

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. No shrub, wood fence, or fence other than a wire fence, which is over 42 inches in height, or wire fence (but excluding wire fence with wood or other slats installed) over 48 inches in height shall be erected, planted or maintained within 25 feet of the front line or of a side lot line abutting a public street. The City Council may grant a permit for erection of fences higher than said limits if observance of the restrictions contained in this section is not, given the width of street rights-of-way and proposed location of the fences, necessary to preserve visibility at intersections and crosswalks within the city.

SECTION 4.5 - HISTORIC STRUCTURE PRESERVATION. Upon receiving an application for demolition or major exterior alteration involving an historic area, site, structure or object, 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.

Demolition Procedure - If it is determined the Land Use action will result in the demolition or extensive exterior modification of any historical building, the City Council shall review the application taking into account the following:

- (1) State of repair of the building.
- (2) The reasonableness of the cost of restoration or repair.
- (3) The purpose of preserving such designated historical building and sites.
- (4) The character of the neighborhood.
- (5) All other factors the City Council feels are appropriate.

Following the City Council review, the City Council may approve or deny the permit for Land Use action or delay action for sixty (60) days to allow cognizant agencies to explore alternatives. If no suitable alternatives are available, the permit may be issued. The City Council, upon finding significant progress is being made toward preserving the structure, may extend the delay for an additional thirty (30) days.

Major Exterior Alteration Procedure - Exterior alterations shall be in accordance with the following:

- (1) Upon receipt of an application for a major exterior alteration of a historic structure listed in the Comprehensive Plan, the City Council, in a public meeting, shall review the proposed alteration to determine if the resource's historical significance will be altered. This review shall be based on the criteria for determining historic significance contained in the Comprehensive Plan.
- (2) Major exterior alterations as defined by this section include any change or alteration of a facade, texture, design, materials, fixtures, or other treatment.
- (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 historical value of the resource. 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 resource's value or historic significance.

Conditions attached to a permit for major exterior alteration of a historic structure shall be limited to permit requirements addressing architectural design, surface texture, materials, fixtures, or other facade or surface treatments which are deemed 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 resource.
- (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.

SECTION 4.6 - MOBILE HOMES AND RESIDENTIAL TRAILERS PLACED IN MOBILE HOME PARKS. When a mobile home or residential trailer is installed in a Mobile Home Park, it shall comply with the state installation standards. The mobile home or residential trailer shall comply with the following additional provisions.

- (1) The mobile home or residential trailer shall have an Oregon insignia. No reconstruction or equipment installation shall have been made to the mobile home unless it has been state approved as evidenced by an appropriate insignia. Before installation, the mobile home or residential trailer shall be inspected by the Building Official and installation shall be approved only if the Building Official determines the mobile home or residential trailer substantially meets the state standards for mobile home construction, and notwithstanding any deterioration which may have occurred.
- (2) The mobile home or residential trailer shall be tied down with devices to meet state standards.
- (3) The mobile home or residential trailer shall have a water closet, lavatory, and bathtub or shower.
- (4) The mobile home or residential trailer shall have a kitchen area or room containing a sink.
- (5) The mobile home or residential trailer plumbing shall be connected to a potable water supply and approved sewage disposal system.
- (6) The mobile home or residential trailer shall have continuous fireproof skirting.
- (7) Wheels of the mobile home or residential trailer shall be removed when the unit is installed.
- (8) Except for a structure which conforms to the state definition of a mobile home accessory structure, no extension shall be attached to the mobile home or residential trailer. Accessory buildings shall be separated from the mobile home by not less than 5 feet.
- (9) The mobile home or residential trailer shall contain at least 500 square feet of space as determined by measurement of the exterior dimensions of the unit, exclusive of any trailer hitch device.

The area of a mobile home accessory structure shall not be included.

SECTION 4.7 MANUFACTURED HOME SITING STANDARDS. Manufactured homes meeting the following criteria are allowed on individual lots in specified residential zones.

- (1) Only those manufactured homes used as permanent residences, and
 - (A) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.
 - (B) The manufactured home shall have a foundation of sufficient strength to support the loads imposed by the manufactured home as specified by the manufacturer's installation instructions. Manufactured home placements shall be reviewed and approved by the City's designated building official. In the absence of the specific manufactured home installation instructions, installation of the manufactured home shall follow the installation requirements outlined in Oregon Administrative Rules, Chapter 918. Skirting of a noncorrosive, noncombustible material which matches the exterior color of the unit shall be provided.
 - (C) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.
 - (D) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

SECTION 4.8 - BED AND BREAKFAST FACILITIES DEVELOPMENT STANDARDS.

A bed and breakfast facility approved as a conditional use in the residential zones of the City shall have the following approval standards.

- (1) The structure shall retain the characteristics of a single-family dwelling.
- (2) The number of guest rooms shall be limited to five (5) and the number of guests shall be limited to ten (10).
- (3) In addition to the required off-street parking for each residential use, one (1) off-street parking space for each bed and breakfast guest shall be provided.
- (4) Signs shall be limited to one non-illuminated sign, not exceeding one and one-half (1-1/2) square feet. No off-premises signs are permitted.
- (5) Submission of an acceptable site plan that meets off-street parking requirements and provides landscaping appropriate to a residential neighborhood.

SECTION 4.9 - EARTH MOVEMENT AND REMOVAL. A written permit approved by

the City Council shall be required to remove 50 cubic yards or more of earth material from any individual property within a calendar year.

SECTION 4.10 - HELIPORT STANDARDS.

- (1) PURPOSE. The purpose of these standards is to provide for sites reserved for the landing and takeoff of helicopters, loading and unloading of passengers and cargos. Heliports are conditionally allowed as necessary public facilities.
- (2) STANDARDS. The City Council may require an annual review of a conditional use permit for a heliport if it determines that the area could develop in the future with other uses. In addition to the information required for a conditional use permit, the applicant is required to submit to the City Council prior to approval:
 - (A) A State of Oregon airport license issued by the Oregon Aeronautics Section, and
 - (B) A map showing the flight pattern for landings and takeoffs.

SECTION 4.11 - SIGNS IN COMMERCIAL AND INDUSTRIAL ZONES.

- (1) Any signs erected or to be erected in Commercial or Industrial zones shall be reviewed and approved by the City Council and shall meet the standards outlined below. A sign application may be picked up at City Hall.
 - (A) Principal Signs. A principal sign advertising the business may be a combination of free-standing, flush-mounted or projecting signs. Free-standing and projecting sign areas are computed by totaling both sides of the signs.
 - (B) Sign Area. The amount of area of the sign is computed on a basis of one square foot of sign for each lineal foot of frontage the property or business on the public right-of-way in the City. In the case of multiple businesses within the same building, the amount of frontage of the business within the building will be the determining factor. In the case of a corner lot, the sign size facing each street shall be limited to the amount of lineal frontage on each street. In no case shall the total signage area exceed 200 square feet for each business.
 - (C) Prohibited Signs. The following signs are prohibited in the City of Wallowa:
 1. Any flashing, moving, animated, blinking or rotating signs whose illumination changes with time or which is designed in a manner to simulate motion. Time and temperature reader boards excluded.

2. The sign would extend, such as a roof sign, above the roof line of the building to which it is to be attached.
3. The Building or Zoning Official determines a sign to be in violation of ORS 483.138, which applies to signs creating confusion with or interfering with the effectiveness of traffic or signals.
4. The sign is placed on, affixed to or painted on a motor vehicle, vehicle or trailer and placed on public or private property for the primary purpose of providing a sign not otherwise permitted by this ordinance.
5. The sign is a private sign placed on, painted on or affixed to a utility pole, tree or rock.
6. The sign would bear or contain statements, words or pictures of an obscene, indecent or immoral character such as will offend the public morals or decency.
7. Projecting or free-standing signs which would project into the public right-of-way.
8. The sign advertises goods or services not available on the premises.

SECTION 4.12 – BICYCLE PARKING. Unless otherwise specifically established at the time of erection of a new structure, bicycle parking may be provided as follows:

- (1) A minimum of 2 bicycle parking spaces per use shall be required for all uses with greater than ten (10) vehicle parking spaces.
- (2) The following Special Minimum Standards shall be considered as supplemental requirements for the number of required bicycle parking spaces.
 - (A) Multi-Family Residences. Every residential use of four (4) or more dwelling units shall provide at least one sheltered bicycle parking space for each unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances in which the residential complex has no garage or other easily accessible storage unit, the required bicycle parking spaces shall be sheltered under an eave, overhang, an independent structure, or similar cover.
 - (B) Parking Lots. All public and commercial parking lots and parking structures shall provide a minimum of one parking space for every 10 motor vehicle

parking spaces.

- (C) Schools. Elementary and middle schools, both private and public, shall provide one bicycle parking space for every 10 students and employees. High schools shall provide one bicycle parking space for every 5 students and employees. All spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
- (D) Downtown. In downtown areas with on-street parking, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Spaces may be clustered to serve up to six (6) bicycles; at least one cluster per block shall be provided. Bicycle parking spaces shall be located in front of the stores along the street, either on the sidewalks in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 5 feet. Customer spaces are not required to be sheltered. Sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per store.
- (E) Rural Schools, Service Centers, and Industrial Parks. Where a school, service center, or industrial park is located 5 or more miles from the closest urban area or rural residential subdivision with a density of more than one dwelling unit per 20 acres, a minimum of two bicycle parking spaces per use shall be required.

The following formulas are for Calculating the Number of Required Bicycle Parking Spaces:

- (1) Fractional numbers of spaces shall be rounded up to the next whole space.
- (2) For facilities with multiple uses (such as a commercial center), the bicycle parking requirements shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. This shall not be less than one (1) space for every ten (10) vehicle parking spaces.
- (3) Exemptions. This section does not apply to single family, two-family, and three family housing (attached, detached, or manufactured housing), home occupations, agriculture and livestock uses, or other developments with fewer than ten (10) vehicle parking spaces

SECTION 4.13 – ACCESS MANAGEMENT AND STREET CONNECTIVITY.

- (1) The purpose of this ordinance is to manage access to land development while preserving the movement of people and goods in terms of safety, capacity, functional classification, and level of service as categorized in the Transportation System Plan. This ordinance shall apply to all arterials and collectors as defined in the Transportation System Plan within the City of Wallowa and to all properties that abut these roadways.
- (2) Joint use driveways and Cross Access.
 - (A) Adjacent commercial or office properties identified as major traffic generators (generating more than 400 daily trips as defined by the Institute of Transportation Engineers *Trip Generation Manual*), shall provide a cross access drive and pedestrian access to allow circulation between sites.
 - (B) A system of joint use driveways and cross access easements shall be established wherever feasible and shall incorporate the following:
 1. A continuous service drive or cross access corridor extending the entire length of each block served to provide for driveway separation consistent with the access management classification system and standards.
 2. A design speed of 10 mph and a maximum width of 20 feet to accommodate two-way travel aisles designated to accommodate automobiles, service vehicles, and loading vehicles.
 3. Stub-outs and other design features to make it visually obvious that the abutting properties may be tied in to provide cross access via a service drive.
 4. A unified access and circulation system plan for coordinated or shared parking areas.
 5. Shared parking areas shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
 - (C) Shared parking shall be permitted a reduction in required parking spaces if peak demands do not occur at the same time periods.
 - (D) Pursuant to this section, property owners shall:
 1. Record an easement with the deed allowing cross access to and from

other properties served by the joint use driveways and cross access or service drive.

2. Record an agreement with the deed that remaining access rights along the roadway will be dedicated to the City of Wallowa and pre-existing driveways will be closed and eliminated after construction of the joint-use driveway.
 3. Record a joint maintenance agreement with the deed defining maintenance responsibilities of property owners.
- (E) The City of Wallowa may reduce required separation distance of access points where they prove impractical, provided all of the following requirements are met:
1. Joint access driveways and cross access easements are provided in accordance with this section.
 2. The site plan incorporates a unified access and circulation system in accordance with this section.
 3. The property owner enters into a rewritten agreement with the City of Wallowa, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of the joint use driveway.
- (F) The City of Wallowa may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make the development of a unified or shared access and circulation system impractical.
- (3) Driveways shall meet the following standards:
- (A) If the driveway is a one-way in or one-way out drive, then the driveway shall be a minimum width of 10 feet and shall have appropriate signage designating the driveway as a one-way connection.
 - (B) For two-way access, each lane shall have a minimum width of 10 feet and a maximum width of 12 feet.
 - (C) Driveway approaches must be designed and located to provide an exiting vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes and tapers shall be avoided due to the potential for vehicular weaving conflicts.

- (D) The length of driveways shall be designed in accordance with the anticipated storage length for entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.
- (4) Requirements for Phased Development Plans.
- (A) In the interest of promoting unified access and circulation systems, development sites under the same ownership or consolidated for the purposes of development and comprised of more than one building site shall be reviewed as single properties in relation to the access standards of this ordinance. The number of access points permitted shall be the minimum number necessary to provide reasonable access to these properties, not the maximum available for that frontage. All necessary easements, agreements, and stipulations shall be met. This shall also apply to phased development plans. The owner and all lessees within the affected area are responsible for compliance with the requirements of this ordinance and both shall be cited for any violation.
 - (B) All access must be internalized using the shared circulation system of the principal development or retail center. Driveways shall be designed to avoid queuing across surrounding parking and driving aisles.
- (5) Nonconforming Access Features.
- (A) Legal access connections in place as of June 12, 2001 that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards under the following conditions:
 - (1) When new access permits are requested.
 - (2) Change in use, enlargements, or improvements that will increase trip generation to 400 daily trips or above.
- (6) Reverse Frontage:
- (A) Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification.
- (7) Shared Access.
- (A) New direct accesses to individual one and two family dwellings shall be prohibited on all state highways except district-level state highways.

- (8) Pedestrian and Bicycle Circulation:
- (A) Safe and convenient pedestrian and bicycle access shall be provided within new subdivisions, multi-family developments, planned developments, shopping centers, and commercial districts. Bicycle and pedestrian access shall provide safe and convenient connections to adjacent streets as well as residential areas and neighborhood activity centers within one-half mile of the development. Residential developments shall include streets with walkways and accessways. Pedestrian circulation through parking lots shall be provided in the form of accessways.
 - (B) Internal pedestrian circulation shall be provided in new commercial, office, and multi-family residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, accessways, or similar techniques.
 - (C) Bikeways shall be required along arterials.
 - (D) Walkways shall be required along arterials, collectors and local streets.
 - (E) The City of Wallowa may modify or waive the requirements of this section if it is determined that bicycle and pedestrian access is impracticable due to physical or topographic conditions (e.g. freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); or where the characteristics or layout of abutting properties would prevent a connection now or in the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

SECTION 4.14 – CORNER CLEARANCE

- (1) Corner clearance for connections shall meet or exceed the minimum connection spacing requirements for that roadway.
- (2) New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this ordinance, unless no other reasonable access to the property is available.
- (3) Where no other alternatives exist, the (permitting department) may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

SECTION 4.15 – TRAFFIC IMPACT STUDIES.

- (1) An applicant shall submit a traffic impact study when a proposed land use action affects a transportation facility. The following vehicle trip generation thresholds shall determine the level and scope of transportation analysis required for a new or expanded development:
 - (A) Transportation Impact Study (TIS): If a proposed development will generate 400 or more daily trip ends, as defined by the Institute of Transportation Engineers (ITE), *Trip Generation Manual* or trip generation studies of comparable uses prepared by an engineer, then a TIS shall be required. The requirements of a TIS shall be established by ODOT and the City of Wallowa.
 - (B) Transportation Site Review (TSR): If a proposed development will generate 100 or more daily trip ends but less than 400 daily trip ends, then a TSR shall be required. The requirements of a TSR shall be established by ODOT and the City of Wallowa.
 - (C) Projects that generate less than 100 daily trip ends may also be required to provide traffic analysis when, in the opinion of ODOT and the City of Wallowa, a capacity problem and/or safety concern is caused and/or is adversely impacted by the development. ODOT and the Wallowa County Planning Department shall determine the scope of this special analysis: