

**FINDINGS OF FACT
PLANNING COMMISSION
AMENDMENT FILE NUMBER 25-000299**

REQUEST: To amend the City of Boardman Development Code to add standards allowing the use of Shipping Containers. Changes are proposed to Chapter 1.2 Definitions; Chapter 2.1 Residential; Chapter 2.2 Commercial Districts; Chapter 2.3 General Industrial; Chapter 2.4 Light Industrial; and Chapter 4.4 Conditional Use Permits.

APPLICANT: City of Boardman
Planning Official
Post Office Box 229
200 City Center Circle
Boardman, Oregon 97818

- I. GENERAL INFORMATION:** The current Boardman Development Code (BDC) is, for the most part, over 20 years old and in significant need of an update. While that update process is being planned and implemented there are some minor amendments that city Planning staff are going to initiate. This amendment addresses the use of Shipping Containers to be repurposed for use in all Boardman use zones.

To implement the proposed changes consistent with the City Council policy determination from earlier this year the following is provided:

Chapter 1.2 Definitions: Four new definitions are proposed to be added to the Development Code: Habitable Space, Occupiable Space, Shipping Container, and Shipping Container Reuse.

Chapter 2.1 Residential: In the Residential use zone Shipping Containers are proposed to only be allowed for storage or as an alternative to a shed. As a part of the changes to the section on Accessory Uses and Structures the intent is to further clarify the siting of not only Shipping Containers but also structures within this category including the requirement for a Building Permit.

Chapter 2.2 Commercial Districts: In the Commercial and Industrial use zones Shipping Containers are currently allowed for storage with this amendment providing some clarity about the approval process. New is the allowance for Occupiable Space which would allow the use of Shipping Containers for retail and related uses with a Conditional Use Permit.

Chapter 2.3 General Industrial: See the description just above.

Chapter 2.4 Light Industrial: See the description above.

Chapter 4.4 Conditional Use Permits: The Occupiable Space in Commercial and Industrial use zones requires a Conditional Use Permit. In this section the specific requirements for approval are outlined.

- II. **PROCEDURE:** This amendment is being processed using Type IV procedures found within the Boardman Development Code. The Type IV process requires a hearing before the Planning Commission with a recommendation to the City Council. The final hearing will occur before the City Council.
- III. **APPROVAL CRITERIA:** The request has been filed under the BDC Chapter 4.1 Types of Applications and Review Procedures, more specifically 4.1.600 Type VI Procedures (Legislative). The criteria are identified below in **bold** type with responses in regular type.

G. Decision-Making Considerations. The recommendation by the Planning Commission and the decision by the City Council shall be based on consideration of the following factors:

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

The Statewide Planning Goals applicable to this request are Goal 1, Citizen Involvement and Goal 2, Coordination.

Goal 1 requires the City to “develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” Because the proposed legislative amendment will be heard by both the Planning Commission and the City Council, there will be at least two opportunities for public comment to the proposed change. This proposal has also been put forward by members of the community, one focusing on residential use and the other commercial use. This proposal and the public hearing process are both consistent with the City’s acknowledged citizen involvement program. (Goal 1, Policy 4: The Planning Commission is officially designated as the Citizen Involvement Committee.)

Goal 2 requires the City to adopt a comprehensive plan and implement the plan through its development code and by extension other planning level documents. The proposed amendment is consistent with and will support the comprehensive plan relative to both residential and employments lands. (Goal 2, Policy 3: The City has adopted the City of Boardman Development Code, a unified zoning and subdivision land use code to facilitate the development process and implement the land use goals of the City as outlined in the Comprehensive Plan.)

For these reasons, the criterion is met.

2. Approval of the request is consistent with the Comprehensive Plan.

The Boardman Comprehensive Plan (BCP) has a variety of policies that support the proposed amendment, and the process used to achieve it. Goal 1 policies support citizen involvement and the public hearing process. Goal 1, Policy 4, designates the Planning Commission as the City’s official Citizen Involvement Committee. Therefore, review by the Planning Commission ensures compliance with the comprehensive plan.

While none of the Goal 2 Policies are specifically applicable to this action, staff assert that the land use planning process required through Goal 2 is supported with the update of the BDC and

that the adoption of these changes further supports that action. The desired result is a BDC that provides for reasonable uses that are beneficial to the community and can be achieved in the respective use zones.

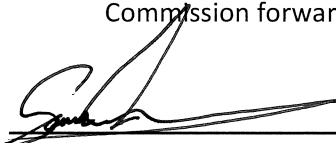
For these reasons, the criterion is met.

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

The proposed changes, to allow the use of Shipping Containers to be repurposed for storage in all use zones and for occupiable uses in the Commercial and Industrial use zones, will not change the use of public facilities, services, or the transportation network.

For these reasons, the criterion is met.

- IV. LEGAL NOTICE PUBLISHED:** June 25, 2025
East Oregonian
- V. DLCD 35-DAY NOTICE:** June 16, 2025
- VI. AGENCIES NOTIFIED:** Dawn Hert, Department of Land Conservation and Development; Chief Hughes and Fire Marshall Broadbent, Boardman Fire Rescue District; Glenn McIntire, Building Official; Mike Gorman, Morrow County Assessor; Lisa Mittelsdorf, Port of Morrow.
- VII. HEARING DATES:**
- | | |
|------------------------|------------------------|
| Planning Commission | City Council |
| July 17, 2025 | August 5, 2025 |
| Council Chambers | Council Chambers |
| Boardman City Hall | Boardman City Hall |
| 200 City Center Circle | 200 City Center Circle |
| Boardman, Oregon 97818 | Boardman, Oregon 97818 |
- VIII. PLANNING OFFICIAL RECOMMENDATION:** The Planning Official recommends the Planning Commission forward the request to the City Council with a 'do adopt' recommendation.



Sam Irons, Vice-Chair
Planning Commission

07/23/25
Date

ATTACHMENTS:

- Redlines of portions of Chapter 1.2 Definitions; Chapter 2.1 Residential; Chapter 2.2 Commercial Districts; Chapter 2.3 General Industrial; Chapter 2.4 Light Industrial; and Chapter 4.4 Conditional Use Permits.

Driveway apron/approach - The edge of a driveway where it abuts a public way; usually constructed of concrete. See Figure 3.1.200.K.

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

Drug Store - Refers to a store where the primary business is filling of doctor prescribed prescription and the sale of drugs, medical devices and supplies, and non-prescription medicines, but where non-medical products may be sold as well.

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

Dwelling unit - A “dwelling unit” is a living facility that includes provisions for sleeping, eating, cooking and sanitation, as required by the Uniform Building Code (UBC), for not more than one family, or a congregate residence for 10 or fewer persons. (See UBC section 205.)

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

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

Environmentally sensitive areas - See “sensitive lands”.

Established residential area – An area within the Residential District that was platted prior to the effective date of a land use or zoning ordinance. See Chapter 2.1, Section 120.F

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

Family day care - See “child care facilities”.

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

Flag lot - A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. See Chapter 2.1, Section 140.

Floor area ratio – Floor area ratio (FAR) is measured by dividing the gross enclosed floor area of a building by the land area of the development. See Chapter 2.2, Section 130.

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

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

Functional classification - The classification given to streets (e.g., “local/collector/arterial”) by the City’s Transportation System Plan (TSP), by adopted County plans, and the Oregon Department of Transportation.

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

Habitable Space – Habitable space is any room within a structure designed for living, sleeping, eating, or cooking. This includes spaces like living rooms, bedrooms, kitchens, and dining rooms.

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

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

Neighborhood commercial – Small scale commercial uses allowed within the residential/neighborhood commercial district. See Chapter 2.1, Section 200.K.

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

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

Occupiable Space – a room or enclosed space designed for regular or non-regular human occupancy. This includes spaces where people congregate for activities, work, or educational purposes, and that are equipped with the necessary life safety features like egress, heat, light, and ventilation. It excludes spaces primarily intended for other purposes, such as storage or equipment rooms.

Off-street parking - All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of Chapter 3.3.

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

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

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

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

Overlay zone/district - Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use district. See also Chapter 2.6.

Parcel - A unit of land that is created by a partitioning of land (ORS 92.010(6)). See also, Chapter 4.3.

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

Parking vs. storage - Parking is the area used for leaving motor vehicles for a temporary time up to 72 hours unless permitted as parking for longer by other municipal codes. Storage is to place or leave in a

Residence - Same as “dwelling”.

Residential caretaker unit - A dwelling unit for caretakers living on-site in the General Industrial District. The unit must be served by water and sanitary sewage and conform with other applicable building standards. See Chapter 2.3, Section 160.B.

Residential care home/Residential care facility –Residential treatment or training homes or adult foster homes licensed by the State of Oregon. See Chapter 2.1, Section 200.G.

Residential trailer – A portable residence constructed prior to 1962.

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

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

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

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

Senior housing - Housing designated and/or managed for persons over the age of 55. (Specific age restrictions vary.)

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

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

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

Shared parking –Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (daytime versus nighttime primary uses). See Chapter 3.3, Section 300.C.4.

Shipping Container – A standardized, reusable container designed for the efficient and secure transportation of goods across different modes of transport.

Shipping Container Reuse – The practice of taking decommissioned shipping containers, those no longer suitable for international transport, and giving them a new life as something else. Within the Boardman Development Code, they can be used for storage purposes within the Residential Use Zone and for primary and accessory uses within the Commercial and Industrial use zones.

Single-family attached housing (townhomes) - Two or more single family dwellings with common end-walls. See also, Chapter 2.1, Section 110 and Section 200.

Single-family detached house - A single family dwelling that does not share a wall with any other building. See also Chapter 2.1, Section 110.

Single-family detached zero-lot line house - A single family detached house with one side yard

2.1.190 - Special Standards for Certain Uses (continued)

F. **Accessory Uses and Structures.** Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the Residential District include detached garages, sheds, workshops, green houses and similar structures. All accessory structures shall comply with all of the following standards: (For standards applicable to Accessory Dwellings, please refer to Section 2.1.200.B.)

1. **Primary use required.** An accessory structure shall not be allowed before or without another permitted use (e.g., as listed in Table 2.1.110.A).
2. **Setbacks.**
 - a) Accessory structures shall meet setbacks identified in 2.1.120 unless identified otherwise in 2.1.190(F)(2)(b-d) below.
 - b) Accessory structures of 40 square feet or fewer are allowed to be located in a rear yard or side yard abutting a primary structure. Abutting an accessory structure to a primary structure is allowed provided 6 feet are allowed for emergency access, as measured from the wall nearest the property line of the accessory structure to the property line and no through wall openings (doors, windows, vents, etc.) in the primary structure are obscured or covered by the accessory structure.
 - c) Accessory structures of 41-200 square feet or less in size are allowed 1 foot rear yard setback and 1 foot side yard setback when placed in the rear yard of a lot, as long as structural features, such as eaves, do not encroach on adjacent properties.
 - d) Accessory building shall not be placed within ten (10) feet of any primary structure on the lot or adjacent lots with the exceptions noted in 2.1.190 (F)(2)(a-c) above.

3. Design Requirements.

a. The accessory structure shall be ~~of a compatible and complimentary nature to the in color, material, and appearance similar to the primary structure, and be consistent with of the detail design criteria identified in Section 2.1.180 (C)(3) — Detailed Design. Accessory structures under 200 square feet shall meet at least one (1) of the design criteria identified in 2.1.180 (C)(3). For accessory structures that are up to 200 square feet at least one design criterion will be used; accessory structures 201 to 400 square feet three design criteria will be used; and accessory structures 401 square feet to 1,200 square feet five design criteria will be used.~~

a.b. ~~Shipping Containers can be placed on residentially zoned property only as an accessory structure not for use as an occupiable or habitable structure. They shall be sited behind a fence and within a backyard as to be not visible to limit visibility from the street. The double swing doors shall not be oriented towards the front yard and corner side if on a corner lot. They shall meet the design requirements outlined above be painted a compatible color to the primary structure and cover all markings and logos. As an alternative path for approval, an applicant may request discretionary review using the Type II decision process should the proposed unit not conform with the requirements here and elsewhere within the Development Code.~~

3.4. Restrictions. A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way.

4.5. Placement in easement. Only a portable accessory structure of 200 square feet or less in size may be placed in an easement with the approval of the utilities affected within the easement. Letters of approval from the utility must be submitted to the City for approval of this type of placement.

5-6. Compliance with land division standards. The owner may be required to remove an accessory structure as a condition of land division approval when removal of the structure is necessary to comply with setback standards.

6-7. Floor Area. The floor area of the accessory structure shall not exceed 1200 square feet;

7-8. Building Height. The building height of detached accessory structure shall not exceed 25 feet, as measured in accordance with Section 2.1.160; and

9. Buffering. A minimum 4-foot hedge or fence may be required to screen the accessory structure from dwellings on adjacent lots, unless a similar screen is provided or the distance to adjacent dwelling(s) is greater than 50 feet.

8-10. Accessory structures over 200 square feet will be required to obtain a Building Permit.

G. Bed and Breakfast Inns and Vacation Rentals.

1. Purpose. The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
2. Accessory Use. A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
3. Maximum size. The bed and breakfast structure is limited to a maximum of 4 bedrooms for guests and a maximum of 6 guests per night.
4. Employees. The bed and breakfast facility may have up to 2 non-resident employees for the facility.
5. Food Service. Food services may only be provided to overnight guests of the bed and breakfast inn.
6. Owner-occupied. The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a single-family dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
7. Signs. Signs must meet the standards in Chapter 3.6.500, Signs.
8. Monitoring. All bed and breakfast inns must maintain a guest log book. It must include the names and home addresses of guests, guests' license plate numbers if travelling by car, dates of stay and the room number of each guest. The log must be available for inspection by City staff upon request.

H. Master Planned Neighborhood Development

1. Purpose and intent. The purpose of this Section is to ensure the development of fully integrated, mixed-use pedestrian-oriented neighborhoods. The intent is to minimize traffic congestion, urban and suburban sprawl, infrastructure costs, and environmental degradation, particularly as new development takes place on large parcels of land.
2. Applicability. This Section applies to:
 - a. Parcels, and development sites with more than one parcel, in the Residential District which are 20 acres or larger; and
 - b. Development sites in the Residential District which are planned in accordance with the procedures in Chapter 4.5.
3. Master plan required. Prior to land division approval, a master plan shall be prepared for all sites meeting the criteria in subsection 2. Master plans shall follow the procedures in Chapter 4.5 - Master Planned Developments.
4. Land use and design standards. Master Planned Neighborhood Developments shall be evaluated based on the criteria in Chapter 4.5, and shall be consistent with the following design

- a) Buildings under 20,000 square feet (enclosed ground floor area) shall incorporate at least five(5) of the architectural features as follows:
 - i) Decorative cornice or facade (for a flat roof) or provision of eaves or other similar decorative feature for pitched roofs;
 - ii) Decorative display windows on ground floor;
 - iii) Entrance canopy, breezeway or kiosk;
 - iv) Changes in building color or texture;
 - v) Building articulation on street frontages;
 - vi) Decorative wall or security lighting;
 - vii) Regularly spaced and similarly shaped windows;
 - viii) Decorative window hoods or trim;
 - ix) Changes in building height along street frontages;
 - x) Decorative screening of roof mounted equipment;
- b) Buildings with greater than 20,000 square feet of enclosed ground floor space are considered “large scale buildings”.
 - i.) Measurement for these buildings shall be as follows:
 - a. Multi-tenant buildings shall be counted as the sum of all tenant spaces within the same building shell; and
 - b. Multiple building developments with a combined ground floor space (enclosed) greater than 40,000 square feet (e.g., shopping centers, public and institutional campuses, and similar developments).
 - ii.) Building and Site design for large scale buildings shall include at least two (2) of the following to provide human scale design:
 - a. Incorporating changes in building direction (i.e., articulation);
 - b. Dividing large masses into varying heights and sizes;
 - c. Include building offsets projections;
 - d. Changes in elevation or horizontal direction;
 - e. Sheltering roofs or terraces;
 - f. Providing a distinct pattern of divisions in surface materials;
 - g. Use of windows, screening trees; small scale lighting (e.g., wall mounted lighting, or up-lighting).
- c) Shipping Containers can be used in Commercial use zones as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.
 - i) As ~~an accessory~~ structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
 - ii) As a ~~primary or accessory~~ structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

2.3.160 Special Standards for Certain Uses *(continued)*

- c. *Dust and/or Exhaust.* Dust and/or exhaust emissions from the development exceed ambient dust or exhaust levels, or levels that existed prior to development.
 - d. *Vibration.* Vibration (e.g., from mechanical equipment) is sustained and exceeds ambient vibration levels (i.e., from adjacent roadways and existing land uses in the surrounding area).
2. **Traffic.** Uses which are likely to generate unusually high levels of vehicle traffic due to shipping and receiving. "Unusually high levels of traffic" means that the average number of daily trips on any existing street would increase by 20 percent or more as a result of the development and 100 vehicles per day. The City may require a traffic impact analysis prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by ODOT for developments that increase traffic on state highways.
 3. **Resource extraction,** such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit. The applicant shall also be required to prepare a site reclamation plan for review and approval by the City and other affected agencies, prior to commencing resource extraction. The required scope of the reclamation plan shall be identified by the Conditional Use Permit, and shall comply with applicable requirements of State natural resource regulatory agencies.
- B. Residential Caretakers.** One residential caretaker unit shall be permitted for each primary industrial use, subject to the following conditions:
1. The unit shall be served with public water and sanitary sewerage disposal, in conformance with City engineering requirements.
 2. Caretaker units shall be required to meet applicable fire safety and building code requirements, in addition to the applicable setback standards of this chapter.
- C. Wireless communication equipment.** Wireless communication equipment includes radio (i.e., cellular), television and similar types of transmission and receiving facilities. The requirements for wireless communication equipment are provided in Chapter 3.6.200. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Industrial District.
- D. Shipping Containers.** Shipping containers can be used in the General Industrial use zone as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.
1. ~~As an accessory structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.~~
 2. As a primary or accessory structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures.

2.4.170 Special Standards for Certain Uses**A. High Traffic-Generating Uses.**

Uses which are likely to generate “significant” levels of vehicle traffic (e.g., due to shipping, receiving, and/or customer traffic) shall require a Conditional Use Permit, in accordance with Section 4.4. “Significant traffic” means that the average number of daily trips, or the average number of peak hour trips, on any existing street would increase by 20 percent or greater and 100 vehicles per day as a result of the development. The City may require a traffic impact analysis (Chapter 4.10) prepared by a qualified professional prior to deeming a land use application complete, and determining whether the proposed use requires conditional use approval. Applicants may be required to provide a traffic analysis for review by the Oregon Department of Transportation (ODOT) for developments that increase traffic on state highways. The Conditional Use Permit shall include appropriate transportation improvement requirements, as identified by the traffic analysis and/or ODOT, in conformance with Chapter 3.4.1.

B. Wireless Communication Equipment.

Wireless communication equipment, including radio (i.e., cellular), television and similar types of transmission and receiving facilities are permitted, subject to the standards for wireless communication equipment in Chapter 3.6.2. Wireless communication equipment shall also comply with required setbacks, lot coverage and other applicable standards of the Light Industrial District.

C. Shipping Containers. Shipping containers can be used in the Light Industrial use zone as either a primary or secondary structure when meeting the following requirements and following prescribed siting procedures.

1. As a an-accessory structure for storage purposes they shall be painted a color complementary to the primary structure and shall have all container markings removed or covered. Damaged or rusty containers shall not be permitted. A Building Permit is required, and the unit shall not be occupiable or habitable.
- ~~1-2.~~ As a primary or accessory structure to be occupiable Shipping Containers are permitted through the Conditional Use Permit process as outlined in Chapter 4.4 Conditional Use Permits, specifically 4.4.400.F Shipping Containers as Occupiable Structures

4.4.400 Criteria, Standards and Conditions of Approval *(continued)*

- c. If the city determination of inconsistency is made prior to a final decision on the conditional use permit application, the applicant shall submit a plan/zoning amendment application for joint review and decision with the conditional use permit application, along with a written waiver of the ORS 227.178 120-day period within which to complete all local reviews and appeals once the application is deemed complete; or
 - d. If the city determination of inconsistency is part of a final decision on the conditional use permit application, the applicant shall submit a new conditional use permit application, along with a plan/zoning amendment application for joint review and decision.
4. Expiration. A Conditional Use Permit for Transportation System Facilities and Improvements shall be void after three (3) years.

E. Medical Marijuana Dispensaries and Medical Marijuana Grow Facilities

- 1. Facilities will not be sited within Minor Children Safety Areas as defined by Chapter 9.04 of the Boardman Municipal Code.
- 2. No on-site consumption of products.
- 3. All Facilities must be licensed by the Oregon Health Authority.
- 4. Registry Identification Card and Oregon Health Authority license shall be displayed for public view.
- 5. Grow Facilities must be indoors, or sufficiently screened and ventilated to show no outward signs, or odors, of the grow operation.
- 6. Dispensary Facilities must be indoors, and sufficiently screened and ventilated to show no outward signs, or odors, of any product manufacture for edible marijuana products.
- 7. Hours of operation shall be restricted 8 hours per day and no later than 8:00 PM on week days, and no more than 6 hours per day and no later than 6:00 PM on weekends and holidays.
- 8. Shall not be sited within 1,000 feet of another marijuana dispensary.
- 9. Signs will be limited to 100 square feet per building face of the facility, with no more than two faces signed.
- 10. No outdoor storage of products.
- 11. Facilities shall be required to meet other applicable conditions found in Section 4.4.400 of this Chapter.

F. Shipping Containers as Occupiable Structures

- 1. Shipping containers can only be repurposed as an occupiable structure in the commercial or industrial use zones.
- 2. As an occupiable structure they can be sited as either a primary or secondary structure.
- 3. All siting standards of the underlying use zone are applicable.
- 4. The occupiable structure, regardless of square footage, will require a Building Permit from the Building Official and the submittal of engineered plans.
- 5. The submittal for review shall include architectural and engineered plans depicting at least 3 of the following design elements:
 - a. Outside Lights
 - b. Painting with two or more colors
 - c. Windows
 - d. Window Trim
 - e. Canopy Features
 - f. Doors including public access.