



CITY OF LOSTINE

PO Box 181
Lostine OR 97857
541-569-2415

ORDINANCE # 150?

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ORDINANCE NO.150?

AN ORDINANCE PROVIDING FOR THE ESTABLISHMENT OF ZONING AND OTHER LAND USE REGULATIONS FOR THE CITY OF LOSTINE, OREGON AND REPEALING ORDINANCE NUMBERS 113, 116, 136, AND 140

THE CITY OF LOSTINE, OREGON, ORECAINS AS FOLLOWS:

ARTICLE I. INTRODUCTION PROVISIONS

Section 1.110 Title. This ordinance shall be known as the Lostine Land Use Ordinance of 1995.

Section 1.120. Purpose. The purpose of this ordinance is to encourage appropriate and orderly physical development without diminishing the desirability of the town's living and recreating space. considering such standards as open space, desired levels of population density, adequate community facilities, and to promote in other ways public health, safety, convenience, general welfare, and the provisions of the town's Land Use Plan.

Section 1.130 Definitions. As used in this ordinance the following words and phrases shall mean:

1. **Access.** The right to cross between public and private property allowing pedestrians and vehicles to enter and leave property.
2. **Accessory Use or Accessory Structure.** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
3. **Alley.** A narrow street which affords only a secondary cause of access to property.
4. **Building.** A structure, but not a trailer house or mobile home, built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind and having a fixed base on or fixed connection to the ground.
5. **Building Line.** A line on a plat or map indicating the limit beyond which buildings or structures may not be erected.
6. **City.** The City of Lostine, Oregon.
7. **Comprehensive plan.** The land use plan for the City of Lostine and all amendments thereto.
8. **Council.** The City Council of the City of Lostine.
9. **Dwelling, Multi-Family.** A building or portion thereof, designed for occupancy by three or more families living independently of each other.
10. **Dwelling, Single-Family.** A detached building containing one dwelling unit and designed for occupancy by one family only.



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11. **Home Occupation.** a lawful occupation carried on by a resident of a dwelling as an accessory use within the same dwelling.
12. **Lot.** A parcel or tract of land. As used in Article 10 or elsewhere in the context of partitioning or subdividing, a lot is a unit of land that is created by subdivision of land.
13. **Lot Area.** The total horizontal area within the lot lines of a lot exclusive of streets and easements of access to other property.
14. **Lot, Corner.** A lot abutting on two or more streets other than an alley, at their intersection.
15. **Lot Line.** The property line bounding a lot.
16. **Lot Line Adjustment.** An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where any existing unit of land reduced in size by the adjustment complies with the dimensional standards of this ordinance as determined under the standards set forth in Sec. 10.220.
17. **Lot Line, Front.** The lot line separating the lot from the street other than an alley. In the case of a corner lot, the front lot line is the shortest lot line along a street other than an alley. In the case of a through lot, each street has a front lot line.
18. **Lot Line, Rear.** The lot line which is opposite and most distant from the front lot line. In the case of an irregular, triangular or other shaped lot, a line 10 feet in length within the lot parallel to and at a maximum distance from the front lot line.
19. **Lot Line, Side.** Any lot line not a front or rear lot line.
20. **Lot Width.** The average horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.
21. **Manufactured Home.** A manufactured home is a structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulation in effect at the time of construction. **Mobile homes**, as defined in subparagraph (22), **modular and prefabricated homes**, as defined in subparagraph (24), **Residential trailers**, as defined in subsection (40), and **recreational vehicles**, as defined in subsection (36), are not manufactured homes.
22. **Mobile Home.** A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. A “residential trailer,” constructed in accordance with the requirements of Oregon state law, is not a mobile home. A mobile home shall consist of one of the three following classifications:
 - a) **Triple-wide:** Three separate housing units expressly manufactured to be connected together to form one single family residence.
 - b) **Double-Wide:** Two separate housing units expressly manufactured to be connected together to form one single-family residence.
 - c) **Single-wide:** One housing unit expressly manufactured to serve as one single-family residence.



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23. **Mobile Home Park.** A place where four or more mobile homes are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of the trade or patronage of such person.
24. **Modular and Prefabricated Homes.** Modular and prefabricated homes are constructed in accordance with the State Building Code promulgated under ORS Chapter 455. A modular home is constructed off site and moved on site as a single unit or in sections. A prefabricated home is erected on site from smaller prefabricated components such as wall sections which are manufactured off site.
25. **Non-conforming Structure or Use.** A lawful existing structure or use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
26. **Owner.** An owner of property or the authorized agent of an owner.
27. **Parcel.** A unit of land that is created by a partitioning of land.
28. **Partition.** Either an act of partitioning land or an area or tract of land partitioned as defined in this section.
 - a) **Major Partition.** A partition which includes the creation of a street.
 - b) **Minor Partition.** A partition that does not include the creation of a street.
29. **Partition Land.** “Partition Land” means to divide land into two or three parcels of land within a calendar year, but does not include:
 - a) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale or real property or the creation of cemetery lots;
 - b) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning ordinance; (Lot Line Adjustment)
 - c) The division of land resulting from the recording of a subdivision or condominium plat; or
 - d) A sale or grant by a person to a public agency or public body for state highway, county road, City street or other right of way purposes provided that such road or right-of-way complies with the applicable comprehensive plan and ORS 215.213 (2)(p) to (r) and 215.283 (2)(p) to (r). However, any property divided by the sale or grant of property for state highway, county road, City street or other right of way purposes shall continue to be considered a single unit of land until such time as the property is further subdivided or partitioned.
30. **Partition Plat.** A final map and other writing containing all of the descriptions, locations, specifications, provisions, and information concerning a partition.
31. **Pedestrian Way.** A right-of-way for pedestrian traffic. (Not creating new lot. Lot line adjustment. Partition: new tax lot)
32. (Missing beginning of paragraph) receiver, syndicate, branch of government, or any group or combination acting as a unit.
33. **Plat.** A final subdivision plat, re-plat, or partition plat.
34. **Recorder.** The City Recorder of the City of Lostine.



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35. **Recreational Vehicle.** A vehicle with or without motive power which is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes, and has a gross floor area not exceeding 400 square feet in the set-up mode.
36. **Residential Facilities.** A residential care, residential training, or residential treatment facility as defined in ORS 197.660 (1) as the same is in effect at the time of passage of this ordinance.
37. **Residential Home.** a residential treatment or training or an adult foster home as defined in ORS 197.660 (2) as the same is in effect at the time of passage of this ordinance.
38. **Residential Institution.** A residential care, residential training, or residential treatment facility or home including foster homes other than a residential facility or a residential home, as defined herein.
39. **Residential Trailer.** A structure constructed for movement upon the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before July 1, 1962.
40. **Sign.** 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.
41. **Street.** A public or private right-of-way which provides ingress and egress to adjacent properties for vehicular, pedestrian, public utilities, and other such uses. The term "street" shall include such designations as "highways," "roads," "lane," "avenue," "alley," "court," or other such similar terms.
 - a) **Alley.** A narrow street providing a secondary means of access to private property.
 - b) **Arterial.** A street of considerable continuity which is primarily a traffic artery for intercommunication among large areas. And routing it to an arterial street.
 - c)
 - d) **Cul-de-sac.** A short, dead-end street with vehicular turn around at or near the dead-end.
 - e) **Dead-end Street.** The same as a Cul-de-sac, usually longer, which may be extended, and with no turnaround at the present dead-end.
 - f) **Half-street.** A portion of the ultimate width of a street, usually along the edge of a subdivisions, where the remaining portion of the street could be provided in another subdivision.
 - g) **Minor Street.** A street intended primarily for access to abutting properties.
42. **Structures.** Something constructed or built, or a piece of work artificially built up or composed of parts joined together in some definite manner.
43. **Structural Alteration.** A change to the supporting members of a structure including foundations, bearing walls or partitions, columns, beams, girders, or any structural change in the roof or in the exterior walls.
44. **Subdivided Land.** to divide land into four or more lots within a calendar year.
45. **Subdivision.** Either an act of subdividing land or an area or tract of land subdivided as defined in this section.
46. **Subdivision Plat.** A final map and other writing containing all of the descriptions, locations, specifications, dedications, provisions, and information concerning a subdivision.
47. **Trailer Park.** A lot which is operated on a fee or other basis as a place for the parking or siting of two or more occupied mobile homes, residential trailers, or recreational vehicles.



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- 48. Use.** The purpose for which land or a structure is designed, arranged, or intended or for which it is occupied or maintained.
- 49. Yard.** An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this ordinance.
- 50. Yard, Front.** A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building or other structure.
- 51. Yard, Rear.** A yard between side lot lines and measured horizontally at right angles from the rear lot line to the nearest point of a building or other structure.
- 52. Yard, Side.** A yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building or other structure.
- 53. Yard, Street Side.** A yard adjacent to a street between the front yard and rear lot line measured horizontally and at right angles from the side lot line to the nearest point of a building or other structure.

Section 1.140. Compliance With This Ordinance. A lot or land may be used, and a structure or part of a structure may be constructed, reconstructed, altered, occupied, or used only as this ordinance permits.

ARTICLE 2. ESTABLISHMENT OF ZONES

Section 2.210. Classification of Zones. For the purposes of this ordinance the following zones are hereby established:

Zone	Abbreviated Designation
Residential	R
Residential Multiple	RM
Commercial	C

Section 2.220. Location of Zones. The boundaries for the zones listed in this ordinance are indicated on the Lostine Zoning Map which is hereby adopted by reference. The boundaries shall be modified in



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accordance with the provisions of the City's land use plan and with zoning map amendments which shall be adopted by reference.

Section 2.230. Zoning Map. A zoning map or zoning map amendment adopted by Section 2.220 of this ordinance or by an amendment thereto shall be prepared or modified by authority of the Council. The map or map amendment shall be dated with the effective date of the ordinance that adopts the map or map amendment. A certified print of the adopted map or map amendment shall be maintained in the office of the City Recorder as long as this ordinance remains in effect.

Section 2.240. Zoning Boundaries. Unless otherwise specified, zone boundaries are section lines; subdivision lines; lot line; center lines of street or railroad rights-of-way; or such lines extended.

Section 2.250. Zoning of Annexed Areas. Unzoned areas annexed to the City shall be in the R Zone until the City zones it otherwise and shall comply with the provisions and policies of the City's land use plan.

ARTICLE 3. USE ZONES

Section 3.310. Outright on a Residential Zone, R.

Uses Permitted

The following uses and their accessory uses are permitted outright in an R Zone:

1. **Single Family Dwelling**
2. **Crop Cultivation, including farm, orchard, truck garden or plant nursery.**
3. **Home Occupation**
4. **Church**
5. **Community Building**
6. **Government Use**
7. **Manufactured homes, provided that:**



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- a) The **manufactured home** shall have exterior siding and roofing which in color, materials and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the City;
 - b) The **manufactured home** shall have a pitched roof of a slope not less than a nominal three feet in height for each 152 feet in width;
 - c) Except in a mobile home park, foundations shall be of continuous concrete or continuous concrete footing with masonry blocks installed thereon; skirting shall be of wither concrete or masonry blocks and installed on a continuous footing.
 - d) The **manufactured home** shall be situated upon a lot or parcel according to all City and state laws.
 - e) A **manufactured home** shall be multi-sectioned; single section manufactured homes are allowable only as a conditional use.
8. **Accessory use buildings** smaller than 750 square feet in area, lower than 18 feet in height and with waves less than 12 feet in height measured from grade, and in the case of building height, to the peak of the roof, are permitted outright provided, however that, one, two and three car garages of customary size, are permitted outright even if they exceed 750 square feet in size.
9. **Residential home.**

Section 3.320. Conditional Uses Permitted in an R Zone.

1. The following uses and their accessory uses are permitted when authorized in accordance with Article 6 in an R Zone:
 - a. Multiple Family Dwellings.
 - b. Hospital, Sanitarium, Rest Home, Nursing Home Convalescent Home or Residential Institution.
 - c. School
 - d. Utility Structure.
 - e. Single sectioned manufactured homes meeting the requirements of Sec. 3.310 (7) (a-d).
 - f. Mobile Home Park.
 - g. Trailer Park.
 - h. Home Occupations, provided that:
 - a) There will be no alteration in the residential character of the premises therewith;
 - b) Home occupation will not alter the residential character of the neighborhood.
 - c) No articles of merchandise are displayed for advertising purposes;
 - d) Signs or advertising devices relative thereto do not exceed six square feet in area;



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- e) The home occupation will not be objectionable due to noise, dust, smoke, odors, increased traffic, or other causes;
 - f) Any equipment or materials required in connection with the home occupation are stored within an enclosed structure or screened from public view;
 - g) A maximum of one employee, other than members of the applicant's family, who are related by blood or marriage and resident in the applicant's household, be utilized in said home occupation.
 - i. **Accessory Structures**, not permitted outright, provided that:
 - a) It complies with all requirements of the zoning ordinance: and
 - b) Considering the size of the proposed use or structure, the size of the lot in which it is situate and the nature and proximity of the uses and structures adjacent to the lot or parcel upon which said structures is to be situate, the scale of the buildings consistent with maintenance of the residential character of the vicinity.
 - j. Residential Facility.
 - k. Community Building.
 - l. Government Use.
2. In addition to any criteria provided above, all conditional uses permitted in the R zone may be permitted upon findings that;
- a. The proposed use or structure will not significantly alter the residential character of the neighborhood; and
 - b. Negative impact due to noise, traffic, or other cause upon dwellings in the vicinity may be mitigated due to screening, buffering, and building location.

Section 3.330. Dimensional and Building Standards, R Zone.

1. In an R Zone the following dimensional standards shall apply:
 - a. The front yard, or in the case of a corner lot, both front yards, shall be a minimum of 20 feet.
 - b. Each side yard shall be a minimum of 5 feet.
 - c. The rear yard shall be minimum of 20 feet.
 - d. The minimum lot area shall be 6,900 square feet.(min. 2 lots) (1 lot less setbacks) excepting that a greater area may be required to comply with the Department of Environmental Quality's regulations governing the subsurface disposal of sewage. it is further provided that for each dwelling unit over two the minimum area shall be increased 1,000 square feet.
 - e. The minimum lot width at the front building line shall be 60 feet.
 - f. The lot depth shall be 115 feet.
 - g. No building shall exceed the height of 35 feet, except a church spire, or as provided in Section 5.550.
2. All dwelling units shall be installed in accordance with the following standards in an R zone:



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- a. Permanent steps of either concrete, masonry or wood construction shall be installed at all entry ways to the dwelling. Wood steps shall be set on buried concrete footings, and shall include at least a four foot by six-foot landing in front of the door; the perimeter of the steps shall be enclosed, and risers installed between steps;
- b. All dwellings shall either be newly constructed on site or if a manufactured home or a modular or prefabricated home, shall be new and shall not have been previously occupied as a dwelling unit prior to installation at the site. This provision may be waived by the Council if the dwelling will be the equivalent in appearance to a new dwelling.
- c. Except in mobile home parks, the owner or the dwelling shall be the owner of the real property upon which the dwelling is situated.

Section 3.340. Uses Permitted Outright in Residential Multiple Zone, RM.

The following uses and their accessory uses are permitted outright in an RM Zone:

1. Single Family Dwelling (Conditional use).
2. Crop cultivation, including farm, orchard, truck garden or plant nursery.
3. Home Occupation.
4. Church.
5. Community Building.
6. Governmental Use.
7. Duplexes and Multiple Family Dwellings.
8. Manufactured homes, provided that: (Conditional Uses.)
 - a. The **manufactured home** shall have exterior siding and roofing which in color, materials and appearance is similar. To the exterior siding and roofing material commonly used on residential dwellings within the City;
 - b. The **manufactured home** shall have a pitched roof of a slope not less than a nominal three feet in height for each 12 feet in width;
 - c. Except in a mobile home park, foundations shall be of continuous concrete or continuous concrete footings with masonry blocks installed thereon; skirting shall be of either concrete or masonry blocks and installed on a continuous footing.
 - d. The **manufactured home** shall be situated upon a lot or parcel according to all City and state laws.
 - e. A **manufactured home** shall be multi-sectioned; single sectioned manufactured homes are allowable only as a conditional use.
9. Accessory use buildings smaller than 750 square feet in area, lower than 18 feet in height and width eaves less than 12 feet in height measured from the grade, and in the case of building height, to the peak



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of the roof, are permitted outright provided, however, that one, two and three car garages, of customary size, are permitted outright even if they exceeded 750 square feet in size.

10. Residential facility.

Section 3.350. Conditional Uses Permitted in an RM Zone.

The following uses and their accessory uses are permitted in an RM Zone when authorized in accordance with Article 6:

1. Hospital, Sanitarium, Rest Home, Nursing Home, Residential Institution or Convalescent Home.
2. School.
3. Utility Structure.
4. Single sectioned manufactured homes meeting the requirements of Sec. 3.310 (7) (a-d).
5. Mobile Home Park.
6. Trailer Park.
7. Home Occupations, Provided that:
 - a. There will be no alteration in the residential character of the premises therewith;
 - b. Home occupation will not alter the residential character of the neighborhood.
 - c. No articles of merchandise are displayed for advertising purposes;
 - d. Signs or advertising devices relative thereto do not exceed six square feet in area;
 - e. The home occupation will not be objectionable due to noise, dust, smoke, odors, increased traffic, or other causes;
 - f. Any equipment or materials required in connection with the home occupation are stored within an enclosed structure or screened from public view;
 - g. New accessory structures not residential in character, such as a shop or other structure, required in conjunction with the home occupation meet the requirements of section 3.310 (8) or 3.320 (I) of this section; and
 - h. A maximum of one employee, other than members of the applicant's family, who are related by blood or marriage and resident in the applicant's household, be utilized in said home occupation.
 - i. Accessory Structures, not permitted outright, provided that:
 1. It complies with all requirements of the zoning ordinance; and
 2. Considering the size of the proposed use or structure, the size of the lot on which it is situated and the nature and proximity of the uses and structures adjacent to the lot or parcel upon which said structure is to be situated, the scale of the building is consistent with maintenance of the residential character of the vicinity
 - j. Community Building.
 - k. Government Use.

Section 3.360. Dimensional Standards, RM Zone.

The following dimensional standards shall apply in an RM Zone:

1. The **Front yard** shall be minimum of 20 feet.
2. The **side yard** shall be a minimum of 5 feet.



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3. The **rear yard** shall be a minimum of 20 feet.
4. The **minimum lot area** shall be 6,900 square feet, excepting that a greater area may be required to comply with Department of Environmental Quality's regulations governing the subsurface disposal of sewage. It is further provided that for each dwelling unit over two, the minimum area shall be increased 1,000 square feet.
5. The **minimum lot width** at the front building line shall be 60 feet.
6. The **lot depth** shall be 115 feet.
7. No building shall exceed the height of 35 feet, except a church spire, or as provided in Section 5.530.
8. Apartments and duplexes shall provide one and one-half (1-½) off-street parking spaces per dwelling unit.

Section 3.370. Uses Permitted Outright in a Commercial zone, C.

The following uses and their accessory uses are permitted outright in a C Zone:

1. A use permitted outright in a R Zone.
2. A use permitted conditionally in an R Zone.
3. Retail or wholesale establishment.
4. Eating or drinking establishment.
5. Financial institution.
6. Repair and maintenance service.
7. Office.
8. Personal or business service establishment.
9. Amusement establishment. (strike)
10. Sign. (strike)

Section 3.380. Dimensional Standards, C Zone.

The dimensional standards of the R Zone shall apply to a lot or structure used for a dwelling or mobile home in a C Zone.

Section 3.390. Parking Regulations.

Twenty-five (25%) percent of the building site area must be devoted to off-street parking, unless otherwise expressed by the Council.

ARTICLE 4 SUPPLEMENTARY PROVISIONS

Section 4.410. Maintenance of Minimum Ordinance Requirements.

No lot area, yard, or other open space existing on or after the effective date of this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as required lot area, yard, or other open space for another use.

Section 4.420. Access.



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Except as modified in this section, every lot shall abut a street, other than an alley, for at least 25 feet.

Section 4.430. General Provisions Regarding Accessory Uses.

An accessory use shall comply with the requirements for a principal use, except as this ordinance specifically allows to the contrary.

Section 4.440. Minimum Property Standards.

Property within all zones must be maintained in such a manner so as to not be unsightly, not be a fire hazard, or tend to decrease the value of the adjoining property.

Section 4.450. Signs.

No sign shall be permitted in any zone if, as a result of flashing or illumination or movement, said sign is found to be a public nuisance when visible from a street or adjacent property. The following signs are permitted in a R Zone.

1. One name plate or sign not exceeding one and one-half square feet in area for such dwelling.
2. One temporary sign pertaining to the lease, rental or sale of the property, and not exceeding eight square feet.
3. One temporary sign per tract of land or subdivision advertising the sale of the tract or lots and not exceeding 32 square feet.
4. Signs pertaining to a business or other pursuit conducted on the premises on which the sign is located shall not exceed 100 square feet, unless as provided in Section 7.710.

Section 4.460. Fences.

Fences, which may be located within yards, shall not exceed four and one-half feet in height above the street curb elevation in the front yard, and on corner lots shall not conflict with vision clearance requirements.

Section 4.470. General Provisions Regarding Air, Water and Noise Pollution.

1. Prior to issuance of any permit for any industrial or commercial use, proof shall be provided to the City that said use will comply with all state and federal statutes and regulations relating to:
 - a. Discharge of dust, smoke, gas or other similar matter into the air.
 - b. Discharge of effluents or other matters into the surface or ground waters.
 - c. Discharge or emission of odors or smells.
 - d. Emission of noise.
 - e. Storage of chemical waste products or other substances hazardous to the environment.
2. The City may impose conditions upon the issuance of any permit for a commercial or industrial use to eliminate or reduce impacts upon the environment from the causes specified in subsection (1) above and may deny a permit if there are significant and unavoidable impacts upon the environment from such causes.
3. The City may require submission of such evidence and information concerning the proposed use as is necessary to make determinations required under this section and the City may further hold such public



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hearings before the Commission on Council regarding such determinations as are deemed necessary and proper.

Section 4.480. Setback from the Lostine River.

No structure shall be located within 20 feet of the main high-water line of the Lostine River. Construction activities in and adjacent to the setback area shall occur in such a manner as to avoid unnecessary excavation and/or removal of existing vegetation.

Section 4.490. Historic Structures.

Prior to demolition or major exterior alteration of a structure listed as architecturally or historically significant in the Land Use Plan, a permit shall be first obtained from the Council. Prior to issuance of such a permit a public hearing shall first be held with the notice specified by Section 11.170; said notice shall also be mailed to the Oregon Department of Transportation, State Historic Preservation Office. The Council shall withhold issuance of said permit for a period of time not less than 30 days and to exceed 60 days from the date of hearing to allow any interested person an opportunity to arrange for purchase and preservation of said structure.

Section 4.491. Authorization Of Similar Uses.

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

Section 4.492. Conformance to Building Code.

Any structure or part thereof constructed, reconstructed, or structurally altered shall be subject to the Uniform Building Code as adopted by the State of Oregon or in effect for Lostine, Oregon.

Section 4.493. Surveys.

Prior to the issuance of a zoning permit, conditional use permit or other permit required by this ordinance, a survey of one or more lot lines may be required, prior to issuance of said permit, if, in the judgement of the City officer or body responsible for issuance or denial of the permit, there is a material question as to whether the structure at the location proposed in the application will comply with the required setback standards.

Section 4.494. Projections From Buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys, and flues shall not project into a required yard.

Section 4.495. Driveways.

On corner lots, no driveway or other vehicular access point to a public street shall be installed within twenty (20) feet of the corner of said lot at the intersection of the public street. For purposes if this provision an alley is not considered a public street.



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ARTICLE 5. EXCEPTIONS

Section 5.510. General Exceptions To Lot Size Requirements.

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

Section 5.520. General Exceptions to Yard Requirements.

The following exceptions to yard requirements are authorized for a lot in any zone.

1. If there are buildings on both abutting lots which are within 100 feet of the intervening lot, and the buildings have front yards of less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yard of the abutting lots.
2. If there is a building on one abutting lot which is within 100 feet of the lot, and this building has a front yard of less than the required depth for the zone, the front yard for the lot need not exceed a depth halfway between the depth of the front yard of the abutting lot and the required front yard depth.

Section 5.530. General Exceptions to Building Height Limitations.

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

Section 5.540. Projections from Buildings.

Architectural features such as cornices, eaves, canopies, sunshades, gutters, chimneys and flues shall not project more than 24 inches into a required yard.

ARTICLE 6. CONDITIONAL USES

Section 6.610. Authorization to Grant or Deny Conditional Uses.

A conditional use listed in this ordinance may be permitted, enlarged or altered upon authorization of Common Council of the City of Lostine in accordance with the standards and procedures of this article.

1. In permitting a new conditional use or the alteration of an existing conditional use the Council may impose, in addition to those standards and requirements expressly specified by this ordinance, additional conditions which the Council considers necessary to protect the best interests of the surrounding area of



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the City or to comply with the intent of the purpose of this ordinance. These conditions may include but not limited to the following:

- a. Increasing the required lot size or yard dimension.
 - b. Limiting the height, size or location of buildings.
 - c. Controlling the location and number of vehicle access points.
 - d. Increasing the street width.
 - e. Increasing the number of required off-street parking spaces.
 - f. Limiting the number, size, location and lighting of signs.
 - g. Requiring diking, fencing, screening, landscaping, or other facilities to protect adjacent or nearby property.
2. In the case of a use existing prior to the effective date of this ordinance and classified in this ordinance as a conditional use, any change in the use or in lot area, or an alteration of structure, shall conform with the requirements for conditional use.

Section 7.710 Procedure For Taking Action On a Conditional Use Application.

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

1. A property owner may initiate a request for a conditional use by filing an application with the City Recorder.
2. Before the Council may act on a conditional use application, it shall hold a public hearing thereon, following the procedure as established in Section 11.170.
3. Within five days after a decision has been rendered with reference to a conditional use application, the City Recorder shall provide the applicant with written notice of the decision of the Council.

Section 6.630. Time limit on A Permit For a Conditional Use.

Authorization of a conditional use shall be void after one year unless substantial construction has taken place. The Council may, upon request, extend authorization for an additional period not to exceed one year.

ARTICLE 7. VARIANCES

Section 7.710. Authorization to Grant or Deny Variances.

The Council may authorize variances from the requirements of this ordinance where it can be shown that due to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located. In granting a variance the Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purpose of the ordinance.

Section 7.720. Conditions For Granting A Variance.

A variance may be granted only in the event that all of the following circumstances exist:



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1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity and result from lot size or shape, topography, or other circumstances over which the owners of property, since enactments of this ordinance, have had no control.
2. The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.
3. The variance would not be materially detrimental to the purpose of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any City plan or policy.
4. The variance requested is the minimum variance which would alleviate the hardship.

Section 7.730. Procedure For Taking Action On A Variance Application.

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

1. A property owner may initiate a request for a variance by filing an application with the City Recorder, using proper forms prescribed pursuant to Section 11.150.
2. Before the Council may act on a variance application, it shall hold a public hearing thereon, following the procedure as established in Section 11.170.
3. Within five days after a decision has been rendered with reference to a variance application, the City Recorder shall provide the applicant with written notice of the decision of the Council.

Section 7.740. Time Limit On A Permit For A Variance.

Authorization of a variance shall be void after one year unless substantial construction has taken place.

However, the Council may, upon request, extend authorization for additional period not to exceed one year.

ARTICLE 8. NON-CONFORMING USES

Section 8.810. Continuation of Non-conforming Use or Structure.

Subject to the provisions of this article, a non-conforming use of structure lawfully existing at the time of the enactment of this ordinance, or any amendment thereto, may be continued. A non-conforming use or structure may be resumed, reconstructed, or altered only in accordance with this article. Alterations of any such use or structure shall be permitted when necessary to comply with any lawful requirement for alteration.

Section 8.820. Conditional Uses.

Where a use or a structure is currently authorized only as a conditional use and was legally established at a time when obtaining a conditional use permit was not a legal requirement, then any expansion or alteration thereof shall be reviewed under the standards for a conditional use permit for said use or structure; in the event the proposed expansion of the use or structure does not meet the criteria for a conditional use permit, or in the event the conditional use permit is denied, then said use or structure shall be considered and non-conforming and



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the proposed expansion or alteration thereof shall be reviewed under the standards for expansion or alteration of a non-conforming use or structure contained in the article.

Section 8.830. Change in Ownership or Occupancy.

A change of ownership or occupancy of a non-conforming use or structure shall be permitted as long as the change does not alter the use or structure.

Section 8.840 Discontinuance of Non-conforming Use or Structure.

If a non-conforming use is discontinued for a period of 12 months, further use of the property or structure shall conform to this ordinance.

Section 8.850. Change of Non-conforming Use or Structure.

If a non-conforming use or structure is replaced by another use or structure, the new use or structure shall conform to this ordinance.

Section 8.860. Destruction of Non-conforming Use or Structure. Restoration or replacement of any non-conforming use or structure may be permitted, pursuant to Section 8.880 of this article, when the restoration or replacement is made necessary by fire, other casualty, or natural disaster. Restoration or replacement shall be commenced within one year from the occurrence of the fire, casualty, or natural disaster. If such activity does not commence within one year, any future use or structure shall conform to this ordinance.

Section 8.870. Alteration of Non-conforming Use or Structure.

Alteration of a non-conforming use or structure, as defined by ORS 215.130 (5) and Section 8.810 of this article, may be permitted in order to reasonably continue the use. Such alteration may be approved pursuant to Section 8.880 and upon a finding that:

1. The change in the use is of no greater adverse impact to the neighborhood; and
2. The change in the structure or physical improvements are of no greater adverse impact to the neighborhood.

Section 8.880. Application for Renovation, Alteration or Replacement of a Non-conforming Use or Structure.

An application for renovation, replacement or alteration of a non-conforming use or structure shall be initiated by requesting and filing the appropriate permit application with the City Recorder. Such application shall be submitted to and heard by the City Council through the public hearing process as prescribed by this ordinance. The application shall contain, but is not limited to, the following information;

1. Name of the Applicant.
2. Legal description of the property in question.
3. A map sufficient to indicate location of property.
4. Intended or proposed plans for renovation, alteration or restoration of non-conforming use structure.
5. Authorizing signature for the application.



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Other information including plans, sketches, or designs may be required if necessary to gain a complete understanding of the proposed activity.

An application inaccurately or incorrectly submitted, or not containing sufficient information, may be grounds for summary dismissal by the Council.

The Council may impose such conditions on the renovation, replacement or alteration of a non-conforming use or structure as is deemed appropriate under the circumstances.

ARTICLE 9. FLOOD HAZARD AREAS

Section 9.910. Definitions.

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

1. **Area of special flood hazard.** The land in the flood plain within a community subject to a one (1%) percent or greater chance of flooding in any given year. Designation on maps always includes the letters “A” or “V”.
2. **Base Flood.** The flood having a one (1%) percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood”. Designation on maps always includes the letters “A” or “V”.
3. **Development.** Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.
4. **Flood or Flooding.** A general and temporary condition of partial or complete inundation of normally dry land areas from:
 - a. The overflow of inland or tidal waters and/or
 - b. The unusual and rapid accumulation of run-off of surface waters from any source.
5. **Flood Insurance Rate Map (Firm).** The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
6. **Flood Hazard Zone.** An overlay zone covering the area designated as an area of special flood hazard in Map 41063C0443B of the Flood Insurance Study for the City of Lostine; the regulations contained in this article apply only to lands within said zone. The flood hazard zone is the same as the area of special flood hazard and is designated on the Flood Insurance Rate Map by the letters “A” or “B”.
7. **Flood Insurance Study.** The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.



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8. **Floodway.** The channel of river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.
9. **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable design requirements of this ordinance found at Section 10.190 (1)(b).
10. **Manufactured Home.** A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
11. **Manufactured Home Park or Subdivision.** A parcel (or contiguous parcel) of land divided into two or more manufactured home lots for rent or sale.
12. **New Construction.** Structures for which the "start of construction" commenced on or after the effective date of this ordinance.
13. **Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means wither the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation on the property of accessory structures, such as garages or sheds not occupied as dwelling units or not part of the main structure.
14. **Structure.** A walled and roofed building including a gas or liquid storage tank that is principally above ground.
15. **Substantial improvement.** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50%) percent of the market value of the structure either:
 - a. Before the improvement or repair is started, or
 - b. If the structure has been damaged and is being restored, before the damage occurred. for the purpose of this definition "**substantial improvement**" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- a. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, or



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- b. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

16. **Variance.** A grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

Section 9.920. Lands to Which This Ordinance Applies.

Article 9 of this ordinance shall apply to all lands within the Flood Hazard Zone and within the jurisdiction of the City of Lostine, Oregon.

Section 9.930. Areas of Special Flood Hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a report entitled “The Flood Insurance Study for the City of Lostine,” sated February 17, 1988, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at the Lostine City Hall, Lostine, Oregon. The lands designated as “areas of special flood hazard”, identified in Map 41063C0443B of said study, are hereby designated as the City’s Flood Hazard Zone.

Section 9.940. Permit Required.

Prior to the commencement of any development, including fill and other activities within a Flood Hazard Zone, and including installation of new mobile homes within an existing mobile home park, a zoning permit shall be obtained for the City Recorder. No such permit shall be issued unless (1) compliance with standards contained herein is first demonstrated and (2) all necessary permits have been obtained from those federal, state or local government agencies from which prior approval is required.

Section 9.950. Application.

Applications for a zoning permit in a Flood Hazard Zone shall, in addition to the information required by Section 11.150, contain the following:

1. Elevation in relation to mean sea level of the lowest floor (including basement) of all proposed structures and the elevation in relation to mean sea level of the existing ground at the location of each proposed structure;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;
3. Certification by registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 9.990(2); and
4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

No application shall be deemed complete that does not contain the elevations required in subsections (1) and (2).

Section 9.960. Use of Other Base Flood Data.



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When base flood elevation data is not available for an area within the Flood Hazard Zone, the City Recorder will obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, in order to administer the standards contained herein.

Section 9.970. Information to be Maintained.

The City Recorder shall maintain the following information with respect to permit applications within the Flood Hazard Zone:

1. Where base flood elevation data is provided through the Flood Insurance Study or required as in Section 9.960, the City Recorder shall maintain records showing actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
2. For all new or substantially improved floodproofed structures records showing the actual elevation of the structure (in relation to mean sea level), and the floodproofing certifications required in Section 9.950 shall be maintained.
3. All records pertaining to the provisions of this ordinance shall be available for public inspection.

Section 9.980. General Standards.

In the Flood Hazard Zone, the following shall be met:

1. **Anchoring.**
 - a. All new construction and substantial improvements shall be anchored to prevent floatation, collapse, or lateral movement of the structure.
 - b. All manufactured homes must likewise be anchored to prevent floatation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).
2. **Construction Materials and Methods.**
 - a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
 - b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
 - c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
3. **Utilities.**
 - a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
 - b. And replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters; and,



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- c. onsite waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
4. **Alteration of Water Courses.** Prior to granting a permit for a development or proposal to alter the location of an existing water course, or prior to undertaking such activity itself, the City shall:
 - a. Notify adjacent communities and the State of Oregon, Land Conservation and Development, prior to any alteration or relocation of a water course, and submit evidence of such notification to the federal insurance administration.
 - b. Require that maintenance be provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. **Review of Permits.** Where elevation data is not available either through the Flood Insurance study or from another authority source (section 9.970), applications for flood area permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high watermarks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Section 9.990. Specific Standards.

In areas where base flood elevation data has been provided left (IE, in the flood hazard zones adjacent to the Lostine River right), the following provisions shall be met;

1. Residential Construction.

- a. New construction and substantial improvements of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood sources on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.
 - i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed areas subject to flooding shall be provided
 - ii. The bottom of all openings shall be no higher than one foot above grade.
 - iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.

2. Non-Residential Construction.

- a. New construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation so like; or, together with attendant utility and sanitary facilities, shall:
 - i. Be flood proof so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; And



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- iii. Be certified by a registered professional engineer or architect the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City Recorder as set forth in section 9.970 left (2).
 - b. Non-residential structures that are elevated, by not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (1) B above.
 - c. Applicants floodproofing non-residential building shall be notified that flood insurance premiums will be based on rates that are 1 foot below the flood proofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).
 3. **manufactured homes.** all manufactured homes to be placed or substantially improved within the flood hazard area shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of section 9.980 left (1).

Section 9.991. Floodways.

The following provisions apply to all designated floodways within the flood hazard zone.

1. encroachments, including Phil, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If subsection (1) above is satisfied, all new construction and substantial improvement shall comply with all applicable flood hazard reduction provisions of this article.

Section 9.992. Variance.

1. The City Council make granted variance from the provisions of this section if, after a public hearing thereon, the council finds the applicant has demonstrated compliance with the criteria contained in this section.
2. In passing upon such applications, the council shall consider all technical evaluations, all relevant factors and standard specified in other sections of this ordinance, and:
 - a. the danger that materials may be swept into other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The necessity to the facility of a waterfront location, where applicable;
 - f. The availability of alternative locations for the purpose use which are not subject to flooding or erosion damage;
 - g. The compatibility of the proposed use with existing anticipated development;



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the flood insurance will be commensurate with be increased risk resulting from the reduced lowest flood elevation.

Section 9.993. Subdivision proposals.

All subdivisions within a flood hazard area shall comply with the following:

1. All subdivision proposals shall be consistent with the need to minimize flood damage;
2. All subdivision proposal shall have Public Utilities and facilities such as sewer, gas, electrical, and water systems located in constructed to minimize flood damage;
3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage, and,
4. Where base flood elevation data has been provided or is not available from another authoritative source, it shall be generated for subdivision purpose proposal and other proposed developments which contain at least fifty (50) lots or five (5) acres (whichever is less).

ARTICLE 10. LOT LINE ADJUSTMENTS, PARTITIONS, SUBDIVISIONS. CHAPTER 1. INTRODUCTORY PROVISIONS.

Section 10.110. Scope of Regulations:

All subdivision plats and major partition maps created within the limits of the City of Lostine shall be approved in accordance with these regulations. A person desiring to subdivide land or desiring to partition land by creation of a street shall submit tentative plan and final documents for approval as required by this ordinance and OR S chapter 92.

Section 10.210. Approval of Lot Line Adjustments.

1. No person shall complete a lot line adjustment without applying for an receiving the approval thereof by the City of Lostine. Applications for a lot line adjustment shall include a map, superimposed upon tax lot map, showing the dimensions of the proposed lot line adjustment. The application shall contain such additional information as is necessary to determine whether the proposed transfers constitutes a lot line adjustment or a partition.
2. Lot line adjustment application shall be determined by the City Council and no public hearing shall be required. lot line adjustments may be approved on the following findings:
 - a. the conveyance proposed will not create a new lot or parcel and will constitute a lot line adjustment as defined in this ordinance; And
 - b. Every parcel affected by the proposed transfer will constitute a lawful parcel under this ordinance and that the lot line adjustment will not cause any land in present contiguous ownership to be of a size or configuration not in compliance with the standards for new lots under this ordinance.
3. if the lot line adjustment adjusts a boundary in a manner that is parallel to the pre-existing boundary, no survey is required in conjunction with such lot line adjustment. In the event the adjusted boundary is not



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parallel to the pre-existing boundary, the applicant shall cause to be prepared, filed with the office of the County Surveyor, a survey of the adjusted boundary lines; A copy of such survey shall be filed with the City Recorder prior to final approval of the lot line adjustment by the City.

Section 10.220. Determining whether Lot Line Adjustment or Partition.

1. If no new lot or parcel is created by a proposed conveyance, then such conveyance shall be treated as a lot line adjustment. A conveyance of property which has the effect of creating additional lots or parcels is always a partition or subdivision.
2. In determining whether a proposed conveyance involves the creation of an additional lot, or parcel, the following rules apply:
 - a. a law created by a lawful subdivision or partition, recorded in the office of the county clerk, is always a separate and discrete parcel. For example, the division of the existing lot into two parts for the purpose of joining it with an adjacent lot does not involve the creation of a parcel and is therefore a lot line adjustment.
 - b. The convenience of a portion of an unplatted parcel, for purposes of adding it to a pre-existing platted lot, or any other pre-existing parcel, does not involve the creation of an additional parcel and therefore is not a lot line adjustment.
 - c. If a parcel or a tract of land has, at any time since the recording of the federal patent, been a separate parcel, in separate ownership, it shall be considered a separate and discrete parcel for purposes of determining whether a lot line adjustment, or partition or subdivision is involved. If a tract of contiguous land, presently under a single ownership, is composed of parts that were formerly separate parcels, then the tract of land may be divided into as many parts as there were historic separate parcels and no new lot parcel shall be deemed to be created thereby. Any adjustment of the boundaries of said historic parcels may be conducted as a lot line adjustment.
 - d. Boundaries of tax lots, as established by the Assessor's records, do not determine or control whether a tract of land is a separate parcel. Generally, a tax lot shall be considered as being created for the administrative convenience of the Assessor in assessing and collecting ad valorem taxes on the property.

CHAPTER 3

MINOR PARTITIONING PROCEDURE.

Section 10.310. Application for a Minor Partition.

Any person desiring approval of a minor partition shall file an application with the City Recorder containing the information set forth in 10.320.

Section 10.320. General Information.

The following information shall be contained in an application for a minor partition:

1. Northpoint and scale and date.



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

Section 10.330. Review and Approval of a Minor Partition.

Minor partitions shall be reviewed by the City Council, without public hearing, and may be approved, provided the following conditions are met:

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

(ORS Chg. 92 Requires Survey)

Section 10.340. Approval of Final Partition Map.

Following approval of a minor partition by the City Council's provided in section 10.330, the applicant shall cause to be prepared a final partition map meeting all of the technical requirements of ORS chapter 92. Said final partition map shall be submitted to the City Council for review and shall be approved by the City Council in the event it is in conformance with one the Council's preliminary approval and to the requirements of ORS chapter 92.

CHAPTER 4. SUBDIVISIONS AND MAJOR PARTITIONS.

Section 10.410. Submission of Tentative Subdivision or Major Partition Plan.

Whenever it is proposed to subdivide land or effect a major partition thereof, those persons responsible for said subdivision or major partitions shall prepare and submit, at least five (5) copies of the tentative plan to the City Recorder's office. The tentative plans shall contain such information as indicated below.

Section 10.420. Scale.

The tentative plan of a subdivision or major partition shall be on a scale of one-inch equals one-hundred feet (1" = 100").

Section 10.430. General Information.

The following information shall be shown on the tentative plan of a subdivision or major partition:

1. name of subdivision or major partition. The name of any proposed subdivision or major partitions shall not be the same as or similar to any name(s) used on a recorded plat within will allow accounting as required by ORS 92.090 and shall be approved by the City Council.



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2. Date, Northpoint and scale of drawing.
3. An indication of the drawing as a tentative plan.
4. The Township, range, and section in which the subdivision or major partition is located.
5. Names and addresses of the owners, subdivider, an engineer or surveyor responsible for laying out the subdivision or major partition.
6. The location and dimensions of all existing or proposed streets within the adjacent to the proposed subdivision or major partition.
7. The location and approximate dimensions of proposed lots and proposed lot and block numbers.
8. Proposed sites, if any, allocated for purposes other than single family dwellings.
9. Existing uses and significant natural features of the property and locations of existing structures to remain on the property after plating.
10. All parcels of land intended to be dedicated for public use or reserved in the deeds for the use of all property owners in the proposed subdivision or major partition, together with the purpose of conditions or limitations of such reservation, if any period
11. Location of any significant drainage ways or easements in or adjacent to the proposed subdivision or major partition.
12. Contour lines related to some established bench work or other datum approved by the City Engineer, if deemed so necessary by the Council.

Section 10.440. Supplemental Information.

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

Section 10.450. Preliminary Review of Tentative Plan.

1. Upon receipt, the City Recorder, or appropriate City Official, shall furnish one copy of the tentative plan and supplementary information to the City Engineer or Manager and such other agencies as are known to be affected, including, but not limited to, irrigation districts, special water districts, fire districts, and school districts.
2. The City Recorder shall set a public hearing on said tentative plan before the City Council and give notice thereof in the manner required by this ordinance.

Section 10.460. Approval of Tentative Subdivision or Major Partition Plan.



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1. The City Council shall hold a public hearing on the proposed tentative subdivision or major partition plan and shall review the same for conformance to the comprehensive plan and the various development standards contained in the ordinance. The City Council may approve the plan as submitted or it may be modified in conformance with this ordinance. Upon request, up the applicant, the City Council shall provide the applicant with a written statement of the various conditions and requirements of an approval.
2. The City Council's approval of a tentative plans shall be final no changes in the plans so approved or additional requirements shall be imposed without the consent of the applicant.

CHAPTER 5. FINAL PLAT.

Section 10.510. Submission of the Subdivision or Major Partition Plat.

Within one year after approval of the attentive plan, the subdivider shall cause the subdivision or any part thereof to be surveyed in a final plot prepared in conformance with an indicating the same information as the tentative plan as approved and said plat shall conform to the requirements of ORS chapter 92. Within said time period, all improvements required to be made by the applicant shall be constructed in conformance with requirements of the City and shall be inspected and approved by City Officers. Extensions may be granted if necessary.

Section 10.520. Action on Final Plat.

A subdivision or major partition plat, when ready for final approval prior to recording, shall substantially in accord with the approved tentative plan. Before approval by the Council, the final plat shall indicate the signatures of all persons set out in the dedication, signatures of the mortgages, if any, the signature of the County Surveyor, the signature of the County Assessor, and the seal of the registered professional engineer or registered land surveyor responsible for the laying out of the subdivision or major partition. All signatures must be black, India ink. The plat shall be presented and prepared on such material as required by ORS 92.080. The final plat when presented for approval thereof by the council, shall be accompanied by an exact duplicate copy. The council shall withhold final approval of the plat until a field check of the subdivision or major partition has been made as required by ORS 92.100. The final plat may contain all or only a portion of the approved tentative plan. If the council does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall allow him an opportunity to make corrections. If the Council determines that the plat conforms to all requirements, as specified by this ordinance, and if all improvements required of the applicant have been constructed, and accepted by the City Council, it shall give its approval, provided supplemental documents and any provisions for improvements to be constructed later are satisfactory.

Section 10.530. Time Limit For the Recording of a Plat.

Within ninety (90) days after the date required approval signature has been obtained, the subdivider shall record the final plat, or a portion thereof as provided in section 304. Failure to record within the ninety (90) day. May cause the subdivision or major partition to be declared null and void, unless otherwise expressed by the Council.



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Section 10.540. Partial Platting.

If desired by the subdivider, the final plat may contain only a portion of the approved preliminary plan, and if such portion is filed and recorded within the time provided in section 303, the approval of the preliminary plan shall remain effective for a period of five (5) years unless extended by the council.

CHAPTER 6. REGULATIONS AND DESIGN STANDARDS.

Section 10.610. Streets.

The location, width and grade of streets shall be considered in their relation to existing streets in the vicinity of the proposed subdivision or major partition, to the topographical conditions, and to the prolongation of existing centerlines. Streets should intersect at or as near right angles as practicable. These regulations may be modified where the council determines that topography, or the small number of lots or parcels involved or other unusual conditions, justifies such modification. If not otherwise indicated in the comprehensive plan or a capital improvements plan, streets shall conform to the standards as follows:

1. **Minimum right-of-way width.**

Type of Street	Minimum right-of-way width.
Arterial	60 feet
Collector Street	50 feet
Minor Street	50 feet
Cul-de-sac (minimum length 100 feet)	50 feet
Alleys	20 feet

2. **Street Grades.** No street grade shall be in excess of ten percent (10%) unless the council finds that, because of topographic conditions, a steeper grade is necessary.
3. **Reserve block.** Reserve blocks controlling the access to public ways or which will not prove taxable for special improvements may be required by the council, but will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case, unless the land comprising such strips is placed in the name of the City of Lostine for disposal and dedication for street or road purposes whenever such disposal or dedication has the approval of the council or such other person as may have jurisdiction.
4. **Additional right-of-ways.** Where topographical requirements necessitate either cuts or fills for the proper grading of the streets, additional right-of-way shall be required to allow all cut and fill slopes to be within the right-of-way.
5. **Street names.** Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name and existing street. Street names and numbers shall conform to the established pattern in the City and shall be subject to the approval of the council.



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6. **Street dedication.** If an area or unit of land to be subdivided or partitioned includes a portion of a right-of-way, highway or road, the location of which has been determined by the City, but which has not been acquired by the City, the person subdividing or partitioning said land, shall dedicate such right-of-way, highway or road for the purpose or use proposed. In no instance shall a subdivider be required to dedicate more than twenty-five percent (25%) of the total land area of the subdivision.
7. **Radius at street intersection.** The property line radius at street intersections shall be approved by the City Council.
8. **Street improvements.** All plans and specifications for street improvements, including pavement, curbs, sidewalks and surface drainage shall be approved by the council prior to construction. Approval of the subdivision may be withheld until the council is satisfied all of the following improvements will be completed:
 - a. clearing and grading to full right of way limits with grading to provide a minimum road bed of no less than twenty (20) feet.
 - b. Storm drainage facilities both within and outside of right-of-ways limits where needed.
 - c. Base and leveling materials shall be provided to the following minimum specifications:
 - i. base material to consist of between 8” to 12” of four inch or minus rock.
 - ii. A leveling course to consist of 2” of three-quarter minus crushed rock.
 - d. concrete curbs and sidewalks if considered so necessary by the council.
 - e. The council may require that any streets to be dedicated be paved, the City standards, after consideration of the cost thereof, total impact upon the cost of the project and whether other adjacent streets are paved.

Section 10.620. Subdivision Blocks.

Subdivision blocks, blocked links and width shall be determined by giving consideration to the following factors :

1. the distance and alignment of existing blocks and streets adjacent to or in the general vicinity of a proposed subdivision.
2. Topography.
3. Adequate lot size.
4. Need for an direction of the flow of through an local traffic.

Section 10.630. Midblock Walks.

Where topographic or other conditions make it necessary or desirable, the council may require a walkthrough a block on a public right of way of such width, at such location and of such material or materials as the council may specify.

Section 10.640. Lot size.

all lots and parcels shall conform to minimums established in the City of Lostine zoning ordinance.



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In cul-de-sacs the minimum lot or parcel line fronting the turn around shall be thirty (30) feet and, in no case, shall the lot or parcel with be less than 60 feet at the building line. If topography, drainage or other conditions justify, the council may require a greater area on any or all lots or parcels.

An exception to the minimum lot size shall be applied to lots not served by a public service. In such cases, the lot size shall permit compliance with the requirements of the Department of Environmental quality and other factors deemed to be in the best interest of the public's health.

Section 10.650. Curved Front Lot Lines.

when front lot lines are on a curved or arc, the frontline distance shall be indicated on the final plat by bearing and cord distance.

Section 10.660. Lot Line.

Side law or parcel lines shall be as close to right angles to the Front Street line as practicable. Unless otherwise approved, rear lot lines shall not be less than 1/2 the width of the front lot lines.

Section 10.670. Building lines along streets.

unless otherwise approved because of some unusual topographic or other conditions, minimum building lines shall be in accordance with set back requirements in the zone in which the subdivision or partition is located.

Section 10.680. Public survey monuments.

any donation land claim, corner, section corner, or other official survey monument within or on the boundary of a proposed subdivision shall be accurately referenced in accordance with ORS 92.

Section 10.690. Sewage disposal.

until such time when the City has an approved community sewage system, all lots or parcels shall be served in accordance with the Department of Environmental Quality's regulation governing subsurface disposal of sewage. It shall be the responsibility of the subdivider to provide statements of suitability for sewage disposal for each and every lot or parcel prior to the final approval of the subdivision or partition.

Section 10.691. Water supply.

the subdivider shall be responsible for providing water lines and fire hydrants to each lot or parcel and connecting the subdivision to City mains, as required by the council. Adequate water pressure, as determined by the Oregon State Board of Health, will be provided to each lot by the developer.

Section 10.692. Underground facilities.

all permanent utility services two lots in and subdivision shall be provided from underground facilities and no overhead utility services to a subdivision shall be permitted. The subdivider shall be responsible for complying with the requirements of this section and shall:

1. obtain all necessary permits for the placement of all underground facilities.



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2. make all necessary arrangements with the utility companies and other persons or corporations affected by the installation of such underground lines and facilities in accordance with the rules and regulations of the public utility commissioner of the State of Oregon.
3. Underground easement for utilities shall be provided for by the subdivider and set forth on the final plat. Each easement shall be a minimum of ten (10) feet in width and, when possible, centered on a bordering lot line.

Section 10.693. Improvement guarantees.

the council may, if deemed so necessary, execute an agreement or the necessary bonding, with the subdivider to have any or all of the above improvements provided by the subdivider before the parcels within the proposed subdivision are offered to the general public for sale.

CHAPTER 7. SPECIAL PROVISIONS.

Section 10.710. Exceptions in Case of a Planned Unit Development.

The standards and requirements of these regulations may be modified by the council in the case of a planned unit development.

Section 10.720. Fees.

the following fees shall be required by the council and such fees will be paid to the City Recorder in conjunction with an application for a lot line adjustment minor partition, major partition or subdivision;

1. lot line adjustment - \$25.00.
2. Minor partition - \$50.00
3. Major partition - \$75.00.
4. Subdivision - \$100.00.

ARTICLE 11. ADMINISTRATIVE PROVISIONS.

Section 11.110. Zoning Permits.

Prior to the construction, reconstruction, alteration or change of use of a structure or lot, a zoning permit shall be obtained from the office of the City Recorder on the prescribed form. The City Recorder may refer any zoning permit application to the City Council or decision.

Section 11.120. Time Limit On A Zoning Permit.

Validity of a zoning permit shall be void after a two year. And less substantial construction, reconstruction, or alteration has taken place there too. The council may, if so requested, extend authorization of the permit or the additional. Not to exceed one year.

Section 11.130. Appeals.



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an appeal from a ruling of a City Administrative office regarding a requirement of this ordinance may be appealed to the council provided that the appeal is filed within 30 days after the officer has rendered his decision. Written notice of the appeal shall be filed with the City Recorder.

Section 11.140. authorization of similar uses.

the council may permit in a particular zone in use not listed in this ordinance, provided the use is of the same general type as the uses permitted there by this ordinance. However, this section does not authorize the inclusion in a zone where it is not listed or a use specifically listed in another zone or which is of the same general type as is similar to a use specifically listed in another zone.

Section 11.150. Forms of petition, applications and appeals.

petitions, applications and appeals provided for in this ordinance shall be made on forms prescribed by the City. Application shall be accompanied by plans and specifications, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the size and location on the lot of existing and proposed structures; the intended use of each structure; The number of families, if any, to be accommodated there on; The relationship over the property surrounding the area; And such other information as is needed to determine conformance within the purpose of this ordinance.

Section 11.160. Filing fees.

the following fees shall be paid to the City Recorder upon filing an application. Such fees will be used to defray the cost of administering this ordinance and shall be nonrefundable.

1. amendment proposed by property owner	\$100.00
2. Conditional use permit	\$35.00
3. Variance request	\$35.00
4. Zoning permit	\$15.00

Section 11.170. Public Hearings.

1. A public hearing is required before the council prior to taking action on an application for a conditional use permit, variance, expansion or alteration of a nonconforming use, zoning map amendments, amendments to the text zoning code, appeal appeals from decisions of the City Recorder, prior to tentative approval of a major partition application or subdivision application.
2. Each notice of a hearing authorized by this ordinance shall be published in a newspaper of general circulation in the county at least 10 days prior to the date of the hearing.
3. In addition, prior to all the hearings specified in subparagraph one, except a text amendment to the zoning ordinance, a notice of hearing shall be mailed to all owners of property within 250 feet of the property for which the permit or zoning map amendment has been requested. The notice of the hearing shall be mailed at least 10 days prior to the date of the hearing.
4. Failure of a person to receive the notice prescribed in this section shall not impair the validity of the hearing.



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5. The council may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the application being considered. Upon recessing, the time and date when the hearing is to be resumed shall be announced.

Section 11.180. Consolidated Hearing Procedure.

1. any approval or permit required under this ordinance and or an application for a change of zone, relating to a single development project may be heard under the consolidated hearing procedure provided by this section.
2. In the event one or more approvals specified in subsection (1) are required for a development project, the applicant may request that review occur pursuant to this section, and if one or more approvals require City Council hearing or action, all such approvals shall be heard by the council at a single public hearing and be approved or denied by the council.
3. In the event one or more approvals are required for a single development project and none require council hearing or determination, then the City Recorder shall grant or deny the required approvals pursuant to a consolidated review process.
4. The consolidated review procedure contained in this section shall not change or alter information required to be submitted by the applicant, relating to any particular approval or permit, nor shall the consolidated review procedure alter the change standards or criteria provided for any approval or permit.

Section 11.190. Time Limit for Determination.

1. Except as provided in subsection (3) of this section, the City shall take final action upon application for a permit or zone change, including all appeals to the council provided by this ordinance, within 120 days after the application is deemed complete.
2. If an application for a permit or a zone change is incomplete, the council or the City Recorder, shall notify the applicant of exactly what information is missing within 30 days of the receipt of the application and shall allow the applicant a reasonable opportunity to submit this missing information.
3. The 120 day Specified in subsection one thereof may be extended for reasonable period of time at the request of the applicant. Subsection one shall not apply to decisions not wholly within the authority and control of the council, nor to an amendment to the comprehensive plan or land use regulation which has been acknowledged or to the adoption of a new land use regulation that has forwarded to the director of the department of land Conservation and Development under OR S 197. 610 (1).

ARTICLE 12. AMENDMENTS,

Section 12.210. Authorization to Initiate Amendments.

An amendment to the text of this ordinance or to the zoning map may be initiated by the City Council, the City Planning Commission, should one be established, or by application of a property owner. The request by a property owner forward amendment shall be accomplished by filing a statement of purpose or application with the City Recorder.



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Section 12.220. Public Hearings on Amendments.

The council shall conduct a public hearing on the proposed amendment at its earliest practicable meeting after the amendment is proposed and shall, within 40 days after the hearing, render a decision in written form to the applicant. The decision may constitute an approval, disapproval, modified approval of the amendment, or a continuation of the hearing.

Section 12.230. Final Decision of The Council.

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

Section 12.240. Limitation On Reapplications.

No application of a property owner for an amendment to the text of this ordinance or to the zoning map shall be considered by the council within the one year. Immediately following a previous denial of said request, except the council may permit a new application if, in the opinion of the council, new evidence or a change of circumstances warrant it.

ARTICLE 13. GENERAL PROVISIONS

Section 13.310. Interpretation.

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

Section 13.320. Severability.

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

Section 13.330. Applicability.

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

Section 13.340. Enforcement.

- 1. Contractors Duties.** Any person undertaking construction work in the City as an independent contractor shall, before commencing work, take reasonable steps to ascertain that all approvals required under this ordinance have been procured.
- 2. Penalties for violation.** a person who violates or fails to comply with the provisions of this ordinance shall, upon conviction thereof, be punished by a fine of not more than \$500.00 or by imprisonment for not more than 100 days or both. A violation of this ordinance shall be considered a separate offense for each day the violation continues. For the purposes of this subsection, a quote person may include both a



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person on whose property construction or other work is performed in violation of this ordinance and the building contractor who undertook the same, together with any other persons who knowingly performed work which is in violation of this ordinance.

- 3. Civil remedies.** In case a building or other structure is, or is proposed to be, located, constructed, maintained, repaired, altered, or used or land is, or is proposed to be, used in violation of this ordinance, the building or land thus in violation shall constitute a nuisance, and the City may, in addition to other remedies that are legally available for enforcing this ordinance, including the criminal remedies specified in subparagraph (2), institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate, or remove the unlawful location, construction, maintenance, repair, alteration or use.
- 4. Stop work order.**
 - a.** the City Recorder is hereby empowered to post a stop work order in the form specified herein on this any premises on which construction, repairs or other activities are being undertaken without approval required by this ordinance or which are being undertaken in violation of the terms of the approval given by the City or are otherwise being undertaken in violation of the terms of this ordinance. The stop work order shall state that the work being performed is in violation of this ordinance, that further work is prohibited by law and that work performed in violation of the stop work order may result in a fine and or imprisonment. In the event necessary arrangements are made by the owner and or contractor to lawfully proceed with work, the stop work order shall be rescinded by the City Recorder.
 - b.** Any contractor, or owner of property on which a stop work order has been posted, who causes further unlawful work to be done on said premises or property after lawful posting of a stop work order, or any other person who performs work on said premises knowing that a stop work order has been posted, shall be punished by a fine of no more than \$500.00 or imprisonment for no more than 100 days, or both. A violation of this section shall be considered a separate offense for each day the violation continues and shall be considered a separate an additional offense to those covered by subsection two.
- 5. Enforcement.** The City Recorder may make a report of any violation of the terms and provisions of this ordinance to the City Attorney. The City Attorney may issue a citation or other accusatory instrument sufficient in form and content to charge the person or persons with violation of any applicable terms and provisions of this ordinance.

Section 13.350. Repeal.

Ordinance numbers 113, 116, 136 and 140 of the City of Lostine are hereby repealed.

Section 13.360. Emergency Clause.

Whereas it is necessary for the immediate preservation of public health, peace, and safety that this ordinance take effect immediately, now, therefore, an emergency is hereby declared to exist, and this ordinance shall be in full force an effect from and after its passage by the council an approval by the mayor.