

WALDPORr PLANNING COMMISSION
NOVEMBER 24, 2025
MEETING NOTICE AND AGENDA

THE WALDPORr PLANNING COMMISSION WILL MEET ON MONDAY, NOVEMBER 24 , 2025 AT 2:00 P.M. AT WALDPORr CITY HALL, 355 NW ALDER STREET TO TAKE UP THE FOLLOWING AGENDA:

1. CALL TO ORDER AND ROLL CALL
2. REVIEW OF MINUTES FROM SEPTEMBER 22, 2025
3. CITIZENS' OPENING COMMENTS
4. ACTION ITEMS AND NEW BUSINESS
 - A. Public Hearing – Case File #1-CU-PC-25
 - Applicant:** Gary Church
 - Application:** Conditional Use to Build and operate a multi-use building (residential and auto repair shop), 105 NW Maple Street, Taxlot #13-11-19-BD-04500
 - B. Other Business
5. PLANNER UPDATES
 - A. Permits
 - B. City News
6. CITIZENS' CLOSING COMMENTS
7. COMMISSION COMMENTS AND RECOMMENDATIONS
8. ADJOURNMENT

Attachments:

- September 22, 2025 Minutes
- Planner's Log

Notice given on this 18th day of November 2025

NOTE: The City Council Meeting Room is accessible to all individuals. Comments prior to the meeting may be emailed to: recorder@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.

1 initial application to the final decision. The next portion of the workshop focused on the
2 Public Hearing process. The Chair is required to open the hearing with a disclaimer,
3 outlining the applicable approval criteria. It was emphasized that decisions must be made
4 solely on the criteria presented, and that opponents cannot file an appeal unless their
5 concerns were raised during the hearing or submitted in writing prior to the hearing.
6 Commissioners were reminded to declare any conflicts of interest at the beginning of a
7 quasi-judicial hearing. City Planner White reviewed the order of procedure during the
8 hearing, which includes the declaration of any conflicts of interest, followed by the staff
9 report, the applicant's testimony, testimony from proponents, testimony from opponents,
10 neutral testimony, and the applicant's rebuttal. At that point, there may be a request for a
11 continuation, or the Commission may decide whether to keep the record open or close the
12 hearing. Once the hearing is closed, the Commission proceeds to discussion and
13 deliberation, followed by a motion, a second, and a vote, noting the importance of
14 including the phrase that gives the Chair permission to sign the findings. This structured
15 process ensures transparency, fairness, and compliance with legal requirements in all
16 quasi-judicial decisions. The City Planner followed up by reviewing the procedure for
17 holding a record open, emphasizing that it must follow the 7-7-7 rule. Ending with noting
18 that it's all about the CODE, and only the applicable criteria are to be considered in
19 approval. And to present the findings based on careful consideration of the criteria,
20 establishing facts and evidence, explaining how the conclusions are supported by
21 substantial evidence, and demonstrating that procedures were followed. **The**
22 **Commission requested that the training slideshow be shared via email for future**
23 **reference.**

24 6. PLANNER UPDATES:

25 **A. Violations: City Planner White** went over the current violations. Noting that the
26 wrecking yard at the industrial park had come in with applications that were inadequate.
27 The applicant replied that they would not be providing more information as they thought it
28 was substantial. After a prolonged period of no response, the City Attorney drafted a letter

of compliance to the applicant. Other ongoing nuisance violations include debris issues, and a property that constructed an unpermitted garage in the right-of-way on Jefferson.

B. Permits: City Planner White noted that there are a few active building permits and a request to annex into the city. Going over the request to annex, he explained that it was a 3.5-acre beachfront property on Corona CT, which will be tying into the sewer line on the property owner's expense.

C. City News: City Planner White gave highlights of city-related news. Noting that the new playground is getting consistent usage, and the city received a great deal on asphalt to pave a road and ADA parking area directly in front of the playground. The new dog park has also become a popular gathering area for the community. Next the city will work on getting shade and more seating. **Commissioner Swift** asked if there was any need for Cedar saplings at Southworth Park, **Planner White** responded to reach out to the City Manager. Going over further City news, he stated Crestline sidewalks are being used, and the concrete barrier curb is being installed. The section of sidewalks being constructed on Crestline North of Range has started, and will continue the sidewalks to Ball St. Another big project is the Industrial Park sewer, which will allow the new animal shelter to tie into it, as well as the adjacent properties. Wednesday Market ends on October 1st and has received great reviews, and the City Council approved for a Trails Committee to be formed. Going over the upcoming schedule, he noted that there will be a City Council meeting on October 9th, and the next Planning Commission meetings will be October 27th, and November 24th.

7. CITIZENS' CLOSING COMMENTS: None

8. COMMISSION CLOSING COMMENTS: Commissioner Schlosser questioned if City Hall had received a call regarding benches, **Planner White** replied that he had and has passed the information along to the City Manager.

1 9. **ADJOURNMENT:** With no further business before the Commission, Chair Barham
2 adjourned the meeting at 4:48 PM.

3 Respectfully Submitted,

4 Megan Torres, Municipal Clerk

5 APPROVED by the Planning Commission this _____ day of _____, 2025.

6 SIGNED by the Chair this _____ day of _____, 2025.

X

Steve Barham, Chair

7

CITY OF WALDPOR
2025 LAND USE & BUILDING PERMIT ACTIVITY
9/18/25 – 11/18/25

Date	Applicant	Type of Activity	Zoning	Location	Description	Status/Comments
9/10/25	Boucher	Violation	R-3	1680 SE Jefferson St. 13-11-29-AB-02400	Garage – no setbacks, clear vision	Garage Removed
9/25/25	Harley	Septic	R-3	1365 SE Virginia 13-11-29-AB-08000	Major Septic Repair	Approved
10/14/25	Rose/Hunter	Building Permit...Stop Work	R-1	1580 SW Fairway 13-11-30-BB-04302	Single Family Home – Reroof, remodel, add bath	pending
10/16/25	Habitat for Humanity	Building Permit	R-2	1320 SW Forest Pkwy 13-11-30-BA-04000	Mfg. Home	Approved
10/22/25	Newport Signs Quilter's Cove	New Signs	DD	585 NW Hemlock 13-11-19-BD-03800	2 new signs - wall	Approved
11/13/25	Nickerson, Fithian-Barrett	Building Permit	R-1	635 NE Buker Lane 13-11-20-BB-01101	Convert workshop in Garage to an ADU	Approved
11/4/25	Gorbett	Building Permit	R-1	220 NW Spencer Street 13-11-18-DD-03600	Roof over patio	Approved

News

- Crestline Sidewalks – Work continues on the northern portion of the sidewalk. We are putting some erosion control on the steep hillsides and soon hope to begin fence work...complete by end of December.
- Industrial Park Sewer complete. Engineering on the next phase will begin shortly. The next phase will take the sewer line down the full length of the industrial park.
- Animal shelter opening to public January 2026.
- Southworth Park - We have an offer to do the concrete by a local contractor. We are waiting to finalize and announce.
- Interpretive Center & Museum – roof repairs ongoing.
- Waldport is hiring – The city will be posting a position shortly for general landscape/building maintenance (seasonal, winter maintenance, summer landscaping) to replace a retiring employee.
- Recall petition failure.

Schedule

- City Council Meeting Thursday December 11, 2025
- Planning Commission Meeting Monday December 22, 2025.....
- Thanksgiving November 27 & 28, 2025
- Christmas December 25, 2025
- New Year's January 1, 2026



Conditional Use Permit Application

Case File: #1-CU-PC-25

Date Filed: October 27, 2025

Application Complete: October 27, 2025

Meeting Date: November 24, 2025

120-day Decision Date: March 27, 2026

STAFF REPORT

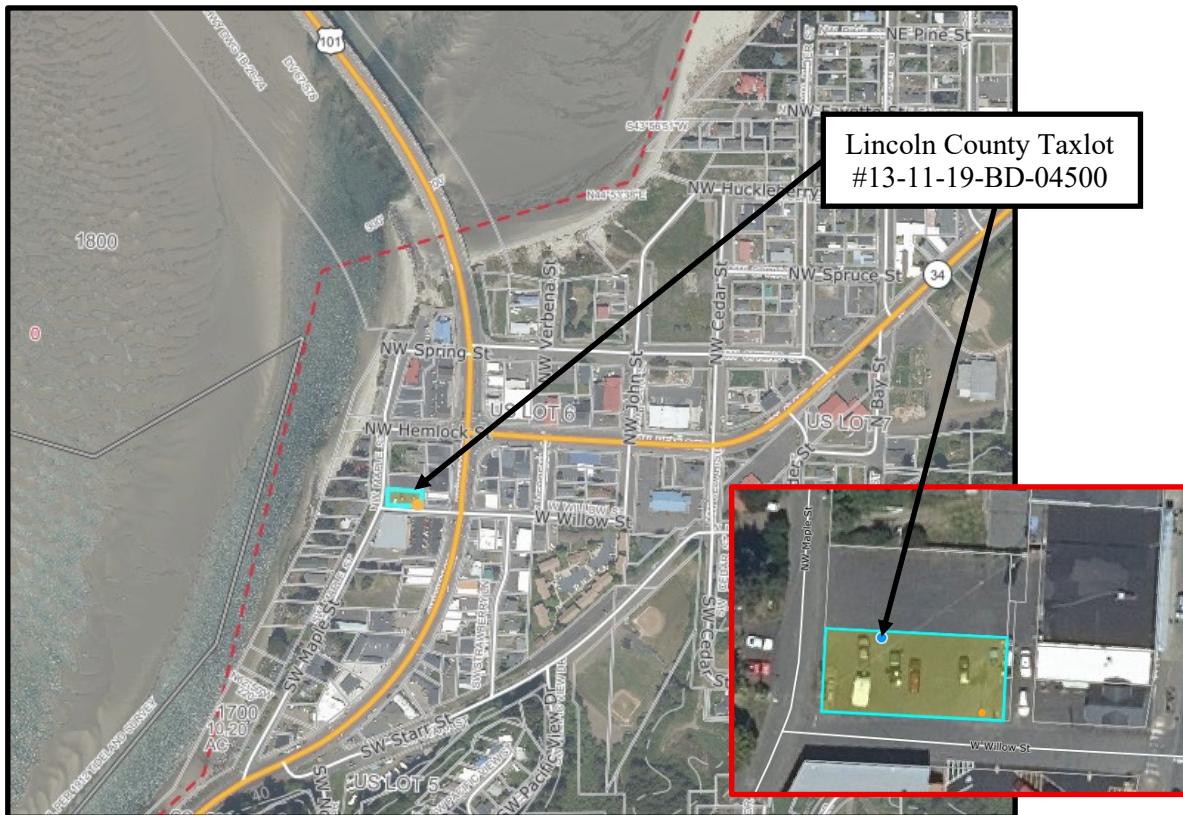
Waldport Planning Commission Action

APPLICANT: Gary Church

REQUEST: The applicant is requesting a Conditional Use Permit to construct and operate a multi-use building to house an automobile repair shop and two residential units in the Downtown District Zone (DD).

A. REPORT OF FACTS:

1. **Property Location:** The subject property is located at 105 NW Maple Street and is identified on Lincoln County Tax Assessor's Map 13-11-19-BD as tax lot 04500. The area is in Waldport's Downtown District Zone (DD).



2. **Zoning Designation:** Downtown District Zone (DD)
3. **Plan Designation:** Commercial
4. **Lot Size:** The property is rectangular (50' x 100') and 5,000 square feet in size.
5. **Surrounding Land Use:** Nearby land uses include vacant property (paved), single and multi-family residential, commercial, retail, business offices, restaurants, and the Alsea Bay.
6. **Topography & Vegetation:** The property is predominantly level, paved asphalt, with no vegetation.
7. **Existing Structures:** There are no existing structures. There are a power pole and several communication and power boxes in the southwest corner of the lot.
8. **Utilities:** The following utilities serve the subject property:
 - a. Water: Waldport Water
 - b. Sewer: Waldport Sewer
 - c. Electricity: Central Lincoln P.U.D.
9. **Development Constraints:** None. Taxlot #13-11-19-BD-04500 is not within a special flood hazard area.



B. EVALUATION OF THE REQUEST:

1. **Waldport Development Code**

Relevant criteria are identified below. Only the applicable code sections are included in the body of the staff report, complete descriptions of relevant criteria are provided as an attachment.

 - **Chapter 16.30 Downtown District Zone DD**
 - **Chapter 16.72 Supplementary Regulations**

- **Chapter 16.76 Signs**
- **Chapter 16.84 Conditional Uses**

The Waldport Development Code defines “Automobile” as follows:

- A. "Repair garage" means a use providing for the major repair and maintenance of motor vehicles and includes major mechanical and body work, straightening of body parts, painting, welding or storage of motor vehicles not in operating condition;
- B. **"Service station" means any premise used for supplying gasoline, oil, accessories and services, and auto repair work; excluding body and fender repair except on an emergency basis, at retail direct to the customer and where inoperative car storage is limited to thirty (30) days;**
- C. "Wrecking yard" means any property where two or more vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof.

Chapter 16.30 Downtown District Zone DD

16.30.010 Uses Permitted Outright

In a DD zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. Retail store or shop, such as food store, drug store, apparel store, hardware store, furniture store or similar establishment;
- B. Mixed commercial and residential use;
- C. Residential uses in accordance with Section 16.30.090;
- D. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 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. Clinic;
- G. Club, lodge or fraternal organization;
- H. Financial institution;
- I. Hotel, motel or resort;
- J. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall;
- K. Newspaper office, print shop;
- L. Office;
- M. Private museum, art gallery or similar facility;
- N. Restaurant, bar or tavern;
- O. Laundromat;
- P. Mobile vending. (Ord. 768 § 3, 2019)

16.30.020 Conditional Uses Permitted

In a DD 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. Governmental structure or use of land for necessary public utility facilities excluding “towers” as defined in 16.04.030;
- B. Parks;

- C. Schools or other instructional institution;
- D. Animal hospital;
- E. *Automobile oriented uses and facilities;***
- F. Other uses similar to the above, subject to meeting applicable criteria listed in Section 16.72.070 of this title.

16.30.030 Building Setbacks

In the Downtown District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed use buildings for a walkable downtown.

The setback standards apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance in accordance with Chapter 16.92, Variances.

- A. Front Yard Setbacks.
 - 1. Minimum Setback. There is no minimum front yard setback required.
 - 2. Maximum Setback. The maximum allowable front yard setback is 20 feet.
- B. Rear Yard Setbacks. There is no minimum rear yard setback.
- C. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the clear vision standards in Chapter 16.72.010 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

16.30.040 Lot Coverage

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

16.30.050 Building Orientation

This section is intended to promote the walkable, storefront character of Downtown Waldport by orienting (placing or locating) buildings close to streets. Placing buildings close to the street not only slows vehicular traffic but also provides more “eyes on the street”, increasing the safety of public spaces. The standards, as listed below, compliment the front yard setback standards in Section 16.30.030.

Building Orientation Standard. All development shall be oriented to a street, i.e. arterial if the property has frontage on an arterial. The building orientation standard is met when all of the following criteria are met:

- A. The minimum and maximum setback standards in Section 16.30.030 are met;
- B. Buildings have their primary entrance(s) oriented to (facing) the street.

16.30.060 Building Height

All buildings in the Waldport Downtown District shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings incorporating a storefront character:

Maximum Height. Buildings shall not exceed a height of 35 feet. The maximum building height may be increased by 10 feet when residential housing is provided above the ground floor (“vertical mixed use”). The building height increase for housing shall apply only to that portion of the building that contains residential housing.

16.30.70 Architectural Guidelines And Standards

- A. Purpose and Applicability. These architectural guidelines and standards are intended to encourage innovative design and be of human-scale while affording flexibility to use a variety of building styles and materials complementary to and with materials used in existing downtown buildings.
- B. Building Elevation Design Standards. All buildings shall contribute to the storefront character and visual relatedness of Downtown Waldport buildings. This criterion may be met by providing architectural features as listed in items 1-4 below, in the front or “main street” façade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or façade as well. Buildings on through-lots (lots that face a street along the front and rear of the property) shall treat the secondary street façade in a manner similar to that as the main street façade is treated. Additionally, if the architectural character along the secondary street is other than commercial, that façade should be compatible with the architectural character of that neighborhood as much as possible while maintaining the architectural integrity of the main building.
 - 1. Building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other design aspects or features to reduce the angular appearance of the building at the street corner.
 - 2. Fenestration and decoration. Appropriately spaced and/or shaped windows with window hoods, cornices and/or canopies or special trim at all windows on all building stories.
 - 3. Display windows. Large display windows on the ground-floor should be set off by extended mullions, applied columns, or a storefront cornice to separate the ground floor from upper stories. Display windows are not for residential use.
 - 4. Decoration. Decorative cornices and/or fascias on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure such as projected roof trusses or decorative roof overhangs.

16.30.80 Pedestrian Amenities

- A. Purpose and Applicability. This section is intended to complement the building orientation standards in Section 16.30.050 by providing comfortable and inviting pedestrian spaces within the Waldport Downtown District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the Downtown, and contribute to a walkable district. This section applies to all building types as listed in Section 16.30.050.
- B. Guidelines and Standards. Every development shall provide one or more of the “pedestrian amenities” listed in subsections 1-3 below. Pedestrian amenities may be provided within a public right-of-way when approved by the agency having jurisdiction over the right-of-way.
 - 1. A plaza, courtyard, square or recessed area next to the building;
 - 2. Sitting space (i.e., dining area, benches or ledges between the building and sidewalk (minimum of 16 inches in height and 30 inches in width);
 - 3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).

16.30.090 Special Standards For Certain Uses

This section supplements the standards contained in Sections 16.30.030 through 16.30.070 providing standards for the following land uses in order to control the scale and compatibility of those uses within the Downtown District:

- A. Residential Uses. Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in items 1-6, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this Section.
 - 1. N/A
 - 2. N/A
 - 3. N/A
 - 4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots, garages, and parking structures, shall be oriented to alleys, or in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e. away from Highway 101 or Highway 34) when access cannot be provided from an alley.
 - 5. N/A
 - 6. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.
- B. N/A
- C. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Waldport Downtown District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.
 - 1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Highway 101 or Highway 34 when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of 50 parking spaces, or one-half City block, whichever is smaller.
 - 2. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses.

- D. Sidewalk Displays. Sidewalk display of merchandise is permitted, however a minimum clearance of 6 feet shall be maintained.
- E. N/A

16.30.100 Parking Requirements

- A. Parking Requirements: Parking requirements within the Downtown District shall conform to Section 16.72.020 with the following exception:
Retail Store: One (1) space for each 500 square feet of floor area.
- B. On-Street Parking: On-street parking spaces that front the lot and is adjacent (on the same side of the street) may be counted in the required parking.
- C. Parking Restrictions: No person who works or resides in the Downtown District shall park a vehicle on arterials (Hwy. 34 and Hwy. 101) while in his/her place of employment, or in his/her residence between nine a.m. and five p.m. on any day.
- D. General Purpose/Public Parking: Within the Downtown District, all on-street parking shall be general purpose parking/public parking with the exception of Subsection C above. Owners of off-street parking areas may designate spaces and post parking prohibitions.

16.30.110 Landscaping And Underground Utility Standards

In addition to standards required in this section, Section 16.28.030(F) "Landscaping and Underground Utilities" shall apply in the D-D Zone.

Chapter 16.72 Supplementary Regulations

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-obscurer 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.
- 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.
 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.

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.

Chapter 16.76 Signs

16.76.040 Zone Requirements

- B. In the R-4, D-D, C-1, C-2, M-P, I-P and P-F zones:
1. General sign requirements:
 - a. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control signs, etc.)
 - b. External light illuminating from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.
 - c. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or interfere with the effectiveness of an official traffic sign, device, or signal.
 - d. Where it can be demonstrated that directional signs are needed for directing or controlling vehicular access, or where such signs are required as a condition of approval for public safety, such signs may be permitted in addition to any other signs permitted by this section. Such signs shall be placed at each motor vehicle entrance or exit, shall not exceed nine (9) square feet in size and six (6) feet in height, and shall not restrict required sight distances or pedestrian and vehicular flow.
 2. Sign types:
 - a. Building Signs. A maximum 20% of a building façade is allowed to have signs. A building façade is an exterior side of a building excluding the roof.
 - 1) Wall signs.
 - 2) Projecting signs. Projecting signs may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not affect pedestrian traffic. Placement of projecting signs on Hwy 101 and Hwy 34 sidewalks are subject to agreement with the Oregon Department of Transportation.
 - 3) Window signs.
 - 4) Roof signs. Roof signs shall not exceed 16 feet in height above the adjacent street grade or up to the peak of the roof, whichever is less restrictive. Roof signs painted directly on the roof surface, or on a surface attached flush to the roof surface, are prohibited.
 - b. Permanent free-standing signs.

- 1) No more than one free-standing sign is permitted per street frontage per property.
- 2) Single pole signs are prohibited.
- 3) Monument signs shall have a maximum 8 foot height, maximum 10 foot width, and maximum 50 square feet.
- 4) Electrical service to free-standing signs shall be underground.
- c. A-Frame signs.
 - 1) No more than one A-Frame sign is permitted per business.
 - 2) A-Frame signs may be placed on private property.
 - 3) A-Frame signs may be placed within the right-of-way on a sidewalk, however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. A-Frame signs may not impede pedestrian access or opening of vehicle doors. Placement of A-Frame signs on Hwy 101 and Hwy 34 sidewalks are subject to agreement with the Oregon Department of Transportation.
 - 4) A-Frame signs shall be a maximum of eight (8) square feet with maximum dimensions of two (2) feet wide by four (4) feet tall.
 - 5) A-Frame signs shall be secured by means of attaching an interior weight so as not to be movable (pushed, pulled, blown, etc.)
 - 6) No objects shall be attached to A-Frame signs, e.g. balloons, banners, etc.
 - 7) A-Frame signs are only permitted during business hours and should be removed during periods of high winds.
- d. Banner signs.
 - 1) One banner sign is allowed per business.
 - 2) Banner signs shall not exceed 20 square feet.
 - 3) Ground-mounted banner signs may be placed on private property and not be mounted in or extend into public right-of-way. Banners attached to a building may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not impede pedestrian access.
 - 4) No banner, other than the American flag, shall be placed in the flagpole holes along Hwy 101 or Hwy 34, and no banners shall be placed in the planters.
- e. Digital signs.
 - 1) One digital sign is allowed per business or institution. In addition, one digital 'open' sign is allowed per business.
 - 2) Digital signs may not be externally or internally illuminated by a flashing light or a light that varies in intensity.
 - 3) Digital signs must be equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
 - 4) Digital signs must be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
 - 5) The change from one message to another message may not be more frequent than once every fifteen (15) seconds and the actual change process must be accomplished in two seconds or less.
 - 6) If attached to a building or displayed inside a building so as to be visible from outside, the digital sign shall be considered to be a building sign and included in the maximum 20% of a building façade that is allowed to have signs.

Chapter 16.84 Conditional Uses

16.84.020 Authorization To Grant Or Deny Conditional Use Permit

Conditional uses listed in this code may be permitted, enlarged, or altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this chapter.

- A. In taking action on a conditional use permit application, the Planning Commission may either permit or deny the request. If a request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the City as a whole. Mobile home parks are exempt from 16.84.020(A) and 16.84.070(A)(2) of this chapter.
- B. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this code, additional conditions which are considered necessary to protect the best interest of the surrounding area of the City as a whole. These conditions may include, but are not limited to, the following:
 - 1. Increasing the required lot size or yard dimensions;
 - 2. Limiting the height of buildings;
 - 3. Controlling the location and number of vehicle access points;
 - 4. Increasing the street width;
 - 5. Increasing the number of required off-street parking spaces;
 - 6. Limiting the number, size, location, and lighting of signs;
 - 7. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property;
 - 8. Designating sites for open space;
 - 9. Regulating the hours of operation; and
 - 10. Setting a time limit for which the conditional use is approved.

In the case of conditional uses which provide for needed housing types, these conditions shall be limited to the following: controlling the location and number of off-street parking and loading spaces required, limiting the number, size and location of signs, and requiring fencing, diking, screening and landscaping. Conditions applied to needed housing types shall not unreasonably increase costs or reduce densities.

If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

- C. In the case of a use existing prior to the effective date of this code and classified as a conditional use or a non-conforming use, a change in use or in lot area or an alteration of structure shall conform with the conditional use requirements.
- D. Modifications of standards listed for each conditional use may be granted if:
 - 1. The Planning Commission determines that a hardship would result to an applicant from the application of the standards.
 - 2. The modifications will not result in the use being detrimental to properties in the surrounding area or in the City as a whole.
 - 3. The purposes of this code are fulfilled.
- E. The Planning Commission may require that the applicant furnish the City with a performance bond of up to the value of the cost of the improvement, plus administrative costs and amounts for inflation not to exceed twenty (20) percent of the value of the cost of the improvement(s), to be guaranteed by such bond in order to assure that the conditional use is completed according to the plans approved by the Planning Commission.

16.84.030 Procedure For Taking Action On A Conditional Use Application

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

- A. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City. The Planning Commission may require other drawings or information necessary to provide an understanding of the proposed use and its relationship to surrounding properties.
- B. Before the Planning Commission may act on a request, it shall hold a public hearing as prescribed in Chapter 16.108 of this title.
- C. The planning commission's decision is final unless it is appealed as prescribed in Chapter 16.108 of this title.

16.84.040 Building Permit For An Approved Conditional Use

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission. Any substantial change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use.

16.84.050 Time Limit Of A Conditional Use Permit

Authorization of a conditional use shall be void after two (2) years or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

16.84.060 Revocation Of A Conditional Use Permit

Any permit granted hereunder shall be subject to denial or revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if the conditions of approval are not complied with or are not being maintained, or the conditional use becomes detrimental to public health, safety, or welfare.

- A. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed in Chapter 16.108 of this title. The permit holder shall be required to show cause as why such permit should not be revoked.
- B. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a reasonable time shall be given for correction. If corrections are not made within the specified time, revocation of the permit shall become effective.
- C. Reapplication for a conditional use permit cannot be made within one (1) year after revocation except that the Planning Commission may allow a new application if, in its opinion, new evidence or a change in circumstances warrant it.

16.84.70 Standards And Procedures Governing Conditional Uses

- A. General Standards. In addition to the other applicable standards of this section, all conditional uses shall comply with the following requirements:
 1. The site under consideration is suitable for the proposed use, considering:
 - a. The size, design and operating characteristics of the use;
 - b. The adequacy of transportation access to the site; and
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and the like.

2. The proposed use is compatible with the existing and projected uses on surrounding lands, considering the factors of subsection (A)(1), above.

2. APPLICANT'S PROPOSAL

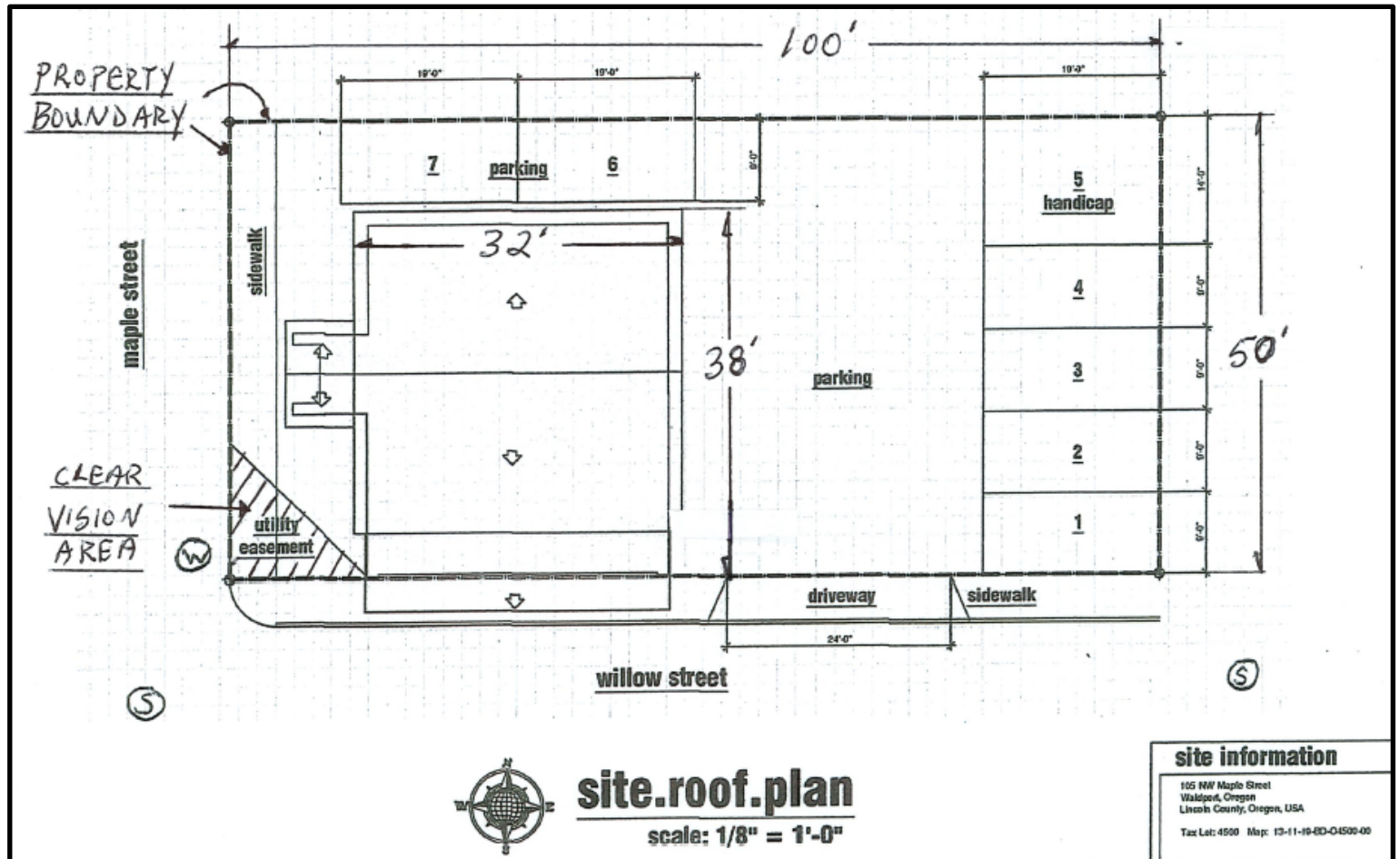
The applicant submitted the application form, fee, site plan, and a narrative describing the project. The applicant's narrative is paraphrased below. All application documents are attached to this staff report as an appendix.

Thank you for taking the time to consider my application. What I am proposing to build on the lot at the corner of Willow and Maple streets in downtown Waldport is a multi-use building with a footprint of 32'x38'. The ground floor will be a two-bay garage with an office. (the garage floor space is 948 sq. ft. and the office is 192 sq. ft.) This will house an auto repair shop doing typical automotive repairs. No body work will be performed here. There will not be any long-term storage of vehicles, only vehicles in process of repair. Hours of operation will be typical business hours, like 8 to 5. Storage of any hazardous materials such as oil or tires will be in accordance with all fire codes and will be done in a manner as to prevent or minimize any visibility by the public. While signage design hasn't been finalized yet, placement is planned to be next to the front door on Willow st., and above/between the roll-up garage doors. The sign on Willow st. will be 1' tall by 2' wide, and above the garage doors it will be 3' tall by 5' wide. Design and size will conform to all applicable sign codes.

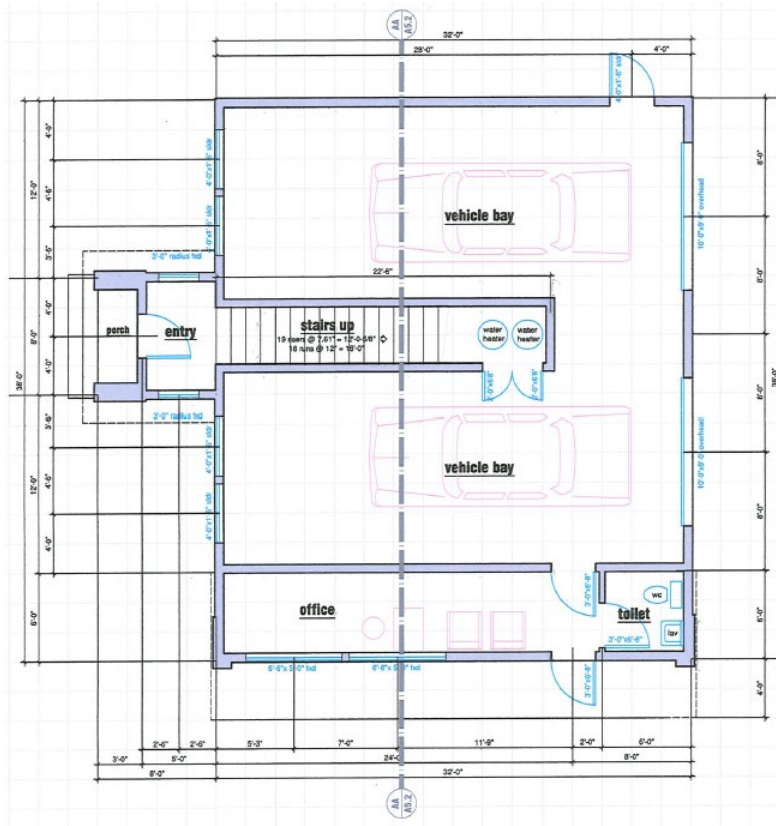
The Garage office, which runs the length of the building fronting Willow st., will have a 4' roof overhang over the sidewalk. Lighting will be installed in the ceiling of the sidewalk overhang and shine down. No security lighting will point toward Maple st. Decorative mouldings and trims will be applied to all window and door openings including the roll-up garage doors, to add to the old-town atmosphere desired in the Downtown District. Parking for 7 vehicles is designated on the lot with access from Willow st. by a 24' wide driveway and on Maple st. by way of an at-grade sidewalk.

The sidewalk on Willow st. will be constructed at the property line into the street with proper curbing and ADA compliant entry/exit ramps on the corner at Maple st. The Maple st. sidewalk will begin at the property line and be inside the property. It will be at-grade to accommodate vehicle passage if necessary.

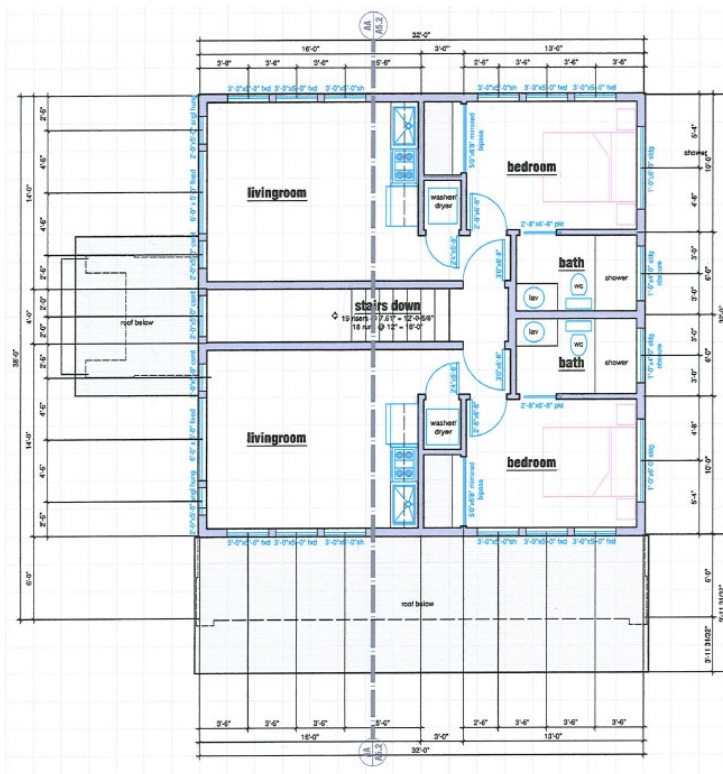
The second floor of the building will be two, one bedroom apartments with kitchen, bath and living room. The living room faces the bay and the square footage of each unit is approx. 460 square feet. Access to the apartments will be by a shared stairway entrance on Maple st.



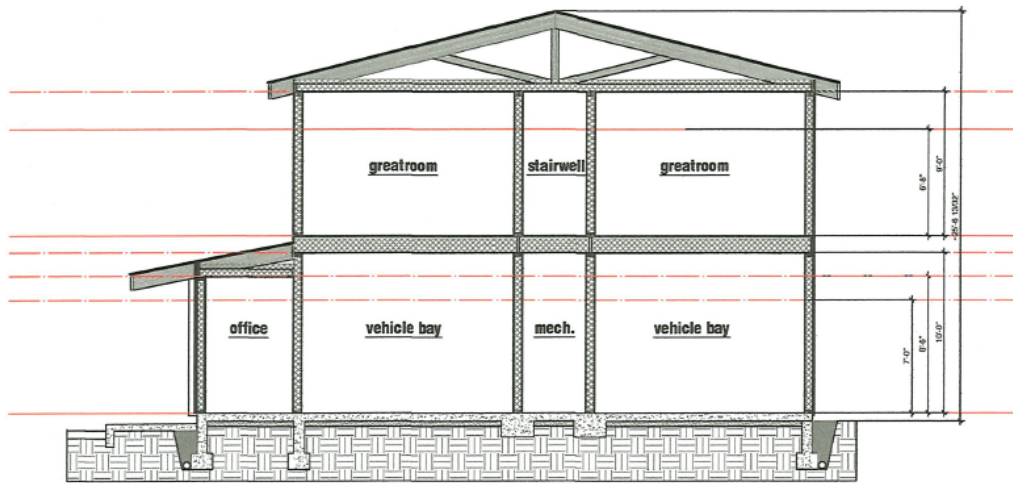
#1-CU-PC-25 Church Staff Report
November 24, 2025, Planning Commission Meeting



floor plan level 1 - Shop



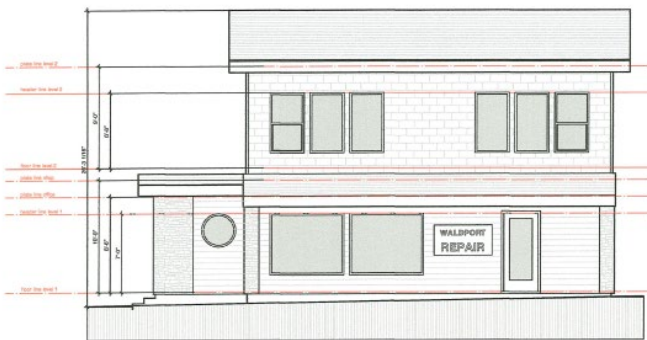
floor plan level 2 - apartments



note: this is a representative section showing relative ceiling and floor heights in relation to interior spaces and does not necessarily reflect exact structural elements which will be calculated during working drawings.

representative cross section

scale: 1/4" = 1'-0"



front.south.elevation

scale: 1/4" = 1'-0"



rear.north.elevation

scale: 1/4" = 1'-0"



side.east.elevation

scale: 1/4" = 1'-0"



side.west.elevation

scale: 1/4" = 1'-0"

3. Written Testimony

A. Agency

Oregon Department of the State Fire Marshal and Central Coast Fire & Rescue District submitted the following comments (full e-mail attached):

From: MILLER Shannon * OSFM <Shannon.Miller@osfm.oregon.gov>
Sent: Thursday, November 6, 2025 9:40 AM
To: j.mason@centralcoastfire.net
Subject: Re: Waldport Permit - Fire Review

Yes,

They will need to install a fire sprinkler in the Building, at least an NFPA 13 compliant fire sprinkler system in the commercial area and at minimum an NFPA 13 D system in the residential area (though the whole building may also be an NFPA 13 compliant system) designed and installed by a qualified fire sprinkler company per NFPA 13 and Oregon Fire/Structural Code with approved plans and permit with inspections through the Lincoln County Building Department. There would need to be an FDC for the fire sprinkler system with a fire alarm monitoring system also per NFPA standards with design and approval by LCBD.

The Fire hydrant would need to have a minimum flow tested at 20 PSI to be compliant with the 2025 Oregon Fire Code with placement, flow per Chapter 5, appendix B, C and D along with an approved fire access also per 2025 Oregon Fire Code.

Respectfully,



DSFM Shannon Miller
Deputy State Fire Marshal

Mobile Phone: 503.507.1897
Email: Shannon.Miller@OSFM.Oregon.gov



Staff response:

- The proposed structure shall be built to the applicable Oregon Building Code and Oregon Fire Code.
- Waldport Public Works verifies that the City's water system at this location meets the required minimum flow.

B. Public

The City received one testimony at the time this staff report was prepared.

Received via e-mail 11/5/2025

As long-time owners of Maple Street Beach House at 185 NW Maple Street in Waldport, we object to granting a conditional use permit to an auto repair shop at 105 NW Maple Street. An auto repair shop, with its noise and traffic congestion, is antithetical to the bay views, trees, and

serene strolls of Maple Street. Indeed, we can't think of another coastal city that offers one street with as much enchantment as Maple Street. It is a significant draw for tourists and any alteration of its special ambiance should be considered with the careful stewardship of a valuable resource.

Our objections to granting the conditional use are supported in the Waldport Code as follows:

16.30.20, Sec F. Downtown District Conditional Use specifies "automobile facilities" indicating the commission should exercise all due diligence before granting a permit for such enterprises. Of greatest concern is that the lot is not sufficient to support parking for both the residential units and the auto repair shop.

16.72.020, Sec S stipulates the off-street parking should accommodate 6 spaces: 2 for each dwelling and 2 for the repair shop. The proposed plan calls for 7 spaces. However, 2 of those spaces are located on the side yard.

16.30.090, Sec C stipulates that "side yards on corner lots shall not be used for surface parking". 105 NW Maple is a corner lot. If the 2 spaces are not allowed, that leaves only 5 spaces for parking which is insufficient. Further, if 2 parking spots are allotted to the repair shop and presumably there are 2 mechanics, that does not allow for parking for customers since:

16.30.100, Sec C stipulates employees must use on-site parking.

Further:

16.72.020, Sec G requires a 5 foot fence be erected around the parking area.

Clearly, there are discrepancies between the proposal and what the permit code allows. Perhaps these can be addressed through modification of the plan. However, we feel the very character of an auto repair shop would do irreparable harm to the integrity of Maple Street. Further, the space does not allow for the repair shop to be successful unless it uses on-street parking as a means to float customers' cars while awaiting repair. This is bound to lead to tensions with neighbors. Additionally, the noise will be an irritant, especially if it goes beyond normal work hours. All of this will drive tourists away and lower home prices.

We find this choice of business with location perplexing given there are several areas of Waldport that would be entirely compatible with an auto repair shop (Commercial Street and Spring Street especially). Also, we would welcome a business that is compatible with Maple Street. Any number of professional offices or tourist retail comes to mind.

In conclusion, we are not opposed to the petitioner's desire to open a business and contribute to Waldport's economy. Rather we believe this particular business in this particular location will do considerably more harm than good. We ask that the commission reject the petitioner's request for a conditional use permit and advise the petitioner to pursue the options detailed in outright permitting as stipulated in 16.30.010.

Thank you for your time and consideration.

Sincerely, Greg and Scottie Jones

Staff response:

- 16.30.020.F – The purpose of this staff report, Planning Commission Public Hearing, and Public Testimony is to evaluate the proposed use and effects on adjoining land uses and the growth and development of the City.
- 16.72.020.S – The proposed development meets the parking requirement.
- 16.30.090.C – The proposed development meets the parking requirement. This section of the code states that, for automobile-oriented uses and facilities, “side-yards on corner lots shall not be used for surface parking”. However, Chapter 16.30.090.A.4 (Residential Uses) states “side yards facing a street (i.e., corner yards) shall not be used for surface parking”. Therefore, side yards not facing a street, i.e. north side of building, can be used for residential parking.
- 16.30.100.C – This section of the code restricts employee/resident parking along Highway 34 and Highway 101 between the hours of nine a.m. and five p.m. It does not state that employees must use on-site parking. Employees/residents may park in any legal parking spot in the DD Zone except Hwys 34 & 101 between the hours stated above.
- 16.72.020.G – This section of the code states “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”. The property at 105 NW Maple street is not within a residential zone. The property to the north is zoned DD and vacant. The properties to the east are zoned DD and do not have residential uses. The property to the south, across Willow Street, is the Hi School Pharmacy and is zoned DD with no residential uses. Residential uses occur to the west, across and along Maple Street in the R-1 Residential Zone. Parking will be located behind the proposed structure so will therefore be screened from view of the residences on Maple Street by the proposed structure.
- All City codes regarding public safety, public health, and public peace shall apply and be in full effect.

C. STAFF ANALYSIS AND SUMMARY

The Waldport Development Code defines "Automobile" as follows:

- "Repair garage" means a use providing for the major repair and maintenance of motor vehicles and includes major mechanical and body work, straightening of body parts, painting, welding or storage of motor vehicles not in operating condition;
- **"Service station" means any premise used for supplying gasoline, oil, accessories and services, and auto repair work; excluding body and fender repair except on an emergency basis, at retail direct to the customer and where inoperative car storage is limited to thirty (30) days;**
- "Wrecking yard" means any property where two or more vehicles not in running condition, or the parts thereof, are stored in the open and are not being restored to operation; or any land, building or structure used for the wrecking or storing of such motor vehicles or the parts thereof.

Chapter 16.30 Downtown District Zone DD

16.30.020 Conditional Uses Permitted in the Downtown District Zone DD.

The applicant is proposing to build a multi-use building on the northeast corner of Maple and Willow Streets. The ground floor will be a two-bay auto repair shop with office. The second floor will be two, one-bedroom apartments.

Residential uses are permitted outright in the Downtown District (DD) Zone. The apartments could be permitted without appearing before the Planning Commission.

Automobile oriented uses and facilities may be conditionally permitted in the DD Zone.

16.30.090 Special Standards For Certain Uses

Residential Uses. Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in items 1-6, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this Section.

1. **Mixed Use Development Required.** Residential uses shall be permitted on properties fronting Highway 101 or Highway 34 when part of mixed use development (residential with commercial or public/institutional use), though multi-family commercial properties are prohibited (i.e. large > 4 unit apartments which are considered commercial). Both "vertical" mixed use (housing above the ground floor), and "horizontal" mixed use (housing on the ground floor) developments are allowed, subject to the standards in items 2-6 below. Properties fronting streets other than Highway 101 or Highway 34 are permitted to have multi-family residential-only uses, commercial uses, or mixed uses.
2. **Limitation on street-level housing.** Residential uses are not permitted at street-level on Highway 101 and Highway 34. This standard is intended to preserve storefront space for commercial uses and public/institutional uses. It does not limit residential uses above the street level on upper stories, or behind street-level storefronts.
3. **Density.** There is no residential density standard on Highway 101 and Highway 34. "Residential Only" development permitted on interior streets may be duplexes (2 units) or greater. An ADU is not considered to meet the density standard.
4. **Parking, Garages, and Driveways.** All off-street vehicle parking, including surface lots, garages, and parking structures, shall be oriented to alleys, or in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e. away from Highway 101 or Highway 34) when access cannot be provided from an alley.
5. **Creation of Alleys.** When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns make construction of an alley impracticable. As part of a

subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site.

6. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.

Staff Analysis

1. This property does not front Highway 101 or Highway 34. Therefore, this standard does not apply.
2. This property does not front Highway 101 or Highway 34. Therefore, this standard does not apply.
3. This property does not front Highway 101 or Highway 34, and it is a mixed-use development. Therefore, this standard does not apply.
4. All residential off-street parking will be located behind the building or on the non-street side of the building.
5. This is not a subdivision. Therefore, this standard does not apply.
6. The proposed development is on a single taxlot and will remain under single ownership. Therefore, there are no “common areas” and this standard does not apply.

It is staff’s opinion that the above standards have been met.

Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Waldport Downtown District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Highway 101 or Highway 34 when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of 50 parking spaces, or one-half City block, whichever is smaller.
2. Automobile-Oriented Uses. “Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses.

Staff Analysis

1. All parking for this property will be provided onsite. Five spots will be located behind the building and two spots will be located on the north side of the building. Garage entrances will be oriented to the parking lot, not facing a street.

Required parking for the “automobile-oriented” use is 2.03 spots as calculated from the square footage of the use. These parking spots will be located behind (to the east) the building.

It is staff’s opinion that this standard has been met.

2. Specifics of the automobile-oriented use and the DD standards are discussed below.

Downtown District Zone DD Standards

16.30.030 Building Setbacks

The proposed building setbacks are as follows: Front (west) – six feet; Rear (east) – fifty feet; South side – zero feet; North side – twelve feet.

It is staff’s opinion that this standard has been met.

16.30.040 Lot Coverage

Lot coverage is 24%.

It is staff’s opinion that this standard has been met.

16.30.050 Building Orientation

The apartment entrance will face Maple Street. The business office entrance will face Willow Street. Pedestrian access to both entrances will be from sidewalks along the street right of ways.

The property is on the northeast corner of Maple and Willow Streets. The corner of the property has a power pole and several utility boxes. Orienting the entrance to the building would not be practical and would create pedestrian conflicts with the utilities. Orienting the entrances to the streets provides a separation of the uses and a more direct access from the sidewalks.



It is staff’s opinion that this standard has been met.

16.30.060 Building Height

The proposed structure will be twenty-seven (27) feet tall. This is less than the allowable height of thirty-five (35) feet.

It is staff’s opinion that this standard has been met.

16.030.070 Architectural Guidelines And Standards

As previously described, the first story will house an auto repair shop and office. The second story will consist of two one-bedroom apartments. The auto repair shop office and main entrance will face Willow Street. Large display windows will be incorporated into the building along the sidewalk.

The office area will not have a second story, providing an architectural accent on this side of the building.

The residential entrance will face Maple Street and will be compatible with the architectural character of the neighborhood. The first floor facing Maple Street will not have display windows since it faces residences and the auto repair activities will occur inside, out of view. Smaller accent windows will be provided.

Decorative moldings and trim will be applied to all window and door openings, including the roll-up garage doors, to add to the old-town atmosphere and storefront character.

It is staff's opinion that this standard has been met.

16.30.80 Pedestrian Amenities

The proposed development will provide sidewalks along Willow and Maple Streets as part of required street improvements. There will also be a four-foot roof overhang over the Willow Street sidewalk along the proposed structure. Lighting will be installed in the ceiling of the roof overhang and shine downward.

It is staff's opinion that this standard has been met.

16.30.100 Parking Requirements

All parking will be provided on-site. Required parking is calculated based on the proposed uses as follows:

Residential: Two (2) parking spots per dwelling are required. There are two (2) apartments proposed. Total parking spots required for residential use are four (4).

Auto Repair Shop & Office: One (1) parking spot for each 600 square feet of floor area. Main floor is 38 feet by 32 feet for a total area of 1,216 square feet. Total parking spots required are 2.03, rounded up to three (3).

Total parking spots required are seven (7). Total parking spots proposed are seven (7).

Parking is further discussed below under 16.72 Supplementary Regulations.

It is staff's opinion that this standard has been met.

Based on the above sections, it is staff's opinion that the Standards for the DD Zone have been met by the applicant.

Chapter 16.72 Supplementary Regulations

16.72.010 Clear Vision Areas

A clear vision area is proposed for the southwest corner of the property. This area consists of a triangle with two sides measured from the intersection of the street lot lines for a distance of fifteen feet, and the third side is a line across the corner of the lot joining the non-intersecting end of the other two sides.

There are no structures or other obstructions proposed in the clear vision area other than the existing utilities.

It is staff's opinion that this standard has been met.

16.72.020 Off-Street Parking and Off-Street Loading Requirements

As discussed above, the total requirement for off-street parking is seven (7) parking spots. Total parking spots proposed are seven (7) including one (1) ADA van accessible parking spot.

The proposed parking area will be paved and striped. Parking lot access will be from Willow street and be twenty-four (24) feet wide. One parking spot will be accessible from Maple Street. A perimeter fence will not be required since the areas adjacent to the parking lot are not residential zones.

It is staff's opinion that this standard has been met.

16.72.030 Exterior Lighting

Lighting will be installed in the ceiling of the sidewalk overhang and shine downward. No security lighting will point toward Maple Street (R-1 residential zone).

It is staff's opinion that this standard has been met.

Chapter 16.72 Signs

There are two wall signs proposed. A maximum of 20% of a building façade is allowed to have signs. The sign on Willow Street will be one foot tall by two feet wide for a total area of two square feet, well below the allowable 44 square feet for this side of the building. The sign over the garage doors will be three feet tall by five feet wide for a total area of fifteen square feet, well below the allowable 125 square feet.

It is staff's opinion that this standard has been met.

Chapter 16.84 Conditional Uses

Certain types of uses require special consideration prior to their being permitted in a particular zone. The reasons for such special consideration include, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the City as a whole. This includes but is not limited to such things as traffic, noise, smell, and hours of operation.

16.84.070 Standards and Procedures Governing Conditional Uses

The applicant's statement includes the following:

- The building will be multi-use, residential and commercial.
- The commercial use will be an auto repair shop performing typical automotive repairs. No body work will be performed.
- There will be no long-term storage of vehicles.

- Hours of operation will be typical business hours, i.e. 8 to 5.
- Storage of materials such as oil and tires will be in accordance with all fire codes. Storage of materials will not be visible to the public.
- Access to the apartments will be by a shared stairway entrance on Maple Street.
- Access to the auto repair shop and parking lot will be from Willow Street.

Staff Analysis

The site under consideration is suitable for the proposed uses given the following:

- Size, design, and operating characteristics of the use.
All proposed uses, buildings, parking, etc. are contained one hundred percent onsite. Proposed business/work hours are within typical business/work hours. All City codes regarding public safety, public health, and public peace shall apply and be in full effect.
- Adequacy of transportation access to the site.
The site can be accessed from Willow street and Maple Street. Willow Street is one way from Highway 101 to Maple Street. Access to the auto repair shop and parking lot is directly from Willow Street. Exit from the auto repair shop and parking lot is to Willow Street and then to Maple Street. This may add a few vehicles a day to Maple Street, but traffic impacts should be negligible. Residential access is from Maple Street. Parking for residences can be accessed from Maple Street, parking north side of building, or from Willow Street to the parking lot. The proposed building will visually screen the parking lot from the residences on Maple Street.
Pedestrian access and circulation will be enhanced by the project due to the addition of sidewalks along Willow Street and Maple Street. Sidewalks will be ADA compliant. Willow Street will have a City standard 5' wide sidewalk with curb and gutter. The Sidewalk along Maple Street will be 5' wide but at the same grade as the roadway. Maple Street at this location is approximately 20' feet wide. A raised sidewalk would further constrict the roadway and create traffic issues.
- Natural and physical features of the site.
The site has been previously disturbed. There was a residential structure until the 1980s when it was removed, paved, and turned into a parking lot. The site is currently one hundred percent paved with no vegetation and relatively flat. There are no other natural or physical features on the property.

The surrounding uses include residential to the west (across Maple Street), vacant but zoned commercial (DD) to the north, restaurant and commercial/retail to the east, and a pharmacy/store to the south (across Willow Street). The proposed uses are compatible with the existing and projected uses on surrounding lands.

It is staff's opinion that this standard has been met.

Staff finds that the proposed development is an appropriate use for the site.

D. CONCLUSION:

In taking action on a conditional use permit application, the Planning Commission may either permit or deny the request.

If the request is denied, the Planning Commission should state the general reasons and facts relied on, and direct staff to prepare findings for signature. If the request is denied, the action must be based on reasons related to orderly development and the best interests of the surrounding area or the city as a whole.

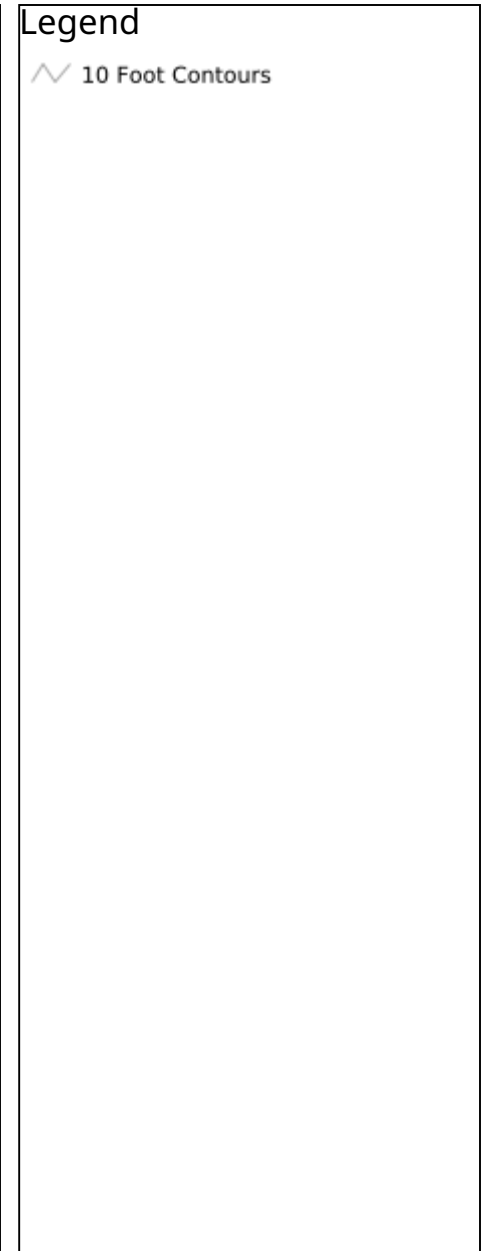
If the Planning Commission determines that the proposal meets the requirements of the ordinance, it can make a motion to approve the request, at the same time directing staff to prepare findings, conclusions, and a final order for adoption.

In the event of an approval, staff offers the following conditions which may be amended at the discretion of the Planning Commission:

1. **Conditional Use.** The use shall be for an automobile repair shop and two residential units. The use shall not create a public nuisance or be detrimental to public health, safety, or welfare.
2. **Parking.** Parking will consist of seven parking spots including one ADA van accessible spot. Parking is calculated as follows: two each for each apartment for a total of four spots for residential; and three for the automobile repair shop.
3. **Required Permits.** The applicant shall obtain all permits required to build and operate the auto repair shop, i.e., city, county, and state required permits.
4. **Future Development.** Future development shall occur in accordance with DD standards, i.e., building setbacks and height, landscaping, pedestrian facilities, and parking.
5. Development shall occur in accordance with the submitted plan.
6. **Final Plans.** Final engineering/architectural plans will be submitted to the City for review and approval. Final plans will include, but not be limited to:
 - Utilities including water, sewer, storm drainage, electric.
 - Improvements including structures, sidewalks, landscaping, lighting, fencing, signage, grading and drainage, and erosion control.
 - Parking lot layout including ADA compliance and traffic flow.
7. **Time Limit.** This conditional use shall be void after two (2) years unless substantial construction pursuant thereto has taken place and all conditions of approval have been fulfilled. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

Jaime White
City Planner

Enclosures: Vicinity Map
Applicant Materials
Public Comment Letters
Waldport Development Relevant Criteria



Printed on 9/23/2025 Tax Lot Data For Assessment Purposes Only

Lincoln County Government Use only. Use for any other purpose is entirely at the risk of the user. This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users should review the primary information sources to ascertain their usability.



Google Earth Street View



Google Earth Street View



Google Earth Street View



Google Earth Street View



Google Earth Street View



Google Earth Street View



Google Earth Street View



RECEIVED OCT 27 2025

Fee \$1,050.00
Receipt # 815914

CK # 4621

CITY OF WALDPOR
Zoning Action Application

TO BE COMPLETED BY OFFICE:

1. Date Received	<u>10/27/25</u>	Staff Initials	<u>JW</u>
2. Case File Number	_____	Action: Administrative	_____
		Planning Commission	☒
3. Action Requested	C.U. ☒ N.C.U. _____ Variance _____ Zone Change _____		
	Other _____		
4. Current Zoning	<u>DD</u>	Current Plan Designation	<u>Commercial</u>
		Lot Size	<u>5,000 ft²</u>
5. Previous Planning Actions on Property	<u>None</u>		
6. Existing Code Violation(s)	<u>None</u>		

TO BE COMPLETED BY APPLICANT:

Purpose of Application Seeking approval for construction of a multi-use building to house an auto repair shop and two residential units.

Property Description T 13-11-19, BD S, R _____ W, W.M., Section _____ Tax Lot(s) 4500

Applicant's Name Gary Church Sr.

Address _____

Zip Code _____

Relationship to Property Owner
(Owner, Contract Purchaser, etc.)

Agent (if any) _____

Existing Structures None

Current/Proposed Utilities: Sewage yes Water yes Electrical yes

Anticipated Date of Development Upon city and county approvals

INFORMATION REQUIRED
for a
CONDITIONAL USE APPLICATION

For all conditional use permit applications, the following minimum information must be submitted for the application to be considered complete:

1. Plot plan, drawn to scale, of the subject property showing:
 - A. all property lines
 - B. all existing and proposed buildings and setbacks from all property lines
 - C. the location of water and sewer lines, septic system, and all existing and proposed easements
 - D. access to the property, and whether it is a state highway, county road, public road or private easement. Note: Applicant should check to determine if an access permit is required.
 - E. all wetland areas, areas of geological hazard, streams and waterways, and areas subject to flood hazard
 - F. general description of the topography and vegetation
 - G. plans for fencing
 - H. the date, north point and scale of drawing
2. Total floor area, height and use of all existing and proposed structures.
3. Operating characteristics of all proposed commercial and industrial uses (what, where, when & how).
4. Location of all required off-street parking and loading facilities, if any.
5. Size, location and tentative design of proposed signs, if any.
6. Other information as determined by staff.

NOTE: ALL APPLICATIONS MUST BE COMPLETE. FAILURE TO SUBMIT A COMPLETE APPLICATION WILL DELAY THE ACCEPTANCE AND PROCESSING OF YOUR APPLICATION.



Signature of Property Owner

10-27-25

Date

Signature of Applicant (if other than property owner)

Date

To: The Waldport Planning Commission
From: Gary Church
Re: Conditional use permit application for 153¹⁰⁵ NW Maple St
Date: October 27, 2025

Thank you for taking the time to consider my application. What I am proposing to build on the lot at the corner of Willow and Maple streets in downtown Waldport is a multi-use building with a footprint of 32'x38'. The ground floor will be a two-bay garage with an office. (the garage floor space is 948 sq. ft. and the office is 192 sq. ft.) This will house an auto repair shop doing typical automotive repairs. No body work will be performed here. There will not be any long-term storage of vehicles, only vehicles in process of repair. Hours of operation will be typical business hours, like 8 to 5. Storage of any hazardous materials such as oil or tires will be in accordance with all fire codes and will be done in a manner as to prevent or minimize any visibility by the public. While signage design hasn't been finalized yet, placement is planned to be next to the front door on Willow st., and above/between the roll-up garage doors. The sign on Willow st. will be 1' tall by 2' wide, and above the garage doors it will be 3' tall by 5' wide. Design and size will conform to all applicable sign codes.

The Garage office, which runs the length of the building fronting Willow st., will have a 4' roof overhang over the sidewalk. Lighting will be installed in the ceiling of the sidewalk overhang and shine down. No security lighting will point toward Maple st. Decorative mouldings and trims will be applied to all window and door openings including the roll-up garage doors, to add to the old-town atmosphere desired in the Downtown District. Parking for 7 vehicles is designated on the lot with access from Willow st. by a 24' wide driveway and on Maple st. by way of an at-grade sidewalk.

The sidewalk on Willow st. will be constructed at the property line into the street with proper curbing and ADA compliant entry/exit ramps on the corner at Maple st. The Maple st. sidewalk will begin at the property line and be inside the property. It will be at-grade to accommodate vehicle passage if necessary.

The second floor of the building will be two, one bedroom apartments with kitchen, bath and living room. The living room faces the bay and the square footage of each unit is approx. 460 square feet. Access to the apartments will be by a shared stairway entrance on Maple st.

Once again, thank you for your time and consideration. I look forward to answering any questions you might have.



Gary L. Church sr.

**SITE / ROOF
PLAN
A1.1**



site.roof.plan

scale: 1/8" = 1'-0"

Site information

105 NW Maple Street
Westport, Oregon
Lincoln County, Oregon, USA
Tax Lot: 4500 Map: 13-1-10-ED-04500-00
GPS: 44°25'25.2"N, 124°04'05.09"W [Download](#)
Elevation: ~ 14 FT [Download](#)
Zoning:

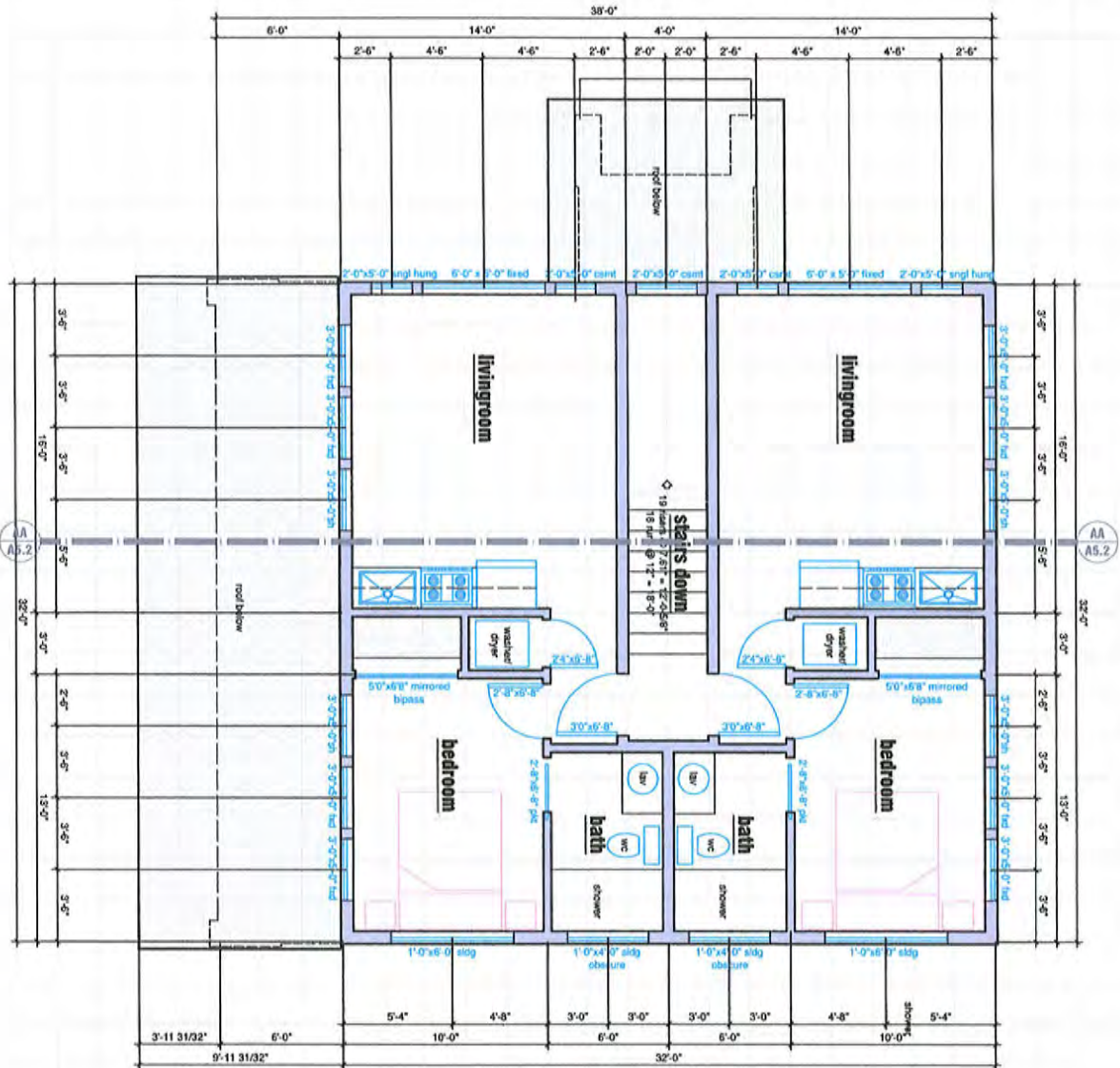
site survey information

d holmes chamberlin jr
POBOX 94 • 991 OCEANVIEW DRIVE
YACHTS • OREGON • USA
dchamberlinarchitect@gmail.com **architect llc**



POBOX 94 - 991 OCEANVIEW DRIVE
YACHTS - OREGON - USA
541.547.3056 - vchamberl@narchitect.com





floor plan level 2 - apartments

scale: 1/4" = 1'-0"

A3.2

LEVEL 2

FLOOR PLAN

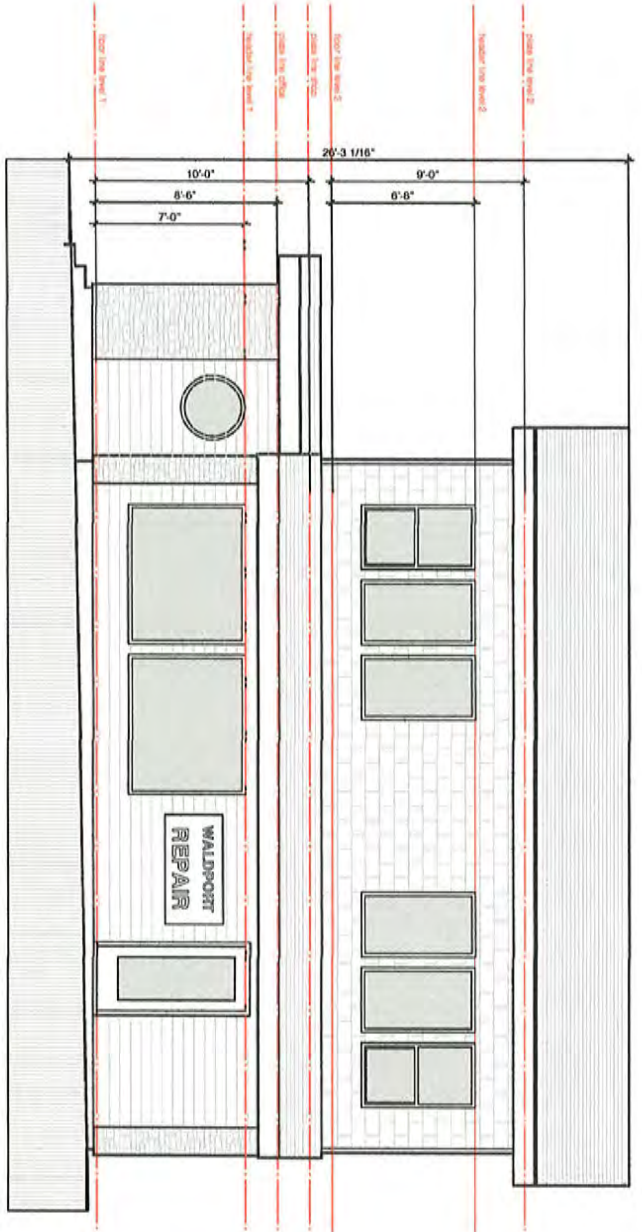
NO.	DATE	REVISIONS
1	10/10/2025	10/10/2025
2	10/10/2025	10/10/2025
3	10/10/2025	10/10/2025
4	10/10/2025	10/10/2025
5	10/10/2025	10/10/2025
6	10/10/2025	10/10/2025
7	10/10/2025	10/10/2025
8	10/10/2025	10/10/2025
9	10/10/2025	10/10/2025
10	10/10/2025	10/10/2025

CHURCH PROJECT

105 NW MAPLE ST
WALDPART, OREGON
LINCOLN COUNTY

d holmes chamberlin jr
architect llc

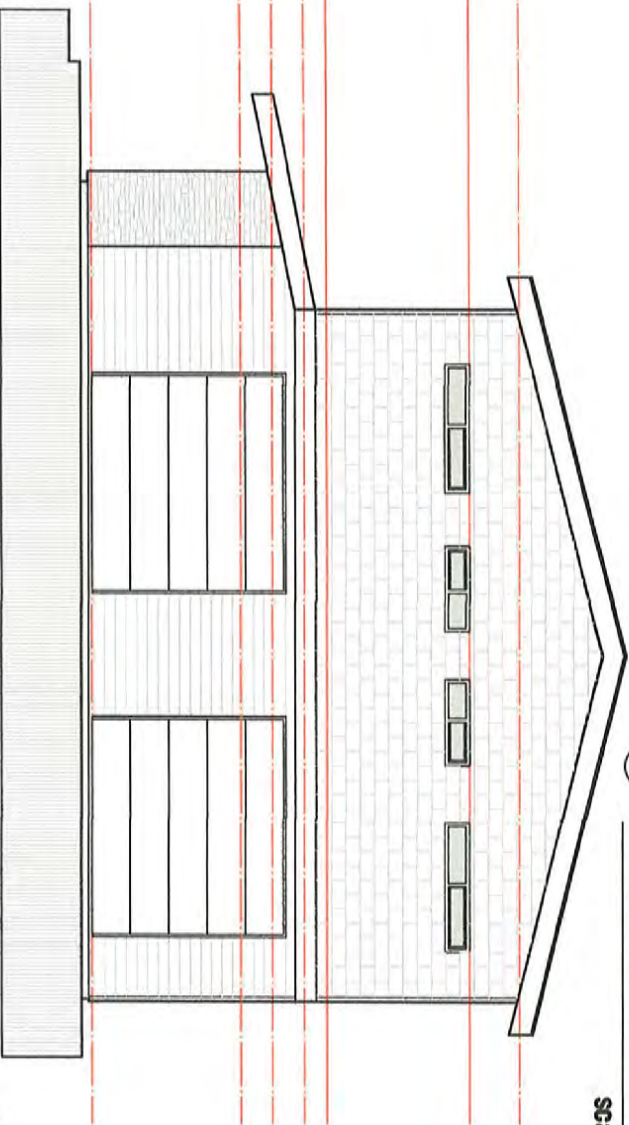




E1
K41

front-south.elevation

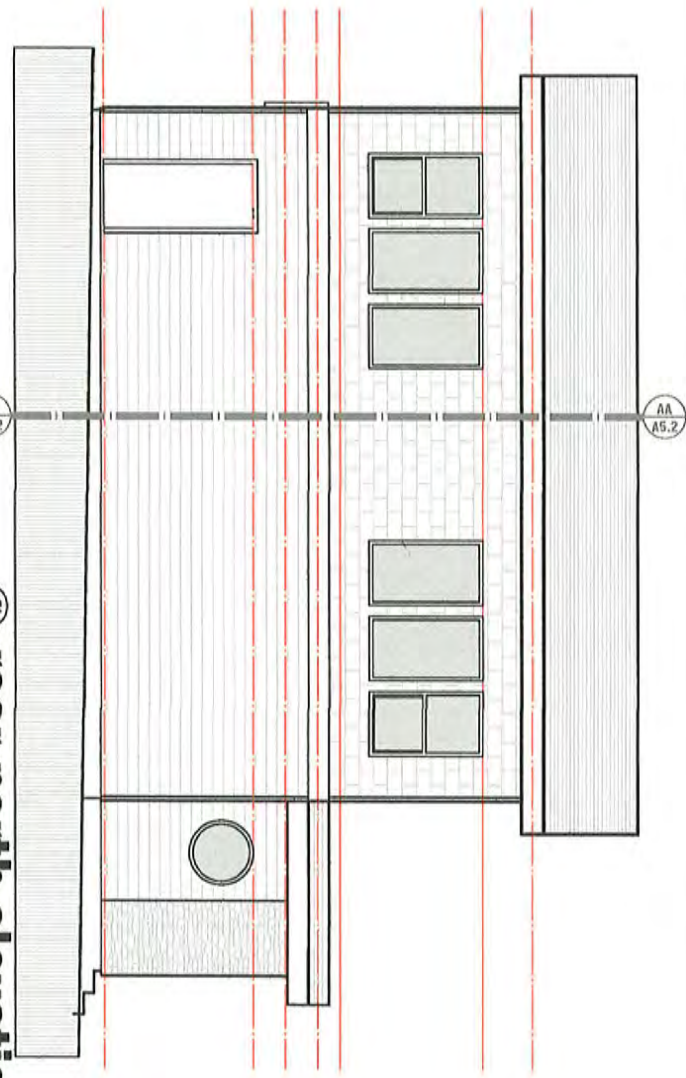
scale: 1/4" = 1'-0"



E2
K41

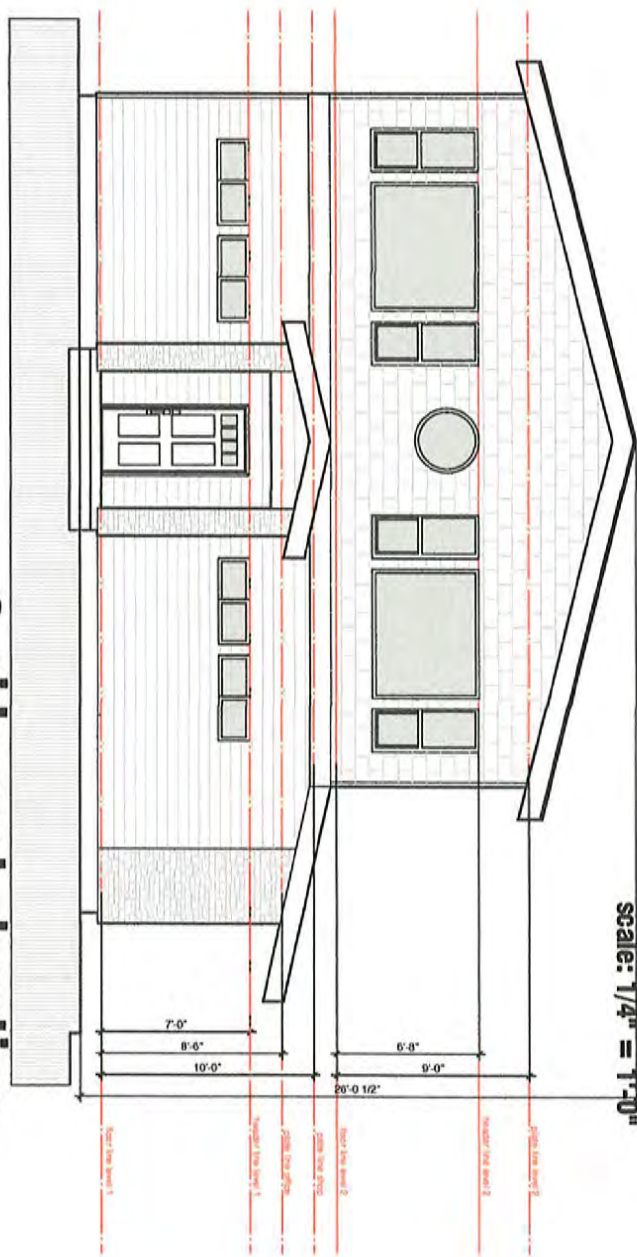
side-east.elevation

scale: 1/4" = 1'-0"



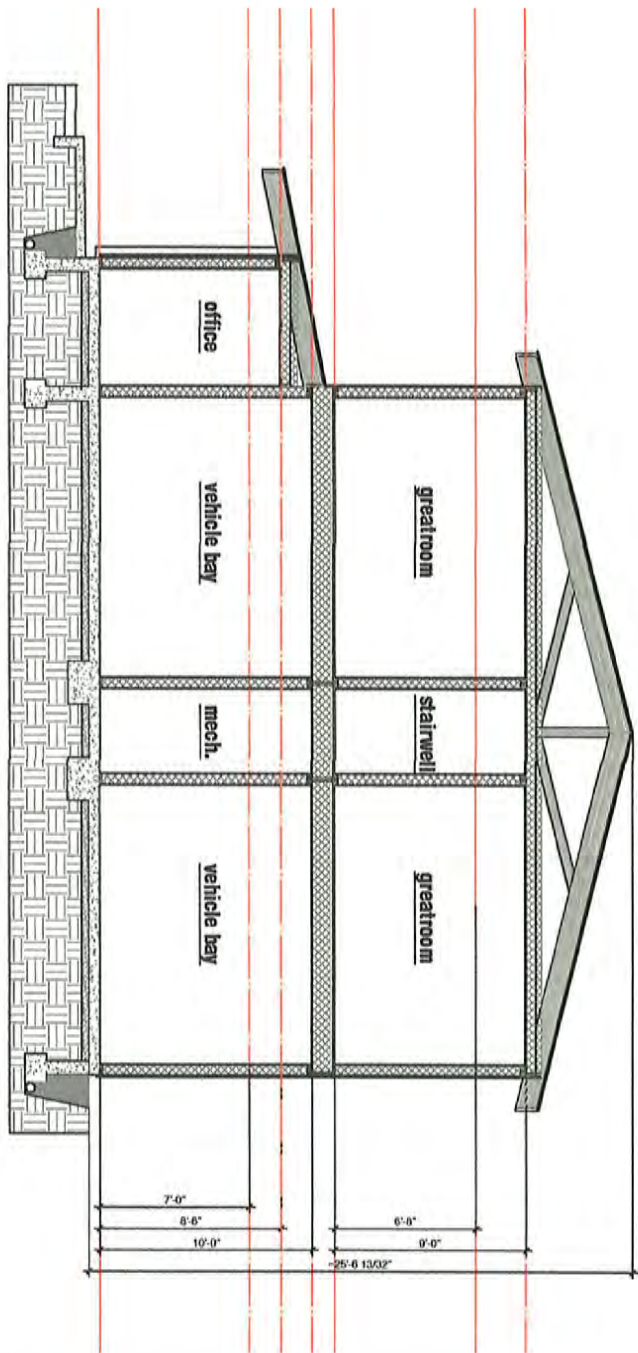
rear.north.elevation

scale: 1/4" = 1'-0"



side.west.elevation

scale: 1/4" = 1'-0"



note: this is a representative section showing relative ceiling and floor heights in relation to interior spaces and does not necessarily reflect exact structural elements which will be calculated during working drawings.

representative cross section

scale: 1/4" = 1'-0"

#20256.101

**CHURCH
PROJECT**

105 NW MAPLE ST
WALPOORT, OREGON
LINCOLN COUNTY

**d holmes chamberlin jr
architect llc**

PO BOX 91 - 991 OCEANVIEW DRIVE
YACHTS - OREGON - USA
541.537.3056 - dchamberlinarchitect@gmail.com



DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

DATE: OCTOBER 26, 2025

From: j.mason@centralcoastfire.net
To: [Planner](#)
Subject: FW: Waldport Permit - Fire Review
Date: Thursday, November 6, 2025 9:41:56 AM
Attachments: [Outlook-wypr5pm.png](#)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

FYI

Fire Chief Jamie Mason

Central Coast Fire & Rescue District
145 NW Alsea Hwy
Waldport, OR 97394
Phone: (541) - 563 - 3121
Fax: (541) - 563 - 3190

From: MILLER Shannon * OSFM <Shannon.Miller@osfm.oregon.gov>
Sent: Thursday, November 6, 2025 9:40 AM
To: j.mason@centralcoastfire.net
Subject: Re: Waldport Permit - Fire Review

Yes,

They will need to install a fire sprinkler in the Building, at least an NFPA 13 compliant fire sprinkler system in the commercial area and at minimum an NFPA 13 D system in the residential area (though the whole building may also be an NFPA 13 compliant system) designed and installed by a qualified fire sprinkler company per NFPA 13 and Oregon Fire/Structural Code with approved plans and permit with inspections through the Lincoln County Building Department. There would need to be an FDC for the fire sprinkler system with a fire alarm monitoring system also per NFPA standards with design and approval by LCBD.

The Fire hydrant would need to have a minimum flow tested at 20 PSI to be compliant with the 2025 Oregon Fire Code with placement, flow per Chapter 5, appendix B, C and D along with an approved fire access also per 2025 Oregon Fire Code.

Respectfully,



DSFM Shannon Miller
Deputy State Fire Marshal

Mobile Phone: 503.507.1897
Email: Shannon.Miller@OSFM.Oregon.gov



Department of Oregon State Fire Marshal 3991 Fairview Industrial Drive SE, Salem, Oregon 97302
Reduce Risks through Education, Engineering, and Prevention.

- Oregon State Fire Marshal Website: <https://www.oregon.gov/osfm/pages/default.aspx>
- 2022 Oregon Fire Code Link: <https://codes.iccsafe.org/content/ORFC2022P1/arrangement-and-format-of-the-2021-ifc>
- Oregon Defensible Space <https://oregondefensiblespace.org/>

This e-mail, including any attachments, may contain information that is privileged, confidential or exempt from disclosure under applicable law. It is intended only for the use of the individual or entity to which it is addressed. If you are not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message and any attachments.

From: j.mason@centralcoastfire.net <j.mason@centralcoastfire.net>
Sent: Thursday, November 6, 2025 09:26
To: MILLER Shannon * OSFM <Shannon.Miller@osfm.oregon.gov>
Subject: FW: Waldport Permit - Fire Review

Any concerns with an auto shop that has residential above it?

Fire Chief Jamie Mason

Central Coast Fire & Rescue District
145 NW Alsea Hwy
Waldport, OR 97394
Phone: (541) - 563 - 3121
Fax: (541) - 563 - 3190

From: Planner <planner@waldport.org>
Sent: Wednesday, November 5, 2025 2:07 PM
To: 'j.mason@centralcoastfire.net' <j.mason@centralcoastfire.net>
Subject: Waldport Permit - Fire Review

Jamie,

We have an application for a new structure immediately north of Hi School Pharmacy. The property is located at 105 NW Maple Street, corner of Maple and Willow.

The new structure will house an auto repair shop with 2 bays, and two single bedroom apartments

upstairs. Height to top of roof is 27'.

Please let me know if you have any comments,
Thanks,

Jaime White
City Planner
City of Waldport

Planner@Waldport.org

Waldport: 541-563-3561 x3

355 NW Alder Street
Waldport, OR 97394

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon
Public Records Law.

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon
Public Records Law.

From: [Planner](#)
To: [REDACTED]
Cc: [REDACTED]
Subject: RE: Conditional Use Permit Case File #1-CU-PC-25 - written testimony by Greg and Scottie Jones
Date: Thursday, November 6, 2025 8:14:00 AM

Good morning,

Your comments have been received and will be entered into the record.

Thank you,

Jaime White
City Planner
City of Waldport

Planner@Waldport.org
Waldport: 541-563-3561 x3

355 NW Alder Street
Waldport, OR 97394

From: Scottie Jones [REDACTED]
Sent: Wednesday, November 5, 2025 5:32 PM
To: Planner <planner@waldport.org>
Cc: Greg Jones [REDACTED]
Subject: Conditional Use Permit Case File #1-CU-PC-25 - written testimony by Greg and Scottie Jones

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. White,

We are unavailable to attend the Waldport City Council meeting on Monday November 25, 2025 where there will be a hearing for Case File #1-CU-PC-25. This is our written testimony to be read into the record.

Thank you,

Greg and Scottie Jones
[REDACTED]

Dear Waldport City Council Members,

As long-time owners of Maple Street Beach House at 185 NW Maple Street in Waldport, we object to granting a conditional use permit to an auto repair shop at 105 NW Maple Street. An auto repair shop, with its noise and traffic congestion, is antithetical to the bay views, trees, and serene strolls of Maple Street. Indeed, we can't think of another coastal city that offers one street with as much enchantment as Maple Street. It is a significant draw for tourists and any alteration of its special ambiance should be considered with the careful stewardship of a valuable resource.

Our objections to granting the conditional use are supported in the Waldport Code as follows:

16.30.20, Sec F. Downtown District Conditional Use specifies "automobile facilities" indicating the commission should exercise all due diligence before granting a permit for such enterprises. Of greatest concern is that the lot is not sufficient to support parking for both the residential units and the auto repair shop.

16.72.020, Sec S stipulates the off-street parking should accommodate 6 spaces: 2 for each dwelling and 2 for the repair shop. The proposed plan calls for 7 spaces. However, 2 of those spaces are located on the side yard.

16.30.090, Sec C stipulates that "side yards on corner lots shall not be used for surface parking". 105 NW Maple is a corner lot. If the 2 spaces are not allowed, that leaves only 5 spaces for parking which is insufficient. Further, if 2 parking spots are allotted to the repair shop and presumably there are 2 mechanics, that does not allow for parking for customers since:

16.30.100, Sec C stipulates employees must use on-site parking.

Further:

16.72.020, Sec G requires a 5 foot fence be erected around the parking area.

Clearly, there are discrepancies between the proposal and what the permit code allows. Perhaps these can be addressed through modification of the plan. However, we feel the very character of an auto repair shop would do irreparable harm to the integrity of Maple Street. Further, the space does not allow for the repair shop to be successful unless it uses on-street parking as a means to float customers' cars while awaiting repair. This is bound to lead to tensions with neighbors. Additionally, the noise will be an irritant, especially if it goes beyond normal work hours. All of this will drive tourists away and

lower home prices.

We find this choice of business with location perplexing given there are several areas of Waldport that would be entirely compatible with an auto repair shop (Commercial Street and Spring Street especially). Also, we would welcome a business that is compatible with Maple Street. Any number of professional offices or tourist retail comes to mind.

In conclusion, we are not opposed to the petitioner's desire to open a business and contribute to Waldport's economy. Rather we believe this particular business in this particular location will do considerably more harm than good. We ask that the commission reject the petitioner's request for a conditional use permit and advise the petitioner to pursue the options detailed in outright permitting as stipulated in 16.30.010.

Thank you for your time and consideration.

Sincerely, Greg and Scottie Jones

DISCLOSURE NOTICE: Messages to and from this email address may be subject to Oregon Public Records Law.

Chapter 16.30 Downtown District Zone DD

[16.30.010 Uses Permitted Outright](#)

[16.30.020 Conditional Uses Permitted](#)

[16.30.030 Building Setbacks](#)

[16.30.040 Lot Coverage](#)

[16.30.050 Building Orientation](#)

[16.30.060 Building Height](#)

[16.30.070 Architectural Guidelines And Standards](#)

[16.30.080 Pedestrian Amenities](#)

[16.30.090 Special Standards For Certain Uses](#)

[16.30.100 Parking Requirements](#)

[16.30.110 Landscaping And Underground Utility Standards](#)

16.30.010 Uses Permitted Outright

In a DD zone, the following uses and their accessory uses are permitted outright, subject to the applicable provisions of Chapters 16.72, 16.76, 16.80, 16.84 and 16.96 of this title:

- A. Retail store or shop, such as food store, drug store, apparel store, hardware store, furniture store or similar establishment;
- B. Mixed commercial and residential use;
- C. Residential uses in accordance with Section 16.30.090;
- D. Repair shop for the type of goods offered for sale in retail trade establishments permitted in a C-1 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. Clinic;
- G. Club, lodge or fraternal organization;
- H. Financial institution;
 - I. Hotel, motel or resort;
- J. Indoor commercial amusement or recreation establishment such as bowling alley, theater or pool hall;
- K. Newspaper office, print shop;
- L. Office;
- M. Private museum, art gallery or similar facility;
- N. Restaurant, bar or tavern;
- O. Laundromat;
- P. Mobile vending. (Ord. 768 § 3, 2019)

16.30.020 Conditional Uses Permitted

In a DD 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. Governmental structure or use of land for necessary public utility facilities excluding “towers” as defined in 16.04.030;
- B. Parks;
- C. Schools or other instructional institution;
- D. Animal hospital;
- E. Automobile oriented uses and facilities;
- F. Other uses similar to the above, subject to meeting applicable criteria listed in Section 16.72.070 of this title.

16.30.030 Building Setbacks

In the Downtown District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed use buildings for a walkable downtown.

The setback standards apply to primary structures as well as accessory structures. The standards may be modified only by approval of a variance in accordance with Chapter 16.92, Variances.

A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required.
2. Maximum Setback. The maximum allowable front yard setback is 20 feet. This standard is met when a minimum of 75 percent of the front building elevation (façade) is placed no more than 20 feet back from the front property line. In any event, a building must be within the required setback and cover a minimum 75% of lot width. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards and Architectural Standards in this Chapter.

B. Rear Yard Setbacks. There is no minimum rear yard setback.

C. Side Yard Setbacks. There is no minimum side yard setback required, except that buildings shall conform to the clear vision standards in Chapter 16.72.010 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

16.30.040 Lot Coverage

There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

16.30.050 Building Orientation

This section is intended to promote the walkable, storefront character of Downtown Waldport by orienting (placing or locating) buildings close to streets. Placing buildings close to the street not only slows vehicular traffic, but also provides more “eyes on the street”, increasing the safety of public spaces. The standards, as listed below, compliment the front yard setback standards in Section 16.30.030.

Building Orientation Standard. All development shall be oriented to a street, i.e. arterial if the property has frontage on an arterial. The building orientation standard is met when all of the following criteria are met:

- A. The minimum and maximum setback standards in Section 16.30.030 are met;
- B. Buildings have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.
- C. New land divisions and developments may be configured to provide a driveway or interior parking court. If parking courts are created, then pedestrian pathways shall be provided from the street right-of-way to interior parking courts between buildings, as necessary to ensure reasonably safe, direct, and convenient access to building entrances and off-street parking. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street. On corner lots, buildings shall be oriented to the street corner. Parking, driveways and other vehicle facilities shall be prohibited between buildings and street corners.

16.30.060 Building Height

All buildings in the Waldport Downtown District shall comply with the following building height standards. The standards are intended to allow for development of appropriately-scaled buildings incorporating a storefront character:

Maximum Height. Buildings shall not exceed a height of 35 feet. The maximum building height may be increased by 10 feet when residential housing is provided above the ground floor (“vertical mixed use”). The building height increase for housing shall apply only to that portion of the building that contains residential housing.

16.30.070 Architectural Guidelines And Standards

- A. Purpose and Applicability. These architectural guidelines and standards are intended to encourage innovative design and be of human-scale while affording flexibility to use a variety of building styles and materials complementary to and with materials used in existing downtown buildings. This section applies to all building types as listed in Section 16.30.150.
- B. Building Elevation Design Standards. All buildings shall contribute to the storefront character and visual relatedness of Downtown Waldport buildings. This criterion may be met by providing architectural features as listed in items 1-4 below, in the front or “main street” façade or elevation, as applicable. Buildings situated on corners shall include the stated criteria in the side street elevation or façade as well. Buildings on through-lots (lots that face a street along the front and rear of the property) shall treat the secondary street façade in a manner similar to that as the main street façade is treated. Additionally, if the architectural character along the secondary street is other than commercial, that façade should be compatible with the architectural character of that neighborhood as much as possible while maintaining the architectural integrity of the main building.
 - 1. Building entrances on corner lots. A building entrance may be located away from the corner when the building corner is beveled or incorporates other design aspects or features to reduce the angular appearance of the building at the street corner.
 - 2. Fenestration and decoration. Appropriately spaced and/or shaped windows with window hoods, cornices and/or canopies or special trim at all windows on all building stories.

3. Display windows. Large display windows on the ground-floor should be set off by extended mullions, applied columns, or a storefront cornice to separate the ground floor from upper stories. Display windows are not for residential use.
4. Decoration. Decorative cornices and/or fascias on street facades at top of building (flat roof), or eaves on buildings with pitched roofs and/or expressions of roof structure such as projected roof trusses or decorative roof overhangs.

16.30.080 Pedestrian Amenities

- A. Purpose and Applicability. This section is intended to complement the building orientation standards in Section 16.30.050 by providing comfortable and inviting pedestrian spaces within the Waldport Downtown District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the Downtown, and contribute to a walkable district. This section applies to all building types as listed in Section 16.30.050.
- B. Guidelines and Standards. Every development shall provide one or more of the “pedestrian amenities” listed in subsections 1-3 below. Pedestrian amenities may be provided within a public right-of-way when approved by the agency having jurisdiction over the right-of-way.
 1. A plaza, courtyard, square or recessed area next to the building;
 2. Sitting space (i.e., dining area, benches or ledges between the building and sidewalk (minimum of 16 inches in height and 30 inches in width);
 3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).

16.30.090 Special Standards For Certain Uses

This section supplements the standards contained in Sections 16.30.030 through 16.30.070 providing standards for the following land uses in order to control the scale and compatibility of those uses within the Downtown District:

- A. Residential Uses. Higher density residential uses, such as multi-family buildings and attached townhomes, are permitted to encourage housing near employment, shopping and services. All residential developments shall comply with the standards in items 1-6, below, which are intended to require mixed use development; conserve the community’s supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses which existed prior to the effective date of this code are exempt from this Section.
 1. Mixed Use Development Required. Residential uses shall be permitted on properties fronting Highway 101 or Highway 34 when part of mixed use development (residential with commercial or public/institutional use), though multi-family commercial properties are prohibited (i.e. large > 4 unit apartments which are considered commercial). Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed, subject to the standards in items 2-6 below. Properties fronting streets other than Highway 101 or Highway 34 are permitted to have multi-family residential-only uses, commercial uses, or mixed uses.
 2. Limitation on street-level housing. Residential uses are not permitted at street-level on Highway 101 and Highway 34. This standard is intended to preserve storefront space for

commercial uses and public/institutional uses. It does not limit residential uses above the street level on upper stories, or behind street-level storefronts.

3. Density. There is no residential density standard on Highway 101 and Highway 34. "Residential Only" development permitted on interior streets may be duplexes (2 units) or greater. An ADU is not considered to meet the density standard.
4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots, garages, and parking structures, shall be oriented to alleys, or in parking areas located behind or to the side of the building; except that side yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e. away from Highway 101 or Highway 34) when access cannot be provided from an alley.
5. Creation of Alleys. When a subdivision (e.g., four or more townhome lots) is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right-of-way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site.
6. Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowners association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the City prior to building permit approval.

B. Accessory Uses and Structures. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Waldport Downtown District may include small workshops, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Waldport Downtown District. Accessory structures shall comply with the following standards:

1. Primary use required. An accessory structure shall not be allowed before or without a primary use.
2. Setback standards. Accessory structures shall comply with the setback standards in Section 16.30.030, except that the maximum setback provisions shall not apply.
3. Design guidelines. Accessory structures shall comply with the Downtown design guidelines, as provided in Section 16.30.070.
4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

C. Automobile-Oriented Uses and Facilities. Automobile-oriented uses and facilities, as defined below, shall conform to all of the following standards in the Waldport Downtown District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-

yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Highway 101 or Highway 34 when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed a total of 50 parking spaces, or one-half City block, whichever is smaller.

2. Automobile-Oriented Uses. "Automobile-oriented use" means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses.

D. Sidewalk Displays. Sidewalk display of merchandise is permitted, however a minimum clearance of 6 feet shall be maintained.

E. Light Manufacture. Light manufacture uses, i.e. manufacturing of small- scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods shall conform to all of the following standards which are intended to protect the pedestrian-friendly, storefront character of Downtown Waldport:

1. Retail or Service Use Required. Light manufacture is allowed only when it is in conjunction with a permitted retail or service use.

2. Location. The light manufacture use shall be enclosed within a building.

16.30.100 Parking Requirements

A. Parking Requirements: Parking requirements within the Downtown District shall conform to Section 16.72.020 with the following exception:

Retail Store: One (1) space for each 500 square feet of floor area.

B. On-Street Parking: On-street parking spaces that front the lot and is adjacent (on the same side of the street) may be counted in the required parking.

C. Parking Restrictions: No person who works or resides in the Downtown District shall park a vehicle on arterials (Hwy. 34 and Hwy. 101) while in his/her place of employment, or in his/her residence between nine a.m. and five p.m. on any day.

D. General Purpose/Public Parking: Within the Downtown District, all on-street parking shall be general purpose parking/public parking with the exception of Subsection C above. Owners of off-street parking areas may designate spaces and post parking prohibitions.

16.30.110 Landscaping And Underground Utility Standards

In addition to standards required in this section, Section 16.28.030(F) "Landscaping and Underground Utilities" shall apply in the D-D 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-obscurer 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:

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 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 Council for the time period specified after review of the application 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.

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.

16.72.140 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 16.76 Signs

16.76.010 Scope

16.76.020 Definitions

16.76.030 Permits Required

16.76.040 Zone Requirements

16.76.050 Temporary Signs

16.76.060 Maintenance And Appearance Of Signs

16.76.070 Nonconforming Signs

16.76.080 Abandoned Signs

16.76.090 Variances

16.76.010 Scope

Every sign erected, altered or relocated within the City of Waldport shall conform to the provisions of this Chapter. It does not regulate traffic and street signs erected and maintained by a road authority as defined in ORS 801.445, trespass signs posted in accordance with ORS 164.245 to 164.270, holiday decorations, temporary interior window signs, or the display of the national or state flag.

16.76.020 Definitions

"A-Frame sign" means a freestanding sign which is ordinarily in the shape of an "A" or some variation thereof, which is readily moveable, and is not permanently attached to the ground or any structure.

"Banner sign" means a ground-mounted or building-mounted banner, pennant, flag or similar type of sign on fabric or similar material.

"Building sign" means a wall, projecting/hanging, window or roof sign.

"Freestanding sign" means a sign which is supported by a separate independent structure and is not attached to or supported by any other building or structure.

"Monument sign" means a ground-mounted sign supported from grade with a solid base that is at least 75% of the width of the sign. A monument sign can also be supported with multiple architectural-designed posts. Single posts are prohibited.

"Nonconforming sign" means a sign which was erected legally but which does not comply with currently applicable sign restrictions and regulations.

"Off-premises sign" means any sign used for the purpose of displaying, advertising, identifying or directing attention to a business, service, activity or place, including products offered for sale or sold on premises other than on the premises where such sign is displayed.

"Projecting sign" means a sign which is attached to the wall, overhang or awning of a building and which projects more than twelve (12) inches beyond the wall, overhang or awning of the building.

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

"Temporary sign" means any sign which is not permanently installed to or affixed to any sign structure or building, and is accessory to an event, election, government or institutional sponsored activity, lease, rental or sale of limited, fixed duration. A temporary sign does not include an A-Frame sign as identified above.

"Size" means the aggregate area of all sign display surfaces located on a single structure, but excluding posts and base that are without attached identification, description or illustration. Two surfaces parallel and back to back on the same structure, e.g. a projecting sign or 2-sided monument sign, shall be considered a single display surface.

"Wall sign" means a sign attached to or painted on a wall of a building with a display surface which projects no more than twelve (12) inches from the surface of the wall and not higher than the lowest roof edge above the building wall to which it is attached.

16.76.030 Permits Required

- A. Except as herein provided, no sign shall be erected, replaced, altered or relocated without the business owner first obtaining a sign permit and the property owner (if different) granting permission for a sign permit, demonstrating that the sign is or will be in compliance with all provisions of this Chapter. A-Frame signs and Banner signs, as defined above, are exempt from sign permits.
- B. Permits are issued for specific property only. Permits may transfer with ownership provided the signage is not altered or moved except to bring it into compliance with this section.

- C. Fees for sign permits shall be established by resolution of the city council, and shall be paid prior to the sign being placed or altered.
- D. Signs conforming to the current code that are damaged by acts of nature, vandalism or accident shall not be assessed a new sign permit fee when repaired to the pre-damaged condition. The owner of free-standing signs shall be required to obtain a building permit prior to repair.
- E. A building permit shall be required for all free-standing signs as provided for in the Oregon Structural Specialty Code, which shall be issued prior to sign placement, construction, or alteration.

16.76.040 Zone Requirements

- A. In the R-1, R-2, and R-3 zones: one (1) accessory sign shall be allowed and shall be limited to the following sizes and restrictions:
 - 1. Only wall signs are allowed in the R-1, R-2 and R-3 zones.
 - 2. A sign not exceeding two (2) square feet in size accessory to a single-family dwelling or a home occupation, or six (6) square feet for a bed and breakfast inn.
 - 3. A sign not exceeding twenty-four (24) square feet in size accessory to any other permitted or conditional use in the zone.
 - 4. No moving or flashing signs, lit signs, roof signs, A-Frame signs, or banner signs shall be allowed in the R-1, R-2 and R-3 zones.
 - 5. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control sign, etc.)
- B. In the R-4, D-D, C-1, C-2, M-P, I-P and P-F zones:
 - 1. General sign requirements:
 - a. No sign shall be placed within ten (10) feet of any government-installed sign within a street right-of-way (stop signs, traffic control signs, etc.)
 - b. External light illuminating from a sign shall be directed away from a residential use or zone and shall not be located so as to distract motorists.
 - c. No sign shall be of such intensity or brilliance as to impair the vision of a motor vehicle driver or interfere with the effectiveness of an official traffic sign, device, or signal.
 - d. Where it can be demonstrated that directional signs are needed for directing or controlling vehicular access, or where such signs are required as a condition of approval for public safety, such signs may be permitted in addition to any other signs permitted by this section. Such signs shall be placed at each motor vehicle entrance or exit, shall not exceed nine (9) square feet in size and six (6) feet in height, and shall not restrict required sight distances or pedestrian and vehicular flow.
 - 2. Sign types:
 - a. Building Signs. A maximum 20% of a building façade is allowed to have signs. A building façade is an exterior side of a building excluding the roof.
 - (1) Wall signs.
 - (2) Projecting signs. Projecting signs may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not affect pedestrian traffic. Placement of projecting signs on Hwy 101 and Hwy 34 sidewalks are subject to agreement with the Oregon Department of Transportation.
 - (3) Window signs.
 - (4) Roof signs. Roof signs shall not exceed 16 feet in height above the adjacent street grade or up to the peak of the roof, whichever is less restrictive. Roof signs painted directly on the roof surface, or on a surface attached flush to the roof surface, are prohibited.
 - b. Permanent free-standing signs.
 - (1) No more than one free-standing sign is permitted per street frontage per property.
 - (2) Single pole signs are prohibited.
 - (3) Monument signs shall have a maximum 8 foot height, maximum 10 foot width, and maximum 50 square feet.
 - (4) Electrical service to free-standing signs shall be underground.

c. A-Frame signs.

- (1) No more than one A-Frame sign is permitted per business.
- (2) A-Frame signs may be placed on private property.
- (3) A-Frame signs may be placed within the right-of-way on a sidewalk, however a minimum four (4) feet of lateral clearance shall be maintained on a sidewalk. A-Frame signs may not impede pedestrian access or opening of vehicle doors. Placement of A-Frame signs on Hwy 101 and Hwy 34 sidewalks are subject to agreement with the Oregon Department of Transportation.
- (4) A-Frame signs shall be a maximum of eight (8) square feet with maximum dimensions of two (2) feet wide by four (4) feet tall.
- (5) A-Frame signs shall be secured by means of attaching an interior weight so as not to be movable (pushed, pulled, blown, etc.)
- (6) No objects shall be attached to A-Frame signs, e.g. balloons, banners, etc.
- (7) A-Frame signs are only permitted during business hours and should be removed during periods of high winds.

d. Banner signs.

- (1) One banner sign is allowed per business.
- (2) Banner signs shall not exceed 20 square feet.
- (3) Ground-mounted banner signs may be placed on private property and not be mounted in or extend into public right-of-way. Banners attached to a building may extend over a sidewalk within the public right-of-way with a minimum clearance of 7.5 feet from the ground so as to not impede pedestrian access.
- (4) No banner, other than the American flag, shall be placed in the flagpole holes along Hwy 101 or Hwy 34, and no banners shall be placed in the planters.

e. Digital signs.

- (1) One digital sign is allowed per business or institution. In addition, one digital 'open' sign is allowed per business.
- (2) Digital signs may not be externally or internally illuminated by a flashing light or a light that varies in intensity.
- (3) Digital signs must be equipped with a light sensor that automatically adjusts the intensity of the sign according to the amount of ambient light.
- (4) Digital signs must be designed to either freeze the display in one static position, display a full black screen or turn off in the event of a malfunction.
- (5) The change from one message to another message may not be more frequent than once every fifteen (15) seconds and the actual change process must be accomplished in two seconds or less.
- (6) If attached to a building or displayed inside a building so as to be visible from outside, the digital sign shall be considered to be a building sign and included in the maximum 20% of a building façade that is allowed to have signs.

C. In the M-W zone, only signs in conjunction with an existing or approved activity are allowed, provided the sign is constructed such that it meets the requirements of Chapter 16.68, Flood Hazard Overlay Zone.

16.76.050 Temporary Signs.

In addition to the allowances for signs provided by this section, temporary signs are allowed on private property with the following standards:

- A. No more than one temporary sign is permitted per property. Temporary signs are not permitted in the public right-of-way.
- B. Temporary signs shall be a maximum of eight (8) square feet.
- C. Temporary signs are allowed for not more than ninety (90) consecutive days or for any period of time during which the property is for sale, lease or rent, or for an election or event.
- D. Temporary signs shall be secured so as not to be movable (pushed, pulled, blown, etc.)
- E. No objects shall be attached to temporary signs, e.g. balloons, banners, etc.

16.76.060 Maintenance And Appearance Of Signs

All signs, together with all of their supports, braces, guys and anchors, shall be kept in good repair and maintained in a safe condition. All signs shall be maintained in a neat, clean and attractive condition.

16.76.070 Nonconforming Signs

A nonconforming sign or sign structure shall not be moved, structurally altered or enlarged in any manner unless such movement, alteration or enlargement would bring the sign into conformity with the requirements of this Chapter.

16.76.080 Abandoned Signs

- A. Any sign shall be removed when the associated business or event has been discontinued or completed, or when the sign is no longer properly repaired or maintained as required by this Chapter.
- B. Abandoned non-conforming signs shall be removed in their entirety.

16.76.090 Variances

To provide for reasonable interpretation of this Chapter, and in certain instances where this Chapter will produce hardship, a business owner (with permission from the property owner, if different) may apply for a variance pursuant to Chapter 16.92 of this Code.

Chapter 16.84 Conditional Uses

16.84.010 Purpose

16.84.020 Authorization To Grant Or Deny Conditional Use Permit

16.84.030 Procedure For Taking Action On A Conditional Use Application

16.84.040 Building Permit For An Approved Conditional Use

16.84.050 Time Limit Of A Conditional Use Permit

16.84.060 Revocation Of A Conditional Use Permit

16.84.070 Standards And Procedures Governing Conditional Uses

16.84.010 Purpose

Certain types of uses require special consideration prior to their being permitted in a particular zone. The reasons for such special consideration include, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the uses, and the effect such uses have on any adjoining land uses and on the growth and development of the City as a whole.

16.84.020 Authorization To Grant Or Deny Conditional Use Permit

Conditional uses listed in this code may be permitted, enlarged, or altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this chapter.

- A. In taking action on a conditional use permit application, the Planning Commission may either permit or deny the request. If a request is denied, the action must be based on reasons related to orderly development and best interests of the surrounding area or the City as a whole. Mobile home parks are exempt from 16.84.020(A) and 16.84.070(A)(2) of this chapter.
- B. In permitting a conditional use or the modification of a conditional use, the Planning Commission may impose, in addition to those standards and requirements expressly specified by this code, additional conditions which are considered necessary to protect the best interest of the surrounding area of the City as a whole. These conditions may include, but are not limited to, the following:
 1. Increasing the required lot size or yard dimensions;
 2. Limiting the height of buildings;
 3. Controlling the location and number of vehicle access points;
 4. Increasing the street width;
 5. Increasing the number of required off-street parking spaces;
 6. Limiting the number, size, location, and lighting of signs;
 7. Requiring fencing, screening, landscaping, diking, or other facilities to protect adjacent or nearby property;
 8. Designating sites for open space;
 9. Regulating the hours of operation; and
 10. Setting a time limit for which the conditional use is approved.

In the case of conditional uses which provide for needed housing types, these conditions shall be limited to the following: controlling the location and number of off-street parking and loading spaces required, limiting the number, size and location of signs, and requiring fencing, diking, screening and landscaping. Conditions applied to needed housing types shall not unreasonably increase costs or reduce densities.

If at any time the standards or requirements for conditional use approval are not followed, a zoning violation will be considered to exist.

- C. In the case of a use existing prior to the effective date of this code and classified as a conditional use or a non-conforming use, a change in use or in lot area or an alteration of structure shall conform with the conditional use requirements.
- D. Modifications of standards listed for each conditional use may be granted if:
 - 1. The Planning Commission determines that a hardship would result to an applicant from the application of the standards.
 - 2. The modifications will not result in the use being detrimental to properties in the surrounding area or in the City as a whole.
 - 3. The purposes of this code are fulfilled.
- E. The Planning Commission may require that the applicant furnish the City with a performance bond of up to the value of the cost of the improvement, plus administrative costs and amounts for inflation not to exceed twenty (20) percent of the value of the cost of the improvement(s), to be guaranteed by such bond in order to assure that the conditional use is completed according to the plans approved by the Planning Commission.

16.84.030 Procedure For Taking Action On A Conditional Use Application

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

- A. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City. The Planning Commission may require other drawings or information necessary to provide an understanding of the proposed use and its relationship to surrounding properties.
- B. Before the Planning Commission may act on a request, it shall hold a public hearing as prescribed in Chapter 16.108 of this title.
- C. The planning commission's decision is final unless it is appealed as prescribed in Chapter 16.108 of this title.

16.84.040 Building Permit For An Approved Conditional Use

Building permits for all or any portion of a conditional use shall be issued only on the basis of the plan as approved by the Planning Commission . Any substantial change in the approved plan shall be submitted to the Planning Commission as a new application for a conditional use.

16.84.050 Time Limit Of A Conditional Use Permit

Authorization of a conditional use shall be void after two (2) years or such lesser time as the authorization may specify unless substantial construction pursuant thereto has taken place. However, the Planning Commission may extend authorization for an additional period not to exceed one (1) year. A maximum of two extensions can be granted.

16.84.060 Revocation Of A Conditional Use Permit

Any permit granted hereunder shall be subject to denial or revocation by the Planning Commission if it is ascertained thereby that the application includes or included any false information, or if the conditions

of approval are not complied with or are not being maintained, or the conditional use becomes detrimental to public health, safety, or welfare.

- A. In order to consider revocation of a conditional use permit, the Planning Commission shall hold a public hearing as prescribed in Chapter 16.108 of this title. The permit holder shall be required to show cause as why such permit should not be revoked.
- B. If the Planning Commission finds that the conditions of permit approval have not been complied with or are not being maintained, a reasonable time shall be given for correction. If corrections are not made within the specified time, revocation of the permit shall become effective.
- C. Reapplication for a conditional use permit cannot be made within one (1) year after revocation except that the Planning Commission may allow a new application if, in its opinion, new evidence or a change in circumstances warrant it.

16.84.070 Standards And Procedures Governing Conditional Uses

- A. General Standards. In addition to the other applicable standards of this section, all conditional uses shall comply with the following requirements:
 - 1. The site under consideration is suitable for the proposed use, considering:
 - a. The size, design and operating characteristics of the use;
 - b. The adequacy of transportation access to the site; and
 - c. The natural and physical features of the site such as general topography, natural hazards, natural resource values, and the like.
 - 2. The proposed use is compatible with the existing and projected uses on surrounding lands, considering the factors of subsection (A)(1), above. Mobile home parks are exempt from Sections 16.84.020(A) and 16.84.070(A)(2) of this chapter.
- B. Special set-back requirements:
 - 1. Buildings and pens, which are a part of kennels and animal hospitals, and active recreation use areas which are a part of outdoor commercial amusement or recreation establishments shall be located no closer than seventy-five (75) feet from a residential zone.
 - 2. Clubs, lodges, fraternal organizations, community swimming pools, and buildings housing recreational facilities in residential zones shall be located no closer than thirty (30) feet from any other lot in a residential zone.
- C. Public utilities facilities such as an electric substation or transformer, public or community domestic water supply reservoir or pumping station, or public or community sewage disposal plant or pumping station shall meet the following standards:
 - 1. In a residential zone, all equipment storage shall be within an enclosed building;
 - 2. Public utility workshop facilities shall not be permitted in a residential zone;
 - 3. Public utility facilities shall be screened and/or provided with landscaping; and
 - 4. Minimum lot size requirements may be waived on finding that the waiver will not result in noise or other detrimental effect to adjacent or nearby property.

Public utility tower facilities are permitted as conditional uses in the R-1, R-2, R-3, R-4, C-1, C-2, C-T, I-P, and P-F zoning districts and are subject to Municipal Code Chapter 16.84 Conditional

Uses.

D. Home Occupations.

1. Providing it meets all other applicable standards listed below, a home occupation that involves no customer traffic, retail sales, signs or any other outward appearance of a business shall be exempt from the conditional use process.
2. The home occupation shall be secondary to the main use of the property as a residence.
3. The home occupation shall be limited to either an accessory structure or not be over twenty-five (25) percent of the floor of the dwelling. If located within an accessory structure, the home occupation shall not utilize over four hundred (400) square feet of floor area.
4. Any structural alteration shall be approved by the Planning Commission and shall not detract from the outward appearance of the property as a residential use.
5. No persons other than residents of the subject property shall be engaged in the home occupation and in no event shall the number of residents engaged in the home occupation exceed five (5).
6. No window display and no sample commodities displayed outside the building shall be allowed.
7. No on-site sale of products shall be allowed in an R-1 zone.
8. No materials or mechanical equipment shall be used which is detrimental to the residential use of the dwelling or adjoining dwellings because of vibration, noise, dust, smoke, odor, interference with radio or television reception or other factors.
9. No materials or commodities shall be delivered to or from the residence which create undesirable traffic or congestion.
10. No on-street parking of customer's vehicles shall be allowed.
11. No outside storage of goods, commodities or waste materials associated with the home occupation shall be permitted.
12. No outward appearance of a business is allowed in an R-1 zone.
13. Home occupations permitted in residential zones shall be limited to the following types, subject to applicable standards:
 - a. Professional office or clinic;
 - b. Personal service establishment such as barber, beautician, tailor, cobbler, gunsmith, or the like;
 - c. Home appliance or electronic service or repair;
 - d. Artist or craft studio;
 - e. Except as prohibited in subsection 14, below, small-scale manufacture or assembly; and
 - f. Other uses similar in character, scale and performance to the above.
14. The following uses are specifically prohibited from being established as home occupations in residential zones:
 - a. Storage, service or repair of automobiles, trucks, trailers, heavy equipment, boats or marine equipment.

- b. Machine, welding, sheet metal or similar metal working shop.
- c. Cabinet or woodworking shop.
- d. Plumbing, building, electrical or paint contractors storage or repair shop.
- e. Auto wrecking yard or other salvage yard.

E. Standards for mobile home parks. A mobile home park may be permitted as a conditional use when it meets all applicable requirements of Chapter 446, Oregon Revised Statutes, Chapter 814 of the Oregon Administrative Rules Dept. of Commerce and the standards of the Oregon State Board of Health. In addition, the following minimum standards shall apply:

1. Minimum size of mobile home park: one (1) acre;
2. Minimum size of each space: three thousand five hundred (3,500) square feet;
3. Minimum width of space: thirty-five (35) feet;
4. Minimum distance between mobile home and street right of way: twenty (20) feet;
5. Minimum distance between mobile home and all other property lines: ten (10) feet;
6. Minimum distance between mobile homes: ten (10) feet;
7. Minimum distance between mobile homes and community or service buildings: twenty (20) feet;
8. Each access road connecting with a public street shall have a surface width of at least thirty (30) feet for a distance of forty (40) feet as measured from the intersection of the public road. All other roads shall have a minimum surface width of at least twenty (20) feet for two-way traffic if parking is prohibited and thirty (30) feet for two-way traffic if parking is allowed on one side;
9. Developed recreation areas shall be required in parks where mobile home spaces are less than four thousand (4,000) square feet and children under 14 are permitted. Play areas shall have at least one hundred (100) square feet per mobile home space, but regardless of the number of mobile home spaces, shall be no less than two thousand five hundred (2,500) square feet. Play areas shall be restricted to that use and protected from all streets, driveways and parking areas by a fence, or the equivalent thereof, of at least thirty (30) inches in height;
10. All areas not used for mobile home spaces, motor vehicles, parking, traffic circulation or service or community buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition;
11. Each mobile home space shall have clearly defined boundaries marked by a fence, planting or other suitable means;
12. Each mobile home space shall have a minimum of two (2) parking spaces;
13. Each mobile home space shall have electricity, potable water and an approved means of sewage disposal;
14. Each mobile home space shall have a maximum lot coverage of seventy-five (75) percent;
15. Accessory buildings or structures including community and service buildings, carports, cabanas and ramadas intended for community use, but excluding signs and fences, shall be at least twenty-five (25) feet from public street right-of-ways;

16. Screening consisting of a sight-obscuring fence and/or buffer strip of vegetation may be required along all property lines.

F. Standards for Recreational Vehicle Parks. A recreational vehicle park may be permitted as a conditional use when it meets the requirements of Chapter 446, Oregon Revised Statutes, and the standards of the Oregon State Board of Health and the Administrative Rules of the State of Oregon (OAR Chapter 333). In addition, the following minimum standards shall apply:

1. Minimum size of R.V. park: one (1) acre;
2. Minimum size of each space: one thousand two hundred (1,200) square feet;
3. Minimum width of space: twenty (20) feet;
4. Minimum distance between R.V. and street right-of-way: ten (10) feet;
5. Minimum distance between R.V. and all other property lines: ten (10) feet;
6. Minimum distance between R.V.'s: ten (10) feet;
7. Minimum distance between R.V.'s and community or service buildings: twenty (20) feet;
8. Each access road connecting with a public street shall have a surface width of at least thirty (30) feet for a distance of forty (40) feet as measured from the intersection of the public road. All other roads shall have a minimum surface width of at least twenty (20) feet, for two-way traffic if parking is prohibited and thirty (30) feet for two-way traffic if parking is allowed on one side. All access roads and parking areas shall be surfaced to minimum City standards and be well-drained and maintained in good condition. Walkways not less than three (3) feet wide will be required to be provided from trailer spaces to community and service buildings. All access roads and walkways shall be well-lighted;
9. Developed recreation areas may be required to be provided which contain a minimum of two thousand five hundred (2,500) square feet or two hundred (200) square feet per trailer space, whichever requirement is the greater;
10. All areas not used for R.V. spaces, motor vehicles, parking, traffic circulation or service or community buildings shall be completely and permanently landscaped. The landscaping shall be maintained in good condition;
11. A sight-obscuring fence and/or buffer strip of vegetation may be required on every side of an R.V. park;
12. Tent spaces shall be permitted, provided State-approved sanitary facilities are present;
13. Garbage service shall be provided to the occupants of an R.V. park;

G. Auto wrecking yards/junk yards. In addition to meeting the requirements of ORS Chapters 481 and 377, the following standards shall apply:

1. The auto wrecking yard or junk yard shall be fully enclosed by a sight-obscuring fence, free of advertising, maintained in good condition, not less than six (6) feet in height, and of a design approved by the Planning Commission.
2. All automobiles, wrecked or otherwise, shall be kept inside the fenced area at all times, except that vehicles belonging to customers may be parked outside the fence while at the establishment on business.
3. All sales, display, storage, repair, or other handling of products, merchandise, equipment, and other articles shall occur from within an enclosed building or from within the fenced area.

- H. Solid waste disposal sites. In addition to meeting the requirements of ORS Chapter 459 the following standards shall apply:
1. Submitted plans and specifications shall contain sufficient information to allow the Planning Commission to set standards pertaining to:
 - a. Appropriate use of the land;
 - b. Set-backs from the property line;
 - c. Location on vehicular access points;
 - d. Protection of pedestrians and vehicles through the use of fencing;
 - e. Rehabilitation of the land upon termination of the operation; and
 - f. A copy of the application submitted to the Department of Environmental Quality shall be submitted with the application.
 2. All solid waste disposal areas shall meet standards as established by the Department of Environmental Quality and the Lincoln County Health Department.
 3. Only the sanitary landfill, or other method approved by the Lincoln County Health Department shall be utilized at the solid waste disposal area.
 4. Access to the site shall be by a well-maintained all-weather road.
- I. Extraction and processing of rock, sand, gravel, or other earth products:
1. Submitted plans and specifications shall contain sufficient information to allow the Planning Commission to set standards pertaining to:
 - a. The most appropriate use of the land;
 - b. Set-back from the property line;
 - c. Location of vehicular access points;
 - d. Protection of pedestrians and vehicles through the use of fencing;
 - e. Prevention of the collection and stagnation of water at all stages of the operation; and
 - f. Rehabilitation of the land upon termination of the operation.
 2. Any processing of earth products commonly associated with the excavation of minerals, rocks, sand or gravel, such as the use of crushing, sorting, or washing equipment, shall not be permitted in commercial, residential or marine zones.
 3. Mining equipment and access roads shall be constructed, maintained, and operated in such a manner as to eliminate, as far as is practicable, noise, vibration, or dust which are injurious or substantially annoying to persons living in the vicinity.
- J. Uses and activities involving construction, addition, or reconstruction of a pier, dock, bulkhead, boathouse, or similar facility shall be subject to the standards set forth in the City's estuary management plan.
- K. Uses and activities involving filling, dredging, draining, disposal of dredging spoils, and similar activities within or adjacent to the estuary shall be subject to the standards set forth in the City's estuary management plan.

L. Bed and breakfast inns:

1. All bed and breakfast inns shall be managed by a resident of the dwelling;
2. Bed and breakfast inns shall be restricted to single-family residences;
3. No materials or commodities shall be delivered to or from the residence which are of such bulk or quantity as to create congestion;
4. The exterior of the building must maintain a residential appearance if located in a residential zone. Any changes to the building's exterior must be approved by the City of Waldport Planning Commission prior to issuance of a building permit;
5. The bed and breakfast inn must be operated in such a manner so as not to cause any unreasonable disturbance to area residents;
6. Only one on-premise ground or wall non-illuminated wood sign of six (6) square feet maximum size shall be allowed if the bed and breakfast inn is located in a residential zone;
7. Breakfast shall be the only meal served to inn guests;
8. Bed and breakfast inns renting out more than two (2) sleeping rooms for guests must be licensed by the County Health Department;
9. The duration of each guest's stay shall be limited to no more than fifteen (15) nights in a thirty (30) day period;
10. No more than five (5) sleeping rooms shall be available for the accommodation of inn visitors;
11. Any increase in occupancy capability shall be subject to review by the Waldport Planning Commission as an expansion of a conditional use permit; and
12. One (1) off-street parking space shall be provided for owners/operators with one (1) additional space for each authorized guest room. Off-street parking shall be provided in accordance with standards set forth in Section 16.72.020 of this title.

M. Tower Facilities:

Tower facilities are subject to the standards identified below. Requests for exceptions to the standard are subject to Chapter 16.92 Variances. Amateur radio antennae are not considered towers and therefore are not subject to tower facility standards identified in this Section.

1. Verification/Determination of Actual Need for the Facility. No application for the construction of a new tower shall be approved unless the applicant documents to the satisfaction of the Planning Commission that there is a need for the tower facility and that the construction and operation of the tower facility is in the best interests of the surrounding area or the city as a whole.
2. Collocation Requirements. No application for the construction of a new tower shall be approved unless the applicant documents to the satisfaction of the Planning Commission that antennae or other transmission and reception devices cannot reasonably be accommodated on an existing tower or structure.

New towers and accessory equipment structures shall be constructed so as to allow two or more users to collocate on the facility. Other providers shall not be prohibited from attaching to existing towers.

3. Siting. If it is determined that collocation is not an option, new tower facilities shall be sited in accordance with the following prioritized order:
 - a. Use of mini cell or similar alternate technology whereby transmission and reception devices are placed on new structures which are consistent in height with and sited similarly to types normally found in the surrounding area, such as telephone, electrical or light poles.
 - b. Siting of a new tower in a visually subordinate manner, i.e. the relative visibility of a tower facility does not noticeably contrast with the surrounding landscape. Visually subordinate facilities may be partially visible, but not visually dominant in relation to their surroundings as viewed from residences, highways or other public vantage points.
 - c. Siting of a new tower in a visually dominant location, but employing concealment technology. As used in this subparagraph, "concealment technology" means technology through which a tower facility is designed to resemble an object present in the natural environment or to resemble a building of a type typically and customarily found in the area.
4. Height. The maximum tower height shall not exceed 200 feet from the finished grade at the base of the tower.
5. Setbacks. Setbacks shall be in accordance with WMC. The Planning Commission may require greater setbacks as a condition of approval.
6. Design and Construction. New towers shall be designed in such a manner that they blend in with the background around them, using stealth characteristics, i.e. the use of camouflage techniques to disguise or minimize the visual impact of a tower, antennae or other device.
7. Lighting. No lighting shall be permitted on a tower except as required by the Federal Aviation Administration (FAA).
8. Signs/Advertising. No advertising or signs of any type are to be placed on a tower at any time except those required or necessary for safety and warnings.
9. Fencing/Security. For security purposes, towers and accessory facilities shall be enclosed by a minimum six-foot sight-obscuring fence.
10. Landscaping. All sites shall have sight-obscuring landscaping around the security fence. The Planning Commission shall review and approve the landscaping plan and may require additional landscaping as a condition of approval.
11. Underground Utilities. All utilities leading to or from a tower facility shall be underground.
12. Abandoned Towers. All obsolete, damaged, unused, or abandoned towers and accompanying accessory facilities shall be removed by the operator or land owner within 90 days of the cessation of operations.

Upon written application, prior to the expiration of the 90-day period, the City Planner may grant one 90-day time extension for reuse or transfer of the facility. The Planning Commission may approve longer requests.

13. Interference. The tower shall not interfere with existing communication or electronic devices.
14. FAA Determination. Prior to the issuance of a building permit, the applicant shall provide a copy of the Federal Aviation Administration (FAA) determination to the City or provide

documentation that FAA determination is not required.

N. Townhouses.

The purpose of townhouse 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 townhouse development procedure is intended to:

1. Allow for different ownership patterns by allowing townhouses in certain zones subject to specific development standards, to regulate the development of townhouses, and to outline specific development criteria and design parameters to protect public health, safety, and welfare;
2. 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;
3. 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
4. Ensure that development occurs in a manner consistent with the intent and purpose of the goals and policies of the Comprehensive Plan. Townhouses are subject to the standards identified below:
 - a. Overall residential density shall be as provided for in the applicable use zone or zones, i.e. the maximum number of townhouse dwelling units shall not exceed that allowed by the applicable zone. Density shall be computed based on the total gross land area of the subject property, excluding area devoted to commercial or other nonresidential uses.
 - b. Yards, setbacks, lot area, lot width, and lot depth requirements may be reduced, adjusted or otherwise modified. The exception to this is that all perimeter yards of the townhouse development that abut a lot in a residential zone shall adhere to the minimum yard requirements.
 - c. The lot coverage for individual lots may exceed the maximum lot coverage of the applicable zone. The maximum lot coverage of the parent lot may not exceed the maximum lot coverage allowed in the underlying zone.
 - d. All electric and telephone facilities, fire alarm conduits, street light wiring, and other wiring, conduits and similar facilities shall be placed underground. Satellite dishes, solar panels, and similar facilities that are only able to operate aboveground are exempted from this provision.
 - e. The City may require easements necessary for orderly extension of public utilities to future adjacent developments.
 - f. Common areas and structures reserved for use by owners or tenants and their guests must be subject to an association of owners or tenants created to form a non-profit corporation under the laws of the State of Oregon. Said association shall be formed and continued for the purpose of maintaining such common areas and structures.
 - g. Townhouse developments shall provide sidewalks along street frontages. Sidewalks shall be of a design and location acceptable to the City for the purpose of pedestrian use and drainage control.
 - h. Townhouse developments that include division of land are subject to applicable provisions of Chapter 16.100 Land Divisions.