebuttal: None.

Deliberations: Chair Barham closed the Public Hearing at 2:40 p.m. and opened the deliberations. The Commission reviewed the conditions of approval for the proposed use.

City Planner White stated that the final engineering would be submitted and reviewed by staff and other agencies for approval prior to construction. Commissioner Miklic moved to approve the request with the proposed conditions from staff. Commissioner Crall seconded, and the motion carried unanimously.

#### B. Spruce Ridge Subdivision – Phase 1 Plat Approval

Commissioner Schlosser recused himself from the discussion and deliberation of this agenda item.

Spruce Ridge Subdivision received tentative approval at the April 24, 2023 Planning Commission meeting. As per WMC development Code, each phase must come to the Planning Commission for final plat approval.

City Planner reviewed the memo dated November 27, 2023 regarding the approval of the Phase 1 Plat for the Spruce Ridge Subdivision. The plat for approval differs from the masterplan in that two lots have been renumbered and one lot line has been adjusted.

Deliberations: Chair Barham opened the deliberations by suggesting two changes to the conditions of approval: change "director" to "Planning Commission", and to cite the whole section of the WMC code.

Commissioner Crall moved to approve the request with Chair Barham's proposed changes to the proposed conditions from staff. Commissioner Buck seconded,

and the motion carried unanimously.

C. Waldport Residential Code Review - Cottage Clusters.

City Planner presented the edited document from comments received at the September Planning Commission meeting. There were no further comments/edits. The document will be included in a more comprehensive code text change package for the future.

5. PLANNER UPDATES: Mr. White reviewed his written report.
6. CITIZENS' CLOSING COMMENTS: None.
7. COMMISSION COMMENTS AND RECOMMENDATIONS: None.
8. ADJOURNMENT: At 3:40 p.m., there being no further business to come before the Commission, the meeting was adjourned.

Respectfully submitted,

Jaime White, City Planner

Approved by the Planning Commission this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Signed by the Chair this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

---

Steve Barham, Chair



Memo: Waldport Development Code – Proposed Text Changes  
From: Jaime White, City Planner  
To: Waldport Planning Commission  
Date: January 22, 2024

The following are proposed changes to the Waldport Municipal Code, TITLE 16 DEVELOPMENT CODE

- Chapter 16.04 Introductory Provisions And Definitions – No Change  
Chapter 16.08 Basic Provisions – Replace Section 16.08.020.A with new residential zone descriptions, attached.  
Chapter 16.12 Residential Zone R-1 – Delete in its entirety. Replace with Low-Density Residential, attached.  
Chapter 16.16 Residential Zone R-2 – Delete in its entirety. Replace with High-Density Residential, attached.  
Chapter 16.20 Residential Zone R-3 – Delete in its entirety. Replace with High-Density Residential, attached.  
Chapter 16.24 Residential Zone R-4 – Delete in its entirety. Replace with High-Density Residential, attached.  
Chapter 16.28 Retail Commercial Zone C-1 – No Change  
Chapter 16.30 Downtown District Zone DD – No Change  
Chapter 16.32 General Commercial Zone C-2 – No Change  
Chapter 16.34 Commercial Tourism Zone C-T – No Change  
Chapter 16.36 Planned Industrial Zone I-P – Uses Permitted and Conditional Uses changed, attached.  
Chapter 16.44 Marine Waterway Zone M-W – No Change  
Chapter 16.48 Planned Marine And Recreation Zone M-P – No Change  
Chapter 16.52 Public Facilities Zone P-F – No Change  
Chapter 16.56 Single-Wide Mobile Home Overlay Zone S-W – No Change  
Chapter 16.60 Planned Development Zone P-D – No Change  
Chapter 16.62 Waldport Southwest Overlay Zone (W-SW) – No Change  
Chapter 16.64 Coastal Shorelands Overlay Zone C-S – No Change  
Chapter 16.68 Flood Hazard Overlay Zone – No Change  
Chapter 16.70 Significant Natural Resources Overlay Zone – No Change  
Chapter 16.72 Supplementary Regulations – Attached
- Section 16.72.040.D.3 – Delete. This section requires an annual Planning Commission review of approved Manager/Caretaker residences. Unfortunately the City has not tracked these approvals so does not currently know how many or where these manager/caretaker residences occur. Instead, the City Planner recommends making annual reviews a special condition of approval.
  - Section 16.72.090 Permitted Temporary Uses – Time extension decision changed from Planning Commission to City Planner.
  - Section 16.72.110 Issuance of Permits – Authority to issue temporary permit changed from City Council to City Planner.
  - Delete Section 16.72.130 Standards For The Keeping Of Chickens And Ducks in its entirety. Keeping of chickens and ducks is addressed in WMC TITLE 6.
  - Insert Section 16.72.130 Sidewalks.  
*All new development and substantial development shall include street and sidewalk improvements conforming to standards established under City code or resolution adopted by City Council. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission.*
- Chapter 16.76 Signs – No Change  
Chapter 16.80 Exceptions – No Change  
Chapter 16.84 Conditional Uses – Cottage Clusters added, attached.

Chapter 16.88 Nonconforming Uses – Authority to impose conditions or limitations changed from Planning Commission to City Planner. City Planner currently has authority to permit alterations of a non-conforming use.

Chapter 16.92 Variances – No Change

Chapter 16.96 Development Guidelines – No Change

Chapter 16.100 Land Division – No Change

Chapter 16.104 Amendments – No change

Chapter 16.108 Administrative Provisions – Table 1 is added to Section 16.108.020 Review Procedures, attached. Table 1 adds clarification of the City's land use application and review process.

Chapter 16.112 Remedies – No Change

Chapter 16.116 Effect – No Change

## [Chapter 16.08 Basic Provisions](#)

### [16.08.010 Compliance With Code Provisions](#)

### [16.08.020 Classification Of Zones](#)

### [16.08.030 Location Of Zones](#)

### [16.08.040 Zoning Maps](#)

### [16.08.050 Zoning Boundaries](#)

### [16.08.060 Zone Descriptions](#)

#### **16.08.010 Compliance With Code Provisions**

- A. A lot may be used and a structure or part of a structure may be constructed, altered, occupied or used only as this code permits.
- 8. No lot area, yard, off-street parking or loading area, or other open space existing on or after the effective date of this code shall be reduced below the minimum required for it.
- C. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off-street parking or loading area, or other required open space for another use.

#### **16.08.020 Classification Of Zones**

For the purpose of this code, the following zones are hereby established in the City:

##### Map Designations and Abbreviations

##### A. Residential Zones:

- 1. Residential Low-Density (R-~~LD4~~)
- 2. Residential High-Density (R-~~HD2~~)
- ~~3. Residential (R-3)~~
- ~~4. Residential (R-4)~~

##### B. Commercial Zones:

- 1. Downtown District (D-D)
- 2. Retail Commercial (C-1)
- 3. General Commercial (C-2)
- 4. Commercial Tourism (C-T)

##### C. Industrial Zones:

- 1. Planned Industrial (I-P)

##### D. Marine Zones:

- 1. Marine Waterway (M-W)
- 2. Planned Marine and Recreation (M-P)

##### E. Public Facility Zones:

- 1. Public Facilities (P-F)

F. Special Zones:

1. Single-Wide Mobile Home Overlay (S-W)
2. Planned Development Overlay (P-D)
3. Waldport Southwest Overlay (W-SW)
4. Coastal Shorelands Overlay (C-S)
5. Floodplain Overlay Zones:
  - a. Flood Hazard Zones (A-1, A-2)
  - b. Shallow Flooding Zone (A-O)
  - c. Coastal High Hazard Zone (V-2)

**16.08.030 Location Of Zones**

The boundaries for the zones listed above are appended hereto as an appendix to this code and marked as such with the area or areas of every zone, particularly described and, except for the Coastal Shorelands and Floodplain Overlay Zones, are also indicated on the map entitled "Waldport, Oregon Zoning". The Coastal Shorelands Overlay Zones are shown on the H.U.D. Flood Insurance Rate Maps (F.I.R.M.) for the City of Waldport. Official Maps are on file at City Hall in a book or place kept for that purpose and open to public inspection. Said maps are hereby incorporated into and made part of this code.

**16.08.040 Zoning Maps**

Maps of zones or amendments to location of zones adopted pursuant to Section 16.104.020 of this title shall be prepared by authority of the City of Waldport to the map amendment so prepared. The map or amendment shall be dated with the effective date of the ordinance that adopts the amendment.

**16.08.050 Zoning Boundaries**

Unless otherwise specified, zone boundaries (not including flood zones and overlay zones) are section line, subdivisions, lot lines, center-lines or road rights-of-way, or such lines extended or other similar lines.

**16.08.060 Zone Descriptions**

A. Low-Density Residential. Devoted to one and two-family dwellings from which are excluded business and multi-family dwelling structures but does allow certain public non-profit uses as conditional uses, as well as home occupations. This zone was established to promote public health and safety in numerous ways, including protection of living conditions, better light for homes, improvement of the atmosphere, prevention of accumulation of trash and play areas for children.

B. High-Density Residential. Created to allow single, two, and multi-family dwellings. Intended for residential use at a moderate to high density and to utilize existing subdivided lots with affordable housing. Permits mixed use development under conditional use procedures such as a hotel, motel or resort together with accessory commercial uses, plus bed and breakfast facilities with standards provided by Section 16.84.070(L)(1-12) of this title.

~~A. Residential R-1. Devoted to single family dwellings from which are excluded business and multiple dwelling structures but does allow certain public non-profit uses as conditional uses, as~~

Formatted: Right, Indent: Left: 0.63", No bullets or numbering



well as home occupations. This zone was established to promote public health and safety in numerous ways, including protection of living conditions, better light for homes, improvement of the atmosphere, prevention of accumulation of trash and play areas for children.

~~B. Residential R-2. Created to allow single family dwelling, two family dwelling, and multi-wide mobile homes. Intended for residential use at a moderate density and to utilize existing subdivided lots with affordable housing. Allows conditional uses permitted in an R-1 zone, plus bed and breakfast facilities with standards provided by Section 16.84.020(L)(1-12) of this title.~~

~~C. Residential R-3. Intended for residential use as a high density residential district allowing some conditional uses with standards provided by Section 16.20.020 of this title.~~

~~D. Residential R-4. Created for residential use but permits mixed use development under conditional use procedures such as a hotel, motel or resort together with accessory commercial~~

~~uses with standards provided by Section 16.24.020 of this title.~~

~~E.C.~~ D.C. Downtown District (D-D). Created to support the goals of Commercial Zone C-1 through elements of design and appropriate mixed use development incorporating the following:

1. Promotion of efficient use of land and urban services;
2. Encouragement of land uses to provide more employment and housing options;
3. Provision of increased opportunities for both formal and informal community gathering places;
4. Enhancement of the storefront character of downtown Waldport;
5. Establishment of a strong connection between the Downtown District and other neighborhoods and employment areas;
6. Providing for visitor accommodations and tourism amenities;
7. Creating design standards and guidelines that will maintain and enhance the character and pedestrian friendliness of Waldport.

~~F.D.~~ F.D. Commercial C-1. Intended for certain commercial uses as well as residential uses. This zone is determined to be economically and socially desirable and intended for office, service, and retail uses primarily conducted inside the building.

~~G.E.~~ G.E. Commercial C-2. Designed for a mixture of office, retail, service, wholesale storage areas, lumber sales plus residential uses. C-2 was created to promote the most productive capacity of property.

~~H.F.~~ H.F. Planned Industrial I-P. Created for the expansion of industrial uses as well as allowing agricultural and forestry uses with standards to protect adjacent properties under conditional use procedures.

~~I.G.~~ I.G. Marine Waterway M-W. Intended to protect the unique environmental economic and social values of each estuary and its associated wetland area and to provide for an orderly and efficient use of the marine waterway areas.

~~J.H.~~ J.H. Planned Marine and Recreation Zone M-P. Marine type facilities are allowed to encourage recreational facilities and improve the Waldport area for business opportunities for economic development as well as to meet the recreational needs of citizens and visitors.

~~K.I.~~ K.I. Public Facilities Zone P-F. Created to allow governmental uses, including public schools, and allowing them to expand as outright uses.

~~L.J.~~ L.J. Single-Wide Mobile Home Overlay Zone S-W. The Single-Wide Mobile Home overlay zone is intended to allow placement of single-wide mobile homes on individual lots in subdivisions which were platted prior to 1975, developed specifically to allow mobile homes, and where single-wide homes comprise at least 20% of the current housing units.

~~M.K.~~ M.K. Planned Development Zone P-D. A P-D zone may be used in combination with another zone. The purpose of the Planned Development overlay zone is to permit the application of new technology and greater freedom than may be possible under a strict interpretation of the provisions of the code.

~~N.L.~~ N.L. Waldport Southwest Overlay Zone W-SW. The purpose of the Waldport Southwest Overlay Zone is to address compatibility of commercial and light industrial uses with adjacent residential zones and to improve the appearance of the Waldport Southwest area as a gateway to downtown Waldport.

- 0. Coastal Shorelands Overlay Zone C-S. The purpose of the Coastal Shorelands Overlay Zone is to recognize the value of coastal shorelands for protection and maintenance of water quality, fish and wildlife habitat, water-dependent uses, economic resources, recreation and aesthetics.
- P. Floodplain Overlay Zones A-1, A-2, A-0, V-2. It is the purpose of these zones to promote the public health, safety and general welfare and to minimize public and private losses from periodic flood conditions in specific areas.
- Q. Commercial Tourism Zone C-T. The C-T zoning district is intended to support tourism to Waldport and the Bay Area Region; providing accommodations, related retail, dining and commercial services.

## **Chapter 16.12 Residential Zone R – Low Density**

### **16.12.010 Uses Permitted Outright**

### **16.12.020 Conditional Uses Permitted**

### **16.12.030 Standards**

#### **16.12.010 Uses Permitted Outright**

In a Residential Low-Density zone, the following uses and their accessory uses are permitted outright subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A one-family dwelling built on site;
- B. A factory built dwelling;
- C. A manufactured home, subject to the siting standards of Section 16.72.140 of this title;
- D. Agricultural use of land provided that no livestock shall be raised or kept on the premises and provided further that no commercial structure shall be constructed or maintained on the premises. For purposes of this Section 16.12.010, chickens and ducks are not considered to be livestock. The keeping of chickens and ducks are subject to provisions of Chapter 6.040.060, Standards For The Keeping Of Fowl;
- E. A travel trailer or recreation vehicle stored unoccupied on a lot in combination with an approved dwelling (see Chapter 10.12 of this code);
- F. Residential Homes; and
- G. Family Day Care.
- H. One Accessory Dwelling Unit (see Section 16.72.040(E)).

#### **16.12.020 Conditional Uses Permitted**

In a Low-Density zone, the following uses and their accessory uses may be conditionally permitted subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. Cemetery;
- B. Church, non-profit religious or philanthropic institution;
- C. Community Center;
- D. Nursery school, Kindergarten or similar facility;
- E. Governmental structure or use of land for necessary public utility facilities;
- F. Home Occupation, subject to meeting all applicable standards listed in Section 16.84.070 of this title;
- G. Golf course or country club, but not a miniature golf course or similar type of amusement facility;
- H. Private, non-commercial recreation club such as tennis, swimming or archery club, but not commercial amusement or recreation enterprises;
- I. Public park, playground, golf course, swimming pool or similar recreation use;
- J. Public school or private school offering curriculum similar to public school;
- K. Temporary real estate offices offering residential property within a specific subdivision or development for sale, rent or lease;
- L. Residential Day Care Facility as defined in ORS 197.680;
- M. Towers;
- N. Two or more Accessory Dwelling Units (see Section 16.72.040(E));

- O. Two-family dwelling, subject to Section 16.80.020 of this title;
- P. Townhouses;
- Q. Cottage Clusters.

### **16.12.030 Standards**

In addition to standards provided in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in a Low-Density zone, the following standards shall apply:

- A. Lot Size and Dimensions. The following minimum lot size and dimensions will apply in the R-LD zone:
  - 1. The minimum lot area shall be six thousand (6,000) square feet for a one-family dwelling with public water and sewer; fifteen thousand (15,000) square feet with public water only.
  - 2. The minimum lot width shall be sixty (60) feet for an interior lot and sixty-five (65) feet for a corner lot, except flag lots, which require a minimum of twenty-five (25) feet of frontage.
  - 3. The minimum lot depth shall be eighty (80) feet.
  - 4. No lot area, yard, off-street parking or loading area, or other required open space for one use shall be used as the required lot area, yard, off street parking or loading area, or other required open space for another use.
  - 5. Lot area, for ocean and bay front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the landward boundary of the riparian vegetation zone to the landward extent of the property.
- B. Yards. The minimum yard requirements in the R - LD zone shall be as follows:
  - 1. The front yard shall be a minimum of twenty (20) feet.
  - 2. Each side yard shall be a minimum of five (5) feet, but any part of a building exceeding fifteen (15) feet in height must have a setback from a side property line equal to or greater than one-third the height of that part. (Height is measured from grade level adjacent to the wall which is closest to the side property line.)
  - 3. The street side yard shall be a minimum of twenty (20) feet, except on lots fifty (50) feet wide or less the street side yard shall be ten (10) feet.
  - 4. The rear yard shall be a minimum of ten (10) feet except;
    - a. An accessory structure not used for human habitation, not higher than fifteen (15) feet, and separated from the main building may be located no closer than five (5) feet from a rear property line, and
    - b. On a corner lot, the set back required from the rear property line shall be the same as required for side yards.
  - 5. No structure shall be located closer than sixty (60) feet from the centerline of any arterial street nor forty (40) feet from the centerline of any collector street.
- C. Special Set-Back Requirements.
  - 1. Clubs, lodges, fraternal organizations, community swimming pools, and buildings housing recreational facilities in residential zones shall be located no closer than thirty feet (30) from any other lot in a residential zone.
  - 2. General provisions regarding accessory uses, Section 16.72.050 of this title and exceptions to the building code, Section 16.80.010 should be reviewed.
- D. Decks: Unenclosed decks, unroofed landings, porches and stairs may project into any required yard, providing the following conditions are met:

1. No portion except the guard rails shall extend above the floor level of a habitable room;
  2. No such projection shall obstruct a stairway; and
  3. No such projection shall extend into the required yard more than one-third the distance of the setback required.
- E. Drainage. A plan shall be submitted showing width, depth, and direction of flow of all drainage channels on property. In addition, the location, size and type of conduit used in drainage channels and driveway accesses shall be clearly delineated. Water from roof drains and other non-impervious surfaces shall not be concentrated and directed so as to cause damage to other properties and shall be directed towards the street or to an on-site dry well. Pipes draining water from roof drains and other non-impervious surfaces shall not be allowed to connect to any sanitary sewer facilities.
- F. Excavation/Fill. A plan shall be submitted showing cubic yards removed or filled and a final elevation certified by a registered professional engineer for the removal of more than fifty (50) cubic yards.
- G. Building Height. No building in the R-LD zone shall exceed a height of thirty (30) feet.
- H. Lot Coverage. Buildings including accessory structures and garages shall not occupy more than forty-five (45) percent of the total lot area.
- I. Distance Between Buildings. A minimum distance of six (6) feet shall be maintained between a building designed for dwelling purposes and other buildings on the same lot.
- J. Any property identified as a geological natural hazard area as listed in Section 16.96.020 of this title or any property that has a twenty (20) percent slope or greater, as defined by a 5:1 ratio; 5 horizontal, 1 vertical, shall require a geotechnical analysis of the property in accordance with Section 16.96.030(D)(4) of this title.

## **Chapter 16.20 Residential Zone R – High Density**

### **16.20.010 Uses Permitted Outright**

### **16.20.020 Conditional Uses Permitted**

### **16.20.030 Standards**

#### **16.20.010 Uses Permitted Outright**

In a Residential High-Density zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

- A. A use permitted outright in the R-LD zone;
- B. Two-family dwelling, subject to Section 16.80.020 of this title;
- C. Multi-family dwelling, subject to Section 16.80.020 of this title;
- D. A manufactured home, subject to the siting standards of Section 16.72.140 of this title;
- E. Residential homes;
- F. Family day care provider; and
- G. Residential facility as defined in ORS 197.660.

#### **16.20.020 Conditional Uses Permitted**

In an R-HD zone, the following uses and their accessory uses may be conditionally permitted subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. A use permitted as a conditional use in the Residential Low-Density zone;
- B. Mobile home park;
- C. Club, lodge or fraternal organization;
- D. Professional office;
- E. Clinic;
- F. Small animal hospital; and
- G. Hospital, nursing home, retirement home, convalescent care facility or similar facility.
- H. Hotel, motel or resort with accessory commercial uses provided that:
  - They are located within the main building;
  - They are limited to gift shops, eating and drinking establishments and similar facilities; and
  - They do not exceed ten (10) percent of the total floor area of the main use.
- I. Private museum, art gallery or similar facility;
- J. Vacation or travel trailer park.

#### **16.20.030 Standards**

In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in a R-HD zone, the following standards shall apply:

- A. Lot Size Dimensions. In the R-HD zone the following shall apply:
  - 1. Minimum lot area:
    - a. The minimum lot area for a one- or two-family dwelling shall be 5,000 square feet for a lot served by both public water and public sewer.

- b. For multi-family dwellings, a lot must exceed five thousand (5000) square feet. Multi-family units shall then be allowed at a density of one unit per each additional one thousand two hundred fifty (1250) square feet for a lot served by both public water and public sewer.
- c. For a lot served by only public water, minimum lot size shall be fifteen thousand (15,000) square feet per dwelling unit.

- 2. The minimum average lot width shall be fifty (50) feet for an interior lot and fifty-five (55) feet for a corner lot.
- 3. The minimum lot depth shall be eighty (80) feet.
- 4. Lot area, for ocean and bay front lots or lots with intervening ownership which does not prevent coastal erosion from progressive deterioration of the property shall be determined by the amount of area from the landward boundary of the riparian vegetation zone to the landward extent of the property.
- 5. Flag lots shall require a minimum frontage of twenty-five (25) feet.

B. Lot Coverage. Buildings shall not occupy more than forty-five (45) percent of the total lot area.

C. Yards. The yard requirements applicable in the R-LD zone shall apply in the R-HD zone.

D. Building Height. No building in the R-HD zone shall exceed a height of thirty-five (35) feet.

E. Drainage. The drainage requirements applicable in the R-LD zone shall apply in the R-HD zone.



## **Chapter 16.36 Planned Industrial Zone I-P**

**16.36.010 Uses Permitted Outright**

**16.36.020 Conditional Uses Permitted**

**16.36.030 Prohibited Uses**

**16.36.040 Standards**

### **16.36.010 Uses Permitted Outright**

In an I-P zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80 and 16.96 of this title:

A. Residences for caretaker or night watchman;

B. Owner/Manager residence;

C. Retail store or shop, such as food store, drug store, apparel store, hardware store, furniture store or similar establishment;

D. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a I-P zone, provided all repair and storage shall occur entirely within an enclosed building;

E. Personal or business service establishments such as barber or beauty shop, tailor shop, laundry or dry-cleaning establishment, or similar establishment;

F. Financial institution;

G. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall;

H. Mortuary;

I. Newspaper office, print shop;

J. Office;

K. Private museum, art gallery or similar facility;

L. Signs, advertising;

M. Restaurant, bar or tavern;

N. Laundromat;

O. Retail sale of sporting goods or bait;

P. Gift shop;

Q. Automobile service station including minor repair, providing it is conducted entirely within an enclosed building.

R. The manufacture, fabrication and/or assembly of those goods offered for sale on the premises that are permitted for sale in the C-1 zone, provided all manufacturing, fabricating, assembling, and storage not to exceed 80% of the total floor area of the establishment and provided further that is shall occur within an enclosed building and provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard.(Ord. 762 § 1, 2016)

S. Mobile vending. (Ord. 768 § 2, 2019)

T.

**Commented [P1]:** Include retail similar to C-1, C-2, DD

**Formatted:** Font color: Auto, Not Expanded by /  
Condensed by

**Formatted:** Font color: Auto

U. Automobile, truck or trailer sales, service, storage, rental or repair;

V. Boat or marine equipment sales, service, storage, rental or repair;

W. Implement, machinery, heavy equipment sales, service, storage, rental or repair;

X. Plumbing, heating, electrical or paint contractor's storage, repair or sales shop;

Y. Lumber or building materials sales and storage;

Z. Signs, advertising;

AA. Cabinet or similar woodworking shop;

BB. Warehouse or storage area;

B-CC. Car Wash;

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

Formatted: Font: 12 pt

#### **16.36.020 Conditional Uses Permitted**

In an I-P zone, the following uses and their accessory uses may be conditionally permitted, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

A. A use involving manufacture, research, repair, assembly, processing, fabricating, packing, distribution, warehousing, wholesaling or storage; provided that the use does not create a public nuisance or an unreasonable hazard to health or property because of excessive noise, smoke, odor or dust, or because it constitutes a fire, explosion or other physical hazard;

B. Airport and related uses, including accommodations;

C. Animal hospital;

~~D. Automobile, truck or trailer sales, service, storage, rental or repair;~~

~~E-D.~~ Automobile speedway, race track;

~~F-E.~~ Automobile wrecking yard, junkyard;

~~G-F.~~ Boat launching or moorage facility, marina, boat charter service;

~~H-G.~~ Boat or marine equipment sales, service, storage, rental or repair;

~~I-H.~~ Extraction and processing of rock, sand and gravel or other earth product;

~~J-I.~~ Governmental structure or use of land;

~~K. Implement, machinery, heavy equipment sales, service, storage, rental or repair;~~

~~L-J.~~ Kennel;

~~M. Lumber or building materials sales and storage;~~

~~N. Newspaper office, printing shop;~~

~~O. Plumbing, heating, electrical or paint contractor's storage, repair or sales shop;~~

~~P-K.~~ Public park, playground, golf course or similar recreation area;

~~Q-L.~~ Public utility facility;

~~R. Restaurant, bar or tavern;~~

~~S-M.~~ Radio or television transmitter tower;

~~T.N.~~ Solid waste disposal area utilizing sanitary landfill, landfill, or other method approved by the Lincoln County Health Department; solid waste disposal transfer station;

~~U.O.~~ Tire sales, repair, retreading, or vulcanizing;

~~V. Signs, advertising;~~

~~W.P.~~ Agricultural use of land; ~~and~~

~~X. Forestry, including the management, production and harvesting of forest products and of related natural resources in forest areas, and including rock extraction and processing for use in forest access roads.~~

#### **16.36.030 Prohibited Uses**

The following uses are prohibited in the I-P zone:

- A. Cement, lime, gypsum or plaster of paris manufacture;
- B. Explosive storage or manufacture;
- C. Fertilizer manufacture;
- D. Gas manufacture;
- E. Glue manufacture;
- F. Petroleum or petroleum products refining;
- G. Pulp mill;
- H. Rendering plant;
  - I. Slaughterhouse, stockyard;
  - J. Smelting or refining of metallic ore; and
- K. Other uses similar to the above.

#### **16.36.040 Standards**

In addition to standards required in Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title, in the I-P zone the following standards shall apply:

- A. All yards abutting a residential zone shall be a minimum of twenty (20) feet.
- B. All structures shall be located in such a manner that subsurface sewage disposal systems are located at least fifty (50) feet measured horizontally from all points along the elevation of any normal high water line.
- C. No structure shall be located closer than sixty (60) feet from the centerline of any State highway, nor thirty (30) feet from the centerline of any collector or arterial street.
- D. No building in the I-P zone shall exceed a height of forty-five (45) feet.
- E. Outdoor storage abutting or facing a street or highway or a lot in a residential zone shall be screened with a sight-obscuring fence or a buffer strip of vegetation.
- F. Drainage: The drainage requirements applicable in the C-1 zone shall apply in the I-P zone.



## **Chapter 16.72 Supplementary Regulations**

[16.72.010 Clear Vision Areas](#)

[16.72.020 Off-Street Parking And Off-Street Loading Requirements](#)

[16.72.030 Exterior Lighting](#)

[16.72.040 General Provisions Regarding Accessory Uses](#)

[16.72.050 RV Conversions](#)

[16.72.060 Building Permit Approvals](#)

[16.72.070 Authorization Of Undefined Uses](#)

[16.72.080 Purpose Of Temporary Use Permits](#)

[16.72.090 Permitted Temporary Uses](#)

[16.72.100 Conditional Approval Of Temporary Use Permits](#)

[16.72.110 Issuance Of Permits](#)

[16.72.120 Siting Standards For Manufactured Homes](#)

[16.72.130 Standards For The Keeping Of Chickens And Ducks](#)

[16.72.140 Transportation Impact Analysis](#)

### **16.72.010 Clear Vision Areas**

A clear vision area shall be maintained on the corners of all property at the intersection of two streets.

- A. A clear vision area shall consist of a triangular area, two sides of which are lot lines measured from the corner intersection of the street lot lines for a distance specified in this regulation, or, where the lot lines have rounded corners, the lot lines extended in a straight line to a point of intersection so measured, and the third side of which is a line across the corner of the lot joining the non-intersecting end of the other two sides.
- B. A clear vision area shall contain no planting, fence, wall, structure or temporary or permanent obstruction exceeding three and one-half (3 1/2) feet in height measured from the top of the curb, or, where no curb exists, from the established street center line grade, except that trees exceeding this height may be located in this area, provided that all branches and foliage are removed to a height of eight (8) feet above grade.
  - 1. In a residential zone, the minimum distance shall be thirty (30) feet, or at intersections including an alley, ten (10) feet.
  - 2. In all other zones the minimum distance shall be fifteen (15) feet, or, at intersections including an alley, ten (10) feet, except that when an angle of intersections between streets, other than an alley, is less than thirty (30) degrees, the distance shall be twenty-five (25) feet.

### **16.72.020 Off-Street Parking And Off-Street Loading Requirements**

At the time a new structure is erected, the use of an existing structure is enlarged, or the category of use is changed, off-street parking spaces, loading areas and access thereto shall be provided as set forth in this section unless greater requirements are otherwise established. If such facilities have been provided in connection with an existing use, they shall not be reduced below the requirements of this code.

- A. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- B. In the event several uses occupy a single structure or parcel of land, the total requirements shall be the sum of the requirements of the several uses computed separately.

- C. Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Planning Commission in the form of deeds, leases or contracts to establish the joint use.
- D. Off-street parking spaces shall be located on the same lot or on an adjoining lot unless otherwise approved by the Planning Commission.
- E. Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of vehicles used in conducting the business or use if determined to be a nuisance by the City Code Enforcement official.
- F. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces improved to minimum public road standards, maintained adequately for all-weather use, and be so drained as to avoid the flow of water across public sidewalks.
- G. Except for parking to serve dwelling uses, parking and loading areas adjacent to or within residential zones shall be designed to minimize disturbances of residents by the erection between the uses, of a sight-obscuring fence or vegetative buffer, of not less than five (5) feet in height, except where vision clearance is required.
- H. Artificial lighting which may be provided for parking areas shall not create or reflect substantial glare in a residential zone, on any adjacent building, or on any street or highway.
  - I. Off-street parking shall not be allowed in the required front or street side-yard setback areas, with the exception of an approved driveway, in a residential zone.
- J. Groups of more than four parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street, other than an alley, will be required and shall be enclosed or defined by a curb or bumper rail at least four inches high and set back a minimum of four and one-half (4 1/2) feet from the property line.
- K. Passenger Loading. A driveway designated for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity of greater than twenty-five (25) students.
- L. Loading of Merchandise, Materials or Supplies. Buildings or structures which receive and distribute materials or merchandise by truck shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use.
- M. Off-street parking areas used to fulfill the requirements of the code may be used for loading and unloading operations during periods of the day when not required to take care of parking needs.
- N. Compact parking spaces may be permitted at a ratio of one (1) space to every three (3) full-sized spaces (See "Parking Space" definition under Section 16.04.030 of this title for dimension requirements).
- O. Except for parking intended to serve dwelling uses, parking spaces shall be clearly delineated through striping or some other means.
- P. Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.
- Q. Required off-street parking must be provided when the category of use of an existing structure is changed, except under the following circumstances:
  - 1. The number of parking spaces required by the code for the new use will be equal to or less than the code requirements for the previous use, and there will be no reduction in the number of parking spaces, or

2. No additional area is available for new parking spaces and at least seventy-five (75) percent of the number of spaces required for the new use will be provided, with no reduction in the number of parking spaces.

R. For the purpose of calculating the number of off-street parking spaces required, the total floor area of a structure shall be used.

S. Off-street parking requirements.

1. Dwelling. Two (2) spaces for each dwelling unit.
2. Mobile Home Park. Two (2) spaces for each mobile home space.
3. Motel, Hotel or Resort. One (1) space for each accommodation.
4. Hospital. Three (3) spaces for each two (2) beds.
5. Nursing home or similar institution. One (1) space for each three (3) beds.
6. Church, club or similar place of assembly. One (1) space for each six (6) seats, or one (1) space for each fifty (50) square feet of floor area used for assembly.
7. Library. One (1) space for each three hundred (300) square feet of floor area.
8. Skating rink, or similar commercial amusement enterprise. One (1) space for each one hundred (100) square feet of floor area.
9. Bowling alley. Five (5) spaces for each alley.
10. Retail Store: One (1) space for each three hundred (300) square feet of floor area.
11. Eating and drinking establishments. One (1) space for each four (4) seats.
12. Service or repair shop, retail store handling bulky merchandise such as automobiles and furniture. One (1) space for each six hundred (600) square feet of floor area.
13. Bank, office. One (1) space for each six hundred (600) square feet of floor area.
14. Instructional classes, such as martial arts or dance studios. One (1) space for each instructor plus one (1) space for each one hundred (100) square feet of floor area.
15. Schools:
  - a. Pre-school, Kindergarten, Elementary and Junior High: Two (2) spaces per classroom.
  - b. High School: Five (5) spaces per classroom.
16. Bed and breakfast establishments: One (1) off-street parking space for owners/operators with one (1) additional space for each authorized guest room.
17. Personal services establishment (i.e. barber, beauty shops). Two (2) off-street parking spaces per each operator station.
18. Multi-family dwellings. One and one-half (1.5) spaces per dwelling unit.

#### **16.72.030 Exterior Lighting**

Exterior lighting for uses in commercial and industrial zones shall be located in such a manner so as not to face or shine directly onto a lot in a residential zone, street or highway.

#### **16.72.040 General Provisions Regarding Accessory Uses**

An accessory use shall comply with all requirements for a principal use, except as the code specifically allows to the contrary, and shall comply with the following limitations:

A. An accessory structure not used for human habitation and separated from the main building may be located within five (5) feet of a rear property line if the structure is no more than fifteen (15) feet in height. Structures over fifteen (15) feet must meet the standard setbacks. Conex or other metal cargo containers are:

1. Permitted outright in the Planned Industrial (I-P) and Public Facilities (P-F) zones;
2. Permitted outright in the Retail Commercial (C-1), General Commercial (C-2) and Commercial Tourism (C-T) zones located east of Lint Slough and south of the Hwy 101/Maple Street intersection; and
3. Prohibited in all other zones.
4. Temporary uses of metal containers are allowed for a limited time for storage during residential remodeling or for moving purposes, allowed during construction with a valid building permit, and allowed with construction activities associated with implementing a subdivision or planned development.

B. Fences, hedges and walls limited to six (6) feet in height may be located within required yards, but shall not exceed three and one-half (3 1/2) feet in height in any required yard setback which abuts a street other than an alley, including within a clear vision area as stipulated in Section 16.72.010 of this chapter. Exceptions to the height limitation or use of electrified, barbed wire, or razor wire for fencing shall have prior approval of the Planning Commission. The Planning Commission shall use the authority and procedure for conditional uses as set forth in Chapter 16.84 of this title.

C. Unenclosed decks, unroofed landings, porches and stairs may project into any required yard providing the following conditions are met:

1. No portion except for guard rails shall extend above the floor level of a habitable room.
2. No such projection shall obstruct a stairway.
3. No such projection shall extend into a required yard no more than one-third the distance of the required setback.

D. Manager/Caretaker Residence. In the M-P and I-P Zones, a residence secondary to the main use of the property for the sole purpose of providing living quarters for the owner, operator or caretaker of a new or ongoing commercial or industrial enterprise is allowed, provided that:

1. The living space shall be located on the same property as the commercial or industrial operation and is justified by the requirement of twenty-four (24) hour attendance;

~~2. Non-owner/Manager inhabitation of the living space is prohibited.~~ **and**

~~3. The Planning Commission shall review annually each approval granted under the provisions of this section unless determined otherwise by the Planning Commission.~~

E. Accessory Dwelling Units. Purpose: Accessory dwelling units (ADUs) are intended to increase the supply of affordable and independent housing, increase home and personal security, provide supplemental earning for primary homeowners, and increase residential densities. this should occur by utilizing existing infrastructure and community resources throughout the City of Waldport while ensuring that the creation of additional housing aligns with the existing character of each neighborhood. ADUs are subject to the standards identified below:

**Formatted:** Indent: Left: 0.96", Hanging: 0.2", Right: 0", Space Before: 7.2 pt, Line spacing: single, Tab stops: Not at 1.15" + 1.15"



1. One Accessory Dwelling Unit (ADU) per Lot. A maximum of one ADU is allowed per lot as an outright permitted use. Two or more ADUs are allowed per lot as a conditional use. ADUs may be a detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
2. Unity of Ownership. An ADU cannot in any way be segregated in ownership from the principal dwelling unit.
3. Exempt from Density Limits. ADUs are exempt from the density standards of the zoning district in which they are located.
4. Floor Area. ADUs shall not exceed 900 square feet of floor area or 85% of the primary dwelling's floor area, whichever is smaller.
5. Other Development Standards. ADUs shall meet all other development standards (e.g., height, setbacks, lot coverage, etc.) for buildings in the designated zone district.
6. Water Service. An ADU shall be connected to public water service. The water connection may be shared with the primary dwelling or a separate water service. If a separate service, System Development Charges and connection fees shall apply.
7. Sewer Service. An ADU shall be connected to the public sewer service, if available. The sewer connection may be shared with the primary dwelling or a separate sewer service. If a shared service, a double-connect cleanout of a size and design approved by the Public Works department will be required. If a separate service, System Development Charges and connection fees shall apply.
8. Conversion of an existing non-conforming structure to an Accessory Dwelling is allowed, provided that the conversion does not increase the non-conformity.
9. Vacation/Short Term Rentals Prohibited. Neither the primary dwelling nor the ADU shall be vacation/short-term rentals (less than 30 days).
10. Variance. If one or more of the standard of this section cannot be met, an owner may apply for a variance as set forth in Chapter 16.92 of this title.

#### **16.72.050 RV Conversions**

Recreational vehicles cannot be utilized for a commercial business on a permanent basis. Temporary placement may be authorized by the Planning Commission using the authority and procedure for conditional uses as set forth in Chapter 16.84 of this title.

#### **16.72.060 Building Permit Approvals**

No building or structure shall be erected, enlarged, altered, re-built, remodeled or moved unless in conformance with the requirements of all State and local laws and regulations applicable to the structure and the land upon which it is proposed.

#### **16.72.070 Authorization Of Undefined Uses**

An undefined use may be authorized by the Planning Commission at a public hearing in accordance with the requirements of Section 16.108.020 of this title, provided that the Commission establishes that the proposed use meets the following criteria:

- A. The use is not listed specifically in any zone.

- B. The use is similar in character, scale and performance to one or more of the permitted or conditional uses listed in the zone in which it is proposed.
- C. The use is not of the same general type or similar to any uses specifically listed in another zone.

Any undefined use authorized by the Planning Commission shall conform to the applicable standards and requirements of the zone in which it is located, including any requirement for conditional use review.

#### **16.72.080 Purpose Of Temporary Use Permits**

Subject to Sections 16.72.090-16.72.110, below, a temporary use permit may be approved to allow limited use of structures or activities which are temporary or seasonal in nature and do not conflict with the zoning district in which they are located. No temporary use permit shall be issued which would have the effect of permanently rezoning or granting a special privilege not shared by other properties in the same zoning district. No temporary use permit shall be issued in an M-W zone.

#### **16.72.090 Permitted Temporary Uses**

Temporary structures, activities or uses may be permitted as necessary to provide for housing of personnel, storage and use of supplies and equipment, or to provide for temporary sales offices for uses permitted in the zoning district. Other uses may include temporary signs, outdoor gatherings, short term uses, roadside stands, or other uses not specified in this section and not so recurrent as to require a specific or general regulation to control them. Notwithstanding these and other provisions for temporary uses, a recreational vehicle or other approved temporary housing to be used for dwelling purposes during the construction of a single-family residential dwelling unit for which a building permit has been issued shall be allowed. The use shall not exceed a period of six (6) months. An extension may be considered by the ~~City Planner~~[Planning Commission](#).

#### **16.72.100 Conditional Approval Of Temporary Use Permits**

- A. Conditions may be imposed in connection with approval of the temporary permit to minimize the potential impact of the proposed use upon other uses in the vicinity. Guarantees or evidence may be required that such conditions will be or are being complied with. Such conditions may include, but are not limited to:
  - 1. Special yards and spaces;
  - 2. Fences or walls;
  - 3. Control points of vehicular ingress and egress;
  - 4. Special provisions on signs;
  - 5. Landscaping and maintenance thereof;
  - 6. Maintenance of grounds;
  - 7. Control of noise, odors or other nuisances;
  - 8. Limitation of time for certain activities; and
  - 9. Restoration or reclamation of site.
- B. Any temporary permit shall clearly set forth the conditions under which the permit is granted and shall clearly indicate the time period for which the permit is issued. No temporary permit shall be transferable to any other owner or occupant.
- C. All structures for which a temporary permit is issued:

1. Shall meet all other requirements of the zoning district in which they are located;
2. Shall meet all applicable health and sanitation requirements;
3. Shall meet all applicable building code requirements; and
4. Shall be removed upon expiration of the temporary permit or used in conjunction with a permitted use.

#### **16.72.110 Issuance Of Permits**

- A. Temporary permits shall be issued by the ~~City Planner~~City Council for the time period specified after review of the application ~~and by the Planning Commission in accordance with Section 16.108.020 of this title~~ if all applicable conditions can be met. In no case shall a temporary permit be issued for a period exceeding one (1) year, unless the temporary permit is renewed.
- B. Renewal of a temporary permit shall follow the same procedure as the initial application.

#### **16.72.120 Siting Standards For Manufactured Homes**

Manufactured homes must be permitted and installed in accordance with the current edition of the Oregon Manufactured Dwelling Specialty Code (OMDSC) and the following standards. Where the OMDSC and the following standards conflict, the more restrictive standard shall apply.

- A. Except for property within single-wide overlay zones, the manufactured home shall be multisectional and enclose a space of not less than one thousand (1,000) square feet.
- B. The manufactured home shall be placed on an excavated and back-filled continuous foundation that is enclosed at the perimeter.
- C. The manufactured home shall have a pitched roof at least three (3) feet in height for each (12) twelve feet in width.
- D. The manufactured home shall have no bare metal siding or roofing.
- E. The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting the performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the State Building Code as defined in ORS 455.010.
- F. General Provisions.
  1. Label of Compliance. Approval for installation of any manufactured dwelling is limited to units manufactured after June 15, 1976 and bearing a label from the Department of Housing and Urban Development (H.U.D.) indicating compliance with electrical, plumbing and structural standards as set forth by H.U.D.
  2. State Standards. Installation of manufactured dwellings are to follow State of Oregon standards adopted and administered by the State Building Code Agency. See OAR 814-34-050 to 814-23-080. These State standards are summarized as follows:
    - a. Support blocking shall be installed according to the manufacturers' instructions approved by the State Building Codes Agency and, unless higher loading requirements are justified by soils analysis, the blocking shall support the manufactured dwellings on a soil with a bearing capacity of one thousand five hundred (1,500) pounds per square foot. (OAR 814-23-060.)

- b. Plumbing, electric and gas service connections shall be made according to the instructions approved by the State Building Codes Agency. (OAR 814-23-050.)
  - c. A single-wide manufactured dwelling in certain listed areas along the coast and the Columbia River shall be tied down with devices that meet Federal standards as approved by the State Building Codes agency. (OAR 814-23-065.)
  - d. Manufactured dwelling accessory buildings and structures shall comply with State construction and installation standards. (OAR 814-23-070.) Manufactured dwelling accessory structures are skirting, some porches and steps, awnings, cabanas and some carports. In the manufactured dwelling field, an awning is not a sunshade for a window, but is any structure with a roof and not more than one wall. A structure is a manufactured dwelling accessory structure if it depends in part on the manufactured dwelling for its structural support. Accessory structures are not required by the State, but must meet standards if installed.
  - e. A building or other structure associated with a manufactured dwelling that is not a manufactured dwelling accessory structure must comply with State building code standards for ramadas to relate the ramada to the manufactured dwelling. (OAR 814-23-0[3]70.) A ramada is primarily a roof built over a manufactured dwelling but is not supported by the manufactured dwelling.
3. Tie-Down requirements (to exclude manufactured dwellings attached to basements).
- a. Minimum tie-down requirements shall conform to standards established by the State Building Codes Agency.
  - b. Minimum number of tie-downs required:
    - (1) Single-wide. As specified by State code plus cross tie-downs at no greater than twelve (12) foot intervals;
    - (2) Double-wide: One at each corner plus cross tie-downs at no greater than twelve (12) foot intervals; and
    - (3) Triple-wide: Three per side on outside units plus cross tie-downs at no greater than twelve (12) foot intervals.
  - c. Tie-down Materials. Steel straps or cables that have been treated to make them weather resistant must be used for ties and shall meet the following standards:
    - (1) Steel straps 1.025" x .035" commercially available;
    - (2) Steel cable at least three-eighths inch in diameter; and
    - (3) Turnbuckles shall be at least one-half inch in diameter with closed or welded eyes.
  - d. Anchors. Anchors must have a rod made of steel not less than five-eighths inch in diameter, and must have a tensioning head or a drop-forged, closed eye for use with a turnbuckle. In addition, it must be able to withstand a pull of at least four thousand eight hundred (4,800) pounds without failure. All anchors should be installed as nearly vertically as possible. The heads of the anchors should come to rest on top of the concrete, and should be directly below the "I" beam of the manufactured dwelling frame.
4. Grade. The portion of the lot on which the manufactured dwelling shall rest must be leveled to a +/-3" variance from the mean elevation. This leveling shall expose an area of

bearing soil or fill material so compacted as to receive approval by a soil engineer as meeting State requirements.

5. Supports. Bearing weight of manufactured dwellings shall be supported by one of the following:

a. Types.

- (1) Placement on a permanent concrete or block basement, or perimeter foundation. Standard floor beams shall be used across the width of the foundation. "I" beams of the manufactured dwelling floor shall be secured by lag bolts at each juncture of an "I" beam with foundation floor beams.
- (2) Placing upon concrete block piers, each of which rests upon a continuously poured concrete ribbon six (6) inches in depth and sixteen (16) inches in width extending the full length of the manufactured dwelling, less one foot. Each ribbon must contain a minimum of two metal reinforcing bars of at least one-half inch in diameter. One ribbon is required under each longitudinal "I" beam member of the manufactured dwelling's floor frame structure.

b. Support Placement.

- (1) A manufactured dwelling pier shall be limited to thirty- two (32) inches above the leveled site.
- (2) Piers, when used, shall be no more than ten (10) feet apart under each "I" beam, and end piers should be no further than five (5) feet from the ends of the manufactured dwelling.

6. Extensions.

- a. Cabanas, expando units, patio awnings, carports and other manufactured dwelling extensions shall be considered part of the manufactured dwelling in determining setbacks.
- b. All manufactured dwelling extensions shall be installed in accordance with plans approved by the State Building Codes Agency.

7. Skirting.

- a. Skirting shall be weather resistant, noncombustible or not more combustible than three-eighths inch exterior grade plywood.
- b. Untreated wood shall not be nearer than six inches to any earth, unless separated by three inches of metal or concrete. EXCEPTION: For metal skirting, supporting members of untreated lumber shall be separated from the ground by not less than two inches.
- c. Adequate access shall be provided.
- d. Ventilation openings shall be provided for each twenty-five (25) linear feet of skirting.
- e. Each opening shall have a minimum net area of thirty-six (36) square inches and shall be located within two feet of the external covers of the manufactured dwelling and shall have a corrosion resistant louver or mesh cover.

- f. Skirting shall be completed within ninety (90) days after placement of the manufactured dwelling.

Delete Section 16.72.130 in its entirety.

**16.72.130 Standards For The Keeping Of Chickens And Ducks**

~~The purpose of this section is to allow for a limited number of chickens and/or ducks on certain properties with standards in order for chickens and/or ducks to assist in insect control and provide eggs for food. The following standards shall be required for the keeping of chickens and/or ducks as allowed by Section 16.12.010 of this title.~~

- ~~A. A permit shall be obtained from the City prior to the keeping of chickens and ducks on properties within the City.~~
- ~~B. The keeping of chickens and ducks shall be permitted on properties used for single family and two family residential purposes or on C-1 and C-2 properties. Chickens and ducks shall be contained on the same premises where the owner of the birds resides.~~
- ~~C. Properties that are one-half acre or less are allowed no more than a combination of six (6) chickens and ducks. Properties exceeding one-half acre are allowed no more than a combination of ten (10) chickens and ducks.~~
- ~~D. The keeping of roosters and drakes shall be prohibited.~~
- ~~E. Chickens and ducks shall be contained within the premises throughout the day. Chickens and ducks shall be contained throughout the night within an enclosed coop or other structure to prevent dogs, coyotes, cats, raccoons, and other predators and pests from accessing the birds. Enclosures containing the chickens and/or ducks that are separated from the main building may be located within five (5) feet of a rear property line if the structure is no more than fifteen (15) feet in height. Structures over fifteen (15) feet must meet the standard setbacks.~~
- ~~F. Food for chickens and ducks shall be stored in a secure area free of vermin and not accessible to bears, raccoons, or other scavengers. When food is secured for the night, all food containers shall be secured.~~
- ~~G. Chicken and/or duck enclosures shall be kept in a good working and sanitary condition, and shall not cause odor or noise nuisances.~~

**16.72.130 Sidewalks Required**

All new development and substantial development shall include street and sidewalk improvements conforming to standards established under City code or resolution adopted by City Council. This may be altered upon approval by the Waldport Public Works Department, utility companies, and the Planning Commission.

Formatted: Font: Not Bold, No underline

**16.72.140 Transportation Impact Analysis**

- A. The following provisions establish when a proposal must be reviewed for potential transportation impacts:
1. When a Transportation Impact Analysis (TIA) must be submitted with a development application in order to determine whether conditions are needed to minimize impacts to and protect transportation facilities;
  2. The required contents of a TIA; and
  3. Who is qualified to prepare the analysis.

B. When Required. The City or other road authority with jurisdiction may require a TIA as part of an application for development, a change in use, or a change in access. A TIA shall be required where a change in use or a development would involve one or more of the following:

1. A change in zoning or a plan amendment designation;
2. Operational or safety concerns documented in writing by a road authority;

3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
4. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
5. The development is expected to impact intersections that are currently operating at the upper limits of the acceptable range of service during the PM peak operating hour;
6. The development is expected to significantly impact adjacent roadways and intersections that have previously been identified as high crash locations or areas that contain a high concentration of pedestrians or bicyclists such as school zones;
7. An increase in the regular use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;
8. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard; or
9. A TIA required by ODOT pursuant to OAR 734.051.

C. TIA Preparation. The TIA shall be prepared by a professional engineer with competence in traffic engineering, licensed in the State of Oregon. If the TIA identifies level of service conditions less than the minimum standard established in the Waldport Transportation System Plan (TSP), improvements and funding strategies mitigating the problem shall be considered concurrent with the development proposal.

D. Approval Criteria. The TIA shall be reviewed according to the following criteria:

1. The analysis complies with the content requirements set forth by the City and/or other road authorities as appropriate;
2. The study demonstrates that adequate transportation facilities exist to serve the proposed land use action or identifies mitigation measures that resolve identifies traffic safety problems in a manner that is satisfactory to the road authority;
3. For affected City facilities, the study demonstrates that the project meets mobility and other applicable performance standards established in the Waldport Development Code (WDC) and TSP, and includes identification of multi-modal solutions used to meet these standards, as needed; and
4. Proposed design and construction of transportation improvements are in accordance with the design standards and the access spacing standards specified in the WDC and TSP.

E. Conditions of Approval.

1. The City may deny, approve, or modify a proposal with conditions necessary to meet operational and safety standards; provide the necessary right-of-way for planned improvements; and require construction of improvements to ensure consistency with the future planned transportation system.
2. Construction of off-site improvements, including those related to bicycle and pedestrian facilities, may be required to mitigate impacts resulting from development that relate to capacity deficiencies and public safety; and/or to upgrade or construct public facilities to City standards.
3. Where the existing transportation system is shown to be impacted by the proposed use, improvements such as paving; curbing; installation of or contribution to traffic signals;



and/or construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use may be required.

4. Improvements required as a condition of development approval, when not voluntarily provided by the applicant, shall be roughly proportional to the impact of the development on transportation facilities. Findings in the development approval shall indicate how the required improvements directly relate to and are roughly proportional to the impact of development.

## **Chapter 16.84 Conditional Uses**

### **Chapter 16.84.070 Standards and Procedures Governing Conditional Uses**

#### **O. Cottage Clusters**

The purpose of cottage cluster developments is to encourage and promote creativity and innovation in site planning, design, and development through the application of flexible land development standards. Application of the cottage cluster development procedure is intended to:

1. Ensure that new housing development enhances the variety of housing options available to Waldport's residents;
2. Provide an adequate supply and range of housing types and prices that will meet the city's future population growth;
3. Allow for different ownership patterns by allowing cottage clusters in certain zones subject to specific development standards, to regulate the development of cottage clusters, and to outline specific development criteria and design parameters to protect public health, safety, and welfare;
4. Allow for and encourage development designs which provide suitable recognition of the physical, topographic, cultural, historical and natural resource values and constraints present on a particular site;
5. Permit greater flexibility in the siting of buildings and other physical improvements and in the mixing of housing types in order to accomplish desirable design objectives; and
6. Ensure that development occurs in a manner consistent with the intent and purpose of the goals and policies of the Comprehensive Plan. Cottage clusters are subject to the standards identified below.

#### **A. Definitions**

The following definitions shall apply for the purposes of this code, notwithstanding other definitions in the development code:

1. "Building footprint" means the horizontal area as seen in plan, measured from outside of all exterior walls and supporting columns. It includes dwellings and any area of attached garage that exceeds 200 square feet. It does not include detached garages or carports; accessory structures; trellises; patios; areas of porch, deck, and balcony less than 30 inches from finished grade; cantilevered covers, porches or projections; or ramps and stairways required for access.
2. "Common courtyard" means a common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.
3. "Cottage" means an individual dwelling unit that is part of a cottage cluster.
  - The gross floor area (livable area) of each cottage shall not exceed 1,250 square feet.
  - The footprint of each cottage shall not exceed 850 square feet, or 1,250 square feet including a garage.
4. "Cottage cluster" means a grouping of no fewer than four detached cottages located on a single lot or parcel that includes a common courtyard.
5. "Cottage cluster project" means a development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

#### **B. Development Standards**

1. Allowed in zones that allow residential uses.
2. Number of Cottages. A cottage housing development is composed of at least one cottage cluster, with a cluster containing four (4) to eight (8) dwelling units.  
A cottage cluster project may include more than one cluster with more than one associated courtyard. There is no limit to how many clusters are permitted on a single lot.

3. Minimum Lot Size and Dimensions. Cottage clusters shall meet the minimum lot size, width, and depth standards that apply to detached single family dwellings in the same zone.
4. Maximum Density. Cottage Clusters are exempt from the density standards of the zoning district in which they are located.
5. Setbacks and Building Separation.
  - Setbacks. Cottage clusters shall meet the minimum and maximum setback standards that apply to detached single family dwellings in the same zone.
  - Building Separation. Cottages shall be separated by a minimum distance of six (6) feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
6. Unit Size. The maximum livable area for cottage clusters is 1,250 square feet per dwelling unit. The maximum footprint for cottage clusters is 850 square feet per dwelling unit.
7. Building Height. The maximum building height for all structures shall be the same as the underlying zone.
8. Off-Street Parking. The minimum number of required off-street parking spaces for a cottage cluster project is one (1) space per unit. Spaces may be provided for individual cottages or in shared parking clusters.
9. Accessory Dwelling Units. Accessory Dwelling Units (ADU) are not allowed in cottage cluster developments.
10. Vacation Rental. Cottage Cluster developments shall not be Vacation/Short term rentals.
11. Sewer Connection. Each cottage in a cottage housing development must be connected to the city sewer system if available.

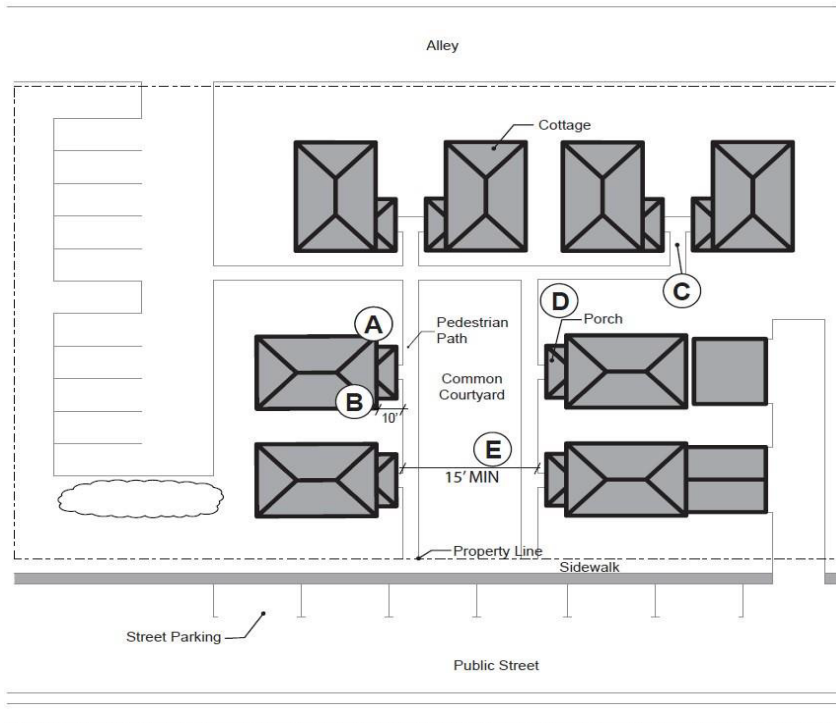
**C. Design Standards**

1. Cottage clusters shall meet the design standards in subsections (1) through (6) of this section (C). No other design standards shall apply to cottage clusters unless noted in this section.
2. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 1):
  - Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.
  - A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:
    - i. Have a main entrance facing the common courtyard;
    - ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and
    - iii. Be connected to the common courtyard by a pedestrian path.
      - Cottages within 20 feet of a street property line may have their entrances facing the street.
      - Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.
3. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 1):
  - The common courtyard must be a single, contiguous piece.
  - Cottages must abut the common courtyard on at least two sides of the courtyard.
  - The common courtyard must contain a minimum of 150 square feet per cottage within the

associated cluster (as defined in subsection (2) of this section (C)).

- The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
- The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.
- Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

*Figure 1. Cottage Cluster Orientation and Common Courtyard Standards*

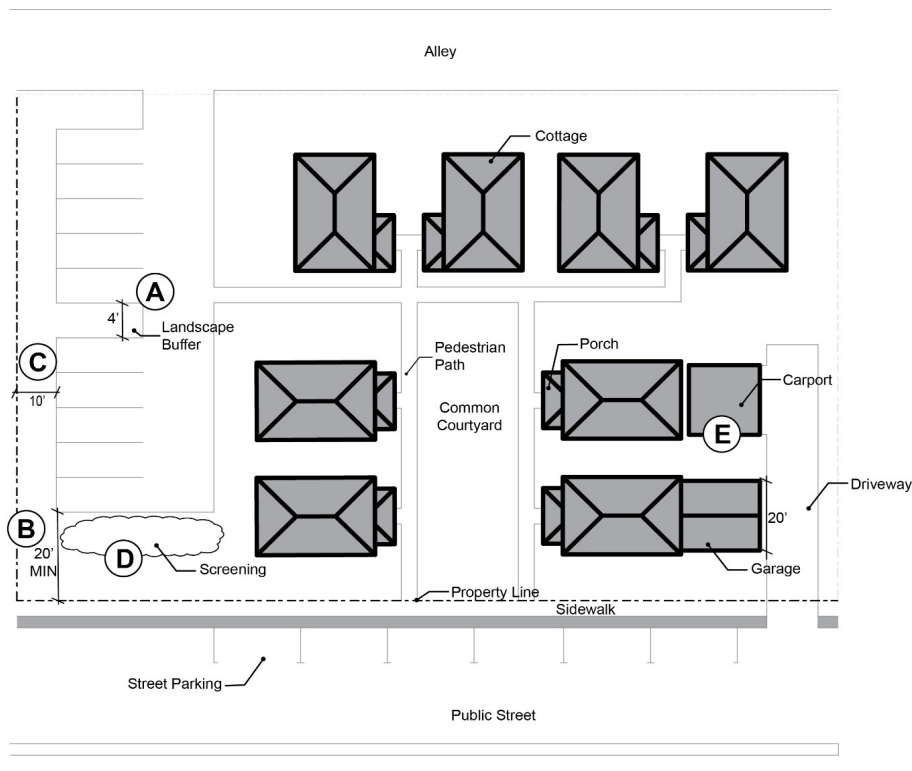


4. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:
  - A community building that meets the development code's definition of a dwelling unit must meet the maximum 850 square foot footprint and 1,250 square foot communal space limitations that applies to cottages. A covenant shall be recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a dwelling.
  - Community building design, including the roof lines, shall be similar to and compatible with that of the cottages within the cottage housing development.
5. Pedestrian Access.
  - An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:
    - i. The common courtyard;
    - ii. Shared parking areas;
    - iii. Community buildings; and

- iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
  - The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.
6. Parking Design (see Figure 2).
- Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:
    - i. Subject to the applicable provisions of Chapter 16.72.
    - ii. Shall be hard surface paved.
    - iii. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.
    - iv. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.
    - v. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.
    - vi. Clustered parking areas may be covered.
  - Parking location and access.
    - i. Off-street parking spaces and vehicle maneuvering areas shall not be located:
      - Within 20 feet from any street property line, except alley property lines;
      - Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.
    - ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.
    - iii. Drive aisles shall be posted “No Parking”.
  - Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.
  - Garages and carports.
    - i. Garages and carports (whether shared or individual) must not abut common courtyards.
    - ii. Individual garages shall not exceed 400 square feet in floor area.
    - iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.
  - Accessory Structures.
    - i. Accessory structures must not exceed 400 square feet in floor area.
    - ii. Interior fences shall not exceed three and one-half (3 ½) feet in height.
  - Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single-family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
    - i. The existing dwelling may be nonconforming with respect to the requirements of this code.
    - ii. The existing dwelling may be expanded up to the maximum height in subsection (B)(7) or the maximum building footprint in subsection (B)(6); however, existing dwellings that exceed the maximum height and/or footprint of this code may not be expanded.

- iii. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.
- iv. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per subsection (2) of this section (C).

*Figure 2. Cottage Cluster Parking Design Standards*



- (A) Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B) No parking or vehicle area within 20 feet from street property line (except alley).
- (C) No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D) Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E) Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Chapter 16.108.020, Table 1

| <b>Application/Land Use Type<br/>(WMC Code)</b>          | <b>Review Authority</b>                              | <b>Affected<br/>Owners<br/>Notified</b> | <b>Public<br/>Hearing</b> | <b>Review Procedure<br/>(WMC Code)</b> | <b>Appeal To</b>     |
|--|--|---|---------------------------|--|----------------------|
| Amendment – Legislative<br>(16.104.020 (A))              | Planning Commission, then<br>City Council            | Yes                                     | Yes                       | Legislative<br>16.108.020(D)(1)        | City Council<br>LUBA |
| Amendment – Quasi-Judicial<br>(16.104.020 (B))           | Planning Commission (with City<br>Council Ordinance) | Yes                                     | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
| Zone Map Amendment<br>(16.104.020)                       | Planning Commission, then<br>City Council            | Varies                                  | Yes                       | Legislative OR<br>Quasi-Judicial       | City Council<br>LUBA |
| Planned Development<br>(16.100)                          | Planning Commission (minimum<br>2 phases)            | Yes                                     | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
| Subdivision<br>(16.100)                                  | Planning Commission                                  | Yes                                     | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
| Land Partition (3-lots or less)<br>(16.100)              | City Planner   | Yes                                     | No                        | Ministerial<br>16.108.020(B)           | Planning Commission  |
| Conditional Use<br>(16.84)                               | Planning Commission                                  | Yes                                     | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
| Sign Permit<br>(16.76)                                   | City Planner   | No                                      | No                        | Ministerial<br>16.108.020(B)           | Planning Commission  |
| Expansion or Change of Non-<br>Conforming Use<br>(16.88) | City Planner   | Yes                                     | No                        | Ministerial<br>16.108.020(B)           | Planning Commission  |
| Authorization of Similar Use<br>(16.72.070)              | Planning Commission                                  | Yes                                     | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
| Appeal City Planner Decision<br>(16.108.020)             | Planning Commission                                  | Varies                                  | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
| Appeal Planning Commission<br>Decision<br>(16.108.020)   | City Council   | Varies                                  | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | LUBA                 |
| Property Line Adjustment<br>(16.100)                     | City Planner   | No                                      | No                        | Ministerial<br>16.108.020(A)           | Planning Commission  |
| Variance<br>(16.92)                                      | Planning Commission                                  | Yes                                     | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
| Coastal Shorelands Overlay Zone<br>(16.64.040)           | Planning Commission                                  | Yes                                     | Yes                       | Quasi-Judicial<br>16.108.020(D)(2)     | City Council         |
|  |  |   |                           |  |                      |

## **Chapter 16.88 Nonconforming Uses**

### **16.88.010 Definitions**

### **16.88.020 Continuation**

### **16.88.030 Alteration**

### **16.88.040 Restoration And Replacement**

### **16.88.050 Interruption And Abandonment**

### **16.88.010 Definitions**

As used in this section:

"Non-Conforming Use" means the use of any building, structure or land which was lawful at the time of the enactment of any zoning ordinance, regulation or amendment thereto, and is not permitted by the zoning ordinance, regulation or amendment.

"Alteration" of a non-conforming use or structure means:

- A. A change in the use, or
- B. A change in the structure or physical improvements which does not constitute normal maintenance.

"Normal maintenance" means activities necessary to maintain a non-conforming use or associated physical improvements in good repair, and may include painting, siding, roofing, dry rot repair, window replacement, repaving of access roads, replacement of landscape elements, and similar activities. Normal maintenance does not include significant change in use or structural alterations or additions.

### **16.88.020 Continuation**

Non-conforming uses may be continued. Changes in ownership, control or occupancy shall be permitted. Normal maintenance shall be permitted. Continuation of a non-conforming use shall be limited to the existing lot(s) or parcel(s) upon which the use is established. Expansion to other lots or parcels is an alteration.

### **16.88.030 Alteration**

- A. Alteration of a non-conforming use shall be permitted when necessary to comply with any lawful requirement for alteration in the use or structure. No conditions may be imposed upon any alteration of a non-conforming use necessary to comply with a lawful requirement.
- B. Alteration of a non-conforming use not required by law may be permitted subject to:
  - 1. Application and review pursuant to Sections 16.84.020 and 16.108.020(B) of this title;
  - 2. A finding that the proposed alteration will be of no greater adverse impact to the neighborhood; and
  - 3. Any conditions or limitations imposed by the ~~Planning Commission~~City Planner necessary to assure that the alteration will be of no greater adverse impact to the neighborhood.
- C. Notwithstanding the above, the replacement of a non-conforming single-wide manufactured home may be approved administratively following the process in Section 16.108.020(A) of this title, provided the replacement dwelling meets all requirements contained in this Code.



#### **16.88.040 Restoration And Replacement**

Restoration or replacement of any non-conforming use shall be permitted when made necessary by fire, other casualty or natural disaster, and shall be commenced within one year from the occurrence of the fire, casualty or natural disaster. For purposes of this provision, "commenced" means that application has been made for building permits required for restoration, or that the non-conforming use has been resumed if no such approvals are required. Restoration or replacement of a non-conforming use under this provision shall be limited to re-establishment of the use and physical improvements as lawfully established prior to the fire or other casualty or natural disaster.

#### **16.88.050 Interruption And Abandonment**

A non-conforming use interrupted or abandoned for a period of more than one (1) year may not be resumed.

CITY OF WALDPOR  
2023 LAND USE & BUILDING PERMIT ACTIVITY  
December 2023

| Date       | Applicant         | Type of Activity | Zoning | Location                                      | Description                                 | Status/Comments |
|------------|-------------------|------------------|--------|---|---|-----------------|
| 11/30/2023 | Oregon Coast Bank | Sign Permit      | D-D    | 13-11-19-BD-01300<br>285 NW Maple Street      | Replace three signs with similar            | Approved        |
| 11/30/2023 | Buchko            | Conditional Use  | I-P    | 13-11-31-BD-01500<br>120 SW Kathleen Street   | Public Hearing – Storage Units              | Approved        |
| 12/7/2023  | Vandehey          | Partition        | R-1    | 13-11-19-BD-00400<br>Bird Lane, Township 13   | 3-Lot Partition                             | Approved        |
| 12/14/2023 | Schlosser         | Plat Approval    | R-1    | 13-11-19-CD-00200<br>Spruce Ridge Subdivision | Planning Commission – Phase 1 Plat Approval | Approved        |
| 12/19/2023 | Buchko            | Building Permit  | I-P    | 13-11-31-BD-01500<br>120 SW Kathleen Street   | Storage Units                               | Approved        |

**News**

- City Council 1/11/2024 – Fireworks ban. Follows Lincoln County ban.
  - City Council 1/11/2024 – Transient Tax increase to 12%.
- 
- Holiday – Feb. 19. City Hall Closed
  - Next Planning Commission Meeting – Monday February 26, 2024