ORDINANCE NO. 1242

AN ORDINANCE AMENDING CITY OF JUNCTION CITY MUNICIPAL CODE CHAPTERS 17.20, 17.45, 17.50, 17.80, 17.115, 17.150, and 17.160.

WHEREAS, Per Section 17.146.010, the Junction City Planning Commission initiated an amendment to JCMC Chapters 17.20, 17.45, 17.50, 17.80, 17.115, 17.150, and 17.160 of the City's Zoning and Land Use Code provisions in order to bring those chapters of the Junction City Municipal Code into compliance with Federal Standards, to clarify chapter requirements, and to replace antiquated Code language to meet current City interests; and

WHEREAS, the proposed amendments to Title 17 Junction City Municipal Code are consistent with the Junction City Comprehensive Plan and Statewide Planning Goals as shown in the findings contained in Exhibit B; and

WHEREAS, on May 12, 2016, the Department of Land Conservation and Development (DLCD) was properly provided notice of the proposed legislative Code amendments; and

WHEREAS, notice of a public hearing before the Planning Commission was published in the Register Guard on July 6, 2016 and notice of the City Council public hearing was published in the Register Guard on August 31, 2016 in compliance with the standards set forth in the Junction City Municipal Code, Chapter 17.150.080; and

WHEREAS, the Planning Commission held a public hearing on the proposed amendments on July 20, 2016, adopted findings of fact, and recommended to the City Council that Junction City Municipal Code Sections 17.20, 17.45, 17.50, 17.80, 17.115, 17.150, and 17.160 be amended as presented in the attached Exhibit A; and,

WHEREAS, the Junction City City Council held a public hearing on September 13, 2016 and took testimony on this matter at that meeting, taking said testimony into consideration in making its decision; now, therefore,

THE CITY OF JUNCTION CITY ORDAINS AS FOLLOWS:


Section 2. The City Council of the City of Junction City adopts the above findings and the Findings of Fact as set forth in Exhibit “B”, attached hereto and incorporated herein by this reference, as support for this Ordinance and the amendments adopted herein.

Section 3. This ordinance will go into full force and effect on the 30th day after City Council enactment.

Read in full its first meeting on this 13th day of September, 2016.

Read in title only for its second reading this 13th day of September, 2016.

Passed by the City Council this 13th day of September, 2016.

Approved by the Mayor this 13th day of September, 2016.

ATTEST: 

[Signature]

Kitty Vodrup, City Recorder

APPROVED:

[Signature]

Michael J. Cahill, Mayor

Ordinance No. 1242
Chapter 17.20
MULTIPLE-FAMILY RESIDENTIAL ZONE (R3)

Sections:  
17.20.010 Uses permitted outright.  
17.20.020 Conditional uses permitted.  
17.20.030 Development review.  
17.20.040 Lot size.  
17.20.050 Setback requirements.  
17.20.060 Setback exceptions.  
17.20.070 Height of buildings.  
17.20.080 Lot coverage.  
17.20.090 Building height transition.  
17.20.100 Building orientation.  
17.20.110 Building form.  
17.20.120 Townhome (single-family attached/rowhouses) supplemental standards.  
17.20.130 Neighborhood commercial supplemental standards.  
17.20.140 Multifamily housing supplemental standards.  

17.20.010 Uses permitted outright.  
In an R3 zone, only the following uses, their accessory uses, and uses determined to be similar are permitted outright. Other uses are expressly prohibited.  

A. Multiple-family dwellings (three or more attached units on one lot).  

B. Townhomes (attached single-family housing or row houses on their own lots with three or more units).  

C. Neighborhood commercial uses as defined in JCMC 17.20.130.  

D. Duplex (two-family attached dwelling on one lot), which shall comply with the standards in the R2 zone (Chapter 17.15 JCMC).  

E. Accessory structures.  

F. Residential care homes and residential care facilities (ORS 197.660 through 197.670).  

G. Uses similar to those listed above. [Ord. 1116 § 1, 2003; Ord. 950 § 21, 1991.]  

17.20.020 Conditional uses permitted.  
In an R3 zone, the following uses and their accessory uses are permitted when authorized in accordance with the
Proposed Amendments
requirements of Chapter 17.130JCMC:

A. Manufactured dwelling park meeting requirements of Chapter 17.100JCMC. [Ord. 1116 § 1, 2003; Ord. 975 § 2, 1993; Ord. 950 § 22, 1991.]

17.20.030 Development review.
In an R3 zone, development review by the city administrator or designee shall be required to ensure compliance with JCMC 17.20.050 through 17.20.140 regarding R3 standards.

A. Uses Requiring Development Review. Development review shall be required for the following uses:

1. Townhomes;
2. Multifamily buildings;
3. Neighborhood commercial buildings;
4. Residential care homes and residential care facilities.

B. Procedure. Development review is a nondiscretionary, administrative review conducted by the city administrator or designee. Development review shall follow JCMC 17.150.070(A)(1), Type I Procedure – Administrative Decision.

C. General Submission Requirements. The applicant shall submit an application on forms provided by the city administrator that shall:

1. Contain all the general information required;
2. Address the criteria in sufficient detail for review and action; and
3. Be filed with the required fee as established by the city council.

D. Development Review Information. An application for development review shall include a proposed site plan on a page size of 11 inches by 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.
2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.
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3. The proposed development site, including boundaries, dimensions, and gross area.

4. Features which are proposed to remain on the site.

5. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.

6. Landscape plan if applicable.

7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of parking areas if applicable.

9. Location and dimensions of common and private open spaces if applicable.

10. Location and dimensions of trash receptacles if applicable.

11. Detail drawings of site-obscuring fence if applicable.

   a. Building elevations which illustrate building orientation (JCMC 17.20.100) and building form design features (JCMC 17.20.110);
   b. Building plans which illustrate townhome supplemental standards (JCMC 17.20.120) if applicable;
   c. The name, address, and phone number of the architect. [Ord. 1116 § 1, 2003; Ord. 950 § 22A, 1991.]

17.20.040 Lot size.
In an R3 zone, the lot size shall be as follows:

A. For multiple-family dwellings, residential care homes, and residential care facilities the minimum lot area shall be 7,500 square feet. The minimum lot width at the front building line shall be 50 feet, and 35 feet for cul-de-sac lots.

B. For townhomes (single-family attached or row houses) the minimum lot area shall be 2,500 square feet per unit. The minimum lot width at the front property line shall be 25 feet.
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C. For neighborhood commercial uses, the minimum lot area shall be 5,000 square feet. The minimum lot width at the front property line shall be 60 feet. The minimum lot area for two-family dwellings (duplexes) shall be 5,000 square feet. The minimum lot width at the front property line shall be 50 feet and 35 feet for cul-de-sac streets. [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 23, 1991.]

17.20.050 Setback requirements.
This standard applies to multifamily dwellings, townhomes, neighborhood commercial developments, and residential care homes and residential care facilities. Except as provided in JCMC 17.95.060, in an R3 zone, the yards, measured from the property line to the foundation of the building with a maximum projection of three feet into any setback area as defined in JCMC 17.20.060, shall be as follows:

A. A minimum front setback of 15 feet is required for multifamily dwellings and townhomes except that a covered (but not enclosed) porch may be within 10 feet of the front line. A minimum front setback of 10 feet is required for a neighborhood commercial building.

B. Each side yard setback shall be a minimum of six feet, except that on corner lots, the side yard on the street side shall be a minimum of 15 feet measured from the foundation. Townhomes shall have no setback requirement where they share common walls.

C. The back yard shall be a minimum of 15 feet. An exception shall be permitted where a townhome, garage, or other accessory structure is located adjacent to an alley, in which case the backyard (alley facing) setback shall be a minimum of four feet.

D. In the case of a duplex residential use on a corner lot where primary vehicular access is provided from two streets, then both yards abutting the street shall be considered the front yard with appropriate front yard setbacks. Setbacks for rear yards are measured separately for each residential dwelling opposite the front yard (see Appendix A, Diagram 2).

E. All buildings shall be sited to ensure they do not encroach into a public utility easement or the vision clearance areas (JCMC 17.95.090). [Ord. 1116 § 1, 2003; Ord. 1037 § 1, 1997; Ord. 950 § 24, 1991.]

17.20.060 Setback exceptions.
In an R3 zone, the following architectural features are allowed to encroach into the setback yards: eaves, chimneys, bay windows, overhangs and similar architectural features may encroach into setbacks by up to three feet; provided, that the State Fire Code is met. Walls and fences may be placed on property lines, subject to the standards in JCMC 17.95.020. Walls and fences within front yards shall additionally comply with the vision clearance standards in JCMC 17.95.090. [Ord. 1116 § 1, 2003; Ord. 950 § 24A, 1991.]

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17.20.070 Height of buildings.
In an R3 zone, no buildings shall exceed a height of 35 feet. Building height may be restricted to less than the maximum when necessary to comply with the building height transition standard in JCMC 17.20.090.

A. Applicability. This standard applies to townhomes, multifamily buildings, and neighborhood commercial buildings.

B. Method of Measurement. The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure. Not included in the maximum height are: chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy. [Ord. 1116 § 1, 2003; Ord. 950 § 25, 1991.]

17.20.080 Lot coverage.
In an R3 zone, the building(s) shall not occupy more than 60 percent of the lot area. [Ord. 1116 § 1, 2003; Ord. 950 § 26, 1991.]

17.20.090 Building height transition.
In an R3 zone, new buildings, or portions of new buildings exceeding one story in height that abut an existing one-story single-family detached residential or duplex building shall not exceed a building height greater than one foot for each foot of horizontal distance from the property line. [Ord. 1116 § 1, 2003; Ord. 950 § 26A, 1991.]

17.20.100 Building orientation.
In an R3 zone, all buildings that abut private, local, or collector streets shall have their primary entrance(s) oriented to the street. Multifamily and neighborhood commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances. Alternatively a building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street. This section does not apply to buildings with the sole purpose of housing mechanical equipment.

A. Off-street parking lots and driveways shall not be placed between buildings and streets. [Ord. 1116 § 1, 2003; Ord. 950 § 26B, 1991.]

17.20.110 Building form.
In an R3 zone, new multifamily dwellings, townhomes, residential care homes and residential care facilities, and neighborhood commercial uses shall comply with the following building form standards (see Appendix A, Diagrams 6 and 7):

A. Structures shall not have a continuous horizontal distance exceeding 150 feet (measured from end wall to end wall);


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B. Roofs shall have gable, hip, or gambrel forms, minimum pitch four feet in height for every 12 feet in width, with at least a six-inch overhang (eave), or they may be flat with a decorative cornice;

C. Design Features. All street facing elevations (facades) shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building. Along the vertical face of a structure, such features shall occur at a minimum of every 35 feet and on each floor shall contain at least two of the following features:

   1. Recess (e.g., deck, patio, courtyard, balcony, garage, entrance, or similar feature) that has a minimum depth of four feet;

   2. Extension (e.g., floor area, deck, porch, bay window, patio, entrance, or similar feature) that projects a minimum of two feet and runs horizontally for a minimum length of four feet; and/or

   3. Offsets of facade or roof elevation of two feet or greater;

D. Eyes on the Street.

Front elevations visible from a street right of way shall provide a main entrance, and a combination of windows, porches, and/or balconies. Side elevations facing street-side setbacks shall provide a combination of windows, porches, and/or balconies. A minimum of 40 percent of front elevations, and a minimum of 30 percent of streetside and rear building elevations shall meet this standard. “Percent of elevation” is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. This standard does not apply to panhandle or flag lots; and

E. Garages and carports attached to living units and accessed from a street (adjacent to the front lot line) shall be recessed behind the front facade of the building or covered front porch by at least two feet. [Ord. 1116 § 1, 2003; Ord. 950 § 26C, 1991.]

17.20.120 Townhome (single-family attached/rowhouses) supplemental standards.

All townhomes shall comply with the following standards (see also Appendix A, Diagram 8):

A. The maximum number and width of consecutively attached units shall not exceed five or 140 feet (from end wall to end wall), whichever is less.

B. Townhomes shall receive vehicle access from a rear alley whenever possible. Alley(s) shall be created at the time of subdivision approval. Alleys are not required when existing development patterns make construction of alleys impractical.
C. Townhomes receiving access directly from a public or private street shall comply with all of the following standards in order to minimize interruption of adjacent sidewalks by driveway entrances and improve appearance of the streets:

1. The maximum allowable driveway width facing the street is 12 feet per dwelling unit.

2. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet.

3. The maximum combined garage width per unit is 50 percent of the total unit width. For example, a 26-foot-wide unit may have one 13-foot-wide recessed garage facing the street.

D. Common areas (e.g., landscaping in private tracts, shared driveways, private alleys, lawns, play areas, and similar uses) shall be maintained by a homeowners’ association or other legal entity. A homeowners’ association may also be responsible for exterior building maintenance and roof replacement. A copy of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval. [Ord. 1116 § 1, 2003; Ord. 950 § 26D, 1991.]

17.20.130 Neighborhood commercial supplemental standards.
All neighborhood commercial uses shall comply with the following standards:

A. Permitted Uses. Only the following neighborhood commercial uses are permitted in an R3 zone:

1. Retail goods and services;

2. Child care center (care for more than 12 children);

3. Food services, excluding automobile-oriented uses;

4. Medical and dental offices, clinics, and laboratories;

5. Professional and administrative offices;

6. Repair services, conducted entirely within the building; auto repair and similar services not permitted;

7. Mixed use building (residential with other permitted use);

8. Laundromats and dry cleaners;

9. Art, music, or photography studio;

10. Personal services (barber shops, salons, similar uses); and
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11. Other similar uses.

B. Floor Area Standards. The maximum commercial floor area shall not exceed 5,000 square feet total for all uses on one neighborhood commercial site. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than seven and one-half feet of vertical clearance).

C. Hours of Operation. Neighborhood commercial land uses shall be limited to the following hours of operation: 7:00 a.m. to 10:00 p.m.

D. Storage. Except for plants and garden supplies overnight outdoor storage is not permitted. Plants and garden storage must comply with the vision clearance standards in JCMC 17.95.090.

E. Parking. Parking lots shall comply with the following standards:

1. Parking lots shall be placed to the side or rear of buildings.

2. Off-street vehicle parking must comply with the landscaping, size, and pedestrian circulation standards specified in Chapter 17.90 JCMC. [Ord.1116 § 1, 2003; Ord. 950 § 26E, 1991.]

17.20.140 Multifamily housing supplemental standards.
In an R3 zone, these supplemental standards apply to new multifamily housing developments. Multifamily is defined as three or more attached dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multifamily developments shall comply with all of the following standards:

A. Common Open Space.

1. In all developments with more than 20 units, a minimum area of 15 percent of the total site area (inclusive of required setback areas) shall be designated, and permanently reserved, as usable common open space. The site area is defined as the lot or parcel on which the development is planned, after subtracting the required dedication of street right-of-way and other land for public purposes (e.g., public park). Sensitive lands and historic buildings or landmarks open to the public can be counted toward meeting the common open space requirements.

2. The development shall designate, within the common open space, a minimum of 250 square feet of active recreation area (e.g., children’s play areas, play fields, swim pool, sports courts, etc.) for every 20 units or increments thereof. For example, a 50-unit development shall provide a minimum of 500 square feet for active recreation. Indoor or covered recreation space may be counted toward this requirement, but should not exceed 30 percent of the required common space area.
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B. Private Open Space. Usable private outdoor space such as patios, balconies, porches, roof gardens, or small yards shall be provided in all newly constructed multifamily developments. Private open space shall comply with the following standards:

1. Dwelling units located at or below finished grade, or within five feet of finished grade, shall have a minimum of 96 square feet of private open space, with no dimension less than six feet;

2. All upper floor dwelling units shall have balconies or porches measuring at least 36 square feet with no dimension less than four feet. “Upper-floor dwelling unit” means housing units which are more than five feet above finished grade;

3. All private open space shall have direct access from the dwelling unit by way of a door;

4. Any excess private open space (above what is required) may be counted toward fulfilling the common open space requirement;

5. Building masses and screening such as low hedges, fences, walls, arbors or trellises shall be used to help delineate private outdoor spaces. The screening element must be a minimum of three feet in height.

C. Stairways. Stairways shall be incorporated inside the building where possible to minimize visual impact. External stairways, when necessary, shall be recessed into the building, sided using the same siding materials as the building itself, or otherwise incorporated into the building architecture. Stairways that are simply hung from the building’s exterior are not permitted.

D. Vehicular Circulation. Multifamily developments shall provide vehicular circulation in accordance with the following standards (see Appendix A, Diagram 9):

1. To provide for traffic safety and to minimize the impacts on the public circulation system, where possible, driveways or private streets shall connect to local or collector streets rather than directly onto arterial streets.

2. Multifamily developments four acres or larger shall be developed as a series of complete blocks bounded by a connecting network of public streets with sidewalks and street trees to break the development into numerous smaller blocks. The average block size within a multifamily development shall be a maximum of two acres in size. City standards for public local residential streets in regard to pavement width, sidewalks, and street trees shall apply to all internal streets.

E. Parking. Multifamily developments shall provide parking designed in accordance with the following standards (see Appendix A, Diagram 9):
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1. Off-street vehicle parking spaces and bicycle parking shall be provided as specified in JCMC 17.90.010. On-street parking along the streets contained within the development can be applied to the off-street parking requirements;

2. Parking lots shall be placed to the side or rear of buildings in accordance with the building orientation standards (JCMC 17.20.100);

3. Parking on the streets contained within the site shall not include head-in or angle parking. Parking shall be accommodated in parking lots or along the internal street system in the form of parallel parking;

4. Parking lot landscaping shall be provided as specified in JCMC 17.90.030; and

5. Parking lots shall be connected to all building entrances by means of internal pedestrian walkways that meet the standards in subsection (H) of this section.

F. Trash Receptacles. Trash receptacles shall be screened on all sides with an evergreen hedge or solid fence or wall of not less than six feet in height. No trash receptacle shall be located in any front yard setback, or within 25 feet of property lines abutting other residential zones.

G. Utilities. All utilities on the development site shall be placed underground. Ground-mounted equipment such as transformers, utility pads, cable television and telephone boxes, cell tower equipment boxes, and similar utility services shall be placed underground whenever practicable. Where undergrounding of ground-mounted equipment is not feasible, equipment shall be screened from view with an evergreen hedge or solid fence or wall a minimum of four feet in height and must be sited to comply with the vision clearance standards in JCMC 17.95.090.

H. Pedestrian Circulation. To ensure safe, direct, and convenient pedestrian circulation, all multifamily developments shall contain a system of pathways designed based on the standards below;

1. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent public parks and commercial uses, and the public sidewalk system;

2. Pathways within the development shall provide safe, reasonably direct connections between dwelling units and parking areas, recreational facilities, storage areas, and common areas;

3. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised six inches and curbed or separated from the driveway/street by a minimum five-foot strip with bollards, a landscape berm, or other physical barrier;
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4. Pedestrian pathways shall be separated a minimum of six feet from all building facades with residential living areas on the ground floor, except at building entrances;

5. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping; and

6. Pathway surface shall be concrete, asphalt, brick/masonry pavers, or other durable hard surface, at least five feet wide, and shall conform to federal Americans with Disabilities Act (ADA) requirements.

I. Landscaping. Landscaping shall be installed within the development to provide erosion control, visual interest, buffering, privacy, open space and pathway definition, and shading based on the following standards:

1. A minimum of 15 percent of the site shall be landscaped with a mix of vegetative ground cover, shrubbery, and trees. At the time of planting, trees shall be planted a minimum of two inches (DBH) in caliper and shrubbery a minimum of 24 inches in height. Bark mulch, rocks and similar nonplant material may be used to complement the cover requirement, but shall not be considered a sole substitute for the vegetative ground cover requirement; and

2. The use of native and/or drought-tolerant landscaping is encouraged. All landscaping shall be irrigated with a permanent irrigation system unless a licensed landscape architect submits written verification that the proposed plant materials do not require irrigation. The property owner shall maintain all landscaping. [Ord. 1116 § 1, 2003; Ord. 950 § 26F, 1991.]
Chapter 17.45
LIGHT INDUSTRIAL ZONE (M1)

Sections:
17.45.010 Uses permitted outright.
17.45.020 Conditional uses permitted.
17.45.030 Development Review
17.45.040 Limitations on use.
17.45.050 Lot size.
17.45.060 Setback requirements.
17.45.070 Height of buildings.

17.45.010 Uses permitted outright.
In an M1 zone, only the following uses and their accessory uses are permitted outright:

A. Cabinet, carpenter or woodworking shop.

B. Compounding, packaging or storage of cosmetics, drugs, perfumes, pharmaceutical, soap or toiletries, but not including processes involving refining or rendering of fats and oils.

C. Dwelling for caretaker or night watchman on the property.

D. Freight depot.

E. Ice or cold storage plant.

F. Laboratory for research or testing, but not including the testing of combustion engines.

G. Laundry, dry cleaning or dyeing establishment.

H. Lumber yard, building supply outlet.

I. Machinery or equipment sales, services or storage.

J. Manufacture, repair or storage of articles from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious stone or metal, shell, textiles, wax, wire or yarn.

K. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, engineering, scientific or precision instrument, medical or dental supplies or equipment,
Proposed Amendments

electronic supplies or equipment, industrial or business machines, aircraft parts and equipment, luggage, photographic equipment or small pleasure boats.

L. Motor home manufacturing.

M. Motor vehicle body shop, tire shop or similar repair service.

N. Plumbing, heating, electrical or paint contractor’s sales, repairs or storage.

O. Processing, packaging or storage of food or beverages, but not including processes involving slaughtering or rendering of fats and oils.

P. Railroad tracks and related facilities.

Q. Utility lines, station or substation, not including wireless telecommunications facilities.

R. Veterinary clinic or hospital.

S. Welding, sheet metal or machine shop.

T. Wholesale distribution or outlet, including trucking, warehousing and storage.

U. Recreational vehicle (RV) sales and service that is conducted in conjunction with the manufacture of recreational vehicles on the same lot. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1105 § 1, 2002; Ord. 1037 § 1, 1997; Ord. 1024 § 1, 1996; Ord. 984 § 2, 1994; Ord. 950 § 51, 1991.]

17.45.020 Conditional uses permitted.
In an M1 zone, the following uses and their accessory uses are permitted, when authorized in accordance with the requirements of Chapter 17.130 JCMC:

A. Fuel oil distribution.

B. Planned unit development. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1037 § 1, 1997; Ord. 950 § 52, 1991.]

17.45.030 Development review.
In a M1 zone, development review by the city administrator or designee shall be required to ensure compliance regarding M1 standards.

A. Procedure. Development review is a nondiscretionary, administrative review conducted by the city administrator or designee. Development review shall follow JCMC 17.150.070(A)(1), Type I Procedure – Administrative Decision.
B. General Submission Requirements. The applicant shall submit an application on forms provided by the city administrator that shall:

1. Contain all the general information required;

2. Address the criteria in sufficient detail for review and action; and

2. Be filed with the required fee as established by the city council.

C. Development Review Information. An application for development review shall include a proposed site plan, on a page size of 11 inches by 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.

2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.

3. The proposed development site, including boundaries, dimensions, and gross area.

4. Features which are proposed to remain on the site.

5. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.

6. Landscape plan if applicable.

7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of parking areas if applicable.

9. Architectural drawings:

   a. Building elevations which illustrate windows and building form design features.

   b. The name and address of the architect. [Ord. 1116 § 1, 2003; Ord. 950 § 41A, 1991.]

17.45.040 Limitations on use.

In an M1 zone, the following conditions and limitations shall apply:
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A. A use which creates a nuisance because of the noise, smoke, odor, dust or gas is prohibited.

B. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

C. Storage of junk on property abutting or facing a residential zone or a public street shall be wholly within an enclosed building or screened from view by a permanently maintained, sight-obscuring fence at least six feet high.

D. Points of access from a public street to properties in an M1 zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.

E. Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1037 § 1, 1997; Ord. 950 § 53, 1991.]

17.45.050 Lot size.
In an M1 zone, no minimum lot size shall be identified other than to meet the requirements of this chapter. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1037 § 1, 1997; Ord. 950 § 54, 1991.]

17.45.060 Setback requirements.
Except as provided in JCMC 17.95.060, in an M1 zone no yard shall be required, except, when abutting a residential zone, setbacks shall be a minimum of 50 feet measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area. If a living, solid screen is provided adjacent to the residential zone, the minimum setback may be reduced to 25 feet. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1037 § 1, 1997; Ord. 950 § 55, 1991.]

17.45.070 Height of buildings.
In an M1 zone, within 150 feet of a residential zone, no building shall exceed a height of 35 feet. [Ord. 1229 § 1 (Exh. A), 2015; Ord. 1037 § 1, 1997; Ord. 950 § 56, 1991.]
Chapter 17.50
HEAVY INDUSTRIAL ZONE (M2)

Sections:

17.50.010 Uses permitted outright.
17.50.020 Conditional uses permitted.
17.50.030 Development Review.
17.50.040 Limitations on use.
17.50.050 Lot size.
17.50.060 Setback requirements.
17.50.070 Height of buildings.

17.50.010 Uses permitted outright.
In an M2 zone, the following uses and their accessory uses are permitted outright:

A. A use permitted outright in an M1 zone.

B. Manufacturing, repairing, compounding, fabricating, processing, packing or storage of a use not listed in JCMC 17.45.010. [Ord. 1037 § 1, 1997; Ord. 950 § 57, 1991.]

17.50.020 Conditional uses permitted.
In an M2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of Chapter 17.130JCMC:

A. Temporary dwelling unit.

B. Planned unit development. [Ord. 1037 § 1, 1997; Ord. 950 § 58, 1991.]

17.50.030 Development review.
In a M2 zone, development review by the city administrator or designee shall be required to ensure compliance regarding M2 standards.

A. Procedure. Development review is a nondiscretionary, administrative review conducted by the city administrator or designee. Development review shall follow JCMC 17.150.070(A)(1), Type I Procedure – Administrative Decision.

B. General Submission Requirements. The applicant shall submit an application on forms provided by the city administrator that shall:

1. Contain all the general information required;
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2. Address the criteria in sufficient detail for review and action; and

2. Be filed with the required fee as established by the city council.

C. Development Review Information. An application for development review shall include a proposed site plan, on a page size of 11 inches by 17 inches or larger, containing the following information if applicable, and other similar information as deemed necessary by the city administrator or designee:

1. North arrow, scale, names, addresses, and telephone numbers of all persons listed as owners on the most recently recorded deed.

2. Name, address, and phone numbers of project designer, engineer, surveyor, and/or planner, if applicable.

3. The proposed development site, including boundaries, dimensions, and gross area.

4. Features which are proposed to remain on the site.

5. The location and dimensions of all existing and proposed structures, utilities, pavement, and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan, including dimensions necessary to calculate commercial floor area if applicable.

6. Landscape plan if applicable.

7. Location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements.

8. Location and dimensions of entrances and exits to the site for vehicular and pedestrian access, including pedestrian circulation routes and location and dimensions of parking areas if applicable.

9. Architectural drawings:
   a. Building elevations which illustrate windows and building form design features.
   b. The name and address of the architect. [Ord. 1116 § 1, 2003; Ord. 950 § 41A, 1991.]

17.50.040 Limitations on use.
In an M2 zone, the following conditions and limitations shall apply:

A. A use is prohibited which creates a nuisance because of noise, smoke, odor, dust or gas or which has been declared a nuisance by statute, by action of the municipal court or by a court of competent jurisdiction.
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B. Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

C. Storage of junk on property abutting or facing a residential zone or a public street shall be wholly within an enclosed building or screened from view by a permanently maintained, sight-obscuring fence at least six feet high.

D. Points of access from a public street to properties in an M1 zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.

E. Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone.

[Ord. 1037 § 1, 1997; Ord. 950 § 59, 1991.]

17.50.050 Lot size.
In an M2 zone, no minimum lot size shall be identified other than that to meet the requirements of this chapter.
[Ord. 1037 § 1, 1997; Ord. 950 § 60, 1991.]

17.50.060 Setback requirements.
Except as provided in JCMC 17.95.060, in an M2 zone no yard shall be required, except, when abutting a residential zone, setbacks shall be a minimum of 50 feet measured from the property line to the foundation of the building with a maximum projection of one foot into any setback area. If a living, solid screen is provided adjacent to the residential zone, the minimum setback may be reduced to 25 feet. [Ord. 1037 § 1, 1997; Ord. 950 § 61, 1991.]

17.50.070 Height of buildings.
In an M2 zone, within 150 feet of a residential zone, no building shall exceed a height of 35 feet. [Ord. 1037 § 1, 1997; Ord. 950 § 62, 1991.]
Chapter 17.80
FLOOD HAZARD AREAS

Sections:

17.80.010 Statutory authorization, findings of fact, purpose, and objectives.
17.80.020 Definitions.
17.80.030 General provisions.
17.80.040 Administration.
17.80.050 Provisions for flood hazard reduction.

17.80.010 Statutory authorization, findings of fact, purpose, and objectives.

A. Statutory Authorization. The Legislature of the State of Oregon has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry.

B. Findings of Fact.

1. The flood hazard areas of Junction City are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

C. Statement of Purpose. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money and costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;
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5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas. [Ord. 1063 § 1, 1999.]

17.80.020 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

“Appeal” means a request for a review of the interpretation of any provision of this chapter or a request for a variance.

“Area of shallow flooding” means a designated AO, or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.
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“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Base flood” means the flood having a one 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.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Below-grade crawlspace” means an enclosed area below the base flood elevation in which the interior grade is not more than two feet below the lowest adjacent exterior grade and the height, measured from the interior grade of the crawlspace to the top of the crawlspace foundation, does not exceed 4 feet at any point.

“Breakaway wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Crawlspace” means an area under the lowest floor with at least one side or corner above grade.

“Critical facility” means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

“Development” means any manmade 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.

“Elevated building” means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
"Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters; and/or

2. The unusual and rapid accumulation of runoff of surface waters from any source.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood insurance study" means 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.

"Floodway" means the channel of a 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.

"Lowest floor" means 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 nonelevation design requirements of this chapter found at JCMC 17.80.050(B)(1)(b) and (c).

"Manufactured home" means 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 attached to the required utilities. The term "manufactured home" does not include a recreational vehicle.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
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2. Four hundred square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of construction” includes substantial improvement, and means the date the development 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 either 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 state 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 foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes 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:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
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2. Any alteration of a structure listed on the National Register of Historic Places or a state inventory of historic places.

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Water dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations. [Ord. 1166 § 1, 2007; Ord. 1063 § 1, 1999.]

17.80.030 General provisions.

A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazard within the Junction City city limits.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for Lane County,” dated June 2, 1999, and as amended, with accompanying flood insurance maps, as amended, are hereby adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at Junction City’s City Hall.

C. Penalties for Noncompliance. No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than $250.00. Each day that a violation of this chapter continues shall be considered a separate offense and in addition, the violator shall pay all costs and expenses involved in the case.

Nothing herein contained shall prevent the city of Junction City from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit or repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of Junction City, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. [Ord. 1063 § 1, 1999.]

17.80.040 Administration.

A. Establishment of Development Permit.

1. Development Permit Required. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in JCMC 17.80.030(B). The permit shall be for all structures including manufactured homes, as set forth in the definitions, and for all development including fill and other activities, also as set forth in the definitions.

2. Application for Development Permit. Application for a development permit shall be made on forms furnished by Junction City and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

Specifically, the following information is required:

a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;

b. Elevation in relation to mean sea level to which any structure has been floodproofed;

c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in JCMC 17.80.050(B)(2); and

d. Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Responsible Local Administrator. The Junction City building official is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.
C. Duties and Responsibilities of the Local Administrator. Duties of the Junction City building official shall include, but not be limited to:

1. Permit Review.

   a. Review all development permit applications to determine that the permit requirements of this chapter have been satisfied;

   b. Review all development permit applications to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required;

   c. Review all development permit applications to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of JCMC 17.80.050(C)(1) are met.

2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with JCMC 17.80.030(B), Basis for Establishing the Areas of Special Flood Hazard, the building official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer JCMC 17.80.050(B), Specific Standards, and (C), Floodways.

3. Information to Be Obtained and Maintained.

   a. Where base flood elevation data is provided through the flood insurance study or required as in subsection (C)(2) of this section, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement and below-grade crawlspaces) of all new or substantially improved structures, and whether or not the structure contains a basement.

   b. For all new or substantially improved floodproofed structures:

      i. Verify and record the actual elevation (in relation to mean sea level);

      ii. Maintain the floodproofing certifications required in subsection (A)(2)(c) of this section; and

      iii. Maintain for public inspection all records pertaining to the provisions of this chapter.

4. Alteration of Watercourses.

   a. Notify adjacent communities and the Department of Land Conservation and Development and other appropriate State and Federal Agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
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b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in subsection (D) of this section.

D. Variance Procedure.

1. Appeal Board.

   a. The Junction City planning commission shall hear and decide appeals and requests for variances from the requirements of this chapter using the variance procedure established by Chapter 17.140 JCMC.

   b. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made in the enforcement or administration of this chapter using the variance procedure established by Chapter 17.140 JCMC.

   c. Those aggrieved by the decision of the planning commission may appeal such decision to the Junction City City council, by using procedures established in JCMC 17.150.120, Appeal to city council.

   d. In acting upon such applications, the planning commission and city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

      i. The danger that materials may be swept onto other lands to the injury of others;

      ii. The danger to life and property due to flooding or erosion damage;

      iii. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

      iv. The importance of the services provided by the proposed facility to the community;

      v. The necessity to the facility of a waterfront location, where applicable;

      vi. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
vii. The compatibility of the proposed use with existing and anticipated development;

viii. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

ix. The safety of access to the property in times of flood for ordinary and emergency vehicles;

x. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

xi. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e. Upon consideration of the factors of subsection (D)(1)(d) of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

f. The city of Junction City shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2. Conditions for Variances.

a. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsections (D)(1)(d)(i) through (xi) of this section have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.

b. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in this section.

c. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

d. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

e. Variances shall only be issued upon:
i. A showing of good and sufficient cause;

ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant;

iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection (D)(1)(d)(iv) of this section, or conflict with existing local laws or ordinances.

f. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

g. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except subsection (D)(2)(a) of this section, and otherwise complies with JCMC 17.80.050(A)(1) and (2).

h. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. [Ord. 1063 § 1, 1999.]

17.80.050 Provisions for flood hazard reduction.
A. General Standards. In all areas of special flood hazard, the flooding standards are required:

1. Anchoring.

   a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

   b. All manufactured homes must likewise be anchored to prevent flotation, 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. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and

   c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals.

   a. All subdivision proposals shall be consistent with the need to minimize flood damage;

   b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

   c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

   d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or five acres (whichever is less).

5. Review of Development Permits. Where elevation data is not available either through the flood insurance study or from another authoritative source (JCMC 17.80.040(C)(2)), applications for development 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 water marks, 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.

B. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided as set forth in JCMC 17.80.030(B), Basis for Establishing the Areas of Special Flood Hazard, or 17.80.040(C)(2), Use of Other Base Flood Data, the following provisions are required:

1. Residential Construction.

   a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.

   b. Fully enclosed areas below the lowest floor, including crawlspaces, are prohibited, or shall be designed to automatically equalize hydrostatic flood forces 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 area 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 floodwaters.

      iv. The structure must be adequately anchored to resist flotation, collapse, and lateral movements of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

      v. Portions of the building below an elevation equal to the base flood elevation (BFE) must be constructed by methods and practices that minimize flood damages.

      vi. That electrical, heating, ventilation, plumbing and air conditioning equipment and other building utility systems within areas below the lowest floor must be elevated above base flood elevation (BFE) so that floodwaters cannot enter or accumulate within the system components during flood conditions and must comply with FEMA standards for utility systems in crawlspaces.

      vii. If a crawlspace foundation is used, anticipated floodwater velocities should not exceed five feet per second. For velocities in excess of five feet per second, other foundation types should be used.
c. A below-grade crawlspace may be constructed, provided the following provisions are met, in addition to the minimum criteria set forth in subsection (B)(1)(b) of this section:

i. That the interior grade of the crawlspace is no lower than two feet below the lowest adjacent grade;

ii. That the height of the below-grade crawlspace measured from the interior grade of the crawlspace to the top of the crawlspace foundation does not exceed four feet at any point;

iii. There must be an adequate drainage system that removes floodwaters from the interior of the crawlspace within a time after a flood event.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

c. Be certified by a registered professional engineer or architect that 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 official as set forth in JCMC 17.80.040(C)(3)(b);

d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(b) of this section;

e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below.

f. Applicants shall supply a comprehensive Maintenance Plan for the entire structure to include but not limited to: exterior envelope of structure; all penetrations to the exterior of the structure; all shields, gates, barriers, or components designed to provide floodproofing protection to the structure; all seals or gaskets for shields, gates, barriers, or components; and, the location of all shields, gates, barriers,
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and components as well as all associated hardware, and any materials or specialized tools necessary to seal the structure.

g. Applicants shall supply an Emergency Action Plan (EAP) for the installation and sealing of the structure prior to a flooding event that clearly identifies what triggers the EAP and who is responsible for enacting the EAP.

3. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved within zones A1 – A30, AH, and AE on the community’s FIRM on sites:

   i. Outside of a manufactured home park or subdivision;

   ii. In a new manufactured home park or subdivision;

   iii. In an expansion to an existing manufactured home park or subdivision; or

   iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood;

Shall be elevated on a permanent foundation such that the bottom of the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

b. Manufactured homes to be placed or substantially improved on site in an existing manufactured home park or subdivision within zones A1 – A30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions be elevated so that either:

   i. The bottom of the lowest floor of the manufactured home is elevated one foot above the base flood elevation; or

   ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites within zones A1 – A30, AH, and AE on the community’s FIRM either:

   a. Be on the site for fewer than 180 consecutive days;
b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

c. Meet the requirements of subsection (B)(3) of this section and the elevation and anchoring requirements for manufactured homes.

5. Small Accessory Structures

Relief from elevation or floodproofing as required in 5.2-1 or 5-2-2 above may be granted for small accessory structures that are:

a. less than 200 square feet and do not exceed one story;

b. not temperature controlled;

c. not used for human habitation and are used solely for parking of vehicles or storage of items having low damage potential when submerged;

d. not used to store toxic material, oil or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality shall unless confined in a tank installed in compliance with this ordinance or stored at least one foot above Base Flood Elevation

e. located and constructed to have low damage potential;

f. constructed with materials resistant to flood damage;

gh. anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood;

h. constructed to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater. Designs for complying with this requirement must be certified by a licensed professional engineer or architect or

(i) provide a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;

(ii) the bottom of all openings shall be no higher than one foot above the higher of the exterior or interior grade or floor immediately below the opening;
(iii) openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwater in both directions without manual intervention.

i. constructed with electrical, and other service facilities located and installed so as to prevent water from entering or accumulating within the components during conditions of the base flood.

6. Below-Grade Crawl Space

Below-grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in Section B below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five (5) feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

b. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one (1) foot above the lowest adjacent exterior grade.

c. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

d. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

e. The interior grade of a crawlspace below the BFE must not be more than two (2) feet below the lowest adjacent exterior grade.

f. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four (4) feet at any point. The height
limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

g. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles, 21 or gravel or crushed stone drainage by gravity or mechanical means.

h. The velocity of floodwaters at the site should not exceed five (5) feet per second for any crawlspace. For velocities in excess of five (5) feet per second, other foundation types should be used.

For more detailed information refer to FEMA Technical Bulletin 11-01.

ADDITIONAL OPTIONS

Include the diagrams from the Technical Bulletin in the ordinance to illustrate the 2 ft./4 ft. rules but revise to correctly reference the state building code requirements to elevate 1 ft. above BFE for residential structures.

Include language advising citizens about the increased insurance cost associated with below-grade crawlspaces. There is a charge added to the basic policy premium for a below-grade crawlspace. C. Floodways. Located within areas of special flood hazard established in JCMC 17.80.030(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer 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 (C)(1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.

3. Projects for stream habitat restoration may be permitted in the floodway provided:

   (i) The project qualifies for a Department of the Army, Portland District Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and,
(ii) A qualified professional (a Registered Professional Engineer; or staff of NRCS; the county; or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and,

(iii) No structures would be impacted by a potential rise in flood elevation; and,

(iv) An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

4. Temporary structures placed in the floodway: Relief from no-rise evaluation, elevation or dry flood-proofing standards may be granted for a non-residential structure placed during the dry season (June – October) and for a period of less than 90 days. A plan for the removal of the temporary structure after the dry season or when a flood event threatens shall be provided. The plan shall include disconnecting and protecting from water infiltration and damage all utilities servicing the temporary structure.

5. Temporary storage of goods and materials, not including hazardous materials, is allowed in the floodway for a period of less than 90 days within the dry season (June – October)

D. Encroachments. The cumulative effect of any proposed development, where combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point.

E. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).

2. New construction and substantial improvements of nonresidential structures with AO zones shall either:

   a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
b. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in subsection (B)(2)(c) of this section.

3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

4. Recreational vehicles placed on sites within AO zones on the community’s FIRM either:
   a. Be on the site for fewer than 180 consecutive days;
   b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
   c. Meet the requirements of this subsection (E) and the elevation and anchoring requirements for manufactured homes. [Ord. 1166 § 2, 2007; Ord. 1063 § 1, 1999.]

F. Critical Facility

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the Special Flood Hazard Area (SFHA) (100-year floodplain).

Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible.
Chapter 17.115
SIGNS

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Article I. General Provisions

17.115.010 Purpose.
This comprehensive sign code has been prepared by and for the citizens of Junction City in order to provide a safe, consistent, equitable and legal system of signing. The regulations of such factors as size, location, construction, etc., will encourage the communication of information and orientation for both visitors and citizens;
Proposed Amendments

provide for the effective identification and advertisement of business establishments; eliminate visual blight; and provide standards to safeguard life, health, property and public welfare. [Ord. 949 § 1, 1991.]

17.115.020 Definitions.
As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

“Billboards” means any board, fence, sign or structure erected for commercial advertising purposes; but this definition does not include any board or surface used to display official notices issued by any court or public officer in the performance of a public duty, or used to display announcements of meetings to be held upon premises whereon such billboards or bulletin boards are displayed, or used to advertise any business conducted or merchandise sold on the premises; nor does it include a real estate sign advertising for sale or rent the property upon which it stands; nor does it include a bus stop bench containing advertising which has been placed at a location and for a period of time which the council may from time to time permit.

“Building frontage” means the linear frontage of a building measured along a street or alley between two lines projecting perpendicular from the street to the corners of the building.

“Canopy” means a structure made of cloth, metal or other material with frames affixed to a building.

“Construction sign” means any information sign which identifies the architect, engineers, contractors, and other individuals or firms involved with the construction of a building, or announcing the character of the building or enterprise, which is erected during the building construction period.

Daily Display Signs. “Daily display sign” means a nonpermanent on-premises sign normally associated with business activity which is placed out-of-doors during business hours for display and returned indoors during off hours. Daily display signs may be constructed in a sandwich board (A-frame) style, mounted on a single pedestal, or other similar construction, and are intended to be unlit and easily moved.

“Electronic changing sign” means an electronic sign upon which the entire copy or message may appear or change from time to time upon a lamp bank, such as time and temperature displays, which by its nature and intensity is not a flashing sign.

“Flashing sign” means any sign which contains or is illuminated by a light source which produces a brilliant flash and darkness on an alternating basis, which results in a pulsating effect designed primarily to attract attention.

“Free-standing sign” means any sign set apart, with no structural attachments to a building structure and is meant to include ground-mounted or pole signs for the purpose of these regulations.

“Grade” means the relative finished ground level within 20 feet of the sign.
“Ground sign” means a sign which is mounted on the ground and supported by one or more uprights, poles, or braces in or upon the ground other than a pole sign as defined. The bottom of such signs shall be no higher than three feet, and they shall extend no higher than eight feet.

“Height” or “height of sign” means the vertical distance from the average grade within 20 feet of the structure to the highest point of a sign or any vertical projection thereof, including its supporting columns.

“Incidental sign” means small signs, less than two square feet in surface area, of a noncommercial nature, intended primarily for the convenience of the public. Included are signs designating restrooms, address numbers, hours of operation, entrances to buildings, directions, help wanted, public telephone, etc. Also included in this group of signs are those designed to guide or direct pedestrians or vehicular traffic to an area or place on the premises of a business, building or development by means of a directory designating names and addresses only.

“Lighting, indirect or internal” means any illuminated sign constructed so that the immediate source of illumination is not visible when the sign is lighted and which does not exceed 10 candle power per square foot measured at 10 feet from the sign.

“Moving sign” means any sign which produces apparent motion of the visual image, including but not limited to illusion of moving objects, moving patterns or bands of light, expanding or contracting shapes, rotation or any similar effect of animation which is designed or operated in a manner primarily to attract attention.

“Outdoor advertising” is advertising on any billboard.

“Pole sign” means a single- or multiple-faced sign eight or more feet above grade, supported by one or more uprights in the ground and detached from any building or structure.

“Political sign” means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

“Portable sign” means any sign not meeting the anchorage requirements of the Uniform Sign Code.

“Projecting sign” means a single- or multiple-faced sign which is designed and constructed to be mounted to the wall of a building and which will extend more than 12 inches from the wall.

“Property line” means the line denoting the limits of legal ownership of property.

“Readerboard” means a sign or part of a sign on which the letters are readily replaceable such that the copy can be changed from time to time at will.

“Roof sign” means any sign erected upon, against, or directly above a roof or on top of or above the parapet of a building, including a sign affixed to any equipment attached to the building.
“Sandwich ("A") board” means double-faced sign hinged or connected at the top which is spread for stabilization and set upon the ground. Sandwich board signs are one type of construction that can be used in constructing a daily display sign.

“Sign” means any medium, including its structure and component parts, other than paint on a building, which is used or intended to be used to attract attention to the subject matter for communication purposes.

“Sign area” means the surface contained within a single continuous perimeter which encloses the entire sign cabinet but excluding any support or framing structure that does not convey a message. Where signs are of a three-dimensional, round, or other solid shape, the largest cross-section viewed as a flat projection shall be used for the purpose of determining the sign area. Signs visible from more than one direction or without clearly defined sign faces shall be considered as having two faces and each face calculated in the total allowable area.

“Street frontage” means street(s), alley(s), or public right(s)-of-way parallel to the property line used to compute the area of sign(s) intended to be located in such a manner as to have primary exposure on that street or right-of-way.

“Temporary sign” means any sign, banner, pendant, valance, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light material intended to be displayed for a period of less than 60 days in any calendar year.

“Vision clearance area” means a triangular area on a lot at the intersection of two public rights-of-way, a street and a railroad, or point of vehicular access and a public right-of-way, two sides of which are lines measured from the corner intersection to a distance of 30 feet in residential districts, 15 feet in commercial districts and 10 feet at all alleys. The third side of a triangle is a line across the corner of the lot connecting the lines of the other two sides. The vision clearance area contains no signs higher than two and one-half feet or lower than eight feet measured from the grade of the street centerline, though a single pole having a diameter of 18 inches or less is permitted.

“Wall sign” means a single-faced sign which does not extend more than 12 inches from the wall and the copy of which runs parallel to the wall to which it is attached.

“Window sign” means a sign which is applied to, attached to or located within three feet of the interior of a window, which sign may be seen through the window from the exterior of the structure. [Ord. 1053 § 1, 1998; Ord. 949 § 2, 1991; Ord. 658 § 2, 1975; Ord. 235 § 1, 1940.]

17.115.030 Permits.
No person, firm or corporation shall construct, alter, or move any billboard without first obtaining a Sign Permit. The fee for issuing such permit shall be $75.00.
The application for such permit shall set forth the location of such proposed billboard, and the name and address of the owner of the property upon which the same is to be erected, and shall be accompanied by a sketch of such property and proposed billboard showing the location thereof in reference to the property.

But no permit shall be granted by any billboard which does not conform to the requirements of this chapter as to location, construction or otherwise, and when a permit is denied for any such cause, the billboard in question shall immediately be taken down and made to conform to the requirements of this chapter.

The construction of all billboards in Junction City shall be in accordance with the standard specification and requirements of billboards now in common usage and all billboards shall be properly and adequately maintained. [Ord. 592 § 1, 1972; Ord. 235 § 2, 1940.]

17.115.040 Name required.
There shall be placed and maintained at the top of each billboard the name plainly printed of the person, firm or corporation owning or in possession, charge, or control of the same for advertising purposes. [Ord. 235 § 4, 1940.]

Article II. Requirements, Fees, and Enforcement

17.115.050 General sign regulations.
No sign governed by the provisions of this chapter shall be erected, structurally altered, or relocated without first receiving a sign permit from the city of Junction City.

A. Installation Requirements. All signs shall comply with the following requirements and those specified by zoning district:

1. Construction shall satisfy the requirements of the Uniform Sign Code.

2. Electrical requirements for signs shall be governed by the National Electrical Code and Oregon Electrical Specialty Code Amendments.

3. Except for exempt signs and approved daily display signs, all signs shall be securely attached to a building or the ground.

4. All signs shall conform to all vision clearance requirements.

5. All signs together with their supports, braces, and guys shall be maintained in a safe and secure manner.

6. All illuminated signs shall be internally or indirectly illuminated.
Proposed Amendments

B. Exempt Signs. The following signs shall be exempt from the application, permit and fee requirements of this chapter:

1. Impermanent construction and subdivision signs not exceeding 32 square feet in area;

2. Directional, warning or information signs or structures required or authorized by law, or by federal, state, county or city authority;

3. Historical site plaques;

4. Incidental signs;

5. Official and legal notices issued by any court, public body, person or officer in performance of a public duty or in giving any legal notice;

6. Official flags of the United States of America, states of the United States, counties, municipalities, official flags of foreign nations, and flags of internationally and nationally recognized organizations;

7. On-premises signs not readable from the public right-of-way, i.e., menu boards, etc.;

8. Political signs, provided such signs shall not exceed four square feet in area or be posted more than 90 days before the election to which they relate and are removed within 15 days following the election;

9. Real estate signs not exceeding four square feet in area in residential districts or 32 square feet in commercial or industrial districts;

10. Residential identification signs;

11. Structures intended for a separate use such as phone booths, Goodwill containers, etc.;

12. Temporary signs;

13. Wall signs less than one inch thick with no electrical permits required;

14. Window signs.

C. Prohibited Signs. The following signs are prohibited:

1. Flashing and moving signs;

2. Portable signs, except as allowed under provisions for daily display signs;

3. Sandwich ("A") boards, except as allowed under provisions for daily display signs;
Proposed Amendments

4. Signs attached to utility, streetlight, or traffic control standard poles or otherwise located in the public right-of-way without a permit;

5. Signs in a dilapidated or hazardous condition;

6. Signs on doors, windows, or fire escapes that restrict free ingress or egress;

7. Signs which purport to be, are an imitation of, or resemble an official traffic sign or signal, could cause confusion with any official sign, or which obstruct the visibility of any traffic sign or signal.

D. Free-Standing Signs. All free-standing signs shall comply with the following provisions:

1. One free-standing sign shall be permitted along each street frontage, or each 300 feet of street frontage, with one additional free-standing sign allowed on the property.

2. A free-standing sign shall be placed behind the property line and no closer than 10 feet to any adjacent private property line.

3. Free-standing signs may project over the public property line provided they conform to the standards established for projecting signs.

E. Projecting Signs. All projecting signs shall comply with the following provisions:

1. No projecting sign shall extend above the highest structural component of the building to which it is attached.

2. Signs over the public right-of-way, including free-standing signs, shall conform to the following standards:

<table>
<thead>
<tr>
<th>Clearance</th>
<th>Maximum Projection</th>
</tr>
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<tbody>
<tr>
<td>Less than 8 feet</td>
<td>Not permitted</td>
</tr>
<tr>
<td>8 feet</td>
<td>1 foot</td>
</tr>
<tr>
<td>9 feet and above</td>
<td>2 feet for every foot above 8 feet in height, but no more than 9 feet</td>
</tr>
</tbody>
</table>

No sign shall project within two feet of a curb line.

3. In addition, no sign or sign structure shall project into any public alley below a height of 14 feet above grade, nor project more than 12 inches where the sign structure is located 14 feet to 16 feet above grade. The sign or sign structure may project not more than 36 inches into the public alley where the sign or sign structure is located more than 16 feet above grade.

F. Roof Signs. All roof signs shall comply with the following provisions:
Proposed Amendments

1. All roof signs shall be installed or erected in such a manner that no support structure is visible from any abutting public right-of-way.

2. Roof signs may be erected so as to appear from all sides as a wall sign applied to an existing penthouse which appears to be a part of the building itself.

3. Roof signs shall not exceed the maximum allowable height of the building within the zone in which it is located.

G. Wall Signs. All wall signs shall conform to the following provisions:

1. Wall signs may be attached flat to or pinned away from the wall, but shall not project more than 12 inches from the wall.

2. For purposes of this chapter, wall signs shall be exempt from the area limitations in calculating allowable sign area.

3. Wall signs shall not extend above the height of the wall to which it is attached.


1. In zoning districts that permit daily display signs, a daily display sign may be allowed within the public right-of-way in front of the premises with which it is associated, provided all of the following conditions are met:

   a. A city sign permit is obtained that shows location of daily display sign in the right-of-way. This permit shall be revocable in case of condition of noncompliance.

   b. The sign is to be set back behind the curb so as not to interfere with on-street parking, or a minimum of 10 feet from the edge of the nearest street travel lane where curbs are not in place.

   c. The sign is to be placed so as to allow at least five feet of unimpeded pedestrian sidewalk maneuvering space, such maneuvering space being located as close as possible to the building frontage.

   d. The sign is to meet vision clearance requirements of JCMC 17.95.090.

   e. The sign is properly maintained as required by subsection (A) of this section.
Proposed Amendments

f. The applicant shall assume all liability for incidents involving the sign, and execute a document satisfactory to city, releasing and indemnifying city for all liability arising from claims pertaining to the sign.

g. Sign dimension shall not exceed a maximum width of four feet nor a maximum above ground level height of four and one-half feet.

h. One sign per business is allowed.

2. Daily display signs may be allowed off the premises, or within the public right-of-way in front of a business with which the sign is not associated subject to the following standards:

   a. All applicable standards of subsection (H)(1) of this section.

   b. Both the sign owner and owner of the business where the sign is placed must sign a city liability exemption document as provided in subsection (H)(1)(f) of this section.

   c. The off-premises daily display sign will take the place of the daily display sign allowance for both the business site where it is placed and the business placing the sign.

   d. The off-premises daily display sign will count towards the square footage requirements for both the business where it is placed and the business placing the sign.

I. Applying for a Sign Permit. A property owner or his authorized agent shall apply to the city for a sign permit by filing an application with the city using forms prescribed for the purpose. The application shall be accompanied by a site plan and construction drawing. The city administrator may require other drawings or information necessary to determine compliance with the sign ordinance. The applicant shall pay a fee as established by resolution or ordinance of the city council in effect at the time the application is filed. Prior to being issued a permit, the applicant shall pay, in addition to the fee established by the city council, any costs incurred by the building official/engineer in reviewing the proposed sign.

J. Code Violations and Enforcement. Any sign which is not in compliance with all the provisions of this chapter is an unlawful sign and declared to be a public nuisance.

   1. The city may order the removal of any sign erected or maintained in violation of this chapter. It shall give 24 hours’ notice in writing to the owner of such sign, or of the building structure, or premises on which the sign is located, to remove the sign or bring it into compliance.

   2. The city may remove a sign immediately and without notice if, in its opinion, the condition of the sign is such as to present an immediate threat to the safety of the public, and is hereby authorized to take such
Proposed Amendments

steps as may be necessary to remove said sign. Neither the city nor any of its agents shall be liable for any damage to the sign.

3. The violation of or failure to comply with any of the provisions of this chapter or the erection, use, or display or the allowing of, the permitting of, or the suffering of the erection, use or display of any sign not in compliance with all the provisions of this chapter is unlawful and upon conviction, the violator may be punished by a fine of not more than $250.00 and shall be required to remove such sign or to take such other action as shall be determined by the court to be necessary to bring such sign into full compliance with the provisions of this chapter.

4. The remedies provided in this section for violations of or failure to comply with provisions of this chapter shall be cumulative and shall be in addition to any other remedy provided by law. [Ord. 1066 § 1, 1999; Ord. 1053 § 1, 1998; Ord. 949 § 3, 1991.]

Article III. Zoning District Requirements

17.115.060 Residential – Single-family and duplex.
A. General. This section shall apply to all residential districts designated as single-family residential (R1) and duplex residential (R2).

B. Size and Height. One name plate or identification sign with a maximum of two faces not exceeding two square feet per face per dwelling unit is permitted. Uses allowed conditionally may be allowed to erect one sign per street frontage not to exceed 32 square feet.

C. Location. Signs permitted outright in the R1 and R2 districts may be located anywhere on the premises; however, no free-standing sign may exceed eight feet in height or project beyond any property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof. [Ord. 949 § 4, 1991.]

17.115.070 Residential – Multifamily and multi-structure.
A. General. This section of the sign ordinance shall apply to all residential districts designated as multifamily residential (R3) and multi-structure residential (R4).

B. Size and Height. Signs permitted in the R1 and R2 districts are permitted in the R3 and R4 zones. For multiple-family dwellings, permitted mobile home parks and conditional uses in the R3 and R4 zones, one identification sign totaling 32 square feet in area shall be permitted for each street frontage.

C. Location. Signs permitted in these residential districts may be located anywhere on the premises; however, no free-standing sign shall exceed eight feet in height or extend beyond a property line. Building-mounted signs shall be wall-mounted and shall not be erected on any building roof. [Ord. 949 § 5, 1991.]
17.115.080 Commercial – Industrial – Technological.

A. General. This section of the sign ordinance shall apply to all commercial, industrial, and technological districts.

B. Size. The size of allowable area of signs shall be as follows:

1. A total sign area of one and one-half square feet for each lineal foot of building frontage or one square foot for each lineal foot of lot frontage, whichever results in the larger sign area.

2. Free-standing or projecting signs shall be limited to 150 square feet per face. Such signs shall not exceed 30 feet in height from grade to the highest element of such signs unless otherwise restricted.

3. One daily display sign per business, for which the maximum permitted area shall be eight square feet per display surface and 16 square feet overall, with a maximum height limit of six feet above ground level.

C. Location. Except as otherwise provided, permitted signs may be located anywhere on the premises.

1. Where frontage is on more than one street, only the signs computed with the frontage of that street shall be located on that street.

D. Limitations in C2 Zone. Signage in the C2 zone shall be pedestrian-scaled and located so as to be legible to pedestrians on the sidewalks. C2 signage shall conform to the following standards:

1. Wood, metal, or other natural material is the recommended material for the sign.

2. Whenever possible, sign graphics shall be carved, applied, painted, or stained.

3. The number of colors used on a sign shall be minimized for maximum effect. A maximum of four colors, including the background color, is permitted.

4. Sign illumination shall be subdued and indirect, with the exception of internally lit signs that shall be a maximum of 12 square feet.

5. Projecting (blade) signs are encouraged, especially along 6th Street, preferably suspended from an awning, and should not exceed 12 square feet per face. No projecting signs should be used above the first story.

6. Wall-mounted signs are encouraged, but shall not exceed an area of 10 percent of the wall to which the sign is attached or 32 square feet in size.

E. Special Signs.
Proposed Amendments

1. Downtown Entrance Signs. The appearance of any sign used as an entrance marker to the central commercial district shall be consistent with the Junction City welcoming sign along Highway 99 near the south edge of town and any other signs serving a similar purpose, and with the limitations for signs in the C2 zone as described in subsection (D) of this section. A downtown entrance sign shall be designed with attractive landscaping to serve as a visual anchor. The landscaping and maintenance plan shall be subject to approval by the planning commission, and ODOT if applicable.

2. Community Readerboard. A community readerboard may be maintained along Highway 99 and/or in the downtown area to post notice of local news and events. A community readerboard shall be visually pleasing and updated regularly. Landscaping associated with the readerboard shall be maintained in good condition. The landscaping and maintenance plan shall be subject to approval by the planning commission, and ODOT if applicable. [Ord. 1116 § 1, 2003; Ord. 1053 § 1, 1998; Ord. 949 § 6, 1991.]

17.115.090 Signs in neighborhood and regional shopping centers.
A. Signs of Individual Businesses. Within neighborhood and regional shopping centers, each individual business shall be allowed a total sign area as calculated in accordance with JCMC 17.115.080(B).

B. Shopping Center Sign. In addition to the sign area allowed for individual businesses, shopping centers with more than 100,000 square feet of floor area shall be allowed one double-faced indirectly lighted sign on each street right-of-way. Such signs shall neither extend beyond the property line nor be placed in the right-of-way and shall be used solely to identify the shopping center, shopping area, or business or activities conducted therein. These signs shall not exceed 300 square feet per face and shall not exceed 30 feet in height from grade to the highest element of the sign. [Ord. 949 § 7, 1991.]

Article IV. Nonconforming Signs

17.115.100 Alteration, relocation or replacement.
Nonconforming signs which are structurally altered, relocated or replaced shall comply immediately with all provisions of this chapter. [Ord. 949 § 9, 1991.]

17.115.110 Destruction of a nonconforming sign.
If a nonconforming sign is destroyed by any cause to the extent of more than 60 percent of its value, then and without further action by the planning commission, the sign shall be subject to all applicable regulations of this chapter. For the purpose of this chapter, the value of any sign shall be the estimated cost to replace the sign in kind, as determined by the building inspector. [Ord. 949 § 10, 1991.]

Article V. Variances
17.115.120 Authorization to grant or deny variances.
The planning commission may authorize variances from the requirements of this title where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this title would cause an undue or unnecessary hardship. In granting a variance, the planning commission may attach conditions which it finds necessary to protect the best interest of the surrounding property or neighborhood and to otherwise achieve the purpose of this title.

A. No variance shall be granted unless it can be shown that all of the following conditions exist:

1. Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of lot size, shape, topography or other circumstances over which the applicant has no control.

2. The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity.

3. The authorization of the variance shall not be materially detrimental to the purposes of this title, be injurious to property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy.

4. The variance requested is the minimum variance from the provisions and standards of this title which will alleviate the hardship.

B. Application for a Variance. A property owner or authorized agent may initiate a request for a variance or the modification of an existing variance by filing an application with the city using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed sign(s). The planning commission may require other drawings or information necessary to an understanding of the proposed use and its relationship to surrounding properties. The applicant shall pay a fee as established at the time the application is filed.

C. Public Hearing on Variance. Before the planning commission may act on a request for a variance, it shall hold a public hearing. The hearing shall be held within 40 days after the application is filed. The city administrator shall give notice of the hearing in the following manner:

1. Notice of the hearing shall be published in a newspaper of general circulation in the city not less than five days nor more than 20 days prior to the date of the hearing.

2. Not less than 10 days prior to the date of the hearing, notices shall be mailed to all property owners within the area enclosed by lines parallel to and 300 feet from the exterior boundaries of the property involved. The names and addresses of property owners shall be those shown in the records of the county.
Proposed Amendments

assessor. Failure to send notice to a person specified in this section or failure of a person to receive the notice shall not invalidate the proceedings in connection with the application for a variance.

D. Notification of Action. Within five days after a decision has been rendered, the city administrator will provide the applicant with written notice of the city’s action on the request for a variance. [Ord. 949 § 11, 1991.]

17.115.130 Penalty.

Any person, firm or corporation violating any provision of this chapter, upon conviction thereof, shall be punished by a fine not exceeding $250.00 or by imprisonment in the city jail not exceeding 20 days, or by both such fine and imprisonment, or the license of any and all of their billboards may be revoked and upon revocation of any such license the billboards covered by such license shall be taken down immediately and removed. [Ord. 235 § 5, 1940.]
Chapter 17.160
DEVELOPMENT STANDARDS

Sections:

17.160.010 Purpose and policy.
17.160.020 Definitions.
17.160.030 Building permit.
17.160.040 Implementing action.
17.160.050 Development requirements.
17.160.060 Final approval.
17.160.070 Penalties.
17.160.080 Appeal.

17.160.010 Purpose and policy.
The expressed purpose of this code is to assure equal and fair treatment to all individuals seeking to develop within the planning area of the city of Junction City. This chapter shall govern the development of property or structures within the planning area which are exempt from the subdivision requirements or are developed within subdivided property. The policies of the city of Junction City are as follows:

A. Adequate information must be presented with each development to assure zoning regulatory standards are upheld, coordinate traffic flow and street patterns and assure existing public and private utilities are not damaged or infringed upon by development.

B. To assure reasonable development standards are achieved to promote the development of Junction City, while protecting the tax base and tax burden of all residents in the community.

C. To foster and promote the logical extension of public improvements in an economical manner over a long term.

D. To empower the conditioning of the right to build or change uses of property with requirements to construct necessary public improvements. [Ord. 944§ 1, 1990.]

17.160.020 Definitions.
For purposes of this chapter, the following words and phrases shall have the meaning ascribed to them herein:

“Development” means the conversion or change in character of occupancy or use of a building which would place the structure in a different building group as defined in the Uniform Building Code; the erection of a new structure; the demolishing of existing buildings for the conversion of such property to a differing use; the creation of gasoline pumps, drive-up windows, traffic islands or similar alterations which channelize, alter or increase the traffic...
volume or pattern on adjacent roadways. The term “development” for purposes of this chapter shall not mean interior remodeling, repairs, maintenance or improvements to any existing structure which does not increase the volume of the structure. Specifically exempted under this chapter are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.

“Development site” means an area consisting of a parcel or tract of land specifically identified by a developer as the land to be altered or developed. All required area to meet parking standards and similar requirements for a particular development shall be included in the term; however, the total property ownership of the proponent will not be considered in the site if it is not necessary to the development. [Ord. 944 § 2, 1990.]

17.160.030 Building permit.
From and after May 22, 1990, no building permit may be issued for any development within the city of Junction City unless it has met the terms of this chapter. [Ord. 944 § 3, 1990.]

17.160.040 Implementing action.
Henceforth, the following development shall fall within the scope of this chapter and shall be required to comply with the requirements identified herein:

A. New residential, commercial or industrial development.

B. Expansion of single-family or duplex residential development with a permit value in excess of 30 percent of the assessed value of the improvements on the property.

C. Reconstruction of a single-family or duplex residential casualty loss with a permit value in excess of 130 percent of the previously assessed value of the structure itself.

D. Expansion of multiple-family, commercial or industrial development with a permit value in excess of 10 percent of the assessed value of the improvements on the property.

E. Reconstruction of multiple-family, commercial or industrial casualty loss with a permit value in excess of 110 percent of the previously assessed value of the structure itself.

F. Change of occupancies. [Ord. 944 § 4, 1990.]

17.160.050 Development requirements.
The following requirements shall pertain to all development falling under the categories identified in JCMC 17.160.020:

A. The applicant shall complete a building permit application as provided by the city and a site plan. The site plan shall be drawn to scale and show all existing and proposed structures and their exterior dimensions; all streets,
Proposed Amendments

alleys and other public right-of-way; existing and proposed utility lines and/or easements; building setbacks;
location of utilities and proposed connection routes; off-street parking; curb cut and sidewalk locations and
dimensions and a drainage plan. When required in a conditional use permit or in a major development, the city
may require the applicant to supply landscape plans, screening, lighting, fire flow and similar requirements.

B. Where the applicant’s development site abuts existing curb and gutter, sidewalks in conformance with city
standards are required to be constructed to the extent curb and gutter exist at the time of application.

C. Pedestrian Access and Circulation.

1. Internal pedestrian circulation shall be provided in new and expansions of commercial, office, and
multifamily residential developments through the clustering of buildings, construction of hard surface
walkways, landscaping, accessways, or similar techniques.

2. Commercial Development Standards.

   a. New commercial buildings, particularly retail shopping and offices, shall be encouraged to orient to
the street, near or at the setback line. A main entrance shall be oriented to the street. For lots with
more than two front yards, the building(s) shall be oriented to the two busiest streets.

   b. Off-street motor vehicle parking for new commercial developments shall be encouraged to locate at
the side or behind the building(s).

3. All site plans (industrial and commercial) shall clearly show how the site’s internal pedestrian and bicycle
facilities connect with external existing or planned facilities or systems.

4. Development covered under this chapter shall ensure all pedestrian facilities on site and adjacent to the
site are handicapped accessible, as required by state and federal laws.

D. The applicant shall be required to participate in public facilities, such as water, wastewater, drainage, curb,
gutter, sidewalk and street right-of-way adjacent to the development in conformance with city standards and
provide easements or deeds to the city for all such public facilities. However, where it is determined that delaying
the design and construction of any or all such facilities is not appropriate and logical, or causes an adverse impact
on surrounding properties, the city may require the developer to construct and dedicate all such improvements as
a condition to development.

E. Where it has been determined that the extension of public facilities is required, all costs related to such
extension shall be borne by the developer. In addition, any extension of such facilities shall be continued and
extended in a logical fashion to the extent of the development site so as to be readily available for adjacent
development.
Proposed Amendments

F. Where such improvement installed by a developer shall benefit other properties, a mutually agreeable settlement shall be arrived at between the city and the developer prior to installing the improvements. This agreement shall identify the benefiting properties, actual costs to be charged and method of repayment to the developer. Where prior agreement exists for improvements benefiting the subject property, the applicant shall make arrangements with the city for the payment of such improvements prior to issuance of any city permit.

G. The developer shall provide proof of review and approval by all affected state and/or county agencies, such as the State Department of Transportation or county planning department.

H. The proposed use shall not impose an undue burden on the public transportation system. For developments that are likely to generate more than 400 average daily motor vehicle trips (ADTs), the applicant shall provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The developer shall be required to mitigate impacts attributable to the project. The determination of impact or effect and the scope of the impact study shall be coordinated with the provider of the affected transportation facility.

I. Dedication of land for streets, transit facilities, sidewalks, bikeways, paths, or accessways shall be required where the existing transportation system will be impacted by or is inadequate to handle the additional burden caused by the proposed use.

J. Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use shall be required where the existing transportation system may be burdened by the proposed use. [Ord. 1103 § 1, 2002; Ord. 944 § 5, 1990.]

17.160.060 Final approval.
No final approval or certificate of occupancy will be issued by the city until such time as the applicant has complied with all requirements and shall not be issued if there is any major variance from the site plan. [Ord. 944 § 6, 1990.]

17.160.070 Penalties.
Any person, firm or corporation violating any provision of this chapter shall, upon conviction thereof, be subject to a fine not to exceed $250.00. Each day such violation is allowed to continue shall constitute a separate offense. In addition, the city may withhold all city utilities until such time as this chapter is fully complied with. [Ord. 944 § 7, 1990.]

17.160.080 Appeal.
Any person aggrieved by this chapter may appeal to the planning commission. Such appeal must be in writing and submitted to the city within seven calendar days after the action or decision appealed. Review of such appeals shall be held at the next regularly scheduled planning commission meeting if filed no less than five
Proposed Amendments

calendar days prior to such scheduled meeting. Otherwise, the review shall be held at the next regular meeting. This shall not preclude the city from waiving these minimum time requirements where and when possible or calling for a special meeting.

Any person aggrieved by the decision of the planning commission may appeal such decision to the city council following the procedures identified above. The decision of the city council shall be the final local government decision. [Ord. 944 § 8, 1990.]
Chapter 17.150
ADMINISTRATION, ENFORCEMENT AND INTERPRETATION

Sections:

17.150.010 Scope of rules.
17.150.020 Burden of persuasion.
17.150.030 Impartial tribunal.
17.150.040 Opportunity to be heard – Conduct of the public meeting.
17.150.050 Record and findings.
17.150.060 Enforcement.
17.150.070 Procedures for development permit applications.
17.150.080 Notice.
17.150.090 Public hearing procedures.
17.150.100 Decision.
17.150.110 Permit required.
17.150.120 Appeal to city council.
17.150.130 Form of petitions, applications and appeals.
17.150.140 Time limit on a permit for a conditional use or a variance.
17.150.150 Interpretation.
17.150.160 Penalty.

17.150.010 Scope of rules.
These rules shall govern the conduct of hearings on all quasi-judicial land use matters. [Ord. 1054 § 1, 1998; Ord. 742 § 1, 1978; Ord. 635 § 2, 1974.]

17.150.020 Burden of persuasion.
The burden of persuading the decision-making body is upon the proponent, applicant, or moving party. In the case of an appeal, the appellant has the burden of persuading the reviewing body that the previous decision was wrong. Decisions made in a quasi-judicial matter shall be based on reliable, probative, substantial evidence that establishes rights and responsibilities under applicable law in a manner necessary to meet the body’s responsibility of deciding matters within its jurisdiction. [Ord. 864 § 5, 1984; Ord. 635 § 3, 1974.]

17.150.030 Impartial tribunal.
A. In the interest of avoiding bias, city council members and planning commission members should not discuss with the applicant for a specified land use, or others interested in the application, any request upon which they will vote; except that answering questions relating to time, place and general policies or procedures shall not be considered a violation of this rule. However, no decision or action of a city council or planning commission shall
be invalid due to ex parte contact or bias resulting from ex parte contact with a member of the decision-making body, if the member of the decision-making body receiving the contact:

1. Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and

2. Has a public announcement of the content of the communication and of the party’s right to rebut the substance of the communication made at the first hearing following the communication where action will be considered or taken on the subject to which the communication related.

B. A communication between the city staff and the planning commission or members or council members shall not be considered an ex parte contact for the purposes of this section. [Ord. 864 § 6, 1984; Ord. 635 § 4, 1974.]

17.150.040 Opportunity to be heard – Conduct of the public meeting.
A. Interested parties shall be afforded an opportunity to be heard and to present and rebut testimony. Within these limits, the actual conduct of the public hearing shall be established at the discretion of the presiding officer.

B. Interested parties may raise questions concerning the testimony presented. Such questions shall be addressed to the person presiding at the hearing.

C. The term “interested parties” includes applicants and members of the general public who either support, oppose or have questions concerning a specific proposal.

D. Prehearing and Ex Parte Contacts and Conflicts of Interest.

1. Prehearing or ex parte contacts which create an actual prejudice or bias in the mind of the member of the decision-making body, either for or against the issue to be decided, shall require the member to refrain from participating in the matter. The member shall announce the nature of the contact, as distinguished from its specific content, and shall then abstain at the beginning of the hearing and refrain from discussion of or voting upon the matter.

2. When a city councilmember or the mayor believes the matter dealt with at a hearing may result in his or her, or a member of his or her household’s, private pecuniary benefit or detriment, the councilman or mayor shall announce publicly the nature of the potential conflict of interest prior to taking any official action thereon. The announcement must be made whether or not the member votes on the matter, and must be made at each meeting during which the matter is discussed or debated. The members of the council who do not have a conflict of interest shall immediately after the announcement vote on whether the councilman or mayor who has a conflict of interest may participate in the discussion, deliberation and voting on the matter.
3. A member of the planning commission shall not participate in any commission proceeding or action on a matter in which any of the following has a direct or substantial financial interest in the matter: the member or his or her spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which he or she is then serving or has served within the previous two years, or any business with which he or she is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the meeting of the commission where the action is being taken.

E. Interested parties may represent themselves or have another person of their choosing represent them at the public hearing. [Ord. 805 § 1, 1980; Ord.778 § 1, 1979; Ord. 635 § 5, 1974.]

17.150.050 Record and findings.
A. When a decision on a specific request has been made, that decision shall be supported by findings of fact.

B. When making findings of fact, the planning commission may adopt by reference the findings set forth in the staff notes, it may modify those findings based upon the public testimony presented, or it may issue new findings of fact.

C. When making findings of fact, the city council may adopt by reference the findings of the planning commission, it may modify those findings based upon the public testimony presented, or it may issue new findings of fact.

D. Records shall be kept of all hearings on specific zoning issues and shall consist of written minutes, findings of fact, and other material submitted, as well as a tape recording of the hearing. The tape of the hearing may be destroyed after six months, in the event no appeal has been lodged against the decision within that time. [Ord. 635 § 6, 1974.]

17.150.060 Enforcement.
The city administrator or a designee shall have the power and duty to enforce the provisions of this title. Any violation of this title or failure to comply with conditions of approval of a land use action may be deemed a nuisance, and may be abated in accordance with the provisions of Chapter 8.10 JCMC instead of, or in addition to, any penalties imposed pursuant to JCMC 17.150.160. Failure to comply with the conditions of approval of a land use action will be considered a nuisance. An appeal from a ruling of the city staff shall be made to the planning commission. No decision of the city shall be influenced by factors relating to race, religion, gender, age or physical disability. [Ord. 1112 § 1, 2003; Ord. 950 § 111, 1991.]

17.150.070 Procedures for development permit applications.
A. Types of Procedures. Development permit applications subject to Junction City development ordinances shall be classified according to one of the following categories: Type I, Type II, Type III, or Type IV. These categories are defined below.
1. Type I Procedure – Administrative Decision.

   a. This type of decision does not require interpretation or legal judgment in reviewing the proposed land use. Approval of a Type I application is not a land use decision as defined by ORS 197.015.

   b. A public hearing or notice of action is not required. However, the applicant shall receive notice of the final decision.

   c. The applicant may appeal a Type I decision in accordance with the requirements of JCMC 17.150.120.

   d. Type I Administrator’s Decisions. Actions that are processed by the city administrator or their designee as a Type I procedure include but are not limited to decisions related to:

      i. Determination of the completeness of applications;

      ii. Determination of the appropriate procedure for any application;

      iii. Building permits for outright permitted uses requiring no planning commission action;

      iv. Building permits after discretionary approvals become final;

      v. Minor modifications to nonconforming uses as described in JCMC 17.125.030;

      vi. Access permits as described in Chapter 17.85 JCMC for uses not requiring site plan review or when issued in conformance with an approved site plan;

      vii. Development permits for property located partially or wholly within a flood hazard zone as described in Chapter 17.80 JCMC;

      viii. Billboard permits as described in Chapter 17.115 JCMC;

      ix. Sign permits as described in Chapter 17.115 JCMC;

      x. Lot line adjustments; and

      xi. Decisions on whether to support an application for annexation.

   e. Type I Planning Commission Decisions. Actions that are processed by the planning commission as Type I procedures include but are not limited to:

      i. Final subdivision plan and final partition plan plat approval; and
ii. Similar decisions that result in or are the final opportunity for review before a change in ownership of any real property subject to review under this title.

2. Type II Procedure – Limited Land Use Decision.

a. A Type II procedure is classified as a limited land use decision as defined in ORS 197.015. This procedure allows for review of applications that involve discretionary standards for uses permitted outright by this title. The commission or designated staff shall follow the procedures specified in the acknowledged comprehensive plan, land use regulations, and other applicable legal requirements.

b. Notice of the proposed action shall be as provided in JCMC 17.150.080.

c. A public hearing may be requested on a proposed decision by the applicant, a member of the planning commission, or any party entitled to notice or who is affected by the proposal. If, after review of the application, the city administrator or designee determines that the request for a public hearing is necessary for a complete analysis of the application, the city administrator or designee shall schedule a public hearing at the next available planning commission meeting, and shall provide notice of the hearing to all persons entitled to receive the original notice of the application. Procedures at the public hearing shall be the same as for a Type III hearing, as found in this chapter.

d. Either after receiving all written comments, or after close of the record in the event of a public hearing, the planning commission or designated staff shall review all information received and make findings based on the applicable criteria. The decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision; and providing justification for the approval, conditional approval, or denial of the application. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The decision can be appealed in accordance with JCMC 17.150.120.

e. Examples of Applications. Applications that are processed as a Type II procedure include but are not limited to:

   i. Preliminary partition plans and replats;

   ii. Preliminary subdivision plans and replats.

f. Expedited land divisions shall be administered in accordance with procedures outlined in ORS 197.360 through 197.380.

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a. In accordance with ORS 197.764, a Type III procedure requires a public hearing and may involve complex actions which require discretion on the part of the commission. Type III procedures will usually require decisions of a specific nature about discrete properties. Procedures for public hearings are set forth in this chapter.

b. Notice of the proposed action shall be as provided in JCMC 17.150.080.

c. After the close of the record in the public hearing, the planning commission or designated staff shall review all information received and make findings based on the applicable criteria. The decision shall be based on a brief statement of the standards, incorporating the facts relied upon in rendering the decision, and providing justification for the approval, conditional approval, or denial of the application. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions. The decision can be appealed in accordance with JCMC 17.150.120.

d. Examples of Applications. Type III applications include but are not limited to the following:

   i. Conditional uses;

   ii. Temporary use permits;

   iii. Variances (including variances to sign permits); and

   iv. Planned unit developments.

4. Type IV Procedure – Legislative.

a. A Type IV procedure requires review by the commission and the council (except for withdrawals of property from special districts prior to annexations where only a review by the council is required). This type of decision may have significant or broad effects on various parties and properties in a large area.

b. Proposed amendments to this title, the comprehensive plan, or other land use regulations may be initiated by an application from a citizen, the planning commission, the city council or Lane County, if the requested change relates to the Junction City comprehensive plan.

c. Public notice shall be provided in accordance with JCMC 17.150.080.

d. A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the council is required. Procedures for these hearings are set
forth in JCMC 17.150.090. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions.

e. The commission may submit recommendations and findings regarding the proposal to the city council. These recommendations and findings may include alterations from the original proposal or application. If the commission determines that the proposed change should not be recommended for approval by the council, as originally proposed or as modified by the commission, the commission may, but need not, submit the proposal to the city council. The council may enact, amend, or defeat all or portions of the proposal or may refer the matter back to the commission for further consideration.

f. If the council takes final action in the form of an ordinance, resolution, or amendment, then the applicable rules of the Department of Land Conservation and Development must be complied with. Any participants in the hearing shall receive notice of the final action including the effective date of the decision as well as appeal requirements.

g. Examples of Type IV applications include but are not limited to the following:

   i. Amendments to the comprehensive plan;

   ii. Amendments to this title;

   iii. Changes to the zoning map;

   iv. Withdrawal of property from special districts prior to annexations;

   v. Annexation of property to the city; and

   vi. Extraterritorial extensions of water, stormwater, or sewer.

5. Summary of Development Decisions/Permits by Type of Decision-Making Procedure. The following table lists land development application types, illustrating the types defined in subsections (A)(1) through (4) of this section. Examples listed in Table 17.150.070 are for informational purposes and are not exclusive.

Table 17.150.070: Summary of Development Decisions/Permits by Type of Decision-Making Procedure

<table>
<thead>
<tr>
<th>Development Decision/Permit</th>
<th>Category</th>
<th>Code Provisions</th>
<th>Review/Hearing</th>
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<tr>
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<th>Category</th>
<th>Code Provisions</th>
<th>Review/Hearing</th>
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<td>Access Permit (not requiring site plan review)</td>
<td>Type I</td>
<td>Chapter 17.85 JCMC</td>
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<tr>
<td>Annexation</td>
<td>Type IV</td>
<td>Chapter 17.165 JCMC</td>
<td>PC/CC</td>
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<td>Billboard Permit</td>
<td>Type I</td>
<td>Chapter 17.115 JCMC</td>
<td>staff</td>
</tr>
<tr>
<td>Building Permit (uses permitted outright)</td>
<td>Type I</td>
<td>Chapter 15.15 JCMC</td>
<td>staff</td>
</tr>
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<td>Code Interpretation</td>
<td>Type II</td>
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<td>Code Amendment</td>
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<td>Comprehensive Plan Amendment</td>
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<td>Conditional Use Permit</td>
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<td>Conditional Uses within Wetland Protection Areas</td>
<td>Type III</td>
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<td>Type II/IV</td>
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<td>Type I</td>
<td>Chapter 17.80 JCMC</td>
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<td>Home Occupation Permit</td>
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<tr>
<td>Master Planned Development (PUD)</td>
<td>Type III</td>
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<th>Development Decision/Permit</th>
<th>Category</th>
<th>Code Provisions</th>
<th>Review/Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>Modification to Approval</td>
<td>Type II/III</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Land Use District Map Change</td>
<td>Type III</td>
<td>Chapter 17.145 JCMC</td>
<td>PC</td>
</tr>
<tr>
<td>Quasi-Judicial (no plan amendment required)</td>
<td>Type IV</td>
<td></td>
<td>PC/CC</td>
</tr>
<tr>
<td>Legislative (plan amendment required)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Lot Line Adjustment</td>
<td>Type I</td>
<td></td>
<td>staff</td>
</tr>
<tr>
<td>Nonconforming Use or Development Confirmation</td>
<td>Type I</td>
<td>Chapter 17.125 JCMC</td>
<td>staff</td>
</tr>
<tr>
<td>Partition, Major or Minor</td>
<td>Type II</td>
<td>JCMC 16.05.030 and 16.05.040</td>
<td>PC</td>
</tr>
<tr>
<td>Permitted Activities within Wetland Protection Areas</td>
<td>Type I</td>
<td>Chapter 17.60 JCMC</td>
<td>staff</td>
</tr>
<tr>
<td>Sign Permit</td>
<td>Type I</td>
<td>Chapter 17.115 JCMC</td>
<td>staff</td>
</tr>
<tr>
<td>Subdivision</td>
<td>Type II</td>
<td>JCMC 16.05.040</td>
<td>PC</td>
</tr>
<tr>
<td>Subdivision – Final Plat Approval</td>
<td>Type I</td>
<td>JCMC 16.05.040</td>
<td>PC</td>
</tr>
<tr>
<td>Temporary Use Permit</td>
<td>Type III</td>
<td>Chapter 17.135 JCMC</td>
<td>PC</td>
</tr>
<tr>
<td>Tree Removal</td>
<td>Type I/II</td>
<td>Chapter 12.35 JCMC</td>
<td>staff</td>
</tr>
<tr>
<td>Variance</td>
<td>Type III</td>
<td>JCMC 17.140.010</td>
<td>PC</td>
</tr>
<tr>
<td>Variance within Wetland Protection Areas</td>
<td>Type III</td>
<td>Chapter 17.60 JCMC and JCMC 17.140.010</td>
<td>PC</td>
</tr>
<tr>
<td>Minor Variance (clear &amp;</td>
<td>Type I</td>
<td>JCMC 17.140.030</td>
<td>staff</td>
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</table>
Table 17.150.070: Summary of Development Decisions/Permits by Type of Decision-Making Procedure

<table>
<thead>
<tr>
<th>Development Decision/Permit</th>
<th>Category</th>
<th>Code Provisions</th>
<th>Review/Hearing</th>
</tr>
</thead>
<tbody>
<tr>
<td>objective standards, i.e., 10%</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Wetland Resources Overlay District Map Corrections</td>
<td>Type I</td>
<td>Chapter 17.60 JCMC</td>
<td>staff</td>
</tr>
<tr>
<td>Withdrawal of Property from Special Districts after Annexation</td>
<td>Type IV</td>
<td>JCMC 17.165.140</td>
<td>city council only</td>
</tr>
</tbody>
</table>

Abbreviations:

LCLGBC = Lane County Local Government Boundary Commission, CC = City Council, PC = Planning Commission

B. Determining the Applicable Procedure.

1. If there is a question as to the appropriate procedure type, the city administrator or designee will determine the applicable type based upon the most similar land use application procedure specified herein or other established policy.

2. For an application containing two or more proposals for the same property, these applications may be processed collectively under the highest numbered procedure that is applicable to any of the proposals. Alternatively, the applications can be reviewed individually according to the corresponding procedure type.

C. Pre-Application Conference. An applicant may request an informal review of a proposal by the city administrator or by planning staff prior to application to determine the general feasibility of the proposal. This informal review does not constitute a land use decision and is not appealable.

D. Consolidation of Permits. Applicants shall be advised that all permits or zone changes necessary for a development project may be merged into a consolidated review process. For purposes of this title, a consolidated permit process shall mean that the deciding body, to the greatest extent possible, apply concurrent notice, public
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hearing and decision-making procedures to the permits and zone changes which have been consolidated for review.

E. Time Limits. If an application for a permit or zone change is incomplete, the city shall notify the applicant of exactly what information is missing within 30 days of receipt of the application and allow the applicant to submit the missing information. The application shall be deemed complete upon receipt of the missing information. If the applicant refuses to submit the missing information, the application shall be deemed complete on the thirty-first day after the application was first received.

F. Computation of Time. For any reference to time in this title, unless otherwise specified, the time within which an act is to be done is computed by excluding the first day and including the last unless the last day falls upon any legal holiday, Saturday, or Sunday in which case the last day is also excluded. [Ord. 1212 § 3 (Exh. A), 2012; Ord. 1181 §§ 2, 3, 2008; Ord. 1112 § 1, 2003; Ord. 950 § 112, 1991.]

17.150.080 Notice.
The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application before the decision is made. The goal of this notice is to invite people to participate early in the decision-making process. Notice of a proposed Type II, III, or IV action shall be provided as follows:

A. Each notice of hearing authorized by this section shall be published in a newspaper of general circulation in the city at least 10 days prior to the date of the hearing.

B. With the exception of Type IV applications, notice of hearing or contemplated land use action shall be mailed to the applicant and to all owners and abutting property owners, including owners of property which would be abutting if there were not intervening streets, of the property which is the subject of the notice. In addition, notice shall be provided to all owners of record of property on the most recent property tax assessment roll within 300 feet of the subject property. Notice shall be mailed at least 20 days before the date of the hearing or review.

C. For Type IV applications:

1. Notice shall be mailed to each owner whose property would be rezoned in order to implement the ordinance (i.e., owners of a property subject to comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment).

2. If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the city of Junction City, individual notice shall be prepared and mailed to those affected, including all persons within 300 feet of the affected property.
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3. When a proposal to change the zone of property which includes all or part of a mobile home park is to be considered at a public hearing, notice shall be sent to each existing mailing address for tenants of the mobile home park.

4. Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175.

D. Notice shall be mailed to all recognized neighborhood groups or associations affected by the proposal. A recognized neighborhood group or association is defined as an organization that has been formally acknowledged by the city council as representing a specific geographic area or group of citizens with respect to land use issues.

E. Notice shall be provided to any person who submits a written request to receive a notice.

F. Notice shall be provided to any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city, and to other affected agencies as appropriate. For Type IV applications, the Department of Land Conservation and Development (DLCD) shall be notified in writing of proposed comprehensive plan and development code amendments at least 35 days before the first public hearing at which public testimony or new evidence will be received; otherwise notice to DLCD shall be provided at the discretion of the applicant.

G. The city administrator or designee shall certify any mailing of notice or published notice.

H. The notice provisions of this section shall not restrict the giving of notice by other means, including mail or posting on property.

I. Notice of a hearing shall be reasonably calculated to give actual notice, and shall contain the following information:

1. Explain the nature of the application and the proposed use or uses which could be authorized. State number and title of the application file.

2. List the applicable criteria from the ordinance and the plan, as well as other plans and laws that apply to the application at issue.

3. Set forth the street address or other easily understood geographical reference to the subject property.

4. State the date, time, and place of the hearing or the ending date for any opportunity to submit comments. Notice for Type II applications shall provide a 14-day period for submitting written comments before a decision is made on the permit.

5. State: “Failure to raise an issue at this opportunity for comment or hearing, in person or by letter, or failure to provide statements or evidence related to an issue sufficient to afford the decision maker an
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opportunity to respond to the issue, precludes reliance on that issue in any later appeal of the decision that will be made after consideration of statements and evidence submitted, including an appeal to the Oregon Land Use Board of Appeals based on that issue.”

6. Include the name of a local government representative to contact and the address and telephone number where additional information may be obtained.

7. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at reasonable cost.

8. State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost.

9. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings, and a statement that the hearing will be held under the rules of procedure adopted by the council and available at City Hall.

10. State: “Notice to mortgagee, lienholder, vendor, or seller: the Junction City Development Code requires that if you receive this notice, it shall be promptly forwarded to the purchaser.”

J. A person whose name is not in the tax records at the time of filing of an application or of initiating other action not based on an application may only receive a notice if the person provides the planning commission with the necessary address(es). Any deficiency in the form of notice prescribed in this section or a failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to comply with the requirements of this section for notice. In addition to persons receiving notice as required by the matter under consideration, the city administrator may provide notice to others he/she has reason to believe are affected or otherwise represent an interest that may be affected by the proposed development.

K. A notice of hearing shall be mailed:

1. At least 20 days, but no more than 40 days, before the evidentiary hearing. However, for the adoption or amendment of a comprehensive plan or land use regulation as part of periodic review, notice shall be mailed at least 30 days prior to the first hearing.

2. If two or more evidentiary hearings are allowed, 10 days before the first evidentiary hearing.

[Ord. 1112 § 1, 2003; Ord. 975 §§ 2, 3, 1993; Ord. 950 § 113, 1991.]

17.150.090 Public hearing procedures.
A. No less than one public hearing shall be held on all Type III land use applications, as described in JCMC 17.150.070(A)(3). This public hearing shall be held within 45 days of when the application has been
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deeled complete. The conduct of the hearing shall be consistent with this chapter. Two public hearings are required for Type IV land use applications, as described in JCMC 17.150.070(A)(4).

B. Any staff report used at the first hearing shall be available at least seven days prior to the hearing.

C. At the commencement of a quasi-judicial hearing required by this chapter, a statement shall be made to those in attendance that:

1. Lists the applicable substantive criteria.

2. States that testimony and evidence must be directed toward the applicable substantive criteria or other criteria believed to apply to the decision.

3. States that failure to raise an issue with sufficient specificity to afford the decision-maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals on that issue.

D. The planning commission may continue a public hearing. This hearing shall be continued to a date, time, and place at least seven days from the date of the initial evidentiary hearing.

E. Unless there is a continuance, if a participant so requests before the conclusion of the evidentiary hearing, the record shall remain open at least seven days after the hearing.

F. If additional documents or evidence are provided by any party, the local government may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the record requested by an applicant shall result in a corresponding extension of the time limitations of ORS 227.178 and 227.179.

G. When the record is reopened to admit new evidence or testimony, any person may raise new issues which relate to the new evidence, testimony, or criteria for decisionmaking which apply to the matter at issue.

H. Unless waived by the applicant, the local government shall allow the applicant at least seven days after the record is closed to all other parties to submit final written arguments in support of the application. The applicant’s final submittal shall be considered part of the record but shall not include any new evidence. This seven-day time period is not subject to the limitations of ORS 227.178 and 227.179 (120-day time period). [Ord. 1112 § 1, 2003; Ord. 975 §§ 2, 3, 1993; Ord. 950 § 114, 1991.]

17.150.100 Decision.
A. Following the hearing procedure described above, the hearing body shall approve, table, or deny the application; or, if the hearing is in the nature of an appeal, either affirm, reverse, or remand the decision that is on
appeal. A decision on a hearing or an application for a development permit may be continued for a reasonable period of time as determined by the hearing body, but not to exceed the requirements of subsection (B) of this section.

B. Except as provided in this subsection, the city shall take final action on an application for a permit or zone change, including resolution of all appeals, within 120 days after the application is deemed complete. Exceptions to the 120-day time limit are as follows:

1. The time limit may be extended for a reasonable period by the applicant;

2. The time limit only applies to decisions wholly within the authority and control of the city and does not apply if the parties have agreed to mediation to resolve the issue;

3. The time limit does not apply to an amendment to the comprehensive plan or land use regulations or to adoption of a new land use regulation that was forwarded to the State Department of Land Conservation and Development for post-acknowledgment review, nor does the time limit apply when the parties have agreed to mediation.

C. If the application was complete when first submitted or the applicant submits the requested additional information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first submitted.

D. When the city council approves an amendment of an acknowledged comprehensive plan or land use regulation or adopts a new land use regulation, a copy of the adopted text of the provision or regulation together with the adopted findings shall be mailed or otherwise submitted to the director of the Department of Land Conservation and Development not later than five working days after the final decision. If the proposed amendment or new regulation that the director received notice under JCMC 17.150.070 and ORS 197.610 has been substantially amended, the local government shall specify the changes that have been made in the notice provided to the director. If the text and findings are mailed, they shall include a signed statement by the person mailing them indicating the date of deposit in the mail. Also within five days of the decision, the local government shall mail notice to persons who participated in the proceedings and to persons who requested in writing that they receive notice of the decision. This notice shall comply with ORS 197.615.

E. In rendering a decision, a local government may adopt an exception to a Statewide Planning Goal in accordance with ORS 197.732. [Ord. 1112 § 1, 2003; Ord. 975 §§ 2, 3, 1993; Ord. 950 § 115, 1991.]

17.150.110 Permit required.
Prior to the erection, movement, reconstruction, extension, enlargement or alteration of a structure, necessary permit(s) for such erection, movement, reconstruction, extension, enlargement or alteration shall be obtained. The
applicant shall pay a fee as established by the city council at the time the application is filed. [Ord. 1112 § 1, 2003; Ord. 975 § 2, 1993; Ord. 950 § 116, 1991.]

17.150.120 Appeal to city council.
Any final action of the planning commission authorized by this title may be appealed to the city council within 12 days after notice has been mailed to all opponents indicating the planning commission’s decision and right to appeal. Appeals may be made by filing written notice with the city and paying the fee equal to the average cost as prescribed by the city council, and cost of the written transcripts up to $500.00, plus one-half the cost over $500.00. If no appeal is taken within the 12-day period, the decision of the planning commission shall be final. If an appeal is filed, the city council shall receive a report and recommendation from the planning commission and shall hold a public hearing on the appeal. Notice of the public hearing shall be by one publication in a newspaper of general circulation in the city not less than five days nor more than 20 days prior to the date of the hearing. The appeal hearing before the city council shall be a de novo hearing held in accordance with this section and JCMC 17.150.130 and ORS 227.173. [Ord. 1112 § 1, 2003; Ord. 975 § 2, 1993; Ord. 950 § 117, 1991.]

17.150.130 Form of petitions, applications and appeals.
All applications and appeals provided for in this title shall be made on forms provided for the purpose or as otherwise prescribed by the planning commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of the building and other structures, existing and proposed; and the existing and intended use of each building, structure or part thereof; the number of families to be accommodated, if any; and such other information as is needed to determine their conformance with the provisions of this title. Where multiple land use permits or zone changes are required, such hearings and applications may be applied for and conducted at one time. Final action on a permit or zone change application, including all appeals, shall occur within 120 days of submittal of a complete application. [Ord. 975 § 2, 1993; Ord. 950 § 118, 1991.]

17.150.140 Time limit on approved plans and permits
All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, all land use approvals shall be void after one year if no substantial construction has taken place. However, the planning commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred. [Ord. 975 § 2, 1993; Ord. 950 § 119, 1991.]

17.150.150 Interpretation.
The provisions of this title shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this title are less restrictive than comparable conditions imposed by any other
provisions of this title or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern. [Ord. 975 § 2, 1993; Ord. 950 § 120, 1991.]

17.150.160 Penalty.
The owner or owners of any buildings or premises, or part thereof, where anything in violation of this title shall be placed, or exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any such violation, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this title, or who shall fail to comply with any order issued under this title, or with any requirements thereof, or who shall build in violation of any statement or plan submitted and approved under this title, shall for each and every violation or noncompliance be fined not more than $250.00. Each day that a violation of this title continues shall be considered a separate offense, commencing upon the date the city provides written notice to the property owner or occupant of the violation. [Ord. 1186 § 2, 2008; Ord. 975 § 2, 1993; Ord. 950 § 121, 1991.]
1. The Junction City Planning Commission met on July 20, 2016 to recommend the proposed amendments to the City Council for adoption. The amendments include revisions to JCMC Chapters 17.20, 17.45, 17.50, 17.80, 17.115, 17.150, and 17.160 in order to bring various chapters of the Junction City Municipal Code into compliance with Federal Standards, to clarify chapter requirements, and to replace antiquated Code language to meet current City interests. The proposed language changes are included in Exhibit A.

2. A public hearing was conducted on July 20, 2016 before the Junction City Planning Commission in accordance with procedures established in JCMC 17.150.070.4.D for proposed amendments to the Junction City Municipal Code (JCMC).

3. JCMC 17.150.070.4.D sets forth procedure and notice requirements for amendments to the zoning ordinance, as follows:

   “A minimum of two hearings, one before the planning commission and one before the city council, are required for all Type IV applications, except for withdrawals of property from special districts prior to annexations where only a review by the council is required. Procedures for these hearings are set forth in JCMC 17.150.090. Notice of the decision shall be sent to the applicant and any other person who submitted comments on the application during the time allotted for such submissions.”

4. JCMC 17.150.080.C.2 reads, “If particular properties are to be affected more than, or in a manner significantly different from, other properties of the same general character within the City of Junction City, individual notice shall be prepared and mailed to those affected, including all persons within 300 feet of the affected property.”

The proposed amendments are Citywide and do not affect particular properties more than, or in a manner significantly different from, other properties of the same general character within the City of Junction City.

Notice of the Planning Commission Public Hearing was published in the Register Guard on July 6 2016, a minimum of 10 days prior to the hearing.

A record of proposed amendments was made available on the City’s website June 22, 2016, as well as at City Hall.

Notice of the proposed change to the ordinance was mailed to the Department of Land Conservation and Development (DLCD), May 12, 2016, no sooner than the required 35-days prior to the first public hearing with DLCD’s approval.

The following notice was completed for the City Council public hearing:
Notice of the meeting was published in the Register Guard on August 31, 2016, a minimum of 10 days prior to the hearing.

A record of the proposed amendments was made available on the City’s website, as well as at City Hall.

5. The proposed amendments are in conformance with the Zoning Ordinance and with the Comprehensive Plan. The proposed amendment is in conformance with the Zoning Ordinance and with the Comprehensive Plan. The proposed amendment is consistent with the statewide planning Goals.

1. Goal 1 - Citizen Involvement

OAR 660-015-0000(1) develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

**FINDING:** Junction City will follow the prescribed procedures for public hearings before the Planning Commission and City Council as required by Title 17, Zoning of the Junction City Municipal Code.

2. Goal 2 – Land Use Planning

OAR 660-015-0000(2) (PART I – PLANNING): To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

**FINDING:** The Junction Comprehensive Plan currently serves as the controlling land use document for the City. The proposed amendment brings various chapters of the Junction City Municipal Code into compliance with Federal Standards, clarifies chapter requirements, and replaces antiquated Code language to meet City interests and Comprehensive Plan goals and policies. The Comprehensive Plan policies provide the overarching framework for implementation of the Zoning Code and the process noted above.

**SUMMARY AND CONCLUSION**

For the reasons set forth above, the proposed amendments comply with the Junction City Comprehensive Plan and other Junction City Municipal Codes.