

## **ORDINANCE NO. 173-2018**

### **AN ORDINANCE AMENDING SECTIONS OF THE DONALD DEVELOPMENT ORDINANCE RELATED TO SETBACK CHANGES TO SETBACKS FOR CERTAIN ZONES, A FEE IN-LIEU OPTION FOR STREET IMPROVEMENTS, SIGN CODE UPDATES, AND MINOR CODE CLEAN-UP ITEMS.**

**WHEREAS**, Oregon Revised Statute (ORS) 197.175 requires each city and county to have a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect; and

**WHEREAS**, Oregon Administrative Rules (OAR) 660-015-0000 Oregon's Statewide Planning Goals and Guidelines express the state's policies on land use and related topics, such as citizen involvement, housing and natural resources; and

**WHEREAS**, the Donald City Council approved Resolution No. 447-17 applying for a Technical Assistance Grant from the Oregon Department of Land Conservation and Development (DLCD) for \$1,000 to fund planning projects that promote economic development, planning and affordable housing, natural hazards planning, infrastructure finance planning and updating codes to comply with changes in state law or streamlining planning processes; and

**WHEREAS**, the Technical Assistance Grant for the DLCD was used to fund these updates to the Donald Development Code; and

**WHEREAS**, The Donald Planning Commission and City Council jointly held a workshop to review possible amendments to the Donald Development Ordinance and establish goals and priorities on December 14, 2017; and

**WHEREAS**, Draft Code Amendments were available at City Hall and posted to the City of Donald website for public review and with an online feedback form for comment; and

**WHEREAS**, staff prepared and submitted a staff report to the Donald Planning Commission on June 8, 2018; and

**WHEREAS**, on June 21, 2018 the Donald Planning Commission conducted a duly noticed public hearing regarding Planning File Legislative Amendment LA-2018-02, an application by the City of Donald regarding amendments to the Donald Development Ordinance as described herein. At the hearing the public was given full opportunity to be present and heard on the matter. The Donald City Planning Commission considered the information provided by City staff and the public. After deliberation, the Donald Planning Commission voted to recommend approval of the Draft Code Amendments, as amended by the Planning Commission, with a vote of 7-0; and

**WHEREAS**, on July 17, 2018 the Donald City Council conducted a duly noticed public hearing regarding Planning File Legislative Amendment LA-2018-02, an application by the City of Donald regarding amendments to the Donald Development Ordinance as described herein. At the hearing, the public was given a full opportunity to be present and heard on the matter. The Donald City Council considered the information provided by City staff, the public, and the Planning Commission's June 21, 2018's recommendation to approve the Draft Code Amendments; and

**WHEREAS**, following a second reading of Ordinance No 173-2018 on August 14, 2018

**NOW THEREFORE**, THE CITY OF DONALD ORDAINS AS FOLLOWS:

**Section 1.** The City Council of the City of Donald does hereby adopt the staff report to the City Council dated July 3, 2018.

**Section 2.** The City Council of the City of Donald does hereby adopt those certain findings of fact, conclusions, and supporting documentation as amended and included as Exhibit A attached hereto and by this reference made a part hereof.

**Section 3.** The City Council of the City of Donald does hereby amend the Donald Development Ordinance to include the amendments as shown in Exhibit A.

**Section 4.** The first reading of this Ordinance was conducted on July 17, 2018. The second reading of this Ordinance was conducted on August 14, 2018 and was passed and adopted by the City Council on August 14, 2018 as follows:

6 AYES  
0 NAYS  
0 ABSTENTIONS

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**Section 5.** This Ordinance shall be effective on the thirtieth day after the date of enactment below, as per City Charter Chapter VIII, Section 36.

**SIGNED** and **DATED** this 14<sup>th</sup> day of August, 2018



Rick Olmsted, Mayor

**ATTEST**



Heidi Bell, City Manager

PASSED by the City Council: August 14, 2018

SIGNED by the Mayor: August 14, 2018

EFFECTIVE: September 13, 2018

**STAFF REPORT  
TO THE DONALD CITY COUNCIL**

**REPORT DATE:** July 3, 2018

**HEARING DATE:** July 17, 2018

**FILE NO:** Legislative Amendment #LA 2018-02 “COG Amendments”

**APPLICANT:** City of Donald

**SUMMARY:** Amendments to various sections of the Donald Development Ordinance (DDO), including: clarifying setbacks in multiple zones; addition of a fee-in-lieu of construction (FILOC) option for required street improvements; sign provisions for directional signage, large buildings, and multi-tenant buildings; guidelines for denied applications, site plan features, and timing of public improvements for partition and subdivision actions.

**CRITERIA:**

1. Oregon Statewide Planning Goals & Guidelines
2. Donald Comprehensive Plan
3. Donald Development Ordinance Section 3.112.03 Text Amendments

**EXHIBITS:** Exhibit A: Draft Code Amendments

**I. BACKGROUND:**

While Donald Legislative Amendment #LA 2018-01 is a package of amendments to the Donald Development Ordinance (DDO) funded and performed through the State of Oregon Transportation Growth Management (TGM) program, this file, #LA 2018-02 is a separate package of code amendments. The two packages are complementary to each other, and have run in tandem through the work sessions, public notice, and public hearing processes. This package of code amendments represents a handful of items which were not selected to be wrapped into the TGM Code Amendments, but rather includes a running list of items which the Mid-Willamette Valley Council of Governments (MWVCOG) planning staff and City staff had tracked as potentially needed code updates and clarifications over the past couple years.

**II. PROCEDURE:**

Pursuant to the Donald Development Ordinance (DDO) Section 3.101.04, a text amendment to the Development Code is a Type IV Action in which the City considers and enacts or amends laws and policies. Private parties cannot apply for a Type IV action; it must be initiated by City staff, Planning Commission, or City Council. Public notice and hearings are provided in a Type IV process.

**III. ANALYSIS OF APPLICABLE CRITERIA:**

OREGON'S STATEWIDE PLANNING GOALS & GUIDELINES / DONALD COMPREHENSIVE PLAN

*GOAL 1: CITIZEN INVOLVEMENT OAR 660-015-0000(1) "To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process."*

**STAFF FINDINGS:**

The Donald Planning Commission and Donald City Council convened a series of three joint work sessions to address amendments to the DDO through files #LA 2018-01 and LA 2018-02 on May 15, 2018, May 17, 2018, and May 22, 2018. The work sessions were noticed and open to the public.

Notice was provided to the Oregon Department of Land Conservation and Development (DLCD) initially on May 25, 2018, which was 27 days prior to the first public hearing, and 53 days prior to the final public hearing.

Public notice was published in the Woodburn Independent newspaper which is a regional newspaper with weekly circulation on Wednesday, June 6<sup>th</sup>, which was 15 days prior to the first public hearing.

In Oregon Measure 56 notices are required to be mailed to property owners whose property values could potentially be impacted by a change to a local zoning designation or development code regulation (ORS 227.186). While no property was proposed to be re-zoned in this case, staff prepared and mailed Measure 56 notices to 268 addresses in Donald, Oregon, which was every non-public zoned property in the city limits (after duplicates were eliminated). The mailing was a combined notice for files # LA 2018-01 and LA 2018-02. They were mailed on June 14<sup>th</sup>, which was one week (7 days) prior to the first public hearing.

Notice for the public hearing dates before the Planning Commission and City Council were posted in the community and the City's website as early as June 5, 2018, which was 16 days prior to the first public hearing.

The Planning Commission held a public hearing on Legislative Amendments # LA 2018-01 and LA 2018-02 on Thursday, June 21<sup>st</sup> at 6:45 pm at the Donald City Hall. The public hearing was duly noticed and open to the public for participation. Some members of the public did attend. No written public comments were received regarding this file #LA 2018-02. Public comments received in person during the public hearing included a property owner acknowledging that the fee-in-lieu option was a large expense up front at the time of land division, which might be difficult for some projects. The same property owner was previously required to acquire a variance approval from the Planning Commission for wall signs exceeding the previous size limit in the DDO. He stated that he was not supportive of all businesses having the ability to increase their sign size. Staff informed him that the larger sign size was permitted based only upon a minimum building size of 10,000 SF or more.

Staff finds that this criterion is met.

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

**STAFF FINDINGS:** The proposal does not involve exceptions to the Statewide Goals. Goal 2 supports clear and thorough local procedures. The DDO Section 3.203.02 establishes the decision process for Legislative Amendments which are a Type IV Action. Type IV actions require public hearings before both the Planning Commission and City Council with sufficient public notice, as detailed in DDO Section 3.204.03. The public hearings before the Planning Commission and City Council were conducted in accordance with DDO Sections 3.205 and 3.206 respectively. Staff finds that this criterion is met.

*GOAL 3: AGRICULTURAL LANDS OAR 660-015-0000(3) "To preserve and maintain agricultural lands."*

**STAFF FINDINGS:** As the Donald Development Ordinance only applies to properties within the incorporated City Limits where urban densities, uses, and facilities are available and required, staff finds that this criterion does not apply.

*GOAL 4: FOREST LANDS OAR 660-015-0000(4) "To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture."*

**STAFF FINDINGS:** As the Donald Development Ordinance only applies to properties within the incorporated City Limits where urban densities, uses, and facilities are available and required, staff finds that this criterion does not apply.

*GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES OAR 660-0150000(5) "To protect natural resources and conserve scenic and historic areas and open spaces."*

**STAFF FINDINGS:** Staff finds no evidence that the development code amendments proposed herein could impact natural resources, scenic and historic areas, or open spaces. Staff finds that this criterion does not apply.

*GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY OAR 660-015-0000(6) "To maintain and improve the quality of the air, water and land resources of the state."*

**STAFF FINDINGS:** Staff finds no evidence that the development code amendments proposed herein could impact air, water, and land resources quality. Staff finds that this criterion does not apply.

*GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS "To protect people and property from natural hazards."*

**STAFF FINDINGS:** Staff finds no evidence that the development code amendments proposed herein could impact areas subject to natural hazards. Staff finds that this criterion does not apply.

*GOAL 8: RECREATIONAL NEEDS OAR 660-015-0000(8) "To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts."*

**STAFF FINDINGS:** Staff finds no evidence that the development code amendments proposed herein could impact recreational amenities or opportunities. Staff finds that this criterion does not apply.

*GOAL 9: ECONOMIC DEVELOPMENT OAR 660-015-0000(9) "To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens."*

**STAFF FINDINGS:** Included within the subject package of code amendments is language clarifying the requirement for a developer to construct public improvements on the frontage of a property prior to recording the final plat of a partition or subdivision. To reiterate, this requirement is in addition to the

requirement that a developer construct public improvements prior to final occupancy of a development (when no land division process is involved). The developer has the option to guarantee the construction through a performance bond or other instrument acceptable to the City Attorney. The City of Donald is also introducing a fee-in-lieu system in which a property owner/developer could pay a fee in the place of constructed improvements, if certain criteria are met. The Code amendments package also clarifies setbacks in certain zones, and it introduces provisions for larger maximum sign sizes for large industrial buildings, on site directional signage, and signage for multi-tenant buildings.

Overall, the code amendments contained herein are intended to provide certainty to developers so that they may have reasonable expectations about the extent, timing, and options for financing public improvements required with their projects. The construction of high-quality public improvements in the community contribute to the overall aesthetic, function, and safety of the public facilities for residents and businesses alike. Additionally, the enhanced sign code ensures that businesses are able to advertise and inform in a manner which is consistent and equitable to other businesses in the community. Staff finds that this criterion is met.

*GOAL 10: HOUSING OAR 660-015-0000(10) "To provide for the housing needs of citizens of the state."*

STAFF FINDINGS: Staff finds no evidence that the development code amendments proposed herein could impact housing within the Donald community, other than to clarify the setbacks within the RM-Multi-Family Residential district. Staff finds that this criterion does not apply.

*GOAL 11: PUBLIC FACILITIES AND SERVICES OAR 660-015-0000(11) "To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development."*

STAFF FINDINGS: As previously stated, code amendments addressing the timing of public improvements required of a developer either as a condition of Site Development Review or land division (partition or subdivision) ensure the construction of high-quality public improvements in the Donald community, ultimately benefitting the overall aesthetic, function, and safety of the public facilities for all people. Staff finds this criterion is met.

*GOAL 12: TRANSPORTATION OAR 660-015-0000(12) "To provide and encourage a safe, convenient and economic transportation system."*

STAFF FINDINGS: As previously stated, code amendments addressing the timing of public improvements required of a developer either as a condition of Site Development Review or land division (partition or subdivision) ensure the construction of high-quality public improvements in the Donald community, ultimately benefitting the overall aesthetic, function, and safety of the public facilities for all people. Staff finds this criterion is met.

*GOAL 13: ENERGY CONSERVATION OAR 660-015-0000(13) "To conserve energy. Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."*

STAFF FINDINGS: Staff finds that this criterion does not apply.

*GOAL 14: URBANIZATION OAR 660-015-0000(14) The purpose of Goal 14 is to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban*

*employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

**STAFF FINDINGS:** As no change is proposed to the Urban Growth Boundary, City Limits, land use designations, or zone districts, staff finds that this criterion does not apply.

*GOAL 15: WILLAMETTE RIVER GREENWAY OAR 660-015-0005; GOAL 16: ESTUARINE RESOURCES OAR 660-015-0010(1); GOAL 17: COASTAL SHORELANDS OAR 660-015-0010(2); GOAL 18: BEACHES AND DUNES OAR 660-015-0010(3); GOAL 19: OCEAN RESOURCES OAR 660-015-0010(4) STAFF*

**STAFF FINDINGS:** The proposed Code amendment does not involve land within the Willamette Greenway, identified estuarine, coastal shorelands, beach, or ocean areas. Staff finds that Statewide Goals 15 through 19 do not apply.

## DONALD DEVELOPMENT CODE

### *3.112 TEXT AMENDMENTS*

#### *3.112.03 Criteria for Approval*

*Amendments to the Comprehensive Plan or Development Ordinance text shall be approved if the evidence can substantiate the following:*

*A. Impact of the proposed amendment on land use and development patterns within the city, as measured by:*

- 1. Traffic generation and circulation patterns;*
- 2. Demand for public facilities and services;*
- 3. Level of park and recreation facilities;*
- 4. Economic activities;*
- 5. Protection and use of natural resources;*
- 6. Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.*

**STAFF FINDINGS:** File # LA 2018-02 is a relatively small package of code amendments which clarifies setbacks in multiple zones, adds a fee-in-lieu of construction (FILOC) option for required street improvements, enhances sign provisions for directional signage, large buildings, and multi-tenant buildings, sets guidelines for denied applications, adds required site plan features, and determines the timing of public improvements construction required of partition and subdivision actions. Staff finds no adverse impact to the community as measured by items 1-6 in the list above. Overall, the amendments aim to clarify development criteria, timing, and options within the DDO. The end goal is high-quality private development and public facilities alike. Staff finds these criteria are met.

*B. A demonstrated need exists for the product of the proposed amendment.*

**STAFF FINDINGS:** The code amendments contained in this package were generated by a running list compiled over several years by Planning staff under the direction of the City Manager, integrating feedback from both the Planning Commission and City Council. A portion of that list was addressed in file LA 2018-01 "TGM Amendments." This file # LA 2018-02 contains all items not addressed in the first package. Staff finds this criterion is met.



*C. The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.*

**STAFF FINDINGS:** Staff has addressed Statewide Planning Goals 1-19 previously in this report. Staff identifies no conflict with the Oregon Administrative Rules (OAR). Staff finds these criteria are met.

*D. The amendment is appropriate as measured by at least one of the following criteria:*

- 1. It corrects identified error(s) in the provisions of the plan.*
- 2. It represents a logical implementation of the plan.*
- 3. It is mandated by changes in federal, state, or local law.*
- 4. It is otherwise deemed by the council to be desirable, appropriate, and proper.*

**STAFF FINDINGS:** While this package of code amendments includes various unrelated components, staff finds that elements of the package 1) corrects identified errors in the plan, 2) represents a logical implementation of the plan, and 4) is otherwise deemed by the Council to be desirable, appropriate, and proper. Staff finds that these criteria are met, and concludes that Legislative Amendment #LA 2018-02 is consistent with the Donald Development Ordinance Section 3.112 Text Amendments criteria.

#### **IV. RECOMMENDATION:**

Staff recommends that the Donald City Council adopt the findings included in the staff report. Staff and the Donald Planning Commission recommend that the City Council approve the proposed Development Code Amendments of file #LA 2018-02, as attached in Exhibit A.

#### **V. CITY COUNCIL ACTION:**

The City Council may take one of the following actions:

- A. Motion to adopt the findings outlined in the staff report and approve Development Code Amendment, LA 2018-02.
- B. Motion to adopt the findings outlined in the staff report and approve Development Code Amendment, LA 2018-02, as modified to reflect the changes made by the City Council.
- C. Motion to continue the public hearing to a date and time certain and state the additional information that is needed to allow for a future decision.
- D. Motion to deny the proposed Development Code Amendment, LA 2018-02.

Recommended Amendment		Notes/ Explanation
<u>Underline</u> format = new language	<del>Strikethrough</del> format = deleted language	
<b>TABLE OF CONTENTS</b> <b>SECTION 2.3 - GENERAL DEVELOPMENT STANDARDS</b> <b>Section 2.302 STREET STANDARDS .....2.3-5</b> <b>2.302.09 Fee In Lieu of Street Improvements.....2.3-</b>  <b>SECTION 3.1 – APPLICATION REQUIREMENTS AND REVIEW PROCEDURES</b> <b>Section 3.102 GENERAL PROVISIONS.....3.1-6</b> <b>3.102.06 Denial of an application.....3.1-</b>		Updating table of contents to reflect new code sections.
<b>SECTION 2.1 - LAND USE ZONING</b>		
<b>Section 2.104 MULTIPLE FAMILY RESIDENTIAL (RM)</b> <b>2.104.05 Dimensional Standards</b> B. Minimum Yard Setback Requirements		▪ Recommended COG amendment- replace side and rear setback standards
SETBACKS	Multi-Family Non-Residential	
Front	20 feet 20 feet	
Side	<del>(1)</del> 10 feet 10 feet	
Rear	<del>(1)</del> 15 feet - 1-story 20 feet 20 feet - 2-story	
Street-side	10 feet 20 feet	

Recommended Amendment			Notes/ Explanation			
Underline format = new language		Strikethrough format = deleted language				
<table border="1"><tr><td>Garage (21)</td><td>20 feet</td><td>20 feet</td></tr></table>			Garage (21)	20 feet	20 feet	
Garage (21)	20 feet	20 feet				
<p>(1) <del>The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. In no case shall the setback be less than 10 feet.</del></p> <p>(21) The garage setback shall be measured from the property line or edge of private access easement to the entrance of the garage. The centerline of the driveway shall be measured if the driveway to the garage entrance is not perpendicular to the property line or private access easement.</p>						
<p><b>Section 2.105 COMMERCIAL (C)</b></p> <p><b>2.105.04 Dimensional Standards</b></p> <p>B. Minimum Yard Setback Requirements</p> <p>1. Front: None, <del>provided no building shall project beyond a line formed by the fronts of the existing buildings on the same side of the street within the same block.</del></p> <p>2. Side, Rear Yard: None, unless abutting a residential zone. Side yards abutting a residential zone shall have a setback of 10 feet; rear yards abutting a residential zone shall have a setback of 20 feet.</p>			<ul style="list-style-type: none"><li>Recommended COG amendment- update setback standards</li></ul>			

Recommended Amendment		Notes/ Explanation																									
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<div>2.106 INDUSTRIAL (I)</div> <div>2.106.05 Dimensional Standards</div> <div>B. Minimum Yard Setback Requirements</div> <div>ADJACENT PROPERTY USE</div> <table><tr><th>SETBACKS ———— ————</th><th>Single Family or Duplex</th><th>Multi-Family</th><th>Commercial</th><th>Industrial</th></tr><tr><td>Front</td><td>20 feet</td><td>20 feet</td><td>20 feet</td><td>20 feet</td></tr><tr><td>Side</td><td>(1), (2)</td><td>(1), (2)</td><td>(1)</td><td>(1)</td></tr><tr><td>Rear</td><td>(1), (2)</td><td>(1), (2)</td><td>(1)</td><td>(1)</td></tr><tr><td>Street side</td><td>20 feet</td><td>20 feet</td><td>20 feet</td><td>20 feet</td></tr></table> <div>(1) — The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property. For the I zone, the rear yard setback is 0 feet.</div> <div>(2) — Yards adjacent to residential zones shall be contained by a sight-obscuring fence, wall, or hedge a minimum of 8 feet in height.</div> <div>1. Front: 20 feet</div> <div>2. Street side: 20 feet</div> <div>3. Side and Rear: Per Table below.</div>		SETBACKS ———— ————	Single Family or Duplex	Multi-Family	Commercial	Industrial	Front	20 feet	20 feet	20 feet	20 feet	Side	(1), (2)	(1), (2)	(1)	(1)	Rear	(1), (2)	(1), (2)	(1)	(1)	Street side	20 feet	20 feet	20 feet	20 feet	<div>▪ Recommended COG amendment- replace side and rear setback standards</div> <div>▪ Replaced table</div> <div>▪ Rear and side setbacks listed as none (removed statement “The setback shall be no less than the minimum rear yard setback of the zone on the adjacent property.”, since rear and side setbacks for C, DMU, EI, and I zones are 0)</div>
SETBACKS ———— ————	Single Family or Duplex	Multi-Family	Commercial	Industrial																							
Front	20 feet	20 feet	20 feet	20 feet																							
Side	(1), (2)	(1), (2)	(1)	(1)																							
Rear	(1), (2)	(1), (2)	(1)	(1)																							
Street side	20 feet	20 feet	20 feet	20 feet																							

Recommended Amendment		Notes/ Explanation									
<u>Underline</u> format = new language <del>Strikethrough</del> format = deleted language											
<p style="text-align: center;"><u>Table <span style="background-color: yellow;">      </span> ADJACENT PROPERTY ZONE</u></p> <table border="1"> <tr> <td><u>SETBACKS</u> _____ _____</td><td><u>R-7 Single Family or RM Multi-Family</u></td><td><u>C Commercial, DMU Downtown Mixed Use, I Industrial or EI Employment Industrial</u></td></tr> <tr> <td><u>Side</u></td><td><u>10 feet (1)</u></td><td><u>None</u></td></tr> <tr> <td><u>Rear</u></td><td><u>20 feet (1)</u></td><td><u>None</u></td></tr> </table> <p>(1) <u>Yards adjacent to residential zones shall be contained by a sight-obscuring fence, wall, or hedge a minimum of 8 feet in height.</u></p>		<u>SETBACKS</u> _____ _____	<u>R-7 Single Family or RM Multi-Family</u>	<u>C Commercial, DMU Downtown Mixed Use, I Industrial or EI Employment Industrial</u>	<u>Side</u>	<u>10 feet (1)</u>	<u>None</u>	<u>Rear</u>	<u>20 feet (1)</u>	<u>None</u>	
<u>SETBACKS</u> _____ _____	<u>R-7 Single Family or RM Multi-Family</u>	<u>C Commercial, DMU Downtown Mixed Use, I Industrial or EI Employment Industrial</u>									
<u>Side</u>	<u>10 feet (1)</u>	<u>None</u>									
<u>Rear</u>	<u>20 feet (1)</u>	<u>None</u>									
<b>SECTION 2.3 - GENERAL DEVELOPMENT STANDARDS</b>											
<p><b>Section 2.302 STREET STANDARDS</b></p> <p><b>2.302.04      General Right-of-Way and Improvement Widths</b></p> <p>The following standards are general criteria for public streets in the City of Donald. These standards shall be the minimum requirements for all streets, except where modifications are permitted under Subsection <del>2.2</del>302.05.</p>		<ul style="list-style-type: none"> <li>Corrected number referencing Subsection 2.302.05</li> </ul>									
<p><b>2.302.09      Fee In Lieu of Street Improvements</b></p> <p>A. <u>Street frontage improvements are required at the time of development unless applicant requests, and the City approves in its sole discretion, the applicant's payment of a fee in lieu of constructing {FILOC}.</u></p> <p>B. <u>Criteria. The City may accept a fee in lieu of construction of required street improvements if one or more of the following conditions</u></p>		<ul style="list-style-type: none"> <li>Recommended COG amendment- add a fee in lieu option for street improvements</li> <li>Are there any organizations/ neighborhood associations that the City will want to coordinate with when identifying street improvements funded by the FILOC?</li> </ul>									

Recommended Amendment	Notes/ Explanation
<p><u>Underline</u> format = new language      <del>Strikethrough</del> format = deleted language</p>	
<p><u>exist:</u></p> <ol style="list-style-type: none"> <li>1. <u>Required improvements are not feasible due to the inability to achieve proper design standards.</u></li> <li>2. <u>Required improvements would create a safety hazard.</u></li> <li>3. <u>Required improvements are part of a larger approved capital improvement project in the <b>City's Capital Improvement Program (CIP)</b>.</u></li> <li>4. <u>Required improvements would not result in a roadway wholly compliant with current street standards.</u></li> </ol> <p>C. <u>Findings.</u> The <b>City of Donald</b> shall determine and make written findings as to whether an applicant is eligible to deposit a fee in lieu of construction, which decision is final.</p> <p>D. <u>Fees.</u> If determined by the <b>City of Donald</b> that required street improvements are eligible for <b>FILOC</b>, the applicant shall pay a fee to the City as established on the City of Donald Fee Schedule. The amount of the fee shall be determined by resolution of the <b>City Council</b>. All fees shall be paid to the City prior to the issuance of any development or building permits, or prior to final plat recording for partitions and subdivisions.</p> <ol style="list-style-type: none"> <li>1. <u>If previous development(s) on the subject property have resulted in the full construction of street improvements or payment of <b>FILOC</b> fees and the proposed development has additional impacts, the City may only assess additional <b>FILOC</b> fees when there has been a change to the City's design standards.</u></li> <li>2. <u>If previous development(s) on the subject property have resulted in the partial construction of facility improvements or payment of <b>FILOC</b> fees and the proposed development has additional impacts, the City may assess additional <b>FILOC</b> fees for the balance of the improvements to bring the facilities into compliance with the City's current design standards.</u></li> </ol>	

Recommended Amendment	Notes/ Explanation
<p><u>Underline</u> format = new language      <del>Strikethrough</del> format = deleted language</p>	
<p>E. <u>Administration. Fees collected by the City may be used to construct street improvements or to leverage additional grant money for larger street improvement projects. An accounting of fees collected and expended will be made available by the City to the public on an annual basis at the end of the fiscal year. Fees shall be used for construction of street improvement projects that benefit the development site, or are within one <b>[1,000]</b> feet of the development site, as determined by City staff.</u></p> <p>F. <u>Refunds. Fees collected by the City may be paid or refunded to the original payee or a third party upon written request to the City of Donald, provided that <b>FILOC</b> funds are available. Fees refunded in this manner may only be used for the construction of the specified improvements for which they were received, including, but not limited to, surveying, engineering, design, and construction. In no event shall the refund exceed the original amount paid. Requests for <b>FILOC</b> refunds shall be approved by the City of Donald and will be issued in accordance with an "Improvement Agreement" approved by the City of Donald and executed by the original <b>FILOC</b> payee and/or third party requesting the refund.</u></p>	
<p><b>Section 2.310 SIGNS</b>  <b>2.310.04 Signs Generally Permitted</b>  <u>I. On-site directional signs that do not exceed <b>8</b> square feet in area.</u></p>	<ul style="list-style-type: none"> <li>▪ Recommended COG amendment- Adjust sign code to allow small on-site directional signs, slightly different than incidental signs (E.g. Wilco &amp; HGO signage directing trucks within their property).</li> </ul>
<p><b>2.310.07 Commercial and Industrial Signs</b>  A. Total allowed area. Total allowed area of 40 square feet per sign, except freestanding signs, which may be 60 square feet per sign. <u>Where the building exceeds <b>100,000</b> square feet, sign area up to <b>100</b> square feet is allowed.</u>  B. Type, and maximum number <del>and size</del> of signs. One freestanding or projecting sign per street frontage, and a total of no more than two wall or canopy signs. <u>Multi-tenant buildings may have one wall sign or canopy sign per permitted tenant space.</u></p>	<ul style="list-style-type: none"> <li>▪ Recommended COG amendment- Adjust sign code to accommodate signage for large and/or multi-tenant buildings (E.g. Wilco &amp; HGO).</li> </ul>

Recommended Amendment	Notes/ Explanation
<u>Underline</u> format = new language <del>Strikethrough</del> format = deleted language	
<b>SECTION 3.1 - APPLICATION REQUIREMENTS AND REVIEW PROCEDURES</b>	
<b>3.102 GENERAL PROVISIONS</b> <b>3.102.06 Denial of an application</b> <u>An application which has been denied or an application which was denied and which on appeal has not been reversed by a higher authority, including the land use board of appeals, the land conservation and development commission or the courts, may not be resubmitted for the same or a substantially similar action for a period of twelve (12) months from the date the final city action is made denying the application unless consent for resubmission is approved by the Planning Commission or the City Council.</u>	<ul style="list-style-type: none"> <li>▪ Recommended COG amendment- Add language for denial of application.</li> <li>▪ May consider placing as new section under 3.209 instead.</li> </ul>
<b>3.105.06 Process for Final Plat Approval</b>  A. Survey. Within 1 year of the final decision approving a preliminary plat, a final survey of the approved plat shall be recorded.  B. Final Approval. The City shall sign the final plat if the plat substantially conforms with the approved preliminary plat, and if the conditions of approval are satisfied.  C. Recording of Approved Plat. No building permit shall be issued until the final approved Plat has been recorded with the County Recorder. The applicant shall be responsible for all recording fees.  D. Improvements/Bonding. Prior to <del>issuance of an occupancy permit</del> <u>City approval of the final plat</u> , all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.	<ul style="list-style-type: none"> <li>▪ Recommended COG amendment- Require improvements to be constructed prior to final plat approval rather than occupancy.</li> </ul>
<b>Section 3.106 SITE DEVELOPMENT REVIEW</b> <b>3.106.05 Submittal Requirements</b> The following information shall be submitted as part of a complete application for Site Development Review:	<ul style="list-style-type: none"> <li>▪ Recommended COG amendment- Add “trash &amp; recycling” to items required to be identified &amp; screened on a site plan</li> </ul>



Recommended Amendment	Notes/ Explanation
<div>Underline format = new language</div> <div>Strikethrough format = deleted language</div>	
<div>H. <u>Proposed trash and recycling areas, including proposed methods for screening of waste storage areas.</u></div> <div><del>H.I.</del> The expected development schedule.</div>	
<div><b>3.109.06 Final Plat Review of Subdivisions</b></div> <div>A. Final Review. The final subdivision plat shall be submitted to the City staff for review. Staff shall review the plat to assure compliance with the approved preliminary plat and with the conditions of approval. The City Manager, or designee, shall signify staff approval of the final plat by signing the document.</div> <div>B. Filing Final Plat. The final subdivision plat shall be filed with the Marion County Clerk's Office.</div> <div>C. <u>Improvements/Bonding. Prior to City approval of the final plat, all improvements required by the conditions of approval shall be constructed or the construction shall be guaranteed through a performance bond or other instrument acceptable to the City Attorney.</u></div>	<div>▪ Recommended COG amendment-Require improvements to be constructed prior to final plat approval.</div>

## **DONALD DEVELOPMENT ORDINANCE: CLEAR VISION AREAS**

### **1.200 DEFINITIONS**

Clear-Vision Area: Those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety and to maintain adequate sight distance. The triangular clear vision area is measured from the intersection point on the property boundary of two right-of-ways, or a right-of-way with a private access driveway. Two sides of the triangle are lines measured from the corner intersection point for a specific distance along the property line or driveway. The third side of the triangle is a line across the corner of the lot joining the ends of the other two sides.

### **2.308.08 Clear Vision Area**

For the purposes of traffic safety, a triangular clear vision area shall be maintained on property corners where public rights-of-way and private points of access intersect. The clear vision area shall conform with the following dimensions:

A. Driveways, Alleys and Private Drives. A clear vision area at the intersection of a public street and a point of access shall be the triangular area established according to the following procedure:

1. A line extending 20 feet from the intersection point along the property line;
2. A line extending 20 feet from the intersection point along the driveway;
3. A third line that creates the triangular clear vision area by connecting the ends of the lines described in (a) and (b), above.

B. Corner Lots. Corner lots formed by the intersection of two right-of-ways shall have a minimum of 20 feet per leg, as measured along the property line from the intersection point at the lot corner.

C. Rounded corners. Where the lines at the intersections have rounded corners, the property lines will be extended in a straight line to a point of intersection for measurement purposes.

D. Prohibited Development. A clear vision area shall contain no planting, fence, wall, structure, or temporary or permanent obstruction exceeding 36 inches in height, measured from the top of the curb or, where no curb exist, from the established street centerline grade, except that the following may be allowed in the clear vision area:

1. Trees, provided all branches and foliage are removed to a height of eight feet above grade;
2. Telephone, power, and cable television poles; and
3. Telephone switch boxes provided they are less than ten inches wide at the widest dimension.