

TITLE XV: LAND USAGE

Chapter

150. GENERAL PROVISIONS

151. BUILDING CODES

152. PARTITION AND SUBDIVISION

153. FLOOD DAMAGE PREVENTION

154. TRAILER PARKS

155. ZONING

CHAPTER 150: GENERAL PROVISIONS

Section

150.01 Adopting text amendments to the city Land Use Plan, zoning ordinance and partition and subdivision ordinance; adopted by reference

§ 150.01 ADOPTING TEXT AMENDMENTS TO THE CITY LAND USE PLAN, ZONING ORDINANCE AND PARTITION AND SUBDIVISION ORDINANCE; ADOPTED BY REFERENCE.

The City of Union' s text amendments to the city Land Use Plan, zoning ordinance and partition subdivision ordinance are hereby adopted by reference and incorporated herein as if set out in full.
(Ord. 446, passed 9-9-1996)

CHAPTER 151: BUILDING CODES

Section

State of Oregon Speciality Codes

- 151.01 Definitions
- 151.02 Adoption of codes
- 151.03 Enforcement
- 151.04 Fees
- 151.05 Application
- 151.06 Codes administered by the city
- 151.07 Local interpretation
- 151.08 Appeals

Numbering of Buildings

- 151.25 House numbers required
- 151.26 Numbering system
- 151.27 Base lines
- 151.28 Assigning numbers
- 151.29 Duty to install numbers
- 151.30 Placement of numbers

- 151.99 Penalty

STATE OF OREGON SPECIALITY CODES

§ 151.01 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ADMINISTRATIVE AUTHORITY. The Union City Administrator or his or her designee.

BUILDING. A structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

BUILDING OFFICIAL. The officer or other designed authority charged with the administration and enforcement of these codes, or his or her duly authorized representative.

BUILDING PERMIT. A building permit issued subject to the regulations described in the Oregon State Structural Specialty Codes and Manufactured Dwelling Administrative Rules, Chapter 918, Divisions 500, 505, 510, 515 and 520, General Rules.
(Ord. 428, passed 1-14-1991)

§ 151.02 ADOPTION OF CODES.

(A) The codes and sets of regulations listed in this subchapter, as hereinafter amended or modified, are hereby adopted as though fully set out herein and shall be known as the Specialty Codes for the City of Union.

(B) The codes adopted as hereinafter modified or amended are:

(1) Uniform Building Code, 1988 edition as promulgated by the International Conference of Building Codes Agency of the State of Oregon as of the date of passage of this subchapter;

(2) CABO One-and Two-Family Dwelling Code, 1989 edition as promulgated by the Council of American Building Officials and as modified, supplemented or amended by the Building Codes Agency of the State of Oregon as of the date of passage of this subchapter;

(3) Uniform Plumbing Codes, 1989 edition as promulgated by the International Association of Plumbing and Mechanical Officials and as modified, supplemented or amended by the Building Codes Agency of the State of Oregon as of the date of passage of this subchapter;

(4) Uniform Mechanical Code, 1988 edition as promulgated by International Conference of Building Officials and as modified, supplemented or amended by the Building Codes Agency of the State of Oregon as of the date of passage of this subchapter;

(5) Manufactured Dwelling Administrative Rules, Chapter 918, Divisions 500, 505, 510, 515 and 520 as adopted by the Building Codes Agency of the State of Oregon and the administrative interpretations thereof contained in the pamphlet Manufactured Dwelling Administrative Rules, January 1990; and

(6) Uniform Code for the Abatement of Dangerous Buildings, 1994 edition, as promulgated by the International Conference of Building Officials and as modified, supplemented or amended by the Building Codes Agency of the State of Oregon as of the date of passage of the ordinance.
(Ord. 428, passed 1-14-1991; Ord. 448, passed 2-12-1996)

§ 151.03 ENFORCEMENT.

The Building Official shall administer and enforce the codes herein adopted.
(Ord. 428, passed 1-14-1991)

§ 151.04 FEES.

Fees for permits hereunder shall be the same as those set by the Union County Board of Commissioners. In addition, there is also established a fee to be collected by the City of Union for pre-application review of a building permit. The City Council shall establish the amount of the pre-application fee by resolution.
(Ord. 428, passed 1-14-1991)

§ 151.05 APPLICATION.

This subchapter shall apply to all buildings and structures within the City of Union unless specifically exempted herein.
(Ord. 428, passed 1-14-1991)

§ 151.06 CODES ADMINISTERED BY THE CITY.

As allowed and permitted by the State of Oregon, codes adopted hereunder to be enforced by the City of Union shall be those codes designated by § 151.02.
(Ord. 428, passed 1-14-1991)

§ 151.07 LOCAL INTERPRETATION.

In addition to the provisions of § 105 of the Structural Specialty Code and similar provision of other specialty codes, the Building Official may approve a material or a method of construction not specifically prescribed by these codes, provided he or she finds that the proposed design is satisfactory and that the material, method or work offered is suitable for the purpose intended or at least the equivalent of that prescribed in these codes in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation and that the Administrator of the Building Codes Agency has not issued a report disapproving the material or method for the purpose. The Building Official may refer the proposed design to the County Board of Appeals as provided in § 204(a) of the Structural Specialty Code, and any person affected by a ruling of the Building Official may appeal the ruling to the Board of Appeals within 30 days of the date of the ruling. The provisions of this section shall not be interpreted to preclude a person from requesting a ruling from the Administrator of the Building Codes Agency prior to submitting an application to the city for a permit or after withdrawing a previously submitted application.
(Ord. 428, passed 1-14-1991)

§ 151.08 APPEALS.

Any person aggrieved by a decision of the Building Official may appeal therefrom by filing a written notice with the Union County Board of Commissioners according to the procedure provided by Union County Ord. 1990-4.

(Ord. 428, passed 1-14-1991)

NUMBERING OF BUILDINGS**§ 151.25 HOUSE NUMBERS REQUIRED.**

There is hereby established a uniform system of numbering all houses, stores, establishments and other buildings, excepting minor sheds and outbuildings now situated or which may hereafter be erected within the city limits of the City of Union, Oregon, and which are hereinafter referred to as structures. The numbers shall be placed near the main entrance of each structure, and in accordance with the map and plan now on file in City Hall, which shall be known as the "Official Numbering Map of the City of Union".

(Ord. 419, passed 2-12-1990)

§ 151.26 NUMBERING SYSTEM.

Numbers on all structures on the south side of streets that run east and west, and numbers on all structures on the west side of streets running north and south, shall be even numbers commencing with the numbers 100, and numbers on all structures on the north side of streets running east and west, and on all structures on the east side of streets running north and south, shall be odd numbers commencing with the numbers 101.

(Ord. 419, passed 2-12-1990)

§ 151.27 BASE LINES.

(A) Main Street in the City of Union shall be the base line for commencing to number all streets running east and west, and Arch Street shall be the base line for commencing to number all streets running north and south.

(B) All numbering east or west of Main Street shall be designated "east" or "west" as the case may be.

(C) All numbering north or south of Arch Street shall be designated "north" or "south".

(Ord. 419, passed 2-12-1990)

§ 151.28 ASSIGNING NUMBERS.

(A) The numbering shall be fixed by blocks.

(B) The confines of a block shall be fixed by the Council. Each block shall be allowed 100 numbers, with 50 to each side of a street in the block.

(C) The numbers shall be assigned to structures on a frontage basis proportionate to the length of the block, and in the event a question arises as to the proper number for a particular structure, the question shall be decided by the City Administrator.

(D) The general guideline for this decision will be that a number is assigned to each approximately five feet of frontage.

(Ord. 419, passed 2-12-1990)

§ 151.29 DUTY TO INSTALL NUMBERS.

It shall be the duty of every person, firm or corporation owning, occupying or controlling any structure within the City of Union, to obtain from the Recorder the correct number for the structure and to number the same in accordance with provisions hereof, the same to be done within 30 days of the passage of this subchapter, or within 30 days of the erection of any structure which may be constructed after passage of this subchapter.

(Ord. 419, passed 2-12-1990)

§ 151.30 PLACEMENT OF NUMBERS.

Numbers shall be affixed to the door or door frame of the main entrance to the structure or as near thereto as practical, in a location conspicuous from the street from which the structure faces.

(A) Numbers shall be attached to the building and shall be on a background material that allows for easy reading at any time of day or night, and shall be kept in good repair at all times.

(B) Numbers shall be not less than four inches high.

(Ord. 419, passed 2-12-1990)

§ 151.99 PENALTY.

(A) *General.* Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) *State of Oregon speciality codes.*

(1) A person shall not:

(a) Violate or procure aid or abet in the violation of any final order concerning the application of a provision of the State Building Code in a particular case made by any local Appeals Board, Building Official or Inspector; and

(b) Engage in or procure aid or abet any other person to engage in or conduct an activity for which a permit, certificate, label or other formal authorization is required by any specialty code or other regulation without first having obtained the permit certificate, label or other formal authorization.

(2) A person who violates division (B)(1) above shall be subject to civil penalty not to exceed \$100 per violation. In the case of a continuing violation, every day's continuance of the violation is a separate violation.

(C) *Numbering of buildings.* It shall be unlawful for any person to fail or refuse to obtain a number or to place the same on any structure owned, occupied or controlled by the person in the manner in §§ 151.25 through 151.30 provided; and it shall likewise be unlawful for any person to remove, alter or deface any number, or to substitute any other number therefore; and any person violating any provision of §§ 151.25 through 151.30 shall, upon conviction thereof in the Municipal Court of the City of Union, be deemed guilty of a misdemeanor and shall be fined in any amount not exceeding \$25.

(Ord. 419, passed 2-12-1990; Ord. 428, passed 1-14-1991)

CHAPTER 152: PARTITION AND SUBDIVISION

Section

- 152.01 Title
- 152.02 Purposes
- 152.03 Definitions
- 152.04 Scope and regulations
- 152.05 Application procedure
- 152.06 Tentative plan requirements
- 152.07 Submission of final plat
- 152.08 Creation of streets or ways
- 152.09 Street, roadway and other utility design and improvement standards
- 152.10 Improvements
- 152.11 Modifications
- 152.12 Amendments
- 152.13 Fees
- 152.14 Appeals

- 152.99 Penalty

§ 152.01 TITLE.

This chapter shall be known as the “ Subdivision and Partition Ordinance, Union, Oregon” as provided by the enabling legislation of O.R.S. Chapters 92 and 227.
(Ord. 418, passed 3-12-1990)

§ 152.02 PURPOSES.

(A) The purposes of this chapter are as follows:

- (1) To accomplish the orderly development of land;
- (2) Facilitate creation and sales of lots and parcels; and
- (3) Insure that needed access, public services and facilities are, or can be made available to areas proposed for development.

Union - Land Usage

(B) In pursuit of these purposes, the following factors shall be taken into account:

- (1) Land use plan and zoning provisions;
- (2) The suitability and compatibility of the proposed partitioning or subdividing as related to adjacent and surrounding area development;
- (3) The extent and placement of needed facilities and services;
- (4) Street location and improvement needs which may include requiring that access be extended to adjacent properties;
- (5) Safety from fire, flood, landslide or other hazards;
- (6) Other transportation, service, drainage, education, recreation or related needs; and
- (7) Soils and related characteristics.

(Ord. 418, passed 3-12-1990)

§ 152.03 DEFINITIONS.

(A) As used in this chapter, the masculine includes the feminine and neuter and the singular includes the plural.

(B) For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

ALLEY. A narrow street through a block which affords only secondary means of access to abutting property at the rear or side thereof.

ARTERIAL STREET. A street carrying fast or heavy traffic of considerable continuity, used primarily as a traffic artery for intercommunication among large areas.

BUILDING LINE. A line on a plat indicating the limit beyond which buildings or other structures may not be erected.

CITY. City of Union, Oregon.

COLLECTOR STREET. A street which carries traffic from minor streets to arterial streets, including the principal entrance streets of a development and streets for circulation within such a development.

COMPREHENSIVE PLAN. A plan adopted by the City Council as a guide for the growth and improvement of the city including modifications, refinements and amendments which may be made from time to time.

COMMISSION. Planning Commission, City of Union, Oregon.

COUNCIL or **CITY.** Mayor and Council of the City of Union, Oregon.

CUL-DE-SAC. A short street having one end open to traffic and being terminated by a vehicle turn-around.

DEVELOPER. Property owner or authorized representative thereof partitioning or subdividing land.

EASEMENT. A grant of the right to use a strip of land for specific purposes.

LOT. A unit of land that is created by a subdivision of land.

(a) **CORNER LOT.** A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

(b) **THROUGH LOT.** A lot having frontage on two parallel or approximately parallel streets other than alleys.

MAJOR PARTITION. A partition creating two or three parcels, and which includes the creation of a road or street, i.e., utilization of a means of access not previously approved for partitioning or subdividing.

MARGINAL ACCESS. A cul-de-sac street, driveway, lane or frontage road, generally providing access to a limited number of abutting lots.

MINOR PARTITION. A partition creating two or three parcels, and which does not include the creation of a road or street, or utilization of a means of access not previously approved for partitioning or subdividing.

MINOR STREET. A street used primarily for access to abutting lots, and having greater anticipated traffic demands than marginal access streets.

PARCEL. A unit of land that is created by a partitioning of land.

PARTITION. Either an act of partitioning land or area or tract of land partitioned.

PARTITION LAND. To divide an area or tract of land into two or three parcels within a calendar year. **PARTITION LAND** does not include divisions of land resulting from lien foreclosures, foreclosure of a recorded contract for the sale of real property, the creation of cemetery lots, the

adjustment of a parcel or lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance and a sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the applicable comprehensive plan and O.R.S. 215.213(2)(g) to (s) and 215.283(2)(p) to (r).

PARTITION PLAT. A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.

PARTITIONER. Any person commencing proceedings under this chapter to effect a partition of land hereunder for himself, herself or for another.

PERSON. An individual, firm, partnership, corporation, company, association, syndicate or any legal entity, and including any trustee, receiver, assigner or other similar representative thereof.

PLANNING ADMINISTRATOR. The Council or that official designated by the City Council to administer this chapter.

PLAT. A final subdivision plat, re-plat or partition plat.

RE-PLAT. A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, locations, specifications, dedications and provisions and information concerning a recorded partition or subdivision.

ROAD. A public or private way which is used or intended to provide access (ingress or egress), for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide access (ingress or egress), to the land in conjunction with forestry, mining or agricultural uses.

STREET. See ***ROAD.***

STREET WIDTH. The shortest distance between the lines delineating the right-of-way of a street.

SUBDIVIDER. Any person commencing proceedings under this chapter to effect a subdivision of land hereunder for himself, herself or for another.

SUBDIVIDE LAND. To divide an area or tract of land into four or more lots within a calendar year.

SUBDIVISION. Either an act of subdividing land or tract of land subdivided as defined in this chapter.
(Ord. 418, passed 3-12-1990)

§ 152.04 SCOPE AND REGULATIONS.

(A) *No person shall subdivide or partition land within the city limits except as provided in this chapter.* All partition and subdivision plats and all streets and ways utilized for the purpose of creating lots or parcels are required to be approved in accordance with these regulations. A person desiring to subdivide or partition land within the incorporated area of the city shall submit tentative plans and final documents for approval as provided in this chapter and Oregon Revised Statutes.

(B) *Recording of a lot or parcel.* No lot or parcel created by subdividing or by major or minor partitioning shall be submitted for recording to the County Clerk nor have any validity unless it has been approved as required by this chapter.

(C) *Sale of lots or parcels.* No person shall sell any lot in any subdivision or convey any interest in a parcel in any partition until the plat of the subdivision or partition has been acknowledged and recorded with the Union County Clerk. In negotiating to sell a lot in a subdivision or convey any interest in a parcel in any partition, a person may use the approved tentative plan for the subdivision or partition.

(D) *Permits.* No building permit, or permission for the connection to the city water or sewerage systems shall be given for any structure on a parcel or lot in a partition or subdivision for which a plan or plat has not been approved and recorded in a manner prescribed herein.

(E) The city may withhold all public improvements, including maintenance of streets and roads, from a partition or subdivision which has not been approved and recorded in the manner prescribed herein. (Ord. 418, passed 3-12-1990) Penalty, see § 152.99

§ 152.05 APPLICATION PROCEDURE.

(A) *Preliminary review.*

(1) Prior to creating any new lots or parcels, the developer should obtain the checklist for partition or subdivision requirements, and discuss his or her intent with the Planning Administrator. It is desirable to prepare sketch maps and assemble other information as needed to discuss the proposal.

(2) In considering possible partition or subdivision activities, the developer should recognize:

(a) That the proposal may be denied, unless it meets all conditions; and

(b) That the factors below will be considered to determine suitability of the proposal:

1. Land Use Plan and zoning provisions;

2. Initial and potential future development of the area;

Union - Land Usage

3. Initial and potential future area street design and related requirements;
4. Sewage disposal and water supply provisions;
5. School district service capability; and
6. Other information as may be pertinent.

(B) *Initiation of an application.* A partitioner or subdivider shall submit an application on forms provided by the city accompanied by a tentative plan showing the general design of the proposed subdivision or partition accompanied by the prescribed fee. Partition or subdivision activities may be initiated if the developer determines that his or her proposal can satisfy the following:

(1) Is in accord with the area Land Use Plan and zoning requirements; and

(2) Is suitable for partitioning or subdividing and does not materially alter the stability of the overall land use pattern of the area, not initiate or encourage a pattern of development incompatible with existing area uses. In determining suitability, the following policies shall be recognized:

(a) Access and provisions for water supply, sewage disposal, school capacity, surveying and possible other requirements must be satisfied;

(b) The development will not adversely affect the economic and social conditions and other characteristics which make the city desirable in which to live; and

(c) The proposal is consistent with the need to minimize flood damage.

(C) *Tentative plan.* A tentative plan and at least ten copies (unless a lesser number is determined acceptable by the Planning Administrator), for distribution to other departments and agencies shall be submitted along with supplementary materials as required and the prescribed fee. The tentative plan shall include the items indicated in this chapter. Within 30 days, or at the next available regularly scheduled Council meeting after the tentative plan is submitted to the Planning Administrator, the Council shall set a hearing date to consider the request. The Planning Administrator shall mail notice of the hearing to all interested agencies and departments, Council members, area landowners within 300 feet of the proposed development and to the other vicinity residents as he or she determines may be affected.

(Ord. 418, passed 3-12-1990)

§ 152.06 TENTATIVE PLAN REQUIREMENTS.

Tentative plans and related written information for partitions and subdivisions shall include the following.

(A) *Scale.* The tentative plan shall be drawn on a sheet 18 by 24 inches in size at a scale of one inch equals 100 feet, or as previously approved by the city.

(B) *Proposed design.* The following information shall be included on the tentative plan:

(1) The location, width, names and approximate grade of all streets. The relationship of all streets to any projected streets as shown on any plan adopted by the city, or, if no plan has been adopted, as may be identified by the City Council in order to assure adequate traffic circulation;

(2) The location, width and purpose of easements; and

(3) The location and approximate dimensions of parcels or lots and the proposed parcel or lot and block numbers.

(C) *General information.* The following general information shall be shown on the tentative plan:

(1) Proposed name of a subdivision shall not duplicate, sound alike or resemble the name of another subdivision in the county and shall be approved by the Council;

(2) Date, north point and scale of drawing;

(3) Appropriate identification clearly stating the map is a tentative plan;

(4) Location of the partition or subdivision sufficient to define the location and boundaries of the proposed tract; and

(5) Names and addresses of the owner, partitioner or subdivider, and engineer or surveyor.

(D) *Existing conditions.* The following existing conditions shall be shown on the tentative plan:

(1) The location, widths and names of both opened and unopened streets within or adjacent to the tract, together with easements and other important features, such as section lines, corners, city boundary lines and monuments;

(2) Land use plan and zoning classifications on and adjacent to the property proposed to be partitioned or subdivided;

(3) The location of at least one temporary bench mark within the tentative plan boundaries;

(4) Contour lines having the following minimum intervals: two foot contour intervals for ground slopes of less than 10%, and ten foot contour lines for slopes of more than 10%. The elevations of all control points which are used to determine the contours shall be indicated and must be based on the United States Geodetic Survey;

(5) The location and direction of water courses and the location of areas subject to flooding;

(6) Natural features such as rock outcroppings, landslide hazard areas, wetlands, wooded areas and other unique features;

Union - Land Usage

(7) Known historical sites or structures and provisions for recognition or protection thereof; and

(8) Existing uses of the property, including location of all existing structures to remain on the property after platting and existing structures to be removed.

(E) *Partial development.* If the partition or subdivision plat pertains to only part of the tract owned or controlled by the partitioner or subdivider, the City Council may require a sketch of a tentative layout for streets in the unpartitioned or unsubdivided portion.

(F) *Supplementary information with tentative plan.* The following information shall be required by the city and, if it can not be shown practicably on the tentative plan, it shall be submitted in separate statements accompanying the tentative plan:

(1) A vicinity map, showing existing adjacent ownership to the proposed partition or subdivision and showing how proposed streets and utilities may be extended to connect to existing and proposed streets and utilities;

(2) Proposed deed restrictions, if any, in outline form;

(3) The location of existing sewers, water mains, culverts, drain pipes and electric and telephone lines within the proposed partition or subdivision and in the adjoining streets and property; and

(4) All persons offering for filing an approved plan, plat or re-plat of subdivisions or partitions for a parcel of land outside the boundaries of an irrigation district, drainage district, water control district or district improvement company must file a statement of water rights. If a water right is appurtenant to the lands of the subdivision or partition the statement of water rights and a copy of the plan, plat or re-plat must be submitted to the Oregon Water Resources Department. A copy of the acknowledgment from the Water Resources Department must be submitted with the plan, plat or re-plat to the Union County Clerk.

(G) *Supplemental plans with tentative plan.* The following information shall be submitted with the tentative plan:

(1) Proposed street designation, e.g., arterial, collector and the like, and approximate center line profiles with extensions for a reasonable distance beyond the limits of the proposed partition or subdivision showing the approximate grade of streets and the nature and extent of street construction;

(2) A plan for domestic water supply, including the source and plans for water lines;

(3) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways;

(4) Proposals for other improvements such as television cable service, telephone, electric and gas utilities;

(5) Present and future service capability of the school district; and

(6) The additional information as may be required by the city to insure compliance with the objectives of this chapter.

(H) *Preliminary review of proposal.* Upon receipt of tentative plan and supplementary information, the Planning Official shall furnish copies to other local, state or federal agencies as may have an interest in the proposal. These officials shall be given a reasonable time to review the plan and to suggest any revisions that are in the public interest.

(I) *Approval of tentative plan.*

(1) Within 40 days following submission of the proposed tentative plan the Commission shall review the tentative plan and reports of appropriate officials and agencies. The Commission may approve the tentative plan as submitted or require modifications. If the Commission does not approve the tentative plat, it shall express its disapproval and its reasons therefore.

(2) No plat for any proposed subdivision or partition may be considered for approval until the tentative plan has been approved by the Commission. Approval by the Commission of the tentative plan shall be binding upon the city for the purposes of the preparation of the subdivision or partition plat.

(3) No tentative plan for a proposed subdivision and no tentative plan for a proposed major partition shall be approved unless:

(a) The streets and roads are laid out so as to conform to the plat of subdivisions and major partitions already approved for adjoining property as to width, general direction and in all other respects unless the city determines it is in the public interests to modify the street or road pattern;

(b) Streets and roads held for private use are clearly indicated on the tentative plan and all reservations or restrictions relating to the private roads and streets are set forth thereon; and

(c) The tentative plan complies with the applicable zoning ordinance and regulations that are then in effect.

(4) The action of the Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions. One copy shall be returned to the partitioner or subdivider and the other shall be retained by the Commission.

(Ord. 418, passed 3-12-1990)

§ 152.07 SUBMISSION OF FINAL PLAT.

(A) Within one year after approval of the tentative plan and upon completion of, or bonding for improvements, the partitioner or subdivider shall prepare a final plat in conformance with the tentative plan as approved.

(B) The partitioner or subdivider shall submit the final plat for Council approval and submit the original drawing and the reproducible copy, as required by O.R.S. Chapter 92 and any supplementary information for filing to the Union County Clerk.

(C) If the partitioner or subdivider wishes to proceed with the partition or subdivision after the expiration of the one year period following approval of the tentative plan by the Council, he or she must resubmit his or her tentative plan to the Council and make any revisions considered necessary to meet changed conditions.

(1) *Final plat requirements.* The final plat, known as the partition plat or subdivision plat, shall conform to surveying requirements in O.R.S. 92.050 through 92.080, except any parcels created that are greater than ten acres need not be surveyed or monumented. In addition to specific action in Oregon Revised Statutes, the following information shall be shown on the final plat:

(a) The date, scale, north point, basis of bearing, legend, controlling topography such as bluffs, creeks and other bodies of water, and existing features such as highways and railroads;

(b) Legal description of the tract boundaries;

(c) Name of the owner, subdivider and surveyor;

(d) The exact location and width of streets and easements intersecting the boundary of the tract;

(e) The width of street rights-of-way. For streets on curvature, curve data shall be based on the street centerline. In addition to the centerline dimensions, the radius and central angle shall be indicated;

(f) Lot numbers beginning with the number one and numbered consecutively in each block, and the area of each lot containing one acre or more to the nearest hundredth of an acre;

(g) Block letters beginning with letter “ A” and continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out and be so placed as not to obliterate any figure. Block letters, in an addition to a subdivision of the same name, shall be a continuation of the lettering in the original subdivision;

(h) Land parcels to be dedicated for any purpose, public or private, to be distinguished from lots intended for sale;

(i) Building setback lines, if any, are to be made a part of the partition or subdivision restrictions; and

(j) The following certificates which may be combined where appropriate:

1. A certificate signed and acknowledged by all parties having any record title interest in the land partitioned or subdivided, consenting to the preparation and recording of the plat;

2. A certificate signed and acknowledged as above, dedicating all rights-of-way, parcels or lots of land shown on the final map intended for any public use. Streets and roads for public use are dedicated without any reservation or restriction other than reversionary rights upon vacation;

3. An affidavit with the seal of and signed by the registered land surveyor responsible for the land survey and final map per O.R.S. 92.070; and

4. Other certifications now or hereafter required by law.

(2) *Supplementary information with final plat.* The following data shall accompany the final plat:

(a) Addresses of the owner, subdivider and engineer or surveyor;

(b) A preliminary title report issued by a title insurance company in the name of the owner of the land showing all parties whose consent is necessary and their interests in the premises;

(c) A copy of any deed restrictions applicable to the partition or subdivision;

(d) A copy of any dedication requiring separate documents;

(e) Certification that domestic water and sewage disposal systems are available to the lot line of each and every lot in a subdivision and assurance by the subdivider the systems will be installed or alternative systems will be provided according to O.R.S. 92.090(4) and (5) provisions; and

(f) A certificate by the city that the partitioner or subdivider has complied with one of the following alternatives:

1. All improvements have been installed in accordance with the requirements of these regulations and with the action of the Council in giving approval of the tentative plan; or

2. An agreement has been executed as provided in § 152.13 and to assure completion of required improvements.

Union - Land Usage

(3) *Technical review.* Upon receipt of the final plat and accompanying data, the Planning Official shall review the final plat and documents to determine the following:

- (a) Private streets and roads conform to the tentative plan;
- (b) Subdivision or partition plat conforms with any applicable zoning ordinances and regulations that are in effect;
- (c) Donation and explanation of common improvements are recorded and referenced on the partition or subdivision plat;
- (d) The final plat conforms with the approved tentative plan; and
- (e) Compliance with other provisions of Oregon Revised Statutes and this chapter.

(4) *Approval of final plat.* If the Planning Official determines that the final plat conforms fully with all applicable regulations and standards, he or she shall so advise the Mayor. The final plat shall then be placed on the next feasible Council agenda, and if the Council agrees that the partition or subdivision has complied with the requirements for tentative plan and final plat approval, it shall be approved and signed. If the Council determines that all requirements have not been met, they shall identify those that are yet to be completed and may authorize the Mayor to sign the plat upon satisfactory compliance with the requirements.

(5) *Before recording partition or subdivision plat with County Clerk.*

- (a) Petitioner or subdivider shall file a statement of water rights with the Water Resources Department and a copy of acknowledgment from the Water Resources Department when required.
- (b) All ad valorem taxes shall be paid per O.R.S. 92.095.
- (c) Partitioner or subdivider shall receive approval and pay fees for the final plat from the County Surveyor per O.R.S. 92.100.

(6) *Recording partition or subdivision plat with County Clerk.* The partition or subdivision plat when approved as required and upon payment of the fees provided by law shall be recorded with the County Clerk. Approval of the final plat shall be null and void if the plat is not recorded within 30 days after the date the last required signature has been obtained or within 90 days after Council approval.

(7) *Amendments to recorded partition and subdivision plats.*

- (a) Any recorded partition or subdivision plat may be amended by an affidavit of correction per O.R.S. 92.170 provisions.
- (b) Any recorded partition or subdivision plat may be re-platted per O.R.S. 92.180 through 92.190 provisions.

(c) Any boundary of lots or parcels in a recorded subdivision or partition plat may be adjusted as long as no new parcels or lots are created, the adjustment does not reduce a lot or parcel below the minimum parcel size of the applicable zone(s) and each adjusted boundary is surveyed and filed with the County Survey and recorded with the County Clerk.

(Ord. 418, passed 3-12-1990)

§ 152.08 CREATION OF STREETS OR WAYS.

(A) The creation of all streets not within a subdivision shall meet the standards for streets within a subdivision. Creation of the streets may be initiated by the Council by resolution, or by a property owner by request.

(B) Any person wishing to create a public or private road or utilize an existing private road for purposes other than agriculture, forestry or mining, shall make written application for consideration by the Planning Commission and Council at a joint public hearing.

(C) Application for road approval shall comply with applicable tentative plan and final plat procedures and standards as provided in this chapter.

(D) Once roadway improvements are completed, or performance bonds have been approved for such, a centerline survey, deed and a description of the proposed right-of-way shall be submitted to the Council. Deeds shall have the signatures of all owners of property to be dedicated.

(E) Upon final approval by the Council, and recording of the survey and deed, final plat partitioning or subdivision procedures can be completed.

(F) Expiration times for approval to create roads shall be the same as for tentative plans and plats.
(Ord. 418, passed 3-12-1990)

§ 152.09 STREET, ROADWAY AND OTHER UTILITY DESIGN AND IMPROVEMENT STANDARDS.

(A) *Streets.*

(1) *Conformity.* The arrangement, character, extent, width, grade and location of all streets shall be considered in their relation to existing and planned streets, topographical conditions, construction and maintenance costs, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by the streets. Where not shown on an area plan, the arrangement and other design standards of streets shall conform to the provisions found herein.

(2) *Relation to adjoining street systems.* The arrangement of streets in new partitions and subdivisions shall make provision for the continuation of the existing or desired streets in adjoining areas.

Union - Land Usage

(3) *Projection of streets.* Where adjoining areas are not partitioned or subdivided, the arrangement of streets in new partitions or subdivisions shall make provisions for the proper projection of streets.

(4) *Streets to be carried to property lines.* When a proposed partition or subdivision joins un-platted land, street rights-of-way shall be carried to the boundaries of the tract to be partitioned or subdivided.

(5) *Dead-end street or cul-de-sac.* Dead-end streets or cul-de-sacs, shall not be longer than 400 feet, and be provided at the closed end with a turn-around having an outside roadway diameter of at least 60 feet and a street right-of-way diameter of at least 90 feet. If a dead-end street is of a temporary nature, a similar turn-around shall be provided and provision made for future extension of the street into adjoining properties.

(6) *Frontage streets.* Where a partition or subdivision abuts or contains an existing arterial street, the Council may require frontage streets or other treatment as may be necessary for adequate protection of abutting properties and to afford separation of through and local traffic.

(7) *Minor streets.* Minor streets shall be so laid out that their use by through traffic will be discouraged.

(8) *Street standards.* Street standards shall not be less than those set forth hereunder.

(a) In areas designed and zoned for commercial use, street widths may be increased by the amount as may be deemed necessary by the Council to provide for the free flow of vehicles, and to provide safe parking space for the commercial or business districts.

(b) Street and related improvements shall be completed or bonded for completion prior to final plat consideration and shall be constructed under the direction of the Planning Administrator, according to the following Road Standard Table, or as adopted by the city as “ Street Improvement Guidelines”.

	<i>Right-of-way Width</i>	<i>Surface Width</i>	<i>Base</i>		<i>Leveling Course</i>		<i>Overlay Material</i>	<i>Shoulder Width</i>	<i>Sidewalk Location and Width (Optional)</i>
			<i>Depth</i>	<i>Aggregate Size</i>	<i>Depth</i>	<i>Aggregate Size</i>			
Arterial streets	60 feet	24	8 inches	1 ½to 3 inches	4 inches	¾ to 1 ½ inches	2-inch pavement	8 feet	5 feet
Collector or minor streets	60 inches	24	8 inches	1 ½to 3 inches	4 inches	¾ to 1 ½ inches	2-inch pavement	6 inches	5 inches

	<i>Right-of-way Width</i>	<i>Surface Width</i>	<i>Base</i>		<i>Leveling Course</i>		<i>Overlay Material</i>	<i>Shoulder Width</i>	<i>Sidewalk Location and Width (Optional)</i>
			<i>Depth</i>	<i>Aggregate Size</i>	<i>Depth</i>	<i>Aggregate Size</i>			
Marginal access*	30 inches*	20	8 inches	1 ½ to 3 inches	4 inches	¾ to 1 ½ inches	2 inches crunched gravel	6 feet	None

* Marginal access rights-of-way shall not be less than 10% of street length, and shall be provided with utility easements on each side to provide 50 inches combined utility easement and right-of-way width.

1. Streets or roads with anticipated commercial or industrial traffic shall have a minimum base depth of 12 inches.

2. All bridges shall have a 30-year minimum life expectancy and shall be constructed to load limit standards approved by the Council.

3. The above standards may be altered if the Council determines that more (or less), extensive standards may be desirable because of soil or topographical conditions, anticipated traffic counts or continuation of existing street improvements or right-of-way widths warrant such.

4. Marginal access rights-of-way widths shall not be less than 10% of street length, and shall be provided with utility easements on each side to provide 50 feet combined utility easement and right-of-way width.

5. Streets or roads with anticipated commercial or industrial traffic shall have a minimum base depth of 12 inches.

6. All bridges shall have a 30-year minimum life expectancy and shall be constructed to load limit standards approved by the Council.

7. The standards may be altered if the Council determines that more (or less), extensive standards may be desirable because topographical conditions, anticipated traffic counts, soil conditions or continuation of existing street improvements or right-of-way widths warrant such.

(9) *Intersections.* The intersections of more than two streets at one point shall be avoided except where it is impractical to secure a proper street system otherwise. Streets shall intersect one another at an angle as near to a right angle as possible, and no streets shall intersect at an angle of less than 75 degrees. Street intersections shall be rounded with a radius of 30 feet.

(10) *Reverse curve.* A tangent at least 100 feet long shall be introduced between reverse curves on arterial streets.

(11) *Subdivision or partition into tracts larger than ordinary building lots.* Where a tract is partitioned or subdivided into larger parcels than ordinary building lots, the parcels shall be arranged so as to allow the opening of future streets and logical further partitioning or subdividing.

Union - Land Usage

(12) *Reserve strips.* Reserve strips controlling access to streets shall be prohibited except under conditions approved by the Council.

(13) *Street grades.* No street grade shall be less than three-tenths of 1%, and shall not exceed the following, with due allowance for reasonable vertical curves:

<i>Street Type</i>	<i>Maximum Percent Grade</i>
Arterial	10
Collector	15
Minor	15
Marginal Access	15

(14) *Half street prohibited.* Half streets shall be prohibited except where essential to the reasonable development of the partition or subdivision in conformity with the other requirements of these regulations. Where the Council finds it will be practicable to require the dedication of the other half when adjoining property is partitioned or subdivided, the right-of-way may be required as part of the initial plat.

(15) *Street names and numbers.* Names of new streets shall not duplicate existing or platted street names unless a new street is a continuation of, or in alignment with the existing or platted street.

(16) *Access to streets across ditches.* The developer shall provide access to all proposed lots or parcels, across all ditches in a standard method approved by the Council.

(17) *Hardship to owners of adjoining property avoided.* The street arrangement shall not be such as to cause hardship to owners of adjoining property in platting their own land and providing convenient access to it.

(18) *Street intervals.* In general, provisions should be made for through streets at intervals not exceeding 1,250 feet.

(B) *Alleys.*

(1) *Commercial and industrial districts.* Alleys may be required in commercial and industrial districts, except that the Council may waive this requirement where other definite and assured provision is made for service access, such as off-street loading, or unloading and parking consistent with and adequate for the uses proposed.

(2) *Width.* The right-of-way width of an alley shall be that width determined necessary by the Council.

(3) *Dead-end.* Dead-end alleys shall not be permitted, except that the Council may waive this requirement where the dead-end alley is unavoidable, and where adequate turn-around facilities have been provided.

(C) *Easements.*

(1) *Provided for utilities.* Easements with a right-of-way width sufficient for utility maintenance may be required by the Council where necessary for utilities.

(2) *Providing for drainage.* Where a subdivision or partition is traversed by a water course, drainage way, channel or stream, there shall be provided storm water or drainage easement conforming substantially with the lines of the water course, and the further width of construction, or both, as will be adequate for the purpose.

(D) *Blocks.*

(1) *Factors governing dimensions.* Block length and width or acreage within bounding roads shall be such as to accommodate the size of parcel or lot required in the area by Chapter 155, and to provide for convenient access, circulation control and safety of street traffic.

(2) *Lengths.* Block lengths shall not exceed 1,250 feet, or be less than 200 feet.

(3) *Arrangement.* A block shall generally be so designed as to provide two rows of lots.

(4) *Crosswalks.* In blocks over 800 feet long, pedestrian crosswalks may be required by the Council in locations, and of a design and dimension determined desirable for public health, convenience and necessity.

(E) *Lots and parcels.*

(1) *Dimensions.* Lots or parcels shall not be less than the dimension and area requirements of Chapter 155.

(2) *Lot depth.* Lots may be required by the Council to have a depth of at least 200 feet if abutting land is utilized or suitable for agricultural purposes.

(3) *Side lot lines.* Side lot lines shall be substantially at right angles to front and rear lot lines.

(4) *Corner lots.* Corner lots for residential uses shall have extra width to permit appropriate building setback from and orientation to both streets, as required by Chapter 155. Lots abutting on a pedestrian walkway shall be treated as corner lots.

Union - Land Usage

(5) *Uninhabitable lots.* Lots or parcels subject to flooding and lots deemed by the Council to be undesirable for habitation shall not be plotted for residential occupancy, nor for the other uses as may increase danger to health, life or property or aggravate the flood hazard. The land within a plat shall be combined with lots suitable for development, or shall be set aside for the uses as will not be endangered by periodic or occasional inundation or will not produce unsatisfactory living conditions.

(6) *Lot remnants.* All remnants of lots below minimum size left over after partition or subdivision of a larger tract must be added to adjacent lots, rather than be allowed to remain as unusable parcels.

(F) *Water distribution system.*

(1) *Water supply.* Prior to considering final approval of a partition or subdivision, each parcel or lot shall be required to be provided with a water supply which meets standards of the state.

(2) *Fire protection system.* Fire hydrants shall be required in all subdivisions. The location and design shall be approved by the Council prior to installation.

(G) *Sewage disposal system.*

(1) Prior to final approval of a partition or subdivision, each parcel or lot shall be approved for sewage disposal or have sewerage service available.

(2) Plans and specifications for providing sewage disposal to each lot or parcel shall meet state and local requirements.

(H) *Storm water runoff and flood control.* Prior to considering final approval of a partition or subdivision, the developer shall make drainage improvements as needed to accommodate storm water runoff and minimize the potential for flood damage.

(I) *Park or recreation areas.* In subdivisions of ten acres or more, and where lots average less than 10,000 square feet, the Council may require the developer to provide up to 5% of the total for park or recreation purposes. These areas shall be of a design and location determined by the Council to be suitable for the purposes.

(J) *Sidewalk and bicycle trail improvements.* Curbs and sidewalk improvements may be required by the Commission and Council to be provided of the design and location as the Commission and Council determines desirable. These improvements may be considered by the Council to meet park or recreation area requirements.

(K) *Monuments.* Monuments shall be placed in all locations as required by O.R.S. Chapter 92. Any monument which might be disturbed during construction shall be properly replaced when the construction has been completed.

(L) *Building sites.* The following standards shall apply to building sites and the access thereto.

(1) *Size and shape.* The size, width, shape and orientation of building sites shall be appropriate for the location of the land division and for the type of development and use contemplated, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:

(a) In areas that will not be served by a public sewer, minimum lot and parcel sizes shall permit compliance with requirements of the Department of Environmental Quality and shall take into consideration problems of sewage disposal, particularly problems of soil structure and water table as related to sewage disposal by septic tank; and

(b) Where property is zoned and planned for commercial or industrial use, other widths and areas may be permitted at the discretion of the Council. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.

(2) *Cuts and fills.* Shaping of building sites shall conform to the following standards unless physical conditions demonstrate the propriety of other standards:

(a) Cut slopes shall not exceed one and one-half feet horizontally to one foot vertically;

(b) Fill slopes shall not exceed two feet horizontally to one foot vertically; and

(c) The character of soil for fill and the characteristics of lots and parcels made usable by fill shall be suitable for the purpose intended.

(M)*Street signs.* Street name signs shall be installed at all street intersections. The location and design shall be approved by the Council prior to the installation.

(N) *Street lights and utility services.* Street lights and utility services shall be installed according to location and design approved by the Council. Utilities shall be served from an underground source wherever practical.

(Ord. 418, passed 3-12-1990)

§ 152.10 IMPROVEMENTS.

(A) *Improvements in partitions.* The same improvements shall be installed to serve each building site if a partition is required of a subdivision.

(B) *Improvement procedures.* In addition to other requirements, improvements installed by a developer either as a requirement of these regulations or at his or her own options shall conform to the requirements of this chapter and improvement standards or specifications adopted by the city and shall be installed in accordance with the following procedure:

Union - Land Usage

(1) Improvement work shall not be commenced until plans have been checked for adequacy and approved by the city. To the extent necessary for evaluation of the proposal, the plans may be required as part of approval of the tentative plan of a subdivision or partition;

(2) Improvements shall be constructed under the inspection and to the satisfaction of the Council. The city may require changes in typical sections and details if unusual conditions arise during construction to warrant the change;

(3) Underground utilities, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities and sanitary sewers shall be placed to a length minimizing the necessity for disturbing street improvements when service connections are made; and

(4) A map showing public improvements as built shall be filed with the city upon completion of the improvements.

(C) *Cost allocation for improvements.* All improvements shall be installed at the expense of the developer. If water, sewer, storm water or drainage, street or other improvements are required to be larger than necessary to serve the development in order to provide service to abutting areas, if financially feasible, the city may agree to pay the cost of additional materials required.

(D) *Performance agreement.*

(1) If all improvements required by the Planning Commission in this chapter are not completed according to specifications prior to the time the final plat is duly submitted for consideration and approval, the Council may accept, in lieu of completion of improvements, a performance agreement and one of the following:

(a) A bond executed by the developer and his or her surety company with the city, conditioned upon faithful performance and completion of all the improvements within a period of time stated in the performance agreement and approved by the Council;

(b) An agreement, duly signed and executed by the developer, assigning his or her account in a legal savings institution in the State of Oregon to the City of Union; and

(c) A cash deposit with the City of Union guaranteeing completion of the improvements.

(2) The performance agreement shall contain the following procedures and provisions relating to completion of the improvements.

(a) The developer's engineer shall prepare cost estimates on completion of roads and utilities. Road cost estimates shall be based upon road standards as designated in this chapter. Sewer and water system improvement estimates shall be based upon designs approved by the state. All cost estimates shall be stamped or sealed by the engineer who prepared them.

(b) Estimates shall be submitted to the Council and shall be limited to a maximum of one year for completion of improvements. If the improvements are not completed within the specified time, the city may complete the work and recover the full costs and expenses thereof from the developer. The agreement may provide for the construction of the improvements in units and for an extension of time under specified conditions. Minimum units prior to occupancy will be the completion of one block of frontage.

(c) Copies of water and sewage service estimates will be sent to the proper authorities for review and comment. Road cost estimates may be submitted to the County Road Master for review. The Council may have other estimates reviewed as it deem necessary.

(d) The bond or cash deposit shall be 25% greater than the estimated cost of construction of the improvements. The Council shall notify the developer as to the amount of the bond or cash deposit and other performance agreement requirements as to any changes necessary for bond acceptance. The performance agreement shall determine the completion required of utility improvements before residents may occupy the development.

(e) The developer shall submit the bond, cash deposit or savings account information and the performance agreement to the City Recorder.

(f) Release of the bond, or release of a portion of the cash deposit or the savings account, may be made by Council action and in response to a written request for the release upon determination that improvements have been completed in accordance with the performance agreement.

(Ord. 418, passed 3-12-1990)

§ 152.11 MODIFICATIONS.

Modifications of the partition and subdivision dimension standards can, upon application to the Commission, be approved to alleviate hardships, providing all of the following conditions can be found to exist:

(A) 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 tract size or shape, topography or other circumstances over which the owners of property since enactment of this chapter have had no control;

(B) The modification will be in accord with the purpose of this chapter;

(C) The interests of the public will be preserved, and the action(s) will not set a trend; and

(D) The modification will be the minimum needed to alleviate the hardship and will not result in an undesirable change in area land values or property uses, or be otherwise injurious to other property in the area.

(1) In approving a modification, the Council may require the conditions as determined desirable to insure that the purposes of this chapter will be carried out, and that the uses provided for by the modification(s) will be compatible with surrounding area development.

(2) The Council shall deny application for modification(s) if all of the conditions above are not found to exist.

(Ord. 418, passed 3-12-1990)

§ 152.12 AMENDMENTS.

(A) *Authorization to initiate amendments.* An amendment to the text of this chapter may be initiated by the city or by application of a property owner or his or her authorized agent.

(B) *Application and fee.* An application for amendment by a property owner or his or her authorized agent shall be filed with the Planning Administrator. The applicant shall be accompanied by a fee as provided for by the Council.

(C) *Public hearing on an amendment.*

(1) Notice of time and place of the public hearing before the Commission and the purpose of the proposed amendment shall be given by the city as provided in O.R.S. 197.610 and 92.048 wherein it is indicated:

(a) A proposal to amend this chapter shall be submitted to the Oregon Department of Land Conservation and Development Director at least 45 days before the final Council hearing on adoption. The submitted proposal shall contain four copies of the text and any supplemental information and the date for the final hearing on adoption. The Commission shall hold a public hearing on the proposed ordinance or regulation after publishing notice of the hearing at least ten days prior to the hearing in a newspaper of general circulation published in the area in which land to be subject to the ordinance or regulation is situated.

(b) The notice shall contain the time, place and purpose of the hearing and a description of the land to be subject to the ordinance or regulation.

(2) The Commission may recess a hearing in order to obtain additional information. Upon recessing for this purpose, it shall announce the time and date when the hearing will be resumed.

(3) Within 30 days after the hearing, the Commission shall submit its recommendations to the Council. Within 30 days after the Commission has made recommendations, the Council shall hold a hearing on the amendment, following the hearing procedures described above.

(D) *Record of amendments.* The City Recorder shall maintain a record of amendments to the text of this chapter in a form convenient for the use of the public.

(Ord. 418, passed 3-12-1990)

§ 152.13 FEES.

For the purpose of partially defraying the expense involved in investigating matters connected with application and appeals and the action taken thereon, each activity initiated by property owners or the contract purchaser shall be accompanied by a fee in accordance with a fee schedule prepared by the Administrator and approved by Council resolution.

(Ord. 418, passed 3-12-1990)

§ 152.14 APPEALS.

Other appeals may be made to the Oregon Land Use Board of Appeals.

(Ord. 418, passed 3-12-1990)

§ 152.99 PENALTY.

Violation of any provision of this chapter is punishable upon conviction under the provision of Chapter 155.

(Ord. 418, passed 3-12-1990)

CHAPTER 153: FLOOD DAMAGE PREVENTION

Section

General Provisions

- 153.01 Statutory authorization
- 153.02 Definitions
- 153.03 Lands to which this chapter applies
- 153.04 Basis for establishing the areas of special flood hazard
- 153.05 Compliance
- 153.06 Abrogation and greater restrictions
- 153.07 Interpretation
- 153.08 Warning and disclaimer of liability

Administration

- 153.25 Establishment of development permit
- 153.26 Designation of the Administrator
- 153.27 Duties and responsibilities of the Administrator
- 153.28 Variance procedure

Provisions for Flood Hazard Protection

- 153.45 General standards
- 153.46 Specific standards
- 153.47 Floodways

- 153.99 Penalty

GENERAL PROVISIONS

§ 153.01 STATUTORY AUTHORIZATION.

The City of Union is authorized by the State of Oregon to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.
(Ord. 336, passed 11-13-1978)

§ 153.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

APPEAL. A request for a review of the Union County Building Inspector's interpretation of any provision of this chapter or a request for a variance.

AREA OF SHALLOW FLOODING. 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, indeterminate and velocity flow may be evident.

AREA OF SPECIAL FLOOD HAZARD. The land in the flood plain within a community subject to a 1% or greater chance of flooding in any given year.

BASE FLOOD. The flood having a 1% chance of being equaled or exceeded in any given year.

BASEMENT. Any area of the building having its habitable floor subgrade (below ground level) on all sides.

DEVELOPMENT. Any human-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

EXISTING MOBILE HOME PARK or MOBILE HOME SUBDIVISION. A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed before the effective date of this chapter.

EXPANSION TO AN EXISTING MOBILE HOME PARK or MOBILE HOME SUBDIVISION. The preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading, pouring of concrete pads or the construction of streets).

FLOOD or FLOODING. 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). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

FLOOD INSURANCE STUDY. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map and the water surface elevation of base floods.

FLOODWAY. 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.

HABITABLE FLOOR. Any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a **HABITABLE FLOOR**.

MOBILE HOME. A structure that is transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

NEW CONSTRUCTION. Structures for which the “start of construction” commenced on or after the effective date of this chapter.

NEW MOBILE HOME PARK or **MOBILE HOME SUBDIVISION.** A parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading, the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this chapter.

START OF CONSTRUCTION. The first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the **START OF CONSTRUCTION** includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation. For mobile homes not within a mobile home park or mobile home subdivision, **START OF CONSTRUCTION** means the affixing of the mobile home to its permanent site. For mobile homes within mobile home parks or mobile home subdivisions, **START OF CONSTRUCTION** is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading, the pouring of concrete pads and installation of utilities) is completed.

STRUCTURE. A walled and roofed building or mobile home that is principally above ground.

SUBSTANTIAL IMPROVEMENT.

(1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

(a) Before the improvement or repair is started; or

(b) If the structure has been damaged and is being restored, before the damage occurred. For the 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.

(2) The term does not, however, include either:

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

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

VARIANCE. A grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

(Ord. 336, passed 11-13-1978; Ord. 487, passed 3-28-2005)

§ 153.03 LANDS TO WHICH THIS CHAPTER APPLIES.

This chapter shall apply to all areas of special flood hazards which are within the jurisdiction of the City Of Union.

(Ord. 336, passed 11-13-1978)

§ 153.04 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD.

The areas of special flood hazard identified by the Department of Housing and Urban Development, Federal Insurance Administration Branch in a scientific and engineering report entitled "The Flood Insurance Study for the City of Union" dated December 15, 1977, with accompanying Flood Insurance Maps is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at the City Hall Offices, 342 South Main Street, Union, Oregon.

(Ord. 336, passed 11-13-1978)

§ 153.05 COMPLIANCE.

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.
(Ord. 336, passed 11-13-1978) Penalty, see § 153.99

§ 153.06 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.
(Ord. 336, passed 11-13-1978)

§ 153.07 INTERPRETATION.

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

(A) Considered as minimum requirements;

(B) Liberally construed in favor of the governing body; and

(C) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 336, passed 11-13-1978)

§ 153.08 WARNING AND DISCLAIMER OF LIABILITY.

(A) The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations.

(B) Larger floods can and will occur on rare occasions.

(C) Flood heights may be increased by human-made or natural causes.

(D) This chapter does not imply that land outside the areas of special flood hazards or uses permitted within the areas will be free from flooding or flood damages.

(E) This chapter shall not create liability on the part of the City of Union, any officer, any employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 336, passed 11-13-1978)

ADMINISTRATION

§ 153.25 ESTABLISHMENT OF DEVELOPMENT PERMIT.

(A) A development permit shall be obtained before construction or development begins within any area of special flood hazard established in § 153.04.

(B) The permit shall be for all structures including mobile homes, as set forth in § 153.02 and for all other development including fill and other activities, also as set forth in § 153.02.

(C) Application for a development permit shall be made on forms furnished by the Administrator 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:

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

(2) Elevation in relation to mean sea level to which any structure has been flood proofed;

(3) Certification by a registered professional engineer or architect that the flood proofing methods for any nonresidential structure meet the flood proofing criteria in § 153.46(B); and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 336, passed 11-13-1978)

§ 153.26 DESIGNATION OF THE ADMINISTRATOR.

The Union County Building Inspector is hereby appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions.

(Ord. 336, passed 11-13-1978)

§ 153.27 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR.

Duties of the Administrator shall include, but not be limited to:

(A) *Permit review.*

(1) Review all development permits to determine that the permit requirements of this chapter have been satisfied;

(2) Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required; and

(3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of § 153.47(B)(1) are met.

(B) *Use of other base flood data.* When base flood elevation data has not been provided in accordance with § 153.04, the Administrator shall obtain, review and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer § 153.46(A) and (B).

(C) *Information to be obtained and maintained.*

(1) Obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

(2) For all new or substantially improved flood proofed structures:

(a) Verify and record the actual elevation; and

(b) Maintain the flood proofing certifications required in § 153.25(C)(1).

(3) Maintain for public inspection all records pertaining to the provisions of this chapter.

(D) *Alteration of watercourses.*

(1) Notify adjacent communities, Oregon Department of Fish and Wildlife, the Oregon Department of Land Conservation and Development, Oregon Department of State Lands and the U.S. Army Corps of Engineers prior to any alternation or relocation of a watercourse, and submit evidence of the notification to the Federal Insurance Administration; and

(2) Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood carrying capacity is not diminished.

(E) *Interpretation of FIRM boundaries.* Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (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 § 153.28. (Ord. 336, passed 11-13-1978; Ord. 487, passed 3-28-2005)

§ 153.28 VARIANCE PROCEDURE.*(A) Appeal Board.*

(1) The City Council of the City of Union shall hear and decide appeals and requests for variances from the requirements of this chapter.

(2) The City Council of the City of Union shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Administrator in the enforcement or administration of this chapter.

(3) The decision of the City Council shall be final, binding and decisive.

(4) In passing upon the applications, the City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

(a) The danger that materials may be swept into other lands to the injury of others;

(b) The danger to life and property due to flooding or erosion damage;

(c) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;

(d) The importance of the services provided by the proposed facility to the community;

(e) The necessity to the facility of a waterfront location;

(f) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;

(g) The compatibility of the proposed use with existing and anticipated development;

(h) The relationship of the proposed use to the Comprehensive Plan and Flood Plain Management program for that area;

(i) The safety of access to the property in times of flood for ordinary and emergency vehicles;

(j) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site; and

(k) 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, streets and bridges.

(5) Generally, variances may be issued 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 divisions (A)(4)(a) through (k) above have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(6) Upon consideration of the factors of division (A)(4) above and the purposes of this chapter, the City Council may attach the conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(7) The Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(B) *Conditions for variances.*

(1) 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 Place, without regard to the procedures set forth in the remainder of this section.

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

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

(4) Variances shall only be issued upon:

(a) A showing of good and sufficient cause;

(b) A determination that failure to grant the variance would result in exceptional hardship to tie the applicant; and

(c) 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 § 153.25(C)(4), or conflict with existing local laws or ordinances.

(5) 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. 336, passed 11-13-1978)

PROVISIONS FOR FLOOD HAZARD PROTECTION

§ 153.45 GENERAL STANDARDS.

In all areas of special flood hazards the following standards are required:

(A) *Anchoring.*

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

(2) All mobile homes shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirements shall be that:

(a) Over-the-top ties be provided at each of the four corners of the mobile home, with two additional ties per side at intermediate locations with mobile homes less than 50 feet long requiring one additional tie per side;

(b) Frame ties be provided at each corner of the home with five additional ties per side at intermediate points, with mobile homes less than 50 feet long requiring four additional ties per side;

(c) All components of the anchoring system be capable of carrying a force of 4,800 pounds;
and

(d) Any additions to the mobile home be similarly anchored.

(3) An alternative method of anchoring may involve a system designed to withstand a wind force of 90 mph or greater. Certification must be provided to the Administrator that this standard has been met.

(B) *Construction materials and methods.*

(1) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

(2) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

(C) *Utilities.*

(1) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

(2) 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

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

(D) *Subdivision proposals.*

(1) All subdivision proposals shall be consistent with the need to minimize flood damage;

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

(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and

(4) Base flood elevation data shall be provided for subdivision proposals and other proposed development which contain at least 50 lots or five acres (whichever is less).

(E) *Review of building permits.* Where elevation data is not available, applications for building 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 and photographs of past flooding.

(Ord. 336, passed 11-13-1978)

§ 153.46 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in §§ 153.04 or 153.27(B), the following provisions are required.

(A) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or greater above base flood elevation.

(B) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation or together with attendant utility and sanitary facilities shall:

(1) Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

Union - Land Usage

(3) Be certified by a registered professional engineer or architect that the standards of this section are satisfied. The certifications shall be provided to the official as set forth in § 153.27(C)(2).

(4) Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in § 153.45(E).

(C) *Mobile homes.*

(1) Mobile homes shall be anchored in accordance with § 153.45;

(2) For new mobile home parks and mobile home subdivisions, for expansions to existing mobile home parks and mobile home subdivisions, for existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds 50% of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced and for mobile homes not placed in a mobile home park or mobile home subdivision, require that:

(a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be one foot or greater above the base flood level;

(b) Adequate surface drainage and access for a hauler are provided; and

(c) In the instance of elevation on pilings, that:

1. Lots are large enough to permit steps;

2. Filing foundations are placed in stable soil no more than ten feet apart; and

3. Reinforcement is provided for pilings more than six feet above the ground level.

(3) No mobile home shall be placed in a floodway, except in an existing mobile home park or existing mobile home subdivision.

(D) *Recreational vehicles.* Recreational vehicles placed on sites within Zones A1-30, AH and AE on the community's Flood Insurance Rate Map shall either:

(1) Be on the site for fewer than 180 consecutive days;

(2) Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

(3) Meet the requirements of division (C) above and the elevation and anchoring requirements for manufactured homes.

(Ord. 336, passed 11-13-1978; Ord. 487, passed 3-28-2005)

§ 153.47 FLOODWAYS.

(A) Located in areas of special flood hazard established in § 153.04 are areas designated as floodways.

(B) 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 engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

(2) If division (B)(1) above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of §§ 153.45 through 153.47.

(3) Prohibit the placement of any mobile homes, except in an existing mobile home park or existing mobile home subdivision.

(Ord. 336, passed 11-13-1978)

§ 153.99 PENALTY.

(A) *Notice of violation.* Any person found to be violating any provision of this chapter shall be served by the city with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender, shall within the period of time stated in the notice, permanently cease all violations.

(B) *Penalty.* Any person who shall continue any violation beyond the time limit provided for in division (A) above shall be guilty of an offense, and on conviction thereof shall be fined in the amount not exceeding \$25 for each violation. Each day in which any violation shall continue shall be deemed a separate offense.

(C) *Liability of violators.* Any person violating any of the provisions of this chapter shall become liable to the city for any expense, loss or damage occasioned the city by reason of the violation.

(Ord. 336, passed 11-13-1978)

CHAPTER 154: TRAILER PARKS

Section

- 154.01 Definitions
- 154.02 Establishment of trailer parks
- 154.03 Expansion; resumption
- 154.04 Annual license fee
- 154.05 Parking outside of trailer parks
- 154.06 Unoccupied trailer coach
- 154.07 Permit to temporarily park an occupied visitor' s trailer
- 154.08 Nontransferability prior to issuance of permit
- 154.09 Liability of owner or occupant of stored or parked trailer coach
- 154.10 Non-issuance of permit

§ 154.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context indicates or requires a different meaning.

PERSON. An individual, firm, trust, partnership, association or corporation.

TRAILER COACH. A portable structure or vehicle so constructed and designed as to permit occupancy for sleeping or living purposes. It may be propelled by its own power or other power-driven vehicle. Removal of the wheels will not remove the **TRAILER COACH** from the meaning of this chapter.

TRAILER PARK. A plot of ground providing rental space for trailer coach parking, the owner or operator of which has obtained a license from the Union County Health Department to operate the same, as provided under the laws of the State of Oregon regulating trailer parks.

(Ord. 264, passed 1-9-1967)

§ 154.02 ESTABLISHMENT OF TRAILER PARKS.

It shall be unlawful for any person to maintain or operate a trailer park within the city limits of the City of Union without a license to operate the same as herein provided.

(A) Any person desiring to maintain or operate a trailer park shall make written application accompanied with an application fee of \$10, which shall be in addition to the annual license fee herein provided, to the City Council of the City of Union, which shall refer the application to the Planning Commission for recommendations as to whether the application shall be approved or disapproved.

(B) The application shall contain the name of the person desiring to maintain and operate the trailer park, the number of trailer coach parking units, the location and area of the proposed trailer park, the location and size of the trailer coach parking units therein, the arrangement and location of sanitary, water and electrical facilities to be provided therein and other information as the Planning Commission may by order require.

(C) Before recommending approval or disapproval of the application to the City Council, the Planning Commission shall:

(1) Determine that the application meets the standards of the Oregon Health Division and has the approval of the Union County Health Department; and

(2) Call a public hearing to be held not less than two weeks nor more than one month after receipt of the application. This hearing to be a public hearing on the matter of granting the application. At the hearing, any person residing or owning real property within 600 feet from the proposed trailer park may be heard for or against the application, and the Planning Commission's recommendation of approval or disapproval of the granting of the license. If any objections or remonstrances be made at the hearing against the recommendation for approval, the Planning Commission may recommend that the application be denied. Not less than ten days prior to any hearing, the City Recorder shall post or cause to be posted written notice of the hearing in not less than four conspicuous places within 600 feet of the proposed site.

(D) The recommendation of the Planning Commission either approving or disapproving the application shall be transmitted to the City Council to be considered by the City Council at its next regular meeting after the hearing before the Planning Commission, and any person or persons who desire to appear for or against the Planning Commission's recommendation shall appear before the City Council at the time. The City Council may, in its discretion, accept or reject the Planning Commission's recommendation. (Ord. 264, passed 1-9-1967) Penalty, see § 10.99

§ 154.03 EXPANSION; RESUMPTION.

(A) The same procedure for obtaining a license to operate a trailer park shall be followed before the number of trailers in each parking unit in any camp may be increased in number before the reestablishment of any trailer park which has been discontinued and not in operation for a period of more than six months.

(B) Any trailer park existing prior to the passage of this chapter shall be granted a license and allowed to continue to operate without the necessity of making application to the City Council as herein provided; provided, it meets the requirements of the laws of the State of Oregon governing tourist and trailer camps and the rules and regulations of the Oregon State Health Division, of the Union County Health Department pertaining thereto and the Building, Fire and Electrical Codes of the City of Union.
(Ord. 264, passed 1-9-1967)

§ 154.04 ANNUAL LICENSE FEE.

The annual license fee for trailer parks shall be the sum of \$1 per available trailer coach space for each calendar year, but not less than \$5 for each park.
(Ord. 264, passed 1-9-1967)

§ 154.05 PARKING OUTSIDE OF TRAILER PARKS.

It shall be unlawful for any person to park, locate, keep or maintain an occupied trailer coach, except an occupied visitor's trailer under the provisions of § 154.07, without a license as herein provided.

(A) Any person desiring to park, locate, keep or maintain an occupied trailer coach shall make written application accompanied with an application fee of \$5, which fee shall be refunded in the event license is not granted. The application shall be referred to the Planning Commission for recommendation as to whether the application shall be approved or disapproved, and the approval or disapproval shall be rendered within two weeks from the date of the application, during which time the applicant shall be granted a visitor's occupied trailer license without charge.

(B) The application shall contain the name of the person desiring to park, locate, keep or maintain the trailer coach, the location and area of the place where the trailer coach is to be parked, the location and size of the trailer coach, the arrangement and location of sanitary, water and electrical facilities to be provided therein and other information as the Planning Commission may by order require.

(C) Before recommending approval of the application to the City Council, the Planning Commission shall determine that the application meets the standards and requirements of the State of Oregon Health Division, the Union County Health Department and the City of Union.

(D) The recommendation of the Planning Commission either approving or disapproving the application shall be transmitted to the City Council to be considered by it within two weeks of the date of the application. The City Council may, in its discretion, accept or reject the Planning Commission's recommendations.

(E) The applicant shall, within 30 days of date of filing his or her application for license, and before the license is issued, meet all standards and requirements of the State of Oregon Health Division, Union County Health Department and the City of Union, including those requirements set forth in Section 16,(A)(3) of Ordinance No. 276, Series 1969, as amended by § 154.08.
(Ord. 264, passed 1-9-1967) Penalty, see § 10.99

§ 154.06 UNOCCUPIED TRAILER COACH.

An unoccupied trailer coach shall not be stored, parked, located, kept or maintained on any dedicated street or alley where it will block or impede traffic on any street, alley or any driveway, service entry or sidewalk.

(Ord. 264, passed 1-9-1967) Penalty, see § 10.99

§ 154.07 PERMIT TO TEMPORARILY PARK AN OCCUPIED VISITOR' S TRAILER.

(A) The owner, lessee or occupant of a parcel of real property within the City of Union, Oregon, upon which a visitor's trailer is to be parked, must first obtain a permit to allow the parking from the city Recorder of the City of Union before allowing the same.

(B) The application for the permit shall designate the name of the owner of the trailer coach, its make and vehicle license number and the street address upon which property the visitor's trailer coach shall be parked.

(C) A permit for the temporary parking of an unoccupied visitor's trailer coach for a period not to exceed 14 days shall be issued by the city Recorder of the City of Union, providing that the following conditions are complied with.

(1) The trailer coach shall not remain in the same location within the City of Union, Oregon, more than 14 days, unless the City Recorder shall be notified and a new permit for an additional 14 day period be granted. It shall not be necessary that a formal application, as provided for herein above, be made for the renewal.

(2) The trailer coach shall not be parked upon any dedicated street or alley in such a manner as will impede the flow of traffic and shall not block any driveway, alley or service entry or sidewalk.

(3) The trailer coach shall not be parked closer than five feet from any property line or ten feet from any building occupied for residential purposes.

(4) The occupants of the trailer coach shall not use sanitary facilities of the trailer coach while it is temporarily parked, except those of self-contained units and units hooked up to adequate sewage disposal facilities.

(5) Electrical connection to the trailer coach shall be by weatherproof cable. The trailer coach shall be properly grounded.

(Ord. 264, passed 1-9-1967)

§ 154.08 NONTRANSFERABILITY PRIOR TO ISSUANCE OF PERMIT.

(A) *Nontransferability.* The permits provided under the terms of this chapter shall not be transferable.

(B) *Site preparation prior to issuance of permit.* No site preparation or improvement, regardless of the amount or extent thereof, made by any applicant prior to the issuance of any permit required hereunder shall, in and of itself, require the city to issue any permit or bar the city from refusing to issue any permit.

(Ord. 264, passed 1-9-1967; Ord. 281, passed 6-8-1970)

§ 154.09 LIABILITY OF OWNER OR OCCUPANT OF STORED OR PARKED TRAILER COACH.

In the event that any person stores, parks, keeps or maintains a trailer coach on real property within the city limits of Union, without the consent or knowledge of the owner, lessee or occupant of the real property, the owner of or the person who caused the trailer coach to be parked or stored on the real property shall be in violation of this chapter and subject to penalties provided hereinafter.

(Ord. 264, passed 1-9-1967)

§ 154.10 NON-ISSUANCE OF PERMIT.

No permit for the storage or temporary parking of any trailer coach shall be issued by the City Recorder except upon application of the owner, lessee or occupant of real property upon which the trailer coach shall be stored or temporarily parked.

(Ord. 264, passed 1-9-1967)

CHAPTER 155: ZONING

Section

155.01 Zoning; adopted by reference

§ 155.01 ZONING; ADOPTED BY REFERENCE.

The City of Union' s zoning regulations are hereby adopted by reference and incorporated herein as if set out in full.

(Ord. 337, passed 6-11-1979; Ord. 429, passed 2-11-1991; Ord. 437, passed 1-11-1993; Ord. 451, passed 7-8-1996; Ord. 480, passed 10-14-2002; Ord. 491, passed - - 2005; Ord. 496, passed 6-12-2006; Ord. 509, passed 2-11-2008; Ord. 512, passed 2-11-2008; Ord. 513, passed 2-11-2008; Ord. 514, passed 5-12-2008)

