

## **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 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, and sensitive lands.

**Chapter 4** - Chapter 4 provides the application requirements and review procedures for 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 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

### **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 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 Planning Official has issued a development permit in accordance with the provisions of Chapter 4 - Administration of Land Use and Development 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, 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 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

#### 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.
- 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.

#### 1.3.300 Definitions

The following definitions are organized alphabetically.

**Abutting** - Contiguous or adjoining. It shall include the terms adjacent, 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, 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 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 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, 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 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, riprapping, brushing out, filling, excavating, aggregate mining, damming, bridging, construction or retaining walls or structures, fencing, diking, 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 on the Flood Insurance Rate Map (FIRM).

**Ambient** - Something that surrounds, as in the level of light, 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 roadways. See Chapter 3 Access and Circulation.

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

**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 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 operates as a commercial enterprise, encourages direct bookings from the public, and is intended to provide a major source of income to the proprietors.

**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 any person or persons may ride and with 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.I.

**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 may contain sidewalk or pathway lighting.

**Boulevard** - A street with broad open space areas, typically with planted medians. See 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, parks, and other public facilities.

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

**Childcare center, family childcare** - Facilities that provide care and supervision of minor children for periods of less than 24 hours. "Family childcare providers" provide care for not more than 12 children in a home. See ORS Chapter 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 two sides by walls, structural 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, and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors form part of the street grid system. See 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, or recreation facilities (e.g., typically owned by 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.

**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, 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 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 197.286(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 open areas such as plazas and 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 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.

**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 developed prior to the effective date of a land ordinance.

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

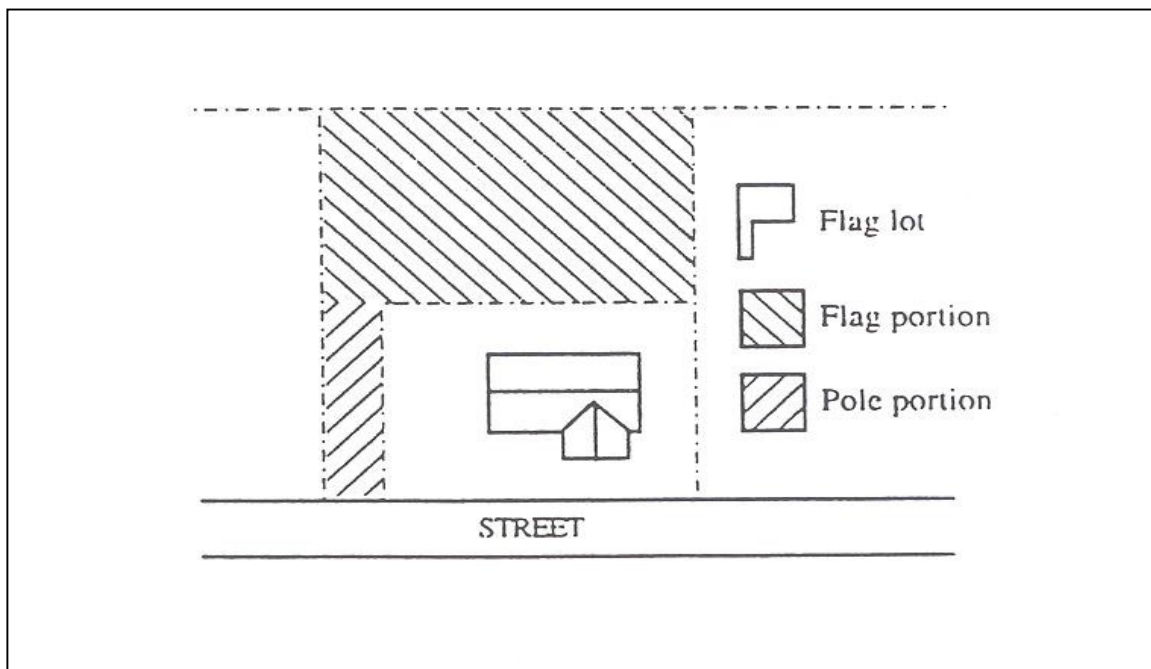
**Family day care** - See “childcare facilities”.

**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. See Section 2.1.140.



**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 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.

**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, 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 to discharge the base flood without cumulatively increasing the water surface elevation 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 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, 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.

**Hammerhead turnaround** – A “T” 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 2.1.200.I .

**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.

**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.

**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** - 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** - 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.

**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. 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.

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

**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, and replacement of existing trees.

**Lane, mid-block** - A narrow, limited use roadway facility usually used to access a limited number of dwelling units. 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 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.

**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.

**Lot** - A lot is a single unit of land that is created by a subdivision of land (ORS 92.010(4)). 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.

**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 can turn around and access parking spaces.

**Manufactured dwelling** - A manufactured dwelling can include the following residence types: a residential trailer, a mobile 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** - 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 is not regulated by the Oregon State Structural Specialty Code and Fire Life Safety Regulations and is intended for permanent occupancy.

**Manufactured structure** - A transportable 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 Development Review permit is such an action. See Section 4.1.300.

**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.
- b. Minimizing impacts by limiting the degree or magnitude of the development action and its implementation.
- c. Rectifying the impact by repairing, rehabilitating, or restoring the affected 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.
- 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.

**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 2.1.500.

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

**Natural resources** - Industrial materials and capacities (such as mineral deposits and waterpower) supplied by nature.

**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 neighborhood commercial district. See Section 2.2.210.

**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 development** - A land use, structure, or property access that exists which would not be permitted by the regulations imposed by the 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.

**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, 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, 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 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.

**Patio** - A development consisting of a surfaced area adjoining or near the principal structure, intended for use as an outdoor living area. If roofed it must be 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)]. 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.

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

**Parking 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(7)]. Partitions must be mapped and referenced by the Umatilla County Assessor's Office. See Chapter 4.3.

**Pathway/walkway/access way** - 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 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.

**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. All other similar elements are secondary in size or importance.

**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. See Chapter 3.4.

**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 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.

**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.

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

**Residence** - Same as “dwelling”.

**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 overnight accommodation.

**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** - 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** - 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.

**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.

**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.

**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, and rear yards.

**Shared driveway** - When land uses on two or more lots or parcels share one driveway. An easement 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.

**Shopping street** - A street or drive designed with the elements of a good 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.

**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.

**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). See Section 2.1.110 and Section 2.1.200.E.

**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.

**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.

**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 that 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** - 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, mailboxes, kiosks, and similar pedestrian amenities located within a street right-of-way. See Section 2.2.170.

**Street stub** - A temporary street ending 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. 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.

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

**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:

- 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
- Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

**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.

**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.

**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.

**Transportation facilities and improvements** – The physical improvements used to move people and goods from one place to 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 4.4.500. Transportation improvements include the following:

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

**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.

**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.

**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, 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.M.

**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.

**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

### 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, or use any building or structure or shall use, 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 Planning Official.** Such complaints, stating fully the causes and basis thereof, shall be filed with the Planning Official . The Planning Official shall properly record such complaints, investigate, and 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 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 Planning Official 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 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 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 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 – 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 -- Infill Development - 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)
- 2.1.500 -- Multi-Family (MF)
- 2.1.600-- Manufactured Home Park (MH)

### 2.1.100 Purpose.

The Residential District is intended to promote the livability, 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, and neighborhood services.
- Maintain and enhance the City’s historic characteristics.

### 2.1.110 Permitted Land Uses.

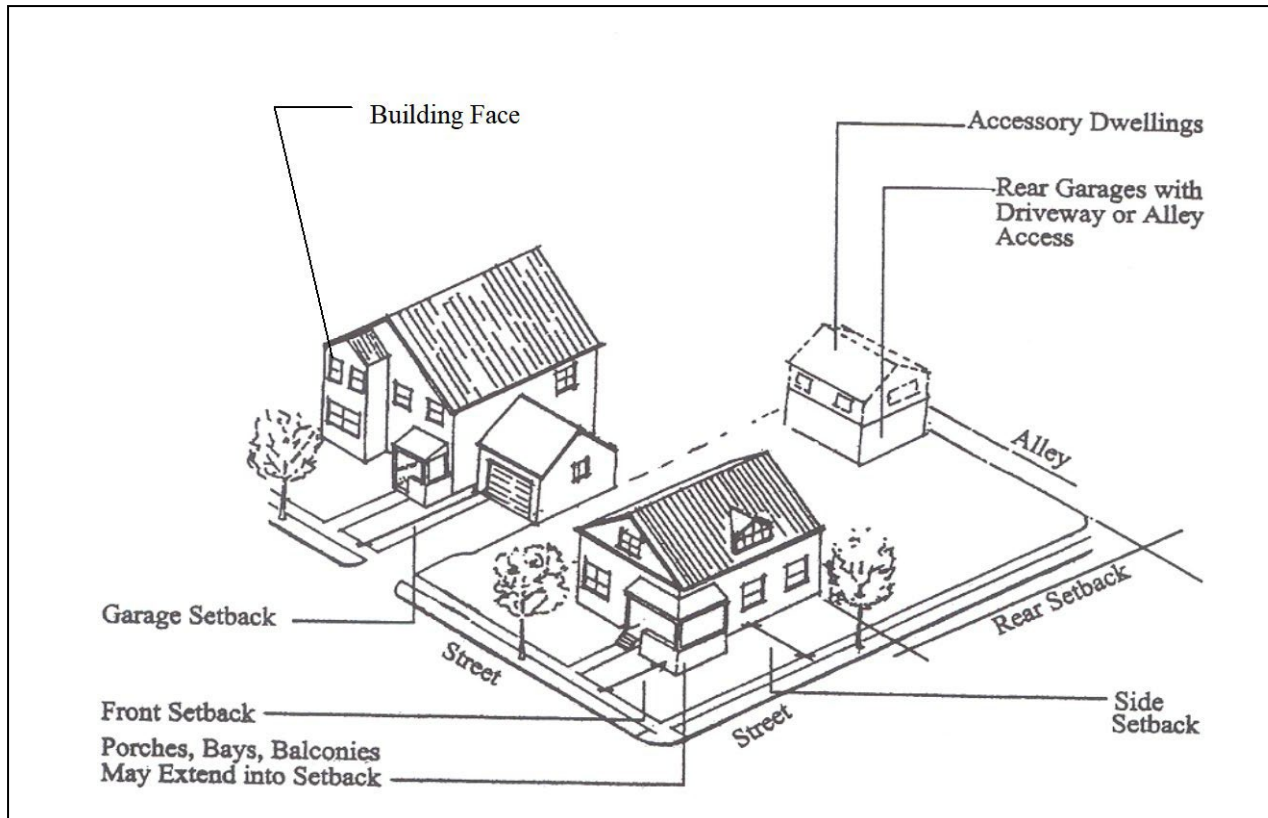
- A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.1.110.A, and land uses that are approved as “similar” to those in Table 2.1.110.A, may be permitted. 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.

<b>Table 2.1.110.A</b> <b>Land Uses and Building Types Permitted in the Residential District</b>		
<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 not to exceed a cluster of six)*  <i>Two- and Three-Family</i> g. Two- and three-family housing (duplex and triplex)*  <i>Multi-family</i> h. Multi-family housing (MF Sub-district only)* i. Cottage cluster development j. Condominiums k. Townhomes  <i>Residential care</i> l. Residential care homes and facilities* m. Group Living Facilities* n. Family daycare o. Medical Hardship*	<b>2. Agricultural</b> (UH Sub-district only).  <b>3. Home occupations*</b>  <b>4. Public and Institutional (CU)*:</b> a. Churches and places of worship Clubs, lodges, similar uses b. Government offices and facilities (administration, public safety, transportation, utilities, and similar uses) c. Libraries, museums, community centers, and similar uses d. Public parks and recreational facilities e. Schools (public and private) f. Uses like those listed above.  <b>5. 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 h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.** (CU)  <b>6. Bed &amp; breakfast inns and vacation rentals (CU)*</b>  <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>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 4.4.500. CU = Conditional Use Permit Required</p>		

*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 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. See also, Section G below, which provides specific standards for Setbacks in Established Residential

Areas.

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

2. Public and Institutional Buildings.

Public and Institutional Buildings shall have the same setback as a home, except 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. 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.

**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, 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.

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

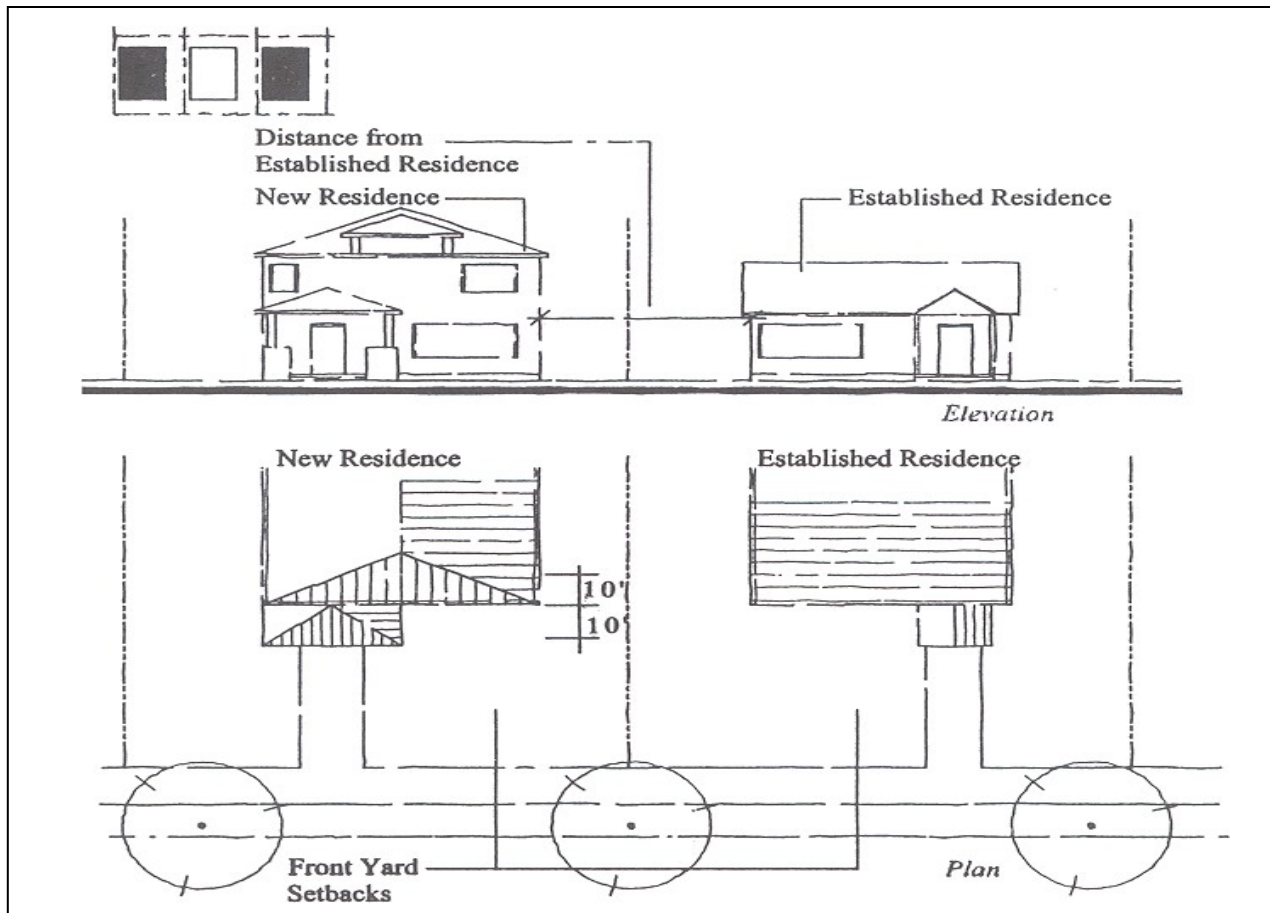
To provide usable yard area and allow air circulation and light, the minimum distance between buildings on the same lot shall be at least one-half ( $\frac{1}{2}$ ) the sum of the height of both buildings; provided, however, that in no case shall the distance be less than 10 feet. This requirement shall also apply to portions of the same buildings separated from each other by a court, landscape yard, or other open space.

**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.

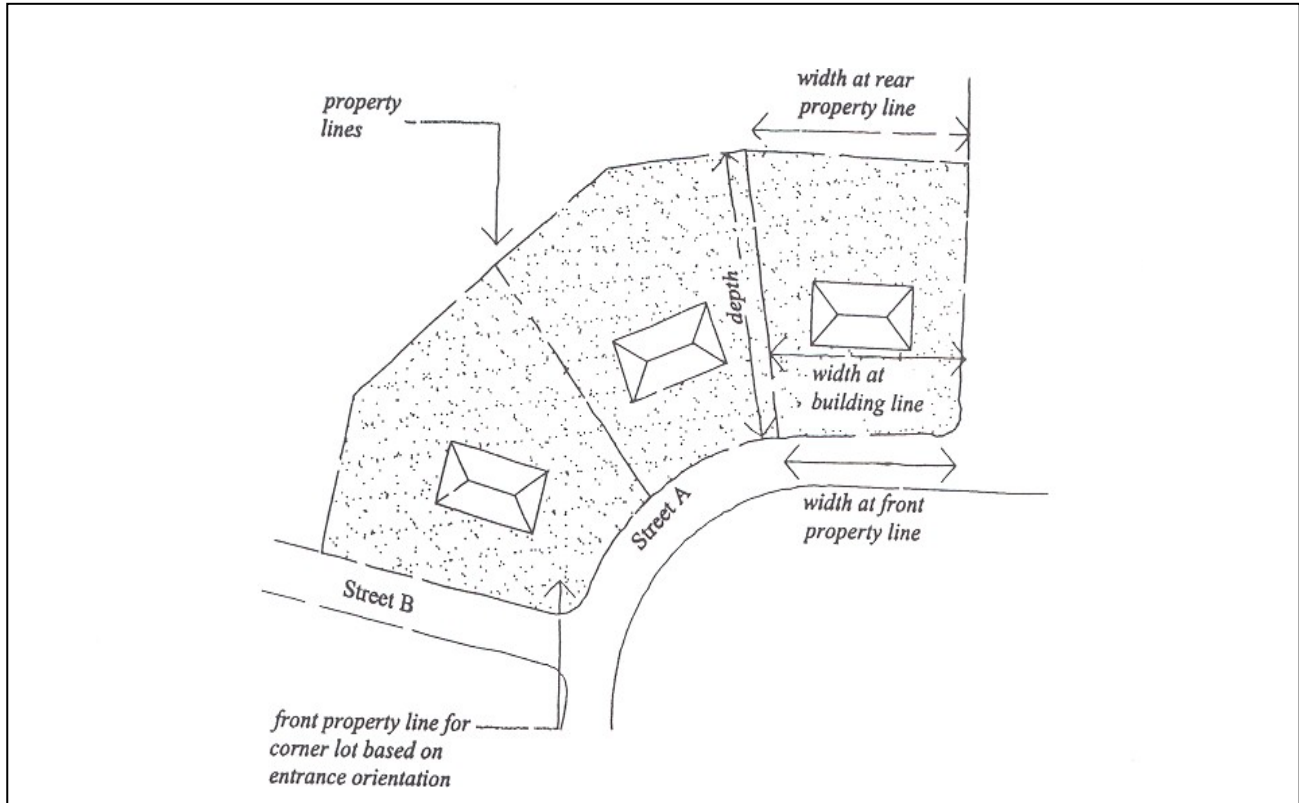
1. When an existing single-family residence on the same street is located within 40 feet of the subject site, a front yard setback similar to that of the nearest single-family residence shall be used. "Similar" means the setback is within 10 feet of the setback provided by the nearest single-family residence on the same street. For example, if the existing 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 areas subject to flooding).

**Figure 2.1.120.G – 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 300 feet or less of a sewer and water line</b>	Minimum area: 5,000 square feet.  Maximum area: One acre.	Lot Width: Minimum lot width shall be 50 feet and 25 feet on a cul-de-sac. Lot Depth:	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 301 feet from the nearest sewer or water line</b>	Minimum area: Two acres.  Maximum area: None. Future division plan required.	Lot width: Minimum lot width shall be 50 feet and 25 feet on a cul-de-sac. Lot Depth:	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>Land Use</b>	<b>Lot Area</b>	<b>Lot Width/Depth</b>	<b>Related Standards</b>
<b>Two-and Three-Family Housing (duplex and triplex)</b>	Minimum area: 6,000 square feet.  Maximum area: 10,000 square feet.	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.	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>Attached Single Family Housing (Townhome)</b>	Minimum area: 3,000 square feet.  Maximum area: 4,500 square feet	Lot width: The minimum lot width shall be 20 feet at the front building line.	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>Multi-family Housing (more than 3 units)</b>	Minimum area: The minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater.	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. Minimum Width: 50 feet at front property line. Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 – Access and Circulation.
<b>Manufactured Home Parks</b>	See Section 2.1.200 for Manufactured Home Park standards.		
<b>Public and Institutional Uses</b>	Lot area: Adequate space to allow for the proposed use.	Lot Width: 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.  Maximum Depth: None.	The maximum lot/parcel area is controlled by the Block Area standards in Chapter 3.1 – Access and Circulation.  See Special Standards for Certain Uses

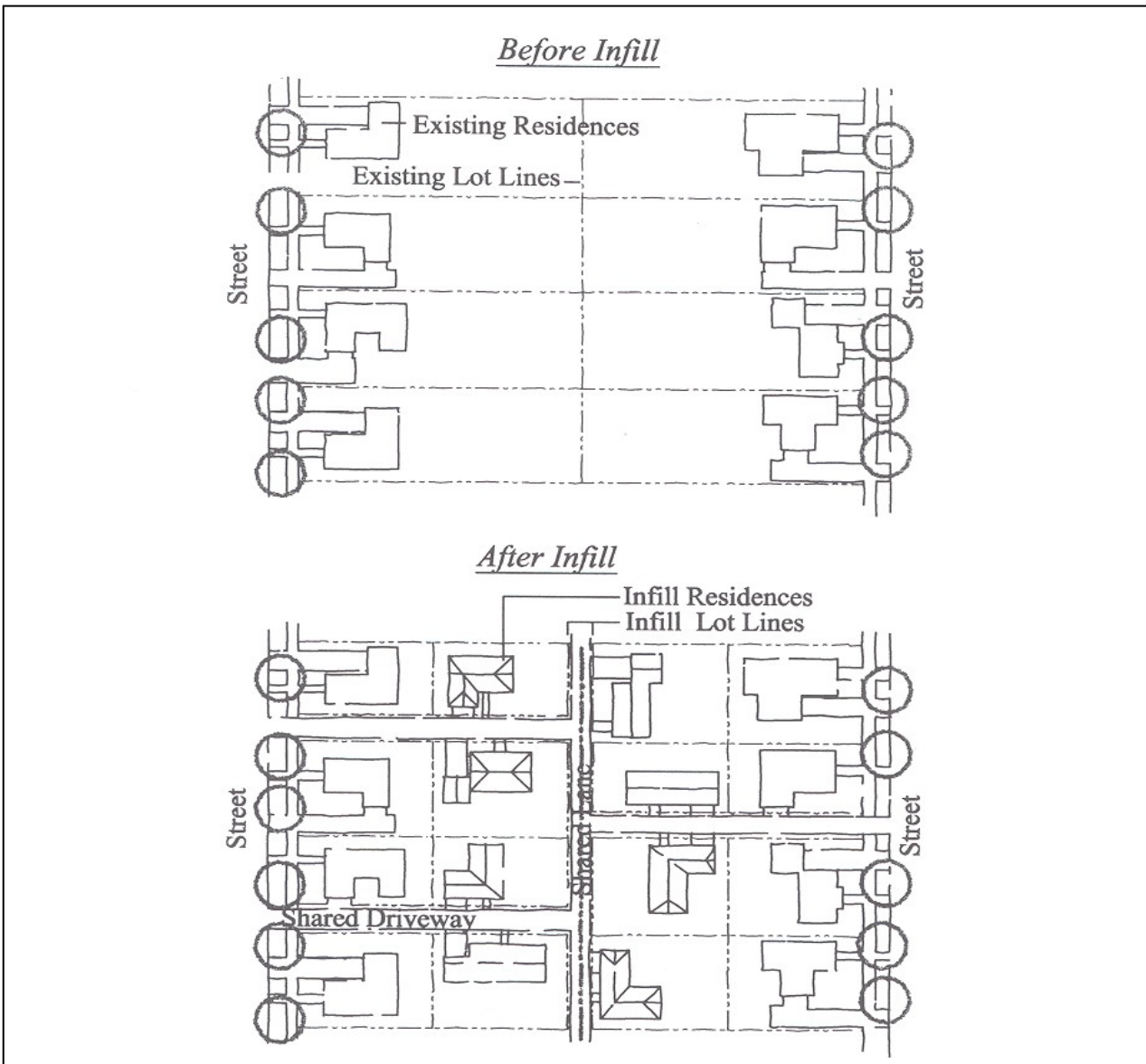
#### **2.1.140 Infill Development - Flag Lots and Lots Accessed by Mid-Block Lanes.**

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 below:

- 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.

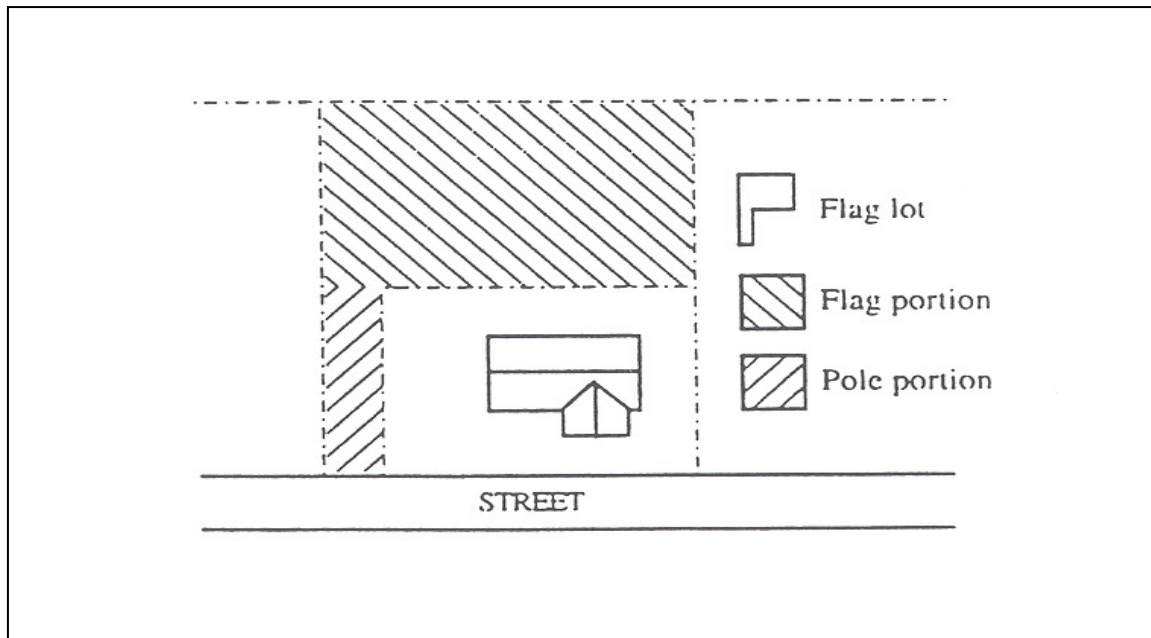
**Figure 2.1.140.A Mid-Block Infill**



- 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.



**Figure 2.1.140.B – Flag Lot (Typical)**



- 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.
- E. **Each Property Sharing A Drive For Vehicle Access Similar To An Alley.** Dedication or recording, as applicable, shall be indicated on the face of the subdivision or partition plat.
- F. **Maximum Drive Lane Length.** The maximum drive lane length is subject to the requirements of the Uniform Fire 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 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:  $217,800 \text{ square feet} \times 0.75 / 15 \text{ units} = 10,890 \text{ square feet}$  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: Residential care homes/facilities and bed and breakfast inns that are located in a residential area.
  5. Development that is not a subdivision, such as a partition of three lots or fewer, or construction of a single-family home, shall be planned to so that land is used 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:

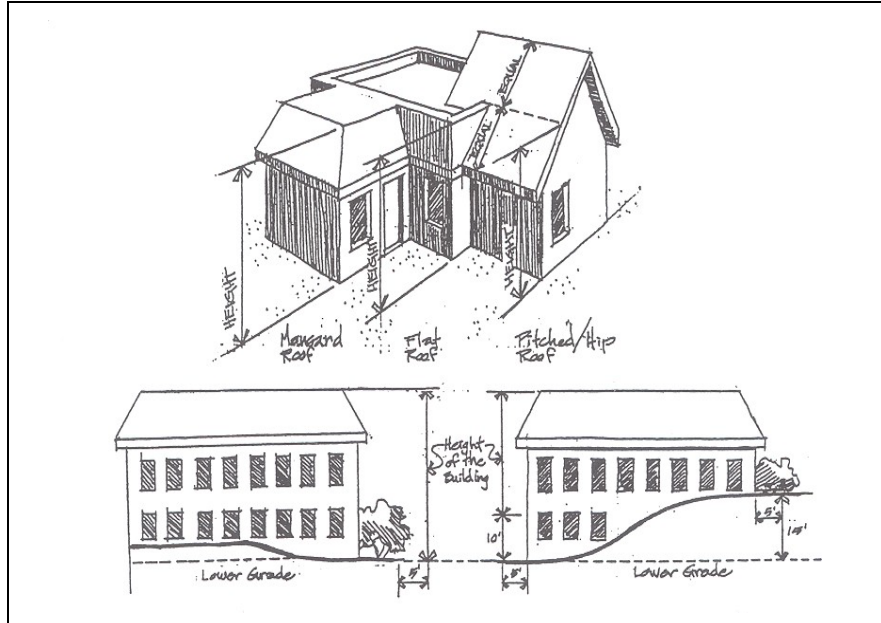
- Land within the 100-year floodplain;
  - Land or slopes exceeding 20%;
  - Drainage ways; or
  - Wetlands.
- b. Dedication of land to the public for park or recreational purposes; or
- c. The density transfer is used to develop a mix of single family and multi-family housing on the same property or 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.** Compliance with other sections of this code may preclude development of the maximum lot coverage for some land uses.

### 2.1.170 Building Height.

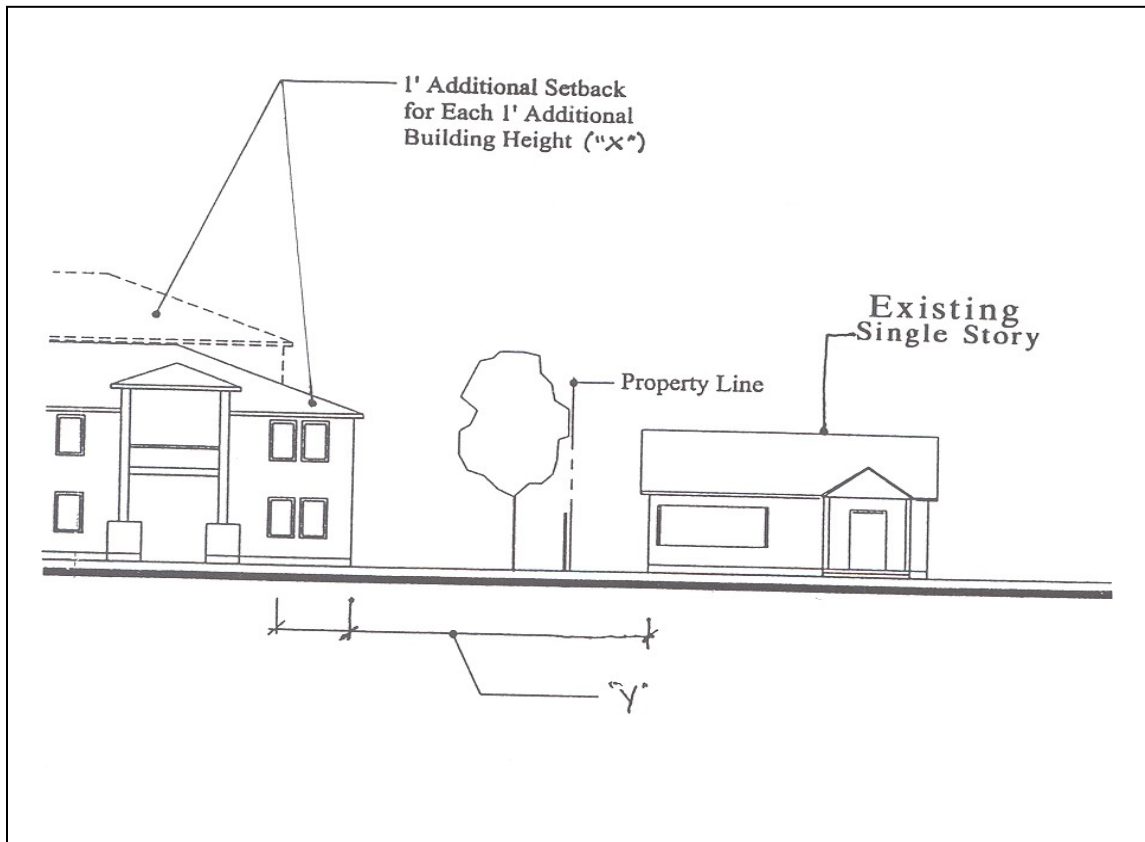
Figure 2.1.170 – Building Height Measurement (Composite of Several Roof Forms)



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 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 ‘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 each one (1) foot separating the two buildings (“y”), as shown above.

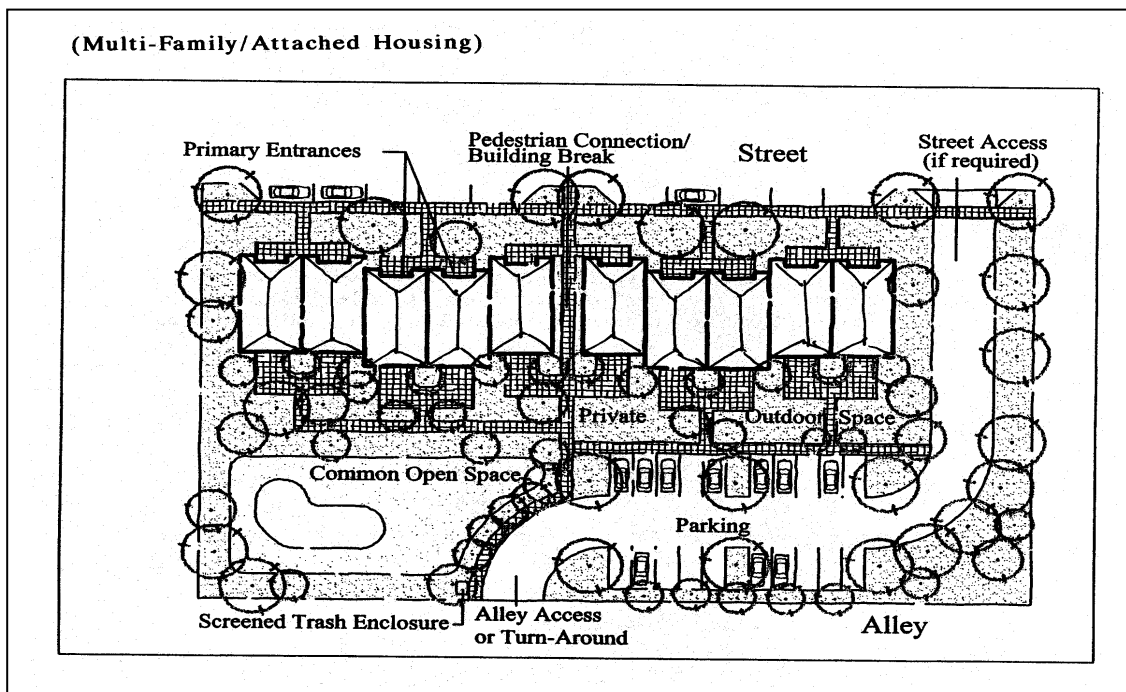
#### **2.1.180 Building Orientation**

- 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.

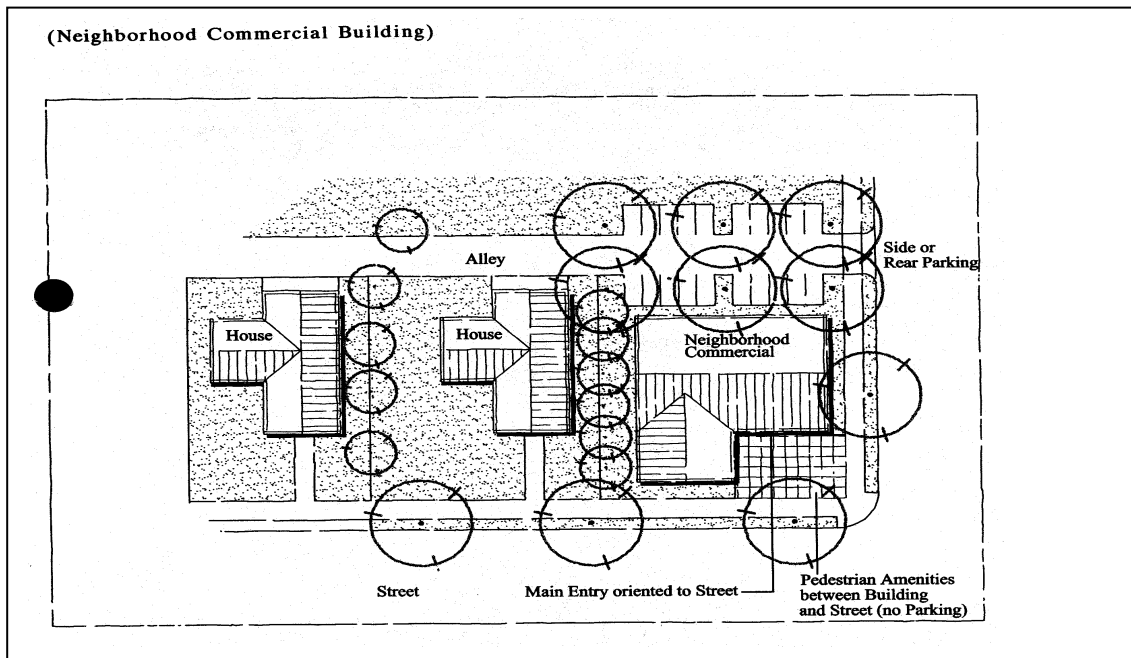
**C. Building Orientation Standards.** All developments listed in “B” above shall be oriented to a street. The building orientation standard is met when all the following criteria are met:

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**



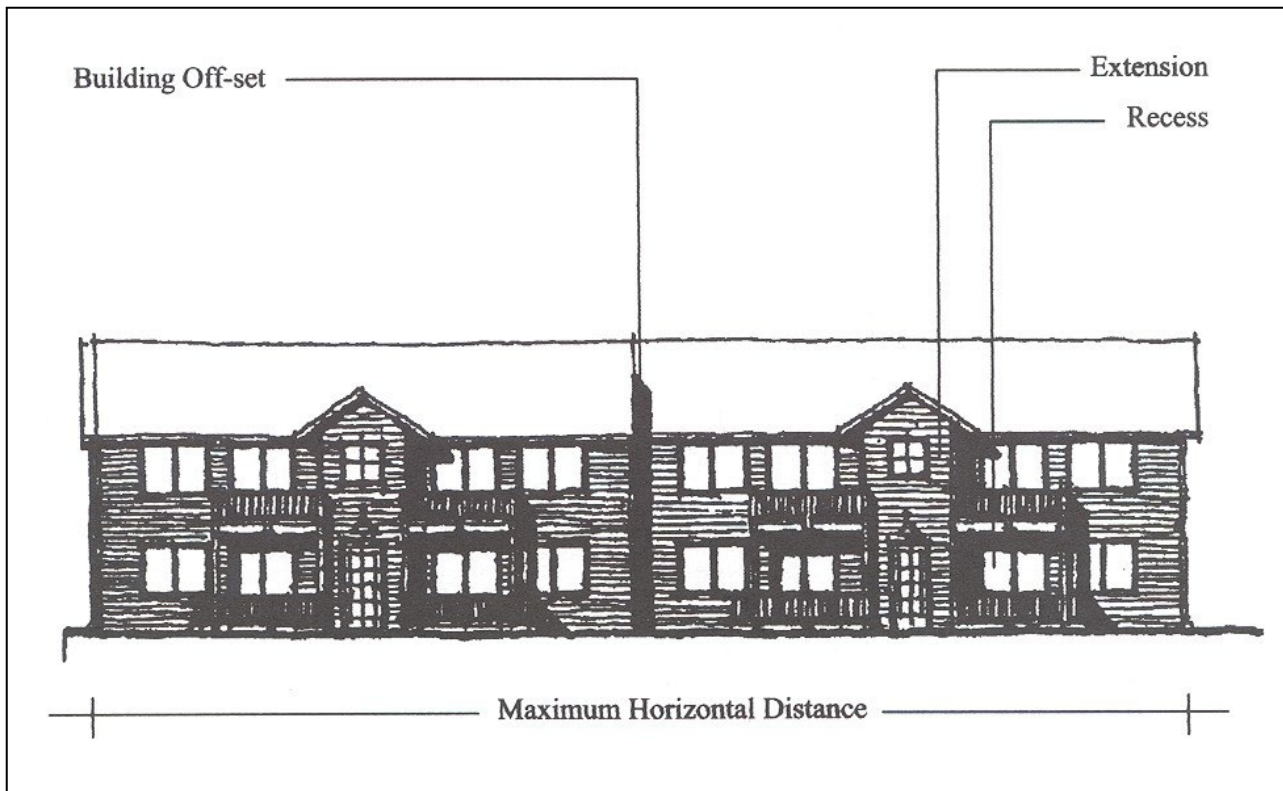
**Figure 2.1.180B – Typical Building Orientation – Neighborhood Commercial Building**



#### **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 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 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.

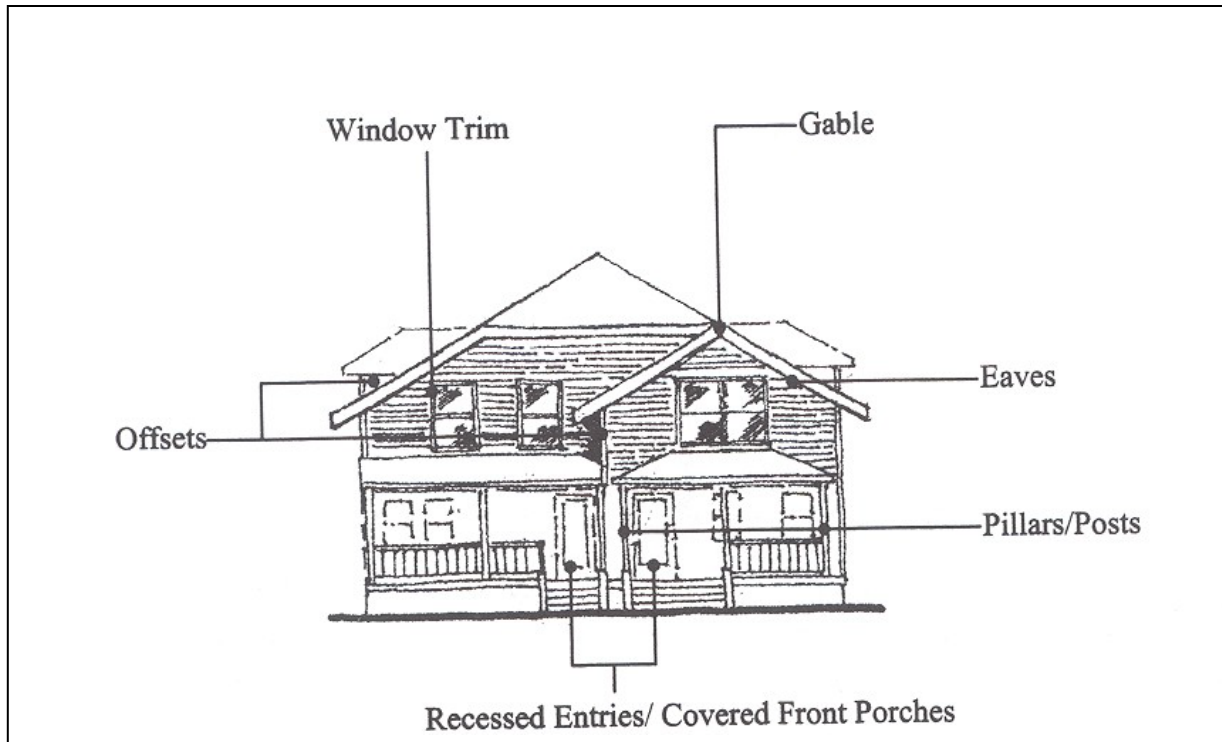
Figure 2.1.190A – Building Form (Multi-family Housing Example)



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.

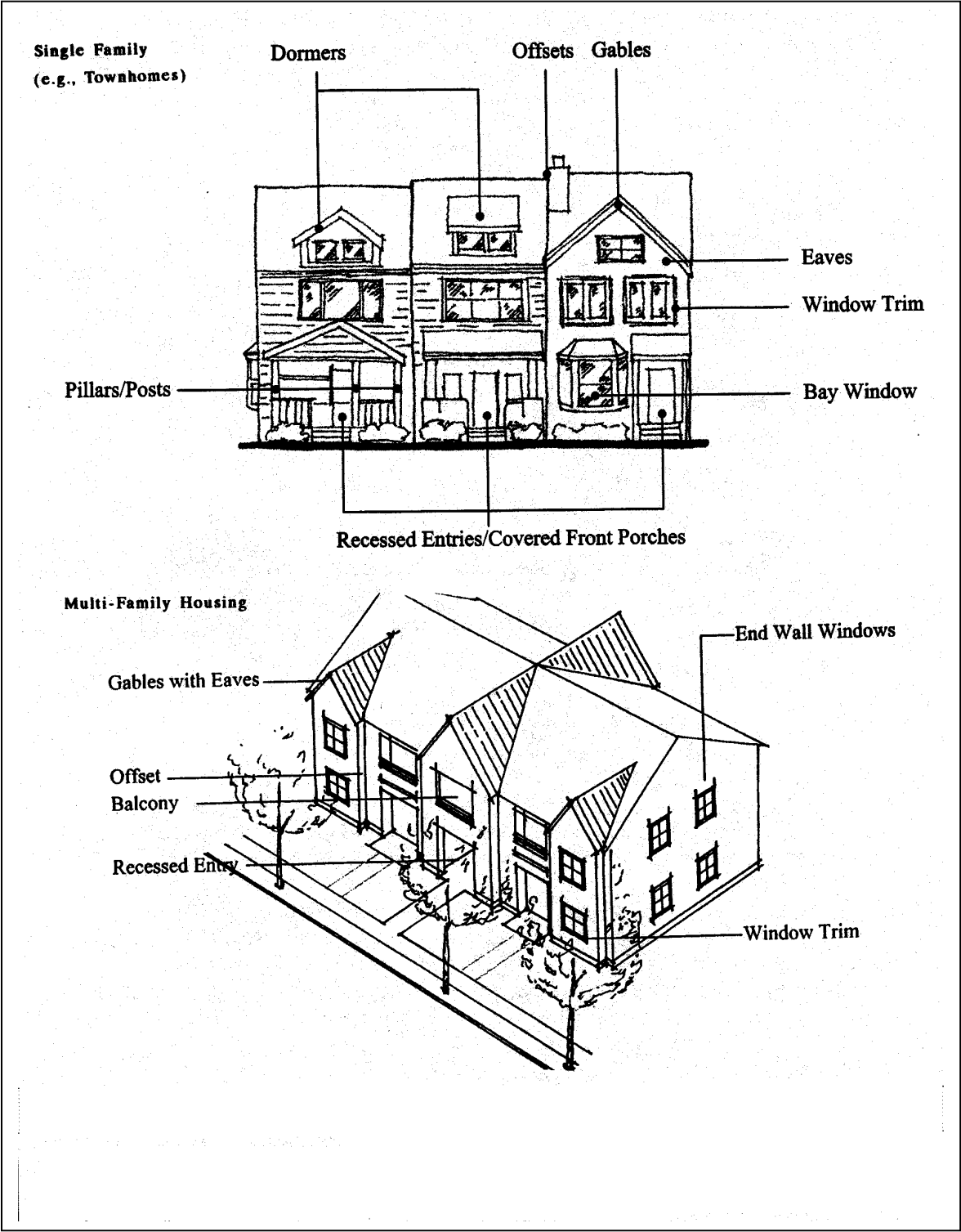


**Figure 2.1.190B – Examples of Architectural Details: Duplex**



3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear, and sides). Detailed design shall be provided by using at least 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):
- Dormers
  - Gables
  - Recessed entries
  - Covered porch entries
  - Cupolas or towers
  - Pillars or posts
  - Eaves (min. 6-inch projection)
  - Off-sets in building face or roof (minimum 16 inches)
  - Window trim (minimum 4-inches wide)
  - Bay windows
  - Balconies
  - Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
  - Decorative cornices and roof lines (e.g., for flat roofs)
  - An alternative feature providing visual relief, like options a-m.

Figure 2.1.190C – Examples of Architectural Details: Townhomes and Multi-Family

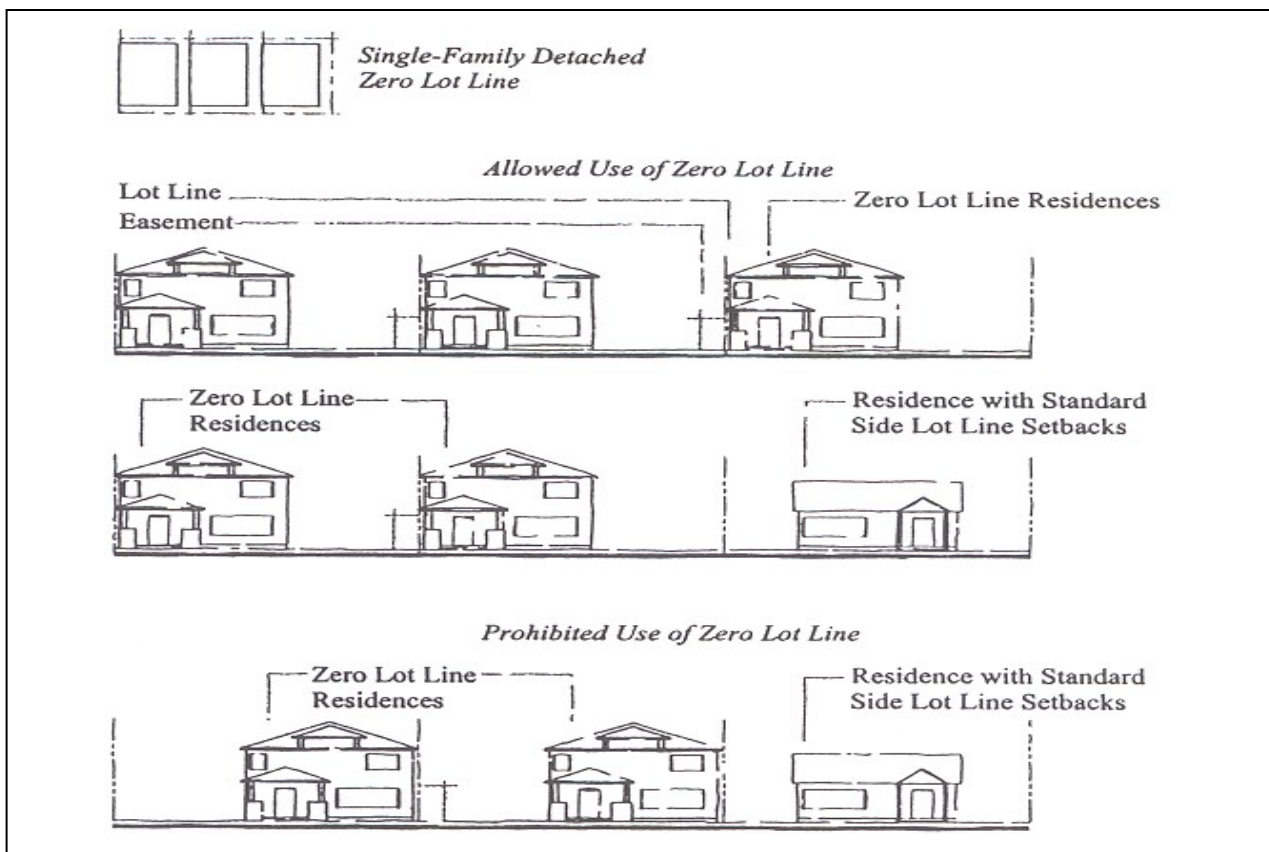


### 2.1.200 Special Standards for Certain Uses.

This section supplements the standards contained in Sections 2.1.100 through 2.1.190. It provides special standards for the following land uses 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 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.

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 to promote compatibility with adjacent land uses. Accessory dwellings shall comply with all the following standards:

1. Building Design. The Accessory Dwelling shall be constructed of materials that are the same or similar to the materials used on the primary dwelling. Accessory Dwellings shall comply with the Oregon Structural Specialty Code requirements.
2. One Unit. A maximum of one accessory dwelling unit is allowed per lot.
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.
4. Building Height. The height of an Accessor Dwelling shall not exceed the height of the primary dwelling.
5. Buffering. A minimum 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 visual screening and privacy between uses.

**C. Manufactured Homes On Individual Lots.** Manufactured homes are permitted on individual lots, subject to all the following design standards, consistent with ORS 197.307(8). 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.

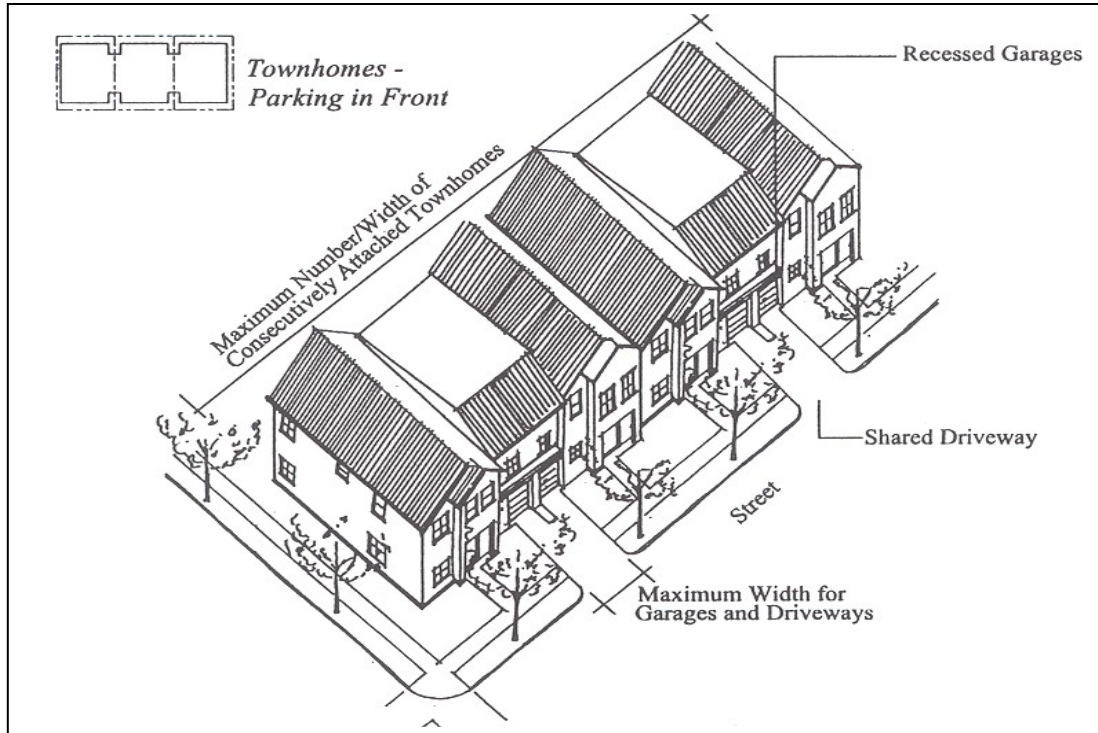
1. Roof. The manufactured home shall have a pitched roof with a slope not less than 3 feet in height for each 12 feet in width (14 degrees), the roofing materials shall be either composite or wood roofing.
2. Residential Building Materials. The manufactured home shall have exterior siding and roofing 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).
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.

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.
  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 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.
  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.
  7. Prohibited. The manufactured home shall not 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. Access and circulation standards in Chapter 3.1 and parking standards in Chapter 3.3 shall be met.
  3. Development Review. Residential Care Homes are subject to review and approval through a Type I review. Residential Care Facilities are subject to Type III review and approval.
- E. Single-Family Attached (Townhomes), Duplexes and Triplexes.** Single-family attached housing (townhome units on individual lots), duplex, and triplex developments shall comply with the standards in 1-3, 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.

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 6 units. Within the Multi-family Sub-district, the number and width of consecutively attached townhome units shall be determined by the block length standards.

**Figure 2.1.200E(2) - Townhomes and Multiplex Housing Street Access**



2. **Access.** Townhomes, duplexes, and triplexes shall comply with all the following standards, 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. 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 unit may have one 12-foot wide recessed garage 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.
3. **Common Areas.** "Common areas" (e.g., landscaping in private tracts, shared driveways, and similar uses) shall be maintained by a homeowner's association or other legal entity. A homeowner's association may also be responsible for exterior building maintenance. A copy of any applicable covenants, conditions, and restrictions shall be recorded and provided to the city prior to building permit approval.

**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. Telecommunications Equipment. Telecommunications equipment (e.g., cell towers and antennae) shall comply with the standards of Chapter 3.6.2.
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 shall be screened with an evergreen hedge or solid fence or wall 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, and similar structures. (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B.) All accessory structures shall comply with all the following standards:

1. Primary use required. An accessory structure shall not be allowed without a permitted primary use 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. Building Height. The building height of the detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.170.
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.
6. Prohibited Uses. 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 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.
9. Transient Room Tax. Owners and operators of Bed and Breakfast Inns and vacation rentals shall 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 3 and 5, above.
7. Prohibited Home Occupation Uses:
  - a. Any activity that produces radio or TV interference, noise, glare, vibration, 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.
  - c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, 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, 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 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.
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), 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.

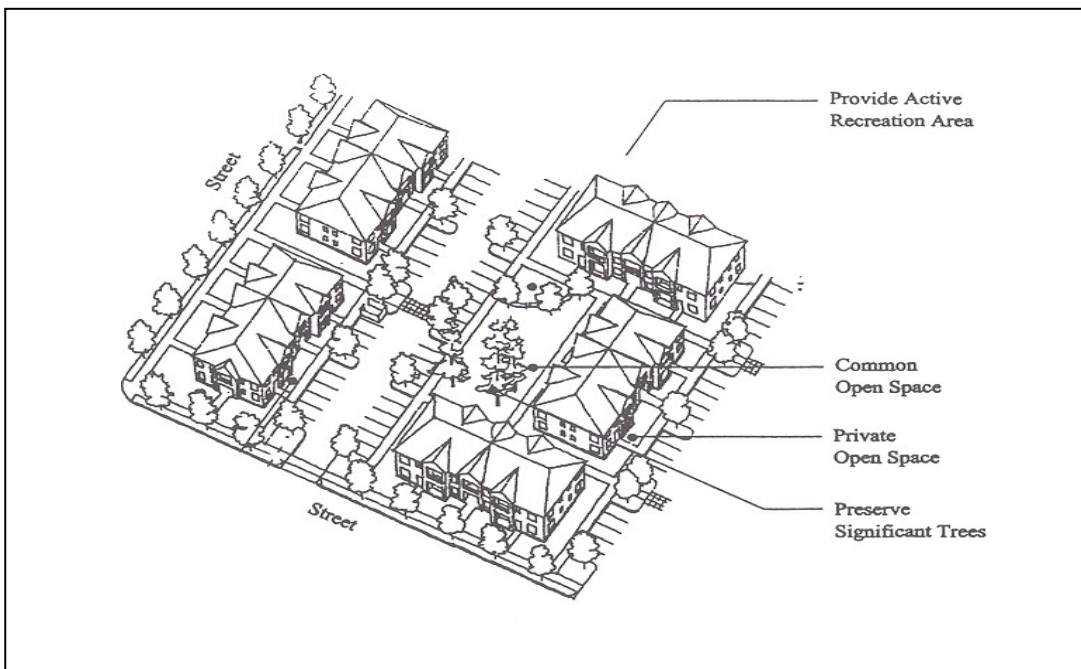
#### **2.1.400 Urban Holding Sub-District (UH).**

- 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. 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 and 215.283(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- 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 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 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-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.

#### **2.1.600 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, double, 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 2.1.200.I - 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 — Commercial (C) 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
- 2.2.200 - Tourist Commercial Sub-District (TC)
- 2.2.210 - 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 DD is intended to support this goal through elements of design and appropriate mixed-use development. This chapter provides standards for the orderly development of commercial uses and of the Downtown District based on the following principles:

- Efficient use of land and urban services.
- A pleasant, safe, and convenient pedestrian environment.
- A mixture of land uses to encourage walking as an alternative to driving and provide more employment and housing options.
- Both formal and informal community gathering places.
- A distinct storefront character which identifies Downtown.
- Connections to neighborhoods and other employment 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 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</b> <b>Land Uses and Building Types Permitted in the Commercial 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, urgent care facilities, veterinarians, 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., childcare 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 j. Uses similar to those listed above	Auto-dependent and auto-oriented uses and facilities (1.a) are subject to standards in Section 2.2.180.E and require a Conditional Use Permit per Chapter 4.4  Mixed use (1.e) is subject to standards in Section 2.2.180  Similar uses (1.j) may require a Conditional Use Permit as applicable
<b>2. Public and Institutional:</b> 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 j. Telecommunications equipment (including wireless) k. Uses similar to those listed above	Public and Institutional Uses are subject to standards in Section 2.2.180  Public parking lots and garages (2.e) require a Conditional Use Permit per Chapter 4.4  Telecommunications equipment reviewed under 3.6.100.  Similar uses may require a Conditional Use Permit if required for the similar use



**Table 2.2.110.A**  
**Land Uses and Building Types Permitted in the Downtown District**

Use	Applicable Standards
<b>3. Transportation Facilities and Improvements:</b> <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; and</li> <li>h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition.</li> </ul>	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
<b>4. Residential</b> <i>Single-family</i> <ul style="list-style-type: none"> <li>a. Single-family detached housing (existing housing only)</li> <li>b. Accessory dwellings (existing housing only)</li> <li>c. Manufactured homes – individual lots (existing housing only)</li> </ul> <i>Multi-family</i> <ul style="list-style-type: none"> <li>d. Multi-family housing (as mixed-use)</li> </ul> <i>Residential care</i> <ul style="list-style-type: none"> <li>e. Residential care homes and facilities</li> <li>f. Family daycare (12 or fewer children)</li> <li>g. Group living facilities</li> </ul>	Residential uses are subject to standards in Section 2.2.180
<b>5. Accessory Uses and Structures</b>	Accessory uses and structures are subject to standards in Section 2.2.180
<b>6. Industrial:</b> Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)	Industrial uses are subject to standards in Section 2.2.180

- C. Land Uses Prohibited in the 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.

#### **2.2.120 Building Setbacks.**

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) 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.**

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. In the Downtown Sub-District, the intent is 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.

**A. Applicability.** This Section applies to all the following types of development (i.e., those subject to Site Design Review):

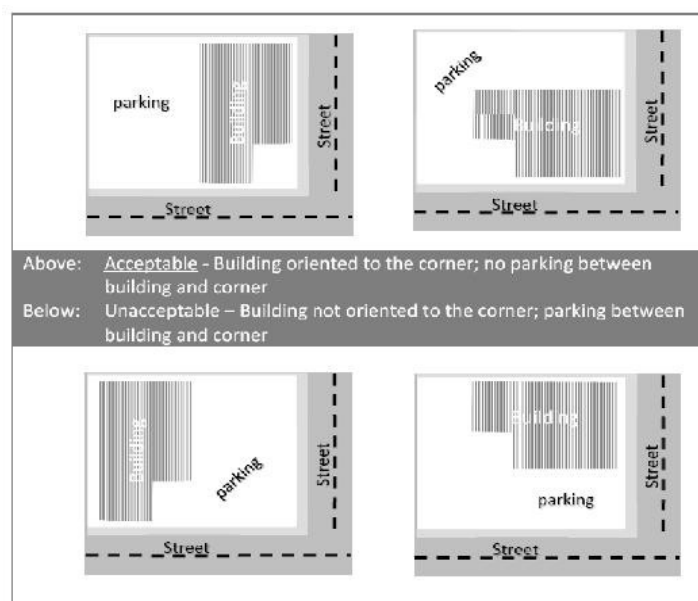
1. Multi-family housing;
2. Public and institutional buildings, except that the standard shall not apply to buildings which are subject to site design review or those that do not receive the public (e.g., buildings used solely to house mechanical equipment, and similar uses); and
3. Commercial and mixed-use buildings subject to site design review.

Compliance with all the provisions of subsections B through D, below, shall be required.

**B. Building Orientation Standard.** All the developments listed in Section A shall be oriented to a street. The building orientation standard is met when all 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.

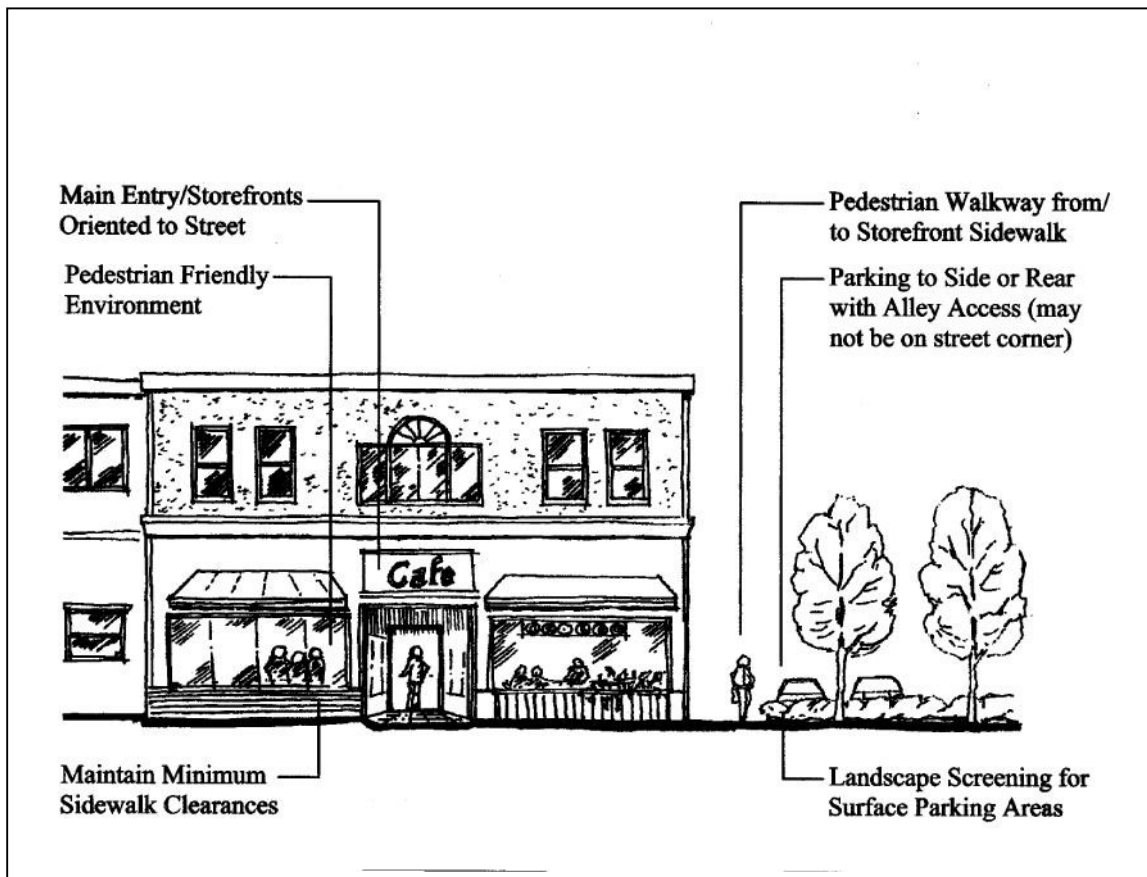
**Figure 2.2.140B – Building Orientation on Corner Lots**



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 2.2.140.D - Building Orientation (Typical)**



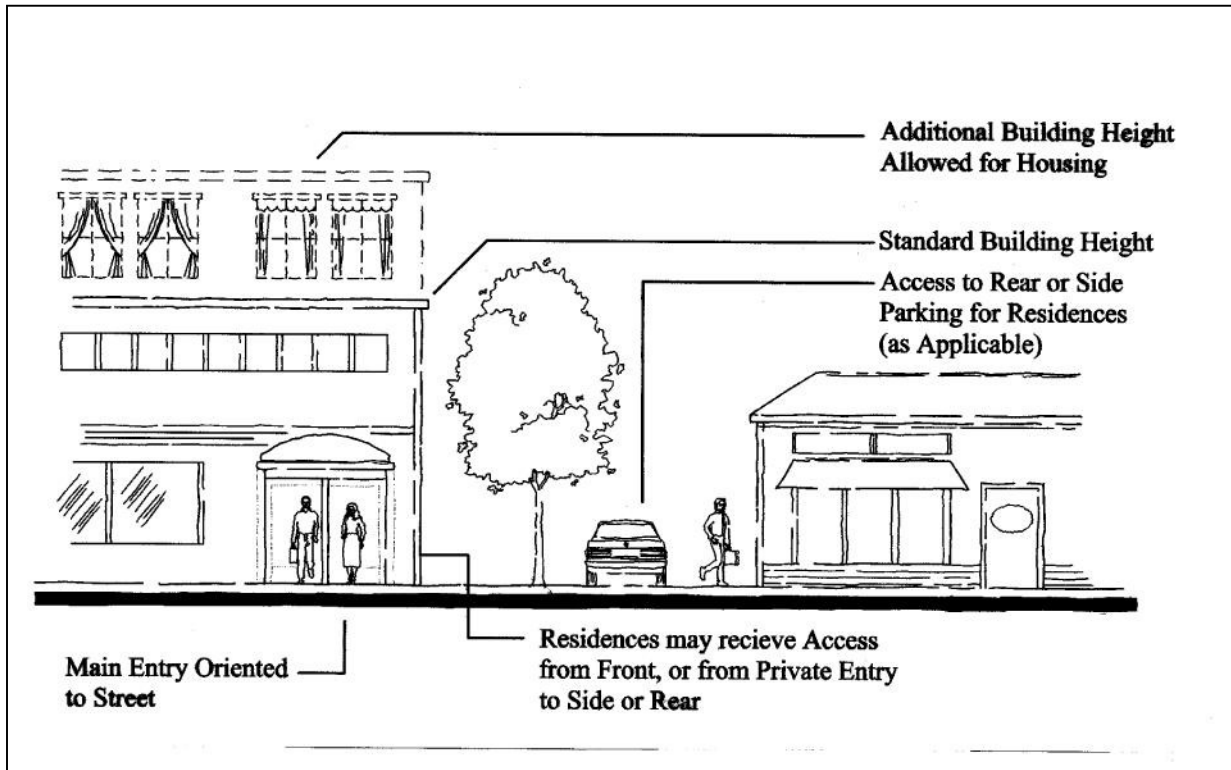
- D. **Continuous Building Frontage.** In the Downtown Sub-District buildings shall be built to the property lines on either side to create a continuous line of storefronts. Access may be provided to the rear parking areas by an internal walkway.
- E. **Variances.** The standards of this Section shall 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. Unpainted brick, stone, and natural wood siding (excluding exposed underlayment) are also permitted. The Planning Official will review all proposed exterior paint colors to ensure compliance.
- B. **Trim and Detail.** High-intensity primary colors and metallic colors may be utilized as trim and detail colors only. Trim and detail shall be of contrast to the primary color.
- C. **Prohibited Colors.** Day-glow colors, highly reflective colors, and similar colors are not permitted.
- D. **Murals.** Nothing in the standards above should be construed as prohibiting City approved murals.

### 2.2.160 Design Standards.

- A. **Purpose and Applicability.** All development in the Commercial District is required to conform with additional design standards in Chapter 3 including:

- Access and Circulation
- Landscaping, Street Trees, Fences and Walls
- Vehicle Parking, Bicycle Parking, and Loading Standards
- Public Facilities Standards
- Surface Water Management
- Other Design Standards
- 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 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. The residential portion of mixed-use buildings shall comply with Section 2.2.180 and the design standards in Chapter 2.1.190.

- B. **Standards.** Non-residential buildings shall comply with the design standards 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.

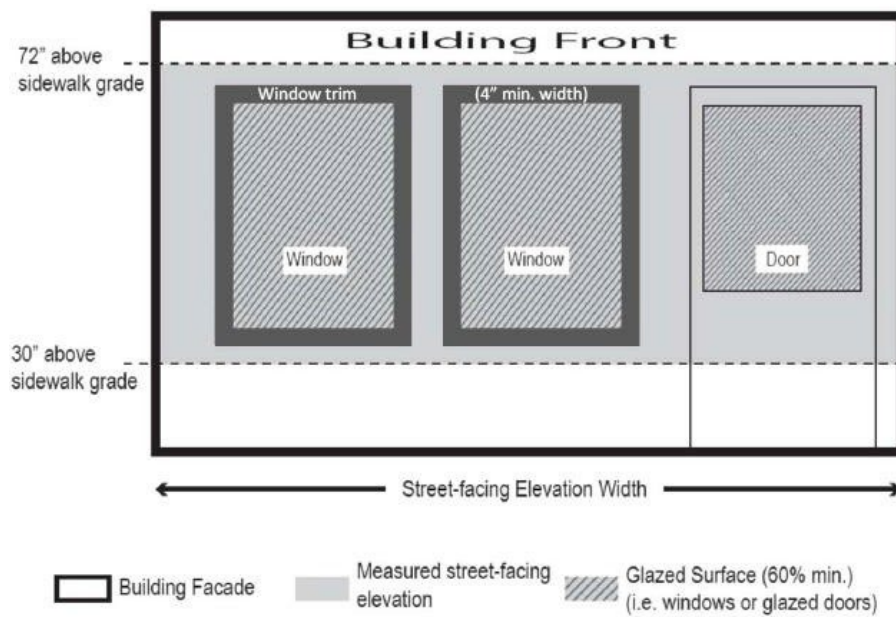
1. Building Entrances.

- 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.

**Figure 2.2.160.B(1) – Ground floor Street-Facing Window Requirement**

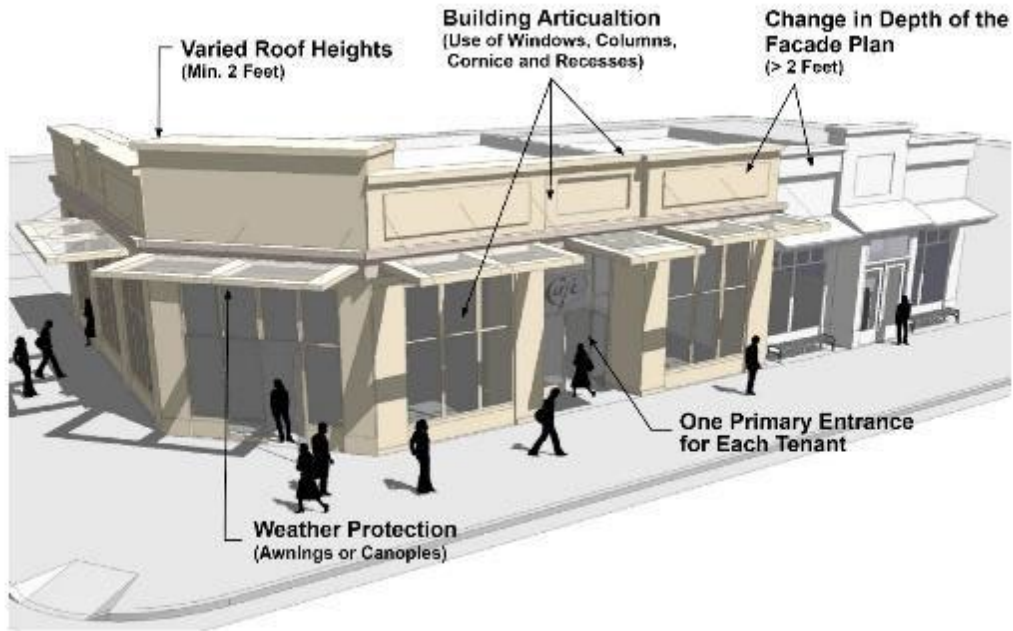


- b. All side and rear elevations, except for zero-lot line or common wall elevations where windows are not required, shall provide not less than 30 percent transparency.

- 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 2.2.160.B(2) - Downtown Building Design Elements**



**Figure 2.2.160.B(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.

#### **2.2.170 Pedestrian Amenities.**

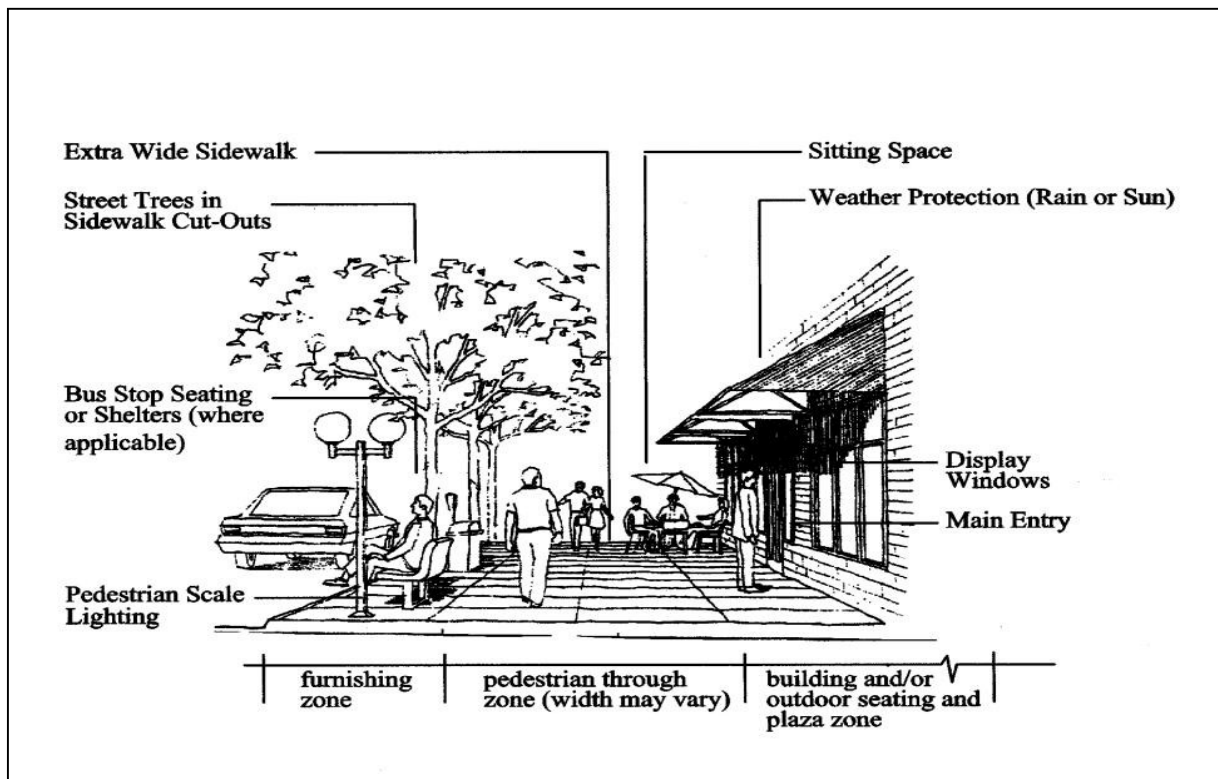
- A. Purpose and Applicability.** Commercial development shall incorporate pedestrian amenities as outlined in Chapter 3.1 Access and Circulation. This section is intended to complement the building orientation standards in Section 2.2.140, and the street standards in Chapter 3.1, by providing comfortable 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 the following types of buildings:

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
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 and illustrated 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 to control the scale and compatibility of those uses within the Downtown District:

- Residential as a Mixed Use
- Public and Institutional Uses
- Accessory Uses and Structures
- Automobile-Oriented Uses and Facilities
- Outdoor Storage and Display
- Light Manufacture

**A. Residential Mixed Use.** Higher density residential uses, such as mixed use buildings, are permitted 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.

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). Residential uses will be limited to upper story floors.
2. Limitation on street-level housing. 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. 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. 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. 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.
- 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:
- D.**
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 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. Automobile-Oriented Uses and Facilities.** Automobile-oriented uses and facilities, as defined below, shall conform to all 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 side streets, 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 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. 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. 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 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 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 the development of commercial facilities catering to the traveling public.

The base standards of the 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</b>	
<b>Land Uses and Building Types Permitted in the Tourist Commercial Sub-District</b>	
<b>1. Commercial:*</b> <ul style="list-style-type: none"><li>a. Auto-oriented uses and facilities including truck stops</li><li>b. Hotels/motels</li><li>c. Office uses (i.e., those not otherwise listed)</li><li>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)</li><li>e. Repair services</li><li>f. Uses similar to those listed above</li></ul>	<ul style="list-style-type: none"><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>
<b>2. Public and Institutional*:</b> <ul style="list-style-type: none"><li>a. Government facilities (public safety, utilities, and similar non-office uses)</li><li>b. Campgrounds</li><li>c. Recreational Vehicle Parks</li><li>d. Telecommunications equipment (including wireless)</li><li>e. Uses similar to those listed above (subject to CU requirements, as applicable)</li></ul>	<b>4. Accessory Uses and Structures*</b>
<b>3. Transportation Facilities and Improvements:</b> <ul style="list-style-type: none"><li>a. Normal operation, maintenance;</li></ul>	<b>5. Industrial*:</b> Light manufacture (e.g., small-scale crafts, electronic equipment, bakery, furniture, similar goods when in conjunction with retail)

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 Standards for Certain uses. \*\*Uses marked with 2 asterisks are subject to the standards in Section 4.4.500. Temporary uses are subject to the standards in Section 4.9. NOTE: Section 2.2.180.D. Automobile-Oriented Uses and Facilities does not apply to development within this Sub-District.

### 2.2.210 Neighborhood Commercial (NC)

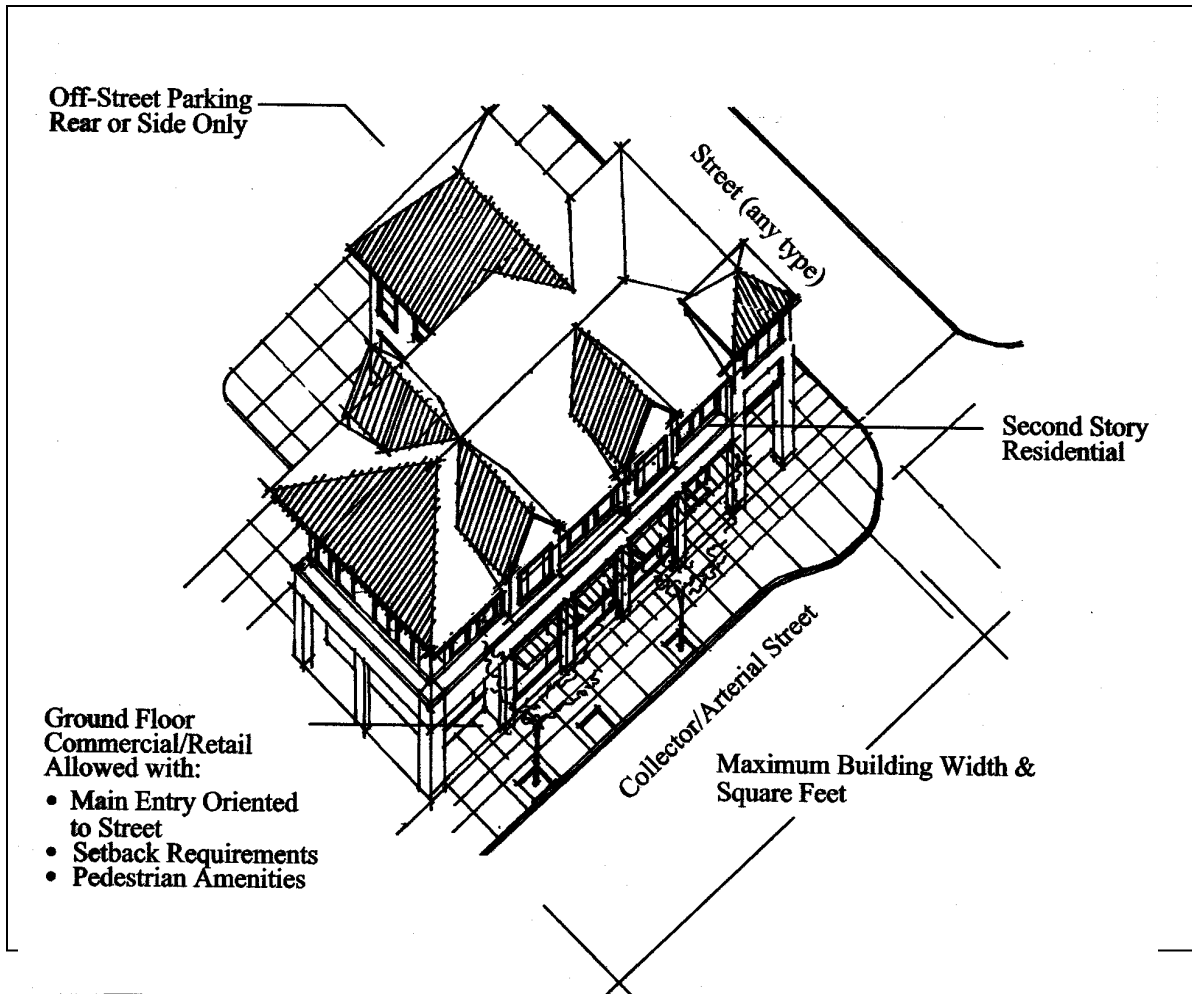
- A. Purpose/Intent Statement:** The Neighborhood Commercial Sub-District is designed to provide land for small-scale commercial uses that are compatible with adjacent residential development. All Neighborhood Commercial uses shall comply with the following standards, which are intended to promote land use compatibility and transition between 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.

Table 2.2.210.A Land Uses and Building Types Permitted in the Neighborhood Commercial Sub-District	
Residential Uses: Single-Family, Duplex, or TriPlex Townhomes Cottage Clusters  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	Commercial Uses: Childcare Center (for more than 12 children) Food Services, excluding automobile-oriented uses Laundromats and dry cleaners Retail Goods and services Medical and dental offices, clinics, and laboratories Personal Services (barber shop, salon, similar uses) Professional and administrative offices Repair services that can be conducted entirely within the building Light Manufacture conducted entirely within the building

- 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 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)



## 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>k. Sewage treatment plant</li> <li>l. Transportation terminals</li> <li>m. Utility Substations*</li> <li>n. Contractor's yards and shops</li> <li>o. Junk Yards or Wrecking Yards (CU)</li> <li>p. Retail or service businesses less than 3,000 square feet that are accessory to industrial development*(CU)</li> <li>q. Manufacturing, processing or assembly that does not comply with performance standards of the general industrial zone;* (CU)</li> <li>r. Garbage incineration* (CU)</li> <li>s. Sanitary landfill* (CU)</li> <li>t. Asphalt batch plants* (CU)</li> <li>u. Refining or storage of petroleum products* (CU)</li> <li>v. Manufacturing of explosives, chemicals, fertilizers, pesticides, gas, or inflammable fluids*</li> <li>w. Smelting or re-manufacturing of ores and metals*</li> <li>x. 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> </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>b. Private utilities (e.g., natural gas, electricity, telephone, cable, and similar facilities);</li> <li>c. Recycling, solid waste transfer facilities, or composting facilities.</li> <li>d. Passive open space (e.g., natural areas);</li> <li>e. Special district facilities (e.g., irrigation district, and similar facilities (not open to the public)</li> <li>f. Vocational schools co-located with parent industry or sponsoring organization;</li> <li>g. Uses similar to those listed above.</li> </ul> <p><b>5. 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>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 those residences existing prior to the effective date of this Code may continue.}</p> <p><b>7. Wireless Communication Equipment:</b> subject to the standards in Chapter 3.6.100.</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 Standards for Certain 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.).

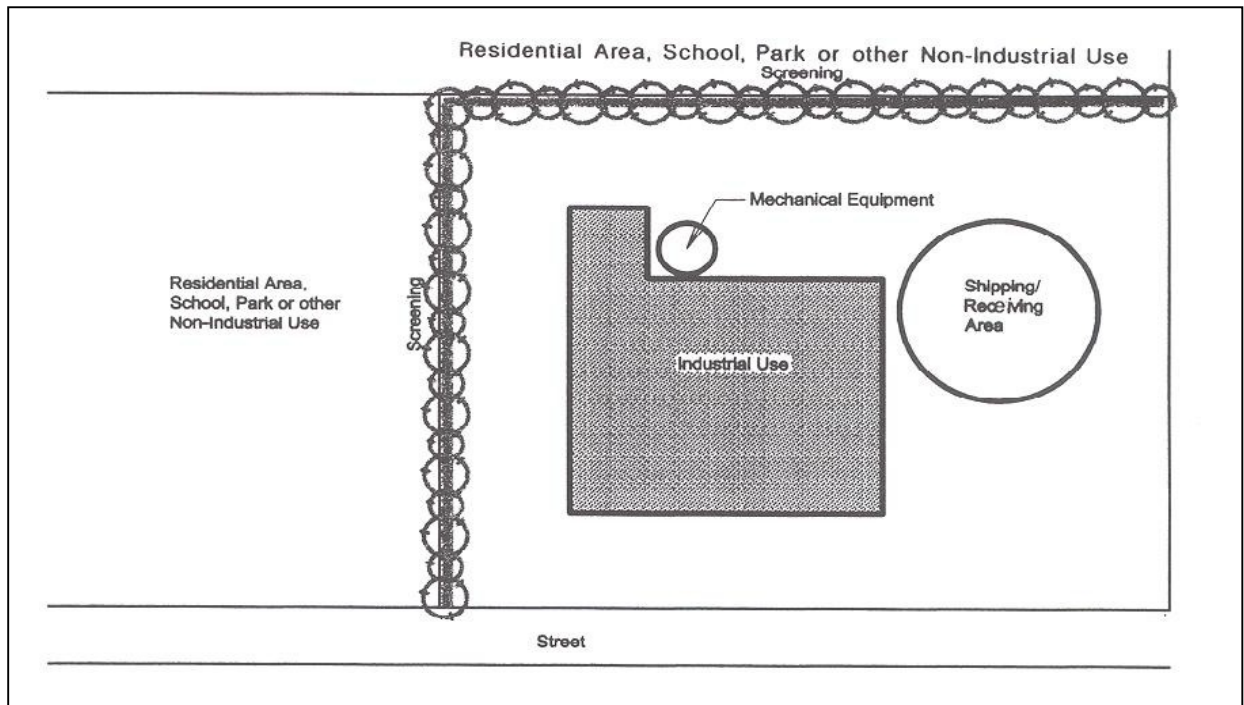
### **2.3.130 Lot Coverage.**

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 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 of building elevations, visual buffering, screening, and/or other appropriate measures to provide a height transition between industrial development and adjacent non-industrial development. 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 2.1.170 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: 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 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 Section 2.3.160 Special Standards 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., childcare, 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>e. Uses similar to those listed above.</li> </ul> <p>a. Transportation Facilities and Improvements:</p> <ul style="list-style-type: none"> <li>1. Normal operation, maintenance;</li> <li>2. Installation of improvements within the existing right- of-way;</li> <li>3. Projects identified in the adopted Transportation System Plan not requiring future land use review and approval;</li> <li>4. Landscaping as part of a transportation facility;</li> <li>5. Emergency Measures;</li> <li>6. Street or road construction as part of an approved subdivision or partition;</li> <li>7. Transportation projects that are not designated improvements in the Transportation System Plan ** (CU); and</li> <li>8. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU).</li> </ul> <p><b>4. Accessory Uses and Structures</b> (such as storage sheds and outbuildings)</p> <p><b>5. Wireless communication equipment</b> subject to 3.6.100</p>
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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 Standards for Certain Uses. \*\*Uses marked with 2 asterisks are subject to the standards in Section 4.4.500. 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 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 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. 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 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 chimneys, grain elevators, roof equipment, flag poles, and similar features which are not for human occupancy.

#### **2.4.150 Building Orientation.**

All 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.

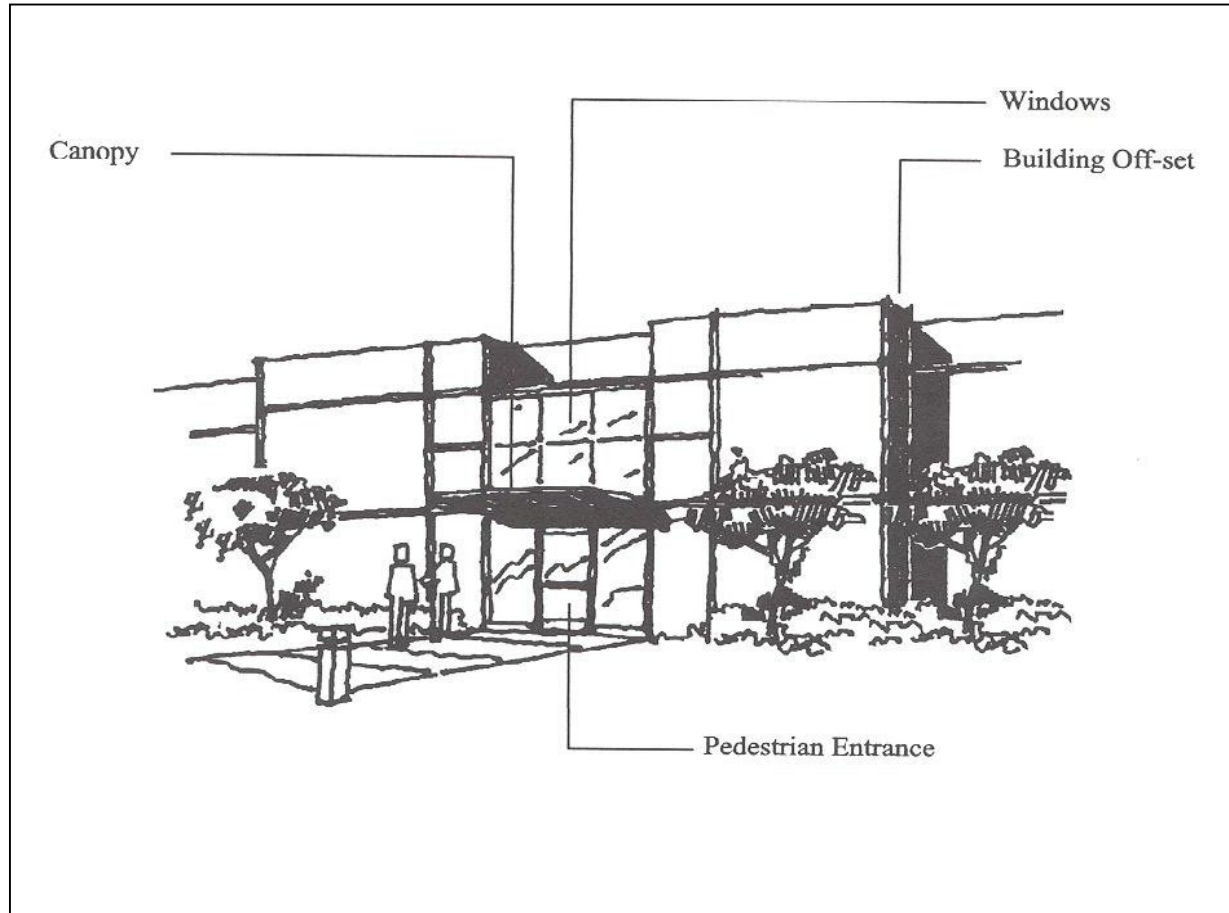
#### **2.4.160 Design Standards.**

All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the following criteria.

- 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 to create a pedestrian-scale.

**Figure 4.A – Design Features (Typical)**



*Note: The example 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 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 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, 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.

## **Chapter 2.5 – Master Planned 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 shall be prepared for all sites meeting the criteria in Section 2.5.200. Master 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.

### **2.5.400 Land Use and Design Standards.**

Master Planned Developments shall be evaluated based on the criteria in Chapter 4.5 and shall be consistent with the following design principles:

1. All 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. 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);
5. For commercial or industrial development streets are connected and blocks are appropriate to the proposed uses;
6. Civic buildings, monuments, and open spaces (e.g., parks, squares, greenbelts, natural areas, etc.) are given prominent sites throughout the development, as appropriate;
7. Overall and when appropriate, the development plan achieves a housing density within the ranges identified in the Comprehensive Plan and Residential District standards;
8. Land needed for public use (e.g., schools, parks, fire stations, and other facilities) shall be designated on the Master Plan, in accordance with the Comprehensive Plan.

#### **2.5.500 Implementation.**

Upon approval of a 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 shall be subject to the standards and procedures in Chapter 4.6 - Modifications.



## 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 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.

### **2.6.200 Permitted Land Uses**

<b>Table 2.6.200</b> <b>Land Uses and Building Types Permitted in the Open Space District</b>	
<b>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	<b>h.</b> Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)  <b>2. Recreational Uses *** (CU):</b> a. Public or private golf courses, b. Parks, playgrounds, and related accessory structures.  <b>3. Wireless Communications Facilities</b> subject to 3.6.100

Land uses with (CU) shall require a Conditional Use Permit in accordance with Chapter 4.4. \*\*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 10 acres.
- B. Setbacks:** All structures shall be at least 20 feet from all property lines.
- 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 located within the zone shall not obstruct flood flows or the open space concept.

## Chapter 2.7 — Floodplain Overlay District (FP)

### Sections:

- 2.7.100 - Purpose
- 2.7.200 - Location
- 2.7.300 - 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 - Floodway Sub-District
- 2.7.700 - Riparian Corridor Sub-District

### **2.7.100 Purpose**

The Floodplain Overlay District 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 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 Floodplain on the Revised Preliminary “Flood Boundary and Floodway Map” issued by the Federal Emergency Management Agency on September 2, 2010, as part of the Flood Insurance Study for the City of Stanfield.

### **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.

<b>Table 2.7.300</b> <b>Land Uses and Building Types Permitted in the Floodplain Overlay District</b>		
<b>1. Structure-Related Uses*</b> a. Fences and freestanding walls b. Change of use of a building c. Open wall buildings for farm or recreation use d. Open wall porch, patio, and similar additions e. Parking lot, driveway, sidewalk, open patio, or deck. f. Additions to existing buildings only if located within the triangular "obstructed flow zones" g. Replacement of an existing building or manufactured home.  <b>2. 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 h. Transportation projects that are not designed and constructed as part of an approved subdivision or partition** (CU)	<b>3. Other Development*</b> a. Bridges (CU) 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) c. Public or private parks, golf courses, and other non- structural recreation development. (CU) d. Removal Fill Activities with a permit from the Department of State Lands

Uses marked with an asterisk (\*) are subject to the standards in Chapter 3.7, Floodplain 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 4.4.400.D. 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 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 applicable development standards are found in Chapter 3.7 Flood Plain Design Standards. Chapter 3.7 applies to all development within this District.

### 2.7.600 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.

<b>1. Landscaping Uses*:</b> <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> <b>2. Transportation Facilities and Improvements*</b> <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></ul>	<ul style="list-style-type: none"><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

**D. Structures** No structures are allowed to be built within the Floodway Sub-District.

**E. Development Standards.** See Chapter 3.7 Floodplain Design Standards.

## **2.7.700 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 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 Comprehensive Plan 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 Statewide Wetlands Inventory 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 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 Planning Official 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 Planning Official, 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 Planning Official. If no hazard is created, the Planning Official 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 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 this section.
  - a. A setback adjustment as allowed under Section 2.7.700.D.4.
  - b. A variance to the riparian setback approved through procedures of Section 2.7.700.D.5.
  - c. On the Umatilla River, the riparian setback may be reduced as allowed under Section 2.7.720.D.6.
3. Proposals for development activities within the riparian corridor 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 ½ 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 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 2.7.700.D.4 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 2.7.700.D.4 are insufficient to remedy the hardship.

- b. Administrative Variances shall be processed 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 Planning Official, 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, 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 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, 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**

## 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, circulation, and connectivity for vehicles and pedestrians. 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 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 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 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. 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, ODOT shall determine whether access is granted based on its adopted standards.
  3. Permits for access to County 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.
- 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.)
- 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.
- 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 F.
  4. Subdivisions Fronting on 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 Transportation System Plan. (Please refer to Section 3.4.100 Transportation Standards.)

- 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 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.
- 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 '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, to maintain the required access spacing, and minimize the number of access points.

**H. Shared Driveways.** The number of driveway and private street intersections with public streets shall be minimized 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, to provide for more direct circulation between sites and uses for pedestrians, bicyclists, and drivers.

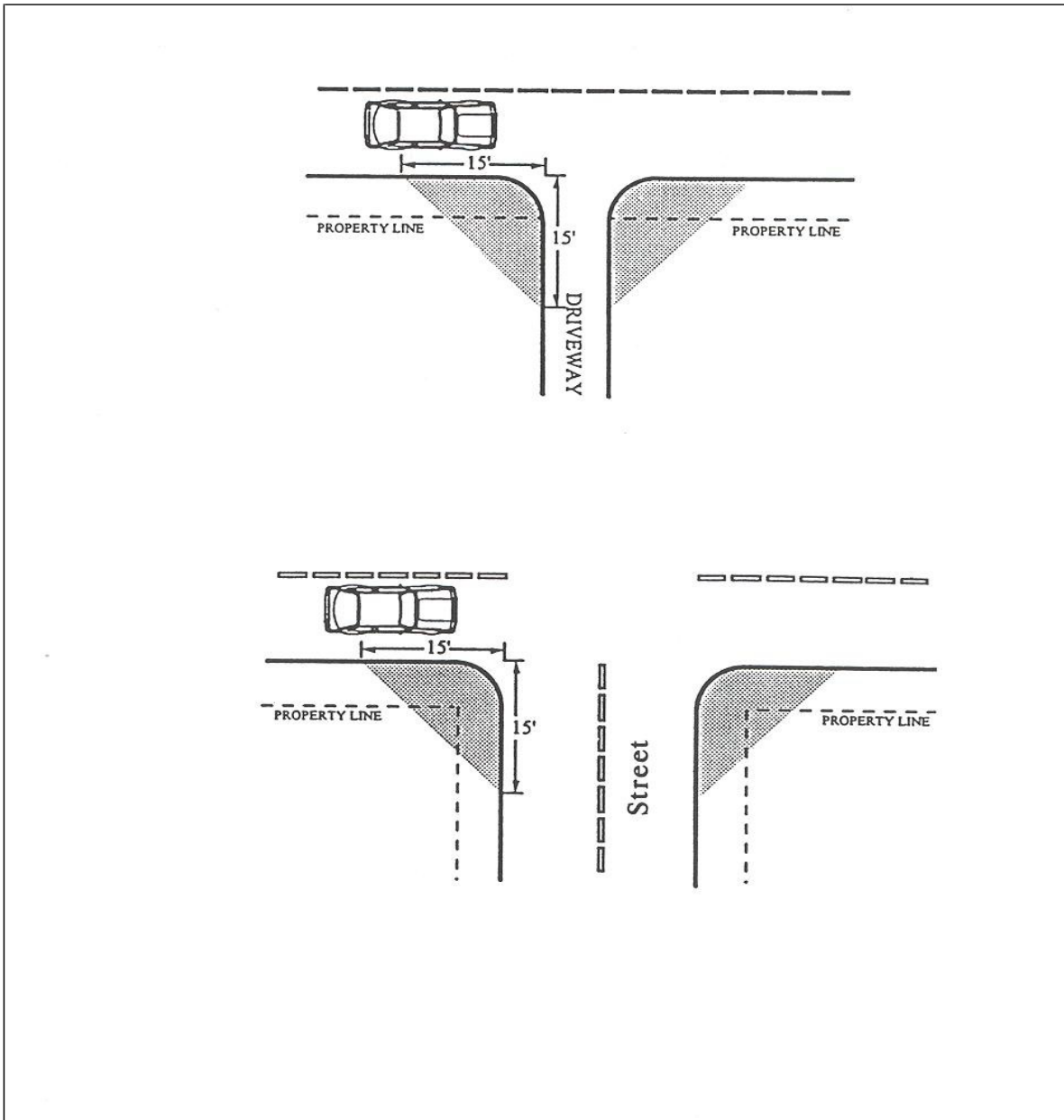
**I. Street Connectivity and Formation of Blocks Required.** Land divisions and large site developments often involve development of land not previously developed. This creates opportunities to help insure that pedestrian and vehicular circulation is preserved both to and from the new development. To 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 Commercial District;
  - c. Not applicable to the General Industrial District;
  - d. 600 feet length and 2,000 feet perimeter in the Light Industrial District.
2. Street Standards. Public and private streets shall also conform to Section 3.4.100 Transportation Standards, 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.

- 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). Public Works Standards are 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. 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 Turnarounds.** 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 more than three feet in height shall be placed in "vision clearance areas", as shown in Figure 3.1.200.M. 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 and are detailed in the Public Works Standards:
1. Surface Options. Driveways, parking areas, aisles, and turn-arounds 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 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 J.)

**Figure 3.1.200.M. Vision Clearance**



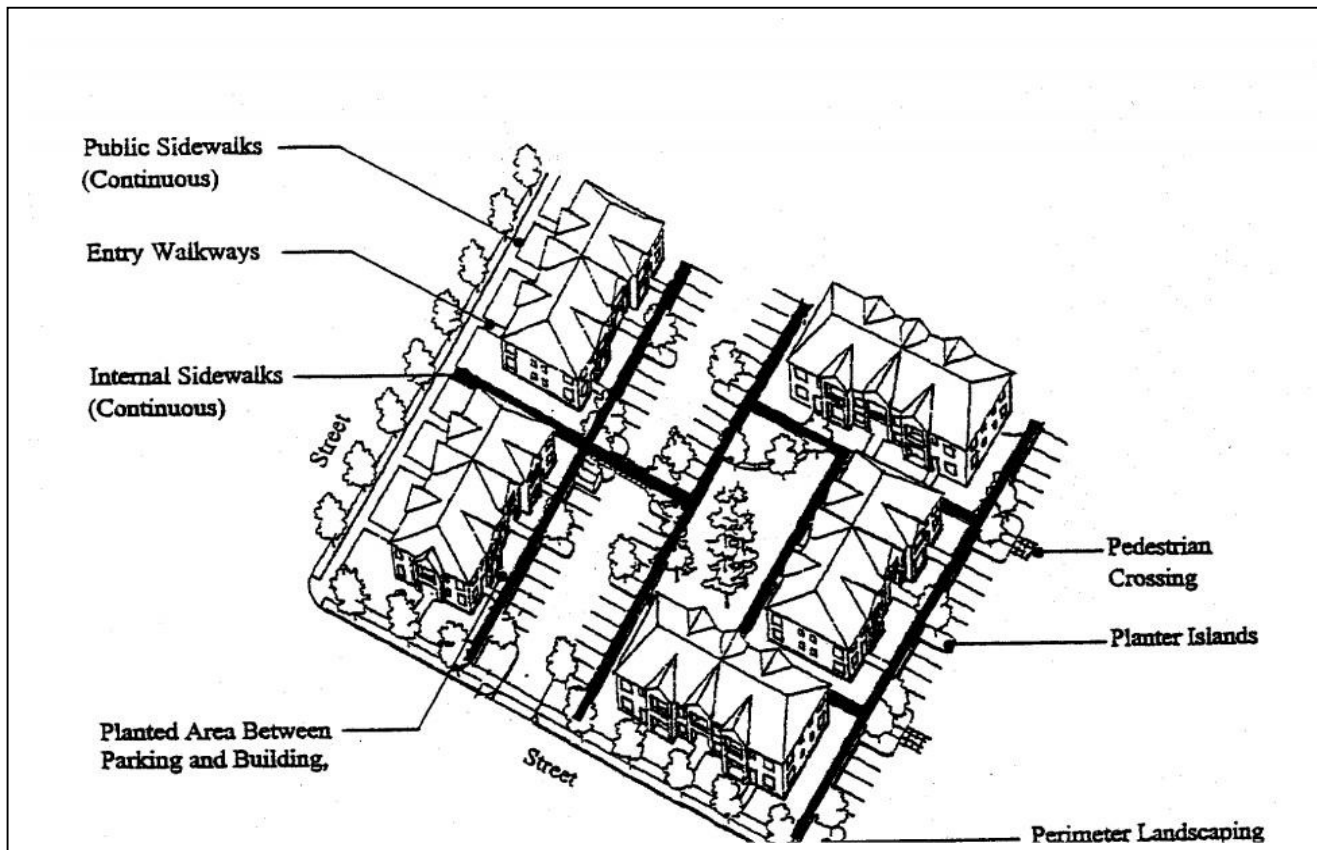
**3.1.300 Pedestrian Access and Circulation.**

- A.** To ensure safe, direct, and convenient pedestrian circulation, all new development 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 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.

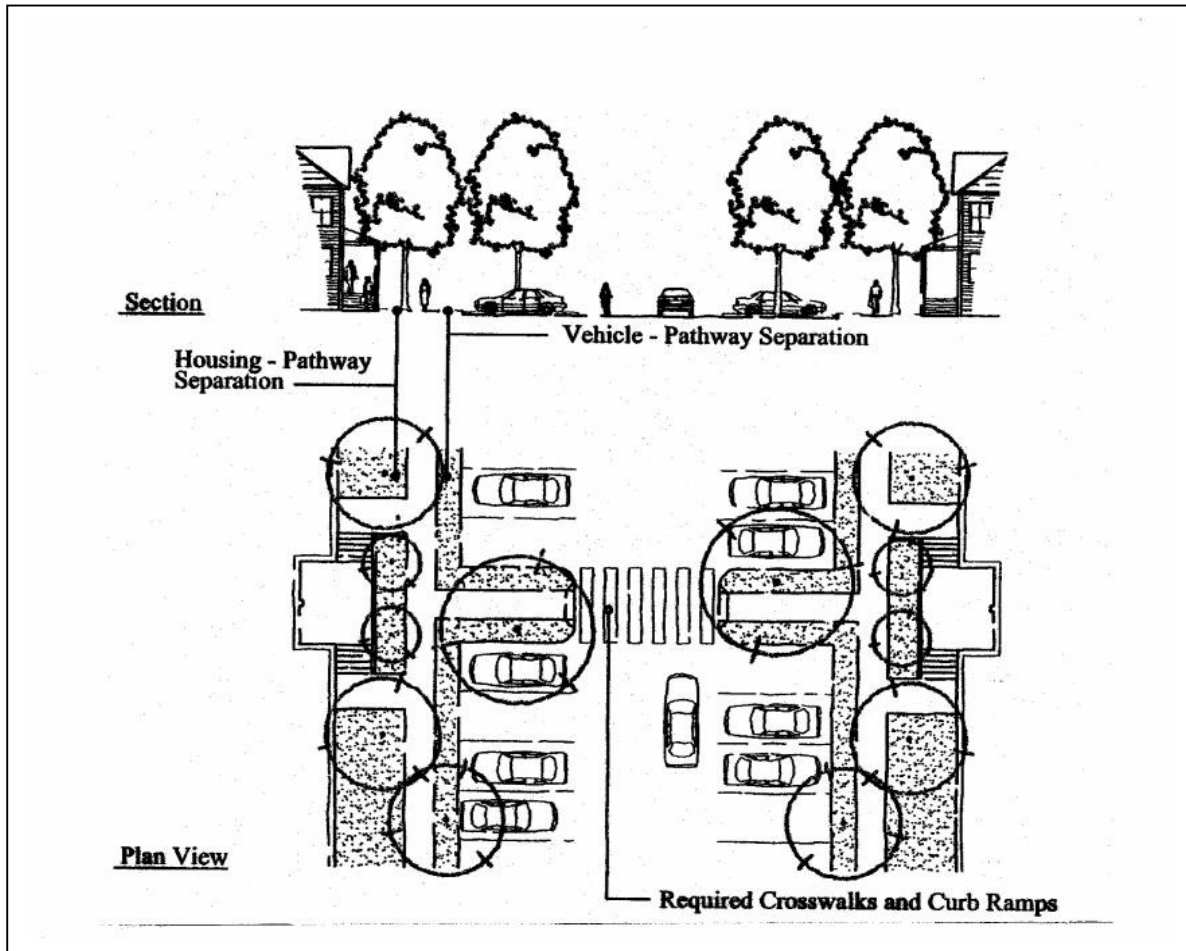
Figure 3.1.300A – Pedestrian Pathway System



**B. Design and Construction.** Pathways shall conform to all 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 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.
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.

Figure 3.1.300.B Pathway Standards



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 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.

## Chapter 3.2 — Landscaping, Street Trees, Fences and Walls

### Sections:

3.2.100 - Purpose

3.2.200 - New Landscaping

3.2.300 - Street Trees

3.2.400 - 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 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 3.2.300 Street Trees** sets standards for and requires planting of trees along all streets for shading, comfort, and aesthetic purposes.

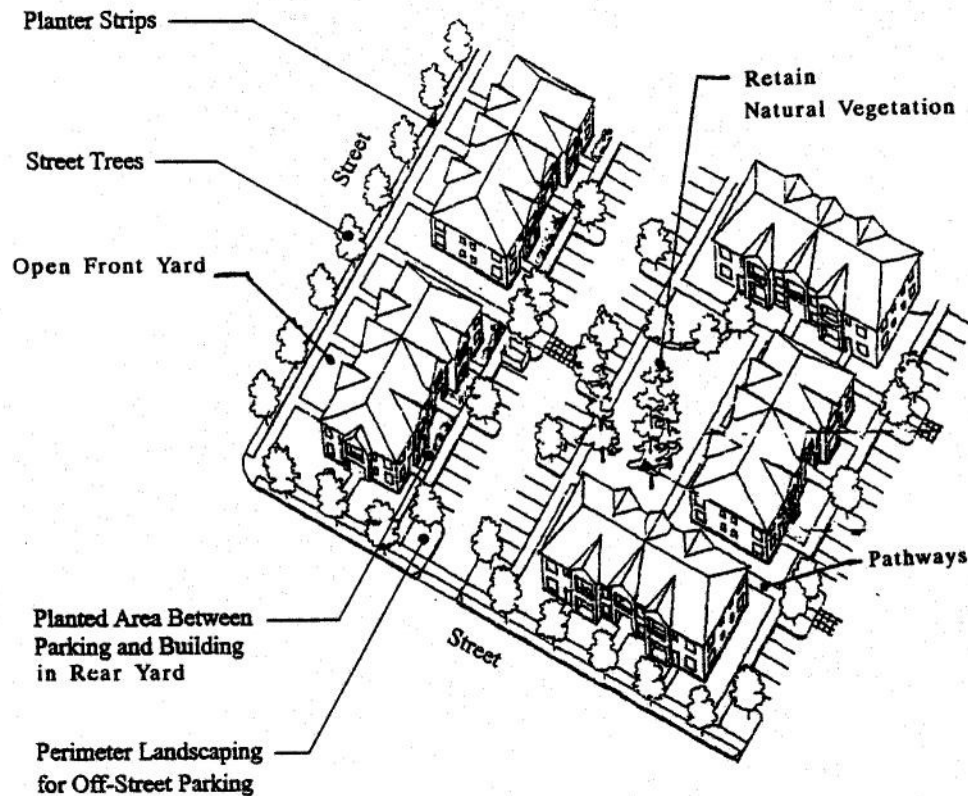
**Section 3.2.400 Fences and Walls** sets standards for new fences and walls, including maximum allowable height and materials, to promote security, personal safety, privacy, and aesthetics.

### 3.2.200 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. 10 percent of the site.
  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 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 at time of planting.
  7. Shrub Size. Shrubs shall be planted from 1-gallon containers or larger.
  8. Storm Water Facilities. Storm water facilities (e.g., detention/retention ponds and swales) shall be landscaped with water tolerant, native plants.
- 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. 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. Define pedestrian pathways and open space areas with landscape materials;
    - c. Provide focal points within a development, such as signature trees (i.e., large or unique trees), hedges and flowering plants;

**Figure 3.2.300 – Landscape Areas in a Multiple Family Development (Typical)**



- d. Use trees to provide summer shading within common open space areas, and within front yards when street trees cannot be provided;
  - e. 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 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. 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.
  - b. **Screening of Mechanical Equipment, Outdoor Storage, Service and Delivery Areas.** 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 of the following: decorative wall (i.e., masonry or similar quality material), evergreen hedge, 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).

### **3.2.300 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.
- 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 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.

### **3.2.400 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, 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 approval shall be maintained in good condition, or otherwise replaced by the owner.

## **Chapter 3.3 — Vehicle Parking, 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 Design 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 in parking lots and garages and not in the street right-of-way) shall be determined based on the standards below or from the ITE manual. There is no minimum number of off-street parking spaces required in the Downtown District, 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.

**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**

**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.** One space per 300 square feet of floor area.

**Nursing and convalescent homes.** One space per three patient beds.

**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.

**High schools.** One and one-half spaces per classroom, plus one space per 10 students the school is designed to accommodate.

**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 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 public use at all times. No signs or actions limiting 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 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 Public Works Standards.

**F. Disabled Person Parking Spaces.** Parking shall be provided for disabled persons, in conformance with the federal Americans with Disabilities Act, based on adopted Public Works Standards. Disabled parking is included in the minimum number of required parking spaces in Section E.

### **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 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 20 students and employees. High schools provide one bicycle parking space for every 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 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 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 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 the floor area is in Residential use 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 in any commercial or industrial district must meet the standards of this Paragraph.
  - a. 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. 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. Loading areas shall conform to other applicable standards including Building Orientation, Access and Circulation, and Landscaping and Screening.

## 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.
- 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 standards of this Chapter and application of engineering principles. They are retained in the Public Works Standards.
- D. **Conditions of 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 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 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 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.
- 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.
- E. Street Location, Width and Grade.** 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 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.
- F. Minimum Rights-of-Way and Street Sections.** Street rights-of-way and improvements shall be determined by the City Engineer based on the Transportation System Plan and the Public Works Standards.

**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 approval.
3. Traffic signals and traffic calming features on Highway 395 shall be determined by the Oregon Department of Transportation.

**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 to facilitate orderly development of the street system. The plan shall show the pattern of existing and proposed 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 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 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. To promote efficient vehicular and pedestrian circulation throughout the city, the design of subdivisions and alignment of new streets shall conform to the Street Connectivity and Formation of Blocks standards in Chapter 3.1 - Access and Circulation.
- 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, 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 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. Public Works Standards shall apply.
- 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 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.
- O. **Curbs, Curb Cuts, Ramps, and Driveway Approaches.** Concrete curbs, curb cuts, wheelchair ramps, bicycle ramps, and driveway approaches shall be constructed in accordance with standards specified 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 adopted Public Works Standards.
- S. **Private Streets.** Private streets shall not be used to avoid connections with public streets. Design standards for private streets shall conform to 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 adopted Public Works Standards.

**X. Street Cross-Sections.** Street Cross Sections are found in the Public Works Standards.

#### **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.

**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 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 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.
- 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.
- 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-capacity electric lines operating at 50,000 volts or above. The following additional standards apply to all new subdivisions, 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. Exception to Under-Grounding Requirement.** An exception to the undergrounding requirement may be granted due to physical constraints, such as steep topography, 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 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 City has adopted Public Works Standards. Other standards may also be required upon recommendation of the City Engineer.
- C. Commencement.** Work shall not begin until 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 "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.



## **Chapter 3.5 — Surface Water Management**

### **Sections:**

**3.5.100 - Statement of Purpose**

**3.5.200 - Applicability**

**3.5.300 - Stormwater Management Plan Submittal**

**3.5.400 - General Requirements**

**3.5.500 - Surface Water Conveyance Standards**

### **3.5.100 Statement of Purpose**

This section includes standards for conveyance of surface water in streams, creeks and channels that exist on a site at the time of development. It also addresses pollution reduction and flow control for stormwater generated from new and redevelopment. For the purpose of this ordinance, “new” and “redevelopment” refers to any man-made change to improved or unimproved real estate including, but not limited to the placement of buildings or other structures, dredging, filling, grading, or paving.

The ordinance provides performance standards for addressing infiltration, treatment, and detention of stormwater as well as design standards for facilities that serve to mitigate the water quality impacts of developments that fall below a certain size threshold.

### **3.5.200 Applicability**

No permit for construction of new development or tenant improvements within the City of Stanfield shall be issued until a stormwater management plan is approved. Separate applicability thresholds for Pollution Reduction and Flow Control Standards are listed in section IV. Development projects shall not be phased or segmented in such a manner to avoid the requirement of these rules and regulations.

### **3.5.300 Stormwater Management Plan Submittal**

#### **A. Preconstruction Submittal Requirements**

1. An analysis of stormwater mitigation strategies to increase infiltration and evapotranspiration (use of water by plants) and reduce the amount of stormwater runoff generated from the site. (Note: rainwater can soak into the ground where it falls or it can accumulate on a non-pervious surface, flow to a pervious area and then infiltrate into the ground. The former scenario is stormwater mitigation, while the latter scenario requires stormwater management.)
2. Calculations of the amount of impervious surface before development and the amount of impervious surface after development. Impervious surface refers only to strictly impervious surfaces including roofs of buildings, impervious asphalt and concrete pavements, and other specifically impervious pavement materials such as mortared masonry and compacted gravel.
3. An analysis of vegetative and other treatment methods used to reduce pollutants.
4. An analysis of flow reduction methods including infiltration, detention, and techniques.

5. Statement of consistency with City of Stanfield stormwater management objectives and, if applicable, the watershed management plan for the basin and/or requirements of a pollutant load reductive plan for a water quality limited stream.
  6. When the amount of impervious surface created is less than 1,000 square feet responses required by 3-5 above are waved, and of the following sections of this code only Section V., Surface Water Conveyance Standards, apply.
  7. When the amount of impervious surface created is less than 10,000 square feet and use of the design specified by the Oregon Department of Environmental Quality is proposed, responses required by 3-5 above are waived.
- B. Post Construction Submittal Requirements
1. As-built plans, stamped by a qualified professional indicating all storm water mitigation and management strategies are installed per approved plans and approved changes.
  2. Maintenance plans for all stormwater facilities installed to comply with this ordinance. The maintenance program must be approved by the City of Stanfield. Proof of maintenance shall be submitted annually. A signed maintenance agreement with a local contractor or city/county public works department can serve to meet this requirement.
  3. When the amount of impervious surface created is less than 10,000 square feet and use of the design standards specified by the Oregon Department of Environmental Quality is proposed, the requirement of 1 above is waived.

#### **3.5.400 General Requirements**

- A. All development shall be planned, designed, constructed, and maintained to:
1. Provide a system by which storm/surface water within the development will be managed without causing damage or harm to the natural environment, or to property or persons.
  2. Protect property from flood hazards.
  3. Removal of 80% of suspended solids from stormwater.
- B. Plan Review Standards
- Plans shall be submitted to the [Jurisdiction] for review. Plan approval will be based on the following criteria:
1. Plans and calculations for development proposals resulting in more than [10,000 square feet] of impervious surface and proposals not using treatment facilities built to the design criteria specified in [name document] must be stamped and signed by a [qualified professional].
  2. Design, construction and maintenance of proposed stormwater management practices will result in post construction stormwater volumes flowing off site which are substantially the same as preconstruction volumes for all storms less than or equal to the [two-year] design storm.
  3. Where required due to presence of fish, culvert installations must allow fish passage in accordance with Department of State Lands (DSL) and the U.S. Army Corps of Engineers (COE) and any other authorized federal, state, or local agency.
  4. Installation of culverts, spans or stormwater outfalls along natural water features shall be designed to emphasize preservation of natural flow conditions, allow for natural obstructions and pursue stream enhancement opportunities.

5. Stormwater mitigation strategies, such as retention of existing trees, and use of porous paving surfaces, as well as stormwater treatment and flow control facilities used to meet the requirements of this code must be included in the plans.
  6. Stormwater management plan shall be consistent with [State applicable basin or sub basin watershed management plan and/or pollutant load reduction plan].
  7. In areas of high pollutant load, stormwater infiltration shall incorporate, or be preceded by treatment as necessary to prevent siltation of the infiltration facility, protect ground water, and prevent toxic accumulations of pollutants in the soil.
  8. All vegetation used for the installation and landscaping of stormwater facilities shall be selected from plants listed in this Development Code or the Public Works Standards. Trees which are preserved or planted on site for stormwater mitigation credit do not need to meet this criterion. Planting schedule and maintenance of vegetation shall be approved by the City Engineer.
  9. All storm conveyance pipes and vaults shall be built to specifications of the City of Stanfield, as described in the Public Works Standards. See Section VI for Pollution Reduction and Flow Control standards.
  10. All stormwater infiltration, treatment, and detention facilities shall be built to the specifications of the City of Stanfield as described in the Public Works Standards.
- C. The City of Stanfield reserves the right to restrict the use of infiltration facilities in high-risk areas including those with steep slopes, unstable soils, high water tables, or sites known to be contaminated by hazardous substances.
- D. Infiltration facilities which fall under the jurisdiction of DEQ's Underground Injection Control (UIC) Program must be registered with the state and meet the requirements of the UIC Program.
- E. Bonds: Applicants shall provide a performance bond, similar surety, or irrevocable petition for public improvement acceptable to the City of Stanfield to assure successful installation and initial maintenance of surface pollution reduction and flow control facilities. During construction and for a period of one year thereafter, the bond shall be in favor of the City of Stanfield and in an amount of the anticipated construction cost.
- F. Contingency for system failure: If the storm management system fails due to lack of maintenance or breakage and causes impacts to downstream water quality or flooding as a result of the failure, the City of Stanfield may perform the maintenance or repair and charge the owner of the facility.

### **3.5.500 Surface Water Conveyance Standards**

- A. Culverts and/or spans of streams, creeks, gulches, and other natural drainage channels shall maintain a single channel conveyance system.
- B. Culverts and/or spans are to be sized for the 24-hour post-developed tributary conditions of the 100-year storm.

- C. Conveyance calculations shall use the Rational Method for analysis. Exceptions must be documented and approved by the City of Stanfield.
- D. In-stream detention is not allowed.
- E. It shall be the responsibility of the owner that the new drainage system shall not negatively impact any natural waters, upstream or downstream from the site. The owner is responsible for providing a drainage system for all surface water, springs, and groundwater on site for water entering the property as well as management of springs and groundwater that surface during construction.

## Chapter 3.6 — Other Standards

### Sections:

**3.6.100 - Telecommunication Facilities**

**3.6.200 - Wetlands**

**3.6.300 - Signs**

### **3.6.100 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 any Commercial or Industrial District subject to an 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. The maximum height for telecommunications transmission towers shall be 195 linear feet including antennas.
  2. Minimum setback for telecommunications support structures and transmission towers shall conform to the district or sub-district it is sited in.
  3. Guyed towers are not permitted.
  4. Towers at or over 200 feet require a Conditional Use Permit (see Chapter 4.4).
  5. Maintenance of a facility is allowed without a permit.

### **3.6.200 Wetlands**

**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 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 authorized 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.

### **3.6.300 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 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 to not 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 Severability**
- 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**

### **3.7.100 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 flood hazard areas so as to minimize blight areas caused by flooding;
7. To notify potential buyers that their property is in a special flood hazard area;
8. To notify those who occupy special flood hazard areas that they assume responsibility for their actions; and
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.**

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 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 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 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 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 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 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 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 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**.
- 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.

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.

**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:

- 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.

### 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.

**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.

### 3.7.1300 Provisions for Flood Hazard Reduction

**GENERAL STANDARDS.** In all special flood hazard areas, the following standards shall be adhered to:

**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 ALTERATIONS and REQUIREMENT TO SUBMIT NEW TECHNICAL DATA.

**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.
- 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 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.
  - 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.

**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.

**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.

## **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.
- B. Non-residential structures that are elevated, not floodproofed, shall comply with the standards for enclosed areas below the lowest floor in FLOOD OPENINGS.
- 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.**

- 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;
- 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:

- A. Be on the site for fewer than 180 consecutive days, and
- 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:

- A. Appurtenant structures located partially or entirely within the floodway must comply with requirements for development within a floodway found in FLOODWAYS.
- 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 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.
- C. Recreational vehicles placed on sites within AO Zones on the community's Flood Insurance Rate Maps (FIRM) shall either:
  - 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.
- D. In AO zones, new and substantially improved appurtenant structures must comply with the standards in APPURTENANT (ACCESSORY) STRUCTURES.
- E. In AO zones, enclosed areas beneath elevated structures shall comply with the requirements in FLOOD OPENINGS.

## **Chapter 4 — Administration of Land Use and Development Permits**

### **Sections:**

- 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 - Reserved**
- 4.8 - Code Interpretations**
- 4.9 - Miscellaneous Permits**
- 4.10 -Traffic Impact Study**

## 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 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 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 Planning Official, or someone he or she officially designates, without public notice and without a public hearing. The Type 1 procedure is used when there are clear and objective approval criteria and applying city standards and criteria requires no use of discretion.
- B. **Type II Procedure (Administrative).** Type II decisions are made by 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 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.

<b>Table 4.1.200</b> <b>Summary of Development Decisions/Permit by Type of Decision-making Procedure</b>		
<b>Action</b>	<b>Decision Type</b>	<b>Applicable Regulations</b>
Access Permit (public street)	Type I	Chapters 3.1, 4.2, 4.3
Annexation	Type 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	Chapter 3.7
Master Planned Development	Type III	Chapter 4.5
Modification to Approval	Type II/III	Chapter 4.6
Land Use Map Change	Type IV	
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
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
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 receive notice for all actions that impact Highway 395 and Interstate 84 and for any action that triggers a Traffic Impact 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 Planning Official.
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. Ministerial Decision Requirements.** The Planning Official decision shall address all the approval criteria. Based on the criteria and the facts contained within the record, the Planning Official 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. 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 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 Planning



Official;

2. Submittal Information. The application shall:
  - a. Include the information requested on the application form;
  - b. Be filed with 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;
  - d. Information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable; and
  - e. Be accompanied by the required fee.

**C. Notice of Application for Type II Administrative Decision.**

1. Before making a Type II Administrative Decision, the Planning Official shall mail notice to:
  - a. All owners of record of real property within 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 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 Planning Official 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 Planning Official 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 Planning Official shall make Type II written decisions addressing all the relevant approval criteria and standards. Based upon the criteria and standards, and the facts contained within the record, the Planning Official shall approve, approve with conditions, or deny the requested permit or action. The decision may include a requirement for non-remonstration for future road improvements.

**E. Notice of Decision.**

- 1. Within five days after the 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 Planning Official shall cause an affidavit of mailing of the notice to be prepared and

made a part of the file. The affidavit shall show the date the notice was mailed, 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 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 Planning Official within 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 Planning Official;
2. Content. Type III applications shall:
  - a. Include the information requested on the application form;
  - b. Be filed with 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;
  - d. Include information demonstrating compliance with prior decision(s) and conditions of approval for the subject site, as applicable;
  - e. Be accompanied by the required fee. and
  - f. Include an impact study 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.

**C. Notice of Hearing.**

1. Mailed notice. Notice of a Type III application hearing or Type II appeal hearing shall be given by the Planning Official in the following manner:
  - a. At least 20 days before the hearing date, notice shall be mailed to:
    - (1) All property owners of record within 100 feet of the property line of the site;
    - (2) Any neighborhood or community organization recognized by the City Council and whose boundaries include the property proposed for development;
    - (3) Any person who submits a written request to receive notice; and
    - (4) For appeals, the appellant and all persons who provided testimony.
  - b. The 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 mailed to the persons who must receive notice;

2. Content of Notice. Notice of appeal of a Type II Administrative decision or a Type III hearing to be mailed 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 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.
  - 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 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;
  - 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. Any 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 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;
  - b. 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;
  - c. 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;
  - d. 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;
  - e. 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;
  - f. 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. 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 except as provided in Section D.
  - c. Members of the hearings body may visit the property and the surrounding area and may use information obtained during the site visit to support their 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 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;
  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
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- 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.**

- 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 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. A letter or narrative statement that explains how the application satisfies each 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;
    - (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).

**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 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 affected by the proposal (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.
  - 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 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 of proposed comprehensive plan and development code amendments in the manner prescribed by DLCD at least 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 222.
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 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 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 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.
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.

**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 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 Planning Official before the Council public hearing on the proposal. The 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 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 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 record of the proceeding shall be made. 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 Planning Official to the hearings body regarding the application;
  - c. The record made; 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 Planning Official;
  2. Information provided. At such conference, the Planning Official 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 Planning Official 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.
- 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, 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 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 Planning Official shall review the application for completeness. If the application is incomplete,

the 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 Planning Official of all required information. The applicant shall have the option of withdrawing the application or refusing to submit information requested by the Planning Official in (1), above. For the refusal to be valid, the refusal shall be made in writing and received by the Planning Official no later than 14 days after the date on the 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 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 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 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. Planning Official's Duties.**

The 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 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 provides findings of conformance and/or non-conformance with the criteria. The staff report should also provide a recommended decision 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 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 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 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 Planning Official to correct typographical errors, rectify inadvertent omissions and/or make other minor changes that do not materially alter the decision.
2. The 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 Planning Official.

<b>4.1.800 Neighborhood Meetings</b>
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- A. Neighborhood Meeting Requirement.** Applicants are encouraged to meet with adjacent property owners and neighborhood representatives prior to submitting their application to solicit input and exchange information about the proposed development. In some cases, the

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 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 Planning Official. (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 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 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;
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 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. Temporary use, except that temporary uses shall comply with the procedures and standards for temporary uses as contained in Chapter 4.9;
6. Accessory structures including accessory dwellings;
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 New Landscaping; 3.2.400 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 II or a Type III procedure as specified in “B”, using the procedures in Chapter 4.1 and using the approval criteria contained in Section 4.2.600.
- 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 (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).

#### **4.2.500 Site Design Review - Application Submission Requirements.**

All 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 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. Identification of slopes greater than 5 percent;
    - 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;
    - 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;
    - d. Resource areas, including marsh and wetland areas, streams, wildlife habitat identified by the City or any natural resource regulatory agencies as requiring protection;
    - e. Site features, including existing structures, pavement, large rock outcroppings, areas having unique views, and drainage ways, canals and ditches;
    - f. Locally or federally designated historic and cultural resources on the site and adjacent parcels or lots;
    - g. North arrow, scale, names and addresses of all persons listed as owners on the most recently recorded deed.
    - h. Other information, as determined by the 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 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 Planning Official may request architectural drawings showing all the following:
- a. Building elevations (as determined by the 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 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.
  - f. Other information as deemed appropriate by the Planning Official.
- 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.
  - 9. Traffic Impact Study. See Chapter 4.10.

#### **4.2.600 Approval Criteria.**

The review authority shall make written findings with respect to all 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 all 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 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, 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 as applicable.
  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 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 Planning Official or a qualified landscape architect is filed with the City 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 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 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 decision and require only Site Review. Major modifications, as defined in Section 4.6, shall be processed as a Type II or Type III decision and shall require site design review.
- B. 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 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 Planning Official shall approve a time schedule for developing a site in phases, but in no case shall the total 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**
- 4.3.1100 - Replatting and Vacation of Plats**
- 4.3.1200 - 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.
  - 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.** Provide adequate light and air, prevent overcrowding of land, and provide for adequate transportation, water supply, sewage, fire protection, pollution control, surface water management, and protection against natural hazards; and



- F. 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 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 re-division and extension of streets and utilities. The applicant shall submit 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 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. 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.
- 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, 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.
- G. Determination of Base Flood Elevation.** Where a development site consists of 3 or more lots, 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 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 Umatilla County Public Health evaluation of the property.
- I. Need for Adequate Drainage.** All subdivision and partition proposals shall have adequate surface water drainage provided. 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.
- 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 4.3.500. 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 4.3.700.

- B. Preliminary Plat Approval Period.** Preliminary plat approval shall be effective for a period of two (2) 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 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 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 4.3.900. 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 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. Submission of a master plan, as provided in Chapter 2 shall be required for:
  - a. Parcels, and development sites with more than one parcel 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 Umatilla County (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;
- h. Name and address of project designer, if applicable; and
- i. Other information, as deemed appropriate by the 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:
- 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. The preliminary design for extending City water and sewer to each lot or parcel;
- g. Proposed method of storm water drainage and treatment, if required;
- h. The approximate location and identity of other utilities, including the locations of street lighting fixtures;
- 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);

- j. Evidence of compliance with Chapter 3.7, if applicable; and
  - k. Evidence of written notice to the Oregon Department of Transportation (ODOT) for any development requiring access to Highway 395 or within the Interstate 84 Interchange area.
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 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);
  - 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 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 and dimensional requirements of the applicable land use district (Chapter 2), and the standards of Section 3.1.200.I 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. 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.

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 4.3.300. Specific information about the format and size of the plat, number of copies and other detailed information can be obtained from the Planning Official.
- B. Approval Criteria.** By means of a Type I procedure, the 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 4.3.900;
  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 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 every lot depicted on the plat;
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 4.3.900.

#### **4.3.900 Performance Guarantees.**

- A. Performance Guarantee Required.** When a performance guarantee is required under Section 4.3.800, 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 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 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.

#### **4.3.1100 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 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, 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, to establish or maintain a safe, convenient, and direct pedestrian and bicycle circulation system.

#### **4.3.1200 Lot Line Adjustments.**

Lot Line Adjustments accomplish the modification of lot boundaries when no new lots are created. The application submission and approvals process 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; existing fences and walls; and any other information deemed necessary by the Planning Official 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 Planning Official shall approve or deny a request for a lot line adjustment in writing based on findings that all the following criteria are satisfied:

1. No additional parcel or lot is created by the lot line adjustment;
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.

- A. 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.
- B. Review procedure.** An ELD shall be reviewed in accordance with the procedures in ORS 197.365.
- C. Appeal procedure.** An appeal of an ELD shall be in accordance with the procedures in ORS 197.375.

## 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;
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
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.** 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;
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);
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.

#### **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.

- A.** The project and its design are consistent with the city's adopted Transportation System Plan (TSP), or, if the City has not amended the TSP, consistent with the State Transportation Planning Rule, OAR 660-012 (the TPR).
- B.** The project design is compatible with abutting land uses regarding noise generation and public safety and is consistent with the applicable zoning and development standards and criteria for the abutting properties.
- C.** 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.
- D.** The project preserves or improves the safety and function of the facility through access

management, traffic calming, or other design features.

- E. 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.
- F. 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.
- G. Where applicable an EIS or EA may be used to address one or more of these criteria.
- H. 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:
  - 1. If the City determination is made prior to a final decision on the conditional use permit application, permanently withdraw the conditional permit application, or
  - 2. 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 when the amendment is approved, or
  - 3. 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
  - 4. 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.
- I. A Conditional Use Permit for Transportation System Facilities shall be void after three (3) years.

**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.

**Additional Development Standards.** Development standards for specific uses are contained in Chapter 2 Land Use Districts.



## 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.**

**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 development, improved protection of open spaces, 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.

### **4.5.300 Review and Approvals Process.**

- A. Review Steps.** There are three required steps to a Master Planned Development approval, which may be completed individually or combined for concurrent review:
1. The approval of a Master Planned Development concept plan;

2. The approval of a detailed development plan, which may include a preliminary subdivision plan; and
3. The approval of a final development plan i.e. final plat(s) and/or site design review approval(s).

**B. Approval Process.**

1. The Master Planned Development (MPD) Concept Plan shall be reviewed using the Type III procedure in Section 4.1.500, the submission requirements in Section 4.5.400, and the approval criteria in Section 4.5. 500.
2. The detailed development plan and preliminary subdivision plan shall be reviewed using the Type 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 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.

<b>4.5.350 Modifications to Development Standards</b>
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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 Development through the 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 and its various phases are expected to be initiated and completed.
  3. A statement of the applicant's intentions 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 4.5.500.
  5. Maintenance plan for any common areas or lands not dedicated to a public agency or owned in fee simple.
  6. Special studies prepared by qualified professionals may be required by the Planning Official, Planning Commission, or City Council to determine potential traffic, geologic, noise, environmental, natural 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 Concept Plan Approval Criteria

The City shall make findings that 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 the criteria are satisfied when denying an application:

- A. **Comprehensive Plan.** The proposal conforms to the Comprehensive Plan.
- B. **Land Division Chapter.** 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 and 3 Standards.** 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 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 has been approved, the land use district map shall be amended in accordance with Chapter 4.7 Map and Text Amendments, to indicate the approved Master Planned Development designation for the subject development site. The approval of the 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 4.5.300.
- 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 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 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 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 points or approaches, driveways, or parking areas 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 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;
7. An increase in lot coverage, by 10 percent or more, provided the standards of Chapter 2 and Chapter 3 are met.
8. Changes similar to those listed in 1-7, which are likely to have an adverse impact on adjoining properties.

**B. Major Modification Request.** An applicant may request a major modification as follows:

1. Upon the 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 Planning Official based on written findings on the following criteria:

1. The proposed development complies with all applicable requirements of the Development Code,
2. The proposed modification complies with the conditions of approval of the original decision; and
3. The modification is not a major modification as defined in Section 4.6.300, above.



## Chapter 4.7 — Reserved

Sections:

## Chapter 4.8 — Code Interpretations

### Sections:

#### **4.8.100 - Purpose**

#### **4.8.200 - 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.

#### **4.8.300 Code Interpretation Procedure.**

- A. Requests.** A request for a code interpretation (“interpretation”) shall be made in writing to the City Manager. The Planning Official may develop written guidelines for the application process.
- B. Decision to Issue Interpretation.** The Planning Official shall have the authority to review a request for an interpretation. The Planning Official shall advise the requester in writing within 14 days after the request is made, on whether the City will issue an interpretation.
- C. Declining Requests for Interpretations.** The 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.
- D. Written Interpretation.** If the 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 Planning Official pursuant to Section 4.1.400.G.

- F. **Appeal Procedure.** City Council shall hear all appeals of a 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 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 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 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; 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.
- 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;
  - 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 Transportation Planning Rule that requires the City to adopt a process to apply conditions to development proposals 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 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 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 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. A change in zoning or a plan amendment designation;
  2. Operational or safety concerns documented in writing by a road authority;
  3. An increase in site traffic volume generation by 300 Average Daily Trips (ADT) or more;
  4. An increase in peak hour volume of a particular movement to and from a street or highway by 20 percent or more;
  5. 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;
  6. 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;
  7. A change in internal traffic patterns that may cause safety concerns; or
  8. A TIA required by ODOT pursuant to OAR 734-051.

#### **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 734-051-0180;
  2. If the proposed development shall cause one or more of the effects in Section 4.10.200 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;
    - b. Accommodate and encourage non-motor vehicular modes of transportation to the extent practicable;
    - c. Make the most efficient use of land and public facilities as practicable;
    - 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**

**5.1 - Variances**

**5.2 - Non-Conforming Uses and Development**



## 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 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 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. 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 standards of Section 3.4.100 based on topographic or environmental constraints.

5.1.400 Class C Variances.
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**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, , 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.**

- 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 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, 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.** 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.** 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:
  - 1. The use of land is physically vacated;
  - 2. The use ceases to be actively involved in the sale of merchandise or the provision of services;
  - 3. Any lease or contract under which the nonconforming use has occupied the land is terminated; or
  - 4. A request for final reading of water and power meters is made to the applicable utility districts;
  - 5. The owner's utility bill or property tax bill account became delinquent; or
  - 6. An event occurs similar to those listed in 1-5 above, as determined by the Planning Commission.
- 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.** Nonconforming street access connections that existed prior to 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).