



PLANNING COMMISSION

Council Chambers, 180 NE 2nd Street

Where Life is Sweet

January 08, 2025 at 7:00 PM

AGENDA

*Other ways of viewing or participating in live meetings are available through:
Zoom with Meeting ID: 836 2582 6527 Passcode: 470746 Telephone number to join is: 1 253
215 8782; or submitting comments to meetings@hermiston.gov*

For written electronic public comments to be part of the official record, sender must provide their full name and place of residence and comments must be received within the time frame given for the item under discussion. The City Recorder will respond/confirm to sender that their electronic comment was received and will be made part of the record; or, if their electronic comment is not able to be made part of the record, the City Recorder will respond to the sender and state the reason(s) why.

1. CALL TO ORDER - 7:00 PM

2. MINUTES

A. Minutes of the December 11, 2024, regular planning commission meeting

3. NEW BUSINESS

A. Work session to review recent legislation and required code updates

4. PLANNER COMMENTS AND UNSCHEDULED COMMUNICATION

5. ADJOURN

**** AMERICANS WITH DISABILITIES ACT NOTICE ****

Please contact Hermiston City Hall, 180 NE 2nd Street, Hermiston, OR 97838 (Phone No. 541-567-5521) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TTY and TDD users please call Oregon Telecommunications Relay Service at 1-800-735-2900 or 711.



PLANNING COMMISSION

Regular Meeting Minutes
December 11, 2024

Chairman Fialka called the regular meeting to order at 7:00PM. Present were Commissioners Doherty, Hamm, Misner, Saylor, Guerrero, Caplinger, and Collins. Commissioner Kirkpatrick was excused. Staff in attendance included Planning Director C.F. Spencer, City Attorney Richard Tovey and Planning Assistant Heather La Beau. Youth Advisor Council member Catherine Doherty was present.

Minutes

Commissioner Hamm moved, and Commissioner Collins seconded to approve the minutes of the November 13, 2024, regular meeting as written. Motion passed.

Hearing-Conditional Use- Umatilla Basin Properties LLC 4N2811DB Tax Lot 2700 – 150 NE 8th PI

Commissioner Hamm declared a potential conflict of interest as he is a Board Member of Umatilla Electric Co-operative, of which Umatilla Basin Properties, LLC is a subsidiary. Commissioner Hamm stated he has no financial connection and is unbiased. Commissioner Collins declared a conflict of interest as an employee of Umatilla Electric Co-operative and stepped down from the dais.

Chairman Fialka opened the hearing at 7:02PM and read the following guidelines:

The planning commission is holding a hearing to consider a request for a conditional use permit. The request must be approved by the planning commission subject to the criteria established in §157.208 of the Hermiston Code of Ordinances. The applicant seeks approval to allow a day care home located at 150 NE 8th Place. The property is described as 4N2811DB Tax Lot 2700 and is zoned Medium Density Residential (R-2).

The applicable substantive criteria relied upon by the City in rendering the decision to grant the conditional use permit are contained in §157.208 of the Hermiston Code of Ordinances. Testimony and evidence must be directed toward the criteria described above or other criteria in the comprehensive plan or land use regulations which the person believes apply to the decision. Failure to raise an issue by the close of the record at or following the hearing, in person or by letter, precludes appeal to the Land Use Board of Appeals (LUBA) or the city council based on that issue. Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to that issue precludes appeal to LUBA or the city council based on that issue.

Failure to raise constitutional or other issues relating to proposed conditions of approval with sufficient specificity to allow the local government or its designee to respond to the issue precludes an action for damages in circuit court. Prior to the conclusion of the evidentiary hearing, any participant may request an opportunity to present additional evidence, arguments or testimony regarding the application. The planning commission shall grant such a request by continuing the public hearing pursuant to ORS 197.797(6)(B) or leaving the record open for additional written evidence, arguments or testimony pursuant to ORS 197.797(6)(C).

For this hearing, the process begins with the staff report, followed by testimony from the applicants and any other supporters of the application. This will be followed by opponents to the application. Finally, a rebuttal by the applicant will be allowed. The public hearing portion of the procedure will then be closed, and the planning commission will consider the information and testimony received and may render a decision.



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Planning Director Spencer presented the staff report with the attached PowerPoint slides. Findings of Fact with a revised #11 were provided to commissioners along with an updated site plan and additional letters of testimony (attached) in support of the application. Clarification was requested from the applicant regarding taxing status of the entity owning the property.

Testimony

Lisa McMeen 116 SW Cottonwood Dr- Ms. McMeen is the Vice President of Administration of Umatilla Electric Co-operative (UEC) and is speaking tonight on behalf of Umatilla Basin Properties, a UEC subsidiary which owns the subject property. Ms. McMeen spoke of their desire to fill a community need for daycare providers, specifically with expanded hours to meet the needs of employees' schedules. The subsidiary which owns the property is fully taxed and the facility will be available for the public. Ms. McMeen shared this is considered a seed project and within 12-18 months of successful operation, their vision is to operate an expanded facility at a different location. While willing to install sidewalk in NE 8th Place, she requested the planning commission consider alternatives to the required improvements in E Faye Ave so the cost would not be a stumbling block or expense for the families seeking childcare. Alternatives suggested included deferring improvements and sharing the cost of improvements with the city. Ms. McMeen stated the property would not have been purchased if they had been aware of the required improvements.

Jodie Thomas 2234 NE 6th St – Ms. Thomas testified she has experienced the challenge of navigating childcare in the community for her two young children, specifically within her working hours. Cost is another consideration as she states she is currently paying upwards of \$1200/month. She asked that the commission be creative in the discussion to make this project work.

Kim Rill 15 Smith Drive Echo- As the mother of an almost two-year-old, Ms. Rill shared her experience of her extreme challenge finding infant childcare in the community. Her current provider will be starting maternity leave, and she will again need to find care for her now almost two-year-old.

Joshua Burns 1014 SE Banker Drive- Mr. Burns thanked the commissioners for their time and service. Mr. Burns stated they are asking for a deferral of the improvements not to turn a profit, but to provide a service to the community. The planning commission has the ability to make choices while being a part of the solution they are offering. Mr. Burns stated that while sidewalk improvement deferral may be a pet peeve for some, not having childcare is a very real issue for some that goes beyond a pet peeve level of annoyance or dissatisfaction. While Hermiston has been declared a childcare desert by multiple authoritative research bodies, it has not been called a sidewalk desert. He asked the commissioners to consider economic development for the city. In attempting to recruit professionals to the area, he has known talented people who decided not to move here due to lack of childcare.

Chairman Fialka closed the hearing at 8:14PM.

Planning Director Spencer reviewed the implementing actions for street improvements and the commissioners discussed at length options for deferral of the improvements and alternative development standards. Considerations included time frame, LID participation, safety, cost, code language, access restrictions, existing infrastructure.

Findings of Fact

The proposal is in conformance with the Comprehensive Plan and Zoning Code.



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1. The property is located at 150 NE 8th Place and is described as 4N 28 11DB Tax Lot 2700.
2. The property is approximately 5,800 square feet (0.13 acres) in size. The existing building covers approximately 935 square feet. Total lot coverage of the existing dwelling and outbuildings is approximately 20%.
3. The property lies within the Medium Density Residential zone and allows uses permitted conditionally in the R-1 and R-2 zones subject to issuance of a conditional use permit.
4. A day care home is a use subject to a conditional use permit in the R-1, R-2, R-3, and R-4 zones per §157.025(B)(4) of the Hermiston Code of Ordinances.
5. A public hearing was held on December 11, 2024, in accordance with 157.207(A) of the Hermiston Code of Ordinances.
6. Notice of public hearing was prepared and published on November 27, 2024, in accordance with the notice requirements of 157.229 of the Hermiston Code of Ordinances.

The property is adequate in size and shape to accommodate the proposed use, together with all other zoning requirements and any additional conditions imposed by the Planning Commission.

7. The property has no paved parking spaces. There is sufficient space available to create at least three parking spaces accessing either E Fay Ave or NE 8th Place. The applicant shall submit a parking plan showing at least three parking spaces as required by §157.176 of the Hermiston Code of Ordinances (requiring one- and one-half spaces per teacher, two teachers are proposed) as part of the civil improvement review process.
8. The existing property is approximately 5,800 square feet which is an area deficiency from the minimum lot size of 6,500 square feet in the R-2 zone. However, 157.026(C)(1) establishes that 6,500 square feet is the minimum lot size for single and two family dwellings. Further, the property is an existing lot of record. 157.139 establishes that where there is an area deficiency, the lot or aggregate holdings may be occupied by any use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-family or two-family residence. The proposed Day Care Home is not considered a residential use per the definition established in 157.002.
9. The existing property is approximately 86 feet wide and 116 feet deep, exceeding the minimum lot width of 60 feet and minimum lot depth of 80 feet in the R-2 zone.
10. Total lot coverage of all structures on the site is approximately 20%, which is below the maximum lot coverage of 45% in the R-2 zone.
11. There is sufficient area on-site to provide sufficient open space for children meeting the requirements of OAR 414-300-0150. This requirement mandates there be a minimum area of 35 square feet of indoor area and 75 square feet of outdoor area per child. Twelve children on-site require a minimum of 420 indoor square feet and 900 outdoor square feet. There is sufficient indoor and outdoor play area depicted on the existing site plan.

Public facilities are of adequate size and quality to serve the proposed use.

12. The building is connected to existing water and sanitary sewer lines adjacent to the property. No upgrade to these lines is required to service the change in occupancy.
13. NE 8th Place and E Fay Ave are classified as local residential streets on the city's transportation system plan. A local residential street is well suited to accommodate the level of trip generation a small-scale day-care home will generate. Local residential streets are intended to accommodate between 250 and 500 trips per day. Trip generation from this use will be less than 50 trips.
14. Public improvements installed on the frontage of NE 8th Place is sufficient with the exception of



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sidewalk. Sidewalk installation is required as part of any change in occupancy to the structure per §157.164(C) of the Hermiston Code of Ordinances.

15. Public improvements installed on the frontage of E Fay Ave are not sufficient to accommodate any change in occupancy on the property and additional improvements are required per §157.163(F) and §157.164(C) and (D). The planning commission finds that immediate construction of additional improvements to E Fay Ave is not appropriate and logical based on trip generation from staff use of the parking lot access on E Fay Ave. The applicant shall sign a non remonstrance agreement and student use and drop off shall be limited to NE 8th Place.

The proposed use will prove reasonably compatible with surrounding properties.

16. The property sits within the R-2 zone which is a medium density residential zone which permits a variety of residential uses and home occupations.
17. The property is adjacent to single-family uses. Low intensity educational uses such as a day care home is well-suited for this type of neighborhood due to the limited traffic generation, limited noise creation, and limited hours of operation.
18. Day care homes provide a community asset in Hermiston. Oregon Childcare Research Partnership has documented that there is a shortage of childcare opportunities in Hermiston. For children aged 0-5 there are only enough providers for 25% of the eligible children and for children above 5 there are enough providers for 33% of the eligible children.
19. The property is bounded by two streets providing adequate buffering for the site. The remaining two property lines will be required to be fenced to provide additional buffering and shielding for the outdoor play area.

Conditions of Approval

1. Applicant shall sign a non remonstrance agreement for E Fay Ave. E Fay Ave shall be restricted to employee parking only and student drop off shall be NE 8th Place.
2. NE 8th Place shall be improved with sidewalk along the entire property frontage, a distance of approximately 86 feet.
3. Comprehensive Plan Figure 12 identifies this site as an area subject to development hazards due to excessively well drained soils. Therefore, the City will prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels. At the discretion of the Planning Commission, an applicant whose property is located in the DH overlay area may obtain an exemption from this condition if he can demonstrate the proposed development is not constrained by development limitations and/or will not contribute to potential groundwater pollution. To obtain an exemption, the applicant must present documentation to this effect prepared by a registered engineer.
4. All storm water shall be retained on site.
5. Parking sufficient for three parking spaces meeting the design standards of §157.175 through §157.179 of the Hermiston Code of Ordinances shall be installed.
6. Outdoor play area complying with the requirements of OAR 414-300-01500 shall be installed and fenced with sight-obscuring fencing of at least four feet in height and not more than six feet in height.
7. Parking lot and exterior lighting shall be designed not to interfere with adjacent residential uses.

Commissioner Saylor moved and Commissioner Hamm seconded to make the project file a part of the record. Motion passed. After some discussion of Findings #8 and #15, Commissioner Saylor moved, and



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Commissioner Hamm seconded to adopt the Findings of Fact as amended (#15). Motion passed. Commissioner Saylor moved, and Commissioner Guerrero seconded to impose the Conditions of Approval as amended (#1). Motion passed. Commissioner Doherty moved and Commissioner Misner seconded to approve the conditional use permit subject to the amended Findings and Conditions. Motion passed.

Commissioner Collins returned to the dais.

Replat- Holt 4N2802AB Tax Lots 2100/2300/2400/2500/2600/9900/10000 – 6/8/10/12/14/16/18 Hill View Dr

Planning Director Spencer presented the staff report. The planning commission approved the preliminary plat at their November meeting. The subdivision has been named Terra Nova Terrace and the city council renamed a portion of NE Hill View Drive to E Holt Ave at their Monday meeting.

Commissioner Hamm moved and Commissioner Doherty seconded to approve the final plat subject to the conditions of approval. Motion passed.

HURA Façade Grant Orien Fiander 4N2811CC Tax Lot 2600 – 555 S Hwy 395

Planning Director Spencer presented the staff report with the attached PowerPoint slides. The applicant is requesting a grant for the redevelopment of the former car dealership to a fitness facility. The project includes replacement of all windows and doors. The redevelopment also includes installation of street improvements along their entire frontage of SE 3rd St.

Alexea Malloy (via Zoom), representing the applicant, thanked the commissioners for their time. She stated the grant will be used for the replacement of all the windows. The existing windows did not match their safety standards. The grant will also be used for the painting of the building. They would like to match the existing buildings in the neighborhood to create a visual unity. The improvements will benefit all businesses in the area.

After some discussion regarding award caps and additional amounts, Commissioners scored the application (scoresheets attached). The application scored a 50% match. Commissioner Hamm moved and Commissioner Collins seconded to recommend a grant award of \$25,000. Motion passed. Commissioner Doherty abstained.

HURA Façade Grant Stackhouse & Seibel 4N2811CB Tax Lot 10200 – 182 E Main St

Planning Director Spencer presented the staff report with the attached PowerPoint slides. The applicant is requesting a grant for signage and paint. The former tattoo shop is being renovated into a dance studio. The storefront color will remain the same but needs touched up. Several of the signs have already been installed and will not be eligible for reimbursement. Any improvements started prior to grant award by council will be deducted from the award.

Commissioners scored the application (scoresheets attached). The application scored a 40% match.

Planner Comments and Unscheduled Communication

Planning Director Spencer wished everyone a safe and Merry Christmas.

Commissioners discussed the upcoming vacancies at the Hermiston Plaza and neighboring properties. The city's retail consultants, Retail Strategies continually work to recruit businesses to the community.



PLANNING COMMISSION

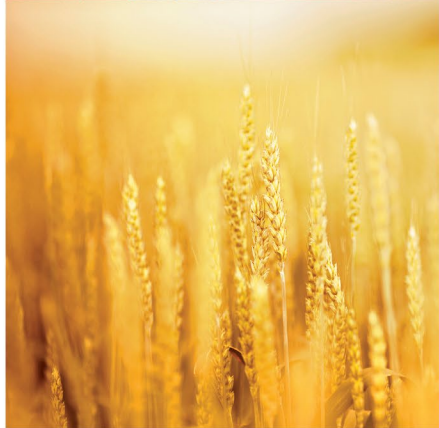
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Youth Advisor Doherty invited everyone to the Hermiston High School Varsity Women's Basketball game on Friday, Dec 13 at 5:45pm. T-Shirts will be printed and sold at the game to support the Christmas Express program.

Adjournment

Chairman Fialka adjourned the meeting at 9:25PM.

DRAFT



Hermiston Planning Commission

December 11, 2024



Conditional Use Umatilla Basin Properties

Subject Property



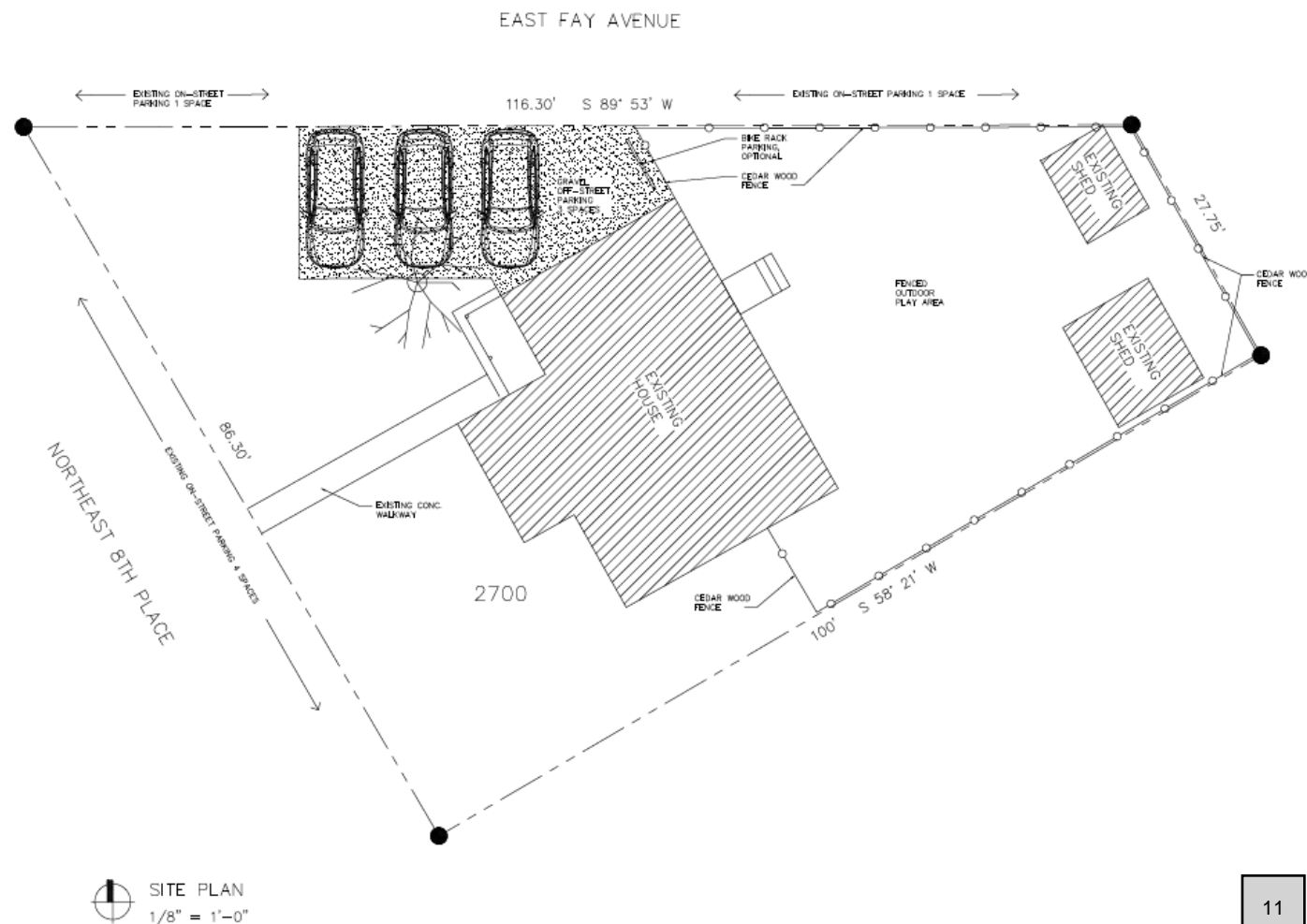
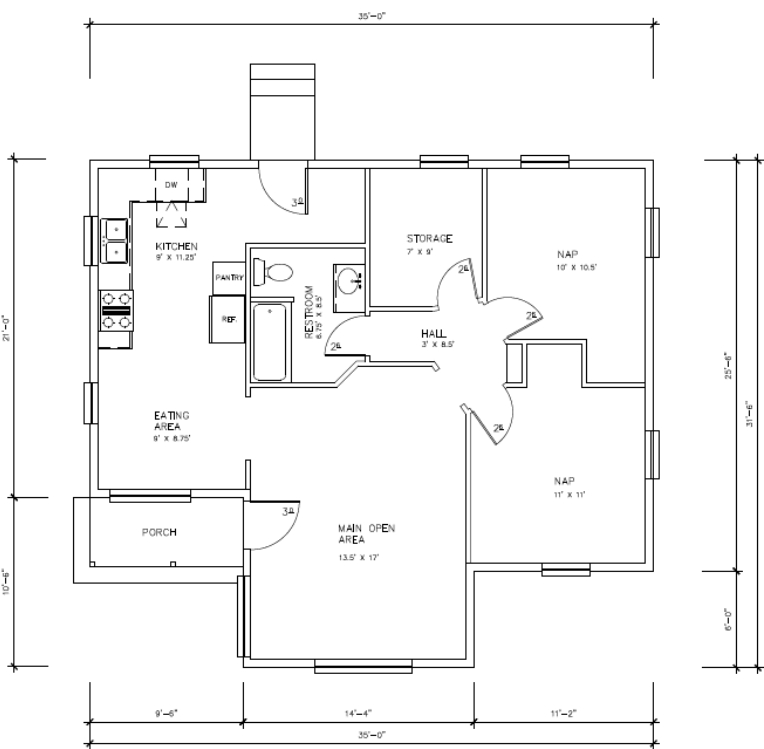
Conditional Use Umatilla Basin Properties

Street View



Conditional Use

Umatilla Basin Properties

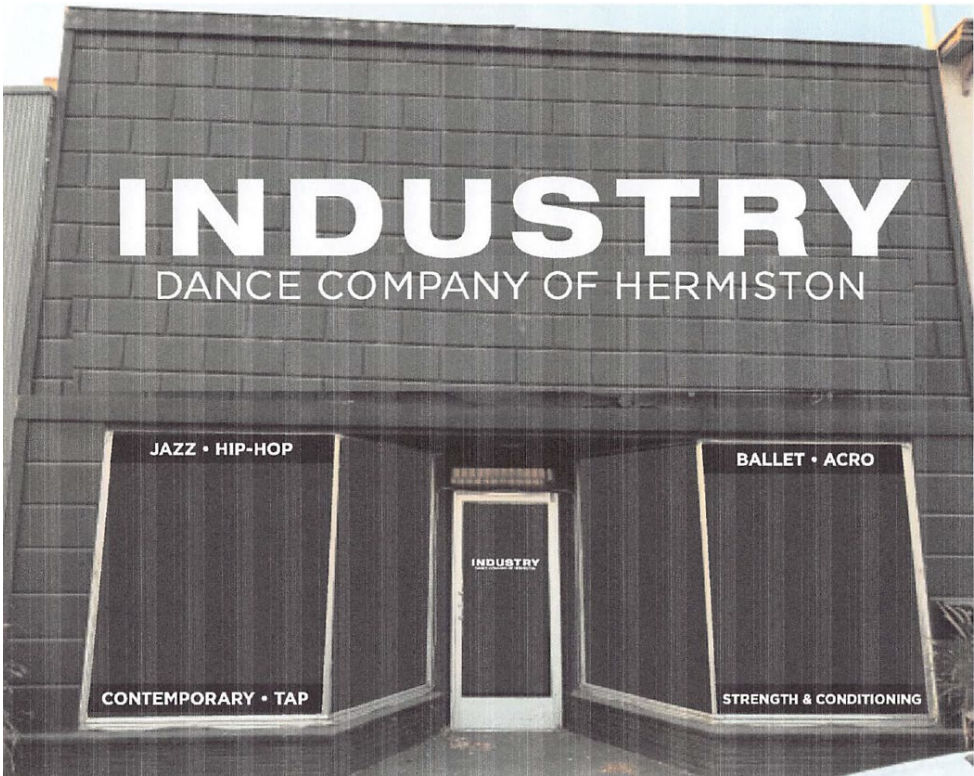


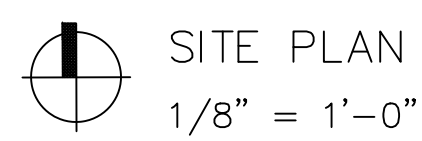
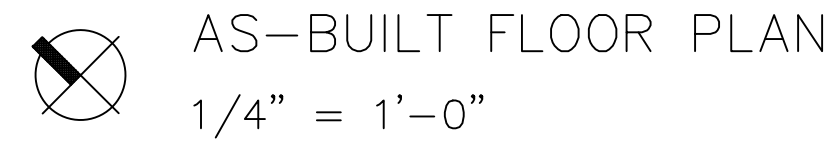



Façade Grant 555 S Hwy 395



Façade Grant 182 E Main St





ADDITIONS AND ALTERATIONS FOR	
UMATILLA BASIN PROPERTIES LLC	
HERMISTON, OR 97838	
	
STEVE R. THOMA, DESIGNER	
5 W. CEDAR DR, HERMISTON, OREGON 97838 (541) 314-5911 E-MAIL: sthoma.designs@gmail.com	
OCT 2024	DESIGN PHASE
	PERMIT SET
	CONSTRUCTION DOCUMENTS
12/10/24	REVISION DATE
10/30/24	PLOT DATE



The Hermiston Chamber of Commerce acknowledges the vital role that quality childcare plays in enhancing the business landscape of our community. Over the years, we have received numerous inquiries regarding childcare options; however, we find ourselves limited in guidance due to the scarcity of providers, many of whom are at full capacity. Our members require childcare solutions for their employees, and the lack of available daycare facilities hinders our efforts to attract new businesses to the area. We value Umatilla Basin Properties' commitment to our community and, with support from our board, we kindly request your approval of their request for conditional approval.

Sincerely,

Val Hoxie

A handwritten signature in cursive script that reads "Val Hoxie".

Val Hoxie
Hermiston Chamber of Commerce
Executive Director
PO Box 185
Hermiston, OR
97838
541.567.6151



December 10, 2024

Hermiston Planning Commission

**Re: 150 NE 8th Place
Hermiston, OR 97838**

Dear Planning Commission,

My name is Bennett Christianson and I am the principal broker with Christianson Realty Group in Hermiston.

I am writing on behalf of Umatilla Basin Properties, LLC (UBP) and their desire to seek a conditional use permit for the subject property located at 150 NE 8th Place in Hermiston. While I understand this property currently has a residential zoning, I believe it would be in the community's best interest to allow this property to be used for their intended vision as a daycare facility.

As a business professional in the area, I have witnessed first-hand the shortage of daycare providers and opportunities. I have had clients looking to move to Hermiston and have reconsidered specifically due to not being able to find care providers for their kids. As a parent, I have also experienced direct difficulties in finding care for my own children. We ended up having to move family to the area to help with our kids.

Hermiston is a growing and thriving community. As we continue to do so, it becomes critical to take the necessary steps to accommodate that growth. There is clearly a shortage of daycare opportunities currently in town and I believe that addressing this issue should be a crucial prerogative for us to adopt. This opportunity to support Umatilla Basin Properties, LLC (UBP) and the project they are working on is definitely a step in the right direction. I am happy to place my name and backing behind their mission as well as their application for the Hermiston Planning Commission's blessing and approval of their request.

Sincerely,

Bennett Christianson
Bennett Christianson

**Principal Broker/Owner
Christianson Realty Group
702 E. Main St/PO Box 808
Hermiston, OR 97838
Cell: (971) 237-1403 - Email: bchrist85@gmail.com
Licensed in the State of Oregon & Washington**

BUSINESS RESOURCE CENTER

December 9, 2024

City of Hermiston
215 E. Main Street
Hermiston, OR. 97838

Subject: Letter of Support for Umatilla Basin Properties, LLC's Request for change of Occupancy

Dear Members of the City Planning Commission,

I am writing to express my full support for the request by Umatilla Basin Properties, LLC, to allow a change in occupancy to a Day Care Home in a Residential zone in Hermiston. This initiative will significantly benefit our community and provide important services to families in the area.

As you know, access to quality childcare is a pressing need for many families in Hermiston. In our recent research, we discovered that the lack of childcare facilities is a far greater obstacle for families than previously anticipated, with one facility reporting a waiting list of over 60 families. By granting Umatilla Basin Properties request, we can support local working parents by providing safe, nurturing environments for their children. The change in occupancy will not only improve the availability of childcare services but also foster a sense of community by welcoming a family-friendly business into the residential area.

Further research revealed that when a spot became available, the associated cost was so high that it made it financially unfeasible for the parent to work. This led to dual-income families losing one source of income or single-income households facing severe financial strain. Approving Umatilla Basin Properties' request will provide an affordable option that is urgently needed in the Hermiston area.

Umatilla Basin Properties has shown commitment to operating responsibly and in compliance with local regulations. Their proposal is well aligned with Hermiston's goals for responsible growth and the development of services that enhance the quality of life for all residents. Furthermore, the property in question is suitable for the intended use, and there is strong community support for increasing childcare options in the area.

UCC UMATILLA
ELECTRIC
COOPERATIVE

1475 N 1st Street
Hermiston, Oregon 97838
(541) 289-3000
uecbrc@gmail.com

BUSINESS RESOURCE CENTER

I encourage you to approve of this change in occupancy as it will contribute to the well-being of families in Hermiston and further the city's growth in a positive and sustainable direction.

Thank you for considering my support. If you have any questions or would like further input, please feel free to contact me.

Sincerely,



Greg Smith
UEC Business Resource Center/ Executive Advisor
uecbrc@gmail.com
541-289-3000



1475 N 1st Street
Hermiston, Oregon 97838
(541) 289-3000
uecbrc@gmail.com

HERMISTON IRRIGATION DISTRICT



366 E. Hurlburt Ave.
Hermiston, OR 97838
Phone: (541) 567-3024
Fax: (541) 564-1069
E-mail: Manager@HermistonID.org

December 9, 2024

City of Hermiston
Planning Department
Clint Spencer, Planning Director
180 NE 2nd St
Hermiston, OR 97838

RE: Conditional Use Permit – Casey Zollman 4N2811DB 2700

Mr. Spencer,

Hermiston Irrigation District has reviewed the Conditional Use Permit information and has no objections to the application submitted by Umatilla Basin Properties, LLC. This property is located within the HID boundary, however, there are no water rights or Federal easements.

Thank you for the opportunity to comment on this request.

Sincerely,

Karra

Karra Van Fossen
Water Rights Specialist

Façade Grant Application Review

Applicant STACKHOUSE + SEIBEL / INDUSTRY DANCE
 Review Date Dec 11, 2024

Scoring 0 pts to 10 pts

0 points = Does not meet the criteria

5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	4
Does the proposal add new aesthetic elements beyond the existing site conditions?	2
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	4
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	4
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	4
Total	20

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

Based on the scoring by the committee, grants are awarded using the following percentages:

41-50 points: 50% match

31-40 points: 40% match

21-30 points: 30% match

11-20 points: 20% match

1-10 points: 10% match

COMMISSIONER DOHERTY

Facade Grant Application Review

Applicant INDUSTRY DANCE COMPANY
 Review Date 12/11/24

Scoring 0 pts to 10 pts

0 points = Does not meet the criteria

5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	5
Does the proposal add new aesthetic elements beyond the existing site conditions?	4
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	7
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	7
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	7
Total	30

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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21-30 points: 30% match

11-20 points: 20% match

1-10 points: 10% match

COMMISSIONER SAYLOR

Façade Grant Application ReviewApplicant Industry Dance Co.Review Date 11 Dec 2024

Scoring 0 pts to 10 pts

0 points = Does not meet the criteria

5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	8
Does the proposal add new aesthetic elements beyond the existing site conditions?	5
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	9
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	8
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	8
Total	38

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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21-30 points: 30% match

11-20 points: 20% match

1-10 points: 10% match

CHAIRMAN FIALKA

Façade Grant Application Review

Applicant Stackhouse & Seibel
 Review Date 12/11/24

Scoring 0 pts to 10 pts

0 points = Does not meet the criteria

5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	9
Does the proposal add new aesthetic elements beyond the existing site conditions?	10
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	10
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	10
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	10
Total	49

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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21-30 points: 30% match

11-20 points: 20% match

1-10 points: 10% match

COMMISSIONER COLLINS

Façade Grant Application Review

Applicant Industry Dance Co
 Review Date 12-11-24

Scoring 0 pts to 10 pts

0 points = Does not meet the criteria

5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	5
Does the proposal add new aesthetic elements beyond the existing site conditions?	10
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	10
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	10
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	5
Total	40

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

Based on the scoring by the committee, grants are awarded using the following percentages:

41-50 points: 50% match
 31-40 points: 40% match
 21-30 points: 30% match
 11-20 points: 20% match
 1-10 points: 10% match

COMMISSIONER MISNER

Façade Grant Application ReviewApplicant Stackhouse & SeibelReview Date Dec 11, 2024

Scoring 0 pts to 10 pts

0 points = Does not meet the criteria

5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	5
Does the proposal add new aesthetic elements beyond the existing site conditions?	5
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	6
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	6
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	6
Total	28

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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21-30 points: 30% match

11-20 points: 20% match

1-10 points: 10% match

COMMISSIONER HAMM

Façade Grant Application ReviewApplicant Industra, Dance CoReview Date 12/11/24

Scoring 0 pts to 10 pts

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10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	5
Does the proposal add new aesthetic elements beyond the existing site conditions?	10
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	10
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	5
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	5
Total	35

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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Façade Grant Application Review

Applicant Stackhouse / Seibel
 Review Date 12/11/24

Scoring 0 pts to 10 pts

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Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	5
Does the proposal add new aesthetic elements beyond the existing site conditions?	5 7
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	3
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	7
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	3
Total	25

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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COMMISSIONER CAPLINGER

Facade Grant Application ReviewApplicant Orien Flander / Club 24Review Date Dec 11, 2024

Scoring 0 pts to 10 pts

0 points = Does not meet the criteria

5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	9
Does the proposal add new aesthetic elements beyond the existing site conditions?	9
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	10
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	9
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	10
Total	47

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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COMMISSIONER DOHERTY

Facade Grant Application Review

Applicant

~~Hammer~~ Club 24

Review Date

Dec 11, 2024

Scoring 0 pts to 10 pts

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10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	9
Does the proposal add new aesthetic elements beyond the existing site conditions?	7
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	8
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	9
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	9
Total	42

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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COMMISSIONER HAMM

Facade Grant Application Review

Applicant Club 24

Review Date 12/11/24

Scoring 0 pts to 10 pts

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10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	10
Does the proposal add new aesthetic elements beyond the existing site conditions?	10
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	10
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	10
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	10
Total	50

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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COMMISSIONER CAPLINGER

Facade Grant Application Review

Applicant

CLUB 24

Review Date

12/11/24

Scoring 0 pts to 10 pts

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5 points = Meets most of the criteria

10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	9
Does the proposal add new aesthetic elements beyond the existing site conditions?	5
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	8
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	10
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	7
Total	39

The maximum score possible for a grant is 50 points. An application meeting all of the review criteria would be eligible for a full 50% match. An application meeting a portion of the criteria would be eligible for a lesser match percentage. Grants are considered for up to 50% of the project budget up to a maximum award of \$20,000. For example, a \$50,000 project would be eligible for a maximum of \$20,000 match. A \$15,000 project would be eligible for a maximum of \$7,500 match.

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COMMISSIONER SAYLOR

Facade Grant Application ReviewApplicant Alub 29Review Date 12/11/24

Scoring 0 pts to 10 pts

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10 points = Fully meets the criteria

Criteria	Score
Are the proposed improvements designed to contribute to the long-term health of the site and district? For example, landscape improvements are not as durable as masonry.	10
Does the proposal add new aesthetic elements beyond the existing site conditions?	10
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	5
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	10
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	10
Total	45

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COMMISSIONER GUERRERO

Façade Grant Application ReviewApplicant Orien Fiander - Club 24Review Date 12/11/24

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Criteria	Score
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Does the proposal add new aesthetic elements beyond the existing site conditions?	9
Will the proposed improvements enhance the economic well-being of the downtown as well as the site?	9
Are the proposed elements scaled properly for the site and of compatible color and materials for properties within 300 feet?	10
Will the proposed improvements enhance the value of the property and provide a good return on investment for the district?	10
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COMMISSIONER COLLINS

Facade Grant Application ReviewApplicant Orien Fizer Club 24Review Date 11 Dec 2024

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CHAIRMAN FIALKA

Facade Grant Application Review

Applicant Club 24

Review Date 12-11-24

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COMMISSIONER MISNER



Where Life is Sweet

Members of the Planning Commission
STAFF REPORT
 For the Meeting of January 8, 2025

Title/Subject

Work session to review recent legislation and required code updates

Summary and Background

The Oregon legislature passed several amendments to the land use statutes over the last few sessions. The majority of these amendments are housing related and intended to facilitate more housing in more places, primarily with the goal of increasing overall density. These amendments began with the middle housing and accessory dwelling amendments in 2019 and have continued with new amendments in each session. Since land use implementation ordinances are tightly regulated in Oregon, staff has been stockpiling the required amendments until there are enough amendments to justify the cost and time required to do formal amendments. In the intervening time, staff has been tracking and noting the amendments and operating under the new rules where applicable knowing that a full slate of ordinance amendments will be forthcoming in future years. The volume of amendments in the 2024 session now makes it practical to consider a cumulative update to the city development code for compliance.

Staff has prepared a series of ordinance updates addressing each bill singly. A final code update will likely consolidate all of the updates into one omnibus ordinance amendment. However, for the purposes of considering the impact of each update in isolation and with maximum focus, the material is presented here with individual amendment packets. The drafted amendments are written to be the minimum compliance with the new legislation. As a team, the city may be able to draft more detailed requirements which are still compliant with the legislation. Much of the legislation is written in a preemptive manner making it difficult to place additional local restrictions on local development if such regulation is not already in place and applied to all development in the city.

The planning commission was provided a summary memo from staff last spring and that memo is included again here for reference. This memo points out that there are dozens of housing related amendments which have been passed at the state level, but many are either directives for state agencies, funding requirements, or similar and do not require city action. The legislation which will require city action is highlighted in the attached memo.

In the interest of not burdening the planning commission with hundreds of pages to study prior to the work session, staff elects to not include the full text of each bill, but rather to provide a link to the adopted legislation. The planning commission may choose whether to study the

source material or simply to read the proposed code amendments to comply with the new rules.

HB 3395 Residential Uses in Commercial Zones

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB3395/Enrolled>

<https://olis.oregonlegislature.gov/liz/2023R1/Downloads/MeasureDocument/HB2984/Enrolled>

HB 3395 and 2984 are both included in this update as there is considerable overlap between the practical effects. This legislation contains many provisions which apply to cities in general, but three items are within the city's jurisdiction and should be addressed.

- Affordable housing becomes an outright use in commercial zones
- Emergency shelters become an outright use as long as it is operated by a non-profit or government agency
- Single-room occupancy housing becomes an outright use in all residential zones up to six units

It is helpful to note that under the "shall approve" requirement for emergency shelters in this bill, staff recommends entirely excising the city's emergency shelter requirements in the M-1 zone. The new legislation is more permissive than the city's rules but appears to incorporate many of the items originally discussed at the city level. It is staff's belief that the state used Hermiston's code as well as some other codes to model the adopted legislation.

HB 4063 Middle Housing Update

<https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/HB4063/B-Engrossed>

This legislation contains several provisions, but the most relevant provision for the city is the further refinement of the middle housing land division process. The city has approved one middle housing land division to date in the Diamond Run subdivision where roughly a third of the subdivision was replatted into middle housing lots. The city has been complying with the statutory framework for the land division process to date, but this legislative update provides an opportunity to codify the process and to incorporate the state's expedited land division process which has been in statute for several years but has not been a factor in local development.

HB 4064 Manufactured Dwelling Amendments

<https://olis.oregonlegislature.gov/liz/2022R1/Downloads/MeasureDocument/HB4064/Enrolled>

This legislation relaxes rules for siting of manufactured dwellings. In a manner similar to prior legislation which permitted manufactured housing in all residential zones, this legislation relaxes rules for the housing itself, and cities cannot apply additional design standards not applied to all site built housing. The practical effect of this legislation is to limit the city's ability to require carports, garages, and double wide housing. The legislation is beneficial in that it provides new definitions for mobile homes, manufactured housing, and prefabricated dwellings. Since these newly relaxed standards only apply to manufactured housing and

prefabricated dwellings, some of the concerns the planning commission has had in the past about single-wide mobile homes are still protected. The city is still not required to allow placement of any mobile home outside of a mobile home park and that limits placement of housing constructed prior to 1976.

Some housekeeping language to the manufactured dwelling park standards to comply with prior legislative requirements is also included.

SB 1537 Omnibus Housing Bill

<https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/SB1537/Enrolled>

This legislation has several provisions which do not apply at the city level but there are two which directly affect the city at a daily level.

- A developer may request up to ten deviations from property development standards and these deviations shall be granted if the applicant can demonstrate it will produce more or more affordable housing than would otherwise be provided. This is a low evidentiary bar and works to circumvent the city's traditional variance process. As the legislation is written, this becomes an administrative land use decision at the staff level, but it is still subject to notice. Only the applicant is eligible to appeal the staff decision. As a result of incorporating this deviation process into the code, staff recommends also excising the infill designation process. There is considerable overlap between the two processes.
- Property line adjustments, replats, and expansion of non-conforming uses and structures all move to the administrative land use process. The city has long processed the property line adjustment in this manner, but replats and non-conforming uses have traditionally required planning commission review. Under the statute the planning commission and city council will review the final plat, but preliminary replatting is a staff decision subject to notice and administrative approval. The expansion of a non-conforming use also moves out of the planning commission review under this statute.

Housekeeping Amendments

The planning commission may wish to discuss if other code changes are appropriate at this time. Staff recommends consideration of complying with the state law that cities cannot require additional parking for ADUs as established in ORS 197A.425 (attached). Staff also recommends consideration of the recommended parking amendments while such a large set of code amendments is being heard.

Tie-In to Council Goals

This is a set of housekeeping amendments. The city does not have an option whether or not to comply with the legislation. However, the final form of adopted code language is discretionary.

Fiscal Information

The city will incur substantial noticing expenses in order to comply with the new legislation. A legal opinion will need to be rendered to determine if these development code amendments fall under Measure 56 noticing requirements. Under Measure 56, a direct mail notice must be sent to every property owner when a code change changes the base zoning of a property or limits a

use previously allowed in a zone. If a M56 notice is necessary, noticing costs will be approximately \$10,000.

Alternatives and Recommendation

Recommended Action/Motion

No action is needed. The work session is intended to further refine the compliant code language.

Submitted By:

Clinton Spencer, Planning Director

CHAPTER 157 Zoning

157.002 DEFINITIONS.

SINGLE ROOM OCCUPANCY. A residential development with no fewer than four attached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

157.025 LOW DENSITY RESIDENTIAL ZONE (R-1)

(A) *Uses permitted outright.* In a R-1 zone, only the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling;
- (2) Two-family dwelling;
- (3) Residential care home;
- (4) Home occupations;
- (5) Accessory structures;
- (6) Family day care provider;
- (7) Manufactured dwelling placed on an individual lot outside of a manufactured dwelling park and subject to requirements of § [157.145](#). This requirement shall not be construed as abrogating a recorded restrictive covenant; ~~and~~
- (8) Utility facilities as defined in § [157.143](#); *and*
- (9) *Single room occupancy with a maximum of six units.*

157.040 CENTRAL COMMERCIAL ZONE (C-1).

(A) *Uses permitted outright.* In a C-1, only the following uses and their accessory uses are permitted outright:

- (1) Automobile, boat or trailer sales showroom;
- (2) Bakery;
- (3) Bank, loan company or similar financial institution;
- (4) Barber shop;
- (5) Beauty shop;
- (6) Bicycle shop;
- (7) Blueprinting, photostating or other reproduction;
- (8) Book or stationery store or newsstand;
- (9) Bookbinding;
- (10) Building supply with no outside storage;
- (11) Bus station;
- (12) Business machines, retail and service;
- (13) Catering establishment;
- (14) Church;
- (15) Clinic;

- (16) Clothes, cleaning or laundry agency;
- (17) Clothing store or tailor shop;
- (18) Club, lodge, union or fraternal organization;
- (19) Cocktail lounge or tavern;
- (20) Confectionery store, including soda fountain;
- (21) Curtain or drapery store;
- (22) Dancing school, music studio or instructional classes;
- (23) Delicatessen;
- (24) Drug store, pharmacy;
- (25) Dry cleaning, or pressing, except those using highly volatile or combustible materials or using high pressure steam tanks or boilers;
- (26) Dry goods, millinery or dress shop;
- (27) Electrical supply store;
- (28) Feed and seed store;
- (29) Floor covering sales and service;
- (30) Florist shop;
- (31) Food store;
- (32) Frozen food lockers, retail only;
- (33) Furniture store;
- (34) Garden store;
- (35) Gift, hobby or art shop;
- (36) Grocery store, includes convenience store, mini-market;
- (37) Hardware store;
- (38) Health studio, physical therapist, reducing salon;
- (39) Hotel or motel;
- (40) Jewelry store, including repairing;
- (41) Leather goods sales, including harness and saddle shop;
- (42) Locksmith;
- (43) Magazine or newspaper distribution agency;
- (44) Meat market, retail only;
- (45) *Mixed use residential structures with ground floor commercial units and residential units subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the properties affordable to moderate income households, as defined in ORS 456.270;*
- ~~(45)~~(46) Newspaper publishing;
- ~~(46)~~(47) Notions or variety store;
- ~~(47)~~(48) Office, business or professional;
- ~~(48)~~(49) Office supplies;
- ~~(49)~~(50) Paint store, including related contractor shop;
- ~~(50)~~(51) Parking lot or garage;
- ~~(51)~~(52) Pawn shop;
- ~~(52)~~(53) Pet shop, includes animal grooming but not overnight boarding or kennel;
- ~~(53)~~(54) Printing plant;
- ~~(54)~~(55) Radio or television sales and service;
- (56) *Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270;*
- ~~(55)~~(57) Restaurant or hotel supply;
- ~~(56)~~(58) Restaurant or tea room;
- ~~(57)~~(59) Retail store;

- ~~(58)~~(60) Scientific or professional instrument sale or repair;
- ~~(59)~~(61) Secondhand store;
- ~~(60)~~(62) Self-service laundry;
- ~~(61)~~(63) Shoe store or shoe repair shop;
- ~~(62)~~(64) Storage building for household goods in conjunction with retail sales;
- ~~(63)~~(65) Studio-art, music and photography;
- ~~(64)~~(66) Telephone or telegraph building;
- ~~(65)~~(67) Theater, except drive-in theater;
- ~~(66)~~(68) Upholstery shop, but excluding operations in mattress and upholstery refinishing where cyanide or other highly toxic material is used; and
- ~~(67)~~(69) Wholesale office or show room with merchandise on the premises limited to small items and samples.

(B) *Conditional uses permitted.* In a C-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of 157.205 through 157.210 of this chapter:

- (1) Auditorium, exhibition hall or other public assembly room;
- (2) Automobile service station including minor automobile repairs but excluding body and fender work, or painting;
- (3) Community building;
- (4) Day care home or nursery;
- (5) Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theater;
- (6) Government structure or land use including but not limited to a public park, playground, recreational building, fire station, library or museum;
- (7) Hospital or nursing home;
- (8) Mortuary;
- ~~(9) Motel;~~
- ~~(10)~~(9) Multiple-family dwelling *providing market rate housing and not subject to an affordable housing covenant as provided in ORS 456.270 to 456.295;*
- ~~(11)~~(10) Planned unit development;
- ~~(12)~~(11) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;
- ~~(13)~~(12) Public utilities including wells, water storage tanks and sanitary sewer pump stations; and
- ~~(14)~~(13) Schools: Preschool, primary, elementary, junior or senior high, college.

(C) *Setback requirements.* Except as provided in 157.140, in a C-1 zone no yard or vision clearance area shall be required except as follows:

- (1) The front yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone;
- (2) The side yard shall be minimum of 20 feet measured from the foundation where abutting a residential zone;
- (3) The rear yard shall be a minimum of 25 feet measured from the foundation where abutting a residential zone; and
- (4) All properties facing E. Main street from 3rd street to 7th street shall have a two-foot building setback from their front property line.

(D) *Height of buildings.* In a C-1 zone, no building shall exceed 50 feet in height.

(E) *Restrictions on use.* In a C-1 zone, the following conditions and restrictions shall apply:

- (1) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking and loading, drive-in windows, island service for motor vehicles and display of merchandise along the outside wall of the building not extending more than three feet from the wall, unless conducted as part of a special event and authorized by the City Council;
- (2) All items produced or wares and merchandise handled shall be sold at retail on the premises except in the case of 157.040 (A);
- (3) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards of the R-3 zone; ~~and~~
- (4) Residential uses shall not be allowed on the ground floor of commercial buildings in the C-1 zone;
- (5) *Residential uses permitted under this section shall be subject to all design standards in §157.027 and 157.175 to 157.179 of this chapter; and*
- (6) *Residential uses permitted under this section shall be prohibited where:*
 - a) *The residential development cannot be adequately served by water, sewer, storm water drainage, or streets, or where it will not be adequately served at the time development on the lot is complete;*
 - b) *The property contains a slope of 25 percent or greater;*
 - c) *The property is within a 100-year floodplain;*
 - d) *The property is constrained by land use regulations based on statewide land use planning goals relating to:*
 - i) *Natural disasters and hazards;*
 - ii) *Natural resources, including air, water, land or natural areas, but not including open spaces;*
 - e) *The property is located on lands that were added to the urban growth boundary within the last 15 years.*

157.041 OUTLYING COMMERCIAL ZONE (C-2).

(A) *Uses permitted outright.* In a C-2 zone, only the following uses and their accessory uses are permitted outright:

- (1) A use permitted outright in a C-1 zone;
- (2) Amusement enterprise, including pool hall, bowling, dancing hall, skating rink, when enclosed in a building;
- (3) Auditorium, exhibition hall or other public assembly room;
- (4) Automobile, boat or trailer sales, rental, service and repair;
- (5) Automobile service station;
- (6) Automobile laundry;
- (7) Day care home or nursery;
- (8) Mortuary, undertaking or funeral parlor;
- ~~(9) Motel;~~
- ~~(10)~~(9) Recreational vehicle park subject to requirements of 157.147;
- ~~(11)~~(10) Taxidermy shop; and
- ~~(12)~~(11) Tire shop, including tire recapping.

(B) *Conditional uses permitted.* In a C-2 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ [157.205](#) through [157.210](#):

- (1) Amusement enterprise not enclosed in a building including, but not limited to, "pitch and putt" golf course, driving range, archery range, automobile race track and drive-in theater;
- (2) Caretaker's residence subject to the following conditions:
 - (a) Residence shall be a manufactured dwelling complying with the 1976 HUD codes and shall be skirted;
 - (b) The residence shall be furnished with all utilities including telephone;
 - (c) The facility shall be set back from all streets as far as practical and still be in conformance with the setback requirements as established in the Uniform Building Code;
 - (d) The caretaker's residence shall be allowed only in conjunction with a business which requires the outside storage or display of wares and shall be removed within 30 days following the discontinuance of the business enterprise; and
 - (e) All uses shall be subject to annual review by the commission and may be removed upon direction of the Commission for violation of these conditions;
- (3) Community building;
- (4) Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theater;
- (5) Government structure or land use including but not limited to a public park, playgrounds, recreational building, fire station, library or museum;
- (6) Hospital or nursing home;
- (7) Planned unit development;
- (8) Preschool, primary, elementary, junior or senior high, college;
- (9) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;
- (10) Public utilities including wells, water storage tanks and sanitary sewer pump stations; and
- (11) Other uses similar to the uses permitted outright or the conditional uses normally located in the Outlying Commercial Zone (C-2), providing that the use has approval from the planning commission.

(C) *Restrictions on use.* In a C-2 zone, the following conditions and restrictions shall apply:

- (1) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards as established in the R-3 zone.
- (2) The outside storage of junk shall be contained entirely within a sight-obscuring fence when adjacent to a residential use of property.
- (3) *Residential uses permitted under this section shall be subject to all design standards in §157.027 and 157.175 to 157.179 of this chapter; and*
- (4) *Residential uses permitted under this section shall be prohibited where:*
 - a) *The residential development cannot be adequately served by water, sewer, storm water drainage, or streets, or where it will not be adequately served at the time development on the lot is complete;*
 - b) *The property contains a slope of 25 percent or greater;*
 - c) *The property is within a 100-year floodplain;*

- d) *The property is constrained by land use regulations based on statewide land use planning goals relating to:*
 - i) *Natural disasters and hazards;*
 - ii) *Natural resources, including air, water, land or natural areas, but not including open spaces;*
- e) *The property is located on lands that were added to the urban growth boundary within the last 15 years.*

(D) *Setback requirements.* Except as provided in § [157.140](#), in a C-2 zone the yards shall be as follows:

- (1) The setback from any street shall be 20 feet. However, if solid ground cover landscaping is provided and maintained, the setback from a street may be reduced to ten feet;
- (2) The side yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone; and
- (3) The rear yard shall be a minimum of 25 feet measured from the foundation where abutting a residential zone.

(E) *Height of buildings.* In a C-2 zone, no building shall exceed a height of 50 feet.

157.042 DOWNTOWN COMMERCIAL OVERLAY ZONE (DCO).

(A) *Purpose.* The purpose of the downtown commercial overlay zone is to create a main street atmosphere in the historic downtown area. Specific goals are as follows:

- (1) Be prepared to take advantage of opportunities for infill, redevelopment, and new development in downtown;
- (2) Allow different types of compatible land uses close together to shorten traffic trips and facilitate all modes of transportation such as vehicles, pedestrians and bicycles;
- (3) Continue vehicle and pedestrian circulation systems that are safe, convenient, attractive and comfortable for pedestrians;
- (4) Create, maintain and enhance public spaces such as plazas, parks, public buildings and places of assembly to allow events, informal meetings and social interactions with other people;
- (5) Design and manage parking areas efficiently to provide adequate parking for employees and visitors to downtown and to minimize unnecessary surface parking;
- (6) Design buildings to a scale that provides aesthetic appeal, pedestrian comfort and compatibility with other uses.

(B) *Uses permitted outright.*

- (1) In the DCO Zone, all uses and accessory uses permitted outright in the Central Commercial Zone (C-1) zone are allowed.
- (2) Residential uses are permitted on upper stories and on ground floors when not located within storefront space.
- (3) Off-street parking and loading, drive-in windows, and outside dining and the display of merchandise along the outside wall of the building when extending no more than four feet from the wall.

(C) *Conditional uses permitted.* In the DCO Zone, the conditional uses and their accessory uses permitted in the Central Commercial Zone (C-1) are permitted when authorized in accordance with the requirements of § [157.205](#) through § [157.210](#) except for multiple-family dwellings and planned unit developments. Multiple-family dwellings are permitted outright if the residential units are on upper floors or on the ground floor, when they do not use storefront space.

(D) *Prohibited uses.* Planned unit developments are prohibited in the DCO Zone.

(E) *Setback requirements.* Except as provided in § [157.140](#), in a DCO Zone, no yard shall be required except as follows:

- (1) The front yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone;
- (2) The side yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone;
- (3) The rear yard shall be a minimum of 25 measured from the foundation where abutting a residential zone; and

(F) *Height of buildings.* In a DCO Zone no building shall exceed 45 feet in height, except as allowed in § [157.140](#)(B).

(G) *Restrictions on use.* In a DCO Zone, the following conditions and restrictions shall apply:

- (1) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking and loading, drive-in windows, island service for motor vehicles, display of merchandise along the outside wall of the building not extending more than four feet from the wall, and outside dining, unless conducted as part of a special event and authorized by the City Council.
- (2) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards of the R-3 zone.
- (3) Residential uses shall not be allowed within the storefront space on the ground floor of buildings within the DCO Zone.
- (4) *Residential uses permitted under this section shall be subject to all design standards in §157.027 and 157.175 to 157.179 of this chapter; and*
- (5) *Residential uses permitted under this section shall be prohibited where:*
 - a) *The residential development cannot be adequately served by water, sewer, storm water drainage, or streets, or where it will not be adequately served at the time development on the lot is complete;*
 - b) *The property contains a slope of 25 percent or greater;*
 - c) *The property is within a 100-year floodplain;*
 - d) *The property is constrained by land use regulations based on statewide land use planning goals relating to:*
 - i) *Natural disasters and hazards;*
 - ii) *Natural resources, including air, water, land or natural areas, but not including open spaces;*
 - e) *The property is located on lands that were added to the urban growth boundary within the last 15 years.*

(H) *Design standard.* In a DCO Zone the following design standards shall apply:

- (1) Primary entrances shall be protected from weather by either the addition of an awning, recessed building entry or other method as approved by the Planning Director.
- (2) Lighting shall be provided for building entrances, parking areas and pathways.
- (3) Off-street parking is not allowed between buildings and the street to which they are oriented. Parking and other vehicle areas shall be allowed between alleys and buildings.
- (4) Ground floor windows shall be provided along 30% of the ground floor street facing elevations.
- (5) Any new drive-up/drive-through facilities established after the adoption of the ordinance codified in this chapter shall be oriented toward an alley, driveway, or interior parking area, and not a public street.
- (6) Drive-up/drive-in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

(I) *Access.* All lots shall abut a public street, other than an alley, for a minimum width of 25 feet.

(J) *Vision clearance.* Vision clearance shall be provided as follows: The minimum distance shall be 15 feet at street intersections including an alley or service drive; except that when the angle of intersection between streets is less than 30 degrees, the distance shall be 25 feet.

(K) *Historic buildings.* The standards of § [157.144](#) shall apply.

(L) *Implementing action.* The following development shall fall within the scope of this subchapter and shall be required to comply with the requirements identified:

- (1) New residential or commercial development;
- (2) Expansion of single-family or two-family residential development costing in excess of 30% of the assessed value of the improvements on the property. The provisions of subsection (H)(3) of this section shall not apply;
- (3) Reconstruction of a single-family or two-family residential casualty loss costing in excess of 130% of the previously assessed value of the structure itself. The provisions of subsection (H)(3) of this section shall not apply;
- (4) Expansion of multiple-family or commercial development costing in excess of 50% of the assessed value of the improvements on the property;
- (5) Reconstruction of multiple-family; commercial casualty loss in excess of 110% of the previously assessed value of the structure itself; and
- (6) Conversion of an existing building from residential to commercial use.

(M) *Site plan review.*

- (1) The applicant shall complete a building permit application as provided by the city and provide a site plan, landscape plan and building elevations. All plans shall be drawn to scale and show the following:
 - (a) All existing and proposed structures and their exterior dimensions;
 - (b) All streets, alleys and other public right-of-way;
 - (c) Existing and proposed utility lines and/or easements;

- (d) Building setbacks;
 - (e) Location of utilities and proposed connection routes;
 - (f) Off-street parking;
 - (g) Curb cut and sidewalk locations and dimensions and drainage plan;
 - (h) Landscape plans;
 - (i) Screening;
 - (j) Lighting;
 - (k) Pedestrian amenities, including location of street furnishings;
 - (l) Building elevations; and
 - (m) Fire flow and similar requirements.
- (2) At the applicant's request site plan review can occur prior to submittal of a request for building permit.
 - (3) Where the applicant's development site abuts existing curb and gutter, sidewalks in conformance with city standards are required to be constructed to the extent curb and gutter exist at the time of application.
 - (4) The applicant shall be required to participate in a future improvement district to construct and dedicate all public facilities, such as water, wastewater, drainage, curb, gutter, sidewalk and street right-of-way adjacent to the development in conformance with city standards and provide easements or deeds to the city for all public facilities. However, where it is determined that delaying the design and construction of any or all facilities is not appropriate and logical, or causes an adverse impact on surrounding properties, the city may require the developer to construct and dedicate all improvements as a condition of development.
 - (5) Where it has been determined that the extension of public facilities is required, all costs related to the extension shall be borne by the developer. In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development.
 - (6) Where the improvement installed by a developer shall benefit other properties, a mutually agreeable settlement shall be arrived at between the city and the developer prior to installing the improvements. This agreement shall identify the benefiting properties, actual costs to be charged and method of repayment to the developer. Where prior agreement exists for improvements benefiting the subject property, the applicant shall make arrangements with the city for the payment of the improvements prior to issuance of any city permit.
 - (7) The developer shall provide proof of review and approval by all affected and/or county agencies, such as the Department of Transportation or County Planning Department.
- (N) *Final approval.* In the DCO Zone, the standards of § [157.165](#) shall apply.
- (O) *Off-street parking requirements.*
- (1) The requirements of § [157.175](#) shall apply. Surface parking shall not exceed 110% of the minimum parking required when parking is provided on site. Exemptions to the standard can be approved for developments that provide shared parking, valet parking spaces or similarly managed parking accommodations.
 - (2) Off-street parking shall be provided in accordance with § [157.176](#).

- (3) *Parking credits.* Credits may be granted for on-street parking and public parking lot spaces as follows:
- (a) *Credit for on-street parking.* The amount of required off-street parking may be reduced by one off-street parking space for every on-street parking space located along the block adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to city standards, except that angled parking may be allowed, as approved by the city. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site plan review. The city shall maintain a written record of credits granted per each use.
 - (b) *Credit for public parking lot spaces.* For the first 5,000 gsf of building area, and for development located between S.E. 4th Street and Highway 395, credit shall be given for public parking lot spaces. The amount of required off-street parking may be reduced by one off-street parking space for every parking space provided in a city public parking lot located within the Downtown Commercial Overlay district.
 - (c) The provisions of Ordinance Nos. 587 and 1080 regarding the municipal parking lots shall remain in effect.
- (4) *Shared parking.* Parking facilities may be shared by users on adjacent parcels if the following standards are met:
- (a) One of the parcels has excess parking spaces, considering the present use of the property; the other parcel lacks sufficient area for required parking spaces;
 - (b) The total number of parking spaces meets the standards for the sum of the number of spaces that would be separately required for each use; and
 - (c) Legal documentation shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area.
- (5) *Joint use parking.* Joint use of parking spaces may occur where two or more separate developments or multiple uses in a development are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times. Joint use of parking spaces may be allowed if the following standards are met:
- (a) There shall be no substantial conflict in the principal operating hours of the buildings or uses for which the joint use parking is proposed. Future change of use, and continuation of joint use parking agreement shall be approved by the city.
 - (b) The joint use parking spaces shall be located no more than 400 feet from a building or use to be served by the joint use.
 - (c) The number and location of parking spaces, hours of use and changes in operating hours of uses subject to joint use shall be approved by the city.
 - (d) Legal documentation to the satisfaction of the City Attorney shall be submitted verifying the joint use of parking between the separate developments.

(P) *Signs.* The provisions of Chapter [155](#) shall apply except that sandwich "A" board and portable signs shall be allowed. Sandwich board and portable signs shall not exceed 12 square feet on each side, or a total of 24 square feet.

- (1) Sandwich "A" boards and other portable signs are permitted along the outside wall of the building not extending more than four feet from the wall.
- (2) Sandwich boards do not count against the maximum number of signs allowed.

157.043 NEIGHBORHOOD COMMERCIAL OVERLAY ZONE (NCO).

(A) *Purpose.* The purpose of the neighborhood commercial overlay zone is to create a commercial environment which provides a broad range of commercial services to dense residential users within walking distance. Specific goals are as follows:

- (1) Be prepared to take advantage of opportunities for infill, redevelopment, and new development in outlying commercial areas;
- (2) Allow different types of compatible land uses close together to shorten traffic trips and facilitate all modes of transportation such as vehicles, pedestrians and bicycles.

(B) *Uses permitted outright.*

- (1) In the NCO zone, all uses and accessory uses permitted outright in the outlying commercial zone (C-2) are allowed.
- (2) Residential uses are permitted on upper stories and on ground floors when not located within storefront space.

(C) *Conditional uses permitted.*

- (1) In the NCO zone, the conditional uses and their accessory uses permitted in the outlying commercial zone (C-2) are permitted when authorized in accordance with the requirements of §§ [157.205](#) through [157.210](#);
- (2) Mini-storage; and
- (3) Multiple-family dwelling *providing market rate housing and not subject to an affordable housing covenant as provided in ORS 456.270 to 456.295.*

(D) *Restrictions on use.* In the NCO zone, the following conditions and restrictions shall apply:

- (1) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards as established in the R-3 zone.
- (2) The outside storage of junk shall be contained entirely within a sight-obscuring fence when adjacent to a residential use of property.
- (3) *Residential uses permitted under this section shall be subject to all design standards in §157.027 and 157.175 to 157.179 of this chapter; and*
- (4) *Residential uses permitted under this section shall be prohibited where:*
 - a) *The residential development cannot be adequately served by water, sewer, storm water drainage, or streets, or where it will not be adequately served at the time development on the lot is complete;*
 - b) *The property contains a slope of 25 percent or greater;*
 - c) *The property is within a 100-year floodplain;*

- d) *The property is constrained by land use regulations based on statewide land use planning goals relating to:*
 - i) *Natural disasters and hazards;*
 - ii) *Natural resources, including air, water, land or natural areas, but not including open spaces;*
- e) *The property is located on lands that were added to the urban growth boundary within the last 15 years.*

(E) *Setback requirements.* In the NCO zone the yards shall be as follows:

- (1) The setback from any street shall be 20 feet. However, if solid ground cover landscaping is provided and maintained, the setback from a street may be reduced to ten feet;
- (2) The side yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone; and
- (3) The rear yard shall be a minimum of 25 feet measured from the foundation where abutting a residential zone.

(F) *Height of buildings.* In the NCO zone, no building shall exceed a height of 50 feet.

157.055 LIGHT INDUSTRIAL ZONE (M-1).

(A) *Uses permitted outright.* In a M-1 zone, only the following uses and their accessory uses are permitted outright:

- (1) Cabinet, carpenter or woodworking shop;
- (2) Compounding, packaging or storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, but not including processes involving refining or rendering of fats and oils;
- (3) Dwelling for caretaker or night watchman on the property;
- (4) Freight depot;
- (5) Ice or cold storage plant;
- (6) Kennel;
- (7) Laboratory for research or testing, but not including the testing of combustion engines;
- (8) Laundry, dry cleaning or dyeing establishment;
- (9) Lumber yard, building supply outlet;
- (10) Machinery or equipment sales, services or storage;
- (11) Manufacture, repair or storage of articles from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felts, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semiprecious stone or metal, shell, textiles, wax, wire or yarn;
- (12) Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, engineering, scientific or precision instrument, medical or dental supplies or equipment, electronic supplies or equipment, industrial or business machines, aircraft parts and equipment, luggage, photographic equipment or small pleasure boats;
- (13) Mini-storage;
- (14) Motor vehicle body shop, tire shop or similar repair service;
- (15) Plumbing, heating, electrical or paint contractor's sales, repairs or storage;

- (16) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;
- (17) Processing, packaging or storage of food or beverages, but not including processes involving distillation, fermentation, slaughtering or rendering of fats and oils;
- (18) Public utilities including wells, water storage tanks and sanitary sewer pump stations;
- (19) Railroad tracks and related facilities;
- (20) Utility lines, station or substation;
- (21) Veterinary care facility;
- (22) Welding, sheet metal or machine shop;
- (23) Wholesale distribution or outlet, including trucking, warehousing and storage.

(B) *Conditional uses permitted.* In a M-1 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ [157.205](#) through [157.210](#):

- (1) Junkyard;
- (2) Temporary dwelling unit;
- (3) Fuel oil distribution;
- (4) Planned unit development; and
- (5) ~~Temporary emergency shelter subject to the following design standards and conditions:~~
 - ~~(a) A temporary emergency shelter shall be for short-term housing of persons. Occupancy shall not exceed 18 continuous months for any resident. Shelters shall be designed and constructed to be quickly removable at the cessation of operations and permanent foundations shall not be used where not expressly required by building codes. A temporary emergency shelter is not a residential use under the definitions in ORS [197.303](#).~~
 - ~~(b) The minimum lot area for a temporary emergency shelter shall be one-half acre and the maximum lot area shall be one and one-half acres.~~
 - ~~(c) A business plan, operation plan, security plan, and all supporting documentation for resident rules shall be submitted and approved by the planning commission as part of the conditional use permit application.~~
 - ~~(d) A temporary emergency shelter shall include a community building for the provision of services to the residents and detached, temporary shelters providing overnight accommodations for the residents. Staff facilities, offices, food storage, and other facilities shall be within the community building. The facility shall contain at least one community building containing shower facilities and permanent restrooms. Showers shall be provided at a ratio of one shower for every 25 residents. Toilets shall be provided at a ratio of one toilet for every 20 residents.~~
 - ~~(e) The portion of the development site containing the shelters shall be enclosed with a chain-link fence equipped with sight-obscuring slats of at least six feet in height. The operator shall be responsible for permanent maintenance of the fence. The community building may be located within the fenced enclosure or within 500 feet of the fence when off-site services are provided.~~
 - ~~(f) Facility shall be operated by a registered nonprofit agency or a local, county, state, or federal government agency. A qualifying nonprofit agency shall be defined as a 501(c)(3) organization registered with the~~

US Internal Revenue Service (IRS) and considered active by the IRS during the current tax year.

- (g) ~~Where there are no permitted industrial uses or the property is otherwise vacant, the use shall not be allowed.~~
- (h) ~~The facility shall be located at least 1,000 feet from any public or private elementary, junior high, or high school, at least 1,000 feet from any public park, and at least 1,000 feet from another temporary emergency shelter. Distances shall be measured from the closest property line of the temporary emergency shelter to the closest property line of the nearest school or temporary emergency shelter as depicted on the Umatilla County assessor maps.~~
- (i) ~~Temporary shelters shall not be serviced with water, sewer, or electrical service. All facilities for the health and wellness of residents shall be furnished within the community building.~~
- (j) ~~All shelters shall be removed within 60 days of the termination of operations of the permitted industrial use on the property. The community building may remain at the property owner's discretion. In the event the shelter ceases operations, all temporary shelters shall be removed within 60 days of the termination of operations.~~
- (k) ~~Due to the transitory nature of residents and staff in a temporary shelter, parking spaces designed and constructed in compliance with the standards of §§ [157.175](#) through [157.179](#) are not required and gravel parking may be utilized. However, no portion of any parking area nor any other portion of the property may be used for the storage of vehicles in excess of 72 hours.~~
- (l) ~~A fenced pet area of at least 200 square feet shall be provided for the exercise and sanitation needs of pets. Pet waste must be contained within this area and collected and deposited in an appropriate receptacle.~~
- (m) ~~Each temporary shelter shall be provided with a lockable, external storage unit for the secure storage of resident possessions.~~
- (n) ~~Temporary shelters shall be subject to all applicable building code requirements. One battery-operated smoke detector and one battery-operated carbon monoxide detector shall be provided in each unit. Each unit shall have at least one door and one emergency egress window.~~
- (o) ~~Outdoor lighting shall be provided. Lighting shall be oriented to prevent direct illumination onto abutting property.~~
- (p) ~~Total shelters may be provided at a ratio of no more than one shelter per 1,400 square feet of lot area. Occupancy of each shelter shall be no more than two persons unless otherwise authorized by the building official and fire marshal.~~
- (q) ~~All temporary emergency shelters shall be subject to a review by the planning commission subject to the standards for a conditional use permit in §§ [157.205](#) through [157.210](#). The planning commission shall set the schedule for review as part of the conditional use permit process. The review shall be subject to the public hearing requirements in § [157.229](#). The planning commission may modify conditions of approval or revoke a conditional use permit for a temporary emergency shelter upon finding that the operator has not met the conditional use permit standards in § [157.210](#) or the conditions of approval.~~
- (r) ~~At least 45 days prior to any review by the planning commission the operator shall submit a written report to the city planner detailing the~~

~~temporary emergency shelter's compliance with the standards in § 157.210 and with the conditions of approval from the issuance of the conditional use permit.~~

- ~~(s) An operator of a temporary emergency shelter shall notify the city manager in writing at least 30 days prior to termination of operations. The notice of termination shall include the projected final date of operation and establish a schedule for removal of all shelters.~~

(C) *Limitations on use.* In a M-1 zone, the following conditions and limitations shall apply:

- (1) A use which creates a nuisance because of the noise, smoke, odor, dust or gas is prohibited.
- (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) Service activities, processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from the residential zone view by a permanently maintained sight-obscuring fence at least six feet high.
- (4) Points of access from a public street to properties in a M-1 zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.
- (5) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone.

(D) *Lot size.* In a M-1 zone, no minimum lot size shall be identified other than to meet the requirements of this chapter.

(E) *Setback requirements.*

- (1) Except as provided in § 157.140, in a M-1 zone no yard shall be required except as follows:
- (2) When abutting a residential zone, all setbacks shall be a minimum of 50 feet measured from the foundation. If a living, solid screen is provided adjacent to the residential zone, the minimum setback may be reduced to 25 feet.

(F) *Height of buildings.* In a M-1 zone, within 150 feet of a residential zone, no building shall exceed a height of 35 feet.

157.154 *Emergency Shelter Authorization*

(A) *As used in this section, "emergency shelter" means a building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.*

(B) *A building or cluster of buildings used as an emergency shelter under an approval granted under ORS 197.783 or this section:*

- (1) *May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less;*
- (2) *May not be used for any purpose other than as an emergency shelter except upon application for a permit demonstrating that the construction of the building and its use could be approved under current land use laws and local land use regulations.*

(C) *An approval of an emergency shelter under ORS 197.783 or section 11, chapter 12, Oregon Laws 2020 (first special session), is void unless the shelter is operating within two years following the approval. [2021 c.18 §2]*

(D) *The City shall approve an application for the development or use of land for an emergency shelter, as defined in ORS 197.782, on any property, notwithstanding this chapter or ORS chapter 195, 197A, or 227 or any statewide land use planning goal, rule of the Land Conservation and Development Commission or land use regulation, this chapter, or comprehensive plan, if the emergency shelter:*

- (1) *Includes sleeping and restroom facilities for clients;*
- (2) *Will comply with applicable building codes;*
- (3) *Is located within the Urban Growth Boundary as defined in the Hermiston Comprehensive Plan;*
- (4) *Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including flood plains or mapped environmental health hazards, unless the development complies with regulations directly related to the hazard;*
- (5) *Has adequate transportation access to commercial and medical services; and*
- (6) *Will not pose any unreasonable risk to public health or safety.*

(E) *An emergency shelter allowed under this section must be operated by:*

- (1) *A local government as defined in ORS 174.116;*
- (2) *An organization with at least two years' experience operating an emergency shelter using best practices that is:*
 - (a) *A local housing authority as defined in ORS 456.375;*
 - (b) *A religious corporation as defined in ORS 65.001; or*
 - (c) *A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code for at least three years before the date of the application for a shelter; or*
 - (d) *A nonprofit corporation partnering with any other entity described in this subsection.*

(F) *An emergency shelter approved under this section:*

- (1) *May provide on-site for its clients and at no cost to the clients:*
 - (a) *Showering or bathing;*
 - (b) *Storage for personal property;*
 - (c) *Laundry facilities;*

- (d) Service of food prepared on-site or off-site;
- (e) Recreation areas for children and pets;
- (f) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or
- (g) Any other services incidental to shelter.

- (2) May include youth shelters, winter or warming shelters, day shelters and family violence shelter homes as defined in ORS 409.290.

(G) An emergency shelter approved under this section may also provide additional services not described in subsection (F) of this section to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than \$300 per month per client and only to clients who are financially able to pay the fee and who request the services.

(H) The approval or denial of an emergency shelter under this section may be made without a hearing. Whether or not a hearing is held, the approval or denial is not a land use decision and is subject to review only under ORS 34.010 to 34.100.

(I) An application for an emergency shelter is not subject to approval under this section if, at the time of filing, the most recently completed point-in-time count, as reported to the United States Department of Housing and Urban Development under 24 C.F.R. part 578, indicated that the total sheltered and unsheltered homeless population was less than 0.18 percent of the state population, based on the latest estimate from the Portland State University Population Research Center.

CHAPTER 154 Subdivisions

154.03 DEFINITIONS.

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

EXPEDITED LAND DIVISION. A division of land that includes land that is zoned for residential uses, is solely for the purpose of residential use, including recreational or open space uses accessory to residential use, and meeting all requirements of ORS 197.360.

FLAG LOT. A lot lacking the requisite minimum lot width or frontage on an existing or proposed street, having direct access to the street through a narrow leg of land.

LOT. A unit of land that is created by a subdivision of land. A lot line or boundary line adjustment is a minor modification to a boundary line between two individual lots or parcels of land. No new lots or parcels are created in a boundary line adjustment. The revised lots or parcels meet the requirements of the city zoning code. The procedure for a lot line or boundary line adjustment is an administrative one through the city staff.

MAJOR PARTITION. A partition which includes the creation of a road or street.

MAP. A final diagram, drawing or other writing concerning a major partition.

MIDDLE HOUSING LAND DIVISION. A partition or subdivision of a lot or parcel on which the development of middle housing is allowed under ORS 197A-420(2) or (3).

MINOR PARTITION. A partition that does not include the creation of a road or street but is subject to approval by the city.

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

PARTITION. Either an act of partitioning land or an area or tract of land partitioned as defined in this section.

PARTITION LAND. To divide land into two or three parcels of land within a calendar year but does not include:

- (1) A division of land resulting from a lien foreclosure, foreclosure of a recorded contract for the sale of real property or the creation of cemetery lots;
- (2) An adjustment of a property line by the relocation of a common boundary where an additional unit of land is not created and where the existing unit of land reduced in size by the adjustment complies with any applicable zoning provision; or
- (3) A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right-of-way purposes provided that the road or right-of-way complies with the Comprehensive Plan and ORS [215.213](#) (2)(q) through (s).

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

PLAT. A final subdivision plat, replat or partition plat.

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

STREET or ALLEY. A public way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land.

SUBDIVIDE LAND. To divide an area or tract of land into four or more lots within a calendar year when an area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of the year.

SUBDIVISION. Either an act of subdividing land or an area or a tract of land subdivided as defined in this section.

SUBDIVISION PLAT. A final map and other writings containing all descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

ZERO LOT LINE LOT. A lot lacking the requisite minimum size and/or width for the underlying zone which is intended for common wall or zero lot line attached housing.

154.73 EXPEDITED LAND DIVISIONS.

(A) The expedited land division procedure provides an alternative to the standard procedures for some land divisions. The applicant may choose to use the process if the land division request meets all of the elements specified in ORS 197.360.

(B) An expedited land division process may be used for residential minor and major partitions, residential subdivision, and residential subdivision replat applications.

(C) The submittal requirements for an expedited land division application shall be congruent with the submittal requirements for a partition or subdivision. On receipt of a complete application, the City shall notice and review the expedited land division in accordance with the requirements of ORS 197.365.

- 1) Written notice shall be provided to owners of property within 100 feet of the entire contiguous site for which the application is made. Notice shall also be provided to any agency responsible for providing public services or facilities to the subject site.*
- 2) There shall be a 14-day period to allow for submission of written comments prior to the director's decision.*
- 3) There shall be no public hearing on the application.*
- 4) The director's decision shall be based on applicable elements of the zoning ordinance and comprehensive plan.*
- 5) The director's decision may be appealed within 14 days of the mailing of the decision notice and the appeal shall be based solely on allegations as listed in ORS [197.375\(1\)\(c\)\(A\)](#) through [\(1\)\(c\)\(D\)](#) and shall be accompanied by an appeal application and fee set by resolution of the city council which is refundable if the appellant prevails.*
- 6) The director shall appoint a referee to decide the appeal decision and the appointed referee shall comply with ORS [197.375\(3\)](#) through [\(6\)](#) when issuing a decision.*

154.74 MIDDLE HOUSING LAND DIVISIONS.

(A) *The City shall approve a tentative plan for a middle housing land division if the application includes:*

- 1) *A proposal for development of middle housing in compliance with the Oregon residential specialty code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420 (5);*
- 2) *Separate utilities for each dwelling unit;*
- 3) *Proposed easements necessary for each dwelling unit on the plan for:*
 - a. *Locating, accessing, replacing and servicing all utilities;*
 - b. *Pedestrian access from each dwelling unit to a private or public road;*
 - c. *Any common use areas or shared building elements;*
 - d. *Any dedicated driveways or parking; and*
 - e. *Any dedicated common area;*
- 4) *Exactly one dwelling unit on each resulting lot or parcel, except for lots, parcels or tracts used as common areas; and*
- 5) *Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building codes provisions relating to new property lines and, notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon residential specialty code*

(B) *The City shall add conditions to the approval of a tentative plan for a middle housing land division to:*

- 1) *Prohibit the further division of the resulting lots or parcels.*
- 2) *Require that a notation appear on the final plat indicating that the approval was given under ORS 92.031.*

(C) *In reviewing an application for a middle housing land division, the City:*

- 1) *Shall apply the procedures under ORS 197.360 to 197.380 for expedited land divisions.*
- 2) *Shall require street frontage improvements where a resulting lot or parcel abuts the street consistent with §157.160 through §157.166.*
- 3) *Shall not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.*
- 4) *May allow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.*
- 5) *May require the dedication of right of way if the original parcel did not previously provide a dedication.*

(D) *Notwithstanding ORS 197A.425 (1), the City is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.*

(E) *The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval. Nothing in this section or ORS 197.360 to 197.380 prohibits the City from requiring a final plat before issuing building permits.*

(F) Notwithstanding the provisions of ORS 92.010 to 92.192, within the same calendar year as an original partition, the City may allow the resulting vacant parcels to be further divided into not more than three parcels through a middle housing land division, provided that:

- 1) The original partition was not a middle housing land division; and*
- 2) The original parcel or parcels not divided will not be part of the resulting partition plat for the middle housing land division.*

(G) Applications for middle housing land division shall be accompanied by an application form and fee set by resolution of the city council.

CHAPTER 157

Zoning

157.002 DEFINITIONS.

MANUFACTURED DWELLING. A residential trailer, mobile home, or manufactured home.

MANUFACTURED DWELLING HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities; is intended for human occupancy and is being used for residential purposes; meets minimum requirements of Federal Housing and Urban Development standards; is constructed on steel chassis and equipped with axles and towing tongue. and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

MANUFACTURED DWELLING PARK. A ~~five~~ one acre minimum tract, lot or parcel of land, the primary purpose of which is to rent space for the purpose of parking four or more manufactured dwellings, mobile home, prefabricated structure, or residential trailer occupied for dwelling or sleeping purposes.

MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities; that is intended for human occupancy; that is being used for residential purposes; and that constructed between January 1, 1962 and June 15, 1976, and met the requirements of Oregon mobile home law in effect at the time of construction.

PREFABRICATED DWELLING. A building or subassembly that has been in whole or substantial part manufactured or assembled using closed construction at an off-site location to be wholly or partially assembled on-site, that is relocatable, more than eight and one-half feet wide, and designed for use as a single-family dwelling.

RESIDENTIAL TRAILER. A structure constructed for movement on the public highways that has sleeping, cooking, and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

157.025 LOW DENSITY RESIDENTIAL ZONE (R-1).

(A) *Uses permitted outright.* In a R-1 zone, only the following uses and their accessory uses are permitted outright:

- (1) Single-family dwelling;
- (2) Two-family dwelling;
- (3) Residential care home;
- (4) Home occupations;
- (5) Accessory structures;
- (6) Family day care provider;

~~(7) Manufactured dwelling placed on an individual lot outside of a manufactured dwelling park and subject to requirements of § [157.145](#) home or prefabricated dwelling.~~ This requirement shall not be construed as abrogating a recorded restrictive covenant; and

(8) Utility facilities as defined in § [157.143](#).

157.145 MANUFACTURED DWELLING STANDARDS.

Within all residential zones, manufactured dwellings placed on individual lots outside of a manufactured dwelling park shall meet the following standards:

~~(A) The manufactured dwelling shall be multi-sectional (double wide or wider) and enclose a floor area of not less than 1,000 square feet.~~

~~(B) The manufactured dwelling shall be placed on an excavated and backfilled concrete or masonry block foundation and enclosed at the perimeter so that the manufactured dwelling is located not more than 12 inches above grade. 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. If the manufactured dwelling is placed on a basement, the 12 inch limitation shall not apply.~~

~~(C) The manufactured dwelling shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.~~

~~(D) The manufactured dwelling shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Building Official.~~

~~(E)~~(A) The manufactured dwelling shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce heat loss to levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS [455.010](#). Evidence demonstrating that the manufactured dwelling meets "Super Good Cents" energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturers certification shall not be required.

~~(F) The manufactured dwelling shall have a garage or carport constructed of like materials. The city may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.~~

~~(G) A manufactured dwelling, if adjacent to any structure listed in 157.144 as an historic structure, shall be treated as a conditional use.~~

~~(H)~~(B) In addition to the provisions in divisions (A) through (G) of this section, ~~the city may subject a~~ manufactured dwelling or prefabricated structure and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

157.146 MANUFACTURED DWELLING PARK STANDARDS.

A manufactured dwelling park can have significant impacts on the surrounding community, therefore, special standards governing development of these uses have been established.

- (A) The minimum area shall be ~~five~~ one acres.
- (B) Manufactured dwelling parks shall abut and have direct access to a street.
- (C) Asphalt access drives, 20 feet in width, shall be provided to each manufactured dwelling space, shall be unobstructed, open to traffic and continuous unless provided with adequate turnaround area or cul-de-sac. If the owner or operator permits parking on the access drives, the owner or operator shall construct the access drives at least 30 feet in width. Each park shall have a principal access drive of not less than 36 feet.
- (D) Walkways, not less than three feet in width, shall be provided from each manufactured dwelling space and service building to access drives and along both sides of all access drives.
- (E) Except as required for vision clearance, the outer perimeter of each park shall be improved with one of the following:
 - (1) Sight-obscuring fence or wall not less than six feet in height;
 - (2) Maintained evergreen landscaping that is at least five feet in depth, will mature within three years, and reach at least five feet in height at maturity; or
 - (3) Combination of divisions (1) and (2) above when required by the Commission to blend the proposed development in with that of surrounding property.
- (F) All manufactured dwellings and accessory structures shall be set back a minimum of ten feet from any property line, except for the front property line which shall be 20 feet, and ten feet from another manufactured dwelling.
- (G) Each manufactured dwelling space shall be a minimum of 30 feet wide and 40 feet long.
- (H) All areas covered by manufactured dwellings and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.
- (I) All open areas, except as otherwise specified herein, shall be suitably landscaped according to plans and specifications presented to and approved by the Planning Commission. Areas shall be continuously maintained.
- (J) Each manufactured dwelling space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of 150 square feet.
- (K) A minimum of 200 square feet of recreation area for each manufactured dwelling space shall be provided in one or more locations within the manufactured dwelling park. The minimum size of each required recreation area shall be 5,000 square feet.
- (L) A centralized storage area for boats, campers, camping trailers, and automobiles shall be provided in each manufactured dwelling park. Storage area shall contain a minimum of 160 square feet for each manufactured dwelling space and be enclosed by a sight-obscuring fence.

- (M) Storage structures and carports shall be located not less than six feet from any manufactured dwelling and shall be subject to all of the applicable permits and building codes of the city.
- (N) Mailboxes shall be provided, whether centrally or individually, for each manufactured dwelling space. Three off-street parking spaces shall be provided for all centralized mailbox areas unless on-street parking is provided.
- (O) All utilities, i.e., sewer, water, natural gas, electricity, telephone, and television cable, shall be underground in locations approved by the City Engineer.
- (P) Prior to location of a manufactured dwelling in a manufactured dwelling park, the owner or occupant shall establish to the satisfaction of the Building Inspector that the manufactured dwelling is in a condition that conforms to one of the following construction standards:
- (1) HUD-manufactured dwellings constructed to the minimum standards in effect in Oregon, at the time of construction or Oregon standards in effect at the time entry into the park is to occur; or
 - (2) Non-HUD manufactured dwellings shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after June 1, 1979. Manufactured dwellings shall be inspected and certified as being substantially equivalent to construction standards in effect in Oregon after June 1, 1979 by the Oregon Building Codes Agency.
- (Q) Recreational vehicles spaces may be provided; however, spaces shall be separated and distinct from the manufactured dwelling park.
- (1) Manufactured dwelling parks providing recreational vehicle spaces shall provide facilities as required by the ORS and Oregon Administrative Rules.
 - (2) There shall be a 14foot separation zone completely surrounding the recreational vehicle area separating it from the manufactured dwelling area.
- (R) All manufactured dwellings shall be skirted.
- (S) A minimum of one public pay telephone shall be provided.

SB 1537 Amendments
Housing land Use Adjustments
Chapter 157
Zoning

157.215 HOUSING LAND USE ADJUSTMENTS.

- A. *Purpose.* In order to facilitate the timely and cost-effective production of new housing units in the City of Hermiston, an applicant may request up to ten adjustments to local development standards as part of an application to develop housing. The effective date of §157.216 shall be from January 1, 2025 through January 2, 2032 unless further extended by the Oregon Legislature.
- B. *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.
- 1) *ADJUSTMENT.* A deviation from an existing land use regulation. "Adjustment" does not include:
 - a) A request to allow a use of property not otherwise permissible under applicable zoning requirements.
 - b) Deviations from land use regulations or requirements related to accessibility, affordability, fire ingress or egress, safety, local tree codes, hazardous or contaminated site clean-up, wildlife protection, or statewide land use planning goals relating to natural resources, or natural hazards.
 - c) A complete waiver of land use regulations or any changes beyond the explicitly requested and allowed adjustment; or
 - d) Deviations to requirements related to the implementation of fire or building codes, federal or state air, water quality or surface, ground or stormwater requirements, or requirements of any federal, state or local law other than a land use regulation.
 - 2) *DISTINCT ADJUSTMENT.* An adjustment to a development standard listed in subsection (D) of this section where each discrete adjustment to a listed development standard that includes multiple component standards must be counted as an individual adjustment.
- C. *Eligible Improvements.* An application for a middle housing land use adjustment is limited to a maximum of ten adjustments. The city shall grant a request for an adjustment only if all of the following conditions are met:
- 1) The application is for a building permit or a quasi-judicial, limited, or ministerial land use decision;
 - 2) The development is on lands zoned to allow for residential uses, including mixed-use residential;
 - 3) The residential development is for densities not less than six units per net residential acre;
 - 4) The development is within the city limits of the City of Hermiston or upon land for with an application for annexation is on file;
 - 5) The application is for net new housing units in new construction projects, including

- a) *Single-family or multi-family;*
- b) *Mixed-use residential where at least 75 percent of the developed floor area will be used for residential units;*
- c) *Manufactured dwelling parks;*
- d) *Accessory dwelling units; or*
- e) *Middle housing as defined in ORS 197A.420*

D. Eligible Adjustments. The following development standards are eligible for a housing land use adjustment:

- 1) *Side or rear setbacks, for a reduction of not more than 10 percent;*
- 2) *For an individual development project, the common area, open space, or area that must be landscaped on the same lot or parcel as the proposed housing, for a reduction of not more than 25 percent;*
- 3) *Parking minimums;*
- 4) *Minimum lot sizes, not more than a 10 percent adjustment, and including not more than a 10 percent adjustment to lot widths or depths;*
- 5) *Maximum lot sizes, not more than a 10 percent adjustment, including not more than a 10 percent adjustment to lot width or depths and only if the adjustment results in:*
 - a) *More dwelling units than would be allowed without the adjustment; and*
 - b) *No reduction in density below the minimum applicable density.*
- 6) *Building lot coverage requirements for up to a 10 percent adjustment;*
- 7) *For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing, and mixed-use residential housing:*
 - a) *Requirements for bicycle parking that establish:*
 - (1) *The minimum number of spaces for use by the residents of the project, provided the application includes at least one-half space per residential unit; or*
 - (2) *The location of the spaces, provided that lockable, covered bicycle parking spaces are within or adjacent to the residential development.*
 - b) *For uses other than cottage clusters, as defined in ORS 197A.420 (1)(c)(D), building height maximums that:*
 - (1) *Are in addition to existing applicable height bonuses, if any; and*
 - (2) *Are not more than an increase of the greater of:*
 - (a) *One story; or*
 - (b) *A 20 percent increase to base zone height with rounding consistent with methodology outlined in city code, if any.*
 - (c) *Unit density maximums, not more than an amount necessary to account for other adjustments under this section.*
 - (d) *Prohibitions for the ground floor of a mixed-use building, against:*

- (i) *Residential uses except for one face of the building that faces the street and is within 20 feet of the street; and*
- (ii) *Nonresidential active uses that support the residential uses of the building, including lobbies, day care, passenger loading, community rooms, exercise facilities, offices, activity spaces or live-work spaces, except for active uses in specifically and clearly defined mixed-use areas or commercial corridors designated by the city.*

8) *City development standards that regulate:*

- a) *Façade materials, color, or pattern*
- b) *Façade articulation*
- c) *Roof forms and materials*
- d) *Entry and garage door materials*
- e) *Garage door orientation, unless the building is adjacent to or across from a school or public park*
- f) *Window materials, except for bird-safe glazing requirements*
- g) *Total window area, for up to a 30 percent adjustment, provided the application includes at least 12 percent of the total façade as window area*
- h) *For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multi-family housing, and mixed-use residential housing:*
 - (1) *Building orientation requirements, not including transit street orientation requirements;*
 - (2) *Building height transition requirements, not more than a 50 percent adjustment from the base zone;*
 - (3) *Requirements for balconies and porches; and*

E. *Application Requirements. An application for a middle housing land use adjustment shall be submitted to the City Planning Department and accompanied by a fee as established by resolution of the City Council. The application shall state how at least one of the following criteria apply:*

- 1) *The adjustments will enable the development of housing that is not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations;*
- 2) *The adjustments will enable the development of housing that reduces the sale or rental prices per residential unit;*
- 3) *The adjustments will increase the number of housing units will the application;*
- 4) *All of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making the affordable to moderate income households as defined on ORS 456.270 for a minimum of 30 years;*
- 5) *At least 20 percent of the units in the application are subject to an affordable housing covenant as described in ORS 456.270 to 456.295, making the affordable to moderate income households as defined on ORS 456.270 for a minimum of 60 years;*

- 6) *The adjustments will enable the provision of accessibility or visitability features in housing units that are not otherwise feasible due to cost or delay resulting from the unadjusted land use regulations; or*
- 7) *All of the units in the application are subject to a zero equity, limited equity, or shared equity ownership model including resident-owned cooperatives and community land trusts making them affordable to moderate income households as described in ORS 456.270 to 456.295 for a period of 90 years.*

F. A decision on a housing land use adjustment is a limited land use decision as defined in ORS 197.015(13). The approval process shall be as provided in ORS 197.195(1) - (5). The Hermiston Comprehensive Plan shall not be an approval standard for a limited land use decision. Approval shall be by the Planner following notice of the application and an opportunity to comment as required by ORS 197.763. Appeals of the Planner's decision shall be limited to the applicant and made to the City Council as provided for in ORS 197.195(5),

INFILL DEVELOPMENT DESIGNATION.

~~(A) — Purpose. The purpose of the infill development designation is to encourage construction of new residential development in existing, underdeveloped neighborhoods when designated by the Planning Commission. Infill development encourages efficient use of land and helps to utilize existing public facility infrastructure, avoiding costly extensions of new facilities. A property owner may apply to have existing property designated as infill property and obtain deviation from property development standards when following the existing clear and objective development standards is not feasible or will result in sub-standard development.~~

~~(B) — Criteria. When the Planning Commission determines that a property is eligible for designation as an infill property, the city may grant deviations from the city's development standards, including but not limited to: zoning standards, public works standards, access and circulation standards, and other requirements of the city zoning and public works requirements. In order to be considered for designation as an infill property, a property owner or their authorized agent must demonstrate compliance with four of the following eligibility standards:~~

~~(1) — A lot with a single-family or two-family dwelling constructed prior to February 28, 1994;~~

~~(2) — A lot in existence prior to the adoption of the zoning standards adopted in Ordinance 1840 on February 28, 1994;~~

~~(3) — A lot within the city limits, except as provided in subsection (C)(2) of this section;~~

~~(4) — A lot located within the R-1, R-2, R-3, R-4, or RR zone; and~~

~~(5) The property will be used for residential development.~~

~~(C) *Property not eligible.* The following items shall not be considered criteria used to determine eligibility for consideration as infill property:~~

~~(1) A landlocked parcel with no street access or dedicated access easement;~~

~~(2) A parcel outside the city limits unless annexation is applied for simultaneously;~~

~~(3) A wetland is not a development constraint eligible for infill waiver as a wetland is considered a water of the state and under the jurisdiction of the Department of State Lands; and~~

~~(4) Existing residential property within the C-1, C-2, DCO, and NCO zones is not eligible for residential infill.~~

~~(D) *Constraints.* When the Planning Commission determines that a property meets the eligibility standards in subsection (B) of this section, a property owner or their authorized agent must demonstrate that the property is constrained and cannot be developed in the standard manner. Constrained property may include but is not limited to such factors as:~~

~~(1) A lot is not adjacent to existing municipal sewer and/or water lines;~~

~~(2) A lot is serviced by existing municipal sewer and/or water line which is sized below minimum standard pipe size;~~

~~(3) A lot receives access from a street which has no paving, curb, gutter, or sidewalk, and is not adjacent to any existing improvements;~~

~~(4) A lot with a depth of at least 300% of the lot width;~~

~~(5) An existing dwelling situated on the property in such a location that it is impossible to create a second parcel while maintaining the required setbacks for the dwelling and minimum lot width and depth for a new parcel;~~

~~(6) A lot of at least 175% of the minimum lot size in the underlying zone but less than 250% of the minimum lot size;~~

~~(7) A lot of at least 175% of the minimum lot width or depth in the underlying zone but less than 250% of the minimum lot width or depth;~~

~~(8) A property is bounded on at least two sides by development which does not meet current lot size, lot width, lot coverage, or setback requirements;~~

~~(9) A property contains a physical constraint, such as an unusual shape, steep slope, canal, utility easement, alley, or similar feature which makes conventional development impossible;~~

~~(10) A property with an existing dwelling has an assessed land value greater than the assessed value of the improvements; and~~

~~(11) A property contains a dwelling which is no longer functional due to neglect, damage, or other age-related issue.~~

~~(E) *Application procedure.* A property owner or their authorized agent may initiate a request for an infill designation and deviation by filing an application with the city using forms prescribed for the purpose. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. The Planning Commission may require other drawings or information necessary to understand the proposed use and its relationship to surrounding properties. The applicant shall pay a fee as established by the City Council at the time the application is filed.~~

~~(F) *Public hearing; recess.* Before the Planning Commission may act on a request for an infill designation and deviation, it shall hold a public hearing in accordance with the procedures set forth in § [157.229](#). At the time of the public hearing, the Planning Commission shall determine if the property meets the eligibility for an infill designation and the appropriate deviations necessary to facilitate development.~~

~~The Planning Commission may recess a hearing on a request for an infill designation in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Recess or continuance of the hearing shall be in accordance with the provisions in ORS [197.763](#)(6) and (7) for a quasi-judicial hearing.~~

~~(G) *Approval criteria.* Based on the testimony and evidence contained in the record, the Planning Commission shall develop findings of fact to justify either approving or denying an infill designation and deviation as set forth in subsection (H) of this section. The Planning Commission may approve the requests when it is determined the request is in conformance with all the following requirements or can be made to conform through the impositions of conditions:~~

- ~~(1) The property is constrained by internal or external physical features which preclude development conforming to adopted city standards;~~
- ~~(2) Public facilities have the capacity to service the development at the proposed density and are either in place or may be extended at the developer's expense;~~
- ~~(3) Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property;~~
- ~~(4) Approval of infill development will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties; and~~
- ~~(5) Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density.~~

~~(H) *Approval of infill designation.* In granting approval of an infill designation, the Planning Commission may grant deviations from the city's development standards. Standards which qualify for a deviation include:~~

- ~~(1) Lot width;~~
- ~~(2) Lot depth;~~
- ~~(3) Minimum lot size;~~
- ~~(4) Lot coverage;~~
- ~~(5) Front, rear, and side setbacks;~~
- ~~(6) Minimum street frontage;~~
- ~~(7) Minimum utility sizing standards;~~
- ~~(8) Building height;~~
- ~~(9) Off-street parking standards; and~~
- ~~(10) Street improvement standards.~~

~~When approving an infill designation on a property, the Planning Commission shall adopt conditions it deems necessary to ensure that the property develops in a manner that is~~

~~reasonably compatible with neighboring properties. These conditions may include but are not limited to:~~

- ~~(1) Specifying exterior construction materials;~~
- ~~(2) Requiring landscape improvements;~~
- ~~(3) Requiring fencing improvements; and~~
- ~~(4) Requiring certain architectural features to insure neighborhood compatibility.~~

~~(l) *Notification.* Within five days after a decision has been rendered, the city shall provide the parties to the hearings with written notice of the city's action on the request for an infill designation. A decision on an infill designation may be appealed to the City Council following the procedures in § [157.231](#).~~

Limited Land Use Decisions

Chapter 154

Subdivisions

154.03 DEFINITIONS.

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

LOT. A unit of land that is created by a subdivision of land. A lot line or boundary line adjustment is a minor modification to a boundary line between two individual lots or parcels of land. No new lots or parcels are created in a boundary line adjustment. The revised lots or parcels meet the requirements of the city zoning code. ~~The procedure for a lot line or boundary line adjustment is an administrative one through the city staff.~~

154.04 JURISDICTION AND PROCEDURE.

- A. It shall be unlawful for any person being the owner, agent or person having control of any land within the city to divide land by a major or minor partition not in accordance with the laws of the state and the regulations contained herein. The proposed partition shall first be submitted to the Planning Commission for approval or disapproval. After report and approval of the Planning Commission is made and filed, all minor partitions shall be permitted, but all major partitions shall be submitted to the City Council for its approval or disapproval. No plat or map shall be recorded and no lots shall be sold from a plat or map until approved by the City Council and recorded with the county.
- B. The design and layout of all subdivisions shall conform with the requirements of §§ [154.15](#) through [154.21](#). The subdivider shall submit a preliminary plat or map in accordance with the specifications of § [154.35](#) hereof. The final plat or map shall be submitted in accordance with the provisions of §§ [154.45](#) and [154.46](#) hereof.

- C. A replat as defined in §154.03 of the Hermiston code of ordinances and ORS 92.010(13) shall follow the procedures for a limited land use decision as defined in ORS 197.015(13). The approval process shall be as provided in ORS 197.195(1) - (5). The Hermiston Comprehensive Plan shall not be an approval standard for a limited land use decision. Approval shall be by the Planner following notice of the application and an opportunity to comment as required by ORS 197.797. Approval of the final plat for a replat shall be a ministerial decision requiring approval by the planning commission and city council for determination of compliance with the requirements of §154.46 of the Hermiston code of ordinances.
- D. A lot line or boundary line adjustment shall follow the procedures for a limited land use decision as defined in ORS 197.015(13). The approval process shall be as provided in ORS 197.195(1) - (5). The Hermiston Comprehensive Plan shall not be an approval standard for a limited land use decision. Approval shall be by the Planner following notice of the application and an opportunity to comment as required by ORS 197.797.

Chapter 157 Zoning

157.192 ALTERATION OF USE OR STRUCTURE.

- A. *Definition.* As used in this section, ALTERATION of a nonconforming use or structure includes:
- 1) A change in the use of no greater adverse impact to the neighborhood; and/or
 - 2) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.
- B. ~~Minor alteration.~~ A proposal for the *extension*, alteration, or expansion of 10% or less of the gross building volume of a nonconforming use or structure may be approved by the city administration as a minor variance to the provisions of this chapter as a limited land use decision as defined in ORS 197.015(13). The approval process shall be as provided in ORS 197.195(1) - (5). The Hermiston Comprehensive Plan shall not be an approval standard for a limited land use decision. Approval shall be by the Planner following notice of the application and an opportunity to comment as required by ORS 197.797.
- ~~(C) Major alteration.~~ A proposal for the alteration greater than 10% of the gross building volume of a nonconforming use or structure may be approved by the Planning Commission subject to the provisions for conditional use permits.

CHAPTER 157 Zoning

157.136 ACCESSORY USE PROVISIONS; AUTHORIZATION.

A. *General provisions regarding accessory uses.* Accessory uses shall comply with all requirements for the principal use except where specifically modified by this chapter and shall comply with the following limitations:

- 1) Fences, which may be located within yards, shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area.
- 2) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.
- 3) A maximum of one accessory dwelling may be constructed in any residential zone on a single lot which already contains a single-family dwelling, subject to the following provisions:
 - a. For the purposes of this subsection, an accessory dwelling shall be defined as an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-family dwelling.
 - b. The unit may be a detached building, in a portion of a detached accessory structure, or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 - c. A detached accessory dwelling shall provide one or more rooms and contain a kitchen and bathroom within the accessory dwelling.
 - d. An accessory dwelling constructed within a portion of the existing primary dwelling or attached to the existing primary dwelling shall be subject to the following design standards:
 1. A separate entrance shall be provided for the accessory dwelling unit.
 2. An accessory dwelling shall provide one or more rooms and contain a kitchen and bathroom within the accessory dwelling.
 - e. All accessory dwellings constructed after the effective date of the ordinance codified in this section shall be subject to an accessory dwelling permit and shall pay an accessory dwelling permit fee as set by the City Council.
 - f. All accessory dwellings constructed after the effective date of the ordinance codified in this section shall register with the city's utility billing services and pay per unit utility rates as set forth for multifamily dwellings. Registration shall be done as part of the accessory dwelling permit process.
 - ~~g. Parking shall be provided subject to the space requirements and design standards of §§ 157.175 through 157.179.~~
 - h. g. Accessory dwelling units are subject to the maximum lot coverage, setbacks, and building height requirements of the underlying zone in which they are located. The sum of the gross square footage of the primary dwelling, garage or carport, outbuildings, and accessory dwelling shall not exceed the maximum lot coverage requirements of the city.

- 4) Swimming pools, fish ponds or other decorative pools shall conform with 157.147.

OFF-STREET PARKING AND LOADING

157.175 OFF-STREET PARKING REQUIREMENTS.

(A) At the time of erection of a new structure, or at the time of enlargement or change in use of an existing structure within any zone in the city, excepting those properties that have been assessed for public off-street parking facilities, off-street parking spaces shall be provided in accordance with the requirements of this subchapter unless greater requirements are otherwise established.

(B) If parking space has been provided in connection with an existing use, the parking space shall not be eliminated if elimination would result in less than is required by this section. Where square feet are specified, the area measured shall be the gross floor area of the functional use of the building but shall exclude space devoted to off-street parking or loading. Where employees are specified, persons counted shall be those working on the premises, including proprietors, during the largest shift at peak season. Fractional space requirements shall be counted as a whole space.

(C) *Property Reuse Incentive.*

(1) *Reduced Number of Spaces. When a new use is proposed for a previously developed site, a 25% reduction to the required number of parking spaces determined by Section §157.176 (Uses and Spaces) is allowed if the property meets the following conditions:*

a. The property cannot accommodate the required number of parking spaces without demolishing existing structures; and

b. There is no opportunity for joint use parking as provided in §157.178(D) (Additional Requirements—Joint parking and loading spaces) with neighboring properties.

157.176 USES AND SPACES.

<i>Residential</i>	
Single and two-family dwellings	Two spaces, one of which may be located within any required yard
Multi-family dwellings	Two spaces per dwelling unit with three or more bedrooms and 1.5 spaces per unit with less than three bedrooms
Bed and breakfast, boarding, lodging or rooming house	Spaces equal to 80% of the number of guest accommodations plus one additional space for the owner or manager

<i>Institutional</i>	
Welfare or correctional institution	One space per five beds for patients or inmates
Nursing home/Assisted living facility	<i>One space per four beds plus one for each employee on largest shift</i>
Residential care facility	<i>One space per employee on largest shift</i>
Hospital	<i>Spaces equal to 1.5 times the number of beds plus one space per three employees on largest shift</i>
<i>Place of Public Assembly</i>	
Church, Meeting room, or Mortuary	One space per four seats or eight feet of bench length in the main auditorium
Library, reading room	<i>One space per 400 square feet of floor area</i>
Day care, preschool	1.5 spaces per teacher-employee
Elementary or junior high school	1.5 spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater
High school	<i>1.5 spaces per classroom plus one space for each five students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater</i>
College, commercial school for adults	One space per five seats in classrooms
<i>Commercial Amusement</i>	
Stadium, arena, theater	One space per four seats or eight feet of bench length
Bowling alley	<i>Four per lane</i>
Dance hall, skating rink	One space per 100 square feet of net floor area plus one space per two employees
<i>Commercial</i>	

Retail store	<i>One space per 300 square feet of floor area, or one space per 200 square feet of retail floor area plus one space per 1,000 square feet of storage/backroom area, whichever is greater</i>
Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	<i>One space per 800 square feet of gross floor area</i>
Bank, office (except medical and dental)	One space per 333 square feet of floor area
Medical and dental	One space per 300 square feet of floor area
Eating or drinking establishment	One space per four seats in the dining area
Drive up kiosk	<i>One space per employee concurrently on-site plus one ADA space</i>
Personal services (beauty shop, barber, nail salon, tattoo, or similar)	<i>One space per chair plus one space per two employees</i>
Hotel/Motel	<i>One space per guest room plus one space for each two employees on largest shift</i>
<i>Industrial</i>	
Storage warehouse	<i>One space per 3,000 square feet</i>
Manufacturing	<i>One space per 10,000 square feet plus one space for each employee on largest shift</i>
Rail or trucking freight terminal	<i>One space per 2,000 square feet</i>
Wholesale establishment	<i>One space per 1,000 square feet</i>
Data center or telecommunication facility	<i>One space per employee on largest shift plus one space per 25,000 square feet of gross floor area</i>

157.177 OFF-STREET LOADING.

(A) *Passengers.* A driveway designed for continuous forward flow of passenger vehicles for the purpose of loading and unloading children shall be located on the site of any school having a capacity greater than 25 students.

(B) *Merchandise, materials or supplies.*

(1) Buildings or structures to be built or substantially altered which receive and distribute material or merchandise shall provide and maintain off-street loading berths in sufficient numbers and size to adequately handle the needs of the particular use. If loading space has been provided in connection with an existing use or is added to an existing use, the loading space shall not be eliminated if elimination would result in less space than is required to adequately handle the needs of the particular use.

(2) Off-street parking areas used to fulfill the requirements of this subchapter shall not be used for loading and unloading operations except during periods of the day when not required to take care of parking needs.

157.178 ADDITIONAL REQUIREMENTS.

(A) *Obligations and violations.*

(1) The provision and maintenance of off-street parking and loading spaces are continuous obligations of the property owner. No permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this subchapter.

(2) Use of property in violation hereof shall be a violation of this subchapter. Should the owner or occupant of a lot or building change the use to which the lot or building is put, thereby increasing off-street parking or loading requirements, it shall be unlawful and in violation of this subchapter to begin or maintain the altered use until the required increase in off-street parking or loading is provided.

(B) *Additional requirements not listed.* Requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(C) *Sum of requirements.* In the event several uses occupy a single structure or parcel of land concurrently, the total requirements for off-street parking shall be the sum of the requirements of all uses computed individually.

(D) *Joint parking and loading spaces.* Owners of two or more uses, structures or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the city in the form of deeds, leases or contracts to establish the joint use.

(E) *Location of spaces.* Off-street parking spaces shall be located on the same lot with the building. However, non-residential required parking spaces may be located not farther than 500 feet from the building or use they are required to serve, measured in a straight line from the building.

(F) *Storage of vehicles and material prohibited.* Required parking spaces shall be available for the parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(G) *Vision clearance problems.* Off-street parking of any vehicle, watercraft or parts designed to be affixed thereto, which creates a vision clearance problem or potential safety hazard, shall not be allowed in any required yard.

(H) *Plan submission.* Plans shall be submitted as provided in 157.232.

(I) *Compact parking spaces.* *Parking areas developed under the provisions of this chapter, except for single and two-family dwellings and vehicle sale areas, may choose to utilize compact parking spaces,. Where compact parking spaces are proposed, the total number of compact parking spaces shall not exceed 25% of the total spaces required in §157.176 of this chapter. Compact spaces shall be 8 feet 6 inches in width and 18 feet in length.*

157.179 DESIGN REQUIREMENTS.

(A) *Hard surfaces required; maintenance.* Areas used for standing and maneuvering of vehicles shall have a hard surface and be maintained adequately for all-weather use and so drained as to avoid flow of water across a property line.

(B) *Minimal resident disturbance.* Except for parking to serve single-family or two-family residential uses, parking and loading areas adjacent to or within residential zones or adjacent to residential uses shall be designed to minimize disturbance of residents by the erection between the uses of a sight-obscuring fence of not less than five or more than six feet in height except where vision clearance is required.

(C) *Extension beyond property line prohibited.* Parking spaces within a parking lot shall be designed and constructed so that no portion of a parked vehicle, including an opened door, will extend beyond the property line.

(D) *Glare from lighting prohibited.* Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.

(E) *Access aisles.* Access aisles shall be of sufficient width for all vehicle turning and maneuvering.

(F) *Driveways required.* All parking spaces, except single-family and two-family residential, shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.

(G) *Safety for traffic and pedestrians required.*

(1) *Off-street parking areas.* Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly

and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.

(2) *Minimum vision clearance area.* Service drives shall have a minimum vision clearance area formed by the intersection of the driveway center-line, the street right-of-way line and a straight line joining the lines through points of ten feet from their intersection.

(H) *Drive-Up window queuing.* Where drive-up windows are proposed, adequate vehicle stacking shall be provided in addition to the off-street parking requirements in §157.176 of this chapter. The required stacking shall be calculated using the following requirements:

- a. *Queuing length shall conform with the requirements of the ITE manual (trip generation manual)*
- b. *Queuing length shall be designed for the peak hour.*
- c. *Queuing length shall accommodate 1/12 of the peak hour (or five minutes) drive-up window trip generation.*
- d. *30 feet of queueing space is required per vehicle in the queue.*

(I) *Bicycle parking.* Where bicycle parking is required by §157.150(L)(4), the number of bicycle spaces shall be calculated as one bicycle space per 20 required off-street vehicle parking spaces, to a maximum of 20 bicycle spaces.

To: Byron Smith, City Manager
 Rich Tovey, City Attorney
 From: Clinton Spencer, Planning Director
 Subject: Oregon Land Use Legislation Report
 Date: April 18, 2024



The legislative short session for 2024 has concluded and it is time to evaluate our development code framework in context with the adopted legislation. I performed a similar analysis at the end of the 2023 session, but at the time determined that the city could simply fall back on statutory language rather than perform code amendments to comply with the 2023 package. Now that we have two years of legislation to consider, it is appropriate to consider all adopted legislation and consider what, if any, changes we deem appropriate to pursue.

SB 1537 (2024)

This is the omnibus housing bill and establishes many new requirements for housing production in the state. Many of them will have far-reaching consequences for municipal operations but are much more top down from the state and won't require action on the city's part.

- The Housing Accountability and Production Office is a nebulous construct which may or may not prove to be successful. It will monitor complaints about cities not following statewide housing law and enforce those rules on cities. It is also being set up to provide funding opportunities to bring cities into compliance with housing law. *(No action needed)*
- A new rule is established to let developers opt-in to new housing laws that are established after an application is submitted without re-applying. I am a little surprised this needed to be written. I assumed most jurisdictions would use a commonsense approach to let developers use whichever mechanism benefitted them more. If you submit a permit application with a 10-foot setback and the city lowers the setback requirement to five feet, of course you should be able to build at five feet. Conversely if it was submitted with a five-foot requirement which was increased to ten feet, they should be able to take advantage of what was in place at the time of application. *(No action needed)*
- Cities and developers can now be awarded attorney fees when an appeal is decided in their favor. *(No action needed)*
- Funding is being established for infrastructure supporting housing, and to subsidize affordable housing construction. *(No action needed)*

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- Residential development may request up to ten deviations from property development standards and the city shall grant such requests unless they impact affordability, natural resource protection, and hazard mitigation. Building and fire code waivers are not eligible deviations. This process is remarkably similar to our infill process already in code. An applicant must demonstrate compliance with a specific set of criteria established in Section 38. This is a limited land use decision, but only the applicant is eligible to appeal. Local governments may apply to the housing production office for an exemption to the requirement, but that is not recommended. *(Recommend code amendment to clarify process and criteria)*
- Some limited land use decisions have been moved from a quasi-judicial process to an administrative process. Property line adjustments, replats, and expansion of a non-conforming use are all considered administrative effective January 1, 2025. Hermiston processes property line adjustments administratively, but the others require additional approvals. This has been a pet project of mine for several years, especially for replats. It is good to see legislation reflect the actual need. *(Recommend code amendments to subdivision and zoning code)*
- One-time UGB amendment for housing. The UGB expansion may only be undertaken when the city can demonstrate less than 20 acres of contiguous undeveloped residential land in the UGB and the expansion is less than 50 acres. *(No action needed. Hermiston will not qualify)*

HB 4063 (2024)

HB 4063 also establishes some new housing production requirements, very few of which will be applicable to Hermiston.

- Metro unincorporated lands are required to be planned for future housing. *(No action needed)*
- Realtors are again able to forward letters from prospective buyers to the seller. This had been previously banned and the ban was found unconstitutional. *(No action needed)*
- A remainder lot from a partition may be further partitioned again into three lots in the same calendar year if it's to be used for middle housing. Current law allows a partition to create three lots in a calendar year. The amendment allows lots within that partition to be partitioned into an additional three lots in the same year for middle housing land divisions. *(Potential amendment needed to subdivision code, but also could just be a citation in a report)*
- Clarifies single-unit housing property tax exemption process. *(No action needed)*

SB 1564 (2024)

Directs DLCD to develop model housing codes for small, medium, and large cities. The codes will encompass single-family, middle, multi-family, and ADU units. These model codes already exist but will be more refined. *(No action needed)*

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HB 4026 (2024)

Prohibits a local government from referring an urban growth boundary expansion to the voters. *(No action needed)*

Housing Production Advisory Council Recommendations Report (2024)

In 2023 the governor formed a council to recommend future changes to law and policy to better to facilitate housing construction. The report was issued in February of 2024. It does not carry the force of law but is a set of recommendations that the governor will use to shape the 2025 legislative agenda. Some of the recommendations are listed below. I am working with several other eastern Oregon cities to discuss this document.

- Annual housing production of 36,000 “homes” is established by executive order 23-04. What constitutes a home is not specified.
- Develop a process to streamline the divestiture of government owned property suitable for housing construction.
- Expand executive order to declare housing an emergency and create expedited process for housing construction and approval.
- Create a one-time UGB expansion process solely for housing. Cities using the process will receive prioritized support and be required to adopt minimum affordability parameters.
- Streamline wetlands delineation and banking process for housing.
- Allow affordable housing developers right of first refusal for publicly owned land.
- Preclude local governments from creating special processes for surplus land for housing.
- Create by-right legislation allowing affordable housing on public land and precluding additional process or design standards for housing on public land.
- Expand Building Codes Division to increase staff and decrease plan review time.
- Consider increasing third party inspectors licensed by the state to inspect and perform plan reviews.
- Consider virtual inspections.
- Eliminate courtyard and separate utilities requirements for cottage cluster housing.
- Require cities to produce clear and objective building permit process similar to zoning standards. Handouts must be developed for land use, construction, and building permitting.
- Require only two rounds of review for civil plans. After the first round’s request for changes are addressed, future comments may only address fire and life safety.
- Consider increasing the percentage of by-right development adjustments in SB 1537 from 10% to 20%.

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- Remove housing development from public discretionary review or review by city councils.
- Cities should create a “feasibility acceptance” process. This acceptance is binding for 18 months on the final application submittal.
- After a city deems an application complete, no additional information may be requested.
- Appeals should be sent to a hearings officer instead of planning commission or city council. State may create hearings officer circuits for cities with no hearings officer.
- Legislature to create definition for adequate findings to limit revisions.
- Applicants should have an opportunity to rebut questions of staff even after closure of a hearing.
- Allow use of single stair for buildings up to five floors.
- Allow multiple water and sewer services off a single mainline tap.
- Develop taskforce to determine conflicts between climate friendly rules and housing production targets.
- Consider if transportation planning standards create barriers to housing development.
- There are several transportation related mitigation measures proposed, all of which will streamline the process, including interim mitigation measures.
- Mandatory annual training for all cities over 10,000 for annual legislation and case law. Must be attended by at least one planning staff member.
- Consider SDC delay or financing options.
- Measure 50 reform. Increase from 3% to 5% annual increase. Exempt cities from compression. Authorize voters to increase permanent levy.
- Exempt property taxes temporarily for housing at 120% AMI or below.
- Incentivize construction by paying cities \$10,000 per housing unit constructed within city limits over next ten years.

There are some very good ideas and some extremely bad ideas in this document. It is worth reading from cover to cover. Some of the ideas, such as allowing only one civil review and then only addressing the initial review after that are very bad for long term infrastructure health. Third party inspectors are also a great idea. Not allowing additional information to be requested once an application is complete is a headache in practice. *(No action needed)*

HB 4064 (2022)

HB 4064 is a bill that was adopted several years ago at the behest of Oregon’s mass timber industry. In February of this year DLCD finally issued guidelines for how cities should address its provisions, which in essence mandate additional freedoms for siting manufactured and modular housing. Hermiston is generally in compliance already, but there are a few items in the new guidelines which will require amendment. In essence, the law still remains the same that cities must permit manufactured and modular housing in all areas that permit site built single-family housing. However, statute used to allow siting and design requirements that were

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specified in the ORS such as requiring a foundation. With the adoption of the new language, it has been modified to state that cities may not place any additional requirements on manufactured housing that is not required for site-built homes. There are exceptions for compliance with statewide planning goals (requiring blow-outs for housing in flood plains for example) and to meet thermal envelope requirements for energy efficiency. The requirement to allow prefabricated housing on all single-family lots still does not apply to residential trailers or single-wide mobile homes. The specific prohibitions on prefabricated housing that will impact the city are the requirement for a 1,000 square foot minimum and multi-sectional, carport or garage, foundation, and roof pitch standards. ***(Recommend code amendments)***

HB 2001 (2023)

This bill created the Oregon Housing Needs Analysis framework. The authority for housing production targets to be assigned to regions and cities are created here. DLCDC is tasked with developing those targets in 2024. Housing production has to be balanced across all levels of AMI. Requires DLCDC to adopt more flexibility related to administration of Goal 10 (Housing) and Goal 14 (Urbanization) with the goal of prioritizing housing production. First draft of the Housing Accountability and Production Office was established in this bill. *(No action needed, but continual monitoring is necessary)*

HB 3395 (2023)

A large bill which made many changes to housing production. At the time of passage, we considered if they needed immediate action or if we could roll them into other future changes.

- Adjusts threshold for cities to comply with middle housing rules from 10,000 to 2,500. *(No action needed)*
- Requires cities to allow affordable housing in commercial zones or mixed use structures with ground floor commercial. ***(Recommend code amendment)***
- Allows cities up to seven extra days beyond the 120-day deadline to finalize an approval order. *(No action needed)*
- Amends the “shall approve” requirement for emergency shelter siting. Clarifies language. Cities still shall approve an emergency shelter as long as it is operated by a non-profit or government organization, is meeting building codes, not in an area subject to natural hazards, and cannot be used for any other purpose. ***(Recommend code amendment)***
- Removes condominium plats from local review and moves regulation to the office of the real estate commissioner. *(No action needed, however it would be a good policy moving forward to understand how a manufactured dwelling park subdivision under ORS 92.830 is not a condominium under ORS 100 and out of the city’s hands)*
- Directs cities to accept funding commitments in the form of award letters for affordable housing projects. *(No action needed)*

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- Requires cities to approve single-room occupancy structures of up to six units in single-family zones and consistent with multi-family density standards in all other residential zones. *(Recommend code amendment)*

HB 2127 (2023)

Specific legislation tied to expansion of Pendleton's UGB. Pendleton missed a filing deadline, and the legislature granted an extension. *(No action needed)*

HB 2898 (2023)

The bill relaxes and extends the permissions relating to siting a recreational vehicle as a shelter. Although there is little doubt the legislature will eventually require cities to allow RVs as dwelling units, this bill still relates to RV parks, Mobile Home parks, and RVs used as shelter after a wildfire. *(No action needed)*

HB 2984 (2023)

Requires cities to allow conversion of commercial property to residential use. A city may not require more parking than originally required for the commercial use. This has far reaching potential consequences for some of Hermiston's aging hotels. It is not clear from the adopted language in ORS 197A.445(3) if the conversion of commercial to residential use must be "affordable" housing or not. The other provisions in the section speak to affordable housing, but (3) does not. *(Recommend code amendment)*

HB 3197 (2023)

Requires cities to apply clear and objective standards to residential development. Added other types of housing outside of UGBs to also use clear and objective standards. *(No action needed)*

SB 1013 (2023)

Allows counties to allow placement of a recreational vehicle as an accessory dwelling in rural areas. This rule does not apply within an urban growth boundary. *(No action needed)*

HB 3362 (2023)

Allows a county to validate a unit of land created prior to 1/1/23 if the county later revoked the approval. This appears to be a specific fix that would have helped with the illegal partition at the corner of SE 4th St and Highway 395 which was stuck in legal limbo for nearly two decades. *(No action needed)*

Recommended Actions

There are several items which could be interpreted as requiring immediate code amendments before 1/1/25. In the past, we have treated statutory changes which override our code as being something we acknowledge and stop applying the affected portion of code (our 10-day appeal period became 12 days per statute, so we simply started changing our notices). However, the City Attorney had said that

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having outdated code language can impact the entire enforceability of the code, especially in a litigation situation. Therefore, it is prudent to consider several changes to the code in the next year. The recommended amendments are listed in recommended order of importance.

1. Draft amendments to §157.145 governing manufactured dwelling standards to reflect the large amendments made to local design standards.
2. Draft new code language to clarify the up to ten variances process to comply with SB 1537 (designated as “housing land use adjustments” in the new statute).
3. Draft new code language to establish process and criteria for building affordable housing in commercial zones and for converting commercial structures to residential use.
4. Amend R-1 zone to permit up to six SRO units on a lot and amend other multi-family zones to permit SRO units.
5. Draft new code language for emergency shelter siting. Potentially amend the M-1 shelter language at the same time as it is now redundant with state law.
6. Amendments to Subdivision and Zoning code to clarify that replats, non-conforming use expansions, and property line adjustments are administrative decisions.
7. Clarify that middle-housing land divisions may be partitioned up to twice in a calendar year in the Subdivision code.
8. As part of these amendments, we may also consider working to develop code language for expedited land divisions and middle housing land divisions for the Subdivision code. It does not appear that DLCD has a model code for those processes but it is likely that we will need to have local code soon rather than relying on the statutory language which is confusing and hard to interpret.