

## Article 8 Administrative Provisions

SECTION 8.1 - ADMINISTRATION. The City Recorder is appointed by the City Council and shall have the power and duty to enforce the provisions of this ordinance. An appeal from a ruling by the City Recorder 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 provided by the County.

SECTION 8.4 - FILING FEES.

(1) The following fees shall be paid to the City Recorder upon filing for an application. Such fees shall not be refundable. No application filed shall be acted upon until the required fee is paid. The following rates may be revised by resolution enacted by the City Council.

(A) Variance	\$100.00	150.00
(B) Zone Change	\$250.00	300.00
(C) Conditional Use	\$100.00	150.00
(D) Zoning Permit/Building Permit	<del>\$10.00</del>	250.50.00
(E) Annexation	\$350.00	400.00
(F) Vacation	\$150.00	200.00

(2) The City of Wallowa, like many cities in Oregon, is faced with a severely reduced budget for the administration of the City's ordinances. The land use planning process in the State of Oregon has become increasingly complex. To properly process a land use application, the City must rely upon professional consultants to assist in preparing the legal notices, conducting on-site inspections, preparation of staff reports and, in some cases, actual attendance at the Planning Commission and/or City Council

meeting. The City utilizes a consultant to ensure land use applications are processed fairly and promptly. Because of the reduced budgets, the City finds it necessary to transfer those administrative costs to the applicant, as a part of the land use planning process.

#### 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 ten 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 ten (10) days prior to the date of the hearing.

Said notice shall - - -

- (A) Explain the nature of the application and the proposed use or uses which could be authorized, ORS 197.763(3)(a).
- (B) List the applicable criteria from the ordinance and the plan that apply to the application, ORS 197.763(3)(b).
- (C) Set forth the street address or other easily understood geographical reference to the subject property, ORS 197.763(3)(c).
- (D) State the date, time, and location of the hearing, ORS 197.763(3)(d).
- (E) State that failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA based on that issue, ORS 197.763(3)(3) [and ORS 197.763(1)1.
- (F) State that failure to provide sufficient specificity to afford the decision maker an opportunity to respond to an issue that is raised precludes appeal to LUBA based on that issue, ORS 197.763(3)(e).
- (G) Include the name of a local government representative to contact and a telephone number where additional information may be obtained, ORS 197.763(3)(9).
- (H) State that a copy of (1) the application, (2) all documents and evidence relied upon by the applicant, and (3) applicable criteria are available for inspection at no cost and will be provided at reasonable cost, ORS 197.763(3)(h).

- (I) State that a copy of the staff report will be available for inspection at no cost at least seven (7) days prior to the hearing and will be provided at reasonable cost, ORS 197.763(3)(i).
  - (J) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings, ORS 197.763(3)(j).
- (3) 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.

SECTION 8.6 - AUTHORIZATION OF SIMILAR USES. The City Council may permit, by following the procedures outlined in Article 5, Section 5.1, 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.

SECTION 8.7 - ZONING PERMIT APPROVAL CRITERIA.

- (1) 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 City of Wallowa may require the applicant to provide adequate information, such as a traffic impact study or traffic counts, to demonstrate the level of impact to the surrounding street system. The City of Wallowa may require the developer to mitigate any impacts attributable to the project.
- (2) The determination of impact or effect and the scope of the impact study should be coordinated with the provider of the affected transportation facility.
- (3) 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.
- (4) Improvements such as paving, curbing, installation or contribution to traffic signals, construction of sidewalks, bikeways, accessways, paths, or streets that serve the proposed use where the exiting transportation system may be burdened by the proposed use.
- (5) All proposed roads shall follow the natural topography and preserve natural features of the site as much as possible. Alignments shall be planned to minimize grading.

- (6) Access shall be properly placed in relation to sight distance, driveway spacing, and other related considerations, including opportunities for joint and cross access.
- (7) The road system shall provide adequate access to buildings for residents, visitors, deliveries, emergency vehicles, and garbage collection.
- (8) An internal pedestrian system of sidewalks or paths shall provide connections to parking areas, entrances to the development, and open space, recreational, and other community facilities associated with the development. Streets shall have sidewalks on both sides. Pedestrian linkages shall also be provided to the peripheral street system.
- (9) The access shall be consistent with the access management standards adopted in the Transportation system Plan.
- (10) Any application that involves access to the State Highway System shall be reviewed by the Oregon Department of Transportation for conformance with State access management standards.

SECTION 8.8 – ZONING PERMIT SUBMITTAL REQUIREMENTS. Information that should be conveyed to reviewers includes:

- (1) Project location.
- (2) Proposed land use action.
- (3) Location of project access point(s).

Additional information that could be supplied to the review upon request (provided the information is available) includes a site plan showing the following:

- (4) Distances to neighboring constructed access points, median openings, traffic signals, intersections, and other transportation features on both sides of the property;
- (5) Number and direction of lanes to be constructed on the driveway, plus striping plans;
- (6) All planned transportation features (lanes, signals, bikeways, sidewalks, crosswalks, etc.);
- (7) Trip generation data or appropriate traffic studies;
- (8) Parking (motor vehicle and bicycle and internal circulation plans for vehicles and pedestrians;

- (9) Internal circulation plans for pedestrians and bicycles and how those facilities connect with external existing or planned facilities or systems.
- (10) Plat map showing property lines, right-of-way, and ownership of abutting properties; and
- (11) A detailed description of any requested variance.

SECTION 8.9 – NOTICE REGARDING LAND USE ACTIONS.

- (1) Notice shall be sent to the Oregon Department of Transportation regarding any land use action on or adjacent to a state transportation facility.
- (2) Notice shall be sent to the appropriate jurisdiction's public works department, regarding any land use action that potentially affects another jurisdiction's transportation facility.
- (3) Notice shall be sent to providers of public transit and special interest transportation groups such as truckers, railroad, bicyclists, pedestrians, and the disabled regarding any roadway or other transportation project.

## 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.
- (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.
- (3) The City shall be entitled to recover its reasonable attorney fees and expert witness fees incurred in pursuing legal action from the person or business that violates this ordinance.

**Article 10**  
**Emergency**

SECTION 10.1 - EMERGENCY. That whereas conditions in the City of Wallowa 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.

## Article 11 Adoption

The Wallowa City Council made these amendments available to the public and conducted a legislative hearings on April 10, 2001, and May 8, 2001.

2. At the close of the public hearing, Council moved unanimously to adopt these proposed amendments.

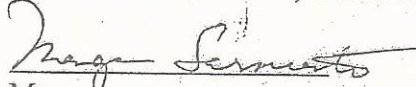
Read for the first time April 10, 2001.

Read for the second time by title only: May 8, 2001.

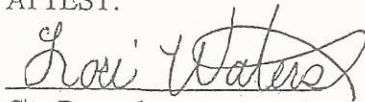
Read for the third time and passed: June 12, 2001.

Approved by the Mayor: June 12, 2001.

CITY OF WALLOWA, OREGON

  
Mayor

ATTEST:

  
City Recorder