

MAR 21 1985

ORDINANCE NO. 6-78-B

CITY OF SHANIKO ZONING ORDINANCE

WASCO, COUNTY, OREGON

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Prepared for:

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SHANIKO ZONING ORDINANCE

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- (1) To implement the Strategic Development Plan as adopted by the Garfield City Council.
- (2) To comply with IRS Chapter 197.
- (3) To promote the public health, safety, welfare and historical value of the City of Garfield.
- (4) To repeal and replace ordinance No. 33.

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

- (1) **Access.** The way or means by which pedestrians and vehicles enter and leave property which is normally open to use by the public.
- (2) **Accessory use or accessory structure.** A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- (3) **Alley.** A street which affords only a secondary means of access to the property.
- (4) **Automobile wrecking yard.** Premises used for the collection, storage or sale of used automobiles or truck parts or for the storage, dismantling or abandonment of such vehicles, including, but not limited to, the storage of such vehicles and parts solely within an enclosed structure.

SHANIKO ZONING ORDINANCE

AN ORDINANCE REPLACING THE TEXT OF ORDINANCE NO. 33 CITY OF SHANIKO ZONING ORDINANCE, WASCO COUNTY, OREGON.

The City of Shaniko does hereby Ordain as Follows:

ARTICLE 1. INTRODUCTORY PROVISIONS

Section 1.1 - Title. This ordinance shall be known as the City of Shaniko Zoning Ordinance, 1978.

Section 1.2 - Purpose.

- (1) To implement the Shaniko Comprehensive Plan as adopted by the Shaniko City Council.
- (2) To comply with ORS Chapter 197.
- (3) To promote the public health, safety, welfare, and historical value of the City of Shaniko.
- (4) To repeal and replace ordinance No. 33.

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

- (1) Access. The way or means by which pedestrians and vehicles enter and leave property which is commonly open to use by the public.
- (2) Accessory use or accessory structure. A use or structure incidental and subordinate to the main use of the property and located on the same lot as the main use.
- (3) Alley. A street which affords only a secondary means of access to the property.
- (4) Automobile wrecking yard. Premises used for the commercial storage or sale of used automobile or truck parts or for the storage, dismantling or abandonment of junk, obsolete automobiles, trailers, trucks, machinery or parts thereof, unless said activity takes place solely within an enclosed structure.

- (5) Apartment. A building (or portion thereof) consisting of separate living units designed for occupancy by three or more families living independently of each other.
- (6) Building. A structure or mobile home unit built for the support, shelter or the enclosure of persons, animals, chattels or property of any kind.
- (7) Church. A building or edifice used primarily for religious worship.
- (8) City. City of Shaniko.
- (9) City Council. Shaniko City Council.
- (10) Contiguous land. Two or more parcels or units of land, including water, under a single ownership which are not separated by an intervening parcel of land under a separate ownership (including limited access rights-of-way) which would deny access between the two parcels under single ownership.
- (11) Duplex. A building containing two dwelling units designed for occupancy by two families.
- (12) Dwelling. A detached building for and occupied exclusively by one family, including mobile homes.
- (13) Family. An individual or two or more persons related by blood, marriage or legal adoption or legal guardianship, living together in a dwelling unit. Meals or lodging may also be provided for not more than four additional persons who need not be related by blood, marriage, adoption or legal guardianship living in a dwelling unit.
- (14) Farm use. The current employment of land for the purpose of obtaining a profit in money by raising, harvesting, and selling crops or by poultry, fur-bearing animals, or honeybees or for dairying and the sale of dairy products or any other agricultural or horticultural use or animal husbandry or any combination thereof, excluding feedlots. It includes the preparation and storage of products raised on such land for man's use and animal use and disposal by marketing or otherwise.
- (15) Home occupation. The lawful occupation carried on by a resident of a dwelling as an accessory use solely within the same dwelling, provided:

- A. There is no more than one additional person employed other than the resident of the dwelling, and
 - B. The occupation is carried on in such a manner as not to impart the outward appearance of a business in an ordinary meaning of the term, or cause or lead to unreasonable increase of the flow of traffic in the neighborhood or production of noise or other forms of environmental pollution.
- (16) Industrial. The making of commodities by manufacturing, assembling, fabrication, generating or compounding by manual labor or machinery. The term includes physical or chemical processes or combinations thereof.
 - (17) Lot. A parcel or tract of land.
 - (18) Lot area. The total area of the lot measured in the horizontal plane within the lot boundary lines.
 - (19) Lot depth. The average horizontal distance between the front lot line and the rear lot line.
 - (20) Lot line, front. The line on the lot facing the street from which the access to the lot is commonly made.
 - (21) Lot width. The average horizontal distance between the side lot lines ordinarily measured parallel to the front lot line.
 - (22) Mobile home. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking or plumbing facilities, is intended or used for human occupancy, including structural additions, whether or not it is being used for residential purposes. Any such structure or vehicle shall be deemed a "mobile home" whether or not the wheels have been removed therefrom. The term "mobile home" does not apply to those factory built homes that have a continuous width of twenty feet or more and are the result of the combination of joining at the time placed on the property of two or more sections, to which wheels may be attached for the purpose of moving it to a permanent location to be affixed to the real property by a permanent and continuous concrete wall foundation. The term "mobile home" also does not apply to recreational vehicles as defined by "Recreational Vehicles".
 - (23) Mobile home park. Any privately owned place where two or more mobile homes used for human occupancy are parked within 500 feet of one another on a lot, tract or parcel

of land under the same ownership, the primary purpose of which is the rental of spaces.

- (24) Multiple family dwelling. Dwelling designed or intended for the residence of two or more families.
- (25) Non-conforming structure or use. A lawfully existing structure for use at the time this ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.
- (26) Owner. A person, his authorized agent or representative having legal authority to use, transfer or lease land.
- (27) Person. A natural person, firm, partnership, estate, receiver, syndicate, branch of government or any group or combination acting as a unit.
- (28) Recreational vehicle. A vehicle or structure designed for highway use that is intended or used for human occupancy, is not being used for residential or business purposes, and is being used solely for vacation and recreational purposes.
- (29) Residential use. A structure or use designed or used for occupancy as a human dwelling or lodging place, such as single family dwelling, duplex, apartment, boarding, lodging or rooming house, mobile home or mobile home park, or labor camp.
- (30) Parking place. A rectangular area not less than 20 feet long and 10 feet wide, together with maneuvering and access space for an automobile, equipment or other vehicle to park within the rectangle without the necessity of maneuvering other parked vehicles.
- (31) Setback. An area established for the purpose of defining limits within which no building or structure or any part thereof shall be erected or permanently maintained.
- (32) Sign. An outdoor display, message, emblem, device, figure, painting, drawing, placard, poster, billboard or other thing that is used, designed or intended for advertising purposes or to inform or attract the attention of the public. The term includes the sign supporting structure, display surface and all other component parts of the sign. When dimensions of the sign are specified, the term includes the panels

and frames, and the term includes both sides of the sign of specified dimension or area, but the term shall not include a sign as reasonably necessary or required by any branch or agency of the government pursuant to any public law or regulation.

- (33) Street. The entire width between the right-of-way lines of every public way for vehicular and pedestrian traffic, and includes the terms road, highway, lane, place, avenue, alley or other similar designation which is commonly open to use by the public.
- (34) Structure. Something which is constructed or built having a fixed base on or fixed connection to the ground or other structure.
- (35) Tract or area. The area within a measurable boundary of land or contiguous parcels of land.
- (36) Use. The purpose for which land or building is designed, arranged or intended, or for which it is occupied or maintained.
- (37) Yard. An open space on a lot which is unobstructed except as otherwise provided in this ordinance, and includes driveways.
- (38) Yard, front. A yard between the side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of a building. Any yard meeting this definition abutting on a street other than an alley shall be considered a front yard.
- (39) Yard, rear. Yard between the side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of a building.
- (40) Yard, side. The yard between the front and rear yard measured horizontally at right angles from the side lot line to the nearest point of a building.

ARTICLE 2. BASIC PROVISIONS

Section 2.1 - Compliance with Ordinance Provisions.

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

Section 2.2 - Establishment of Land Use Zones.

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

<u>Zone</u>	<u>Abbreviated Designations</u>
Residential - 10,000 square feet minimum lot size	"R"
Historic - Commercial	"H-C"
Commercial - 1	"C-1"
Commercial - 2	"C-2"
Agricultural	"A"

Section 2.3 - Location of Zones.

- (1) The boundaries of the zones listed in this ordinance are indicated on the Shaniko zoning map, which is attached to this ordinance.

Section 2.4 - Zoning Map.

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

Section 2.5 - Zoning Boundaries. Unless otherwise specified, zone boundaries are center lines of streets, lot lines, or city limits lines.

ARTICLE 3. LAND USE ZONES

Section 3.1 - Residential Zone "R". Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "R" Residential Zone shall comply with the following regulations:

(1) Permitted Uses.

- A. Single family dwelling
- B. Mobile Home
- C. Public park, public recreation areas and community centers

- D. Accessory uses and buildings customarily incidental to the above uses. Detached accessory buildings shall be located not less than 20 feet from the front line and not less than 10 feet from the main building. Detached accessory buildings shall be located not less than 5 feet from the side or rear lot lines. Detached accessory buildings on a corner lot shall not project into the side yard set back area on the street side of such corner lot.
 - E. Name plates and signs. One non-illuminated name plate not to exceed one and one-half square feet in area, placed flat against the building, for each dwelling containing a home occupation. One temporary non-illuminated sign not to exceed eight square feet in area appertaining to the lease, rental, or sale of a building or premises upon which it is located. One bulletin board not to exceed 12 square feet in area for each church, public library, neighborhood or community center.
- (2) Conditional Uses. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
- A. Churches
 - B. Mobile Home parks
 - C. Public schools and libraries
 - D. Apartments, three or more dwelling units
 - E. Home occupation
 - F. Lodge for civic or fraternal organization carrying on no commercial activity
 - G. Duplexes, two unit dwellings
 - H. Necessary public utilities and public services, county service buildings, with safeguards against harm to adjacent or abutting residential property as required by the City Council.
 - I. Civic buildings such as City Hall, fire station
 - J. Private recreation areas.
- (3) Height. Buildings, structures, or portions thereof shall not be erected to exceed a height of two and one-half stories or 35 feet.

(4) Lot size.

- A. The minimum lot size shall conform to the requirements of the County Health Department and the State Sanitary Authority, but the minimum lot area shall be 10,000 square feet.
- B. The minimum lot width at the front lot line shall be 50 feet.

(5) Yards. Setbacks shall be measured from the furthest extension of the building or structure.

- A. Front yard. There shall be a front yard of not less than 20 feet in depth.
- B. Side yard. On interior lots, there shall be side yard on each side of the main building and each side yard shall have a width of not less than 10 feet in width. On corner lots the interior side yards shall have a width of not less than 10 feet but the side yard on the street side of such corner lot shall not be less than 15 feet in width.
- C. Rear yard. There shall be a rear yard of not less than 15 feet in depth.

(6) Parking regulations.

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

Section 3.2 - Commercial - 1 "C-1" Zone. Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "C-1" Commercial Zone shall comply with the following regulations.

(1) Permitted Uses.

- A. Retail trade establishments in which the operation takes place solely within an enclosed building.
- B. Business, governmental or professional offices.
- C. Financial institution.
- D. Personal and business service such as barber shop, tailoring shop, printing shop, laundry or dry cleaning, establishment and electrical repair shops.

E. Public park, public recreation areas and community centers.

(2) Conditional Uses. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.

A. Churches

B. Family oriented craft industries

C. Service commercial establishments such as hotel, motel, gasoline service station or restaurant

D. Agricultural support services

E. Commercial amusement

F. Apartments

G. Mobile Homes

H. Private recreation areas

I. Single family dwelling

J. Other similar uses as authorized by the City Council

(3) Height. Buildings, structures or portions thereto shall not be erected to exceed a height of two and one-half stories or 35 feet whichever is less.

(4) Setback requirements. In the "C-1" Zone setbacks shall be as follows:

A. No buildings shall be constructed or located closer than 10 feet from the front lot line.

B. Corner lot exterior side-yard set-back shall be 10 feet; interior side-yard set-back shall be 5 feet; all other side-yard set-backs shall be 5 feet.

Setbacks shall be measured from the furthest extension of the building or structure.

Section 3.3 - Historic - Commercial "H-C" Zone: Uses. In the "H-C" Zone the following uses and their accessory uses are permitted, provided that at least the front of each structure or building permitted in this zone is designed and constructed with an historical western appearance.

(1) Permitted Uses.

A. Retail trade establishments in which the operation takes place solely within an enclosed building.

- B. Business, governmental or professional offices.
 - C. Financial institution
 - D. Personal and business services such as barber shop, tailoring shop, printing shop, laundry or dry cleaning, establishment and electrical repair shops
 - E. Public park, public recreation areas and community centers
- (2) Conditional Uses. Permitted with approval of the City Council in accordance with Article 5 of this ordinance.
- A. Church
 - B. Family oriented craft industries
 - C. Service commercial establishments such as hotel, motel, gasoline service station or restaurant.
 - D. Farrier
 - E. Commercial amusement
 - F. Other similar uses as authorized by the City Council
- (3) Setback requirements. Buildings must be set back 10 feet adjoining public right-of-way. This area must be landscaped as approved by the City Council.
- (4) Signs. No sign shall exceed 40 square feet in area and the sign and letters must have a historical western appearance.
- (5) Review Procedure. Plans for any use or accessory uses permitted in Section 3.3 (1) and 3.3 (2) must first be reviewed by the Shaniko City Council before any construction begins. The City Council, after hearing and seeing the plans for any use or accessory use, will by majority vote of the City Council approve, disapprove, or add requirements to protect the historical appearance of this zone.

Section 3.4 - Commercial - 2 Zone "C-2". Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "C-2" Commercial Zone shall comply with the following regulations.

- (1) Permitted Uses.
- A. Retail trade establishments

- B. Commercial amusement including, but not limited to; theaters, speciality shops, horse race track, children's zoo, stable, farrier, and other amusement facilities and structures
- C. Private recreation areas
- D. Recreational Vehicle park
- E. Public parks, public recreation areas
- F. Other similar uses as authorized by the City Council

(2) Conditional Uses.

- A. Church
- B. Family oriented craft industries
- C. Hotel, motel, or restaurant
- D. Single family dwelling
- E. Mobile Home
- F. Home occupation

- (3) Setbacks. No building shall be closer to a lot in a residential or agricultural zone than a distance equal to the height of the building or 25 feet, whichever is greater.

- (4) Signs. No sign shall exceed 40 square feet in area, unless the letters of the sign are individually constructed and mounted flat upon any wall of the building which houses the commercial enterprise being advertised.

Section 3.5 - Agricultural Zone "A". Uses. Buildings or structures hereafter erected, structurally altered, enlarged, or moved and land hereafter used in the "A" Agricultural Zone shall comply with the following regulations.

(1) Permitted Uses.

- A. Farm use as defined
- B. Farm dwellings or dwellings for owners, operators and farm employees.
- C. Public parks, public recreation areas
- D. Accessory uses customarily provided in conjunction with farm use

(2) Conditional Uses.

- A. Facilities necessary for public utility services
- B. Non-farm single family dwelling including a mobile home on a minimum one acre tract
- C. Home occupation

(3) Setbacks.

- A. Front yard. There shall be a front yard of not less than 30 feet in depth.
- B. Side yard. There shall be a side yard on each side of the main building and each side yard shall have a width of not less than 15 feet.
- C. Rear yard. There shall be a rear yard of not less than 30 feet in depth.

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

- (5) Sanitation regulations. The minimum lot size shall conform to the requirements of the County Health Department and the State Sanitary Authority, but for a non-farm single family dwelling the minimum lot area shall be one acre.

ARTICLE 4. SUPPLEMENTARY PROVISIONS

Section 4.1 - Maintenance of Minimum Ordinance Requirements. No lot area, yard or other open space existing on or after the effective date of this ordinance shall be reduced below the minimum required for it by this ordinance, and no lot area, yard or other open space which is required by this ordinance for one use shall be used as the required lot area, yard or other open space for another use.

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

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

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

ARTICLE 5. CONDITIONAL USES

Section 5.1 - Authorization to Grant or Deny Conditional Uses.

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

- (5) The applicant has a bona fide intent and capability to develop and use the land as proposed and has some appropriate purpose for submitting the proposal, and is not motivated solely by such purposes as the alteration of property values for speculative purposes.

C. Placing conditions on a permit. In permitting a new conditional use or the alteration of an existing conditional use, the City Council may impose conditions which it finds necessary to avoid a detrimental impact and to otherwise protect the best interests of the surrounding area or the community as a whole. These conditions may include the following:

- (1) Increasing the required lot size or yard dimension.
- (2) Limiting the height, size or location of buildings.
- (3) Controlling the location and number of vehicle access points.
- (4) Increasing the street width.
- (5) Increasing the number of required off-street parking spaces.
- (6) Limiting the number, size, location and lighting of signs.
- (7) Requiring diking, fencing, screening, landscaping or other facilities to protect adjacent or nearby property.
- (8) Designating sites for open space.
- (9) Requiring proper drainage and pest control.
- (10) Placing time limits on the use and requiring periodic reviews.

D. Procedure for taking action on a conditional use application.

- (1) Application for a conditional use. A property owner may initiate a request for a conditional use or the modification of a conditional use by filing an application with the City Recorder. The City Council may require other drawings or information necessary to an understanding of the proposed uses and its relationship to surrounding properties.

- (2) Public hearings on conditional use. Before the City Council may act on a request for a conditional use, it shall hold a public hearing.
- (3) Notification action. Within 10 days after a decision has been rendered by the City Council with reference to a request for conditional use, the City shall provide the applicant with written notice of the decision of the Council.
- (4) Time limit on a permit for conditional use. Authorization of a conditional use shall be void after 6 months, unless substantial construction pursuant thereto has taken place. However, the City Council may, at its discretion, extend authorization for an additional 6 months on request.

ARTICLE 6. EXCEPTIONS AND VARIANCES

Section 6.1 - Nonconforming Uses.

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

issued by the city and construction has commenced prior to the adoption of this ordinance, provided the structure, if nonconforming or intended for a nonconforming use, is completed and in use within two years from the time the permit is issued.

Section 6.2 - General Exceptions to Yard Requirements. The following exceptions to yard requirements are authorized for a lot in any zone, except a corner lot.

Any front yard need not exceed:

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

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

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

Section 6.5 - Authorization to Grant to Deny Variances. The City Council may authorize a variance from the requirements of this ordinance where it can be shown that owing to special and unusual circumstances related to a specific lot, strict application of the ordinance would cause an undue or unnecessary hardship. No variance shall be granted within the zone in which the proposed use would be located. In granting a variance, the City Council may attach conditions which it finds necessary to protect the best interests of the surrounding property or vicinity and otherwise achieve the purposes of this ordinance.

Section 6.6 - Circumstances for Granting a Variance. A variance may be granted only in the event that all of the following circumstances exist.

- (1) Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same zone or vicinity, and result from lot size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control.
- (2) The variance is necessary for the preservation of a property right of the applicant substantially the same as owners of other property in the same zone or vicinity possess.

- (3) The variance would not be materially detrimental to the purposes of this ordinance, or to property in the same zone or vicinity in which the property is located, or otherwise conflict with the objectives of any city plan or policy.
- (4) The variance requested is the minimum variance which would alleviate the hardship.
 - A. Application for a variance. A property owner may initiate a request for a variance by filing an application with the City Recorder.
 - B. Public hearing on a variance. Before the City Council may act on a request for a variance, it shall hold a public hearing.
 - C. Notification of decision. Within 10 days after a decision has been rendered by the City Council with reference to a request for a variance, the City Recorder shall provide the applicant with the notice of the decision of the City Council.

ARTICLE 7. AMENDMENTS

Section 7.1 - Forms of Amendments.

- (1) An amendment to this Ordinance may take the following forms:
 - A. Amendment to the text. (Legislative Revision)
 - B. Amendment to the map. (Legislative Revision or Quasi-Judicial Change)

Section 7.2 - Legislative Revisions.

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

Section 7.3 - Quasi-Judicial Changes.

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

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

- (1) The following criteria must be followed in deciding upon a quasi-judicial proceeding.
 - A. The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing.
 - B. The requested zone change or conditional use must be justified by proof that:
 1. The change is in conformance with the Comprehensive Plan and also the goals and policies of the Plan.
 2. The change is in conformance with the factors set forth in State Statutes, which shall consciously be considered by the City Council.
 3. The showing of public need for the rezoning and whether that public need is best served by changing the zoning classification on that property under consideration.
 4. The public need is best served by changing the classification of the subject site in question as compared with other available property.
 5. The potential impact upon the area resulting from the change has been considered.
- (2) The courts will require a "graduated burden of proof" depending upon the drastic nature of the proposed rezoning.
- (3) Procedural Process of a quasi-judicial hearing.
 - A. Parties at a rezoning hearing must have an opportunity to be heard, to present and rebut evidences.

- B. There must be a record which will support the findings made by the City Council.
- C. There must be no pre-hearing contacts on the subject of the hearing.

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

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

Section 7.7 - Record of Amendments. The Recorder shall maintain records of amendments to this Ordinance.

ARTICLE 8. ADMINISTRATIVE PROVISIONS

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

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

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

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

- (1) Variance: \$ _____
- (2) Zone Change \$ _____
- (3) Conditional Use: \$ _____

Section 8.5 - Public Hearings.

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

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

ARTICLE 9. GENERAL PROVISIONS

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

Section 9.2 - Severability. The provisions of this ordinance are severable. If a section, sentence, clause or phrase of this ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this ordinance.

Section 9.3 - Abatement and Penalty.

- (1) Violation of any provision of this Ordinance or of any amendment of this Ordinance is punishable upon conviction by a fine of not more than \$100.00 for each day of violation where the offense is a continuing offense but such fine may not exceed \$1,000.00.

- (2) In case a building or other structure is or is proposed to be located, constructed, maintained, repaired, altered, or used, or land is or is proposed to be used, in violation of this ordinance, the building or land thus in violation shall constitute a nuisance and the City may, as an alternative to other remedies that are legally available for enforcing this ordinance, institute injunction, mandamus, abatement or other appropriate proceedings to prevent, enjoin temporarily or permanently, abate or remove the unlawful location, construction, maintenance, repair, alteration or use.

ARTICLE 10. EMERGENCY

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

Read the first time: _____, 1978

Read the second time by title only: _____, 1978

Read the third time by title only
and passed: _____, 1978

Approved by the Mayor: _____, 1978

Mayor

ATTEST:

Recorder

LAND USE

*from Comprehensive
plan '78*

EXISTING LAND USE

The Land Use characteristics of Shaniko are primarily products of historic influence. Many of the old buildings that remain provide the "Ghost Town" flavor and reflect upon the days when Shaniko was a thriving, western town. Land uses in the developed portion of Shaniko have not undergone substantial changes for many years and will not change dramatically in the years to come. This is the result of a conscious effort of those citizens living in Shaniko to preserve the image of a "Ghost Town".

A detailed land use survey was completed in August of 1977 and the results are presented on the "Existing Land Use" map. Basically, there are seven land use categories identified within the corporate boundaries, these are:

- 1) Residential
- 2) Commercial
- 3) Institutional/Governmental
- 4) Historic
- 5) Transportation
- 6) Agricultural/Range
- 7) Open Space/Vacant

LAND USE NEEDS

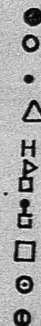
Shaniko is not expected to grow to any great extent during the planning period; however, efforts to attract tourist and other visitors to the area will continue. Land use requirements for large numbers of tourists have been considered and are reflected in the plan map. Implementation will be accomplished through the zoning ordinance.

25 30
36 31

SHANIKO 1978

EXISTING LAND USE

- RESIDENCE
- MOBILE HOME
- SHED/GARAGE
- HISTORICAL BLDG.
- HOTEL
- POST OFFICE
- SCHOOL
- COMMERCIAL
- WATER TOWER
- STATE HIGHWAY DEPT.



Storage Shed



0 600 1200
FEET

36 31
1 6

97

HIGHWAY

SHERMAN

FIFTH

FOURTH

Trailer Park

SECOND

218

SHANIKO - FOSSIL HIGHWAY

CROSS HOLLOW

25 30
36 31

SHANIKO 1978 PLAN MAP



RESIDENTIAL



COMMERCIAL



AGRICULTURAL



CITY LIMITS &
URBAN GROWTH
BOUNDARY



0 600 1200
FEET

97

HIGHWAY

SHERMAN

SSIL HIGHWAY

218

CROSS
HOLLOW

36 31
1 6

ORDINANCE NO.

AN ORDINANCE AMENDING ORDINANCE NO. 6-78-B
ADDING CERTAIN REQUIREMENTS TO THE
SHANIKO ZONING ORDINANCE

Findings:

1. The City has been required to complete a Periodic Review of its Comprehensive Plan and Implementing Ordinances. That review was completed on July 7, 1987, at the final public hearing before the City Council.
2. As a result of that review, the City finds it must amend and add certain requirements to the Zoning Ordinance.

NOW, THEREFORE, the City ordains as follows:

1. An Historic District Preservation Ordinance shall be added as Section 4.5.

Section 4.5 - Historic District Preservation. Upon receiving an application for demolition or major exterior alteration of a historic building, or new construction, within the Shaniko Historic District, as designated by the Comprehensive Plan, the City Council in a public meeting shall review the application to determine its conformance with the historic preservation factors of this ordinance.

A. New Construction

New construction within the Shaniko Historic District shall be in accordance with the following:

- (1) The applicant shall submit the following information:
 - (a) A description of the property, tax account number, tax lot, block and lot number.
 - (b) A site plan showing the location of the proposed structure, setbacks, dimensions, driveways, landscape areas and the general location of historic buildings within one block of the subject property.
 - (c) Elevations sufficient in detail to show the general scale, bulk, building materials and architectural elements of the proposed structure.
 - (d) Information in sufficient detail on the size, form, scale, materials and architectural elements of adjacent historic buildings.
 - (e) Other information as may be required by the City Council to determine the extent and design of the proposed structure.
- (2) New construction shall be compatible in size, form, scale, materials and architectural elements with surrounding historic

buildings and with the dominant architectural character of historic buildings within the district.

- (3) In addition to zoning requirements, the relationship of new construction to streets and open spaces between buildings shall be compatible with surrounding historic buildings and open spaces, and with the character of the historic district. The height and building bulk of new construction shall be compatible with surrounding historic buildings and with the character of historic buildings within the district.

B. Major Exterior Alterations

Major exterior alterations shall be in accordance with the following:

- (1) Upon receipt of an application for a major exterior alteration of a historic building, the City Council, in a public meeting, shall review the proposed alteration to determine if the building's historical significance will be altered. This review shall be based on any one of the following criteria:
 - (a) Associated with events that have made a significant contribution to the broad patterns of history;
 - (b) Associated with the lives of persons significant with our past;
 - (c) Embody distinctive characteristics of a type, period, method of construction, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
 - (d) Have yielded, or may be likely to yield, information important to prehistory or history.
- (2) Major exterior alterations as defined by this section include any change or alteration of a facade, texture, design, materials, fixtures or other treatments.
- (3) All applications for major exterior alteration shall be accomplished by plans and specifications of the proposed alteration. The City Council may request additional sketches and other information deemed necessary to make an informed decision.
- (4) In order to approve the application, the City Council shall find the alteration harmonious and compatible with the resource with respect to style, scale, texture and construction materials and/or find the alteration will enhance the historic value of the building. The City Council shall find that the proposed alteration is compatible with the character of the district. Conditions may be attached to the approval if the City Council deems it necessary to achieve the above objectives. The City Council shall disapprove the request if the proposal would reduce the historic significance

of the building or the district. Conditions attached to a permit for a major exterior alteration shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures or other facade or surface treatments which are inconsistent with the integrity of the historic values being preserved. The City Council shall not make any recommendation or requirement except for the purpose of preventing developments out of character with the historic aspects of the building and the district.

- (5) Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature which does not involve a change in design, or the construction, reconstruction, or alteration of such feature which the building inspectors certify is required by the public safety because of unsafe conditions.

C. Demolitions

Prior to the approval of a demolition of all or part of a historic building, the City Council shall find all of the following:

- (1) The structure cannot be economically rehabilitated;
- (2) A program or project does not exist which may reasonably result in preservation of the structure;
- (3) Delay of the permit would result in unnecessary and substantial hardship to the applicant; and
- (4) Issuance of the permit will not act to the substantial detriment of the public welfare considering the significance of the structure, its contributions to the historic district and the economic, cultural and energy consequences of demolishing the structure.

If a suitable alternative is available to protect the historic building, the City Council shall delay the demolition permit for sixty (60) days to allow cognizant agencies and all parties to explore alternatives. If significant progress is being made toward preserving the structure, the City Council may extend the delay for an additional thirty (30) days. If at the end of the sixty days, the City Council finds there is no suitable alternative, the City Council shall approve the demolition permit.

Replace Section 7.8 - Notification of Decision, as follows:

"Within five (5) working days after a final decision on an amendment to the Comprehensive Plan, Zoning Ordinance text or Plan/Zone Map, the City - Recorder shall provide the applicant and the Department of Land Conservation and Development a complete copy of the City Council decision. Within five (5) working days after a final decision, the City shall also provide notice of the decision to all persons who participated in the local proceedings and requested in writing they be given notice. The notice shall meet the requirements of ORS 197.615."

Add the following to Article 8 - Administrative Provision:

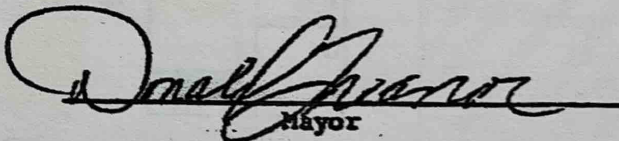
"Section 8.7 - Proposed Amendments. The City Council shall hold a public hearing on all changes to the Comprehensive Plan, Zoning Ordinance text and Plan/Zone Map. All proposed amendments shall be processed in accordance with the public hearing procedures under Section 8.5 of this Article. Text and map amendments shall also be submitted to the Department of Land Conservation and Development 45 days prior to the date set for final action except as provided for under ORS 197.610.

Section 8.8 - Final Action. Except as provided for under ORS 227.178, the City Council shall take final action on conditional use permits and variances within 120 days from the date a complete application is submitted to the City. Within 30 days of receipt of an application, the City will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30 day period. The 120 day time period will commence on the date the application is complete."

Passed by the UNANIMOUS vote of the Council.

Approved by the Mayor this 23rd day of July, 1987.

APPROVED:

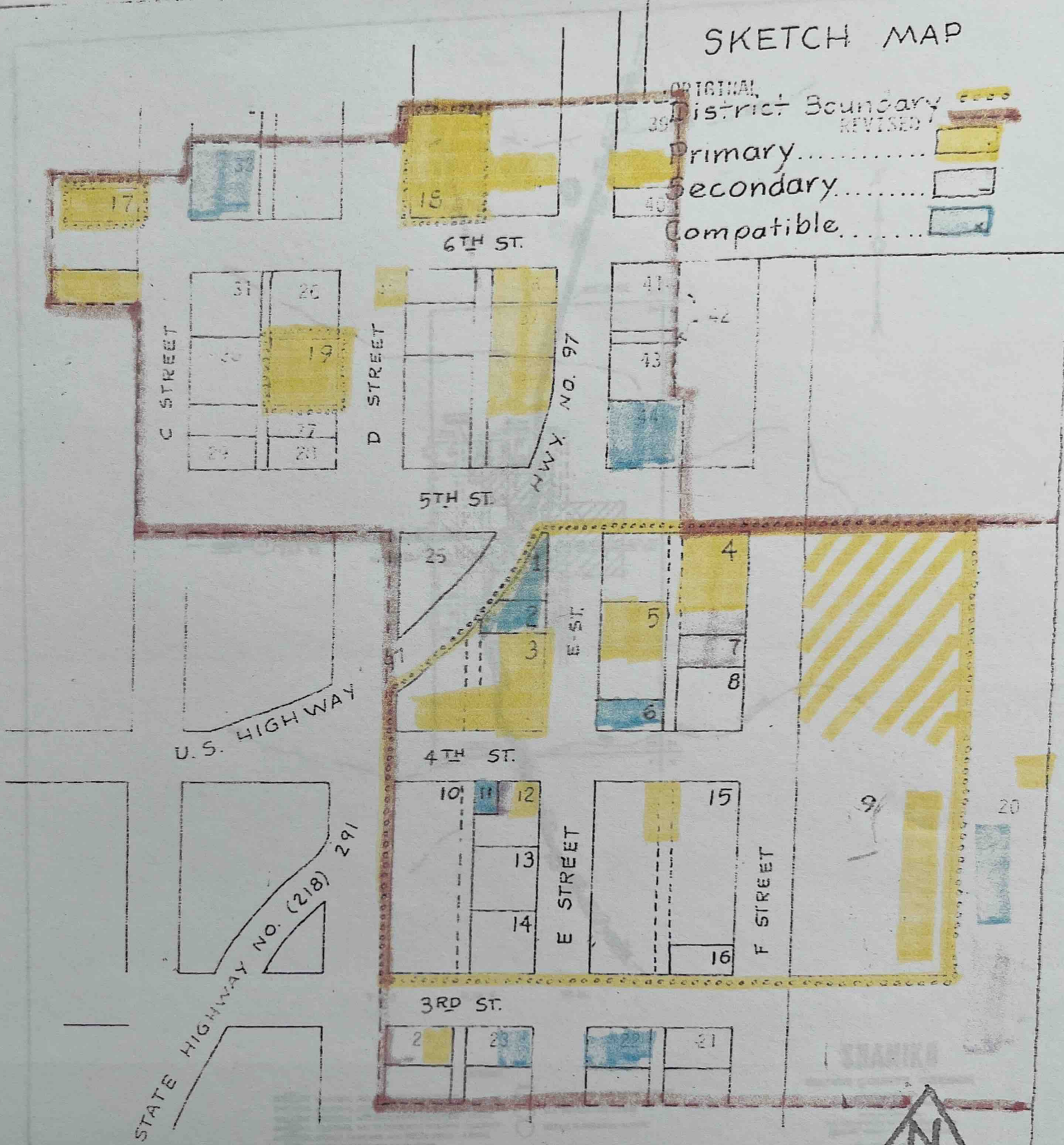

Mayor

ATTEST:

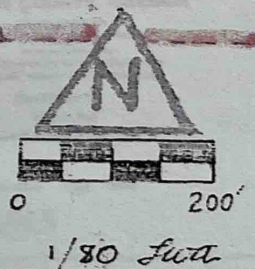

(City Recorder)

SKETCH MAP

ORIGINAL District Boundary
 REVISED
 Primary.....
 Secondary.....
 Compatible.....



SHANIKO HISTORIC DISTRICT, SHANIKO
 WASCO COUNTY, OREGON
 BOUNDARY REVISED 3-20-81



SHANIKO HISTORIC DISTRICT