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## MEMORANDUM

**To: Mayor Whelan and Members of the City Council  
Benjamin Burgener, City Manager**  
**From: Carla McLane, Planning Consultant**  
**Date: May 12, 2023**  
**RE: Public Hearing to Consider Amendments to the Stanfield Comprehensive Plan, Stanfield Development Code, and the Stanfield Municipal Code**

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We hit a speed bump. Not a roadblock, just a speed bump. But before I get into that let me take you through the documents that you have in the packet for next Tuesday, May 16, 2023. I will wrap this memorandum up with a list of the outstanding work still to be accomplished.

**Comprehensive Plan:** My intent is not to restate the information contained in the Staff Report that is included with the redline version of the Comprehensive Plan but to let you know that you also have a version that has the changes accepted as presented. That doesn't mean that changes can't continue to be considered.

The City Council saw the Comprehensive Plan at the Joint Work Session after which I made some additional changes. The last time there was a focus on the Comprehensive Plan by the Technical Advisory Committee (TAC) was in the late Fall which allowed these past several weeks for another look after working through the Development Code update. It was beneficial to go back to the Comprehensive Plan with the insight that I gained from the Development Code discussion.

The speed bump I mentioned earlier could require a small change in the Goal 5 section as we work through the issues that have been raised. By Tuesday evening I will have a better handle on just what all might need to be adjusted. Because of the speed bump my suggestion will be to continue the Public Hearing for the Comprehensive Plan to June 20, 2023, at a time and place specific to consider the speed bump issues. The Comprehensive Plan has come to the City Council with a do adopt recommendation from the Planning Commission.

**Development Code:** Wow! I can hardly believe that we got this almost to the finish line. Again, I won't repeat the information included in the Staff Report which outlines at a high level the proposed changes and reviews those changes against the applicable requirements.

No final versions of the Development Code are available for review; that will come over the next couple of weeks as we wrap the project up. The pages attached to the Staff Report are just those that were changed based on discussion at either the Joint Work Session or the Planning Commission Public Hearing. Some of those changes were formatting in nature, not necessarily substantive. Need to also share that the copies were not done in color, so you are not seeing the color palettes that were added to section 2.2.155. Those are attached to this memorandum.

The Development Code is where the speed bump will have the most impact. My suggestion is that the City Council continue the Public Hearing for the Development Code to June 20, 2023, at a time and place specific to consider the speed bump issues. As with the Comprehensive Plan the Development Code does come to the City Council with a do adopt recommendation from the Planning Commission.

**Municipal Code:** It was interesting to dig into the Municipal Code to better understand where there are linkages with the Development Code and to also see where conflicts could arise. Most of the suggested changes are to delete

whole sections within the Municipal Code as they conflict with or should be placed within the Development Code. I won't restate here what is included in the Staff Report as it does provide a summary of the proposed changes.

The speed bump does not have an impact on the Municipal Code and the City Council could move forward with adoption of the proposed changes. For that purpose, an adopting ordinance will be available for your consideration. You could also decide to move the package forward as a whole. In that case continue the Public Hearing for the Municipal Code to June 20, 2023, at a time and place specific.

**Speed Bump:** At some point on Wednesday, May 10, Ben received correspondence from Amanda Puntun, the Department of Land Conservation and Development's (DLCD) natural resource, or Goal 5, specialist. On Thursday morning, May 11, we had a conversation with Amanda and Dawn Hert, the DLCD eastern region representative. Amanda had identified three areas that she wanted to discuss with the focus on Goal 5 and, to some extent, Goal 6 issues that included the proposed removal of the Local Wetlands Inventory requirements, removal of the Riparian Corridor protections, and the proposed new language related to stormwater management.

The concerns that Amanda has raised could well lead to a better final product but as is to often the case her raising these after the Planning Commission public hearing and less than a week before the City Council public hearing is frustrating to say the least. However, we do need to pause, take a breath, and consider her questions and comments.

**Local Wetlands Inventory:** The language proposed to be removed speaks to an inventory and maps that would, if created and adopted, be on the Oregon Department of State Lands (DSL) website. They are not because in 2003 when the previous work was being accomplished there was no money available to finish the mapping component of the proposed Local Wetland Inventory. The same would be true today. We have included the necessary language directing development proposed in and adjacent to wetlands to work within the DSL programs related to wetlands to obtain any necessary permits and for guidance on what needs to be accomplished. The position of DLCD staff is that we cannot simply remove that language. The result is to leave it and attempt to complete the work to create a Local Wetlands Inventory, which staff believe is not the right approach, or to request relief from the requirement. To that end, staff will be drafting a letter to DLCD to achieve that relief.

**Riparian Corridor Protections:** To be honest I may have been a bit quick to remove this language as those areas are, along the Umatilla River, within the floodplain and in some cases within the floodway. The DLCD argument is that the riparian protections are different and more comprehensive than the floodplain and floodway protections and they would be correct. However, with the construction of the levee along Stage Gulch the corridor has been amended and we need to change some of the language to better represent that. There will also be a map component coming next that will outline where those areas are.

**Stormwater Management:** As I have shared, the new language was picked up from the City of Hermiston. DLCD staff have provided model code language that staff will evaluate and most likely amend the proposed Stormwater Management section.

**Outstanding Work:** There are still two items left to accomplish once we resolve the speed bump issues and get the Comprehensive Plan, Development Code, and Municipal Code adopted. They are the Public Works Standards and a new Zoning Map. The time I was going to devote to the Public Works Standards list of needed additions (and changes and deletions) is being diverted to address the speed bump issues. But with the public hearing being continued to June 20 that list might be available for review with the full package for adoption. The zoning map will take a bit more time, but initial work has started and will also continue over the next month or so. Map changes will require notice to be provided to the DLCD and adjoining property owners with public hearings before both the Planning Commission and the City Council.

**See you Tuesday! Looking forward to the discussion.**

# CITY OF STANFIELD

160 S Main—PO Box 369—Stanfield, OR 97875



Susan Whelan  
Mayor

Benjamin Burgener  
City Manager

City Hall: 541-449-3831  
Fax: 541-449-1828

## Staff Report Comprehensive Plan Amendments

**REQUEST:** To update the City of Stanfield Comprehensive Plan.

Applicant: City of Stanfield  
160 South Main  
Post Office Box 369  
Stanfield, Oregon 97875

Notice to the Department  
of Land Conservation  
and Development: Thursday, March 30, 2023

Newspaper Notice: Thursday, April 13, 2023

Planning Commission  
Public Hearing: Monday, May 8, 2023

City Council  
Public Hearing: Tuesday, May 16, 2023

Assigned Staff: Carla McLane, Consultant  
Benjamin Burgener, City Manager

**Background:** The Stanfield Comprehensive Plan has guided the city for many decades with the first Comprehensive Plan adoption in 1979 with amendments in 1983, 1984, and the more modern and current version adopted in 2003. There is local evidence that a minor change occurred in 2009, however there is no evidence that it underwent the required Post Acknowledgement Plan Amendment process. This action will repeal and replace Ordinance 365-2003 that adopted the 2003 version.

**Summary of Changes:** Work on the Comprehensive Plan focused on two areas – general organization of the document and addressing 20 years of change. Comprehensive Plans in Oregon are based on the 14 statewide planning goals. For the Stanfield Comprehensive Plan, the text was reorganized placing the 14 goals in the same order as the statewide goals. Also added for consistency was a Finding statement for each goal followed by the city policy. Some goals had narrative associated with them, some did not. A lot has happened since the adoption of the current Comprehensive Plan in 2003. Bringing the Comprehensive Plan up to date was a second major focus of this work amending findings, policy, and narrative as needed.

**Approval Criteria and Process:** The current Comprehensive Plan includes Section 7: Plan Amendment that will guide this review to adopt an update to the Comprehensive Plan. The applicable requirements follow in **bold** type with responses in regular type.

**Amendments to the Comprehensive Plan may be initiated through the City Planning Department by property owners and residents within or adjacent to the city limits or urban growth boundary, by Umatilla County and by affected agencies or organizations. Amendments may also be initiated by the City Council, Planning Commission, City Administrator, or City Planner. All amendments shall be forwarded to LCDC in accordance with applicable State Statutes and Administrative Rules, and to Umatilla County in accordance with the Stanfield Planning Area Joint Management Agreement.**

**The City of Stanfield will process, review and act on a requested Plan amendment per the following procedures:**

- A. The Planning Commission shall set a public hearing date and give notice thereof through a newspaper of general circulation in the city at least ten (10) days prior to the hearing and if applicable, notice shall be mailed to:**
- 1. Property owners within 250 feet of land subject to a proposed amendment to Comprehensive Plan map A, C, or D; and**
  - 2. Affected governmental units which may be impacted by or who have requested opportunity to review and comment on proposed amendments.**

The process resulting in this adoption started well over a year ago and was boosted by the receipt of a Technical Assistance Grant from the Department of Land Conservation and Development (DLCD). The public hearing before the Planning Commission scheduled for Monday, May 8, 2023, was published on Thursday, April 13, 2023. While changes are proposed to the current Zoning Map as notice was not timely accomplished that action will take place soon with the necessary public hearing(s) anticipated to be held sometime over the summer of 2023. The DLCD Regional Representative Dawn Hert has participated in numerous Technical Advisory Committee (TAC) meetings over the past year. Questions have been fielded from other DLCD staff.

- B. Copies of proposed amendments shall be made available for review at least ten (10) days prior to the Planning Commission hearing.**

Various versions of the proposed changes have been available since the Fall of 2022 on the city website that has all the meetings and meeting materials posted.

- C. Within ten (10) days after the close of the public hearing, the Planning Commission shall make findings of fact and recommend to the City Council adoption, revision or denial of proposed amendments.**

This process has been governed by the TAC since its inception and the City Council public hearing is scheduled for May 16, 2023, eight days after the Planning Commission public hearing. While some changes could still be made to the Comprehensive Plan it is anticipated that the version before the Planning Commission will undergo only minor changes.

- D. Upon receipt of the Planning Commission recommendation the City Council, shall set a public hearing date and give notice thereof through a newspaper of general circulation in the city at least ten (10) days prior to the hearing and if applicable, notice shall be mailed to:**
- 1. Property owners within 250 feet of land subject to a proposed amendment to Comprehensive Plan map A, C, or D; and**
  - 2. Affected governmental units which may be impacted by or who have requested the**

**opportunity to review and comment on proposed amendments.**

Please see the response under A above.

**E. Copies of proposed amendments and the Planning Commission recommendation shall be made available for review at least ten (10) days prior to the City Council hearing.**

Please see the response under B above.

**F. Within ten (10) days after the close of the hearing, the City Council shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments. Adoption of plan amendments is effective upon:**

- 1. City adoption in the case of amendment of a Comprehensive Plan map for an area within the city limits.**
- 2. County co-adoption in the case of amendment of plan goals, objectives, policies, or plan maps for the urban growth area; or the urban growth boundary location.**

This Staff Report can act as the City Council's adopted findings of fact and since no action is taking place that affects land outside of the city limits coadoption is not necessary, however it is recommended. The City Council will adopt by Ordinance with an effective date of at least 30 days after the second reading. Staff recommend that the effective date for the changes to both the Comprehensive Plan and the Development Code be the same as be effective on the first day of a month to allow for consistency.

**Formal LCDC acknowledgment may subsequently be required for some plan amendments, but they are effective locally per the above.**

The City of Stanfield is required to provide the final adoption documents to the DLCD which will trigger an 'acknowledgement' from them. This is applicable to both the Comprehensive Plan and Development Code adoptions.

**G. Notice of plan amendment decisions and copies of any plan amendments adopted by the City shall be sent to Umatilla County, LCDC, the applicant, the news media, and all persons or agencies that testified at the public hearings or in writing.**

City staff will submit the required documents to the DLCD, Umatilla County planning staff, and any other persons who inquire. It will also be posted to the city website.

**H. The applicant for an amendment bears the legal burden of proof regarding the amendment and the financial responsibility of defending an appeal of the City's approval of the amendment. The City may, however, elect to participate fully or partially in terms of staff and costs associated with the defense of such an appeal.**

The City of Stanfield is the applicant and bears this responsibility.

**Conclusions and Recommendations:** City staff and the contract planner conclude that the proposed Comprehensive Plan, as amended, meets the needs of the City of Stanfield at the time of proposed adoption and for the foreseeable future. Change and growth is anticipated to continue, which will affect the findings and policies stated in the Comprehensive Plan. As that occurs the city should review the Comprehensive Plan regularly to maintain its viability and applicability to the community now and into the future.

City staff and the contract planner recommend that the Planning Commission recommend approval to the City Council and that the City Council adopt the Comprehensive Plan as amended.

**City of Stanfield  
Comprehensive Plan**

SECTION 1. AUTHORITY

Pursuant to Oregon Revised Statutes Chapters 92, 197, 215 and 227, the Statewide Planning Goals, and in coordination with Umatilla County and other affected governmental units, the City of Stanfield hereby adopts the revised City of Stanfield Comprehensive Plan, including plan goals and policies as enumerated herein ~~and the plan maps included as Attachments “A,” “B,” “C,” “D,” “E,” and “F,”~~ and repeals Ordinance ~~#211-83~~No. 362-2003, the previous City of Stanfield Comprehensive Plan.

SECTION 2. ~~TECHNICAL REPORTS~~ PLAN PURPOSE AND IMPLEMENTATION MEASURES

A Comprehensive Plan is the public’s conclusions about the development and conservation of an area, in this case the area within the city limits of Stanfield, and adopted by the City Council, and completed with public and agency input, with final acknowledgment by the Department of Land Conservation and Development. It is the only all-inclusive plan for a given geographic area.

All Comprehensive Plan implementation measures including but not limited to the Development Code and Urban Growth Area Joint Management Agreement between the City and County, shall be consistent with and subservient to this Comprehensive Plan.

SECTION 3. TECHNICAL REPORTS

~~The 1984 Technical Report, Transportation System Plan, Buildable Lands Inventory, and Public Facility Plan provide the background information, facts and considerations that the city’s comprehensive plan goals, policies and maps are based on. These reports are not adopted as part of the plan but remain the supporting documents that are subject to revision as new technical data becomes available. Various plans and reports provide support and justification for this Comprehensive Plan and include the Transportation System Plan, Natural Hazards Mitigation Plan, local and regional housing reports, various economic reports, and the historic 1984 Technical Report. These reports are not adopted as part of the Comprehensive Plan, may be adopted by either Ordinance or Resolution depending on their purpose, but remain supporting documents that may be subject to revision as new information or data becomes available. The following support documents are in place at the time of the 2023 update of this Comprehensive Plan:~~

1. Transportation System Plan – adopted in 2001 with a minor update in 2016 adding a Goal 6 related to Downtown Revitalization.
2. Natural Hazards Mitigation Plan – adopted in July 2021 as part of the Umatilla County update and adoption process.

3. Park Master Plan – issued in 2013.
4. Main Street Revitalization Report – issued in August 2014.
5. Housing Strategies Report – issued in June 2019.
6. Historic 1984 Technical Report Update.

**SECTION 3. PLAN IMPLEMENTATION MEASURES**

~~All plan implementation measures including but not limited to the Development Code and Urban Growth Area Joint Management Agreement between the City and County, shall be consistent with and subservient to the City Comprehensive Plan.~~

**SECTION 4. AVAILABILITY OF PLAN**

~~After the City Comprehensive Plan receives acknowledgment of compliance from the Oregon Department of Land Conservation & Development-Commission, the comprehensive plan, technical report and implementation measures shall be available for use and inspection at City Hall and on the City’s website, Umatilla County Planning Department, East Central Oregon Association of Counties (both offices located in Pendleton), and the Department of Land Conservation & Development in Salem.~~

**SECTION 5. GOALS, FINDINGS, AND POLICIES**

The following statement of goals, findings, and policies provides a general long-range basis for decision-making relative to the future growth and development of ~~the City Stanfield~~. The goals are patterned after and are in direct response to ~~the~~ applicable Oregon Statewide Planning Goals. The findings and policy statements set forth a guide to courses of action which are intended to carry out the ~~goals-Statewide Planning Goals as appropriate for Stanfield of the plan~~. The findings and policy statements present the City’s position on matters pertaining to ~~physical improvements and community development how the City will provide needed housing, protect natural resources and mitigate against hazards, encourage business and industry, and provide adequate public services including recreation facilities and parks.~~

**A. GOAL 1: CITIZEN INVOLVEMENT (GOAL 1)**

Goal: To maintain a citizen involvement program that ensures opportunity for citizens to participate in all phases of the planning process.

Findings: The City of Stanfield finds that an engaged cross-section of the community ensures that communication between citizens and elected and appointed officials will be improved.

It shall be City policy:

1. To conduct periodic community surveys to ascertain public opinion and collect information. Results shall be distributed.
2. To encourage people to attend and participate in Planning Commission and City Council meetings and hearings.

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3. To establish advisory committees as necessary to study community problems and make recommendations for their solution.
4. To maintain a city planning commission composed of a broadly based membership, representing the various geographical areas of the city and different socio-economic groups.
5. To promote communication with affected property owners, city officials, and the news media regarding land use requests and issues.
6. To ensure community input on land requests via public review before the Planning Commission.

~~6.7. To utilize technology to facilitate the distribution and sharing of information through the City's website, emailing of public notices and staff reports, and the creation of text alerts to interested persons as allowed by law and requested by the public.~~

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**B. GOAL 2: LAND USE PLANNING (GOAL 2)**

Goal: To maintain a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

Findings: The City of Stanfield finds that the Comprehensive plan map, goals, objectives, and various technical reports provide the necessary data for development of a policy framework for decisions relating to land use in Stanfield.

It shall be City policy:

Planning Process

1. To encourage a moderate pace of growth in Stanfield while balancing that growth among employment, housing, and service activities. This needs to be achieved while also encouraging a balance of development around the existing community, with development in the northern section not substantially exceeding development of the central or southern regions.
2. To provide a safe, clean, and attractive community and ensure that the unique rural character of the community is retained as it grows.
3. To foster the role of Stanfield as an active participant in the urbanization of west Umatilla County, and to prevent Stanfield from developing purely as a bedroom community for neighboring cities.
4. To continue to revise the Comprehensive Plan and urban growth boundary for the City of Stanfield as necessary based on available information, citizen input,

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coordination with affected governmental units, changes in state laws, and the goals and policies adopted herein.

2. To establish and maintain policies and implementation measures consistent with the Comprehensive Plan ~~as necessary and to regularly update implementing ordinances to cover new subjects, adopted revised regulations, and generally improve and keep current City development standards and regulations.~~
3. To ~~utilize the policies and information contained in the Comprehensive Plan together with new information as the basis for making decisions on community development issues when the~~ require Planning Commission ~~preparation prepares or review and recommendation or recommends regarding all~~ new ordinances or ordinance amendments affecting or regulating land use and the development of the community.
- ~~4. To require the Planning Commission to review the Comprehensive Plan at least every two years to bring it into compliance with changing local needs and new state laws.~~
- ~~5. To regularly update implementing ordinances to cover new subjects, adopted revised regulations and generally improve and keep current City development standards and regulations.~~
- ~~6. To utilize the policies and information contained in the Comprehensive Plan together with the new information as the basis for making decisions on community development issues.~~
- 7.4. To coordinate planning activities with Umatilla County; other communities in west Umatilla County as appropriate; affected federal, state, and local agencies; and affected and adjoining property owners.
5. To prepare neighborhood plans for growing areas of the community and to establish a detailed future land use map outlining necessary access and public facilities improvements. This should include ~~develop~~ detailed land use, circulation and public facilities plans for developing residential and industrial areas. This should be accomplished with consideration to separate and buffer industrial areas from residential areas for the good of both.
- 8.6. To promote the provision of adequate neighborhood commercial development, public facilities, and open space convenient to all residential areas. This can be accomplished by promoting a diversity of housing accommodations, employment opportunities, and commercial and public services adequate to serve a growing community.

#### Planning Policy Framework

9. ~~To encourage a moderate pace of growth in Stanfield.~~
10. ~~To foster the role of Stanfield as an active participant in the urbanization of west Umatilla County.~~
11. ~~To promote balanced growth of the community, among employment, housing and service activities.~~

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12. ~~To prevent Stanfield from developing purely as a bedroom community for neighboring cities.~~
13. ~~To encourage a balance of development around the existing community, with development in the northern section not substantially exceeding development of the central or southern regions.~~
14. ~~To separate and buffer industrial areas from residential areas for the good of both.~~
15. ~~To promote the provision of adequate neighborhood commercial development, public facilities and open space convenient to all residential areas.~~
16. ~~To promote a diversity of housing accommodations, employment opportunities, and commercial and public services adequate to serve a growing community.~~
17. ~~To provide a safe, clean and attractive community.~~
18. ~~To ensure that some of the unique rural character of the community is retained as it grows.~~
19. ~~To prepare neighborhood plans for growing areas of the community and to establish a detailed future land use map outlining necessary access and public facilities improvements.~~

**C. GOAL 3: AGRICULTURAL LANDS (GOAL 3)**

Goal: To preserve and maintain agricultural lands.

Findings: The City finds that land used for agricultural purposes within the Urban Growth Boundary can continue to be farmed until an annexation or a zone change is requested.

It shall be City policy:

1. To provide for adequate residential, commercial, and industrial development within the urban growth boundary.
2. To encourage the Umatilla County Planning Department and Board of Commissioners ~~to restriction of non farm restrict or limit residential, commercial, and industrial development outside the urban growth boundary-~~
- ~~2.3.~~ 3.4. To identify agricultural lands outside of the City of Stanfield that should be preserved and protected from urban development while also identifying land that can be urbanized to meet future growth demands.
- ~~4. To ensure compatibility of urban areas with nearby agricultural activity by requiring recommended setbacks from farmland and a vegetative buffer along the perimeter of the urban growth boundary where farmlands adjoin.~~
- ~~5. To prevent fragmentation of farmable land within the city and urban growth area prior to conversion to urban development.~~
- ~~6. To support and protect continued agricultural activities within the city and urban growth area, while also mitigating conflicts between urban and agricultural uses.~~

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D. GOAL 4: FOREST LAND

Goal: To conserve forest lands for forest uses.

Findings: The City finds that there is no forest land within Stanfield or in the area surrounding the City.

**D.E GOAL 5: NATURAL RESOURCES, OPEN SPACES, SCENIC AND HISTORIC AREAS (GOAL 5)**

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Goal: To protect natural resources and conserve scenic and historic areas and open spaces.

Background and Findings:

Wetlands, Riparian Area, and Water Resources:

Wetland and riparian areas provide numerous and complex functions that affect both aquatic and terrestrial systems. Many ecological functions of riparian areas are also provided by wetlands, flood plains, and vegetated upland areas. Riparian areas provide a buffer zone between upland uses and water resources, protecting or enhancing water quality, preventing erosion, and moderating flood flows. Riparian areas often provide important wildlife habitat and contribute to in-stream habitat for fish.

The Umatilla River forms a section of the City’s western boundary. Stage Gulch Ditch flows through the City to join the Umatilla River. Both are protected by Comprehensive Plan Policy ~~D2-E2~~ and in the Development Code regulations ~~for floodways, flood plains~~ protect the floodplain and open space.

Stanfield has elected to use the “safe harbor” process to comply with Riparian Corridor requirements of Goal 5, as outlined in OAR 660-023-0090. The safe harbor process identifies a riparian corridor boundary of 75 ft. upland from the top of bank for fish-bearing streams with an average stream flow of greater than 1,000 cubic feet per second (cfs). The riparian corridor boundary is 50 ft. upland from the top of bank for fish-bearing streams with an average stream flow of less than 1,000 cfs. Where the riparian corridor includes all or part of a significant wetland (as defined in OAR 660-023-0100), the riparian corridor boundary is measured from, and ~~includes; includes~~ the upland edge of the wetland. Where the top of bank is not clearly defined, or when the surrounding terrain consists predominately of steep cliffs, local governments must determine the riparian corridor boundary using the standard inventory process from OAR 660-023-0030.

Stanfield’s significant riparian areas are adjacent to Stage Gulch Ditch ~~or and~~ the Umatilla River. ~~A 1998 letter from the Oregon Department of Fish and Wildlife to the Department of Land Conservation and Development identified the Umatilla River as one that “supports a diverse assemblage of anadromous and resident fish.” The National Marine Fisheries Service (NOAA Fisheries) confirms on its website that the Umatilla River provides habitat for both the Mid-Columbia River Spring Run Chinook Salmon and the Middle Columbia River Steelhead. Stage Gulch Ditch provides an important ecological function within the Umatilla River~~

~~watershed and is identified in Attachment A to the Stanfield Comprehensive Plan Technical Report Update as being home to resident rainbow trout. The Oregon Department of Fish and Wildlife Conservation Strategy data shows that the Umatilla River is home to both Spring and Fall Chinook, Bull Trout, and Coho Salmon. Stage Gulch Ditch is home to Coho Salmon. The Oregon Department of State Lands Essential Salmonid Habitat Map identifies both the Umatilla River and Stage Gulch Ditch as meeting the requirements for listing.~~

Per the “safe harbor” regulations described above, the Umatilla River is identified as a fish-bearing stream with a discharge of more than 1,000 cubic feet per second (CFS), ~~and~~ and has a riparian corridor width of 75 ft. upland from the top of the stream bank or intersecting wetland. Stage Gulch Ditch is identified as a fish-bearing stream with a discharge of less than 1,000 CFS, ~~and CFS and~~ has a riparian corridor width of 50 ft. upland from the top of the stream bank or intersecting wetland.

Wetland areas are located in the ~~Floodway Sub-District, along the Umatilla River and Stage Gulch Ditch, and a marsh in the southeastern part of the City, according to a 1984 technical study by the Oregon Department of Fish and Wildlife (and as verified by DSL Wetlands Planner Dana Field in 2002). These areas are shown on Comprehensive Plan Map C, “Significant Natural Resources.” The Wetlands Overlay District applies to locally significant wetlands as identified in the City of Stanfield Local Wetlands Inventory map (to be developed by the Oregon Division of State Lands). In addition to any measures applying to riparian areas and flood plains, wetlands are also subject to a notification process required by the State of Oregon and set forth in the Development Code.~~ City of Stanfield with the area along the Umatilla River identified as a Freshwater Shrub Wetland and an area in the southeast area of the city as a Freshwater Emergent Wetland as shown on the Statewide Wetlands Inventory. ~~Work to accomplish a Local Wetlands Inventory was never completed and during the 2023 update to the Comprehensive Plan and Development Code it was decided to remove the Wetlands Overlay District and apply the generally accepted standards for development in areas that are mapped as part of the Statewide Wetlands Inventory.~~

The Stanfield urban growth area is within the Stage Gulch Critical Ground Water Area (CGWA), which is identified as a significant resource site pursuant to the Goal 5 rules in OAR 660-023-0140. This is one of ~~six-seven~~ CGWA’s that have been identified by the State Water Resources Commission as areas where the pumping of ground water exceeds the long-term natural replenishment of an underground water reservoir. This designation was applied in 1991 to a 183-square-mile area to the southeast of Hermiston, including all of Stanfield, to address excessive ground water level declines, substantial interference between wells, and overdraft of the ground water resource in the area’s confined basalt aquifers. Detailed information about the Stage Gulch CGWA ~~is contained in~~ can be found on the Oregon Department of Water Resources ~~report, “Ground Water Supplies in the Umatilla Basin,” April 3, 2003~~ website.

~~Goal: To conserve open space and protect natural, scenic, historic and cultural resources.~~

~~Findings: The City finds that there are areas of importance under Goal 5 that include:~~

- ~~• Wetlands and riparian areas provided by the Umatilla River and Stage Gulch Ditch.~~
- ~~• Various historic buildings and homes-sites throughout Stanfield and the Foster Cemetery.~~

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● Stage Gulch Critical Groundwater Area.

It shall be City policy:

1. To identify open spaces; scenic, ~~cultural~~cultural, and historic areas; and natural resources which should be preserved from urban development. Actions to achieve this Policy include encouraging multiple uses of compatible open space land, applying protections to wetlands to protect them from destruction and incompatible uses and to preserve their hydrologic and ecological functions, and working to conserve the area's natural resources.
2. To preserve the floodways of the Umatilla River and Stage Gulch ~~as permanent open space and to~~ protect fish, ~~wildlife~~wildlife, and vegetation.
3. To preserve the existing ecological pattern of open space and drainageways through land use and public acquisition of suitable land and by requiring dedication of adequate open spaces as part of residential development approval, either via land donation or payment-in-lieu.
4. To encourage the Oregon Division of State Lands (DSL) to thoroughly inventory the marshes, riparian areas and other wetlands and advise the City if further protection measures are necessary, and to adopt such measures.
- ~~3.5.~~ To preserve hillside areas between the present western city limits and the Union Pacific mainline as Permanent Open Space, to serve as a buffer between residential development and railroad operations.
- ~~4.6.~~ To examine any publicly owned lands including street rights-of-way for their potential open-space use before their disposition.
- ~~5.~~ To encourage multiple uses of open space land provided that the uses are compatible.
- ~~6.7.~~ To conduct a thorough, community-wide inventory and amend the Zoning Ordinance to protect identified archeological and historic sites, historic structures, and artifacts based on current historic sites. That list should include the Stanfield Water Tower and the historic library now serving as the Council Chambers. The historic Hope Presbyterian Church is also listed.
- ~~7.~~ To conserve the area's natural resources, including native vegetation.
- ~~8.~~ To promote and protect scenic views in public and private development.
- ~~9.~~ To preserve hillside areas between the present western city limits and the Union Pacific mainline as Permanent Open Space, to serve as a buffer between residential development and railroad operations.
10. To preserve and protect the old Foster Cemetery.

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- ~~11. To preserve and protect the Stanfield Westland Irrigation District Office (old Bank of Stanfield) and ensure that any remodeling or additions be designed and accomplished without destroying the architectural and historic integrity of the structure.~~
- ~~12. To discourage the demolition of or incompatible alteration of the following initially-identified historic structures unless and until it is determined that the structure in question is not of significant historic value or does not possess sufficient architectural integrity to warrant preservation or renovation.~~
  - ~~a. Stanfield Grange Hall~~
  - ~~b. Stanfield Moose Lodge (old Tum a lum Lumber Co.)~~
  - ~~e. Two old wooden grain elevators along the rail line.~~
  - ~~d. Residences at 315, 350 and 355 SW Barbara, 235 S. Main, 305 NW O'Brian, 415, 430 and 460 Coe., 150 SE Page, 345 SE Dunne, and old Rachel Jackson house.~~
  - ~~e. Curly's museum.~~
  - ~~f. Stanfield Junior High School.~~
  - ~~g. Commercial buildings on NE and SW corner of Main and Coe (Jesse James Club, and Ralston's Market).~~
- ~~13. To designate wetlands and marshes as permanent Open Space, in order to protect them from destruction and incompatible uses and to preserve their hydrologic and ecological functions, including wildlife habitat.~~
- ~~14. To encourage the Oregon Division of State Lands (DSL) to thoroughly inventory the marshes, riparian areas and other wetlands and advise the City if further protection measures are necessary, and to adopt such measures.~~
- ~~15.11. To actively work with the Water Resources Department (WRD), Umatilla County, neighboring cities, and affected agencies and organizations to address local and regional water supply problems, and basalt aquifer decline, and to secure alternate economically feasible municipal water supplies.~~
- ~~16.12. To control growth of the community in keeping with water availability for municipal purposes per the Public Facilities Plan and review of neighborhood plan proposals, rezonings, and large new developments.~~
- ~~17. To cooperate with WRD, Umatilla County, and neighboring cities to secure alternate municipal water supplies as economically feasible.~~
- ~~18.13. To protect the basalt aquifer by encouraging the conservation of the valuable groundwater resource, particularly in the WRD-established Critical Groundwater Areas, and requiring new development within 300' of a municipal water line to connect to the city's municipal water system.~~

**E-F GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY (GOAL 6)**

Goal: To maintain and improve the quality of the air, water, and land resources of Stanfield.

Background and Findings: Water Quality:

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~~Protecting the quality of air, water and land resources is important to maintain the health and quality of life for the residents of Stanfield.~~

Umatilla River Water Quality: Reduction of open space, removal of riparian vegetative cover, terracing into hillsides, and development that increases impervious surfaces can contribute to reduction of water quality.

Portions of the Umatilla River basin are included on the Oregon Department of Environmental Quality's 303-(d) list for ~~ten a variety of~~ different water quality elements, meaning that water quality in those areas does not meet the Oregon water quality standard for those elements. The portion of the Umatilla River that flows through the Stanfield urban growth area ~~is included on the 303(d) list for temperature, turbidity, bacteria, and flow modification~~ was reviewed in 2022 with information maintained on the Oregon Department of Environmental Quality Water Quality webpages and referenced as the EPA Approved Integrated Report.

Offsetting measures can reduce the negative effects of urban development on water quality and quantity. Examples include maximization of infiltration, protection of flood plains, and preservation and improvement of streamside vegetation along watercourses and in wetlands.

Groundwater Quality: In 1990 the Oregon Department of Environmental Quality declared the Lower Umatilla Basin to be a Groundwater Management Area (GWMA) under the state's Groundwater Protection Act of 1989 (ORS 486B.180). DEQ made this designation because nitrate ~~nitrogen and nitrite~~ concentrations were found to exceed Federal Safe Drinking Water standards in many area groundwater samples. A ~~four-year~~ study was ~~then~~ commissioned to determine the extent of the problem and ~~identify-identified the sources of the contamination.~~ ~~This study identified~~ five area activities contributing to the nitrate contamination of the groundwater in the Lower Umatilla Basin: irrigated agriculture; food processing water; confined animal feeding operations; domestic sewage where septic systems occur in high densities; and the U.S. Army Umatilla Chemical Depot's washout lagoons.

A Groundwater Management Area Citizen Advisory Committee was formed, and ~~this committee and the working with~~ DEQ prepared a Lower Umatilla Basin Groundwater Management Area Action Plan. ~~This plan identifies that identified~~ a series of objectives and methods to be used to accomplish the goal of reducing the level of nitrate ~~nitrogen~~ in the groundwater to a level meeting the Federal Safe Drinking Water standard. ~~A follow-up report, the "First Four Year Evaluation of Action Plan Success and 2001 Annual Progress Report for the Lower Umatilla Basin Groundwater Management Area," was issued in 2001 to evaluate the first four years of the GWMA program. The Citizen Advisory Committee over the past 20 years has completed the first Action Plan and in October 2020 adopted the second Action Plan with work continuing to address this water quality concern.~~

~~Goal: To maintain and improve the quality of the air, water and land resources of Stanfield.~~

Findings: The City Finds that protecting the quality of air, water and land resources is important to maintain the health and quality of life for the residents of Stanfield.

It shall be City policy:

1. To limit all discharges from existing and future development to meet applicable state or federal environmental quality statutes, ~~rules~~rules, and standards.
2. To encourage industries to locate in Stanfield that would have minimal significant detrimental effect on the environmental resources of the area.
3. To require establishment of ~~permanent vegetation~~landscaping to cover the ground and prevent dust and water erosion on all development sites.
4. To require development to be constructed to preserve the quality and quantity of groundwater resources.
5. To develop stormwater management measures to address non-point source water pollution and peak flows during flood events.

**G. GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**  
**(GOAL 7)**

Goal: To protect life and property from natural disasters and hazards.

Background and Findings:

~~MM~~Minimizing risks to life and property from natural disasters and hazards is a key priority for the City of Stanfield. Many of the risks due to flooding and landslides can be minimized by careful land use ~~planning, and~~planning and avoiding development in areas subject to flooding or erosion.

The City of Stanfield has adopted and implemented local floodplain regulations that exceed the minimum National Flood Insurance Program, ~~and so meets the “safe harbor” standard for~~  
~~Statewide Planning Goal 7.~~

In 2021 Umatilla County adopted and the City of Stanfield co-adopted an update to the Natural Hazard Mitigation Plan that addresses drought, wildfire, flooding, windstorms, winter storm, summer storm, and to a lesser extent, landslides, seismic, and volcanic events.

Goal: To protect life and property from natural disasters and hazards.

Findings: The City finds that:

- The currently adopted Natural Hazard Mitigation Plan serves as the City of Stanfield’s Goal 7 program.
- That management of the floodplain is accomplished through regulation of the floodplain in cooperation with the Federal Emergency Management Administration’s National Flood Insurance Program.

It shall be City policy:



1. To prohibit incompatible development in floodways and natural drainageways, on steep slopes and in other hazardous areas.
2. To protect the city from possible overflow from or damage to the Feed Canal and Furnish Ditch.
3. To require site-specific information clearly determining the degree of hazard present from applicants who seek approval to develop residential, ~~eommercial~~commercial, or industrial uses within known areas of natural disasters and hazards.
4. To regulate development in the floodplain in accordance with the requirements of the National Flood Insurance Program, ~~per Goal G: Floodplain Management~~.
5. To discourage development of the most low-lying, flood-~~prone~~prone, and high-water-table portions of the city.
6. To protect natural drainage courses from obstruction.
7. To require careful and ~~environmentally sensitive~~environmentally sensitive development on hillside areas.

#### **E. FLOODPLAIN MANAGEMENT (GOAL 7 CONTINUED)**

##### **Goals:**

- ~~1. Minimize flood damage to new construction.~~
- ~~2. Reduce the threat of flooding to the community.~~
- ~~3. Minimize the risk of additional flood damage to existing development.~~
- ~~4. Make certain that flood insurance is available all property owners and residents.~~
- ~~5. Minimize cost of flood hazard protection.~~

##### **Policies:**

~~Policy 1: Keep the floodway unobstructed.~~

~~Policy 2: Clean and maintain Stage Gulch Ditch to maintain design capacity and mitigate upstream flooding.~~

~~2a: Remove obstacles in the Ditch and floodway per the redesign agreement with the US Army Corps of Engineers, FEMA and the Oregon Division of State Lands.~~

~~Policy 3: Maintain flood hazard regulations to comply with the National Flood Insurance Program (NFIP).~~

~~3a: Maintain community eligibility by careful enforcement of the regulations.~~

~~Policy 4: Work with FEMA to get the community on the "regular" phase of the NFIP.~~

~~4a: Set up an easy system for measuring the 100-year flood elevation and certifying that buildings are built one foot above.~~

~~4b: Allow a variety of structural options for complying with the floor elevation requirements, such as:~~

- ~~— landfill~~
- ~~— extended stemwall foundations~~
- ~~— parallel stemwall foundations with breakaway or flow-through end walls~~

- ~~— pilings with breakaway, fold-away, removable, or flow-through perimeter lower-level walls~~
- ~~— open pilings with parking beneath~~
- ~~— reduced floor elevation with watertight barriers and added building weight to counter buoyancy~~

4c: ~~Recognizing that landfill is often the least expensive form of elevating a structure, provide bonuses for those who are willing and able to use pilings or stemwall in combination with breakaway, etc. walls.~~

**F. RECREATIONAL NEEDS (GOAL 8)**

**H. GOAL 8: RECREATIONAL NEEDS**

Goal: To satisfy the recreational needs of the citizens of Stanfield and visitors.

Findings: The City finds that:

- Stanfield has a Park Master Plan adopted in 2013 that incorporated Comprehensive Plan Goals representing both Goal 5 and Goal 8.
- There is a Community Center serving the City of Stanfield.
- Stanfield is regionally adjacent to the Eastern Oregon Trade and Event Center.
- The Umatilla River Trail will serve the City of Stanfield.
- Stanfield has a variety of parks and open space and hosts a variety of events throughout the year to meet a variety of recreational needs.

It shall be City policy:

1. To develop public meeting places and indoor recreational facilities for all age groups.
2. To build additional park and outdoor recreational facilities ~~in order to~~ meet the recreational needs of residents and visitors as the community grows.
- ~~3. To develop a riverside park.~~
- ~~4.3.~~To require provision of private open space within cluster housing, multi-family, and manufactured home park projects.
- ~~5.4.~~To require the dedication of park lands or fee-in-lieu-of for park land or facilities as a part of the review and approval of all residential projects.
- ~~6.5.~~To plan community recreation facilities in conjunction with existing and planned school facilities so that they complement each other in function.
- ~~7.6.~~To encourage maximum use of all community recreation facilities.
7. To promote use of the Permanent Open Space area for community facilities and recreation areas to serve a variety of functions.

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8. To develop in Stanfield or partner with neighboring cities to develop a Regional Recreation Center as part of the EOTEC or as a separate facility.

9. To develop a local trails plan to complement the Umatilla River Trail.

8.10. Work with the Union Pacific Railroad towards development of parks and recreation facilities in the industrial Permanent Open Space buffer on the west side of town.

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## **I. GOAL 9: ECONOMIC DEVELOPMENT**

GOAL: To diversify and improve the economy of Stanfield.

The purpose of Goal 9 planning is to make sure communities have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare, and prosperity of Oregon's citizens. To be ready for these opportunities, it is suggested that local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth. Each community has a unique local vision for economic development. Ideally, this vision reflects community aspirations and has specific objectives and actions.

Under Goal 9 local governments should have a working inventory of areas suitable for economic growth that can be provided with public services. These inventories primarily focus on planning for major industrial and commercial developments and having a ready supply of land appropriately zoned and located for those opportunities and local investments. As with all areas of the comprehensive plan, the amount of land planned for economic development should be adequate for a 20-year supply. The economic development plans formed by a community often use one or more market incentives to encourage the types of development a community would like to see. These might include tax incentives or disincentives, land use controls, or preferential assessments.

Findings: The City finds that:

- Commercial and industrial development should be encouraged.
- The range and number of retail and service commercial businesses and professional services need to be increased and broadened.
- The provision of attractive, functional, and convenient shopping areas needs to be ensured.
- Work needs to continue to cooperate with and encourage the use of local manpower training agencies and programs to expand job opportunities, reduce unemployment, reduce out-migration of youth, accommodate the growth of the local labor force, and maximize the utilization of local manpower as job opportunities increase.

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It shall be City Policy to:

### Industrial Development

- Seek to attract a variety of new industries that produce minimal environmental pollution but also accommodate heavy industries.

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- Minimize or mitigate high noise levels, heavy traffic volumes and other undesirable attributes of heavy commercial and industrial development.
- Work with the Port of Umatilla, Business Oregon, and the Union Pacific Railroad to develop and fill an industrial park and large industrial sites on railroad land within the urban growth boundary.
- Consider extension of the urban growth area westward into the Hinkle railyard area at the discretion of the Union Pacific Railroad and subject to development of a feasible public services plan for the area.
- Cooperate with the Union Pacific Railroad, City of Hermiston, Umatilla County, Port of Umatilla, and Business Oregon to develop an overall development scheme for the Hinkle-Feedville area.
- Protect industrial development from the encroachment of incompatible uses, and buffer industrial areas from residential neighborhoods.
- Work with property owners and interested agencies to develop an improvement and development plan for the Foster Townsite and adjoining industrial areas.
- Provide community facilities necessary to attract and serve industry.
- Segregate industrial and heavy commercial development into the northwest of the urban growth area and Foster Townsite area but consider additional small nodes for this type of development along Highway 395, if service and/or ownership constraints prevent adequate land area being made available within a reasonable period of time.

Tourist Commercial Area

- Encourage development of a large-scale commercial area catering to the traveling public at the I-84/Highway 395 interchange.

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Central Business District

- Ensure continued development of the downtown area as the primary commercial and public service center in Stanfield.
- ~~Develop an improvement plan for the downtown area.~~
- Encourage concentration of retail and service businesses, professional offices, financial institutions, and public services in the downtown area.
- Allow outward expansion of the downtown area and redevelopment of underutilized properties in the central area.
- Ensure adequate, convenient parking is provided.
- Ensure that new developments are designed for pedestrian orientation and with convenient pedestrian linkage to the rest of the downtown area.
- Require street tree planting and site landscaping for new development.
- Promote beautification of existing development through rehabilitation, landscaping, and attractive advertising.
- Encourage formation of an active downtown merchants' association.

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Secondary Commercial Center in Stanfield

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- ~~Allow development of a secondary commercial center in northern Stanfield at the intersection of Old Highway 395 and Rosalynn Drive to serve the large-northern area and to complement the downtown, rather than overshadow it.~~
- ~~Create a Refinement Plan focused on the area around Highway 395 and Rosalynn Drive to address development options, pedestrian and transportation improvements, and assure development occurs that reflects Stanfield values.~~
- ~~Require development of an overall development scheme for the central area.~~
- ~~Require pedestrian orientation and linkage in design of the center's components.~~
- ~~Require adequate, convenient parking.~~
- ~~Require landscaping around and within parking areas and around the buildings.~~
- ~~Encourage attractive design and innovative development.~~

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#### Neighborhood Commercial Development

- ~~Encourage development of neighborhood commercial facilities in the development areas north and south of downtown, of a scale and type oriented primarily toward serving the immediate neighborhood.~~
- ~~Require site landscaping and buffering from adjoining residential areas.~~

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## I.J. GOAL 10: HOUSING (GOAL 10)

GOAL: To provide for the future housing needs of ~~the community~~ Stanfield by encouraging residential developments that provide a variety of lot sizes and neighborhoods, a diversity of housing types, and a range of prices ~~with an emphasis on the low to moderate income spectrum.~~

~~In 2019 the City of Stanfield, cooperatively with Echo and Umatilla, completed a Housing Study that included two reports – a Housing and Residential Land Needs Assessment and a Residential Buildable Lands Inventory. The 2023 update to the Comprehensive Plan incorporates suggested policy language from that work but it should be noted that in the four years since that work was done Stanfield has outpaced the projected housing needs for the next 20-years.~~

~~OBJECTIVES:~~The City finds that:

- ~~1. The Comprehensive Plan shall support Goal 10~~
- ~~2. Affordable Housing needs shall be met.~~
- ~~3. Partnerships should be built and fostered to assure that the housing needs of low- and moderate-income households can be met.~~
- ~~4. A variety of housing types should be encouraged.~~
- ~~5. Mixed use development should be encouraged.~~
- ~~6. Fair housing foals should be affirmed.~~
- ~~7. Accessory Dwelling Units should be encouraged.~~
- ~~8. Flexible zoning should be allowed to meet the housing needs of low- and moderate-income households.~~
- ~~9. Regular review of Goal 10 should occur to assure that land supply is maintained.~~

10. The inclusion of quality manufactured housing shall be assured.

It shall be City policy:

1. To accommodate quality manufactured housing as a primary form of housing and in a variety of situations. To support development of manufactured homes in all Residential Zones.
2. To cooperate with and encourage agencies involved in the development of low- to moderate-income housing. To maintain or build partnerships aimed at supporting other public agencies, non-profit organizations, and market rate developers who focus on meeting the needs of low- and moderate-income households and community members with special housing needs.
3. To encourage private development of multi-family complexes, manufactured home subdivisions, and manufactured home parks, a variety of housing types, including single-family attached housing, duplexes, triplexes, multi-family housing and townhomes, as well as less traditional forms of housing such as cottage cluster housing and accessory dwelling units.
- 3.4. To allow for levels of residential density that encourage efficient use of the supply of residential land while maintaining compatibility with the character of existing neighborhoods and ensuring that appropriate standards are in place to mitigate the impacts of development.
- 4.5. To encourage and accommodate innovation in housing development.
- 5.6. To ensure protection of privacy, and the provision of private and public outdoor spaces and necessary ancillary facilities in high-density projects.
- 6.7. To ensure provision of adequate off-street parking.
- 7.8. To promote reduction of home site development costs without unduly sacrificing safety, convenience, and aesthetics.
- 8.9. To promote development of attractive, quiet housing areas and neighborhoods, convenient to parks, schools, shopping, and necessary services.
- 9.10. To accommodate and protect the development of neighborhoods exclusively devoted to standard construction single-family houses.
11. To foster a continuation of the rural character of the northeast part of the community.
12. To support Statewide Planning Goal 10 by “encouraging the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.”
13. To emphasize affordable housing needs, given that meeting the needs of low- and moderate-income households often requires public intervention or subsidy.
14. To affirm Fair Housing goals by ensuring that housing policies and standards do not discriminate against or have adverse effects on the ability of “protected classes” to obtain housing, consistent with the federal Fair Housing Act.
15. To support mixed use development, which typically includes upper story housing located above retail or commercial uses.
16. To allow and support the development of Accessory Dwelling Units in all residential zones. Accessory Dwelling Units are an important housing option that can help meet the

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need for affordable rental units, reduce housing costs for homeowners, and enable multi-generational living.

17. To support flexible zoning by emphasizing the need for zoning to be flexible enough to meet a variety of housing needs and keep costs for such housing down, particularly for housing affordable to low- and moderate-income households.
18. To periodically evaluate zoning and development code requirements for opportunities to lessen or eliminate unnecessary barriers to residential development and identify alternative regulatory approaches to achieving policy goals.
19. To address land supply goals by ensuring that adequate land is zoned to meet identified housing needs, and to periodically update the City's inventory of such lands.
20. To support maintenance and rehabilitation of existing housing as a method to prevent unsafe conditions and keep affordable housing available within the community.
- 40.21. To regulate short term rentals to reduce their impact on the supply and affordability of long-term rental housing.

#### **POLICY GROUPS:**

##### **a. Manufactured Homes**

- ~~Allow outright Federal Standard, house type, double wide and larger manufactured homes in most residential areas.~~
- ~~Allow single wide manufactured homes conditionally in manufactured home parks only.~~
- ~~Ensure that manufactured homes blend in with existing neighborhoods, and are installed in new neighborhoods to create the appearance of a standard subdivision via setback, siting, and development regulations.~~

##### **b. Modular Homes**

- ~~Classify the same as standard construction houses those house type units manufactured to Uniform Building Code specifications and installed on permanent foundations.~~

##### **c. Cluster Housing**

- ~~Allow single family attached or semi-attached dwellings as conditional uses in manufactured home subdivisions and manufactured home parks.~~

##### **d. Two Family Dwellings (Duplexes)**

- ~~Allow outright in residential areas accepting high density multi family, manufactured home subdivisions and manufactured home parks.~~
- ~~Require adequate site area, private open space for each unit and soundproof common walls as indicated in the Development Code.~~

##### **e. Multi family Dwellings (Apartments)**

- ~~Encourage near parks and shopping areas where designated in the Development Code.~~
- ~~Promote along Highway 395 with access off a frontage road, setbacks from the centering of the highway, and protected from highway noise by a berm and buffer of trees and shrubs as described in the Stanfield Development Code.~~
- ~~Require access onto an arterial or collector street except in the downtown area.~~
- ~~Encourage development of multi family units above commercial ground floor development in the downtown area and shopping centers.~~
- ~~Require provision of adequate public open space for each complex, except in commercial areas, and private open space for each unit.~~

- ~~— Require effective soundproofing in common walls, ceilings and floors.~~
- ~~— Require separation and landscape screening between units and parking areas.~~
- ~~— Prohibit low privacy, exterior corridor designs.~~
- ~~— Require bulk storage and one covered parking space for each unit.~~
- f. ~~Manufactured Home Parks~~
  - ~~— Require direct access onto a collector or arterial street as indicated in the Stanfield Development Code and on the Comprehensive Plan and Zoning map.~~
  - ~~— Require substantial setbacks together with a continuous planting of trees and shrubs and a fence around the perimeter of the manufactured home park.~~
  - ~~— Each manufactured home space shall be provided with deciduous trees of a type that will shade the home.~~
  - ~~— Plantings of shrubs and small trees shall be established between individual manufactured homes and between manufactured homes and service buildings to provide privacy.~~
  - ~~— Permanent groundcover of a combination of grass, trailing shrubs or vines, flowers and shrubs shall be established according to development standards described in the Stanfield Development Code.~~
  - ~~— Play areas for children and open spaces for walking and visiting shall be provided.~~
  - ~~- Upon conversion to single family homes, developments should conform to all residential standards in the Stanfield Development Code.~~
  - ~~- J. ECONOMIC DEVELOPMENT (GOAL 9)~~
  - ~~- GOAL: To diversify and improve the economy of the community.~~
  - ~~- OBJECTIVES:~~
    - ~~- To encourage commercial and industrial development.~~
    - ~~- To improve the range and increase the number of retail and service commercial businesses and professional services.~~
    - ~~- To ensure the provision of attractive, functional and convenient shopping areas.~~
    - ~~- To cooperate with and encourage the use of local manpower training agencies and programs to expand job opportunities, reduce unemployment, reduce out migration of youth, accommodate the growth of the local labor force, and maximize the utilization of local manpower as job opportunities increase.~~
  - ~~- POLICY GROUPS:~~
    - ~~a. Industrial Development~~
      - ~~- Seek to attract a variety of new industries that produce minimal environmental pollution but also accommodate heavy industries.~~
      - ~~- Minimize or mitigate high noise levels, heavy traffic volumes and other undesirable attributes of heavy commercial and industrial development.~~
      - ~~- Work with the Port of Umatilla, Department of Economic & Community Development (OECD) and the Union Pacific Railroad to develop and fill an industrial park and large industrial sites on railroad land within the urban growth boundary.~~
  - ~~— Consider extension of the urban growth area westward into the Hinkle railyard area at the discretion of the Union Pacific Railroad and subject to development of a feasible public services plan for the area.~~



— Cooperate with the Union Pacific Railroad, City of Hermiston, Umatilla County, Port of Umatilla and OECD to develop an overall development scheme for the Hinkle-Feedville area.

— Protect industrial development from the encroachment of incompatible uses, and buffer industrial areas from residential neighborhoods.

— Work with property owners and interested agencies to develop an improvement and development plan for the Foster Townsite and adjoining industrial areas.

— Provide community facilities necessary to attract and serve industry.

— Segregate industrial and heavy commercial development into the northwest of the urban growth area and Foster Townsite area, but consider additional small nodes for this type of development along Highway 395, if service and/or ownership constraints prevent adequate land area being made available within a reasonable period of time.

**c. Tourist Commercial Area**

— Encourage development of a large-scale commercial area catering to the traveling public at the I-84/Highway 395 interchange.

**d. Central Business District**

— Ensure continued development of the downtown area as the primary commercial and public service center in Stanfield.

— Develop an improvement plan for the downtown area.

— Encourage concentration of retail and service businesses, professional offices, financial institutions and public services in the downtown area.

— Allow outward expansion of the downtown area and redevelopment of underutilized properties in the central area.

— Ensure adequate, convenient parking is provided.

— Ensure that new developments are designed for pedestrian orientation and with convenient pedestrian linkage to the rest of the downtown area.

— Require street tree planting and site landscaping for new development.

— Promote beautification of existing development through rehabilitation, landscaping and attractive advertising.

— Encourage formation of an active downtown merchants' association.

**e. Secondary Commercial Center in Stanfield**

— Allow development of a secondary commercial center in northern Stanfield at the intersection of Old 395 and Rosalynn Drive to serve the large northern area and complement the downtown, rather than overshadow it.

— Require development of an overall development scheme for the central area.

— Require pedestrian orientation and linkage in design of the center's components.

— Require adequate, convenient parking.

— Require landscaping around and within parking areas and around the buildings.

— Encourage attractive design and innovative development.

**f. Neighborhood Commercial Development**

— Encourage development of neighborhood commercial facilities in the development areas north and south of downtown, of a scale and type oriented primarily toward serving the immediate neighborhood.

- Require site landscaping and buffering from adjoining residential areas.

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**K. GOAL 11: PUBLIC FACILITIES AND SERVICES (~~GOAL 11~~)**

Goal: To plan and develop a timely, ~~orderly~~orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development.

Public facilities and services are a crucial part of our day to day lives. Built and planned into the urban fabric of the world around us, they include water and sewer services, police and fire protection, health services, recreation facilities, energy and communication services, and services provided by the local government like building permitting or public works.

The City of Stanfield has in place the following public facilities plans that meet current and long-range needs: Water Master Plan, Water Management and Conservation Plan, and Wastewater Facility Plan.

Community Services: Stanfield is served by a food bank, senior and community center, and a cemetery district. There are also a variety of commercial businesses that provide access to banking, grocery, retail, food, and personal services.

Schools and Libraries: Stanfield is home to the Stanfield School District providing elementary and secondary education to the youth of Stanfield at a combined campus at 1120 North Main Street. The library is operated by the city and is located at 180 West Coe Avenue offering services Monday through Friday and is a member of the Umatilla County Library District.

Parks and Recreation: There are city parks in Stanfield as outlined in the 2013 Park Master Plan. Stanfield is a participant in the development of the Umatilla River trail system. The City of Stanfield has initiated a Department of Parks and Recreation to bring more recreational opportunities to the community.

Law Enforcement: The City of Stanfield is protected with a police force consisting of a Chief and four officers that endeavor to provide coverage 24 hours a day 365 days a year. One officer serves as the School Resource Officer connecting the police force with the School District.

Fire Protection: The City of Stanfield is part of the Umatilla County Fire District #1 which has Fire Station 24 located within the city limits at 280 West Coe Avenue. Station 24 is staffed with limited career staff and volunteers. The fleet consists of over 35 vehicles and equipment that provide fire suppression, rescue, emergency medical, hazmat, and logistical needs of the district.

Social and Health Services: Social and health services are available in nearby Hermiston with Good Shepherd Hospital serving the greater Hermiston area. Saint Anthony Hospital operated in Pendleton about 30 minutes to the southeast. Larger medical facilities are to the north in the Tri-cities or to the west in Portland.

Franchised utilities: Both Umatilla Electric Cooperative and Pacific Power provide electrical power in the City of Stanfield. Solid waste services are provided by Sanitary Disposal. A recycling depot is located in Stanfield.

The City finds that:

1. Services such as fire, social and health, and communications are generally adequate to meet present needs and near future needs. The city wants to encourage health care providers to consider locating in the city.
2. The city's wastewater system is adequate to meet current needs. Work is underway to determine what improvements are necessary and to determine how to fund those improvements.
3. The city's water supply is adequate to meet current needs.
4. Schools and the library currently meet the needs of the city, however recent growth has pushed the limits for the school district. Additional space is needed to support current and anticipated growth.
5. Law enforcement is adequate for the current size of Stanfield.
6. Franchised utilities including solid waste, power, and natural gas.

It shall be City Policy:

1. To cooperate with agencies involved in providing and coordinating health and social services and consider pooling of city resources with such agencies to provide needed services within the community.
2. Encourage the development of health services in Stanfield.
- ~~3.~~3. Cooperate in the development of and provide continued support for programs for senior citizens.
- ~~4.~~4. To work with Umatilla County to discourage inefficient development without adequate public services and promote efficient use of urban and urbanizable land within the city's urban growth boundary.
5. To plan and develop public facilities, ~~utilities~~utilities, and services to meet expected demand through preparation and implementation of a capital improvements program.
- ~~3-6.~~6. Periodically update the public facilities plans identified above and assure that they conform with the policies of the Comprehensive Plan.
7. To develop, maintain, ~~update~~update, and expand police and fire services, schools, parks, streets and sidewalks, water (including storage) and sewer systems, and storm drains as necessary to provide adequate facilities and services to the community.
- ~~4-8.~~8. Work collaboratively with the Special Districts operating within and in the vicinity of Stanfield to accomplish master planning for schools, libraries, and fire response infrastructure.
9. To require property owners and/or developers to pay their fair share of the cost of extending community services to their property and to pay for or build necessary on-site public facilities and site improvements.
10. Continue to use the System Development Charges program and investigate other programs to invest in current and future infrastructure needs.
11. Assure that development is consistent with the City's ability to deliver public services.
- ~~5.~~

POLICY GROUPS:

- a. Social and Health Services:

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- Encourage the development of health services in Stanfield.
- Cooperate in the development of and provide continued support for programs for senior citizens.

b. Public Facilities Planning:

- Adopt and periodically update, as a supporting document to this Plan, a Public Facilities Plan for development of public services and facilities in conformance with the policies of the Comprehensive Plan.
- Work with the school district to develop a master plan for educational and recreational facilities.
- In the interim designate two proposed elementary school/park sites in the Vantage North development area and one in the Emigrant Highlands, south of town.
- Designate future water reservoir sites on the highest points in the developing areas north and south of town.
- Develop a master plan for the provision of fire, police, ambulance, recreational and cultural facilities.
- Work with the Union Pacific RR towards development of parks and recreational facilities in the industrial Permanent Open Space (P.O.S.) buffer on the west side of town.
- The public facilities planning and the Capital Improvement Program to the phased growth strategy (see Urbanization Goal).
- Work with the UPRR and government agencies to develop a water and sewer development plan for the Hinkle Feedville area.
- Coordinate provision of public services with annexation of land, or irrevocable consent to annex, outside the City limits.
- Support development that is compatible with the City's ability to provide adequate public facilities and services.
- Plan and adopt public facilities, utilities and services to meet expected demand through preparation of a capital improvement program.
- Periodically update long range master plans for its water, sewer, storm drainage and transportation systems that include location of future facilities.
- Continue to monitor the condition of water, sewer, storm drainage and transportation infrastructure and finance regular maintenance of these facilities.
- Maintain an eight year supply of commercial and industrial land that is serviceable by water, sewer, storm drainage and transportation infrastructure.

e. Public Facilities Funding and Development:

- Require the dedication of school and park sites or fee in lieu of to be used for school or park site acquisition, as a requirement for approval of all residential developments.
- The City shall use a variety of tools to finance new water and wastewater infrastructure as allowed by state law such as System Development Charges (SDCs), and adjust rates to keep up with current costs.
- Actively seek state and/or federal funding assistance to enlarge the sewage treatment plant.
- Require provision of urban services (water, sewer and storm drainage services and transportation infrastructure) to residential, commercial and industrial lands within the City's urban growth area as these lands are urbanized.

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- Allow a project developer to build public facilities or extend major streets, water and sewer lines at his/her expense and set up a method to reimburse the extra expense, with interest, as other projects served by these facilities are developed.
- Investigate use of local improvement districts to accomplish major facilities upgrading that will benefit only certain areas.
- Within underdeveloped, yet platted areas, excepting Stanfield Orchard outlots, allow seller or buyer of tracts or parcels to pay for upgrading streets and providing water and sewer, etc.
- Require property owners and/or developers to pay their fair share of the cost of extending community services to their property and to pay for or build necessary on-site public facilities and site improvements.
- Establish and maintain utility rates and user fees that equitably allocate costs for operations and maintenance to users.

d. Miscellaneous:

- Discourage the development of new domestic drinking water wells in the Urban Growth Boundary where such wells substantially reduce the City's ability to provide a dependable source of water.
- To require underground installation of utilities in all new developments and as major improvements are made to areas with above ground utilities.
- Comply with state and federal regulations for utility systems.
- Work to protect the water supply and enhance groundwater quality and quantity of the City's drinking water supplies by cooperating with landowners and state agencies to:
  - Establish wellhead protection measures where appropriate
  - Work with landowners and managers for protection of water sources
  - Adhere to applicable permitting requirements when approving new residential, commercial and industrial development and when constructing new water, sewer, storm drainage and transportation infrastructure within the City limits.
- Plan for and establish standards for storm drainage detention and management facilities for management of urban storm runoff where possible to augment flood control during periods of heavy rain. In doing so, where feasible, encourage natural storm drainage management techniques such as modified bioswales, landscaping, retention ponds and natural drainage ways.
- Take steps to minimize adverse impacts from construction and other sources of erosion and sedimentation on natural drainage ways and storm drainage facilities.
- In order to allow for safe, orderly and coordinated development, adopt utility and transportation design standards and construction specifications as part of its development code.

**L. GOAL 12: TRANSPORTATION (GOAL 12)**

Goals and Objectives:

— The purpose of the City's Transportation System Plan (TSP) is to provide a guide for Stanfield to meet its transportation goals and objectives. The following goals and objectives were developed from information contained in the city's Comprehensive Plan and reflect public concerns as expressed during public meetings. An overall goal was drawn from the plan, along

~~with more specific goals and objectives. Throughout the planning process, each element of the plan was evaluated against these parameters.~~

~~Overall Goal: to provide and encourage a safe, convenient, and economic transportation system.~~

~~The City finds that:~~

~~The City of Stanfield adopted a Transportation System Plan (TSP) in 2001 and updated that Plan in 2016 in cooperation with a Main Street Revitalization Report. To eliminate duplication and limit confusion the Comprehensive Plan will incorporate and reference the Transportation System Plan as the Goal 12 requirement for the City of Stanfield.~~

~~It shall be City Policy:~~

~~Goal 1:1.      to To preserve the function, capacity, level of service, and safety of the highways.~~

~~**Objectives**~~

- ~~— A. Develop access management standards.~~
- ~~— B. Develop alternative, parallel routes where practical.~~
- ~~— C. Promote alternative modes of transportation.~~
- ~~— D. Promote transportation demand management programs.~~
- ~~— E. Promote transportation system management.~~
- ~~— F. Develop procedures to minimize impacts and to protect transportation facilities, corridors, or sites during the development review process.~~
- ~~— G. Limit access to and from US 395, north of Harding Avenue and south of Ball Avenue, and require the provision of streets parallel to the highway to serve those areas as development occurs.~~

~~Goal 2:2.      eEnsure that the road system within the City is adequate to meet public needs, including those of the transportation disadvantaged.~~

~~**Objectives**~~

- ~~— A. Meet identified maintenance level of service standards on the county and state highway systems.~~
- ~~— B. Require street improvements and construction as part of development approval.~~
- ~~— C. Develop and adhere to a five year road program for maintenance and improvement of the existing city road system.~~
- ~~— D. Review and revise, if necessary, street cross section standards for local, collector, and arterial streets to enhance safety and mobility.~~
- ~~— E. Develop access management strategies for city roads of high importance to the community.~~
- ~~— F. Evaluate the need for traffic control devices.~~
- ~~— G. Evaluate the safety of the street system and develop plans to mitigate any safety hazards.~~
- ~~— H. Encourage the provision of transportation alternatives for elderly and handicapped citizens.~~

Goal 3:3. Improve coordination among Stanfield and nearby cities, the Oregon Department of Transportation (ODOT), the US Forest Service (USFS), the Federal Highway Administration (FHWA), and the county.

Objectives

- ~~A. Work with Umatilla County to coordinate roadway maintenance and improvements and to develop joint policies concerning local roads and streets within the Urban Growth Boundary.~~
- ~~B. Cooperate with ODOT in the implementation of the Statewide Transportation Improvement Program (STIP).~~
- ~~C. Work with ODOT to minimize conflicts between through and local traffic on US 395.~~
- ~~D. Work with the county in establishing right of way needed for new roads identified in the Transportation System Plans.~~
- ~~E. Take advantage of federal and state highway funding programs.~~
- ~~F. Encourage the county and ODOT to improve the existing road systems to and within the City.~~
- ~~G. Consider pooling resources with other cities and the county to provide services that benefit areas both in and outside the City.~~

Goal 4:4. Increase the use of alternative modes of transportation (walking, bicycling, and public transportation) through improved access, safety, and service.

Objectives

- ~~A. Cooperate with other cities and the county to encourage the provision of inter-city transit service.~~
- ~~B. Require sidewalks on all new or upgraded streets.~~
- ~~C. Create a bicycle and pedestrian master plan linking residential areas with schools, parks, and shopping, and employment. Explore opportunities for bicycle facilities and coordinate with the county bicycle planning efforts.~~
- ~~D. Seek Transportation and Growth Management (TGM) and other funding for projects evaluating and improving the environment for alternative modes of transportation.~~
- ~~E. Utilize local improvement districts (LIDs) when possible to provide sidewalks and curbs for local neighborhoods.~~

Goal 5:5. Encourage the continued and improved rail transportation of goods and reinstatement of rail passenger service.

Objectives

- ~~A. Encourage industry to locate in areas that are, or can be, served by the railroad.~~
- ~~B. Work with Union Pacific Railroad to develop an alternate road access into the Hinkle Railyard and other Railroad industrial lands within the UGB.~~
- ~~C. Encourage the reinstatement of passenger rail service to the Hermiston Amtrak Terminal.~~

6. Revitalize Stanfield's downtown Main Street/Highway 395 corridor as the heart of the city by promoting efficient use of downtown property, a vibrant mixture of uses, and an array of travel options for residents and visitors.

**M. GOAL 13: ENERGY CONSERVATION (GOALS 5 AND 13)**

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Goal: To conserve energy and develop and use renewable energy resources.

Goal 13 requires local governments to consider the effects of its comprehensive planning decision on energy consumption. Many land use decisions have a direct effect on the energy we consume. At the time the goal was enacted, Oregonians were particularly concerned by development of new homes that blocked neighbors' sunlight, which can have impacts on passive heating and availability of natural light.

Today, concerns about renewable energy sources are seen through a different lens. Innovation in the areas of solar and wind energy have made them increasingly popular in Oregon. Concern about climate change has resulted in an increase in public and private interest in and development of alternative energy sources. Goal 13 was not written to govern or direct the production of energy, but its conservation.

In and around Stanfield there is evidence that energy generation and transmission can also be good business as seen with the growth of natural gas power plants in the region, and more recently the development of both wind and solar resources. There is also significant power transmission investment in eastern Oregon with more being planned. Energy development has been a source of economic opportunity for the region with the development of food processing and data centers, developments that require water and energy. The goal also directs cities and counties to have systems and incentives in place for recycling programs.

The City finds that:

1. Energy efficient buildings and appliances are beneficial to our residents.
2. Umatilla County is an energy production and transmission center for eastern Oregon and the larger Pacific Northwest.

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It shall be City policy:

1. To revise the zoning ordinance to protect solar access.
2. To encourage orientation and design of new streets and buildings to allow for utilization of solar energy and provisions of landscaping to reduce summer cooling needs.
3. To design the extension and upgrading of water and sewer lines and facilities to minimize energy use.
4. To protect existing trees.
5. To encourage the use of solar, wind, and other renewable energy technologies.
- ~~6. To encourage building owners to insulate their buildings to conserve energy and reduce operating costs.~~
- ~~7.~~6. To require street tree planting along all new or upgraded streets and landscaping around the perimeter and within all new parking lots to shade vehicle parking areas and sidewalks and reduce heat and glare from pavement.
- ~~8.~~7. To require shade tree planting and landscaping around and within all commercial and residential, and industrial park developments to shade buildings and walkways, cool building surroundings, and reduce glare and noise.



- 9.8. To explore opportunities for economic development and natural resource conservation from the siting of energy generation facilities using solar power, wind, biomass/ agricultural waste, and other renewable energy technologies.
- 10.9. To encourage the siting of commercial and industrial businesses engaged in the fields of energy conservation and renewable energy.

**N. GOAL 14: URBANIZATION (GOAL 14)**

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Stanfield is surrounded by an urban growth boundary intended to designate where Stanfield expects to grow over a 20-year period. This growth can occur with new houses, industrial facilities, businesses, or public facilities such as parks and utilities. Restrictions in areas outside of Stanfield’s urban growth boundary protect farmland and prohibit urban development.

An urban growth boundary is expanded through a joint effort involving both Stanfield and Umatilla County, and in coordination with special districts that provide important services in our community. An urban growth boundary expansion process typically includes some level of citizen participation. Once land is included in an urban growth boundary it is eligible for annexation into Stanfield. While annexation is not specifically considered a land use action Stanfield could consider adding the annexation process to its Development Code.

The City finds that:

- 1. The urban growth boundary should be evaluated regularly to determine if there is sufficient land to meet a 20-year planning period.

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Objectives: It shall be City Policy:

- 1. To encourage development to occur within a relatively compact urban area.
- 2. To manage growth so that urban areas are developed when urban services (water and ~~sewer-wastewater~~ service) are available. Land adjacent to the city limits are preferred so that services are extended in a logical and orderly fashion.
- 3. Preserve large parcels of land (ten acres or greater) within the urban growth boundary for future urban development.
- 4. To jointly manage the land within the urban growth area (UGA) in concert with Umatilla ~~county~~County.
- 5. ~~To prevent leap frog development and premature parcelization of land.~~ Create an Urban Holding Zone or Future Urban Zone with a 10-acre minimum to preserve larger parcels within the UGA to allow growth in a logical and orderly fashion.

Growth Controls:

- ~~— Adopt a 10-acre minimum lot size, “Urban Holding Zone” to be applied to lands mapped as EFU, Farm Residential, or Urban Holding (as of March 2001);~~
- ~~— Proposed annexation areas must demonstrate that sufficient public facilities (water including source supply, sewer including treatment facilities, storm drainage, and transportation systems) area available or will be installed in conjunction with any land development;~~

- ~~— Allow development adjacent to existing or approved developments only. “Cherry stem” annexations are prohibited except where improvements to be constructed as a result contribute to the orderly and efficient urbanization of the intervening land uses;~~
- ~~— Adopt special standards for the Urban Holding Zone to address existing non-conforming lots of record. Require development or further subdivision of those lands to include property owner agreement.~~
- ~~— Minimum average lot area for Urban Holding areas shall be ten (10) acres, until City public facilities and services are available and adequate to serve the proposed use on the property. At that time, the lot must be annexed into City limits to receive public facilities and services.~~

## SECTION 6. PLAN AND IMPLEMENTATION MEASURE REVIEW

The ~~City Stanfield~~ Comprehensive Plan ~~and implementation measures~~ shall be reviewed ~~at least biannually~~ as needed to determine conformity with ~~changes in:~~

- Oregon Revised Statutes and Oregon Administrative ~~rules~~ Rules;
- Oregon Case Law;
- Oregon Statewide Planning Goals;
- Requirements of the City;
- Needs of residents or landowners within the city, ~~or~~ urban growth areas, or areas adjacent to the city limits; and
- Concerns of the County ~~and or~~ other affected governmental units.

If the ~~City Stanfield~~ Comprehensive Plan, ~~implementation measures, or both~~ fails to conform to any of the above ~~criteria~~ listed items, the ~~nonconforming document(s)~~ Comprehensive Plan shall be amended as necessary and as soon as practicable.

## SECTION 7. PLAN AMENDMENT

Amendments to the Comprehensive Plan may be initiated through the City Planning Department by property owners and residents within or adjacent to the city limits or urban growth boundary, by Umatilla County, ~~and or~~ by affected agencies or organizations. Amendments may also be initiated by the City Council, Planning Commission, City ~~Administrator~~ Manager, or City ~~Planner~~ Planning Official. All amendments shall be forwarded to ~~LCDC~~ the Department of Land Conservation and Development (DLCD) in accordance with applicable ~~State Oregon Revised~~ Statutes and Oregon Administrative Rules, and to Umatilla County in accordance with the Stanfield Planning Area Joint Management Agreement.

The City of Stanfield will process, review and act on a requested Comprehensive Plan amendment per the ~~following procedures:~~ Type IV procedures set forth in the City of Stanfield Development Code.

~~A. The Planning Commission shall set a public hearing date and give notice thereof through a newspaper of general circulation in the city at least ten (10) days prior to the hearing and if applicable, notice shall be mailed to:~~

- ~~1. Property owners within 250 feet of land subject to a proposed amendment to Comprehensive Plan map A, C, or D; and~~
- ~~2. Affected governmental units which may be impacted by or who have requested opportunity to review and comment on proposed amendments.~~

~~B. Copies of proposed amendments shall be made available for review at least ten (10) days prior to the Planning Commission hearing.~~

~~C. Within ten (10) days after the close of the public hearing, the Planning Commission shall make findings of fact and recommend to the City Council adoption, revision or denial of proposed amendments.~~

~~D. Upon receipt of the Planning Commission recommendation the City Council, shall set a public hearing date and give notice thereof through a newspaper of general circulation in the city at least ten (10) days prior to the hearing and if applicable, notice shall be mailed to:~~

- ~~1. Property owners within 250 feet of land subject to a proposed amendment to Comprehensive Plan map A, C, or D; and~~
- ~~2. Affected governmental units which may be impacted by or who have requested the opportunity to review and comment on proposed amendments.~~

~~E. Copies of proposed amendments and the Planning Commission recommendation shall be made available for review at least ten (10) days prior to the City Council hearing.~~

~~F. Within ten (10) days after the close of the hearing, the City Council shall make findings of fact and adopt, adopt with changes, or deny the proposed amendments. Adoption of plan amendments is effective upon:~~

- ~~1. City adoption in the case of amendment of a Comprehensive Plan map for an area within the city limits.~~
- ~~2. County co-adoption in the case of amendment of plan goals, objectives, policies, or plan maps for the urban growth area; or the urban growth boundary location.~~

~~Formal LCDC acknowledgment may subsequently be required for some plan amendments, but they are effective locally per the above.~~

~~G. Notice of plan amendment decisions and copies of any plan amendments adopted by the City shall be sent to Umatilla County, LCDC, the applicant, the news media, and all persons or agencies that testified at the public hearings or in writing.~~

~~H. The applicant for an amendment bears the legal burden of proof regarding the amendment and the financial responsibility of defending an appeal of the City's approval of the amendment. The City may, however, elect to participate fully or partially in terms of staff and costs associated with the defense of such an appeal.~~

SECTION 8. SEVERABILITY

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

## **City of Stanfield Comprehensive Plan**

### **SECTION 1. AUTHORITY**

Pursuant to Oregon Revised Statutes Chapters 92, 197, 215 and 227, the Statewide Planning Goals, and in coordination with Umatilla County and other affected governmental units, the City of Stanfield hereby adopts the revised City of Stanfield Comprehensive Plan, including plan goals and policies as enumerated herein and repeals Ordinance No. 362-2003, the previous City of Stanfield Comprehensive Plan.

### **SECTION 2. PLAN PURPOSE AND IMPLEMENTATION MEASURES**

A Comprehensive Plan is the public's conclusions about the development and conservation of an area, in this case the area within the city limits of Stanfield, and adopted by the City Council, and completed with public and agency input, with final acknowledgment by the Department of Land Conservation and Development. It is the only all-inclusive plan for a given geographic area.

All Comprehensive Plan implementation measures including but not limited to the Development Code and Urban Growth Area Joint Management Agreement between the City and County, shall be consistent with and subservient to this Comprehensive Plan.

### **SECTION 3. TECHNICAL REPORTS**

Various plans and reports provide support and justification for this Comprehensive Plan and include the Transportation System Plan, Natural Hazards Mitigation Plan, local and regional housing reports, various economic reports, and the historic 1984 Technical Report. These reports are not adopted as part of the Comprehensive Plan, may be adopted by either Ordinance or Resolution depending on their purpose, but remain supporting documents that may be subject to revision as new information or data becomes available. The following support documents are in place at the time of the 2023 update of this Comprehensive Plan:

1. Transportation System Plan – adopted in 2001 with a minor update in 2016 adding Goal 6 related to Downtown Revitalization.
2. Natural Hazards Mitigation Plan – adopted in July 2021 as part of the Umatilla County update and adoption process.
3. Park Master Plan – issued in 2013.
4. Main Street Revitalization Report – issued in August 2014.
5. Housing Strategies Report – issued in June 2019.
6. Historic 1984 Technical Report Update.

### **SECTION 4. AVAILABILITY OF PLAN**

After the Comprehensive Plan receives acknowledgment from the Oregon Department of Land Conservation & Development, the comprehensive plan and implementation measures shall be available for use and inspection at City Hall and on the City's website.

## SECTION 5. GOALS, FINDINGS, AND POLICIES

The following statement of goals, findings, and policies provides a general long-range basis for decision-making relative to the future growth and development of Stanfield. The goals are patterned after and are in direct response to the applicable Statewide Planning Goals. The findings and policy statements set forth a guide to courses of action which are intended to carry out the Statewide Planning Goals as appropriate for Stanfield. The findings and policy statements present the City's position on matters pertaining to how the City will provide needed housing, protect natural resources and mitigate against hazards, encourage business and industry, and provide adequate public services including recreation facilities and parks.

### A. GOAL 1: CITIZEN INVOLVEMENT

**Goal:** To maintain a citizen involvement program that ensures opportunity for citizens to participate in all phases of the planning process.

**Findings:** The City of Stanfield finds that an engaged cross-section of the community ensures that communication between citizens and elected and appointed officials will be improved.

It shall be City policy:

1. To conduct periodic community surveys to ascertain public opinion and collect information. Results shall be distributed.
2. To encourage people to attend and participate in Planning Commission and City Council meetings and hearings.
3. To establish advisory committees as necessary to study community problems and make recommendations for their solution.
4. To maintain a city planning commission composed of a broadly based membership, representing the various geographical areas of the city and different socio-economic groups.
5. To promote communication with affected property owners, city officials, and the news media regarding land use requests and issues.
6. To ensure community input on land requests via public review before the Planning Commission.
7. To utilize technology to facilitate the distribution and sharing of information through the City's website, emailing of public notices and staff reports, and the creation of text alerts to interested persons as allowed by law and requested by the public.

## **B. GOAL 2: LAND USE PLANNING**

**Goal:** To maintain a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual basis for such decisions and actions.

**Findings:** The City of Stanfield finds that the Comprehensive plan map, goals, objectives, and various technical reports provide the necessary data for development of a policy framework for decisions relating to land use in Stanfield.

It shall be City policy:

1. To encourage a moderate pace of growth in Stanfield while balancing that growth among employment, housing, and service activities. This needs to be achieved while also encouraging a balance of development around the existing community, with development in the northern section not substantially exceeding development of the central or southern regions.
2. To provide a safe, clean, and attractive community and ensure that the unique rural character of the community is retained as it grows.
3. To foster the role of Stanfield as an active participant in the urbanization of west Umatilla County.
4. To continue to revise the Comprehensive Plan and urban growth boundary for the City of Stanfield as necessary based on available information, citizen input, coordination with affected governmental units, changes in state laws, and the goals and policies adopted herein.
5. To establish and maintain policies and implementation measures consistent with the Comprehensive Plan and to regularly update implementing ordinances to cover new subjects, adopted revised regulations, and generally improve and keep current City development standards and regulations.
6. To utilize the policies and information contained in the Comprehensive Plan together with new information as the basis for making decisions on community development issues when the Planning Commission prepares or recommends new ordinances or ordinance amendments affecting or regulating land use and the development of the community.
7. To coordinate planning activities with Umatilla County; other communities in west Umatilla County as appropriate; affected federal, state, and local agencies; and affected and adjoining property owners.
8. To prepare neighborhood plans for growing areas of the community and to establish a detailed future land use map outlining necessary access and public facilities improvements. This should include detailed land use, circulation and public facilities plans

for developing residential and industrial areas. This should be accomplished with consideration to separate and buffer industrial areas from residential areas for the good of both.

9. To promote the provision of adequate neighborhood commercial development, public facilities, and open space convenient to all residential areas. This can be accomplished by promoting a diversity of housing accommodations, employment opportunities, and commercial and public services adequate to serve a growing community.

### **C. GOAL 3: AGRICULTURAL LANDS**

Goal: To preserve and maintain agricultural lands.

Findings: The City finds that land used for agricultural purposes within the Urban Growth Boundary can continue to be farmed until an annexation or a zone change is requested.

It shall be City policy:

1. To provide for adequate residential, commercial, and industrial development within the urban growth boundary.
2. To encourage the Umatilla County Planning Department and Board of Commissioners to restrict or limit residential, commercial, and industrial development outside the urban growth boundary.
3. To identify agricultural lands outside of the City of Stanfield that should be preserved and protected from urban development while also identifying land that can be urbanized to meet future growth demands.

### **D. GOAL 4: FOREST LAND**

Goal: To conserve forest lands for forest uses.

Findings: The City finds that there is no forest land within Stanfield or in the area surrounding the City.

### **E. GOAL 5: NATURAL RESOURCES, OPEN SPACES, SCENIC AND HISTORIC AREAS**

Goal: To protect natural resources and conserve scenic and historic areas and open spaces.

Wetlands, Riparian Area, and Water Resources:

Wetland and riparian areas provide numerous and complex functions that affect both aquatic and terrestrial systems. Many ecological functions of riparian areas are also provided by wetlands, flood plains, and vegetated upland areas. Riparian areas provide a buffer zone between upland



uses and water resources, protecting or enhancing water quality, preventing erosion, and moderating flood flows. Riparian areas often provide important wildlife habitat and contribute to in-stream habitat for fish.

The Umatilla River forms a section of the City's western boundary. Stage Gulch Ditch flows through the City to join the Umatilla River. Both are protected by Comprehensive Plan Policy E2 and in the Development Code regulations protect the floodplain and open space.

Stanfield has elected to use the "safe harbor" process to comply with Riparian Corridor requirements of Goal 5, as outlined in OAR 660-023-0090. The safe harbor process identifies a riparian corridor boundary of 75 ft. upland from the top of bank for fish-bearing streams with an average stream flow of greater than 1,000 cubic feet per second (cfs). The riparian corridor boundary is 50 ft. upland from the top of bank for fish-bearing streams with an average stream flow of less than 1,000 cfs. Where the riparian corridor includes all or part of a significant wetland (as defined in OAR 660-023-0100), the riparian corridor boundary is measured from, and includes the upland edge of the wetland. Where the top of bank is not clearly defined, or when the surrounding terrain consists predominately of steep cliffs, local governments must determine the riparian corridor boundary using the standard inventory process from OAR 660-023-0030.

Stanfield's significant riparian areas are adjacent to Stage Gulch Ditch and the Umatilla River. The Oregon Department of Fish and Wildlife Conservation Strategy data shows that the Umatilla River is home to both Spring and Fall Chinook, Bull Trout, and Coho Salmon. Stage Gulch Ditch is home to Coho Salmon. The Oregon Department of State Lands Essential Salmonid Habitat Map identifies both the Umatilla River and Stage Gulch Ditch as meeting the requirements for listing.

Per the "safe harbor" regulations described above, the Umatilla River is identified as a fish-bearing stream with a discharge of more than 1,000 cubic feet per second (CFS) and has a riparian corridor width of 75 ft. upland from the top of the stream bank or intersecting wetland. Stage Gulch Ditch is identified as a fish-bearing stream with a discharge of less than 1,000 CFS and has a riparian corridor width of 50 ft. upland from the top of the stream bank or intersecting wetland.

Wetland areas are located in the City of Stanfield with the area along the Umatilla River identified as a Freshwater Shrub Wetland and an area in the southeast area of the city as a Freshwater Emergent Wetland as shown on the Statewide Wetlands Inventory. Work to accomplish a Local Wetlands Inventory was never completed and during the 2023 update to the Comprehensive Plan and Development Code it was decided to remove the Wetlands Overlay District and apply the generally accepted standards for development in areas that are mapped as part of the Statewide Wetlands Inventory.

The Stanfield urban growth area is within the Stage Gulch Critical Ground Water Area (CGWA), which is identified as a significant resource site pursuant to the Goal 5 rules in OAR 660-023-0140. This is one of seven CGWA's that have been identified by the State Water Resources Commission as areas where the pumping of ground water exceeds the long-term natural replenishment of an underground water reservoir. This designation was applied in 1991 to a 183-square-mile area to the southeast of Hermiston, including all of Stanfield, to address excessive

ground water level declines, substantial interference between wells, and overdraft of the ground water resource in the area's confined basalt aquifers. Detailed information about the Stage Gulch CGWA can be found on the Oregon Department of Water Resources website.

Findings: The City finds that there are areas of importance under Goal 5 that include:

- Wetlands and riparian areas provided by the Umatilla River and Stage Gulch Ditch.
- Various historic buildings and sites throughout Stanfield and the Foster Cemetery.
- Stage Gulch Critical Groundwater Area.

It shall be City policy:

1. To identify open spaces; scenic, cultural, and historic areas; and natural resources which should be preserved from urban development. Actions to achieve this Policy include encouraging multiple uses of compatible open space land, applying protections to wetlands to protect them from destruction and incompatible uses and to preserve their hydrologic and ecological functions, and working to conserve the area's natural resources.
2. To preserve the floodways of the Umatilla River and Stage Gulch to protect fish, wildlife, and vegetation.
3. To preserve the existing ecological pattern of open space and drainageways through land use and public acquisition of suitable land and by requiring dedication of adequate open spaces as part of residential development approval, either via land donation or payment-in-lieu.
4. To encourage the Oregon Division of State Lands (DSL) to thoroughly inventory the marshes, riparian areas and other wetlands and advise the City if further protection measures are necessary, and to adopt such measures.
5. To preserve hillside areas between the present western city limits and the Union Pacific mainline as Permanent Open Space, to serve as a buffer between residential development and railroad operations.
6. To examine any publicly owned lands including street rights-of-way for their potential open-space use before their disposition.
7. To conduct a thorough, community-wide inventory and amend the Zoning Ordinance to protect identified archeological and historic sites, historic structures, and artifacts based on current historic sites. That list should include the Stanfield Water Tower and the historic library now serving as the Council Chambers. The historic Hope Presbyterian Church is also listed.
8. To preserve and protect the old Foster Cemetery.
9. To actively work with the Water Resources Department (WRD), Umatilla County, neighboring cities, and affected agencies and organizations to address local and regional

water supply problems, basalt aquifer decline, and to secure alternate economically feasible municipal water supplies.

10. To control growth of the community in keeping with water availability for municipal purposes per the Public Facilities Plan and review of neighborhood plan proposals, rezonings, and large new developments.
11. To protect the basalt aquifer by encouraging the conservation of the valuable groundwater resource, particularly in the WRD-established Critical Groundwater Areas, and requiring new development within 300' of a municipal water line to connect to the city's municipal water system.

## **F. GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY**

Goal: To maintain and improve the quality of the air, water, and land resources of Stanfield.

### Water Quality:

Umatilla River Water Quality: Reduction of open space, removal of riparian vegetative cover, terracing into hillsides, and development that increases impervious surfaces can contribute to reduction of water quality. Portions of the Umatilla River basin are included on the Oregon Department of Environmental Quality's 303(d) list for a variety of different water quality elements, meaning that water quality in those areas does not meet the Oregon water quality standard for those elements. The portion of the Umatilla River that flows through the Stanfield urban growth area was reviewed in 2022 with information maintained on the Oregon Department of Environmental Quality Water Quality webpages and referenced as the EPA Approved Integrated Report. Offsetting measures can reduce the negative effects of urban development on water quality and quantity. Examples include maximization of infiltration, protection of flood plains, and preservation and improvement of streamside vegetation along watercourses and in wetlands.

Groundwater Quality: In 1990 the Oregon Department of Environmental Quality declared the Lower Umatilla Basin to be a Groundwater Management Area (GWMA) under the state's Groundwater Protection Act of 1989 (ORS 486B.180). DEQ made this designation because nitrate- and nitrite concentrations were found to exceed Federal Safe Drinking Water standards in many area groundwater samples. A study was commissioned to determine the extent of the problem and identified five area activities contributing to the nitrate contamination of the groundwater in the Lower Umatilla Basin: irrigated agriculture; food processing water; confined animal feeding operations; domestic sewage where septic systems occur in high densities; and the U.S. Army Umatilla Chemical Depot's washout lagoons.

A Groundwater Management Area Citizen Advisory Committee was formed, and working with DEQ prepared a Lower Umatilla Basin Groundwater Management Area Action Plan that identified a series of objectives and methods to be used to accomplish the goal of reducing the level of nitrate in the groundwater to a level meeting the Federal Safe Drinking Water standard. The Citizen Advisory Committee over the past 20 years has completed the first Action Plan and

in October 2020 adopted the second Action Plan with work continuing to address this water quality concern.

Findings: The City Finds that protecting the quality of air, water and land resources is important to maintain the health and quality of life for the residents of Stanfield.

It shall be City policy:

1. To limit all discharges from existing and future development to meet applicable state or federal environmental quality statutes, rules, and standards.
2. To encourage industries to locate in Stanfield that would have minimal significant detrimental effect on the environmental resources of the area.
3. To require establishment of landscaping to cover the ground and prevent dust and water erosion on all development sites.
4. To require development to be constructed to preserve the quality and quantity of groundwater resources.
5. To develop stormwater management measures to address non-point source water pollution and peak flows during flood events.

## **G. GOAL 7: AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**

Goal: To protect life and property from natural disasters and hazards.

Minimizing risks to life and property from natural disasters and hazards is a key priority for the City of Stanfield. Many of the risks due to flooding and landslides can be minimized by careful land use planning and avoiding development in areas subject to flooding or erosion. The City of Stanfield has adopted and implemented local floodplain regulations that exceed the minimum National Flood Insurance Program.

In 2021 Umatilla County adopted and the City of Stanfield co-adopted an update to the Natural Hazard Mitigation Plan that addresses drought, wildfire, flooding, windstorms, winter storm, summer storm, and to a lesser extent, landslides, seismic, and volcanic events.

Findings: The City finds that:

- The currently adopted Natural Hazard Mitigation Plan serves as the City of Stanfield's Goal 7 program.
- That management of the floodplain is accomplished through regulation of the floodplain in cooperation with the Federal Emergency Management Administration's National Flood Insurance Program.

It shall be City policy:

1. To prohibit incompatible development in floodways and natural drainageways, on steep slopes and in other hazardous areas.
2. To protect the city from possible overflow from or damage to the Feed Canal and Furnish Ditch.
3. To require site-specific information clearly determining the degree of hazard present from applicants who seek approval to develop residential, commercial, or industrial uses within known areas of natural disasters and hazards.
4. To regulate development in the floodplain in accordance with the requirements of the National Flood Insurance Program.
5. To discourage development of the most low-lying, flood-prone, and high-water-table portions of the city.
6. To protect natural drainage courses from obstruction.
7. To require careful and environmentally sensitive development on hillside areas.

## **H. GOAL 8: RECREATIONAL NEEDS**

Goal: To satisfy the recreational needs of the citizens of Stanfield and visitors.

Findings: The City finds that:

- Stanfield has a Park Master Plan adopted in 2013 that incorporated Comprehensive Plan Goals representing both Goal 5 and Goal 8.
- There is a Community Center serving the City of Stanfield.
- Stanfield is regionally adjacent to the Eastern Oregon Trade and Event Center.
- The Umatilla River Trail will serve the City of Stanfield.
- Stanfield has a variety of parks and open space and hosts a variety of events throughout the year to meet a variety of recreational needs.

It shall be City policy:

1. To develop public meeting places and indoor recreational facilities for all age groups.
2. To build additional park and outdoor recreational facilities to meet the recreational needs of residents and visitors as the community grows.
3. To require provision of private open space within cluster housing, multi-family, and manufactured home park projects.
4. To require the dedication of park lands or fee-in-lieu-of for park land or facilities as a part of the review and approval of all residential projects.

5. To plan community recreation facilities in conjunction with existing and planned school facilities so that they complement each other in function.
6. To encourage maximum use of all community recreation facilities.
7. To promote use of the Permanent Open Space area for community facilities and recreation areas to serve a variety of functions.
8. To develop in Stanfield or partner with neighboring cities to develop a Regional Recreation Center as part of the EOTEC or as a separate facility.
9. To develop a local trails plan to complement the Umatilla River Trail.
10. Work with the Union Pacific Railroad towards development of parks and recreation facilities in the industrial Permanent Open Space buffer on the west side of town.

## **I. GOAL 9: ECONOMIC DEVELOPMENT**

**GOAL:** To diversify and improve the economy of Stanfield.

The purpose of Goal 9 planning is to make sure communities have enough land available to realize economic growth and development opportunities. Commercial and industrial development takes a variety of shapes and leads to economic activities that are vital to the health, welfare, and prosperity of Oregon's citizens. To be ready for these opportunities, it is suggested that local governments perform Economic Opportunity Analyses based on a 20-year forecast of population and job growth. Each community has a unique local vision for economic development. Ideally, this vision reflects community aspirations and has specific objectives and actions.

Under Goal 9 local governments should have a working inventory of areas suitable for economic growth that can be provided with public services. These inventories primarily focus on planning for major industrial and commercial developments and having a ready supply of land appropriately zoned and located for those opportunities and local investments. As with all areas of the comprehensive plan, the amount of land planned for economic development should be adequate for a 20-year supply. The economic development plans formed by a community often use one or more market incentives to encourage the types of development a community would like to see. These might include tax incentives or disincentives, land use controls, or preferential assessments.

**Findings:** The City finds that:

- Commercial and industrial development should be encouraged.
- The range and number of retail and service commercial businesses and professional services need to be increased and broadened.
- The provision of attractive, functional, and convenient shopping areas needs to be ensured.
- Work needs to continue to cooperate with and encourage the use of local manpower training agencies and programs to expand job opportunities, reduce unemployment, reduce

out-migration of youth, accommodate the growth of the local labor force, and maximize the utilization of local manpower as job opportunities increase.

It shall be City Policy to:

Industrial Development:

1. Seek to attract a variety of new industries that produce minimal environmental pollution but also accommodate heavy industries.
2. Minimize or mitigate high noise levels, heavy traffic volumes and other undesirable attributes of heavy commercial and industrial development.
3. Work with the Port of Umatilla, Business Oregon, and the Union Pacific Railroad to develop and fill an industrial park and large industrial sites on railroad land within the urban growth boundary.
4. Consider extension of the urban growth area westward into the Hinkle railyard area at the discretion of the Union Pacific Railroad and subject to development of a feasible public services plan for the area.
5. Cooperate with the Union Pacific Railroad, City of Hermiston, Umatilla County, Port of Umatilla, and Business Oregon to develop an overall development scheme for the Hinkle-Feedville area.
6. Protect industrial development from the encroachment of incompatible uses, and buffer industrial areas from residential neighborhoods.
7. Work with property owners and interested agencies to develop an improvement and development plan for the Foster Townsite and adjoining industrial areas.
8. Provide community facilities necessary to attract and serve industry.
9. Segregate industrial and heavy commercial development into the northwest of the urban growth area and Foster Townsite area but consider additional small nodes for this type of development along Highway 395, if service and/or ownership constraints prevent adequate land area being made available within a reasonable period of time.

Tourist Commercial Area

1. Encourage development of a large-scale commercial area catering to the traveling public at the I-84/Highway 395 interchange.

Central Business District

1. Ensure continued development of the downtown area as the primary commercial and public service center in Stanfield.
2. Encourage concentration of retail and service businesses, professional offices, financial institutions, and public services in the downtown area.
3. Allow outward expansion of the downtown area and redevelopment of underutilized properties in the central area.
4. Ensure adequate, convenient parking is provided.
5. Ensure that new developments are designed for pedestrian orientation and with convenient pedestrian linkage to the rest of the downtown area.
6. Require street tree planting and site landscaping for new development.
7. Promote beautification of existing development through rehabilitation, landscaping, and attractive advertising.
8. Encourage formation of an active downtown merchants' association.

#### Secondary Commercial Center in Stanfield

1. Allow development of a secondary commercial center in northern Stanfield at the intersection of Highway 395 and Rosalynn Drive to serve the northern area to complement the downtown.
2. Create a Refinement Plan focused on the area around Highway 395 and Rosalynn Drive to address development options, pedestrian, and transportation improvements, and assure development occurs that reflects Stanfield values.

#### Neighborhood Commercial Development

1. Encourage development of neighborhood commercial facilities in the development areas north and south of downtown, of a scale and type oriented primarily toward serving the immediate neighborhood.
2. Require site landscaping and buffering from adjoining residential areas.

### **J. GOAL 10: HOUSING**

**GOAL:** To provide for the future housing needs of Stanfield by encouraging residential developments that provide a variety of lot sizes and neighborhoods, a diversity of housing types, and a range of prices.

In 2019 the City of Stanfield, cooperatively with Echo and Umatilla, completed a Housing Study that included two reports – a Housing and Residential Land Needs Assessment and a Residential Buildable Lands Inventory. The 2023 update to the Comprehensive Plan incorporates suggested



policy language from that work but it should be noted that in the four years since that work was done Stanfield has outpaced the projected housing needs for the next 20-years.

The City finds that:

- The Comprehensive Plan shall support Goal 10
- Affordable Housing needs shall be met.
- Partnerships should be built and fostered to assure that the housing needs of low- and moderate-income households can be met.
- A variety of housing types should be encouraged.
- Mixed use development should be encouraged.
- Fair housing goals should be affirmed.
- Accessory Dwelling Units should be encouraged.
- Flexible zoning should be allowed to meet the housing needs of low- and moderate-income households.
- Regular review of Goal 10 should occur to assure that land supply is maintained.
- The inclusion of quality manufactured housing shall be assured.

It shall be City policy:

1. To support development of manufactured homes in all Residential Zones.
2. To maintain or build partnerships aimed at supporting other public agencies, non-profit organizations, and market rate developers who focus on meeting the needs of low- and moderate-income households and community members with special housing needs.
3. To encourage a variety of housing types, including single-family attached housing, duplexes, triplexes, multi-family housing and townhomes, as well as less traditional forms of housing such as cottage cluster housing and accessory dwelling units.
4. To allow for levels of residential density that encourage efficient use of the supply of residential land while maintaining compatibility with the character of existing neighborhoods and ensuring that appropriate standards are in place to mitigate the impacts of development.
5. To encourage and accommodate innovation in housing development.
6. To ensure protection of privacy, and the provision of private and public outdoor spaces and necessary ancillary facilities in high-density projects.
7. To ensure provision of adequate off-street parking.
8. To promote reduction of home site development costs without unduly sacrificing safety, convenience, and aesthetics.

9. To promote development of attractive, quiet housing areas and neighborhoods, convenient to parks, schools, shopping, and necessary services.
10. To accommodate and protect the development of neighborhoods exclusively devoted to standard construction single-family houses.
11. To foster a continuation of the rural character of the northeast part of the community.
12. To support Statewide Planning Goal 10 by “encouraging the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type, and density.:
13. To emphasize affordable housing needs, given that meeting the needs of low- and moderate-income households often requires public intervention or subsidy.
14. To affirm Fair Housing goals by ensuring that housing policies and standards do not discriminate against or have adverse effects on the ability of “protected classes” to obtain housing, consistent with the federal Fair Housing Act.
15. To support mixed use development, which typically includes upper story housing located above retail or commercial uses.
16. To allow and support the development of Accessory Dwelling Units in all residential zones. Accessory Dwelling Units are an important housing option that can help meet the need for affordable rental units, reduce housing costs for homeowners, and enable multi-generational living.
17. To support flexible zoning by emphasizing the need for zoning to be flexible enough to meet a variety of housing needs and keep costs for such housing down, particularly for housing affordable to low- and moderate-income households.
18. To periodically evaluate zoning and development code requirements for opportunities to lessen or eliminate unnecessary barriers to residential development and identify alternative regulatory approaches to achieving policy goals.
19. To address land supply goals by ensuring that adequate land is zoned to meet identified housing needs, and to periodically update the City’s inventory of such lands.
20. To support maintenance and rehabilitation of existing housing as a method to prevent unsafe conditions and keep affordable housing available within the community.
21. To regulate short term rentals to reduce their impact on the supply and affordability of long-term rental housing.

## **K. GOAL 11: PUBLIC FACILITIES AND SERVICES**

Goal: To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban development.

Public facilities and services are a crucial part of our day-to-day lives. Built and planned into the urban fabric of the world around us, they include water and sewer services, police and fire protection, health services, recreation facilities, energy and communication services, and services provided by the local government like building permitting or public works.

The City of Stanfield has in place the following public facilities plans that meet current and long-range needs: Water Master Plan, Water Management and Conservation Plan, and Wastewater Facility Plan.

Community Services: Stanfield is served by a food bank, senior and community center, and a cemetery district. There are also a variety of commercial businesses that provide access to banking, grocery, retail, food, and personal services.

Schools and Libraries: Stanfield is home to the Stanfield School District providing elementary and secondary education to the youth of Stanfield at a combined campus at 1120 North Main Street. The library is operated by the city and is located at 180 West Coe Avenue offering services Monday through Friday and is a member of the Umatilla County Library District.

Parks and Recreation: There are city parks in Stanfield as outlined in the 2013 Park Master Plan. Stanfield is a participant in the development of the Umatilla River trail system. The City of Stanfield has initiated a Department of Parks and Recreation to bring more recreational opportunities to the community.

Law Enforcement: The City of Stanfield is protected with a police force consisting of a Chief and four officers that endeavor to provide coverage 24 hours a day 365 days a year. One officer serves as the School Resource Officer connecting the police force with the School District.

Fire Protection: The City of Stanfield is part of the Umatilla County Fire District #1 which has Fire Station 24 located within the city limits at 280 West Coe Avenue. Station 24 is staffed with limited career staff and volunteers. The fleet consists of over 35 vehicles and equipment that provide fire suppression, rescue, emergency medical, hazmat, and logistical needs of the district.

Social and Health Services: Social and health services are available in nearby Hermiston with Good Shepherd Hospital serving the greater Hermiston area. Saint Anthony Hospital operated in Pendleton about 30 minutes to the southeast. Larger medical facilities are to the north in the Tri-cities or to the west in Portland.

Franchised utilities: Both Umatilla Electric Cooperative and Pacific Power provide electrical power in the City of Stanfield. Solid waste services are provided by Sanitary Disposal. A recycling depot is located in Stanfield.

The City finds that:

- Services such as fire, social and health, and communications are generally adequate to meet present needs and near future needs. The city wants to encourage health care providers to consider locating in the city.
- The city's wastewater system is adequate to meet current needs. Work is underway to determine what improvements are necessary and to determine how to fund those improvements.
- The city's water supply is adequate to meet current needs.
- Schools and the library currently meet the needs of the city however recent growth has pushed the limits for the school district. Additional space is needed to support current and anticipated growth.
- Law enforcement is adequate for the current size of Stanfield.
- Franchised utilities including solid waste, power, and natural gas.

It shall be City Policy:

1. To cooperate with agencies involved in providing and coordinating health and social services and consider pooling of city resources with such agencies to provide needed services within the community.
2. Encourage the development of health services in Stanfield.
3. Cooperate in the development of and provide continued support for programs for senior citizens.
4. To work with Umatilla County to discourage inefficient development without adequate public services and promote efficient use of urban and urbanizable land within the city's urban growth boundary.
5. To plan and develop public facilities, utilities, and services to meet expected demand through preparation and implementation of a capital improvements program.
6. Periodically update the public facilities plans identified above and assure that they conform with the policies of the Comprehensive Plan.
7. To develop, maintain, update, and expand police and fire services, schools, parks, streets and sidewalks, water (including storage) and sewer systems, and storm drains as necessary to provide adequate facilities and services to the community.
8. Work collaboratively with the Special Districts operating within and in the vicinity of Stanfield to accomplish master planning for schools, libraries, and fire response infrastructure.
9. To require property owners and/or developers to pay their fair share of the cost of extending community services to their property and to pay for or build necessary on-site public facilities and site improvements.

10. Continue to use the System Development Charges program and investigate other programs to invest in current and future infrastructure needs.
11. Assure that development is consistent with the City's ability to deliver public services.

#### **L. GOAL 12: TRANSPORTATION**

Goal: to provide and encourage a safe, convenient, and economic transportation system.

The City finds that: The City of Stanfield adopted a Transportation System Plan (TSP) in 2001 and updated that Plan in 2016 in cooperation with a Main Street Revitalization Report. To eliminate duplication and limit confusion the Comprehensive Plan will incorporate and reference the Transportation System Plan as the Goal 12 requirement for the City of Stanfield.

It shall be City Policy:

1. To preserve the function, capacity, level of service, and safety of the highways.
2. Ensure that the road system within the City is adequate to meet public needs, including those of the transportation disadvantaged.
3. Improve coordination among Stanfield and nearby cities, the Oregon Department of Transportation (ODOT), the US Forest Service (USFS), the Federal Highway Administration (FHWA), and the county.
4. Increase the use of alternative modes of transportation (walking, bicycling, and public transportation) through improved access, safety, and service.
5. Encourage the continued and improved rail transportation of goods and reinstatement of rail passenger service.
6. Revitalize Stanfield's downtown Main Street/Highway 395 corridor as the heart of the city by promoting efficient use of downtown property, a vibrant mixture of uses, and an array of travel options for residents and visitors.

#### **M. GOAL 13: ENERGY CONSERVATION**

Goal: To conserve energy and develop and use renewable energy resources.

Goal 13 requires local governments to consider the effects of their comprehensive planning decision on energy consumption. Many land use decisions have a direct effect on the energy we consume. At the time the goal was enacted, Oregonians were particularly concerned by development of new homes that blocked neighbors' sunlight, which can have impacts on passive heating and availability of natural light.

Today, concerns about renewable energy sources are seen through a different lens. Innovation in the areas of solar and wind energy have made them increasingly popular in Oregon. Concern about climate change has resulted in an increase in public and private interest in and development of alternative energy sources. Goal 13 was not written to govern or direct the production of energy, but its conservation.

In and around Stanfield there is evidence that energy generation and transmission can also be good business as seen with the growth of natural gas power plants in the region, and more recently the development of both wind and solar resources. There is also significant power transmission investment in eastern Oregon with more being planned. Energy development has been a source of economic opportunity for the region with the development of food processing and data centers, developments that require water and energy. The goal also directs cities and counties to have systems and incentives in place for recycling programs.

The City finds that:

- Energy efficient buildings and appliances are beneficial to our residents.
- Umatilla County is an energy production and transmission center for eastern Oregon and the larger Pacific Northwest.

It shall be City policy:

1. To revise the zoning ordinance to protect solar access.
2. To encourage orientation and design of new streets and buildings to allow for utilization of solar energy and provisions of landscaping to reduce summer cooling needs.
3. To design the extension and upgrading of water and sewer lines and facilities to minimize energy use.
4. To protect existing trees.
5. To encourage the use of solar, wind, and other renewable energy technologies.
6. To require street tree planting along all new or upgraded streets and landscaping around the perimeter and within all new parking lots to shade vehicle parking areas and sidewalks and reduce heat and glare from pavement.
7. To require shade tree planting and landscaping around and within all commercial and residential, and industrial park developments to shade buildings and walkways, cool building surroundings, and reduce glare and noise.
8. To explore opportunities for economic development and natural resource conservation from the siting of energy generation facilities using solar power, wind, biomass/ agricultural waste, and other renewable energy technologies.
9. To encourage the siting of commercial and industrial businesses engaged in the fields of energy conservation and renewable energy.

## **N. GOAL 14: URBANIZATION**

Goal: To provide for an orderly and efficient transition from rural to urban land use.

Stanfield is surrounded by an urban growth boundary intended to designate where Stanfield expects to grow over a 20-year period. This growth can occur with new houses, industrial facilities, businesses, or public facilities such as parks and utilities. Restrictions in areas outside of Stanfield's urban growth boundary protect farmland and prohibit urban development.

An urban growth boundary is expanded through a joint effort involving both Stanfield and Umatilla County, and in coordination with special districts that provide important services in our community. An urban growth boundary expansion process typically includes some level of citizen participation. Once land is included in an urban growth boundary it is eligible for annexation into Stanfield. While annexation is not specifically considered a land use action Stanfield could consider adding the annexation process to its Development Code.

The City finds that: The urban growth boundary should be evaluated regularly to determine if there is sufficient land to meet a 20-year planning period.

It shall be City Policy:

1. To encourage development to occur within a relatively compact urban area.
2. To manage growth so that urban areas are developed when urban services (water and wastewater service) are available. Land adjacent to the city limits are preferred so that services are extended in a logical and orderly fashion.
3. Preserve large parcels of land (ten acres or greater) within the urban growth boundary for future urban development.
4. To jointly manage the land within the urban growth area (UGA) in concert with Umatilla County.
5. Create an Urban Holding Zone or Future Urban Zone with a 10-acre minimum to preserve larger parcels within the UGA to allow growth in a logical and orderly fashion.

### **SECTION 6. PLAN AND IMPLEMENTATION MEASURE REVIEW**

The Stanfield Comprehensive Plan shall be reviewed as needed to determine conformity with:

- Oregon Revised Statutes and Oregon Administrative Rules;
- Oregon Case Law;
- Oregon Statewide Planning Goals;
- Requirements of the City;
- Needs of residents or landowners within the city, urban growth areas, or areas adjacent to the city limits; and
- Concerns of the County or other affected governmental units.

If the Stanfield Comprehensive Plan fails to conform to any of the above-listed items, the Comprehensive Plan shall be amended as necessary and as soon as practicable.

#### SECTION 7. PLAN AMENDMENT

Amendments to the Comprehensive Plan may be initiated through the City Planning Department by property owners and residents within or adjacent to the city limits or urban growth boundary, by Umatilla County, or by affected agencies or organizations. Amendments may also be initiated by the City Council, Planning Commission, City Manager, or City Planning Official. All amendments shall be forwarded to the Department of Land Conservation and Development (DLCD) in accordance with applicable Oregon Revised Statutes and Oregon Administrative Rules, and to Umatilla County in accordance with the Stanfield Planning Area Joint Management Agreement. The City of Stanfield will process, review, and act on a requested Comprehensive Plan amendment per the Type IV procedures set forth in the City of Stanfield Development Code.

#### SECTION 8. SEVERABILITY

The provisions of this clause are severable. If a section, sentence, clause, or phrase shall be adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Comprehensive Plan.



# CITY OF STANFIELD

160 S Main—PO Box 369—Stanfield, OR 97875



Susan Whelan  
Mayor

Benjamin Burgener  
City Manager

City Hall: 541-449-3831  
Fax: 541-449-1828

## Staff Report Development Code Amendments

**REQUEST:** To update the City of Stanfield Development Code.

Applicant: City of Stanfield  
160 South Main  
Post Office Box 369  
Stanfield, Oregon 97875

Notice to the Department  
of Land Conservation  
and Development: Thursday, March 30, 2023

Newspaper Notice: Thursday, April 13, 2023

Planning Commission  
Public Hearing: Monday, May 8, 2023

City Council  
Public Hearing: Tuesday, May 16, 2023

Assigned Staff: Carla McLane, Consultant  
Benjamin Burgener, City Manager

**Background:** The Stanfield Development Code (SDC) has provided the regulatory framework for development in the city for many decades with the first SDC adoption as early as 1978. Several amendments followed with the current version dating to 2001 with some amendments occurring in 2017. This action will repeal and replace broadly all previous versions.

**Summary of Changes:** Work on the SDC was broad based and covered all the Chapters. It is difficult to summarize the work that has occurred over the past year in a simple paragraph or two. By Chapter here is a quick review:

Chapter 1 introduces the SDC to the reader with most of the changes located in Chapter 1.3 Definitions. Some definitions were modified, some removed, with many new ones added.

Chapter 2 is where the Land Use Districts are introduced, explained, and the applicable regulations are outlined. Every district has changes including with the intent to be simplification and clarification. Of note is the change of the Downtown District change to Commercial District to acknowledge that commercial activities and Sub-Districts are located both north and south of Downtown.

Chapter 3 is where the Design Standards are retained. Again, there are changes throughout the Chapter with an eye to simplify and create clarity. The Loading Standards have been incorporated into the Chapter on Vehicle and Bicycle Parking; a new Surface Water Management program is introduced; and the Floodplain Standards are brought into compliance with current state and federal law.

Chapter 4 could be identified as the 'how to do it' chapter providing the requirements to obtain a variety of permit types from Development Review to Site Design Review to Conditional Use Permits. Still the objective is clarity and simplification. For several of these Chapters there was also a focus on achieving compliance with current Oregon Revised Statute or Oregon Administrative Rule.

Chapter 5 focuses on exceptions identified as variances or non-conforming uses or development. When viewed in its entirety this Chapter might have undergone the least amount of change.

Chapter 6 is proposed to be deleted in its entirety as changes have not been retained in this Chapter as envisioned.

**Approval Criteria and Process:** Chapter 4.1 Types of Applications and Review Procedures Section 4.1.600 Type IV Procedure in the current SDC outlines the procedure that this amendment request must be reviewed under and includes the requirements for the application, hearing notice, conduct of the hearing, and the decision process. The applicable requirements follow in **bold** type with responses in regular type.

#### **4.1.600.G Decision Making Considerations.**

**The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:**

**1. Approval of the request is consistent with the Statewide Planning Goals;**

The current City of Stanfield Comprehensive Plan has been adopted locally and acknowledged by the Land Conservation and Development Commission. For this reason, if the request is determined to be consistent with the Comprehensive Plan this review is unnecessary. The Comprehensive Plan is also under review for amendment with the intent to achieve compliance with the 14 statewide planning goals with more recent and applicable facts leading to updated findings and policies.

**2. Approval of the request is consistent with the Comprehensive Plan; and**

Staff would assert that it is consistent with the current Comprehensive Plan and even more so with the proposed Comprehensive Plan as the intent was to assure consistency between the two documents. This is evidenced by the updates to Goals 5 and 7 and the alignment with wetlands protections and floodplain regulation as examples.

**3. The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.**

This is an update to the text of the SDC and does not directly affect a particular property. This would not be applicable.

#### **4.7.600 Transportation Planning Rule Compliance.**

**A. When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060.**

**Significant means the proposal would:**

1. **Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan; or**
2. **Change the standards implementing a functional classification system; or**
3. **Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or**
4. **Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.**

This is an update to the text of the SDC and does not directly affect a particular property. This would not be applicable.

**B. Amendments to the comprehensive plan and land use standards that significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be accomplished by one of the following:**

1. **Limiting allowed land uses to be consistent with the planned function of the transportation facility; or**
2. **Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,**
3. **Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.**

This is an update to the text of the SDC and does not directly affect a particular property. This would not be applicable.

**Conclusions and Recommendations:** City staff and the contract planner conclude that the proposed SDC, as amended, meets the needs of the City of Stanfield at the time of proposed adoption and for the foreseeable future. Change and growth is anticipated to continue, which will affect the use of the SDC at some point. As that occurs the city should review the SDC regularly to maintain its viability and applicability to the community now and into the future.

City staff and the contract planner recommend that the Planning Commission recommend approval to the City Council and that the City Council adopt the SDC as amended.

## **Chapter 1.0 — Introduction**

- 1.1 – How to Use the Development Code**
- 1.2 – General Administration**
- 1.3 – Definitions**
- 1.4 – Enforcement**

## Chapter 1.1 — How to Use the Development Code

Welcome to the Stanfield Development Code. This is a comprehensive land use and development code that governs ~~all of~~ the land within the incorporated limits of Stanfield and Stanfield's urban growth boundary. The five chapters of the code are used together to review land use applications. They are organized as follows:

**Chapter 1** - In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the code. It also explains the City authority to enforce the Development Code.

**Chapter 2** - Every parcel, lot, and tract of land within the City's incorporated boundaries is also within a "land use district". (Land use districts are shown on the City's official zoning map.) Chapter 2 identifies the land uses that are permitted within each district and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards). As required by state law, the zones or "land use districts" conform to the Stanfield Comprehensive Plan. The districts reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

**Chapter 3** - The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans, and reviewing applications, to ensure compliance with City standards for access and circulation, landscaping, parking, public facilities, surface water management, ~~housing densities,~~ and sensitive lands.

**Chapter 4** - Chapter 4 provides ~~all of~~ the application requirements and ~~review~~ procedures for ~~obtaining permits required by this code. Four types of permit procedures are covered: Type I (non-discretionary, "ministerial" decision); Type II (discretionary, "administrative" decision); Type III (discretionary, administrative decision with public hearing); and Type IV ("legislative" decision by City Council).~~ land use and development decisions, including, but not limited to, procedures for land divisions, property line adjustments, conditional use permits, site design review, master planned developments, and variances. Chapter 4 Section 1 Applications and Procedures Table 4.1.200 provides a key for determining which land use permits and procedures are required and the decision-making body for a particular type of permit.

**Chapter 5** - Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the code). This code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the code.

~~**Chapter 6** - Chapter 6 contains map amendments that have been approved by administrative or legislative action. The District (zoning) map found within Chapter 6 is the official designated zoning map for the City of Stanfield.~~

## Chapter 1.2 — General Administration

### Sections:

- ▲ 1.2.100-- Severability
- ▲ 1.2.200-- Compliance and Scope
- ▲ 1.2.300-- Consistency with Plan and Laws
- ▲ 1.2.400-- Use of a Development
- ▲ 1.2.500-- Pre-Existing Approvals
- ▲ 1.2.600-- Building Permit and Certificate of Occupancy
- ▲ 1.2.700-- Official Action

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### 1.2.100 Severability.

The provisions of this title are severable. If any section, sentence, ~~clause~~ or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portions of this title.

### 1.2.200 Compliance and Scope.

- A. **Compliance with the Provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code ("Code") or any amendment thereto permits. No plat shall be recorded, and no building permit shall be issued, without compliance with the provisions of this Code.
- B. **Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons' successors in interest.
- C. **Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. **Variances.** Variances shall be governed by the provisions of Chapter 5.1.
- E. **Transfer of Development Standards Prohibited.** No lot area, ~~yard~~ or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

### 1.2.300 Consistency ~~With~~ Plan and Laws.

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Stanfield as implemented by this Code, and with

applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

**1.2.400 Use of a Development.**

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to Chapter 5.2), and is not otherwise prohibited by law.

**1.2.500 Pre-Existing Approvals.**

- A. **Legality of Pre-existing Approvals.** Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. **Subsequent Development Applications.** All development proposals and applications received by the ~~City Manager~~ **Planning Official** after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

**1.2.600 Building Permit and Certificate of Occupancy.**

- A. **Building Permit.** A building permit shall not be issued until the ~~City Manager~~ **Planning Official** has issued a development permit in accordance with the provisions of Chapter ~~5-4~~ - Administration of Land Use and Development ~~Review~~ **Permits**, or otherwise found that a development permit is not required.
- B. **Certificate of Occupancy Required.** To ensure completion of a development or use in the manner approved, a development shall not be ~~occupied~~ **occupied**, and a use shall not begin until the City Building Official or designee has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.
- C. **Prior to Final Completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

**1.2.700 Official Action.**

- A. **Official Action.** All officials, departments, and employees (including contractor-officials) of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this ~~Code, and~~ **Code and** shall issue no permit or grant approval for any development or use

which violates or fails to comply with conditions or standards imposed to carry out this Code.

- B. **Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.
- C. **Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.



## Chapter 1.3 — Definitions

### Sections:

#### 1.3.100 Purpose

#### 1.3.200 Applicability

#### 1.3.300 Definitions

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#### 1.3.100 Purpose

The purpose of Chapter 1.3 is to define terms that are used in the City of Stanfield Development Code and other terms that may arise in interpreting the Code, particularly those that may be uncommon or have more than one meaning.

#### 1.3.200 Applicability

**A. Definitions.** The definitions in Chapter 1.3 apply to all actions and interpretations under the City of Stanfield Development Code. The meanings of some terms in this chapter may, in certain contexts in which they are used, be clearly inapplicable. In such cases the context in which a term is used will indicate its intended meaning, and that intent shall control.

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**B. When a Term is Not Defined.** Terms not defined in this Code shall have their ordinary accepted meanings within the context in which they are used. Webster's dictionary shall be considered a standard reference.

**C. Land Use Categories.** Chapter 3.1 defines the land use categories used in Chapter 2.

**D. Conflicting Definitions.** Where a term listed in Chapter 3.1 is defined by another section of this Code or by other regulations or statutes referenced by this Code, the term is not redefined herein for purposes of that other code.

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#### 1.3.300 Definitions

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The following definitions are organized alphabetically.

**Abutting** - Contiguous or adjoining. It shall include the terms adjacent, ~~adjoining~~adjoining, and contiguous.

**Access** – A way or means of approach to provide pedestrian, bicycle, or motor vehicular entrance or exit to a property.

**Access Control** – Where the right of access between a property abutting the highway and the highway has been acquired by a roadway authority, or eliminated by law, pursuant to access or approach spacing standards.

**Access easement** - An easement recorded for the purpose of providing vehicle, bicycle, and/or

pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

**Access management** - The control of street (or highway) access for the purpose of improving the efficiency, safety, and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. See Section 3.1.200.

**Access Point** - Any driveway, street, ~~turnout~~ turnout, or other means of providing for the movement of vehicles to or from the public roadway system.

**Accessible** – Two meanings are possible depending on the specific code provision. In general, accessible means approachable by pedestrians, vehicles, or other transportation modes. Accessible may also mean approachable and useable by people with disabilities. Complies in conformance with the Americans With Disabilities Act. Either or both definitions may apply in a particular situation.

**Accessory dwelling** – An accessory dwelling is a small, secondary housing unit on a ~~single family~~ single-family lot, usually the size of a studio apartment. See Section 2.1.200.B.

**Accessory use/Accessory structure** – Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green ~~houses~~ houses, and similar structures. See Section 2.1.200.~~G~~.

**Addition** – A structure added to the original structure at some time after completion of the original.

**Adjacent** - Abutting or located directly across a street right-of-way.

**Administrative** - A discretionary action or permit decision made without a public ~~hearing, but~~ hearing but requiring public notification and an opportunity for appeal. See Section 4.1.400.

**Adverse impact** - Negative affect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

**Affordable** - Housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, contact the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

**Agriculture** - As used in this Code, “agriculture” is the same as “farm use”. [See also, ORS 215.203(2)(a).]

**Alley** – A narrow street (usually 16’-20’ right-of-way), generally a thoroughfare through the middle of the block giving access to the rear of lots or buildings. See Section 3.4.100.R.

**Alter/Alteration** – A change in use or occupancy or physical change to a structure or stie. Alteration does not include normal maintenance and repair. Alterations may or may not require land use approval, but property owners should check with the City of Stanfield before preparing project plans or

commencing development. Alterations include, but are not limited to, changes in use or occupancy; changes to the exterior or interior of a building, changes in floor area of a building, changes to or the development of structures; exterior improvements, landscaping, and changes in the topography of the site.

**Alteration to a water course** - Any physical change in the course, configuration, channel, or banks of a flowing or intermittent river, stream draw gully or wash, including, but not limited to, ~~rip-~~rapping~~riprapping~~, brushing out, filling, excavating, aggregate mining, damming, bridging, construction or retaining walls or structures, fencing, diking, ~~levee~~leveeing, and tree planting.

**Applicant** – A person who applies for a permit or approval under this Code. An applicant can be the owner of the property, a contract purchaser, or someone who is legally authorized to represent the owner, such as a builder, developer, or contract purchaser.

**Area of shallow flooding** - A designated Zone AO, AH, AR/AO or AR/AH on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** - The land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year, as identified by ~~the Federal Insurance Administration for major rivers or streams~~on the Flood Insurance Rate Map (FIRM).

**Ambient** - Something that surrounds, as in the level of light, ~~dust~~dust, or noise.

**Arterial** - An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are ~~high capacity~~high-capacity roadways. See Chapter 3, Access and Circulation.

**Articulate/articulation** - The jointing and interrelating of building spaces through offsets, projections, overhangs, ~~extensions~~extensions, and similar features.

**Automobile dependent use** - The use serves motor vehicles and would not exist without them, such as vehicle repair, gas station, car wash, auto and truck sales. See Section 2.2.180.E.

**Automobile-oriented use** – Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants, quick auto repair businesses. See Section 2.2.180.E.

**Base Flood** - The flood having a one percent chance of being equaled or exceeded in any given year. See 100-year floodplain.

**Base flood elevation (BFE)** - The elevation to which floodwater is anticipated to rise during the base flood.

**Basement** - Any area of the building having its floor subgrade (below ground level) on all sides.

**Bed and breakfast inn** - Provides ~~accommodations~~ accommodation (3 or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home that is primarily used for this purpose. This use is operated as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors. ~~This level includes inns that operate restaurants offering meals to the general public as well as to overnight guests.~~

**Berm** - A small rise or hill in a landscape that is intended to buffer or visually screen certain developments, such as parking areas.

**Beveled building corner** - A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

**Bicycle** - A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which ~~no~~ any person or persons may ride and with ~~to~~ two tandem wheels at least 4 inches in diameter. An adult tricycle is considered a bicycle.

**Bicycle facilities** - A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

**Bikeway** - Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

- a. Multi-use Path. A paved way (typically 10 to 12-feet wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
- b. Bike Lane. A portion of the roadway (typically 4 to 6-feet wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
- c. Shoulder Bikeway. The paved shoulder of a roadway that is shared with pedestrians in rural areas (typically 4 feet or wider).
- d. Shared Roadway. A travel lane that is shared by bicyclists and motor vehicles.
- e. Multi-use Trail. An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

**Block** - A parcel of land or group of lots bounded by intersecting streets. See Section 3.1.200.~~J~~.

**Bollard** - A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually ~~decorative, and~~ decorative and may contain sidewalk or pathway lighting.

**Boulevard** - A street with broad open space areas, typically with planted medians. See ~~Section 3.4.100.F~~ Public Works Standards.

**Building envelope** - The land area, outside of all required setbacks, which is available for construction of a primary structure on a particular property.

**Building footprint** - The outline of a building, as measured around its foundation.

**Building mass** - The aggregate size of a building, or the total height, width, and depth of all its parts.

**Building pad** - A vacant building site on a lot with other building sites.

**Building scale** - The dimensional relationship of a building and its component parts to other buildings.

**Bulkhead** - The wall below ground-floor windows on a building (i.e., may be differentiated from other walls by using different materials or detailing).

**Capacity** - Maximum holding or service ability, as used for transportation, utilities, ~~park~~~~s~~, and other public facilities.

**Centerline radius** - The radius of a centerline of a street right-of-way.

~~Child care~~**Childcare center, family childcare** - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family ~~child care~~**childcare** providers" provide care for not more than 12 children in a home. See ORS Chapter ~~657A-329A~~ for certification requirements.

**Carport** - A building (roofed structure) provided primarily for the parking or storage of motor vehicles, either being without walls and/or enclosed on not more than ~~three~~~~two~~ sides by walls, structural ~~screens~~**screens**, or doors.

**Change in Use** – Change in the primary types of use on a site.

**City** - The City of Stanfield, Oregon.

**City Council** - The City Council of Stanfield, Oregon.

**Comprehensive Plan** - The Comprehensive Plan of Stanfield, Oregon.

**Condominium** - A building or complex of buildings containing several individually owned apartments or houses.

**Clear and objective** - Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

**Collector** - Type of street that serves traffic within the commercial, ~~industrial~~**industrial**, and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors form part of the street grid system. See Section 3.4.100.F-Public Works Standards.

**Commercial** - Land use involving buying/selling of goods or services as the primary activity.

**Common area** - Land commonly owned to include open space, ~~landscaping~~**landscaping**, or recreation facilities (e.g., typically owned by ~~homeowners~~**homeowner's** associations).

**Conditional use** - A use, which requires a Conditional Use Permit. See Chapter 4.4.

**Consensus** - Agreement or consent among participants.

**Conservation easement** - An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources.

**Corner radius** - The radius of a street corner, as measured around the curb or edge of pavement.

**Corner clearance** - The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

**Cornice** - The projecting horizontal element that tops a wall or flat roof. ~~See Section 2.2.160.~~

**Cottage** - A small house that may be used as an accessory dwelling, in conformance with Section 2.1.200.B.

**County** – Umatilla County.

**Courtyard** - A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

**Critical facility** - Means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use, or store hazardous materials or hazardous waste.

**Cross Access** - A service drive providing vehicular access between two or more contiguous ~~sites~~sites, so the driver need not enter the public street system between sites.

**Curb cut** - A driveway opening where a curb is provided along a street.

**Deciduous** - Tree or shrub that sheds its leaves seasonally.

**Dedication** - The designation of land by its owner for any public use as shown on a subdivision plat or deed. The term may also be used for dedications to a private ~~homeowners~~homeowner's association.

**Density-(ies)** - A measurement of the number of dwelling units in relationship to a specified amount of land. As used in this Code, density does not include land devoted to street right-of-way. Density is a measurement used generally for residential uses.

**Developable** - Buildable land, as identified by the City's Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.~~295~~286(1).

**Development** - All improvements on a site, including buildings, placement or replacement of manufactured or other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved

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open areas such as plazas and ~~walkways, but~~ walkways but does not include natural geologic forms or landscapes.

Development Review – The Type I, or non-discretionary or ministerial, review process outlined in Chapter 4.2 that is utilized to confirm that single-family dwellings, buildings additions under a certain size, certain accessory structures, and other similar developments meet the required development standards that are applicable.

**Discontinued/abandoned use** - A use that physically vacates the land it was on, cessation of an allowed activity, or use terminated at the end of any lease or contract. See Chapter 5.2.

**Discretionary** - Describes a permit action or decision that involves substantial judgment or discretion.

**Drip-line** - Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.

**Drive lane/travel lane** - An improved (e.g., paved) driving surface for one lane of vehicles.

Drive-through/Drive-up Facility – A facility or structure that is designed to allow drivers to remain in their vehicles before and during an activity on the site. Drive-through facilities may serve the primary use of the site or may serve accessory uses. Examples are drive-up windows; automatic teller machines; coffee kiosks and similar vendors; gas pump islands; car wash facilities; auto service facilities, such as air compressor, water, and windshield washing stations; quick-lube or quick-oil change facilities; and drive-in theaters. All driveways queuing and waiting areas associated with a drive-through/drive-up facility are similarly regulated as part of such facility.

**Driveway** - Area that provides vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking space areas or lots.

**Driveway apron/approach** - The edge of a driveway where it abuts a public way usually constructed of concrete. See Figure 3.1-200.k Public Works Standards.

**Drought-tolerant/drought-resistant plants** - Refer to *Sunset Western Garden Book* (latest edition).

**Duplex** - A building with two attached housing units on one lot or parcel.

Dwelling. A structure conforming to the definition of a dwelling under applicable building codes and providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. If the individual units are self-contained, assisted living facilities for the elderly or disabled as defined by the State of Oregon, having common food preparation, dining, social, recreational, and/or housekeeping facilities are included in this definition. Typical accessory uses include: accessory storage buildings; private garage and parking areas; storage of not more than one commercial vehicle per dwelling unit; common area buildings for residents, guest houses, and guest quarters not in the main building, provided such houses and quarters are and remain dependent upon the main building for either kitchen or bathroom facilities, or both, and the guest facilities are used for temporary lodging only and not as a place of residence; and the taking of boarders or leasing of rooms by a resident family. Dwelling unit – A “dwelling unit” is a living facility that

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~~includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code, for not more than one family, or a congregate residence for 10 or less persons. (UBC 205)~~

**Easement** - A right of usage of real property granted by an owner to the public or to specific persons, firms, and corporations.

**Elevated building** - Means for insurance purposes, a non-basement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

**Elevation** - Refers to a building face, or scaled drawing of the same, from grade to roof ridgeline.

**Environmentally sensitive areas** - See “sensitive lands”.

**Established residential area** – An area within the Residential District that was ~~platted developed~~ prior to the effective date of a land ordinance. ~~See Section 2.1.120.F~~

**Evidence** - Application materials, plans, data, ~~testimony~~testimony, and other factual information used to demonstrate compliance or non-compliance with a code standard or criterion.

**Family day care** - See “~~child care~~childcare facilities”.

**Fire apparatus lane** - As defined by the Uniform Fire Code.

**Fish use** – Inhabited at any time of the year by anadromous or game fish species or fish that are listed as threatened or endangered species under the federal or state endangered species acts. Fish use is determined from Oregon Department of Forestry Stream Classification maps.

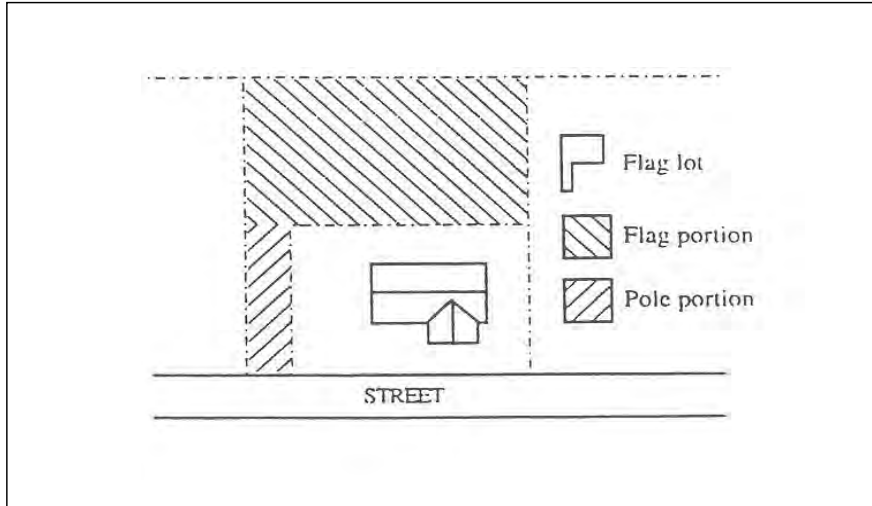
**Flag lot** - A lot with two distinct parts:

- The flag, which is the only building site and is located behind another lot; and

- The pole, which connects the flag to the street, provides the only street frontage for the lot, and at any point is less than the minimum lot width for the zone.

~~–A lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement.–~~See Section 2.1.140.





**Floor area ratio**—Floor area ratio (FAR) is the relationship of building floor area to site area. It is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Section 2.2.130.

**100-Year Floodplain** - The 100-year flood elevation profiles and Flood Insurance Rate Map contained in FEMA’s Flood Insurance Study for Stanfield constitute the legal 100-year flood elevations for Stage Gulch and the Umatilla River for the purposes of this Development Code.

**500-Year Floodplain** - The land within the floodplain subject to the probability of being flooded in any given year of .20% but which runs an uncalculated higher risk of flooding due to debris blockage of the main stream channel during a flood.

**Flood or Flooding** - A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or the unusual and rapid accumulation of runoff or surface waters from any source.

**Flood Insurance Rate Map** - The official map on which the Federal Insurance Administration has delineated the areas of special Flood Hazards and the risk premium zones applicable to the community.

**Flood Insurance Study** - An examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards. The official report provided by the Federal Insurance Administration, that includes flood, provides the Flood-Boundary Floodway map and the water surface elevation of the 100-year flood.

**Flood proofing** - Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate risk of flood damage to real estate or improved real property,

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water and sanitary facilities, structures, and their contents.

**Floodplain or flood prone area** - Any land area susceptible to being inundated by water from any source. See "Flood or flooding."

**Floodplain administrator** - The community official designated by title to administer and enforce the floodplain management regulations.

**Floodplain management** - The operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works, and floodplain management regulations.

**Floodplain management regulations** - Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance, and erosion control ordinance) and other application of police power. The term describes such state or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodway** - The channel of a river or other watercourse and the adjacent land areas that must be reserved ~~in order to~~ discharge the ~~100-year base~~ flood without cumulatively increasing the water surface elevation ~~of the 100-year flood~~ more than a designated height. Also referred to as "regulatory Floodway."

**Frontage** - The dimension of a property line abutting a public or private street.

**Frontage Street or Road** - A minor street that parallels an arterial street ~~in order to~~ provide access to abutting properties and minimize direct access onto the arterial.

**Functional Classification** - The classification given to streets (e.g., "local/collector/arterial") by the City's Transportation System Plan, by adopted County plans, and Oregon Department of Transportation.

**Functionally dependent use** - A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

**Garage** - A building enclosed on all four sides by walls, windows, structural ~~screens~~ screens, and doors, which is used for the parking and storage of vehicles as an accessory structure to a dwelling or groups of dwellings, either attached to the dwelling or as a separate building.

**Grade** - The average elevation of the finished ground elevation at the center of all walls of a building, except that if a wall is parallel to and within five feet of a sidewalk, the sidewalk elevation nearest the center of the wall shall constitute the ground elevation.

**Ground cover** - A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. See also, Chapter 3.2 –Landscaping.

**Group Living** - Group Living is characterized by the long-term (i.e., more than 28 days) residential occupancy of a structure by a group of people. The size of the group typically is larger than the average size of a household. Group Living structures do not include self-contained units but rather have common facilities for residents, including those for dining, social and recreational activities, and laundry. Group Living is divided into two subcategories based on whether residents receive any personal care, training, and/or treatment:

Room and board facilities are group living establishments where no personal care, training, and/or treatment is provided. Examples include dormitories, fraternities, sororities, boarding houses, monasteries and convents, residential hotels, lodging houses operated by organizations for members only, and similar uses.

Long-term care facilities are group living establishments where personal care for children, the aged, and special categories of persons with some limits on ability for self-care is provided. In addition to the provision of room and board, services such as supervision; protection; assistance while bathing, dressing, grooming, or eating; management of money; transportation; and recreation are provided. Medical care may or may not be a major element. Examples include hospice, nursing and personal care facilities, homes for the deaf or blind, and similar uses.

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**Hammerhead turnaround** — A “T” or “L”-shaped dead-end street that allows for vehicles to turn around in conformance with the Uniform Fire Code.

**Hardscape** — Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

**Highest adjacent grade** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Home occupation, home occupation site** — Small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. See Section 4.9.2002.1.200.1.-

**Hotel/Motel** - A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals for a continuous period not to exceed 29 days.

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**Human-scale design/development** - Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtowns and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

**Impervious surface** — Any material which reduces and prevents absorption of storm water into previously undeveloped land.

**Industrial Service Uses** - Industrial Service firms are engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products, or by-products. Examples include welding

shops; machine shops; tool repair; electric motor repair; sales, repair, salvage, or wrecking of heavy machinery, metal, building materials, autos, or trucks (does not include junk yards); towing and temporary vehicle storage; heavy truck servicing and repair; tire re-treading or recapping; truck stops; building, heating, plumbing, or electrical contractors; printing, publishing, and lithography; exterminators; recycling operations; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; industrial laundry, dry-cleaning, and carpet cleaning plants; photofinishing laboratories; and similar uses.

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**Incidental and subordinate to** - A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

**Infill Development** - ~~A dwelling that is proposed on land that is zoned for residential use where at least 75% of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a home is removed to make way for a new house, manufactured home duplex and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots.~~ Infill Development is building within unused and underutilized lands within existing development patterns, typically but not exclusively in urban areas. Another way of saying this would be new houses constructed on vacant, underused lots interspersed among older, existing properties in established neighborhoods.

**Intersection** - An at-grade connection of a public or private approach road to the highway.

**Junk Yard** - (1) Any property or establishment on which one or more persons are engaged in breaking up, dismantling, sorting, storing, distributing, buying, or selling scrap or waste materials. Includes wrecking yards, automobile graveyards, and scrap metal processing facilities.

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**Jurisdictional delineation** – A delineation of the wetland boundaries that is approved by the Oregon Division of State Lands (DSL). A delineation is a precise map and documentation of actual wetland boundaries on a parcel, whereas a determination may only be a rough map or a presence/absence finding. [See OAR 141-90-005 et seq. for specifications for wetland delineation or determination reports.]

**Lawn** – Grass or similar materials maintained as a ground cover of less than 6 inches in height. For purposes of this ordinance, lawn is not considered native vegetation regardless of the species used.

**Land division** - The process of dividing land to create parcels ~~or lots~~. See Chapter 4.3 for land division process.

**Land use** - The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

**Land Use Decision.** A final decision or determination made by the City of Stanfield (or another agency with jurisdiction) that concerns the adoption, amendment, or application of the Statewide Planning Goals, the Comprehensive Plan, or any land use regulation (i.e., this Code) where the decision requires the interpretation or exercise of policy or legal judgment (ORS 197.015). Note: All decisions requiring

~~Quasi-Judicial review by the City of Stanfield are Land Use Decisions. Decisions subject to administrative review are considered Limited Land Use Decisions, pursuant to ORS 197.015.~~

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**Land use district** - As used in this code, a land use district is the same as a zone district.

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**Landing** - A level part of a staircase, as at the end of a flight of stairs.

**Landscaping** - Any combination of living plants such as trees, shrubs, plants, vegetative ground cover, or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like. Landscaping also includes irrigation systems, mulches, topsoil, and revegetation or the preservation, ~~protection~~protection, and replacement of existing trees.

**Lane, mid-block** - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. ~~Similar to~~Like an alley in design. See Section 2.1.140.A.

**Legislative** - A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). See Section 4.1.600.

**Level of service (LOS)** - For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given ~~time period~~period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

**Light manufacture** – Light Manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods). See Section 2.4.110.

**Livestock** - Domestic animal types customarily raised or kept on farms.

~~**Locally significant wetland** – A wetland that is determined to be significant under the criteria of OAR 141-86-0300 et seq. These criteria include those wetlands that score a high rating for fish or wildlife habitat, hydrologic control, or water quality improvement functions.~~

**Local Improvement District (LID)** - A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. See Section 3.4.100.

~~**Local wetlands inventory (LWI)** – Maps and report adopted by the City of Stanfield entitled [name of maps/report] and any subsequent revisions as approved by the Oregon Division of State Lands. The LWI is a comprehensive survey of all wetlands over ½ acre in size within the urban growth area.~~

**Lot** - A lot is a single unit of land that is created by a subdivision of land (ORS 92.010(34)). ~~A lot or parcel under the same ownership as mapped and referenced by the Umatilla County Assessor's Office.~~ See Chapter 4.3.

**Lot area** - The total surface area (measured horizontally) within the lot lines of a lot.

**Lot, Corner** - Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred thirty-five (135) degrees.

**Lot coverage** - The area of a lot covered by a building or buildings expressed as a percentage of the total lot area or other impermeable surfaces (such as paved or brick driveways and patios).

**Lot Depth** - The average distance measured from the front lot line to the rear lot line.

**Lot Lines/Property Lines - The property lines along the edge of a lot or site.**

**- Front Lot Line.** A lot line, or segment of a lot line, that abuts a street. On a corner lot, the front lot line is the shortest of the lot lines that abut a street. If two or more street lot lines are of equal length, then the applicant or property owner can choose which lot line is to be the front lot line for the purpose of determining required setbacks. However, a through lot has two front lot lines regardless of whether the street lot lines are of equal or unequal length.

**- Rear Lot Line.** A lot line that is opposite a front lot line. A triangular lot has two side lot lines but no rear lot line. For other irregularly shaped lots, the rear lot line is all lot lines that are opposite the front lot line.

**- Side Lot Line.** A lot line that connects front and rear lot lines. On a corner lot, the longer lot line that abuts a street is a side lot line.

**Lot Coverage** - The total area of a lot covered by building(s) or impervious surfaces, as provided by the applicable land use district development standards.

**Lot line adjustment** - The adjustment of a property line by the relocation of a common line where no additional lots are created. ~~This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.~~

**Lowest floor** - The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

**Main/Primary entry/entrance** - A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. Main entrances may also be the widest entrances of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales areas, a courtyard, or plaza.

**Maneuvering area/aisle** - Refers to the driving area in a parking lot where motor vehicles ~~are able to can~~

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turn around and access parking spaces.

**Manufactured dwelling** - A manufactured dwelling can include the following residence types ~~defined below~~: a residential trailer, a mobile ~~home~~home, or a manufactured home.

**Manufactured Dwelling and Mobile Home Park** - ~~Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract, or parcel of land under the same ownership, the primary purpose of which is to rent or lease space, or keep space for rent or lease, to any person for a charge or fee paid, or to be paid, for the rental or lease or use of facilities, or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within an approved subdivision being rented or leased for occupancy by one manufactured dwelling per lot. See Section 2.1.600 and ORS Chapter 446.~~

**Manufactured home park** - ~~Four or more units located on one lot allowing manufactured homes. See Section 2.1.700 for standards related to manufactured home parks.~~

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**Manufactured Home** - A manufactured home is a portable residence constructed after 1976. A transportable single-family dwelling conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban ~~Development, but~~Development but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety ~~Regulations, and~~Regulations and is intended for permanent occupancy.

**Manufactured structure** - A transportable ~~single-family dwelling~~structure conforming to the Manufactured Housing Construction and Safety Standards Code of the US Dept. of Housing and Urban Development, but is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations, and is intended for permanent occupancy.

**Mean sea level** - ~~For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which Base Flood Elevations shown on a community's Flood Insurance Rate Map are referenced.~~

**Ministerial** - A routine governmental action or decision that involves little or no discretion. The issuance of a ~~building~~Development Review permit is such an action. See Section 4.1.~~400~~300.

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**Mitigation** - Taking one or more of the following actions listed in order of priority:

- a. Avoiding the impact altogether by not taking a certain development action or parts of that ~~action;~~action.
- b. Minimizing impacts by limiting the degree or magnitude of the development action and its ~~implementation;~~implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected ~~environment;~~environment.
- d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the development action by monitoring and taking appropriate corrective ~~measures;~~measures.
- e. Compensating for the impact by replacing or providing comparable substitute resources or environments.

~~Mixed-Use~~ - The combination of residential uses with commercial (e.g., office, retail, or services), civic, or light industrial uses on a site. See Section 2.

~~Mixed-use building/development/horizontal/vertical~~ - See Section 2.2.180.A.

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**Mobile Home** – A mobile home is a portable residence constructed between 1962 and 1976.

**Multi-family housing** – Housing that provides more than 3 dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). See Section 2.1.200.F500.

**Multi-use pathway** – Pathways for pedestrian and bicycle use. See Section 3.1.300.A.

~~Natural resource areas/natural resources~~ - ~~Industrial materials and capacities (such as mineral deposits and waterpower) supplied by nature~~ Same as Sensitive Lands, per Chapter 3.7.

**Natural hazard** - Natural areas that can cause dangerous or difficult development situations. For example, natural hazard areas include steep slopes, unstable soils, landslides, and flood areas.

**Neighborhood** - A geographic area lived in by neighbors and usually having distinguishing character.

**Neighborhood-scale design** - Site and building design elements that are dimensionally related to housing and pedestrians, such as narrower streets with tree canopies, smaller parking areas, lower building heights (as compared to downtown areas) and similar neighborhood characteristics. These features are generally smaller in scale than those that are primarily intended to accommodate automobile traffic.

**Neighborhood commercial** – Small-scale commercial uses allowed within the residential/neighborhood commercial district. See Section 2.1.200.K.2.210.

**Net loss** – A permanent loss of habitat units or habitat value resulting from a development action despite mitigation measures having been taken.

**Non-conforming use** – A structure or use that does not conform to the standards of this ordinance but has been in continuous existence from prior to the date of adoption of this ordinance up to the present. Non-conforming uses are not considered violations and are generally allowed to continue, though expansion, re-construction, or substantial improvement may be regulated.

**Non-conforming use/non-conforming development** – A land use, ~~structure~~structure, or property access ~~to~~ that exists which would not be permitted by the regulations imposed by the ~~code, but~~code but was lawful at the time it was established. See Chapter 5.2.

**Non-native invasive plants** - See current Oregon State University Extension Service Bulletin ~~for your area~~.

**Off-site mitigation** – Habitat mitigation measures undertaken in areas distant from a development action, and which are intended to benefit fish and wildlife populations other than those directly affected by that action.

**Off-street parking** - All off-street areas designed, used, ~~required~~required, or intended to be used for the



parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

**On-site mitigation** – Habitat mitigation measures undertaken within or in proximity to areas affected by a development action, and which are intended to benefit fish and wildlife populations directly affected by that action.

**On-street parking** - Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. See Chapter 3.3.

**Open space (common/private/active/passive)** - Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, ~~conservation~~conservation, or other open space uses. See also Chapter 2.6 Open Space.

**Oregon Freshwater Wetland Assessment Methodology (OFWAM)** – A wetland function and quality assessment methodology developed by the Oregon ~~Division~~Department of State Lands.

**Orientation** - To cause to face toward a particular point of reference (e.g., “A building oriented to the street”).

**Oriented to a street** - See Orientation.

**Outdoor commercial use** - A use supporting a commercial activity which provides goods or services, either wholesale or retail, where the amount of site area used for outdoor storage of materials or display of merchandise exceeds the total floor area of all buildings on the site. Examples of outdoor commercial uses include automobile sales or services, nurseries, lumber yards and equipment rental businesses.

**Owner.** The owner of the title to real property or the contract purchaser of real property of record, as shown on the latest assessment records in the Office of the County Assessor. Owner also includes a deed holder or contract purchaser whose name does not appear in the latest assessment records, but who presents to the City a copy of a deed or contract of sale signed by the owner of record.

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**Patio** - A development consisting of a surfaced area adjoining or near the principle structure, intended for use as an outdoor living area. ~~if~~if roofed it must be ~~in~~open on at least one side.

**Parcel** - A parcel is a unit of land that is created by a partitioning of land [ORS 92.010(6)]. ~~A lot or parcel under the same ownership as mapped and referenced by the Umatilla County Assessor's Office.~~ See Chapter 4.3.

**Parks and Open Space** - Parks and Open Space Areas are public parks or private common areas consisting mostly of recreational facilities, community gardens, or natural areas.

**Parking Area** - A parking area is all the area devoted to the standing, maneuvering, and circulation of motor vehicles. Parking areas do not include driveways or areas devoted exclusively to non-passenger loading or fire apparatus lanes.

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**Parking lot perimeter** - The boundary of a parking lot area that usually contains a landscaped buffer area.

**Parking vs. storage**~~Versus Storage~~ - Parking is leaving an operable motor vehicle for a temporary time, usually less than 24 hours. Storage is placing or leaving an operable or inoperable vehicle, usually for more than 24 hours, in a location for maintenance, repair, sale, rental, or future use.

**Partition** - To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. [See also, ORS 92.010(87)]. Partitions must be mapped and referenced by the Umatilla County Assessor's Office. See Chapter 4.3.

**Pathway/walkway/access way** - See Chapter 3.1, ~~Section 3.A~~. As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for "accessways" in the Transportation Planning Rule. (OAR 660-~~012-045~~ Division 12).

**Pedestrian amenity (ies)** – Pedestrian areas and objects that serve as places for socializing and enjoyment of the City's downtown/main street. Examples include benches or public art or sculpture. See Section 2.2.170.

**Pedestrian Facilities** - A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths, and trails.

**Pier** - Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

**Planning Official** – The person responsible for implementation of the Stanfield Development Code. This role could be filled by the City Manager, other staff assigned responsibility for the planning function, or a contractor or consultant. Ultimately the City Manager is responsible for assuring that the requirements of the Stanfield Development Code are carried out.

**Planter strip, tree cutout** - A landscape area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

**Plat** - A map of a land partition, replat, or subdivision, prepared as specified in ORS 92.080, and recorded with the Umatilla County Assessor's Office. All plats shall also conform to Chapter 4.3 ~~—Land Divisions~~.

**Plaza** - A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. See Section 2.2.170.

**Pocket park** - A small park, usually less than one-half acre.

**Primary Use** - An activity or combination of activities of chief importance on the site. One of the main purposes for which the land or structures are intended, designed, or ordinarily used. A site may have more than one primary use. The largest or most substantial element on the property, as in "primary": use, residence, entrance, etc. All other similar elements are secondary in size or importance.

**Property line: front, rear, interior side, street side** – Legal borders of a lot or parcel of land. See Figure 2-1.130.

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**Public facilities** – Public and private transportation facilities and utilities. See Chapter 3.4.

**Public improvements** - Development of public infrastructure, as required by the City, a special district, or road authority, as applicable. ~~Development of public facilities.~~ See Chapter 3.4.

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**Quasi-judicial** - Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code, and usually involves a public hearing. See Section 4.1.500.

**Reciprocal Access** - A reciprocal access is an easement agreement whereby two or more parties have shared access to a lot or parcel. This access easement is marked on the legal plat of ~~both of the lots~~ both lots or parcels.

**Recreational Vehicle** - A vehicle, with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal, or emergency purposes and is further defined by state law and/or administrative rules. ~~A vacation trailer or other vehicle or portable unit which is either self-propelled or towed or is carried by a mother vehicle, which is intended for human occupancy but is designed for vacation or recreational use not as a residence.~~

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**Recreational Vehicle Park** - A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park, however, the City may establish the maximum length of stay. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks.

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**Regulatory floodway** - See “Floodway”.

**Residence** - Same as “dwelling”.

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**Religious Institutions and Places of Worship** - Uses primarily providing meeting areas for religious activities; may include schools as an accessory use.

**Residential Use** - Long-term (i.e., more than 28 days) occupancy of a dwelling unit, which may be owner-occupied or rented. Occupancy of a dwelling unit for shorter periods of time is considered an overnight accommodation.

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**Residential caretaker unit** - A dwelling unit for caretakers living on-site in the General Industrial District. The unit must be served by water and sanitary sewage and conform to other applicable building standards. See Section 2.3.160.B.

**Residential Home** is a residential treatment or training or adult foster home licensed by or under the authority of the Department of Human Services, under ORS 443.400 to 443.825, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. (See also, ORS 197.660.). See Chapter 2.1.200.D.

**Residential Facility** is defined under ORS 430.010 (for alcohol and drug abuse programs), ORS 443.400 (for persons with disabilities), and ORS 443.880; residential facilities provide housing and care for 6 to 15 individuals who need not be related. Staff persons required to meet state licensing requirements are not counted in the number of facility residents and need not be related to each other or the residents. See Chapter 2.1.200.D.

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~~**Residential care home/Residential care facility**—Residential treatment or training homes or adult foster homes licensed by the State of Oregon. See Section 2.1.200.G.~~

**Ridge line (building)** - The top of a roof at its highest elevation.

**Right-of-way** - Land that is owned in fee simple by the public, usually for transportation facilities.

**Riparian area** – The area adjacent to a river, lake, or stream, consisting of the area of transition from an aquatic ecosystem to a terrestrial ecosystem.

**Roadway** -~~The portion of a right-of-way that is improved for motor vehicle and bicycle travel, subject to applicable state motor vehicle licensing requirements. Roadway includes vehicle travel lanes and on-street parking areas. Roadway does not include area devoted to curbs, parking strips, or sidewalks.~~

**Road/Roadway Authority** - The City or other agency (e. g., Oregon Department of Transportation, City of Stanfield, or Umatilla County) with jurisdiction over a road or street.

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**Roof pitch** - The slope of a roof, usually described as ratio (e.g., 1 foot of rise per 2 feet of horizontal distance).

**Rooftop garden** - A garden on a building terrace, or at top of a building with a flat roof (usually on a portion of a roof).

**Senior housing** - ~~Housing designated and/or managed for persons over a specified age. Specific age restrictions vary, and uses may include assisted living facilities, retirement homes, convalescent or nursing homes, and similar uses not otherwise classified as Residential Homes or Residential Facilities. Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)~~

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**Sensitive lands** - Wetlands, significant trees, steep slopes, flood plains and other natural resource areas designated for protection or conservation by the Comprehensive Plan.

**Setback** - The distance between a building (or other feature of development) and a property line. Minimum and maximum setbacks may be required for front, ~~side~~side, and rear yards.

**Shared driveway** - When land uses on two or more lots or parcels share one driveway. An easement ~~or tract (owned in common)~~ may be created for this purpose.

**Shared parking** – Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (daytime versus nighttime primary uses). See Section 3.3.300.C.

**Shopping street** – A street or drive designed with the elements of a good ~~pedestrian oriented~~pedestrian-oriented street: buildings with close orientation to the street, on street parking, wide sidewalks, street trees, pedestrian scale lighting. See Section 2.2.140.~~C~~.

**Sign** - An identification, description or device which directs attention to a product, place, activity, person, institution, or business and which is affixed to or represented upon a building structure or land. Each display surface of a sign structure shall be considered a separate sign.

~~**Significant trees, significant vegetation** – Trees and shrubs with a trunk diameter of 6 inches or greater, as measured 4 feet above the ground, and all plants within the drip line of such trees and shrubs. Other trees may be deemed significant, when designated by the City Council as “Heritage Trees.” See Section 3.2.200.B.~~

**Single-family attached housing (townhomes)** - ~~A dwelling unit located on its own lot that shares one or more common or abutting walls with one or more dwelling units on adjacent lot(s). Two or more single-family dwellings with common end walls.~~ See Section 2.1.110 and Section 2.1.200.~~E~~.

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**Single-family detached house** - A single family dwelling that does not share a wall with any other building. See Section 2.1.110.

**Single-family detached zero lot line house** - A single family detached house with one side yard setback equal to “0”. ~~Side yard setbacks are still applicable for the total distance between homes for fire and life safety reasons.~~ See Section 2.1.110 and Section 2.1.200.~~A~~.

**Site** - For land divisions, property line adjustments, and lot consolidations, the site is the lots, lots of record, parcels, or tracts proposed to be divided or reconfigured. For all other purposes, the site is an ownership except as follows:

- If a proposed development includes multiple ownerships, then the site is the combined area of all contiguous ownerships.

- If a proposed development includes only a portion of an ownership, and the balance of the ownership is vacant, then the applicant may choose to define the site as the portion of the ownership that is proposed for development.

- If a proposed development includes only a portion of an ownership, and there is other development on the ownership, then the applicant may choose to define the site as the portion of the ownership that is currently developed plus the portion proposed for development. A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

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**Site design review** – A discretionary review that applies to all developments in the City, except those specifically listed under Development Review. Site Design review ensures compliance with the basic development standards of the land use district, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3, ~~Development Review—See Chapter 4.2.~~

**Special flood hazard area** - See “Area of special flood hazard” for this definition.

**Specific Area Plan** – Describe in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. See Chapter 2.5.

**Standards and criteria** - Standards are code requirements. Criteria are the elements required to comply with a particular standard.

**Start of construction** - Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured dwelling on a foundation. 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 part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Steep slopes** - Slopes greater than 25 percent.

**Storefront character** - The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed entries, and similar features.

**Storm water facility** - A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

**Stream** - A channel such as a river or creek that carries flowing surface water, including perennial streams and intermittent streams with defined channels, and excluding man-made irrigation and drainage channels.

**Street/road** - A public or private way for travel by vehicles, bicycles and pedestrians, that meets the City standards in Section 3.4.100.

**Street access** - Safe and efficient passage for pedestrians and vehicles to circulate through a connected street system. See Section 3.1.200.

**Street connectivity** - The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

**Street furniture/furnishings** - Benches, lighting, bicycle racks, drinking fountains, ~~mail boxes~~ mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See Section 2.2.170.

**Street stub** - A temporary street ~~ending; ending i.e.,~~ where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

**Street tree** - A tree planted in a planter strip or tree cutout.

**Structure** - Except as provided by applicable building codes, any object constructed in or on the ground. Structure includes buildings, decks, fences, towers, flag poles, signs, utility vaults, and other similar objects. Structure does not include paved areas or vegetative landscaping materials. A building or other major improvement that is built, constructed, or installed, not including minor improvements, such as fences, utility poles, flagpoles, or irrigation system components, that are not customarily regulated through zoning ordinances. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured dwelling.

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**Subdivision** - To divide land into four or more lots within a single calendar year. (ORS 92.010~~(13)~~).

**Substantial damage** - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial improvement** – Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

Before the improvement or repair is started, or  
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 the alteration affects the external dimensions of the structure.

The term does not, however, include either:

Any project for the 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  
Any alteration of a structure listed on the national Register of Historic Places or a State Inventory of Historic Places.

**Surface water management** – A system designed and constructed or implemented to control discharges which are necessitated by rainfall events, incorporating methods to collect, convey, store, absorb, inhibit, treat, use or reuse water to prevent or reduce flooding, over drainage, environmental degradation, and water pollution or otherwise affect the quantity and quality of discharges from the system. {Definition to be developed in Chapter 3.5.}

**Swale** - A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

**Tangent** - Meeting a curve or surface in a single point.

Tax Lot – A lot or parcel represented on the Assessor’s Map and designated for the purposes of assessment and taxation.

**Tentative Flood Hazard Area** - An area along a minor water course including intermittent streams or gullies, that would likely be flooded or within which development might serve to worsen flooding of the watercourse.

**Terrace** - A porch or promenade supported by columns, or a flat roof or other platform on a building.

**Top of bank** – The stage of elevation at which water overflows the natural banks or streams or other waters of the state and begins to inundate upland areas. In the absence of physical evidence, the two-layer recurrence interval floor elevation may be used to approximate the bank full stage or delineate the top of bank.

**Topographical constraint** - Where existing slopes prevent conformance with a Code standard.

~~Tract: private/public – A piece of land set aside in a separate area for dedication to the public, a homeowner’s association, or other entity (e.g., open space, recreation facilities, sensitive lands, etc.).~~

Traffic Impact Analysis - A report prepared by a professional engineer that analyzes existing and future roadway conditions, and which may recommend transportation improvements and mitigation measures.

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**Transportation facilities and improvements** – The physical improvements used to move people and goods from one place to ~~another; another~~, e.g., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc.). Transportation Facilities and Improvements require a Conditional Use Permit (CU) under Section 4.4.400-~~D~~500. Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.
- c. Projects specifically identified in the City’s adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for the safety and protection of property.
- f. Construction of a street or road as part of an approved subdivision or partition as designated in the City’s adopted Transportation System Plan except for those that ~~are located in~~ are in exclusive farm use ~~or forest~~ zones.
- g. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

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**Transportation mode** - The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)



**Triplex** - A building with three attached housing units on one lot or parcel.

**Urban Growth Area** - That land between the incorporated limits of the City and the Urban Growth Boundary.

**Urban Growth Boundary** - The Boundary designated in the City's Comprehensive plan that identifies and separates urbanizable land from rural land.

**Use (Land Use)** -The purpose for which land or a structure is designed, arranged, intended, occupied, or maintained.

**Utilities** - For the purposes of this Code, there are two types of utilities: 1) Private: telephone, electric, telecommunication, and similar franchise facilities; and 2) Public: water and wastewater conveyance and treatment facilities.

**Utilities (land use)** - Utilities are infrastructure services, which need to be in or near the area where the service is provided. Basic Utility uses may or may not have regular employees at the site. Services may be public or privately provided. Examples include water and sewer pump stations; sewage disposal and conveyance systems; electrical substations; water towers and reservoirs; water quality and flow control facilities; water conveyance systems; stormwater facilities and conveyance systems; telephone exchanges; suspended cable transportation systems; public safety facilities; district heating and cooling systems; solar, wind, or geothermal power generation facilities that are not accessory to a primary use; and emergency communication broadcast facilities. Larger-scale utility facilities, and those that do not conform to the above definition (e.g., biomass power generation), may be classified as Industrial uses or "Other" uses (e.g., Utility Corridor) as applicable.

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**Vacate plat/street** - To abandon a subdivision or street right-of-way. For example, *vacation* of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

**Vacation Rental** - A furnished apartment, house, or condominium available on a short-term basis, less than 30 days, for occupancy without the owner present.

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**Variance** - An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. See Chapter 5.1. It can also mean a grant of relief by the City of Stanfield from the terms of a flood plain management regulation.

**Vehicle Areas** - All the areas on a site where vehicles may circulate or park, including parking areas, driveways, drive-through lanes, and loading areas. See also, Driveway and Parking Area.

**Vehicle Repair** - Repair of passenger vehicles, trucks or other motor vehicles such as motorcycles, boats and recreational vehicles.

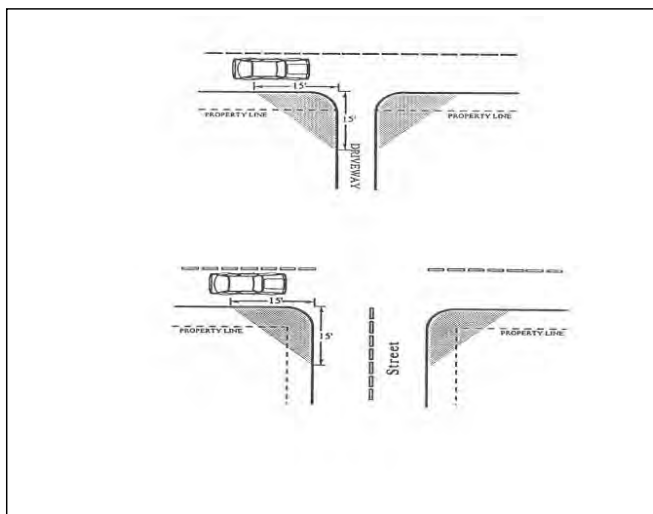
**Vehicle Servicing** - Gas stations, unattended card key stations, car washes, commercial vehicle maintenance and/or oil and lubrication services, and similar uses.

**Violation** - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate,

other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.

**Vision clearance area** – Areas near intersections of roadways and motor vehicle access points where a clear field of vision is required for traffic safety and to maintain adequate sight distance. The shaded area as shown on the following figure is the Vision Clearance Area. The Vision Clearance area includes Corner Clearance, which is the distance from an intersection of a public or private road to the nearest access connection, measured from the closest edge of the pavement of the intersecting road to the closest edge of the pavement of the connection along the traveled way. The Vision Clearance area is regulated and further described in Section 3.1.200.NM.

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**Walkway** - A sidewalk or path, including any access way, improved to City standards, or to other roadway authority standards, as applicable. See also, Access Way, Pathway, and Sidewalk.

**Waste/Trash Collection Areas** - Waste collection areas include areas set aside or designed to be used for garbage collection and collection of materials for recycling. Waste collection areas include areas occupied by dumpsters and other solid waste receptacles.

**Waste-Related Use** - Waste-related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-related uses also include uses that receive, store, sort, and distribute post-consumer recyclable materials; and those that receive hazardous wastes from others and are subject to the regulations of OAR 340-100-110, Hazardous Waste Management.

**Warehouse, Freight Movement and Distribution** - The storage or movement of goods, except as accessory to a primary permitted use on the subject site.

**Wetland** – An area inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and which, under normal circumstances, does support, a prevalence of vegetation typically adapted for ~~living~~ in saturated soil conditions.

~~**Wetland protection area** – An area subject to the provisions of this chapter that includes all wetlands determined to be locally significant.~~

~~**Wetland resource map** – The locally adopted map used as the basis for this ordinance, which incorporates the DSL-approved LWI map and identifies locally significant wetlands.~~

**Window hood** - An architectural detail placed above a window, used as an accent.

**Wireless communication equipment** - Includes cell towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.

~~**Wrecking Yard** - A wrecking yard, scrapyard or junkyard is the location of a business in dismantling where wrecked or decommissioned vehicles are brought, their usable parts are sold for use in operating vehicles, while the unusable metal parts, known as scrap metal parts, are sold to metal-recycling companies.~~

**Yard** - The area defined by setbacks (i.e., between the setback line and respective property line).

**Zero lot line house** –Single family courtyard home that is not subject to side yard setbacks on one side of a typical lot. See Section 2.1.200.A.

## Chapter 1.4 — Enforcement

### Sections:

- ~~1.4.100~~-- Provisions of this Code Declared to be Minimum Requirements
- ~~1.4.200~~-- Violation of Code Prohibited
- ~~1.4.300~~-- Penalty
- ~~1.4.400~~-- Complaints Regarding Violations
- ~~1.4.500~~-- Abatement of Violations
- ~~1.4.600~~-- Stop-Order Hearing

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### ~~1.4.100~~ Provisions of this Code Declared to be Minimum Requirements.

- A. **Minimum Requirements Intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare.
- B. **Most Restrictive Requirements Apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

### ~~1.4.200~~ Violation of Code Prohibited.

No person shall erect, construct, alter, ~~maintain~~~~maintain~~, or use any building or structure or shall use, ~~divide~~~~divide~~, or transfer any land in violation of this Code or any amendment thereto.

### ~~1.4.300~~ Penalty.

- A. **Civil Infraction.** A violation of this Code shall constitute a civil infraction punishable by a civil penalty in an amount not to exceed \$1,000. A violation of this code shall be considered a separate offense for each day the violation continues. Nothing herein shall prevent the City from taking such other lawful action as is necessary to prevent or remedy any violation.
- B. **Each Violation a Separate Infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. **Abatement of Violation Required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. **Responsible Party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

**1.4.400 Complaints Regarding Violations.**

- A. **Filing Written Complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. **File Complaint with ~~City Manager~~Planning Official.** Such complaints, stating fully the causes and basis thereof, shall be filed with the ~~City Manager~~Planning Official or designee. The ~~City Manager~~Planning Official or designee shall properly record such complaints, ~~investigate~~investigate, and ~~take action~~act thereon as provided by this Code.

**1.4.500 Abatement of Violations.**

Any development or use that occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is ~~unlawful, and~~unlawful and may be abated by appropriate proceedings.

**1.4.600 Stop-Order Hearing.**

- A. **Stop Order Issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the ~~City Manager~~Planning Official or designee may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. **Stop Order Hearing.** The ~~City Manager~~Planning Official shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the ~~City Manager~~Planning Official such hearing may be:
1. Part of a hearing on revocation of the underlying development approval; or
  2. Solely to determine whether a violation has occurred. The ~~City Manager~~Planning Official shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under Section 4.1.500 - Type III (Public Hearing) Procedure.

## **Chapter 2 — Land Use Districts**

- 2.1 – Residential District (R)**
- 2.2 – ~~Downtown~~-Commercial District (DD)**
- 2.3 – General Industrial District (GI)**
- 2.4 – Light Industrial District (LI)**
- 2.5 – Master Planned Neighborhood Development**
- 2.6 - Open Space Districts (OS)**
- 2.7 – Flood Plain/Floodway Overlay (FP)**

## Chapter 2.1 — Residential (R) District

### Sections:

2.1.100 --	Purpose
2.1.110 --	Permitted Land Uses
2.1.120 --	Building Setbacks
2.1.130 --	Lot Area and Dimensions
2.1.140 --	<del>Infill Development</del> - Flag Lots and Lots Accessed by Mid-Block Lanes
2.1.150 --	Residential Density
2.1.160 --	Maximum Lot Coverage
2.1.170 --	Building Height
2.1.180 --	Building Orientation
2.1.190 --	Design Standards
2.1.200 --	Special Standards for Certain Uses
2.1.300 --	Residential Sub-Districts
2.1.400 --	Urban Holding (UH)
<del>2.1.500 --</del>	<del>Neighborhood Commercial (NC)</del>
2.1. <del>600-500</del>	--Multi-Family (MF)
2.1. <del>700-600</del>	--Manufactured Home Park (MH)

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### 2.1.100 Purpose.

The Residential District is intended to promote the livability, ~~stability~~stability, and improvement of the City of Stanfield's neighborhoods. This chapter provides standards for the orderly expansion and improvement of neighborhoods based on the following principles:

- Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum and maximum density standards for housing.
- Accommodate a range of housing needs, including owner-occupied and rental housing.
- Provide for compatible building and site design at an appropriate neighborhood scale.
- Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, ~~parks~~parks, and neighborhood services.
- Maintain and enhance the City's historic characteristics.

### 2.1.110 Permitted Land Uses.

**A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.1.110.A, and land uses that are approved as "similar" to those in Table 2.1.110.A, may be permitted. Land uses identified as "Sub-district Only" are permitted only within the applicable sub-district. The land uses identified with a "CU" in Table 2.1.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

Table 2.1.110.A

Land Uses and Building Types Permitted in the Residential District

<p><b>1. Residential:</b>  <i>Single-family</i>                  a. Single-family detached housing                  b. Single-family detached zero-lot line housing*                  c. Accessory dwellings*                  d. Manufactured homes on individual lots*                  e. Manufactured Home Park (MH Sub-district only)*                  f. Single-family attached townhomes (also allowed in MF sub-district not to exceed a cluster of six)*</p> <p><i>Two- and Three-Family</i>                  g. Two- and three-family housing (duplex and triplex)*</p> <p><i>Multi-family</i>                  h. Multi-family housing (MF Sub-district only)*                  i. Cottage cluster development                  j. Condominiums                  k. Townhomes</p> <p><i>Residential care</i>                  l. Residential care homes and facilities*                  m. Group Living Facilities*                  n. Family daycare                  o. Medical Hardship*</p> <p><b>2. Agricultural</b>                  (UH Sub-district only).</p> <p><b>3. Home occupations*</b></p> <p><b>4. Public and Institutional (CU)*:</b>                  a. Churches and places of worship</p>	<p>c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)                  d. Libraries, museums, community centers, and similar uses                  e. Private utilities                  f. Public parks and recreational facilities                  g. Schools (public and private)                  h. Uses like those listed above.</p> <p><b>5. Transportation Facilities and Improvements:</b>                  1. Normal operation, maintenance;                  2. Installation of improvements within the existing right-of-way;                  3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;                  4. Landscaping as part of a transportation facility;                  5. Emergency Measures;                  6. Street or road construction as part of an approved subdivision or partition;                  7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and                  8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition. ** (CU)</p> <p>i. Uses similar to those listed above</p>	<p><b>6. Bed &amp; breakfast inns and vacation rentals (CU)*</b></p> <p><b>7. Accessory Uses and Structures *</b>                  (This does not include Accessory Dwelling Units, which are included under "single family" in Section 1 of this Table.)                  A. Public and Private Utilities reviewed through the Type I process.</p> <p><b>8. Neighborhood Commercial (NC sub-district only)*:</b>                  Each of the following uses is "size-limited" and subject to provisions in Section 2.1.200 - Special Standards for Certain Uses:                  Child-care Center (care for more than 12 children)                  Food services, excluding automobile-oriented uses                  Laundromats and dry cleaners                  Light manufacture, conducted entirely within building                  Retail goods and services                  Medical and dental offices, clinics and laboratories                  Personal services (e.g., barber shops, salons, similar uses)                  Professional and administrative offices</p>
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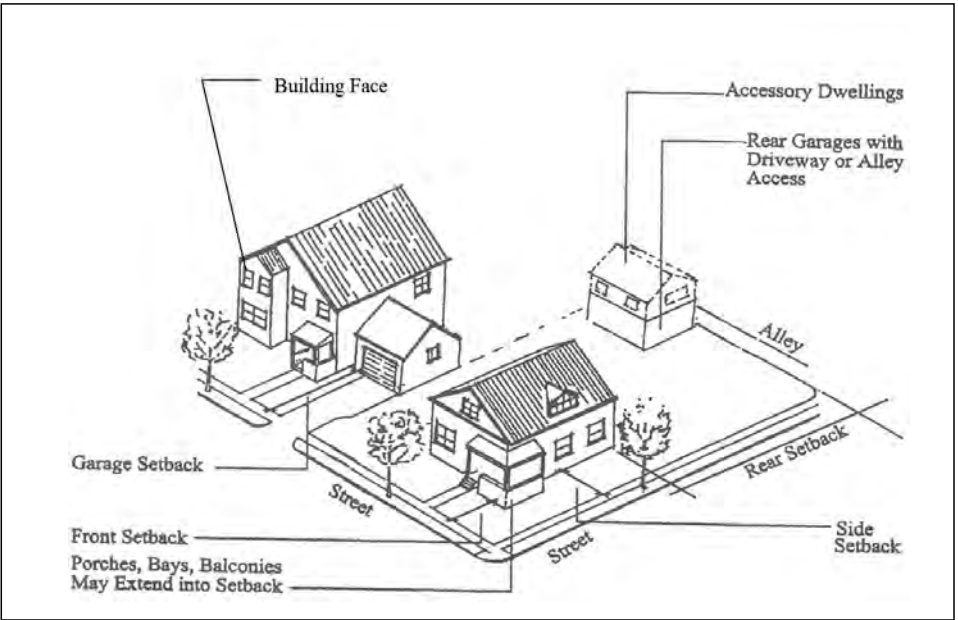
b. Clubs, lodges, similar uses		<del>Repair services, conducted entirely within building; auto repair, similar services excluded</del> <del>Mixed-use building (residential with other permitted use)</del> <del>Other similar uses</del>
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Uses marked with an asterisk (\*) are subject to the standards in Section 2.1.200, "Special Standards for Certain Uses." Temporary uses are subject to the standards in Section 4.9. \*\* Uses marked with 2 asterisks are subject to the standards in Section 4.4. ~~400D500~~. CU= Conditional Use Permit Required

Only uses specifically listed in Table 2.1.110.A, and uses similar to those in Table 2.1.110.A, are permitted in the Residential District.

**2.1.120 Building Setbacks.**

**Figure 2.1.120 Building Setbacks**



**Building Setbacks**

Building setbacks provide space for private yards, and building separation for fire protection/security, building maintenance, sun light and air circulation. This section is also intended to promote human-scale design and traffic calming by downplaying the visual presence of garages along the street and

encouraging the use of extra-wide sidewalks and pocket parks in front of corner markets and other non-residential uses. The standards encourage placement of residences close to the street for public safety and neighborhood security.

Building setbacks are measured from the face of the building, excluding porches, to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page and illustrated in Figure 2.1.120 above, apply to primary structures as well as accessory structures. A Variance is required in accordance with Chapter 5.1 to modify any setback standard.

#### A. Front Yard Setbacks

1. Residential Uses (detached and attached single family, duplex and triplex, multi-family housing types)

a. A minimum setback of 10 feet is required ~~with garages being setback 20 feet, except that a porch may be within 8 feet, as long as it does not encroach into a public utility easement.~~  
See also, Section F below, which provides specific standards for Setbacks in Established Residential Areas.

~~b. Garages and carports shall be accessed from alleys or otherwise recessed behind the front building face by a minimum of 2 feet. Alternatively, garage and carport entrances may be built flush with the front building face when the building is set back by at least 20 feet.~~

~~c.~~ Multi-family housing shall also comply with the building orientation standards in Section 2.1.180.

~~2. Neighborhood Commercial Buildings.~~

~~a. A minimum front setback is not required, except as necessary to comply with the vision clearance standards in Section 3.1.200.~~

~~3.2. Public and Institutional Buildings.~~

~~The standards in subsection 2, above, (Residential Commercial Buildings) shall also apply to Public and Institutional Buildings shall have the same setback as a home, except that the maximum setback standard in subsection 2.b shall not be required for buildings that do not receive the public (e.g., buildings used solely for storage or housing mechanical equipment, and similar uses).~~

#### B. Rear Yard Setbacks

The minimum rear yard setback shall be 10 feet for street-access lots, and 6 feet for alley-access lots (all structures).

#### C. Side Yard Setbacks

The minimum side yard setback shall be 5 feet on interior side yards, and 15 feet on street corner yards. ~~or~~ When zero-lot line development is permitted, the minimum side yard setbacks shall be 10 feet minimum on one side of the dwelling unit, and no setback required on the opposite side. If

on a corner lot the 15 feet is still applicable to assure vision clearance. (See standards for zero-lot line housing in Section 2.1.200.)

**D. Garages.**

Garages shall be set back 20 feet from any street they are facing.

**D.E. Setback Exceptions**

The following architectural features are allowed to encroach into the setback yards: Eaves, chimneys, bay windows, overhangs, and similar architectural features may encroach into setbacks by no more than 3 feet. Porches, ~~decks~~decks, and similar structures not exceeding 36 inches in height may encroach into setbacks by no more than 6 feet, subject to the front yard setback provisions in "A" above. Walls and fences may be placed on property lines, subject to the standards in Chapter 3.2 ~~–~~ Landscaping and Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.1.200.M.

Accessory structures less than 200 square feet in the back yard can be placed with a 1-foot setback for both the side and rear yard. Accessory structures 200 square feet or greater can be placed with a 5-foot setback if limited to a single story.

**E.F. Special Yards – Distance Between Buildings on the Same Lot**

To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half (½) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

**F.G. Setbacks for New Development on a Street with Existing Homes.**

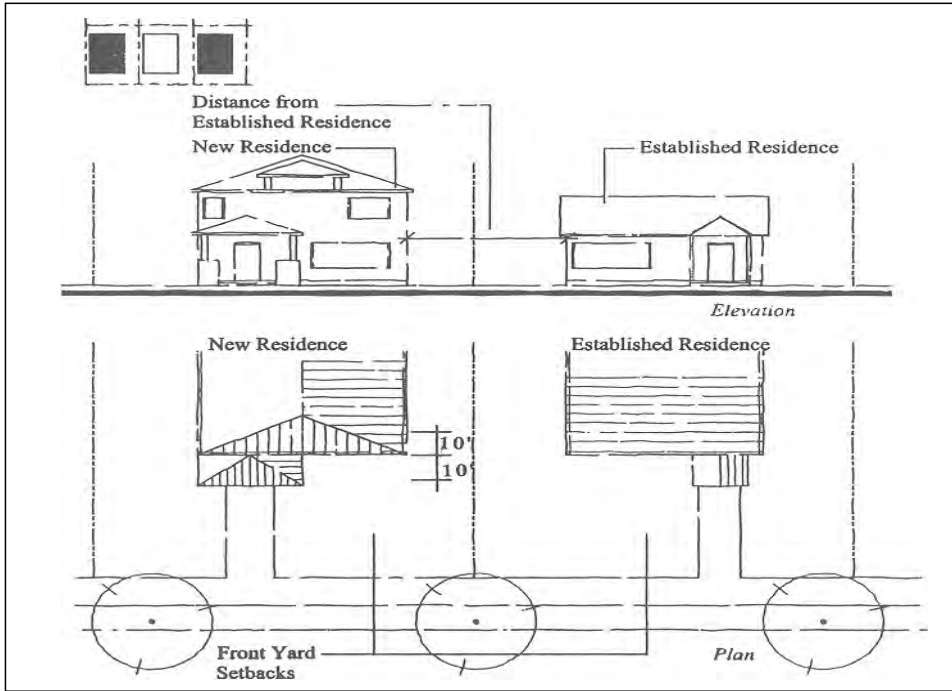
To provide for continuity along residential streets, new development of vacant lots on blocks that are already developed shall have similar setbacks as described below.

1. When an existing ~~single-family~~single-family residence on the same street is located within 40 feet of the subject site, a front yard setback similar to that of the nearest ~~single-family~~single-family residence shall be used. "Similar" means the setback is within 10 feet of the setback provided by the nearest ~~single-family~~single-family residence on the same street. For example, if the existing ~~single-family~~single-family residence has a front yard setback 20 feet, then the new building shall have a front yard setback between 10 feet and 30 feet. If the new building is to be located between two existing residences, then the setback for the new building shall be based on the average setback of both adjacent residences, plus or minus 10 feet.
2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in Section 2.1.200.
3. The standards in 1-2 shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints, wetlands, or other sensitive lands~~areas subject to flooding~~).

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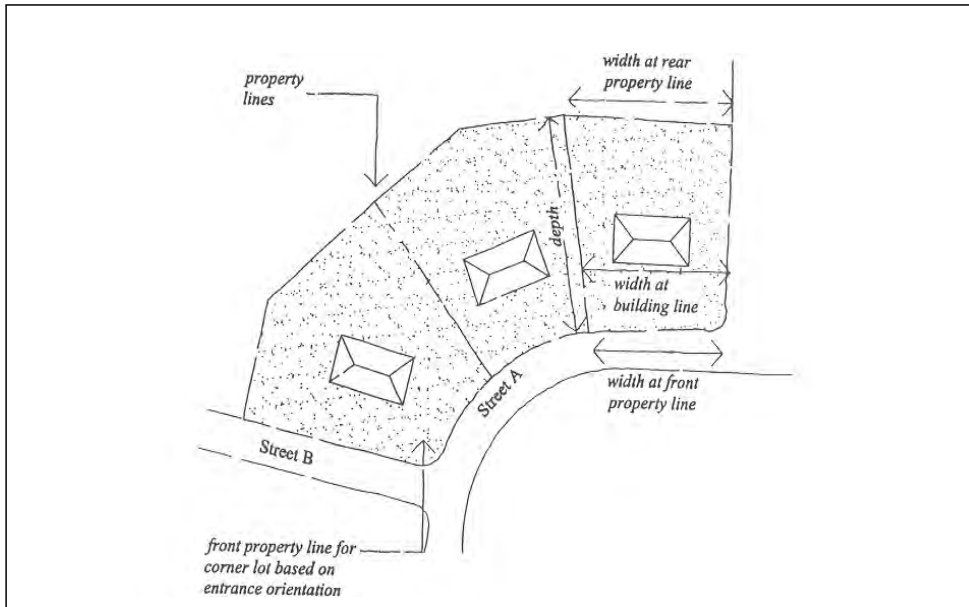
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Figure 2.1.120F – Infill/Established Residential Area Setbacks



**2.1.130 Lot Area and Dimensions**

**Figure 2.1.130 -- Lot Dimensions**



<b>Land Use</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>	<b>Related Standards</b>
<b>Detached Single Family Housing; or Manufactured Homes on Lots within <del>400-300</del> feet or less of a sewer and water line</b>	Minimum area: 5,000 square feet.  Maximum area: <del>Two</del> <u>One</u> acres.	<del>Lot Width: Minimum lot width shall be 50 feet and 25 feet on a cul-de-sac. Maximum Lot Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)</del>	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 -- Residential Density and Building Size.
<b>Detached Single Family Housing; or Manufactured Homes on new Lots more than <del>400-301</del> feet from the nearest sewer or water line</b>	Minimum area: Two acres.  Maximum area: None. <u>Future division plan required.</u>	<del>Lot width: Minimum lot width shall be 50 feet and 25 feet on a cul-de-sac. Maximum Lot Depth: Three (3) times the lot width; except as may be required by this code (e.g., to protect sensitive lands, etc.)</del>	The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 -- Residential Density and Building Size.

<b>Two-and Three-Family Housing (duplex and triplex)</b>	<p>Minimum area for two-family: 6,000 square feet.</p> <p>Minimum area for Three family: 6,000 square feet.</p> <p>Maximum area: 10,000 square feet.</p>	<p><u>Lot width: Minimum lot width shall be 50 feet for an interior lot, 70 feet for a corner lot, and 25 feet for a cul-de-sac.</u></p> <p><u>Maximum Depth: Three (3) times the lot width except as required to protect sensitive lands, etc.</u></p>	<p>The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 – Residential Density and Building Size.</p>
<b>Attached Single Family Housing (Townhome)</b>	<p>Minimum area: 3,000 square feet.</p> <p>Maximum area: 4,500 square feet</p>	<p><u>Lot width: The minimum lot width shall be 20 feet at the front building line.</u></p> <p><u>Maximum Depth: Three (3) times the lot width except as may be required by this code (e.g., to protect sensitive lands, etc.)</u></p>	<p>The average lot area and residential floor area in new developments shall conform to the standards in Section 2.1.150 – Residential Density and Building Size.</p>
<b>Multi-family Housing (more than 3 units)</b>	<p>Minimum area: <del>10,000 square feet, (with 4,000-sf for each unit)</del><u>The minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater.</u></p> <p><del>Maximum area: None. (see Special Standards for Certain Uses)</del></p>	<p><u>Lot Width: The minimum lot width shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet on a cul-de-sac.</u></p> <p>Minimum Width: 50 feet at front property line.</p> <p>Maximum Depth: None.</p>	<p>The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 – Access and Circulation.</p>

<b>Land Use</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>	<b>Related Standards</b>
<b>Manufactured Home Parks</b>	See Section 2.1.200 for Manufactured Home Park standards.		
<b>Public and Institutional Uses</b>	<p><del>Minimum Lot area: None.</del><u>Adequate space to allow for the proposed use.</u></p> <p><del>Maximum area:</del></p>	<p><del>Minimum Lot Width: 50 feet at front property line.</del><u>The minimum lot width shall be 50 feet for an interior lot, 70 feet for a corner lot, and 25 feet on a cul-de-sac.</u></p>	<p>The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 – Access and Circulation.</p> <p><u>See Special Standards for Certain Uses</u></p>

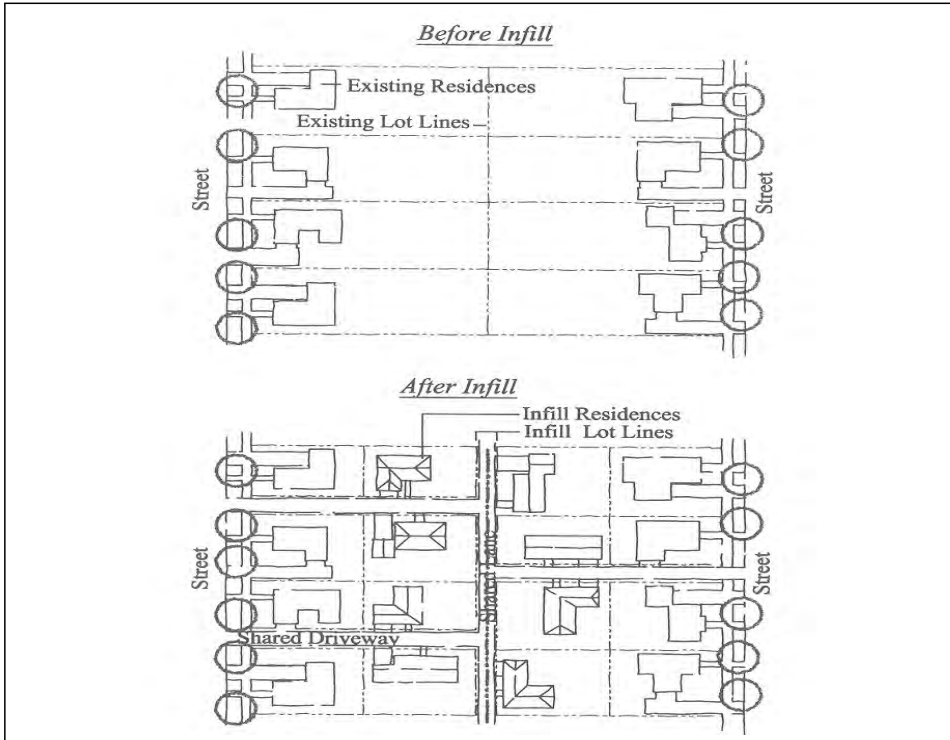
	None. (See Special Standards for Certain Uses)	Maximum Depth: None.	
<b>Residential-Commercial Uses</b>	Minimum area: None. Maximum area: None. (See Special Standards for Certain Uses)	Minimum Width: 50 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is indirectly controlled by the floor area standards for Residential Commercial development, as provided in Section 2.1.200.

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**2.1.140 Infill Development - Flag Lots and Lots Accessed by Mid-Block Lanes.**

As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block developments”, as illustrated [on the following page below](#):

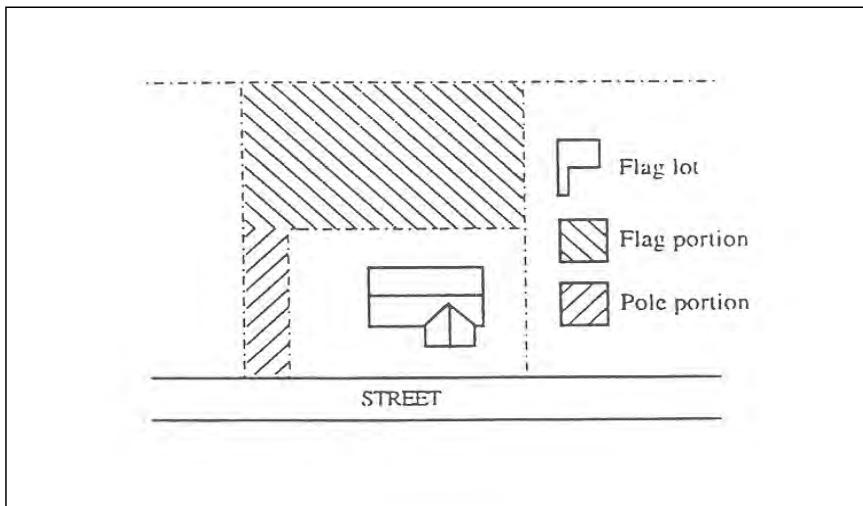
Figure 2.1.140.A Mid-Block Infill





- A. **Mid-block Lanes.** Lots may be developed without frontage onto a public street when ~~the~~ lot access is provided by a series of mid-block lanes, as shown above. Mid-block lanes shall be required whenever practicable as an alternative to approving flag lots. The lanes shall meet the standards for alleys, per Chapter 3.4.100.R, and subsections C-F, below.

Figure 2.1.140.B – Flag Lot (Typical)



- B. **Flag Lots.** Flag lots may be created only when mid-block lanes cannot be extended to serve future development. A flag lot driveway may serve no more than two (2) dwelling units, including accessory dwellings and dwellings on individual lots, unless Uniform Fire Code (UFC) standards are met for more units. When UFC standards are met, the maximum number of dwellings shall be six (6). A drive serving more than one lot shall have a reciprocal access and maintenance easement recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.
- C. **Driveway and Lane Width.** The minimum width of all shared drives and lanes shall be 12 feet; the maximum width is 20 feet, except as required by the Uniform Fire Code.
- D. **Dedication of Drive Lane.** The owner shall dedicate 12 feet of right-of-way or record a 12-foot easement ~~(i.e., 6 feet).~~
- E. **Each Property Sharing A Drive For Vehicle Access Similar To An Alley.** Dedication or recording, as applicable, shall be ~~so~~ indicated on the face of the subdivision or partition plat.
- F. **Maximum Drive Lane Length.** The maximum drive lane length is subject to requirements of the Uniform Fire ~~Code, but Code but~~ shall not exceed 150 feet for a shared side drive, and 400 feet for a shared rear lane.

**G. Future Street Plans.** Building placement and alignment of shared drives shall be designed so that future street connections can be made as surrounding properties develop (i.e., as shown in Figure 2.1.140A).

**H. Limits on Flag Lots.** Flag lots shall not be permitted when the result would be to increase the number of properties requiring direct and individual access connections to the State Highway System or other arterials.

#### 2.1.150 Residential Density and Building Size.

**A. Density Calculation.** Minimum and maximum housing densities are calculated by multiplying the parcel or lot area by the applicable density standard. For example, if the total site area is five (5) acres, and the minimum allowable density is 3 dwelling units per acre, then a minimum of 30 units is required. The equivalent average lot size (i.e., for single family dwellings) is determined by subtracting street right-of-way, water quality facilities and other non-buildable areas from the site, then dividing the remaining (net) area by the number of units.

For example, a ~~5-acre~~ 5-acre site of ~~{217,800 square feet}~~ with a minimum density of 3 units per acre with an allowance of 25 percent for streets and other non-buildable areas, would create an “average single family lot size” as follows: ~~{217,800 square feet x 0.75}~~ / 15 units = 10,890 square feet for each parcel. This is only one example; actual lot sizes will vary based on the proposed building type and the lot area standards in Section 2.1.130. Flag poles on flag lots shall be considered not buildable for the purpose of calculating densities. (See Figure 2.1.140B.)

**B. Residential Density Standard.** The following density standards apply to all new subdivisions (creation of 4 or more lots). The standards are intended to ensure efficient use of buildable lands and provide for a range of needed housing, in conformance with the Comprehensive Plan.

1. New Residential District subdivisions shall provide for housing at densities between 3 dwelling units per net acre minimum and 8.72 units per net acre maximum, except in sub-districts with different density standards.
2. Development within the Multi-Family Sub-district shall provide housing at densities of a minimum of 6 and a maximum of 30 units per net acre.
3. The density standards may be averaged over more than one development phase (i.e., as in a master planned development). Duplex and triplex lots used to comply with the density standard shall be so designated on the final subdivision plat.
4. The following types of housing are exempt from the minimum density standards: ~~Partitions of three lots or fewer,~~ Residential care homes/facilities, and bed and breakfast inns that are ~~part of~~ located in a ~~subdivision~~ residential area.
5. Development that is not a subdivision, such as a partition of three lots or fewer, or construction of a ~~single-family~~ single-family home, shall be planned to so that land is used ~~efficiently~~ efficiently, and future development can occur at minimum densities.

C. Density Transfers. The purpose of this section is to implement the comprehensive plan and encourage the protection of open spaces through the allowance of housing density transfers. "Density Transfers" are the authorized transfer of allowed housing units from one portion of a property to another portion of the same property, or from one property to another property.

1. Determination of Allowable Housing Units. The number of allowed housing units on a property is based on the surface area of the property (acres) times the maximum allowed housing density.

2. Density Transfer Authorized. Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A density transfer shall not be approved unless it meets one or more of the standards in 1-3 below, and it conforms to subsections 3 and 4:

a. Protection of identified sensitive land areas either by dedication to the public or a land trust, or by a non-revocable conservation easement. Sensitive land areas include:

- Land within the 100-year floodplain;
- Land or slopes exceeding 20%;
- Drainage ways; or
- Wetlands.

b. Dedication of land to the public for park or recreational purposes; or

c. The density transfer is used to develop a mix of single family and multi-family housing on the same property or development site.

3. Prohibited Density Transfers. Density shall not be transferred from land proposed for street right-of-way, stormwater detention facilities, private streets, and similar areas that do not provide open space or recreational values to the public.

4. Density Transfer Standards. All density transfers shall conform to all the following standards:

a. Allowed housing units shall be transferred only to buildable lands ("receiving areas"). The number of allowed housing units shall be reduced on properties from which density is transferred ("sending areas") based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with current zoning and development codes;

b. The number of units which can be transferred is limited to the number of units which would have been allowed on 100 percent of the unbuildable area if not for these regulations;

c. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per gross acre permitted under the applicable comprehensive plan designation; except as otherwise permitted through the Master Planned Development process (Chapter 4.5); and

d. All density transfer development proposals shall comply with the development standards of the applicable land use district, except as otherwise allowed by the Master Planned Development process (Chapter 4.5).

**2.1.160 Maximum Lot Coverage.**

A. **Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all development in this district:

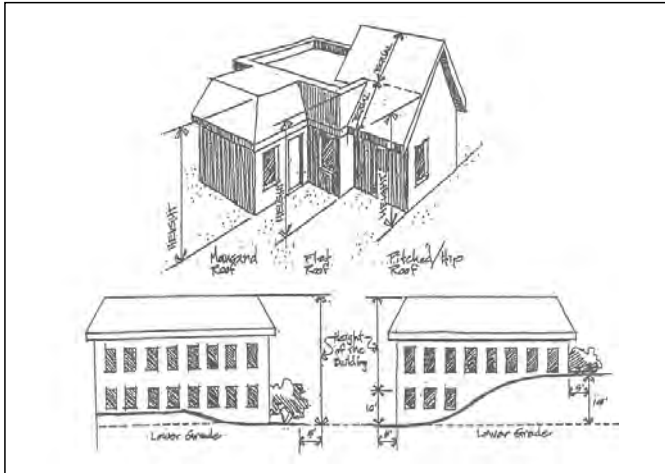
- a. Single Family Detached Houses — 40 percent
- b. Duplexes and Triplexes — 60 percent
- c. Single Family Attached Townhomes — 60 percent
- d. Multiple Family Housing — 60 percent
- e. Neighborhood Commercial and Public/Institutional Uses — 80 percent

~~B. **Lot Coverage Defined.** “Lot Coverage” means all areas of a lot or parcel covered by buildings (as defined by foundation perimeters) or other impermeable surfaces (such as paved or brick driveways and patios).~~

~~C.B.~~ Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

**2.1.170 Building Height.**

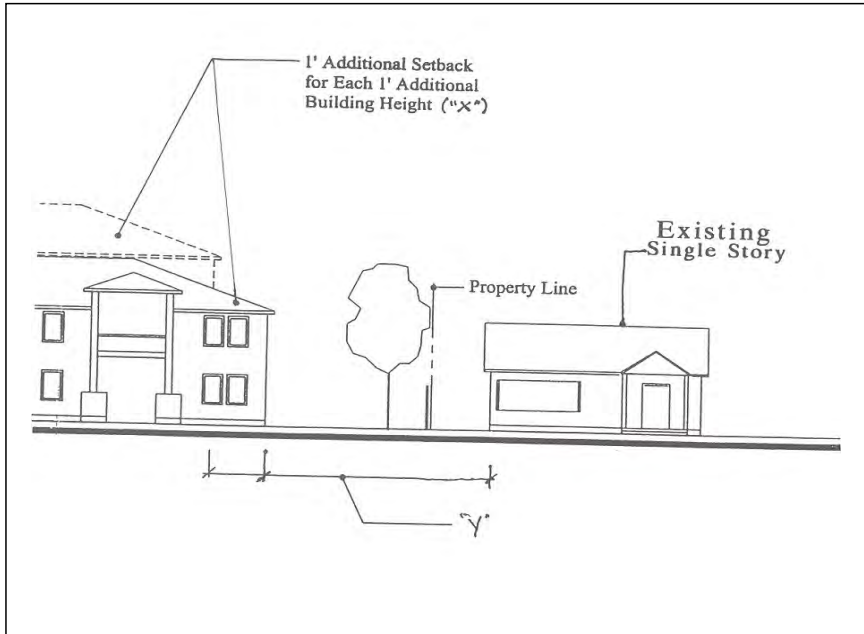
**Figure 2.1.170 — Building Height Measurement (Composite of Several Roof Forms)**



The following building height standards are intended to promote compatibility between different land uses, and support the principle of neighborhood-scale design:

- A. Building Height Standard.** Buildings within the Residential District shall be no more than 30 feet or 2 ½ stories in height, whichever is greater. Buildings within the Multi-family Sub-district may be up to 35 feet or 3 stories. Building height may be restricted to less than these maximums when necessary to comply with the Building Height Transition standard in “C” below. Not included in the maximum height ~~are~~are chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features which are not for human occupancy.
- B. Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See above examples). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade; or
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a-1’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.

**Figure 2.1.170C – Building Height Transition**



- C. **Building Height Transition.** To provide compatible building scale and privacy between developments, taller buildings shall “step-down” to create a building height transition to adjacent single-story building(s).
1. This standard applies to new and vertically expanded buildings within 20 feet (as measured horizontally) of an existing single-story building with a height of 20 feet or less, as shown above.
  2. The building height transition standard is met when the difference between the height of the taller building and the adjacent building (“x”) does not exceed one (1) foot of height for ~~every~~ each one (1) foot separating the two buildings (“y”), as shown above.

### 2.1.180 Building Orientation

- A. **Purpose.** The following standards are intended to orient buildings close to streets to promote human-scale development, slow traffic down, and encourage walking in neighborhoods. Placing residences and other buildings close to the street also encourages security and safety by having more “eyes-on-the-street”.
- B. **Applicability.** This section applies to: Single Family Dwellings including Manufactured Houses and two attached townhomes, attached townhomes that are subject to Site Design Review (3 or more

attached units); Multi-Family Housing; Neighborhood Commercial buildings; and Public and Institutional buildings.

- C. **Building Orientation Standards.** All developments listed in “B” above shall be oriented to a street. The building orientation standard is met when ~~all of~~ all the following criteria are met:
1. Compliance with the setback standards in Section 2.1.120.
  2. All buildings shall have their primary entrance(s) oriented to the street. Multi-family and Neighborhood Commercial building entrances may include entrances to individual units, lobby entrances, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a multi-family building may have its entrance oriented to a side yard when a direct pedestrian walkway is provided between the building entrance and the street in accordance with the standards in Chapter 3.1 —Access and Circulation. In this case, at least one entrance shall be provided not more than 30 feet from the closest sidewalk or street.
  3. Off-street parking, drives, or other vehicle areas shall not be placed between buildings and streets where building placement complies with this standard except for single family dwellings, manufactured dwellings, and attached townhouses.
- D. The standard shall not apply to buildings that do not receive the public (e.g., buildings used solely for storage or for housing mechanical equipment; and similar uses.)
- E. Manufactured Homes may have the front door facing the side yard if there are windows making up at least 30% of the street-facing wall.

Figure 2.1.180A – Typical Building Orientation – Multi-Family/Attached Housing

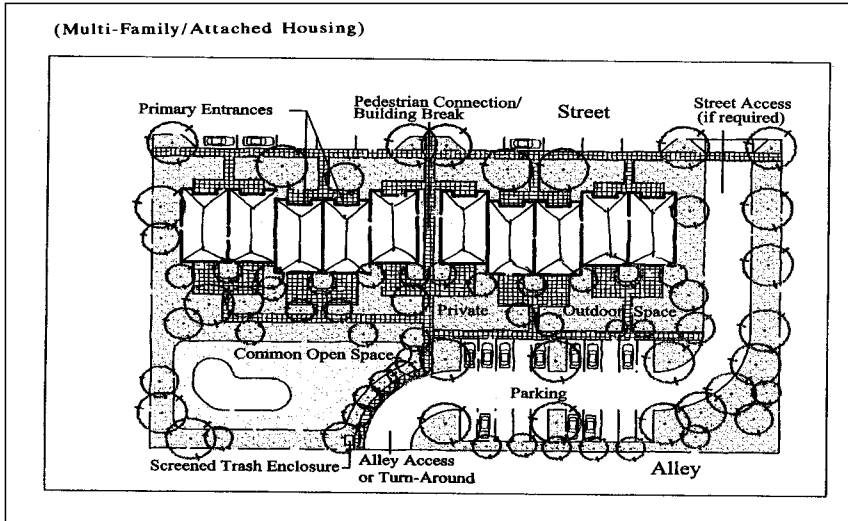
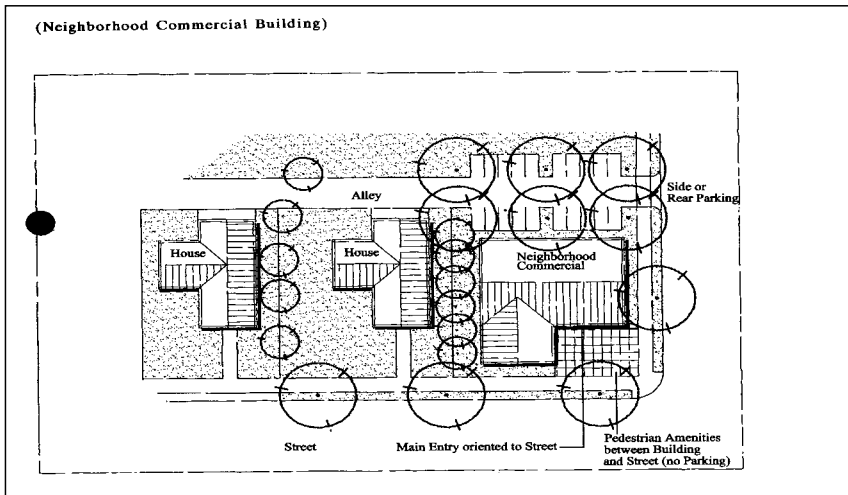


Figure 2.1.180B – Typical Building Orientation – Neighborhood Commercial Building

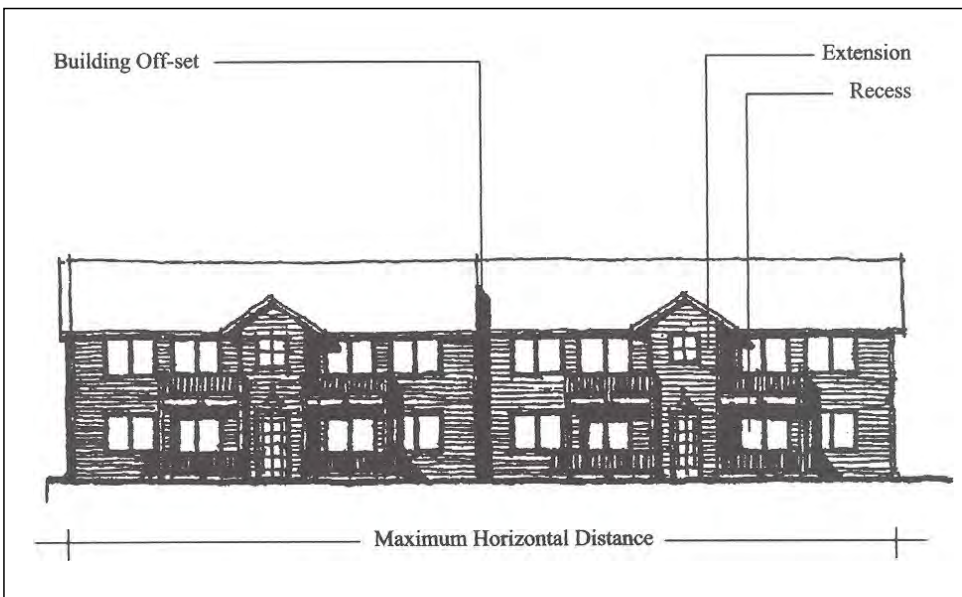




### 2.1.190 Design Standards.

- A. **Purpose.** The architectural standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles.
- B. **Applicability.** This section applies to ~~all of all~~ the following types of buildings, and shall be applied during Site Design Review:
- a. Duplexes and Triplexes;
  - b. Single family attached townhomes which are subject to Site Design Review (3 or more attached units);
  - c. Multi-family housing;
  - d. Public and institutional buildings; and
  - e. Neighborhood Commercial and mixed-use buildings.
- C. **Standards.** All buildings that are subject to this Section shall comply with ~~all of all~~ the following standards. The graphics provided with each standard are intended to show examples of how to comply. Other building styles and designs can be used to comply, so long as they are consistent with the text of this section. An architectural feature (i.e., as shown in the graphics) may be used to comply with more than one standard.

Figure 2.1.190A — Building Form (Multi-family Housing Example)

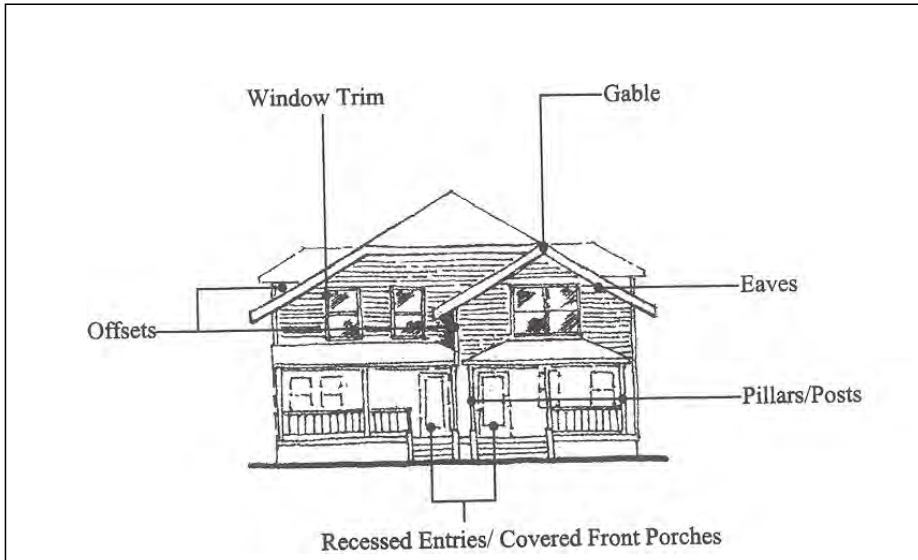


1. **Building Form.** The continuous horizontal distance (i.e., as measured from end-wall to end-wall)

of individual buildings shall not exceed 80 feet, except for townhomes in the Multi-Family subdistrict. All buildings shall incorporate design features such as offsets, balconies, projections, window reveals, or similar elements to preclude large expanses of uninterrupted building surfaces, as shown in Figure 2.1.190A. Along the vertical face of a structure, such features shall occur at a minimum of every 40 feet, and on each floor shall contain at least two of the following features:

- a. Recess (e.g., deck, patio, courtyard, entrance or similar feature) that has a minimum depth of 6 feet;
  - b. Extension (e.g., floor area, deck, patio, entrance, or similar feature) that projects a minimum of 2 feet and runs horizontally for a minimum length of 4 feet; and/or
  - c. Offsets or breaks in roof elevation of 2 feet or greater in height.
2. Eyes on the Street. All building elevations visible from a street right-of-way shall provide doors, porches, balconies, and/or windows. A minimum of 40 percent (30 percent for manufactured dwellings) of front (i.e., street-facing) elevations, and a minimum of 30 percent of side and rear building elevations shall meet this standard. "Percent of elevation" is measured as the horizontal plane (lineal feet) containing doors, porches, balconies, terraces and/or windows. The standard applies to each full and partial building story.

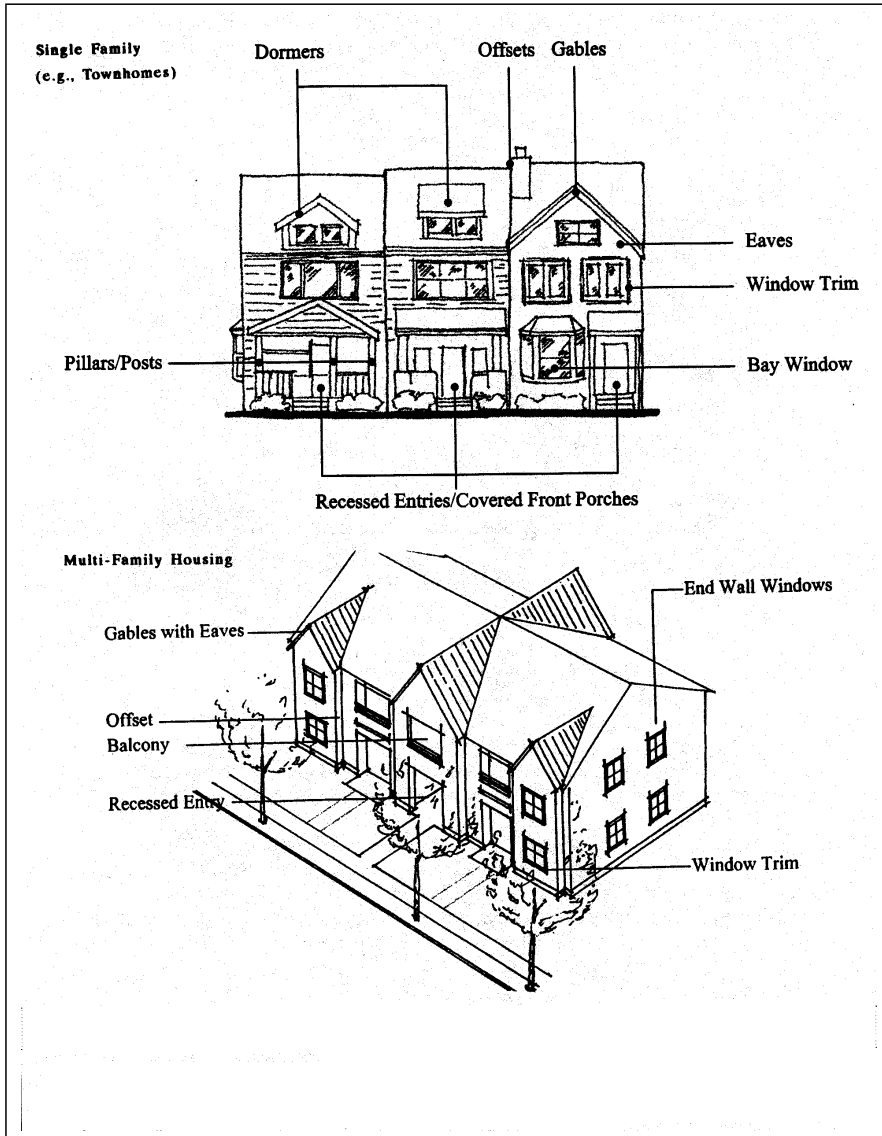
**Figure 2.1.190B — Examples of Architectural Details: Duplex**



3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, ~~rear~~ rear, and sides). Detailed design shall be provided by using at least ~~2~~ five of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):

- a. Dormers
- b. Gables
- c. Recessed entries
- d. Covered porch entries
- e. Cupolas or towers
- f. Pillars or posts
- g. Eaves (min. 6-inch projection)
- h. Off-sets in building face or roof (minimum 16 inches)
- i. Window trim (minimum 4-inches wide)
- j. Bay windows
- k. Balconies
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- m. Decorative cornices and roof lines (e.g., for flat roofs)
- n. An alternative feature providing visual relief, like options a-m.

Figure 2.1.190C – Examples of Architectural Details: Townhomes and Multi-Family

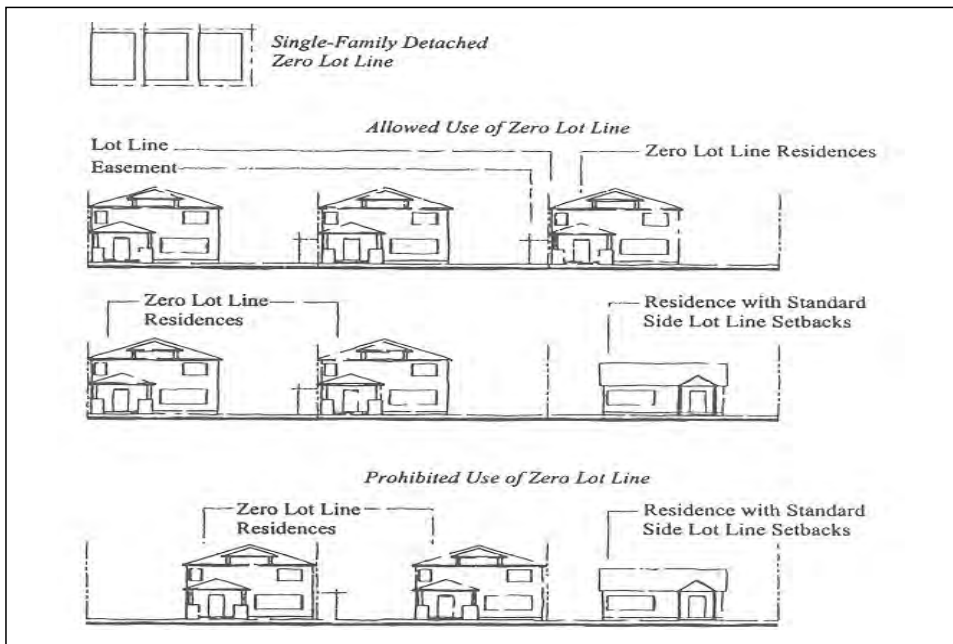


**2.1.200 Special Standards for Certain Uses.**

This section supplements the standards contained in Sections 2.1.100 through 2.1.190. It provides special standards for the following land uses ~~in order to~~ control the scale and compatibility of those uses within the Residential District:

- A. Zero-Lot Line (Single Family Home).** Zero-lot line houses are subject to the same standards as ~~single-family~~ ~~single-family~~ housing, except that a side yard setback is not required on one side of a typical lot (as shown below). This type of housing is permitted to allow development on smaller (i.e., narrower) lots and still provide usable outdoor living area in side-oriented courtyards. The following standards are intended to promote compatibility and privacy between adjacent buildings and allow for building maintenance:

**Figure 2.1.200A – Zero-Lot Line Housing**



- 1. Setbacks Adjacent to Non-Zero Lot Line Development.** When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 10 feet.
- 2. Construction and Maintenance Easement.** Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent

maintenance of structures on the subject lot; ~~and~~.

3. **Buffering.** The building placement, landscaping, and/or design of windows shall provide a buffer for the occupants of abutting lots. For example, this standard is met by placing ground- floor windows (along the zero setback) above sight lines with direct views into adjacent yards, or by directing views away from yards (e.g., bay window), or by using frosted/non-see-through windows, as necessary.

**B. Accessory Dwelling (Attached, Separate Cottage, Or Above Detached Garage).** An accessory dwelling is a small, secondary housing unit on a single-family lot, usually the size of a studio apartment. The additional unit can be a detached cottage, a unit attached to or over a garage, or in a portion of an existing house ~~that is not otherwise connected to the home~~. The housing density standard of the Residential District does not apply to accessory dwellings, due to the small size and low occupancy level of the use. The following standards are intended to control the size and number of accessory dwellings on individual lots; ~~so as to~~ promote compatibility with adjacent land uses. Accessory dwellings shall comply with ~~all of~~ the following standards:

1. ~~Oregon Structural Specialty Code Building Design.~~ The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. The Accessory Dwelling structure shall comply with the Oregon Structural Specialty Code; Code requirements.
2. ~~Owner Occupied. The primary residence or accessory dwelling shall be owner occupied. Alternatively, the owner may appoint a family member as a resident caretaker of the principal house and manager of the accessory dwelling;~~
3. ~~2. One Unit.~~ A maximum of one accessory dwelling unit is allowed per ~~lot; lot.~~
4. ~~3. Floor Area.~~ The maximum floor area of the accessory dwelling shall not exceed 800 square feet; or 40 percent of the primary dwelling units floor area, whichever is smaller.
5. ~~4. Building Height. The building height of detached accessory dwellings (i.e., separate cottages) shall not exceed 25 feet, as measured in accordance with Section 2.1.170; and The height of an Accessor Dwelling shall not exceed the height of the primary dwelling.~~
6. ~~5. Buffering.~~ A minimum ~~4-foot~~ 4-foot hedge or site obscuring fence may be required to buffer a detached accessory dwelling from dwellings on adjacent lots, when buffering is necessary for ~~the visual screening and~~ privacy ~~and enjoyment of yard areas by either the occupants or adjacent residents~~ between uses.

**C. Manufactured Homes On Individual Lots.** Manufactured homes are permitted on individual lots, subject to ~~all of~~ the following design standards, consistent with ORS 197.307(~~58~~). Exception: The following standards do not apply to units that were placed on lots within the City prior to the effective date of this ordinance.

1. ~~Floor Plan. The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 sq. ft.~~

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~~2-1. Roof.~~ The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees), the roofing materials shall be either composite or wood ~~roofing; roofing.~~

~~3-2. Residential Building Materials.~~ The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered "superior" to painted metal siding and roofing).~~;~~

~~4-3. Garages and Carports.~~ The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage when it would be consistent with the predominant construction of immediately surrounding residences.~~;~~

~~5-4. Thermal Envelope.~~ The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required.~~;~~

~~6-5. Placement.~~ The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above ~~grade, and grade and~~ complying with the minimum set-up standards of the adopted state Administrative Rules for Manufactured Dwellings, Chapter 918. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the ~~home; home.~~

~~7-6. Foundation Skirt.~~ The foundation area of the manufactured home shall be fully skirted with concrete, horizontal wood or vinyl siding, or other materials, pursuant to applicable building codes, and.

~~8-7. Prohibited.~~ The manufactured home shall not ~~be located in~~ be in a designated historic district.

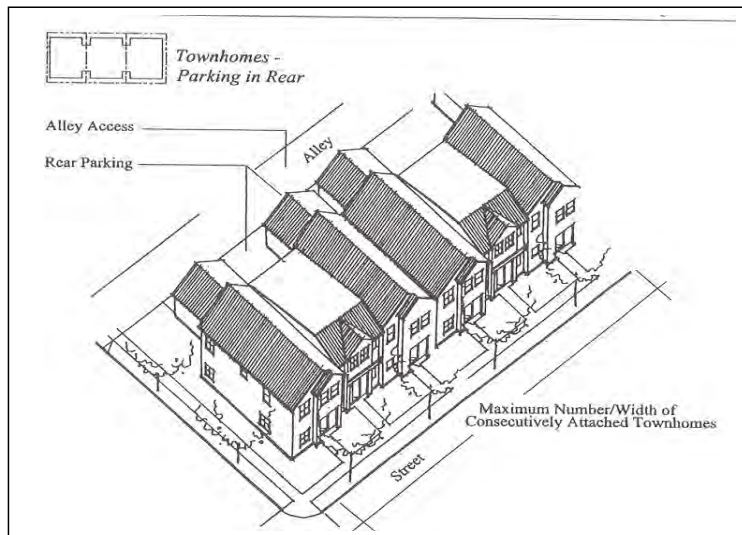
**D. Residential Care Homes ~~And~~ Residential Care Facilities.** Residential care homes are residential treatment or training homes, or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals ("homes) or 6 to 15 individuals ("facilities") who need not be related. Staff persons required to meet State licensing requirements shall not be counted in the number of facility residents and need not be related to each other or the residents. Residential care homes and facilities shall comply with the following standards, consistent with ORS 197.660 ~~through 197.670;~~

1. Licensing. All residential care homes and residential care facilities shall be duly licensed by the State of Oregon.
2. Access and Parking. ~~A minimum of one parking space shall be provided for each employee and typical number of visitors, Access and circulation standards in Chapter 3.1 and parking standards in accordance with~~ Chapter 3.3 ~~Parking requirements shall be met.~~

3. Development Review. ~~Development review shall be required for new structures to be used as residential care facilities, to ensure compliance with the licensing, parking, and other requirements of this Code. Residential Care Homes are subject to review and approval through a Type I review. Residential Care Facilities are subject to a Type III review and approval.~~

E. **Single-Family Attached (Townhomes), Duplexes ~~And~~ and Triplexes.** Single-family attached housing (townhome units on individual lots), duplex, and triplex developments shall comply with the standards in 1-43, below. The standards are intended to control development scale; avoid or minimize impacts associated with traffic, parking, and design compatibility; and ensure management and maintenance of common areas.

**Figure 2.1.200E(1) – Townhomes & Multiplex Housing With Alley Access**



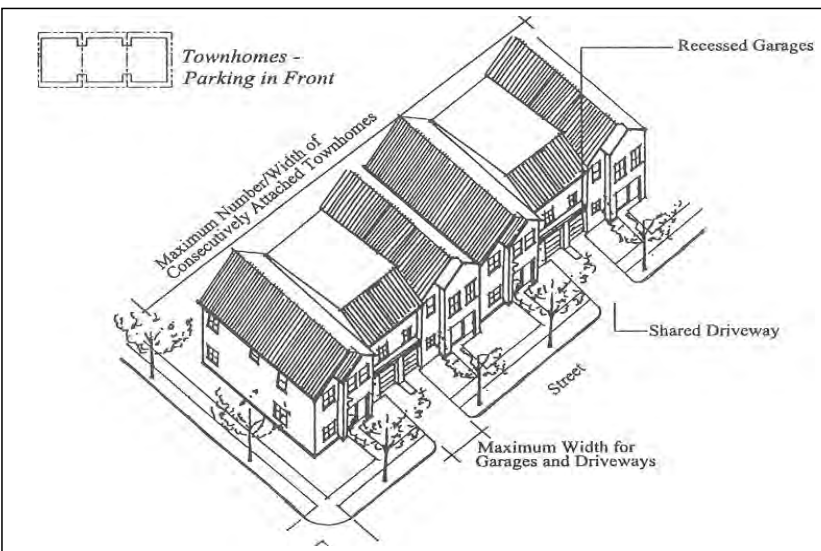
1. Building Mass Supplemental Standard. Within the Residential District, the number and width of consecutively attached townhomes (i.e., with attached walls at property line) shall not exceed ~~4-~~ **6** units. Within the Multi-family Sub-district, the number and width of consecutively attached townhome units shall ~~not exceed 6 units~~ **be determined by the block length standards.**

~~2. Alley Access. Townhome, duplex and triplex subdivisions (creation of 4 or more lots) shall receive vehicle access only from a rear alley. Alley(s) shall be created at the time of subdivision approval, in accordance with Section 3.4.100 – Transportation Standards, and Chapter 4.3 – Land Divisions. Alleys are not required when existing development patterns or topography~~



~~make construction of an alley impracticable (See #3 for standards). As necessary, the City shall require dedication of right-of way or easements and construction of pathways between townhome lots (e.g., between building breaks) to implement the standards in Chapter 3.1 Access and Circulation.~~

**Figure 2.1.200E(2) — Townhomes and Multiplex Housing ~~With~~ Street Access**



**3.2. Street Access Developments.** Townhomes, ~~duplexes~~duplexes, and triplexes ~~receiving access directly from a public or private street~~ shall comply with all of the following standards, in order to minimize interruption of adjacent sidewalks by driveway entrances, slow traffic, improve appearance of the streets, and minimize paved surfaces for better storm water management.

- a. ~~When garages face the street, they~~Garages shall be recessed behind the front elevation (i.e., living area or covered front porch) by a minimum of 4 feet.
- b. The maximum allowable driveway width facing the street is 12 feet per dwelling unit. The maximum combined garage width per unit is 50 percent of the total building width. For example, a ~~24-foot wide~~24-foot-wide unit may have one 12-foot wide recessed garaged facing the street.
- c. Two adjacent garages shall share one driveway when individual driveways would otherwise be separated by less than 20 feet (i.e., the width of one on-street parking space). When a

driveway serves more than one lot, the developer shall record an access and maintenance easement/agreement to benefit each lot, prior to building permit issuance.

~~4.3. Common Areas.~~ "Common areas" (e.g., landscaping in private tracts, shared driveways, ~~private alleys,~~ and similar uses) shall be maintained by a ~~homeowners~~homeowner's association or other legal entity. A ~~homeowners~~homeowner's association may also be responsible for exterior building maintenance. A copy of any applicable covenants, ~~restrictions and conditions,~~ and restrictions shall be recorded and provided to the city prior to building permit approval.

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**F. Public and Institutional Land Uses.** Public and institutional uses (as listed in Table 2.1.110.A) are allowed in the Residential District subject to the following land use standards, which are intended to control the scale of these developments and their compatibility with nearby residences:

1. Development Site Area. The maximum development site area shall be 8 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use, in accordance with Chapter 4.4— Conditional Use Permits, or as part of a Master Planned Development, in accordance with Chapter 4.5.

~~2. Building Mass.~~ ~~The maximum width or length of a multiple family building shall not exceed 80 feet (from end wall to end wall), except that this standard may be increased through the approval of a Conditional Use Permit, or as part of a Master Planned Development.~~

~~3.2. Telecommunications Equipment.~~ Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 3.6.2.

4.3. Vehicle Areas and Trash Receptacles. All vehicle areas (i.e., parking, drives, storage, etc.) and trash receptacles shall be oriented away from adjacent residences to the greatest extent ~~practicable, and~~practicable and shall be screened with an evergreen hedge or solid fence or wall ~~of not less than~~ 6 feet in height.

**G. Accessory Uses and Structures.** Accessory uses and structures are those of a nature customarily incidental and subordinate to the principal use or structure on the same lot, except for Accessory Dwellings. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green ~~houses~~houses, and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B.) All accessory structures shall comply with ~~the all of all~~ the following standards:

1. Primary use required. An accessory structure shall not be allowed without ~~another a~~ permitted primary use (~~e.g.,~~ as listed in Table 2.1.110.A).

2. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

3. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

~~4. Floor Area.~~ ~~The maximum floor area of the accessory structure shall not exceed 1,600 square-~~

feet.

5.4. Building Height. The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170.

6.5. Buffering. A minimum 4-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided, or the distance to adjacent dwelling(s) is greater than 50 feet.

7.6. Prohibited Uses. ~~The following accessory uses (and similar uses) are prohibited by right and cannot be approved by a Conditional Use: Uses with excessive noise or fumes such as small machinery repair shops, etc... Uses with objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke, or vibration are prohibited. See also the list of prohibited home occupations below.~~

#### **H. Bed and Breakfast Inns and Vacation Rentals.**

1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn or a vacation rental.
2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence. A vacation rental is established in an apartment, home, or condominium that is not currently occupied on a long-term basis.
3. Maximum size. The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 6 guests per night. Vacation rentals can be approved in any home in a residential area.
4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility. A vacation rental shall not have any staff on the premises except that cleaning and maintenance staff may perform necessary services.
5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn. No food service is allowed as part of a vacation rental.
6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages). A vacation rental is not required to be owner-occupied.
7. Signs. Signs must meet the standards in Chapter 3, Signs.
8. Monitoring. All bed and breakfast inns and vacation rentals ~~much must~~ maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if travelling by car, dates of stay, and for bed and breakfast inns the room number of each guest. The log must be available for inspection by City staff upon request.

8.9. Transient Room Tax. Owners and operators of Bed and Breakfast Inns and vacation rentals shall

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[comply with regulations related to the collection and payment of Oregon's Transient Room Tax.](#)

**I. Home Occupation**

The purpose of this Section is to encourage those who are engaged in small commercial ventures that could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses. They are permitted by right in all residential units (dwellings), subject to [a business license and](#) the following standards:

1. Appearance of Residence:

- a. The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business.
- b. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification.
- c. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval).
- d. No products and/or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.

2. Storage:

- a. Outside storage, visible from the public right-of-way or adjacent properties, is prohibited.
- b. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible, or flammable) beyond those normally incidental to residential use is prohibited.
- c. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

3. Employees:

- a. Other than family members residing within the dwelling located on the home occupation site, there shall be no more than two full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term "home occupation site" means the lot on which the home occupation is conducted.
- b. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home.
- c. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.

4. Advertising and Signs: Signs shall comply with Chapter 3.6.5. In no case shall a sign exceed 4 square feet.

5. Vehicles, Parking and Traffic:

- a. One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that would not overhang into the public right-of-

- way when parked in the driveway or other location on the home occupation site.
- b. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m.
  - c. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site.
6. Business Hours. There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. Monday through Friday subject to Sections A-3 and E5, above.
7. Prohibited Home Occupation Uses:
- a. Any activity that produces radio or TV interference, noise, glare, vibration, ~~smokes~~smoke, or odor beyond allowable levels as determined by local, state, or federal standards, or that can be detected beyond the property line is prohibited.
  - b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music from music teachers, art or craft supplies from arts or crafts instructors, computer software from computer consultants, and similar incidental items for sale by home business are allowed ~~subject to A-F, above~~.
  - c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, ~~smokes~~smoke, or vibration, such as:
    - (1) Ambulance service;
    - (2) Animal hospital, veterinary services, kennels or animal boarding;
    - (3) Auto and other vehicle repair, including auto painting;
    - (4) Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, ~~airplanes~~airplanes, or large equipment on-site.
8. Enforcement: The Code Enforcement Officer or City Police or designee may visit and inspect the site of home occupations in accordance with this chapter periodically to ~~insure~~ensure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 1.4— Enforcement.

J. Temporary Medical Hardship

A medical hardship allows the special use of a manufactured home, recreational vehicle, or an existing building necessary for a relative or other designated caregiver to care for or provide custody for an elderly, mentally handicapped, or infirm person whom a medical professional certifies needs this kind of care or custody. This certification will be on the medical professional's stationery or stamped by the medical professional's office and will indicate that the patient is not physically or mentally capable of maintaining himself/herself in a residence on a separate property and is dependent on someone being close by for assistance. This approval will be reviewed every two years to confirm that the medical hardship still exists.

The following approval criteria are applicable:

1. A medical professional has certified that the applicant needs this kind of care or custody.

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2. That the requested dwelling unit can be sited with proper connections to water, wastewater, and other utilities.
3. Within 90 days of the end of the medical hardship the requested dwelling unit shall be removed or converted back to the building's previous use.
4. A Development Review permit, address, and building permits can and shall be obtained.

The medical hardship granted under this section is void when the resident no longer needs care, moves to another residence, is absent from the residence for more than 120 days, or leaves the residence with no likelihood of returning. Exception to the 120-day limit can be provided for by the Planning Official in the case of extraordinary circumstances such as extended hospitalization.

K. Group Living Facilities.

A group living facility shall apply for and be granted approval through a Specific Area Plan (see Chapter 4 Section 5 Master Planned Developments).

**2.1.300 Residential Sub-Districts.**

- A. **Sub-districts Authorized.** Sub-districts provide needed land for land uses that may not otherwise be accommodated in the Residential District. The Comprehensive Plan identifies a need for an urban holding zone, commercial services within residential neighborhoods, and higher density housing and various housing types and ownership patterns, such as multi-family housing and leased spaces for manufactured structures. Therefore, the City has adopted the Urban Holding (UH), ~~Neighborhood Commercial (NC)~~, Multi-Family (MF), and Manufactured Home Park (MH) Sub-districts.
- B. **Applicability.** Sub-districts are identified on the City's official zoning map. Properties designated with a sub-district shall comply with the provisions of the underlying Residential District, except as may be modified by this Section or the applicable Sub-District.
- C. Where there are conflicts, the sub-district standards supersede the standards of Sections 2.1.100 to 2.1.200. If there is no specific conflict, then the standards of 2.1.100 to 2.1.200 shall apply.

**2.1.400 Urban Holding Sub-District (UH).**

- A. **Purpose/Intent Statement:** The UH Sub-District is designed to preserve land in large blocks within the City's growth areas and thereby promote an efficient pattern of future urban development. The UH Sub-District is also intended to accommodate agriculture as an interim use. ~~Therefore, the district is an "Exclusive Farm Use" district in accordance with ORS 215.203 through 215.213 in order to provide qualifying farmland with the benefits of farm value tax assessment under the provisions of ORS 308.370.~~ Development of lands designated UH, other than as allowed in this district, may only occur following re-zoning to urban districts in accordance with the phased growth provisions of the City's Comprehensive Plan.
- B. **Standards for the UH Sub District.** These standards replace the applicable standards listed in Section

2.1.200.

1. Uses.

- a. Farming and farm uses as defined in ORS 215.203 ~~through and 215.213283(1)~~, except for livestock feedlots and sale yards, hog or poultry farms, and the commercial raising of fur-bearing animals.
- b. Farm dwelling and farm buildings and structures including barns, sheds, personal use grain storage and corrals.
- c. Conditional Uses: Produce stand for products produced on the farm; boarding of horses for profit; commercial activities in conjunction with farming; and golf courses.

2. Development Standards

- a. Parcel size. The minimum parcel size for the UH Sub-District is as follows:
  - 1. If any part of the parcel is within 400 feet of an existing sewer and water line, the minimum parcel size shall be 10 acres.
  - 2. If no part of the parcel is within 400 feet of an existing sewer and water line, the minimum parcel size shall be 2 acres.
- b. Setbacks: The maximum/minimum front, side, and rear setback for the Sub-District is 20 feet.
- c. New farm dwellings shall be placed on lots in such a fashion that future land division shall be possible at urban residential densities and to account for future road right-of-way dedication.

3. Non-conforming lots of record. Lots existing before the adoption of this ordinance (May, 2001) shall be allowed to develop with one farm dwelling.

4. Division of properties

- a. Parcels that are within 400 feet or less of an existing sewer and water line may only be divided following rezoning to urban districts in accordance with the phased growth provisions of the City's Comprehensive Plan.
- b. Parcels that are more than 400 feet from an existing sewer or water line may be divided into parcels no smaller than two acres while retaining the UH Sub-District zoning designation. Property divisions within the UH Sub-District shall conform to the requirements of Chapter 4.3 – Land Divisions and Lot Line Adjustments.

**~~2.1.500 Neighborhood Commercial Sub-District (NC).~~**

~~**A. Purpose/Intent Statement:** The Neighborhood Commercial Sub-District is designed to provide land for small-scale commercial uses that are compatible with adjacent residential development. All Neighborhood Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between Neighborhood Commercial and residential uses:~~

~~**B. Permitted Uses.** Only those Neighborhood Commercial uses specifically listed in section 6 of Table 2.1.110.A may be permitted. Residential and Neighborhood Commercial uses may be mixed "vertically" — meaning that a residential use is developed above the commercial use (i.e., ground-floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed-~~

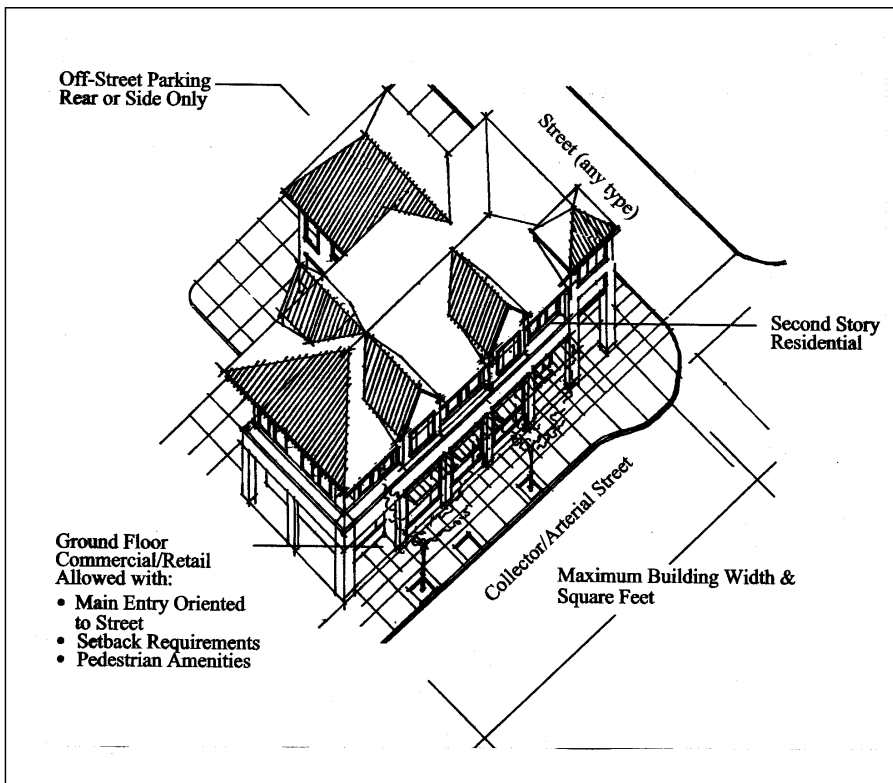
~~“horizontally” meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Chapter 1.3, are expressly prohibited.~~

~~C. **Building Mass Supplemental Standard.** The maximum width or length of a Neighborhood Commercial or mixed-use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).~~

~~D. **Floor Area Supplemental Standards.** The maximum commercial floor area shall not exceed 5,000 square feet total per Neighborhood Commercial site within the Neighborhood Commercial Sub-district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7 ½ feet of vertical clearance).~~

~~E. **Hours of Operation.** Neighborhood Commercial land uses shall be limited to the following hours of operation: 7 a.m. to 6 p.m.~~

**Figure 2.1.500 – Neighborhood Commercial (Typical Site Layout)**

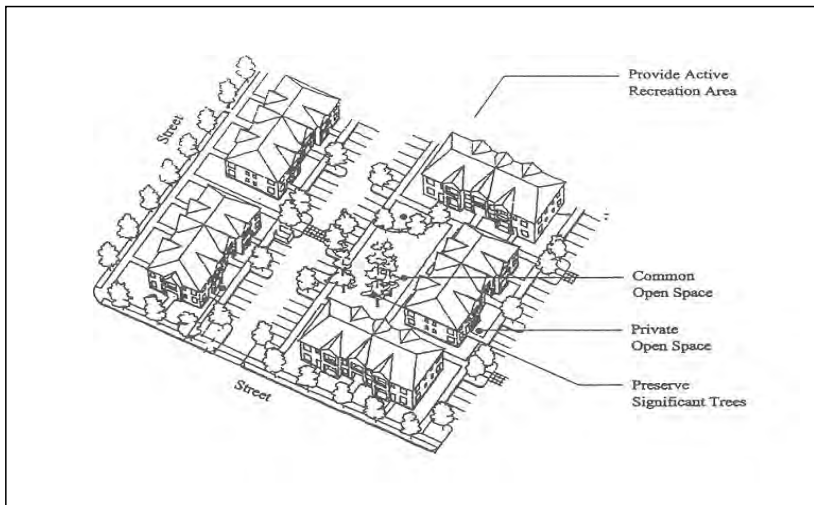




**2.1.600-500- Multi-Family Sub-District (MF).**

- A. **Standards for the Multi-Family Sub-District.** These standards replace the applicable standards listed in Section 2.1.200.
- B. **Purpose/Intent Statement.** The Multi Family Sub-District is designed to provide land for larger multiple family housing. Multi-Family Housing is housing that provides 4 or more dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). New multi-family developments shall comply with ~~all of all~~ the following standards.

**Figure 2.1.600 - Multifamily Housing (typical site layout)**



**C. Multi-Family Housing Development Standards**

1. **Common open space.** Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after subtracting any required dedication of street right-of-way and other land for public purposes (e.g., public park or school grounds, etc.). Sensitive lands and historic buildings or landmarks open to the public and designated by the Comprehensive Plan may be counted

toward meeting the common open space requirements.

For developments with more than 50 units a club house or other common use space shall be included. Play area(s) shall be installed and sized to accommodate the number of units built.

2. Private open space. Private open space areas shall be required for ground floor and upper-floor housing units based on ~~all of all~~ the following standards:
  - a. Ground-floor housing units shall have front or rear patios or decks measuring at least 48 square feet. Ground floor housing means the housing unit entrance (front or rear) is within 5 feet of the finished ground elevation (i.e., after grading and landscaping);
  - b. A minimum of 50 percent of all upper-floor-housing units shall have balconies or porches measuring at least 48 square feet. Upper-floor housing means housing units which are more than 5 feet above the finished grade; and
  - c. Private open space areas shall be oriented toward common open space areas and away from adjacent ~~single-single~~-family residences, trash receptacles, parking, and drives to the greatest extent practicable.
3. Exemptions. Exemptions to open space requirements may be granted for the first 50 units of a larger project when the project is within one-quarter mile (measured walking distance) of a public park; and there is a direct, accessible (i.e., federal Americans with Disabilities Act-compliant), lighted, and maintained pedestrian trail or sidewalk between the site and the park. An exemption shall be granted only when the nearby park provides active recreation areas such as play fields, children's play area, sports courts, walking/fitness course, or similar facilities.
4. Trash receptacles. Trash receptacles shall be oriented away from adjacent residences and shall be screened with an evergreen hedge or solid fence or wall of not less than 6 feet in height. Receptacles must be accessible to trash pick-up trucks.

#### 2.1.700-600 Manufactured Home Park Sub-District (MH)

- A. Applicability. Manufactured home parks are permitted on parcels of one (1) acre or larger within the Manufactured Home Park (MHP) Sub-district, subject to compliance with subsections B-F, below:
- B. Permitted Uses. Manufactured homes (including single, ~~doubledouble~~, and triple wide), manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance). Home occupations shall comply with Chapter ~~4-9-22.1.200.1~~ - Home Occupations.
- C. Space. The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall also be at a minimum at least 30 feet wide and 40 feet long, in accordance with ORS 446.100(1)(c).
- D. Setbacks And Building Separation. The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units.

Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built that serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.

- E. **Perimeter Landscaping.** When manufactured homes are oriented with their back or side yards facing a public right-of-way, the City may require installation of fencing and planting of a 6 foot wide landscape buffer between the right-of-way and a manufactured home park for the privacy and security of residents or aesthetics of the streetscape.
- F. **House Design.** Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
  1. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees);
  2. The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to metal siding and roofing);
  3. **Exception:** Subsections 1 and 2, above, do not apply to manufactured homes sited within the City prior to the effective date of this ordinance.

## Chapter 2.2 — Downtown Commercial (DDC) District

### Sections:

- 2.2.100 - Purpose
- 2.2.110 - Permitted Land Uses
- 2.2.120 - Building Setbacks
- 2.2.130 - Lot Coverage
- 2.2.140 - Building Orientation
- 2.2.150 - Building Height
- 2.2.155 - Exterior Building Color
- 2.2.160 - Design Standards
- 2.2.170 - Pedestrian Amenities
- 2.2.180 - Special Standards for Certain Uses
- 2.2.190 - Off Street Parking
- ~~2.2.190-200~~ - Tourist Commercial Sub-District (TC)
- ~~2.2.200-210~~ - ~~Off Street Parking~~ Neighborhood Commercial (NC)

### 2.2.100 Purpose.

The city seeks to have a mix of commercial areas to provide a variety of opportunities for residents and those traveling through. This will be achieved through a Commercial district and a variety of sub districts that include the Downtown District, the Tourist Commercial Sub-District, and the Neighborhood Commercial Sub-District.

A city goal is to strengthen the Downtown District (DD) as the “heart” of the community and as the logical place for people to gather and create a business center. The ~~District-DD~~ is intended to support this goal through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly ~~improvement development of commercial uses and~~ of the Downtown District based on the following principles:

- Efficient use of land and urban ~~services;services.~~
- A pleasant, safe, and convenient pedestrian ~~environment;environment.~~
- A mixture of land uses to encourage walking as an alternative to driving, and provide more employment and housing ~~options;options.~~
- Both formal and informal community gathering ~~places;places.~~
- A distinct storefront character which identifies ~~Downtown;Downtown.~~
- Connections to neighborhoods and other employment ~~areas;areas.~~
- Opportunities for visitor accommodations and tourism amenities.

### 2.2.110 Permitted Land Uses.

- A. **Permitted Uses.** The land uses listed in Table 2.2.110.A are permitted in the Downtown-Commercial District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.2.110.A, and land uses that are approved as “similar” to those in Table 2.2.110.A, may be

permitted. The land uses identified with a “CU” in Table 2.2.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4 [Conditional Use Permits](#). Development Review or Site Design Review shall be required for new developments and modifications of existing developments in accordance with Chapter 4.2.

- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

<b>Table 2.2.110.A Land Uses and Building Types Permitted in the <del>Downtown Commercial</del> District</b>	
<b>Use</b>	<b>Applicable Standards</b>
<b>1. Commercial:</b> a. Auto-dependent and auto-oriented uses and facilities (including drive-up, drive-in, and drive-through facilities) b. Entertainment (e.g., theaters, clubs, amusement uses) c. Hotels/motels d. Medical and dental offices, clinics, <del>urgent care facilities,</del> <del>veterinarians,</del> and laboratories e. Mixed use development (housing & other permitted use) f. Office uses (i.e., those not otherwise listed) g. Personal and professional services (e.g., <del>child care</del> <del>childcare</del> center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses) h. Repair services i. Retail trade and services, <del>except auto-oriented uses</del> j. Uses similar to those listed above	Auto-dependent and auto-oriented uses and facilities (6.a) are subject to standards in Section 2.2.180.E and require a Conditional Use Permit per Chapter 4.4  Mixed use (6.e) is subject to standards in Section 2.2.180  Similar uses (6.j) may require a Conditional Use Permit as applicable
<del><b>1. Residential</b></del> <del>Single family</del> <del>a. Single family detached housing (existing housing only)</del> <del>b. Accessory dwellings</del> <del>c. Manufactured homes — individual lots (existing housing only)</del> <del>Multi family</del> <del>d. Multi family housing</del> <del>Residential care</del> <del>e. Residential care homes and facilities</del> <del>f.a. Family daycare (12 or fewer children)</del>	<del>Residential uses are subject to standards in Section 2.2.180</del>
<del><b>2. Home occupations</b></del>	<del>Home occupations are subject to standards in Section 2.1.200</del>
<del><b>3. Bed &amp; breakfast inns</b></del>	<del>B&amp;Bs are subject to standards in Section 2.2.180 and require a Conditional Use Permit per Chapter 4.4</del>

**G.2. Public and Institutional:**

- a. Churches and places of worship
- b. Clubs, lodges, similar uses
- c. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses)
- d. Libraries, museums, community centers, concert halls and similar uses
- e. Public parking lots and garages (when a stand-alone use)
- f. Private utilities
- g. Public parks and recreational facilities
- h. Schools (public and private)
- i. Special district facilities
- k. Telecommunications equipment (including wireless)
- j. I. Uses similar to those listed above
- ~~k. Transportation Facilities and Improvements:
  - 1. Normal operation, maintenance;
  - 2. Installation of improvements within the existing right-of-way;
  - 3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;
  - 4. Landscaping as part of a transportation facility;
  - 5. Emergency Measures;
  - 6. Street or road construction as part of an approved subdivision or partition;
  - 7. Transportation projects that are not designated improvements in the Transportation System Plan; and
  - 8.1. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.~~

Public and Institutional Uses are subject to standards in Section 2.2.180

Public parking lots and garages (4.e) require a Conditional Use Permit per Chapter 4.4

Telecommunications equipment ~~(4.k) requires a Conditional Use Permit per Chapter 4.4 reviewed under 3.6.100.~~

Similar uses (4.1) may require a Conditional Use Permit if required for similar use

~~Transportation projects (4.j.7 and 4.j.8 only) are subject to criteria for transportation improvements in Section 4.4.400D and require a Conditional Use Permit per Chapter 4.4~~

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**Table 2.2.110.A  
Land Uses and Building Types Permitted in the Downtown District**

Use	Applicable Standards
<p><b>3. Transportation Facilities and Improvements:</b></p> <p>a. <u>Normal operation, maintenance.</u></p> <p>b. <u>Installation of improvements within the existing right-of-way.</u></p> <p>c. <u>Projects identified in the adopted Transportation System Plan not requiring future land use review and approval.</u></p> <p>d. <u>Landscaping as part of a transportation facility.</u></p> <p>e. <u>Emergency Measures.</u></p> <p>f. <u>Street or road construction as part of an approved subdivision or partition.</u></p> <p>g. <u>Transportation projects that are not designated improvements in the Transportation System Plan; and</u></p> <p>h. <u>Transportation projects that are not designed and constructed as part of an approved subdivision or partition.</u></p>	<p><u>Transportation projects (3.g and 3.h only) are subject to criteria for transportation improvements in Section 4.4.500 and require a Conditional Use Permit per Chapter 4.4</u></p>
<p><b>4. Residential</b></p> <p><u>Single-family</u></p> <p>a. <u>Single-family detached housing (existing housing only)</u></p> <p>b. <u>Accessory dwellings (existing housing only)</u></p> <p>c. <u>Manufactured homes – individual lots (existing housing only)</u></p> <p><u>Multi-family</u></p> <p>d. <u>Multi-family housing (as mixed-use)</u></p> <p><u>Residential care</u></p> <p>e. <u>Residential care homes and facilities</u></p> <p>f. <u>Family daycare (12 or fewer children)</u></p> <p>g. <u>Group living facilities</u></p>	<p><u>Residential uses are subject to standards in Section 2.2.180</u></p>
<p><b>5. Accessory Uses and Structures</b></p>	<p>Accessory uses and structures are subject to standards in Section 2.2.180</p>
<p><b>76.4. Industrial:</b> Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)</p>	<p>Industrial uses are subject to standards in Section 2.2.180</p>

**C. Land Uses Prohibited in the Downtown-Commercial District** Only uses specifically listed in Table 2.2.110A, and uses similar to those in Table 2.2.110.A, are permitted in this district. The following uses are expressly prohibited: heavy industrial uses and new residential uses, except mixed use development.

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### 2.2.120 Building Setbacks.

~~In the Downtown District, buildings are placed close to the street to create a vibrant pedestrian environment, to slow traffic down, provide a storefront character to the street, and encourage walking. The setback standards are flexible to encourage public spaces between sidewalks and building entrances (e.g., extra-wide sidewalks, plazas, squares, outdoor dining areas, and pocket parks). The standards also encourage the formation of solid blocks of commercial and mixed-use buildings for a walkable downtown.~~

~~Building setbacks are measured from the building foundation to the respective property line. Setbacks for porches are measured from the edge of the deck or porch to the property line. The setback standards, as listed on the following page, apply to primary structures as well as accessory structures. The standards may be modified only by approval of a Variance, in accordance with Chapter 5.1. In the Commercial District the yards shall be as follows:~~

- ~~A. The setback from any street shall be 20 feet.~~
- ~~B. The side yard shall be a minimum of 20 feet measured from the foundation when abutting a residential zone.~~
- ~~C. The rear yard shall be a minimum of 25 feet measured from the foundation when abutting a residential zone.~~

~~In the Downtown Sub-District, the following setbacks are applicable:~~

#### A. Front Yard Setbacks.

1. Minimum Setback. There is no minimum front yard setback required.
2. Maximum Setback. The maximum allowable front yard setback is 5 feet. This standard is met when a minimum of 75 percent of the front building elevation is placed no more than 5 feet back from the front property line. On parcels with more than one building, this standard applies to the largest building. The setback standard may be increased when a usable public space with pedestrian amenities (e.g., extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. (See also, Pedestrian Amenities Standards in Section 2.2.170, and Design Standards in Section 2.2.160 for related building entrance standards.)

#### B. Rear Yard Setbacks.

1. Minimum Setback. The minimum rear yard setback for all structures shall be 0 feet for street-access lots, and 6 feet for alley-access lots (distance from building to rear property line or alley easement) ~~in order~~ to provide space for parallel parking.
2. Through-Lots. For buildings on through-lots (lots with front and rear frontage onto a street), the front yard setbacks in "A" above shall apply.



C. **Side Yard Setbacks.** There is no minimum side yard setback required, except that buildings shall conform to the vision clearance standards in Chapter 3.1 and the applicable fire and building codes for attached structures, fire walls, and related requirements.

D. **Setback Exceptions.** Eaves, chimneys, bay windows, overhangs, cornices, awnings, canopies, porches, decks, pergolas, and similar design features may encroach into setbacks by no more than 6 feet, subject to compliance with applicable standards of the Uniform Building Code and Uniform Fire Code. Walls and fences may be placed on the property line, subject to the requirements of Chapter 3.2 –Landscaping and Fences and Walls.

**2.2.130 Lot Coverage.**

A. **Lot Coverage.** There is no maximum lot coverage requirement, except that compliance with other sections of this code may preclude full (100 percent) lot coverage for some land uses.

**2.2.140 Building Orientation.**

~~Buildings in all Commercial Districts shall be oriented to the street. This section~~~~In the Downtown Sub-District, the intent is intended~~ to promote the walkable, storefront character of Downtown by placing buildings close to the street. Placing buildings close to the street slows traffic down and provides more “eyes on the street”, increasing the safety of public spaces. ~~The standards, as listed on the following page and illustrated above, compliment the front yard setback standards in Section 2.2.120.~~

A. **Applicability.** This Section applies to ~~new Land Divisions and all of all~~ the following types of development (i.e., those subject to Site Design Review):

1. Multi-family housing;
2. Public and institutional buildings, except that the standard shall not apply to buildings which are subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
3. Commercial and mixed-use buildings subject to site design review.

Compliance with all ~~of~~ the provisions of subsections B through D, below, shall be required.

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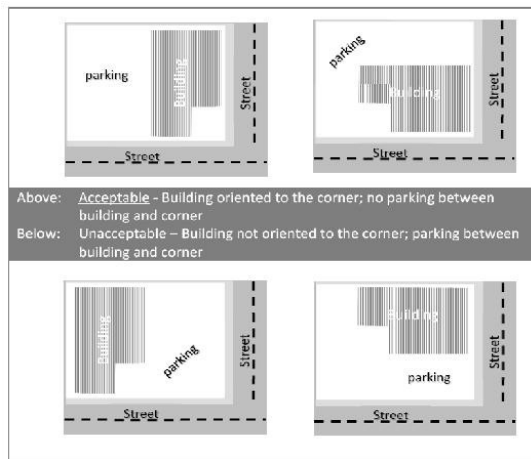
B. **Building Orientation Standard.** All ~~of~~ the developments listed in Section A shall be oriented to a street. The building orientation standard is met when all ~~of~~ the following criteria are met:

1. The minimum and maximum setback standards in Section 2.2.120 are met;
2. Buildings shall have their primary entrance(s) oriented to (facing) the street. Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian

plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

**Figure 2.2.140B – Building Orientation on Corner Lots**

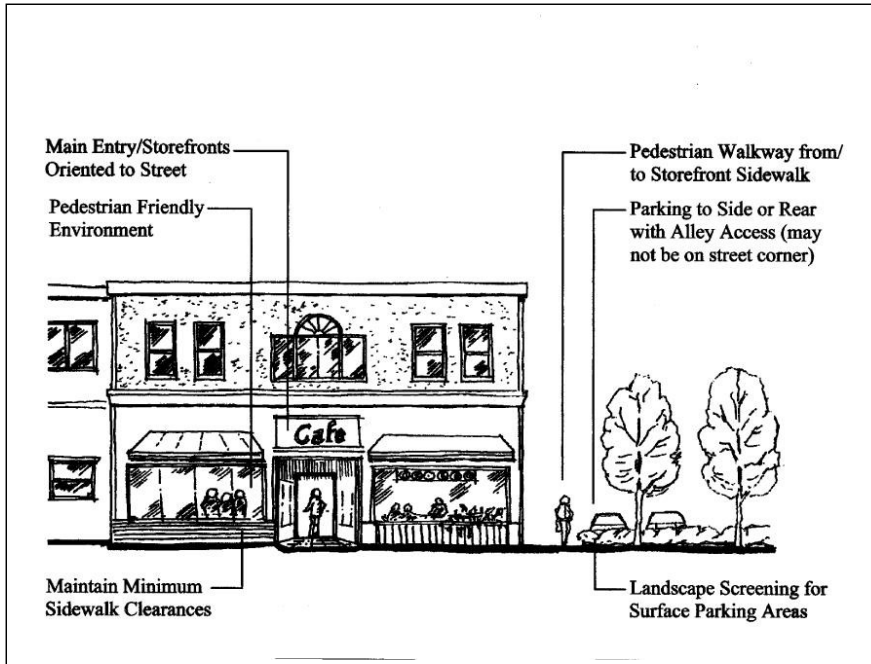
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3. Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street that is used to comply with subsection '2' above. On corner lots, buildings and their entrances shall be oriented to the street corner, as shown above; parking, driveways and other vehicle areas shall be prohibited between buildings and street corners.

C. **Active Ground Floor Standard.** The street-side portions of the lower floors of all buildings shall contain shops, offices, lobbies, and other activities oriented toward the passerby. Display windows for viewing the activity inside the building shall be provided.

**Figure 2.2.140D - Building Orientation (Typical)**



D. **Continuous Building Frontage.** ~~Buildings in the Downtown Sub-District buildings~~ shall be built to the property lines on either side ~~so as~~ to create a continuous line of storefronts. Access may be provided to the rear parking areas ~~of the shops, offices etc.~~ by an internal walkway.

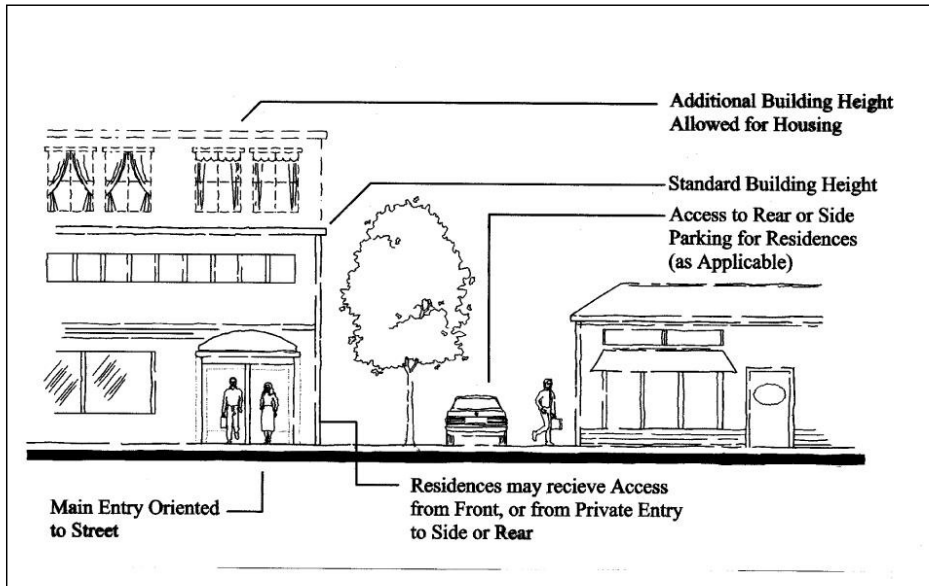
E. **Variations.** The standards of this Section shall not be changed through a Class A Variance. The standard may be varied to address topographic or other physical constraints, in accordance with the provisions for Class B or C variances in Chapter 5.

**2.2.150 Building Height.**

Buildings in the Commercial District shall be no taller than four stories or forty-five feet tall.

All buildings in the Downtown Sub-District shall comply with the following building height standards. The standards are intended to allow for development of appropriately scaled buildings with a storefront character:

**Figure 2.2.150 - Building Height Diagram (Credit for Housing)**

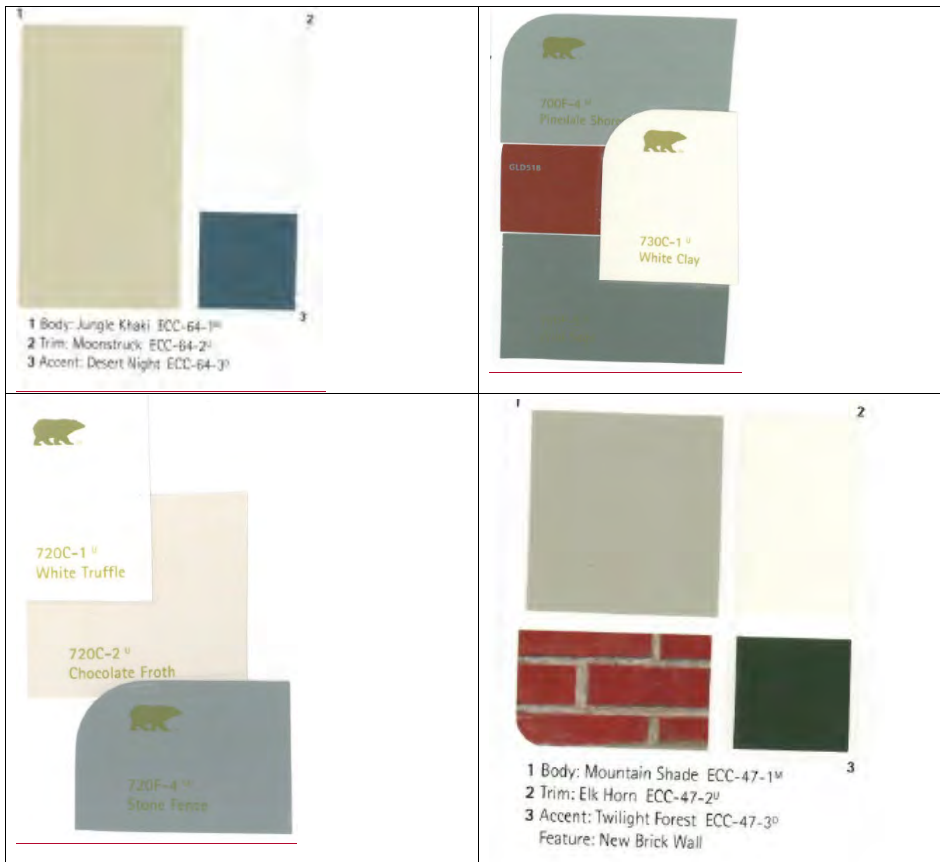


- A. **Maximum Height.** Buildings shall be no more than four stories or 45 feet whichever is smaller. The maximum height may be increased by 10 feet when housing is provided above the ground floor (“vertical mixed use”), as shown above. The building height increase for housing shall apply only to that portion of the building that contains housing.
- B. **Method of Measurement.** “Building height” is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See Figure 2.1.170 for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade; or
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection ‘a’ is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are chimneys, bell towers, steeples, roof equipment, flagpoles, and similar features that are not for human occupancy.

**2.2.155 Exterior Building Color**

All buildings in the Downtown Sub-District shall comply with the following exterior building color standards. The standards are intended to ensure development is compatible with the traditional character of downtown Stanfield. Building exteriors shall comply with the following standards:

- A. **Primary Walls.** Permitted colors include earth tones, creams, and pastels of earth tones conforming to the adopted Color Palettes in Appendix A. The Director-Planning Official will review all proposed exterior paint colors to ensure compliance with the approved palette. Unpainted brick, stone, and natural wood siding (excluding exposed underlayment) are also permitted.





- B. **Trim and Detail.** High-intensity primary colors, metallic colors and black or very dark colors may be utilized as trim and detail colors only, not to exceed one (1) percent of the surface area of any elevation. Such color shall not be used as primary wall colors.
- C. **Prohibited Colors.** Day-glow colors, highly reflective colors, and similar colors are not permitted.
- D. **Murals.** Nothing in the standards above shall should be construed as prohibiting City approved murals.

**2.2.160 Design Standards.**

A. **Purpose and Applicability.** ~~The~~ All development in the Commercial District is required to confirm with additional design standards in Chapter 3 including;

1. Access and Circulation
2. Landscaping, Street Trees, Fences and Walls

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- 3. Vehicle Parking, Bicycle Parking, and Loading Standards
- 4. Public Facilities Standards
- 5. Surface Water Management
- 6. Other Design Standards
- 7. Flood Plain Standards (if applicable)

Downtown Sub-District design standards are intended to provide detailed, human-scale design, while affording flexibility to use a variety of building styles. The standards apply to new buildings and building additions that are subject to site design review. This section applies to all of the following types of buildings:

- 1. Public and institutional buildings, except that the standard shall not apply to buildings that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
- 2. Commercial and mixed-use buildings ~~subject. Residential buildings and the~~ residential portion of ~~mixed-use~~ mixed-use buildings shall comply with ~~Chapter 2.2, Section 1802.2.180~~ and the design standards in Chapter ~~2.1, Section 1902.1.190~~.

**B. Standards.** Non-residential buildings shall comply with the design standards ~~1–9,~~ below. A design feature used to comply with one standard may be used to comply with another standard. The City may approve adjustments to the standards as part of a site design review approval provided that the applicant demonstrates that the proposed adjustment better meets the purpose of the design standards and the zone.

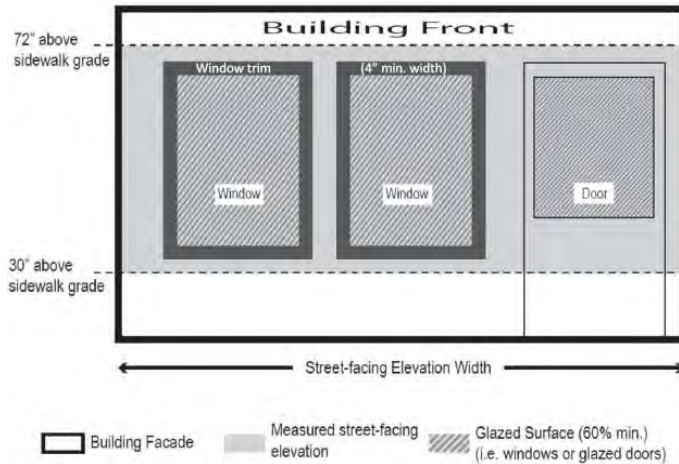
- 1. Building Entrances.
  - a. All primary building entrances shall open to the sidewalk (where feasible) and shall conform to Americans with Disabilities Act (ADA) requirements, as applicable. Primary entrances above or below grade may be allowed where ADA accessibility is provided.
  - b. Ground level pedestrian entrances oriented to a street shall be at least partly transparent for natural surveillance and to encourage an inviting and successful business environment. This standard may be met by providing a door with a window(s), a transom window above the door, or sidelights beside the door.
- 2. Windows. Except as approved for parking structures or accessory structures, the street-facing elevations of buildings shall provide display windows, windowed doors, and where applicable, transom windows to express a storefront character.
  - a. For buildings adjacent to the street, the ground floor street-facing elevation(s) shall comprise at least 60 percent transparent windows, measured as a section extending the width of the street-facing elevation between 30 inches and 72 inches above the sidewalk grade. For buildings that are not adjacent to a street, such as those that are setback behind another building and those that are oriented to a civic space (e.g., internal plaza or court), shall meet the 60 percent transparency standard on all elevations abutting civic spaces(s) and on elevations containing a primary entrance.

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**Figure 2.2.160B(1) – Ground floor Street-Facing Window Requirement**



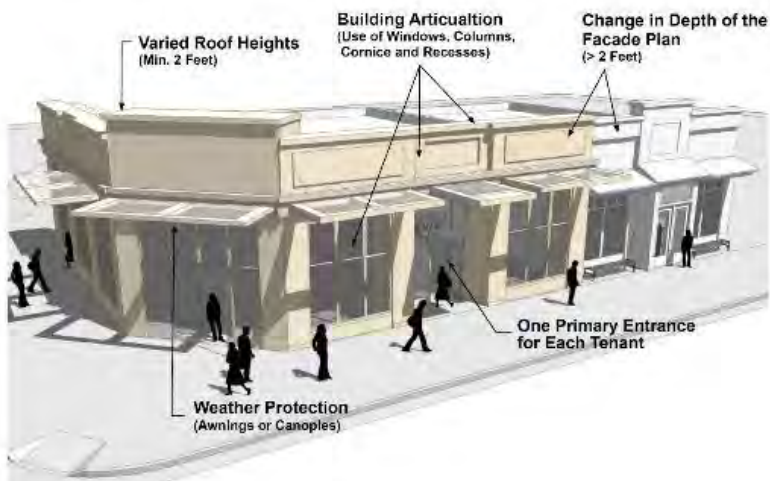
- b. All side and rear elevations, except for zero-lot line or common wall elevations where windows are not required, shall provide not less than 30 percent transparency.
  - c. Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are not allowed). For durability and aesthetic reasons, display cases, when provided, shall be flush with the building façade (not affixed to the exterior) and integrated into the building design with trim or other detailing. Window flower boxes are allowed provided they do not encroach into the pedestrian through-zone.
  - d. At a minimum, windows shall contain trim, reveals, recesses, or similar detailing of not less than four inches in width or depth as applicable. The use of decorative detailing and ornamentation around windows (e.g., corbels, medallions, pediments, or similar features) is encouraged.
  - e. Window Exceptions. The City may approve an exception to the above standards where existing topography makes compliance impractical. Where an exception to the window transparency requirement is made for parking garages or similar structures, the building design must incorporate openings or other detailing that resembles the window patterns (rhythm and scale).
3. All Elevations of Building. Architectural designs shall show all elevations of a building. Materials used on the front façade must turn the building corners and include at least a portion of the side elevations.
  4. Articulation. All building elevations that orient to a street or civic space must have breaks in the wall plane (articulation) of not less than one break for every 30 feet of building length or width, as applicable, as follows:
    - a. A "break" for the purposes of this subsection is a change in wall plane of not less than 24-inch in depth. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building



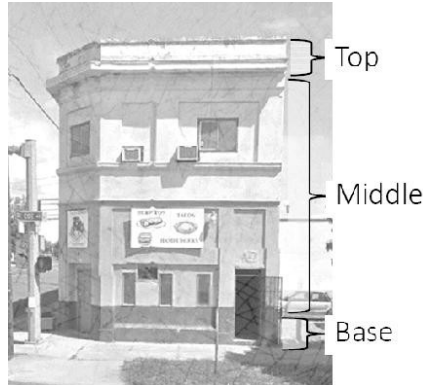
base, balcony, permanent awning or canopy, marquee, or similar architectural feature. Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet this standard.

- b. The City through Site Design Review may approve detailing that does not meet the 24-inch break-in-wall-plane standard where it finds that proposed detailing is more consistent with the architecture of buildings existing in the vicinity.
  - c. Building elevations that do not orient to a street or civic space need not comply with the 24-inch break-in-wall-plane standard but should complement the overall building design.
5. Change in Materials. Elevations shall incorporate changes in material that define a building's base, middle, and top, as applicable, and create visual interest and relief. Side and rear elevations that do not face a street, public parking area, pedestrian access way, or plaza may utilize changes in texture and/or color of materials, provided that the design is consistent with the overall composition of the building.

**Figure 2.2.160B(2) - Downtown Building Design Elements**



**Figure 2.2.160B(3) –Building Base, Middle and Top**



6. Defined Upper Story(ies). Building elevations shall contain detailing that visually defines street level building spaces (storefronts) from upper stories. The distinction between street level and upper floors shall be established, for example, through the use of awnings, canopies, belt course, or similar detailing, materials, or fenestration.
7. Minimum Pedestrian Shelter Coverage. Permanent awnings, canopies, recesses, or similar pedestrian shelters shall be provided and maintained in good condition along at least 50 percent of the ground floor elevation(s) of a building where the building abuts a sidewalk, civic space, or pedestrian access way. Pedestrian shelters used to meet the above standard shall extend at least five feet over the pedestrian area; except that the City, through Site Design Review, may reduce the above standards where it finds that existing right-of-way dimensions, easements, or building code requirements preclude standard shelters. In addition, the above standards do not apply where a building has a ground floor dwelling, as in a mixed- use development or live-work building, and the dwelling has a covered entrance. Pedestrian shelters shall comply with applicable building codes, and shall be designed to be visually compatible with the architecture of a building. If mezzanine or transom windows exist, the shelter shall be below such windows where practical. Where applicable, pedestrian shelters shall be designed to accommodate pedestrian signage (e.g., blade signs), while maintaining required vertical clearance.
8. ATMs and Kiosks. Where ATMs or other kiosks are proposed on any street-facing elevation, they shall be visible from the street for security and have a canopy, awning, or other weather protection shelter.
9. Mechanical Equipment:
  - a. Building Walls. Where mechanical equipment, such as utility vaults, air compressors, generators, antennae, satellite dishes, or similar equipment, is permitted on a building wall that abuts a public right-of-way or civic space, it shall be screened. Standpipes, meters, vaults, and similar equipment need not be screened but shall not be placed on a front elevation when other practical alternatives exist; such equipment shall be placed on a side or rear elevation where practical.

- b. Rooftops. Except as provided below, rooftop mechanical units shall be setback or screened behind a parapet wall so that they are not visible from any public right-of-way or civic space. Where such placement and screening is not practicable, the City may approve painting of mechanical units in lieu of screening; such painting may consist of muted, earth-tone colors that make the equipment visually subordinate to the building and adjacent buildings, if any.
- c. Ground-Mounted Mechanical Equipment. Ground-mounted equipment, such as generators, air compressors, trash compactors, and similar equipment, shall be limited to side or rear yards and screened with fences or walls constructed of materials similar to those on adjacent buildings. Hedges, trellises, and similar plantings may also be used as screens where there is adequate air circulation and sunlight, and irrigation is provided. The City may require additional setbacks and noise attenuating equipment for compatibility with adjacent uses.

~~C. Additional Standards. All developments subject to this section are also required to conform with additional design standards in Chapter 3 including:~~

- ~~3.1 Access and Circulation~~
- ~~3.2 Landscaping, Street Trees, Fences and Walls~~
- ~~3.3 Vehicle and Bicycle Parking~~
- ~~3.4 Public Facilities Standards~~
- ~~3.5 Surface Water Management~~
- ~~3.6 Other Design Standards~~
- ~~3.7 Flood Plain Design Standards~~
- ~~3.8 Loading Standards~~

**2.2.170 Pedestrian Amenities.**

**A. Purpose and Applicability.** ~~Commercial development shall incorporate pedestrian amenities as outlined in Chapter 3.1 Access and Circulation~~ This section is intended to complement the building orientation standards in Section 2.2.140, and the street standards in Chapter 3.1, by providing comfortable and inviting pedestrian spaces within the Downtown ~~Sub~~-District. Pedestrian amenities serve as informal gathering places for socializing, resting, and enjoyment of the City’s Downtown, and contribute to a walkable district. This section applies to all ~~of~~ the following types of buildings:

~~1. Multi-family housing;~~

~~2.1~~ Public and institutional buildings, except that the standard shall not apply to buildings which are not subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and

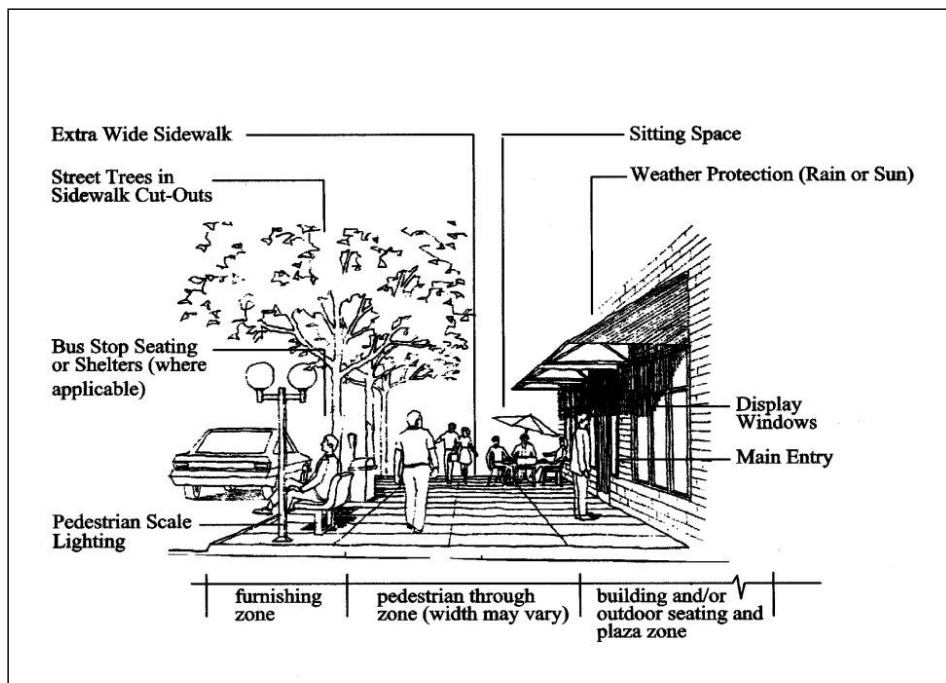
~~3.2~~ Commercial and mixed-use buildings subject to site design review.

**B. Pedestrian Amenity Standards.** Every development shall provide one or more of the “pedestrian amenities” listed ~~below~~ and illustrated ~~above~~below. Pedestrian amenities may be provided within a public right-of-way (i.e., on the sidewalk, curb, or street pavement) when approved by the City (for city streets), Umatilla County (for County roads), or the Oregon Department of Transportation

("ODOT")(for state highways).

1. A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of 8 feet);
2. Sitting space (i.e., dining area, benches or ledges between the building entrance and sidewalk (minimum of 16 inches in height and 30 inches in width);
3. Building canopy, awning, pergola, or similar weather protection (minimum projection of 4 feet over a sidewalk or other pedestrian space).
4. Public art which incorporates seating (e.g., fountain, sculpture, etc.).

Figure 2.2.170 - Pedestrian Amenities (Typical)



Note: the example shown above is meant to illustrate examples of pedestrian amenities. Other types of amenities and designs may be used.

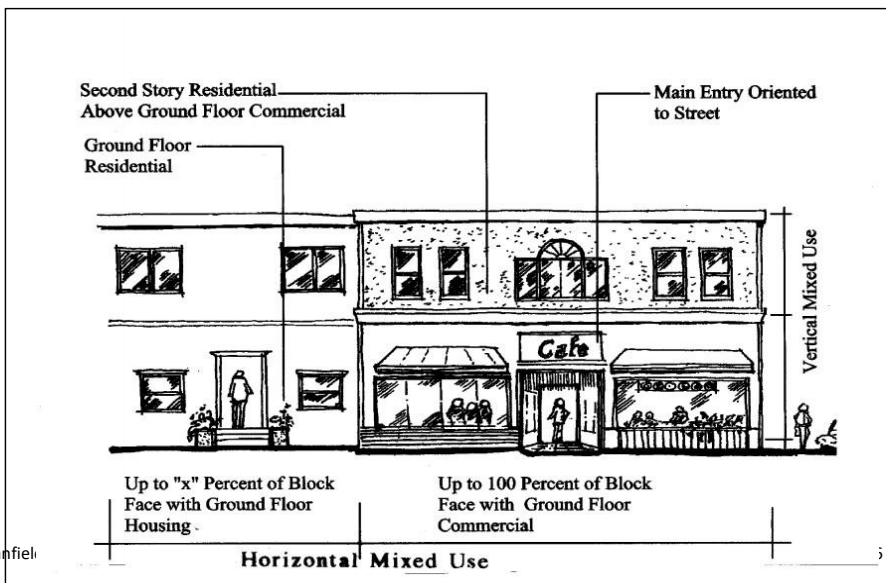
### 2.2.180 Special Standards for Certain Uses.

This section supplements the standards contained Sections 2.2.100 through 2.2.170. It provides standards for the following land uses ~~in order~~ to control the scale and compatibility of those uses within the Downtown District:

- Residential as a Mixed Uses
- ~~Bed and Breakfast Inns~~
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display
- Light Manufacture

A. **Residential Mixed Uses.** Higher density residential uses, such as multi-family mixed use buildings, are permitted ~~in order~~ to encourage housing near employment, shopping and services. All mixed use residential developments shall comply with the standards in 1-6, below, which are intended to require mixed use development; conserve the community's supply of commercial land for commercial uses; provide for designs which are compatible with a storefront character; avoid or minimize impacts associated with traffic and parking; and ensure proper management and maintenance of common areas. Residential uses that existed prior to the effective date of this code are exempt from this Section.

**Figure 2.2.180A—Mixed Use Development in the Downtown District**



1. Mixed Use Development Required. Residential uses shall be permitted only when part of a mixed-use development (residential with commercial or public/institutional use). ~~Both “vertical” mixed use (housing above the ground floor), and “horizontal” mixed use (housing on the ground floor) developments are allowed, subject to the standards in 2-6. Residential uses will be limited to upper story floors.~~
2. Limitation on street-level housing. ~~No more than 50 percent of a single street frontage may be occupied by residential uses.~~ This standard is intended to reserve storefront space for commercial uses and public/institutional uses; it does not limit residential uses above the street level on upper stories, ~~or behind street level storefronts.~~ For parcels with street access at more than one level (e.g., sloping sites with two street frontages), the limitation on residential building space shall apply to all street frontages.
3. Density. There is no minimum or maximum residential density standard. Density shall be controlled by the applicable lot coverage and building height standards.
4. Parking, Garages, and Driveways. All off-street vehicle parking, including surface lots and garages, shall be oriented to alleys, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of the building; except that side-yards facing a street (i.e., corner yards) shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front building elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Main Street) when access cannot be provided from an alley.

~~5. Creation of Alleys. When a subdivision is proposed, a public or private alley shall be created for the purpose of vehicle access. Alleys are not required when existing development patterns or topography make construction of an alley impracticable. As part of a subdivision, the City may require dedication of right of way or easements, and construction of pathways between townhome lots (e.g., between building breaks) to provide pedestrian connections through a development site, in conformance with Chapter 3.1 – Access and Circulation.~~

6.5 Common Areas. All common areas (e.g., walkways, drives, courtyards, private alleys, parking courts, etc.) and building exteriors shall be maintained by a homeowner’s association or other legal entity. Copies of any applicable covenants, restrictions and conditions shall be recorded and provided to the city prior to building permit approval.

**~~B. Bed and Breakfast Inns and Vacation Rentals~~**

- ~~1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.~~
- ~~2. Accessory Use. A bed and breakfast inn must be an accessory to a household already occupying the structure as a residence.~~
- ~~3. Maximum size. The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 6 guests per night.~~

- ~~4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.~~
- ~~5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.~~
- ~~6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).~~
- ~~7. Signs. Signs must meet the standards in Chapter 3, Signs.~~
- ~~8. Monitoring. All bed and breakfast inns must maintain a guest logbook. It must include the names and home addresses of guests, guests' license plate numbers if travelling by car, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.~~

**C.B. Public and Institutional Uses.** Public and institutional uses (as listed in Table 2.2.110.A) are allowed in the Downtown District, except that automobile-oriented uses shall comply with the standards in "E", below. Typical automobile-oriented uses in this category include public works yards, equipment storage and repair, school bus companies, and similar facilities that store, repair or service automobiles, trucks, buses, heavy equipment, and construction materials.

**D.C. Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Downtown District include small workshops, greenhouses, studios, storage sheds, and similar structures. Accessory uses and structures are allowed for all permitted land uses within the Downtown District, as identified in Table 2.2.110.A.

Accessory structures shall comply with the following standards:

1. Primary use required. An accessory structure shall not be allowed before or without a primary use, as identified in Table 2.2.110.A.
2. Setback standards. Accessory structures shall comply with the setback standards in Section 2.2.120, except that the maximum setback provisions shall not apply.
3. Design guidelines. Accessory structures shall comply with the ~~Downtown~~ design guidelines, as provided in Section 2.2.160.
4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.
5. Compliance with subdivision standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

**E.D. Automobile-Oriented Uses and Facilities.** Automobile-oriented uses and facilities, as defined below, shall conform to all ~~of~~ the following standards in the Downtown District. The standards are intended to provide a vibrant storefront character, slow traffic down, and encourage walking.

1. **Parking, Garages, and Driveways.** All off-street vehicle parking, including surface lots and garages, shall be accessed from alleys or sidestreets, placed underground, placed in structures above the ground floor, or located in parking areas located behind or to the side of a building; except that side-yards on corner lots shall not be used for surface parking. All garage entrances facing a street (e.g., underground or structured parking) shall be recessed behind the front elevation by a minimum of 4 feet. On corner lots, garage entrances shall be oriented to a side-street (i.e., away from Main Street) when vehicle access cannot be provided from an alley. Individual surface parking lots shall not exceed one-half city block; larger parking areas shall be in multiple-story garages.
2. **Automobile-Oriented Uses.** “Automobile-oriented use” means automobiles and/or other motor vehicles are an integral part of the use. These uses are restricted because, when unrestricted, they detract from the pedestrian-friendly, storefront character of the district and can consume large amounts of land relative to other permitted uses. Automobile-oriented uses shall comply with the following standards:
  - a. **Vehicle repair, sales, rental, storage, service.** Businesses that repair, sell, rent, store, or service automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, and similar vehicles and equipment are permitted when the use is contained within an enclosed building / permitted when the use does not exceed 5,000 square feet (indoor and outdoor) or 100 feet of street frontage, whichever is less. “Street frontage” shall be based on the frontage that is not developed with buildings or pedestrian amenities, as defined in Section 2.2.170.)
  - b. **Drive-up, drive-in, and drive-through facilities.** Drive-up, drive-in, and drive-through facilities (e.g., associated with restaurants, banks, car washes, and similar uses) are permitted only when accessory to a primary commercial “walk-in” use, and shall conform to all ~~of~~ the following standards:
    - (1) The facility receives access from an alley or driveway, and not a street;
    - (2) None of the drive-up, drive-in, or drive-through facilities (e.g., driveway queuing areas, windows, teller machines, service windows, drop-boxes, and similar facilities) are located within 20 feet of a street and shall not be oriented to a street corner. (Walk-up only teller machines and kiosks may be oriented to a corner);
    - (3) The facility is subordinate to a primary permitted use. “Subordinate” means all components of the facility, in total, occupy less street frontage than the primary commercial or public/institutional building; and
    - (4) No more than one drive-up, drive-in, or drive-through facility shall be permitted on one block, or for a distance of 400 linear feet along the same street frontage, whichever is less.

**F.E. Sidewalk Displays.** Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of 4 feet shall be



maintained on the sidewalk at all times to allow pedestrians to pass by the displays. Display of larger items, such as automobiles, trucks, motorcycles, buses, recreational vehicles/boats, construction equipment, building materials, and similar vehicles and equipment, is prohibited.

**G.F. Light Manufacture.** Light manufacture uses are allowed in the Downtown. "Light manufacture" means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. Light manufacture uses shall conform to all of the following standards that are intended to protect the pedestrian-friendly, storefront character of Downtown:

1. **Retail or Service Use Required.** Light manufacture is allowed only when it is in conjunction with a permitted retail or service use.
2. **Location.** The light manufacture use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street.

**2.2.190 ~~Tourist Commercial Sub-District~~ Off Street Parking.**

**A.** ~~There is no minimum number of off-street parking spaces required in the Downtown District, however, the "maximum parking" standards of Chapter 3.3 apply.~~

**2.2.200 Tourist Commercial Sub-District**

**A. Purpose.** The intent of the Tourist Commercial Sub-District is to accommodate development of commercial facilities catering to the traveling public ~~at the I-84/US-395 interchange. Retail services shall be limited to those necessary to serve travelers in order to avoid competition with Downtown commercial businesses.~~

The base standards of the Downtown Commercial District apply, except as modified by the standards of this Sub- District.

**B. Permitted Land Uses.** See Table 2.2.190.A

<b>Table 2.2.190.A Land Uses and Building Types Permitted in the Tourist Commercial Sub-District</b>	
<p><b>1. Commercial:*</b></p> <p>a. <u>Auto-oriented uses and facilities including truck stops</u></p> <p>b. <u>Hotels/motels</u></p> <p>c. <u>Office uses (i.e., those not otherwise listed)</u></p> <p>d. <u>Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops, and salons, banks and financial institutions, and similar uses)</u></p> <p>e. <u>Repair services</u></p>	<p>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU).</p> <p>f. Uses similar to those listed above (subject to CU requirements, as applicable)</p> <p><b>G. 4. Accessory Uses and Structures*</b></p> <p><b>2. Commercial:*</b></p> <p>a. <u>Auto-oriented uses and facilities including truck stops</u></p>

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<p><u>f. Uses similar to those listed above</u></p> <p><b>D.2. Public and Institutional*:</b></p> <ol style="list-style-type: none"> <li>Government facilities (public safety, utilities, and similar non-office uses)</li> <li>Campgrounds</li> <li>Recreational Vehicle Parks</li> <li>Telecommunications equipment (including wireless)</li> </ol> <p><b>3. Transportation Facilities and Improvements:</b></p> <ol style="list-style-type: none"> <li>Normal operation, maintenance;</li> <li>Installation of improvements within the existing right-of-way;</li> <li>Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</li> <li>Landscaping as part of a transportation facility;</li> <li>Emergency Measures;</li> <li>Street or road construction as part of an approved subdivision or partition;</li> <li>Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</li> </ol>	<p><u>b. Hotels/motels</u></p> <p><u>e. Office uses (i.e., those not otherwise listed)</u></p> <p><u>d. Personal and professional services (e.g., child care center, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</u></p> <p><u>e. Repair services</u></p> <p><u>f. Uses similar to those listed above</u></p> <p><b>4.5. Industrial*:</b> Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)</p>
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Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (\*) are subject to the standards in Section 2.2.180 ~~Special Use standards~~, "Special Standards for Certain uses." \*\*Uses marked with 2 asterisks are subject to the standards in Section 4.4. ~~400D500~~. Temporary uses are subject to the standards in Section 4.9. NOTE: Section 2.2.180. ~~ED~~. Automobile-Oriented Uses and Facilities does not apply to development within this Sub-District.

**2.2.200. Off Street Parking**

~~There is no minimum number of off street parking spaces required in the Downtown District, however, the "maximum parking" standards of Chapter 2.2 apply.~~

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**2.2.210 Neighborhood Commercial (NC)**

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**A. Purpose/Intent Statement:** The Neighborhood Commercial Sub-District is designed to provide land for small-scale commercial uses that are compatible with adjacent residential development. All Neighborhood Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between the Downtown Commercial, Neighborhood Commercial, and residential uses.

**B. Permitted Uses.** Only those Neighborhood Commercial uses specifically listed below may be permitted. Residential and Neighborhood Commercial uses may be mixed "vertically" — meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed "horizontally"— meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses are expressly prohibited.

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Table 2.2.210.A

Land Uses and Building Types Permitted in the Neighborhood Commercial Sub-District

<u>Residential Uses:</u> <u>Single-Family, Duplex, or TriPlex</u> <u>Townhomes</u> <u>Cottage Clusters</u>  <u>Mixed Use Building with the Commercial use to the front and the residential use to the rear, in the basement, or on the second floor</u>	<u>Commercial Uses:</u> <u>Childcare Center (for more than 12 children)</u> <u>Food Services, excluding automobile-oriented uses</u> <u>Laundromats and dry cleaners</u> <u>Retail Goods and services</u> <u>Medical and dental offices, clinics, and laboratories</u> <u>Personal Services (barber shop, salon, similar uses)</u> <u>Professional and administrative offices</u> <u>Repair services that can be conducted entirely within the building</u> <u>Light Manufacture conducted entirely within the building</u>
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**C. Building Mass Supplemental Standard.** The maximum width or length of a Neighborhood Commercial or mixed-use (residential and commercial) building shall not exceed 80 feet (from end-wall to end-wall).

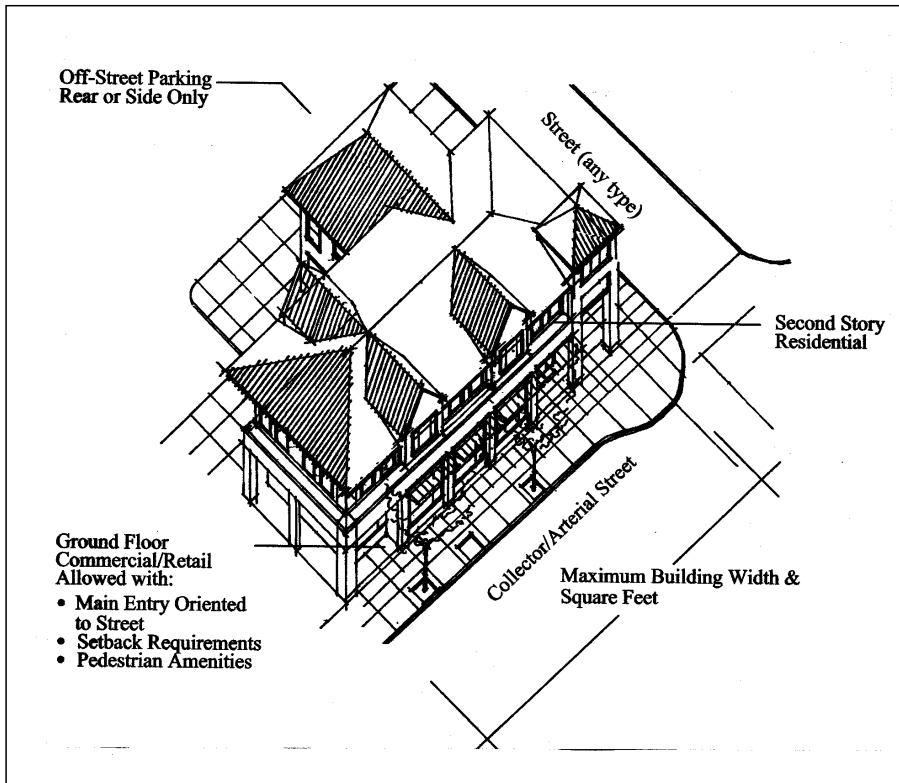
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**D. Floor Area Supplemental Standards.** The maximum commercial floor area shall not exceed 5,000 square feet total per site within the Neighborhood Commercial Sub-district. Floor area is measured by totaling the interior floor area of all building stories, except crawl spaces (i.e., with less than 7 ½ feet of vertical clearance).

**E. Hours of Operation.** Neighborhood Commercial land uses shall be limited to the following hours of operation: 7 a.m. to 8 p.m.

**Figure 2.1.500 - Neighborhood Commercial (Typical Site Layout)**

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## Chapter 2.3 — General Industrial (GI) District

### Sections:

- 2.3.100 - Purpose
- 2.3.110 - Permitted Land Uses
- 2.3.120 - Development Setbacks
- 2.3.130 - Lot Coverage
- 2.3.140 - Development Orientation
- 2.3.150 - Building Height
- 2.3.160 - Special Standards for Certain Uses
- 2.3.170 - Transportation Industrial Sub-District

### 2.3.100 Purpose.

The General Industrial District accommodates a range of light and heavy industrial land uses. It is intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. This chapter guides the orderly development of industrial areas based on the following principles:

- Provide for efficient use of land and public services.
- Provide transportation options for employees and customers.
- Locate business services close to major employment centers.
- Ensure compatibility between industrial uses and nearby commercial and residential areas.
- Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan.

### 2.3.110 Permitted Land Uses.

- A. Permitted Uses.** The land uses listed in Table 2.3.110.A are permitted in the General Industrial District, subject to the provisions of this Chapter [and the requirements of Chapter 3 Design Standards as applicable based on the review process](#). Only land uses that are specifically listed in Table 2.3.110.A, and land uses that are approved as “similar” to those in Table 2.3.110.A, may be permitted. The land uses identified with a “CU” in Table 2.3.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.
- B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 –Interpretations.

**Table 2.3.110.A  
Land Uses and Building Types Permitted in the General Industrial District**

<p><b>1. Industrial:</b></p> <ul style="list-style-type: none"> <li>a. Heavy manufacturing, assembly, and processing of raw materials*</li> <li>b. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)</li> <li>c. Warehousing and distribution</li> <li>d. Junk yard, motor vehicle wrecking yards, and similar uses</li> <li>e. Wholesale Trade</li> <li>f. Fuel and Ice dealers</li> <li>g. Heavy Repair services</li> <li>h. Warehouse and Grain elevators</li> <li>i. Railroad spur line and ancillary facilities (engine repair, tie plant, bunkhouse, etc.)</li> <li>j. Research, experimental, or testing laboratories</li> <li><del>k. Interim Farm use cropland or grazing only</del></li> <li><del>l. Sewage treatment plant</del></li> <li><del>m. Transportation terminals</del></li> <li><del>n. Utility Substations*</del></li> <li><del>o. Contractors/Contractor's yards and shops</del></li> <li><del>p. Junk Yards or Wrecking Yards (CU)</del></li> <li>q. Retail or service businesses less than 3,000 square feet that are accessory to industrial development*(CU)</li> <li>r. Manufacturing, processing or assembly that does not comply with performance standards of the general industrial zone;*(CU)</li> <li>s. Garbage incineration* (CU)</li> <li>t. Sanitary landfill* (CU)</li> <li>u. Asphalt batch plants* (CU)</li> <li>v. Refining or storage of petroleum products* (CU)</li> <li>w. Manufacturing of explosives, chemicals, fertilizers, pesticides, gas, or inflammable fluids*</li> <li>x. Smelting or re-manufacturing of ores and metals*</li> <li>y. Uses similar to those listed above</li> </ul> <p><b>2. Transportation-Industrial Sub-District (only)*</b></p> <ul style="list-style-type: none"> <li>a. Construction and maintenance of railroad main line siding, spur lines and marshalling yard.</li> <li>b. Railroad ancillary facilities, including tie plants, engine and car repair, bunk house(s), and administrative facilities</li> <li>c. Warehousing</li> <li>d. Transportation terminals and services</li> <li>e. Ancillary or railroad-related manufacturing plant not owned by the Union Pacific railroad or its subsidiaries.</li> </ul>	<p><b>3. Commercial:</b></p> <ul style="list-style-type: none"> <li>a. Offices and other commercial uses that are integral to a primary industrial use (e.g., administrative offices, wholesale of goods produced on location, and similar uses).</li> <li><del>b. Small-scale retail and service commercial uses up to 5,000 square feet in total floor area, for exclusive use of industrial use employees and customers (e.g., restaurants, hair salons, banks, dry cleaners, bookstores, coffee retailers).</del></li> </ul> <p><b>4. Public and Institutional uses</b></p> <ul style="list-style-type: none"> <li>a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, and similar facilities) where the public is generally not received;</li> <li><del>b. Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities);</del></li> <li><del>b. Recycling, solid waste transfer facilities, or composting facilities.</del></li> <li>c. Passive open space (e.g., natural areas);</li> <li>d. Special district facilities (e.g., irrigation district, and similar facilities <del>(not open to the public)</del>)</li> <li>e. Vocational schools co-located with parent industry or sponsoring organization;</li> <li><del>f. Transportation Facilities and Improvements:</del> <ul style="list-style-type: none"> <li><del>1. Normal operation, maintenance;</del></li> <li><del>2. Installation of improvements within the existing right-of-way;</del></li> <li><del>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</del></li> <li><del>4. Landscaping as part of a transportation facility;</del></li> <li><del>5. Emergency Measures;</del></li> <li><del>6. Street or road construction as part of an approved subdivision or partition;</del></li> <li><del>7. Transportation projects that are not designated improvements in the Transportation System Plan** (CU); and</del></li> <li><del>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU).</del></li> </ul> </li> <li><del>g. f. Uses similar to those listed above.</del></li> <li><del>g. 5. Transportation Facilities and Improvements:</del> <ul style="list-style-type: none"> <li><del>1. Normal operation, maintenance;</del></li> <li><del>2. Installation of improvements within the existing right-of-way;</del></li> <li><del>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</del></li> <li><del>4. Landscaping as part of a transportation facility;</del></li> </ul> </li> </ul>
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	<p><u>5. Emergency Measures;</u></p> <p><u>6. Street or road construction as part of an approved subdivision or partition;</u></p> <p><u>7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</u></p> <p><u>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU).</u></p> <p><b>6. Residential:</b> One caretaker unit shall be permitted for each development, subject to the standards in Section 2.3.160. Other residential uses are not permitted, {except that residences existing prior to the effective date of this Code may continue.}</p> <p><b>67. Wireless Communication Equipment:</b> subject to the standards in Chapter 3.6.<del>2100. (CU)</del></p>
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NOTE: Only uses specifically listed in Table 2.3.110.A, and uses similar to those in Table 2.3.110.A, are permitted in this district. **The following uses are expressly prohibited:** new housing, churches and similar facilities and schools. Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (\*) are subject to the standards in Section 2.3.160 Special Use standards, ~~“Special~~ Standards for Certain ~~uses”~~ Uses. \*\*Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D. Temporary uses are subject to the standards in Section 4.9.

**2.3.120 Development Setbacks.**

Development setbacks provide separation between industrial and non-industrial uses for fire protection/security, building maintenance, sun light and air circulation, noise buffering, and visual separation.

- A. Front Yard Setbacks.** The minimum front yard setback shall be 20 feet. The setback standard shall increase by one foot for every one foot of building height in excess of 30 feet. No setback is required adjacent to railroad tracks.
- B. Rear Yard Setbacks.** There is no required rear yard setback, except that industrial development (i.e., buildings, parking, outdoor storage, and industrial activities) shall be set back from Residential districts by a minimum of 40 feet, and from other non-General Industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet. No setback is required adjacent to railroad tracks.
- C. Side Yard Setbacks.** There are no required side-yard setbacks, except that industrial development (i.e., buildings, parking, outdoor storage, and industrial activities) shall be set back from Residential districts by a minimum of 40 feet, and from other non-General Industrial districts by a minimum of 20 feet; the rear setback in this case shall increase by one foot for every one foot of building height in excess of 30 feet. No setback is required adjacent to railroad tracks.
- D. Other Yard Requirements.**
  - 1. Buffering. The City may require landscaping, walls, or other buffering in setback yards to

mitigate adverse noise, light, glare, and aesthetic impacts to adjacent properties.

2. **Neighborhood Access.** Construction of pathway(s) within setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.
3. **Building and Fire Codes.** All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

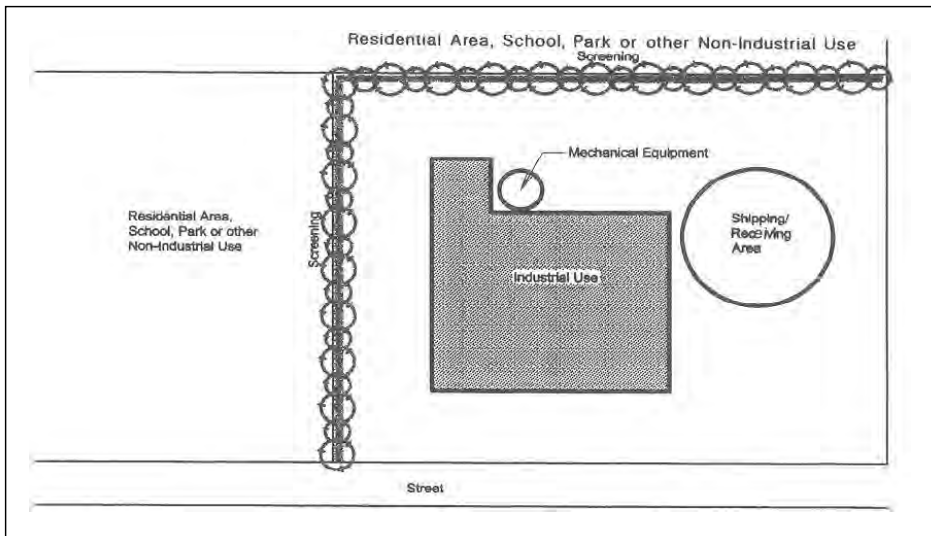
### 2.3.130 Lot Coverage.

The maximum allowable lot coverage in the General Industrial District is 80 percent. The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures. Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

### 2.3.140 Development Orientation.

Industrial developments shall be oriented on the site to minimize adverse impacts (e.g., noise, glare, smoke, dust, exhaust, vibration, etc.) and protect the privacy of adjacent (non-industrial) uses to the extent possible. The following standards shall apply to all development in the General Industrial District:

**Figure 3.A - Industrial Development Orientation**





- A. Mechanical equipment, lights, emissions, shipping/receiving areas, and other components of an industrial use that are outside enclosed buildings, shall be located away from residential areas, schools, parks, and other non-industrial areas to the maximum extent practicable; and
- B. The City may require a landscape buffer, or other visual or sound barrier (fence, wall, landscaping, or combination thereof) to mitigate adverse impacts that cannot be avoided through building orientation standards alone. This type of installation is required when the development is adjacent to a residential use zone.

**2.3.150 Building Height.**

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. **Base Requirement.** Buildings shall be no more than 3 stories or 35 feet in height, whichever is greater, and shall comply with the building setback/~~height~~ standards in Section 2.3.120.
- B. **Performance Option.** The allowable building height may be increased to 45 feet, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, ~~stepping down~~stepping down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between industrial development and adjacent non-industrial development. ~~Smoke stacks~~Smokestacks, cranes, roof equipment, grain elevators, storage silos, and other similar features which are necessary to the industrial operation may not exceed 55 feet in height without approval of a Conditional Use Permit.
- C. **Method of Measurement.** "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See Figure 2.~~21~~.170 for examples of measurement). The reference datum shall be selected by either of the following, whichever yields a greater height of building:
  1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade; or
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building. Not included in the maximum height are: bell towers, steeples, flag poles, antennas and similar features which are not for human occupancy.
- D. Grain elevators, smokestacks, and transmission towers are exempt from height limit standards.

### 2.3.160 Special Standards for Certain Uses.

- A. Uses With Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts.** The following uses shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review:
1. Uses With Significant Noise, Light/Glare, Dust, and Vibration Impacts. Uses that are likely to create significant adverse impacts beyond the Industrial District boundaries, such as noise, light/glare, dust, or vibration, shall require conditional use approval, in conformance with Chapter 4.4. The following criteria shall be used in determining if the adverse impacts of a use are likely to be “significant”:
    - a. Noise. The noise level beyond the property line exceeds 55 dBA (24-hour average) on a regular basis.
    - b. Light/or glare. Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).
    - c. Dust and/or Exhaust. Dust and/or exhaust emissions from the development exceeds ambient dust or exhaust levels, or levels that existed prior to development.
    - d. Vibration. Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).
  2. Traffic. Uses that are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. “Unusually high levels of traffic” means that the average number of daily trips on any existing street would increase by 20 percent or 100 vehicles per day or greater as a result of the development. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways. See Chapter 4.2 for submittal requirements for Traffic Impact Analyses in the Site Design Review Process.
  3. Resource extraction, such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the city and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.
- B. Residential Caretakers.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:
1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with city engineering requirements.

2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.

C. **Wireless Communication Equipment.** Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Section 3.6.200. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial District.

D. **Railroad Related Uses.** Development of rail related uses as described in Section 2.3.170 shall include light deflection standards including lighting of railroad ~~line~~ lines and yards shall be shielded away from the existing and designated future residential areas within the Stanfield UGB.

#### 2.3.170 Transportation Industrial Sub-District Standards.

A. **Purpose/Intent Statement:** The Transportation-Industrial Sub-District is designed to accommodate operations of the Union Pacific Railroad in the vicinity of its main line along the western edge of the Stanfield UGB.

B. **Permitted Uses:** The land uses listed in Table 2.3.110.A are permitted in the Transportation Industrial District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.3.110.A, and land uses that are approved as “similar” to those in Table 2.3.110.A, may be permitted. The land uses identified with a “CU” in Table 2.3.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

C. **Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

D. **Standards.** Additional development standards for the Transportation Industrial Sub-District are included in ~~the Section 2.3.160 Special Development Standards~~ (Section 2.3.160) for Certain Uses.

## Chapter 2.4 — Light Industrial (LI) District

### Sections:

- 2.4.100 - Purpose
- 2.4.110 - Permitted Land Uses
- 2.4.120 - Development Setbacks
- 2.4.130 - Lot Coverage
- 2.4.140 - Building Height
- 2.4.150 - Building Orientation
- 2.4.160 - Design Guidelines and Standards
- 2.4.170 - Special Standards for Certain Uses

### 2.4.100 Purpose.

The Light Industrial District accommodates a range of light manufacturing, industrial-office uses, automobile-oriented uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in downtown or main street areas. The district's standards are based on the following principles:

- Ensure efficient use of land and public services.
- Provide a balance between jobs and ~~housing~~ and encourage mixed use development. Provide transportation options for employees and customers.
- Provide business services close to major employment centers.
- Ensure compatibility between industrial uses and nearby residential areas. Provide appropriately zoned land with a range of parcel sizes for industry.
- Provide for automobile-oriented uses, while preventing strip-commercial development in highway corridors.

### 2.4.110 Permitted Land Uses.

**A. Permitted Uses.** The land uses listed in Table 2.4.110.A are permitted in the Light Industrial District, subject to the provisions of this Chapter and the requirements of Chapter 3 Design Standards as applicable based on the review process. Only land uses which are specifically listed in Table 2.4.110.A, and land uses which are approved as "similar" to those in Table 2.4.110.A, may be permitted. The land uses identified with a "CU" in Table 2.4.110.A require Conditional Use Permit approval prior to development or a change in use, in accordance with Chapter 4.4.

**B. Determination of Similar Land Use.** Similar use determinations shall be made in conformance with the procedures in Chapter 4.8 - Interpretations.

**Table 2.4.110.A  
Land Use Types Permitted in the Light Industrial District**

<p><b>1. Industrial *:</b></p> <ul style="list-style-type: none"> <li>a. Light manufacture (e.g., electronic equipment, printing, bindery, furniture, and similar goods)</li> <li>b. Research facilities</li> <li>c. Administrative Offices</li> <li>d. Printing and publishing</li> <li>e. Warehousing and distribution</li> <li>f. Mini-warehouse and storage</li> <li>g. Similar uses</li> </ul> <p><b>2. Commercial:</b></p> <ul style="list-style-type: none"> <li>a. Wholesale Trade</li> <li>b. Building materials, agricultural and garden supplies</li> <li>c. Mail order retail sales</li> <li>d. Interim farm use: cropland or grazing only</li> <li>e. Automobile-oriented uses (vehicle repair, sales, rental, storage, service; and drive-up, drive-in, and drive-through facilities)*</li> <li>f. Hotels and motels</li> <li>g. Medical and dental clinics and laboratories, including veterinary clinics</li> <li>h. Outdoor commercial uses (e.g., outdoor storage and sales)</li> <li>i. Personal and professional services (e.g., <del>child-</del><u>childcare</u>, catering/food services, restaurants, laundromats and dry cleaners, barber shops and salons, banks and financial institutions, and similar uses)</li> <li>j. Repair services</li> <li>k. Retail trade and services;</li> <li>l. Wholesale trade and services;</li> <li>m. Uses similar to those listed above</li> </ul>	<p><b>3. Civic and Semi-Public Uses :</b></p> <ul style="list-style-type: none"> <li>a. Government facilities (e.g., public safety, utilities, school district bus facilities, public works yards, transit and transportation, and similar facilities)</li> <li>b. Utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities)</li> <li>c. Special district facilities (e.g., irrigation district, and similar facilities)</li> <li>d. Vocational schools</li> <li><del>e. Transportation Facilities and Improvements:</del> <ul style="list-style-type: none"> <li><del>1. Normal operation, maintenance;</del></li> <li><del>2. Installation of improvements within the existing right-of-way;</del></li> <li><del>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</del></li> <li><del>4. Landscaping as part of a transportation facility;</del></li> <li><del>5. Emergency Measures;</del></li> <li><del>6. Street or road construction as part of an approved subdivision or partition;</del></li> <li><del>7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</del></li> <li><del>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU).</del></li> </ul> </li> <li><u>f.e.</u> Uses similar to those listed above.</li> <li><u>a.</u> <u>Transportation Facilities and Improvements:</u> <ul style="list-style-type: none"> <li><u>1. Normal operation, maintenance;</u></li> <li><u>2. Installation of improvements within the existing right-of-way;</u></li> <li><u>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</u></li> <li><u>4. Landscaping as part of a transportation facility;</u></li> <li><u>5. Emergency Measures;</u></li> <li><u>6. Street or road construction as part of an approved subdivision or partition;</u></li> <li><u>7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</u></li> <li><u>8. Transportation projects that are not designed</u></li> </ul> </li> </ul>
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and constructed as part of an approved subdivision or partition\*\* (CU).

- 4. **Accessory Uses and Structures** (such as storage, sheds and outbuildings)
- 5. **Wireless communication equipment** ~~(CU)~~subject to 3.6.100
- 6. ~~Master Planned Development \*~~

NOTE: Only uses specifically listed in Table 2.4.110.A, and uses similar to those in Table 2.4.110.A, are permitted in this district. **The following uses are expressly prohibited:** new housing, churches and similar facilities, and schools. Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. Uses marked with an asterisk (\*) are subject to the standards in Section 2.3.160 Special ~~Use standards, "Special Standards for Certain uses"~~Uses. \*\*Uses marked with 2 asterisks are subject to the standards in Section 4.4. ~~400D~~500. Temporary uses are subject to the standards in Section 4.9.

#### 2.4.120 Development Setbacks.

Development setbacks provide building separation for fire protection/security, building maintenance, sunlight and air circulation, noise buffering, and visual separation. Building setbacks are measured from the building foundation to the respective property line.

- A. **Front Yard Setbacks.** The minimum front yard building setback shall be 15 feet, except that additional setback yards may be required to provide for planned widening of an adjacent street.
- B. **Rear Yard Setbacks.** There is no required rear yard setback, except that buildings shall be setback from the Residential District by a minimum of 20 feet.
- C. **Side Yard Setbacks.** There are no required side-yard setbacks, except that buildings shall be setback from the Residential District by a minimum of 15 feet.
- D. **Other Yard Requirements.**
  - 1. **Buffering.** A 5-foot minimum buffer zone (in addition to the minimum setbacks) shall be required between development and any adjacent Residential District. The ~~5-foot~~5-foot landscaped buffer zone shall provide landscaping to screen parking, service and delivery areas, and walls without windows or entries, as applicable. The buffer may contain pedestrian seating but shall not contain any trash receptacles or storage of equipment, materials, vehicles, etc. The landscaping standards in Chapter 3.2 may require other buffering ~~other situations,~~ as well.
  - 2. **Neighborhood Access.** Construction of pathway(s) and fence breaks in setback yards may be required to provide pedestrian connections to adjacent neighborhoods or other districts, in accordance with Chapter 3.1 - Access and Circulation Standards.

3. **Building and Fire Codes.** All developments shall meet applicable fire and building code standards, which may require setbacks different from those listed above (e.g., combustible materials, etc.).

#### 2.4.130 Lot Coverage.

The maximum allowable lot coverage in the Light Industrial District is 80 percent. ~~The maximum allowable lot coverage is computed by calculating the total area covered by buildings and impervious (paved) surfaces, including accessory structures.~~ Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

#### 2.4.140 Building Height.

The following building height standards are intended to promote land use compatibility and flexibility for industrial development at an appropriate community scale:

- A. **Base Requirement.** Buildings shall be no more than 3 stories or 35 feet in height, whichever is greater.
- B. **Performance Option.** The allowable building height may be increased to 45 feet, when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, ~~stepping-down~~stepping down of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between the development and adjacent non-industrial development. Roof equipment and other similar features that are necessary to the industrial operation shall be screened, and may not exceed 55 feet in height without approval of a Conditional Use Permit.
- C. **Method of Measurement.** "Building height" is measured as the vertical distance above a reference datum measured to the highest point of the coping of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof. (See Figure 2.1.170 for examples of measurement.) The reference datum shall be selected by either of the following, whichever yields a greater height of building:
  1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building when such sidewalk or ground surface is not more than 10 feet above the lowest grade; ~~or~~
  2. An elevation 10 feet higher than the lowest grade when the sidewalk or ground surface described in subsection 'a' is more than 10 feet above the lowest grade. The height of a stepped or terraced building is the maximum height of any segment of the building.
- D. **Exceptions:** Not included in the maximum height ~~are:are~~ chimneys, grain elevators, roof equipment, flag poles, and similar features which are not for human occupancy.

#### 2.4.150 Building Orientation.

All ~~of~~ the following standards shall apply to new development within the Light Industrial District in order to reinforce streets as public spaces and encourage alternative modes of transportation, such as walking, and bicycling

- A. **Building Entrances.** All buildings shall have a primary entrance oriented to a street. “Oriented to a street” means that the building entrance faces the street, or is connected to the street by a direct and convenient pathway. Streets used to comply with this standard may be public streets, or private streets that contain sidewalks and street trees, in accordance with the design standards in Chapter 3.
- B. **Pathway Connections.** Pathways shall be placed through yard setbacks as necessary to provide direct and convenient pedestrian circulation between developments and neighborhoods. Pathways shall conform to the standards in Chapter 3.
- C. **Arterial Streets.** When the only street abutting a development is an arterial street, the building’s entrance(s) may be oriented to an internal drive. The internal drive shall provide a raised pathway connecting the building entrances to the street right-of-way. The pathway shall conform to the standards in Chapter 3.
- D. **Buffers.** The City may require a total of 20 foot landscape buffer between development in the Light Industrial District and adjacent Residential District(s) to reduce light, glare, noise, and aesthetic impacts. This buffer is in addition to the minimum setback standards listed in Section 2.4.120. ~~B, C, D.~~

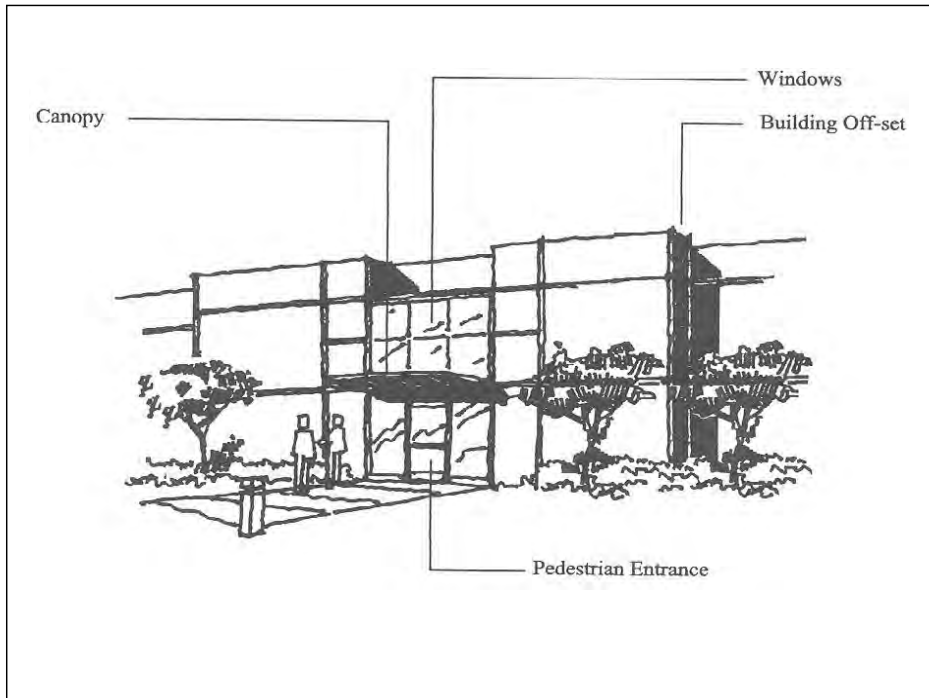
#### 2.4.160 Design Standards.

All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the following criteria ~~in A-B.~~

- A. **Building Mass.** Where building elevations are oriented to the street in conformance with Section 2.4.150, design features such as windows, pedestrian entrances, building off-sets, projections, detailing, change in materials, or similar features, shall be used to break up and articulate large building surfaces and volumes.
- B. **Pedestrian-Scale Building Entrances.** Recessed entries, canopies, and/or similar features shall be used at the entries to buildings ~~in order to~~ create a pedestrian-scale.



Figure 4.A – Design Features (Typical)



Note: ~~the~~The example ~~shown below~~ is meant to illustrate typical building design elements, and should not be interpreted as a required design or style.

#### 2.4.170 Special Standards for Certain Uses.

##### A. High Traffic-Generating Uses.

1. Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Chapter 4.4. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent or 100 vehicles per day or greater ~~as a result of~~because of the development.
2. The city may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application ~~complete, and~~complete and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis

for review by the Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Section 3.4.100. See Chapter 4.10 for submittal requirements for Traffic Impact Analysis in the Site Design Review Process.

- B. **Wireless Communication Equipment.** Wireless communication equipment, including radio ~~(i.e., cellular)~~, television, cellular, and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Section 3.6.200. ~~Wireless communication equipment shall also comply with required setbacks, lot coverage and other development standards.~~

## Chapter 2.5 – Master Planned ~~Neighborhood~~ Development (PD)

### Sections:

- 2.5.100 - Purpose
- 2.5.200 - Applicability
- 2.5.300 - Master Plan Required
- 2.5.400 - Land Use and Design Standards
- 2.5.500 - Implementation

### 2.5.100 Purpose.

The purpose of this Section is to ensure the development of fully integrated mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land. An example of this would be a large multi-phased subdivision or large industrial park-type development. These standards provide requirements that allow the City to control the way a large development would affect adjacent land use and transportation patterns.

### 2.5.200 Applicability.

This Section applies to all parcels, and development sites with more than one parcel, in any land use district, that are 40 acres or larger. An applicant may also choose to apply for a Master Planned Development on smaller tracts of land to obtain the benefits of the Master Planned Development overlay.

### 2.5.300 Master Plan Required.

Prior to land division approval, a ~~master plan~~ Master Plan shall be prepared for all sites meeting the criteria in Section 2.5.200. Master ~~plans~~ Plans shall follow the procedures in Chapter 4.5 - Master Planned Developments except that a Master Plan shall not be required if a Specific Area Plan has been adopted for the subject area.

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### 2.5.400 Land Use and Design Standards.

Master Planned ~~Neighborhood~~ Developments shall be evaluated based on the criteria in Chapter 4.5, and shall be consistent with the following design principles:

1. All ~~neighborhoods developments~~ have identifiable centers and outer boundaries;
2. Edge lots are readily accessible to Neighborhood Commercial and recreational uses by walking and bicycling (a distance not greater than one-quarter mile);

3. Uses and ~~when applicable,~~ housing types are mixed and in close proximity to one another;

~~4. Streets~~ For residential developments streets are connected and blocks are small (e.g., between 200-600 feet in length; with a maximum perimeter of 1,600 feet);

~~4.5. For commercial or industrial development streets are connected and blocks are appropriate to the proposed uses;~~

~~5.6. Civic buildings, monuments,~~ and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given prominent sites throughout the ~~neighborhood~~ development, as appropriate;

~~6.7. Overall~~ and when appropriate, the ~~neighborhood development~~ plan achieves a housing density within the ranges identified in the Comprehensive Plan and Residential District standards;

~~7.8. Land~~ needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the ~~master plan~~ Master Plan, in accordance with the Comprehensive Plan.

#### 2.5.500 Implementation.

Upon approval of a ~~Neighborhood Development~~ Master Plan, the development shall follow the Land Division procedures in Chapter 4.3, and the Site Design Review procedures in Chapter 4.2, as applicable. Any modifications to the approved ~~master plan~~ Master Plan shall be subject to the standards and procedures in Chapter 4.6 - Modifications.

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## 2.6 Open Space District (OS)

### Sections

- 2.6.100 - Purpose of the Open Space District
- 2.6.200 - Permitted Land Uses
- 2.6.300 - Development Setbacks
- 2.6.400 - Special Standards for Certain Uses

### 2.6.100 Purpose of the Open Space District

The OS District is designed to accommodate ~~existing and future agricultural activities while preserving as open land the hazardous floodplain areas in the eastern part of town and~~ the vast hillside buffer area between the Union Pacific RR Mainline and existing and potential residential and industrial development north and west of the city center. ~~The OS District is an "Exclusive Farm Use Zone" designed in accordance with ORS 215.203 through 215.213 to provide qualifying farmland with the benefits of farm value tax assessment under the provision of ORS 308.370.~~

### 2.6.200 Permitted Land Uses

**Table 2.6.200**  
**Land Uses and Building Types Permitted in the Open Space District**

<p><b>1. Farming Uses*:</b>  <del>a. Farming and farm uses, per ORS 215.203 including:</del>  <del>H. Crop cultivation and livestock grazing except livestock feedlots and sales yards, hog or poultry farms and the commercial raising of fur-bearing animals.</del>  <del>I. Shelters, fencing and corrals for livestock, designed in a manner to prevent obstruction of flood flows and to minimize obstruction of the permanent open space concept.</del>  <del>(1)</del></p>	<p><b>J. 1. Transportation Facilities and Improvements</b>  a. Normal operation, maintenance;  b. Installation of improvements within the existing right-of-way;  c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;  d. Landscaping as part of a transportation facility;  e. Emergency Measures;  f. Street or road construction as part of an approved subdivision or partition;  g. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</p>	<p>h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)</p> <p><b>3. Farm-Related Uses: (CU)</b>  <del>a. Boarding of horses for profit.</del>  <del>b. Commercial activities in conjunction with farm use, that do not require structural development other than as allowed in 1 of this Table.</del>  <del>c. Hunting and fishing preserves and campgrounds, with required permit.</del></p> <p><b>F. 2. Recreational Uses *** (CU):</b>  a. Public or private golf courses,  b. Parks, playgrounds, and related accessory structures.</p> <p><u>3. Wireless Communications Facilities subject to 3.6.100</u></p>
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Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. ~~Uses marked with an asterisk (\*) are subject to the standards in Section 2.2.180 Special Use standards, "Special Standards for Certain Uses)"~~ \*\*Uses marked with 2 asterisks are subject to the standards in Section

4.4.400D. \*\*\* Uses marked with three asterisks are subject to the standards in 2.6.300.D. Temporary uses are subject to the standards in Section 4.9.

**2.6.300 Standards**

- A. **Parcel Size:** A minimum of ~~2 acres in the eastern floodplain; minimum of 10 acres in the northwestern buffer area,~~
- B. **Setbacks:** All structures shall be at least 20 feet from all property lines. ~~All livestock shelters, corrals and pastures shall comply with the standards of the City's livestock ordinance.~~
- C. **Additional Standards.** All development shall follow the standards in Chapter 3, Design Standards as well as the permitting procedures in Chapter 4.
- D. **Recreational Uses.** Recreational uses ~~shall only be location~~located within the zone ~~only if necessary, and situated in a manner so as shall~~ not to obstruct flood flows or the open space concept.

## Chapter 2.7 — Floodplain Overlay District (FP)

- 2.7.100 -- Purpose
- 2.7.200 -- Location
- 2.7.300 -- ~~Permitted Uses~~ Floodplain Overlay District
- 2.7.400 -- Prohibited Uses ~~in the Floodplain Overlay District~~
- 2.7.500 -- Development Standards in the Floodplain Overlay District
- ~~2.7.600 -- Enforcement and Interpretation~~
- ~~2.7.700 -- Floodway Sub-District~~
- ~~600 --~~
- ~~2.7.800 -- Riparian Corridor Sub-District~~

### 2.7.100 Purpose

The Floodplain Overlay District and ~~Riparian Corridor and related~~ Floodway Sub-District are intended to protect the floodplain and floodway areas along the Stage Gulch Ditch and the Umatilla River. The provisions of Chapter 3.7 ~~Flood Plain~~ Floodplain Design Standards are an important part of fully implementing the uses allowed in this Chapter.

### 2.7.200 Location

The Floodplain Overlay District comprises the area designated within the 500 and 100 year Flood ~~plain~~ ~~Plain~~ on the Revised Preliminary “Flood Boundary and Floodway Map” issued by the Federal Emergency Management Agency on ~~January 11, 1984~~ ~~September 2, 2010~~, as part of the Flood Insurance Study for the City of Stanfield. ~~This map is Map D in the City’s Comprehensive Plan. The Floodway Sub-District comprises the area designated as Floodway on Map D. The Riparian Corridor Sub-District comprises the area designated as Riparian Corridor on Comprehensive Plan Map C.~~

### 2.7.300 Floodplain Overlay District (FP)

A. **Permitted Uses in the Floodplain District.** The following table lists the permitted uses in the Floodplain Overlay District.

**Table 2.7.300  
Land Uses and Building Types Permitted in the Floodplain Overlay District**

<p><b>1. Structure-Related Uses*</b></p> <ul style="list-style-type: none"> <li>a. Fences and freestanding walls</li> <li>b. Change of use of a building</li> <li>c. Open wall buildings for farm or recreation use</li> <li>d. Open wall porch, patio, and similar additions</li> <li>e. Parking lot, driveway, sidewalk, open patio, or deck.</li> <li>f. Additions to existing buildings only if located within the triangular “obstructed flow zones”</li> <li>g. Replacement of an existing building or manufactured home.</li> </ul>	<p><b>2. Transportation Facilities and Improvements*</b></p> <ul style="list-style-type: none"> <li>a. Normal operation, maintenance;</li> <li>b. Installation of improvements within the existing right-of-way;</li> <li>c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</li> <li>d. Landscaping as part of a transportation facility;</li> <li>e. Emergency Measures;</li> <li>f. Street or road construction as part of an approved subdivision or partition;</li> <li>g. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</li> <li>h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)</li> </ul>	<p><b>3. Other Development*</b></p> <ul style="list-style-type: none"> <li>a. Bridges (CU)</li> <li>b. Water course alterations including but not limited to relocation, widening, or deepening of the channel, gravel extraction, and the construction or modification of levees. (CU)</li> <li>c. Public or private parks, golf courses, and other non-structural recreation development. (CU)</li> <li>d. <a href="#"><u>Land leveling/Removal Fill Activities with a permit from the Department of State Lands</u></a></li> </ul>
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Uses marked with an asterisk (\*) are subject to the standards in Chapter 3.7, Floodplain Plain-Design Standards. Temporary uses are subject to the standards in Section 4.9. \*\* Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D. CU= Conditional Use Permit Required

**2.7.400 Prohibited Uses in the Floodplain Overlay District**

**A. Prohibited Uses in the Floodplain Overlay District**

1. Construction of closed structures, including dwellings, mobile homes, out-buildings, and farm buildings, except per 2.7.500.
2. Land filling, unless balanced by an equal amount of excavation or in limited quantities as part of a landscaping or erosion control project.
3. Channel or floodway blockage



4. Additions or an improvement to or replacement of existing non-conforming structures except as provided in 1 above. Minor improvements may be allowed if they do not contribute to further obstruction of the floodway. For the purpose of this section, a minor improvement is one that is not more than 50% of the value of the structure (value is Real Market Value as determined by Umatilla County Tax Assessor).
5. Repair or reconstruction of flood-damaged buildings eligible for the FEMA 1362 program to purchase damaged buildings within the designated floodway.

**2.7.500 Development Standards for the Floodplain Overlay District**

The following applicable development standards are in addition to the design standards found in Chapter 3.7; Flood Plain Design Standards. Chapter 3.7 applies to all development within this District.

**~~A. Development Standards for Floodplain Overlay District~~**

- ~~1. Fences and freestanding walls shall be constructed parallel to the Ditch or in “obstructed flow zones” as mapped on Map D; and~~
- ~~2. Land leveling shall not involve the addition of fill; and~~
- ~~3. Change of use of a building unless the proposed use is a Conditional Use in the Open Space zone.~~
- ~~4. Open wall buildings for farm or recreation use that will not increase flood hazard.~~
- ~~5. Open wall porch, patio and similar additions or structures associated with housing or other development that will not increase flood hazard.~~
- ~~6. Parking lot, driveway, sidewalk, open patio or deck, in accordance with Chapter 3.7.~~
- ~~7. Additions to existing buildings only if located within the triangular “obstructed flow zones” (Shown on Map D) on the upstream and downstream sides of existing building (which will thereby not increase flood hazard).~~
- ~~8. Building improvements that are not lateral additions that constitute less than a 50% increase from the Real Market Value of the structure (e.g. interior remodeling, re-roofing or re-siding, adding an upper floor to a one story building. For the purpose of this section Real Market Value is the most recent tax assessment bill as determined by Umatilla County Tax Assessor.~~
- ~~9. Construction of an enclosed building or installation of a manufacture home if elevated on pilings or posts so as to not obstruct floodwaters and increase flood hazards only if all of a track of land in common ownership existing on or before June 27, 1984 is located within the Floodplain Overlay District and is vacant.~~
- ~~10. Replacement of an existing building or manufactured home only if there is no alternative site owner by the property owner outside of the Floodplain Overlay District. This development shall be in compliance with the elevation standard of .i (above).~~

**~~B. Development Standards for development of Subdivisions, Partitions, Manufactured Home Parks, and Manufactured Homes on Individual Lots within the Flood Plain Overlay District~~**

- ~~1. All subdivisions, partition and manufactured home park applications shall be consistent with the need to minimize flood damage;~~
- ~~2. All subdivision, partition and manufactured home park applications shall have public utilities and~~

facilities such as sewer, gas, electric, and water systems located and constructed to minimize flood damage;

3. All subdivision, partition and manufactured home park applications shall have adequate drainage provided to reduce exposure to flood damage;
4. Base flood elevation data shall be provided for subdivision and manufactured home park applications and other proposed housing development that contain at least 50 lots, manufactured home spaces, dwelling units or 5 acres (whichever is less);
5. For the following types of development, the standards a through e shall apply: new manufactured home parks, expansion of existing manufactured home parks and "substantial improvements" to existing manufactured home parks; and replacement of manufactured homes within existing manufactured home parks.
  - a. Stands or lots are elevated on compacted fill, pilings, piers or the like, so that the lowest floor of the home will be at or above the 100-year flood level.
  - b. Stands are developed so that the manufactured home will be installed on a permanent foundation (not necessarily a masonry perimeter foundation).
  - c. Adequate surface drainage and access for a waste hauler are provided;
  - d. The foundation system is adequately anchored and is designed for the easy and secure anchoring of the manufactured home to it, in compliance with State Building Codes Division standards;
  - e. In the instance of elevation on pilings, that are large enough to permit steps, piling foundations are placed in stable soil no more than 10 feet apart; and reinforcement is provided for pilings more than 6 feet above the ground level.
  - f. Evacuation Plans: Manufactured home park developers shall file evacuation plans with the City and the Umatilla County Emergency Service Department.

## **2.7.600 Enforcement and Interpretation**

### **A. Enforcement and Interpretation**

1. 100-year Flood Elevation: The 100-year flood elevation profiles and Flood Insurance Rate Map contained in FEMA's Flood Insurance Study for Stanfield constitute the legal 100-year flood elevations for Stage Gulch and the Umatilla River for the purposes of this Development Code. Where elevation data is not available either through the Flood Insurance Study or by a study as required by Item 10 of this Subsection, the application for a Development Permit shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test for reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding etc., where available. Failure to elevate at least 2 feet above grade in these zones may result in higher insurance rates.
2. Flood Hazard Area Boundaries: The City may make interpretations as to the exact location of the boundaries of the flood hazard areas when mapped boundaries do not reflect actual field conditions.

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3. Appeals to Federal Floodplain Mapping and 100-year Elevation Determination: Persons disputing the mapping of the 100-year flood elevations of the Umatilla River or Stage Gulch shall file an appeal with the Federal Emergency Management Agency in accordance with Sections 1915 or 1917 of the National Flood Insurance Program.

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4. Variances: Variances to the requirements of this overlay zone shall be processed in accordance with Section 1910.6 of the National Flood Insurance Program, if the requirements at issue are those found in the NFIP. If the requirements exceed those of the NFIP, the variance shall be processed in accordance with Chapter 5.

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5. Structures on the National Register of Historic Places: Automatic waivers to the standards of this District 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 Places, without processing a formal variance.

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6. Development Permits: All Development Permits shall be reviewed to determine that the requirements of this Code have been satisfied.

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7. State and Federal Permits: The city shall review all development permits to determine that all necessary permits have been obtained from those Federal, State or local government agencies from which prior approval is required.

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8. Certification of Flood Elevation and Flood-proofing:

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a. Where 100-year flood elevation data is provided through the Flood Insurance Study or required via item 10 of this Subsection, the applicant shall obtain and city shall record the actual elevation (in relation to mean sea level) of the average ground level and the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement. (i.e. Flood Elevation Certificates are required for constructing, replacing, or substantially improving main buildings:

b. For all new or substantially improved floodproofed structures: The applicant shall verify and city shall record the actual elevation (in relation to mean sea level).

9. Records: The City shall maintain for public inspection and copying all records pertaining to the provisions of this Chapter.

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10. Additional Information and Special Cases: The City may require a registered engineer's evaluation and development plan or more detailed floodplain information for a proposed action may be delayed while the city obtains expert information or advise or if the city requires more detailed information and planning from the applicant.

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11. Conditions of Approval: The City may place conditions of approval on any development permit issued in this District if said conditions are deemed necessary to mitigate hazards to the applicant's project or property, or to neighboring or nearby properties.

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12. Procedural Flexibility: The City staff, Planning Commission or City Council may require that

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~~development allowable as “outright permitted” be processed as a conditional use if the City Manager finds that the requested development may have a significant impact on the neighborhood, or a wider area, or if policy interpretation by the City Council is needed.~~

**2.7.700-600 Floodway Sub-District**

- A. Purpose/Intent Statement:** The Floodway Sub- District is intended to protect and to prevent the further obstruction of the floodplain areas alongside Stage Gulch Ditch and the Umatilla River. The Floodway is 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. Base Flood means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Regulations in the Floodway Sub-District are also intended to protect and restore water bodies and their associated riparian areas, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions these areas provide.
- B. Location.** The Floodway Sub-District comprises the area designated “floodway” on the Revised Preliminary “Flood Boundary and Floodway Map” issued by the Federal Emergency Management Agency on January 11, 1984, as part of the Flood Insurance Study for the City of Stanfield. This map is Map D in the City’s Comprehensive Plan.
- C. Permitted Uses in the Floodway Sub-District.** The following table lists the permitted uses in the Floodway Sub-District.

**2.7.710 Permitted Uses**

<p><b>1. Landscaping Uses*:</b></p> <ul style="list-style-type: none"> <li>a. Use of land as landscaped yard areas</li> <li>b. Planting of trees, shrubs, and hedges</li> <li>c. Fences</li> </ul>	<p><b>2. Transportation Facilities and Improvements*</b></p> <ul style="list-style-type: none"> <li>a. Normal operation, maintenance;</li> <li>b. Installation of improvements within the existing right-of-way;</li> <li>c. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</li> <li>d. Landscaping as part of a transportation facility;</li> <li>e. Emergency Measures;</li> <li>f. Street or road construction as part of an approved subdivision or partition;</li> <li>g. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</li> <li>h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)</li> </ul>
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Uses marked with an asterisk (\*) are subject to the standards in Chapter 3.7, Flood Plain Design Standards. Temporary uses are subject to the standards in Section 4.9. \*\* Uses marked with 2 asterisks are subject to the standards in Section 4.4.400D. CU= Conditional Use Permit Required

### ~~2.7.720 Standards~~

~~The following standards apply in the Floodway Sub-District.~~

- ~~A. **Structures** No structures are allowed to be built within the Floodway Sub-District.~~
- ~~B. **Development Standards.** See Chapter 3.7, Floodplain Design Standards.~~

### ~~2.7.800 Riparian Corridor Sub-District~~

~~**A. Purpose/Intent Statement:** The Riparian Corridor Sub-District is intended to protect and to prevent the further obstruction of the riparian areas alongside State Gulch Ditch and the Umatilla River. Regulations in the Riparian Corridor Sub-District are also intended to protect and restore water bodies and their associated riparian corridors, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions that these areas provide. Specifically, they are intended to protect the habitat for fish and other aquatic life, protect habitat for wildlife, protect water quality for human uses, and for aquatic life, control erosion and limit sedimentation, and reduce the effects of flooding. They attempt to meet these goals by excluding structures from buffer areas around fish-bearing lakes, streams, and associated wetlands, and by restricting vegetation removal or other alteration in those buffers. For cases of hardship, this subsection provides a procedure to reduce the riparian buffer. Alteration of the riparian corridor in such cases shall be offset by appropriate restoration or mitigation, as stipulated in Section 2.7.800(C) of this ordinance.~~

#### ~~**B. Definition of Riparian Corridors:**~~

- ~~1. Significant Riparian Corridors are defined using the safe harbor process described under OAR 660-023-0090(5).~~
- ~~2. The 1984 Comprehensive Plan Technical Report Update specifies the Umatilla River and Stage Gulch Ditch as fish-bearing streams.~~
- ~~3. Along Stage Gulch Ditch, the riparian corridor boundary shall be 50 feet from the top of bank, except as identified below.~~
- ~~4. Along the Umatilla River, the riparian corridor boundary shall be 75 feet upland from the top of each bank, except as identified below.~~
- ~~5. For all other wetland areas identified on the City of Stanfield Local Wetlands Inventory (LWI) map, the protection area shall be 50 feet from the upland edge of the wetland.~~
- ~~6. Where the riparian corridor includes all or portions of a significant wetland, the standard distance to the riparian corridor boundary shall be measured from, and include, the upland edge of the wetland.~~
- ~~7. Except around inventoried wetlands, the measurement of distance to the riparian corridor boundary shall be from the top of the bank. The measurement shall be a slope distance. In areas where the top of each bank is not clearly defined, the riparian corridor boundary shall be measured from the ordinary high water level, or the line of non-aquatic vegetation, whichever is most landward. In areas where the predominant terrain consists of steep cliffs, the distance to the corridor boundary shall be measured as a horizontal distance until the top of the cliff is reached, and as a slope distance from that point.~~

### C. Activities Within the Riparian Corridor

- ~~1. In some cases portions of the riparian corridor (as defined in Section 2.7.720.C.1) will extend outside of the floodway area. Nothing in this section shall be construed to allow structures in the floodway or other prohibited activities in the floodway.~~
- ~~2. The permanent alteration of the riparian corridor by grading or by the placement of structures or impervious surfaces is prohibited, except for the following uses provided that the City Manager or Planner finds that they are designed to minimize intrusion into the riparian corridor, and no other options or locations are feasible. Such applications shall be reviewed as a Type III procedure:
  - ~~a. Streets, roads, and paths identified in the City's Capital Improvement Plan~~
  - ~~b. Drainage facilities, utilities, and irrigation pumps;~~
  - ~~c. Water related and water dependent uses, such as but not limited to drainage facilities, water, and wastewater facilities;~~
  - ~~d. Replacement of existing structures with structures in the same location that do not disturb additional riparian surface area;~~
  - ~~e. Structures or other non-conforming alterations existing fully or partially within the riparian corridor may be expanded provided the expansion does not expand the footprint of the structure within the riparian corridor. Substantial improvement of a non-conforming structure in the riparian corridor shall require compliance with the standards of this ordinance.~~
  - ~~f. Existing lawn within the riparian corridor may be maintained, but not expanded within the riparian corridor. Development activities on the property shall not justify replacement of riparian corridor with lawn.~~
  - ~~g. Existing shoreline stabilization and flood control structures may be maintained. Any expansion of existing structures or development of new structures shall be evaluated by the City Manager and the appropriate natural resource agency staff. Such alteration of the riparian corridor shall be approved only if less-invasive or non-structural methods will not adequately meet the stabilization or flood control needs.~~
  - ~~h. New fencing may be permitted by the City Manager, provided that the fencing does not impact fish habitat or site hydrology and the fencing does not create an obstruction that would increase flood velocity or intensity.~~~~
- ~~3. Removal of riparian vegetation is prohibited, except for:
  - ~~a. Removal of non-native vegetation and replacement with native plant species. The replacement vegetation shall cover, at minimum, the area from which vegetation was removed, and shall maintain or exceed the density of the removed vegetation.~~
  - ~~b. Removal of vegetation necessary for the development of approved water-related or water-dependent uses. Vegetation removal shall be kept to the minimum necessary to allow the water-dependent or water-related use.~~
  - ~~c. Trees in danger of falling and thereby posing a hazard to life or property may be removed, following consultation and approval from the City Manager. If no hazard will be created, the City Manager may require these trees, once felled, to be left in place in the riparian corridor. Any trees removed are required to be replaced by an approved native species. The determination of an approved native species shall be reviewed as a Type II application.~~~~
- ~~4. Exceptions: The following activities are not required to meet the standards of this section:
  - ~~a. Normal and accepted farming practices other than buildings or structures, occurring on land zoned for exclusive farm use and existing in the riparian corridor since prior to the date of~~~~

~~adoption of this ordinance. On-going agricultural practices existing in the riparian corridor since prior to the date of adoption of this ordinance on land not zoned for exclusive farm use are allowed in the riparian corridor subject to the definition and requirements of non-conforming uses.~~

- ~~b.—Drainage way or ditch maintenance practices, other than structures, to maintain flow at original design capacity and mitigate upstream flooding, provided that management practices minimize sedimentation and impact to native vegetation.~~

#### **D.—Alteration Requiring Mitigation**

- ~~1.—In some cases portions of the riparian corridor (as defined in Section 2.7.720.C.1) will extend outside of the floodway area. Nothing in this section shall be construed to allow structures in the floodway or other prohibited activities in the floodway.~~
- ~~2.—Permanent alteration of the riparian corridor by placement of structures or impervious surfaces is allowable under the following procedures, subject to the mitigation requirements of Section 2.7.720.C.3.e.
  - ~~a.—A setback adjustment as allowed under Section 2.7.720.C.3.d.~~
  - ~~b.—A variance to the riparian setback approved through procedures of Section 2.7.720.C.3.e.~~
  - ~~c.—On the Umatilla river, the riparian setback may be reduced as allowed under Section 2.7.720.C.3.f.~~~~
- ~~3.—Proposals for development activities within the riparian corridor allowed in Section 2.7.720.b shall be reviewed by the Oregon Department of Fish and Wildlife (ODFW), as per OAR 635-415 Fish and Wildlife Habitat Mitigation Policy. A mitigation recommendation shall be obtained by ODFW. For purposes of implementing Goal 5, the goal is no net loss of protected resources; correspondingly, for purposes of designing appropriate mitigation, sites should be considered at least in “Habitat Category 2” (OAR 635-415-030), which strives for no net loss of habitat values.~~
- ~~4.—Setback Adjustment
  - ~~a.—Qualifying lots: Lots on which the riparian setback required by this ordinance exceeds any other setbacks in a particular yard, and which, when combined with other required yard setbacks, results in a building area depth of 25 feet or less or a building envelope of 800 square feet or less.~~
  - ~~b.—Setback reduction procedure: Setback reduction shall be the minimum necessary to create a building envelope 25 feet deep or a building envelope of 800 square feet (whichever requires a lesser reduction of the setback). The yard setback opposite the riparian corridor may be reduced up to ¼ the standard setback. If this does not create a sufficient building envelope, the riparian setback may be reduced up to ½ the required setback. Additional reductions of setbacks require a variance. Removal of vegetation within the original riparian setback shall be the minimum necessary to allow development of the use, and shall otherwise conform with the standards of Section 2.7.720.C.2.b or this ordinance. Applications for setback adjustments shall be reviewed as a Type III procedure.~~~~
- ~~5.—Variance. In cases where the provision for a Setback Adjustment under Section 2.7.720.C.3.d are not sufficient, a property owner may request a Variance to the riparian setback.
  - ~~a.—Granting of a Variance requires findings that:
    - ~~i.—The proposed development requires deviation from the riparian standards; and~~
    - ~~ii.—Strict adherence to the riparian setback and other applicable standards would effectively preclude a use of the parcel that could be reasonably expected to occur in the zone, and that the property owner would be precluded a substantial property right enjoyed by the majority of landowners in the vicinity; and~~~~~~

- iii. ~~The provision of Section 2.7.720.C.3.d are insufficient to remedy the hardship.~~
- b. ~~Administrative Variances shall be process as a Type III procedure in accordance with Section 4.1.500 of this Code.~~
- 6. ~~Umatilla River Riparian Reduction: On the Umatilla River, structures and impervious surfaces may be placed within the riparian setback as follows:~~
  - a. ~~The removal of vegetation shall be limited to the minimum amount necessary to accommodate the use. Any vegetation removed in excess of this standard shall be non-native species, and the proposal shall specify replacement of that vegetation with native species.~~
  - b. ~~The applicant shall provide sufficient information regarding the proposed development and potential impacts to riparian resources to allow the City Manager, in consultation with the ODFW, to determine whether the proposal will provide equal or better protection of riparian resources. The applicant shall demonstrate that equal or better protection for identified resources will be ensured through restoration of riparian corridors, enhanced buffer treatment, or similar measures. Such applications shall be reviewed as a Type III procedure. An application for a Umatilla River Riparian Reduction shall include, but is not necessarily limited to: a plot plan showing the top of the stream or water body bank, the extent of development within the riparian setback, uses that will occur within the riparian setback, and potential impacts (for example: chemical runoff, noise, etc.), the extent of vegetation removal proposed, characteristics of the existing vegetation (types, density), any proposed alterations of topography or drainage patterns, existing uses on the property and any potential impacts they could have on riparian resources.~~
  - c. ~~In no case shall such alterations occupy more than 50% of the width of the riparian corridor measured from the upland edge of the corridor.~~



## **Chapter 2.8—Wetlands Overlay District (WL)**

### **Sections:**

- 2.8.100— Purpose**
- 2.8.200— Determination of Locally Significant Wetlands**
- 2.8.300— Applicability and Application Submittal Requirements**
- 2.8.400— Approval Criteria**
- 2.8.500— Allowed Activities Within the Wetlands Overlay District**
- 2.8.600— Prohibited Activities Within the Wetlands Overlay District**
- 2.8.700— Long-Term Conservation and Maintenance of Wetland Protection Areas**
- 2.8.800— Notification and Coordination with State Agencies**
- 2.8.900— Variances**

### **2.8.100 Purpose**

The Wetlands Overlay District is intended to protect and restore wetland resources other than those located in the floodways of the Umatilla River and Stage Gulch Ditch, thereby protecting and restoring the hydrologic, ecologic, and land conservation functions that these areas provide. The purposes of establishing the Wetlands Overlay District are:

- To implement the goals and policies of the City of Stanfield Comprehensive Plan;
- To satisfy the requirement of Statewide Planning Goal 5;
- To protect and restore the City of Stanfield's wetland areas and the hydrologic and ecologic functions they provide for the community;
- To protect fish and wildlife habitat, enhance water quality and natural hydrology, control erosion and sedimentation, and reduce the effects of flooding;
- To protect the amenity values and educational opportunities of Stanfield's wetlands as community assets;
- To enhance the value of properties near wetlands by utilizing the wetland as a visual amenity; and
- To enhance coordination among local, state, and federal agencies regarding development activities near wetlands.

### **2.8.200 Determination of Locally Significant Wetlands**

The determination of locally significant wetlands shall be made by the City of Stanfield in accordance with the rules adopted by the Division of State Lands (OAR 141-086-3000). Locally significant wetlands are identified on the City of Stanfield Local Wetlands Inventory (LWI) map.

### **2.8.300 Applicability and Application Submittal Requirements**

**A. Wetlands Identification.** The Wetlands Overlay District consists of locally significant wetlands identified on the City of Stanfield Local Wetlands Inventory (LWI) map.

~~**B. Applicability.** The provisions of this Article shall be applied to any property or parcel containing wetlands identified as being locally significant. These provisions do not provide any exemption from state or federal regulations.~~

~~**C. Approving Authority.** Unless otherwise stated, the approving authority shall apply the provisions of this Article, in conjunction and concurrently with any other development permit being sought by an applicant. If no other permit is being sought the City Manager/Planner shall serve as the approving authority.~~

~~**D. Submittal Requirements.** Applications for plan approvals, development permits, or building permits, and plans for proposed public facilities on parcels containing a wetland protection area, or a portion thereof, shall contain the following:~~

- ~~1. A delineation of the wetland boundary completed by a professional wetland scientist or similar expert qualified to delineate wetlands in accordance with the Oregon Division of State Lands rules. If the proposed project is designed to avoid wetlands, a wetland determination report may be provided in place of the delineation.~~
- ~~2. A scale drawing that clearly depicts the wetland boundary, the surface water source, existing trees and vegetation, property boundaries, and proposed site alterations including proposed structures and paved areas.~~
- ~~3. Verification that the application packet has been submitted to the Oregon Department of Fish and Wildlife for review and comment.~~

#### ~~2.8.400 Approval Criteria~~

~~**A. Compliance.** The proposed project complies with the provisions of Sections 2.8.500 through 2.8.900 of this Code.~~

~~**B. Prohibition of Excavation or Filling.** Except as otherwise noted in Section 2.8.500, the proposed project will not result in excavation or filling of a wetland or reduction of wetland area on a parcel that has been identified as containing a wetland.~~

~~**C. Additional Prohibition.** Except as otherwise noted in Section 2.8.500, the proposed project will not result in development or filling of land within 25 feet of the boundary of wetland that has been identified as significant on the LWI map.~~

#### ~~2.8.500 Allowed Activities Within the Wetlands Overlay District~~

~~**A. Existing Uses.** Any use, sign, or structure, and the maintenance thereof, that was lawfully existing on July 1, 2003, is permitted within the Wetlands Overlay Zone. Such use, sign, or structure may continue at a similar level and manner as existed on July 1, 2003. The maintenance and alteration of pre-existing ornamental landscaping is permitted within a wetland protection area as long as no additional native vegetation is disturbed. The provisions of this section shall not be affected by any~~

change in ownership of properties containing a wetland protection are:

- ~~**B. Permitted Activities.** The following activities and maintenance thereof are permitted within a wetland protection area, provided that any applicable state or federal permits are secured:~~
- ~~1. Wetland restoration and rehabilitation activities.~~
  - ~~2. Restoration and enhancement of native vegetation.~~
  - ~~3. Cutting and removal of trees which pose a hazard to life or property due to threat of falling.~~
  - ~~4. Removal of non-native vegetation, if replaced with native plant species at the same amount of coverage or density, so that native species are dominant.~~
  - ~~5. Normal farm practices such as grazing, plowing, planting, cultivating and harvesting, that meet the following criteria and limitations:~~
    - ~~a. The land is zoned for Exclusive Farm Use.~~
    - ~~b. The farm practices are of no greater scope or intensity than those that were in existence on the property prior to July 1, 2003.~~
    - ~~c. The farm practices do not include new or expanded structures, roads, or other facilities involving placement of fill material, excavation, or new drainage measures.~~
  - ~~6. Drainage way or ditch maintenance practices, other than structures, to maintain flow at original design capacity and mitigate upstream flooding, provided that management practices minimize sedimentation and impact to native vegetation and any spoils are placed in uplands.~~
  - ~~7. Replacement of a permanent, legal, nonconforming structure in existence on July 1, 2003, with a structure on the same building footprint, if it does not disturb additional area, and in accordance with the provisions of Chapter 5.2 of this Code.~~
  - ~~8. Expansion of a permanent, legal, nonconforming structure in existence on July 1, 2003, if the expansion area is not within the wetland protection area, and in accordance with the provisions of Chapter 5.2 of this Code.~~
  - ~~9. Emergency stream bank stabilization to remedy immediate threats to life or property.~~
  - ~~10. Maintenance and repair of existing roads and streets, including repaving and repair of existing bridges and culverts, provided that such practices avoid sedimentation and other discharges into the wetland or waterway.~~
- ~~**C. Fencing.** New fencing may be permitted by the City Manager/Planner where the applicant demonstrates that the following criteria are satisfied. Applications for new fencing within a wetland protection area shall contain a scale drawing that clearly depicts the wetland area boundary.~~
- ~~1. The fencing does not impact the hydrology of the site or present an obstruction that would increase flood velocity or intensity.~~
  - ~~2. Fish habitat is not adversely affected by the fencing.~~

3. The fencing is the minimum necessary to achieve the applicant's purpose.

~~D. **Notice Requirements.** Wetland areas identified on the LWI are also subject to the public notice requirements in Section 4.1.800.B.~~

#### ~~2.8.600 Prohibited Activities Within the Wetlands Overlay District~~

~~A. **Prohibited Activities.** The following activities are prohibited within a wetland protection area, except as permitted in Section 2.8.500 of this Code.~~

- ~~1. Placement of new structures or impervious surfaces.~~
- ~~2. Excavation, grading, fill, or removal of vegetation, except for fire protection purposes.~~
- ~~3. Expansion of areas of landscaping with non-native species, such as a lawn or garden, into the wetland protection area.~~
- ~~4. Dumping, piling, or disposal of refuse, yard debris, or other material.~~
- ~~5. Discharge or direct runoff of untreated stormwater.~~
- ~~6. Uses not allowed in the list of permitted uses for the underlying zone.~~

#### ~~2.7.700 Long-Term Conservation and Maintenance of Wetland Protection Areas~~

~~When approving applications for Land Divisions, Planned Unit Developments, Conditional Use Permits, and Variances, or for development permits for properties containing a wetland protection area or portion thereof, the approving authority shall assure long-term conservation and maintenance of the wetland protection area through one of the following methods:~~

- ~~A. **Conservation Easement.** The area shall be protected in perpetuity by a conservation easement recorded on deeds and plats prescribing the conditions and restrictions set forth in this Chapter and any imposed by state or federal permits.~~
- ~~B. **Other Protection Measures.** The area shall be protected in perpetuity through ownership and maintenance by a private nonprofit association through a conservation easement or through deed conditions, covenants, or restrictions prescribing the conditions and restrictions set forth in this Chapter and any imposed by state or federal permits.~~
- ~~C. **Deed Transfer.** The area shall be transferred by deed to a willing public agency or private conservation organization with a recorded conservation easement prescribing the conditions and restrictions set forth in this Article and any imposed by state or federal permits.~~
- ~~D. **Other Appropriate Protections.** The area shall be protected through other appropriate mechanisms acceptable to the City of Stanfield which ensure long-term protection and maintenance.~~

## **~~2.7.800 Notification and Coordination with State Agencies~~**

~~**A. Notification of Division of State Lands.** The Oregon Division of State Lands shall be notified in writing of all applications to the City of Stanfield for development activities, including development applications, building permits, and other development proposals, that may affect any wetland identified on the LWI map. This applies to both significant and non-significant wetlands. The Division of State Lands provides a Wetland Land Use Notification form for this purposes. Further wetland notification requirements are found in Section 4.1.800(B).~~

~~**B. Advisory Recommendations.** When reviewing development permits authorized under this Chapter, the approving authority shall consider advisory recommendations from the Oregon Department of Fish and Wildlife regarding OAR 635-415 "Fish and Wildlife Habitat Mitigation Policy."~~

## **~~2.7.900 Variances~~**

~~**A. Mapping Error Variances and Corrections.** The City Manager/Planner may grant a variance to any provision of this Chapter when the applicant has shown that a mapping error has occurred and the error has been verified by the Division of State Lands. Delineations verified by the Division of State Lands shall be used to update Local Wetland Inventory mapping. Applications for a mapping error variance shall be reviewed as a Type II application, with the concurrence of the Division of State Lands. Although no formal variance application or amendment is needed for map corrections where delineations are approved by the Division of State Lands, public notice shall be given and the LWI shall be updated.~~

~~**B. Hardship Variances.** Applications for a hardship variance shall be reviewed as a Type III application. The Planning Commission may grant a variance to any provision of this Chapter if the applicant has shown that all of the following conditions exist:~~

- ~~1. Variances shall be granted for any lands demonstrated to have been rendered not buildable by application of the ordinance, for which the applicant has submitted a formal application, provided the subject parcel was not created after the effective date of this Chapter.~~
- ~~2. The applicant has exhausted all other options available under this Chapter to relieve the hardship.~~
- ~~3. The variance is the minimum necessary to afford relief, considering the potential for increased flood and erosion hazard, and potential adverse impacts on native vegetation, fish and wildlife habitat, and water quality.~~
- ~~4. No significant adverse impacts on water quality, erosion, or slope stability will result from approval of the hardship variance, or these impacts have been mitigated to the greatest extent possible.~~

~~**5.1.** The loss of vegetative cover resulting from approval of the hardship variance shall be minimized.~~

## Chapter 3 — Design Standards

3.0 - Design Standards Administration

3.1 - Access and Circulation

3.2 - Landscaping, Street Trees, Fences and Walls

3.3 - ~~Vehicle~~ Parking, and Bicycle Parking, and Loading Standards

3.4 - Public Facilities Standards

3.5 - Surface Water Management

3.6 - Other Design Standards

3.7 - Flood Plain Design Standards

3.8 - ~~Loading Standards~~

## Chapter 3.0 — Design Standard Administration

### Sections:

**3.0.100 - Applicability**

**3.0.200 - Types of Design Standards**

### **3.0.100 Applicability.**

All developments within the City must comply with the provisions of Chapters 3.1 through 3.6. Some developments, such as major projects requiring land division and/or site design review approval, may require detailed findings demonstrating compliance with each chapter of the code. For smaller, less complex projects, fewer code provisions may apply. Though some projects will not require land use or development permit approval (e.g., building of single-family houses on platted lots, that are not subject to Chapter 3.7 – Flood Plain Design Standards), they are still required to comply with the provisions of this Chapter.

### **3.0.200 Types of Design Standards.**

The City's development design standards are contained in both Chapter 2 and Chapter 3. It is important to review both chapters, and all relevant code sections within the chapters, to determine which standards apply. The City may prepare checklists to assist property owners and applicants in determining which sections apply.

**A. Chapter 3.** The design standards contained within the following chapters apply throughout the City, for all land use types:

- 3.1 - Access and Circulation
- 3.2 - Landscaping, Street Trees, Fences and Walls
- 3.3 - Automobile and Bicycle Parking, [Loading Standards](#)
- 3.4 - Public Facilities Standards
- 3.5 - Surface Water Management
- 3.6 - Other Design Standards
- 3.7 – Flood Plain Design Standards

**B. Chapter 2.** Each land use district (Chapter 2) provides design standards that are specifically tailored to the district. For example, the Residential District contains building design guidelines that are different than those provided in the Downtown District, due to differences in land use, building types, and compatibility issues. In addition, each district provides special standards that are meant to address the impacts or characteristics of certain land uses.

## Chapter 3.1 — Access and Circulation

### Sections:

3.1.100 — Purpose ~~and~~ **Applicability**

3.1.200 - Vehicular Access and Circulation

3.1.300 - Pedestrian Access and Circulation

### 3.1.100 Purpose and Applicability

The purpose of this chapter is to help insure that developments provide safe and efficient access, ~~and~~ circulation, ~~and connectivity,~~ for ~~vehicles and~~ pedestrians ~~and vehicles~~. Section 3.1.200 provides standards for vehicular access and circulation. Section 3.1.300 provides standards for pedestrian access and circulation. Standards for transportation improvements are provided in Chapter 3.4.100.

This Chapter applies to new development and changes in land use necessitating a new or modified street or highway connection. Except where the standards of a roadway authority other than the City supersede City standards, Chapter 3.1 applies to all connections to a street or highway, and to driveways and walkways.

### **3.1.200 Vehicular Access and Circulation.**

**A. Intent and Purpose.** The intent of this Section is to manage vehicle access to development through a connected street system, while preserving the flow of traffic in terms of safety, roadway capacity, and efficiency. Access shall be managed to maintain ~~an~~ adequate “performance standards” and to maintain the “functional classification” of roadways as required by the City’s Transportation System Plan. Major roadways, including highways, arterials, and collectors, serve as the primary system for moving people and goods. “Access management” is a primary concern on these roads. Local streets and alleys provide access to individual properties. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. This Section attempts to balance the right of reasonable access to private property with the right of the citizens of the City and the State of Oregon to safe and efficient travel. It also requires all developments ~~to~~ construct planned streets (arterials and collectors) and to extend local streets.

To achieve this policy intent, state and local roadways have been categorized in the ~~Comprehensive Plan by function.~~ ~~(See Chapter 3.4.100.)~~ Transportation System Plan. Regulations have been applied to these roadways for the purpose of reducing traffic accidents, personal injury, and property damage attributable to access systems, and to thereby improve the safety and operation of the roadway network. This will protect the substantial public investment in the existing transportation system and reduce the need for expensive remedial measures. These regulations also further the orderly layout and use of land, protect community character, and conserve natural resources by promoting well-designed road and access systems and discouraging the unplanned subdivision of land.



~~**B. Applicability.** This ordinance shall apply to all public streets within the City and to all properties that abut these streets.~~

**C.B. Access Permit Required.** Access to a public street requires an Access Permit in accordance with the following procedures:

1. Permits for access to City streets shall be subject to review and approval by the City Engineer based on the standards contained in this Chapter, and the provisions of Chapter 3.4.100 - Transportation Standards. An access permit may be in the form of a letter to the applicant, or it may be attached to a land use decision notice as a condition of approval.
2. Permits for access to State highways shall be subject to review and approval by Oregon Department of Transportation (ODOT). In that case, ~~the City or County~~ ODOT shall determine whether access is granted based on its adopted standards.
3. Permits for access to County ~~highways-roads~~ shall be subject to review and approval by Umatilla County, except where the County has delegated this responsibility to the City, in which case the City shall determine whether access is granted based on adopted County standards.

**D.C. Traffic Study Requirements.** The City or other agency with access jurisdiction may require a traffic study prepared by a qualified professional to determine access, circulation and other transportation requirements. (See Section 3.4.100 - Transportation Standards and Chapter 4.10, Traffic Impact Study.)

**E.D. Conditions of Approval.** The City or other agency with access permit jurisdiction may require the closing or consolidation of existing curb cuts or other vehicle access points, recording of reciprocal access easements (i.e., for shared driveways), development of a frontage street, installation of traffic control devices, and/or other mitigation as a condition of granting an access permit, to ensure the safe and efficient operation of the street and highway system. Access to and from off-street parking areas shall not permit backing onto a public street.

**F.E. Access Options.** When vehicle access is required for development (i.e., for off-street parking, delivery, service, drive-through facilities, etc.), access shall be provided by one of the following methods. These methods are “options” to the developer/subdivider, unless one method is specifically required by Chapter 2 (i.e., under “Special Standards for Certain Uses”). A minimum of 10 feet per lane is required.

1. **Option 1.** Access is from an existing or proposed alley or mid-block lane. If a property has access to an alley or lane, direct access to a public street is not permitted.
2. **Option 2.** Access is from a private street or driveway connected to an adjoining property that has direct access to a public street (i.e., “shared driveway”). A public access easement covering the driveway shall be recorded in this case to assure access to the closest public street for all users of the private street/drive.
3. **Option 3.** Access is from a public street adjacent to the development parcel. If practicable, the owner/developer may be required to close or consolidate an existing access point as a

condition of approving a new access. Street accesses shall comply with the access spacing standards in Section ~~G.F.~~

4. Subdivisions Fronting ~~Onto~~ to an Arterial Street. New residential land divisions fronting onto an arterial street shall be required to provide alleys or secondary (local or collector) streets for access to individual lots. When alleys or secondary streets cannot be constructed due to topographic or other physical constraints, access may be provided by consolidating driveways for clusters of two or more lots (e.g., includes flag lots and mid-block lanes).
5. Double-Frontage Lots. When a lot has frontage onto two or more streets, access shall be provided first from the street with the lowest classification. For example, access shall be provided from a local street before a collector or arterial street. Except for corner lots, the creation of new double-frontage lots shall be prohibited in the Residential District, unless topographic or physical constraints require the formation of such lots. When double-frontage lots are permitted in the Residential District, a landscape buffer with trees and/or shrubs and ground cover not less than 20 feet wide shall be provided between the back yard fence/wall and the sidewalk or street; maintenance shall be assured by the owner (i.e., through homeowner's association, etc.). Double frontage lots are further discussed in Chapter 4.3.

***Important cross-references to other code sections:***

Chapters 2 and 3 may require buildings placed at or near the front property line and driveways and parking areas oriented to the side or rear yard. The City may require the dedication of public right-of-way and construction of a street (e.g., frontage road, alley or other street) when the development impact is proportionate to the need for such a street, and the street is identified by the ~~Comprehensive Plan or an adopted Local Streets~~ Transportation System Plan. (Please refer to Section 3.4.100 - Transportation Standards.)

**G.F. Access Spacing.** Driveway accesses shall be separated from other driveways and street intersections in accordance with the following standards and procedures:

1. Local Streets. A minimum of 50 feet separation (as measured from the sides of the driveway/street) shall be required on local streets (i.e., streets not designated as collectors or arterials), except as provided in subsection 3, below.
2. Arterial and Collector Streets. Access spacing on collector and arterial streets and at controlled intersections (i.e., with four-way stop sign or traffic signal) shall be determined based on the policies and standards contained in the City's Transportation System Plan. Access to US Highway 395 shall be subject to the applicable standards and policies contained in the ~~Umatilla County Transportation~~ Oregon Highway Plan.
3. Special Provisions for All Streets. Direct street access may be restricted for some land uses, in conformance with the provisions of Chapter 2 - Land Use Districts. For example, access consolidation, shared access, and/or access separation greater than that specified by subsections 1-2, may be required by the City, County or ODOT for the purpose of protecting the function, safety, and operation of the street for all users. (See Section '~~H~~', below.) Where no other alternatives exist, the permitting agency may allow construction of an access connection along the property line farthest from an intersection. In such cases, directional connections (i.e., right in/out, right in only or right out only) may be required.

4. Corner Clearance. The distance from a street intersection to a driveway or other street access shall meet or exceed the minimum spacing requirements for the street classification in the City's Transportation System Plan.

**H.G. Number of Access Points.** For single-family (detached and attached), two-family, and three-family housing types, one street access point is permitted per lot, when alley access cannot otherwise be provided; except that two access points may be permitted for two-family and three-family housing on corner lots (i.e., no more than one access per street), subject to the access spacing standards in Section ~~'G-F'~~, above. The number of street access points for multiple family, commercial, industrial, and public/institutional developments shall be minimized to protect the function, safety and operation of the street(s) and sidewalk(s) for all users. Shared access may be required, in conformance with Section ~~H~~, below, ~~in order~~ to maintain the required access spacing, and minimize the number of access points.

**H.H. Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized ~~by the use of using~~ shared driveways with adjoining lots where feasible. The City shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes in accordance with the following standards:

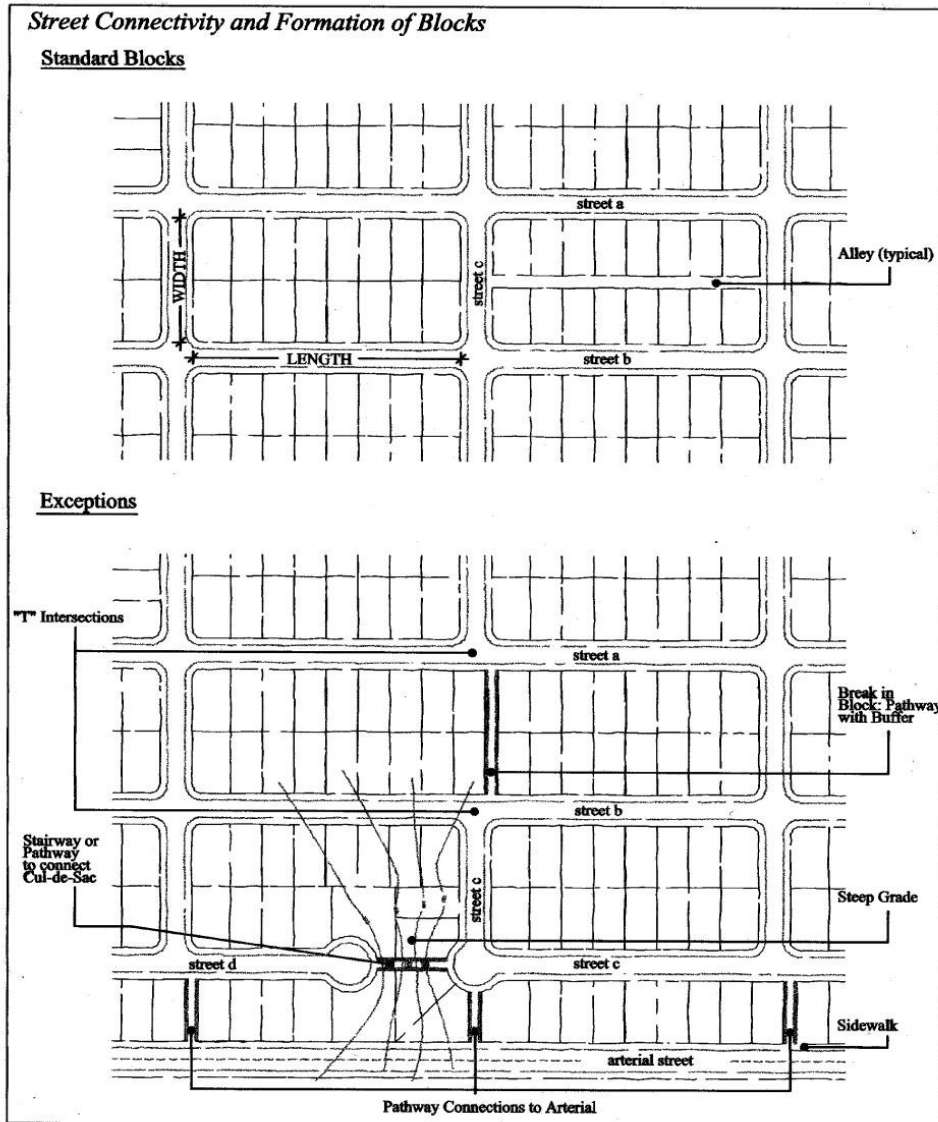
1. Shared driveways and frontage streets may be required to consolidate access onto a collector or arterial street. When shared driveways or frontage streets are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway or street temporarily ends at the property line, but may be extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).
2. Access easements (i.e., for the benefit of affected properties) shall be recorded for all shared driveways, including pathways, at the time of final plat approval (Chapter 4.3) or as a condition of site development approval (Chapter 4.2).
3. Exception. Shared driveways are not required when existing development patterns or physical constraints (e.g., topography, parcel configuration, and similar conditions) prevent extending the street/driveway in the future.
4. Cross Access. Cross access is encouraged, and may be required, between contiguous sites in Commercial and Industrial Districts and for multi-family housing in the Residential Multi-family Sub-district of the Residential District, ~~in order~~ to provide for more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

**H.I. Street Connectivity and Formation of Blocks Required.** Land divisions and large site developments often involve development of land not previously developed. This creates opportunities to help insure that pedestrian and vehicular circulation is preserved both to and from the new development. To accomplish this, site developments shall produce complete blocks bounded by a connecting network of public and/or private streets, in accordance with the following standards:

1. Block Length and Perimeter. The maximum block length and perimeter shall not exceed:
  - a. 300 feet length and 1,600 feet perimeter in the Residential District;

- b. 300 feet length and 1,200 feet perimeter in the ~~Downtown Commercial District, except as provided by Section 2.2.140 – Block Layout and Building Orientation;~~
  - c. Not applicable to the General Industrial District;
  - d. 600 feet length and 2,000 feet perimeter in the Light Industrial District, ~~except as required for commercial developments subject to Section 2.2.140.~~
2. Street Standards. Public and private streets shall also conform to Section 3.4.100 - Transportation Standards, ~~and~~ Section 3.1.300 – Pedestrian Circulation, and applicable Americans with Disabilities Act (ADA) design standards.
3. Exception. Exceptions to the above standards may be granted when blocks are divided by one or more pathway(s), in conformance with the provisions of Section 3.1.300.A. Pathways shall be located to minimize out-of-direction travel by pedestrians and may be designed to accommodate bicycles. Additional exceptions may be granted for issues of topography, existing development, and features such as railroad lines that do not allow connections.

Figure 3.1.200.J Street Connectivity and Formation of Blocks

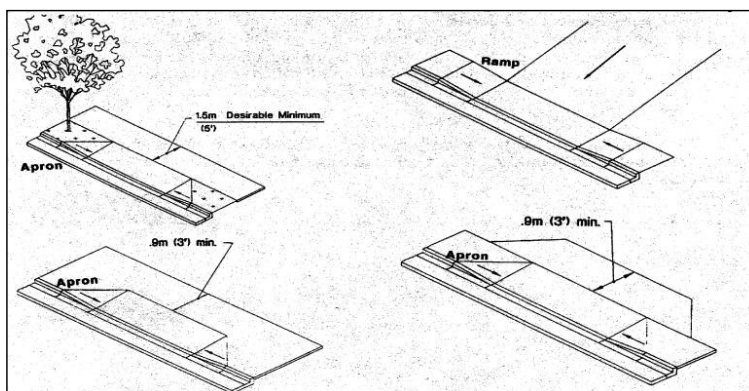


**K.J. Driveway Openings.** Driveway openings [or curb cuts] shall be the minimum width necessary to provide the required number of vehicle travel lanes (10 feet for each travel lane). ~~The following standards (i.e., as measured where the front property line meets the sidewalk or right-of-way) Public Works Standards are required-applicable~~ to provide adequate site access, minimize

surface water runoff, and avoid conflicts between vehicles and pedestrians. Also applicable are Public Works Standards to the type and placement of driveway approaches and aprons.

- ~~1. Single family, two family, and three family uses shall have a minimum driveway opening of 10 feet, and a maximum width of 24 feet. One recreational vehicle pad driveway may be provided in addition to the standard driveway.~~
- ~~2. Multiple family uses with between 4 and 7 dwelling units shall have a minimum driveway width of 20 feet, and a maximum width of 24 feet.~~
- ~~3. Multiple family uses with more than 8 dwelling units, and off street parking areas with 16 or more parking spaces, shall have a minimum driveway width of 24 feet, and a maximum width of 30 feet. These dimensions may be increased if the City Engineer determines that more than two lanes are required based on the number of trips generated or the need for turning lanes.~~
- ~~4. Access widths for all other uses shall be based on 10 feet of width for every travel lane, except that driveways providing direct access to parking spaces shall conform to the parking area standards in Chapter 3.3.~~
- ~~5. Driveway approaches should be designed and located to provide an existing vehicle with an unobstructed view. Construction of driveways along acceleration or deceleration lanes or tapers should be avoided due to the potential for vehicle conflicts. This criterion is mandatory for accesses to State highways.~~

**Figure 3.1.200.K.5 Examples of Acceptable Driveway Openings**



- ~~6. Driveway Aprons. Driveway aprons (when required) shall be constructed of concrete and shall be installed between the street right-of-way and the private drive, as shown above. Driveway aprons shall conform to ADA standards for sidewalks and pathways, which require a continuous route of travel, that is a minimum of 3 feet in width, with a cross slope not exceeding 2 percent. (See Figure 3.1.200 Examples of Acceptable Driveway Openings.)~~

7.1. Loading Area Design. The design of driveways and on-site maneuvering and loading areas for commercial and industrial developments shall consider the anticipated storage length for entering and existing vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

K. Fire Access and Parking Area Turn-arounds. A fire equipment access drive shall be provided for any portion of an exterior wall of the first story of a building that is located more than 150 feet from an existing public street or approved fire equipment access drive. Parking areas shall provide adequate aisles or turn-around areas for service and delivery vehicles so that all vehicles may enter the street in a forward manner. For requirements related to cul-de-sacs, please refer to Section 3.4.100.M.

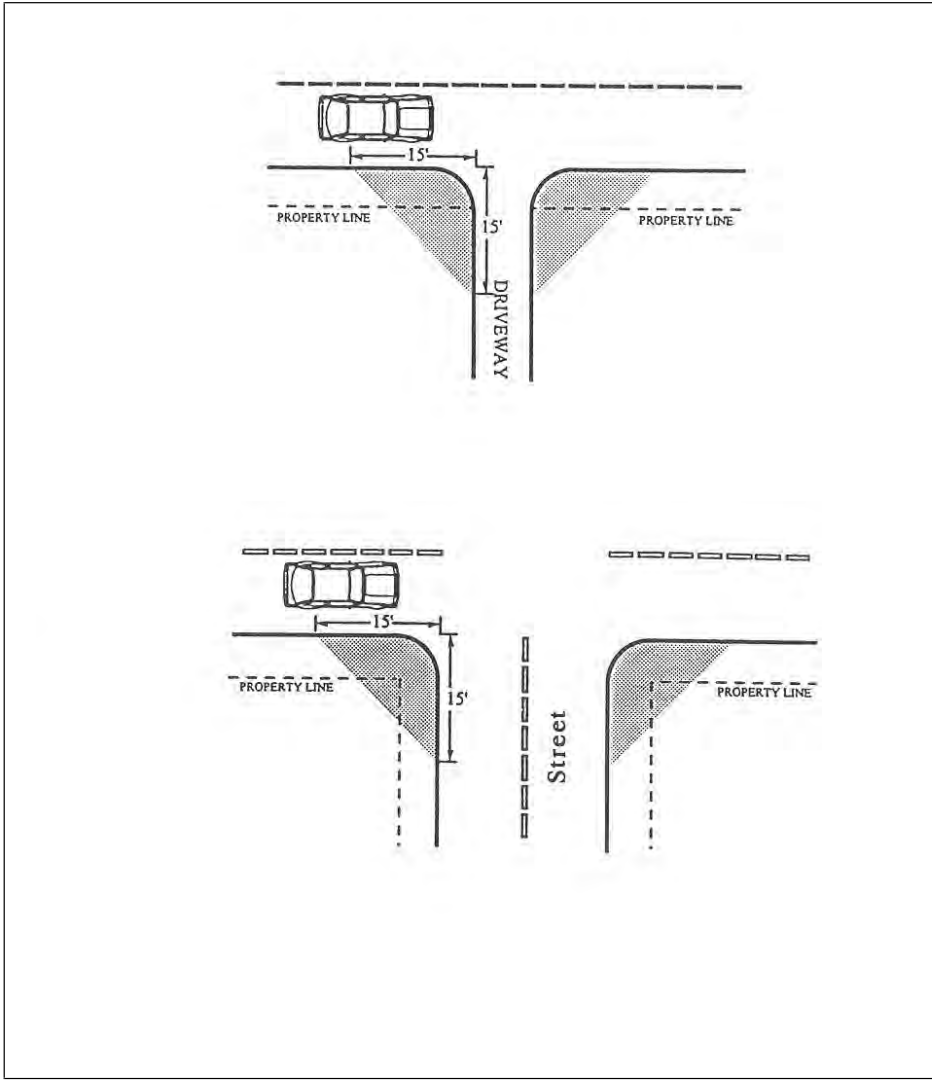
L. Vertical Clearances. Driveways, private streets, aisles, turn-around areas, and ramps shall have a minimum vertical clearance of 13' 6" for their entire length and width.

M. Vision Clearance. No public or private signs, structures, or vegetation ~~in excess of more than~~ three feet in height shall be placed in "vision clearance areas", as shown in Figure 3.1.200.~~NM~~. The minimum vision clearance area may be increased by the City Engineer upon finding that more sight distance is required (i.e., due to traffic speeds, roadway alignment, etc.). These standards are applicable to all public and private streets except for alleyways as defined in this Code.

N. Construction. The following development and maintenance standards shall apply to all driveways and private streets, ~~except that the standards do not apply to driveways serving one single-family detached dwelling and are detailed in the Public Works Standards:~~

1. Surface Options. Driveways, parking areas, aisles, and turn-arounds ~~may shall~~ be paved with asphalt, concrete or comparable surfacing, or a durable non-paving material may be used to reduce surface water runoff and protect water quality. Paving surfaces shall be subject to review and approval by the City Engineer.
2. Surface Water Management. When a paved surface is used, all driveways, parking areas, aisles and turn-arounds shall have on-site collection or infiltration of surface waters to eliminate sheet flow of such waters onto public rights-of-way and abutting property. Surface water facilities shall be constructed in conformance with ~~City standards~~ Public Works Standards.
3. Driveway Aprons. When driveway approaches or "aprons" are required to connect driveways to the public right-of-way, they shall be paved with concrete surfacing. (See also, Section ~~KJ~~.)

**Figure 3.1.200.~~NM~~. Vision Clearance**



**3.1.300 Pedestrian Access and Circulation.**

- A. To ensure safe, direct, and convenient pedestrian circulation, all new development, except single family detached housing (i.e., on individual lots), shall provide a continuous pedestrian and/or multi-use pathway system. New single-family homes on individual lots, including infill development, shall also be responsible for installation of a sidewalk or enter into a remonstrance agreement to

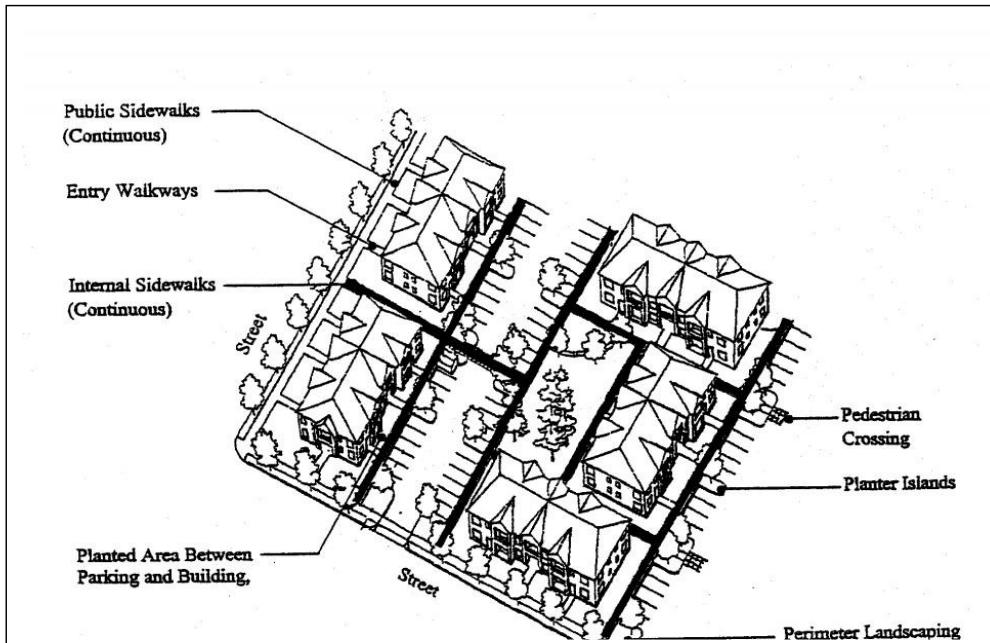


participate in future sidewalk improvements. (Pathways only provide for pedestrian circulation. Multi-use pathways accommodate pedestrians and bicycles.) The system of pathways shall be designed based on the standards in subsections 1-3, below:

1. Continuous Pathways. The pathway system shall extend throughout the development site, and connect to all future phases of development, adjacent trails, public parks, and open space areas whenever possible. The developer may also be required to connect or stub pathway(s) to adjacent streets and private property, in accordance with the provisions of Section 3.1.200 — Vehicular Access and Circulation, and Section 3.4.100 — Transportation Standards.
2. Safe, Direct, and Convenient Pathways. Pathways within developments shall provide safe, reasonably direct, and convenient connections between primary building entrances and all adjacent streets, based on the following definitions:
  - a. Reasonably direct. A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.
  - b. Safe and convenient. Bicycle and pedestrian routes that are reasonably free from hazards and provide a reasonably direct route of travel between destinations.
  - c. For commercial, industrial, mixed use, public, and institutional buildings, the “primary entrance” is the main public entrance to the building. In the case where no public entrance exists, street connections shall be provided to the main employee entrance.
  - d. For residential buildings the “primary entrance” is the front door (i.e., facing the street). For multifamily buildings in which each unit does not have its own exterior entrance, the “primary entrance” may be a lobby, courtyard or breezeway which serves as a common entrance for more than one dwelling.
3. Connections Within Development. For all developments subject to Site Design Review, pathways shall connect all building entrances to one another. In addition, pathways shall connect all parking areas, storage areas, recreational facilities, and common areas (as applicable), and adjacent developments to the site, as applicable and reasonable.
4. Street Connectivity. Pathways (for pedestrians and bicycles) shall be provided at or near mid-block where the block length exceeds the length required by Section 3.1.200. Pathways shall also be provided where cul-de-sacs or dead-end streets are planned, to connect the ends of the streets together, to other streets, and/or to other developments, as applicable. Pathways used to comply with these standards shall conform to all ~~of~~ the following criteria:
  - a. Multi-use pathways (i.e., for pedestrians and bicyclists) are no less than 10 feet wide and located within a 20-foot-wide right-of-way or easement that allows access for emergency vehicles;
  - b. If the streets within the subdivision or neighborhood are lighted, the pathways shall also be lighted;
  - c. Stairs or switchback paths using a narrower right-of-way/easement may be required in lieu of a multi-use pathway where grades are steep;
  - d. The City may require landscaping within the pathway easement/right-of-way for screening and the privacy of adjoining properties;
  - e. The City Engineer may determine, based upon facts in the record, that a pathway is impracticable due to: physical or topographic conditions (e.g., freeways, railroads, extremely steep slopes, sensitive lands, and similar physical constraints); buildings or other existing development on adjacent properties that physically prevent a connection now or in

the future, considering the potential for redevelopment; and sites where the provisions of recorded leases, easements, covenants, restrictions, or other agreements recorded as of the effective date of this Code prohibit the pathway connection.

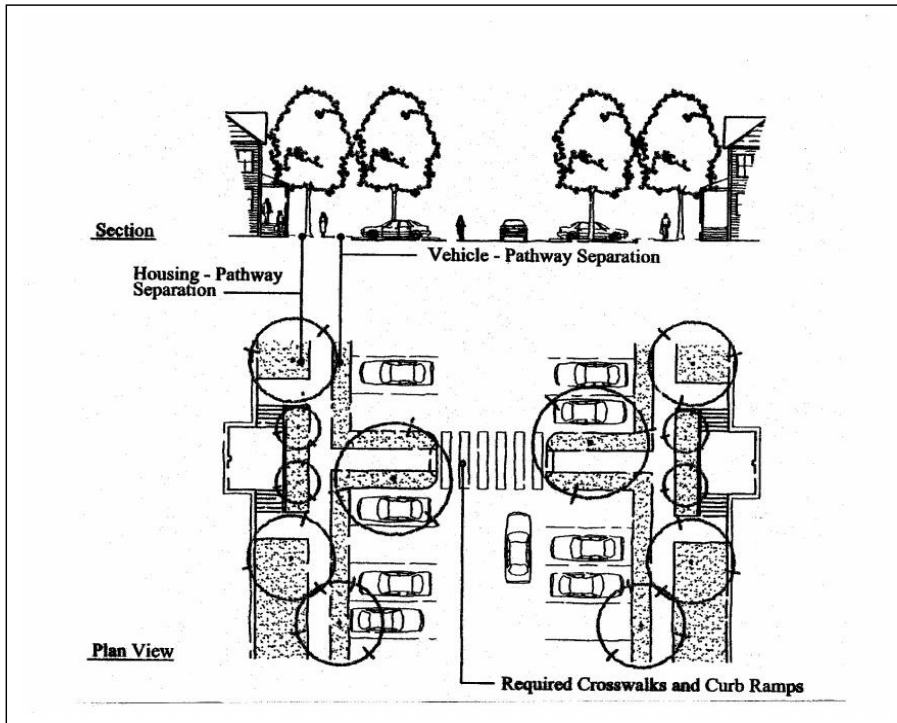
Figure 3.1.300A – Pedestrian Pathway System



**B. Design and Construction.** Pathways shall conform to all ~~of~~ the standards in 1-5:

1. Vehicle/Pathway Separation. Where pathways are parallel and adjacent to a driveway or street (public or private), they shall be raised 6 inches and curbed, or separated from the driveway/street by a 5-foot minimum strip with bollards, a landscape berm, or other physical barrier. If a raised path is used, the ends of the raised portions must be equipped with curb ramps.
2. Housing/Pathway Separation. Pedestrian pathways shall be separated a minimum of 5 feet from all residential living areas on the ground floor, except at building entrances. Separation is measured ~~as measured~~ from the pathway edge to the closest dwelling unit. The separation area shall be landscaped in conformance with the provisions of Chapter 3.3. No pathway/building separation is required for commercial, industrial, public, or institutional uses.

Figure 3.1.300.B Pathway Standards



3. Crosswalks. Where pathways cross a parking area, driveway, or street (“crosswalk”), they shall be clearly marked with contrasting paving materials, humps/raised crossings, or painted striping. An example of contrasting paving material is the use of a concrete crosswalk through an asphalt driveway. If painted striping is used, it shall consist of thermo-plastic striping or similar type of durable application and shall be maintained.
4. Pathway Surface. Pathway surfaces shall be concrete, asphalt, brick/masonry pavers, or other durable surface, at least 6 feet wide, and shall conform to ADA requirements. Multi-use paths (i.e., for bicycles and pedestrians) shall be the same materials, at least 10 feet wide. (See also, Section 3.4.100 - Transportation Standards for public, multi-use pathway standard.)
5. Accessible routes. Pathways shall comply with the Americans ~~With~~with Disabilities Act (ADA), which requires accessible routes of travel from the parking spaces to the accessible entrance. The route shall be compliant with Public Works Standards, the following:
  - ~~Shall not contain curbs or stairs;~~
  - ~~Must be at least 3 feet wide;~~
  - ~~Is constructed with a firm, stable, slip resistant surface, and~~
  - ~~The slope shall not be greater than 1:12 in the direction of travel.~~

## Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

### Sections:

- 3.2.100 - Purpose
- ~~3.2.200 - Landscape Conservation~~
- 3.2.300-200 - New Landscaping
- 3.2.400-300 - Street Trees
- 3.2.500-400 - Fences and Walls

### 3.2.100 Purpose.

The purpose of this chapter is to promote community health, safety, and welfare by protecting natural vegetation, and setting development standards for landscaping, street trees, fences and walls. Together, these elements of the natural and built environment contribute to the visual quality, environmental health, and character of the community. Trees provide climate control through shading during summer months and wind screening during winter. Trees and other plants can also buffer pedestrians from traffic. Walls, fences, trees, and other landscape materials also provide vital screening and buffering between land uses. Landscaped areas help to control surface water drainage and can improve water quality, as compared to paved or built surfaces.

The chapter is organized into the following sections:

~~Section 3.2.200 – Landscape Conservation prevents the indiscriminate removal of significant trees and other vegetation, including vegetation associated with streams, wetlands and other protected natural resource areas. This section cross-references Chapter 3.7, which regulates development of sensitive lands.~~

**Section 3.2.300-200 -New Landscaping** sets standards for and requires landscaping of all development sites that require Site Design Review. This section also requires buffering for parking and maneuvering areas, and between different land use districts. Note that other landscaping standards are provided in Chapter 2 - Land Use Districts, for specific types of development.

**Section 3.2.400-300 - Street Trees** sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.

**Section 3.2.500-400 - Fences and Walls**, sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

### ~~3.2.200 Landscape Conservation.~~

~~**A. Applicability.** All development sites requiring a Site Design Review containing Significant Vegetation, as defined below, shall comply with the standards of this Section. The purpose of this Section is to incorporate significant native vegetation into the landscapes of development. The use of mature, native vegetation within developments is a preferred alternative to removal of vegetation and re-planting. Mature landscaping provides summer shade and wind breaks, and~~

allows for water conservation due to larger plants having established root systems.

~~A.~~

~~B. **Significant Vegetation.** “Significant vegetation” means:~~

- ~~1. **Significant Trees and Shrubs.** Individual trees and shrub with a trunk diameter of 6 inches or greater, as measured 4 feet above the ground (DBH), and all plants within the drip line of such trees and shrubs, shall be protected. Other trees may be deemed significant, when nominated by the property owner and designated by the City Council as “Heritage Trees” (i.e., by virtue of site, rarity, historical significance, etc.)~~
- ~~2. **Exception:** Protection shall not be required for plants listed as non-native, invasive plants by the Oregon State University Extension Service in the applicable OSU bulletins for Umatilla County.~~

~~C. **Mapping and Protection Required.** Significant vegetation may be mapped as required by Chapter 4.2 Site Design Review and Chapter 3.7 Sensitive Lands. Significant trees shall be mapped individually and identified by species and size (diameter at 4 feet above grade, or “DBH”). A “protection” area shall be defined around the edge of all branches (drip line) of each tree (drip lines may overlap between trees). The City also may require an inventory, survey, or assessment prepared by a qualified professional when necessary to determine vegetation boundaries, building setbacks, and other protection or mitigation requirements.~~

~~D. **Protection Standards.** All of the following protection standards shall apply to significant vegetation areas:~~

- ~~1. **Protection of Significant Trees (Section B.1)** Significant trees identified as meeting the criteria in Section B.1 shall be retained whenever practicable. Preservation may become impracticable when it would prevent reasonable development of public streets, utilities, or land uses permitted by the applicable land use district. If these trees are removed, then they shall be replaced as per Section 3.2.300.D, New Landscaping.~~
- ~~2. **Conservation Easements and Dedications.** When necessary to implement the Comprehensive Plan, the City may require dedication of land or recordation of a conservation easement to protect sensitive lands, including groves of significant trees.~~

~~E. **Construction.** All areas of significant vegetation shall be protected prior to, during, and after construction. Grading and operation of vehicles and heavy equipment is prohibited within significant vegetation areas, except as approved by the City for installation of utilities or streets. Such approval shall only be granted after finding that there is no other reasonable alternative to avoid the protected area, and any required mitigation is provided in conformance with Chapter 3.7 Sensitive Lands.~~

~~F. **Exemptions.** The protection standards in “D” shall not apply in the following situations:~~

- ~~1. **Dead, Diseased, and/or Hazardous Vegetation.** Vegetation that is dead, diseased, invasive, or poses a hazard to personal safety, property or the health of other trees, may be removed. Prior to tree removal, the applicant shall provide a report from a certified arborist or other qualified professional to determine whether the subject tree is diseased or poses a hazard, and any possible treatment to avoid removal, except as provided by subsection 2, below.~~

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~~2.—Emergencies. Significant vegetation may be removed in the event of an emergency without land use approval pursuant to Chapter 4, when the vegetation poses an immediate threat to life or safety, as determined by the City Manager. The City Manager shall prepare a notice or letter of decision within five days of the tree(s) being removed. The decision letter or notice shall explain the nature of the emergency and be on file and available for public review at City Hall.~~

**3.2.~~300-200~~ New Landscaping.**

- A. Applicability.** This Section shall apply to all developments requiring Site Design Review, and other developments with required landscaping.
- B. Landscaping Plan Required.** A landscape plan is required. All landscape plans shall conform to the requirements in Section 4.2.500.B (Landscape Plans).
- C. Landscape Area Standards.** The minimum percentage of required landscaping equals:
1. Residential Districts. 20 percent of the site.
  2. Downtown District. 10 percent of the site.
  3. General Industrial District. ~~A minimum of~~ 10 percent of the site ~~shall be landscaped.~~
  4. Light Industrial District. 20 percent of the site.
- D. Landscape Materials.** Landscape materials include trees, shrubs, ground cover plants, non-plant ground covers, and outdoor hardscape features, as described below:
1. Natural Vegetation. Natural vegetation shall be preserved or planted where practicable.
  2. Plant Selection. A combination of deciduous and evergreen trees, shrubs and ground covers shall be used for all planted areas, the selection of which shall be based on local climate, exposure, water availability, and drainage conditions. As necessary, soils shall be amended to allow for healthy plant growth.
  3. “Non-native, invasive” plants ~~as per Section 3.2.200.B,~~ shall be prohibited.
  4. Hardscape features (i.e., patios, decks, plazas, etc.) may cover up to 15% percent of the required landscape area; except in the Downtown and Main Street District where hardscape features may cover up to 25% percent of the landscape area. Swimming pools, sports courts and similar active recreation facilities may not be counted toward fulfilling the landscape requirement.
  5. Non-plant Ground Covers. Bark dust, chips, aggregate or other non-plant ground covers may be used, but shall cover no more than 50 percent of the area to be landscaped. “Coverage” is measured based on the size of plants at maturity or after 2 years of growth, whichever comes sooner.

6. Tree Size. Trees shall have a minimum caliper size of 2 inches ~~or greater,~~ or greater at time of planting.

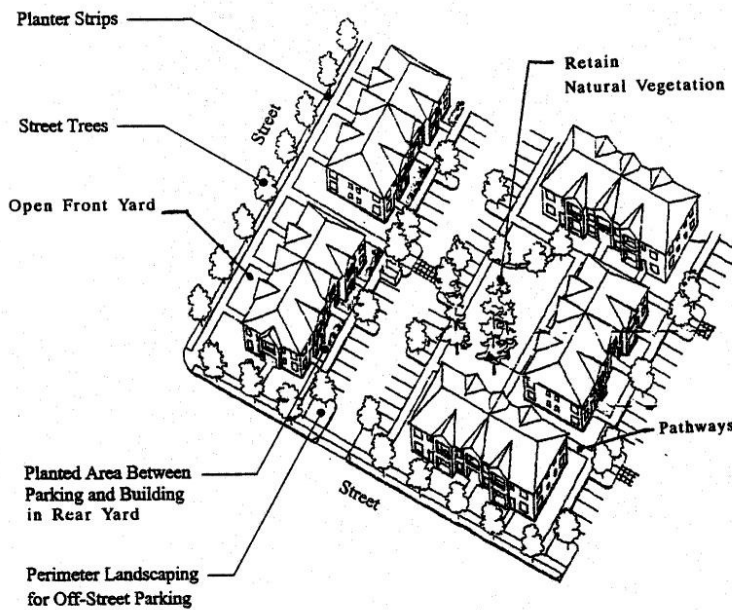
7. Shrub Size. Shrubs shall be planted from 1-gallon containers or larger.

~~8. Ground Cover Size. All of the landscaped area that is not planted with trees and shrubs must be planted in ground cover plants, including grasses. Mulch (as a ground cover) must be confined to areas underneath plants and is not a substitute for ground cover plants. Ground cover plants shall be sized and spaced in the following manner: Planted at a rate of one plant per 12 inches on center, in triangular spacing.~~

~~9. Significant Vegetation. Significant vegetation preserved in accordance with Section 3.2.2 may be credited toward meeting the minimum landscape area standards. Credit shall be granted on a per square foot basis. The Street Tree standards of Section 3.2.4 may be waived when trees preserved within the front yard provide the same or better shading and visual quality as would otherwise be provided by street trees.~~

~~10.8.~~ Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.

**Figure 3.2.300 – Landscape Areas in a Multiple Family Development (Typical)**



E. **Landscape Design Standards.** All yards, parking lots and required street tree planter strips shall be landscaped in accordance with the provisions of this Chapter ~~(Sections 3.2.100 through 3.2.500)~~. Landscaping shall be installed with development to provide erosion control, visual interest, buffering, privacy, open space and pathway identification, shading, and wind buffering, based on the following standards:

1. **Yard Setback Landscaping.** Landscaping shall satisfy the following criteria:

a. Provide visual screening and privacy within side and rear yards; while leaving front yards and building entrances mostly visible for security purposes;

~~b. Use shrubs and trees as wind breaks, as appropriate;~~

~~c. Retain natural vegetation, as practicable;~~

~~d.~~ Define pedestrian pathways and open space areas with landscape materials;

~~e.~~ Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;

~~f.~~ Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;

~~g. Use a combination of plants for year-long color and interest;~~

~~h.~~ Use landscaping to screen outdoor storage and mechanical equipment areas, and to enhance graded areas such as berms, swales, and detention/retention ponds.

2. **Parking areas.** A minimum of 5 percent of the combined area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of an evenly distributed mix of shade trees with shrubs and/or ground cover plants. "Evenly distributed" means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per 10 parking spaces total shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than 30 spaces shall include landscape islands with trees to break up the parking area into rows of not more than 15 contiguous parking spaces. All landscaped areas shall have minimum dimensions of 4 feet by 4 feet to ensure adequate soil, water, and space for healthy plant growth.

3. **Buffering and Screening Required** - Buffering and screening are required under the following conditions:

~~a. Parking/Maneuvering Area Adjacent to Streets and Drives. Where a parking or maneuvering area is adjacent and parallel to a street or driveway, a decorative wall (masonry or similar quality material), arcade, trellis, evergreen hedge, or similar screen shall be established parallel to the street or driveway. The required wall or screening shall provide breaks, as necessary, to allow for access to the site and sidewalk by pedestrians via pathways. The design of the wall or screening shall also allow for visual surveillance of the~~



~~site for security. Evergreen hedges used to comply with this standard shall be a minimum of 36 inches in height at maturity, and shall be of such species, number and spacing to provide the required screening within one year after planting. Any areas between the wall/hedge and the street/driveway line shall be landscaped with plants or other ground cover. All walls shall be maintained in good condition, or otherwise replaced by the owner.~~

~~b.a.~~ **Parking/Maneuvering Area Adjacent to Building.** Where a parking or maneuvering area, or driveway, is adjacent to a building, the area shall be separated from the building by a raised pathway, plaza, or landscaped buffer ~~no less than 2 feet in width~~. Raised curbs, bollards, wheel stops, or other design features shall be used to protect buildings from being damaged by vehicles. When parking areas are located adjacent to residential ground-floor living space, a landscape buffer is required to fulfill this requirement.

~~e.b.~~ **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas, and Automobile-Oriented Uses.** All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets and residential districts. Screening shall be provided by one or more the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, ~~non-see through~~ ~~sight obscuring~~ fence, or a similar feature that provides a non-see through barrier. Walls, fences, and hedges shall comply with the vision clearance requirements and provide for pedestrian circulation, in accordance with Chapter 3.1 - Access and Circulation. (See Section 3.2.500 for standards related to fences and walls.)

**F. Maintenance and Irrigation.** The use of drought-tolerant plant species is encouraged, and may be required when irrigation is not available. Irrigation shall be provided for plants that are not drought-tolerant. If the plantings fail to survive, the property owner shall replace them with an equivalent specimen (i.e., evergreen shrub replaces evergreen shrub, deciduous tree replaces deciduous tree, etc.). All other landscape features required by this Code shall be maintained in good condition, or otherwise replaced by the owner.

**G. Additional Requirements.** Additional buffering and screening may be required for specific land uses, as identified by Chapter 2, and the City may require additional landscaping through the Conditional Use Permit process (Chapter 4.4).

### **3.2.400-300 Street Trees.**

Street trees shall be planted for all developments that are subject to Land Division or Site Design Review. Requirements for street tree planting strips are provided in Section 3.4.100 - Transportation Standards. Planting of unimproved streets shall be deferred until the construction of curbs and sidewalks. Street trees shall conform to the following standards and guidelines:

**A. Growth Characteristics.** Trees shall be selected based on growth characteristics and site conditions, including available space, overhead clearance, soil conditions, exposure, and desired color and appearance. The following should guide tree selection:

1. Provide a broad canopy where shade is desired.

2. Use low-growing trees for spaces under utility wires.
3. Select trees that can be “limbed-up” where vision clearance is a concern.
4. Use narrow or “columnar” trees where awnings or other building features limit growth, or where greater visibility is desired between buildings and the street.
5. Use species with similar growth characteristics on the same block for design continuity.
6. Avoid using trees that are susceptible to insect damage, and avoid using trees that produce excessive seeds or fruit.
7. Select trees that are well adapted to the environment, including soil, wind, sun exposure, and exhaust. Drought-resistant trees should be used in areas with sandy or rocky soil.
8. Select trees for their seasonal color, as desired.
9. Use deciduous trees for summer shade and winter sun.

**B. Caliper Size.** The minimum caliper size at planting shall be 2 inches at four feet high, ~~based on the American Association of Nurserymen Standards. If this caliper is not available the City Manager may accept replacement trees.~~

**C. Spacing and Location.** Street trees shall be planted within existing and proposed planting strips, and in sidewalk tree wells on streets without planting strips. Street tree spacing shall be based upon the type of tree(s) selected and the canopy size at maturity. In general, trees shall be spaced no more than 30 feet apart, except where planting a tree would conflict with existing trees, retaining walls, utilities, and similar physical barriers.

**D. Soil Preparation, Planting and Care.** The Developer shall be responsible for planting street trees, including soil preparation, ground cover material, staking, and temporary irrigation for two years after planting. The developer shall also be responsible for tree care (pruning, watering, fertilization, and replacement as necessary) during the first two years after planting.

**E. Assurances.** At the time of building permit application submittal, ~~the City staff shall choose one of the following assurances; the developer shall be responsible for installation of the Street Trees. They shall be replaced if they fail to thrive in the first two years. After the first two years the adjoining landowner becomes responsible for the maintenance of the Street Trees.~~

~~1. The developer shall pay a fee to the City, in accordance with the adopted fee schedule, for each required street tree. The fee shall cover the City’s expense for planting and the first two years of care.~~

~~2.1. The City shall require the developer to provide a performance and maintenance bond in an amount determined by the City Engineer, to ensure the planting of the tree(s) and care during the first two years after planting.~~

### **3.2.500-400 Fences and Walls.**

The following standards shall apply to all fences and walls:

**A. General Requirements.** All fences and walls shall comply with the standards of this Section. The City may require installation of walls and/or fences as a condition of development approval, in accordance with Chapter 4.2 - Conditional Use Permits or Chapter 4.4 - Site Design Review. Walls built for required landscape buffers shall comply with Section 3.2.300.

**B. Dimensions.**

1. The maximum allowable height of fences and walls is 6 feet, as measured from the lowest grade at the base of the wall or fence, except that retaining walls and terraced walls may exceed 6 feet when permitted as part of a site development approval, or as necessary to construct streets and sidewalks. A building permit is required for walls exceeding 6 feet in height and for certain retaining walls, in conformance with the Uniform Building Code.
2. The height of fences and walls within a front yard setback shall not exceed 4 feet (except decorative arbors, gates, etc.), as measured from the grade closest to the street right-of-way. For large lots or residential uses with a front yard setback deeper than 30 feet fences can be 6 feet in height outside of the vision clearance area.
3. Walls and fences to be built for required buffers shall comply with Section 3.2.300.
4. Fences and walls shall comply with the vision clearance standards of Section 3.1.200.

**C. Materials.**

1. Fences may consist of wood, metal, bricks, decorative masonry or blocks, decorative concrete panels, other permanent material, or natural growth when maintained.
  - a. Prohibited materials include concrete building blocks, straw bales, barbed/razor wire and landscaped hedges greater than 6 feet in height. Barbed or razor wire is prohibited in residential areas, with the exception for residences with a livestock permit, with its use in Commercial or Industrial areas subject to review and approval.
  - b. Fence material shall not include materials inappropriate for fencing, such as scrap lumber, scrap metal, or similar materials.
  - c. Fences constructed of decorative bricks, masonry, or concrete over 3½ feet tall shall be approved by the City Engineer and may require a building permit.

**D. Maintenance.** For safety and for compliance with the purpose of this Chapter, walls and fences required as a condition of ~~development~~ approval shall be maintained in good condition, or otherwise replaced by the owner.

## Chapter 3.3 — Vehicle ~~Parking, and~~ Bicycle Parking, ~~and~~ Loading Standards

### Sections:

3.3.100 -- Purpose

3.3.200 -- Applicability

3.3.300 -- Vehicle Parking Standards

3.3.400 -- Bicycle Parking Standards

~~3.3.500 – Loading Standards~~

### 3.3.100 Purpose.

The purpose of this chapter is to provide basic and flexible standards for development of vehicle and bicycle parking. The design of parking areas is critically important to the viability of some commercial areas, pedestrian and driver safety, the efficient and safe operation of adjoining streets, and community image and livability. Historically, some communities have required more parking than is necessary for some land uses, paving extensive areas of land that could be put to better use. Because vehicle parking facilities can occupy large amounts of land, they must be planned and designed carefully to use the land efficiently while maintaining the visual character of the community. This chapter recognizes that each development has unique parking needs by providing a flexible approach for determining parking space requirements (i.e., “minimum” and “performance-based” standards). This chapter also provides standards for bicycle parking because many people use bicycles for recreation, commuting, and general transportation. Children as well as adults need safe and adequate spaces to park their bicycles throughout the community.

### 3.3.200 Applicability.

All developments subject to ~~site Site design-Design review-Review~~ (Chapter 4.2), including development of parking facilities, shall comply with the provisions of this Chapter.

### 3.3.300 Vehicle Parking Standards.

The minimum number of required off-street vehicle parking spaces (i.e., parking that is ~~located in~~ parking lots and garages and not in the street right-of-way) shall be determined based on the standards ~~in the Vehicle Parking section~~ below or from the ITE manual. There is no minimum number of off-street parking spaces required in the Downtown District ~~(or in designated historic districts)~~, however, the “maximum parking” standards of this Chapter apply.

The number of required off-street vehicle parking spaces shall be determined in accordance with the following standards. Off-street parking spaces may include spaces in garages, carports, parking lots, and/or driveways if vehicles are not parked in a vehicle travel lane (including emergency or fire access lanes), public right-of-way, pathway, or landscape area. Credit shall be allowed for “on-street parking”, as provided in the Credit for On-Street Parking section.

### Residential Uses

**Single family detached housing.** 2 parking spaces shall be provided for each detached single-family dwelling or manufactured home on an individual lot.

**Two- and three-family housing.** 1.5 spaces per dwelling unit.

**Multi-family and single family attached housing.**

- a. Studio units or 1-bedroom units less than 500 sq. ft.--1 space/unit.
- b. 1-bedroom units 500 sq. ft. or larger--1.50 spaces/unit.
- c. 2-bedroom units--1.75 spaces/unit.
- d. 3-bedroom or greater units--2.00 spaces/unit.
- e. Retirement complexes for seniors 55-years or greater--One space per unit.

**Rooming and boarding houses, dormitories.** Two spaces for each three guestrooms, or one per three beds, whichever is more.

~~Senior housing. Same as for retirement complexes.~~

**Manufactured home parks.** Same as for single family detached housing.

**Accessory dwelling.** None required except that two parking spaces are required to serve both the primary and accessory dwelling.

### Commercial Uses

**Auto, boat or trailer sales, retail nurseries and similar bulk retail uses.** One space per 1,000 square feet of the first 10,000 square feet of gross land area, plus one space per 5,000 square feet for the excess over 10,000 square feet of gross land area, and one space per two employees.

**Business, general retail, personal services.** General - one space for 350 square feet of gross floor area. Furniture and appliances - one space per 750 square feet of gross floor area.

**Chapels and mortuaries.** One space per four fixed seats in the main chapel.

**Hotels and motels.** One space for each guest room, plus one space for the manager. If other uses are combined additional parking would be required based on those uses.

**Offices.** Medical and Dental Offices - one space per 350 square feet of gross floor area; General Offices - one space per 450 square feet of gross floor area.

**Restaurants, bars, ice cream parlors and similar uses.** One space per four seats or one space per 100-sq. ft. of gross leasable floor area, whichever is less.

**Theaters, auditoriums, stadiums, gymnasiums, similar uses.** One space per four seats.

### Industrial Uses

**Industrial uses, except warehousing.** One space per two employees on the largest shift or for each 700 square feet of gross floor area, whichever is less, plus one space per company vehicle.

**Warehousing.** One space per 1,000 square feet of gross floor area or for each two employees, whichever is greater, plus one space per company vehicle.

**Public utilities (gas, water, telephone, etc.), not including business offices.** One space per two employees on the largest shift, plus one space per company vehicle; a minimum of two spaces is required.

## **Public and Institutional Uses**

~~Child care~~**Childcare centers having 13 or more children.** One space per two employees; a minimum of two spaces is required.

**Churches and similar places of worship.** One space per four seats.

**Golf courses, except miniature.** Eight spaces per hole, plus additional spaces for auxiliary uses set forth in this section. Miniature golf courses -four spaces per hole.

**Hospitals.** ~~Two spaces per patient bed.~~**One space per 300 square feet of floor area.**

**Nursing and convalescent homes.** One space per three patient beds.

~~Rest homes, homes for the aged, or assisted~~**Assisted living.** One space per two patient beds or one space per apartment unit.

**Schools, elementary and junior high.** One and one-half space per classroom, ~~or the requirements for public assembly areas as set forth herein, whichever is greater.~~

**High schools.** One and one-half spaces per classroom, plus one space per 10 students the school is designed to accommodate, ~~or the requirements for public assembly as set forth herein, whichever is greater.~~

**Colleges, universities, and trade schools.** One and one-half spaces per classroom, plus one space per five students the school is designed to accommodate, plus requirements for on-campus student housing ~~and uses utilized by the general public.~~

## **Unspecified Uses**

Where a use is not specifically listed in this table, parking requirements shall be determined by finding that a use is ~~similar to~~**like** those listed in terms of parking needs. ~~Alternatively, the ITE Manual can be used.~~

**On-Street Parking Credit.** The amount of off-street parking required shall be reduced by one off-street parking space for every on-street parking space adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by City, ODOT, and/or County standards. The following constitutes an on-street parking space:

- a. Parallel parking, each 24 feet of uninterrupted curb;
- b. 45 degree diagonal, each with 14 feet of curb;
- c. 90 degree (perpendicular) parking, each with 12 feet of curb;
- d. Curb space must be connected to the lot, which contains the use;
- e. Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and
- f. On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for ~~general~~ public use at all times. No signs or actions limiting ~~general~~ public use of on-street spaces is permitted.

## **C. Parking Location and Shared Parking.**

1. **Location.** Vehicle parking is allowed only on approved parking shoulders (streets), within garages, carports, and other structures, or on driveways or parking lots that have been developed in conformance with this code. Specific locations for parking are indicated in Chapter 2 for some land uses (e.g., the requirement that parking be located to side or rear of

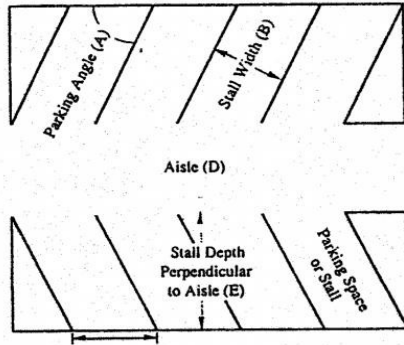
buildings, with access from alleys, for some uses). (See also, Chapter 3.1 - Access and Circulation).

2. **Off-site parking.** Except for single family dwellings, the vehicle parking spaces required by this Chapter may be located on another lot or parcel of land, provided the parcel is within 500 feet of the use it serves. The distance from the parking area to the use shall be measured from the nearest parking space to a building entrance, following a sidewalk or other pedestrian route. The right to use the off-site parking must be evidenced by a recorded deed, lease, easement, or similar written instrument.
3. **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are ~~actually~~ less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly.
4. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (e.g., uses primarily of a daytime versus nighttime nature), and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.
5. **Availability of facilities.** Owners of off-street parking facilities may post a sign indicating that all parking on the site is available only for residents, customers, and/or employees, as applicable. Signs shall conform to the standards of Chapter 3.6.

**D. Maximum Number of Parking Spaces.** The number of parking spaces provided by any particular use in ground surface parking lots shall not exceed the required minimum number of spaces provided by this Section by more than 10%. Spaces provided on street, or within the building footprint of structures, such as in rooftop parking, or under-structure parking, or in multi-level parking above or below surface lots, may not apply towards the maximum number of allowable spaces. Parking spaces provided through “shared parking” also do not apply toward the maximum number.

**E. Parking Stall Standard Dimensions and Compact Car Parking.** All off-street parking stalls shall be improved to conform to City standards for surfacing, stormwater management and striping, and provide dimensions in accordance with ~~the following table. (Disabled person parking shall be provided in conformance with Section F.)~~ Public Works Standards.

**Figure 3.3.300—Parking Dimensions**



Minimum Parking Space and Aisle Dimensions						
Angle (A)	Type	Width (B)	Curb Length (C)	1 Way Aisle Width (D)	2 Way Aisle Width (D)	Stall Depth (E)
0° (Parallel)	Standard	8 ft.	22 ft. 6 in.	12 ft.	24 ft.	8 ft.
	Compact Disabled	7 ft. 6 in.	19 ft. 6 in.	12 ft.	24 ft.	7 ft. 6 in.
30°	Standard	9 ft.	18 ft.	12 ft.	24 ft.	17 ft.
	Compact Disabled	7 ft. 6 in.	15 ft.	12 ft.	24 ft.	14 ft.
45°	Standard	9 ft.	12 ft. 6 in.	12 ft.	24 ft.	19 ft.
	Compact Disabled	7 ft. 6 in.	10 ft. 6 in.	12 ft.	24 ft.	16 ft.
60°	Standard	9 ft.	10 ft. 6 in.	18 ft.	24 ft.	20 ft.
	Compact Disabled	7 ft. 6 in.	8 ft. 6 in.	15 ft.	24 ft.	16 ft. 6 in.
90°	Standard	9 ft.	9 ft.	24 ft.	24 ft.	19 ft.
	Compact Disabled	7 ft. 6 in.	7 ft. 6 in.	22 ft.	24 ft.	15 ft.

See also, ~~Chapter 2 – Land Use District standards; Chapter 3.1 – Access and Circulation; Chapter 3.2 – Landscaping; [Chapter 3.5 – Surface Water Management].~~

**F. Disabled Person Parking Spaces.** ~~The following parking~~ Parking shall be provided for disabled persons, in conformance with the federal Americans with Disabilities Act, based on adopted Public

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Works Standards. Disabled parking is included in the minimum number of required parking spaces in Section E.

**FIGURE 3.3.300 F—DISABLED PERSON PARKING REQUIREMENTS**

<b>Minimum Number of Accessible Parking Spaces</b> ADA Standards for Accessible Design 4.1.2 (5)			
Total Number of Parking spaces Provided (per lot)	Total Minimum Number of Accessible Parking Spaces (80' & 96' aisles)	Van Accessible Parking Spaces with min. 96" wide access aisle	Accessible Parking Spaces with min. 60" wide access aisle
Column A			
1 to 25	1	1	0
26 to 50	2	1	1
51 to 75	3	1	2
76 to 100	4	1	3
101 to 150	5	1	4
151 to 200	6	1	5
201 to 300	7	1	6
301 to 400	8	1	7
401 to 500	9	2	7
501 to 1000	2% of total parking provided in each lot	1/8 of Column A*	7/8 of Column A**
1001 and over	20 plus 1 for each 100 over 1000	1/8 of Column A*	7/8 of Column A**

\* one out of every 8 accessible spaces      \*\* 7 out of every 8 accessible parking spaces



**ADA**  
Design Guide

**1**

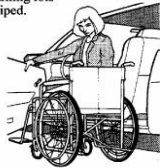
**Restriping Parking Lots**

**Accessible Parking Spaces**

When a business, State or local government agency, or other covered entity restripes a parking lot, it must provide accessible parking spaces as required by the ADA Standards for Accessible Design. Failure to do so would violate the ADA.

In addition, businesses or privately owned facilities that provide goods or services to the public have a continuing ADA obligation to remove barriers to access in existing parking lots when it is readily achievable to do so. Because restriping is relatively inexpensive, it is readily achievable in most cases.

This ADA Design Guide provides key information about how to create accessible car and van spaces and how many spaces to provide when parking lots are restriped.



**Accessible Parking Spaces for Cars**

Accessible parking spaces for cars have at least a 60-inch-wide access aisle located adjacent to the designated parking space. The access aisle is just wide enough to permit a person using a wheelchair to enter or exit the car. These parking spaces are identified with a sign and located on level ground.

**Van-Accessible Parking Spaces**

Van-accessible parking spaces are the same as accessible parking spaces for cars except for three features needed for vans:

- a wider access aisle (96") to accommodate a wheelchair lift;
- vertical clearance to accommodate van height at the van parking space, the adjacent access aisle, and on the vehicular route to and from the van-accessible space, and
- an additional sign that identifies the parking spaces as "van accessible."



One of eight accessible parking spaces, but always at least one, must be van-accessible.

**3.3.400 Bicycle Parking Requirements**

All uses that are subject to Site Design Review shall provide bicycle parking, in conformance with the following standards, which are evaluated during Site Design Review:

**A. Number of Bicycle Parking Spaces.** A minimum of 2 bicycle parking spaces per use is required for all uses with greater than 10 vehicle parking spaces. The following additional standards apply to specific types of development:

1. **Multi-Family Residences.** Every residential use of four (4) or more dwelling units provides at least one sheltered bicycle parking space for each dwelling unit. Sheltered bicycle parking spaces may be located within a garage, storage shed, basement, utility room or similar area. In those instances, in which the residential complex has no garage or other easily accessible

storage unit, the bicycle parking spaces ~~may~~ shall be sheltered from sun and precipitation under an eave, overhang, an independent structure, or similar cover.

2. **Parking Lots.** All public and commercial parking lots and parking structures provide a minimum of one bicycle parking space for every 10 motor vehicle parking spaces up to a total of 10 bicycle parking spaces.
3. **Schools.** Elementary and middle schools, both private and public, provide one bicycle parking space for every ~~10-20~~ students and employees. High schools provide one bicycle parking space for every ~~5-15~~ students and employees up to a total of 10 bicycle parking spaces. All spaces should be sheltered under an eave, overhang, independent structure, or similar cover.
4. **Colleges and trade schools** provide one bicycle parking space for every ~~10-20~~ motor vehicle spaces plus one space for every dormitory unit up to a total of 20 bicycle parking spaces. Fifty percent of the bicycle parking spaces shall be sheltered under an eave, overhang, independent structure, or similar cover.
5. **Downtown District.** Within the Downtown district, bicycle parking for customers shall be provided along the street at a rate of at least one space per use. Individual uses shall provide their own parking, or spaces may be clustered to serve up to six (6) bicycles. Bicycle parking spaces shall be ~~located~~ in front of the stores along the street, either on the sidewalks or in specially constructed areas such as pedestrian curb extensions. Inverted "U" style racks are recommended. Bicycle parking shall not interfere with pedestrian passage, leaving a clear area of at least 36 inches between bicycles and other existing and potential obstructions. Customer spaces may or may not be sheltered. When provided, sheltered parking (within a building, or under an eave, overhang, or similar structure) shall be provided at a rate of one space per 10 employees, with a minimum of one space per store.
6. **Multiple Uses.** For buildings with multiple uses (such as a commercial or mixed-use center), bicycle parking standards shall be calculated by using the total number of motor vehicle parking spaces required for the entire development. A minimum of one bicycle parking space for every 10 motor vehicle parking spaces is required up to a total of 10 bicycle parking spaces.

- B. Exemptions.** This Section does not apply to single family, two-family, and three-family housing (attached, detached, or manufactured housing), home occupations, or other developments with fewer than 10 vehicle parking spaces.
- C. Location and Design.** Bicycle parking shall be conveniently located with respect to both the street right-of-way and at least one building entrance (e.g., no farther away than the closest parking space). It should be incorporated whenever possible into building design and coordinated with the design of street furniture when it is provided. Street furniture includes benches, streetlights, planters, and other pedestrian amenities.
- D. Visibility and Security.** Bicycle parking should be visible to cyclists from street sidewalks or building entrances, so that it provides sufficient security from theft and damage.
- E. Options for Storage.** Bicycle parking requirements for long-term and employee parking can be met by providing a bicycle storage room, bicycle lockers, racks, or other secure storage space inside or

outside of the building.

- F. **Lighting.** Bicycle parking should be ~~least~~ as well-lit as vehicle parking for security.
- G. **Reserved Areas.** Areas set aside for bicycle parking should be clearly marked and reserved for bicycle parking only.
- H. **Hazards.** Bicycle parking shall not impede or create a hazard to pedestrians. Parking areas shall be located so as not to conflict with vision clearance standards (Chapter 3.1 – Access and Circulation).

3.3.500 – Loading Standards

The purpose of this section of the code is to provide standards for a minimum number of loading spaces that are required to ensure adequate areas for loading for larger uses and developments. The regulations ensure that the appearance of loading areas will be consistent with that of parking areas.

**A. Number of Loading Spaces.**

- 1. Buildings where all ~~of~~ the floor area is in Residential uses must meet the standards of this Paragraph.
  - a. No loading spaces are required where there are fewer than 50 dwelling units in the building and the site abuts a local street.
  - b. One loading space is required for all other buildings.
- 2. Buildings ~~where any of the floor area is in uses other than the Residential District in any commercial or industrial district~~ must meet the standards of this Paragraph.
  - a. ~~No loading spaces are required for buildings with fewer than 20,000 square feet of floor area. This section applies to uses that are expected to have service or delivery visits by trucks with a 40-foot or longer wheelbase at a frequency of one or more vehicles per week.~~
  - b. ~~One loading space is required for buildings with 20,000 or more square feet of floor area. If off-street loading space is required, it shall be large enough to accommodate the largest vehicle that is expected to serve the use without obstructing vehicles or pedestrian traffic on adjacent streets and driveways. If frequency demands additional loading areas, they shall be provided.~~
  - c. ~~Two loading spaces are required for buildings with more than 50,000 square feet of floor area. Loading areas shall conform to other applicable standards including Building Orientation, Access and Circulation, and Landscaping and Screening.~~
- B. **Size of Loading Spaces.** Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.
- C. **Placement, Setbacks And Landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in Chapter 2 & 3. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

## Chapter 3.4 — Public Facilities Standards

### Sections:

- 3.4.000 - Purpose and Applicability
- 3.4.100 - Transportation Standards
- 3.4.200 - Public Use Areas
- 3.4.300 - Sanitary Sewer and Water Service Improvements
- 3.4.400 - Storm Drainage Improvements
- 3.4.500 - Utilities
- 3.4.600 - Easements
- 3.4.700 - Construction Plan Approval and Assurances
- 3.4.800 - Installation

### 3.4.000 Purpose and Applicability.

A. **Purpose.** The purpose of this chapter is to provide planning and design standards for public and private transportation facilities and utilities. Streets are the most common public spaces, touching virtually every parcel of land. Therefore, one of the primary purposes of this Chapter is to provide standards for attractive and safe streets that can accommodate vehicle traffic from planned growth, and provide a range of transportation options, including options for driving, walking, and bicycling. This Chapter is also intended to implement the City's Transportation System Plan.

~~**Important cross-reference to other standards:** The City requires that streets provide direct and convenient access, including regular intersections. Chapter 3.1— Access and Circulation, provides standards for intersections and blocks, and requires pedestrian access ways to break up long blocks.~~

B. **When Standards Apply.** Unless otherwise provided, the standard specifications for construction, reconstruction, or repair of transportation facilities, utilities and other public improvements within the City shall occur in accordance with the standards of this Chapter. No development may occur unless the public facilities related to development comply with the public facility requirements established in this Chapter.

C. **Standard Specifications.** The City Engineer shall establish standard construction specifications consistent with the ~~design~~ standards of this Chapter and application of engineering principles. ~~They are incorporated in this code by reference. They are retained in the Public Works Standards.~~

D. **Conditions of Development Approval.** No development may occur unless required public facilities are in place or guaranteed, in conformance with the provisions of this Code. Improvements required as a condition of ~~development~~ approval, when not voluntarily accepted by the applicant, shall be roughly proportional to the impact of development on public facilities and services. Findings in the development approval shall indicate how the required improvements are roughly proportional to the impact.

### 3.4.100 Transportation Standards.

- A. Development Standards.** No development shall occur unless the development has frontage or approved access to a public street, in conformance with the provisions of Chapter 3.1 - Access and Circulation, and the following standards are met:
1. Streets within or adjacent to a development shall be improved in accordance with the Transportation System Plan and the provisions of this Chapter.
  2. Development of new streets, and additional street width or improvements planned as a portion of an existing street, shall be improved in accordance with this Section, and public streets shall be dedicated to the City of Stanfield or other applicable ~~city, county or state~~ jurisdiction;
  3. New streets and drives connected to a collector or arterial street shall be paved; and
  4. The City may accept a future improvement guarantee (e.g., owner agrees not to remonstrate or object against the formation of a local improvement district in the future) in lieu of street improvements if one or more of the following conditions exist:
    - a. A partial improvement may create a potential safety hazard to motorists or pedestrians;
    - b. Due to the developed condition of adjacent properties, it is unlikely that street improvements would be extended in the foreseeable future and the improvement associated with the project under review does not, by itself, provide increased street safety or capacity, or improved pedestrian circulation;
    - c. The improvement would ~~be in,~~ conflict with an adopted capital improvement plan; or
    - d. The improvement is associated with an approved land partition on property zoned residential and the proposed land partition does not create any new streets.
- B. Variances.** Variances to the transportation design standards in this Section may be granted by means of a Class B Variance, as governed by Chapter 5.1 - Variances. A variance may be granted under this provision only if a required improvement is not feasible due to topographic or environmental constraints ~~or constraints posed by sensitive lands (Chapter 3.7).~~
- C. Creation of Rights-of-Way for Streets and Related Purposes.** Streets shall be created through the approval and recording of a final subdivision or partition plat; except the City may approve the creation of a street by acceptance of a deed, provided that the street is deemed essential by the City Council for the purpose of implementing the Transportation System Plan, and the deeded right-of-way conforms to the standards of this Code. All deeds of dedication shall be in a form prescribed by the City Engineer and shall name "the public," as grantee.
- D. Creation of Access Easements.** The City may approve an access easement established by deed when the easement is necessary to provide for access and circulation in conformance with Chapter 3.1 - Access and Circulation. Access easements shall be created and maintained in accordance with the Uniform Fire Code ~~Section 10.207.~~
- E. Street Location, Width and Grade.** ~~Except as noted below, the~~The location, width and grade of all streets shall conform to the Transportation System Plan and an approved street plan or subdivision

plat. Street location, width, and grade shall be determined in relation to existing and planned streets, topographic conditions, public convenience and safety, and in appropriate relation to the proposed use of the land to be served by such streets: Applicable standards are found in the Public Works Standards.

1. Street grades shall be approved by the City Engineer in accordance with the design standards in Section 'N', below; and

2. Where the location of a street is not shown in an existing street plan (See Section 'H'), the location of streets in a development shall either:

- a. Provide for the continuation and connection of existing streets in the surrounding areas, conforming to the street standards of this Chapter, or
- b. Conform to a street plan adopted by the City Engineer, if it is impractical to connect with existing street patterns because of particular topographical or other existing conditions of the land. Such a plan shall be based on the type of land use to be served, the volume of traffic, the capacity of adjoining streets and the need for public convenience and safety.

**Table 3.4.100  
Stanfield Street Design Standards**

STREET TYPE	RIGHT-OF-WAY WIDTH	TOTAL PAVED SURFACE WIDTH	PARKING STRIP WIDTH	BIKE LANE	WALKWAY (PLANTING STRIP)
<b>Arterial (3) US 395</b>					
<b>US 395 Option 1 (4)</b>	74'	140'-170'	None	10' bike/ped path	5'
<b>US 395 Option 2 (5)</b>	88'	100'	5' (both sides)	6' (both sides)	(0'-5')
	74'	100'	5' (both sides)	none	
<b>Collector (2, 3)</b>	60'-66'	38'-46'	7-8' on both sides	Shared Roadway or 5'-6' both sides	5' (5')
<b>Local Option 1 (1)</b>	50'	25-28'		Shared Roadway	5'
<b>Local Option 2 (1)</b>			8' on one side	Shared Roadway	5' (5')
	50'	21'			
<b>Local Option 3 (1)</b>	56'	32'-34'	7' on both sides	Shared Roadway	5' (5')
<b>Alley</b>	16'-20'	12'-16'	None	None	None

*Notes: For all right of ways, one street name sign shall be provided at each intersection for each street.*

- 1) Paved walkways and planting strips shall be provided unless (a) the City determines they are precluded by physical constraints, such as steep slopes, wetlands, waterways, existing structures, and mature trees, or (b) the City is unable to establish a rough proportionality between this requirement, and the nature and extent of impacts of the

~~proposed development, in accordance with Dolan v. City of Tigard (US Supreme Court, 1994).~~

- ~~E. Parking may be provided on unpaved shoulder that is designated as a planting strip.~~
- ~~2) In the commercial zoning districts, including Downtown and mixed-use districts that permit commercial uses, a minimum of nine (9) foot wide curb-tight paved walkway with tree wells for street trees shall be installed instead of a walkway and planting strip. At least six (6) feet of walkway width shall be unobstructed by tree wells, poles, signs, fire hydrants, mailboxes, benches, and other permanent objects. Obstructions shall not be placed in a such a manner that they impair visibility by motorists. Spacing of Street Trees shall be as specified in Section 3.2.400 of this Code.~~
- ~~F. Between south UGB and Ball Avenue and between USRS Canal Bridge and north UGB~~
- ~~G. Between Ball Avenue and USRS Canal Bridge.~~

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**F. Minimum Rights-of-Way and Street Sections.** Street rights-of-way and improvements shall be ~~the~~ widths in Table 3.4.100. A variance shall be required in conformance with Section 3.4.100.B to vary the standards in Table 3.4.100. Where a range of width is indicated, the width shall be determined by the decision-making authority based upon the following factors:determined by the City Engineer based on the Transportation System Plan and the Public Works Standards.

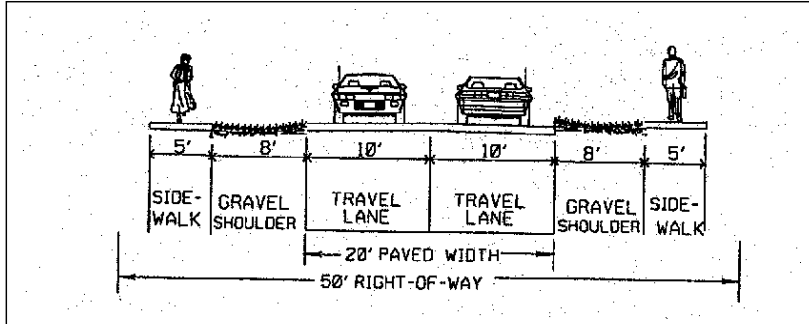
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- ~~1. Street classification in the Transportation System Plan;~~
- ~~2. Anticipated traffic generation;~~
- ~~3. On-street parking needs;~~
- ~~4. Sidewalk and bikeway requirements based on anticipated level of use;~~
- ~~5. Requirements for placement of utilities;~~
- ~~6. Street lighting;~~
- ~~7. Minimize drainage, slope, and sensitive land impacts, as identified by the Comprehensive Plan;~~
- ~~8. Street tree location, as provided for in Chapter 3.2;~~
- ~~9. Protection of significant vegetation, as provided for in Chapter 3.2;~~
- ~~10. Safety and comfort for motorists, bicyclists, and pedestrians;~~
- ~~11. Street furnishings (e.g., benches, lighting, bus shelters, etc.), when provided;~~
- ~~12. Access needs for emergency vehicles; and~~
- ~~13. Transition between different street widths (i.e., existing streets and new streets) where applicable.~~

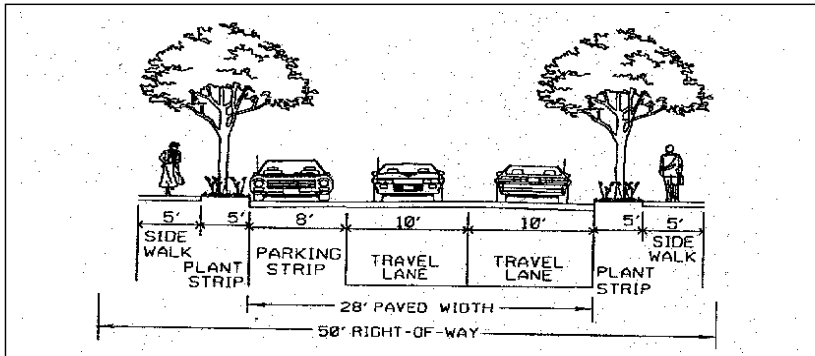


Figure 3.4.100.F-2

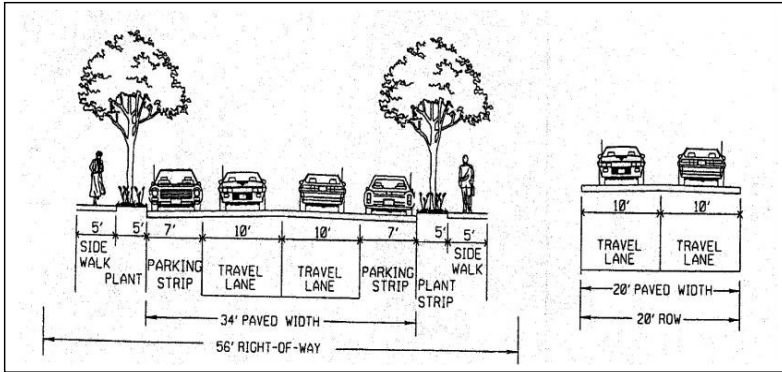
City of Stanfield Street Standards Options from TSP Local Residential Streets and Alleys  
OPTION 1: TWO TRAVEL LANES, NO ON-STREET PARKING, GRAVEL SHOULDERS



OPTION 2: TWO TRAVEL LANES, ON STREET PARKING ON ONE SIDE ONLY

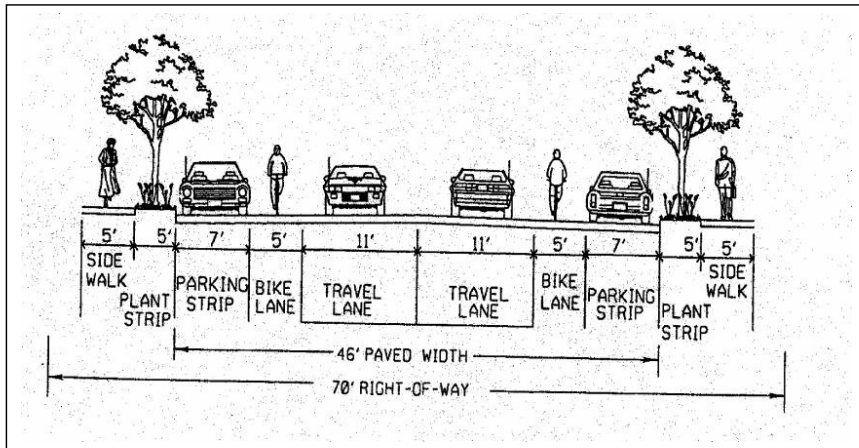


**OPTION 3: TWO TRAVEL LANES, ON-STREET PARKING ON BOTH SIDES**

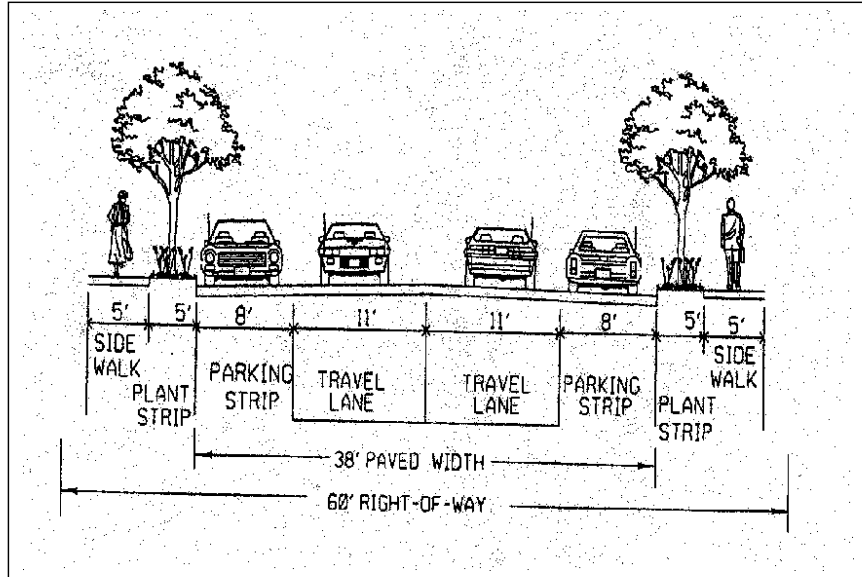


**City of Stanfield TSP Street Standards Residential Collector Streets**

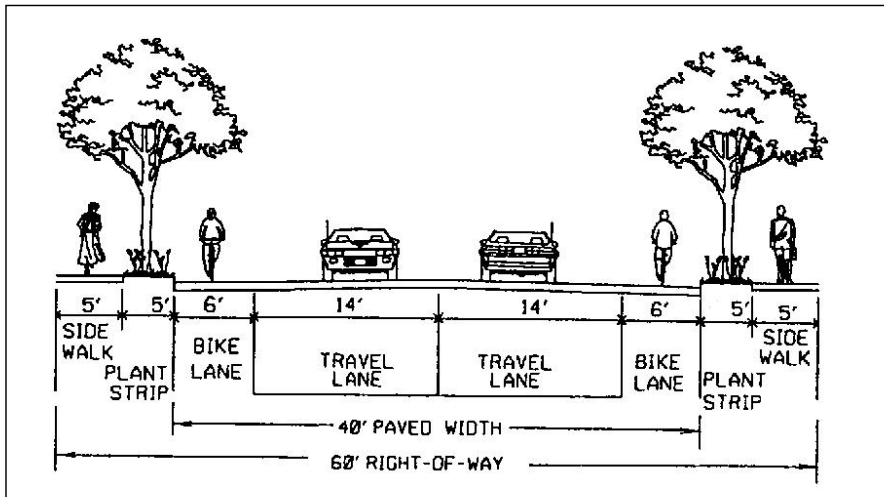
**OPTION 1: TWO TRAVEL LANES WITH BIKE LANES AND ON-STREET PARKING ON BOTH SIDES**



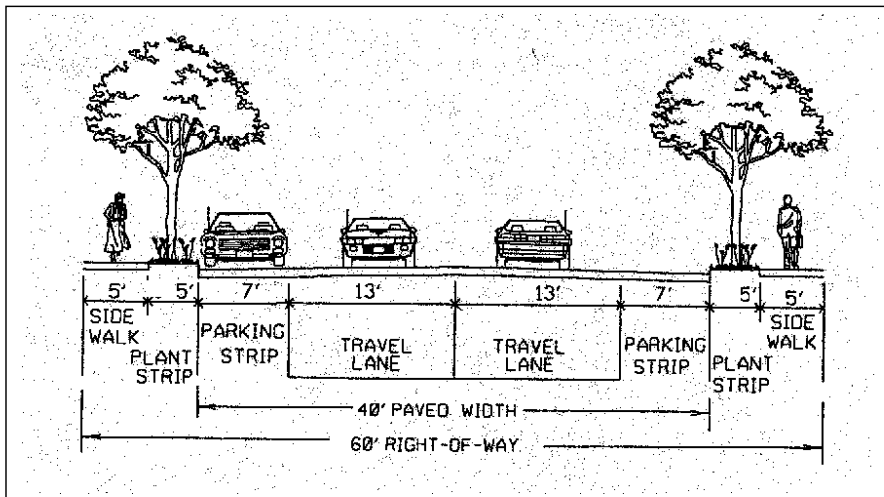
**OPTION 2: TWO TRAVEL LANES WITH ON-STREET PARKING ON BOTH SIDES**



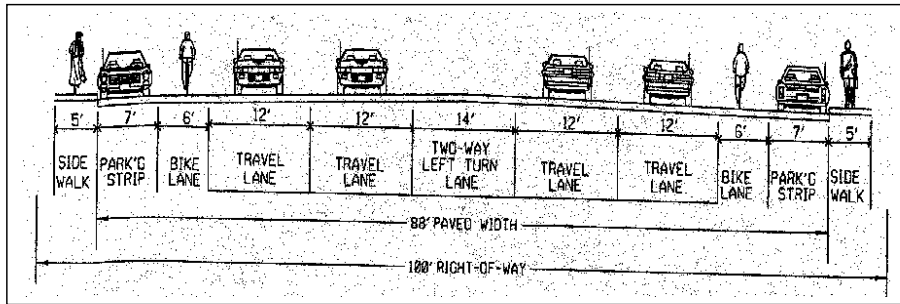
**City of Stanfield TSP Street Standards Industrial/Commercial Streets (Collector or Local)**  
**INDUSTRIAL/COMMERCIAL COLLECTOR STREET**  
**TWO TRAVEL LANES WITH BIKE LANES ON BOTH SIDES**



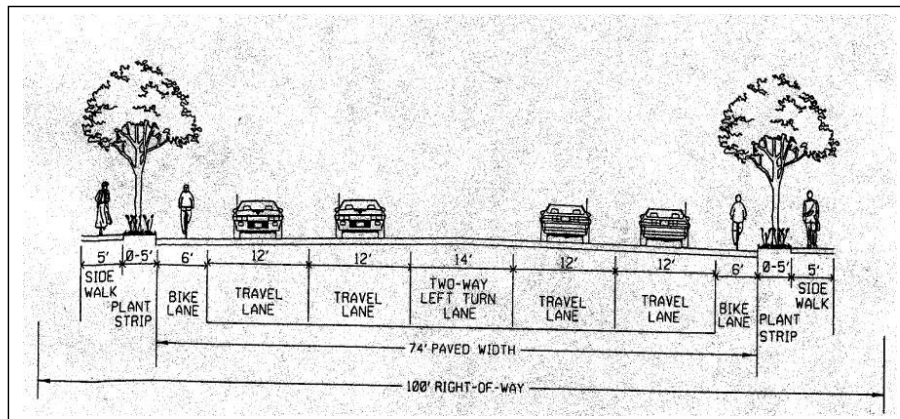
**INDUSTRIAL/COMMERCIAL LOCAL STREET**  
**TWO TRAVEL LANES WITH ON-STREET PARKING ON BOTH SIDES**



**City of Stanfield TSP Street Standards Arterial Roads-US 395**  
**OPTION 1: FOUR TRAVEL LANES, CENTER TURN LANE, BICYCLE LANES,**  
**ON-STREET PARKING ON BOTH SIDES**



**OPTION 2: FOUR TRAVEL LANES, CENTER TURN LANE AND BICYCLE LANES**  
**WITHOUT ON-STREET PARKING**



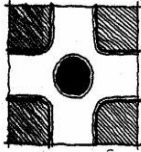
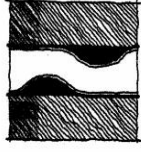
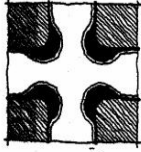
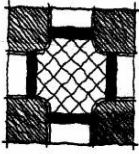
**G. Traffic Signals and Traffic Calming Features.**

1. Traffic-calming features, such as traffic circles, curb extensions, narrow residential streets, and special paving may be used to slow traffic in neighborhoods and areas with high pedestrian traffic. When installed they shall conform to Public Works Standards.
2. Traffic signals shall be required with development when traffic signal warrants are met, in conformance with the Highway Capacity Manual, and Manual of Uniform Traffic Control Devices. The location of traffic signals shall be noted on approved street plans. Where a proposed street intersection will result in an immediate need for a traffic signal, a signal

meeting approved specifications shall be installed. The developer's cost and the timing of improvements shall be included as a condition of ~~development~~ approval.

3. Traffic signals and traffic calming features ~~on roads under State jurisdiction on Highway 395~~ shall be determined by the Oregon Department of Transportation.

**Figure 3.4.1G - Traffic Calming Features**

<i>Drawing</i>	<i>Technique</i>	<i>Description</i>
	Traffic Circles	Circular raised islands centered within intersections. Circles can be landscaped or surfaced with special paving. Landscaping can be maintained by the local jurisdiction or by neighborhood volunteers.
	Chicanes	Alternately placed curb extensions into the street that force motorists to drive in a serpentine pattern. Chicanes are offset from each other in mid-block locations and can be used to keep through-trucks versus local delivery off residential streets.
	Curb Bulb-Outs, Chokers/ Neckdowns	Curb extensions placed at mid-block locations or intersections which narrow the street to provide visual distinction and reduce pedestrian crossing distances. Bulb-outs help to provide a clear visual signal to drivers that a crossing is approaching and makes waiting pedestrians more visible. Neckdowns are often longer than bulb-outs and often line up with and help to define parallel street parking areas. They narrow the appearance of the street and can be attractive, especially when landscaped.
	Special Paving	Alternative road surfaces, such as brick, colored concrete or special pavers, can be used at crossings, intersections, or along the sides of the street to break up the visual expanse of pavement and define areas of pedestrian travel.

**H. Future Street Plan and Extension of Streets.**

1. A future street plan shall be filed by the applicant in conjunction with an application for a subdivision ~~in order~~ to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed ~~future~~ streets from the boundaries of the proposed land division and shall include other parcels within 400 feet, ~~or further if deemed necessary~~, surrounding and adjacent to the proposed land division. The street plan is not binding; rather it is intended to show potential future street extensions with future development.
2. Streets shall be extended to the boundary lines of the parcel or tract to be developed, when the ~~City Manager~~ Planning Official determines that the extension is necessary to give street access to, or permit a satisfactory future division of, adjoining land. The point where the streets temporarily end shall conform to a-c, below:
  - a. These extended streets or street stubs to adjoining properties are not considered to be cul-de-sacs since they are intended to continue as through streets when the adjoining property is developed.
  - b. A barricade (e.g., fence, bollards, boulders, or similar vehicle barrier) shall be constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade shall be included in the street construction cost.
  - c. Temporary turnarounds (e.g., hammerhead or bulb-shaped configuration) shall be constructed for stub streets over 150 feet in length.

**I. Street Alignment and Connections.**

1. Staggering of streets making "T" intersections at collectors and arterials shall not be designed so that jogs of less than 300 feet on such streets are created, as measured from the centerline of the street.
2. Spacing between local street intersections shall have a minimum separation of 125 feet, except where more closely spaced intersections are designed to provide an open space, pocket park, common area, or similar neighborhood amenity. This standard applies to four-way and three-way (offset) intersections.
3. All local and collector streets that abut a development site shall be extended within the site to provide through circulation unless prevented by environmental or topographical constraints, existing development patterns, or compliance with other standards in this code. This exception applies when it is not possible to redesign or reconfigure the street pattern to provide required extensions. Land is considered topographically constrained if the slope is greater than 15% for a ~~distance of~~ 250 feet or more. In the case of environmental or topographical constraints, the mere presence of a constraint is not sufficient to show that a street connection is not possible. The applicant must show why the environmental or topographic constraint precludes some reasonable street connection.
4. Proposed streets or street extensions shall be located to provide direct access to existing or planned commercial services and other neighborhood facilities, such as schools, shopping areas, and parks.

5. ~~In order to~~To promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the ~~following Street Connectivity and Formation of Blocks~~ standards in Chapter 3.1 - Access and Circulation: ~~The maximum block length shall not exceed:~~

~~a. 600 feet in the Residential District;~~

~~b. 400 feet in the Downtown, except as provided by Section 2.2.140 Block Layout and Building Orientation;~~

~~c. Not applicable to the General Industrial District;~~

~~d. 800 feet in the Light Industrial District, except as required for commercial developments subject to Section 2.2.140;~~

~~e. Exceptions to the above standards may be granted when an access way is provided at or near mid-block, in conformance with the provisions of Section 3.1.300.A.~~

J. **Sidewalks, Planter Strips, Bicycle Lanes.** Sidewalks, planter strips, and bicycle lanes shall be installed in conformance with the standards in Table 3.4.100, applicable provisions of the Transportation System Plan, ~~the Comprehensive Plan,~~ and adopted street plans. Maintenance of sidewalks, curbs, and planter strips is the continuing obligation of the adjacent property owner.

K. **Intersection Angles.** Streets shall be laid out ~~so as~~ to intersect at an angle as near to a right angle as practicable, except where topography requires a lesser angle or where a reduced angle is necessary to provide an open space, pocket park, common area, or similar neighborhood amenity. ~~In addition, the following standards~~ Public Works Standards shall apply:

1. ~~Streets shall have at least 25 feet of tangent adjacent to the right-of-way intersection unless topography requires a lesser distance;~~

2. ~~Intersections which are not at right angles shall have a minimum corner radius of 20 feet along the right-of-way lines of the acute angle; and~~

3. ~~Right-of-way lines at intersection with arterial streets shall have a corner radius of not less than 20 feet.~~

L. **Existing Rights-of-Way.** Whenever existing rights-of-way adjacent to or within a tract are of less than standard width, additional rights-of-way shall be provided at the time of subdivision or development, subject to the provision of Section 3.4.000.D.

M. **Cul-de-sacs.** A dead-end street shall be no more than 200 feet long, shall not provide access to greater than 25 dwelling units, and shall only be used when environmental or topographical constraints, existing development patterns, or compliance with other standards in this code preclude street extension and through circulation:

1. All cul-de-sacs shall terminate with a circular or hammerhead turnaround. ~~Circular turnarounds shall have a radius of no less than 200 feet and not more than 40 feet (i.e., from center to edge of pavement) except that turnarounds may be larger when they contain a landscaped island or parking bay in their center constructed to Public Works Standards.~~ When an island or parking bay is provided, there shall be a fire apparatus lane of 20 feet in width; and



2. The length of the cul-de-sac shall be measured along the centerline of the roadway from the near side of the intersecting street to the farthest point of the cul-de-sac.

**N. Grades and Curves.** Grades ~~and curves shall be done in compliance with the Public Works Standards. not exceed 10 percent on arterials, 12 percent on collector streets, or 12% on any other street (except that local or residential access streets may have segments with grades up to 15% for distances of no greater than 250 feet), and:~~

~~1. Centerline curve radii shall not be less than 700 feet on arterials, 500 feet on major collectors, 350 feet on minor collectors, or 100 feet on other streets; and~~

~~2.1 Streets intersecting with a minor collector or greater functional classification street, or streets intended to be posted with a stop sign or signalization, shall provide a landing averaging five percent or less. Landings are that portion of the street within 20 feet of the edge of the intersecting street at full improvement.~~

**O. Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, wheelchair, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified ~~in Chapter 3.1—Access and Circulation~~ the Public Works Standards.

**P. Streets Adjacent to Railroad Right-of-Way.** Wherever the proposed development contains or is adjacent to a railroad right-of-way, a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the land shall be created. New railroad crossings and modifications to existing crossings are subject to review and approval by Oregon Department of Transportation and the rail service provider.

**Q. Development Adjoining Arterial Streets.** Where a development adjoins or is crossed by an existing or proposed arterial street, the development design shall separate residential access and through traffic, and shall minimize traffic conflicts. The design shall include one or more of the following:

1. A parallel access street along the arterial with a landscape buffer separating the two streets;
2. Deep lots abutting the arterial or major collector to provide adequate buffering with frontage along another street. Double-frontage lots shall conform to the buffering standards in Chapter 3.1.200.F;
3. Screen planting at the rear or side property line to be contained in a non-access reservation (e.g., public easement or tract) along the arterial; or
4. Other treatment suitable to meet the objectives of this subsection;
5. If a lot has access to two streets with different classifications, primary access shall be from the lower classification street, in conformance with Chapter 3.1.200.

**R. Alleys, Public or Private.** Alleys shall conform to ~~the standards in Table 3.4.100. While alley intersections and sharp changes in alignment shall be avoided, the corners of necessary alley intersections shall have a radius of not less than 12 feet.~~ adopted Public Works Standards.

- S. **Private Streets.** Private streets shall not be used to avoid connections with public streets. ~~Gated communities (i.e., where a gate limits access to a development from a public street) are prohibited.~~ Design standards for private streets shall conform to ~~the provisions of Table 3.4.100; and~~ adopted Public Works Standards.
- T. **Street Names.** No street name shall be used which will duplicate or be confused with the names of existing streets in Umatilla County, except for extensions of existing streets. Street names, signs, and numbers shall conform to the established pattern in the surrounding area, except as requested by emergency service providers.
- U. **Survey Monuments.** Upon completion of a street improvement and prior to acceptance by the City, it shall be the responsibility of the developer's registered professional land surveyor to provide certification to the City that all boundary and interior monuments shall be reestablished and protected.
- V. **Street Signs.** The city, county or state with jurisdiction shall install all signs for traffic control and street names. The cost of signs required for new development shall be the responsibility of the developer. Street name signs shall be installed at all street intersections. Stop signs and other signs may be required. All street signs shall conform to Public Works Standards.
- W. **Street Light Standards.** Streetlights shall be installed in accordance with ~~City-adopted Public Works standards~~ Standards.
- X. **Street Cross-Sections.** ~~The final lift of asphalt or concrete pavement shall be placed on all new constructed public roadways prior to final City acceptance of the roadway and within one year of the conditional acceptance of the roadway unless otherwise approved by the City Engineer. The final lift shall also be placed no later than when 50% of the structures in the new development are completed or 2 years from the commencement of initial construction of the development, whichever is less.~~ Street Cross Sections are found in the Public Works Standards.
- ~~1. Sub base and leveling course shall be of select crushed rock;~~
  - ~~2. Surface material shall be of Class C or B asphaltic concrete;~~
  - ~~3. The final lift shall be Class C asphaltic concrete as defined by A.P.W.A. standard specifications; and~~
  - ~~4. No lift shall be less than 1 1/2 inches in thickness.~~

### 3.4.200 Public Use Areas.

#### A. **Dedication Requirements.**

1. Where a proposed park, playground, or other public use shown in a plan adopted by the City is located in whole or in part in a subdivision, the City may require the dedication or reservation of this area on the final plat for the subdivision.

2. If determined by the City Council to be in the public interest in accordance with adopted comprehensive plan policies, and where an adopted plan of the City does not indicate proposed public use areas, the City may require the dedication or reservation of areas within the subdivision of a character, extent, and location suitable for the development of parks and other public uses.

3. All required dedications of public use areas shall conform to Section 3.4.000.D (Conditions of Approval).

**B. Acquisition by Public Agency.** If the developer is required to reserve land area for a park, playground, or other public use, the land shall be dedicated to the appropriate public agency within 6 months following final plat approval, at a price agreed upon prior to approval of the plat, or the reservation shall be released to the property owner. “

**C. System Development Charge Credit.** Dedication of land to the City for public use areas shall be eligible as a credit toward any required system development charge for parks.

#### 3.4.300 Sanitary Sewer and Water Service Improvements.

**A. Sewers and Water Mains Required.** Sanitary sewers and water mains shall be installed to serve each new development and to connect developments to existing mains in accordance with the City’s construction specifications ~~and the applicable Comprehensive Plan policies.~~

**B. Sewer and Water Plan Approval.** Development permits for sewer and water improvements shall not be issued until the City Engineer has approved all sanitary sewer and water plans in conformance with City standards.

**C. Over-sizing.** Proposed sewer and water systems shall be sized to accommodate additional development within the area as projected by the ~~Comprehensive Plan~~ City based on population projections from Portland State University’s Population Research Center. The developer shall be entitled to system development charge credits for the over-sizing.

**D. Permits Denied.** Development permits may be restricted by the City where a deficiency exists in the existing water or sewer system which cannot be rectified by the development and which if not rectified will result in a threat to public health or safety, surcharging of existing mains, or violations of state or federal standards pertaining to operation of domestic water and sewerage treatment systems. Building moratoriums shall conform to the criteria and procedures contained in ORS 197.505 through 197.540.

#### 3.4.400 Storm Drainage.

**A. General Provisions.** The City shall issue a development permit only where adequate provisions for storm water ~~and floodwater~~-runoff have been made in conformance with Chapter 3.5 –Surface Water Management.

**B. Accommodation of Upstream Drainage.** Culverts and other drainage facilities shall be large

enough to accommodate potential runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Engineer.

**C. Effect on Downstream Drainage.** Where it is anticipated by the City Engineer that the additional runoff resulting from the development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.

~~C.D.~~ Over Sizing. The city may require as a condition of approval that sewer, water, or storm drainage systems serving new development be sized to accommodate future development within the area as projected by the applicable facility master plan, provided that the City may grant the developer credit toward any required system development charge for the same pursuant to the System Development Charge.

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**D.E. Easements.** Where a development is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width as will be adequate for conveyance and maintenance to protect public health and safety.

#### 3.4.5 Utilities.

**A. Underground Utilities.** All utility lines including, but not limited to, those required for electric, communication, lighting, and cable television services and related facilities shall be placed underground, except for surface mounted transformers, surface mounted connection boxes and meter cabinets which may be placed above ground, temporary utility service facilities during construction, and ~~high-high~~ capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, ~~in order~~ to facilitate underground placement of utilities:

1. The developer shall make all necessary arrangements with the serving utility to provide the underground services. Care shall be taken to ensure that all above ground equipment does not obstruct vision clearance areas for vehicular traffic (Chapter 3.1);
2. The City reserves the right to approve the location of all surface mounted facilities;
3. All underground utilities, including sanitary sewers and storm drains installed in streets by the developer, shall be constructed prior to the surfacing of the streets; and
4. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

~~**B. Easements.** Easements shall be provided for all underground utility facilities.~~

~~**C.B. Exception to Under-Grounding Requirement.** The standard applies only to proposed subdivisions.~~  
An exception to the under-grounding requirement may be granted due to physical constraints, such

as steep topography, ~~sensitive lands (Chapter 3.7)~~environmental considerations, or existing development conditions.

#### 3.4.600 Easements.

Easements for sewers, storm drainage and water quality facilities, water mains, electric lines or other public or private utilities shall be dedicated on a final plat, or provided for in the deed restrictions. (See also, Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions.) The developer or applicant shall make arrangements with the City, the applicable district, and each utility franchise for the provision and dedication of utility easements necessary to provide full services to the development. The City's standard width for public main line utility easements shall be 5 feet unless otherwise specified by the utility company, applicable district, or City Engineer.

#### 3.4.700 Construction Plan Approval and Assurances.

No public improvements, including sanitary sewers, storm sewers, streets, sidewalks, curbs, lighting, parks, or other requirements shall be undertaken except after the plans have been approved by the City, permit fee paid, and permit issued. ~~The permit fee is required to defray the cost and expenses incurred by the City for construction and other services in connection with the improvement. The permit fee shall be set by City Council.~~ The City may require the developer or subdivider to provide bonding or other performance guarantees to ensure completion of required public improvements. (See Section 4.2.400 - Site Design Review, and Chapter 4.3.180 - Land Divisions.)

#### 3.4.800 Installation.

- A. **Conformance Required.** Improvements installed by the developer, either as a requirement of these regulations or at his/her own option, shall conform to the requirements of this chapter, approved construction plans, and to improvement standards and specifications adopted by the City.
- B. **Adopted Installation Standards.** ~~The Standard Specifications for Public Works Construction, Oregon Chapter A.P.W.A. shall be a part of the City's~~ has adopted installation standard(s); Public Works Standards. ~~Other standards may also be required upon recommendation of the City Engineer.~~
- C. **Commencement.** Work shall not begin until the City has been notified in advance in writing all applicable agency permits have been approved and issued.
- D. **Resumption.** If work is discontinued for more than one month, it shall not be resumed until the City is notified in writing and grants approval for work to commence.
- E. **City Inspection.** Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require minor changes in typical sections and details if unusual conditions arising during construction warrant such changes in the public interest. Major modifications

requested by the developer shall be subject to land use review under Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval. Any monuments that are disturbed before all improvements are completed by the subdivider shall be replaced prior to final acceptance of the improvements.

- F. **Engineer's Certification and As-Built Plans.** A registered civil engineer shall provide written certification in a form required by the City that all improvements, workmanship, and materials are in accord with current and standard engineering and construction practices, conform to approved plans and conditions of approval, and are of high grade, prior to City acceptance of the public improvements, or any portion thereof, for operation and maintenance. The developer's engineer shall also provide ~~3 sets of~~ "as-built" plans, both a paper copy and a digital copy, in conformance with the City Engineer's specifications, for permanent filing with the City.

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## Chapter 3.5 — Surface Water Management

~~Reserved for Surface Water Management standards that may be adopted by City. Note: The State Department of Land Conservation and the Development and Department of Environmental Quality have published a model ordinance for Urban Surface Water Management/Water Quality that could be added to this document. Contact Amanda Punton at (503) 731-4065, extension 32, for a hard copy or a CD-ROM copy.~~

~~[3.5.100 – Performance Standards](#)~~

~~[3.5.200 – Existing Drainage Plan](#)~~

~~[3.5.300 – Proposed Drainage Plan](#)~~

~~[3.5.400 – Easements](#)~~

~~[3.5.500 – Public Works Standards](#)~~

### [3.5.100 Performance Standards](#)

Storm drainage design within a development area shall include provisions to adequately control runoff from all public and private streets, roofs of buildings, landscaped areas, paved areas, and any other impervious or pervious surface. The proposal must ensure storm drain system improvements are designed to account for the entire drainage basin taking into consideration future improvements. All surface water, groundwater, and stormwater shall be handled in conformance with Stanfield Public Works Standards, Technical Specifications, and Standard Drawings. These provisions include:

- a. All stormwater generated on site shall be collected, treated, and disposed of on site as applicable unless otherwise approved by the City.
- b. Surface water or groundwater, and the drainage thereof, caused or effected by the changing of the natural grade of the existing ground, the removal of natural ground cover, or the placement of impervious surfaces, shall not be allowed to flow over, under, or through adjacent public or private property in a volume or location materially different from that which existed before development occurred. Any necessary drainage of surface water or groundwater shall be collected and conveyed in an approved manner to an approved point of disposal.
- c. Surface water entering the subject property shall be received at the naturally occurring locations and surface water exiting the subject property shall be discharged at the natural locations with adequate energy dissipaters within the subject property to minimize downstream damage with no diversion at any of these points.
- d. Potential approved points of disposal for stormwater, surface water, or groundwater include, but are not limited to, storm drain systems; underground injection control (UIC) systems (typically drywells), infiltration swales, infiltration or retention ponds, creeks, rivers, ditches, open channels, etc., approved by the City. Acceptance of suggested systems will depend upon the prevailing site conditions, capacity of existing downstream facilities, and feasibility of the design.
- e. When private property must be crossed to reach an approved point of disposal, it shall be the developer's responsibility to acquire a recorded drainage easement (of dimensions in accordance with this section). The drainage facility shall be a closed conduit system. Temporary drainage ditch facilities, when approved, shall be engineered to contain the stormwater without causing erosion or other adverse effects.

- f. The design peak discharge from the subject property shall not be increased from conditions existing prior to the proposed development, except where it can be satisfactorily demonstrated by the owner/ developer that there is no adverse impact.
- g. Retention/detention facilities will be required when necessary to maintain stormwater and/or surface water discharge rates at or below the existing design storm peak discharge, except when it can be demonstrated that no adverse impact will result from said facilities not being provided.
- h. Minimum width of an access easement from an existing public road to a drainage facility shall be 15 feet.
- i. Vegetation shall be established on areas disturbed by/or on areas of construction as necessary to minimize erosion, in accordance with Section 1.5 of this section.

All storm drain system designs shall make adequate provisions for collecting all stormwater runoff. The system shall accommodate all runoff from upstream tributary areas whether or not such areas are within the proposed development. The amount of runoff to be accommodated shall be based upon ultimate development of all upstream tributary areas.

Where storm drains are constructed on slopes greater than 20 percent; in areas designated as hazardous; where site conditions may cause damage to improvements, slippage, or slides; or as determined by the City; a Geotechnical Report and/or an Engineering Geology Report may be required.

Where the finished graded surface has a greater than 20 percent slope, or as required, soil stabilization fabric shall be placed over the entire disturbed area.

Proposed storm drain systems shall not discharge flows into inadequate downstream systems unless approved by the City.

Public storm lines shall be located within the public right-of-way (ROW).

#### 3.5.200 Existing Drainage Plan

A topographical contour map defining existing conditions shall be provided and include the following minimum information:

- a. One-foot contour intervals; slopes over 10 percent may use 2-foot intervals. Extend the contours a minimum of 50 feet beyond the property boundary.
- b. All structures, buildings, parking lots, and utilities on the property.
- c. Isolation of all existing drainage facilities and watercourses, including wetlands and floodplain areas.

Locations of all subsurface water outlets (e.g., springs.) Show arrows to indicate direction of flow for all drainage information. Floodplain information, delineating all floodplain limits, shall be shown where it occurs within the development. Floodplain limits shall be based on maps prepared by the U.S. Army Corps of Engineers and the Federal Emergency Management Agency (FEMA). Where better information is available, it shall be used by the design engineer.

#### 3.5.300 Proposed Drainage Plan



Show proposed site grading and drainage facilities on a topographical contour map. Unless the detail for proposed improvements will obscure the conditions shown on the existing drainage plan, proposed site grading and drainage may be shown on the existing drainage plan. The following minimum information shall also be shown.

- a. Finished contours of the property after development shall be at 1-foot contour intervals; slopes over 10 percent may use 2-foot intervals. Extend the contours to daylight into existing contours at or before project extents.
- b. Percent grade elevations, dimensions, and locations for all graded slopes.
- c. Cut/fill areas, structural fill placement areas, and erosion/sedimentation control methods including reseeded areas.
- d. All proposed drainage facilities including public and private systems, drainage ditches, culverts, surface detention or infiltration infrastructure, UIC infrastructure, etc.
- e. All proposed changes to floodplain boundaries must meet the requirements of FEMA.

#### 3.5.400 Easements

When it is necessary to locate storm drains in easements, the storm drain shall be centered in the easement. All storm drain easements shall be exclusive and shall not be used for any purpose that would interfere with the unrestricted use of the storm drain line. Exceptions to this requirement will be reviewed on a case-by-case basis (e.g., a utility corridor in a new subdivision).

Easements for storm drain lines 36 inches or less in diameter shall have a minimum width of 15 feet. Easements for storm drain lines greater than 36 inches in diameter, shall have a minimum width of 20 feet. Wider easement widths may be required for special circumstances.

Open channel easement widths shall be 20 feet from the waterway centerline, or 15 feet from the top of the recognized bank, whichever is greater.

Easement locations for public storm drains serving a Public Utility District, apartment complex, or commercial/industrial development shall be in parking lots, private drives, or similar open areas, which will permit unobstructed vehicle access for maintenance.

Structures shall not be built over the easements, nor shall trees or large bushes be planted in the easement.

Easements shall be furnished to the City for review and approval prior to recording.

#### 3.5.500 Public Works Standards

All Surface Water Management installations shall be designed and installed based on adopted Public Works Standards.

## Chapter 3.6 — Other Standards

### Sections:

~~3.6.100~~ — Density Transfer

~~3.6.200-100~~ - Telecommunication Facilities

~~3.6.300-200~~ - Solid Waste Storage ~~Wetlands~~

~~3.6.400~~ — Environmental Performance

~~3.6.500-300~~ - Signs

### ~~3.6.100 Density Transfer.~~

~~A. Purpose.~~ The purpose of this chapter is to implement the comprehensive plan and encourage the protection of open spaces through the allowance of housing density transfers. “Density transfers” are the authorized transfer of allowed housing units (per Chapter 2) from one portion of a property to another portion of the same property, or from one property to another property.

~~B. Determination of Allowable Housing Units.~~ The number of allowed housing units on a property is based on the surface area of the property (acres) times the maximum allowed housing density in Chapter 2.

~~C. Density Transfer Authorized.~~ Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A density transfer shall not be approved unless it meets one or more of the criteria in 1-4 below, and it conforms to subsections D-E:

1. Protection of sensitive land areas as defined in Chapter 3.7 (and listed below) either by dedication to the public or a land trust, or by a non-revocable conservation easement. Sensitive land areas include:

- a. Land within the 100-year floodplain;
- b. Land or slopes exceeding 20%
- c. Drainage ways;
- d. Wetlands.

2. Dedication of land to the public for park or recreational purposes; or

3. The density transfer is used to develop a mix of single family and multi-family housing on the same property or development site.

~~D. Prohibited Density Transfers.~~ Density shall not be transferred from: land proposed for street right-of-way, stormwater detention facilities, private streets, and similar areas that do not provide open space or recreational values to the public.

~~E. Density Transfer Rules.~~ All density transfers shall conform to all of the following rules:

1. Allowed housing units shall be transferred only to buildable lands (“receiving areas”). The number of allowed housing units shall be reduced on properties from which density is transferred (“sending areas”) based on the number of housing units transferred. The new

~~number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with current zoning and development codes;~~

~~2. The number of units which can be transferred is limited to the number of units which would have been allowed on 100 percent of the unbuildable area if not for these regulations; and~~

~~3. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per gross acre permitted under the applicable comprehensive plan designation; except as otherwise permitted through the Master Planned Development process (Chapter 4.5).~~

~~4. All density transfer development proposals shall comply with the development standards of the applicable land use district, except as otherwise allowed by the Master Planned Development process (Chapter 4.5).~~

### 3.6. ~~200-100~~ Telecommunication Facilities.

**A. Purpose.** The purpose of this chapter is to protect the public interest by promoting telecommunications facilities in a way which protects the public health and safety; minimizes disruption of residential, natural, historical and environmentally sensitive areas; aesthetically complements the surrounding environment when possible; regulates telecommunications providers and services consistent with federal and state law; assures that all telecommunication providers' facilities or services within the city can continue to responsibly protect the public health, safety and welfare; and enable the city to discharge its public trust consistent with rapidly evolving federal and state regulatory policies, industry competition and technological development.

**B. Wireless Communication Equipment.** Wireless communication equipment, including radio (i.e. cellular), television and similar types of transmission and receiving facilities are permitted in ~~the any Commercial or Light~~ Industrial District subject to ~~a Conditional Use Permit~~ Administrative Review. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Light Industrial District.

**C. Applicability**

1. Pre-Existing Towers and Antennas
2. New Facilities

**D. Design Criteria**

1. Maximum height for telecommunications transmission towers shall be ~~55-195~~ linear feet including antennas.
2. Minimum setback for telecommunications support structures and transmission towers shall ~~be 1.5 times the height of the support structure or transmission tower~~ conform to the district or sub-

district it is sited in.

3. Guyed towers are not permitted.
4. ~~Monopoles are permitted as a~~Towers at or over 200 feet require a Conditional Use Permit-  
(~~See Chapter 4.4~~).
5. ~~Antennas are permitted~~Maintenance of a facility is allowed without a permit.

### **3.6.300-200 Solid Waste Storage-Wetlands**

*[Reserved for optional adoption of standards for solid waste storage and recycling facilities. Note: Chapter 3.2 requires landscaping or other screening of these facilities.]*

**Wetlands Notifications Provisions.** Written notice shall be provided to the Oregon Department of State Lands of applications which involve lands that are wholly or partially within areas that are identified as wetlands on the Statewide Wetlands Inventory (SWI). Wetland boundaries shall be verified in the field by a qualified professional before any application for development in or adjacent to a wetland is accepted as complete.

1. Notice shall be sent within five (5) working days of the acceptance of a complete application for a subdivision, building permit for new structure, planned development, or any other development permit or approval that allows physical alteration of the land involving excavation, grading, fill, or construction on the land.
2. Notice shall be sent if the City receives information that there is a possible wetland on the subject property following acceptance of the application.
3. Notice is not required for any application listed in if a permit has been issued by the Department of State Lands for that activity.
4. If the Department of State Lands fails to respond to the notice from the City with in thirty (30) days of the postmark date of the notice, the City may issue an approval for the proposed activity with written notice to the applicant and owner of record that the proposed activity may require state or federal permits.
5. The City may issue an approval for a comprehensive plan map or zoning map amendment for parcels identified as or including wetlands on the SWI upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Department of State Lands with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.
6. The City may issue approval for any activity providing that the approval includes one of the following statements:
  - a. Issuance of a permit under ORS 196.665 and 196.800 to 196.800 to 196.900 by the

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Department of State Lands is required for the proposed project before any physical alteration takes place within the wetlands.

b. Notice from the Department of State Lands that no permit is required; or

c. Notice from the Department of State Lands that no permit is required until specific proposals to remove, fill, or alter the wetlands are submitted to the division.

7. Notice of activities authorize within an approved wetland conservation plan shall be provided to the Department of State Lands five days following approval by the City.

8. Failure of the City to provide notice to the Department of State Lands as required in this section will not invalidate county approval of the proposed activity.

### **3.6.400 Environmental Performance.**

*[Reserved for reference to state and federal standards for air quality, water quality, emissions, and similar environmental concerns.]*

### **3.6.500-300 Signs.**

**A. Sign Requirements.** A sign is permitted only as an accessory use to the use of the property on which the sign is located, except that off-premise directional signs, not more than 6 square feet in area, may be allowed by the City in cases of demonstrated need.

**B. Standards.**

1. In the Residential Districts, the following regulations shall apply:
  - a. No sign shall be illuminated in any manner, except for street numbers and housing project, apartment or mobile home park identification or directional signs;
  - b. One name plate or home occupation sign shall be allowed and shall not exceed two (2) square feet in area.
  - c. Identification signs for mobile home parks, apartments, and housing projects are not to exceed 24 square feet, with one per primary access. Directional signs are also allowed within a housing complex.
2. In the Commercial Districts, the following regulations shall apply:
  - a. Signs shall be set back at least ten (10) feet from any Residential District/Sub-District.
  - b. Moving or flashing signs are prohibited;
  - c. Total area of all signs shall not exceed the area of the largest exposed exterior wall of the main structure;
  - d. No sign shall project above the roof edge of the building containing the business which the

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- sign identifies; except for shopping centers and the Tourist Commercial District;
- e. Signs visible from residential properties shall be shielded or directed so as to not to constitute a nuisance to residential property owners and shall not interfere with, confuse or mislead a vehicle operator;
3. In the Industrial District, the following regulations shall apply:
- a. Signs shall be set back at least ten (10) feet from any Residential District;
  - b. Moving or flashing signs are prohibited;
  - c. Signs visible from residential properties shall be shielded or directed ~~so as to not to~~ constitute a nuisance to residential property owners and shall not interfere with, confuse, or mislead a vehicle operator.
4. Temporary signs.
- a. One sign shall be allowed per lot advertising the property for sale, lease or rent and the sign shall not exceed six (6) square feet in area. A "for sale" sign shall not be allowed to remain on the property after the property is sold.
  - b. One sign shall be allowed per subdivision advertising lots or homes for sale. Such signs shall not exceed fifty square feet in area and shall be setback at least twenty feet from the nearest street.
  - c. One notice sign not to exceed eight (8) square feet in area, for advertising for a period not more than two (2) weeks prior to an event such as a picnic bazaar or banquet of a church, service club fraternal organization or similar group shall be allowed.
  - d. One political sign per lot shall be allowed not to exceed two (2) square feet in area, for advertising a candidate or issue, for a period of not more than thirty (30) days prior to the date of an election.
5. Public or semi-public sign. On property in public or semi-public use, an identification sign facing each abutting street not to exceed six (6) square feet in area and a bulletin board not over ten (10) square feet in area shall be allowed.

## Chapter 3.7 — Flood Plain Design Standards

### Sections:

- 3.7.100 — Purpose and Applicability
- 3.7.200 - Methods of Reducing Flood Losses
- 3.7.300 — Compliance and Penalties for Noncompliance
- 3.7.400 - Abrogation and Greater RestrictionsSeverability
- 3.7.500 - Interpretation
- 3.7.600 - Warning and Disclaimer of Liability
- 3.7.700 — Definitions
- 3.7.800 — Coordination with the State of Oregon Specialty Codes
- 3.7.900 — Administration
- 3.7.1000 — Substantial Improvement and Substantial Damage Assessments and Determinations
- 3.7.1100 — Establishment of Development Permit
- 3.7.1200 — Variance Procedure
- 3.7.1300 — Provisions for Flood Hazard Reduction
- 3.7.1400 — Specific Standards for Riverine Flood Zones
- 3.7.1500 — Floodways
- 3.7.1600 — Standards for Shallow Flooding Areas
- 3.7.700- Subdivision Proposals
- 3.7.800- Construction and Siting

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### 3.7.100 Purpose and Applicability.

It is the purpose of this Chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, ~~electric~~, telephone and sewer lines, ~~and~~ streets, and bridges located in areas of special flood hazard areas;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard areas so as to minimize future flood-blight areas caused by flooding;
7. To ensure that notify potential buyers are notified that their property is in an area of a special flood hazard area; ~~and~~;
8. To ensure that notify those who occupy the areas of special flood hazard areas that they assume responsibility for their actions; ~~and~~
- 8-9. To participate in and maintain eligibility for flood insurance and disaster relief.

This Chapter shall apply to all special flood hazard areas within the jurisdiction of the City of Stanfield. Those special flood hazard areas identified by the Federal Insurance Administrator became effective on September 3, 2010, and include panels 41059C0611G, 41059C0612G, 41059C0613G, and 41059C0614G.

### **3.7.200 Methods of Reducing Flood Losses.**

In order toTo accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that ~~uses-development~~ vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development that may increase flood damage; and
5. Preventing or regulating the construction of flood barriers that will unnaturally divert flood waters or may increase flood hazards in other areas.

### **3.7.300 Compliance and Penalties for Noncompliance.**

- A. Full Compliance Required.** No structure or land within the Flood Plain District or Floodway Sub-District described in Chapter 2.7 shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Chapter and other applicable regulations.
- B. Penalties for Noncompliance.** Violations of the provisions of this ~~ordinance Chapter~~ by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions), shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than ~~-\$1,000.00 or imprisoned for not more than \_\_\_ days, or both,~~ for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Stanfield from taking such other lawful action as is necessary to prevent or remedy any violation.

### **3.7.400 Abrogation and ~~Greater Restrictions~~ Severability.**

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.

This Chapter and the various parts thereof are hereby declared to be severable. If any section clause,



sentence, or phrase of this Chapter is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this Chapter.

### **3.7.500 Interpretation.**

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

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

### **3.7.600 Warning and Disclaimer of Liability.**

The degree of flood protection required by this ordinance-Chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance-Chapter shall not create liability on the part of the City of Stanfield, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance-Chapter or any administrative decision lawfully made hereunder.

### 3.7.700 Definitions

Definitions for this Chapter are included in Chapter 1.3 Definitions.

### 3.7.800 Coordination with State of Oregon Specialty Codes

Pursuant to the Requirement established in Oregon Revised Statute 455 that the State of Oregon, on behalf of the City of Stanfield, administers and enforces the State of Oregon Specialty Code, the City of Stanfield does hereby acknowledge that the Oregon Specialty Codes contain provision that apply to the design and construction of buildings and structures located in special flood hazard areas. Therefore, this Chapter is intended to be administered and enforced in conjunction with the Oregon Specialty Codes.

### 3.7.900 Administration

**DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.** The Planning Official is hereby appointed to administer, implement, and enforce this ordinance by granting or denying development permits in

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accordance with its provisions. The Floodplain Administrator may delegate authority to implement these provisions.

**DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.** Duties of the floodplain administrator, or their designee, shall include, but not be limited to:

**PERMIT REVIEW.** Review all development permits to determine that:

- A. The permit requirements of this ordinance have been satisfied;
- B. All other required local, state, and federal permits have been obtained and approved.
- C. Review all development permits to determine if the proposed development is in a floodway. If located in the floodway assure that the floodway provisions of this ordinance are met; and
- D. Review all development permits to determine if the proposed development is in an area where Base Flood Elevation (BFE) data is available either through the Flood Insurance Study (FIS) or from another authoritative source. If BFE data is not available, then ensure compliance with the provisions of the **USE OF OTHER BASE FLOOD ELEVATION DATA**; and
- E. Provide building officials with the Base Flood Elevation (BFE) applicable to any building requiring a development permit.
- F. Review all development permit applications to determine if the proposed development qualifies as a substantial improvement as defined in Chapter 1.3.
- G. Review all development permits to determine if the proposed development activity is a watercourse alteration. If a watercourse alteration is proposed, ensure compliance with the provisions of the **ALTERATION OF WATERCOURSES** is met.
- H. Review all development permits to determine if the proposed development activity includes the placement of fill or excavation.

**INFORMATION TO BE OBTAINED AND MAINTAINED.** The following information shall be obtained and maintained and shall be made available for public inspection as needed:

- A. Obtain, record, and maintain the actual elevation (in relation to mean sea level) of the lowest floor (including basements) and all attendant utilities of all new or substantially improved structures where Base Flood Elevation (BFE) data is provided through the Flood Insurance Study (FIS), Flood Insurance Rate Map (FIRM), or obtained in accordance with the provisions of the **USE OF OTHER BASE FLOOD ELEVATION DATA**.
- B. Obtain and record the elevation (in relation to mean sea level) of the natural grade of the building site for a structure prior to the start of construction and the placement of any fill and ensure that the requirements of sections **FLOODWAYS, ALL REQUIRED LOCAL, STATE, AND FEDERAL PERMITS** are adhered to.
- C. Upon placement of the lowest floor of a structure (including basement) but prior to further vertical construction, obtain documentation, prepared, and sealed by a professional licensed surveyor or engineer, certifying the elevation (in relation to mean sea level) of the lowest floor (including basement).
- D. Where base flood elevation data are utilized, obtain As-built certification of the elevation (in relation to mean sea level) of the lowest floor (including basement) prepared and sealed by a professional licensed surveyor or engineer, prior to the final inspection.
- E. Maintain all Elevation Certificates (EC) submitted to the community;
- F. Obtain, record, and maintain the elevation (in relation to mean sea level) to which the structure and all attendant utilities were floodproofed for all new or substantially improved floodproofed structures where allowed under this ordinance and where Base Flood Elevation (BFE) data is provided through the FIS, FIRM, or obtained in accordance with section **5.1.7**.

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- G. Maintain all floodproofing certificates required under this ordinance;
- H. Record and maintain all variance actions, including justification for their issuance;
- I. Obtain and maintain all hydrologic and hydraulic analyses performed as required under section **FLOODWAYS.**
- J. Record and maintain all Substantial Improvement and Substantial Damage calculations and determinations as required under section **SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS.**
- K. Maintain for public inspection all records pertaining to the provisions of this ordinance.

**REQUIREMENT TO NOTIFY OTHER ENTITIES AND SUBMIT NEW TECHNICAL DATA**

**COMMUNITY BOUNDARY ALTERATIONS.** The Floodplain Administrator shall notify the Federal Insurance Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed authority or no longer has authority to adopt and enforce floodplain management regulations for a particular area, to ensure that all Flood Hazard Boundary Maps (FHBM) and Flood Insurance Rate Maps (FIRM) accurately represent the community's boundaries. Include within such notification a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority.

**WATERCOURSE ALTERATIONS.** Notify adjacent communities, the Department of Land Conservation and Development, and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. This notification shall be provided by the applicant to the Federal Insurance Administration as a Letter of Map Revision (LOMR) along with either:

- A. A proposed maintenance plan to assure the flood carrying capacity within the altered or relocated portion of the watercourse is maintained; or
- B. Certification by a registered professional engineer that the project has been designed to retain its flood carrying capacity without periodic maintenance.

The applicant shall be required to submit a Conditional Letter of Map Revision (CLOMR) when required under THE REQUIREMENT TO SUBMIT NEW TECHNICAL DATA. Ensure compliance with all applicable requirements in REQUIREMENT TO SUBMIT NEW TECHNICAL DATA and **ALTERATION OF WATERCOURSES.**

**REQUIREMENT TO SUBMIT NEW TECHNICAL DATA.** A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six months after the date such information becomes available, a community shall notify the Federal Insurance Administrator of the changes by submitting technical or scientific data in accordance with Title 44 of the Code of Federal Regulations (CFR), Section 65.3. The community may require the applicant to submit such data and review fees required for compliance with this section through the applicable FEMA Letter of Map Change (LOMC) process. The Floodplain Administrator shall require a Conditional Letter of Map Revision prior to the issuance of a floodplain development permit for:

- A. Proposed floodway encroachments that increase the base flood elevation; and
- B. Proposed development which increases the base flood elevation by more than one foot in areas where FEMA has provided base flood elevations but no floodway.

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An applicant shall notify FEMA within six (6) months of project completion when an applicant has obtained a Conditional Letter of Map Revision (CLOMR) from FEMA. This notification to FEMA shall be provided as a Letter of Map Revision (LOMR).

3.7.1000 Substantial Improvement and Substantial Damage Assessments and Determinations

**SUBSTANTIAL IMPROVEMENT AND SUBSTANTIAL DAMAGE ASSESSMENTS AND DETERMINATIONS.** Conduct Substantial Improvement (SI) (as defined in section 2.0) reviews for all structural development proposal applications and maintain a record of SI calculations within permit files in accordance with INFORMATION TO BE OBTAINED AND MAINTAINED. Conduct Substantial Damage (SD) assessments when structures are damaged due to a natural hazard event or other causes. Make SD determinations whenever structures within the special flood hazard area are damaged to the extent that the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

3.7.1100 Establishment of Development Permit

**FLOODPLAIN DEVELOPMENT PERMIT REQUIRED.** A development permit shall be obtained before construction or development begins within any area horizontally within the special flood hazard area. The development permit shall be required for all structures, including manufactured dwellings, and for all other developments, including fill and other development activities.

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**APPLICATION FOR DEVELOPMENT PERMIT.** Application for a development permit may be made on forms furnished by the Floodplain 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:

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- A. In riverine flood zones, the proposed elevation (in relation to mean sea level), of the lowest floor (including basement) and all attendant utilities of all new and substantially improved structures; in accordance with the requirements of INFORMATION TO BE OBTAINED AND MAINTAINED.
- B. Proposed elevation in relation to mean sea level to which any non-residential structure will be floodproofed.
- C. Certification by a registered professional engineer or architect licensed in the State of Oregon that the floodproofing methods proposed for any non-residential structure meet the floodproofing criteria for non-residential structures in NON-RESIDENTIAL CONSTRUCTION.
- D. Description of the extent to which any watercourse will be altered or relocated.
- E. Base Flood Elevation data for subdivision proposals or other development when required per PERMIT REVIEW and SUDVISION PREPOSALS AND OTHER PROPOSED DEVELOPMENTS.
- F. Substantial improvement calculation for any improvement, addition, reconstruction, renovation, or rehabilitation of an existing structure.
- G. The amount and location of any fill or excavation activities proposed.

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3.7.1200 Variance Procedure

**VARIANCE PROCEDURE.** The issuance of a variance is for floodplain management purposes only. Flood insurance premium rates are determined by federal statute according to actuarial risk and will not be modified by the granting of a variance.

**CONDITIONS FOR VARIANCES.**

- A. 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, in conformance with the provisions of sections (C) and (E), and VARIANCE NOTIFICATION. As the lot size increases beyond one-half acre, the technical justification required for issuing a variance increases.
- B. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- C. Variances shall not be issued within any floodway if any increase in flood levels during the base flood discharge would result.
- D. Variances shall only be issued upon:
  - 1. A showing of good and sufficient cause;
  - 2. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
  - 3. A 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, or conflict with existing laws or ordinances.
- E. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of sections (B) – (D) above are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

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**VARIANCE NOTIFICATION.** Any applicant to whom a variance is granted shall be given written notice that the issuance of a variance to construct a structure below the Base Flood Elevation will result in increased premium rates for flood insurance and that such construction below the base flood elevation increases risks to life and property. Such notification and a record of all variance actions, including justification for their issuance shall be maintained in accordance with VARIANCE NOTIFICATION.

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**3.7.1300 Provisions for Flood Hazard Reduction**

**GENERAL STANDARDS.** In all special flood hazard areas, the following standards shall be adhered to:

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**ALTERATION OF WATERCOURSES.** Require that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained. Require that maintenance is provided within the altered or relocated portion of said watercourse to ensure that the flood carrying capacity is not diminished. Require compliance with WATERCOURSE ALTERSATIONS and REQUIREMENT TO SUBMIT NEW TECHNICAL DATA.

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**ANCHORING.**

- A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

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B. All manufactured dwellings shall be anchored per MANUFACTURED DWELLINGS.

**CONSTRUCTION MATERIALS AND METHODS.**

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

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

**UTILITIES AND EQUIPMENT.**

**WATER SUPPLY, SANITARY SEWER, AND ON-SITE WASTE DISPOSAL SYSTEMS**

A. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

B. 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.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

**ELECTRICAL, MECHANICAL, PLUMBING, AND OTHER EQUIPMENT.** Electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall be elevated at or above the base flood level or shall be designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during conditions of flooding. In addition, electrical, heating, ventilating, air-conditioning, plumbing, duct systems, and other equipment and service facilities shall:

A. If replaced as part of a substantial improvement shall meet all the requirements of this section.

**TANKS.**

A. Underground tanks shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

B. Above-ground tanks shall be installed at or above the base flood level or shall be anchored to prevent flotation, collapse, and lateral movement under conditions of the base flood.

**SUBDIVISION PROPOSALS & OTHER PROPOSED DEVELOPMENTS.**

A. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, shall include within such proposals, Base Flood Elevation data.

B. All new subdivision proposals and other proposed new developments (including proposals for manufactured dwelling parks and subdivisions) shall:

1. Be consistent with the need to minimize flood damage.
2. Have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.
3. Have adequate drainage provided to reduce exposure to flood hazards.

**USE OF OTHER BASE FLOOD ELEVATION DATA.** When Base Flood Elevation data has not been provided in accordance with the BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS the local floodplain administrator shall obtain, review, and reasonably utilize any Base Flood Elevation data available from a federal, state, or other source, to administer the PROVISIONS FOR FLOOD HAZARD REDUCTION. All new subdivision proposals and other proposed new developments (including proposals

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for manufactured dwelling parks and subdivisions) must meet the requirements of SUBDIVISION PROPOSALS AND OTHER PROPOSED DEVELOPMENTS.

Base Flood Elevations shall be determined for development proposals that are 5 acres or more in size or are 50 lots or more, whichever is lesser in any A zone that does not have an established base flood elevation. Development proposals located within a riverine unnumbered A Zone shall be reasonably safe from flooding; the test of reasonableness includes use of historical data, high water marks, FEMA provided Base Level Engineering data, and photographs of past flooding, etc. where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

**STRUCTURES LOCATED IN MULTIPLE OR PARTIAL FLOOD ZONES.** In coordination with the State of Oregon Specialty Codes:

- A. When a structure is in multiple flood zones on the community's Flood Insurance Rate Maps (FIRM) the provisions for the more restrictive flood zone shall apply.
- B. When a structure is partially located in a special flood hazard area, the entire structure shall meet the requirements for new construction and substantial improvements.

3.7.1400 Specific Standards for Riverine Flood Zones

**SPECIFIC STANDARDS FOR RIVERINE (INCLUDING ALL NON-COASTAL) FLOOD ZONES.** These specific standards shall apply to all new construction and substantial improvements in addition to the General Standards contained in GENERAL STANDARDS of this ordinance.

**FLOOD OPENINGS.** All new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) are subject to the following requirements. Enclosed areas below the Base Flood Elevation, including crawl spaces shall:

- A. Be designed to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters;
- B. Be used solely for parking, storage, or building access;
- C. Be certified by a registered professional engineer or architect or meet or exceed all of the following minimum criteria:
  - 1. A minimum of two openings,
  - 2. The total net area of non-engineered openings shall be not less than one (1) square inch for each square foot of enclosed area, where the enclosed area is measured on the exterior of the enclosure walls,
  - 3. The bottom of all openings shall be no higher than one foot above grade.
  - 4. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they shall allow the automatic flow of floodwater into and out of the enclosed areas and shall be accounted for in the determination of the net open area.
  - 5. All additional higher standards for flood openings in the State of Oregon Residential Specialty Codes Section R322.2.2 shall be complied with when applicable.

**GARAGES.**

- A. Attached garages may be constructed with the garage floor slab below the Base Flood Elevation (BFE) in riverine flood zones, if the following requirements are met:
  - 1. If located within a floodway the proposed garage must comply with the requirements of FLOODWAYS.

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- 2. The floors are at or above grade on not less than one side;
- 3. The garage is used solely for parking, building access, and/or storage;
- 4. The garage is constructed with flood openings in compliance with section FLOOD OPENINGS to equalize hydrostatic flood forces on exterior walls by allowing for the automatic entry and exit of floodwater.
- 5. The portions of the garage constructed below the BFE are constructed with materials resistant to flood damage;
- 6. The garage is constructed in compliance with the GENERAL standards; and
- 7. The garage is constructed with electrical, and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.

B. Detached garages must be constructed in compliance with the standards for appurtenant structures in section APPURTENANT (ACCESSORY) STRUCTURES or non-residential structures in section NON-RESIDENTIAL CONSTRUCTION depending on the square footage of the garage.

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**FOR RIVERINE (NON-COASTAL) SPECIAL FLOOD HAZARD AREAS WITH BASE FLOOD ELEVATIONS.** In addition to the general standards listed in the GENERAL STANDARDS the following specific standards shall apply in Riverine (non-coastal) special flood hazard areas with Base Flood Elevations (BFE): Zones A1-A30, AH, and AE.

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**BEFORE REGULATORY FLOODWAY.** In areas where a regulatory floodway has not been designated, no new construction, substantial improvement, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's Flood Insurance Rate Map (FIRM), unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

**RESIDENTIAL CONSTRUCTION.**

- A. New construction, conversion to, and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated at or above the BFE.
- B. Enclosed areas below the lowest floor shall comply with the flood opening requirements in FLOOD OPENINGS.

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**NON-RESIDENTIAL CONSTRUCTION.**

- A. New construction, conversion to, and substantial improvement of any commercial, industrial, or other non-residential structure shall: 1. Have the lowest floor, including basement elevated at or above the Base Flood Elevation (BFE); or, together with attendant utility and sanitary facilities:
  - i. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
  - ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications, and plans. Such certifications shall be provided to the Floodplain Administrator as set forth in INFORMATION TO BE OBTAINED AND MAINTAINED.

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B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in FLOOD OPENINGS.

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C. Applicants floodproofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one (1) foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one (1) foot below.

**MANUFACTURED DWELLINGS.**

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A. Manufactured dwellings to be placed (new or replacement) or substantially improved that are supported on solid foundation walls shall be constructed with flood openings that comply with FLOOD OPENINGS;

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B. The bottom of the longitudinal chassis frame beam shall be at or above Base Flood Elevation;

C. Manufactured dwellings to be placed (new or replacement) or substantially improved shall be anchored to prevent flotation, collapse, and lateral movement during the base flood. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques), and;

D. Electrical crossover connections shall be a minimum of twelve (12) inches above BFE.

**RECREATIONAL VEHICLES.** Recreational vehicles placed on sites are required to:

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A. Be on the site for fewer than 180 consecutive days, and

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B. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or

C. Meet the requirements of MANUFACTURED DWELLINGS, including the anchoring and elevation requirements for manufactured dwellings.

**APPURTENANT (ACCESSORY) STRUCTURES.** Relief from elevation or floodproofing requirements for residential and non-residential structures in Riverine (Non-Coastal) flood zones may be granted for appurtenant structures that meet the following requirements:

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A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in FLOODWAYS.

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B. Appurtenant structures must only be used for parking, access, and/or storage and shall not be used for human habitation;

C. In compliance with State of Oregon Specialty Codes, appurtenant structures on properties that are zoned residential are limited to one-story structures less than 200 square feet, or 400 square feet if the property is greater than two (2) acres in area and the proposed appurtenant structure will be located a minimum of 20 feet from all property lines. Appurtenant structures on properties that are zoned as non-residential are limited in size to 120 square feet.

D. The portions of the appurtenant structure located below the Base Flood Elevation must be built using flood resistant materials;

E. The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the base flood.

F. The appurtenant structure must be designed and constructed to equalize hydrostatic flood forces on exterior walls and comply with the requirements for flood openings;

G. Appurtenant structures shall be located and constructed to have low damage potential;

- H. Appurtenant structures shall not be used to store toxic material, oil, or gasoline, or any priority persistent pollutant identified by the Oregon Department of Environmental Quality unless confined in a tank installed in compliance with TANKS.
- I. Appurtenant structures shall be constructed with electrical, mechanical, and other service facilities located and installed to prevent water from entering or accumulating within the components during conditions of the base flood.

3.7.1500 Floodways

**FLOODWAYS.** Located within the special flood hazard areas are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of the floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- A. Prohibit encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway unless:
  - 1. Certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge; Or,
  - 2. A community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that a Conditional Letter of Map Revision (CLOMR) is applied for and approved by the Federal Insurance Administrator, and the requirements for such revision as established under Volume 44 of the Code of Federal Regulations, section 65.12 are fulfilled.
- B. If the requirements of section (A) above are satisfied, all new construction, substantial improvements, and other development shall comply with all other applicable flood hazard reduction provisions of the PROVISIONS FOR FLOOD HAZARD REDUCTION.

3.7.1600 Standards for Shallow Flooding Areas

**STANDARDS FOR SHALLOW FLOODING AREAS.** Shallow flooding areas appear on FIRMs as AO zones with depth designations or as AH zones with Base Flood Elevations. For AO zones the base flood depths range from one (1) to three (3) feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. For both AO and AH zones, adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

**STANDARDS FOR AH ZONES.** Development within AH Zones must comply with the standards in the GENERAL STANDARDS, SPECIFIC STANDARDS FOR RIVERINE FLOOD ZONES, and STANDARDS FOR SHALLOW FLOODING AREAS.

**STANDARDS FOR AO ZONES.** In AO zones, the following provisions apply in addition to the requirements in the GENERAL STANDARDS and STANDARDS FOR SHALLOW FLOODING AREAS:

- A. New construction, conversion to, and substantial improvement of residential structures and manufactured dwellings within AO zones shall have the lowest floor, including basement, elevated above the highest grade adjacent to the building, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRM) (at least two (2) feet if no depth

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number is specified). For manufactured dwellings the lowest floor is the bottom of the longitudinal chassis frame beam.

**B. New construction, conversion to, and substantial improvements of non-residential structures within AO zones shall either:**

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, at minimum to or above the depth number specified on the Flood Insurance Rate Maps (FIRMS) (at least two (2) feet if no depth number is specified); or
2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above the depth number specified on the FIRM or a minimum of two (2) feet above the highest adjacent grade if no depth number is specified, so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect.

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**C. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:**

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1. Be on the site for fewer than 180 consecutive days, and
2. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the elevation requirements of STANDARDS FOR AO ZONES(A), and the anchoring and other requirements for manufactured dwellings.

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**D. In AO zones, new and substantially improved appurtenant structures must comply with the standards in APPURTENANT (ACCESSORY) STRUCTURES.**

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**E. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in FLOOD OPENINGS.**

**3.7.700 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. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments that contain at least 50 lots or 5 acres (whichever is less).~~

**3.7.800 Construction and Siting.**

The construction and siting of all new structures or additions to existing ones shall comply with the following basic standards:

**A. 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.~~

#### **B.— Materials and Methods**

- ~~1.— Construction shall use materials and utility equipment resistant to flood damage.~~
- ~~2.— Construction shall use methods and practices that minimize flood damage.~~
- ~~3.— Mechanical and electrical equipment including heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and /or otherwise elevated or located so as to prevent water from entering or accumulating within the component during conditions of flooding. In any case all electrical outlets shall be installed at least one (1) foot above the 100-year flood elevation.~~
- ~~4.— Crawl spaces should not be used for storage.~~
- ~~5.— Structures may be elevated on extended foundations, stem walls, pilings, columns or saturation stable compacted fill. Applicants are referred to the publications “Elevated Residential Structures” and “Economic Feasibility of Flood-proofing: Analysis of a Small Commercial Building” for ideas, standards, and techniques. Both publications are available at City Hall or from the Federal Emergency Management Agency (“FEMA”).~~

#### **C.— Location of Structures:** All buildings, fences, walls, hedges, and the like shall be sited so as not to obstruct the flow of flood waters, utilizing the following principles:

- ~~1.— Locate buildings as far back from the floodway or watercourse channel as possible.~~
- ~~2.— Locate buildings on the highest part of the site, if possible.~~
- ~~3.— Locate buildings parallel to watercourse channels or the direction of historical flood flows if located within 2 blocks of the channel.~~
- ~~4.— Fences shall not be built across Stage Gulch.~~
- ~~5.— Try to avoid planting hedges across the direction of flood flows, and when planting groups of trees or shrubs, leave plenty of open space between clumps, taking into account the size and spread of shrubs at maturity so as to avoid blocking flood flows.~~
- ~~6.— No structure shall be located within 100 feet of the edge of Stage Gulch downstream of the formally designated “floodway”, in the area for which a detailed study has not been conducted (below Hoosier Road Bridge).~~
- ~~7.— An emergency evacuation route shall be planned and designated for all principal buildings, including houses and manufactured homes, within the flood hazard areas. This plan shall be filed with the city police department and Umatilla County Emergency Services Department.~~

#### **D.— Landfill**

- ~~1.— Up to 35% of a lot or parcel may be covered by landfill to provide for the elevation of structures, driveways, patios and sidewalks.~~
- ~~2.— The remaining 65% of the surface of a site may be graded to fill in holes and smooth out high spots, to build landscaping berms, to provide better drainage, or to improve garden plots. This~~

activity must be largely equalizing (i.e. the amount of excavation matching the amount of filling or berming), but up to 10 cubic yards of topsoil may be brought in for such landscaping purposes.

- ~~3.—All fill for building sites shall be compacted and stabilized in accordance with Uniform Building Code standards to prevent settling or failure when saturated.~~
- ~~4.—When fill is used for elevating buildings, the fill shall extend outward as a nearly level shelf at least 3' beyond the foundation on three sides of the building for ease of maintenance, and 10' on the fourth, as an emergency evacuation route.~~
- ~~5.—All exposed fill shall be landscaped, to prevent erosion and promote stability.~~

#### **E.—First Floor Elevations and Basements**

- ~~1.—Residential structures, including manufactured homes: New construction and substantial improvements to any residential structure, including replacement of existing mobile and manufactured homes on individual lots and in manufactured home parks, shall have the lowest floor, including the basement, elevated to:~~

- ~~a.—One foot or more above the 100-year flood elevation within flood hazard area “A” identified on the \_\_\_\_\_ (title of document), except that mobile and manufactured homes in existing manufactured home parks need to be elevated only to or above the 100-year flood level;~~

- ~~b.—One foot or more above ground level in flood hazard area “B” identified on the \_\_\_\_\_ (title of document), the 500-year flood plain.~~

- ~~2.—Non residential structures converted to residential use shall be elevated in compliance with this section.~~

- ~~3.—Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters.—Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:~~

- ~~a.—A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.~~

- ~~b.—The bottom of all openings shall be no higher than one foot above grade.~~

- ~~c.—Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.~~

- ~~4.—Non Residential Structures: New construction and substantial improvement of any commercial, industrial and other non residential structure shall either have the lowest floor, including basement, elevated to one foot or more above the base flood elevation; or together with attendant utility and sanitary facilities, shall:~~

- ~~a.—Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water.~~

- ~~b.—Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~

- ~~c.—Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practices for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the City.~~
- ~~d.—Non-residential structures that are not elevated nor flood-proofed must meet the same standards for space below the lowest floor as described in Subsection 3.7.800.E.3 above.~~
- ~~e.—Applicants flood-proofing non-residential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the flood-proofed level (e.g., A building constructed to the base flood level will be rated as one foot below that level).~~

~~5.—Non-habitable storage and accessory buildings:—Buildings intended for use primarily for storage of vehicles, equipment, animals, or material need not be elevated above the 100-year flood elevation, but mechanical and electrical equipment and outlets must be elevated above the 100-year flood elevation in accordance with 3.7.800.B.3 above.~~

#### **F.—Anchoring**

- ~~1.—All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.~~
- ~~2.—All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage, in accordance with the standards of the State Building Codes Division. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors. (NOTE: FEMA’s “Manufactured Home Installation in Flood Hazard Areas” guidebook, available at City Hall, may be used for additional techniques.)~~
- ~~3.1. All manufactured homes to be placed or substantially improved within the city’s “A” flood hazard zone shall be elevated on a permanent foundation, in accordance with the standards of the State Building Codes Division, such that the lowest floor of the manufactured home is at least one foot above the 100-year flood elevation and shall be securely anchored to an adequately anchored foundation system in accordance with the above provisions. All replacement manufactured homes are subject to this requirement as well, except that within existing manufactured home parks, the manufactured homes need be only elevated TO or above the 100-year flood level. (Note: “permanent foundation” does not mean “masonry perimeter foundation”.)~~

## **Chapter 3.8—Loading Standards**

### **3.8.100—Purpose and Intent**

### **3.8.200—Loading Standards**

#### **3.8.100 Purpose and Intent.**

The purpose of this section of the code is to provide standards for a minimum number of loading spaces that are required to ensure adequate areas for loading for larger uses and developments. The regulations ensure that the appearance of loading areas will be consistent with that of parking areas.

#### **3.8.200 Loading Standards.**

#### **D.—Number of Loading Spaces:**

**E.—Buildings where all of the floor area is in Residential uses must meet the standards of this Paragraph.**

- a.—No loading spaces are required where there are fewer than 50 dwelling units in the building and the site abuts a local street.
- b.—One loading space is required for all other buildings.

**2.—Buildings where any of the floor area is in uses other than the Residential District must meet the standards of this Paragraph.**

- a.—No loading spaces are required for buildings with fewer than 20,000 square feet of floor area.
- b.—One loading space is required for buildings with 20,000 or more square feet of floor area.
- c.—Two loading spaces are required for buildings with more than 50,000 square feet of floor area.

**F.—Size of Loading Spaces.** Required loading spaces must be at least 35 feet long, 10 feet wide, and have a clearance of 13 feet.

**G.—Placement, Setbacks And Landscaping.** Loading areas must comply with the setback and perimeter landscaping standards stated in Chapter 2 & 3. When parking areas are prohibited or not allowed between a building and a street, loading areas are also prohibited or not allowed.

## **Chapter 4 — ~~Applications and Review Procedures~~ Administration of Land Use and Development Permits**

### **Sections:**

- 4.0 - ~~Administration of Land Use and Development Permits~~**
- 4.1 - Types of Applications and Review Procedures**
- 4.2 - Development Review and Site Design Review**
- 4.3 - Land Divisions and Lot Line Adjustments**
- 4.4 - Conditional Use Permits**
- 4.5 - Master Planned Developments**
- 4.6 - Modifications to Approved Plans and Conditions of Approval**
- 4.7 - ~~Land Use District Map and Text Amendments~~ Reserved**
- 4.8 - Code Interpretations**
- 4.9 - Miscellaneous Permits**
- 4.10 Traffic Impact Study**

## **4.0 — ~~Administration of Land Use and Development Permits~~**

### **4.0.100 Introduction.**

Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Please refer to Table 4.1.200 in Chapter 4.1 for a key to determining which land use permits and procedures are required, and the decision-making body for a particular type of permit application.



## Chapter 4.1 – Types of Applications and Review Procedures

### Sections:

#### 4.1.100 Purpose

#### 4.1.200 Description of Permit Procedures

#### 4.1.300 Type I Procedure

#### 4.1.400 Type II Procedure

#### 4.1.500 Type III Procedure

#### 4.1.600 Type IV Procedure

#### 4.1.700 General Provisions

#### 4.1.800 ~~Special Procedures~~ Neighborhood Meetings

### 4.1.100 Purpose.

The purpose of this chapter is to establish standard decision-making procedures that will enable the City, the applicant, and the public to reasonably review applications and participate in the local decision-making process in a timely and effective way.

### 4.1.200 Description of Permit/Decision Making Procedures.

All land use and development permit applications, except building permits, shall be decided by using the procedures contained in this Chapter. General procedures for all permits are contained in Section 4.1.700. Specific procedures for certain types of permits are contained in Section 4.1.200 through 4.1.600. The procedure “type” assigned to each permit governs the decision-making process for that permit. There are four types of permit/decision-making procedures: Type I, II, III, and IV. These procedures are described in subsections A-D below. In addition, Table 4.1.200 lists all of the City’s land use and development applications and their required permit procedure(s).

- A. **Type I Procedure (Ministerial).** Type I decisions are made by ~~City Manager~~ Planning Official, or someone he or she officially designates, without public notice and without a public hearing. The Type I procedure is used when there are clear and objective approval ~~criteria,~~ and criteria and applying city standards and criteria requires no use of discretion.
- B. **Type II Procedure (Administrative).** Type II decisions are made by ~~City Manager~~ Planning Official or designee with public notice and an opportunity for a public hearing if appealed. The appeal of a Type II decision is heard by the Planning Commission.
- C. **Type III Procedure (Quasi-Judicial).** Type III decisions are made by the Planning Commission after a public hearing, with appeals reviewed by the City Council. Type III decisions ~~generally use discretionary approval criteria~~ involve discretion but implement established policy.
- D. **Type IV Procedure (Legislative).** Type IV procedures apply to legislative matters. Legislative matters involve the creation, revision, or large-scale implementation of public policy (e.g., adoption of land use regulations, zone changes, and comprehensive plan amendments that apply to entire districts). Type IV matters are considered initially by the Planning Commission with final decisions made by the City Council enacted through an ordinance.

Table 4.1.200 Summary of Development Decisions/Permit by Type of Decision-making Procedure		
Action	Decision Type	Applicable Regulations
Access Permit (public street)	Type I	Chapters 3.1, 4.2, 4.3
Annexation	Type <del>III</del> /IV	Comprehensive Plan and city/county intergovernmental agreement(s), as applicable.
Building Permit	N/A	Building Code
Code Interpretation	Type II	Chapter 4.8
Code Amendment	Type IV	Chapter 4.7
Comprehensive Plan Amendment	Type IV	Comprehensive Plan
Conditional Use Permit	Type III	Chapter 4.4
Flood Plain Development Permit	Type I	<del>Building Code (requires Sensitive Land development permit first)</del> Chapter 3.7
Master Planned Development	Type III	Chapter 4.5
Modification to Approval	Type II/III	Chapter 4.6
Land Use <del>District</del> -Map Change		
Quasi-Judicial (no plan amendment required)	Type III	Chapter 4.7
Legislative (plan amendment required)	Type IV	Chapter 4.7
Lot Line Adjustment	Type I	Chapter 4.3
Non-Conforming Use or Development Confirmation	Type I	Chapter 5.2
Partition	Type II	Chapter 4.3
<del>Sensitive Lands Permit</del>	<del>Type III</del>	<del>Chapter 3.7</del>
Sign Permit	Type I	Chapter 3.6
Development Review	Type I	Chapter 4.2, Building Code
Site Design Review		
Type II	Type II	Chapter 4.2
Type III	Type III	Chapter 4.2
Subdivision	Type II/III	Chapter 4.3
Temporary Use Permit	Type II/III	Chapter 4.9
Traffic Impact Study	Type I	Chapter 4.10
Transportation Facilities and Improvements	Type II/III	Chapter 4.4.
Tree Removal	Type I/II	Chapter 3.2 <del>(may require Sensitive Land development permit first)</del>
Variance:		
Class A	Type I	Chapter 5.1
Class B	Type II	Chapter 5.1
Class C	Type III	Chapter 5.1

\*ODOT is required to ~~obtain~~ receive notice for all ~~Type II, III and IV procedures~~ actions that impact Highway 395 and Interstate 84 and for ~~any action that triggers a~~ Traffic Impact ~~Studies~~ Study.

#### 4.1.300 Type I Procedure (Ministerial).

##### A. Application Requirements.

1. Application Forms. Type I applications shall be made on forms provided by the ~~City Manager~~Planning Official or designee.
2. Application Requirements. Type I applications shall:
  - a. Include the information requested on the application form;
  - b. Address the criteria in sufficient detail for review and action; and
  - c. Be filed with the required fee.

**B. Administrative-Ministerial Decision Requirements.** The ~~City Manager~~Planning Official or designee's decision shall address ~~all of~~all the approval criteria. Based on the criteria and the facts contained within the record, the ~~City Manager~~Planning Official or designee shall approve, approve with conditions, or deny the requested permit or action. A written record of the decision shall be provided to the applicant and kept on file at city hall.

**C. Final Decision.** The decision shall be final on the date it is mailed or otherwise provided to the applicant, whichever occurs first. ~~The decision is the final decision of the city. It cannot be appealed to city officials. Appeals may be made to the Oregon Land Use Board of Appeals (LUBA). It is not a land use decision as defined by ORS 197.015, and therefore is not subject to appeal to the state Land Use Board of Appeals.~~

**D. Effective Date.** The decision is effective the day after it is final.

##### E. Notice of Decision.

1. Within five days after the City Staff or designee signs the decision, a Notice of Decision shall be ~~posted on the property and~~ sent by mail to:
  - a. Any person who submits a written request to receive notice;
  - b. The applicant and all owners or contract purchasers of record of the site that is the subject of the application;
  - c. Any City-recognized neighborhood group or association whose boundaries include the site;
  - d. Umatilla County and any other governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City

**4.1.400 Type II Procedure (Administrative).**

**A. Pre-application Conference.** A pre-application conference may be required for Type II applications. Pre-application conference requirements and procedures are in Section 4.1.700.C.

**B. Application Requirements.**

1. Application Forms. Type II applications shall be made on forms provided by the ~~City Manager~~Planning Official or designee;
2. Submittal Information. The application shall:
  - a. Include the information requested on the application form;
  - ~~b.~~ Be filed with 3 copies of a narrative statement that explains how the application satisfies each and all of the relevant criteria and standards in sufficient detail for review and decision-making;
  - ~~c.~~ Be filed with the necessary plans and exhibits required for the specific type of approval being sought;
  - ~~b-d.~~ Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
  - ~~e-e.~~ Be accompanied by the required fee.
  - ~~d.~~ Include one set of pre-stamped and pre-addressed envelopes for all real property owners of record who will receive a notice of the application as required in Section 4.1.4.C. The records of the Umatilla County Department of Assessment and Taxation are the official records for determining ownership. At the applicant's request, and upon payment of a fee noted on the city's fee list. The city shall prepare the public notice mailing list. The city shall use the most current County real property assessment records to produce the notice list.

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**C. Notice of Application for Type II Administrative Decision.**

1. Before making a Type II Administrative Decision, the ~~City Manager~~Planning Official shall mail notice to:
  - a. All owners of record of real property within ~~250-100~~ feet (measured from the property line) of the subject site;
  - b. All City-recognized neighborhood groups or associations whose boundaries include the site;

- c. Any person who submits a written request to receive a notice; and
  - d. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City. The City may notify other affected agencies. ODOT shall be notified when there is a land ~~division-use action~~ abutting a State facility as appropriate, for review of the application.
2. The purpose of the notice is to give nearby property owners and other interested people the opportunity to submit written comments about the application, before the Type II decision is made. The goal of this notice is to invite people to participate early in the decision-making process.
3. Notice of a pending Type II Administrative Decision shall:
- a. Provide a 14-day period for submitting written comments before a decision is made on the permit;
  - b. List the relevant approval criteria by name and number of code sections;
  - c. State the place, date, and time the comments are due, and the person to whom the comments should be addressed;
  - d. Include the name and telephone number of a contact person regarding the Administrative Decision;
  - e. Identify the specific permits or approvals requested;
  - f. Describe the street address or other easily understandable reference to the location of the site;
  - g. State that if any person fails to address the relevant approval criteria with enough detail, they may not be able to appeal to the Land Use Board of Appeals or Circuit Court on that issue. Only comments on the relevant approval criteria are considered relevant evidence;
  - h. State that all evidence relied upon by the ~~City Manager~~ Planning Official or designee to make this decision is in the public record, available for public review. Copies of this evidence can be obtained at a reasonable cost from the City;
  - i. State that after the comment period closes, the ~~City Manager~~ Planning Official or designee shall issue a Type II Administrative Decision. The decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice;
  - j. Contain the following notice: "Notice to mortgagee, lienholder, vendor, or seller: The City of Stanfield Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

**D. Administrative Decision Requirements.** The ~~City Manager~~Planning Official ~~or designee~~ shall make Type II written decisions addressing ~~all of~~fall the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the ~~City Manager~~Planning Official ~~or designee~~ shall approve, approve with conditions, or deny the requested permit or action. The decision ~~may~~may include a requirement for non-remonstrations for future road improvements.

**E. Notice of Decision.**

1. Within five days after the ~~City Manager~~Planning Official signs the decision and sends by mail to:
  - a. Any person who submits a written request to receive notice, or provides comments during the application review period;
  - b. The applicant and all owners or contract purchasers of record of the site which is the subject of the application;
  - c. Any person who submits a written request to receive notice, or provides comments during the application review period;
  - d. Any City-recognized neighborhood group or association whose boundaries include the site;
  - e. Any governmental agency that is entitled to notice under an intergovernmental agreement entered into with the City, and other agencies which were notified or provided comments during the application review period.
2. The ~~City Manager~~Planning Official shall cause an affidavit of mailing ~~and posting~~ of the notice to be prepared and made a part of the file. The affidavit shall show the date the notice was mailed ~~and posted~~, and shall demonstrate that the notice was mailed to the people and within the time required by law.
3. The Type II Notice of Decision shall contain:
  - a. A description of the applicant's proposal and the City's decision on the proposal (i.e., may be a summary);
  - b. The address or other geographic description of the property proposed for development, including a map of the property in relation to the surrounding area, where applicable;
  - c. A statement of where the City's decision can be obtained;
  - d. The date the decision shall become final, unless appealed;
  - e. A statement that all persons entitled to notice or who are otherwise adversely affected or aggrieved by the decision may appeal the decision;

- f. A statement briefly explaining how an appeal can be filed, the deadline for filing an appeal, and where further information can be obtained concerning the appeal process; and
- g. A statement that unless appellant (the person who files the appeal) is the applicant, the hearing on the appeal shall be limited to the specific issues identified in the written comments submitted during the comment period. Additional evidence related to the Notice of Appeal (See subsection G.2.a, below) may be submitted by any person during the appeal hearing, subject to any rules of procedure adopted by the Planning Commission.

**F. Final Decision and Effective Date.** A Type II administrative decision is final for purposes of ~~appeal, when~~appeal when it is mailed by the City. A Type II administrative decision is effective on the day after the 12-day appeal period expires. If an appeal is filed, the decision is effective when the appeal is decided.

**G. Appeal.** A Type II administrative decision may be appealed to the Planning Commission as follows:

1. Who may appeal. The following people have legal standing to appeal a Type II Administrative Decision:
  - a. The applicant;
  - b. Any person who was mailed written notice of the Type II administrative decision;
  - c. Any other person who participated in the proceeding by submitting written comments by the specified deadline.
2. Appeal procedure.
  - a. Notice of appeal. Any person with standing to appeal, as provided in subsection 1, above, may appeal a Type II Administrative Decision by filing a Notice of Appeal according to the following procedures:
    - (1) Time for filing. A Notice of Appeal shall be filed with the ~~City Manager~~Planning Official within ~~44-12~~ days of the date the Notice of Decision was mailed.
    - (2) Content of notice of appeal. The Notice of Appeal shall contain:
      - (a) An identification of the decision being appealed, including the date of the decision;
      - (b) A statement demonstrating the person filing the Notice of Appeal has standing to appeal;
      - (c) A statement explaining the specific issues raised on appeal;

(d) If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period; and

(e) Filing fee.

3. The amount of the filing fee shall be established by the City. The maximum fee for an initial hearing shall be the City's cost for preparing and for conducting the hearing, or the statutory maximum, whichever is less.

4. Scope of appeal. The appeal of a Type II Administrative Decision by a person with standing shall be limited to the specific issues raised during the written comment period, as provided under Section 4.1.400.C, unless the Planning Commission allows additional evidence or testimony concerning any other relevant issue. The Planning Commission may allow such additional evidence if they determine that such evidence is necessary to resolve the case. The purpose of this requirement is to limit the scope of Type II Administrative Appeals by encouraging persons with standing to submit their specific concerns in writing during the comment period. The written comments received during the comment period will usually limit the scope of issues on appeal. Only in extraordinary circumstances should new issues be considered by the hearings body on appeal of a Type II Administrative Decision.

5. Appeal procedures. Type III notice and hearing procedures shall be used for all Type II Administrative Appeals, as provided in Sections 4.1.500.C - ~~G~~.

**H. Appeal to City Council** The decision of the Planning Commission regarding an appeal of a Type II Administrative Decision is the final decision of the City unless appealed to City Council. An appeal to City Council shall follow the same notification and hearing procedures as for the Planning Commission hearing.

#### **4.1.500 Type III Procedure (Quasi-Judicial)**

**A. Pre-application Conference.** A pre-application conference is required for all Type III applications. The requirements and procedures for a pre-application conference are described in Section 4.1.700.C.

#### **B. Application Requirements.**

1. Application forms. Type III applications shall be made on forms provided by the ~~City~~ Manager/Planning Official;

2. Content. Type III applications shall:

a. Include the information requested on the application form;

b. Be filed with ~~copies of~~ a narrative statement that explains how the application satisfies each and all of the relevant criteria in sufficient detail for review and action;



~~c.~~ Include the plans and exhibits required for the specific approvals being sought;

~~b-d.~~ Include information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;

~~e-e.~~ Be accompanied by the required fee; and

~~d-f.~~ Include an impact study for all Type III applications. The impact study shall that will quantify and assess the effect of the development on public facilities and services when required by the Planning Official. The study shall address, at a minimum, the transportation system, including pedestrian ways and bikeways, the drainage system, the parks system, the water system, the sewer system, and the noise impacts of the development. For each public facility system and type of impact, the study shall propose improvements necessary to meet City standards and to minimize the impact of the development on the public at large, public facilities systems, and affected private property users. In situations where this Code requires the dedication of real property to the City, the City shall either (1) include in the written decision evidence that shows that the required property dedication is roughly proportional to the projected impacts of the development on public facilities and services, or (2) delete the dedication as a condition of approval.

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### C. Notice of Hearing.

1. Mailed notice. Notice of a Type III application hearing or Type II appeal hearing shall be given by the ~~City Manager~~ Planning Official in the following manner:

- a. At least ~~14-20~~ days before the hearing date, notice shall be mailed to:

~~(1) The applicant and all owners or contract purchasers of record of the property which is the subject of the application;~~

~~(2)~~ (1) All property owners of record within ~~250-100~~ feet of the property line of the site;

~~(3) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;~~

~~(4)~~ (2) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;

~~(5)~~ (3) Any person who submits a written request to receive notice; and

~~(6)~~ (4) For appeals, the appellant and all persons who provided testimony; and,

~~(7) For a land use district change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.~~

b. The ~~City Manager~~Planning Official shall have an affidavit of notice be prepared and made a part of the file. The affidavit shall state the date that the notice was ~~posted on the property and~~ mailed to the persons who must receive notice;

~~e. At least 14 business days before the hearing, notice of the hearing shall be printed in a newspaper of general circulation in the City. The newspaper's affidavit of publication of the notice shall be made part of the administrative record;~~

~~d.c. At least 14 business days before the hearing, the applicant shall post notice of the hearing on the property per Subsection 2 below. The applicant shall prepare and submit an affidavit of posting of the notice that shall be made part of the administrative record.~~

2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed, ~~posted~~ and published per Subsection 1 above shall contain the following information:

- a. The nature of the application and the proposed land use or uses which could be authorized for the property;
- b. The applicable criteria and standards from the development code(s) that apply to the application;
- c. The street address or other easily understood geographical reference to the subject property;
- d. The date, time, and location of the public hearing;
- e. ~~A statement that the failure to raise an issue in person, or by letter at the hearing, or failure to provide statements or evidence sufficient to afford the decision maker an opportunity to respond to the issue, means that an appeal based on that issue cannot be filed with the State Land Use Board of Appeals;~~A disclosure statement that if any person fails to address the relevant approval criteria with enough detail, he or she may not be able to appeal to the City Council, Land Use Board of Appeals, or Circuit court, as applicable, on that issue, and that only comments on the relevant approval criteria are considered relevant evidence;
- f. The name of a City representative to contact and the telephone number where additional information on the application may be obtained;
- g. A statement that a copy of the application, all documents and evidence submitted by or for the applicant, and the applicable criteria and standards can be reviewed at Stanfield City Hall at no cost and that copies shall be provided at a reasonable cost;
- h. A statement that a copy of the City's staff report and recommendation to the hearings body shall be available for review at no cost at least seven days before the hearing, and that a copy shall be provided on request at a reasonable cost;

i. A general explanation of the requirements to submit testimony, and the procedure for conducting public hearings.

~~j.~~ A statement that after the public hearing closes, the City will issue its decision, and the decision shall be mailed to the applicant and to anyone else who submitted written comments or who is otherwise legally entitled to notice.

~~j-k.~~ The following notice: "Notice to mortgagee, lienholder, vendor, or seller: The City of Stanfield Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."

#### D. Conduct of the Public Hearing.

1. At the commencement of the hearing, the hearings body shall state to those in attendance ~~that~~ the following information and instructions:
  - a. The applicable approval criteria and standards that apply to the application or appeal;
  - b. A statement that testimony and evidence shall concern the approval criteria described in the staff report, or other criteria in the comprehensive plan or land use regulations which the person testifying believes to apply to the decision;
  - ~~c.~~ A statement that failure to raise an issue with sufficient detail to give the hearings body and the parties an opportunity to respond to the issue, means that no appeal may be made to the State Land Use Board of Appeals on that issue;
  - ~~e-d.~~ At the conclusion of the initial evidentiary hearing, the hearing body shall deliberate and decide based on the facts and arguments in the public record.
  - ~~e-e.~~ Before the conclusion of the initial evidentiary hearing, anyAny participant may ask the Planning Commission for an opportunity to present additional relevant evidence or testimony that is within the scope of the hearing. The hearings body shall grant the request by scheduling a date to finish the hearing (a "continuance") per paragraph 2 of this subsection, or by leaving the record open for additional written evidence or testimony per paragraph 3 of this subsection.
2. If the Planning Commission grants a continuance, the completion of the hearing shall be continued to a date, time, and place at least seven days after the date of the first evidentiary hearing. An opportunity shall be provided at the second hearing for persons to present and respond to new written evidence and oral testimony. If new written evidence is submitted at the second hearing, any person may request, before the conclusion of the second hearing, that the record be left open for at least seven days, so that they can submit additional written evidence or testimony in response to the new written evidence; The applicant is granted the final response.
3. If the Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven days after the hearing. Any participant may ask the City in writing for an opportunity to respond to new evidence

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submitted during the period the record was left open. If such a request is filed, the Planning Commission shall reopen the record per subsection E of this section;

- a. When the Planning Commission re-opens the record to admit new evidence or testimony, any person may raise new issues which relates to that new evidence or testimony;
  - b. An extension of the hearing or record granted pursuant to Section D is subject to the limitations of ORS 227.178 (“120-day rule”), unless the continuance or extension is requested or agreed to by the applicant;
  - c. If requested by the applicant, the City shall allow the applicant at least seven days after the record is closed to all other persons to submit final written arguments in support of the application, unless the applicant expressly waives this right. The applicant’s final submittal shall be part of the record but shall not include any new evidence.
4. The record.
- a. The record shall contain all testimony and evidence that is submitted to the City and the hearings body and not rejected;
  - b. The hearings body may take official notice of judicially cognizable facts under the applicable law. If the review authority takes official notice, it must announce its intention and allow persons participating in the hearing to present evidence concerning the noticed facts;
  - c. The review authority shall retain custody of the record until the City issues a final decision.
5. Participants in the appeal of a Type II Administrative decision or a Type III hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts (see Section 6 below) as reasonably possible. However, the public has a countervailing right of free access to public officials. Therefore:
- a. At the beginning of the public hearing, hearings body members shall disclose the substance of any pre-hearing ex parte contacts (as defined in Section 6 below) concerning the application or appeal. He or she shall state whether the contact has impaired their impartiality or their ability to vote on the matter and shall participate or abstain accordingly;
  - c. A member of the hearings body shall not participate in any proceeding in which they, or any of the following, has a direct or substantial financial interest: Their spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which they are then serving or have served within the previous two years, or any business with which they are negotiating for or have an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed at the hearing where the action is being taken;

- d. Disqualification of a member of the hearings body due to contacts or conflict may be ordered by a majority of the members present and voting. The person who is the subject of the motion may not vote on the motion to disqualify;
  - e. If all members abstain or are disqualified, those members present who declare their reasons for abstention or disqualification shall be re-qualified to make a decision;
  - f. If a member of the hearings body abstains or is disqualified, the City shall provide a substitute in a timely manner subject to the impartiality rules in Section 6;
  - g. Any member of the public may raise conflict of interest issues prior to or during the hearing, to which the member of the hearings body shall reply in accordance with this section.
6. Ex-parte communications.
- a. Members of the hearings body shall not:
    - (1) Communicate, directly or indirectly, with any applicant, appellant, other party to the proceedings, or representative of a party about any issue involved in a hearing, except upon giving notice, per Section 5 above;
    - (2) Take official notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case, unless all participants are given the opportunity to respond to the noticed materials.
  - b. No decision or action of the hearings body shall be invalid due to ex parte contacts or bias resulting from ex parte contacts, if the person receiving contact:
    - (1) Places in the record the substance of any written or oral ex parte communications concerning the decision or action; and
    - (2) Makes a public announcement of the content of the communication and of all participants' right to dispute the substance of the communication made. This announcement shall be made at the first hearing following the communication during which action shall be considered or taken on the subject of the communication.
  - c. A communication between City staff and the hearings body is not considered an ex parte contact.
7. Presenting and receiving evidence.
- a. The hearings body may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant, or personally derogatory testimony or evidence.

- b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, only except as provided in Section D.
- c. Members of the hearings body may visit the property and the surrounding ~~area,~~ and area and may use information obtained during the site visit to support their ~~decision, if~~ decision if the information relied upon is disclosed at the hearing and an opportunity is provided to dispute the evidence. In the alternative, a member of the hearings body may visit the property to familiarize him or herself with the site and surrounding area, but not to independently gather evidence. In the second situation, at the beginning of the hearing, he or she shall disclose the circumstances of the site visit and shall allow all participants to ask about the site visit.

**E. The Decision Process.**

1. Basis for decision. Approval or denial of an appeal of a Type II Administrative decision or a Type III application shall be based on standards and criteria in the development code. The standards and criteria shall relate approval or denial of a discretionary development permit application to the development regulations and, when appropriate, to the comprehensive plan for the area in which the development would occur and to the development regulations and comprehensive plan for the City as a whole.
2. Findings and conclusions. Approval or denial shall be based upon the criteria and standards considered relevant to the decision. The written decision shall explain the relevant criteria and standards, state the facts relied upon in rendering the decision, and justify the decision according to the criteria, standards, and facts.
3. Form of decision. The Planning Commission shall issue a final written order containing the findings and conclusions stated in subsection 2, which either approves, denies, or approves with specific conditions. The Planning Commission may also issue appropriate intermediate rulings when more than one permit or decision is required.
4. Decision-making time limits. A final order for any Type II Administrative Appeal or Type III action shall be filed with the ~~City Manager~~ Planning Official within 14 business days after the close of the deliberation.

**E. Notice of Decision.** Written notice of a Type II Administrative Appeal decision or a Type III decision shall be mailed to the applicant and to all participants of record within five business days after the hearings body decision. Failure of any person to receive mailed notice shall not invalidate the decision, provided that a good faith attempt was made to mail the notice. The decision may include a requirement for non-remonstration for future road improvements. The Notice of Decision shall include the following information:

1. A description of the applicant's proposal and the City's decision on the proposal, which may be a summary, provided it references the specifics of the proposal and conditions of approval in the public record;

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2. The address or other geographical description of the property proposed for development, including a map of the property in relation to the surrounding area;

3. A statement of where the City's decision can be obtained;

4. The date the decision shall become final, unless appealed; and

5. A statement that all persons entitled to notice may appeal the Planning Commission's decision to City Council or may appeal the City Council's decision to the state Land Use Board of Appeals, as applicable.

**F. Final Decision and Effective Date.** The decision of the hearings body on any Type II appeal or any Type III application is final for purposes of appeal on the date it is mailed by the City. The decision is effective on the day after the 12-day appeal period expires. If an appeal is filed, the decision becomes effective on the day after the appeal is decided by the City Council. The notification and hearings procedures for Type III applications on appeal to the City Council shall be the same as for the initial hearing

**A.G. Appeal of a Planning Commission Decision.** The Planning Commission's decision may be appealed to the City Council as follows:

1. Who may appeal. The following people have legal standing to appeal:

a. The applicant or owner of the subject property; and

b. Any other person who testified orally or in writing during the subject public hearing before the close of the public record.

2. Appeal filing procedure.

a. Notice of Appeal. Any person with standing to appeal may appeal a Type II Decision by filing a Notice of Appeal according to the following procedures.

b. Time for filing. A Notice of Appeal shall be filed with the City Planning Official within the timeframe specified on the Notice of Decision.

c. Content of notice of appeal. The Notice of Appeal shall be accompanied by the required filing fee and shall contain:

i. An identification of the decision being appealed, including the date of the decision.

ii. A statement demonstrating the person filing the Notice of Appeal has standing to appeal.

iii. A statement explaining the specific issues being raised on appeal; and

iv. If the appellant is not the applicant, a statement demonstrating that the appeal issues were raised during the comment period.

3. Scope of appeal. The appeal of a Type III Decision shall be a hearing de novo before the City Council. The appeal shall not be limited to the application materials, evidence and other documentation, and specific issues raised in the review leading up to the Quasi-Judicial Decision but may include other relevant evidence and arguments. The hearing appeal body may allow additional evidence, testimony, or argument concerning any applicable standard, criterion, condition, or issue.

**H. Record of the Public Hearing.**

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1. The official public hearing record shall include all the following information:
  - a. All materials considered by the hearings body;
  - b. All materials submitted by the City Planning Official to the hearings body regarding the application;
  - c. The minutes of the hearing as retained by the City;
  - d. The final written decision; and
  - e. Copies of all notices given as required by this Chapter, and correspondence regarding the application that the City mailed or received.
2. The exhibits received and displayed shall be marked to provide identification and shall be part of the record.

**I. Effective Date and Appeals to State Land Use Board of Appeals. A Quasi-Judicial Decision or Appeal Decision, as applicable, is effective the date the City mails the decision notice. Appeals of City Council decisions under this chapter shall be filed with the state Land Use Board of Appeals pursuant to ORS 197.805 – 197.860.**

**4.1.600 Type IV Procedure (Legislative)**

**A. Pre-Application Conference.** A pre-application conference is required for all Type IV applications. The requirements and procedures for a pre-application conference are described in Section 4.1.700.C.

**B. Type of Applications.** Legislative amendments are policy decision made by the City Council. Amendments to the Development Code text, Land Use Map, and the Comprehensive Plan and Map are Legislative (Type IV) actions.

**C. Application Requirements.**

1. Application forms. Type IV applications shall be made on forms provided by the ~~City Manager~~Planning Official.
2. Submittal Information. The application shall contain:
  - a. The information requested on the application form;
  - b. A map and/or plan addressing the appropriate criteria and standards in sufficient detail for review and decision (as applicable);
  - c. The required fee; and
  - d. ~~10 copies of a~~ letter or narrative statement that explains how the application satisfies each ~~and all~~ of the relevant approval criteria and standards. These standards include the following:
    - (1) If the proposal involves an amendment to the Comprehensive Plan, the applicant shall address how the amendment would be consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;

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- (2) The proposal must be consistent with the Comprehensive Plan (the Comprehensive Plan may be amended concurrently with the proposed changes in zoning) with the applicant addressing that consistency;
- (3) The applicant shall address how the proposal would be in the public interest regarding community conditions; the proposal either responds to changes in the community or it corrects a mistake or inconsistency in the subject plan or code; and
- (4) The applicant shall show how the amendment conforms to the Transportation Planning Rule. Proposals to amend the Comprehensive Plan or Map, Development Code, other functional plan, or Zoning Map shall be address whether they would significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule or TPR).

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**D. Notice of Hearing.**

1. Required hearings. A minimum of two hearings, one before the Planning Commission and one before the City Council, are required for all Type IV applications, except annexations where only a hearing by the City Council is required.
2. Notification requirements. Notice of public hearings for the request shall be given by the ~~City Manager~~Planning Official in the following manner:
  - a. At least 20 days, but not more than 40 days, before the date of the first hearing on an ordinance that proposes to amend the comprehensive plan or any element thereof, or to adopt an ordinance that proposes to rezone property, a notice shall be prepared in conformance with ORS 227.175 and mailed , or emailed, to:
    - (1) Each owner whose property ~~that~~ would be ~~rezoned-affected by the proposal in order to implement the ordinance~~ (i.e., owners of property subject to a comprehensive plan amendment shall be notified if a zone change would be required to implement the proposed comprehensive plan amendment);
    - (2) Any affected governmental agency.
    - (3) Recognized neighborhood groups or associations affected by the ordinance;
    - (4) Any person who requests notice in writing;
    - (5) For a zone change affecting a manufactured home or mobile home park, all mailing addresses within the park, in accordance with ORS 227.175.
    - ~~(6) Owners of airports shall be notified of a proposed zone change in accordance with ORS 227.175;~~
  - b. At least 10 days before the scheduled Planning Commission public hearing date, and at least 10 days before the City Council hearing date, notice shall be published in a newspaper of general circulation in the City.

- c. The ~~City Manager~~Planning Official shall:
    - (1) For each mailing of notice, file an affidavit of mailing in the record as provided by Subsection a; and
    - (2) For each published notice, file in the record the affidavit of publication in a newspaper that is required in subsection b.
  - d. The Department of Land Conservation and Development (DLCD) shall be notified ~~in writing~~ of proposed comprehensive plan and development code amendments in the manner prescribed by DLCD at least ~~45-35~~ days before the first public hearing at which public testimony or new evidence will be received.
  - e. Notifications for annexation shall follow the provisions of this Chapter and ORS ~~499222~~.
3. Content of notices. The mailed and published notices shall include the following information:
- a. The number and title of the file containing the application, and the address and telephone number of the ~~City Manager~~Planning Official's office where additional information about the application can be obtained;
  - b. A description of the location of the proposal reasonably calculated to give notice of the location of the geographic area;
  - c. A description of the proposal in enough detail for people to determine that a change is proposed, and the place where all relevant materials and information may be obtained or reviewed;
  - d. The time(s), place(s), and date(s) of the public hearing(s); a statement that public oral or written testimony is invited; and a statement that the hearing will be held under this title and rules of procedure adopted by the Council and available at City Hall (See subsection E below); and
  - e. Each mailed notice required by section D shall contain the following statement:  
"Notice to mortgagee, lienholder, vendor, or seller: The Stanfield Development Code requires that if you receive this notice it shall be promptly forwarded to the purchaser."
4. Failure to receive notice. The failure of any person to receive notice shall not invalidate the action, providing:
- a. Personal notice is deemed given where the notice is deposited with the United States Postal Service;
  - b. Published notice is deemed given on the date it is published.

**E. Hearing Process and Procedure.**

1. Unless otherwise provided in the rules of procedure adopted by the City Council:
  - a. The presiding officer of the Planning Commission and of the City Council shall have the authority to:
    - (1) Regulate the course, sequence, and decorum of the hearing;
    - (2) Direct procedural requirements or similar matters; and
    - (3) Impose reasonable time limits for oral presentations.
  - b. No person shall address the Commission or the Council without:
    - (1) Receiving recognition from the presiding officer; and
    - (2) Stating their full name and address.
  - c. Disruptive conduct such as applause, cheering, or display of signs shall be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing, or other appropriate action determined by the presiding officer.
2. Unless otherwise provided in the rules of procedures adopted by the Council, the presiding officer of the Commission and of the Council, shall conduct the hearing as follows:
  - a. The presiding officer shall begin the hearing with a statement of the nature of the matter before the body, a general summary of the procedures, a summary of the standards for decision-making, and whether the decision which will be made is a recommendation to the City Council or the final decision of the Council;
  - b. The ~~City Manager~~Planning Official's report and other applicable staff reports shall be presented;
  - c. The public shall be invited to testify;
  - d. The public hearing may be continued to allow additional testimony, or it may be closed; and
  - e. The body's deliberation may include questions to the staff, comments from the staff, and inquiries directed to any person present.

**F. Continuation of the Public Hearing.** The Planning Commission or the City Council may continue any hearing, and no additional notice of hearing shall be required if the matter is continued to a specified place, date, and time.

**G. Decision-Making Considerations.** The recommendation by the Planning Commission and the

decision by the City Council shall be based on consideration of the following factors:

1. Approval of the request is consistent with the Statewide Planning Goals and relevant Oregon Administrative Rules;
2. Approval of the request is consistent with the Comprehensive Plan; and
3. The property and affected area ~~is~~are presently provided with adequate public facilities, services, and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.
- ~~3-4.~~ Proposals to amend the Comprehensive Plan or Map, Development Code, other functional plan, or Zoning Map shall be reviewed to determine whether they would significantly affect a transportation facility pursuant to Oregon Administrative Rule (OAR) 660-012-0060 (Transportation Planning Rule or TPR). Where the City, in consultation with the applicable roadway authority, finds that a proposed amendment would have a significant effect on a transportation facility, the City shall work with the roadway authority and applicant to modify the request or mitigate the impacts in accordance with the TPR and applicable law.

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**H. Approval Process and Authority.**

1. The Planning Commission shall:
  - a. After notice and a public hearing, vote on and prepare a recommendation to the City Council to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative; and
  - b. Within 14 business days of determining a recommendation, the presiding officer shall sign the written recommendation, and it shall be filed with the ~~City Manager~~Planning Official.
2. Any member of the Planning Commission who votes in opposition to the Planning Commission's majority recommendation may file a written statement of opposition with the ~~City Manager~~Planning Official before the Council public hearing on the proposal. The ~~City Manager~~Planning Official shall send a copy to each Council member and place a copy in the record.
3. If the Planning Commission fails to adopt a recommendation to approve, approve with modifications, approve with conditions, deny the proposed change, or adopt an alternative proposal, within 60 days of its first public hearing on the proposed change, the ~~City Manager~~Planning Official shall:
  - a. Report the failure together with the proposed change to the City Council; and
  - b. Provide notice and put the matter on the City Council's agenda, a public hearing to be held, and a decision to be made by the Council. No further action shall be taken by

the Commission.

4. The City Council shall:

- a. Approve, approve with modifications, approve with conditions, deny, or adopt an alternative to an application for legislative change, or remand the application to the Planning Commission for rehearing and reconsideration on all or part of the application;
- b. Consider the recommendation of the Planning Commission; however, it is not bound by the Commission's recommendation; and
- c. Act by ordinance, which shall be signed by the Mayor after the Council's adoption of the ordinance. If the proposal is denied it shall be by action of the Council and delivered to the applicant by the Notice of Decision.

**I. Vote Required for a Legislative Change.**

1. A vote by a majority of the qualified voting members of the Planning Commission present is required for a recommendation for approval, approval with modifications, approval with conditions, denial, or adoption of an alternative.
2. A vote by a majority of the qualified members of the City Council present is required to decide any motion made on the proposal.

**J. Notice of Decision.** Notice of a Type IV decision shall be mailed to the applicant, all participants of record, and the Department of Land Conservation and Development, within five business days after the City Council decision is filed with the City Manager Planning Official. The City shall also provide notice to all persons as required by other applicable laws.

**K. Final Decision and Effective Date.** A Type IV decision, if approved, shall take effect and shall become final as specified in the enacting ordinance, or if not approved, upon mailing of the notice of decision to the applicant.

**L. Record of the Public Hearing.**

1. A ~~verbatim~~ record of the proceeding shall be made ~~by stenographic, mechanical, or electronic means~~. It is not necessary to transcribe an electronic record. The minutes and other evidence presented as a part of the hearing shall be part of the record;
2. All exhibits received and displayed shall be marked to provide identification and shall be part of the record;
3. The official record shall include:
  - a. All materials considered by the hearings body;

- b. All materials submitted by the ~~City Manager~~Planning Official to the hearings body regarding the application;
- c. The ~~verbatim~~ record made ~~by the stenographic, mechanical, or electronic means~~; the minutes of the hearing; and other documents considered;
- d. The final ordinance;
- e. All correspondence; and
- f. A copy of the notices that were given as required by this Chapter.

**4.1.700 General Provisions.**

**A. 120-day Rule.** The City shall take final action on permit applications, which are subject to this Chapter, including resolution of all appeals, within 120 days from the date the application is deemed as complete. Any exceptions to this rule shall conform to the provisions of ORS 227.178. (The 120-day rule does not apply to Type IV legislative decisions ~~—~~ plan and code amendments ~~—~~ under ORS 227.178.)

**B. Time Computation.** In computing any period of time prescribed or allowed by this chapter, the day of the act or event from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a Saturday or legal holiday, including Sunday, in which event, the period runs until the end of the next day which is not a Saturday or legal holiday.

**C. Pre-application Conferences.**

1. Participants. When a preapplication conference is required, the applicant shall meet with the ~~City Manager~~Planning Official ~~or his/her designee(s)~~;
2. Information provided. At such conference, the ~~City Manager~~Planning Official ~~or designee~~ shall:
  - a. Cite the comprehensive plan policies and map designations applicable to the proposal;
  - b. Cite the ordinance provisions, including substantive and procedural requirements applicable to the proposal;
  - c. Provide available technical data and assistance that will aid the applicant;
  - d. Identify other governmental policies and regulations that relate to the application; and
  - e. Reasonably identify other opportunities or constraints concerning the application.

3. Disclaimer. Failure of the ~~City Manager~~Planning Official or his/her designee to provide any of the information required by this Section C shall not constitute a waiver of any of the standards, criteria or requirements for the application;
4. Changes in the law. Due to possible changes in federal, state, regional, and local law, the applicant is responsible for ensuring that the application complies with all applicable laws on the day the application is deemed complete.

**D. Applications.**

1. Initiation of applications:

a. Applications for approval under this chapter may be initiated by:

- (1) Order of City Council;
- (2) Resolution of the Planning Commission;
- (3) The City Manager or Planning Official;
- (4) A record owner of property (person(s) whose name is on the most recently recorded deed), or contract purchaser with written permission from the record owner; or
- (5) Public agencies or private entities that have statutory rights of eminent domain for projects they have the authority to construct and have been granted immediate possession by a court of competent jurisdiction.

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~~b.~~ Any person authorized to submit an application for approval may be represented by an agent authorized in writing to make the application on their behalf.

2. Consolidation of proceedings. When an applicant applies for more than one type of land use or development permit (e.g., Type II and III) for the same one or more parcels of land, the proceedings shall be consolidated for review and decision.

a. If more than one approval authority would be required to decide on the applications if submitted separately, then the decision shall be made by the approval authority having original jurisdiction over one of the applications in the following order of preference: the Council, the Commission, ~~or the~~ City Manager, or Planning Official.

b. When proceedings are consolidated:

- (1) The notice shall identify each application to be decided;
- (2) The decision on a plan map amendment shall precede the decision on a proposed land use district change and other decisions on a proposed development. Similarly, the decision on a zone map amendment shall precede the decision on a proposed development and other actions; and

- (3) Separate findings and decisions shall be made on each application.
3. Check for acceptance and completeness. In reviewing an application for completeness, the following procedure shall be used:
  - a. Acceptance. When an application is received by the City, the ~~City Manager~~Planning Official shall immediately determine whether the following essential items are present. If the following items are not present, the application shall not be accepted and shall be immediately returned to the applicant.
    - (1) The required form;
    - (2) The required fee;
    - (3) The signature of the applicant on the required form and signed written authorization of the property owner of record if the applicant is not the owner.
  - b. Completeness.
    - (1) Review and notification. After the application is accepted, the ~~City Manager~~Planning Official shall review the application for completeness. If the application is incomplete, the ~~City Manager~~Planning Official shall notify the applicant in writing of exactly what information is missing within 30 days of receipt of the application and allow the applicant 180 days to submit the missing information;
    - (2) When application deemed complete for review. In accordance with the application submittal requirements of this chapter, the application shall be deemed complete upon the receipt by the ~~City Manager~~Planning Official of all required information. The applicant shall have the option of withdrawing the ~~application, or application or~~ refusing to submit information requested by the ~~City Manager~~Planning Official in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the ~~City Manager~~Planning Official no later than 14 days after the date on the ~~City Manager~~Planning Official's letter of incompleteness. If the applicant refuses in writing to submit the missing information, the application shall be deemed complete on ~~the~~ 31st day after the ~~City Manager~~Planning Official first accepted the application.
    - (3) Standards and criteria that apply to the application. Approval or denial of the application shall be based upon the standards and criteria that were applicable at the time the application was first accepted.
    - (4) Coordinated Review. The City shall also submit the application for review and comment to the City Engineer, ODOT, and other applicable County, State, and federal review agencies.
4. Changes or additions to the application during the review period. Once an application is



deemed complete:

- a. All documents and other evidence relied upon by the applicant shall be submitted to the ~~City Manager~~Planning Official at least seven days before the notice of action or hearing is mailed, if possible. Documents or other evidence submitted after that date shall be received by ~~City Manager~~Planning Official, and transmitted to the hearings body, but may be too late to include with the staff report and evaluation;
- b. When documents or other evidence are submitted by the applicant during the review period, but after the application is deemed complete, the assigned review person or body shall determine whether or not the new documents or other evidence submitted by the applicant significantly change the application;
- c. If the assigned reviewer determines that the new documents or other evidence significantly change the application, the reviewer shall include a written determination that a significant change in the application has occurred as part of the decision. In the alternate, the reviewer may inform the applicant either in writing, or orally at a public hearing, that such changes may constitute a significant change (see “d”, below), and allow the applicant to withdraw the new materials submitted, in order to avoid a determination of significant change;
- d. If the applicant's new materials are determined to constitute a significant change in an application that was previously deemed complete, the City shall take one of the following actions, at the choice of the applicant:
  - (1) Continue to process the existing application and allow the applicant to submit a new second application with the proposed significant changes. Both the old and the new applications will proceed, but each will be deemed complete on different dates and may therefore be subject to different criteria and standards and different decision dates;
  - (2) Suspend the existing application and allow the applicant to submit a new application with the proposed significant changes. Before the existing application can be suspended, the applicant must consent in writing to waive the 120-day rule (Section A., above) on the existing application. If the applicant does not consent, the City shall not select this option.
  - (3) Reject the new documents or other evidence that has been determined to constitute a significant change, and continue to process the existing application without considering the materials that would constitute a significant change. The City will complete its decision-making process without considering the new evidence.
- e. If a new application is submitted by the applicant, that application shall be subject to a separate check for acceptance and completeness and will be subject to the standards and criteria in effect at the time the new application is accepted.

E. ~~City Manager~~Planning Official's Duties.

The ~~City Manager~~Planning Official shall:

1. Prepare application forms based on the criteria and standards in applicable state law, the City's comprehensive plan, and implementing ordinance provisions;
2. Accept all development applications that comply with ~~Section 4.1.700~~the appropriate sections of the Development Code and other codes or plans as applicable;
3. Prepare a staff report that summarizes the application(s) and applicable decision ~~criteria,~~  
~~and criteria and~~ provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision ~~of~~of approval; denial; or approval with specific conditions that ensure conformance with the approval criteria;
4. Prepare a notice of the proposal decision:
  - a. In the case of an application subject to a Type I or II review process, the ~~City Manager~~Planning Official shall make the staff report and all case-file materials available at the time that the notice of the decision is issued.
  - b. In the case of an application subject to a hearing (Type III or IV process), the ~~City Manager~~Planning Official shall make the staff report available to the public at least seven days prior to the scheduled hearing date, and make the case-file materials available when notice of the hearing is mailed, as provided by Sections 4.1.400.C (Type II), 4.1.500.C (Type III), or 4.1.600.D (Type IV).
5. Administer the hearings process;
6. File notice of the final decision in the City's records and mail a copy of the notice of the final decision to the applicant; all persons who provided comments or testimony; persons who requested copies of the notice; and any other persons entitled to notice by law;
7. Maintain and preserve the file for each application for the ~~time period~~period required by law. The file shall include, as applicable, a list of persons required to be given notice and a copy of the notice given; the affidavits of notice; the application and all supporting information; the staff report; the final decision including the findings, conclusions and conditions, if any; all correspondence; minutes of any meeting at which the application was considered; and any other exhibit, information or documentation which was considered by the decision-maker(s) on the application; and
8. Administer the appeals and review process.

**F. Amended Decision Process.**

1. The purpose of an amended decision process is to allow the ~~City Manager~~Planning Official to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.

2. The ~~City Manager~~Planning Official may issue an amended decision after the notice of final decision has been issued but before the appeal period has expired. If such a decision is amended, the decision shall be issued within 14 business days after the original decision would have become final, but in no event beyond the 120-day period required by state law. A new 10-day appeal period shall begin on the day the amended decision is issued.
3. Notice of an amended decision shall be given using the same mailing and distribution list as for the original decision notice.
4. Modifications to approved plans or conditions of approval requested by the applicant shall follow the procedures contained in Section 4.6. All other requested changes to decisions that do not qualify as minor or major modifications shall follow the appeal process.

**G. Re-submittal of Application Following Denial.** An application which has been denied, or an application which was denied and which on appeal or review 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 as the same or a substantially similar proposal for the same land for a period of at least 12 months from the date the final City action is made denying the application, unless there is substantial change in the facts or a change in City policy which would change the outcome, as determined by the ~~City Manager~~Planning Official.

#### 4.1.800 Special Procedures

~~**A. Expedited Land Divisions.** An Expedited Land Division (“ELD”) shall be defined and may be used as in ORS 197.360 which is expressly adopted and incorporated by reference here.~~

- ~~1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it.~~
- ~~2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365;~~
- ~~3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.~~

~~**B. Wetlands Notifications Provisions.** Written notice shall be provided to the Oregon Division of State Lands of applications which involve lands that are wholly or partially within areas that are identified as wetlands on the Local Wetlands Inventory (LWI). Wetland boundaries shall be verified in the field by a qualified professional before any application for development in or adjacent to a wetland is accepted as complete.~~

- ~~1. Notice shall be sent within five (5) working days of the acceptance of a complete application for a subdivision, building permit for new structure, planned development, or~~

~~any other development permit or approval that allows physical alteration of the land involving excavation, grading, fill, or construction on the land, and any development in a floodplain or floodway.~~

- ~~2. Notice shall be sent if the City receives information that there is a possible wetland on the subject property following acceptance of the application.~~
- ~~3. Notice is not required for any application listed in 4.1.800.B if a permit has been issued by the Division of State Lands for that activity.~~
- ~~4. If the Division of State Lands fails to respond to the notice from the City within thirty (30) days of the postmark date of the notice, the City may issue an approval for the proposed activity with written notice to the applicant and owner of record that the proposed activity may require state or federal permits.~~
- ~~5. The City may issue an approval for a comprehensive plan map or zoning map amendment for parcels identified as or including wetlands on the LWI upon providing to the applicant and the owner of record of the affected parcel a written notice of the possible presence of wetlands and the potential need for state and federal permits and providing the Division of State Lands with a copy of the notification of comprehensive plan map or zoning map amendments for specific properties.~~
- ~~6. The City may issue approval for any activity listed in 4.1.800.B providing that the approval includes one of the following statements:
  - ~~a. Issuance of a permit under ORS 196.665 and 196.800 to 196.800 to 196.900 by the Division of State Land is required for the proposed project before any physical alteration takes place within the wetlands.~~
  - ~~b. Notice from the Division of State Lands that no permit is required; or~~
  - ~~c. Notice from the Division of State Lands that no permit is required until specific proposals to remove, fill, or alter the wetlands are submitted to the division.~~~~
- ~~7. Notice of activities authorize within an approved wetland conservation plan shall be provided to the Division of State Lands five days following approval by the City.~~
- ~~8. Failure of the City to provide notice to the Division of State Lands as required in this section will not invalidate county approval of the proposed activity.~~

#### 4.1.900-800 Neighborhood Meetings

- A. Neighborhood Meeting Requirement.** Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application ~~in order to~~ solicit input and exchange information about the proposed development. In some cases, the ~~City Manager~~ **Planning Official** may require the applicant to meet with a ~~City~~ recognized neighborhood association or group prior to accepting an application as complete.

A Neighborhood Meeting is optional for development applications that are likely to have neighborhood or community-wide impacts (e.g., traffic, parking, noise, or similar impacts), as determined by the ~~City Manager~~Planning Official.

## Chapter 4.2 — Development Review and Site Design Review

### Sections:

- 4.2.100 - Purpose
- 4.2.200 - Applicability
- 4.2.300 - Development Review Approval Criteria
- 4.2.400 - Site Design Review - Application Review Procedure
- 4.2.500 - Site Design Review - Application Submission Requirements
- 4.2.600 - Site Design Review Approval Criteria
- 4.2.700 - Bonding and Assurances
- 4.2.800 - Development in Accordance With Permit Approval

### 4.2.100 Purpose.

The purpose of this Chapter is to:

- A. Provide rules, regulations and standards for efficient and effective administration of site development review;
- B. Carry out the development pattern and plan of the City and its comprehensive plan policies;
- C. Promote the public health, safety and general welfare;
- D. Lessen or avoid congestion in the streets, and secure safety from fire, flood, pollution and other dangers;
- E. Provide adequate light and air, prevent overcrowding of land, and facilitate adequate provision for transportation, water supply, sewage and drainage;
- F. Encourage the conservation of energy resources; and
- G. Encourage efficient use of land resources, full utilization of urban services, mixed uses, transportation options, and detailed, human-scaled design.

### 4.2.200 Applicability.

Development Review or Site Design Review shall be required for all new developments and modifications of existing developments described below. Regular maintenance, repair, and replacement of materials (e.g., roof, siding, awnings, etc.), parking resurfacing, and similar maintenance and repair shall be exempt.

- A. **Site Design Review.** Site Design Review is a discretionary review conducted by the ~~City Manager~~ ~~Planning Official~~ ~~without a public hearing~~. (See Chapter 4.1 for the applicable review procedure that may or may not require a public hearing.) It applies to all developments in the City, except those specifically listed under “B” (Development Review). Site Design Review

ensures compliance with the basic development standards of the land use district (e.g., building setbacks, lot coverage, maximum building height), as well as the more detailed design standards and public improvement requirements in Chapters 2 and 3.

**B. Development Review.** Development Review is a non-discretionary or “ministerial” review conducted by the ~~City Manager~~Planning Official without a public hearing. (See Chapter 4.1 for review procedure.) It is for less complex developments and land uses that do not require site design review approval. Development Review is based on clear and objective standards and ensures compliance with the basic development standards of the land use district, such as building setbacks, lot coverage, maximum building height, and similar provisions of Chapter 2. Development Review is required for all ~~of~~ the types of development listed below, except that all developments in sensitive land areas shall also use the development review procedures for those districts.

1. Single-family detached dwelling ~~(including manufactured homes on lots and parcels created prior to the adoption of this ordinance;~~
2. A single duplex, up to two single family attached (townhome) units, or a single triplex which is not being reviewed as part of any other development, and accessory parking on the same lot;
3. Building additions ~~of not more than 200 square feet,~~ and Minor Modifications to development approvals as defined by Chapter 4.6;
4. Any proposed development that has a valid conditional use permit. Major modifications to a development with a conditional use permit shall require review and approval in accordance with Chapter 4.4 ~~–Conditional Use Permits;~~
- ~~5. Home occupation, subject to review under Chapter 2.2~~
- ~~6.5~~ Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter 4.9;
- ~~7.6~~ Accessory structures ~~with less than 600 square feet of floor area,~~ including accessory dwellings;
- ~~8.7~~ Other developments, when required by a condition of approval.

**4.2.300 Development Review Approval Criteria.**

Development Review shall be conducted only for the developments listed in Section 4.2.200.B and it shall be conducted as a Type I procedure, as described in Section 4.1.300. Prior to issuance of building permits, the following standards shall be met:

1. The proposed land use is permitted by the underlying land use district (Chapter 2);
2. The land use, building/yard setback, lot area, lot dimension, density, lot coverage, building height, and other applicable standards of the underlying land use district and any sub-

district(s) are met (Chapter 2);

3. The standards in Section ~~3.2.200 Landscape Conservation~~, ~~3.2.300-200~~ New Landscaping; ~~3.2.500-400~~ Fences and Walls, and Chapter 3.3 Vehicle and Bicycle Parking are met;
4. All applicable building and fire code standards are met; and
5. The approval shall lapse, and a new application shall be required, if a building permit has not been issued within one year of Development Review approval, or if development of the site is in violation of the approved plan or other applicable codes.

#### 4.2.400 Site Design Review - Application Review Procedure.

- A. Site Design Review shall be conducted as a Type ~~III~~ or a Type II procedure as specified in "B", using the procedures in Chapter 4.1, and using the approval criteria contained in Section 4.2.~~500~~600.
- B. **Site Design Review – Determination of Type II Applications.** Applications for Site Design Review shall be subject to Type II or Type III review, based on the following criteria:
  1. Residential buildings with 3 or fewer dwelling units shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.300. Residential buildings with more than 3 units shall be reviewed as a Type III application.
  2. Commercial, industrial, public/semi-public, and institutional buildings with 5,000 square feet of gross floor area or less shall be reviewed as a Type II application, except when Development Review is allowed under Section 4.2.300. Commercial, industrial, public/semi-public, and institutional buildings with more than 5,000 square feet of gross floor area shall be reviewed as a Type III application.
  3. Developments with more than one building (e.g., two duplex buildings or an industrial building with accessory workshop) shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1 and 2, above.
  4. Developments with 4 or fewer required off-street vehicle parking spaces in conformance with Chapter 3.3 shall be reviewed as Type II applications, and those with more than 4 off-street vehicle parking spaces shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-3 (above) and ~~5-6~~ (below).
  5. Developments involving the clearing and/or grading of ½ acre or a larger area shall be reviewed as Type III applications, notwithstanding the provisions contained in subsections 1-5 (above) ~~and subsection 6 (below)~~.
  - ~~6. All developments in designated sensitive land districts shall be reviewed as Type III applications.~~



#### 4.2.500 Site Design Review - Application Submission Requirements.

All of the following information is required for Site Design Review application submittal:

A. **General Submission Requirements.** The applicant shall submit an application containing all of the general information required by Section 4.1.400 (Type II application) or Section 4.1.500 (Type III application). The type of application shall be determined in accordance with subsection A of Section 4.2.400.

B. **Site Design Review Information.** An application for site design review shall include the following additional information, as deemed applicable by the City Manager/Planning Official:

1. **Site analysis map.** At a minimum the site map shall contain the applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions, and gross area shall be identified. For more involved projects the following shall also be included:

~~a. The applicant's entire property and the surrounding property to a distance sufficient to determine the location of the development in the City, and the relationship between the proposed development site and adjacent property and development. The property boundaries, dimensions and gross area shall be identified;~~

~~b.a.~~ Identification of slopes greater than 5 percent;

~~e.b.~~ The location and width of all public and private streets, drives, sidewalks, pathways, rights-of-way, and easements on the site and adjoining the site;

~~d.c.~~ Potential natural hazard areas, including any areas identified as subject to a 100-year flood, areas subject to high water table, and areas mapped by the City, County, or State as having a potential for geologic hazards;

~~e.d.~~ Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;

~~f.e.~~ Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;

~~g.f.~~ Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;

~~h.g.~~ North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.

~~i.h.~~ Other information, as determined by the City Manager/Planning Official. The City may

require studies or exhibits prepared by qualified professionals to address specific site features.

2. Proposed site plan. The site plan shall contain the following information, if applicable:
  - a. The proposed development site, including boundaries, dimensions, and gross area;
  - b. Features identified on the existing site analysis map which are proposed to remain on the site.
  - c. Features identified on the existing site map, if any, which are proposed to be removed or modified by the development;
  - d. The location and dimensions of all proposed public and private streets, drives, rights-of-way, and easements;
  - e. The location and dimensions of all existing and proposed structures, utilities, pavement and other improvements on the site. Setback dimensions for all existing and proposed buildings shall be provided on the site plan;
  - f. The location and dimensions of entrances and exits to the site for vehicular, pedestrian, and bicycle access;
  - g. The location and dimensions of all parking and vehicle circulation areas (show striping for parking stalls and wheel stops, as applicable);
  - h. Pedestrian and bicycle circulation areas, including sidewalks, internal pathways, pathway connections to adjacent properties, and any bicycle lanes or trails;
  - i. Loading and service areas for waste disposal, loading and delivery;
  - j. Outdoor recreation spaces, common areas, plazas, outdoor seating, street furniture, and similar improvements, as applicable;
  - k. Location, type, and height of outdoor lighting;
  - l. Location of mail boxes, if known;
  - m. Name and address of project designer, if applicable.
  - n. Location of bus stops and other public or private transportation facilities.
  - o. Locations, sizes, and types of signs.
  - p. Other information determined by the ~~City Manager~~ Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features (e.g., traffic, noise, environmental features, natural hazards, etc.), in conformance with this Code.

3. Architectural drawings. The City Manager/Planning Official may request architectural drawings showing ~~one or all of~~ the following:
  - a. Building elevations (as determined by the City Manager/Planning Official) with building height and width dimensions;
  - b. Building materials, colors, and type.
  - c. The name of the architect or designer.
  
4. Preliminary grading plan. A preliminary grading plan prepared by a registered engineer shall be required for developments which would result in the grading (cut or fill) of 1,000 cubic yards or greater or ground disturbance on a project site of more than 2 acres. The preliminary grading plan shall show the location and extent to which grading will take place, indicating general changes to contour lines, slope ratios, slope stabilization proposals, and location and height of retaining walls, if proposed. Surface water detention and treatment plans may also be required.
  
5. Landscape plan. A landscape plan may be required and at the direction of the City Manager/Planning Official and shall show the following:
  - a. The location and height of existing and proposed fences and other buffering or screening materials;
  - b. The location of existing and proposed terraces, retaining walls, decks, patios, shelters, and play areas;
  - c. The location, size, and species of the existing and proposed plant materials (at time of planting);
  - d. Existing and proposed building and pavement outlines;
  - e. Specifications for soil at time of planting, irrigation if plantings are not drought-tolerant (may be automatic or other approved method of irrigation), and anticipated planting schedule.

~~Other information as deemed appropriate by the City Manager/Planning Official. An arborist's report may be required for sites with mature trees that are protected under Chapter 3.2.Landscaping, Street Trees, Fences and Walls of this Code.~~
  
6. Sign drawings. Sign drawings shall be required if signs are proposed in conformance with the City's Sign Code (Chapter 3.6).
  
7. Covenants. Copies of all existing and proposed restrictions or covenants.
  
8. Narrative. Letter or narrative report documenting compliance with the applicable approval criteria contained in Sub-Section 4.2.600 Approval Criteria.

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9. Traffic Impact Study. See Chapter 4.10.

#### 4.2.600 Approval Criteria.

The review authority shall make written findings with respect to all ~~of~~ the following criteria when approving, approving with conditions, or denying an application:

- A. The application is complete, as determined in accordance with Chapter 4.1 ~~Types of Applications~~ and Section 4.2.500, above.
- B. The application complies with ~~the all of~~ the applicable provisions of the underlying Land Use District (Chapter 2), including: building and yard setbacks, lot area and dimensions, density and floor area, lot coverage, building height, building orientation, architecture, and other special standards as may be required for certain land uses;
- C. The applicant shall be required to upgrade any existing development that does not comply with the applicable land use district standards, in conformance with Chapter 5.2, ~~Non-Conforming Uses and Development~~.
- D. The application complies with the Design Standards contained in Chapter 3. All ~~of~~ the following standards shall be met:
  - 1. Chapter 3.1 - Access and Circulation;
  - 2. Chapter 3.2 - Landscaping, Significant Vegetation, Street Trees, Fences and Walls;
  - 3. Chapter 3.3 ~~Automobile Parking, and Bicycle Parking, and Loading Standards~~;
  - 4. Chapter 3.4 - Public Facilities and Franchise Utilities;
  - 5. Chapter 3.5 - Surface Water Management;
  - 6. Chapter 3.6 - Other Standards ~~(Telecommunications Facilities, Solid Waste Storage, Environmental Performance, Signs)~~, as applicable.
  - 6.7. Chapter 3.7 – Flood Plain, if applicable.
- E. Conditions required as part of a Land Division (Chapter 4.3), Conditional Use Permit (Chapter 4.4), Master Planned Development (Chapter 4.6), Specific Area Plan (Chapter 2.5), or other approval shall be met.
- F. Exceptions to criteria D.1-6, above, may be granted only when approved as a Variance (Chapter 5.3).

#### 4.2.700 Bonding and Assurances.

- A. **Performance Bonds for Public Improvements.** On all projects where public improvements are required, the City shall require a bond in an amount not greater than 100% or other adequate assurances as a condition of site development approval in order to guarantee the public improvements;
- B. **Release of Performance Bonds.** The bond or assurance shall be released when the ~~City~~ **Manager/Planning Official** finds the completed project conforms to the site development approval, including all conditions of approval.
- C. **Completion of Landscape Installation.** Landscaping shall be installed prior to issuance of occupancy permits, unless security equal to the cost of the landscaping as determined by the ~~City~~ **Manager/Planning Official** or a qualified landscape architect is filed with the ~~City Recorder~~ assuring such installation within six months after occupancy. If the installation of the landscaping is not completed within the six-month period, the security may be used by the City to complete the installation.
- D. **Business License Filing.** The applicant shall ensure that all business occupants of the completed project, whether permanent or temporary, shall apply for and receive a City business license prior to initiating business.

**4.2.800 Development in Accordance With Permit Approval.**

Development shall not commence until the applicant has received all ~~of~~ the appropriate land use and development approvals (i.e., site design review approval) and building permits. Construction of public improvements shall not commence until the City has approved all required public improvement plans (e.g., utilities, streets, public land dedication, etc.). The City may require the applicant to enter into a development agreement (e.g., for phased developments and developments with required off-site public improvements), and may require bonding or other assurances for improvements, in accordance with Section 4.2.700. Development Review and Site Design Review approvals shall be subject to all ~~of~~ the following standards and limitations:

- A. **Modifications to Approved Plans and Developments.** Minor modifications of an approved plan or existing development, as defined in Chapter 4.6, shall be processed as a Type I ~~procedure decision~~ and require only Site Review. Major modifications, as defined in Section 4.6, shall be processed as a Type II or Type III ~~procedure decision~~ and shall require site design review. ~~For information on Type I, Type II and Type III procedures, please refer to Chapter 4.1. For Modifications approval criteria, please refer to Chapter 4.6.~~
- C. **Approval Period.** Development Review and Site Design Review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if:
  1. A building permit has not been issued within a one-year period; or
  2. Construction on the site is in violation of the approved plan.

C. **Extension.** The ~~City Manager~~Planning Official shall, upon written request by the applicant, grant an extension of the approval period not to exceed one year; provided that:

1. No changes are made on the original approved site design review plan;
2. The applicant can show intent of initiating construction on the site within the ~~one-~~ year extension period;
3. There have been no changes to the applicable Code provisions on which the approval was based. If there have been changes to the applicable Code provisions and the expired plan does not comply with those changes, then the extension shall not be granted; in this case, a new site design review shall be required; and
4. The applicant demonstrates that failure to obtain building permits and substantially begin construction within one year of site design approval was beyond the applicant's control.

D. **Phased Development.** Phasing of development may be approved with the Site Design Review application, subject to the following standards and procedures:

1. A phasing plan shall be submitted with the Site Design Review application.
2. The ~~City Manager~~Planning Official shall approve a time schedule for developing a site in phases, but in no case shall the total ~~time~~ period for all phases be greater than 2 years without reapplying for site design review.
3. Approval of a phased site design review proposal requires satisfaction of all of the following criteria:
  - a. The public facilities required to serve each phase are constructed in conjunction with or prior to each phase;
  - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required public improvements, in accordance with Section 4.2.400. A temporary public facility is any facility not constructed to the applicable City or district standard, subject to review by the City Engineer;
  - c. The phased development shall not result in requiring the City or other property owners to construct public facilities that were required as part of the approved development proposal; and
  - d. An application for phasing may be approved after Site Design Review approval as a modification to the approved plan, in accordance with the procedures for minor modifications (Chapter 4.6).

## Chapter 4.3 — Land Divisions and Lot Line Adjustments

### Sections:

- 4.3.100 - Purpose
- 4.3.200 - General Requirements
- 4.3.300 - Approvals Process
- 4.3.400 - Preliminary Plat Submission Requirements
- 4.3.500 - Approval Criteria: Preliminary Plat
- 4.3.600 - Variances Authorized
- 4.3.700 - Final Plat Submission Requirements and Approval Criteria
- 4.3.800 - Public Improvements
- 4.3.900 - Performance Guarantees
- 4.3.1000 - Filing and Recording
- 4.3.2000-1100 - Replatting and Vacation of Plats
- 4.3.3000-1200 - Lot Line Adjustments
- 4.3.1300 – Expedited Land Divisions

### 4.3.100 Purpose.

The purpose of this chapter is to:

- A. Provide rules, regulations and standards governing the approval of subdivisions, partitions and lot line adjustments;
  1. Subdivisions involve the creation of four or more lots from one parent lot, parcel, or tract, within one calendar year.
  2. Partitions involve the creation of three or fewer lots from one parent lot within one calendar year.
  3. Lot line adjustments involve modifications to lot lines or parcel boundaries which do not result in the creation of new lots ~~(includes consolidation of lots).~~
  - 3-4. Replats, including consolidation of platted parcels or lots, and vacation of plats following the procedure that would be used to create those same parcels or lots.
- B. Carry out the City's development pattern, as envisioned by the Comprehensive Plan;
- C. Encourage efficient use of land resources, full utilization of urban services, and transportation options;
- D. Promote the public health, safety and general welfare through orderly and efficient urbanization;
- E. ~~Lessen or avoid traffic congestion, and secure safety from fire, flood, pollution and other dangers;~~

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F. Provide adequate light and air, prevent overcrowding of land, and ~~facilitate~~ provide for adequate ~~provision for~~ transportation, water supply, sewage, fire protection, pollutin control, surface water management, and ~~drainage~~ protection against natural hazards; and

G. Encourage the conservation of energy resources.

#### 4.3.200 General Requirements.

A. **Subdivision and Partition Approval Through Two-step Process.** Applications for subdivision or partition approval shall be processed through a two-step process: the preliminary plat and the final plat.

1. The preliminary plat shall be approved before the final plat can be submitted for approval consideration; and
2. The final plat ~~shall include~~ must demonstrate compliance with all conditions of approval of the preliminary plat.

B. **Compliance With ORS Chapter 92.** All subdivision and partition proposals shall be in conformance to state regulations set forth in Oregon Revised Statute (ORS) Chapter 92, Subdivisions and Partitions.

C. **Future Re-division Plan.** When subdividing or partitioning tracts into large lots (i.e., greater than two times or 200 percent the minimum lot size allowed by the underlying land use district), the lots shall be of such size, shape, and orientation as to facilitate future redivision and extension of streets and utilities. ~~The applicant City shall require the submission submit of a~~ future re-division plan, demonstrating that the lots will be of such size, shape, and orientation as to facilitate future re-division in accordance with the requirements of the land use district and this Code.

Future re-division plans shall be required for all property divisions in the UH Sub-District, as well as any property division within the Residential District that would result in a lot or lots of two acres in size or greater. These plans must facilitate future re-division in accordance with the requirements of the Residential District.

All future re-division plans shall identify:

1. Potential future lot division(s) in conformance with the ~~housing and density~~ standards of Chapter 2;
2. Potential street right-of-way alignments to serve future development of the property and connect to adjacent properties, including existing or planned rights-of-way.
3. ~~A disclaimer that the plan is a conceptual plan intended to show potential future development. It shall not be binding on the City or property owners, except as may be required through conditions of land division approval. For example, dedication and~~



~~improvement of rights-of-way within the future plan area may be required to provide needed secondary access and circulation. Water, sewer, and storm drainage facilities logically extend to serve the site at buildout, consistent with adopted public facility plans and can meet Public Works Standards.~~

~~The future re-division plan shall be recorded with the deed at Umatilla County.~~

- D. Lot Size Averaging.** Single family residential lot size may be averaged to allow lots less than the minimum lot size in the Residential district, ~~as long as if~~ the average area for all lots is not less than allowed by the district. No lot created under this provision shall be less than 50% of the minimum lot size allowed in the underlying district. For example, if the minimum lot size is 5,000 square feet, the following three lots could be created from a 15,000 square foot parcel: 4,000 square feet, 5,000 square feet, and 6,000 square feet.
- E. Temporary Sales Office.** A temporary sales office in conjunction with a subdivision may be approved as set forth in Chapter 4.9.100, Temporary Uses.
- F. Minimize Flood Damage.** All subdivisions and partitions shall be designed based on the need to minimize the risk of flood damage. ~~Any proposed subdivision or partition within a mapped floodplain shall provide evidence that the development can comply with the provisions of Chapter 3.7 Flood Plain. No new building lots shall be created entirely within a floodway. All new lots shall be buildable without requiring development within the floodway. Development in a 100-year flood plain shall comply with Federal Emergency Management Agency requirements, including filling to elevate structures above the base flood elevation. The applicant shall be responsible for obtaining such approvals from the appropriate agency before City approval of the final plat.~~
- G. Determination of Base Flood Elevation.** Where a development site consists of 3 or more lots, ~~or is located in or near areas prone to inundation, and is located within the mapped floodplain,~~ and the base flood elevation has not been provided or is not available from another authoritative source, it shall be prepared by a qualified professional, as determined by the ~~City Manager~~ Planning Official.
- H. Need for Adequate Utilities.** All lots created through land division shall have adequate public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to prevent or minimize flood damage to the extent practicable in compliance with Chapter 3. Parcels that are 400 feet or more from the nearest sewer or water line may be divided without connecting to the system, as long as the resulting parcels are no smaller than two acres in size, depending on a ~~Department of Environmental Quality~~ Umatilla County Public Health evaluation of the property. ~~Due to the overextension of the Stage Gulch Critical Groundwater Area (CGWA), the "exempt" or junior well rights may be interrupted if the primary water rights become perfected, or fully utilized. In that case, the property owners would be required to connect to the City of Stanfield water system.~~
- I. Need for Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage provided ~~to reduce exposure to flood damage.~~ Water quality or quantity control improvements may be required; and

J. **Floodplain, Park, and Open Space Dedications.** Where land filling and/or development is allowed within or adjacent to the 100-year flood plain outside the zero-foot rise flood plain, and the Comprehensive Plan designates the subject flood plain for park, open space, or trail use, the City may require the dedication of sufficient open land area for a greenway adjoining or within the flood plain. When practicable, this area shall include portions at a suitable elevation for the construction of a pedestrian/bicycle pathway within the flood plain in accordance with the City's adopted trails plan or pedestrian and bikeway plans, as applicable. The City shall evaluate individual development proposals and determine whether the dedication of land is justified based on the development's impact to the park and/or trail system, consistent with Chapter 3.4, and Section 3.4.000.D in particular.

K. **Double Frontage Lots.** The creation of double frontage lots shall be avoided wherever possible.

#### 4.3.300 Approvals Process.

**Review of Preliminary Plat.** Review of a preliminary plat with 2 or 3 lots (partition) shall be processed by means of a Type II procedure, as governed by Section 4.1.400. Preliminary plats with more than 3 lots (subdivision) shall be processed with a Type III procedure under Section 4.1.500. All preliminary plats shall be reviewed using approval criteria contained in Section 4.3.140500. An application for subdivision may be reviewed concurrently with an application for a Master Planned Development under Chapter 4.5.

A. **Review of Final Plat.** Review of a final plat for a subdivision or partition shall be processed by means of a Type I procedure under Chapter 4.1.300, using the approval criteria in Section 4.3.160700.

B. **Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of ~~three-two (32)~~ years from the date of approval. The preliminary plat shall lapse if a final plat has not been submitted to the City for approval within ~~a-the~~ two- (2) year period.

C. **Modifications and Extensions.** The applicant may request changes to the approved preliminary plat or conditions of approval following the procedures and criteria provided in Chapter 4.6 –Modifications. The ~~City Manager~~ Planning Official shall, upon written request by the applicant and payment of the required fee, grant one extension of the approval period not to exceed (1) one year; provided that:

1. Any changes to the preliminary plat follow the procedures in Chapter 4.6;
2. The applicant has submitted written intent to file a final plat within the one-year extension period;
3. An extension of time will not prevent the lawful development of abutting properties;
4. There have been no changes to the applicable Code provisions on which the approval was based. If such changes have occurred, a new preliminary plat application shall be

required; and

5. The extension request is made before expiration of the original approved plan.

**D. Phased Development.**

1. The City may approve a time schedule for developing a subdivision in phases, but in no case shall the actual construction time period (i.e., for required public improvements, utilities, streets) for any partition or subdivision phase be greater than three (3) years without reapplying for a preliminary plat;
2. The criteria for approving a phased land division proposal are:
  - a. Public facilities shall be constructed in conjunction with or prior to each phase;
  - b. The development and occupancy of any phase dependent on the use of temporary public facilities shall require City Council approval. Temporary facilities shall be approved only upon City receipt of bonding or other assurances to cover the cost of required permanent public improvements, in accordance with Section 4.3.180900. A temporary public facility is any facility not constructed to the applicable City or district standard;
  - c. The phased development shall not result in requiring the City or a third party (e.g., owners of lots) to construct public facilities that were required as part of the approved development proposal; and
  - d. The application for phased development approval shall be reviewed concurrently with the preliminary plat application and the decision may be appealed in the same manner as the preliminary plat.

**4.3.400 Preliminary Plat Submission Requirements.**

**A. General Submission Requirements.** For Type II subdivisions (8 lots or less) and partitions, the applicant shall submit an application containing all of the information required for a Type II procedure under Section 4.1.400. For Type III subdivisions (greater than ~~9-8~~ lots), the application shall contain all of the information required for a Type III procedure under Section 4.1.500, except as required for Master Planned Neighborhood Developments:

1. Master Planned Neighborhood Development ~~(Industrial District only)~~. Submission of a master plan, as provided in Chapter 2 shall be required for:
  - a. Parcels, and development sites with more than one parcel, ~~in the Industrial District~~ which are 40 acres or larger; and
  - b. The Master Plan shall be approved either prior to, or concurrent with, the preliminary plat application.

**B. Preliminary Plat Information.** In addition to the general information described in Subsection A above, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide the following information:

1. General information:

- a. Name of subdivision (not required for partitions). This name must not duplicate the name of another subdivision in ~~the Umatilla County county in which it is located~~ (please check with County surveyor);
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- d. Names, addresses and telephone numbers of the owners, designer, and engineer or surveyor if any, and the date of the survey; and
- e. Identification of the drawing as a "preliminary plat".

2. Site analysis:

- a. Streets: Location, name, present width of all streets, alleys and rights-of-way on and abutting the site;
- b. Easements: Width, location and purpose of all existing easements of record on and abutting the site;
- c. Utilities: Location and identity of all utilities on and abutting the site. If water mains and sewers are not on or abutting the site, indicate the direction and distance to the nearest one and show how utilities will be brought to standards;
- d. Ground elevations shown by contour lines at 5-foot vertical intervals for ground slopes exceeding 10 percent and at 2-foot intervals for ground slopes of less than 10 percent. Such ground elevations shall be related to some established benchmark or other datum approved by the County Surveyor. This requirement may be waived for partitions when grades, on average, are less than 6 percent;
- e. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);
- f. Potential natural hazard areas, including any flood plains, areas subject to high water table, landslide areas, and areas having a high erosion potential;
- g. Sensitive lands, including wetland areas, streams, wildlife habitat, and other areas

identified by the City or natural resource regulatory agencies as requiring protection. ~~(Also see Chapter 3.7 and relevant portions of the Comprehensive Plan.);~~

- ~~h. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;~~
- ~~i. Designated historic and cultural resources on the site and adjacent parcels or lots;~~
- ~~j. The location, size and species of trees having a caliper (diameter) of 5 inches or greater at four feet above grade in conformance with Chapter 3.2;~~
- ~~k. North arrow, scale, name and address of owner;~~
- ~~h. Name and address of project designer, if applicable; and~~
- ~~m.i. Other information, as deemed appropriate by the City Manager/Planning Official. The City may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.~~

3. Proposed improvements:

- a. Public and private streets, tracts, driveways, open space, and park land; location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street center line grades. All streets and tracts which are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements: location, width and purpose of all easements;
- c. Lots and private tracts (e.g., private open space, common area, or street): approximate dimensions, area calculation (e.g., in square feet), and identification numbers for all lots and tracts;
- d. Proposed uses of the property, including all areas proposed to be dedicated to the public or reserved as open space for the purpose of surface water management, recreation, or other use: ~~potential location of future buildings;~~
- e. Proposed improvements, as required by Chapter 3 (Design Standards), and timing of improvements (e.g., in the case of streets, sidewalks, street trees, utilities, etc.);
- ~~f. Preliminary location of development showing that future buildings can meet dimensional standards of base zone.~~
- ~~g. The proposed source of domestic water;~~

~~f. The proposed method of sewage disposal, and method of surface water drainage and treatment if required preliminary design for extending City water and sewer to each lot or parcel;~~

~~h.g. Proposed method of storm water drainage and treatment, if required;~~

~~h.h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;~~

~~h.i. Proposed railroad crossing or modifications to an existing crossing, if any, and evidence of contact with Oregon Department of Transportation related to proposed railroad crossing(s);~~

~~k. Changes to navigable streams, or other watercourses. Provision or closure of public access to these areas shall be shown on the preliminary plat, as applicable;~~

~~h.j. Identification of the base flood elevation for development of more than 12 lots or 2 acres, whichever is less. Written evidence of initiation of a Federal Emergency Management Agency (FEMA) flood plain map amendment shall be required when development is proposed to modify a designated 100-year flood plain. FEMA approval of the amendment shall be a condition of city land use approval. Evidence of compliance with Chapter 3.7, if applicable; and~~

~~a-k. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to a highway under the State's jurisdiction Highway 395 or within the Interstate 84 interchange area; and~~

~~m. Evidence of written notice to the applicable natural resource regulatory agency (ies) for any development within or adjacent to jurisdictional wetlands and other sensitive lands, as identified in Chapter 3.7.~~

4. Traffic Impact Study. See Chapter 4.10.

#### 4.3.500 Approval Criteria: Preliminary Plat.

A. **General Approval Criteria.** The City may approve, approve with conditions, or deny a preliminary plat based on the following approval criteria:

1. The proposed preliminary plat complies with all ~~of~~ the applicable Development Code sections and other applicable ordinances and regulations. At a minimum, the provisions of this Chapter, and the applicable sections of Chapter 2.0 (Land Use Districts) and Chapter 3.0 (Design Standards) shall apply. Where a variance is necessary to receive preliminary plat approval, the application shall also comply with the relevant sections of Chapter 5.0 (Exceptions);

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2. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
3. The proposed streets, roads, sidewalks, bicycle lanes, pathways, utilities, and surface water management facilities are laid out ~~so as~~ to conform or transition to the plats of subdivisions and maps of major partitions already approved for adjoining property as to width, general direction and in all other respects. All proposed public improvements and dedications are identified on the preliminary plat; and
4. All proposed private common areas and improvements (e.g., homeowner association property) are identified on the preliminary plat.

**B. Housing Density.** The subdivision, if in a residential area, meets the City’s housing standards of Chapter 2.

**C. Block and Lot Standards.** All proposed blocks (i.e., one or more lots bound by public streets), lots and parcels conform to the specific requirements below:

1. All lots shall comply with the lot area, ~~setback~~, and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Section 3.1.200. ~~1~~ 1–Street Connectivity and Formation of Blocks.
2. Setbacks shall be as required by the applicable land use district (Chapter 2).
3. Each lot shall conform to the standards of Chapter 3.1 ~~–Access and Circulation~~.

~~4. Landscape or other screening may be required to maintain privacy for abutting uses. Also see Chapter 2 –Land Use Districts, and Chapter 3.2 –Landscaping.~~

~~5.4~~ 5.4 In conformance with the Uniform Fire Code, a 20-foot width fire apparatus access drive shall be provided to serve all portions of a building that are located more than 150 feet from a public right-of-way or approved access drive. Also see Chapter 3.1 ~~–Access and Circulation~~.

~~6.5~~ 6.5 Where a common drive is to be provided to serve more than one lot, a reciprocal easement which will ensure access and maintenance rights shall be recorded with the approved subdivision or partition plat.

**D. Conditions of Approval.** The City may attach such conditions as are necessary to carry out provisions of this Code, and other applicable ordinances and regulations, and may require reserve strips be granted to the City for the purpose of controlling access to adjoining undeveloped properties. See Section 3.4.000.D (Public Facilities).

#### 4.3.600 Variances Authorized.

Variations from the standards of this Chapter shall be processed in accordance with Chapter 5.1 –Variances. Applications for variances shall be submitted at the same time as an application for land division or lot line adjustment is submitted, and the applications shall be reviewed together.

#### 4.3.700 Final Plat Submission Requirements and Approval Criteria.

- A. Submission Requirements.** Final plats shall be reviewed and approved by the City prior to recording with Umatilla County. The applicant shall submit the final plat within ±2 years of the approval of the preliminary plat as provided by Section 4.3. ~~120300~~. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the ~~City Manager~~ Planning Official.
- B. Approval Criteria.** By means of a Type I procedure, the ~~City Recorder~~ Planning Official and City Engineer shall review the final plat and shall approve or deny the final plat based on findings regarding compliance with the following criteria:
1. The final plat complies with the approved preliminary plat, and all conditions of approval have been satisfied;
  2. All public improvements required by the preliminary plat have been installed and approved by the City Engineer. Alternatively, the developer has provided a performance guarantee in accordance with Section 4.3. ~~180900~~;
  3. The streets and roads for public use are dedicated without reservation or restriction other than revisionary rights upon vacation of any such street or road and easements for public utilities;
  4. The streets and roads held for private use have been approved by the City as conforming to the preliminary plat;
  5. The plat contains a dedication to the public of all public improvements, including but not limited to streets, public pathways and trails, access reserve strips, parks, sewage disposal, storm drainage, and water supply systems;
  6. The applicant has provided copies of all recorded homeowners association ~~Codes,~~ Covenants, Conditions, and Restrictions (CC&R's); deed restrictions; private easements and agreements (e.g., for access, common areas, parking, etc.); and other recorded documents pertaining to common improvements recorded and referenced on the plat;
  7. The plat complies with the applicable Sections of this code (i.e., there have been no



changes in land use or development resulting in a code violation since preliminary plat approval);

8. Certification by the City or service district, as applicable, that water and sanitary sewer service is available to ~~each and every~~ lot depicted on the plat; ~~or bond, contract or other assurance has been provided by the subdivider/partitioner to the City that such services will be installed in accordance with Chapter 3.4 – Public Facilities, and the bond requirements of Section 4.3.180. The amount of the bond, contract or other assurance by the subdivider/partitioner shall be determined by a registered professional engineer, subject to review and approval by the City;~~
9. The plat contains an affidavit by the surveyor who surveyed the land, represented on the plat to the effect the land was correctly surveyed and marked with proper monuments as provided by ORS Chapter 92, and indicating the initial point of the survey, and giving the dimensions and kind of such monument, and its reference to some corner established by the U.S. Geological Survey or giving two or more permanent objects for identifying its location.

#### 4.3.800 Public Improvements.

The following procedures apply to subdivisions and partitions when public improvements are required as a condition of approval:

**A. Public Improvements Required.** Before City approval is certified on the final plat, all required public improvements shall be installed, inspected, and approved. Alternatively, the subdivider/partitioner shall provide a performance guarantee, in accordance with Section 4.3.~~180~~900.

#### 4.3.900 Performance Guarantees.

**A. Performance Guarantee Required.** When a performance guarantee is required under Section 4.3.~~170~~800, the subdivider/partitioner shall file an assurance of performance with the City supported by one of the following:

1. An irrevocable letter of credit executed by a financial institution authorized to transact business in the state of Oregon;
2. A surety bond executed by a surety company authorized to transact business in the state of Oregon which remains in force until the surety company is notified by the City in writing that it may be terminated; or
3. Cash.

**B. Determination of Sum.** The assurance of performance shall be for a sum determined by the City as required to cover the cost of the improvements and repairs, including related

engineering and incidental expenses.

- C. **Itemized Improvement Estimate.** The developer shall furnish to the City an itemized improvement estimate, certified by a registered civil engineer, to assist the City in calculating the amount of the performance assurance.
- D. **Agreement.** An agreement between the City and developer shall be recorded with the final plat that stipulates all of the following:
1. Specifies the period within which all required improvements and repairs shall be completed;
  2. A provision that if work is not completed within the period specified, the City may complete the work and recover the full cost and expenses from the applicant;
  3. Stipulates the improvement fees and deposits that are required.
  4. (Optional) Provides for the construction of the improvements in stages and for the extension of time under specific conditions therein stated in the contract.
  5. The agreement may be prepared by the City, or in a letter prepared by the applicant. It shall not be valid until it is signed and dated by both the applicant and ~~City~~ Manager/Planning Official.
- E. **When Subdivider Fails to Perform.** In the event the developer fails to carry out all provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the City shall call on the bond, cash deposit, or letter of credit for reimbursement.
- F. **Termination of Performance Guarantee.** The developer shall not cause termination of nor allow expiration of the guarantee without having first secured written authorization from the City.

#### 4.3.1000 Filing and Recording

- A. **Filing plat with County.** Within 60 days of the City approval of the final plat, the applicant shall submit the final plat to Umatilla County for signatures of County officials as required by ORS Chapter 92.
- B. **Proof of Recording.** Upon final recording with the County, the applicant shall submit to the City a paper copy of all sheets of the recorded final plat. This shall occur prior to the issuance of building permits for the newly created lots.
- C. **Prerequisites to Recording the Plat.**
1. No plat shall be recorded unless all ad valorem taxes and all special assessments, fees, or other charges required by law to be placed on the tax roll have been paid in the manner provided by ORS Chapter 92;

2. No plat shall be recorded until it is approved by the County surveyor in the manner provided by ORS Chapter 92.

#### 4.3. ~~2000-1100~~ Replatting and Vacation of Plats.

- A. **Replatting and Vacations.** Any plat or portion thereof may be replatted or vacated upon receiving an application signed by all ~~of~~ the owners as appearing on the deed. Lots and parcels can also be combined through the replat process.
- B. **Procedure.** All applications for a replat or vacation shall be processed in accordance with the procedures and standards for a subdivision or partition (i.e., the same process used to create the plat shall be used to replat or vacate the plat). The same appeal rights provided through the subdivision and partition process shall be afforded to the replat or vacation process. (See Chapter 4.1 –Types of Applications and Review Procedures.)
- C. **Basis for Denial.** A replat or vacation application may be denied if it abridges or destroys any public right in any of its public uses, improvements, streets, s or alleys; or if it fails to meet any applicable criteria.
- D. **Recording of Vacations.** All approved plat vacations shall be recorded in accordance with 4.3.190 and the following procedures:
  1. Once recorded, a replat or vacation shall operate to eliminate the force and effect of the plat prior to vacation; and
  2. Vacations shall also divest all public rights in the streets, alleys and public grounds, and all dedications laid out or described on the plat.
- E. **After Sale of Lots.** When lots have been sold, the plat may be vacated only in the manner herein, and provided that all of the owners of lots within the platted area consent in writing to the plat vacation.
- F. **Vacation of Streets.** All street vacations shall comply with the procedures and standards set forth in ORS Chapter 271.
- G. **Accessways.** The City may require accessways, paths or trails as a condition of the vacation of any public easement or right-of-way, ~~in order~~ to establish or maintain a safe, c convenient, and direct pedestrian and bicycle circulation system.

#### **4.3.3000-1200 Lot Line Adjustments.**

Lot Line Adjustments ~~include the consolidation of lots, and the~~ accomplish the modification of lot boundaries, when no new lots are created. The application submission and approvals process ~~is~~ are as follows:

**A. Submission Requirements.** All applications for a Lot Line Adjustment shall be made on forms provided by the City and shall include information required for a Type I application, as governed by Section 4.1.300. The application shall include a preliminary lot line map identifying all existing and proposed lot lines and dimensions; footprints and dimensions of existing structures (including accessory structures); location and dimensions of driveways and public and private streets within or abutting the subject lots; ~~location of significant vegetation as defined and mapped in Section 3.2.2.B-C;~~ existing fences and walls; and any other information deemed necessary by the ~~City Manager~~ Planning Official or designee for ensuring compliance with city codes.-

#### **B. Approval Process.**

1. Decision-making process. Lot line adjustments shall be reviewed by means of a Type I procedure, as governed by Section 4.1.300, using approval criteria contained in subsection C, below.
2. Time limit on approval. The lot line adjustment approval shall be effective for a period of 1 year from the date of approval, during which time it must be recorded.
3. Lapsing of approval. The lot line adjustment approval shall lapse if:
  - a. The lot line adjustment is not recorded within the time limit in subsection 2;
  - b. The lot line adjustment has been improperly recorded with Umatilla County without the satisfactory completion of all conditions attached to the approval; or
  - c. The final recording is a departure from the approved plan.

**C. Approval Criteria.** The ~~City Manager~~ Planning Official or designee shall approve or deny a request for a lot line adjustment in writing based on findings that all ~~of~~ the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment, ~~however the number of lots or parcels may be reduced;~~
2. Lot standards. All lots and parcels comply with the applicable lot standards of the land use district (Chapter 2) including lot area and dimensions.
3. Access. All lots and parcels comply with the standards or requirements of Chapter 3.1—Access and Circulation; and
4. Setbacks. The resulting lots, parcels, tracts, and building locations comply with the

standards of the land use district (Chapter 2).

5. Non-conforming. The resulting lots, parcels, tracts, and building locations may not create development which is non-conforming or closer to non-conformance.
6. Exemptions from Dedications and Improvements. A lot line adjustment is not considered a development action for purposes of determining whether right-of-way dedication or improvement is required.

**D. Recording Lot Line Adjustments.**

1. Recording. Upon the City's approval of the proposed lot line adjustment, the applicant shall record the lot line adjustment with Umatilla County within 60 days of approval (or the decision expires); and submit a copy of the recorded survey map to the City, to be filed with the approved application.
2. Time limit. The applicant shall submit a copy of the recorded lot line adjustment survey map to the City within 15 days of recording and prior to the issuance of any building permits on the re-configured lots.

**E. Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:

1. No changes are made on the original plan as approved by the City;
2. The applicant can show intent of recording the approved partition or lot line adjustment within the one-year extension period;
3. There have been no changes in the applicable Code or plan provisions on which the approval was based. In the case where the lot line adjustment conflicts with a code change, the extension shall be denied; and
4. The extension request is made before expiration of the original approved plan.

4.3.1300 Expedited Land Divisions

Expedited Land Divisions. An Expedited Land Division ("ELD") shall be defined and may be used as in ORS 197.360.

1. Selection. An applicant who wishes to use an ELD procedure for a partition, subdivision, or planned development instead of the regular procedure type assigned to it, must request the use of the ELD in writing at the time the application is filed, or forfeit his/her right to use it.
2. Review procedure. An ELD shall be reviewed in accordance with the procedures in ORS 197.365.
3. Appeal procedure. An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

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## Chapter 4.4 — Conditional Use Permits

### Sections:

- 4.4.100 - Purpose
- 4.4.200 - Approvals Process
- 4.4.300 - Application Submission Requirements
- 4.4.400 - Criteria, Standards and Conditions of Approval
- 4.4.500 - Additional Development Standards for Conditional Use Types

### 4.4.100 Purpose.

There are certain uses which, due to the nature of their impacts on surrounding land uses and public facilities, require a case-by-case review and analysis. These are identified as “Conditional Uses” in Chapter 2 - Land Use Districts. The purpose of Chapter 4.4 is to provide standards and procedures under which a conditional use may be permitted, enlarged, or altered if the site is appropriate and if other appropriate conditions of approval can be met.

### 4.4.200 Approvals Process.

- A. **Initial Application.** An application for a new conditional use shall be processed as a Type III procedure (Section 4.1.500). The application shall meet submission requirements in Section 4.4.300, and the approval criteria contained in Section 4.4.400.
- B. **Modification of Approved or Existing Conditional Use.** Modifications to approved or existing conditional uses shall be processed in accordance with Chapter 4.6 - Modifications.

### 4.4.300 Application Submission Requirements.

In addition to the submission requirements required in Chapter 4.1, an application for conditional use approval must include the following information (A-H), as applicable. For a description of each item, please refer to Section 4.2.500 - Site Design Review Application Submission Requirements:

- A. Existing site conditions;
- B. Site plan;
- C. Preliminary grading plan;
- D. A landscape plan;
- E. Architectural drawings of all structures;

- F. Drawings of all proposed signs;
- G. A copy of all existing and proposed restrictions or covenants.
- H. Narrative report or letter documenting compliance with all applicable approval criteria in Section 4.4.400.

**4.4.400 Criteria, Standards, and Conditions of Approval.**

The City shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following standards and criteria:

**A. Use Criteria.**

1. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
2. The negative impacts of the proposed use on adjacent properties and on the public can be mitigated through application of other Code standards, or other reasonable conditions of approval; ~~and~~
3. All required public facilities, including water, sanitary sewer, and streets, have adequate capacity or are to be improved to serve the proposal, consistent with City standards;- And
- 3-4. A conditional use permit shall not allow a use that is prohibited or not expressly allowed under Chapter 2; nor shall a conditional use permit grant a variance without a variance application being reviewed with the conditional use application.

**B. Site Design Standards.** The criteria for Site Design Review approval (Section 4.2.600) shall be met.

**C. General Conditions of Approval.** ~~The~~ In addition to the standards and conditions set forth in a specific land use district, the City may impose conditions that are found necessary to ensure that the use is compatible with other uses in the vicinity, and that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions include, but are not limited to, the following:

1. Limiting the hours, days, place and/or manner of operation;
2. Requiring site or architectural design features which minimize environmental impacts such as noise, vibration, exhaust/emissions, light, glare, erosion, odor and/or dust;
3. Requiring larger setback areas, lot area, and/or lot depth or width;

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4. Limiting the building height, size or lot coverage, and/or location on the site;
5. Designating the size, number, location and/or design of vehicle access points or parking and loading areas;
6. Requiring street right-of-way to be dedicated and street(s), sidewalks or other pedestrian or bicycle pathway, curbs, planting strips, pathways, or trails to be improved, as applicable;
7. Requiring landscaping, screening, drainage, water quality facilities, and/or improvement of parking and loading areas;
8. Limiting the number, size, location, height and/or lighting of signs;
9. Limiting or setting standards for the location, design, and/or intensity of outdoor lighting;
10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
11. Requiring and designating the size, height, location and/or materials for fences;
12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, cultural resources, and/or sensitive lands (Chapter 3.7);

~~12-13.~~ The Planning Commission may require review and renewal of conditional use permits annually or in accordance with another timetable as approved pursuant to this chapter. Where applicable, the timetable shall provide for periodic review and renewal, or expiration, of the conditional use permit to ensure compliance with conditions of approval; such period review may occur through a Type II review process, except where the Planning Commission delegates authority to the City Planning Official to issue renewals, who shall do so through a Type I or Type II procedure, as directed by the Planning Commission.

~~13. Requiring the dedication of sufficient land to the public, and/or construction of a pedestrian/bicycle pathway in accordance with the adopted plans. Dedication of land and construction shall conform to the provisions of Chapter 3.1, and Section 3.1.000.D in particular.~~

4.4.500 Additional Development Standards for Conditional Use Types

**€ Transportation System Facilities and Improvements.** Construction, reconstruction, or widening of highways, roads, bridges, or other transportation facilities that are not (1) improvements designated in the city's adopted Transportation System Plan or not (2) designed and constructed as part of an approved subdivision or partition, are allowed in all Districts subject to a Conditional Use Permit and the following criteria.

1. The project and its design are consistent with the city's adopted Transportation System Plan

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(TSP), or, if the City has not ~~adopted~~ ~~amended~~ ~~the~~ TSP, consistent with the State Transportation Planning Rule, OAR 660-012 (the TPR).

2. The project design is compatible with abutting land uses ~~in regard to~~ ~~regarding~~ noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
3. The project design minimizes environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities, and a site with fewer environmental impacts is not reasonably available. The applicant shall document all efforts to obtain a site with fewer environmental impacts, and the reasons alternative sites were not chosen.
4. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
5. The project includes provisions for bicycle and pedestrian access and circulation consistent with the comprehensive plan, the requirements of this ordinance, and the TSP or TPR.
6. For State transportation facility projects, the State Department of Transportation (ODOT) shall provide a narrative statement with the application demonstrating compliance with all of the criteria and standards in section 2-5. above.
7. Where applicable an EIS or EA may be used to address one or more of these criteria.
8. If the City determines that the proposed use or activity or its design is inconsistent with the TSP or TPR, then the applicant shall obtain a plan and/or zoning amendment prior to or in conjunction with conditional use permit approval. The applicant's options are as follows:
  - a. If the City determination is made prior to a final decision on the conditional use permit application, permanently withdraw the conditional permit application, or
  - b. If the City determination is made prior to a final decision on the conditional use permit application, withdraw the conditional permit application, apply for a plan/zone amendment, and re-apply for a conditional use permit ~~if and~~ when the amendment is approved, or
  - c. If the City determination is made prior to a final decision on the conditional use permit application, submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete, or
  - d. If the City determination is part of a final decision on the conditional use permit application, submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.

~~1-9.~~ A Conditional Use Permit for Transportation System Facilities shall be void after three (3) years.

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**4.4.500 – Additional Development standards for Conditional Use Types.**

4 **Concurrent Variance Application(s).** A conditional use permit shall not grant variances to regulations otherwise prescribed by the Development Code. Variance application(s) may be filed in conjunction with the conditional use application and both applications may be reviewed at the same hearing.

5 **Additional Development Standards.** Development standards for specific uses are contained in Chapter 2 - Land Use Districts.

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## Chapter 4.5 — Master Planned Developments

### Sections:

- 4.5.100 - Purpose
- 4.5.200 - Applicability
- 4.5.300 - Review and Approvals Process
- 4.5.400 - Overlay Zone and Concept Plan Submission
- 4.5.500 - Overlay Zone and Concept Plan Approval Criteria
- 4.5.600 - Administrative Procedures
- 4.5.700 - Detailed Development Plan Submission Requirements
- 4.5.800 - Detailed Development Plan Approval Criteria
- 4.5.900 - Development Review and Building Permit Approvals

### 4.5.100 Purpose.

~~A.~~ **Purpose.** The purposes of this Section are to:

- Implement the Development standards of Chapter 2, Section 2.5 by providing a means for master planning large development sites;
- Encourage innovative planning that results in more ~~mixed-use~~mixed-use development, improved protection of open spaces, ~~and~~ transportation options, and site phasing of development;
- Encourage developments that recognize the relationship between buildings, their use, open space, and transportation options, providing varied opportunities for innovative and diversified employment environments;
- Facilitate the efficient use of land;
- Promote an economic arrangement of land use, buildings, circulation systems, open space, and utilities;
- Preserve to the greatest extent possible the existing landscape features and amenities that may not otherwise be protected through conventional development;
- Encourage energy conservation and improved air and water quality; and;
- Assist the City in planning infrastructure improvements.

### 4.5.200 Applicability.

The master planned development designation is an overlay zone which may be applied over any of the City's land use districts as noted in Chapter 2 for projects proposed at or over 40-acres. An applicant may also elect to develop a project as a master planned development in compliance with the requirements of this chapter. The review and approval process for Master Planned Developments are also applicable to requests for Specific Area Plans. ~~In addition, the City may require that the following types of development be processed using the provisions of this Chapter:~~

~~A. **Subdivision conformance.** Subdivisions required to conform to the Master Planned Development standards of Chapter 2.~~

#### 4.5.300 Review and Approvals Process.

**A. Review Steps.** There are three required steps to a ~~Master planned-Planned development Development~~ approval, which may be completed individually or combined for concurrent review:

1. The approval of a ~~Master planned-Planned development-Development overlay zone and~~ concept plan;
2. The approval of a detailed development plan, which may include a preliminary subdivision plan; and
3. The approval of a ~~preliminary-final development plan subdivision-i.e. final~~ plat(s) and/or site design review ~~application~~ approval(s).

**B. Approval Process.**

1. The Master Planned Development (~~MPD~~ ~~overlay zone and~~ Concept Plan shall be reviewed ~~together~~ using the Type III procedure in Section 4.1.500, the submission requirements in Section 4.5. ~~169400~~, and the approval criteria in Section 4.5. ~~179500~~.
2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type ~~III~~ II procedure in Section 4.1.400, to ensure substantial compliance with the approved concept plan.
3. Preliminary subdivision plats and site design review applications for approved planned developments shall be reviewed using a Type II procedure, as governed by Section 4.2.400. NOTE: This variation from the standard procedures of Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions is intended to streamline review for projects which have received the required ~~Master planned-Planned development-Development~~ approvals.
4. Steps 1-3, above, may be combined in any manner, so long as the decision-making sequence follows that in subsection A, above. Notification and hearings may be combined.

The design standards of Chapter 3 apply to all master planned developments. Variances shall conform to the standards and procedures of Chapter 5.1 - Variances.

#### 4.5.350 Modifications to Development Standards

The standards of Chapter 2 and Chapter 3 may be modified through the Master Plan Development process without the need for variance under Chapter 5.1. In evaluating this criterion, the Planning Commission shall consider whether the proposal, on balance, exceeds the City's minimum requirements and provides greater community benefits than would otherwise occur under the base Development Code requirements. In evaluating community benefits, the Planning Commission shall apply the

following criteria. The City may deny an application for Master Planned Development concept plan approval that does not meet all the following criteria:

**A. Comprehensive Plan.** The modification does not conflict with the Comprehensive Plan. A Master Planned Development may exceed the maximum residential density (minimum lot size) permitted by the underlying zone, provided that the overall density of the project (average of total dwelling units per acre) is not greater than the density permitted by the underlying zone.

**B. Purpose and Intent of Development Code.** The modification equally or better meets the purpose and intent of the Development Code section(s) to be modified, as compared to a project that strictly conforms to code standards.

**C. Public Benefit.** The modification provides a net benefit to the public by one or more of the following:

1. Greater variety of housing types or lot sizes than would be achieved under the base Development Code standards;
2. More open space or more usable open space than would be required under the base Development Code standards;
3. Greater protection of natural features than would be required under the base Development Code standards;
4. Avoidance of natural hazards (e.g., geological hazards, river resources, or flood hazards); and
5. Improved transportation connectivity, such as the provision of pathways and/or other transportation facilities, that would not otherwise be provided pursuant to base Development Code requirements.

**D. Engineering Design Standards.** Modifications to the City's Engineering Design Standards require separate variance to such standards approved by the City Engineer. The City may grant such variances concurrently with the Master Planning Development.

#### **4.5.400 Overlay Zone and Concept Plan Submission.**

**A. General Submission Requirements.** The applicant shall submit an application containing all of the general information required for a Type III procedure, as governed by Section 4.1.500. In addition, the applicant shall submit the following:

1. A statement of planning objectives to be achieved by the ~~Master planned-Planned development-Development~~ through the ~~particular approach~~ approach proposed by the applicant. This statement should include a description of the character of the proposed development and the rationale behind the assumptions and choices made by the applicant.

2. A development schedule indicating the approximate dates when construction of the Master Planning Development ~~planned development~~ and its various phases are expected to be initiated and completed.

3. A statement of the applicant's intentions ~~with regard to~~ regarding the future selling or leasing of all or portions of the planned development.

~~4.~~ Narrative report or letter documenting compliance with the applicable approval criteria contained in Section 4.5.170500.

~~4.5.~~ Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple.

~~5.6.~~ Special studies prepared by qualified professionals may be required by the ~~City~~ Manager/Planning Official, Planning Commission, or City Council to determine potential traffic, geologic, noise, environmental, natural ~~resource~~ resource, and other impacts, and required mitigation. If the Transportation Planning Rule would be applicable an analysis is required.

**B. Additional Information.** In addition to the general information described in Subsection "A" above, the concept plan, data, and narrative shall include the following exhibits and information:

1. Existing Conditions map, as defined in Section 4.2.500 - Site Design Review Application Submission Requirements;
2. Conceptual site plan (e.g., general land use, building envelopes, circulation, open space, utility connections, and other information necessary to convey the concept plan);
3. Grading concept (for hillside or sloping properties, or where extensive grading is anticipated);
4. Landscape concept (e.g., shows retention of existing vegetation and general planting areas);
5. Architectural concept (e.g., information sufficient to describe architectural styles, building heights, and general materials);
6. Sign concept (e.g., locations, general size, style and materials of signs);
7. Copy of all existing covenants and restrictions, and general description of proposed restrictions or covenants (e.g., for common areas, access, parking, etc.).

#### **4.5.500 ~~Overlay Zone and~~ Concept Plan Approval Criteria**

The City shall make findings that ~~all of all~~ the following criteria are satisfied when approving or approving with conditions, the overlay zone and concept plan. The City shall make findings that not ~~all of all~~ the criteria are satisfied when denying an application:

**A. Comprehensive Plan.** ~~All relevant provisions of the Comprehensive Plan are met~~ The proposal conforms to the Comprehensive Plan.

- B. **Land Division Chapter.** ~~All of the requirements for land divisions, as applicable, shall be met (Chapter 4.3);~~ Except as may be modified under Section 4.5.350, all the requirements for land divisions, under Chapter 4.3, are met.
- C. ~~Chapter 2 Land Use and Design Standards~~ **Chapter 2 and 3 Standards.** ~~All of the land use and design standards contained in Chapter 2 for the Land Use District are met, except as modified in Section 4.5.140~~ Except as may be modified under Section 4.5.350, all the applicable requirements of Chapter 2 and Chapter 3 are met.
- D. **Requirements for Common Open Space.** Thirty (30) percent of the total buildable site area shall be designated as Common Open Space. The following standards apply:
  1. The open space area shall be shown on the final plan and recorded with the final plat or separate instrument; and
  2. The open space shall be conveyed in accordance with one of the following methods:
    - a. By dedication to the City as publicly-owned and maintained open space. Open space proposed for dedication to the City must be acceptable to the ~~City Manager~~ Planning Official with regard to the size, shape, location, improvement, environmental condition (i.e., the applicant may be required to provide a level one environmental assessment), and budgetary and maintenance abilities;
    - b. By leasing or conveying title (including beneficial ownership) to a corporation, home association or other legal entity, with the City retaining the development rights to the property. The terms of such lease or other instrument of conveyance must include provisions (e.g., maintenance, property tax payment, etc.) suitable to the City.

**4.5.600 Administrative Procedures.**

- A. **Land Use District Map Designation.** After a ~~Master Planned Development~~ planned development overlay zone has been approved, the land use district map shall be amended in accordance with Chapter 4. ~~67~~ Map and Text Amendments, to indicate the approved ~~Master Planned Development~~ planned development designation for the subject development site. The approval of the ~~planned development overlay zone~~ Master Planned Development shall not expire.
- B. **Time Limit on Filing of Detailed Development Plan.** Within three (3) years after the date of approval of the concept plan, the applicant or his or her successor shall prepare and file with the City a detailed development plan, in conformance with Section 4.5. ~~199~~ 300.
- C. **Extension.** The City shall, upon written request by the applicant and payment of the required fee, grant an extension of the approval period not to exceed one year provided that:
  1. No changes have been made on the original conceptual development plan as approved;
  2. The applicant can show intent of applying for detailed development plan review within the

~~one-year~~one-year extension period;

3. There have been no changes to the applicable Comprehensive Plan policies and ordinance provisions on which the approval was based; and
4. The extension request is made before expiration of the original approval period.

#### **4.5.700 Detailed Development Plan Submission Requirements.**

The contents of the detailed development plan shall be determined based on the conditions of approval for the concept plan. At a minimum, the detailed development plan shall identify the final proposed location of all lots, tracts, parcels, open space, rights-of-way, building envelopes and other features, prior to approval of a development permit (e.g., Land Division, Development Review, Site Design Review, etc.). The detailed development plan shall be reviewed using a Type III procedure.

#### **4.5.800 Detailed Development Plan Approval Criteria.**

The City shall approve the detailed development plan upon finding that the final plan conforms with the concept plan and required conditions of approval. Minor changes to the approved concept plan may be approved with the detailed plan, consistent with the following criteria:

- A. Increased residential densities (for residential plans) or lot coverage by no more than 15 percent, when such change conforms to the Comprehensive Plan;
- B. A reduction to the amount of open space or landscaping by no more than 10 percent;
- C. An increase in lot coverage by buildings or changes in the amount of parking by no more than 15 percent. Greater changes require a major modification (Chapter 4.6);
- D. No change in land use shall be permitted without approving a major modification to the concept plan (Chapter 4.6);
- E. No change which places development within environmentally sensitive areas or areas subject to a potential hazard shall be approved without approving a major modification to the concept plan (Chapter 4.6); and
- F. The location of buildings, proposed streets, parking lot configuration, utility easements, landscaping or other site improvements shall be as proposed on the concept plan, or as modified through conditions of approval. Changes in the location or alignment of these features by more than 100 feet shall require approval of a major modification, in conformance with Chapter 4.6.
- G. Other substantial modifications made to the approved conceptual development plan shall require approval of either a minor modification or major modification, in conformance with Chapter 4.6.



**4.5.900 Development Review and Building Permit Approvals.**

Upon receiving detailed development plan approval, the applicant may apply for a development permit (e.g., Land Division, Development Review, Site Design Review, etc.). Building permits shall not be issued until all required development permits have been issued and appeal periods have ended.

- A. Chapter 4.2 applies to developments requiring Development Review or Site Design Review.
- B. Chapter 4.3 applies to Land Divisions.
- C. Streamlined review option. Preliminary subdivision plats and site design review applications for approved master planned developments may be reviewed using a Type II procedure, rather than the conventional Type III procedure. This shall be the applicant's option. The variation from the standard procedures of Chapter 4.2 - Site Design Review, and Chapter 4.3 - Land Divisions is intended to streamline review of projects that have received ~~planned development~~Master Planned Development approvals, since those projects have previously been subject to public review and hearings.

## Chapter 4.6 — Modifications to Approved Plans and Conditions of Approval

### Sections:

- 4.6.100 - Purpose
- 4.6.200 - Applicability
- 4.6.300 - Major Modifications
- 4.6.400 - Minor Modifications

#### 4.6.100 Purpose.

The purpose of this Chapter is to provide an efficient process for modifying land use decisions and approved development plans, in recognition of the cost and complexity of land development and the need to conserve City resources.

#### 4.6.200 Applicability.

- A. This Chapter applies to all development applications approved through the provisions of Chapter 4, including:
  - 1. Site Design Review approvals;
  - 2. Subdivisions, Partitions, Replats, and Lot Line Adjustments;
  - 3. Conditional Use Permits;
  - 4. Master Planned Developments; and
  - 5. Conditions of approval on any of the above application types.
- B. This Chapter does not apply to land use district changes, text amendments, temporary use permits, or other permits.

#### 4.6.300 Major Modifications.

- A. **Major Modification Defined.** The City Manager/Planning Official shall determine that a major modification(s) request is required if one or more of the changes listed below are proposed:
  - 1. A change in land use, from a less intensive use to a more intensive use, as evidenced by parking, paved area, an estimated increase in automobile or truck trips, an increase in hours of operation, an increased demand for parking, additional paved area, or similar factors, where the increase is 20 percent or more, provided the standards of Chapter 2 and Chapter 3 are met;

2. An increase in the number of dwelling units in a multi-family development, or the number of lots in a proposed subdivision, by 10 percent or more, provided the standards of Chapter 2 and Chapter 3 are met;
3. A change in the type and/or location of vehicle access ways, points or approaches, driveways, or parking areas that affecting off-site traffic when the roadway authority determines the change could cause a significant adverse impact on traffic operations or safety (i.e., requiring mitigation);
4. An increase in the floor area proposed for non-residential commercial or industrial use by more than 15 percent where previously specified;
5. A reduction to screening, or a reduction of more than 10% percent of the area reserved for common open space and/or usable open space or landscaping;
6. A reduction to specified setback requirements by more than 10% percent, or to a degree that the minimum setback standards of the land use district cannot be met and provided the standards of Chapter 2 and Chapter 3 can be met; ~~or~~
- ~~6-7.~~ An increase in lot coverage, by 10 percent or more, provided the standards of Chapter 2 and Chapter 3 are met.
- ~~7-8.~~ Changes similar to those listed in 1-~~67~~, which are likely to have an adverse impact on adjoining properties.

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**B. Major Modification Request.** An applicant may request a major modification as follows:

1. Upon the ~~City Manager~~Planning Official determining that the proposed modification is a major modification, the applicant shall submit an application for the major modification.
2. The modification request shall be subject to the same review procedure (Type I, II, or III) and approval criteria used for the initial project approval, however, the review shall be limited in scope to the modification request. For example, a request to modify a parking lot shall require site design review only for the proposed parking lot and any changes to associated pathways, lighting, and landscaping. Notice shall be provided in accordance with the applicable review procedure.

#### 4.6.400 Minor Modifications.

**A. Minor Modification Defined.** Any modification to a land use decision or approved development plan that is not within the description of a major modification as provided in Section 4.6.300, above, shall be considered a minor modification.

**B. Minor Modification Request.** An application for approval of a minor modification is reviewed using the Type II procedure in Section 4.1.400. A minor modification shall be approved, approved with conditions, or denied by the ~~City Manager~~Planning Official based on written findings on the following criteria:

1. The proposed development ~~is in compliance with~~complies with all applicable requirements of the Development Code;
- ~~1-2.~~ The proposed modification complies with the conditions of approval of the original decision;  
and
- ~~2-3.~~ The modification is not a major modification as defined in Section 4.6.300, above.

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## **Chapter 4.7 — Land Use District Map and Text**

### **Amendments Reserved**

- ~~4.7.100 Purpose~~
- ~~§ 4.7.200 Legislative Amendments~~
- ~~4.7.300 Quasi-Judicial Amendments~~
- ~~4.7.400 Conditions of Approval~~
- ~~4.7.500 Record of Amendments~~
- ~~4.7.600 Transportation Planning Rule Compliance~~

#### ~~4.7.100 Purpose.~~

~~The purpose of this chapter is to provide standards and procedures for legislative and quasi-judicial amendments to this Code and the land use district map. These will be referred to as “map and text amendments.” Amendments may be necessary from time to time to reflect changing community conditions, needs and desires, to correct mistakes, or to address changes in the law.~~

#### ~~4.7.200 Legislative Amendments.~~

~~Legislative amendments are policy decisions made by City Council. They are reviewed using the Type IV procedure in Chapter 4.1, Section 5 and shall conform to Section 4.7.600.~~

#### ~~4.7.300 Quasi-Judicial Amendments.~~

~~**A. Quasi-Judicial Amendments.** Quasi-judicial amendments are those that involve the application of adopted policy to a specific development application or Code revision. Quasi-judicial map amendments shall follow the Type III procedure, as governed by Section 4.1.500, using standards of approval in Subsection “D” below. The approval authority shall be as follows:~~

- ~~1.—The Planning Commission shall decide land use district map changes that do not involve comprehensive plan map amendments;~~
- ~~2.—The Planning Commission shall make a recommendation to the City Council on an application for a comprehensive plan map amendment. The City Council shall decide such applications; and~~
- ~~3.—The Planning Commission shall make a recommendation to the City Council on a land use district change application that also involves a comprehensive plan map amendment application. The City Council shall decide both applications.~~

~~**B. Criteria for Quasi-Judicial Amendments.** A recommendation or a decision to approve, approve with conditions or to deny an application for a quasi-judicial amendment shall be based on all of the following criteria:~~

- ~~1.— Approval of the request is consistent with the Statewide Planning Goals;~~
- ~~2.— Approval of the request is consistent with the Comprehensive Plan; and~~
- ~~3.— The property and affected area is presently provided with adequate public facilities, services and transportation networks to support the use, or such facilities, services and transportation networks are planned to be provided concurrently with the development of the property.~~
- ~~4.— Evidence of change in the neighborhood or community or a mistake or inconsistency in the comprehensive plan or land use district map regarding the property that is the subject of the application; and the applicable provisions of Section 4.7.600.~~

**~~4.7.400 Conditions of Approval.~~**

~~A quasi-judicial decision may be for denial, approval, or approval with conditions. A legislative decision may be approval or denial.~~

**~~4.7.500 Record of Amendments.~~**

~~The City Manager shall maintain a record of amendments to the text of this Code and the land use districts map in a format convenient for public use.~~

**~~4.7.600 Transportation Planning Rule Compliance.~~**

- ~~A.— When a development application includes a proposed comprehensive plan amendment or land use district change, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060. Significant means the proposal would:~~
- ~~B.— Change the functional classification of an existing or planned transportation facility. This would occur, for example, when a proposal causes future traffic to exceed the capacity of “collector” street classification, requiring a change in the classification to an “arterial” street, as identified by the City’s Transportation System Plan; or~~
- ~~C.— Change the standards implementing a functional classification system; or~~
- ~~D.—~~
- ~~E.— Allow types or levels of land use that would result in levels of travel or access what are inconsistent with the functional classification of a transportation facility; or~~
- ~~F.—~~
- ~~G.— Reduce the performance standards of the facility below the minimum acceptable level identified in the Transportation System Plan.~~
- ~~H.—~~
- ~~I.— Amendments to the comprehensive plan and land use standards that significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity, and level of service of the facility identified in the Transportation System Plan. This shall be~~

accomplished by one of the following:

~~J.~~

~~K. Limiting allowed land uses to be consistent with the planned function of the transportation facility;~~

~~or~~

~~L.~~

~~M. Amending the Transportation System Plan to ensure that existing, improved, or new transportation facilities are adequate to support the proposed land uses consistent with the requirement of the Transportation Planning Rule; or,~~

~~N.A. Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation.~~

## Chapter 4.8 — Code Interpretations

### Sections:

4.8.100 - Purpose

4.8.200 - ~~Code Interpretation Procedure~~ Authorization of Similar Uses

4.8.300 – ~~Code Interpretation Procedure~~

### 4.8.100 Purpose.

Some terms or phrases within the Code may have two or more reasonable meanings. This section provides a process for resolving differences in the interpretation of the Code text.

### 4.8.200 Authorization of Similar Uses

Where a proposed use is not specifically identified by this Code, or the Code is unclear as to whether the use is allowed in a particular zone, the Planning Official may find the use is similar to another use that is permitted, allowed conditionally, or prohibited in the subject zone and apply the Code accordingly. However, uses and activities that this Code specifically prohibits in the subject zone, and uses and activities that the Planning Official finds are similar to those that are prohibited, are not allowed. Similar use rulings that require discretion on the part of City officials shall be processed following the Type II procedure of Chapter 4.1.400.

### 4.8.200–300 Code Interpretation Procedure.

- A. **Requests.** A request for a code interpretation (“interpretation”) shall be made in writing to the City Manager. The ~~City Manager~~ Planning Official may develop written guidelines for the application process.
- B. **Decision to Issue Interpretation.** The ~~City Manager~~ Planning Official shall have the authority to review a request for an interpretation. The ~~City Manager~~ Planning Official shall advise the requester in writing within 14 days after the request is made, on whether ~~or not~~ the City will issue an interpretation.
- C. **Declining Requests for Interpretations.** The ~~City Manager~~ Planning Official is authorized to issue or decline to issue a requested interpretation. Basis for declining may include, but is not limited to, a finding that the subject Code section affords only one reasonable interpretation, and the interpretation does not support the request. ~~The Planning Commission decision to issue or decline to issue an interpretation is final when the decision is mailed to the party requesting the interpretation and the decision is not subject to any further local appeal.~~
- D. **Written Interpretation.** If the ~~City Manager~~ Planning Official decides to issue an interpretation, it shall be issued in writing and shall be mailed or delivered to the person requesting the interpretation and any other person who specifically requested a copy of the interpretation. The



written interpretation shall be issued within 14 days after the City advises the requester that an interpretation shall be issued. The decision shall become effective 14 days later, unless an appeal is filed in accordance with E-G below.

- E. **Appeals.** The applicant and any party who received such notice or who participated in the proceedings through the submission of written or verbal evidence of an interpretation may appeal the interpretation to the City Council within 14 days after the interpretation was mailed or delivered to the applicant. The appeal may be initiated by filing a notice of appeal with the ~~City Manager~~Planning Official pursuant to Section 4.1.400.G.
- F. **Appeal Procedure.** City Council shall hear all appeals of a ~~City Manager~~Planning Official interpretation as a Type III action pursuant to Section 4.1.500, except that written notice of the hearing shall be provided to the applicant, any other party who has filed a notice of appeal, and any other person who requested notice.
- G. **Final Decision/Effective Date.** The decision of the City Council on an appeal of an interpretation shall be final and effective when it is mailed to the applicant. If an appeal of the City Council's decision is filed, the decision remains effective unless or until it is modified by the Land Use Board of Appeals or a court of competent jurisdiction.
- H. **Interpretations On File.** The City shall keep on file a record of all code interpretations.

## Chapter 4.9 — Miscellaneous Permits

### Sections:

#### 4.9.100 - Temporary Use Permits

#### 4.9.100 Temporary Use Permits.

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited ~~to:~~to construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, and seasonal sales such as Christmas tree sales and fruit and vegetable stands. Three types of temporary uses require permit approval (See A, B and C):

- A. Seasonal and Special Events Uses.** These types of uses may occur only once in a calendar year and for no longer a period than 30 days. Using the Type II procedure under Section 4.1.400, the City shall approve, approve with conditions, or deny a temporary use permit based on findings that all ~~of~~ the following criteria are satisfied:
1. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);
  2. The applicant has proof of the property-owner's permission to place the use on his/her property;
  3. Customers and employees of the temporary use shall utilize no parking that is needed by the property owner to meet their minimum parking requirement under Chapter 3.3 - Vehicle and Bicycle Parking;
  4. The use provides adequate vision clearance, as required by Section 3.1.200, and shall not obstruct pedestrian access on public streets;
  5. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Section 3.1.200 - Vehicular Access and Circulation;
  6. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not ~~affect the adjoining use~~; and
  7. The use is adequately served by sewer or septic system and water, if applicable, or adequate temporary options are obtained. (The applicant shall be responsible for obtaining any related permits.)
- B. Temporary Sales Office or Model Home.** Using a Type I procedure under Section 4.1.400, the City may approve, approve with conditions or deny an application for the use of any real property within the City as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the City, but for

no other purpose, based on the following criteria:

- 1. Temporary sales office and construction storage:
  - a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold; and
  - b. The property to be used for a temporary sales office or construction storage shall not be permanently improved for that purpose.
- 2. Model house:
  - a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and
  - b. The model house shall be designed as a permanent structure that meets all relevant requirements of this Code.

- 3. ~~Placement of mobile homes to provide housing during the Pendleton Round-Up.~~
- 4. ~~Manufactured Structures on private property may be occupied for 14 days with permit (Type I) that can be renewed for one additional 14 day period. This extension would be applicable for only one structure per lot.~~

C. **Temporary Building.** Using a Type II procedure, as governed by Section 4.1.400, the City may approve, approve with conditions, or deny an application for a temporary trailer or prefabricated building for use on any real commercial or industrial property such as a construction storage trailer, within the City as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, based on following criteria:

- 1. The temporary trailer or building shall be located within the boundaries of the parcel of land on which it is located;
- 2. The primary use on the property to be used for a temporary trailer is already developed;
- 3. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by Section 3.1.200 - Vehicular Access and Circulation
- 4. There is adequate parking for the customers or users of the temporary use as required by Chapter 3.3 - Bicycle and Vehicle Parking.
- 5. The use will not result in vehicular congestion on streets;
- 6. The use will pose no hazard to pedestrians in the area of the use;
- 7. The use does not create adverse off-site impacts including vehicle traffic, noise, odors, vibrations, glare, or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not ~~affect the adjoining use; and~~

8. The building complies with applicable building codes;
9. The use can be adequately served by sewer or septic system and water, if applicable, or adequate temporary options are obtained. (The applicant shall be responsible for obtaining any related permits); and
10. The length of time that the temporary building will be used **does not exceed 6 months**. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.

## Chapter 4.10 Traffic Impact Study

### Sections:

- 4.10.100 - Purpose
- 4.10.200 - When Required
- 4.10.300 - Traffic Impact Study Requirements
- 4.10.400 - Approval Criteria

### 4.10.100 Purpose.

- A. Purpose.** The purpose of this section of the code is to implement Section 660-012-0045(2)(e) of the ~~State-state~~ Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals ~~in order~~ to minimize impacts and protect transportation facilities. This Chapter establishes the standards for when a proposal must be reviewed for potential traffic impacts; when a Traffic Impact Study must be submitted with a development application ~~in order~~ to determine whether conditions are needed to minimize impacts to and protect transportation facilities; what must be in a Traffic Impact Study; and who is qualified to prepare the Study.
- B. Typical Average Daily Trips:** Standards by which to gauge average daily vehicle trips include: 10 trips per day per single family household, 5 trips per day per apartment; and 30 trips per day per 1,000 square feet of gross floor area such as a new supermarket or other retail development.

### 4.10.200 When Required.

- A. When a Traffic Impact Study is required.** A Traffic Impact Study shall be prepared and submitted to the City ~~with the~~ as part of an application for development, a change in use, or a change in access. The submitted Traffic Impact Study will be reviewed by the City and Oregon Department of Transportation when the following apply:

~~1. The development application involves one or more of the following actions:~~

- ~~a. A change in zoning or a plan amendment designation;~~
- ~~b. Operational or safety concerns documented in writing by a road authority;~~
- ~~c. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;~~
- ~~d. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;~~
- ~~e. An increase in the use of adjacent streets by vehicles exceeding the 20,000-pound gross vehicle weights by 10 vehicles or more per day;~~
- ~~f. Existing or proposed approaches or access connections that do not meet minimum spacing or sight distance requirements or are located where vehicles entering or leaving the property are restricted, or such vehicles are likely to queue or hesitate at an approach or access connection, creating a safety hazard;~~
- ~~g. A change in internal traffic patterns that may cause safety concerns; or~~

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~~a-h. A TIA required by ODOT pursuant to OAR 734-051.~~

~~b. Construction of a building, or an increase in floor area of an existing building, that requires Site Design Review in accordance with Section 4.2.500; or~~

~~c. A land division or a consolidation of property boundaries that creates a new street or changes access to an existing street; or~~

~~d. Any proposed development or land use action that ODOT states may have operational or safety concerns along a state highway.~~

2. The development shall cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the location reviewing jurisdiction and/or ODOT:

~~a. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more; or~~

~~b. An increase in ADT hour volume of a particular movement to and from the State highway by 20% or more; or~~

~~c. An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or~~

~~d. The location of the access driveway does not meet minimum site distance requirements, or is located where vehicles entering or leaving the property are restricted, or such vehicles queue or hesitate on the State highway, creating a safety hazard; or~~

~~e. A change in internal traffic patterns that may cause safety problems, such as back-up onto the highway or traffic crashes in the approach throat area; or~~

#### 4.10.300 Traffic Impact Study Requirements.

**A. Preparation.** A Traffic Impact Study shall be prepared by an Oregon professional engineer in accordance with OAR 734-051-180.

**B. Transportation Planning Rule Compliance.** See Section 4.7.600.

#### 4.10.400 Approval Criteria.

**A. Criteria.** When a Traffic Impact Study is required, approval of the development proposal requires satisfaction of the following criteria:

1. The Traffic Impact Study was prepared by a professional engineer in accordance with OAR 734-051- 180; ~~and~~

2. If the proposed development shall cause one or more of the effects in Section 4.10.200A.5. above, or other traffic hazard or negative impact to a transportation facility, the Traffic Impact Study includes mitigation measures satisfactory to the City Engineer, and ODOT when applicable; and
3. The proposed site design and traffic and circulation design and facilities, for all transportation modes, including any mitigation measures, are designed to:
  - a. Have the least negative impact on all applicable transportation facilities; ~~and~~
  - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable; ~~and~~
  - c. Make the most efficient use of land and public facilities as practicable; ~~and~~
  - d. Provide the most direct, safe, and convenient routes practicable between on-site destinations, and between on-site and off-site destinations; and
  - e. Otherwise comply with applicable requirements of the City of Stanfield Development Code, including Chapters 3.1 Access and Circulation, 3.2. Landscaping, 3.3 Vehicle and Bicycle Parking, 3.4 Public Facilities Standards, (3.5 Surface Water Management,) and 3.8 Loading Standards.

**B. Conditions of Approval.** The City may deny, approve, or approve the proposal with appropriate conditions.

## Chapter 5.0 — Exceptions to Code Standards

5.0 – Introduction

5.1 – Variances

5.2 - Non-Conforming Uses and Development

### 5.0 — Introduction.

~~This Chapter provides standards and procedures for variances and non-conforming situations (i.e., existing uses or development that do not comply with the Code). This code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the Code. The variance procedures provide relief from specific code provisions when they have the unintended effect of preventing reasonable development in conformance with all other codes. The standards for non-conforming uses and development are intended to provide some relief from code requirements for older developments that do not comply.~~



## Chapter 5.1 — Variances

### Sections:

- 5.1.100 - Purpose
- 5.1.200 - Class A Variance
- 5.1.300 - Class B Variance
- 5.1.400 - Class C Variance
- 5.1.500 - Variance Application and Appeals

### 5.1.100 Purpose.

The purpose of this Chapter is to provide flexibility to development standards, in recognition of the complexity and wide variation of site development opportunities and constraints. The variance procedures are intended to provide flexibility while ensuring that the purpose of each development standard is met. Because some variances are granted using “clear and objective standards,” they can be granted by means of a Type I procedure. Other variances, as identified below, require a Type II or III procedure because they involve discretionary decision-making.

### 5.1.200 Class A Variance.

- A. Class A Variance Applicability.** The following variances are reviewed using a Type I procedure, as governed by Chapter 4.1, using the approval criteria in Subsection B, below:
1. Front yard setbacks. Up to a 20 percent change to the front yard setback standard in the land use district.
  2. Interior setbacks. Up to a 10 percent reduction of the dimensional standards for the side and rear yard setbacks required in the base land use district.
  3. Lot coverage. Up to 10 percent increase of the maximum lot coverage permitted in the base zone.
  4. Landscape area. Up to 10 percent reduction in required landscape area (overall area or interior parking lot landscape area).
- B. Class A Variance Approval Criteria.** A Class A Variance shall be granted if the applicant demonstrates compliance with all ~~of~~ the following criteria:
1. The variance requested is required due to the lot configuration, or other conditions of the site;
  2. The variance does not result in the removal of trees, or it is proposed in order to preserve trees, if trees are present in the development area; and
  3. The variance will not result in violation(s) of Chapter 3, or other design standards.

### 5.1.300 Class B Variances.

**A. Class B Variance Applications.** Due to their discretionary nature, the following types of variances shall be reviewed using a Type II procedure, in accordance with Chapter 4.1:

1. Variance to minimum housing density standard (Chapter 2)
2. Variance to vehicular access and circulation standards (Chapter 3.1)
3. Variance to street tree requirements (Chapter 3.2).
4. Variance to parking standards (Chapter 3.3).
5. Variance to maximum or minimum yard setbacks to reduce tree removal or impacts to wetlands (Chapters 2 and 3.2)
6. Variance to transportation facility and improvement requirements (Section 3.4.100)

**B. Class B Variance Approval Criteria**

1. Variance to minimum housing density standard (Chapter 2). The City may approve a variance after finding that the minimum housing density provided in Chapter 2 cannot be achieved due to physical constraints that limit the division of land or site development. "Physical constraint" means steep topography, Flood Plain Design Standards (Chapter 3.7), unusual parcel configuration, or a similar constraint. The variance approved shall be the minimum variance necessary to address the specific physical constraint on the development.
2. Variance to vehicular access and circulation standards (Chapter 3.1). Where vehicular access and circulation cannot be reasonably designed to conform to Code standards within a particular parcel, shared access with an adjoining property shall be considered. If shared access in conjunction with another parcel is not feasible, the City may grant a variance to the access requirements after finding all of the following:
  - a. There is not adequate physical space for shared access, or the owners of abutting properties do not agree to execute a joint access easement;
  - b. There are no other alternative access points on the street in question or from another street;
  - c. The access separation requirements cannot be met;
  - d. The request is the minimum adjustment required to provide adequate access;
  - e. The approved access or access approved with conditions will result in a safe access; and
  - f. The visual clearance requirements of Chapter 3.1 will be met.
  - g. Variances for deviations regarding access to State Highways shall be subject to review and approval by the Oregon Department of Transportation.
3. Variance to street tree requirements (Chapter 3.2). The City may approve, approve with conditions, or deny a request for a variance to the street tree requirements in Chapter 3.2, after finding the following:
  - a. Installation of the tree would interfere with existing utility lines; or
  - b. The tree would cause visual clearance problems; or

- c. There is not adequate space in which to plant a street tree; and
- d. Replacement landscaping is provided elsewhere on the site (e.g., parking lot area trees).

4. Variance to parking standards (Chapter 3.3).

- a. The City may approve variances to the minimum or maximum standards for off-street parking in Chapter 3.3.100 upon finding all of the following:
  - (1) The individual characteristics of the use at that location require more or less parking than is generally required for a use of this type and intensity;
  - (2) The need for additional parking cannot reasonably be met through provision of on-street parking or shared parking with adjacent or nearby uses; and
  - (3) All other parking design and building orientation standards are met, in conformance with the standards in Chapter 2 and Chapter 3.
- b. The City may approve a reduction of required bicycle parking per Chapter 3.3.200, if the applicant can demonstrate that the proposed use by its nature would be reasonably anticipated to generate a lesser need for bicycle parking; and
- c. The City may allow a reduction in the amount of vehicle stacking area required in for drive-through facilities if such a reduction is deemed appropriate after analysis of the size location of the development, limited services available and other pertinent factors.

5. Variance to maximum or minimum yard setbacks to reduce tree removal or impacts to wetlands (Chapters 2 and 3.2). The City may grant a variance to the applicable setback requirements of this Code for the purpose of preserving a tree or trees on the site of proposed development or avoiding wetland impacts ~~(Chapter 2.5 Flood Plain Overlay)~~. Modification shall not be more than is necessary for the preservation of trees or wetlands on the site.

6. Variance to transportation facility and improvement requirements (Section 3.4.100). The City may approve, approve with conditions, or deny a variance to the transportation ~~facility and improvement~~ standards of Section 3.4.100, ~~based on the criteria for granting variances provided in Section 3.4.100-B based on topographic or environmental constraints. When a variance request cannot be supported by the provisions of that Chapter, then the request shall be reviewed as a Class C variance.~~

5.1.400 Class C Variances.

A. **Purpose.** The purpose of this section is to provide standards for variances which exceed the Class A and Class B variance criteria in Sections 5.1.200 and 5.1.300. Class C variances may be granted if the applicant shows that, owing to special and unusual circumstances related to a specific property, the literal application of the standards of the applicable land use district would create a hardship to development that is peculiar to the lot size or shape, topography, ~~sensitive lands (Chapter 3.7)~~, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district).

B. **Applicability.**

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1. The variance standards are intended to apply to individual platted and recorded lots only.
2. An applicant who proposes to vary a specification standard for lots not yet created through a land division process may not utilize the Class C variance procedure.
3. A variance shall not be approved that would vary the “permitted uses” or “prohibited uses” of a land use district (Chapter 2).

**C. Approval Process and Criteria.**

1. Due to their discretionary nature and review of special circumstances, Class C variances shall be processed using a Type III procedure, as governed by Chapter 4.1.500, using the approval criteria in subsection 2, below. In addition to the application requirements contained in Chapter 4.1.500, the applicant shall provide a written narrative or letter describing his/her reasoning for the variance, why it is required, alternatives considered, and compliance with the criteria in subsection 2.
2. The City shall approve, approve with conditions, or deny an application for a variance based on finding for all ~~of~~ the following criteria: Approval or approval with conditions requires satisfaction of all criteria.
  - a. The proposed variance will not be materially detrimental to the purposes of this Code, to any other applicable policies and standards, and to other properties in the same land use district or vicinity;
  - b. A hardship to development exists which is peculiar to the lot size or shape, topography, sensitive lands, or other similar circumstances related to the property over which the applicant has no control, and which are not applicable to other properties in the vicinity (e.g., the same land use district);
  - c. The use proposed will be the same as permitted under this title and City standards will be maintained to the greatest extent that is reasonably possible while permitting reasonable economic use of the land;
  - d. Existing physical and natural systems, including but not limited to traffic, drainage, natural resources, and parks will not be adversely affected any more than would occur if the development occurred as specified by the subject Code standard;
  - e. The hardship is not self-imposed; and
  - f. The variance requested is the minimum variance that would alleviate the hardship.

**5.1.500 Variance Application and Appeals.**

The variance application shall conform to the requirements for Type I, II, or III applications (Section 4.1.300, 4.1.400, 4.1.500), as applicable. In addition, the applicant shall provide a narrative or letter explaining the reason for his/her request, alternatives considered, and why the subject standard cannot be met without the variance. Appeals to variance decisions shall be processed in accordance with the provisions of Chapter 4.1.

## Chapter 5.2 — Non-Conforming Uses and Developments

### Sections:

5.2.100 - Non-conforming Uses

5.2.200 - Non-conforming Development

### 5.2.100 Nonconforming Uses.

Where at the time of adoption of this Code a use of land exists that would not be permitted by the regulations imposed by this Code and was lawful at the time it was established, the use may be continued as long as it remains otherwise lawful, provided:

- A. Creation of Nonconforming Situations.** Within the districts established by this title or amendments that may later be adopted, there may exist lots, ~~structure,~~ uses of land, and structures which were lawful before the effective date of the ordinance codified in this title, but which would be prohibited, regulated, or restricted under the terms of the ordinance codified in this title or future amendment.
- B. Expansion Prohibited.** No such nonconforming use may be enlarged, increased, or extended to occupy a greater area of land or space than was occupied at the effective date of adoption or amendment of this Code. No additional structure, building, or sign shall be constructed on the lot in connection with such nonconforming use of land.
- C. Location.** ~~No such nonconforming use shall be moved in whole or in part to any portion of the lot other than that occupied by such use at the effective date of adoption or amendment of this Code; A nonconforming use shall not be moved in whole or in part from one lot to another lot, except as to bring the use into conformance with this Code.~~
- D. Discontinuation or Abandonment.** ~~The nonconforming use of land is not discontinued for any reason for a period of more than 12 months. For purposes of calculating the 12-month period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events: A nonconforming use that is discontinued for any reason other than fire or other catastrophe beyond the owner's control for a period of more than 12 months shall be deemed abandoned and shall no longer be an allowed use. For purposes of calculating the 12 month period, a use is discontinued when:~~
- ~~On the date when the~~The use of land is physically vacated;
  - ~~On the date the~~The use ceases to be actively involved in the sale of merchandise or the provision of services;
  - ~~On the date of termination of any~~Any lease or contract under which the nonconforming use has occupied the land ~~is terminated;~~ or
  - ~~On the date a~~A request for final reading of water and power meters is made to the applicable utility districts;

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- 5. ~~The owner's utility bill or property tax bill account became delinquent; or,~~
- 4-6. ~~An event occurs similar to those listed in 1-5 above, as determined by the Planning Commission.~~

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E. **Application of Code Criteria and Standards.** If the use is discontinued or abandoned for any reason for a period of more than 12 months, any subsequent use of land shall conform to the applicable standards and criteria specified by this Code for the land use district in which such land is located.

**5.2.200 Non-Conforming Developments.**

Where a development exists at the effective date of adoption or amendment of this title that could not be built under the terms of this Ordinance by reason of restrictions on lot area, lot coverage, height, yard, equipment, its location on the lot or other requirements concerning the structure, and the structure was lawful when constructed, the development may remain on the site so long as it remains otherwise lawful, subject to the following provisions:

- A. No such nonconforming development may be enlarged or altered in a way which increases its nonconformity, but any structure or portion thereof may be enlarged or altered in a way that satisfies the current requirements of the Development Code or will decrease its nonconformity;
- B. Should such nonconforming development or nonconforming portion of development be destroyed by any means to an extent more than 50 percent of its current value as assessed by the Umatilla County assessor, it shall be reconstructed only in conformity with the Development Code; and
- C. Should such development be moved for any reason and by any distance, it shall thereafter conform to the regulations of the Development Code.
- D. ~~Non-Conforming street~~Nonconforming street Access connections that existed prior to ~~\_\_\_\_(date of adoption)~~May 2001 that do not conform to the standards in Chapter 3.1 shall be brought into compliance when the following conditions exist:
  - 1. When a new access connection permit is requested for the subject property; or
  - 2. When a building permit or land use application is submitted that results in an increase of trip generation by 20% and 100 average daily trips (ADT).

## **Chapter 6.0—Map Amendments**

### **6.0—Purpose**

### **6.1—Zone Map Amendments**

#### **6.0 Purpose.**

The purpose of this section of the code is to create a placeholder for existing and future map amendments. This chapter serves as a placeholder for ordinances to be located for reference for staff and applicants.

#### **6.1 Zone Map Amendments.**

This section of the code does not amend the procedures for completing a land use district map and text amendment located in Chapter 4.7.

The map amendments would be located in this section in chronological order from when they were adopted.

# CITY OF STANFIELD

160 S Main—PO Box 369—Stanfield, OR 97875



Susan Whelan  
Mayor

Benjamin Burgener  
City Manager

City Hall: 541-449-3831  
Fax: 541-449-1828

## Staff Report Municipal Code Amendments

**REQUEST:** As part of the update to the City of Stanfield Comprehensive Plan and Development Code several conflicts were identified with the Municipal Code. This Staff Report outlines the conflicts or inconsistencies and suggests the appropriate action needed.

Applicant: City of Stanfield  
160 South Main  
Post Office Box 369  
Stanfield, Oregon 97875

Newspaper Notice: Thursday, April 13, 2023

Assigned Staff: Carla McLane, Consultant  
Benjamin Burgener, City Manager

**Background:** The Stanfield Municipal Code (SMC) is designed to regulate and provide guidance to the City Council and staff on a myriad of issues that include general administrative actions; business activities; animals; health and safety; vehicles and traffic; streets, sidewalks, and public places; public services; buildings and construction; subdivisions; and the floodplain. When considering how to regulate activities within a community multiple options are available to include the SMC, the Development Code, and the Public Works Standards.

Based on a review of the SMC Table of Contents several Titles or Chapters should be reviewed by the City Council based on the recommendations that follow.

**Title 2 ADMINISTRATION AND PERSONNEL:** This Title of the Municipal Code addresses the Planning Commission, Measure 37, and the Comprehensive Plan. The following summarizes the recommendations found in the Redline version that is attached to this Staff Report.

Chapter 2.08 City Planning Commission:

- Delete Section 2.08.030(b) which makes the Mayor, City Engineer, and City Attorney ex-officio members of the Planning Commission. This is not current practice nor recommended. The City Manager and other staff serve the Planning Commission as appropriate.
- Amend Section 2.08.040 Organization changing 'president' to 'chair' and deleting the requirement for a secretary; the City Manager, or future Planning Official, serve that function.
- Both Section 2.080.050 and Section 2.080.060 include recommendations to better conform with current practice and authorities granted to Planning Commissions.



Chapter 2.16 Real Property Compensation:

- Delete this Chapter in its entirety as Measure 37 was replaced by Measure 49 significantly reducing the public's ability to make claim against the land use planning system. Current Oregon Revised Statute would guide any future claim under Measure 49.

Chapter 2.24 Comprehensive Plan:

- There is also Title 16 Subdivisions and Title 17 Floodplain that are proposed to be reflective of the adopted ordinance or be deleted. The best suggestion, and what is reflected in the included Redline version of Title 2, might be to consolidate the adopted land use documents under this title and change its name to Land Use Planning. Over time it could contain a reference to the most recent adopting ordinances for the Comprehensive Plan, Development Code, Transportation System Plan, and other adopted plans that regulate or inform the land use planning process.

**Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS:** This Title touches a lot of areas with potential connections to the Development Code or development in general in five areas – business licenses, mobile food vendors, alcohol liquor, merchant police, and transient room tax. At the time of drafting this Staff Report there is only one suggested change to the Municipal Code language which probably doesn't rise to the level of making any changes. The important thing to remember is how these provisions should be used adjacent to the development process. Of note should be the proposed requirement for Home Occupations, discussed in Chapter 2 of the Development Code, to obtain a business license and for operators of Bed and Breakfast establishments and Vacation Rentals, also discussed in Chapter 2, to comply with the requirement to pay transient room tax. The merchant police provisions could be applicable to larger commercial or industrial developments with the alcohol liquor provisions applicable to restaurants, bars, or taverns.

**Title 6 ANIMALS:** This Title addresses animals broadly with the focus of this review on Chapter 6.12 Livestock and Poultry, in particular the requirements for fencing. The current regulation, found at Section 6.12.070 states in the last sentence "no electric fence shall be permitted within the city nor shall barbed wire fencing be used adjacent to traveled public way." This conflicts with the current Development Code provisions for fencing materials, prompting changes in that document. No changes are proposed currently to this Title.

**Title 8 HEALTH AND SAFETY:** This Title addresses a variety of items related to health and safety. The focus for this review is on Chapter 8.24 Automobile Wrecking Yards and Chapter 8.28 Junkyards with the proposal to remove both in their entirety as provisions have been incorporated into the Development Code addressing these types of land uses.

**Title 10 VEHICLES AND TRAFFIC:** This Title addresses a variety of items related to vehicles and their use on the streets of Stanfield. This review focuses on 10.20 One-way Streets. This Chapter is not proposed for changes currently but has been identified as a provision that should be addressed in the next review of the Transportation System Plan as well as for inclusion in the Public Works Standards. At the time those changes occur this Chapter could be removed from the Municipal Code.

**Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES:** A portion of this Title may be eligible for movement to either a future edition of the Transportation System Plan or the Public Works Standards. Currently the focus is on Chapter 12.20 Tree Planting and Chapter 12.30 Streetscape Plan. Chapter 12.20 Tree Planting is complementary to the provisions within the Development Code with minor changes proposed to the

Municipal Code provisions. Chapter 12.30 Streetscape Plan is proposed to be moved to Title 2 under the Land Use Planning provisions as an adopted plan.

**Title 13 PUBLIC SERVICES:** This title is included in this Staff Report only to identify that Chapter 13.20 Standard Specifications for Public Works does require that the city council adopt the Public Works Standards by resolution and that conformance is required. As work continues the Public Works Standards affected by this update process will be adopted by the city council and the city council will have the final word on what is included.

**Title 15 BUILDINGS AND CONSTRUCTION:** This Title covers a variety of topics related to how buildings are constructed. Chapter 15.12 Historical Landmarks, adopted in 1978, does not conform to current Oregon Revised Statutes related to how historical buildings and landmarks are regulated. It is recommended that this Chapter be deleted in its entirety and replaced with future work either in this location or in the Development Code. There is guidance that is included in the proposed revisions to the Comprehensive Plan.

**Title 16 SUBDIVISIONS:** This Title is currently blank. It is recommended to delete this Title and incorporate any potential components into Title 2 Chapter 2.24 Land Use Planning as proposed above.

**Title 17 FLOODPLAIN:** This Title, adopted in 1998, is also out of date and not in compliance with current Oregon Revised Statute and is recommended for deletion. Current floodplain and floodway requirements are proposed in the change to the Development Code.

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## Title 2 ADMINISTRATION AND PERSONNEL

### **CHAPTER 2.08. CITY PLANNING COMMISSION<sup>1</sup>**

#### **Sec. 2.08.010. Interpretation.**

The powers granted by this chapter shall be liberally or broadly construed. It is not the intent of this chapter to strictly confine the activities of the commission but rather to empower the commission to act in respect to planning over a broad range of subjects and activities, subject only to the limitation of the city Charter and ordinances, the state and federal statutes and Constitutions and the pleasure of the mayor, who may be advised in these matters, if necessary, by resolution of a majority of the council.

(Ord. No. 189, § 6, 1969)

#### **Sec. 2.08.020. Created.**

Pursuant to the authority contained in the city Charter and Oregon Revised Statutes 227.020, there is created the Stanfield Planning Commission which shall answer to and serve at the pleasure of the mayor of the city. Said planning commission shall continue until disbanded by order of the mayor.

(Ord. No. 189, § 1, 1969)

#### **Sec. 2.08.030. Composition.**

(a) The Stanfield Planning Commission shall consist of seven regular members who shall be appointed by the mayor. The terms of office of the various members shall be set by the city council for terms varying from two to four years so there will be a continuing membership at all times. The mayor shall appoint members to the commission as terms expire or vacancies otherwise occur. Said members shall serve without payment by the city.

~~(b) The mayor, the city engineer and the city attorney shall be ex officio members of said commission.~~

(Ord. No. 189, § 2, 1969)

#### **Sec. 2.08.040. Organization.**

The commission shall elect, by majority vote, one of the regular members to be ~~president chair~~ of the commission for the city fiscal year. ~~The commission shall also choose a secretary, who need not be a member of the commission, to keep accurate records and minutes and handle correspondence for the commission.~~

(Ord. No. 189, § 4, 1969)

#### **Sec. 2.08.050. Scope of activities.**

The commission may recommend the city council enter into planning agreements with other public planning authorities. The commission shall make, or cause to be made, all studies which may be necessary to determine the feasibility and costs for any land use program which may be proposed to the commission or for programs related to land use planning which the commission on its own motion may choose to study or participate in. Said programs are without limit as to their origin or nature, that is, they may arise locally, or they may be programs arising from county, state, or federal planning groups or from projects proposed to the city for its participation with county,

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<sup>1</sup>State law reference(s)—Provisions authorizing a city to create a city planning commission and to provide for its organization and operation, ORS Chapter 227.

state, or federal groups or authorities. ~~Without limiting the scope of the commission's activities, it~~ is expected that the commission's activities ~~may will~~ involve ~~recreation, housing and zoning~~ the Comprehensive Plan, Development Code, Transportation System Plan, and other plans or programs related to land use planning.

(Ord. No. 189, § 3, 1969)

### **Sec. 2.08.060. Authority for cooperative action.**

The ~~president of said~~ commission is granted the authority to recommend that the city council or city manager sign all necessary documents from other planning authorities so that the Stanfield Planning Commission may act in concert with various other planning authorities or to qualify the Stanfield Planning Commission for participation in, or eligibility for, planning funds from other public planning agencies or authorities.

(Ord. No. 189, § 5, 1969)

## ***CHAPTER 2.16. REAL PROPERTY COMPENSATION***

### ***Sec. 2.16.010. Purpose.***

~~This chapter is intended to implement the provisions of Chapter 197 of Oregon Revised Statutes by Ballot Measures 37 (November 2, 2004). These provisions establish a prompt, open, through and consistent process that enables property owners an adequate and fair opportunity to present their claims to the city; preserves and protects limited public funds; and establishes a record of the city decision capable of circuit court review.~~

~~(Ord. No. 372-2004, § 1, 12-7-2004)~~

### ***Sec. 2.16.020. Definitions.***

~~The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*City manager* means the city manager of the City of Stanfield, or his designee.~~

~~*Claim* means a claim failed under Ballot Measures 37.~~

~~*Exempt land use regulation* means a land use regulation that:~~

- ~~(1) Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;~~
- ~~(2) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and station regulations solid or hazardous waste regulations and pollution control regulations;~~
- ~~(3) Is required in order to comply with federal law;~~
- ~~(4) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or~~
- ~~(5) Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.~~

~~*Family member* means and includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparents or grandchild of the owner of the property, an estate of any of the foregoing family members or the owner of the property.~~

~~*Land use regulation* includes:~~

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- ~~(1) Any statute regulating the use of land or any interest therein;~~
  - ~~(2) Administrative rules and goals of the land conservation and development commission;~~
  - ~~(3) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;~~
  - ~~(4) Metropolitan services district regional framework plans, functional plans, planning goals and objectives; and~~
  - ~~(5) Statutes and administrative rules regulating farming and forest practices.~~
- ~~Owner means the present owner of the property, or any interest therein.~~

~~Valid claim means a claim submitted by the owner of real property that is subject to a land use regulation adopted for enforcement by the city that restricts the use of the private real property in a manner that reduces the fair market value of the property.~~

~~(Ord. No. 372-2004, § 2, 12-7-2004)~~

### **Sec. 2.16.030. Claim filing procedures.**

- ~~(a) A person seeking to file a claim under this chapter must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the city manager office, or another city office if so designated by the city manager.~~
- ~~(b) A claim shall include the following:
  - ~~(1) The names, addresses and telephone numbers of all owners and anyone with any interest in the property, including lien holders, trustees, renters, lessees and a description of the ownership interest of each;~~
  - ~~(2) The address tax, lot and legal description of real property that is the subject of the claims, together with a title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation reflecting sole ownership of the property by the claimant and the date the property was acquired;~~
  - ~~(3) The current land use regulations that allegedly restricts the use of the real property and allegedly cause a reduction in the fair market value of the subject property;~~
  - ~~(4) The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser licensed by the appraiser certification and licensure board of the state;~~
  - ~~(5) Copies of any leases or covenants, conditions and restrictions (CCRs) applicable to the property, if any, that imposes restrictions on the use of the property.~~~~
- ~~(c) Notwithstanding a claimant failure to provide all of the information required by subsection (b) of this section, the city may review and act on a claim.~~

~~(Ord. No. 372-2004, § 3, 12-7-2004)~~

### **Sec. 2.16.040. City manager investigation and recommendation.**

- ~~(a) Following an investigation of a claim, the city manager shall forward a recommendation to the city council that the claim be:
  - ~~(1) Denied;~~
  - ~~(2) Investigated further;~~
  - ~~(3) Declared valid, and waive or modify the land use regulation for the claimant upon completion of an appraisal; or~~~~

~~(4) — Evaluated with expectation of the city acquiring the property by condemnation.~~

~~(b) — If the city manager's recommendation is that a claim be denied, the city manager shall send a notice of the denial to all elected officials of the city. If no elected officials informs the city manager within 14 days that the official disagree, then the city manager shall wait an additional seven days to see whether two or more elected officials object to the proposed denial. If they do, then the city manager shall schedule a work session with the city council. If not, the city manager may deny the claim.~~

~~(Ord. No. 372-2004, § 4, 12-7-2004)~~

#### **~~Sec. 2.16.050. City council public hearing.~~**

~~The city council shall conduct a public hearing before taking final action on a recommendation from the city manager. Notice of the public hearing shall be provided to the claimant, to owners and occupants of property within 300 feet of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the city council whose boundaries include the subject property.~~

~~(Ord. No. 372-2004, § 5, 12-7-2004)~~

#### **~~Sec. 2.16.060. City council action on claim.~~**

~~(a) — Upon conclusion of the public hearing, and prior to the expiration of 180 days from the date the claim was filled, the city council shall:~~

~~(1) — Determine that the claim does not meet the requirements of Measure 37 and this chapter, and deny the claim; or~~

~~(2) — Adopt a resolution with findings therein that support a determination that the claim is valid and either direct that the claimant be compensated in an amount set forth in the resolution for the reduction in value of the property, or remove or modify the challenged land use regulation, or direct that it not be applied to the property.~~

~~(b) — The city council decision to waive or modify a land use regulation or to compensate the owner shall be based on whether the public interest would be better served by compensating the owner or by removing or modifying the challenged land use regulation with respect to the subject property.~~

~~(Ord. No. 372-2004, § 6, 12-7-2004)~~

#### **~~Sec. 2.16.070. Processing fee.~~**

~~The city manager shall maintain a record of the city costs in processing a claim, including the costs of obtaining information required by section 2.16.030 which the property owner does not provide the city. Following final action by the city on the claim at the local level, the city manager shall send to the property owner a bill for the actual costs, including staff and legal costs, that the city incurred in reviewing and acting on the claim.~~

~~(Ord. No. 372-2004, § 7, 12-7-2004)~~

## **~~CHAPTER 2.24. COMPREHENSIVE PLAN<sup>2</sup> LAND USE PLANNING~~**

~~(RESERVED)~~

#### **~~Sec. 2.24.010. Comprehensive Plan.~~**

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<sup>2</sup>Editor's note(s) — A copy of the Comprehensive Plan ordinance, Ordinance 211-83, is on file in the office of the city recorder/treasurer.

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The City of Stanfield has adopted a Comprehensive Plan to guide its growth and development, providing guidance to the land use planning process and implementing the 14 statewide planning goals. The most recent adopted Comprehensive Plan was accomplished under Ordinance XXX and can be found on the City's website or is available for a reasonable cost at City Hall.

**Sec. 2.24.020. Development Code.**

The City of Stanfield has adopted a Development Code to implement the guidance outlined in the Comprehensive Plan and implement applicable Oregon Revised Statute and Oregon Administrative Rule. The most recent adopted Development Code was accomplished under Ordinance XXX and can be found on the City's website or is available for a reasonable cost at City Hall.

**Sec. 2.24.030. Transportation System Plan.**

The City of Stanfield has adopted a Transportation System Plan to implement Goal 12 of the Comprehensive Plan and the State of Oregon's Transportation Planning Rule. The most recent adopted Transportation System Plan was accomplished under Ordinance XXX and can be found on the City's website or is available for a reasonable cost at City Hall.

**Sec. 2.24.040. Streetscape Plan.**

The city finds that the City of Stanfield Streetscape Plan, on file in the city office and available on the city website, accurately reflects the wishes of the citizens and the city council regarding the streetscape of Main Street and Coe Avenue within the boundaries detailed in the plan.

## **Title 5 BUSINESS TAXES, LICENSES AND REGULATIONS**

### ***CHAPTER 5.04. BUSINESS LICENSES***

**Sec. 5.04.030. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Applicant* means agent or owner of the named business.

*Auction* means the sales, or offer to sell, by public outcry or to the highest bidder.

*Business* means any profession, trade, occupation, shop, and every type of calling wherein a charge is made for goods, materials or services. However, the renting of a dwelling unit shall not constitute a business unless it is part of the operation of an apartment house, ~~mobile-manufactured~~ home park, RV park, motel or hotel, or similar high density residential or commercial rental activity, with three or more dwelling units.

*License* means the permission granted for the carrying on of a business, profession or occupation within the city limits.

*Licensee* means the business as specified and named by the applicant.

*Nonprofit organization* means a bona fide organization with tax-exempt status.

*Peddler*.

(1) The term "peddler" includes any person, whether a residents of the city or not:

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- a. Who goes from house to house or from place to place within the city, without invitation, offering or exposing for sale, selling or taking orders for goods, wares or merchandise, or any article or thing for the present or future delivery.
  - b. Who engages in a temporary business of selling or offering for sale goods, wares or merchandise or any article or thing of value for present or the future delivery, or for services then to be performed or to be performed in the future or for making, manufacture or repair of any articles or thing whatsoever for present or future delivery.
  - c. Who, in furtherance of such purpose, hires, leases, uses or occupies any building structure, motor vehicle, trailer, tent, public room in a hotel, lodging house, apartment, shop or any street or alley or other place within the city for the exhibition and sale of goods, wears, merchandise, services or manufactured articles.
- (2) The term "peddler" does not include:
- a. A newspaper vendor or a regular commercial traveler employed by a wholesale house and selling goods, wares, merchandise or services to merchants of the city for the purpose of resale, or representatives of public utilities.
  - b. A person soliciting donations of money or property or financial assistance of any kind or selling or disturbing any item of literature or merchandise for a fee upon the streets, in an office building, by house to house canvass or in public places for charitable, religious, patriotic or philanthropic purposes.
  - c. A person who sells his own personal property which was not acquired for resale, barter or exchange and who does not conduct such sales or acts as a participant by furnishing goods in such a sale more than three times during any calendar year.

*Person* means all public and private corporations, including domestic and foreign corporations, firms, partnerships of every kind, associations, organizations, syndicates, joint ventures, societies, any other group acting as a unit, and individuals transacting and carrying on any business within the city.

*Revocation (of any business licenses)* means withdrawal of approval to operate a business.

*Suspension (of any business licenses)* means an official order to suspend business operation pending correction or ceasing of certain conditions or practices.

(Ord. No. 378-2006, § 3, 5-2-2006)

## **Title 6 ANIMALS**

### **CHAPTER 6.12. LIVESTOCK AND POULTRY**

#### **Sec. 6.12.070. Fencing.**

All domestic livestock shall be kept within an enclosure, fenced in a manner adequate to contain animals being kept from all neighboring lots or parcels, dwelling units, and the yards surrounding the same. It shall be the responsibility of the owner of such livestock to maintain the fence or other enclosure, and the owner thereof shall be liable for any damage caused by escaping livestock. **No electric fence shall be permitted within the city nor shall barbed wire fencing be used adjacent to traveled public way.**

(Ord. No. 446-2021, § 1, 10-19-2021)



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## Title 8 HEALTH AND SAFETY

### ~~CHAPTER 8.24. AUTOMOBILE WRECKING YARDS<sup>3</sup>~~

#### ~~Sec. 8.24.010. Regulations.~~

~~Every person, firm or corporation conducting within the city the business of wrecking, dismantling, permanently disassembling or substantially altering the form of motor vehicles or other machines shall confine said business and all parts of such motor vehicles and machines within a building, or within a tight board fenced enclosure being substantially constructed on all open sides or ends thereof. Said fence shall be constructed to a height of at least seven feet above the ground and shall be without openings or apertures, except necessary gateways or doors for ingress and egress. Gates and doors in said fence shall be kept closed when not in use for ingress or egress. No motor vehicle part or machinery part belonging to or under the control of the person, firm or corporation conducting such business shall be placed in public view on the outside of any such building or fence, and adjacent to such building or fence, with the exception of a reasonable display of merchandise for sale. Every person, firm or corporation conducting the business designated in this section shall keep the premises owned or controlled or used by such person, firm or corporation clear, clean and sightly on the outside of the building or fence enclosing such business and its operations.~~

~~(Ord. No. 113, § 1, 1951)~~

#### ~~Sec. 8.24.020. Responsibility for cleaning premises.~~

~~If at any time such person, firm or corporation conducting the business described in section 8.24.010 should quit said business, said person, firm or corporation shall be required to leave the premises in neat and orderly condition and clean up all junk or rubbish.~~

~~(Ord. No. 113, § 2, 1951)~~

#### ~~Sec. 8.24.030. Penalty for violation.~~

~~Every person, firm or corporation conducting the business described in section 8.24.010 who fails to comply with the provisions of section 8.24.010, or any of the provisions of this chapter, shall, upon conviction thereof, be punished by a fine of not less than \$5.00 nor more than \$200.00. Every day that such failure to comply with the provisions of this chapter continues constitutes a separate offense.~~

~~(Ord. No. 113, § 3, 1951; Ord. No. 145-78, § 1, 1978)~~

### ~~CHAPTER 8.28. JUNKYARDS~~

#### ~~Sec. 8.28.010. Regulations.~~

~~(a) Any person, firm or corporation conducting within the city the business of storing, wrecking, dismantling or selling any used article shall confined said business within a building or within a fenced enclosure. Such fence shall be substantially constructed on all open sides or ends of the premises to a height of at least seven feet above the ground and without openings or apertures, excepting necessary gateways or doors for ingress or egress and which gates or doors in said fence shall be kept closed when not in used for ingress or egress.~~

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<sup>3</sup>State law reference(s) — Auto wreckers and auto wrecking yards, ORS 481.345 et seq.

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~~(b) No secondhand object belonging to or under the control of the person, firm or corporation conducting such business shall be placed in public view outside of the building or fenced enclosure where such business is conducted.~~

~~(Ord. No. 146, §§ 1, 2, 1962)~~

**~~Sec. 8.28.020. Penalty for violation.~~**

~~Every person, firm or corporation violating the provisions of this chapter shall upon conviction thereof, be punished by fine of not less than \$5.00 nor more than \$200.00 and the costs of prosecution, and, in default of payment of such fine, shall be imprisoned in the city jail for one day for each \$2.00 of such fine unpaid. Every day that failure to comply with section 8.28.010 continues constitutes a separate offense.~~

~~(Ord. No. 146, § 3, 1962)~~

## **Title 10 VEHICLES AND TRAFFIC**

### ***CHAPTER 10.20. ONE-WAY STREETS<sup>4</sup>***

**Sec. 10.20.010. Willow Drive—Designated one-way street.**

Willow Drive, a street in the City of Stanfield, is designated as a one-way street for all vehicular, animal-drawn and bicycle traffic.

(Ord. No. 10-75, § 1, 1975; Ord. No. 130-77, § 1, 1977)

**Sec. 10.20.020. Willow Drive—Designated loop street.**

Willow Drive is a loop street which takes off from W. Harding Avenue and then reconnects to W. Harding Avenue at a second junction point some distance from the first or beginning intersection.

(Ord. No. 10-75, § 2, 1975)

**Sec. 10.20.030. Willow Drive—W. Harding Avenue intersection—Entering traffic.**

All traffic, except pedestrian, shall enter Willow Drive only at its westerly intersection with W. Harding Avenue.

(Ord. No. 10-75, § 3, 1975)

**Sec. 10.20.040. Willow Drive—W. Harding Avenue intersection—Existing traffic.**

All traffic on Willow Drive shall exit therefrom at its easterly intersection with W. Harding Avenue.

(Ord. No. 10-75, § 4, 1975)

**Sec. 10.20.050. Willow Drive—W. Harding Avenue intersection—Locations.**

Willow Drive and its two intersections with W. Harding Avenue are located in the Dixon Heights Addition to the city.

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<sup>4</sup>State law reference(s)—Authorizing local authorities to designate one-way streets, ORS 487.885.

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(Ord. No. 10-75, § 5, 1975)

**Sec. 10.20.060. Penalty for violation.**

Penalty for violation of this chapter shall be as provided in ORS 483.990(1).

(Ord. No. 10-75, § 6, 1975)

**Title 12 STREETS, SIDEWALKS AND PUBLIC PLACES**

**CHAPTER 12.20. TREE PLANTING**

**Sec. 12.20.010. Purpose and intent.**

- (a) It is the purpose of this chapter to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the city.
- (b) The city recognizes and acknowledges that trees and urban forestry are a part of the livability and public image of our community.

(Ord. No. 409-2014, § 1, 4-15-2014)

**Sec. 12.20.020. Definitions.**

The following words, terms, and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*City* means City of Stanfield, Oregon.

*Crown* means the leaves and branches of a tree measured from the lowest branch on the trunk to the top of the tree.

*Damage* means injury to a tree that compromises its health or longevity, or causes its death, including direct or indirect injury caused by insect, disease, human or animal.

*Disease* means any tree disease or insect that compromises its health or longevity and is capable of being transmitted to other trees.

*Hazardous tree* means a tree or tree part that has a high potential to fall and cause damage or injury to people or property.

*Major pruning* means the selective removal of over 20 percent of a tree's crown.

*Person* means any person, firm, partnership, association, corporation, company, or organization of any kind.

*Private tree* means trees within the city that are not public trees.

*Pruning* means the selective removal of plant parts to meet specific goals and objectives.

*Public areas* means property owned by the city, all dedicated public rights-of-way, parks, and any property under the control of the city.

*Public rights-of-way (ROW)* means and includes, but is not limited to, streets, alleys, roads, highways, bridges, sidewalks, trails, paths, public easements and all other public ways, including the subsurface under and air space over these areas, but only to the extent of the city's right, title, interest or authority to grant a franchise to occupy and use such streets and easements for telecommunications facilities.

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*Public trees* means trees located on public areas.

*Street trees* means trees located on land lying within the public ROW of any dedicated street.

*Topping* means an inappropriate technique to reduce tree size; cutting a stem more than two years old at an indiscriminate location or back to a lateral branch too small to keep the cut stem vital (typically less than one-third the diameter of the cut stem); a type of pruning cut that destroys the tree architecture and serves to initiate discoloration and perhaps decay in the cut stem.

*Tree* means a woody perennial, usually with one main trunk, attaining a height of at least six feet or a trunk diameter of at least two inches at 4.5 feet above natural grade.

*Urban forestry* means the planting, management and maintenance of trees and related vegetation growing within the city's urban growth boundary for the present and potential positive benefits and contributions to the health and vitality of the city.

(Ord. No. 409-2014, § 2, 4-15-2014)

### **Sec. 12.20.030. The city's public works committee.**

- (a) The public works committee shall consist of ~~the two~~ council members and mayor to serve as an advisory committee to the city council. The city administrator and the public works director will serve as non-voting advisory members of the committee. The public works director shall serve as the city's urban forestry program manager.
- (b) Duties and responsibilities. It shall be the responsibility of the committee to study, investigate, counsel, and develop and/or update annually, and prepare a written plan for the care, preservation, pruning, planting, replanting, removal or disposition of trees and shrubs in parks, along streets and in other public areas. If changes to the plan are approved by the committee such changes shall be submitted to the city council as a whole for review and, upon acceptance and approval, shall become effective. The committee, when requested by the council, shall consider, investigate, make findings, report, and recommend upon any special matter or question coming within the scope of its work. In addition, the committee shall, after hearing, issue or deny such permits as may be called for in this chapter.

(Ord. No. 409-2014, § 3, 4-15-2014)

### **Sec. 12.20.040. Licensing; insurance.**

It is the intent of the city council to protect trees and citizens from irresponsible companies or individuals who pose as arborists. It shall be unlawful for any person to engage in the business of cutting, trimming, pruning, or removing, trees or shrubs within the city without first producing evidence of certification/license and bonding before the city whether on private or public property. Licensing shall include a city business license. Before any license shall be issued, each applicant shall first file evidence of possession of worker's compensation and liability insurance for bodily injury or death in the amount of \$1,000,000.00 minimum and property damage of \$100,000.00 minimum indemnifying the city or any person injured or damaged resulting from the pursuit of such endeavor as herein described. The exception to this clause is that utility franchisees or their contractors shall not be required to be licensed by the city, but are required to contact the city before beginning work in the city and provide contact information for both the utility and the contractor.

(Ord. No. 409-2014, § 4, 4-15-2014)

### **Sec. 12.20.050. Street tree plan.**

- (a) All trees and shrubs hereafter planted in any public area in the city shall conform as to species and location to the street tree plan/planting guide which is hereby made a part of this chapter, by reference, upon its approval by the city public works committee, unless written permission is granted by the committee.

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- (b) Landscaping and tree planting requirements for new developments and commercial zones are included in the city ~~development code~~[Development Code, sections 3.2.300 and 3.2.400 Chapter 3 Design Standards Section 3.2 Landscaping, Street Trees, Fences and Walls.](#)

(Ord. No. 409-2014, § 5, 4-15-2014)

### **Sec. 12.20.060. Prohibited trees.**

- (a) It shall be unlawful to plant the following trees in the public ROW and any of such that naturalize shall be removed by the abutting property owner:
- (1) Ailanthus (Tree of Heaven/Paradise Tree).
  - (2) Nut trees.
  - (3) Conifer.
  - (4) Poplar.
  - (5) Cottonwood.
  - (6) Willow.
  - (7) Fruit trees (excepting ornamental non-fruiting cultivars).
- (b) It shall be unlawful to plant willow, cottonwood, or poplar trees anywhere in the city unless the public works director approves the site as one where the tree roots will not interfere with a public sewer. The city tree planting guide shall serve as a resource for selection of appropriate trees for the city.

(Ord. No. 409-2014, § 6, 4-15-2014)

### **Sec. 12.20.070. Tree planting and maintenance.**

- (a) *Tree selection.* The city develops and maintains a list of desirable trees for planting along streets which provides information on mature height and spread of trees.
- (b) *Overhead utilities.* No street trees other than those species with a mature height of 25 feet or less shall be planted under or within ten lateral feet of any overhead utility wire.
- (c) *Tree classifications.* Trees shall be classified as:
- (1) Small-mature: height of 30 feet;
  - (2) Medium-mature: height of 40 feet;
  - (3) Large-mature: height 41 feet and taller.
- (d) *Sidewalks and curbs.* The distance trees may be planted from curbs or sidewalks shall be in accordance with the following:
- (1) Small trees no closer than two feet;
  - (2) Medium trees no closer than three feet;
  - (3) Large trees no closer than four feet.

(Ord. No. 409-2014, § 7, 4-15-2014)

### **Sec. 12.20.080. Removal of trees; nuisance trees.**

- (a) *Trimming or removal.* The city may cause to be trimmed, pruned or removed, any trees, shrubs, plants or vegetation in any public area or other public place, or may require any property owner to trim, prune or remove any trees, shrubs, plants or vegetation in a public ROW abutting upon said owner's property, and

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failure to comply therewith, after 30 days' notice by the urban forestry manager, shall be deemed a violation of this chapter. Removal of any trees, shrubs, plants, or vegetation shall be deemed to include removal of the stump and major roots thereof. ~~Any person seeking to remove a tree unless under direction of the city as described above shall first obtain a permit from the urban forestry manager. Such permit will require the replacement of removed trees by a new tree unless the manager deems that the density of existing trees discourages planting new trees.~~

- (b) *Dangerous trees a nuisance.* Any tree or shrub growing in a public area, or on private property, which is endangering or which in any way may endanger the security or usefulness of any public street, sewer or sidewalk, is hereby declared to be a public nuisance, and the city public works committee may remove or trim such tree, or may require the property owner to remove or trim such tree after 30 days' notice by the ~~tree board~~public works committee, shall be deemed a violation of this chapter, and the city may then remove or trim said tree and assess the costs against the property.

(Ord. No. 409-2014, § 8, 4-15-2014)

### **Sec. 12.20.090. Topping, abuse, or mutilation of trees.**

It shall be a violation of this chapter to abuse, top, destroy or mutilate any tree, shrub or plant in a public area, or to attach or place any rope or wire (other than one used to support a young or broken tree), sign, poster, handbill or other thing to or on any tree growing in a public area, or to cause or permit any wire charged with electricity to come in contact with any such tree, or to allow any gaseous, liquid or solid substance which is harmful to such trees to come in contact with their roots or leaves. It shall be unlawful and a violation of this chapter to top any tree located in a public area, except for a city electrical franchisee shall have the right to trim or top trees that are creating unsafe conditions or interfering with power lines; however, the city does encourage utilities to work with property owners to remove such trees and plant new trees that will not interfere with utility trees in place of such damaged or topped trees.

(Ord. No. 409-2014, § 9, 4-15-2014)

### **Sec. 12.20.100. Review by council.**

The city council shall have the right to review the conduct, acts, and decisions of the public works committee. Any person may appeal any ruling or order of the committee to the city council by filing a written notice with the city administrator within ten days after such order or decision of the committee is made. The city council will review such decision at the next regular meeting based on the evidence submitted at the hearing of the committee. To overturn a decision of the committee. The motion must be approved by a quorum of the council.

(Ord. No. 409-2014, § 10, 4-15-2014)

### **Sec. 12.20.110. Penalty.**

- (a) Any person violating any of the provisions of this chapter or failing to comply with them shall, upon conviction thereof, be punished by a fine not to exceed \$250.00 for each separate offense. Each day during which any violation of the provisions of this chapter shall occur or continue shall be a separate offense. If, as a result of the violation of any provision of this chapter, the injury, mutilation or death of a tree or shrub located in or on a public area is caused, the cost of repair or replacement or appraised dollar value of such tree or shrub shall be borne by the party in violation. The value of trees and shrubs shall be determined in accordance with the latest revision of A Guide to the Professional Evaluation of Landscape Trees, Specimen Shrubs and Evergreens, published by the International Society of Arboriculture.
- (b) *Assessment of claim.* In the event that a nuisance is not abated by the date specified in any notice served by the city, the city is authorized to cause the abatement of said nuisance. The city shall bill the violator for reasonable costs of such abatement and if such bill is not paid within 30 days, the abatement shall be filed as a lien against the property on which the nuisance was located or abutting property.

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(Ord. No. 409-2014, § 11, 4-15-2014)

**~~CHAPTER 12.30. STREETScape PLAN~~**

**~~Sec. 12.30.010. Adoption of the city streetscape plan.~~**

~~The city finds that the city streetscape plan (Exhibit A), on file in the city offices, accurately reflects the wishes of the citizens and the city council regarding the streetscape of Main Street and Coe Avenue within the boundaries detailed in the plan.~~

(Ord. No. 417-2015, § 1, 11-17-2015)

**Title 15 BUILDINGS AND CONSTRUCTION**

**~~CHAPTER 15.12. HISTORICAL LANDMARKS~~**

**~~Sec. 15.12.010. Purpose of preservation.~~**

~~Buildings and sites in the city having special historic associations or significance or of special architectural merit or significance should be preserved as a part of the heritage of the citizens of the city and for the education, enjoyment and pride of the citizens, as well as the beautification of the city and enhancement of the values of such property. To that end, regulatory controls and administrative procedures are necessary.~~

(Ord. No. 144-78, § 2, 1978)

**~~Sec. 15.12.020. Intent.~~**

~~The council finds that it is in the public interest to take all steps legally possible to preserve buildings or sites having historical significance; that for such purpose a special commission should be established and procedure provided for designation of historical buildings and sites; that after such designation demolition should be subject to special controls and delays and exterior remodeling or alteration should also be subject to special controls; that continued use of such buildings and sites should be fostered and promoted, but controls imposed, including sign controls, to preserve the appropriate atmosphere and harmonious appearance of such buildings and sites.~~

(Ord. No. 144-78, § 1, 1978)

**~~Sec. 15.12.030. Commission—Created—Organization.~~**

~~(a) There is created the Stanfield Historical Landmarks Commission.~~

~~(b) This commission shall consist of five members, each entitled to one vote as follows:~~

~~(1) One member from the Stanfield Planning Commission;~~

~~(2) One member from the Umatilla County Historical Society;~~

~~(3) Two members from the Stanfield citizens at large; and the mayor, or his designee, ex officio.~~

~~(c) All members of the commission shall serve without compensation, and other than the mayor ex officio shall be appointed by the mayor or designated by him.~~

~~(d) All members shall serve for a term of four years, except the first appointments shall be for the following terms: one member shall be appointed initially for one year; one member shall be appointed initially for two years; one member shall be appointed initially for three years; and one member shall be appointed initially for four years.~~

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(e) ~~Any vacancy occurring in a position for any reason other than the expiration of the term shall be filled by appointment by the mayor for the remainder of the term.~~

(Ord. No. 144-78, § 3, 1978)

**Sec. 15.12.040. Commission—Officers.**

~~Within 30 days from the effective date of the ordinance codified in this chapter, the mayor shall make such appointments as are called for in this chapter and shall notify each appointee of the first regular meeting to be held, which meeting shall be held within at least 60 days from the effective date of the ordinance codified in this chapter. The mayor shall designate one member of the commission to be temporary chairman, and such temporary chairman shall preside over the first meeting and serve until permanent officers have been elected by majority vote of the entire membership of such commission. The officers so elected shall serve until the date of the first annual meeting, or until their successors are regularly elected and take office. The officers of the Stanfield Historical Landmarks Commission shall consist of a chairman, vice chairman and secretary.~~

(Ord. No. 144-78, § 4(a), 1978)

**Sec. 15.12.050. Commission—Meetings.**

~~The annual meeting of Stanfield Historical Landmarks Commission shall be held each year during the month of January. In addition, the commission shall meet at least once every three months, and upon the call of the chairman. The regular time, place and manner of notice for meetings shall be fixed by rules of the commission.~~

(Ord. No. 144-78, § 4(b), 1978)

**Sec. 15.12.060. Commission—Rules of procedure.**

~~The commission shall establish and adopt its own rules of procedure. The commission shall submit an annual report to the mayor and city council covering its activity for the calendar year on or before the following February 1.~~

(Ord. No. 144-78, § 4(c), 1978)

**Sec. 15.12.070. Commission—Functions and duties.**

(a) ~~The Stanfield Historical Landmarks Commission shall serve in an advisory capacity and make recommendations concerning historical buildings and sites to the city council, The Stanfield Planning Commission, and other public or private agencies on matters relating to the preservation of such buildings and sites.~~

(b) ~~The commission may adopt such rules and regulations as it finds necessary or appropriate to carry out the intent of this chapter.~~

(c) ~~The commission shall receive requests by any citizen, by owners of buildings or sites, or may on its own motion make recommendation concerning the designation of particular buildings and sites as historical buildings or historical sites.~~

(d) ~~The commission shall recommend removal from any list of designated historical buildings and sites such property as it finds no longer worthy of such designation.~~

(e) ~~The commission shall have authority to inspect and investigate any building or site in the city which it is requested to recommend designation as or which it has reason to believe is an architectural or historical landmark.~~

(f) ~~The commission shall review all information which it has and shall hold hearings as prescribed in this chapter, and transmit the results thereof to the city officials as provided in this chapter.~~



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- ~~(g) The commission shall have authority to coordinate historical preservation programs of the city, county, state and federal governments as they relate to property within the city.~~
  - ~~(h) The commission may recommend to the city council or to the legislature of the state any changes of law which it finds appropriate or needed.~~
  - ~~(i) The commission shall compile and maintain a current list of all historical buildings and sites which have been so designated pursuant to this chapter with a brief description of such building or site and the special reasons for its inclusion on such list.~~
  - ~~(j) The commission shall have authority to take such steps as it finds appropriate or necessary to make available to the public information concerning its activities and the various historical buildings and sites so designated pursuant to this chapter.~~
  - ~~(k) The commission shall perform such other duties relating to historical landmarks and historical buildings and sites as the city council or the mayor may request.~~

~~(Ord. No. 144-78, § 5, 1978)~~

### **~~Sec. 15.12.080. Designation procedures.~~**

- ~~(a) *Request.* Upon receipt of a request to designate a particular building or site as a historical building or site, or upon direction by the city council on its own motion, the city recorder/treasurer shall advise the owner of such building or site. The Stanfield Historical Landmarks Commission, and the Stanfield Planning Commission shall fix a date and time for a public hearing before the city council thereon. The recorder/treasurer shall notify abutting owners and shall transmit a copy of the request to the Stanfield Historical Landmarks Commission unless such request has come from the commission. The Stanfield Historical Landmarks Commission shall review all proposals for designation as historical building or site, unless the initial request has been made by said commission, and shall submit its recommendation to the city council prior to the public hearing.~~
- ~~(b) *Hearing.* At such hearing, the owner of the property involved, the owners of all abutting property, a representative of the Stanfield Historical Landmarks Commission, and a representative of the Stanfield Planning Commission shall be entitled to be heard, and the council may hear all interested parties.~~
- ~~(c) *Grounds for determination.* If the city council determines that a building proposed to be designated as a historical building has architectural significance or is of historical importance based upon past or present use, the council may designate such building as a historical building. If the council finds that a particular site had a prior use involving the establishment, growth or particular incidents relating to the history of the city, it may designate the same as a historical site.~~
- ~~(d) *Designation removal.* If any historical building has been demolished or destroyed, the city council, on its own motion or upon recommendation of the Stanfield Historical Landmarks Commission, may remove the historical building designation therefrom. If such designation is proposed to be removed from any historical building or site for any other reason than set forth in this subsection, the similar notices, recommendations and hearings shall be held as upon the designation of a building or site as historical in the first instance.~~

~~(Ord. No. 144-78, § 6, 1978)~~

### **~~Sec. 15.12.090. Exterior remodeling or new structure on site—Application.~~**

~~Notwithstanding the provisions of any adopted planning and zoning ordinances, whenever the Stanfield Historical Landmarks Commission receives from any person or from the building official an application for a permit for exterior remodeling of any designated historical building, or receives an application for construction of a new structure on a designated historical site, the commission shall notify the applicant of the date, time and place of a hearing thereon. Such hearing shall be held within 30 days after the filing of such application with the building official, or within 30 days after the filing of such application with the commission prior to filing with the building~~

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official, and, in that event, the commission shall transmit to the building official a copy of such application. All such applications shall be accompanied by plans and specifications, and the commission may require additional sketches of the proposed remodeling. The same procedure shall apply to an application to construct a new building on a designated historical site. This procedure shall not apply to a permit to restore the exterior of a designated historical building to its prior condition following damage to such exterior.

(Ord. No. 144-78, § 7(a), 1978)

#### **~~Sec. 15.12.100. Exterior remodeling or new structure on site—Determination.~~**

At the commission hearing designated in section 15.12.090, and a representative of the building department and the planning commission shall be entitled to be heard. The commission may also hear any other interested party. If the commission determines that the proposed remodeling or new structure will not adversely affect the character of the building or site, and is in the public interest, or finds that the proposed exterior remodeling or new structure will enhance the historical value of such building or site, then the commission shall approve the issuance of a permit therefor by the building official, and, upon compliance with the building code and other codes of the city, such permit may be issued; provided, however, that variations from the building code and other codes of the city applicable to the situation may be permitted by the building official with the approval of the council. If the commission finds such action appropriate, it may approve the application for a permit for exterior remodeling or for a new structure on an historical site, upon conditions which the commission imposes, to promote and preserve the historical or architectural integrity of the building or site. Upon conditional approval, the building permit may be issued in accordance with such condition; however, if found necessary and appropriate, the commission may reject the application. In such event, the building permit shall not be issued thereafter unless the action of the commission is reversed on appeal as set forth in section 15.12.110.

(Ord. No. 144-78, § 7(b), 1978)

#### **~~Sec. 15.12.110. Exterior remodeling or new structure on site—Appeals.~~**

If the commission has imposed conditions on its approval of an application or has disapproved an application as set forth in section 15.12.100, the applicant, the owner or occupant of the building or site involved may appeal from the decision of the commission to the city council by filing with the commission and filing a copy with the building official of notice of appeal to the city council, if such notice is filed within ten days after such decision of the commission. Such notice of appeal shall immediately be transmitted to the city recorder/treasurer, who shall fix a date and time for hearing on such appeal before the city council. At the council hearing on such appeal, all interested parties may be heard. The council may reject the appeal and affirm the decision of the commission, may modify the decision of the commission, or may grant the appeal and direct a building permit to be issued, if the application for permit otherwise complies with the codes and ordinances of the city, and subject to permissible variations as set forth in section 15.12.100.

(Ord. No. 144-78, § 7(c), 1978)

#### **~~Sec. 15.12.120. Signs.~~**

Either before or after submission to the building official, and before issuance of a permit thereof, an application to replace or erect a sign on a designated historical building, on the property on which the designated historical building is located, or on a designated historical site, shall be reviewed by the Stanfield Historical Landmarks Commission. The commission shall hold a hearing on such sign application, at which hearing the applicant, the owner and the occupant of the premises shall be entitled to be heard. If the commission finds that the proposed sign will not unreasonably detract from the architectural and historical significance of the premises, taking into account the size, location, construction and any lighting of any such sign, then the commission shall approve the issuance of a permit therefor. Otherwise, the commission may impose special conditions on the size, location, construction or other characteristics of the proposed sign, or may reject the same. Such hearing shall be held within 30 days after the submission of the application to the Stanfield Historical Landmarks Commission. The applicant, owner or occupant shall have the same right of appeal and under the same procedural conditions as set

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forth in this chapter for appeals from actions of the commission relating to building permits for exterior remodeling of a designated historical building. The council may sustain, modify or overrule the action of the commission. Signs may be permitted under this chapter notwithstanding the provisions of any other ordinance of the city to the contrary.

(Ord. No. 144-78, § 10(a), 1978)

### **Sec. 15.12.130. Plaques.**

The owner of a designated historical building or site or the occupant thereof with the consent of the owner may, at his own expense, install an identification plaque indicating the name, date, architect or other appropriate information upon the property; provided the size, material, design, location and text of such plaque is first approved by the Stanfield Historical Landmarks Commission.

(Ord. No. 144-78, § 10(b), 1978)

### **Sec. 15.12.140. Demolition—Permit.**

- (a) *Hearing.* If an application is received from the building official or is initially made to the Stanfield Historical Landmarks Commission for a permit for demolition of any historical building or the demolition of a structure on a designated historical site, the commission shall, within 30 days after such application is initially filed, hold a hearing on the issuance of such permit. The applicant for a permit, the owner of the property and any occupant of the property shall be entitled to be heard. The commission may hear all other interested parties. The commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, taking into account the purpose of preserving such designated historical buildings and sites, the character of the neighborhood, and all other factors which it finds appropriate.
- (b) *Issuance—approval.* The commission may approve the issuance of the permit, in which event the building official may issue the permit in compliance with all other codes and ordinances of the city.
- (c) *Issuance—suspension.* The commission may reject the application for permit if it determines that in the interest of preserving the historical values the structure should not be demolished, and, in that event, issuance of the permit shall be suspended for a period fixed by the commission, but not exceeding 120 days from the date of application. Within said suspension period, the commission may request an extension of the suspension period by the city council. If the city council determines that there is a program or project under way which could result in public or private acquisition of the historical building or site and the preservation or restoration of such building or site, and that there is reasonable ground to believe that such program or project may be successful, the council, in its discretion, may extend the suspension period for an additional period not exceeding 180 days to a total of not more than 300 days from the date of application for a demolition permit. During such period of suspension of permit application, no permit shall be issued for such demolition, nor shall any person demolish the building or structure, unless the council has granted an appeal and directed such issuance. If such program or project is unsuccessful and the applicant has not withdrawn his application for a demolition permit, the building official shall issue such permit, if the application otherwise complies with the codes and ordinances of the city.

(Ord. No. 144-78, § 8(a), 1978)

### **Sec. 15.12.150. Demolition—Appeals.**

Action by the commission suspending issuance of permit for demolition may be appealed by the applicant for the permit, the owner or the occupant, by filing a notice of appeal, in the same manner as provided in this chapter for appeals from disapproval of remodeling permit. If such appeal is made, the procedure thereafter shall be the same as set forth in section 15.12.110.

(Ord. No. 144-78, § 8(b), 1978)

**~~Sec. 15.12.160. Demolition—Review by commission.~~**

~~Before taking any action to condemn a building or structure designated as a historical building or site, the Stanfield Historical Landmarks Commission shall review the report of the building official and any other city department relating to the condition of the building and premises and the extent of its danger, deterioration or decay. The commission shall report on its review and make its recommendations concerning city action to the city council if official action of condemnation is instituted.~~

~~(Ord. No. 144-78, § 8(c), 1978)~~

**~~Sec. 15.12.170. Demolition—Historical record of building.~~**

~~(a)—History. If a designated historical building is to be demolished, insofar as practicable and as funds are available, the Stanfield Historical Landmarks Commission shall keep a pictorial and graphic history of the historical building or historical site with such additional data as it may obtain.~~

~~(b)—Artifacts. To the extent funds are available or the commission may obtain donations thereof, the Stanfield Historical Landmarks Commission shall obtain artifacts from the building or site which it deems worthy of preservation, such as carvings, cast iron work, or other materials it deems of artistic or historical importance.~~

~~(Ord. No. 144-78, § 9, 1978)~~

**~~Sec. 15.12.180. Penalty for violation.~~**

~~Any person convicted of violating any provision of this chapter shall be guilty of a misdemeanor punishable by a fine not to exceed \$1,000.00.~~

~~(Ord. No. 144-78, § 11, 1978)~~

**~~Title 16 SUBDIVISIONS~~**

**~~Title 17 FLOODPLAIN~~**

**~~CHAPTER 17.04. FLOODPLAIN ZONING~~**

**~~ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES~~**

**~~Sec. 17.04.010. Statutory authorization.~~**

~~The legislature of the state of Oregon has in the Oregon Revised Statutes delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry.~~

~~(Ord. No. 319, § 2(§ 2.1), 1998)~~

**~~Sec. 17.04.020. Findings of fact.~~**

~~(a)—The flood hazard areas of Stanfield are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary~~

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public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

- (b) ~~These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.~~
- (c) ~~Buoyant and hazardous materials and special flood hazard areas. Damage resulting from buoyant materials carried by rising flood water is well known. There is also a danger from hazardous materials placed or stored in flood hazard areas. The city will monitor the placement or storage of buoyant and hazardous materials within special flood hazard areas to ensure the safety of its citizens. The burden of proof rests with the applicant and is subject to planning commission review.~~

(Ord. No. 319, § 2(\$ 2.2), 1998)

### **~~Sec. 17.04.030. Statement of purpose.~~**

~~It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:~~

- ~~(1) To protect human life and health;~~
- ~~(2) To minimize expenditure of public money and costly flood control projects;~~
- ~~(3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;~~
- ~~(4) To minimize prolonged business interruptions;~~
- ~~(5) To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;~~
- ~~(6) To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;~~
- ~~(7) To ensure that potential buyers are notified that property is in an area of special flood hazard; and~~
- ~~(8) To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.~~

(Ord. No. 319, § 2(\$ 2.3), 1998)

### **~~Sec. 17.04.040. Methods of reducing flood losses.~~**

~~In order to accomplish its purposes, this chapter includes methods and provisions for:~~

- ~~(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards or which result in damaging increases in erosion or in flood heights or velocities;~~
- ~~(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;~~
- ~~(3) Controlling the alteration of natural flood plains, stream channels and natural protective barriers, which help accommodate or channel flood waters;~~
- ~~(4) Controlling filling, grading, dredging and other development which may increase flood damage; and~~
- ~~(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.~~

(Ord. No. 319, § 2(\$ 2.4), 1998)

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## **Sec. 17.04.050. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Accessory structures* means and includes sheds or garages that are exempt from elevation or floodproofing requirements. Note section 17.04.330 for explanation.

*Appeal* means a request for a review of the Stanfield Planning Commission's interpretation of any provision of this chapter or a request for a variance.

*Area of shallow flooding* means 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 and indeterminate; and velocity flow may be evident.

*Area of special flood hazard* means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

*Base flood* means the flood having a one percent chance of being equalled or exceeded in any given year. Designation on maps always includes the letters A or V.

*Basement* means any area of the building having its floor subgrade (below ground level) on all sides.

*Breakaway wall* means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

*Critical facility* means a facility for which even a slight chance of flooding might be too great. Critical facilities include, but are not limited to, schools, nursing homes, hospitals, police, fire and emergency response installations, installations which produce, use or store hazardous materials or hazardous waste.

*Development* means any manmade 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.

*Elevated building* means, for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground by foundation walls, shear walls, post, piers, pilings or columns.

*Existing manufactured home park or subdivision* means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

*Expansion to an existing manufactured home park or subdivision* means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Flood or flooding* means 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)* means 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* means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood boundary floodway map and the water surface elevation of the base flood.

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*Floodway* means 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.

*Hazardous material* means and refers to a combustible, flammable, corrosive, explosive, toxic or radioactive substance which is potentially harmful to humans and the environment.

*Lowest floor* means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of section 17.04.300(B)

*Manufactured home* means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes recreational vehicles placed on a site for greater than one hundred eighty consecutive days. For insurance purposes, the term "manufactured home" does not include recreational vehicles.

*Manufactured home park or subdivision* means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

*New construction* means structures for which the start of construction commenced on or after the effective date of the ordinance from which this chapter is derived.

*New manufactured home park or subdivision* means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

*Public works projects* means projects necessary to enhance or maintain general public welfare. Such projects may include, but are not limited to, flood control structures, public buildings, city infrastructures, utilities, parks and projects associated with resource protection.

*Recreational vehicle* means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred square feet or less when measured at the largest horizontal projection;
- (3) Designed to be self propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, or seasonal use.

*Start of construction* means and includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. 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 foundation 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 part of the main structure. For a substantial improvement, the "actual start or construction" means the first alteration of any wall, ceiling, floor or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

*Structure* means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

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*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

*Substantial improvement* means:

(1) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent 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 ensure 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* means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

*Water dependent* means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

(Ord. No. 319, § 3, 1998)

## ***ARTICLE II. GENERAL PROVISIONS***

### **~~Sec. 17.04.060. Lands to which this chapter applies.~~**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

(Ord. No. 319, § 4(\$ 4.1), 1998)

### **~~Sec. 17.04.070. Basis for establishing the areas of special flood hazard.~~**

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Stanfield," dated September 4, 1986, with accompanying flood insurance maps is adopted by reference and declared to be a part of this chapter. The flood insurance study is on file at Stanfield city hall, 155 W. Coe Street, Stanfield, Oregon.

(Ord. No. 319, § 4(\$ 4.2), 1998)

### **~~Sec. 17.04.080. 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. No. 319, § 4(\$ 4.3), 1998)



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**Sec. 17.04.090. Interpretation.**

All provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. No. 319, § 4(\$ 4.4), 1998)

**Sec. 17.04.100. Warning and disclaimer of liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made under this chapter.

(Ord. No. 319, § 4(\$ 4.5), 1998)

**ARTICLE III. ADMINISTRATION**

**Sec. 17.04.110. Development permit required.**

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in section 17.04.070. The permit shall be for all structures including manufactured homes, as set forth in section 17.04.050, and for all development, including fill and other activities, also as set forth in the definitions.

(Ord. No. 319, § 5(\$ 5.1 1), 1998)

**Sec. 17.04.120. Application for development permit.**

Application for a development permit shall be made on forms furnished by the city 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 floodproofed;
- (3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section 17.04.310; and
- (4) Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

(Ord. No. 319, § 5(\$ 5.1 2), 1998)

**Sec. 17.04.130. Permit for storage of buoyant or hazardous materials.**

- (a) A special land use permit, requiring planning commission approval, must be obtained prior to storing, placing or stockpiling buoyant or hazardous materials in a flood hazard area.

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~~(b) Planning commission review of special permits to store, place or stockpile buoyant or hazardous materials. In determining whether or not a permit will be permitted to store, place or stockpile buoyant or hazardous materials in a flood hazard area, the planning commission shall consider the following:~~

- ~~(1) The nature of the materials; (e.g., buoyancy, toxicity, flammability);~~
- ~~(2) The danger that materials may be swept onto other properties or structures with resulting injury or damage;~~
- ~~(3) The necessity of locating the materials on the particular site, especially in terms of public benefit;~~
- ~~(4) The ability of emergency vehicles to reach the site in times of flooding;~~
- ~~(5) The availability of alternative locations which are less susceptible to flooding; and~~
- ~~(6) The application's plan for hazard mitigation.~~

~~(Ord. No. 319, § 5(§ 5.1-3), 1998)~~

#### **~~Sec. 17.04.140. Designation of an administrator.~~**

~~The city planner and planning commission chair are appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. Either the planner or planning commission chair can act independently as administrator.~~

~~(Ord. No. 319, § 5.2, 1998)~~

#### **~~Sec. 17.04.150. Duties and responsibilities of the city administrator.~~**

~~Duties of the administrator shall include, but not be limited to, the following, as designated in sections 17.04.160 through 17.04.200.~~

~~(Ord. No. 319, § 5.3, 1998)~~

#### **~~Sec. 17.04.160. Permit review.~~**

~~Permit review duties of the administrator are as follows:~~

- ~~(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;~~
- ~~(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 section 17.04.350(A) are met.~~

~~(Ord. No. 319, § 5(§ 5.3-1), 1998)~~

#### **~~Sec. 17.04.170. Use of other base flood data.~~**

~~When base flood elevation data has not been provided in accordance with section 17.04.070, "Basis for establishing the areas of special flood hazard," the administrator may obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, in order to administer sections 17.04.290 through 17.04.350.~~

~~(Ord. No. 319, § 5(§ 5.3-2), 1998)~~

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**~~Sec. 17.04.180. Information to be obtained and maintained.~~**

- ~~(a) Where base flood elevation data is provided through the flood insurance study or required as in section 17.04.170, obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.~~
- ~~(b) For all new or substantially improved floodproofed structures:
  - ~~(1) Verify and record the actual elevation (in relation to mean sea level); and~~
  - ~~(2) Maintain the floodproofing certifications required in section 17.04.120(C).~~~~
- ~~(c) Maintain for public inspection all records pertaining to the provisions of this chapter.~~

~~(Ord. No. 319, § 5(§ 5.3-3), 1998)~~

**~~Sec. 17.04.190. Alteration of watercourses.~~**

- ~~(a) Notify adjacent communities and the appropriate state agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.~~
- ~~(b) Require that maintenance is provided within the altered or relocated portion of such watercourse so that the flood-carrying capacity is not diminished.~~

~~(Ord. No. 319, § 5(§ 5.3-4), 1998)~~

**~~Sec. 17.04.200. 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 article IV, sections 17.04.210 through 17.04.220.~~

~~(Ord. No. 319, § 5(§ 5.3-5), 1998)~~

***ARTICLE IV. VARIANCE PROCEDURE***

**~~Sec. 17.04.210. Appeal board.~~**

- ~~(a) The planning commission, as established by the city, shall hear and decide appeals and requests for variances from the requirements of this chapter.~~
- ~~(b) The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by city personnel in the enforcement or administration of this chapter.~~
- ~~(c) Those aggrieved by the decision of the planning commission, or any taxpayer, may appeal such decision to the city council.~~
- ~~(d) In passing upon such application, the planning commission shall consider all technical evaluation, all relevant factors, standards specified in other sections of this chapter, and:
  - ~~(1) The danger that materials may be swept onto other lands to the injury of others;~~
  - ~~(2) The danger to life and property due to flooding or erosion damage;~~
  - ~~(3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;~~~~

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- ~~(4) The importance of the services provided by the proposed facility to the community;~~
  - ~~(5) The necessity to the facility of a waterfront location, where applicable;~~
  - ~~(6) The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;~~
  - ~~(7) The compatibility of the proposed use with existing and anticipated development;~~
  - ~~(8) The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;~~
  - ~~(9) The safety of access to the property in times of flood for ordinary and emergency vehicles;~~
  - ~~10. The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and~~
  - ~~11. 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 and streets and bridges.~~
- ~~(e) Upon consideration of the factors of subsection (d) of this section and the purposes of this chapter, the planning commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.~~
- ~~(f) The city administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.~~

~~(Ord. No. 319, § 5(§ 5.4 1), 1998)~~

#### **~~Sec. 17.04.220. Conditions for variances.~~**

- ~~(a) Generally, the only condition under which a variance from the elevation standard may be issued is 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 the items designated in section 17.04.210(d)(1) through (11) have been fully considered. As the lot size increases, the technical justification required for issuing the variance increases.~~
- ~~(b) 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 places, without regard to the procedures set forth in this section.~~
- ~~(c) Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.~~
- ~~(d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.~~
- ~~(e) Variances shall only be issued upon:
  - ~~(1) A showing of good and sufficient cause;~~
  - ~~(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant;~~
  - ~~(3) A 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 or victimization of the public as identified in section 17.04.210(d), or conflict with existing laws or ordinances.~~~~
- ~~(f) Variances, as interpreted in the National Flood Insurance Program, are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in~~

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densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

~~(g) Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 17.04.220(a), and otherwise complies with sections 17.04.240 and 17.04.250.~~

~~(h) 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. No. 319, § 5(§ 5.4-2), 1998)~~

## ***ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION***

### **Sec. 17.04.230. General standards.**

~~In all areas of special flood hazards, the following standards are required.~~

~~(Ord. No. 319, § 6(§ 6.1), 1998)~~

### **Sec. 17.04.240. Anchoring.**

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

~~(b) All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to use of over the top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).~~

~~(Ord. No. 319, § 6(§ 6.1-1), 1998)~~

### **Sec. 17.04.250. Construction materials and methods.**

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

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

~~(c) Electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~

~~(Ord. No. 319, § 6(§ 6.1-2), 1998)~~

### **Sec. 17.04.260. Utilities.**

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

~~(b) 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.~~

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

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(Ord. No. 319, § 6(§ 6.1 3), 1998)

**Sec. 17.04.270. Subdivision proposals.**

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage.
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
- (d) Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less.

(Ord. No. 319, § 6(§ 6.1 4), 1998)

**Sec. 17.04.280. Review of building permits.**

Where elevation data is not available, either through the flood insurance study or from another authoritative source (section 17.04.170), applications for building permits shall be reviewed to assure that the 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, photographs of past flooding, the city's contour flood plain map, etc., where available. Failure to elevate at least two feet above grade in flood hazard areas may result in higher insurance rates.

(Ord. No. 319, § 6(§ 6.1 5), 1998)

**Sec. 17.04.290. Specific standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 17.04.070, "Basis for establishing the areas of special flood hazard," or section 17.04.180, "Use of other base flood data," the following provisions are required.

(Ord. No. 319, § 6(§ 6.2), 1998)

**Sec. 17.04.300. Residential construction.**

- (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.
- (b) Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
  - (1) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
  - (2) The bottom of all openings shall be no higher than one foot above grade.
  - (3) Openings may be equipped with screens, louvers or other coverings or devices; provided, that they permit the automatic entry and exit of flood waters.

(Ord. No. 319, § 6(§ 6.2 1), 1998)

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### **Sec. 17.04.310. 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 floodproofed 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;
- (3) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this section based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in section 17.04.180(b)
- (4) Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in section 17.04.300(b)
- (5) Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the base flood level will be rated as one foot below that level).

(Ord. No. 319, § 6(\$ 6.2-2), 1998)

### **Sec. 17.04.320. Manufactured homes.**

All manufactured homes to be placed or substantially improved within zones A1-30, AH and AE on the community's FIRM on sites:

- (1) Outside of a manufactured park or subdivision;
- (2) In a new manufactured home park or subdivision;
- (3) In an expansion to an existing manufactured home park or subdivision; or
- (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood; shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and securely designed foundation system to resist flotation, collapse and lateral movement.

(Ord. No. 319, § 6(\$ 6.2-3), 1998)

### **Sec. 17.04.330. All accessory structures.**

Accessory structures, such as sheds and small unattached garages, located outside of the floodway may be exempt from elevation and floodproofing standards; provided, the following conditions are met:

- (1) The accessory structures are not designed for human habitation;
- (2) The accessory structure shall be designed to have low flood damage potentials;
- (3) Accessory structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of water; and
- (4) Accessory structures shall be firmly anchored to prevent flotation which may result in damage to other structures.

(Ord. No. 319, § 6(\$ 6.2-4), 1998)

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### **Sec. 17.04.340. Recreational vehicles.**

Recreational vehicles placed in sites within zones A1-30, AH, and AE on the community's FIRM either:

- (1) Be on the site for fewer than one hundred eighty consecutive days;
- (2) Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- (3) Meet the requirements of section 17.04.320 and the elevation and anchoring requirements for manufactured homes.

(Ord. No. 319, § 6(§ 6.2-5), 1998)

### **Sec. 17.04.350. Floodways.**

Located within areas of special flood hazard established in section 17.04.070 are areas designated as floodways. 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 within the floodway.
- (2) If subsection (1) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of article X, "Provisions for Flood Hazard Reduction."
- (3) The city recognizes that utilities, flood prevention structures and improvement projects that are in the public's best interest must sometimes encroach on designated floodways. In compliance with FEMA regulations, the city will permit floodway encroachments under the following conditions:
  1. The city has determined the proposed project to be of public necessity; and
  2. FEMA has approved the proposed project.

(Ord. No. 319, § 6(§ 6.3), 1998; Ord. No. 354-2002, § 2, 6-4-2002)

### **Sec. 17.04.353. Unlawful dumping.**

It shall be unlawful to dump, deposit, or otherwise cause any trash, landscape debris, garbage or other material to be placed in any stream, channel, ditch, pond or basin that regularly or periodically carries or stores water. Violations of this section shall be subject to fines stated in ordinance number 319 section 7.0 section 17.04.380.

(Ord. No. 354-2002, § 3, 6-4-2002)

### **Sec. 17.04.360. Encroachments.**

The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood area more than one foot at any point.

(Ord. No. 319, § 6(§ 6.4), 1998)

### **Sec. 17.04.370. Standards for shallow flooding areas (AO-zones).**

Shallow flooding areas appear on FIRMs as AO-zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the



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path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

- (1) ~~New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).~~
- (2) ~~New construction and substantial improvements of nonresidential structures within AO zones shall either:~~
  1. ~~Have the lowest floor (including the basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or~~
  2. ~~Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in section 17.04.310(c)~~
- (3) ~~Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.~~
- (4) ~~Recreational vehicles placed within AO zones on the community's FIRM either:~~
  1. ~~Be on the site fewer than one hundred eighty consecutive days;~~
  2. ~~Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or~~
  3. ~~Meet the requirements of section 17.04.320 and the elevation and anchoring requirements for manufactured homes.~~

(Ord. No. 319, § 6(§ 6.5), 1998)

## ***ARTICLE VI. PENALTIES FOR NONCOMPLIANCE***

### **Sec. 17.04.380. Penalties for noncompliance.**

~~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. Violation of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be assessed a civil infraction assessment in an amount not to exceed five hundred dollars. A violation of this chapter shall be considered a separate offense for each day the violation continues. Nothing herein contained shall prevent the city from taking such other lawful action as is necessary to prevent or remedy any violation.~~

(Ord. No. 319, § 7, 1998)