



BOARDMAN DEVELOPMENT CODE

Chapter 2 Zoning Regulations

Subchapters

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Commentary: Chapter 2 of the BDC is proposed to be reorganized to be more clear, user-friendly, and easier to maintain for staff. The current BDC includes separate chapters for every zone district. This leads to redundancy and unnecessary complexity.

The Chapter 2 is organized around the type of regulation, then presents how that regulation varies by zone. For example, permitted uses are now centralized in two tables rather than nearly a dozen separate tables for each zone.

Additionally, Chapter 2 implements the new zoning districts. The zoning districts implement the broader land use goals and policies of the new comprehensive plan.

Important: Nearly all of Chapter 2 is new text. For readability, the text is not shown as red underline. The new language is consistent with the intent of certain existing standards but must be amended to integrate into the new structure and terms of Chapter 2. Two exceptions are Chapter 2.4 and 2.5. These sections are largely the same text as the current BDC but are renumbered.

Chapter 2.0 Zone Administration

Sections

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2.0.100 Purpose

Chapter 2.0 establishes zoning districts consistent with the City of Boardman Comprehensive Plan. Every unit of land (parcel, lot, and tract, and right-of-way) within the city limits of the City of Boardman is designated with a zoning district or “zone,” and may also be designated with one or more overlay zones. The use of land is limited to the uses allowed by the applicable zone(s).

Policy Question: This section describes the purpose of each zone. Do these descriptions align with the vision and goals of each land use designation in the Comprehensive Plan? Would you revise or add anything to these statements to capture the intent of the zone(s)?

2.0.200 Classification of Zoning Districts

Zoning designations are as depicted on the City of Boardman Zoning Map. The City Clerk maintains official copies of the Zoning Map and Comprehensive Plan. Where a conflict between documents arises, the Comprehensive Plan shall govern, unless superseded by state law.

A. Residential Zones. Residential zoning districts are intended to accommodate a mix of residential uses at planned densities, consistent with the housing needs of the city; and promote the livability, stability, and improvement of the City of Boardman's neighborhoods. Uses allowed in the residential zones are stated in Chapter 2.1 and development standards in Chapter 2.2. The residential zones provide for the orderly expansion and improvement of neighborhoods based on the following principles:

1. Make efficient use of land and public services, and implement the Comprehensive Plan, by providing minimum lot areas.
2. Accommodate a range of housing needs, including owner-occupied and rental housing.
3. Provide for compatible building and site design at an appropriate neighborhood scale.
4. Reduce reliance on the automobile for neighborhood travel and provide options for walking and bicycling. Provide direct and convenient access to schools, parks and neighborhood services.
5. The following summarizes the purpose of each residential zone.
 - a. The **Neighborhood Residential (NR)** zone permits residential uses at the lowest intensities, between 3 and 9 dwelling units per net acre. Permitted residential uses include detached single-unit dwellings, duplexes, triplexes, quadplexes, cottage clusters, townhouses, manufactured homes on individual lots, manufactured home parks, residential homes, single room occupancy, and accessory dwelling units. Community services such as churches and schools are permitted.

- b. The **Compact Residential (CR)** zone** permits residential uses at medium intensities, between 6 and 18 dwelling units per net acre. The CR zone is intended to create, maintain, and promote neighborhoods and allow a broad range of housing types. Some non-residential community service uses are allowed, but overall the character is one of residential neighborhoods. Permitted residential uses include detached single-unit dwellings, duplexes, triplexes, quadplexes, cottage clusters, townhouses, manufactured homes on individual lots, manufactured home parks, residential homes, single room occupancy, and accessory dwelling units.
 - c. The **Village Residential (VR)** zone** permits residential uses at higher intensities, at a minimum density of 9 dwelling units per net acre and no maximum density. The VR zone is intended to create and maintain higher density residential neighborhoods that support Boardman’s growth and blend a range of housing types with a limited mix of neighborhood-scale commercial and institutional uses. Permitted residential uses include detached single-unit dwellings, duplexes, triplexes, quadplexes, cottage clusters, townhouses, multi-unit dwellings, manufactured homes on individual lots, manufactured home parks, residential homes, residential facilities, single room occupancy, and accessory dwelling units.
- B. Commercial Zones.** Commercial zoning districts are intended to allow for a variety of commercial, retail, civic, and light manufacturing uses, and mixed-use developments with housing. Three commercial zoning districts provide for a full range of commercial land uses within the city. Different development and design standards apply to specific types of development based on the physical context. Uses allowed in the commercial zones are stated in Chapter 2.1 and development standards in Chapter 2.2. The commercial zones provide for the orderly creation and expansion of commercial districts based on the following principles:
 - 1. Effective and efficient use of land and urban services;
 - 2. Direct commercial and retail development to a concentrated and localized area;
 - 3. Provide a mix of uses which provides a destination within the community and encourages walking over driving;
 - 4. Create connection with the balance of the community by directing connected transportation routes to commercial areas of the city;
 - 5. Provide for additional service employment opportunities in proximity, and with direct connections to housing; and
 - 6. Facilitate compatibility between dissimilar land uses.
 - 7. The following summarizes the purpose of each commercial zone.

- a. The **Community Commercial (CC)** zone permits a range of commercial, retail, mixed-used development with housing, and civic uses to allow for a variety of uses that are intended to primarily serve the local community. Automobile-oriented uses are limited to maintain a pedestrian-oriented character of this district.
 - b. The **Downtown Mixed-Use (DMU)** zone permits a range of commercial, retail, mixed use development with housing, and civic uses that promote a concentrated and centralized commercial center to serve as the “heart” of the community. Design standards emphasizing detailed, human-scaled design and promoting flexibility in architectural design apply.
 - c. The **Regional Commercial (RC)** zone permits heavier and more automobile-oriented commercial uses and light industrial uses along portions of the I-84 corridor and at specific nodes to accommodate the development of facilities catering to the traveling public.
- C. Industrial/Employment Zones.** Industrial zoning districts are intended to accommodate a mix of intensive and less intensive uses engaged in manufacturing, processing, warehousing, distribution, and similar activities, as well as complementary uses to serve employees. Industrial zoning districts are intended to segregate incompatible developments from other districts, while providing a high-quality environment for businesses and employees. Uses allowed in the industrial zones are stated in Chapter 2.1 and development standards in Chapter 2.2. The industrial zones provide for the orderly development of industrial districts based on the following principles:
- 1. Provide for efficient use of land and public services;
 - 2. Provide transportation options for employees and customers;
 - 3. Locate business services close to major employment centers;
 - 4. Ensure compatibility between industrial uses and nearby commercial and residential areas;
 - 5. Offer a range of parcel sizes and locations for industrial site selection;
 - 6. Avoid encroachment by incompatible uses;
 - 7. Provide appropriate design standards to accommodate a range of industrial users, in conformance with the Comprehensive Plan.
 - 8. The following summarizes the purpose of each industrial zone.
 - a. The **Industrial (IND)** zone permits a wide range of light and heavy industrial land uses and limited public and institutional uses to support the development of a high quality environment for businesses and employees.

- b. The **Employment (EMP)** zone permits a range of light manufacturing, industrial-office uses, automobile-oriented commercial uses (e.g., lodging, restaurants, auto-oriented retail), and similar uses which are not appropriate in downtown or main street areas.

D. Parks and Public Facilities Zones. Uses allowed in the parks and public facilities zones are stated in Chapter 2.1 and development standards in Chapter 2.2. Land within the Bonneville Power Administration (BPA) transmission line easement is also subject to Chapter 2.4.

1. The following summarizes the purpose of each parks and public facilities zone.
 - a. The Public Facilities (PF) zone permits public and semi-public uses including, but not limited to, schools, government offices, libraries, community centers, churches, transportation facilities, utilities, and other public facilities.
 - b. The Parks and Open Space (POS) zone provides for the use, protection, preservation, conservation, and enhancement of parks, natural areas, and similar areas in a manner that meets community needs for a wide range of passive or active recreational uses consistent with the adopted City of Boardman Parks Master Plan.

2.0.300 Zoning Map

- A. Consistency with the Zoning Map.** The boundaries of each of the zoning districts contained within this chapter shall coincide with the zoning district boundaries identified on the City's official zoning map, retained by the City Clerk. Said map by this reference is made a part of this Land Development Code. A certified print of the adopted zoning map, and any map amendments, shall be maintained by the City.
- B. Applicability of Zoning Requirements.** Each lot, tract and parcel of land or portion thereof within the zoning district boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable district classification.
- C. Zoning Map Amendments.** All amendments to the City zoning map shall be made in accordance with the provisions of Chapter 4.7.
1. Copies of all map amendments shall be dated with the effective date of the ordinance adopting the map amendment, and shall be maintained without change, together with the adopting documents, on file at the City; and

2. The City shall make available for public inspection an up-to-date copy of the revised zoning map, so that it accurately portrays changes of zone boundaries or classification.

2.0.400 Determination of Zoning District Boundaries

- A. Zoning District Boundaries.** Where due to the scale, lack of scale, lack of detail or illegibility of the City zoning district map, or due to any other reason, there is uncertainty, contradiction or conflict as to the intended location of district boundary lines, the boundary lines shall be determined by the City Manager in accordance with the following:
1. Boundaries indicated as approximately following the center lines of streets, highways, railroad tracks or alleys shall be constructed to follow such center lines;
 2. Boundaries indicated as approximately following the boundaries of a parcel, lot, or tract shall be construed as following such boundaries;
 3. Boundaries indicated as approximately following a City boundary, or the Urban Growth Boundary, shall be constructed as following said boundary;
 4. Boundaries indicated as approximately following river, stream and/or drainage channels or basins shall be constructed as following river, stream and/or drainage channels or basins, as applicable; and
 5. Whenever any public right-of-way is lawfully vacated, the lands formerly within the vacated right-of-way shall automatically be subject to the same zoning district designation that is applicable to lands abutting the vacated area. In cases where the right-of-way formerly served as a zoning district boundary, the lands formerly within the vacated right-of-way shall be allocated proportionately between the subject zoning districts.

2.0.500 Activities Not Requiring Land Use Review

- A. Exempt Activities.** The following activities are allowed in every zone and do not require a land use permit under this Code:
1. Normal operation, maintenance, repair and replacement of an existing public facility or utility facility with a current franchise agreement or right-of-way license, including a street, sidewalk, water line, sewer line, storm drainage facility, or electric, gas, or telecommunication facility.

2. Installation of a public facility improvement or a utility facility with a current franchise agreement or right-of-way license within an existing public right-of-way or public utility easement, including the undergrounding of existing facilities consistent with the Boardman Public Works Standards.

B. Other Permits Not Affected. An activity exempt under this Section remains subject to a building permit, a right-of-way or encroachment permit, and the public facility design and construction standards of Chapter 3.7 and the adopted Boardman Public Works Standards.

2.0.600 Master Planned Developments

- A. Procedures and Criteria.** A master plan is prepared, reviewed and approved under the procedures and criteria of Chapter 4.5. Following approval of a master plan, a land division follows Chapter 4.3 and development follows the site design review procedures of Chapter 4.2.
- B. Optional Master Planned Development.** An applicant may seek approval of a master planned development under Chapter 4.5 in any zone and on a site of any size.

Commentary: Chapter 2.1 defines the uses allowed in each zone. There are two key elements of the use regulations:

- Use tables classify whether each use category is permitted, permitted with limitations, requires a conditional use permit, or is prohibited.
- Use limitations address if a use category is allowed, but subject to special conditions, standards, or criteria in that zone.

Chapter 2.1 Allowed Uses

Sections

- 2.1.100 General Provisions**
- 2.1.200 Use Table — Residential Zones**
- 2.1.300 Use Limitations — Residential Zones**
- 2.1.400 Use Table — Non-Residential Zones**
- 2.1.500 Use Limitations — Non-Residential Zones**

2.1.100 General Provisions

- A. Purpose.** This subchapter states which uses are allowed in each zone, and the limitations that apply to particular uses in particular zones.
- B. Use Tables.** Table 2.1.200 states the use categories allowed in the residential zones and Table 2.1.400 states the use categories allowed in the non-residential zones. Both tables list every use category. Use categories are described in Chapter 1.4. A use is allowed in a zone only as provided in the applicable table.
- C. Designations.** The tables use the following designations:
 - 1. P — Permitted.** The use category is allowed outright, subject to the development standards of this Code.

2. **L — Limited.** The use category is allowed subject to the numbered limitation stated in Section 2.1.300 or Section 2.1.500. A limitation applies only in the zones named in it.
 3. **CU — Conditional Use.** The use category requires a Conditional Use Permit under Chapter 4.4.
 4. **X — Not Permitted.** The use category is not allowed.
- D. Combined Designations.** A cell containing two designations separated by a slash means that part of the use category carries the first designation and part carries the second. The numbered limitation stated in sections 2.1.300 or 2.1.500 states which part carries which designation. Where a table cell reads P/CU, the category is permitted except for the uses the limitation makes conditional.
- E. Use-Specific Standards.** Where the Use-Specific Standards column cites a section of Chapter 2.6, the use is subject to the standards of that section, whether the use is designated P, L or CU in that zone.
- F. More than One Use.** Uses allowed individually are also allowed in combination with one another, in the same structure or on the same site, provided all applicable development standards and building code requirements are met. Section 1.4.200(D) states how a development with more than one primary use is classified.
- G. Uses Not Listed.** A use not listed in Table 2.1.200 or Table 2.1.400 is not allowed, except as provided in subsection (H).
- H. Similar Use Determination.** A use not listed may be allowed where the City Manager determines it is similar to a listed use. A similar use determination is made under the procedures in Chapter 4.8 Code Interpretations. A use determined to be similar to a listed use is subject to the same permissions, limitations and use-specific standards as that use.
- I. Accessory Uses and Structures.**
1. A use identified as permitted in a zone is permitted in that zone both as a primary use and as an accessory use.
 2. Accessory uses and structures customarily incidental and subordinate to a permitted primary use are allowed, subject to Section 2.6.800 Accessory Uses and Structures.
 3. An accessory use or structure shall not be established on a lot before, or in the absence of, a permitted primary use.

- J. Outdoor Uses and Unenclosed Activities.** Notwithstanding Table 2.1.200 and Table 2.1.400, a use that occurs primarily outside a permitted building requires a Conditional Use Permit under Chapter 4.4. This subsection does not apply to an allowed accessory use. Outdoor activities that are generally accessory to a site's primary use include outdoor dining areas, drive-through facilities, automatic teller machines, kiosks and similar uses.

Policy Question: The use regulations for residential zones are proposed to be amended to implement the goals of the Comprehensive Plan and comply with state law. These changes were presented to the PC/PAC at the July 30, 2026 meeting. Here is a summary:

- “Middle housing” types such as quadplexes, cottage clusters, and townhouses are proposed to be permitted in all residential zones.
- Certain commercial uses are proposed to be permitted in residential zones if they are a smaller scale and meet operational standards. See uses marked as L[1] and Section 2.6.610.

Do you agree that allowing these uses is consistent with the housing, livability, and transportation goals of the Comprehensive Plan? Are you concerned about any impacts of allowing these uses that is not addressed by Use-Specific Standards (Chapter 2.6) or the designs standards of Chapter 3?

2.1.200 Use Table — Residential Zones

Table 2.1.200 Uses Allowed in Residential Zones

Use Category	NR	CR	VR	Use-Specific Standards
RESIDENTIAL CATEGORIES				
Household Living				
Detached Single-Unit Dwelling	P	P	P	—
Duplex	P	P	P	2.6.400
Triplex	P	P	P	2.6.430
Quadplex	P	P	P	2.6.430
Cottage Cluster	P	P	P	2.6.440
Townhouse	P	P	P	2.6.450
Multi-Unit Housing	X	X	P	2.6.460
Accessory Dwelling Unit	P	P	P	2.6.470
Manufactured Home	P	P	P	2.6.410
Manufactured Dwelling Park	P	P	P	2.6.480
Residential Home	P	P	P	2.6.510
Group Living				
Single Room Occupancy Housing	P	P	P	2.6.500
Residential Facility	X	X	P	2.6.510
Residential Treatment Facility or Home	P	P	P	2.6.510
COMMERCIAL CATEGORIES				

Use Category	NR	CR	VR	Use-Specific Standards
Commercial Outdoor Recreation	X	X	X	—
Commercial Parking	X	X	X	—
Drive-Through Facilities	X	X	X	—
Eating and Drinking Establishments	L [1]	L [1]	L [1]	2.6.610
Lodging	CU [2]	CU [2]	CU [2]	2.6.520
Major Event Assembly	X	X	X	—
Office	CU [3]	CU [3]	CU [3]	2.6.700
Quick Vehicle Servicing	X	X	X	—
Retail Sales and Service	L [1]	L [1]	L [1]	2.6.610
Medical Marijuana Business	X	X	X	—
Self-Service Storage	X	X	X	—
Vehicle Repair	X	X	X	—
INDUSTRIAL CATEGORIES				
Data Center	X	X	X	—
Industrial Service	X	X	X	—
Manufacturing and Production	X	X	X	—
Warehouse and Freight Movement	X	X	X	—
Waste-Related	X	X	X	—
Wholesale Sales	X	X	X	—
INSTITUTIONAL CATEGORIES				
Community Service	P/CU [4]	P/CU [4]	P/CU [4]	2.6.700
Child Care	L [1]	L [1]	L [1]	2.6.610
Healthcare	X	X	X	—
Parks and Open Areas	P/CU [5]	P/CU [5]	P/CU [5]	2.6.700
Religious Institutions	P	P	P	2.6.700
Schools	CU [6]	CU [6]	CU [6]	2.6.700
UTILITY AND TRANSPORTATION CATEGORIES				
Basic Utilities	P	P	P	—
Major Utility Facilities	X	X	X	—
Transportation Facilities	P [8]	P [8]	P [8]	—

Use Category	NR	CR	VR	Use-Specific Standards
Wireless Communication Facilities	P	P	P	—
OTHER CATEGORIES				
Agriculture	L [7]	L [7]	L [7]	2.6.650
Mining	X	X	X	—
Detention Facilities	X	X	X	—

2.1.300 Use Limitations — Residential Zones

A. Use Limitations – Residential Zones. A bracketed number in Table 2.1.200 refers to a numbered limitation stated below. A limitation may exclude a named use from an otherwise permitted use category, condition a named use within a permitted use category, or limit the scope of a conditional or limited use.

- 1. Child Care, Eating and Drinking Establishments and Retail Sales and Service in the NR, CR and VR Zones.** Limited to neighborhood-serving retail and service uses, and subject to Section 2.6.610 Commercial Uses in Residential Zones. A private lodge, private club or membership club lawfully existing on the effective date of this Section is also permitted in the NR, CR and VR Zones and may be expanded. Section 2.6.610 does not apply to such a use.
- 2. Lodging in the NR, CR and VR Zones.** Limited to a bed and breakfast inn, subject to Section 2.6.520, and, in the VR Zone only, a recreational vehicle park. A bed and breakfast inn and a recreational vehicle park each require a Conditional Use Permit under Chapter 4.4. All other Lodging uses not permitted.
- 3. Office in the NR, CR and VR Zones.** Office is limited to a government administrative office and a utility business office and requires a Conditional Use Permit under Chapter 4.4.
- 4. Community Service in the NR, CR and VR Zones.** A shelter operated by a public or nonprofit agency is permitted. All other Community Service uses require a Conditional Use Permit under Chapter 4.4.
- 5. Parks and Open Areas – Cemeteries in the NR, CR, and VR Zones.** A cemetery, and the interment of human or animal remains, requires a Conditional Use Permit under Chapter 4.4. All other Parks and Open Areas uses are permitted in each of those zones. A columbarium or mausoleum within a cemetery is accessory to the cemetery. A cemetery accessory to a religious institution on the same or an abutting site is accessory to that institution.

- 6. Schools in the NR, CR, and VR Zones.** Schools is limited to a school providing state-mandated basic education at the primary, elementary, middle, junior high or high school level.
- 7. Agriculture in the NR, CR and VR Zones.** Limited to the continuation of a farm use lawfully existing on the effective date of this Section, as provided in Section 2.6.650 Continuation of Existing Farm Uses. No new farm use is allowed in the NR, CR or VR Zones.
- 8. Transportation Facilities.** Limited to transportation improvements identified in or consistent with the adopted Transportation System Plan and Interchange Area Management Plans and located within a right-of-way or other property controlled by a public agency or a transportation operator.

Policy Question: The use regulations for nonresidential zones are proposed to be amended to implement the goals of the Comprehensive Plan. These changes were presented to the PC/PAC at the July 30, 2026 meeting. Here is a summary of key changes:

- Housing would be allowed only as part of a mixed-use development in non-residential zones. This is intended to prevent commercial land from being consumed by housing development.
- Automobile-oriented uses would be generally prohibited in the DMU zone. This area is planned for a future pedestrian-oriented downtown district. These uses can conflict with a pedestrian-oriented area. The specific use categories that would be prohibited are Drive-Through Facilities and Quick Vehicle Servicing.
- Automotive sales would be prohibited in the DMU and CC zone. This is intended to preserve these areas for commercial uses that are less land-intensive and meet the basic, daily needs of local residents.
- Data centers are only permitted with a conditional use permit in the EMP and IND zone.

Do you agree that these use regulations are consistent with the goals of the Comprehensive Plan? Are you concerned about any impacts of these uses that is not addressed by Use-Specific Standards (Chapter 2.6) or the designs standards of Chapter 3?

2.1.400 Use Table — Non-Residential Zones

Table 2.1.400 Uses Allowed in Non-Residential Zones

Use Category	DMU	CC	RC	EMP	IND	PF	POS	Use-Specific Standards
RESIDENTIAL CATEGORIES								
Household Living								
Detached Single-Unit Dwelling	X	X	X	X	X	X	X	—
Duplex	X	X	X	X	X	X	X	—
Triplex	X	X	X	X	X	X	X	—
Quadplex	L [1]	L [1]	L [1]	X	X	X	X	2.6.430; 2.6.660
Cottage Cluster	X	X	X	X	X	X	X	—
Townhouse	L [1]	L [1]	L [1]	X	X	X	X	2.6.450; 2.6.660
Multi-Unit Housing	L [1]	L [1]	L [1]	X	X	X	X	2.6.460; 2.6.660

Use Category	DMU	CC	RC	EMP	IND	PF	POS	Use-Specific Standards
Accessory Dwelling Unit	X	X	X	X	X	X	X	—
Manufactured Home	X	X	X	X	X	X	X	—
Manufactured Dwelling Park	X	X	X	X	X	X	X	—
Residential Home	X	X	X	X	X	X	X	—
Group Living								
Single Room Occupancy Housing	L [1]	L [1]	L [1]	X	X	X	X	—
Residential Facility	P	P	P	X	X	X	X	2.6.510
Residential Treatment Facility or Home	P	P	P	X	X	X	X	2.6.510
COMMERCIAL CATEGORIES								
Commercial Outdoor Recreation	X	X	CU	CU	X	CU	CU	—
Commercial Parking	X	P	P	P	X	CU	CU	—
Drive-Through Facilities	X	P	P	P	P	X	X	2.6.600
Eating and Drinking Establishments	P	P	P	P	L [2]	L [3]	L [3]	2.6.680
Lodging	L [4]	L [4]	P	X	X	X	X	2.6.520
Major Event Assembly	P	P	P	X	X	CU	CU	—
Office	P	P	P	P	L [5]	L [6]	X	2.6.700
Quick Vehicle Servicing	X	P	P	P	P	X	X	2.6.600
Retail Sales and Service	L [7]	L [7]	P	P	L [8]	X	X	—
Medical Marijuana Business	X	CU [9]	CU [9]	X	X	X	X	2.6.640
Self-Service Storage	X	X	P	P	X	X	X	—
Vehicle Repair	X	X	P	P	X	X	X	—
INDUSTRIAL CATEGORIES								

Use Category	DMU	CC	RC	EMP	IND	PF	POS	Use-Specific Standards
Data Center	X	X	X	CU	CU	X	X	—
Industrial Service	X	X	P	P	P	X	X	—
Manufacturing and Production	X	X	L [10]	L [10]	P/CU [16]	X	X	2.6.620
Warehouse and Freight Movement	X	X	P	P	P	X	X	—
Waste-Related	X	X	X	X	L [17]	X	X	—
Wholesale Sales	X	X	P	P	P	X	X	—
INSTITUTIONAL CATEGORIES								
Community Service	P	P	P	X	X	P	CU	2.6.700
Child Care	P	P	P	P	X	P	X	—
Healthcare	P	P	P	X	X	P	X	2.6.700
Parks and Open Areas	L [11]	L [11]	L [11]	L [11]	L [11]	L/CU [11]	L/CU [11]	2.6.700
Religious Institutions	P	P	P	X	X	P	X	2.6.700
Schools	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	L/CU [12]	P	X	2.6.700
UTILITY AND TRANSPORTATION CATEGORIES								
Basic Utilities	P	P	P	P	P	P	P	—
Major Utility Facilities	X	X	CU	CU	P	P	X	—
Transportation Facilities	P [14]	P [14]	P [14]	P [14]	P [14]	P [14]	P [14]	—
Wireless Communication Facilities	P	P	P	P	P	P	P	—
OTHER CATEGORIES								
Agriculture	X	X	L [13]	X	L [15]	X	X	2.6.650
Mining	X	X	X	X	X	X	X	—
Detention Facilities	X	X	X	X	X	X	X	—

2.1.500 Use Limitations — Non-Residential Zones

- A. Use Limitations – Non-Residential Zones.** A bracketed number in Table 2.1.400 refers to a numbered limitation stated below. A limitation may exclude a named use from an otherwise permitted use category, condition a named use within a permitted use category, or limit the scope of a conditional or limited use.
- 1. Residential Uses in the DMU, CC and RC Zones.** A quadplex, townhouse, multi-unit housing, and single room occupancy housing are permitted only as part of a mixed-use development meeting Section 2.6.660 Residential Uses in Commercial Zones.
 - 2. Eating and Drinking Establishments in the IND Zone.** Limited to eating and drinking establishments that are integral to a primary industrial use on the same site, such as an establishment serving the employees and customers of that use.
 - 3. Eating and Drinking Establishments in the PF and POS Zones.** Limited to mobile food vendors that hold the permits and licenses required by the City, or that operate as part of an approved special event.
 - 4. Lodging in the DMU and CC Zones.** A recreational vehicle park and a campground are not permitted. All other Lodging uses are permitted.
 - 5. Office in the IND Zone.** Office is limited to offices that are integral to a primary industrial use.
 - 6. Office in the PF Zone.** Office is limited to a government administrative office and a utility business office, and is permitted.
 - 7. Retail Sales and Service in the DMU and CC Zones.** The sale or leasing of consumer vehicles, including passenger vehicles, motorcycles, boats, recreational vehicles, and light and medium trucks, is not permitted. All other Retail Sales and Service uses are permitted.
 - 8. Retail Sales and Service in the IND Zone.** Limited to small-scale retail and service commercial uses occupying not more than 10 percent of the building's total floor area, for the general use of industrial-use employees and customers.
 - 9. Medical Marijuana Business in the CC and RC Zones.** In the CC Zone, Medical Marijuana Business is limited to a medical marijuana dispensary or facility. In the RC Zone, a medical marijuana dispensary or facility and a medical marijuana grow facility are each allowed, provided that a dispensary or facility and a grow facility shall not be located on the same parcel. Each use requires a Conditional Use Permit under Chapter 4.4 and is subject to Section 2.6.640.

- 10. Manufacturing and Production in the RC and EMP Zones.** Limited to light manufacturing and production, as provided in Section 2.6.620 Light Manufacturing.
- 11. Parks and Open Areas in all Non-Residential Zones.** A cemetery, and the interment of human or animal remains, requires a Conditional Use Permit under Chapter 4.4 in the PF and POS Zones, and is not permitted in the DMU, CC, RC, EMP or IND Zones. All other Parks and Open Areas uses are permitted in each of those zones. A columbarium or mausoleum within a cemetery is accessory to the cemetery. A cemetery accessory to a religious institution on the same or an abutting site is accessory to that institution under Section 1.4.640(B).
- 12. Schools in the DMU, CC, RC, EMP and IND Zones.** Schools are limited to a school providing state-mandated basic education at the primary, elementary, middle, junior high or high school level. An institution of higher learning is permitted in the PF Zone only. A business or trade school is classified as Retail Sales and Service under Section 1.4.470, and a trade school where industrial vehicles and equipment, including heavy trucks, are operated is classified as Industrial Service under Section 1.4.510.
- 13. Agriculture in the RC Zone.** Limited to the continuation of a farm use lawfully existing on the effective date of this Section, as provided in Section 2.6.650 Continuation of Existing Farm Uses. No new farm use is allowed in the RC Zones.
- 14. Transportation Facilities.** Limited to transportation improvements identified in or consistent with the adopted Transportation System Plan and Interchange Area Management Plans and located within a right-of-way or other property controlled by a public agency or a transportation operator.
- 15. Agriculture in the IND Zone.** Limited to crop production, the land application of process water, and the continuation of a farm use under Section 2.6.650 Continuation of Existing Farm Uses.
- 16. Manufacturing and Production in the IND Zone.** Slaughterhouses, meat packing plants, feed lots, and animal dipping operations require a Conditional Use Permit under Chapter 4.4. All other Manufacturing and Production uses are permitted.
- 17. Waste-Related in the IND Zone.** Sanitary landfills, limited-use landfills, and facilities that receive hazardous waste from others for treatment, storage, or disposal are not permitted. All other Waste-Related uses are permitted.

Commentary: Similar to Chapter 2.1, this chapter reorganizes key lot and development standards in a simpler structure. All standards are consolidated into two tables (residential and non-residential zones). Key changes are proposed to development standards to implement the goals for the Comprehensive Plan to support compact and more affordable development options. See the Policy Questions below for summaries of these changes.

Chapter 2.2 Lot and Development Standards

Sections

- 2.2.100 Purpose and Applicability**
- 2.2.200 Development Standards — Residential Zones**
- 2.2.300 Additional Development Standards — Residential Zones**
- 2.2.400 Development Standards — Non-Residential Zones**
- 2.2.500 Additional Development Standards — Non-Residential Zones**

2.2.100 Purpose and Applicability

- A. Purpose.** This subchapter states the lot and development standards that apply in each zone.
- B. Applicability.** The standards in Table 2.2.200 apply in the residential zones. The standards in Table 2.2.400 apply in the non-residential zones. A standard may be modified only as provided in the notes to Table 2.2.200 and Table 2.2.400, under Chapter 5.0 Exceptions to Code Standards, or under Chapter 5.1 Variances.
- C. Measurement.** Every dimension, area, percentage, height and density in this subchapter is measured or calculated as provided in Chapter 1.3 Measurement Rules.
- D. Design Standards.** Standards for access, circulation, site and building design, parking, landscaping, fences and screening, and public improvements are in Chapter 3.

Policy Question: Development standards for residential zones are proposed to be amended to support compact, higher density housing in more places. This is intended to implement the housing goals of the Comprehensive Plan and respond to the needs and issues identified in the Housing Capacity Analysis. These changes were presented at the PC/PAC meeting on July 30, 2026. Here is a summary of key changes:

- **Minimum density:** A new minimum density standard is proposed. The purpose of this standard is to prevent housing developments that use land inefficiently or do not meet key housing needs intended for that zone. The standards are set to continue to support a range of housing types in each zone.
- **Maximum density:** A new maximum density standard is proposed. The purpose of this standard is to prevent densities that would contrast too sharply with existing neighborhoods in Boardman, while still allowing for homes on smaller lots and middle housing types in each zone.
- **Maximum floor area ratio (FAR):** A new maximum FAR standard is proposed. The purpose of this standard is to allow multi-unit buildings to be sited nearby single-unit dwellings, while preventing very large buildings that are not compatible in scale with single-unit dwellings.
- **Minimum lot area:** Minimum lot area is proposed to be reduced from about 6,000-10,000 square feet to a range of 1,500-10,000 square feet. The standard varies by zone and housing type. This allows for homes on smaller lots and middle housing to be feasible. These housing types can be lower cost and affordable to a wider range of households. The new maximum density standard works in concert with a reduced minimum lot size. For example, an entire subdivision could not be built to the minimum lot size in some zones. This allows more flexibility for developers to design housing products to fit the market but prevents incompatible overall densities.
- **Maximum height in VR zone.** The VR zone is intended to support high density residential development. The current multi-family subdistrict (which VR replaces) allows only three stories. The proposed VR zone would allow up to 50 feet (equivalent to four stories). However, any portion of a building within 25 feet of a lower density zone must “step down” to 35 feet.

Do you agree that these changes are consistent with the housing and land use goals of the Comprehensive Plan? Are you concerned about any impacts these changes that are not addressed by Use-Specific Standards (Chapter 2.6) or the designs standards of Chapter 3?

2.2.200 Development Standards — Residential Zones

Table 2.2.200 provides the development standards that apply in residential zones.

Table 2.2.200 Development Standards, Residential Zones

Standard	NR	CR	VR
DENSITY (units per net acre)			
Minimum density [1]	3	6	9
Maximum density	9 [2]	18 [2]	—
MAXIMUM FAR (floor area ratio)			
Detached single-unit; manufactured dwelling on an individual lot	0.7	0.8	0.9
Duplex	0.8	0.9	1.0
Triplex; Quadplex	0.9	1.0	1.1
Townhouse	1.2	1.3	1.4
Multi-Unit Housing	—	—	1.7
Non-Residential Uses	1.2	1.3	1.7
MINIMUM LOT AREA (square feet) [3]			
Detached single-unit; duplex; manufactured dwelling on an individual lot	5,000	3,500	3,500
Triplex; Quadplex	10,000	7,000	7,000
Townhouse	2,500	2,000	1,500
Multi-Unit Housing	—	—	10,000
Cottage Cluster	10,000	10,000	10,000
Manufactured Dwelling Park	1 acre	1 acre	1 acre
Non-Residential Uses	5,000	5,000	5,000
MINIMUM LOT WIDTH (feet) [4]			
Detached single-unit; duplex; manufactured dwelling on an individual lot	50	40	40
Triplex; Quadplex	50	50	50
Townhouse	25	20	15
Multi-Unit Housing	—	—	60
Cottage Cluster	70	70	60

Standard	NR	CR	VR
Manufactured Dwelling Park	100	100	100
Non-Residential Uses	50	50	50
MINIMUM SETBACKS (feet) [5]			
Front yard	15 ft	10 ft	10 ft
Front yard — garage or carport entrance	20 ft	20 ft	20 ft
Rear yard	15 ft	15 ft	15 ft
Rear yard — garage or carport, alley access	6 ft	6 ft	6 ft
Side yard — interior [6]	5 ft	5 ft	5 ft
Side yard — street corner [10]	15 ft	10 ft	5 ft
HEIGHT, LOT COVERAGE, LANDSCAPE AND OUTDOOR AREA			
Maximum height	30/35 ft [7]	30/35 ft [7]	50 ft [8]
Maximum lot coverage	40%	60%	75%
Minimum landscape area	20%	20%	10%
Minimum required outdoor area	15%	15%	15%

2.2.300 Additional Development Standards — Residential Zones

A. Additional Development Standards – Residential Zones. A bracketed number in Table 2.2.200 refers to a numbered standard stated below.

- 1. Minimum Density.** Minimum density applies to a land division, and to development of a vacant lot, on a site larger than 2 acres. It does not apply to an addition, a replacement dwelling, or one dwelling on an existing lot. An application subject to minimum density must meet the standard as follows:
 - a.** Meet minimum density by constructing enough units on the lot;
 - b.** Meet minimum density by dividing the lot; or
 - c.** Demonstrate the potential for future partitioning, subdividing or development of the lot in accordance with the requirements of the Development Code. Plans must demonstrate how the lot can be divided in the future in conformance with minimum lot area and minimum density requirements. Proposed lot lines and development must not preclude extension of planned public facilities, and in conformance with applicable public works standards.

- 2. Maximum Density in NR and CR Zones.** Maximum density does not apply to:
 - a. Accessory dwelling units and duplexes.
 - b. Triplexes, quadplexes, townhouses, or cottage cluster developments on a lot that was lawfully created before [effective date] and is not proposed as part of an application that includes other land. Maximum density applies where a triplex, quadplex, townhouse, or cottage cluster development is proposed as part of a subdivision, partition, Master Planned Development, or any application that includes two or more contiguous lots or parcels on the same development site; in that case maximum density is calculated for the development site as a whole rather than for each resulting lot.
- 3. Lot Area Averaging.** In a subdivision or partition, the minimum lot area of the zone may be met as an average of all lots created. An individual lot may be smaller than the minimum lot area of the zone, provided that:
 - a. The average area of all lots created equals or exceeds the minimum lot area of the zone;
 - b. The development meets the minimum and maximum density of the zone; and
 - c. Each lot meets the minimum lot width of the zone, unless the lot is exempt under subsection (A)(4).
- 4. Minimum Lot Width — Flag Lots and Mid-Block Lanes.** A flag lot or a lot served by a mid-block lane is exempt from the minimum lot width standard of the applicable zone. Flag lots and mid-block lanes are subject to Section 3.3.300.B.6.
- 5. Existing Development in the Sunridge Terrace Subdivision (CR Zone).** A lot, dwelling or accessory structure lawfully established in the Sunridge Terrace Subdivision before the effective date of this ordinance is deemed to comply with the setback and building separation standards of the CR zone.
- 6. Interior Side Yard for Townhouses.** No interior side yard is required along the lot line between attached townhouses.
- 7. Maximum Height in NR and CR Zones.** Maximum height shall be no more than 35 feet for gabled roofs; 30 foot for flat roofs or 2 ½ stories high, whichever is greater.
- 8. Height Step-Down in the VR Zone.** On the portion of a VR-zoned site within 25 feet of a site zoned NR or CR, the maximum height is 35 feet. A site whose property line abuts an NR or CR zone for less than 5 feet is exempt from this standard.

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- 9. Vision Clearance.** On a corner lot, the vision clearance standards of Section 3.3.500 apply in addition to the setbacks of Table 2.2.200.

Policy Question: The proposed changes to development standards in non-residential zones are intended to support compact, pedestrian-oriented development in commercial zones and a wide range of industrial formats in the EMP and IND zones. Here is a summary of the key changes:

- **Maximum setback in DMU, CC, and RC zones:** A maximum setback requires that buildings be placed closer to the street. This creates a more pedestrian-friendly environment by making it more convenient to access the building and more visually interesting to walk by it. A larger setback of 20 feet is allowed in the CC and RC zones to allow more flexibility than the DMU zone. This standard would still require parking lots to generally be placed to the side or rear of buildings.
- **Maximum height in DMU and CC zones:** A maximum height of 50 feet is proposed in order to encourage mixed-use buildings. The current BDC generally limits heights in commercial zones to 35 feet. Mixed-use buildings are unlikely to be economically feasible if constrained to 35 feet.

Do you agree that these changes are consistent with the housing and land use goals of the Comprehensive Plan? Are you concerned about any impacts these changes that are not addressed by Use-Specific Standards (Chapter 2.6) or the designs standards of Chapter 3?

2.2.400 Development Standards — Non-Residential Zones

Table 2.2.400 provides the development standards that apply in non-residential zones.

Table 2.2.400 Development Standards, Non-Residential Zones

Standard	DMU	CC	RC	EMP	IND	PF	POS
DENSITY (units per net acre)							
Minimum density [1]	15	15	15	—	—	—	—
SETBACKS (feet)							
Front yard — minimum	—	—	—	15 ft	20 ft	20 ft	20 ft
Front yard — maximum [2]	5 ft	20 ft	20 ft	—	—	—	—
Rear yard — minimum	—	—	—	— [3]	— [4]	10 ft	10 ft
Rear yard — alley access	8 ft	8 ft	8 ft	— [3]	— [4]	—	—
Side yard — interior	—	—	—	— [3]	— [4]	10 ft	10 ft
Side yard — street corner	—	20 ft	20 ft	20 ft	—	20 ft	20 ft
HEIGHT, LOT COVERAGE, AND LANDSCAPE AREA							
Maximum height	50 ft	50 ft	35 ft [5]	35 ft [6]	35 ft [6]	35 ft	35 ft
Maximum lot coverage	—	85%	85%	80%	80%	—	—

Standard	DMU	CC	RC	EMP	IND	PF	POS
Minimum landscape area	5%	10%	10%	15%	15%	15%	15%

2.2.500 Additional Development Standards — Non-Residential Zones

A. Additional Development Standards – Non-Residential Zones. The paragraphs listed below contain exceptions and clarifications to the development standards and correspond with the footnote numbers from Table 2.2.400.

- 1. Minimum Density in the DMU, CC, and RC Zones.** Minimum density applies to any mixed use development that includes residential units. Applications for development must meet the standard as follows:
 - a. Meet minimum density by constructing enough units on the lot;
 - b. Meet minimum density by dividing the lot; or
 - c. Demonstrate the potential for future partitioning, subdividing or development of the lot in accordance with the requirements of the Development Code. Plans must demonstrate how the lot can be divided in the future in conformance with minimum lot area and minimum density requirements. Proposed lot lines and development must not preclude extension of planned public facilities, and in conformance with applicable public works standards.
- 2. Maximum Front Yard Setback in the DMU, CC and RC Zones.** At least 50 percent of the building façade facing the front lot line shall be located at or nearer to the front lot line than the maximum front yard setback. The area between the building façade and the front lot line shall be improved as a pedestrian plaza, outdoor seating or dining area, or landscaping meeting Chapter 3.5.
- 3. Rear and Side Setbacks in the EMP Zone.** No rear or side setback is required, except that development — including buildings, parking, outdoor storage and industrial activities — shall be set back at least 20 feet at the rear and 15 feet at the side from a residential zone.
- 4. Rear and Side Setbacks in the IND Zone.** No rear or side setback is required, except that industrial development — including buildings, parking, outdoor storage and industrial activities — shall be set back at least 40 feet from a residential zone and 20 feet from any other non-industrial zone, the latter increasing one foot for every foot of building height over 30 feet.

- 5. Additional Height for Housing in the RC Zone.** The maximum height in the RC Zone may be increased by 10 feet where dwelling units are provided above the ground floor. The increase applies only to the portion of the building that contains dwelling units.
- 6. Additional Height in the IND and EMP Zones.** The allowable building height may be increased to 45 feet when approved as part of a Conditional Use Permit. The development approval may require additional setbacks, stepping down of building elevations, visual buffering, screening or other measures to provide a height transition between industrial development and adjacent non-industrial development. Smoke stacks, cranes, roof equipment, grain elevators, storage silos and other similar features necessary to the industrial operation may not exceed 55 feet in height without approval of a Conditional Use Permit.

Commentary: Chapter 2.3 is a new addition to the BDC. The purpose of the chapter is to clarify the relationship between overlay and base zones. The only overlay zone proposed is the Flood Plain Overlay. This chapter establishes the foundation for additional overlay zones if they are proposed in the future.

Chapter 2.3 Overlay Zones

Sections

- 2.3.100 Purpose**
- 2.3.200 Applicability**
- 2.3.300 Conflict with Base Zone Standards**

2.3.100 Purpose

Overlay zones apply standards to land that has characteristics warranting regulation in addition to the standards of the base zone.

2.3.200 Applicability

- A. Base Zone Continues to Apply.** Land within an overlay zone remains subject to the standards of its base zone, except as modified by the overlay zone.
- B. Overlay Zones Established.** The Flood Plain Overlay Zone is established at Chapter 2.5.

2.3.300 Conflict with Base Zone Standards

Where a standard of an overlay zone conflicts with a standard of the base zone, the overlay zone standard controls.

Commentary: Chapter 2.4 incorporates existing standards in the BDC. No edits are proposed. Land in the BPA Transmission Easement is proposed be zoned Parks and Open Space (POS), consistent with the limitations on development of this easement.

Chapter 2.4 BPA Transmission Easement

Sections

[2.4.100 General Provisions](#)

[2.4.200 Development Standards](#)

2.4.100 General Provisions

- A. Applicability.** This section applies to land within the Bonneville Power Administration transmission line easement. It applies in addition to the standards of the zone in which the land is located. Where this section and another standard of this Code conflict, this section controls.
- B. Land Use Agreement Required.** No development approval shall be granted for land within the easement until the applicant has obtained a signed land use agreement from the Bonneville Power Administration.

2.4.200 Development Standards

- A. Structures.** No permanent structure is allowed within the easement. Buildings may be placed on portions of a property outside the easement as part of an overall development that includes land within the easement.
- B. Height.** No foliage or other item within the easement may exceed 12 feet in height.
- C. Setback from Transmission Towers.** All activities shall be set back at least 50 feet from any transmission line tower. Towers shall be protected from traffic and other disturbance to their structural integrity.
- D. Safety.** The following apply within the easement:

- 1. Grounding.** Areas where vehicles are stored or parked for more than two hours shall have grounding mechanisms to prevent static electricity build-up.
 - 2. Utility Facilities.** Utility facilities shall be protected from shock hazards associated with static electricity discharge.
 - 3. Combustible Materials.** No combustible material shall be stored within the easement unless the land use agreement expressly allows it.
- E. Driveways and Parking Areas.** Driveways and parking areas within the easement may be compacted and maintained gravel where approved by the Bonneville Power Administration. Driveway approaches and all areas abutting a public street shall be hard surfaced to prevent gravel encroachment onto the street.

Commentary: Chapter 2.5 incorporates existing standards in the BDC. No edits are proposed at this time. However, the Department of Land Conservation and Development (DLCDC) has recently published a new model code for flood plain regulations. This model code implements new FEMA requirements. City staff plan to update Chapter 2.5 to align with these new state and federal requirements in the future.

Chapter 2.5 Flood Plain Overlay Zone

Sections

2.5.100	Authorization, Findings, Purpose, and Objectives
2.5.200	Definitions
2.5.300	General Provisions
2.5.400	Administration
2.5.500	Variance Procedure
2.5.600	Provisions for Flood Hazard Reduction
2.5.700	Wellhead Protection Provisions (Reserved)

2.5.100 Authorization, Findings, Purpose, and Objectives

A. Authorization. The State of Oregon has in the Oregon Constitution, Article XI Section 2 delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry in accordance with the approved Boardman Charter of 1985.

B. Findings of Fact.

1. The flood hazard areas of the City of Boardman are subject to periodic inundation which results in loss of life and property, health, and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated, or otherwise protected from flood damage also contribute to the flood loss.

C. Statement of Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money and costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and,
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. Methods of Reducing Flood Losses. In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas.

2.5.200 Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

“Appeal” means a request for a review of the interpretation of any provision of this ordinance or a request for a variance.

“Area of Shallow Flooding” means a designated AO, or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and, velocity flow may be evident. AO is characterized as sheet flow and AH indicates ponding.

“Area of Special Flood Hazard” means the land in the flood plain within a community subject to a one percent or greater chance of flooding in any given year. Designation on maps always includes the letters A or V.

“Base Flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the “100-year flood.” Designation on maps always includes the letters A or V.

“Basement” means any area of the building having its floor subgrade (below ground level) on all sides.

“Breakaway Wall” means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces, without causing damage to the elevated portion of the building or supporting foundation system.

“Coastal High Hazard Area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on the FIRM as Zone V1-V30, VE or V.

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

“Development” means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials located within the area of special flood hazard.

“Elevated Building” means for insurance purposes, a nonbasement building which has its lowest elevated floor raised above ground level by foundation walls, shear walls, post, piers, pilings, or columns.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the adopted floodplain management regulations.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood” or “Flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

1. The overflow of inland or tidal waters and/or
2. The unusual and rapid accumulation of runoff of surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Lowest Floor” means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance found at Section 2.5.600(B)(1)(b).

“Manufactured Home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include a “recreational vehicle.”

“Manufactured Home Park or Subdivision” means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

“New Construction” means structures for which the “start of construction” commenced on or after the effective date of this ordinance.

“New Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of adopted floodplain management regulations.

“Recreational Vehicle” means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

“Start of Construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

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

“Substantial Improvement” means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

“Variance” means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

“Water Dependent” means a structure for commerce or industry which cannot exist in any other location and is dependent on the water by reason of the intrinsic nature of its operations.

2.5.300 General Provisions

- A. Lands to Which This Ordinance Applies.** This ordinance shall apply to all areas of special flood hazards within the jurisdiction of City of Boardman.

- B. Basis for Establishing the Areas of Special Flood Hazard.** The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled “The Flood Insurance Study for the City of Boardman,” dated December 18, 2007, with accompanying Flood Insurance Maps are hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at Boardman City Hall. The best available information for flood hazard area identification as outlined in Section 2.5.400(C)(2) shall be the basis for regulation until a new FIRM is issued which incorporates the data utilized under Section 2.5.400(C)(2).
- C. Penalties for Noncompliance.** No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violations of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements may be issued a citation for a Class D Violation, in accordance with ORS chapter 153, for each day in violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the City of Boardman from taking such other lawful action as is necessary to prevent or remedy any violation.
- D. Abrogation and Greater Restrictions.** This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- E. Interpretation.** In the interpretation and application of this ordinance, all provisions shall be:
1. Considered as minimum requirements;
 2. Liberally construed in favor of the governing body; and,
 3. Deemed neither to limit or repeal any other powers granted under State statutes.

- F. Warning and Disclaimer of Liability.** The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

2.5.400 Administration

A. Establishment of Development Permit.

- 1. Development Permit Required.** A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 2.5.300(B). The permit shall be for all structures including manufactured homes, as set forth in the “DEFINITIONS,” and for all development including fill and other activities, also as set forth in the “DEFINITIONS.”
- 2. Application for Development Permit.** Application for a development permit shall be made on forms furnished by the Community Development or Planning Department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:
 - a.** Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
 - b.** Elevation in relation to mean sea level to which any structure has been floodproofed;
 - c.** Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 2.5.600(B)(2); and
 - d.** Description of the extent to which a watercourse will be altered or relocated as a result of proposed development.

B. Designation of the City Manager or Their Designee as a Local Administrator. The City Manager or their designee is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

C. Duties and Responsibilities of the City Manager or Their Designee as a Local Administrator. Duties of the City manager or their designee shall include, but not be limited to:

1. Permit Review.

- a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State, or local governmental agencies from which prior approval is required.
- c. Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 2.5.600(D)(1) are met.

2. Use of Other Base Flood Data (In A and V Zones).

- a. When base flood elevation data has not been provided (A and V Zones) in accordance with Section 2.5.300(B), BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the city manager or their designee shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Sections 2.5.600(B), SPECIFIC STANDARDS, and Section 2.5.600(D), FLOODWAYS.
- b. In a letter dated September 6, 2007, from the United States Army Corps of Engineers, Engineering and Construction Division, “the calculated 1% chance exceedance stage at river mile 270.3 based on most recent data available to USACE is 269.7 NGVD (National Geodetic Vertical Datum)”.
- c. Qualified survey information showing elevations above 269.7 feet NGVD or 273.01 feet NAVD (North American Vertical Datum) will be considered by the city to begin the amendment process to amend the Federal Emergency Management Agency FIRM (flood insurance rate map) to reflect specific data and remove the area from the Zone A flood zone.

3. Information to Be Obtained and Maintained.

- a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in Section 2.5.400(C)(2), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
 - b. For all new or substantially improved floodproofed structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in Section 2.5.400(C)(2):
 - i. Verify and record the actual elevation (in relation to mean seal level), and
 - ii. Maintain the floodproofing certifications required in Section 2.5.400(A)(2)(c).
 - c. Maintain for public inspection all records pertaining to the provisions of this ordinance.
- 4. Alteration of Watercourses.**
- a. Notify adjacent communities and the Department of Land Conservation and Development prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
- 5. Interpretation of FIRM Boundaries.** Make interpretations where needed, as to exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 2.5.500.

2.5.500 Variance Procedure

A. Appeal Board.

- 1. The Boardman City Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- 2. The Boardman City Council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the City of Boardman in the enforcement or administration of this ordinance.

- 3.** Those aggrieved by the decision of the Boardman City Council, or any taxpayer, may appeal such decision to the Morrow County District Court.
- 4.** In passing upon such applications, the Boardman City Council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Development Code Chapter, and:
 - a.** The danger that materials may be swept onto other lands to the injury of others;
 - b.** The danger to life and property due to flooding or erosion damage;
 - c.** The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d.** The importance of the services provided by the proposed facility to the community;
 - e.** The necessity to the facility of a waterfront location, where applicable;
 - f.** The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - g.** The compatibility of the proposed use with existing and anticipated development;
 - h.** The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;
 - i.** The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - j.** The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - k.** The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- 5.** Upon consideration of the factors of Section 2.5.500(A)(4) and the purposes of this ordinance, the Boardman City Council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- 6.** The City Clerk and/or Community Development Department shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

B. Conditions for Variances.

1. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (a) through (k) in Section 2.5.500(A)(4) have been fully considered. As the lot size increases the technical justification required for issuing the variance increases.
2. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, without regard to the procedures set forth in this section.
3. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.
4. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
5. Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant;
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in Section 2.5.500(A)(4), or conflict with existing local laws or ordinances.
6. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.
7. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria except Section 2.5.500(B)(1), and otherwise complies with Sections 2.5.600(A)(1) and 2.5.600(A)(3) of the GENERAL STANDARDS.

8. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

2.5.600 Provisions for Flood Hazard Reduction

A. General Standards. In all areas of special flood hazards, the following standards are required:

1. Anchoring

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (Reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed structures.

3. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,

- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,
- d. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

- 6. Review of Building Permits.** Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (Section 2.5.400(C)(2)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

- B. Specific Standards. In all areas of special flood hazards where base flood elevation data has been provided (Zones A1-30, AH, and AE) as set forth in Section 2.5.300(B), BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or Section 2.5.400(C)(2), Use of Other Base Flood Data (In A and V Zones), the following provisions are required:**

1. Residential Construction

- a. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
- b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

- i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

- a. Be flood proofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
- c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 2.5.400(C)(3)(b);
- d. Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in Section 2.5.600(B)(1)(b);
- e. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g. a building floodproofed to the base flood level will be rated as one foot below.

3. Manufactured Homes.

- a. All manufactured homes to be placed or substantially improved on sites:
 - i. Outside of a manufactured home park or subdivision,
 - ii. In a new manufactured home park or subdivision,
 - iii. In an expansion to an existing manufactured home park or subdivision, or

- iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred “substantial damage” as the result of a flood;

shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

- b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, and AE on the community’s FIRM that are not subject to the above manufactured home provisions be elevated so that either:
 - i. The lowest floor of the manufactured home is elevated one foot above the base flood elevation, or
 - ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles. Recreational vehicles placed on sites are required to either:

- a. Be on the site for fewer than 180 consecutive days,
- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of Section 2.5.600(B)(3) above and the elevation and anchoring requirements for manufactured homes.

C. Before Regulatory Floodway. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community’s FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

D. Floodways. Located within areas of special flood hazard established in Section 2.5.300(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional civil engineer is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Section 2.5.600(D)(1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 2.5.600, PROVISIONS FOR FLOOD HAZARD REDUCTION.

E. Standards for Shallow Flooding Areas (AO Zones). Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from 1 to 3 feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified).
2. New construction and substantial improvements of nonresidential structures within AO zones shall either:
 - a. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or
 - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in Section 2.5.600(B)(2)(c).
3. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
4. Recreational vehicles placed on sites within AO Zones on the community's FIRM either:
 - a. Be on the site for fewer than 180 consecutive days,

- b. Be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
- c. Meet the requirements of Section 2.5.600(B)(3) above and the elevation and anchoring requirements for manufactured homes.

F. Coastal High Hazard Areas. Located within areas of special flood hazard established in Section 2.5.300(B) are Coastal High Hazard Areas, designated as Zones V1-V30, VE and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this ordinance, the following provisions shall also apply:

1. All new construction and substantial improvements in Zones V1-V30 and VE (V if base flood elevation data is available) shall be elevated on pilings and columns so that:
 - a. The bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated one foot or more above the base flood level; and
 - b. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in and given year (100-year mean recurrence interval);
2. A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of (a) and (b) of this Section.
3. Obtain the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) of all new and substantially improved structures in Zones V1-30, VE, and V, and whether or not such structures contain a basement. The local administrator shall maintain a record of all such information.
4. All new construction shall be located landward of the reach of mean high tide.

- 5.** Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this section, a breakaway wall shall have a design safe loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of 20 pounds per square foot (either by design or when so required by local or State codes) may be permitted only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions:

 - a.** Breakaway wall collapse shall result from water load less than that which would occur during the base flood; and
 - b.** The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year (100-year mean recurrence interval).
- 6.** If breakaway walls are utilized, such enclosed space shall be useable solely for parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- 7.** Prohibit the use of fill for structural support of buildings.
- 8.** Prohibit man-made alteration of sand dunes which would increase potential flood damage.
- 9.** All manufactured homes to be placed or substantially improved within Zones V1-V30, V, and VE on the community's FIRM on sites:

 - a.** Outside of a manufactured home park or subdivision,
 - b.** In a new manufactured home park or subdivision,
 - c.** In an expansion to an existing manufactured home park or subdivision, or

- ## 2.5.700 Wellhead Protection Provisions (Reserved)

Commentary: Chapter 2.6 is a combination of existing standards in the BDC, new proposed standards to implement the Comprehensive Plan, and amendments to comply with state law. This chapter consolidates standards specific to certain uses that are currently spread across Chapter 2 of the BDC.

Policy questions are outlined in sections below where new or modified standards are proposed that are not required by state law. Where state law constrains the standards that can be applied, commentary is provided to explain the state requirements.

If no commentary is provided, then the standards in this section are carried forward from existing BDC.

Chapter 2.6 Use-Specific Standards

Sections

2.6.100	Purpose
2.6.200	Applicability
2.6.300	Review Process
2.6.400	Duplexes
2.6.410	Manufactured Homes on Individual Lots
2.6.420	Zero Lot Line Development
2.6.430	Triplexes and Quadplexes
2.6.440	Cottage Clusters
2.6.450	Townhomes
2.6.460	Multi-Unit Housing
2.6.470	Accessory Dwelling Units
2.6.480	Manufactured Home Parks
2.6.490	Bonus Units for Accessible and Affordable Housing
2.6.500	Single Room Occupancy
2.6.510	Residential Homes, Residential Facilities and Residential Treatment Facilities
2.6.520	Bed and Breakfast Inns
2.6.530	Home Occupations
2.6.540	Residential Caretaker Units
2.6.600	Drive-Through Facilities
2.6.610	Commercial Uses in Residential Zones
2.6.620	Light Manufacturing

2.6.630	Uses with Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts
2.6.640	Medical Marijuana Facilities
2.6.650	Continuation of Existing Farm Uses
2.6.660	Residential Uses in Commercial Zones
2.6.670	Data Centers
2.6.680	Food Cart Pods
2.6.700	Public and Institutional Uses
2.6.800	Accessory Uses and Structures
2.6.810	Shipping Containers

2.6.100 Purpose

Uses regulated in Chapter 2.6 are uses that have distinct operational or physical characteristics and are therefore subject to use-specific standards. These use-specific standards may differ from the development standards established for other uses in the same zone.

2.6.200 Applicability

All uses for which Table 2.1.200 cites a section of this chapter in the Use-Specific Standards column, and uses the City determines to be similar to such uses, are subject to the standards of this chapter. The standards of this chapter supplement the other requirements of this Code. When a dimensional standard for a use regulated by this chapter differs from that of the underlying zone, the standard in this chapter shall apply.

2.6.300 Review Process

The City uses the procedures of Chapter 4.2 Development Review in reviewing proposed uses for compliance with the requirements of this chapter, except where the applicability provision of a section in this chapter specifies a different procedure.

Policy Question: This section implements state requirements for the City to allow duplexes under ORS 197A.420(3). The City must allow detached configurations of a duplex but can set parameters around detached units. The standards proposed under (C)(2) set these parameters.

Should the City set these parameters for allowing a detached duplex? Alternatively, should the rules allow for a detached duplex without these restrictions?

2.6.400 Duplexes

- A. Purpose.** The following provisions are intended to specify unit configuration and conversion standards for duplexes.
- B. Applicability.** The following standards apply where a duplex is proposed in the NR, CR or VR zone. **[PROCEDURE TYPE — confirm on the Chapter 4 update]**
- C. Standards.**
- 1. Maximum Density.** Duplexes are exempt from maximum density requirements.
 - 2. Unit Configuration.** Duplex units may be attached to each other. Duplex units may be detached where:
 - a.** A unit is added to a lot an existing unit that has been in place for at least five years and will be retained; or
 - b.** No more than one detached unit on the lot exceeds 1,200 square feet; or
 - 3. Conversions.** Additions to, or conversions of, an existing detached single-unit dwelling into a duplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable development and design standards, unless increasing nonconformance is otherwise permitted by this Code.

Commentary: State law requires the City to allow manufactured and prefabricated homes on any lot zoned for single-unit dwellings (ORS 197A.432). These homes may not be held to any standard that does not apply to a site-built home, except a thermal envelope (energy efficiency) standard. The current BDC applies extra standards to manufactured homes, such as minimum floor area, roof pitch and siding. We removed these and kept only the thermal envelope standard.

2.6.410 Manufactured Homes on Individual Lots

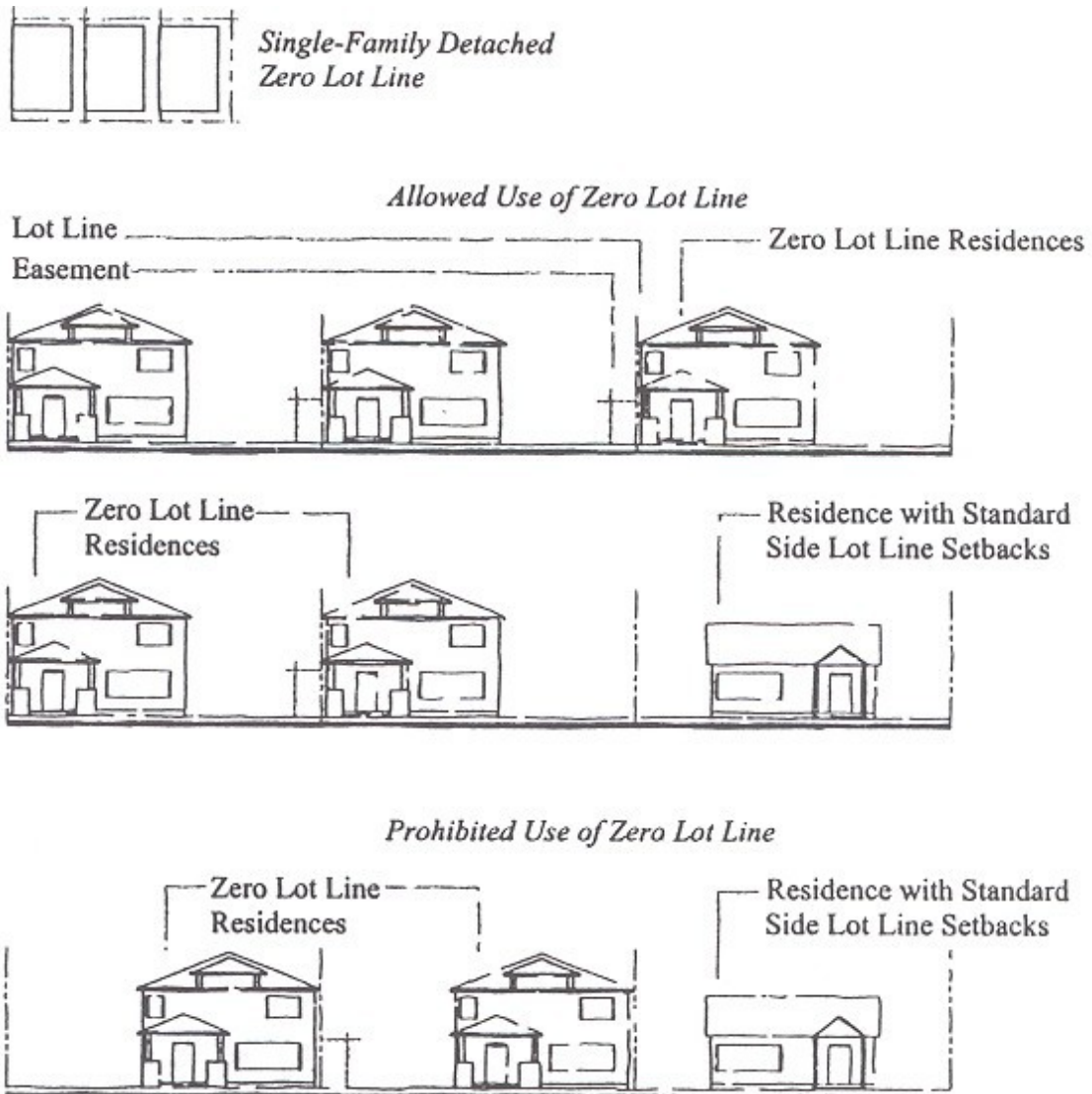
- A. Purpose.** The following provisions state the siting and construction standards that state law allows the City to apply to a manufactured home placed on an individual lot.
- B. Applicability.** The following standards apply where a manufactured home is proposed on an individual lot in the NR, CR or VR zone. [PROCEDURE TYPE — confirm on the Chapter 4 update].
- C. Thermal Envelope Standard.** The manufactured home shall be certified by the manufacturer to meet the thermal envelope requirements equivalent to those for a single-family dwelling constructed under the State Building Code. Evidence demonstrating that the manufactured home meets “Super Good Cents” energy efficiency standards is deemed to satisfy the exterior thermal envelope certification requirement. Additional manufacturer’s certification shall not be required.

Commentary: This section carries forward existing standards to allow zero lot line houses. No substantive edits are proposed.

2.6.420 Zero Lot Line Development

- A. Purpose.** The following provisions are intended to promote compatibility and privacy between adjacent buildings and to allow for building maintenance, while permitting development on smaller (i.e., narrower) lots with usable outdoor living area in side-oriented yards.
- B. Applicability.** The following standards apply where a zero-lot line house is proposed in the NR, CR or VR zone. [PROCEDURE TYPE — confirm on the Chapter 4 update]
Except as provided in this section, a zero-lot line house is subject to the same standards as a detached single-unit dwelling, except that a side yard setback is not required on one side of a typical lot, as shown in Figure 2.6.420.A.
- C. Standards.**

- 1. Setbacks Adjacent to Non-Zero Lot Line Development.** When a zero-lot line house shares a side property line with a non-zero lot line development, the zero-lot line building shall be setback from the common property line by a minimum of 10 feet.
- 2. Construction and Maintenance Easement.** Prior to building permit approval, the applicant shall submit a copy of a recorded easement for every zero-lot line house that guarantees rights for the purpose of construction and maintenance of structures and yards. The easement shall stipulate that no fence or other obstruction shall be placed in a manner that would prevent maintenance of structures on the subject lot.
- 3. Buffering.** A ground-floor window located along a zero-lot line and facing an abutting lot's yard must comply with at least one of the following:
 - a. Sill height.** The window sill is installed at least 5 feet above the finished floor;
 - b. Orientation.** The window is oriented so its primary sightline does not face the abutting yard (e.g., a bay window with side-facing glazing only); or
 - c. Glazing.** The window is fitted with frosted, obscured, or other permanently translucent glazing.

Figure 2.6.420.A Zero-Lot Line Housing

Policy Question: This section allows for units in a triplex or quadplex to be detached, similar to what is required to be allowed for duplexes. State law does not require the City to allow detached triplexes or quadplexes, however.

Should the City set these parameters for allowing a detached duplex? Alternatively, should the city:

- Prohibit detached units in a triplex or quadplex?
- Allow for a detached units without these restrictions?

2.6.430 Triplexes and Quadplexes

- A. Purpose.** The following provisions are intended to specify unit configuration and conversion standards for triplexes and quadplexes.
- B. Applicability.** The following standards apply where a triplex or quadplex is proposed in the NR, CR or VR zone. [PROCEDURE TYPE — confirm on the Chapter 4 update]
- C. Standards.**
- 1. Unit Configuration.** The units in a triplex or quadplex may be attached to each other. The units in a triplex or quadplex may be detached where:
 - a.** A unit is added to a lot with an existing unit that has been in place for at least five years and will be retained; or
 - b.** No more than one detached unit on the lot exceeds 1,200 square feet.
 - 2. Conversions.** Additions to, or conversions of, an existing detached single-unit dwelling or duplex into a triplex or quadplex is allowed, provided that the addition or conversion does not increase nonconformance with applicable development and design standards, unless increasing nonconformance is otherwise permitted by this Code.

Policy Question: This section establishes special development standards for cottage clusters. This is a specific housing type that is proven to be attractive housing product, but fits in best with single-unit dwellings if it is designed in a certain way. These standards set parameters on number of units in a cluster, setbacks, building size, and courtyard size. Design standards in Chapter 3 also regulate how cottage units are oriented and parking is designed.

Do these standards strike the right balance of encouraging high-quality, compatible design while allowing flexibility?

2.6.440 Cottage Clusters

- A. Purpose.** The following provisions are intended to enable development of small, clustered dwelling units that share common open space and other amenities.
- B. Applicability.** The following standards apply to new cottage cluster projects in the NR, CR, or VR zone. **[PROCEDURE TYPE — confirm on the Chapter 4 update]**
- C. Standards.** Except as provided below, cottage clusters must meet all development standards of the applicable zone.
 - 1. Maximum Cluster Size.** A maximum of eight cottages is permitted within a single cottage cluster (i.e., no more than eight cottages may share a single common courtyard). A cottage cluster project may include more than one cottage cluster and more than one common courtyard.
 - 2. Perimeter Setbacks.** The setbacks applicable to a cottage cluster project are those that apply to a detached single-unit dwelling in the same zone, except that no setback greater than 10 feet shall be required from any lot line of the project.
 - 3. Building Separation.** Cottages shall be separated by a minimum distance of six feet. The minimum distance between all other structures, including accessory structures, shall be in accordance with building code requirements.
 - 4. Average Cottage Footprint.** The average building footprint of cottages within each cluster shall not exceed the following:
 - a.** Cottages with height of 15 feet or less: 1,400 square feet.
 - b.** Cottages with height over 15 feet: 900 square feet.
 - 5. Average Cottage Size.** The average size of all cottages and community buildings within a cottage cluster shall not exceed 1,400 square feet. The following provisions apply:
 - a.** Average cottage size is calculated by dividing the total floor area of all cottages and community buildings within the cluster divided by the number of cottages and community buildings within the cluster.

- b.** An applicant may choose to exclude existing structures retained under subsection (C)(9) from the calculation.
 - c.** For cottage cluster projects with multiple clusters, the average cottage size is calculated for each cluster separately.
- 6. Building Height.** The maximum building height for all structures is 25 feet.
- 7. Size of Common Courtyard.** At least 150 square feet of common courtyard area shall be provided for each cottage within the cluster. The courtyard must meet the other dimensional and design requirements of Section 3.1.800 Cottage Cluster Standards.
- 8. Accessory Structures.** Accessory structures (excluding community buildings) must not exceed 400 square feet in floor area.
- 9. Existing Structures.** On a lot to be used for a cottage cluster project, an existing detached single-unit dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:
 - a.** The existing dwelling may be nonconforming with respect to the requirements of this code.
 - b.** The existing dwelling may be expanded up to the maximum height in subsection (C)(6) or the maximum building footprint in subsection (C)(4); however, existing dwellings that exceed the maximum height or footprint of this code may not be expanded.
 - c.** An applicant may choose to exclude the floor area of the existing dwelling when calculating the average cottage size of a cottage cluster, pursuant to subsection (C)(5).

Policy Question: This section addresses issues unique to townhome design. It limits the number of attached townhomes to ensure buildings are compatible in scale with single-unit dwellings and ensures appropriate maintenance of common areas.

Do these standards strike the right balance of encouraging high-quality, compatible design while allowing flexibility?

2.6.450 Townhomes

- A. Purpose.** The following provisions are intended to promote a compatible building scale where attached single-unit dwellings are proposed, while minimizing the impact of garages along street fronts and creating a streetscape that is conducive to walking, and to ensure the maintenance of commonly owned areas.
- B. Applicability.** The following standards apply to new townhomes in the NR, CR, VR, CC, RC or DMU zone. **[PROCEDURE TYPE — confirm on the Chapter 4 update]**
- C. Standards.**
- 1. Building Mass.** Each building shall contain not more than the following number of consecutively attached townhome units: four in the NR zone; six in the CR zone; and eight in the VR zone. In the CC, RC and DMU zones the number of consecutively attached townhome units is not limited.
 - 2. Areas Owned in Common.** Common areas must be maintained by a homeowners association or other legal entity. Such legal entity may also be responsible for exterior building maintenance. A copy of any applicable covenants, restrictions and conditions must be recorded and provided to the City prior to issuance of a building permit.

Policy Question: The multi-unit housing standards require common open space in these higher density housing developments. They are similar to existing standards in the BDC, but are modified to meet the state requirement of clear and objective standards.

Do these standards strike the right balance of encouraging high-quality, compatible design while allowing flexibility?

2.6.460 Multi-Unit Housing

- A. Purpose.** The following provisions are intended to ensure that multi-unit developments provide outdoor area and usable open space for the residents.

B. Applicability. The following standards apply to new multi-unit housing in the CR, VR, CC, RC or DMU zone. **[PROCEDURE TYPE — confirm on the Chapter 4 update]** For the purpose of this section, townhouse style multi-unit housing developments are those in which the units have individual ground floor entries, share one or more common walls with one or more other units, and do not share common floors or ceilings with another unit.

C. Standards.

- 1. Minimum Outdoor Area.** Except as specified in subsection (C)(4), a minimum of 15 percent of the gross site area must be provided as outdoor area meeting the description and standards of Section 1.3.800, Required Outdoor Area and Usable Open Space.
- 2. Minimum Usable Open Space.** For sites over 20,000 square feet in gross site area, a percentage of the required outdoor area must be permanently reserved as shared, usable open space available for use by the residents:
 - a. For sites between 20,000 and 50,000 square feet, at least 25 percent of the required outdoor area must be usable open space.
 - b. For sites 50,000 square feet or larger, at least 50 percent of the required outdoor area must be usable open space.
- 3. Usable Open Space Standards.** The usable open space shall meet the following criteria:
 - a. The usable open space shall contain one or more of the features specified in Chapter 1.3, Required Outdoor Area and Usable Open Space.
 - b. In order to be counted as eligible toward the minimum usable open space area, such areas shall have dimensions of not less than 10 feet.
 - c. Up to 50 percent of the required usable open space may be provided as indoor recreation or community space provided it is accessible to all residents.
- 4. Exceptions.**
 - a. For sites under 20,000 square feet in size, 100 percent of the required outdoor area may be met by a rooftop garden provided it is accessible to all of the residents, or by private open space.
 - b. Sites that are under 20,000 square feet in size and located within one-quarter mile walking distance of a public park that is at least 1 acre in size are exempt from the usable open space requirement. Walking distance is measured along a route utilizing sidewalks or other public pedestrian facilities that are existing or will be constructed with the development.

- c. For townhouse style multi-unit housing, 100 percent of the required usable open space may be provided as private yards for each unit.

Commentary: State law requires cities over 2,500 residents to allow at least one accessory dwelling unit (ADU) with each detached single-unit dwelling (ORS 197A.425). The City may apply reasonable siting and design standards but may not require owner occupancy or additional parking. The current BDC defines “accessory dwelling” but does not list ADUs as a permitted use or say whether they need parking. We propose to allow one ADU per single-unit dwelling in the NR, CR and VR zones, with size, setback and separation standards and no parking or owner-occupancy requirement.

2.6.470 Accessory Dwelling Units

- A. Purpose.** The following provisions are intended to allow accessory dwelling units as an economical means of adding housing choice in developed neighborhoods.
- B. Applicability.** The following standards apply where an accessory dwelling unit is proposed in the NR, CR or VR zone. **[PROCEDURE TYPE — confirm on the Chapter 4 update]**
- C. Standards.**
 - 1. One Unit.** A maximum of one accessory dwelling unit is allowed per legal single-unit dwelling (referred to as the primary dwelling). The unit may be in a separate detached building, in a portion of a detached accessory building (e.g., above a garage or workshop), or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).
 - 2. Floor Area.** The maximum floor area for an accessory dwelling unit is 1,000 square feet or 80 percent of the floor area of the primary dwelling, whichever is less. However, the maximum floor area standard does not apply when an entire floor of a primary dwelling (e.g., a basement) is converted to an accessory dwelling unit and the primary dwelling has been on the lot for at least five years. Floor area is measured as provided in Section 1.3.600.
 - 3. Other Standards.** Except as provided below, accessory dwelling units shall meet all development standards (e.g., height, setbacks, lot coverage) that apply to detached single-unit dwellings in the zone. Accessory dwelling units are exempt from design standards.
 - a. Conversion of an existing legal non-conforming structure to an accessory dwelling unit is allowed, provided that the conversion does not increase the non-conformity.
 - b. Maximum density standards do not apply to accessory dwelling units.

- c. Minimum off-street parking standards do not apply to accessory dwelling units.
- d. Detached accessory dwelling units that do not exceed 12 feet in height may be located within 5 feet of an interior side or rear lot line.
- e. A detached accessory dwelling unit shall be separated from the primary dwelling by at least 6 feet.

Commentary: State law requires the City to allow manufactured home parks in zones planned for 6 to 12 units per acre (ORS 197A.436). The City may apply clear and objective standards but may not require a site larger than one acre or prohibit prefabricated homes in a park (ORS 197A.432 and 197A.434). The current BDC allows parks only in the Manufactured Home Park Sub District and applies roof and siding standards in parks under 3 acres. We propose to allow parks on sites of one acre or more in the NR, CR and VR zones. The section keeps the current space, setback and density limits, allows prefabricated homes and RVs, and removes the home design standards.

2.6.480 Manufactured Home Parks

- A. Purpose.** The following provisions are intended to provide for the development of manufactured home parks.
- B. Applicability.** The following standards apply where a manufactured home park is proposed in the NR, CR or VR zone. **[PROCEDURE TYPE — confirm on the Chapter 4 update]** This section also applies to a recorded subdivision developed to manufactured dwelling park standards, as provided in subsection (D).
- C. Standards.** Manufactured home parks are permitted on lots of one (1) acre or larger in the NR, CR and VR zones, subject to compliance with all the following:
 - 1. Permitted Uses and Structures.** The following uses and structures are permitted within a manufactured home park: detached single-unit dwellings, prefabricated dwellings, manufactured homes, recreational vehicles connected to water, sewer and electrical utilities, a manufactured home park manager's office, home occupations, and accessory structures that are necessary for the operation and maintenance of the manufactured home park (e.g., landscape maintenance).
 - 2. Space.** The minimum size pad or space for each home is 2,500 square feet, provided that the overall density of the park does not exceed 12 units per acre. Each space shall be at least 30 feet wide and 40 feet long.

- 3. Setbacks and Building Separation.** The minimum setback between park structures and abutting properties is 5 feet. The minimum setback between park structures and public street right-of-way is 15 feet. At least a 10-foot separation shall be provided between all dwellings. Dwellings shall be placed a minimum of 14 feet apart where flammable or combustible fuel is stored between units. Park structures shall be placed no closer than 5 feet to a park street or sidewalk/pathway. An accessory structure shall not be located closer than 6 feet to any other structure or dwelling, except that a double carport or garage may be built which serves 2 dwellings. When a double carport/garage is built, the carport/garage shall be separated from all adjacent structures by at least 3 feet.
- 4. Utility Connections.** Electric, water and sewer utility connections shall be made to the manufactured home park or individual unit depending on the ownership of the park.
- 5. Development Standards.** Development of manufactured home parks, including placement of manufactured and prefabricated dwellings within a park, shall comply with applicable building codes and state requirements for Mobile Home and Manufactured Dwelling Parks in ORS Chapter 446. The Building Official administers the Oregon Manufactured Dwelling and Park Specialty Code for park construction and the placement of dwellings in a park.
- 6. Perimeter Landscaping.** Where a dwelling is oriented with its back or side yard facing a public street, a landscape buffer at least 10 feet wide shall be provided between the street and the park, with a sight-obscuring fence at least 6 feet tall along the park side of the buffer.
- 7. Recreation Area.** At least 100 square feet of improved recreation area shall be provided for each dwelling space, and not less than 2,500 square feet in total. Each recreation area counted toward this standard shall be at least 30 feet wide. Indoor community space available to all residents may meet up to 50 percent of this standard.
- 8. Guest Parking.** At least one guest parking space shall be provided for every five dwelling spaces, in addition to the parking required by Chapter 3.6.
- 9. Manager's Office.** Each manufactured home park shall include a manager's office.
- 10. Trash and Recycling.** Shared trash and recycling storage shall meet Section 3.1.700.

D. Desert Springs Estates Phase 1 (Bella Vista Estates).

- 1. Purpose.** The purpose of establishment of this section is to resolve siting and construction conflicts with the Boardman Development Code due to the original design criteria of a Manufactured Home Park not being aligned with a portion of the park. These conflicts are due to manufactured home park lot sizes, and allowed setbacks, being markedly different than language called for in this chapter of the Development Code. The original design, consistent with today's rules, are primarily contained in the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition and are conflicting with existing code language for lot size and setbacks.
- 2. Permitted Uses.**
 - a. Siting of manufactured homes within the subdivided portion, still recorded as Desert Springs Estates Phase 1, owned by the Bella Vista Estates Cooperative Manufactured Home Park. Siting must be in accordance with the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition.
 - b. Accessory Structures which do not encroach into dedicated easements or rights-of-way within the Desert Springs Estates Phase 1 subdivision.
 - c. Open Spaces and Playgrounds in accordance with the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition.
- 3. Setbacks.** Setbacks within the Desert Springs Estates Phase 1 subdivision shall be consistent with Chapter 9 Fire and Life Safety Table 9-A, of the Oregon Manufactured Dwelling and Park Specialty Code – 2002 Edition.
- 4. Existing Configuration.** A lot, dwelling or accessory structure lawfully established within the subdivision before the effective date of this ordinance is deemed to comply with subsection (C).

Commentary: State law requires the City to allow single room occupancy (SRO) housing: at least four rented, lockable units that share bathrooms or kitchens (ORS 197A.430). By January 1, 2027, the City must allow up to six SRO units on lots zoned for single-unit dwellings and up to three times the maximum density in zones that allow multi-unit housing. The current BDC does not define or allow SROs. We propose to allow SROs in the residential, CC, RC and DMU zones at these densities.

2.6.500 Single Room Occupancy

- A. Purpose.** The following provisions are intended to allow single room occupancy housing at the densities the state requires the City to permit, and to set the off-street parking standard for that housing type.

B. Applicability. The following standards apply where single room occupancy housing is proposed in the NR, CR, VR, CC, RC or DMU zone. [PROCEDURE TYPE — confirm on the Chapter 4 update]

C. Standards.

1. Density.

- a. On a lot in a zone that allows detached single-unit dwellings, up to six single room occupancy units are allowed, notwithstanding the maximum density standards of Chapter 2.2.
- b. On a lot in a zone that allows multi-unit housing, single room occupancy housing is allowed at up to three times the maximum density otherwise allowed in the zone.

2. Other Standards. Except as provided above, single room occupancy housing shall meet the development standards of Chapter 2.1 or Chapter 2.2, as applicable, and the design standards for multi-unit housing in Chapter 3.1.

3. Transient Room Tax. Occupancy of a single room occupancy unit for fewer than 30 consecutive days is subject to the transient room tax in Chapter 3.12 of the Boardman Municipal Code.

Commentary: State law requires the City to allow residential homes (licensed care homes for five or fewer residents) in all residential zones under the same standards as a single-unit dwelling (ORS 197.665). Residential facilities (6 to 15 residents) must be permitted wherever multi-unit housing is permitted (ORS 197.667). The current BDC generally complies but uses older terms. We propose to permit residential homes in the NR, CR and VR zones and residential facilities in the VR, CC, RC and DMU zones, where multi-unit housing is allowed.

2.6.510 Residential Homes, Residential Facilities and Residential Treatment Facilities

A. Purpose. The following provisions are intended to implement state and federal laws pertaining to residential care uses. It also states the standards for residential treatment facilities and residential treatment homes.

B. Applicability. The following standards apply where a residential home is proposed in the NR, CR or VR zone, or where a residential facility is proposed in the VR, CC, RC or DMU zone. Residential facilities are not the same as acute care facilities, which are classified as healthcare center uses, and they are not the same as senior housing facilities, which are classified as either multi-unit housing or group living facilities, depending on their characteristics. This section also applies to a residential treatment facility or a residential treatment home. A use subject to ORS 197A.385 is not subject to any provision of this section that would require a conditional use permit, a zone change or a comprehensive plan amendment.

C. Standards.

- 1. Licensing and State Requirements.** Residential homes and residential facilities shall be licensed by the State of Oregon and comply with state requirements, pursuant to ORS 197.660 to 197.667. A residential treatment facility and a residential treatment home shall be licensed by the Oregon Health Authority as required by ORS chapter 443.
- 2. Residential Homes.** Residential homes may provide residential care alone, or in conjunction with treatment or training, for five or fewer individuals who need not be related. Staff required to meet state licensing requirements are not counted in the number of residents and need not be related to each other or the residents. The same Development Code standards that apply to detached single-unit dwellings also apply to residential homes, except where state law supersedes City standards.
- 3. Residential Facilities.** Residential facilities may provide residential care alone, or in conjunction with treatment or training, for between 6 and 15 individuals who need not be related. Staff required to meet state licensing requirements are not counted in the number of residents and need not be related to each other or the residents. The same Development Code standards that apply to multi-unit housing also apply to residential facilities, except where state law supersedes City standards.
- 4. Residential Treatment Facilities and Residential Treatment Homes.** A residential treatment home provides residential treatment for five or fewer individuals who need not be related. A residential treatment facility provides residential treatment for six or more individuals who need not be related. Staff required to meet state licensing requirements are not counted in the number of residents and need not be related to each other or to the residents. The same Development Code standards that apply to a detached single-unit dwelling apply to a residential treatment home, and the same Development Code standards that apply to multi-unit housing apply to a residential treatment facility, except where state law supersedes City standards.

5. **Access.** The access and circulation standards of Chapter 3.3 shall be met.
6. **Parking.** The parking standards of Chapter 3.6 shall be met.
7. **Landscaping.** Residential facilities are required to comply with the landscaping and screening standards of Chapter 3.5. The City may require the installation of a landscape hedge or fence on the property line separating a residential facility from an abutting lot containing a detached single-unit dwelling for the purposes of visual screening and privacy between uses.
8. **Building Design Standards.** Residential facilities are required to comply with the building orientation and design standards for multi-unit housing in Chapter 3.1; except that where a state requirement conflicts with a City standard, the state requirement, not the City standard, shall apply. The building design standards do not apply to residential homes.

2.6.520 Bed and Breakfast Inns

- A. **Purpose.** The purpose of this section is to provide standards for the establishment of a bed and breakfast inn.
- B. **Applicability.** The following standards apply where a bed and breakfast inn is proposed in the NR, CR or VR zone. A bed and breakfast inn requires Conditional Use Permit approval in accordance with Chapter 4.4.
- C. **Standards.**
 1. **Accessory Use.** A bed and breakfast inn must be accessory to a household already occupying the structure as a residence.
 2. **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.
 3. **Employees.** The bed and breakfast facility may have up to 2 non-resident employees for the facility.
 4. **Food Service.** Food services may only be provided to overnight guests of the bed and breakfast inn.
 5. **Owner-Occupied.** The bed and breakfast inn shall be owner-occupied and shall maintain the exterior physical characteristics of a detached single-unit dwelling. No separate structures shall be allowed (except for usual residential accessory buildings such as sheds, or detached garages).
 6. **Signs.** Signs must meet the standards in Section 3.9.300 Signs.

- 7. 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.
- 8. Transient Room Tax.** A bed and breakfast inn is subject to the transient room tax in Chapter 3.12 of the Boardman Municipal Code.

2.6.530 Home Occupations

- A. Purpose.** The purpose of this Section is to encourage those who are engaged in small commercial ventures which could not necessarily be sustained if it were necessary to lease commercial quarters, or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. Home occupations are encouraged for their contribution in reducing the number of vehicle trips often generated by conventional businesses.
- B. Applicability.** The following standards apply where a home occupation is proposed in the NR, CR or VR zone, where home occupations are permitted by right in all dwellings. Home occupations in the commercial zones are permitted outright and are not subject to the standards of this section.
- C. Standards.**
 - 1. Appearance of Residence.** The home occupation shall be restricted to lawfully built enclosed structures and be conducted in such a manner as not to give an outward appearance of a business. The home occupation shall not result in any structural alterations or additions to a structure that will change its primary use or building code occupancy classification. The home occupation shall not violate any conditions of development approval (i.e., prior development permit approval). No products and or equipment produced or used by the home occupation may be displayed to be visible from outside any structure.
 - 2. Storage.** Outside storage, visible from the public right-of-way or adjacent properties, is prohibited. On-site storage of hazardous materials (including toxic, explosive, noxious, combustible or flammable) beyond those normally incidental to residential use is prohibited. Storage of inventory or products and all other equipment, fixtures, and activities associated with the home occupation shall be allowed in any structure.

- 3. Employees.** Other than family members residing within the dwelling located on the home occupation site, there shall be no more than one full time equivalent employee at the home occupation site at any given time. As used in this chapter, the term “home occupation site” means the lot on which the home occupation is conducted. Additional individuals may be employed by or associated with the home occupation, so long as they do not report to work or pick up/deliver at the home. The home occupation site shall not be used as a headquarters for the assembly of employees for instruction or other purposes, including dispatch to other locations.
- 4. Advertising and Signs.** Signs shall comply with Section 3.9.300.
- 5. Vehicles, Parking and Traffic.** One commercially-licensed vehicle associated with the home occupation is allowed at the home occupation site. It shall be of a size that will not encroach onto the public right-of-way, including the sidewalk and planter strip, when parked in the driveway or other location on the home occupation site. There shall be no more than three commercial vehicle deliveries to or from the home occupation site daily. There shall be no commercial vehicle deliveries during the hours of 7 p.m. to 7 a.m. There shall be no more than two client or customer vehicles at any one time and no more than eight per day at the home occupation site or in the right-of-way abutting the lot.
- 6. Business Hours.** There shall be no restriction on business hours, except that clients or customers are permitted at the home occupation from 8 a.m. to 6 p.m. Monday through Friday subject to all provisions above.
- 7. Prohibited Home Occupation Uses.**

 - a. Any activity that produces radio or TV interference, noise, glare, vibration, smoke or odor beyond allowable levels as determined by local, state or federal standards, or that can be detected beyond the property line, is prohibited.
 - b. Any activity involving on-site retail sales is prohibited, except that the sale of items that are incidental to a permitted home occupation is allowed. For example, the sale of lesson books or sheet music by music teachers, art or craft supplies by arts or crafts instructors, computer software by computer consultants, and similar incidental items for sale by home business are allowed subject to all provisions above.
 - c. Any uses described in this section or uses with similar objectionable impacts because of motor vehicle traffic, noise, glare, odor, dust, smoke or vibration, such as:

 - i. Ambulance service;
 - ii. Animal hospital, veterinary services, kennels or animal boarding;

- iii. Auto and other vehicle repair, including auto painting;
 - iv. Repair, reconditioning or storage of motorized vehicles, boats, recreational vehicles, airplanes or large equipment on-site.
8. **Enforcement.** The City Manager or their designee may visit and inspect the site of home occupations in accordance with this chapter periodically to insure compliance with all applicable regulations, during normal business hours, and with reasonable notice. Code violations shall be processed in accordance with Chapter 1.5 - Enforcement.

2.6.540 Residential Caretaker Units

- A. **Purpose.** The following provisions are intended to allow on-site residential quarters for a caretaker where continuous on-site presence is necessary to the operation or security of a permitted use.
- B. **Applicability.** The following standards apply where a residential caretaker unit is proposed in the RC, EMP, or IND zone. [PROCEDURE TYPE — confirm on the Chapter 4 update]
- C. **Standards.** One residential caretaker unit shall be permitted for each development, subject to all the following:
- 1. **Utilities.** The unit shall be served with public water and sanitary sewerage disposal, in conformance with Public Works Standards.
 - 2. **Fire and Building Code.** Caretaker units shall be required to meet applicable fire safety and building code requirements.
 - 3. **Setbacks.** The unit shall meet the applicable setback standards of Sections 2.2.400 and 2.2.500.

Policy Question: Drive-throughs are proposed to be permitted in the CC, RC, EMP and IND zones and prohibited in the DMU zone. The current BDC allows a drive-through only as an accessory to a walk-in use, with access from an alley or common driveway. That rule does not address the main problems drive-throughs cause. The proposed standards do: longer stacking lanes keep waiting cars out of the street, a walk-up service area lets people on foot or bike order safely, and spacing between drive-throughs in the CC zone keeps them from clustering along one street.

Do these standards fit Boardman? Are there other issues with drive-throughs the code should address?

2.6.600 Drive-Through Facilities

- A. Purpose.** The standards for drive-through facilities and quick vehicle servicing uses are intended to support pedestrian-oriented site design where drive-through facilities are proposed and limit the negative impact of facilities oriented to vehicles. The standards require buildings to offer points of entry and service that can be directly accessed on foot. They also require that visible, safe, and clearly defined routes are provided on-site for pedestrians and bicyclists. The standards ensure adequate vehicle queuing space and limit locations and spacing of these facilities.
- B. Applicability.** The following standards apply to new developments with drive-through facilities, the addition of drive-through facilities to existing developments, and the relocation of an existing drive-through facility. [PROCEDURE TYPE — confirm on the Chapter 4 update]
- C. Standards.**
- 1. Where Drive-Through Facilities are Limited.**
 - a. New drive-through facilities are prohibited in the DMU zone.
 - b. Existing drive-through facilities in the DMU zone are considered non-conforming uses. Notwithstanding Chapter 5.2 Non-Conforming Uses and Developments, existing drive-through facilities may be rebuilt, expanded, or relocated on the site but must meet the standards in subsections (C)(2) and (C)(3).
 - c. In the CC zone, no new drive-up or drive-through facility is allowed within [INSERT VALUE] linear feet of another drive-through facility, where the existing drive-through facility lawfully existed as of the date of an application for a new drive-through facility.
 - 2. Pedestrian Service Areas.** A development with a drive-through facility must provide at least one walk-up service area that meets the following standards. Examples of a walk-up service area include an indoor service area directly accessible from a public street or an outdoor walk-up service window.

- a. Walk-up service areas must be accessible by customers arriving on foot, using a mobility device, or by bicycle. Customers using a walk-up service area must have the same or better access to goods and services as customers using the drive-through. Quick vehicle servicing uses are exempt from this standard.
- b. If the walk-up service area is limited to an outdoor service window, it must not also be used by vehicles. Walk-up service may be provided by facility staff or by automatic teller-style machines.
- c. Walk-up service areas must be connected to the street by a direct and convenient walkway that meets the standards of Chapter 3.4.

3. Vehicle Service Areas and Stacking Lanes.

- a. All driveway entrances, including stacking lane entrances, must be at least 50 feet from any street intersection. If a drive-through facility has frontage on two streets, the drive-through facilities must receive access from the street with the lower classification.
- b. Vehicle service areas and stacking lanes must not be located between the building and a street lot line. Quick vehicle servicing uses are exempt from this standard.
- c. Stacking lanes must be designed so that they do not prevent access to parking stalls, nor block the public right-of-way. The minimum length of stacking lanes must be as follows:
 - i. **Gasoline Fuel Pumps and Electric Vehicle Chargers.** A minimum of 30 feet of stacking lane is required between the stacking lane entrance and the nearest fuel pump or electric vehicle charger.
 - ii. **Drive-Through Facilities.** A minimum of [INSERT VALUE] feet for a single stacking lane, or [INSERT VALUE] feet per lane when there is more than one stacking lane, is required for all other drive-through facilities. A stacking lane is measured between the lane entrance and the service area.

Policy Question: Small-scale commercial uses, such as shops, services, cafes, offices and child care, are proposed in all residential zones. The current BDC allows them only in the Multi-Family Sub District. Each site must front a collector or arterial street, be at least one-half mile from another commercial site, and have no more than 5,000 square feet of commercial space. The goal is to put daily services within walking distance of more homes.

Do these limits balance access to services with neighborhood compatibility? Should any uses be added or removed from the list?

2.6.610 Commercial Uses in Residential Zones

- A. Purpose.** The following provisions are intended to promote land use compatibility and transition between commercial and residential uses.
- B. Applicability.** The following standards apply to the commercial uses listed in subsection (C)(1) where those uses are permitted in a residential zone by Table 2.1.200. **[PROCEDURE TYPE — confirm on the Chapter 4 update]**
- C. Standards.**
- 1. Permitted Uses.** Only the following commercial uses are permitted in a residential zone, and only where Table 2.1.200 permits them: retail trade and services, limited to neighborhood-serving retail uses; personal and professional services; eating and drinking establishments; business and professional offices; and child care centers. Residential and commercial uses may be mixed “vertically” — meaning that a residential use is developed above the commercial use (i.e., ground floor retail/office with upper-story apartments, townhomes, or condominiums), or may be mixed “horizontally” — meaning commercial and residential uses both occupy ground floor space. Automobile-oriented uses, as defined in Chapter 1.2, are expressly prohibited.
 - 2. Dispersion of Commercial Development.** A commercial site in a residential zone shall be located no closer than one-half mile from another such site within the City. A “commercial site in a residential zone” means a lot or parcel (or combination of adjacent lots or parcels), zoned NR, CR or VR and containing commercial uses.
 - 3. Location and Access.** Commercial developments in a residential zone shall have frontage onto a collector or arterial street, and shall conform to the standards of Chapter 3.2 Non-Residential Design Standards. Parking shall meet Chapter 3.6.
 - 4. Floor Area Supplemental Standards.** The maximum commercial floor area shall not exceed 5,000 square feet total per commercial site in a residential zone. Floor area is measured as provided in Section 1.3.600. Floor area in residential use is not counted.

2.6.620 Light Manufacturing

- A. Purpose.** The following provisions are intended to protect the pedestrian-friendly character of the City's commercial areas where light manufacturing is permitted alongside retail and service uses.
- B. Applicability.** The following standards apply where a light manufacturing use is proposed in a commercial zone. The standards of this section do not apply to light manufacturing in the IND or EMP zone. [PROCEDURE TYPE — confirm on the Chapter 4 update]
- C. Standards.** Light manufacturing uses shall conform to the following standards.
- 1. Retail or Service Use Required.** Light manufacturing is allowed only when it is in conjunction with a permitted retail or service use and does not exceed 60% of the gross floor area.
 - 2. Location.** The light manufacturing use shall be enclosed within a building, or shall be located within a rear yard not adjacent to a street and screened from public view.
 - 3. Other Requirements.** Any allowed light manufacturing shall be conducted to minimize impacts to surrounding business and services. These shall include the conditions set as follows:
 - a.** Deliveries shall not interfere with normal transportation circulation (vehicular, pedestrian, etc.);
 - b.** Operations shall not produce solid waste volumes in excess of 200% of the average of surrounding businesses' and services;
 - c.** Operations shall not qualify as a hazardous waste generator or small quantity generator as defined by state and federal environmental regulations;
 - d.** Operations shall not create conditions which would qualify as a nuisance or otherwise not be in compliance under other Boardman Municipal Codes; and
 - e.** Shall be compatible with other commercial activities and operations.
 - 4. Existing Uses.** A light manufacturing use lawfully established on the effective date of this ordinance is deemed to comply with subsection (C)(2).

2.6.630 Uses with Significant Noise, Light/Glare, Dust, Vibration, or Traffic Impacts

- A. Purpose.** The following provisions are intended to identify uses whose off-site impacts warrant discretionary review, and to state the criteria by which those impacts are judged significant.
- B. Applicability.** The following defined uses shall require Conditional Use Permit approval, in addition to Development Review or Site Design Review, in any zone in which the use is otherwise permitted.
- C. Standards.**
- 1. Uses with Significant Noise, Light/Glare, Dust and Vibration Impacts.** Uses that are likely to create significant adverse impacts beyond the property line, such as noise, light/glare, dust, or vibration shall require conditional use approval, in conformance with Chapter 4.4. The following criteria shall be used in determining whether the adverse impacts of a use are likely to be “significant”:
 - a. Noise.** The noise level beyond the property line exceeds 55 dBA (24-hour average) on a regular basis. An application for a use that is likely to exceed this level shall include a noise study prepared by a qualified acoustical professional. Enforcement of this standard is governed under police enforcement.
 - b. Light/Glare.** Lighting and/or reflected light from the development exceeds ordinary ambient light and glare levels (i.e., levels typical of the surrounding area).
 - c. Dust and/or Exhaust.** Dust and/or exhaust emissions from the development 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 trip generation letter 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.** Uses such as the operation of mineral and aggregate quarries and similar uses, shall require a Conditional Use Permit unless the applicant pursues approval through the Goal 5 protection process. 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 final approval, and shall comply with applicable requirements of State natural resource regulatory agencies.

2.6.640 Medical Marijuana Facilities

- D. Purpose.** The purpose of this section is to limit the off-site effects of medical marijuana dispensaries and grow facilities, including odor, signage and outward evidence of the operation, to separate dispensaries from one another and from areas where children are present, and to ensure that products are secured indoors.
- E. Applicability.** This section applies to a medical marijuana dispensary or facility and to a medical marijuana grow facility. Each use requires a Conditional Use Permit under Chapter 4.4.
- F. Standards.** A medical marijuana dispensary or facility and a medical marijuana grow facility shall comply with all the following:
1. Facilities shall 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 is permitted.
 3. All facilities must be licensed by the Oregon Health Authority.
 4. The registry identification card and Oregon Health Authority license shall be displayed for public view.
 5. A grow facility must be indoors, or sufficiently screened and ventilated to show no outward signs, or odors, of the grow operation.
 6. A dispensary facility 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 to 8 hours per day and no later than 8:00 PM on weekdays, and no more than 6 hours per day and no later than 6:00 PM on weekends and holidays.
 8. A facility shall not be sited within 1,000 feet of another marijuana dispensary.

9. A medical marijuana dispensary and a medical marijuana grow facility shall not be located on the same parcel.
10. Signs shall be limited to 100 square feet per building face of the facility, with no more than two faces signed. Other sign requirements are in the Boardman Municipal Code.
11. No outdoor storage of products is permitted.
12. Facilities shall meet the other applicable conditional use criteria of Chapter 4.4.

Commentary: This section lets existing farm uses continue on land rezoned from the Future Urban Sub District to the NR, CR, RC or IND zone. Without it, these farms would become nonconforming uses. The allowance ends after 18 consecutive months without farm use. A land division for a purpose other than housing must create lots of at least 10 acres and record a shadow plat, so the land can still develop at urban densities later.

2.6.650 Continuation of Existing Farm Uses

- A. Purpose.** The following provisions allow farm uses lawfully established before the effective date of this ordinance to continue on land that is rezoned to a residential, RC or IND zone, together with the structures those uses require. Without this section, such farm uses would be nonconforming uses under Chapter 5.2, which prohibits any additional structure on the lot and terminates the use after twelve months of discontinuance.
- B. Applicability.** This section applies to a lot or parcel in the NR, CR, RC or IND zone that was in farm use on the effective date of this ordinance. A farm use that meets this subsection is a permitted use and is not a nonconforming use under Chapter 5.2.
- C. Standards.**
1. **Continuation of Existing Farm Uses.** The following farm uses may continue on land to which this section applies, but only where the use was lawfully conducted on that land on the effective date of this ordinance:
 - a. Raising, harvesting and selling of crops.
 - b. Feeding, breeding, selling and management of livestock, poultry, fur-bearing animals, or honeybees.
 - c. Selling of products of livestock, poultry, fur-bearing animals, or honeybees.
 - d. Dairying and selling of dairy products.

- e. Preparation and storage of the products raised on such lands for human use and animal use.
 - f. Distribution by marketing or otherwise of products raised on such lands.
 - g. Any other agricultural use, horticultural use, animal husbandry, or any combination thereof.
 - h. Propagation or harvesting of a forest product.
 - i. Public and private conservation areas and structures for the conservation of water, soil, forest or wildlife habitat resources.
 - j. Fish and wildlife management program facilities.
2. **Accessory Uses and Structures.** Accessory buildings and uses customarily incidental to a farm use continued under this section are permitted, including barns, shops, equipment and produce storage buildings, wells and pump houses. A roadside stand located on the same property as the principal use is permitted when it sells only agricultural products produced in the surrounding community. A roadside stand shall meet the access standards of Chapter 3.3 and the parking standards of Chapter 3.6.
3. **Expansion.** A farm use continued under this section may be expanded within the boundaries of the lot or parcel, and new accessory structures may be constructed, subject to the setback and height standards of the applicable zone. The limitations on enlargement and additional structures in Chapter 5.2 do not apply.
4. **Discontinuance.** A farm use continued under this section ceases to be permitted under this section if the land is not in farm use for 18 consecutive months. Land left fallow as part of an ordinary agricultural rotation remains in farm use. When a farm use ceases to be permitted under this section, subsequent use of the land shall conform to the standards of the applicable zone.
5. **Land Division.** A lot or parcel to which this section applies may be divided as follows.
- a. **Division that Creates a Lot or Parcel for Residential Development.** The lot or parcel is subject to the minimum density standard of the applicable zone. The minimum lot area in subsection (C)(5)(b) does not apply.
 - b. Any other division, including a division for a farm use or an agriculture-related use. Each resulting lot or parcel shall be not less than 10 acres, except that a lot or parcel created for a school use shall be not less than 5 acres.

- c. **Shadow Plat Required for a Division Under Subsection (C)(5)(b).** The applicant shall record a legally binding shadow plat dividing the remaining portion or the entire parcel into future urban lots as permitted by the applicable zone, and illustrating the location of future internal roadways and easements. The shadow plat shall follow the land division standards of Chapter 4.3.
 - d. **Purpose of Subsections (C)(5)(b) and (C)(5)(c).** These standards prevent parcelization that would foreclose future development at urban densities. They do not apply to a division for residential development, which is governed instead by the minimum density standard.
6. **Relationship to Development of the Land.** Nothing in this section limits the right of the owner to develop the land in accordance with the standards of the applicable zone. Division of a lot or parcel to which this section applies is subject to Chapter 4.3.

Policy Question: Housing is proposed to be allowed in the DMU, CC and RC zones only as part of a mixed-use development. This section defines mixed use: commercial space must fill at least 25% of the building's ground floor, but no more than 5,000 square feet is required. The homes may be in the same building or a separate building on the site. The current BDC allows housing in commercial zones only with a conditional use permit, a discretionary review with an uncertain outcome. The proposed standards are clearer and more predictable: applicants know up front what they must build. The goal is to allow housing in commercial areas without using up land needed for jobs and services.

Is 25% of the ground floor, capped at 5,000 square feet, the right amount of commercial space to require?

2.6.660 Residential Uses in Commercial Zones

- A. **Purpose.** This section states the minimum non-residential component required for a development to qualify as mixed use where Table 2.1.200 permits a housing type only as part of a mixed-use development.
- B. **Applicability.** This section applies to quadplex, townhouse, multi-unit housing and single room occupancy development in the DMU, CC and RC zones.
- C. **Standards**
 - 1. **Minimum Commercial Floor Area.** A mixed-use development shall devote to commercial use a ground floor area of not less than 25 percent of the total ground floor area of the building, except that not more than 5,000 square feet of commercial floor area shall be required.

2. Location of Commercial Floor Area. The commercial floor area shall be located on the ground floor. Residential dwelling units may be located in the same building as commercial uses or in a separate building.

D. Measurement. Ground floor area is measured in accordance with Chapter 1.3. The 5,000 square foot cap applies to a building whose ground floor area exceeds 20,000 square feet.

Policy Question: Data centers are proposed to require a conditional use permit in the EMP and IND zones. The current BDC has no standards specific to data centers. This new section requires proof of electric, water and wastewater capacity. It also sets standards for cooling water use, backup generator testing, noise and distance from residential zones.

Do these standards address the main effects data centers have on the community and nearby neighbors? What other issues should the code address?

2.6.670 Data Centers

- A. Purpose.** The purpose of this section is to ensure that a data center is served by adequate electrical, water and wastewater capacity, and that its mechanical, electrical and backup power equipment does not create off-site noise effects on adjacent properties.
- B. Applicability.** This section applies to a use classified as a Data Center under Section 1.4.500, and to an expansion that increases connected electrical load by **[INSERT VALUE]** percent or more.
- C. Relationship to Section 2.6.630.** Where this section establishes a standard for a specific effect, that standard applies in place of Section 2.6.630 for that effect. Section 2.6.630 continues to apply to effects not addressed by this section.
- D. Standards.** A data center shall comply with all the following:
- 1. Utility Capacity.** An application shall include written confirmation from the electric service provider and from the City or other water and wastewater utility that capacity is available to serve the projected connected load, water demand and discharge, or identifying the improvements required to serve it.
 - 2. Cooling Method and Water Use.** A data center with projected water consumption at or above **[INSERT VALUE]** gallons per day shall use a closed-loop or dry cooling system. The City may approve an evaporative cooling system where the applicant demonstrates that the City and its water provider can serve the projected demand without reducing service to existing users.

3. **Backup Generator Testing.** Non-emergency generator testing shall occur only between 7:00 a.m. and 6:00 p.m. and shall not exceed [INSERT VALUE] hours per generator per year.
4. **Noise.** Noise from cooling equipment and other continuously operating equipment shall not exceed [INSERT VALUE] dBA at any property line between [INSERT VALUE] and [INSERT VALUE], and shall not exceed [INSERT VALUE] dBA at all other times. An application shall include an acoustical analysis prepared by a qualified professional.
5. **Separation from Residential Zones.** A data center building, generator, cooling tower or electrical substation shall be located at least [INSERT VALUE] feet from land zoned for residential use.

Policy Question: Food cart pods are proposed to be allowed on private property in the DMU, CC, RC and EMP zones. The current BDC treats food carts only as temporary uses. The standards require hard surfacing, setbacks, utility and grease disposal, restrooms, trash receptacles and lighting. Pods with three or more carts must also provide on-site restrooms, covered seating and vendor parking. The goal is to give small food businesses a lower-cost way to open while making pods function like a permanent restaurant site.

Are these the right zones for food cart pods? Are the requirements for pods of three or more carts reasonable, or would they discourage pods?

2.6.680 Food Cart Pods

- A. **Purpose.** The following provisions are intended to allow food cart pods on private property with the sanitation, utility and site improvements that a permanent eating and drinking use needs.
- B. **Applicability.** The following standards apply to a food cart pod in the DMU, CC, RC or EMP zone. Food cart pods are not permitted in other zones or in a special flood hazard area. [PROCEDURE TYPE — confirm on the Chapter 4 update]
- C. **Definitions.** As used in this Section:
 1. **Food cart** means a vehicle that is self-propelled, or that can be pulled or pushed, on which food is prepared, processed or converted, or from which food is sold and dispensed to the consumer.
 2. **Food cart pod** means a site on private property that contains one or more food carts and shared amenities.
- D. **Standards.** A food cart pod shall comply with all the following:

1. **Surfacing.** Each food cart, and all associated parking, loading and maneuvering areas, shall be located on a hard surface such as concrete or asphalt.
2. **Setbacks.** A food cart shall be set back at least 10 feet from a front or street lot line, at least 5 feet from an interior side or rear lot line, and at least 20 feet from a lot line abutting a residential zone. An awning or canopy may project up to 36 inches into a required setback.
3. **Separation.** A food cart shall be at least 5 feet from any structure and from any other food cart.
4. **Utilities.** Water, wastewater and electric service shall be self-contained in each food cart or provided by underground connections, except where the utility provider does not allow an underground connection.
5. **Wastewater and Grease.** The application shall state how wastewater and graywater will be disposed of. Fats, oils and grease shall not enter the City wastewater system, and no discharge other than stormwater shall enter the stormwater system.
6. **Restrooms.** Restrooms meeting state food sanitation rules shall be available to customers during operating hours, on site or within one-quarter mile of the pod. A pod with three or more food carts shall provide restrooms on site.
7. **Seating.** A pod with three or more food carts shall provide covered seating on site. A seating structure may have a roof, floor and railings but no walls, and shall not exceed 200 square feet per food cart or 2,000 square feet per structure.
8. **Trash and Recycling.** At least one trash receptacle and one recycling receptacle shall be provided for every two food carts, within 10 feet of the carts.
9. **Parking.** A pod with three or more food carts shall provide one vendor parking space per food cart, in addition to the parking required by Chapter 3.6.
10. **Lighting.** Outdoor lighting shall be provided and shielded so that no direct light falls on an abutting property.
11. **Signs.** Signs shall comply with Section 3.9.300. Signs painted on a food cart are allowed.

2.6.700 Public and Institutional Uses

- A. Purpose.** The following provisions are intended to control the scale of public and institutional developments and their compatibility with nearby residences.

- B. Applicability.** Public and institutional uses are subject to the following standards where those uses are permitted by Table 2.1.200. [PROCEDURE TYPE — confirm on the Chapter 4 update]
- C. Development Site Area.** The maximum development site area shall be 4 acres, except that this standard shall not apply to parks and open space uses. Larger developments may be approved as a Conditional Use, in accordance with Chapter 4.4 - Conditional Use Permits, or as part of a Master Planned Development, in accordance with Chapter 4.5.

2.6.800 Accessory Uses and Structures

- A. Purpose.** The following provisions are intended to allow structures and uses that are customarily incidental and subordinate to the principal use on a lot, at a scale and location that is compatible with the principal use and with neighboring properties.
- B. Applicability.** The following standards apply to accessory uses and structures in all zones. [PROCEDURE TYPE — confirm on the Chapter 4 update] For standards applicable to accessory dwelling units, see Section 2.6.470.
- C. Standards.** 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 a residential zone include detached garages, sheds, workshops, green houses and similar structures. All accessory structures shall comply with all the following standards:
- 1. Primary Use Required.** An accessory structure shall not be allowed before or without another permitted use (e.g., as listed in Table 2.1.200).
 - 2. Setbacks.**
 - a.** Accessory structures shall meet setbacks identified in Table 2.2.200 unless identified otherwise in subsections (C)(2)(b) through (C)(2)(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 structures shall not be placed within ten (10) feet of any primary structure on the lot or adjacent lots with the exceptions noted in subsections (C)(2)(a) through (C)(2)(c) above.
- 3. **Restrictions.** A structure shall not be placed over an easement that prohibits such placement. No structure shall encroach into the public right-of-way or a public utility easement, except as provided in subsection (C)(4).
- 4. **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. **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. **Floor Area.** The floor area of the accessory structure shall not exceed 1,200 square feet.
- 7. **Building Height.** The building height of a detached accessory structure shall not exceed 25 feet, as measured in accordance with Chapter 1.3.
- 8. **Design Requirements.** The accessory structure shall be in color and appearance similar to the primary structure. 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.
- 9. **Permits.** Accessory structures over 40 square feet require a Development Review Permit and over 200 square feet will be required to obtain a Building Permit.

2.6.810 Shipping Containers

- A. **Purpose.** The following provisions are intended to limit the visual impact of shipping containers used as accessory structures in residential zones.

- B. Applicability.** The following standards apply where a shipping container is proposed as an accessory structure in the NR, CR or VR zone. [PROCEDURE TYPE — confirm on the Chapter 4 update]
- C. Standards.** Shipping containers can be placed on property in a residential zone only as an accessory structure not for use as an occupiable or habitable structure, subject to all the following:
- 1. Siting.** They shall be sited to limit visibility from the street. The double swing doors shall not be oriented towards the front yard or, on a corner lot, towards the street side yard.
 - 2. Appearance.** They shall be painted a complementary color to the primary structure and cover all markings and logos.
 - 3. Alternative Review.** 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.