

## Chapter 2 — Land Use Districts

- 2.1 – Residential District (R)
- 2.2 – Commercial Districts – Downtown (DD) and Tourist Commercial (TC)
- 2.3 – Light Industrial District (LI)
- 2.4 – Master Planned Neighborhood Development (MP)
- 2.5 – Open Space District (OS)
- 2.6 - Flood Plain/Floodway Overlay (FP)

NOTE: This version is amended reflecting a change to the Downtown Commercial district authorizing residential use for homes in existence on the date of adoption of this Development Code.

## 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 -- Maximum Lot Coverage
- 2.1.160 -- Building Height
- 2.1.170 -- Building Orientation
- 2.1.180 -- Design Standards
- 2.1.190 -- Special Standards for Certain Uses

### 2.1.100 Purpose.

The Residential District is intended to promote the livability, stability, and improvement of the City of Echo'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.

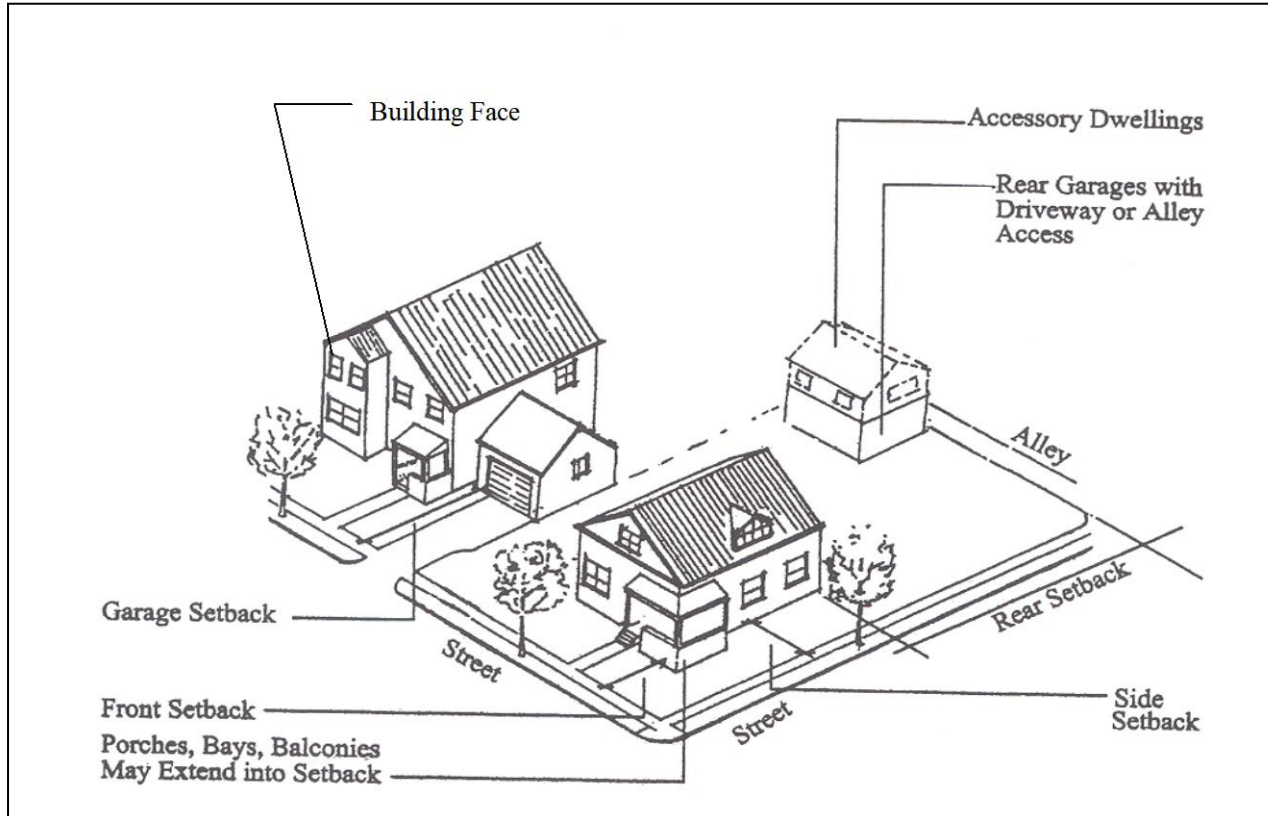
- A. Permitted Uses.** The land uses listed in Table 2.1.110.A are permitted in the Residential District, subject to the provisions of this Chapter. Only land uses that are specifically listed in Table 2.1.110.A, and land uses that are approved as "similar" to those in Table 2.1.110.A, may be permitted. 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*(CU) f. Single-family attached townhomes *  <i>Multi-Family</i> g. Two-family housing (duplex), h. Three-, and four-family housing (triplex, and quadplex) * i. Multi-family housing* j. Cottage cluster development k. Condominiums  <i>Residential care</i> l. Residential care homes and facilities* m. Group Living Facilities* n. Family daycare o. Medical Hardship*	<b>2. Home occupations*</b>  <b>3. Public and Institutional (CU)*:</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, and similar uses e. Public parks and recreational facilities f. Golf course with associated or ancillary uses (pro shop, snack bar, golf cart garages and parking, driving range). Development of residential uses adjacent to the course. g. Schools (public and private) h. Cemetery and accessory or associated uses. i. Uses like those listed above.  <b>4. Transportation Facilities and Improvements:</b> a. Normal operations and maintenance; b. Installation of improvements within the existing right-of-way; c. Projects identified in the adopted Transportation System Plan not requiring future or further 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>5. Bed &amp; breakfast inns and vacation rentals (CU)*</b>  <b>6. 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.
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		

*Only uses specifically listed in Table 2.1.110.A, and uses similar to those, 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 and 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, 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.**

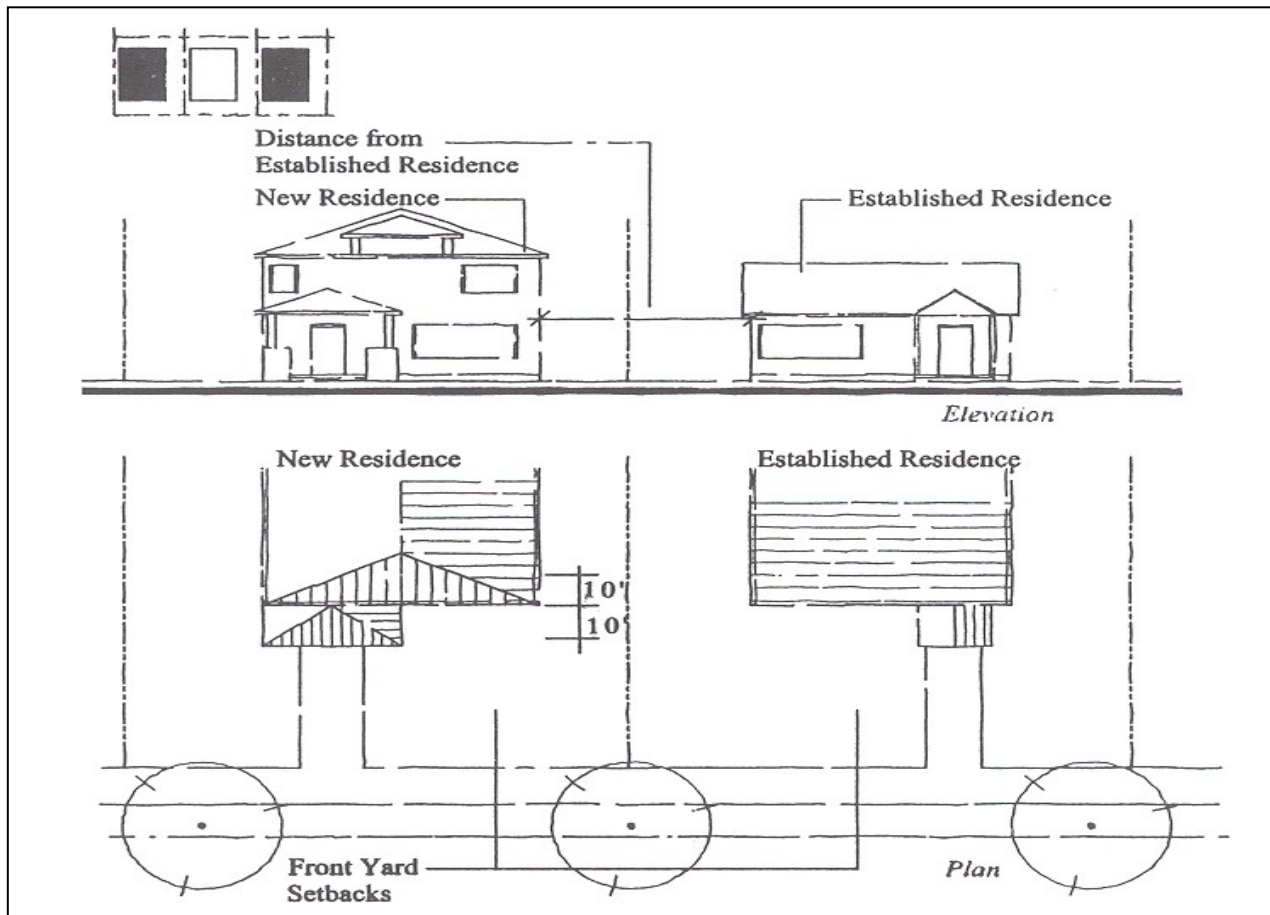
To provide for continuity along residential streets, new development of vacant lots on blocks that are already developed shall have similar setbacks as described below.

- 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.

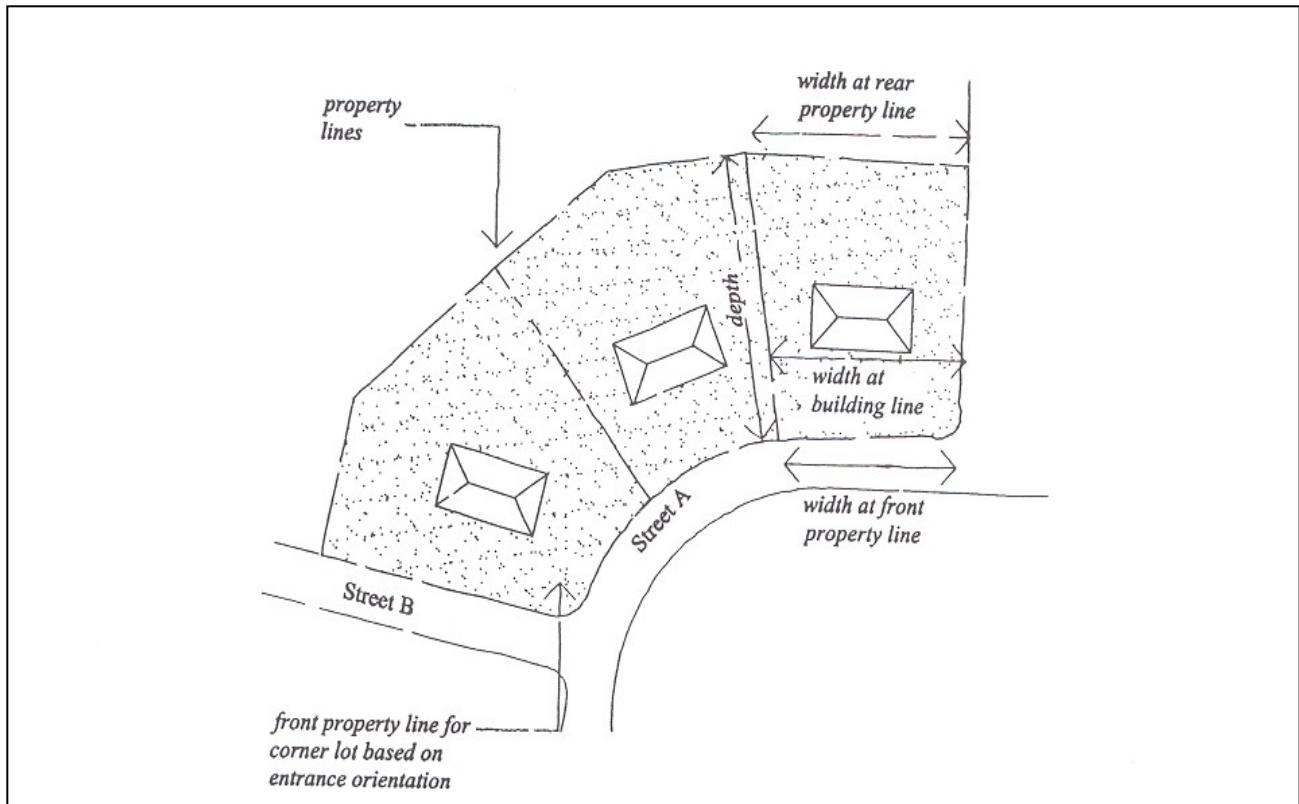
2. In no case shall a front yard setback be less than 10 feet. Zero-lot line houses shall comply with the standards for zero-lot line housing in Section 2.1.200.
3. The standards in 1-2 above shall not be changed, except through a Class B Variance (i.e., to avoid significant trees, topographic constraints, 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</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.	
<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.	

<b>Two-, Three- and Four-Family Housing (duplex, tri-plex, and quad-plex)</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.	
<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.	
<b>Multi-family Housing (more than 4 units)</b>	Minimum area: The minimum lot area shall be 7,500 square feet.	Lot Width: The minimum lot width shall be 60 feet for an interior lot and 70 feet for a corner lot.	The lot area is further defined by other standards and the number of units proposed.
<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.	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.**

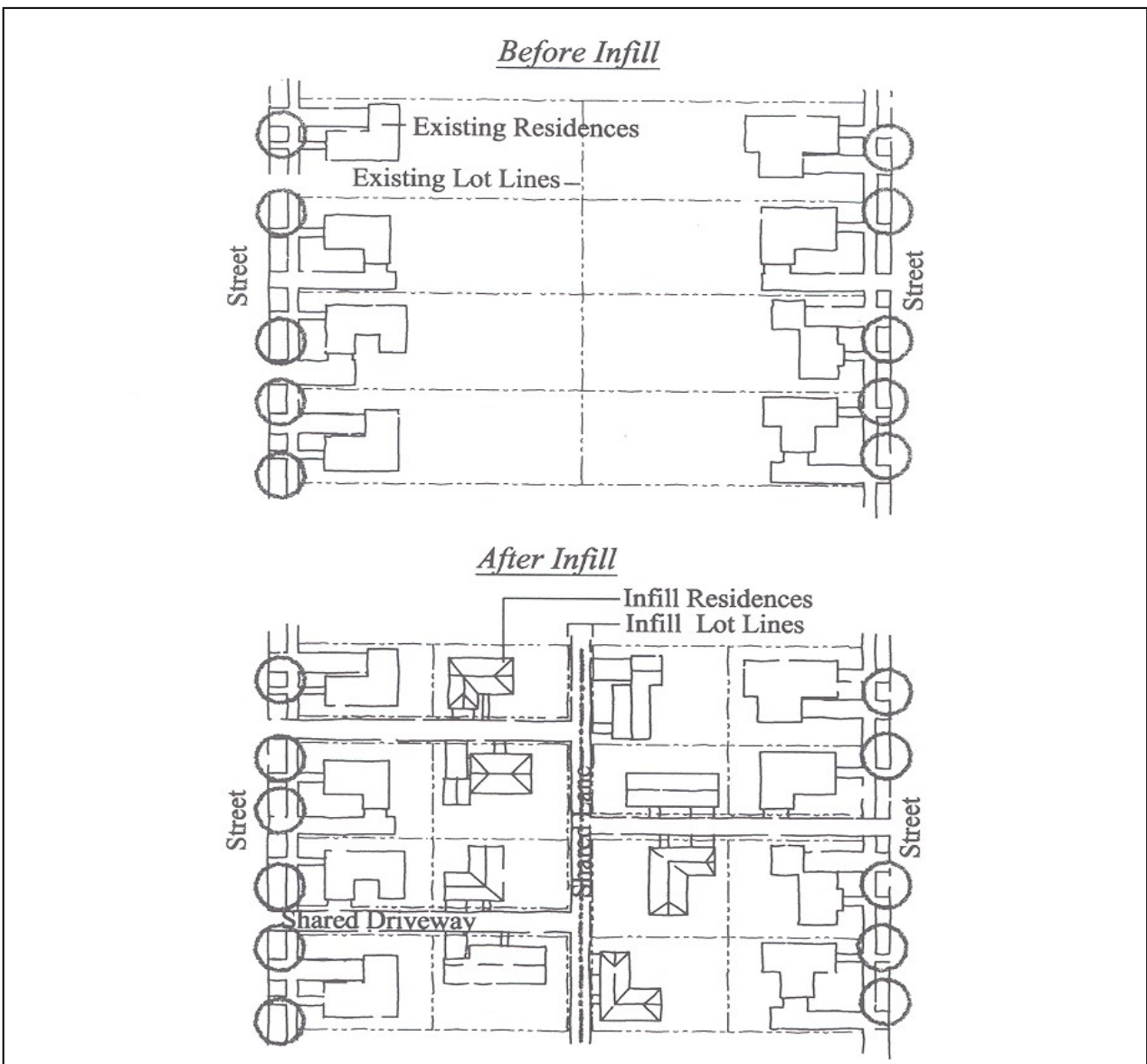
As shown below, some lots in existing neighborhoods may have standard widths but may be unusually deep compared to other lots in the area. Essentially unused space at the back of a lot may provide room for one or more lots for infill housing. Infill lots may be developed as “flag lots” or “mid-block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

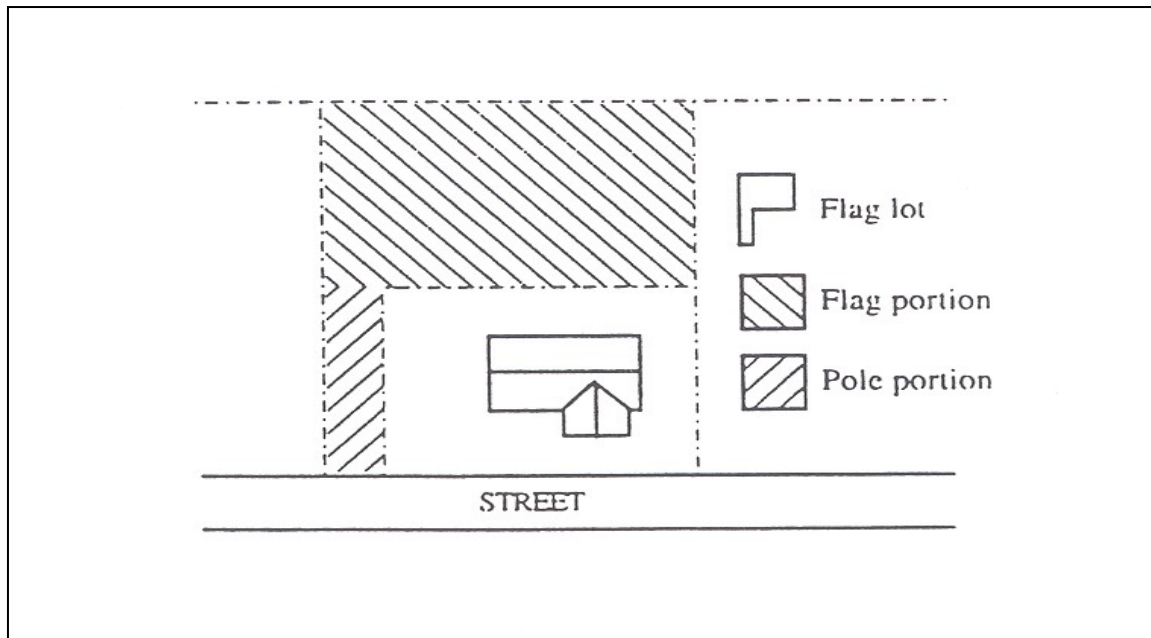


recorded for all lots. No fence, structure or other obstacle shall be placed within the drive area.

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



**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 2.1.140.A).
- 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 Maximum Lot Coverage.**

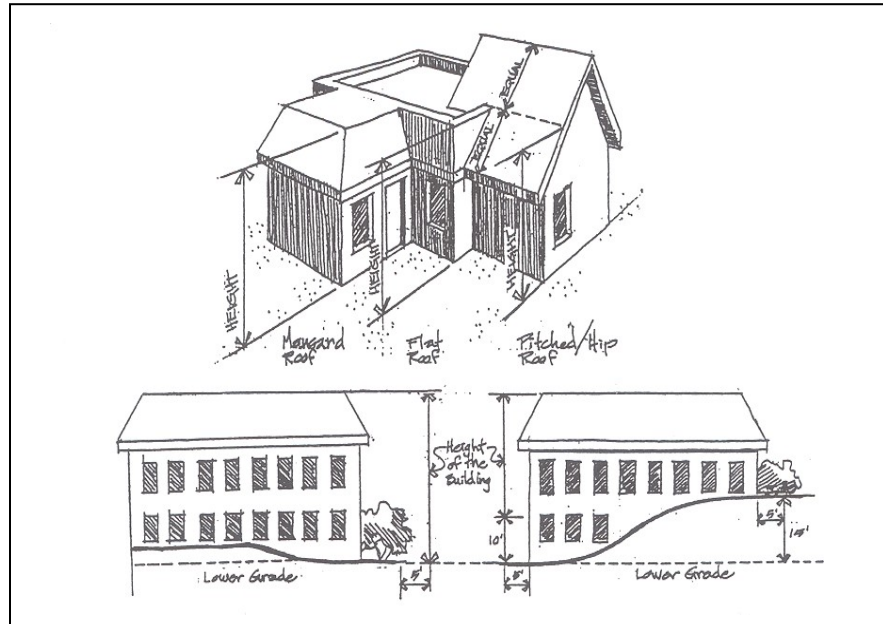
- A. **Maximum Lot Coverage.** The following maximum lot coverage standards shall apply to all developments in this district:
  - a. Single Family Detached Houses – 40 percent
  - b. Duplexes and Triplexes – 60 percent

- c. Single Family Attached Townhomes – 60 percent
- d. Multiple Family Housing – 60 percent
- e. Public/Institutional Uses – 80 percent

**B.** Compliance with other sections of this code may preclude the development of the maximum lot coverage for some land uses.

#### 2.1.160 Building Height.

**Figure 2.1.160A – Building Height Measurement (Composite of Several Roof Forms)**

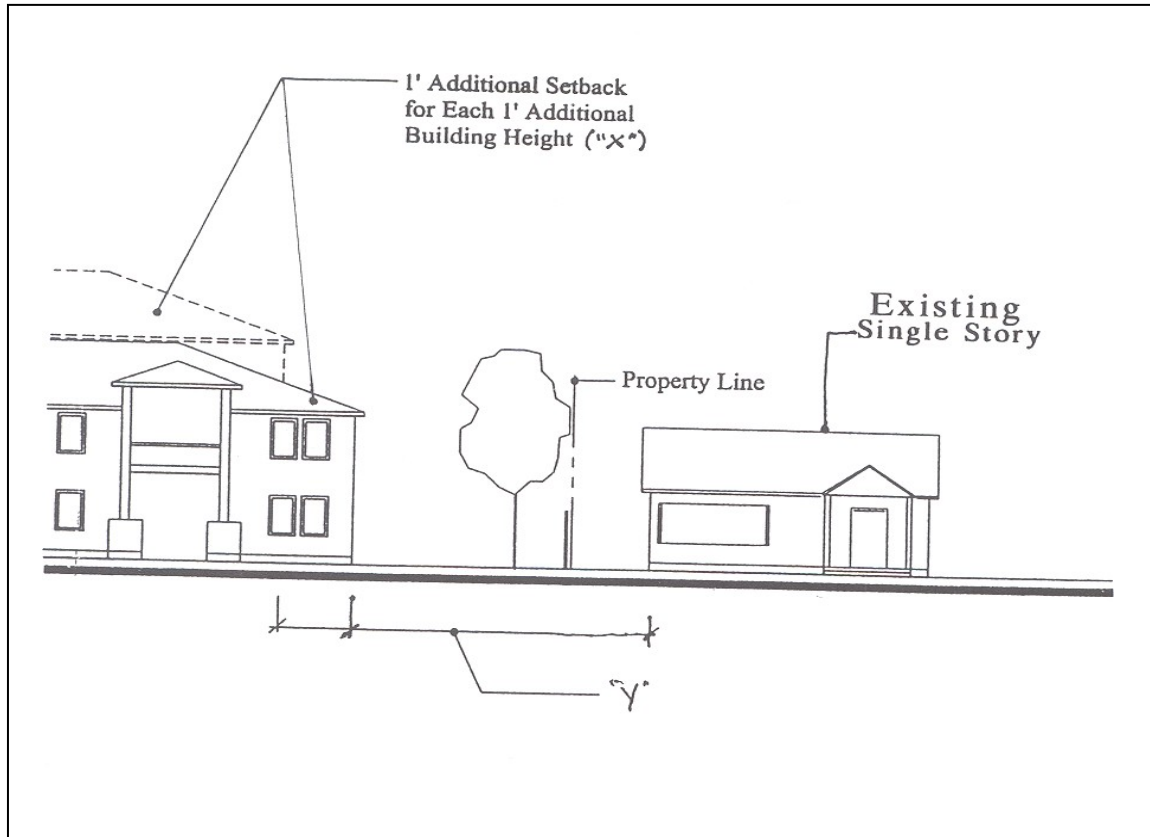


The following building height standards are intended to promote compatibility between different land uses, and support the principle of neighborhood-scale design:

- A. Building Height Standard.** Single-family, duplex, triplex, and quadplex structures within the Residential District shall be no more than 30 feet or 2 ½ stories in height, whichever is greater. Multi-family structures 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 2.1.160B – 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.

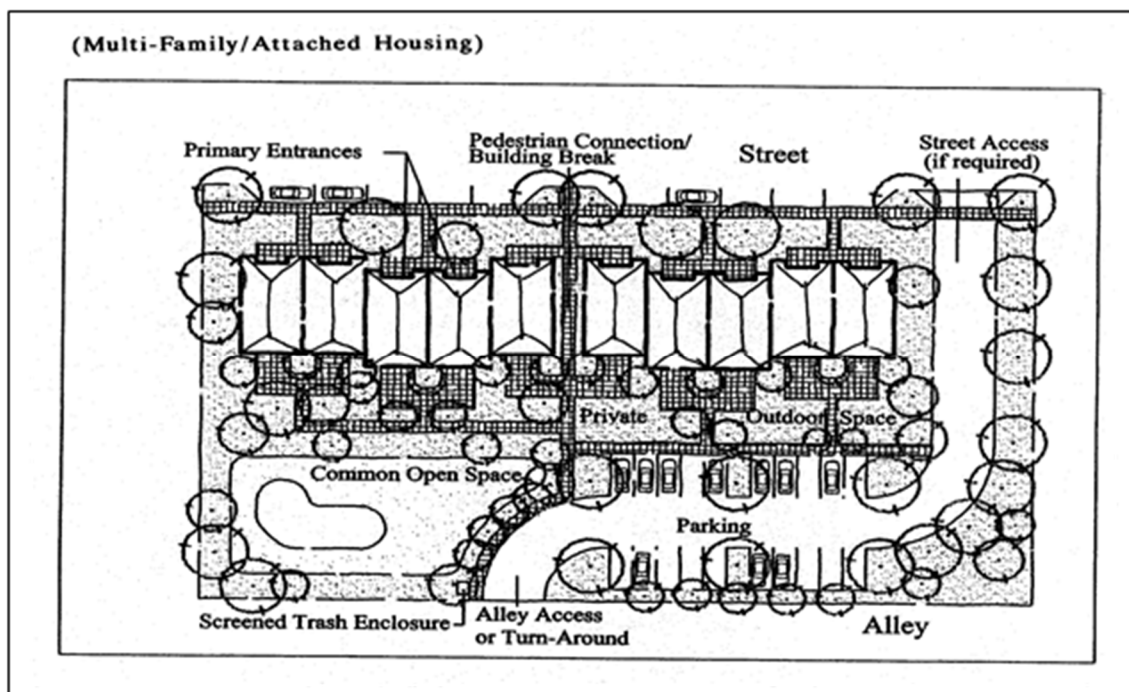
### **2.1.170 Building Orientation**

- 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”.

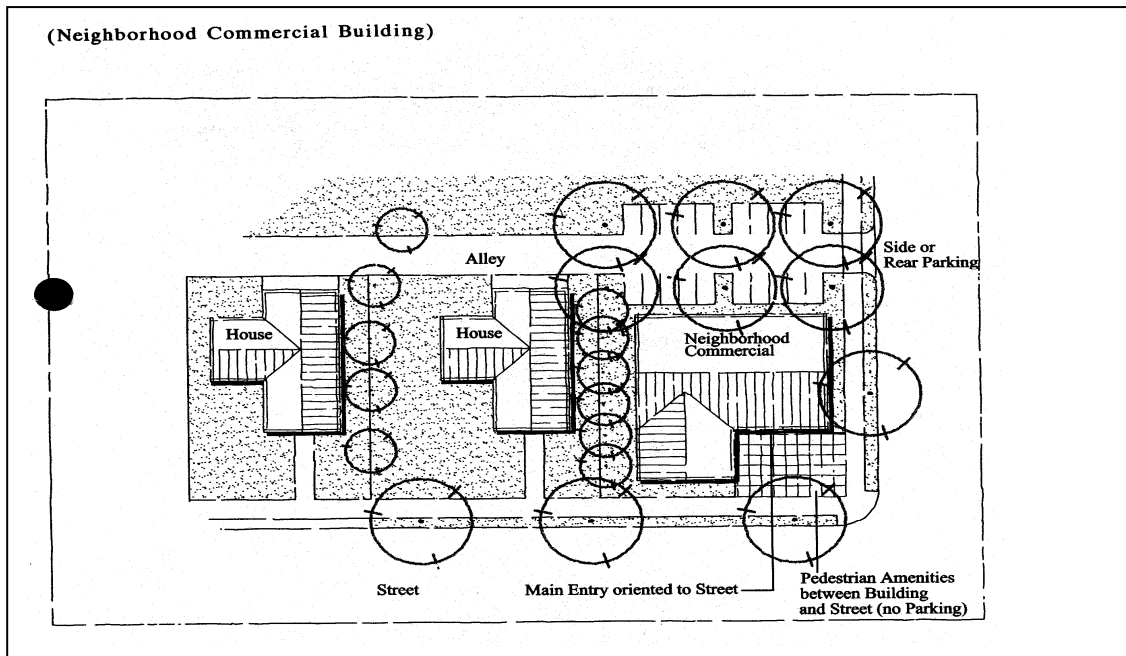
- B. Applicability.** This section applies to: Single Family Dwellings including Manufactured Houses and two attached townhomes, attached townhomes that are subject to Site Design Review (3 or more attached units); Multi-Family Housing; Neighborhood Commercial buildings; and Public and Institutional 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.

**Figure 2.1.170A – Typical Building Orientation – Multi-Family/Attached Housing**



- 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 2.1.170B – Typical Building Orientation – Public or Institutional Buildings**

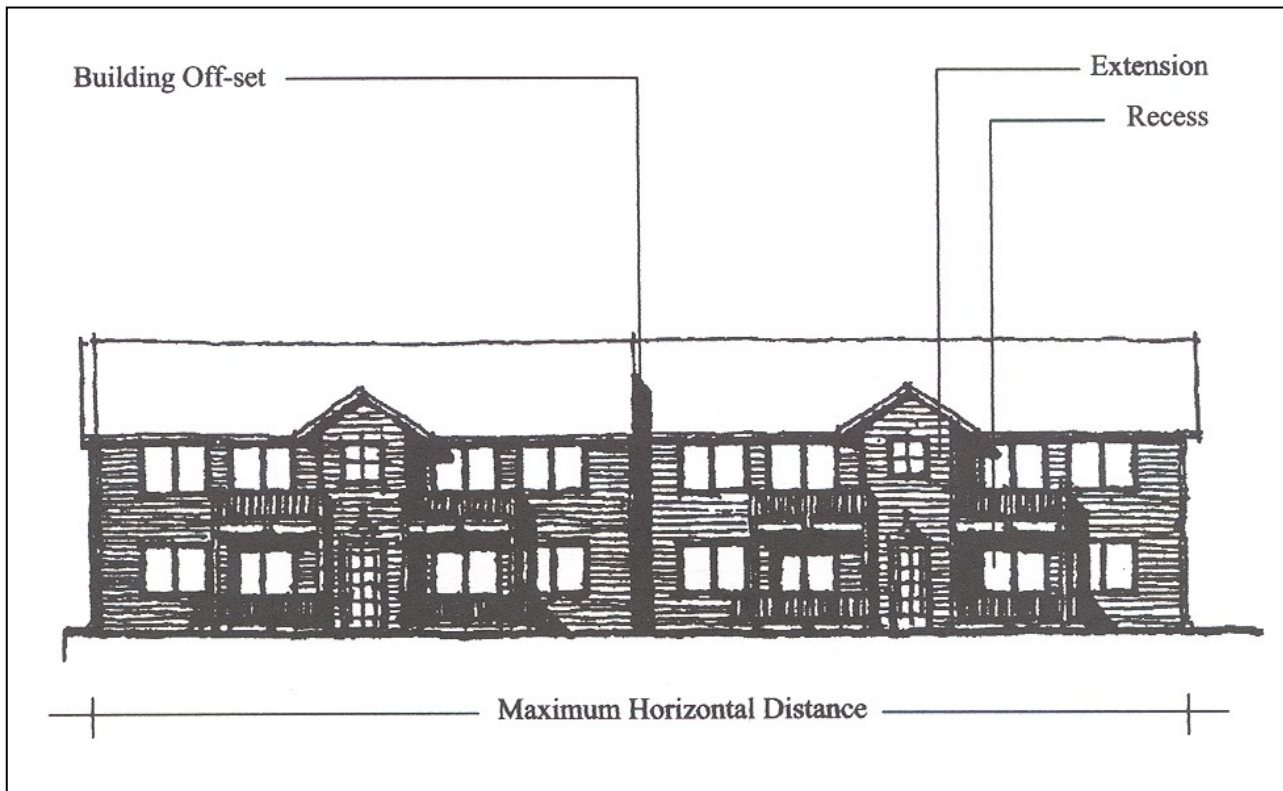


### 2.1.180 Design Standards.

- 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 Development or Site Design Review:
  - a. Single-Family Dwellings;
  - b. Duplexes, Triplexes, and Quadplexes;
  - c. Single family attached townhomes which are subject to Site Design Review;
  - d. Multi-family housing;
  - e. Public and institutional buildings; and
  - f. 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.

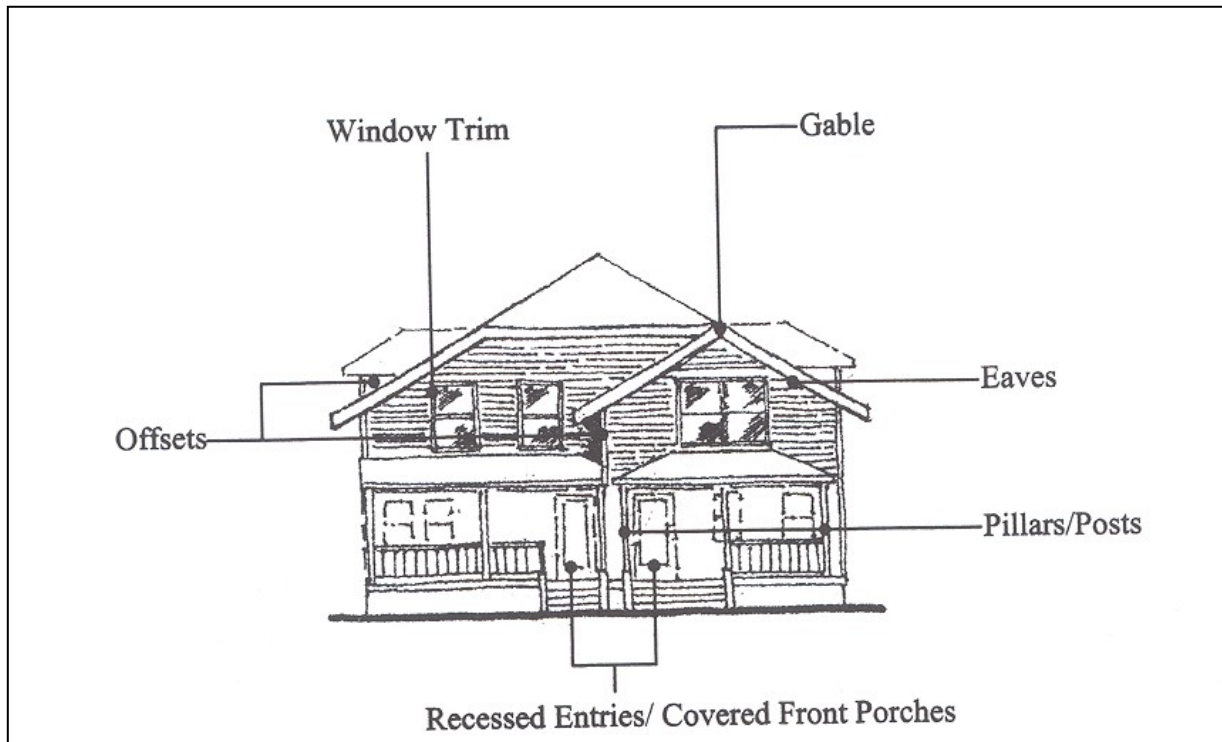
**Figure 2.1.180A – Building Form (Multi-family Housing Example)**



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 town homes or multifamily units. 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 2.1.180A. 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 2.1.180B – Examples of Architectural Details: Duplex**

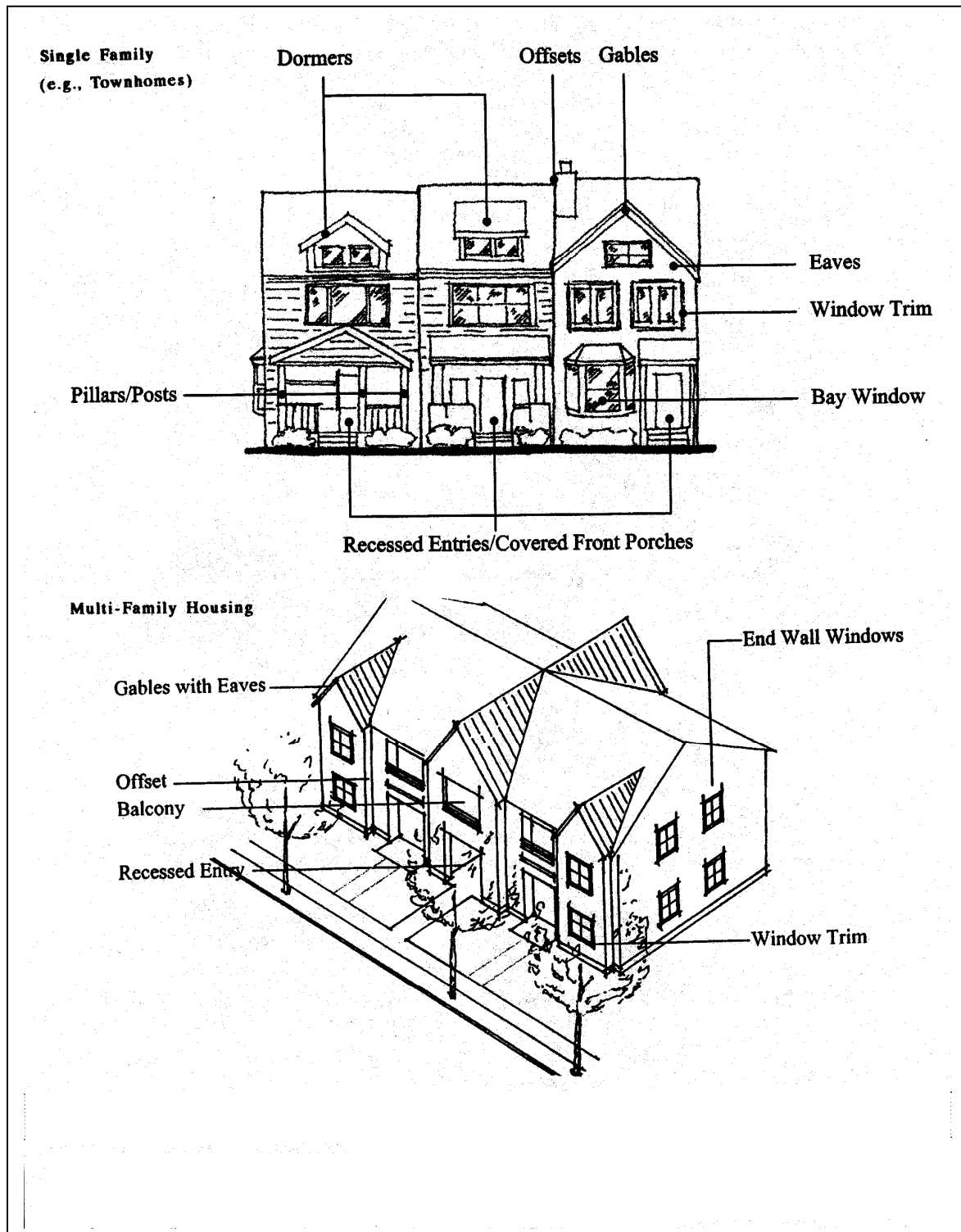


3. Detailed Design. All buildings shall provide detailed design along all elevations (i.e., front, rear, and sides). Detailed design shall be provided by using at least five of the following architectural features on all elevations, as appropriate for the proposed building type and style (may vary features on rear/side/front elevations):
- a. Dormers
  - b. Gables
  - c. Recessed entries
  - d. Covered porch entries
  - e. Cupolas or towers
  - f. Pillars or posts
  - g. Eaves (min. 6-inch projection)
  - h. Off-sets in building face or roof (minimum 16 inches)
  - i. Window trim (minimum 4-inches wide)
  - j. Bay windows



- k. Balconies
- l. Decorative patterns on exterior finish (e.g., scales/shingles, wainscoting, ornamentation, and similar features)
- m. Decorative cornices and roof lines (e.g., for flat roofs)
- n. An alternative feature providing visual relief, like options a-m.

Figure 2.1.180C – Examples of Architectural Details: Townhomes and Multi-Family

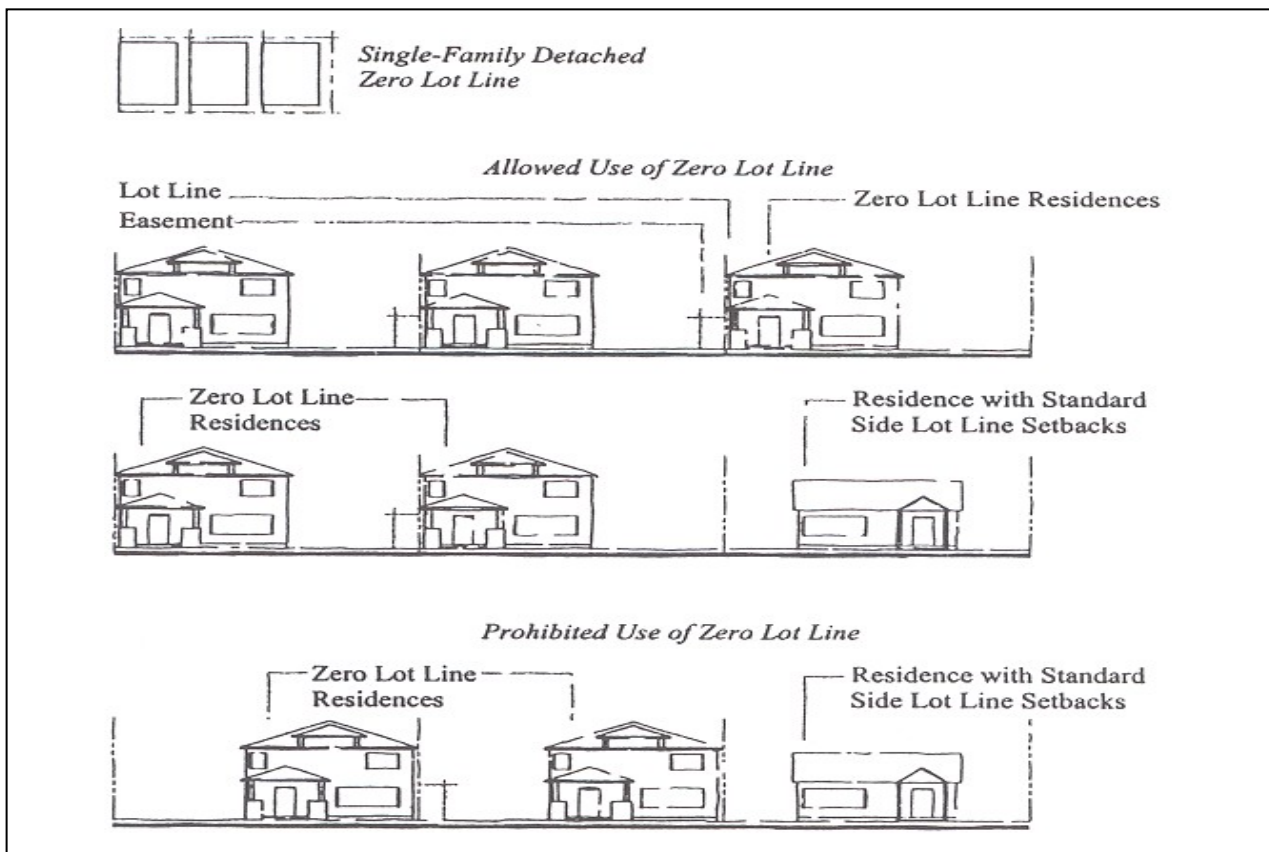


### 2.1.190 Special Standards for Certain Uses.

This section supplements the standards contained in Sections 2.1.100 through 2.1.180. 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 2.1.190A – 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 like 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. **Floor Plan.** The manufactured home shall be multi-sectional and have an enclosed floor area of not less than 1,000 square feet.
2. **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.
3. **Residential Building Materials.** The manufactured home shall have exterior siding and roofing which in color, material and appearance are similar or superior to the exterior siding and roof material used on nearby residences (e.g., horizontal wood or wood-appearance siding is considered “superior” to painted metal siding and roofing).

4. Garages and Carports. The manufactured home shall have a garage or carport constructed of like materials when nearby residences have carports or garages. The City may require an attached or detached garage when it would be consistent with the predominant construction of immediately surrounding residences.
5. Thermal Envelope. The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer's certification shall not be required.
6. 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.
7. 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.
8. Prohibited. The manufactured home shall not be in a designated historic district.

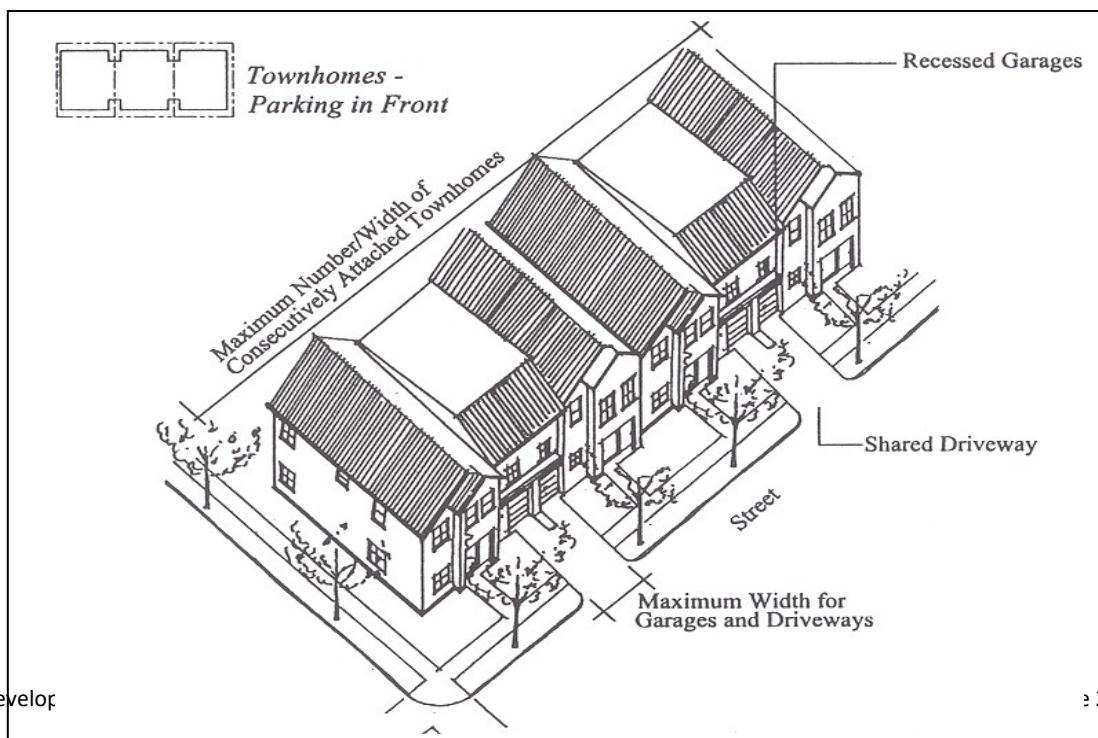
**D. Residential Care Homes and Residential Care Facilities.** Residential care homes are residential treatment or training homes, or adult foster homes licensed by the State of Oregon. They may provide residential care alone, or in conjunction with treatment and/or training, for 5 or fewer individuals (“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, Triplexes, and Quadplexes.** Single-family attached Townhomes, duplex, triplex, and quadplex developments shall comply with the standards in 1-3, below, as applicable. 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.
2. **Access.** Townhomes, duplexes, triplexes, and quadplexes 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.

**Figure 2.1.190B - Townhomes and Multiplex Housing Street Access**



**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 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 employees 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 City Manager, Planning Official, 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).

**L. Multi-Family Developments**

Multi Family Development is designed to provide land for larger multiple family housing. Multi-Family Housing is housing that provides 5 or more dwellings on an individual lot (e.g., multiplexes, apartments, condominiums, etc.). New multi-family developments shall comply with all the following standards.

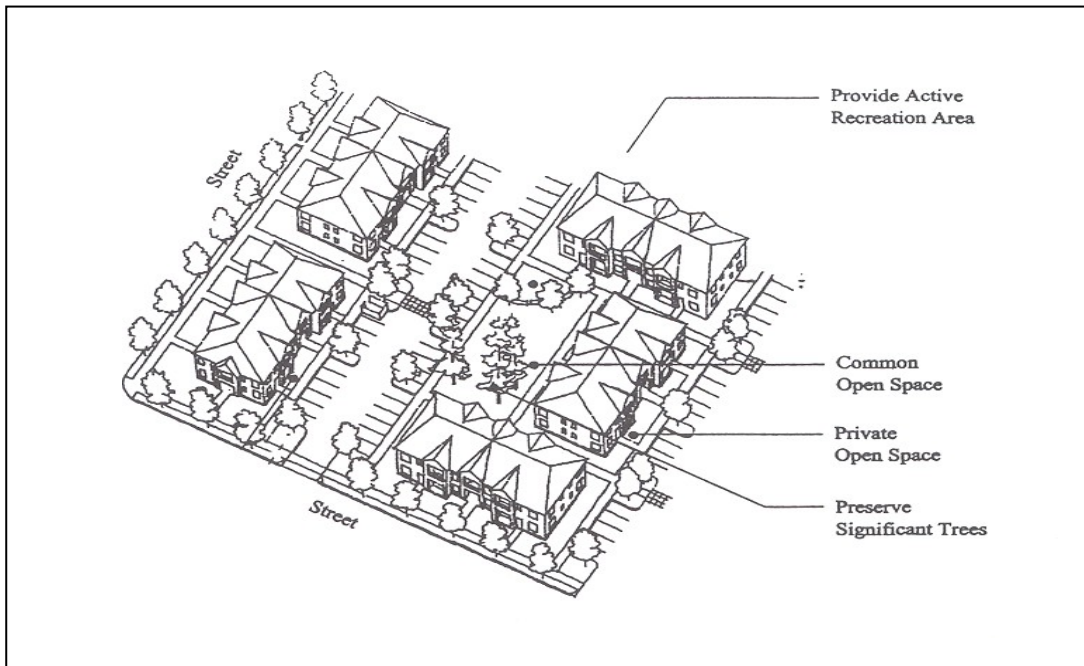
1. **Common open space.** Inclusive of required setback yards, a minimum of 20 percent of the site area shall be designated and permanently reserved as usable common open space in all multiple family developments. The site area is defined as the lot or parcel on which the development is planned, after 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.

**Figure 2.1.190C - Multifamily Housing (typical site layout)**



#### **M. Manufactured Home Park**

1. **Applicability.** Manufactured home parks are permitted on parcels of one (1) acre or larger within the Residential District, subject to compliance with subsections 2-6, below and the requirements found in Chapter 10 of the 2002 Oregon Manufactured Dwelling and Park Specialty Code:
2. **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.
3. **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).
4. **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.
5. **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.

6. **House Design.** Manufactured homes in parks smaller than 3 acres shall meet the following design standards, consistent with ORS 197.314(6):
- a. 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);
  - b. 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);
  - c. 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 Districts

### Sections:

- 2.2.100 – Purpose for the Downtown District (DD) and the Tourist Commercial District (TC)**
- 2.2.110 – Permitted and Conditional Land Uses, Limitations on Uses in the TC District**
- 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**

### **2.2.100 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 two commercial districts that include the Downtown District and the Tourist Commercial District.

A city goal is to strengthen the Downtown District (DD) as the “heart” of the community, the historical center of Echo, 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 that 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.

The Tourist Commercial (TC) District is intended to provide areas for a wide range of commercial activities that encourage local commerce, by providing commercial goods and services attractive to travelers through the community and promoting tourism. The TC District is also appropriate to serve the related needs of area residents and employees. The TC District accommodates those commercial uses that generally do not require extensive outside storage. Site and Building layouts shall be planned and designed to attract and accommodate travelers on Thielsen Road to patronize the businesses in the TC District, and shall be pedestrian friendly, encouraging walking between shops and destinations with the TC District, and walking or bicycling from nearby residential areas.

Because of the TC District’s unique location near the edge of town, and proximity to residential areas,

site development shall contribute to a visually attractive neighborhood and entrance to the downtown area. In the TC District, all new and modified uses are subject to Site Plan Review. Site design, building locations and orientations, and landscaping shall provide a coordinated and enhanced community image consistent with the city's "Timeless Western" theme. Sound and visual buffers shall be required to mitigate impacts on adjacent residential areas.

## **2.2.110 Permitted Land Uses.**

### **A. Permitted Uses.**

In the DD the following uses can be authorized through the Site Design Review process:

1. Amusement establishment, theater;
2. Bed and breakfast inn;
3. Brewery, winery, or distillery as part of a retail use, restaurant, café, pub, tasting room, or similar use;
4. Community services;
5. Daycare, adult or child;
6. Eating or drinking establishment, except for drive-up or drive-through uses;
7. Financial institutions, except for drive-up or drive-through uses;
8. Laundromat;
9. Media: radio, television, newspaper facilities;
10. Museums and art galleries;
11. Office uses;
12. Parks and open space;
13. Personal Service: day spa, beauty salon, barbershop, tanning salon, nail salons and any combination and sales of such products;
14. Print Shops;
15. Religious institutions and places of worship
16. Repair or maintenance establishment for any item sold or in use by a commercial operation allowed as an outright use in an TC zone;
17. Mixed use to allow residential uses when the principal ground floor use is commercial. Principal means that a minimum of 60 percent of the ground floor is occupied by an allowed use in the DD and the primary building entrance is for that commercial use;
18. Retail sales and services, except for drive-up or drive-through uses;
19. Schools and educational services, (e.g., tutoring or similar services);
20. Transportation facilities (operation, maintenance, preservation, and construction, in accordance with the city's transportation system plan);
21. Utilities;
22. Veterinary, without boarding or outside housing of animals.
23. Uses that are similar to those listed here, consistent with the requirements of Chapter 4.8 Code Interpretations.

23-24. Residential homes in existence on the date of adoption of this Development Code can be retained, maintained, and replaced if loss is due to fire or other natural disaster.

In the TC District the following uses and their accessory uses can be authorized through the Site Design Review process.

1. Eating and drinking establishment, brewery, distillery,
2. Fueling station.

3. Motel or Hotel.
4. Senior Living Facility.
5. Laundromat.
6. Art gallery or studio.
7. Book store, antique store, or other retail use.
8. Grocery or convenience store.
9. Automobile services performed completely within an enclosed structure.
10. Tourist or other information centers or kiosks.
11. Public and semi-public buildings and uses.
12. Personal services, hair salon, massage, spa.
13. Office and professional use.
14. Indoor commercial amusement or recreation establishment.
15. Farming activities occurring prior to annexation of TC lands are permitted to continue.
16. Uses that are similar to those listed here, consistent with the requirements of Chapter 4.8 Code Interpretations.

In the DD the following uses may be permitted Conditionally in accordance with Chapter 4.3 Conditional Uses:

1. Buildings and structures exceeding 35 feet in height;
2. Drive-up/drive-in/drive-through (drive-up windows, kiosks, ATMs, similar facilities) conforming to the standards later in this Chapter, which are intended to calm traffic, and protect pedestrian comfort and safety.
3. Dry cleaners
4. Expansion of a use allowed prior to the adoption of this Title;
5. Gas Station;
6. Hospital;
7. Industrial service, if fully enclosed (e.g., office);
8. Manufacturing and production, if fully enclosed;
9. Motel or hotel, RV Park;
10. Nurseries and similar horticulture;
11. Outdoor recreation, commercial;
12. Parking lot (when not an accessory to a permitted use);
13. Rail lines and utility corridors;
14. Used Car/Vehicle/Farm Implement Sales;
15. Wholesale Sales, if fully enclosed, and less than 20,000-square feet of floor area.
16. Medical Marijuana Facility (MMF).

Purpose. This Section establishes regulations for the siting of medical marijuana (MMF) commercial facilities as authorized by State Law. The purpose of this Section is to minimize adverse impacts on adjacent properties, schools and other places where children congregate, and other land uses potentially incompatible with such facilities.

A. General provisions.

- 1) No MMF facility may be located within the City unless the review authority finds that it satisfies all the requirements of this Code and State law.
- 2) MMF may be allowed, subject to a Conditional Use Permit and if it does not conflict with the provision of 4 below.
- 3) MMF legally established pursuant to this Code shall not be found in conflict with the provision of this Code in the event that a conflicting land use locates in the vicinity of a



MMF facility subsequent to the MMJ facility obtaining land use approval from the City. When such conflict is found to exist, the MMJ facility shall be considered a legal nonconforming.

- 4) No MMF shall be located:
- i. At the same address as a registered grow site.
  - ii. Within 1,000 feet of the real property comprising a public or private elementary, secondary or career school attended primarily by minors, or,
  - iii. Within 1,000 feet of the real property comprising a public park or community recreation facility where minors regularly congregate, or,
  - iv. Within 1,000 feet of the real property comprising a day care or church. or
  - v. Within 1,000 feet of another MMF facility.

B. Definitions. The following definitions apply to this section:

**Career School** – any private proprietary professional, technical, business or other school instruction, organization or person that offers any instruction or training or preparing persons for any profession at a physical location attended primarily by minors.

**Minor** – an individual under the age of 18.

**Elementary school** - a learning institution containing one or any combination of grades kindergarten through 8th grade or age level equivalent.

**Secondary School** – a learning institution containing one or any combination of grades 9 through 12 or age level equivalent and includes those institutions that provide junior high schools which include 9th grade.

In the TC District the following uses and their accessory uses may be permitted conditionally in accordance with Chapter 4.3 Conditional Uses.

1. Outdoor commercial amusement or recreation establishment.
2. Repair or maintenance establishment.
3. Wholesale trade establishment.
4. Permitted uses possessing potential nuisance characteristics or emissions potentially detrimental to the health, safety, and general welfare of the community, such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference discernible without instruments at the property line, or uses requiring a permit from a local, state or federal agency. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use. No use requiring an Emission Discharge Permit from the Oregon Department of Environmental Quality is permitted in the TC Zone.
5. Any use of property within 100 feet of a residential zone unless a minimum 60-foot buffer is provided between the commercial use and any adjacent residential zone or use. Through the Conditional Use procedures, the Planning Commission may impose such additional limitations as may be warranted to reduce conflicts between uses.
6. Transit Facility – park-n-ride, transit center.
7. Transportation and Utility services.
8. Specialized commercial recreational facility – swimming pool, campground & playground, sports complex, waling trail.
9. Senior living facility.
10. Caretaker residence attached to an approved commercial use.

11. Recreational Vehicle Park.
12. Permitted uses which exceed the maximum height standard of the zone.

In the TC District the following limitations and conditions shall apply:

1. Truck traffic shall conform with the Oregon Department of Transportation (ODOT) maximum weight and width restrictions and all ODOT permit requirements to enter the TC District.
2. Materials shall be stored, and grounds shall be maintained, in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
3. All mechanical equipment, outdoor storage, and service and delivery areas shall be screened from view from all public streets, parking lots and adjacent residential districts or uses. Required screening shall be provided by
  - A. A decorative wall (i.e. masonry or similar material) or opaque fence complying with...
  - B. Evergreen hedge.
  - C. A similar feature that provides a visual barrier.
4. Prior to issuance of a building permit, the owner and operator of any use abutting a legally existing farming operation shall be required to sign and record with the Umatilla records clerk, a waiver of remonstrance guaranteeing against any protest or action concerning accepted farming practices in the area.

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

In the TC 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.
- C. The rear yard shall be a minimum of 25 feet.
- D. Any use of property within 100 feet of a residential zone shall provide a buffer that can be achieved by 60 feet of open space or a combination of fencing up to 12 feet in height and landscaping to include evergreen plantings to achieve both noise and visual relief at a depth of 20 feet.

In the Downtown District, the following setbacks are applicable except where historical considerations and requirements may preclude strict compliance:

#### **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.**

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 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. 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
2. Commercial and mixed-use buildings subject to site design review.

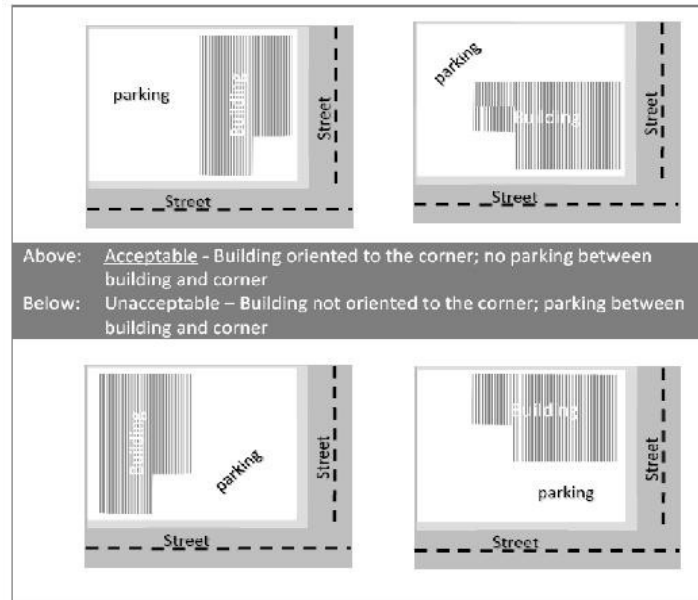
Compliance with all the provisions of subsections B through D below shall be required.

**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

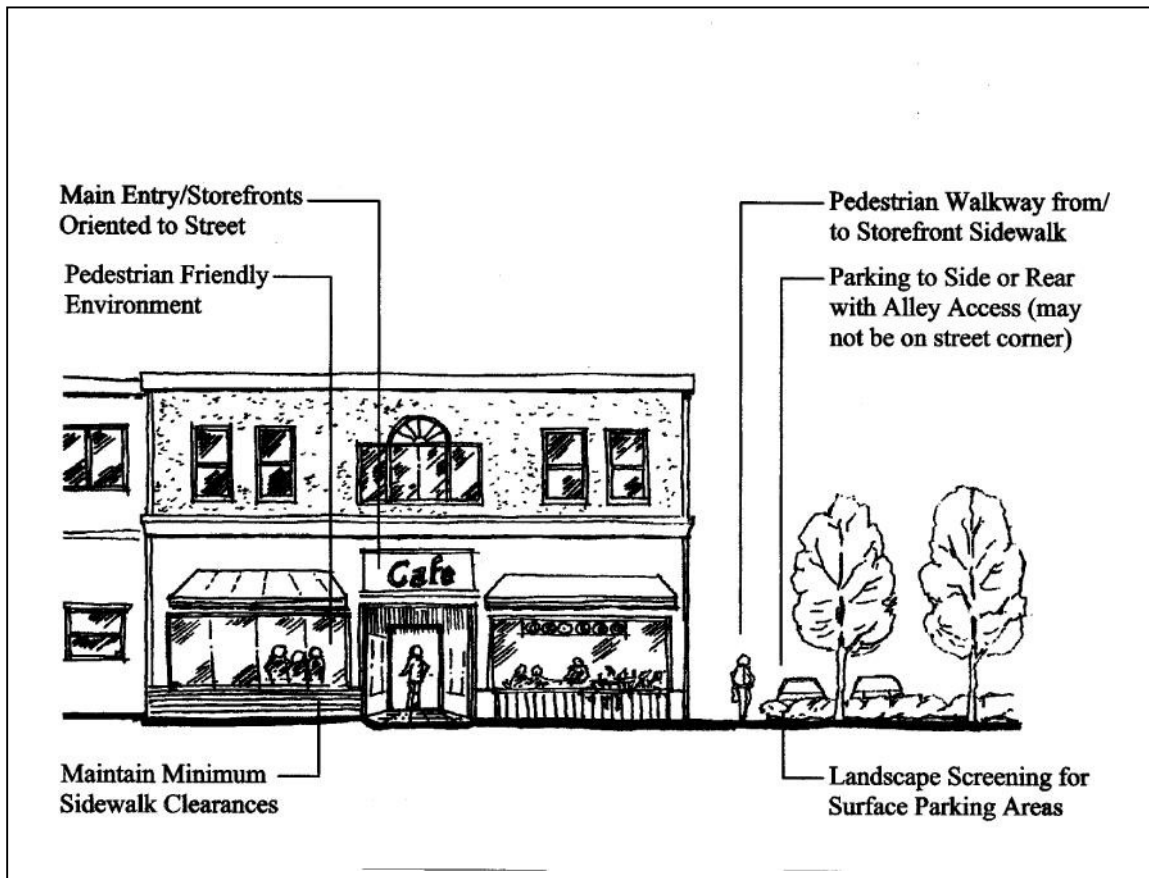
plazas, or breezeway/courtyard entrances (i.e., to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard when a direct pedestrian walkway is provided between the building entrance and the street right-of-way.

**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 towards the passerby. Display windows for viewing the activity inside the building shall be provided.

**Figure 2.2.140.D - Building Orientation (Typical)**



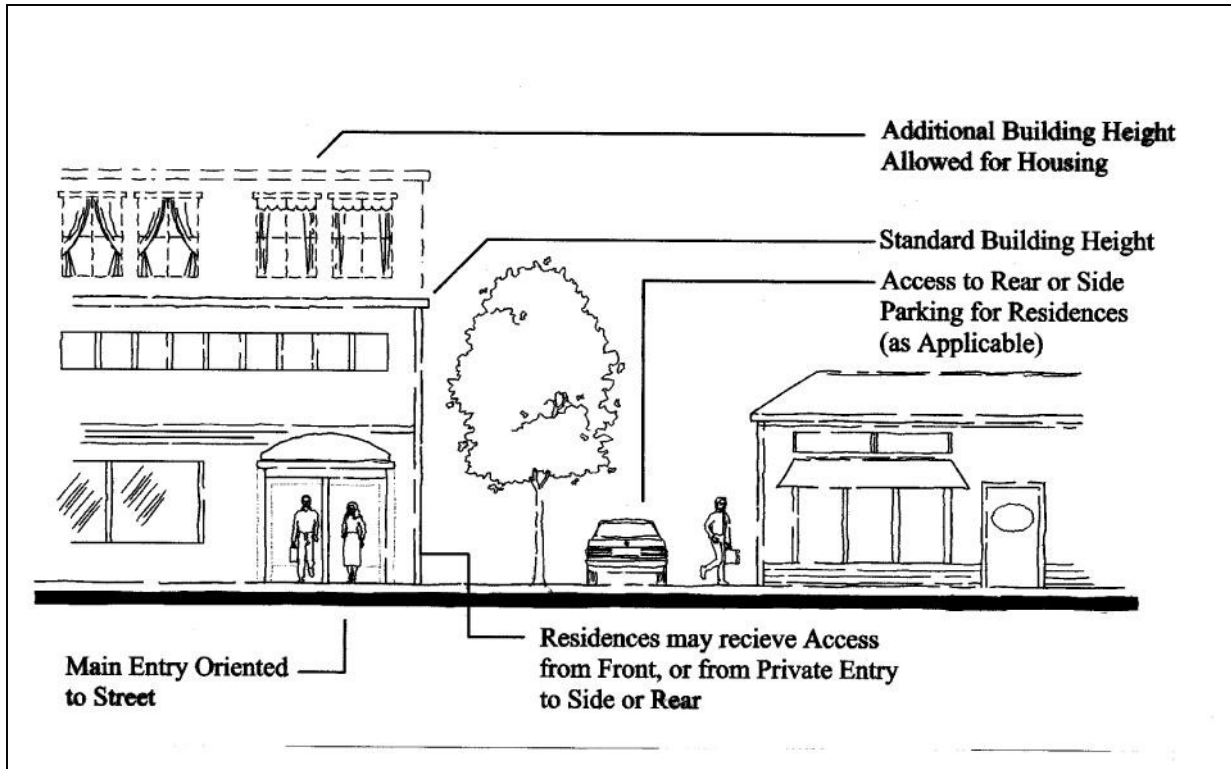
- D. Continuous Building Frontage.** In the Downtown District buildings shall be built to the property lines on either side to create a continuous line of storefronts except where strict adherence would impact the historical nature or designation of a structure. Access may be provided to the rear parking 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 Districts shall be no taller than three stories or thirty-five feet tall.

All buildings in the Downtown 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 three stories or 35 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.

## 2.2.160 Design Standards.

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

- Access and Circulation
- Landscaping, 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 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.

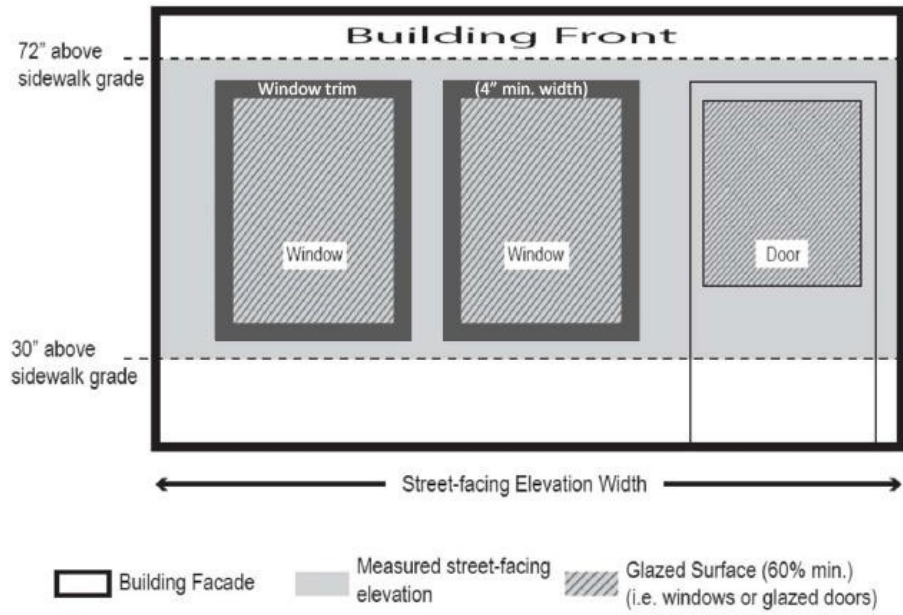
**B. Historical Reference.** To achieve the City's stated Goal that commercial development invokes the character of Echo at the turn of the last century (1880's through 1910) architecture and design features shall be representative of other historical structures within the community. The use of native plants and the placement of farm implements and other features within the required landscaping can also work to achieve this criterion.

**C. 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**



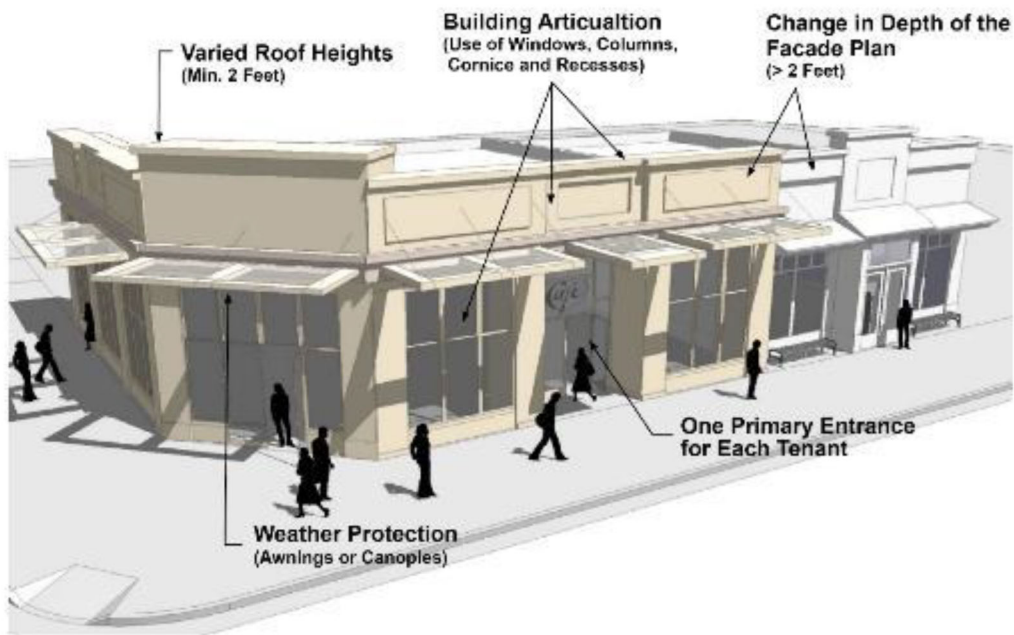
- b. All side and rear elevations, except for zero-lot line or common wall elevations where windows are not required, shall provide not less than 30 percent transparency.
  - c. Windows and display cases shall not break the front plane of the building (e.g., projecting display boxes are not allowed). 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 facade 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.**

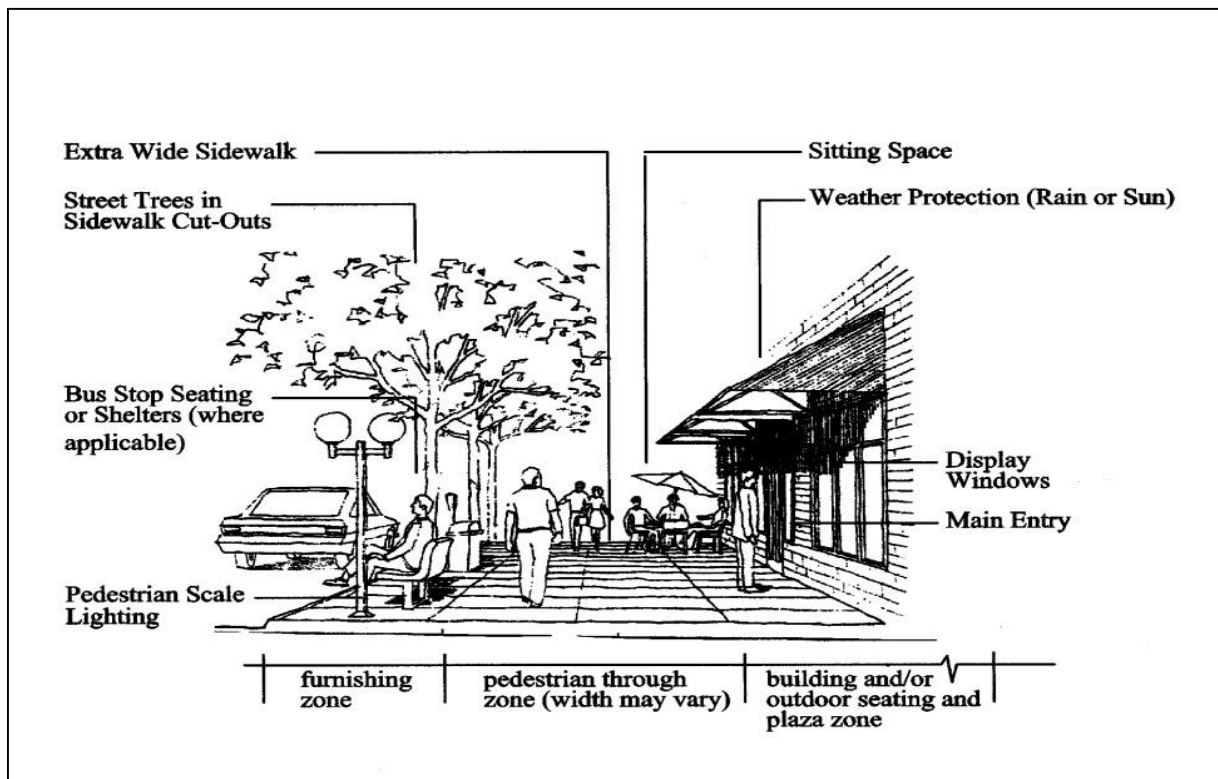
- A. **Purpose and Applicability.** Commercial development shall incorporate pedestrian amenities as outlined in Chapter 3.1 Access and Circulation This section is intended to complement the building orientation standards in Section 2.2.140, and the street standards in Chapter 3.1, by providing comfortable and inviting pedestrian spaces within the Downtown 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 1-5, 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:
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.
- D. Automobile-Oriented Uses and Facilities.** Automobile-oriented uses and facilities, as defined below, shall conform to all the following standards. 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 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 400 linear feet along the same street frontage, whichever is less.
- E. Sidewalk Displays.** Sidewalk display of merchandise and vendors shall be limited to cards, plants, gardening/floral products, food, books, newspapers, bicycles, and similar small items for sale or rental to pedestrians (i.e., non-automobile oriented). A minimum clearance of 4 feet shall be always maintained on the sidewalk 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.
- F. Light Manufacture.** Light manufacture uses are allowed in the Downtown. "Light manufacture" means production or manufacturing of small-scale goods, such as crafts, electronic equipment, bakery products, printing and binderies, furniture, and similar goods. Light manufacture uses shall conform to all 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 manufacturing 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.**

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.

<b>Chapter 2.3 – Light Industrial (LI) District</b>	
<b>2.3.100</b>	<b>Purpose</b>
<b>2.3.110</b>	<b>Permitted Uses</b>
<b>2.3.120</b>	<b>Conditional Uses</b>
<b>2.3.130</b>	<b>Limitations on Uses</b>
<b>2.3.140</b>	<b>Setbacks</b>
<b>2.3.150</b>	<b>Lot Coverage</b>
<b>2.3.160</b>	<b>Building Height</b>
<b>2.3.170</b>	<b>Building Orientation</b>
<b>2.3.180</b>	<b>Design Standards</b>
<b>2.3.190</b>	<b>Special Standards for Certain Uses</b>

### **2.3.100 Purpose.**

The Light Industrial (LI) Zone is suitable for limited industrial activities, having minimal emissions or nuisance characteristics that could impact adjacent properties or rights-of-way. The M1 district is intended for a wide range of manufacturing, warehousing, processing, assembling, wholesaling, specialty contracting and related establishments. Uses shall have limited impacts on surrounding properties and shall not create a public nuisance due to unsightliness, noise, smoke, dust, vibration, excessive truck traffic or similar adverse impacts.

Because of its unique location near the edge of town, and proximity to residential zoning, site development in the LI Zone shall contribute to a visually attractive neighborhood and entrance to the downtown area. In the LI Zone, all new and modified uses are subject to Site Design Review. Site design, building locations and orientations, and landscaping shall provide a coordinated and enhanced community image, consistent with the city's "Timeless Western" theme. Sound and visual buffers shall be required to mitigate impacts on adjacent residential areas.

### **2.3.110 Permitted Uses.**

In an LI Zone, the following uses and their accessory uses are permitted subject to Site Design Review.

- A. Manufacturing, warehousing, wholesaling, compounding, assembling, processing, storing, researching or testing uses, provided all operations except off-street parking and temporary activities shall be conducted entirely within an enclosed building, unless approved by the City County through the conditional use process of Chapter 4.3. Uses shall not produce emissions or nuisance characteristics discernible without instruments at the property line.
- B. Vehicle dealers, repairs, and services.
- C. Fueling stations.
- D. Retail or wholesale services related to construction.
- E. General Business Services.
- F. Communications Facilities.
- G. Building and trade contracting and training facilities.
- H. Government, public or semi-public uses or buildings.
- I. Food packaging.
- J. Brewery or distillery, including accessory retail activities.
- K. Uses that are similar to uses listed in this section, consistent with Chapter 4.8 Similar Uses.
- L. Farming activities occurring prior to annexation of LI zoned lands are permitted to continue.



### **2.3.120 Conditional Uses.**

In an M1 Zone, the following uses may be permitted when authorized by the City Council in accordance with Chapter 10 of this Title:

- A. Repair or maintenance establishment.
- B. Wholesale trade establishment.
- C. Production, handling, or processing of cannabis, subject to applicable provisions of state law, and provided that all activities occur within an enclosed structure or structures.
- D. Fuel and ice sales.
- E. Industrial and agricultural chemicals production, storage and sales.
- F. Recycling drop-off depots and recycling centers, if the facility
  - 1. Is not within 250 feet of a residential zone
  - 2. Is kept in a clean and orderly manner, ensuring regular maintenance for litter as needed.
- G. Permitted uses that are not conducted entirely within an enclosed building.
- H. Uses requiring an Emission Discharge Permit from the Oregon Department of Environmental Quality.
- I. Permitted uses possessing potential nuisance characteristics or emissions potentially detrimental to the health, safety and general welfare of the community, such as noise, vibrations, smoke, odor, fumes, dust, heat, glare or electromagnetic interference discernible without instruments at the property line, or uses requiring a permit from a local, state, or federal agency. The applicant shall accurately specify the extent of emissions and nuisance characteristics relative to the proposed use.
- J. Exterior sales or rental yard provided displays are neatly organized.
- K. Truck Dispatch Operation.
- L. Transportation facilities and services.
- M. Commercial activities in association with an approved industrial use.
- N. Food Processing.
- O. Uses that are similar to uses listed in this zone consistent with the procedures of Chapter 4.8 Similar Uses.
- P. Permitted uses which exceed the maximum height standard of the zone.

### **2.3.130 Limitations on Use.**

In an M1 Zone, the following limitations and conditions shall apply:

- A. Truck traffic shall conform with Oregon Department of Transportation (ODOT) maximum weight and width restrictions and all ODOT permit requirements to enter the M1 zone.
- B. Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- C. All mechanical equipment, outdoor storage and manufacturing, and service and delivery areas shall be screened from view from all public streets, parking lots, and adjacent Residential districts. Required screening shall be provided by:
  - 1. A decorative wall (i.e. masonry or similar material) or site obscuring fence complying with Chapter 3.2, or
  - 2. Evergreen hedge, or
  - 3. A similar feature that provides a visual barrier.
- D. Prior to issuance of a building permit, the owner and operator of any use abutting a legally existing farming operation shall be required to sign and record with the Umatilla records clerk a waiver of remonstrance guaranteeing against any protest or action concerning accepted farming

practices in the area.

#### **2.3.140 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 20 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 landscape 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.).

#### **2.3.150 Lot Coverage.**

The maximum allowable lot coverage in the Light Industrial District is 80 percent. Compliance with other sections of this code may preclude the development of the maximum lot coverage for some land uses.

#### **2.3.160 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.

### **2.3.170 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.

### **2.3.180 Design Standards.**

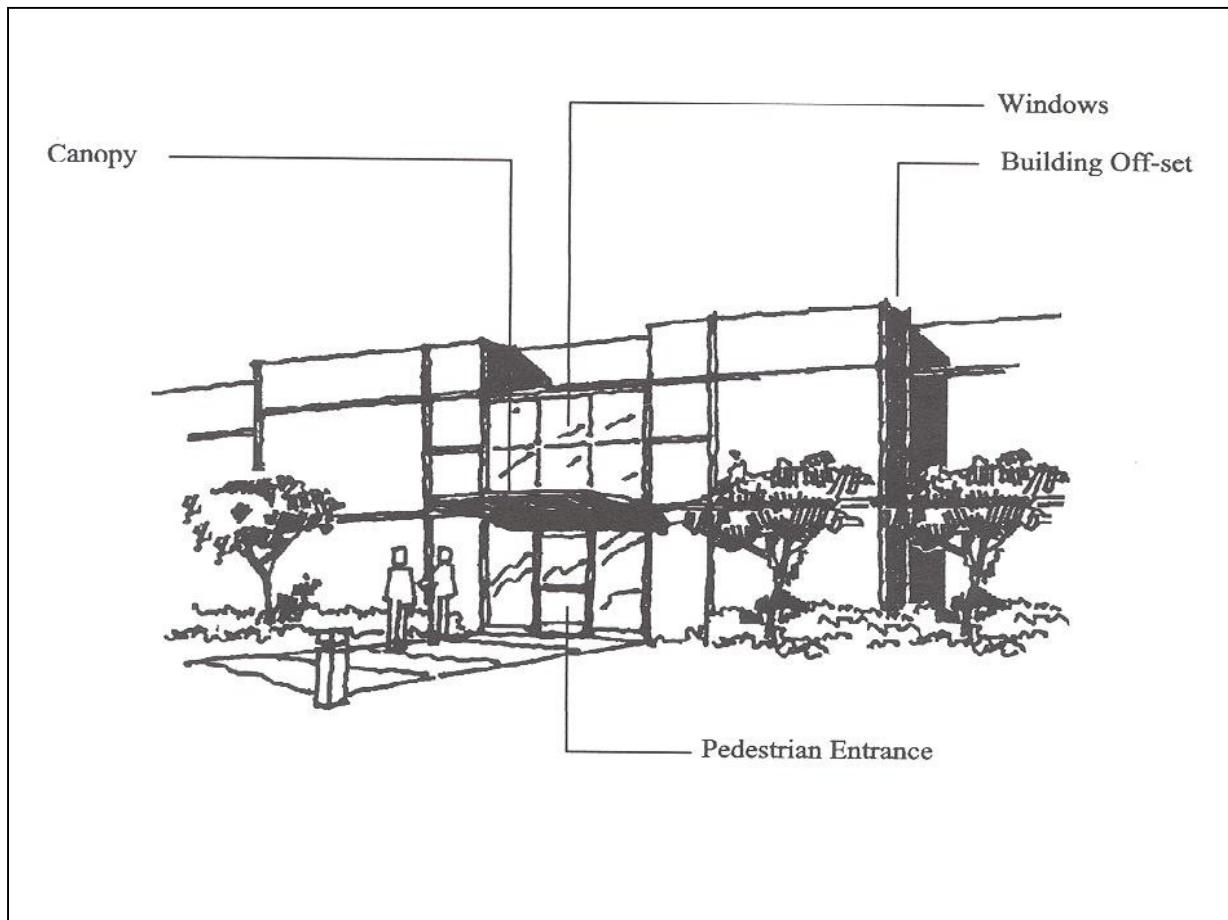
All developments in the Light Industrial District shall be evaluated during Site Design Review for conformance with the following criteria.

- A. Historical Reference.** To achieve the City’s stated Goal that industrial development invokes the

character of Echo at the turn of the last century (1880's through 1910) architecture and design features shall be representative of other historical structures within the community. The use of native plants and the placement of farm implements and other features within the required landscaping can also work to achieve this criterion.

- B. 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.
- C. 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 2.3.160 – 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.*

### **2.3.190 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 2.4 – Master Planned Development (MP)**

### **Sections:**

**2.4.100 - Purpose**

**2.4.200 - Applicability**

**2.4.300 - Master Plan Required**

**2.4.400 - Land Use and Design Standards**

**2.4.500 - Implementation**

### **2.4.100 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.

### **2.4.200 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.

### **2.4.300 Master Plan Required.**

Prior to land division approval, a Master Plan shall be prepared for all sites meeting the criteria in Section 2.4.200. 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.

### **2.4.400 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.

#### **2.4.500 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.

## **2.5 Open Space District (OS)**

### **Sections**

#### **2.5.100 - Purpose of the Open Space District**

#### **2.5.200 - Permitted and Conditional Land Uses**

### **2.5.100 Purpose of the Open Space District**

The Open Space District is designed to acknowledge flooding impacts on certain lands within the City of Echo and determine uses on that land that would be consistent with floodplain restrictions.

### **2.5.200 Permitted and Conditional Land Uses**

No structures are allowed within the Open Space District. The following uses can be achieved without local review:

- A. Farming, including crop cultivation, truck gardening or plant nursery enterprises and livestock grazing.
- B. Natural areas, including wildlife refuges.

The following uses are allowed subject to the permitting procedures in Chapter 4 and any applicable design standards in Chapter 3.

- A. Outdoor recreational facilities that do not obstruct flood flows or the open space concept (Ord. 231-78, 10-18-78; Ord. 244B-81, 2-18-81).
- B. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- C. Installation of culverts, pathways, medians, fencing, guardrails, lighting and similar types of improvements within existing right-of-way.
- D. Projects specifically identified in the Transportation System Plan as not requiring further land use regulation.
- E. Landscaping as part of a transportation facility.
- F. Emergency measures necessary for the safety and protection of property.
- G. Acquisition of right-of-way for public roads, highways, and other transportation improvements designated in the Transportation System Plan.
- H. Construction of a street or road as part of an approved subdivision or land partition approved consistent with the applicable land division ordinance.

The following transportation uses can be authorized through the issuance of a Conditional Use Permit consistent with the standards found in Chapter 4.3.

- A. Construction, reconstruction, or widening of highways, roads, bridges or other transportation projects that are: (1) not improvements designated in the Transportation System Plan or (2) not designed and constructed as part of a subdivision or planned development subject to site plan and/or conditional use review, shall comply with the Transportation System Plan and applicable standards, and shall address the following criteria. For State projects that require an



Environmental Impact Statement (EIS) or EA (Environmental Assessment), the draft EIS or EA shall be reviewed and used as the basis for findings to comply with the following criteria:

1. The project is designed to be compatible with existing land use and social patterns, including noise generation, safety, and zoning.
2. The project is designed to minimize avoidable environmental impacts to identified wetlands, wildlife habitat, air and water quality, cultural resources, and scenic qualities.
3. The project preserves or improves the safety and function of the facility through access management, traffic calming, or other design features.
4. Project includes provision for bicycle and pedestrian circulation as consistent with the comprehensive plan and other requirements of this ordinance.
5. If review under this Section indicates that the use or activity is inconsistent with the Transportation System Plan, the procedure for a plan amendment shall be undertaken prior to or in conjunction with the conditional permit review.

## **Chapter 2.6 — Floodplain Overlay District (FP)**

### **Sections:**

- 2.6.100 - Purpose**
- 2.6.200 - Location**
- 2.6.300 - Floodplain Overlay District**
- 2.6.400 - Prohibited Uses in the Floodplain Overlay District**
- 2.6.500 - Development Standards in the Floodplain Overlay District**
- 2.6.600 - Floodway District**
- 2.6.700 - Riparian Corridor District**

### **2.6.100 Purpose**

The Floodplain Overlay District and related Floodway District are intended to protect the floodplain and floodway areas along 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.

### **2.6.200 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 3, 2010, as part of the Flood Insurance Study for the City of Echo.

### **2.6.300 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 2.6.300</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.	a. Normal operations and 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
<b>2. Transportation Facilities and Improvements*</b>		

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

## 2.6.400 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.

## 2.6.500 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.

## 2.6.600 Floodway 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 September 3, 2010, as part of the Flood Insurance Study for the City of Echo.
- C. Permitted Uses in the Floodway District.** The following table lists the permitted uses in the Floodway 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 District.
- E. Development Standards.** See Chapter 3.7 Floodplain Design Standards.

## 2.6.700 Riparian Corridor 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 the Umatilla River. Regulations in the Riparian Corridor 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 as a fish-bearing stream.
3. Along the Umatilla River, the riparian corridor boundary shall be 75 feet upland from the top of each bank, except as identified below.
4. 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.
5. 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.
6. 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 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 2.6.700.D.4. A variance to the riparian

- setback approved through procedures of Section 2.6.700.D.5.
- b. 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  $\frac{1}{2}$  the standard setback. If this does not create a sufficient building envelope, the riparian setback may be reduced up to  $\frac{1}{2}$  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 2.6.700.D.4 is 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 2.6.700.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.