



BOARDMAN DEVELOPMENT CODE

Chapter 1

Introduction

Subchapters

Chapter 1.0 How to Use the Development Code

Chapter 1.1 General Administration

Chapter 1.2 Definitions

Chapter 1.3 Measurement Rules

Chapter 1.4 Use Categories

Chapter ~~1.3~~**1.5** Enforcement



Commentary: Chapter 1 of the BDC is proposed to be reorganized and expanded. All definitions have been updated to be consistent with amendments to other chapters, remove unused terms, and improve clarity. Rules of measurement are consolidated in one place in Chapter 1.3. A new system of use categories is proposed to replace defined terms for specific uses. These use categories offer more specific guidance for how to classify uses, while also reducing the number of listed uses.

Chapter 1.0 How to Use the Development Code

Welcome to the Boardman Development Code. This is a comprehensive land use and development code that governs all of the land within the incorporated limits of Boardman. The five chapters of the code are used together to review land use applications. They are organized as follows:

Chapter 1. In addition to this brief introduction, Chapter 1 provides definitions for selected terms and information on the legal construct of the code. It also explains the City’s authority to enforce the Development Code, the rules for measuring the standards in this Code, and the use categories used to classify land uses.

Chapter 2. Every parcel, lot, and tract of land within the City’s incorporated boundaries is also within a “land use ~~district~~zone”. (~~Land use districts~~Zones are shown on the City’s official zoning map.) Chapter 2 identifies the land uses that are permitted within each ~~district~~zone, and the standards that apply to each type of land use (e.g., lot standards, setbacks, and use-specific design standards), and establishes the overlay zones that apply in addition to the base zone. As required by state law, the zones ~~or “land use districts”~~ conform to the Boardman Comprehensive Plan. The ~~districts~~zones reserve land for planned land uses, provide compatibility between different uses, and implement planned housing densities.

Chapter 3. The design standards contained in Chapter 3 apply throughout the City. They are used in preparing development plans, and reviewing applications, to ensure compliance with City standards for building orientation and design, access and circulation, landscaping, street trees, fences and walls, parking and loading, public facilities, surface water management, housing densities, and sensitive lands and stormwater management.

Chapter 4. Chapter 4 provides all of the application requirements and procedures for obtaining permits required by this code. Four types of permit procedures are covered: Type I (non-discretionary, “ministerial” decision); Type II (discretionary, “administrative” decision); Type III (discretionary, administrative decision with public hearing); and Type IV (“legislative” decision by City Council).

Chapter 5. Chapter 5 provides standards and procedures for variances and non-conforming situations (i.e., existing uses or developments that do not comply with the code). This code cannot provide standards to fit every potential development situation. The City's varied geography, and complexities of land development, require flexibility. Chapter 5 provides that flexibility, while maintaining the purposes and intent of the code.

~~**Chapter 6.** Chapter 6 contains map amendments that have been approved by administrative or legislative action. The District (zoning) map Zoning map found within Chapter 6 is the official designated zoning map for the City of Boardman.~~

Commentary: Minor administrative edits are proposed to Chapter 1.1 for clarity and consistency.

Chapter 1.1 General Administration

Sections

- 1.1.100 Severability**
- 1.1.200 Compliance and Scope**
- 1.1.300 Consistency With Plan and Laws**
- 1.1.400 Use of a Development**
- 1.1.500 Pre-Existing Approvals**
- 1.1.600 Building Permit and Certificate of Occupancy**
- 1.1.700 Official Action**

1.1.100 Severability

The provisions of this title are severable. If any section, sentence, clause or phrase of this title is adjudged to be invalid by a court of competent jurisdiction, that decision shall not affect the validity of the remaining portion of this title.

1.1.200 Compliance and Scope

- A. Compliance with the Provisions in the Development Code.** Land and structures may be used or developed by construction, reconstruction, alteration, occupancy, use or otherwise, only as this Development Code (“Code”) or any amendment thereto permits. No plat shall be recorded or no building permit shall be issued without compliance with the provisions of this Code.
- B. Obligation by Successor.** The requirements of this Code apply to the owner(s) of record, persons undertaking the development or the use of land, and to those persons’ successors in interest.

- C. Most Restrictive Regulations Apply.** Where this Code imposes greater restrictions than those imposed or required by other rules or regulations, the most restrictive or that imposing the higher standard shall govern.
- D. Variances.** Variances shall be governed by the provisions of ~~Chapter 5.1.~~ **[INSERT REF]**
- E. Transfer of Development Standards Prohibited.** No lot area, yard or other open space or off-street parking or loading area which is required by this Code for one use shall be a required lot area, yard or other open space or off-street parking or loading area for another use, except as otherwise specifically allowed by this Code.

1.1.300 Consistency With Plan and Laws

Each development and use application and other procedure initiated under this Code shall be consistent with the adopted comprehensive plan of the City of Boardman as implemented by this Code, and with applicable state and federal laws and regulations. All provisions of this Code shall be construed in conformity with the adopted comprehensive plan.

1.1.400 Use of a Development

A development shall be used only for a lawful use. A lawful use of a development is one that is permitted by this Code (including non-conforming uses, subject to ~~Chapter 5.2~~ **[INSERT REF]**), and is not prohibited by law.

1.1.500 Pre-Existing Approvals

- A. Legality of Pre-Existing Approvals.** Developments, including subdivisions, projects requiring development review or site design review approval, or other development applications for which approvals were granted prior to the effective date of this Code, may occur pursuant to such approvals; except that modifications to development approvals shall comply with Chapter 4.6 - Modifications to Approved Plans and Conditions of Approval.
- B. Subsequent Development Applications.** All development proposals and applications received by the City Manager after the adoption of this Code shall be subject to review for conformance with the standards under this Code or as otherwise provided by state law.

1.1.600 Building Permit and Certificate of Occupancy

- A. Building Permit.** A building permit shall not be issued until the City Manager or their designee has issued a development permit in accordance with the provisions of Chapter ~~5 - Administration of Land Use and Development Review~~4 Applications and Review Procedures, or otherwise found that a development permit is not required.
- B. Certificate of Occupancy Required.** To ensure completion of a development or use in the manner approved, a development shall not be occupied and a use shall not begin until the ~~building official~~City Manager or their designee has issued a certificate of occupancy following completion of the work in substantial conformance to the applicable land use and building permits.
- C. Prior to Final Completion.** Prior to the final completion of all work, a certificate of occupancy may be issued for a portion of the structure conditioned upon further work being completed by a date certain.

1.1.700 Official Action

- A. Official Action.** All officials, departments, employees (including contractor-officials), of the City vested with authority to issue permits or grant approvals shall adhere to and require conformance with this Code, and shall issue no permit or grant approval for any development or use which violates or fails to comply with conditions or standards imposed to carry out this Code.
- B. Severability.** Any permit or approval issued or granted in conflict with the provisions of this Code shall be void.
- C. Notice.** The failure of any person to receive mailed notice or failure to post a notice shall not invalidate any actions pursuant to this Code.

Commentary: Amendments proposed to the definitions in the BDC are to:

- Remove unused terms
- Remove terms for specific uses. These are replaced by use categories in Chapter 1.4.
- Organize terms for housing types in one place for ease-of-use
- Add or modify terms to align with new/revised design standards in Chapter 3
- Ensure consistency with state law

Chapter 1.2 Definitions

Abutting. Contiguous or adjoining. It shall include the terms adjacent, adjoining and contiguous.

Access. A way or means of approach to provide pedestrian, bicycle or motor vehicular entrances or exits to a property.

Access Easement. An easement recorded for the purpose of providing vehicle, bicycle, and/or pedestrian access from a public street to a parcel across intervening property under separate ownership from the parcel being provided access.

Access Management. The control of street (or highway) access for the purpose of improving the efficiency, safety and/or operation of the roadway for vehicles; may include prohibiting, closing, or limiting direct vehicle access to a roadway from abutting properties, either with physical barriers (curbs, medians, etc.) or by land dedication or easement. ~~See also, Chapter 3.1, Section 200. See also Section 3.3.200.~~

Access Point. Any driveway, street, turnout or other means of providing for the movement of vehicles to or from the public roadway system.

Accessible. Approachable and useable by people with disabilities. Complies with the Americans With Disabilities Act.

~~**Accessory dwelling.** An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. See Chapter 2.1, Section 200.B.~~

~~**Accessory Dwelling Unit.** An accessory dwelling is a small, secondary housing unit on a single family lot, usually the size of a studio apartment. See Chapter 2.1, Section 200.B. See definition for Housing Type.~~

Accessory Use/Accessory Structure. Accessory uses and structures are of a nature customarily incidental and subordinate to the principal use or structure on the same lot. Typical accessory structures in the residential zones include detached garages, sheds, workshops, green houses and similar structures. ~~See Chapter 2.1, Section 200.J. See Section 2.6.800.~~

Accessway. ~~A walkway or multi-use path within a public right-of-way, tract, or easement that is separate from a street, providing pedestrian and bicycle passage between streets, between blocks, or across a development site. An accessway is not a sidewalk or a multi-use path located within a street right-of-way. See Section 3.7.100(G).~~

Adjacent. Abutting or located directly across a street right-of-way.

Administrative. A discretionary action or permit decision made without a public hearing, but requiring public notification and an opportunity for appeal. ~~See also Chapter 4.1, Section 400.~~ **[INSERT REF]**

Adverse Impact. Negative effect of development that can be measured (e.g., noise, air pollution, vibration, dust, etc.).

Affordable. Means housing affordable to a certain percentage of the population earning a specified level of income and spending no more than 30 percent of their income on housing expenses. For more information, refer to the Federal Department of Housing and Urban Development and the Oregon Department of Housing and Community Services.

Agriculture. ~~As used in this Code, “agriculture” is the same as “farm use”. [See also, ORS 215.203(2)(a).]~~

Alley. A narrow street (16’-20’ right-of-way), usually a thoroughfare through the middle of the block giving access to the rear of lots or buildings. ~~See Chapter 3.4, Section 100.F See Section 3.7.100(F)~~

Ambient. Something that surrounds, as in the level of light, dust or noise.

Arterial. An arterial street. Arterials form the primary roadway network within a region, providing a continuous road system that distributes traffic between cities, neighborhoods, and districts. Generally, arterials are high-capacity City roadways. ~~See Chapter 3, Access and Circulation. Section 3.7.100(F).~~

Articulate/Articulation. The jointing and interrelating of building spaces through offsets, projections, overhangs, extensions and similar features.

Automobile-dependent use. ~~The use serves motor vehicles and would not exist without them such as vehicle repair, gas station, car wash, auto and truck sales. See Chapter 2.2, Section 180.E.~~

Automobile-Oriented Use. ~~Automobiles and/or other motor vehicles are an integral part of the use such as drive-in restaurants and banks. See Chapter 2.2, Section 180.E.~~

Bed and Breakfast Inn. Provides accommodations (3 or more rooms) plus breakfast on a daily or weekly basis in an operator- or owner-occupied home ~~that is primarily used for this purpose.~~ This use is operated as a commercial enterprise, ~~encourages and encourages~~ direct bookings from the public, ~~and is intended to provide a major source of income to the proprietors. This use includes inns that operate restaurants offering meals to the general public as well as to overnight guests.~~

Berm. A small rise or hill in a landscape which is intended to buffer or visually screen certain developments, such as parking areas.

Beveled Building Corner. A rounded or flat edge on a building, usually at a street corner; may include an entrance, windows, pillars, or other architectural details and ornamentation.

Bicycle. A vehicle designed to operate on the ground on wheels, propelled solely by human power, upon which a person or persons may ride with two tandem wheels at least 4 inches in diameter. An adult tricycle is considered a bicycle.

Bicycle Facilities. A general term denoting improvements and provisions made to accommodate or encourage bicycling, including parking facilities and all bikeways.

Bikeway. Any road, path, or way that is some manner specifically open to bicycle travel, regardless of whether such facilities are designated for the exclusive use of bicycles or are shared with other transportation modes. The five types of bikeways are:

1. **Multi-use Path.** A paved way (typically 10 to 12-feet wide) that is physically separated from motorized vehicular traffic; typically shared with pedestrians, skaters, and other non-motorized users.
2. **Bike Lane.** A portion of the roadway (typically 4 to 6-foot wide) that has been designated by permanent striping and pavement markings for the exclusive use of bicycles.
3. **Shoulder Bikeway.** The paved shoulder of a roadway that is 4 feet or wider; typically shared with pedestrians in rural areas.
4. **Shared Roadway.** A travel lane that is shared by bicyclists and motor vehicles.
5. **Multi-use Trail.** An unpaved path that accommodates all-terrain bicycles; typically shared with pedestrians.

Block. A parcel of land or group of lots bounded by intersecting streets. ~~See also, Chapter 3.1 See also Section 3.7.100(G).;~~

Bollard. A post of metal, wood or masonry that is used to separate or direct traffic (vehicles, pedestrians and/or bicycles). Bollards are usually decorative, and may contain sidewalk or pathway lighting.

Boulevard. A street with broad open space areas, typically with planted medians. ~~See Chapter 3.4, Section 100.F. See Section 3.7.100(F).~~

~~**Building footprint.** The outline of a building, as measured around its foundation.~~

Building Mass. The aggregate size of a building, or the total height, width, and depth of all its parts.

Building Pad. A vacant building site on a lot with other building sites.

Building Scale. The dimensional relationship of a building and its component parts to other buildings.

Bulkhead. The wall below ground-floor windows on a building (may be differentiated from other walls by using different materials or detailing).

~~**Canopy Line.** Imaginary line around a tree or shrub at a distance from the trunk equivalent to the canopy (leaf and branch) spread.~~

Capacity. Maximum holding or service ability, as used for transportation, utilities, parks and other public facilities.

~~**Cemetery.** Land used or intended to be used for the interment of human or animal remains, including a burial ground, mausoleum, columbarium, or scattering garden, together with accessory structures, roads and grounds. A cemetery does not include a crematorium or funeral home. See ORS Chapter 97.~~

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

~~**Child Care Center.** A child care facility, other than a family child care home, that is certified under ORS 329A.280 when certification is required.~~

Clear and Objective. Relates to decision criteria and standards that do not involve substantial discretion or individual judgment in their application.

Collector. Type of street which serves traffic within the commercial, industrial and residential neighborhood areas. Collectors connect local neighborhoods or districts to the arterial network. Collectors are part of the street grid system. ~~See Chapter 3.4, Section 100.F. See Section 3.7.100(F).~~

Commercial. Land use involving buying/selling of goods or services as the primary activity.

Common Area. Land commonly owned to include open space, landscaping or recreation facilities (e.g., typically owned by homeowners associations).

Common Courtyard. A common area for use by residents of a cottage cluster. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as pedestrian walkways, lawn, groundcover, trees, shrubs, patios, benches, or gazebos.

Common Wall. A wall or set of walls in a single structure shared by two or more dwelling units. The common wall must be shared for at least 25 percent of the length of the side of the building of the dwelling units. The common wall may be any wall of the building, including the walls of attached garages.

Comprehensive Plan. The Comprehensive Plan for the City of Boardman, comprising plans, maps, policies or reports, or any combination thereof relating to the future economic and physical growth and development pattern or redevelopment of the City.

Conditional use. A use which requires a Conditional Use Permit. ~~See Chapter 4.4:~~
[INSERT REF]

~~Consensus. Agreement or consent among participants.~~

~~**Conservation Easement.** An easement that protects identified conservation values of the land, such as wetlands, woodlands, significant trees, floodplains, wildlife habitat, and similar resources. As defined in ORS 271.715(1).~~

Corner Clearance. The distance from an intersection of a public or private street to the nearest driveway or other access connection, measured from the closest edge of the pavement of the intersecting street to the closest edge of the pavement of the connection along the traveled way.

Corner Radius. The radius of a street corner, as measured around the curb or edge of pavement.

Cornice. The projecting horizontal element that tops a wall or flat roof. ~~See Chapter 2.2, Section 160:~~ **[INSERT REF]**

Cottage. A small house that may be used as an accessory dwelling, in conformance with ~~Chapter 2.1, Section 200.B:~~ Section 2.6.470. An individual dwelling unit that is part of a cottage cluster.

Cottage Cluster. See definition for Housing Type.

Cottage Cluster Project. A development site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard.

Courtyard. A court or enclosure adjacent to a building, which usually provides amenities such as gardens, planters, seating, or art.

Cross Access. A service drive providing vehicular access between two or more contiguous sites so that the driver need not enter the public street system.

Curb Cut. A driveway opening where a curb is provided along a street.

~~Deciduous. Tree or shrub that sheds its leaves seasonally.~~

Dedication. The designation of land by its owner for any public use as shown on a ~~subdivision~~ plat or deed. The term may also be used for dedications to a private homeowners association.

Detached Single-Unit. See definition for Housing Type.

Developable. Buildable land, as identified by the City’s Comprehensive Plan. Includes both vacant land and land likely to be redeveloped, per ORS 197.295(1).

Development. All improvements on a site, including buildings, other structures, parking and loading areas, landscaping, paved or graveled areas, grading, and areas devoted to exterior display, storage, or activities. Development includes improved open areas such as plazas and walkways, but does not include natural geologic forms or landscapes.

Discontinued/Abandoned Use. A use that physically vacates the land it was on, cessation of an allowed activity, or use terminated at the end of any lease or contract.

~~See Chapter 5.2:~~ **[INSERT REF]**

Discretionary. Describes a permit action or decision that involves substantial judgment or discretion.

Drive Lane/Travel Lane. An improved (e.g., paved) driving surface for one lane of vehicles.

Driveway. An area that provides vehicular access to a site, except for public and private streets. A driveway begins at the property line and extends into the site. Driveways do not include parking, maneuvering, or circulation areas in parking lots and parking spaces.

Driveway Apron/Approach. The edge of a driveway where it abuts a public way; usually constructed of concrete. ~~See Figure 3.1.200.K. See Section 3.3.300.~~

Drought-Tolerant/Drought-Resistant Plants. Refer to Sunset Western Garden Book (latest edition).

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

Duplex. ~~A building with two attached housing units on one lot or parcel. See definition for Housing Type.~~

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

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

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

~~Environmentally Sensitive Areas. See “sensitive lands”.~~

Established Residential Area. An area within the Residential zones that was platted prior to the effective date of a land use or zoning ordinance. ~~See Chapter 2.1, Section 120.F~~ **[INSERT REF]**

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

~~**Facade.** The vertical wall face of a building, or the sum of multiple vertical faces, facing the street.~~

~~**Facade, Front.** All of the wall area shown on the front elevation of the building plans.~~

~~**Family Day Care.** See “child care facilities”.~~ **Family Child Care Home.** A child care facility in a dwelling that is caring for not more than 16 children and is certified under ORS 329A.280 when certification is required or is registered under ORS 329A.330. A family child care home is considered a residential use of property.

Fire Apparatus Lane. As defined by the Uniform Fire Code.

Flag Lot. A lot or parcel which has access to a road, street or easement, by means of a narrow strip of lot or easement. ~~See Chapter 2.1, Section 140.~~ **See Section 3.3.300(B)(6).**

~~**Food Cart Pod.** A site on private property that contains one or more food carts and shared amenities. See Section 2.6.680.~~

~~**Frontage.** The dimension of a property line abutting a public or private street. The portion of a lot or parcel that abuts a street.~~

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

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

Ground Cover. A plant material or non-plant material (e.g., mulch, bark chips/dust) that is used to cover bare ground. ~~See also, Chapter 3.2 – Landscaping.~~ See also Chapter 3.5 Landscaping, Street Trees, Fences, and Walls.

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

Hammerhead Turnaround. A “T” or “L” shaped area at the end of a dead-end street that allows for vehicles to turn around.

Hardscape. Non-plant landscape materials, including pathways, decorative pavers, benches, drinking fountains, arbors, pergolas, playgrounds, plazas, and similar amenities.

Hard Surfaced. In the context of pedestrian walkways, built with a durable, solid material that provides a firm, stable, and smooth walking surface, which may include concrete, asphalt, or pavers or bricks set in mortar or compacted base.

Heavy Truck Servicing and Repair. Uses engaged in the repair or servicing of industrial, business, or consumer machinery, equipment, products or by-products. This use includes sales, repair, storage, salvage or wrecking of heavy machinery, towing and vehicle storage, auto and truck salvage and wrecking, tire retreading or recapping, and truck stops.

Home Occupation, Home Occupation Site. A small commercial venture which could not necessarily be sustained if it were necessary to lease commercial quarters or which, by the nature of the venture, are appropriate in scale and impact to be operated within a residence. See Chapter 4.9, Section 200: [INSERT REF]

Hospital. ~~Medical centers providing medical or surgical care to patients and offering overnight care. This does not include medical and dental offices, clinics, and laboratories.~~

Household. One or more persons occupying a dwelling unit. The number of persons in a household is not limited by, and shall not be determined by reference to, the familial or nonfamilial relationships among the occupants.

Housing Type. One of the following.

1. **Accessory Dwelling Unit.** An interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a primary dwelling.
2. **Cottage Cluster.** A grouping of detached dwelling units on a lot or parcel that share a common courtyard and that each have a small footprint or floor area.
3. **Detached Single-Unit.** A detached structure on a lot or parcel that is comprised of a single dwelling unit and is not a manufactured dwelling. A dwelling unit that is part of a duplex, triplex, fourplex, or cottage cluster, whether attached or detached, is not a single-unit dwelling.

4. **Duplex.** Two dwelling units in any configuration. Both units of a duplex must be built on a single lot or parcel, or located on two child lots created through a middle housing land division.
5. **Manufactured Dwelling.** A manufactured dwelling is one of the following residences: ~~a residential trailer; a mobile home or a manufactured home.~~
 - a. A residential trailer, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed before January 1, 1962;
 - b. A mobile home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed between January 1, 1962 and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction;
 - c. A manufactured home, a structure constructed for movement on the public highways, that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, is being used for residential purposes and was constructed in accordance with Federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

"Manufactured dwelling" does not mean any building or structure subject to the structural specialty code adopted pursuant to ORS 455.100 to 455.450 or any unit identified as a recreational vehicle by the manufacturer.
6. **Manufactured Dwelling Park.** Four or more units located on one lot allowing manufactured dwellings. Any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of the facilities or to offer space free in connection with securing the trade or patronage of such person. Manufactured dwelling park does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the City under an ordinance adopted pursuant to ORS 92.010 to 92.190.
7. **Middle Housing.** Housing that consists of duplexes, triplexes, quadplexes, cottage clusters, or townhouses.
8. **Multi-Unit Housing.** A residential structure containing five or more dwelling units sharing common walls or floors and ceilings, built on a single lot or parcel.

9. **Quadplex.** Four dwelling units in any configuration. All four units must be built on a single lot or parcel, or located on four child lots created through a middle housing land division.
10. **Townhouse.** A dwelling unit constructed in a row of 2 or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.
11. **Triplex.** Three dwelling units in any configuration. All three units must be built on a single lot or parcel, or located on three child lots created through a middle housing land division.

In instances where a development can meet the definition of more than one housing type, the applicant shall specify the housing type on the development application.

Human-Scale Design/Development. Site and building design elements that are dimensionally related to pedestrians, such as: small building spaces with individual entrances (e.g., as is typical of downtown and main street developments); larger buildings which have articulation and detailing to break up large masses; narrower streets with tree canopies; smaller parking areas or parking areas broken up into small components with landscaping; and pedestrian amenities, such as sidewalks, plazas, outdoor seating, lighting, weather protection (e.g., awnings or canopies), and similar features. These features are all generally smaller in scale than those which are primarily intended to accommodate automobile traffic.

Impervious Surface. Development which does not allow for water infiltration into the ground (e.g., pavement, roofs, etc.).

Incidental and Subordinate to. A use or portion of a development that is secondary to, and less apparent, than the primary use or other portion of the development.

~~Infill. A dwelling that is proposed on land that is zoned for residential use where at least 75% of the abutting parcels have a dwelling, but not counting any parcel that is too small for a residence and any parcel that is large enough that it can be divided into four or more lots. These standards also apply where a home is removed to make way for a new house, manufactured home duplex and attached house. These standards do not apply to a dwelling that is proposed on land that is large enough that it can be divided into four or more lots.~~

~~**Kennel.** Any premises or building in which four (4) or more dogs or cats at least four (4) months of age are kept for board, propagation or sale.~~

Land Division. The process of dividing land to create parcels or lots.

Land Use. The main activity that occurs on a piece of land, or the structure in which the activity occurs (e.g., residential, commercial, mixed use, industrial, open space, recreation, street rights-of-way, vacant, etc.).

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

Landing. A level part of a staircase, as at the end of a flight of stairs.

Landscaping. Any combination of living plants such as trees, shrubs, plants, vegetative ground cover or turf grasses, and may include structural features such as walkways, fences, benches, plazas, works of art, reflective pools, fountains or the like.

Landscaping also includes irrigation systems, mulches, topsoil, and re-vegetation or the preservation, protection and replacement of existing trees.

Lane, Mid-Block Lane. A narrow, limited use roadway facility usually used to access a limited number of dwelling units. Similar to an alley in design. ~~See Chapter 2.1, Section 140-A.~~ **[INSERT REF]**

Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use (e.g., adoption of, or amendment to, a comprehensive plan or development regulation). ~~See Chapter 4.1, Section 600.~~ **[INSERT REF]**

Level of Service (LOS). For transportation, a standard of a street's carrying capacity, based upon prevailing roadway, traffic and traffic control conditions during a given time period. The Level of Service range, from LOS A (free flow) to LOS F (forced flow) describes operational conditions within a traffic stream and their perception by motorists/passengers. Level of Service is normally measured for the peak traffic hour, at intersections (signalized or unsignalized) or street segments (between signalized intersections).

~~**Light manufacture.** Light manufacturing operations (e.g., electronic equipment, printing, bindery, furniture, and similar goods). See Chapter 2, Section 4.110.~~

~~**Light Manufacturing.** See Section 2.6.620 Light Manufacturing.~~

~~**Liquor Store.** A store which sells alcoholic beverages for consumption elsewhere and is licensed by the Oregon Liquor Control Commission. This may include dining or other establishments which also allow sales for off-premises consumption~~

Livestock. Domestic animal types customarily raised or kept on farms.

Local Improvement District (LID). A small public district formed for the purpose of carrying out local improvements (paving of streets, construction of storm sewers, development of a park, etc.). Property owners within the LID are assessed for the cost of the improvements in accordance with ORS 223.387-223.485. ~~See also Chapter 3.4 Section 100.~~ See also Section 3.7.100.

Local Street. A street used primarily for access to abutting property(ies).

Lot/Lot or Parcel. A lot is a unit of land that is created by a subdivision of land (ORS 92.010(3)). See also, Chapter 4.3. ~~A lawfully established unit of land, as defined in ORS 92.010. Lot may also be used generically to refer to units of land created through partitions.~~

Lot, Corner. Any lot having at least two (2) contiguous sides abutting upon one or more streets, provided that the interior angle at the intersection of such two sides is less than one hundred and thirty five (135) degrees.

Lot Line Adjustment. The adjustment of a property line by the relocation of a common line where no additional lots are created. This development code also defines the consolidation of lots (i.e., resulting in fewer lots) as a lot line adjustment.

~~**Lot, Parent/Lot, Child.** Parent lot means a lot of record or a lot in a middle housing land division which is developed, or proposed to be developed, with two or more middle housing units, and which may therefore be further divided to allow individual ownership of each dwelling unit. Child lot refers to the unit(s) of land created from a parent lot. A child lot created through a middle housing land division is also referred to as a middle housing lot. Only one dwelling unit is permitted on each resulting middle housing lot.~~

Main/Primary Entry/Entrance. A main entrance is the entrance, or entrances, to a building that most pedestrians are expected to use. Generally, smaller buildings have one main entrance. The main entrance may also be the widest entrance of those provided for use by pedestrians. In multi-tenant buildings, main entrances open directly into the building's lobby or principal interior ground level circulation space. When a multi-tenant building does not have a lobby or common interior circulation space, each tenant's outside entrance is a main entrance. Buildings may also have main entrances opening directly into a reception or sales area, a courtyard, or plaza.

Maneuvering Area/Aisle. The driving area in a parking lot where motor vehicles are able to turn around and access parking spaces.

Manufactured Dwelling. ~~A manufactured dwelling is one of the following residences: a residential trailer; a mobile home or a manufactured home. See definition for Housing Type.~~

Manufactured Dwelling Park. See [definition for Housing Type](#).

~~**Manufactured Home.** A manufactured home is a transportable single family dwelling constructed after 1976.~~

~~**Manufactured Structure.** A manufactured structure includes the following residence types: a recreational vehicle, residential trailer constructed prior to 1962, a mobile home constructed between 1962 and 1976, or a manufactured home constructed after 1976. For the purposes of this Code, Manufactured Structure also includes structures built and installed as temporary classrooms or to other non-residential uses.~~

Medical Marijuana Dispensary or Facility. A facility which dispenses medical marijuana, meeting the requirements set by the Oregon Health Authority and being registered to do business with the Office of the Secretary of State.

Medical Marijuana Grow Facility. A facility which grows medical marijuana as allowed under Oregon Revised Statute and as regulated by the Oregon Health Authority.

Micro-Generation. ~~Micro-Generation is characterized by the generation of electrical or thermal energy from wind, solar, or geothermal sources, where the energy generated is used primarily by a use on the same site. Examples include roof mounted and ground mounted solar energy systems, small wind energy systems, and ground source heat pumps. Facilities generating energy primarily for off-site use or sale are classified as Utility Facilities, Major. See also, Utility Facilities, Basic.~~

Middle Housing. ~~See definition for Housing Type.~~

Middle Housing Land Division. ~~An expedited land division of a lot or parcel on which middle housing is developed or proposed.~~

Ministerial. A routine governmental action or decision that involves little or no discretion. ~~The issuance of a building permit is such an action. Approval of a Type I Development Review is such an action. See also, Chapter 4.1 Section 400. [INSERT REF]~~

Mitigation. To avoid, rectify, repair, or compensate for negative impacts which result from other actions (e.g., improvements to a street may be required to mitigate for transportation impacts resulting from development.”)

Mixed-Use Building/Development/Horizontal/Vertical. ~~See Chapter 2.2, Section 480.A.~~

Mixed Use Development. ~~Development in which multiple land uses are mixed within a single building or site, such as residential units over commercial space, also known as vertical mixed-use development, or multiple buildings on a site that include a mix of uses, also known as horizontal mixed-use development.~~

Mobile Food Vendor. ~~A vehicle, trailer, cart, or similar mobile unit from which food or beverages are prepared and sold to the public. Mobile Food Vendors are classified within the Eating and Drinking Establishment use category. See also, Eating and Drinking Establishment.~~

Mobile Home. ~~A Mobile Home is a portable residence constructed between 1962 and 1976.~~

Mobile Home Park. ~~Four or more units located on one lot allowing recreational vehicles, residential trailers, mobile homes, manufactured homes, or recreational structures.~~

Multi-family housing. ~~Housing that provides more than three dwellings on an individual lot (e.g., multi-plexes, apartments, condominiums, etc.). See Chapter 2.1, Section 200F.~~

Multi-Unit Housing. ~~See definition for Housing Type.~~

Multi-Use Pathway. Pathways for pedestrian and bicycle use. ~~See Chapter 3.1, Section 300-A.4. See Chapter 3.4.~~

Natural Hazard. Natural areas that can cause dangerous or difficult development situations, such as steep slopes, unstable soils, landslides, flood areas.

~~Natural Resource Areas/Natural Resources. Same as Sensitive Lands, per Chapter 3.7.~~

Natural Resource Area. ~~Land within the Flood Plain Overlay Zone under Chapter 2.5, and wetlands and other natural resources shown on the Natural Resources Map of the Boardman Comprehensive Plan.~~

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

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

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

Non-Conforming Use/Non-Conforming Development. A land use/structure that exists which would not be permitted by the regulations imposed by the code, but was lawful at the time it was established. ~~See Chapter 5.2:~~ **[INSERT REF]**

~~Non-Native Invasive Plants. See current Oregon State University Extension Service Bulletin for your area.~~

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

Off-Street Parking. All off-street areas designed, used, required or intended to be used for the parking of motor vehicles. Off-street parking areas shall conform to the requirements of ~~Chapter 3.3:~~ Chapter 3.6.

On-Street Parking. Parking in the street right-of-way, typically in parking lanes or bays. Parking may be “parallel” or “angled” in relation to the edge of the right-of-way or curb. ~~See also, Chapter 3.3. See also Chapter 3.6.~~

Open Space (Common/Private/Active/Passive). Land within a development which has been dedicated in common to the ownership within the development or to the public specifically for the purpose of providing places for recreation, conservation or other open space uses.

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

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

Overlay Zone. Overlay zones provide regulations that address specific subjects that may be applicable in more than one land use zone. See also ~~Chapter 2.6.~~ **[INSERT REF]**

Parcel. A unit of land that is created by a partitioning of land (ORS 92.010(6)). ~~See also, Chapter 4.3.~~ **[INSERT REF]**

Parking Lot Perimeter. The boundary of a parking lot area which usually contains a landscaped buffer area.

~~**Parking vs. Storage.** Parking is the area used for leaving motor vehicles for a temporary time up to 72 hours unless permitted as parking for longer by other municipal codes. Storage is to place or leave in a location for maintenance, repair, sale, rental, or future use.~~

Partition. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. (See also, ORS 92.010(8)).

~~**Pathway/Walkway/Access Way.** See Chapter 3.1, Section 3.A. See Chapter 3.4. As defined in this code, a pathway or multi-use pathway may be used to satisfy the requirements for “accessways” in the Transportation Planning Rule. (OAR 660-012-045.)~~

Pedestrian Amenity(ies). Pedestrian areas and objects that serve as places for socializing and enjoyment of the City’s downtown/main street. Examples include benches or public art or sculpture. ~~See Chapter 2.2, Section 170. See Section 3.2.600.~~

Pedestrian Facilities. A general term denoting improvements and provisions made to accommodate or encourage walking, including sidewalks, accessways, crosswalks, ramps, paths and trails.

~~**Pharmacy.** A place where drugs and medicines are prepared and dispensed by a licensed pharmacist. A pharmacy may also be a drug store.~~

Pier. Exterior vertical building elements that frame each side of a building or its ground-floor windows (usually decorative).

Planter Strip or Tree Cut-Out. An area for street trees and other plantings within the public right-of-way, usually between the street and a sidewalk.

Plat. A map of a subdivision, prepared as specified in ORS 92.080, and recorded with the Morrow County Assessor’s Office. All plats shall also conform to ~~Chapter 4.3–Land Divisions.~~ **[INSERT REF]**

Plaza. A public square or extra-wide sidewalk (e.g., as on a street corner) that allows for special events, outdoor seating, sidewalk sales, and similar pedestrian activity. ~~See Chapter 2.2, Section 170.~~ See Section 3.2.600.

Pocket Park. A small park, usually less than one-half acre.

Primary. The largest or most substantial element on the property, as in “primary” use, residence, entrance, etc. All other similar elements are secondary in size or importance.

Property Line: Front, Rear, Interior Side, Street Side. Legal borders of a lot or parcel of land. See Figure 2.1.130.

Public Facilities. Public and private transportation facilities and utilities. ~~See Chapter 3.4.~~ See Chapter 3.7.

Public improvements. Development of public facilities. ~~See Chapter 3.4.~~ See Chapter 3.7.

Quadplex. See definition for Housing Type.

Quasi-Judicial. Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this Code to an application for development of a specific site, and usually involves a public hearing. ~~See Chapter 4.1, Section 500.~~ **[INSERT REF]**

Recreational Vehicle. A vacation trailer or other vehicular or portable unit ~~(boat, all-terrain vehicle (“ATV”), non-commercial watercraft)~~ which is either self-propelled or towed or is carried by a motor vehicle, which is intended for human occupancy, and which is designated primarily for vacation or recreation purposes or temporary residential use.

Recreational Vehicle Park. A commercial use providing space and facilities for motor homes or other recreational vehicles for recreational use or transient lodging. There is no minimum required stay in a recreational vehicle park. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational Vehicle Parks. See also Manufactured Dwelling Park.

Residence. Same as “dwelling”.

Residential Care Home/Residential Care Facility. Residential treatment or training homes or adult foster homes licensed by the State of Oregon. ~~See Chapter 2.1, Section 200.G.~~

Residential Caretaker Unit. A dwelling unit for caretakers living on-site in the RC, EMP or IND zone, as provided in Section 2.6.540. The unit must be served by water and sanitary sewage and conform with other applicable building standards. ~~See Chapter 2.3, Section 160.B.~~ See Section 2.6.540.

Residential Facility. A residential care or residential training facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential Home. A residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

Residential Trailer. ~~A portable residence constructed prior to 1962.~~

Residential Treatment Facility, Residential Treatment Home. A residential treatment facility is a facility that provides, for six or more individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties, as defined in ORS 443.400. A residential treatment home provides the same care and treatment for five or fewer individuals. A residential treatment facility and a residential treatment home are allowed as provided in ORS 197A.385 and Section 2.6.510.

Reviewing Body. The person or group who is assigned to make decisions on land use reviews, whether initially or on appeal. Reviewing Body includes the City Planner or their designee, City Manager, Hearings Officer, Planning Commission, or the City Council.

Ridge Line (Building). The top of a roof at its highest elevation.

Right-Of-Way. Land that is owned ~~in fee simple~~ by the public, usually for transportation facilities.

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

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

School, Post-Secondary. ~~Schools, Post-Secondary includes institutions of higher learning offering courses of general or specialized study leading to a degree or occupational certification. Post-secondary schools tend to occupy campus like settings or multiple parcels. Examples include universities, colleges, community colleges, vocational and trade schools, nursing and medical schools not accessory to a Healthcare Center, and seminaries. Typical accessory uses include offices, student housing, food service, athletic and assembly facilities, and parking. See also, School, Primary and Secondary and Group Living.~~

School, Primary and Secondary. ~~Schools, Primary and Secondary includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level. Typical accessory uses include offices, athletic and assembly facilities, food service, child care, and parking. See also, School, Post-Secondary.~~

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

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

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

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

Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlap (daytime versus nighttime primary uses). ~~See Chapter 3.3, Section 300.C.4. See Section 3.6.300(B).~~

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

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

Single-Family Attached Housing (Townhomes). ~~Two or more single family dwellings with common end-walls. See also, Chapter 2.1, Section 110 and Section 200.~~

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

~~**Single-family detached zero-lot line house.** A single family detached house with one side yard setback equal to “0”. See also, Chapter 2.1, Section 110 and Section 200.~~

~~**Single Room Occupancy (SRO).** A residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.~~

Site. A property (or group of adjacent parcels or lots under the same ownership) that is subject to a permit application under this Code.

~~**Site Area.** The total area of a development site calculated after subtracting any required or planned dedication of public rights-of-way and/or designation of private rights-of-way.~~

Site Design Review. A discretionary review that applies to all developments in the City, except those specifically listed under Development Review. Site Design review ensures compliance with the basic development standards of the ~~land use district zone~~, as well as more detailed design standards and public improvement requirements in Chapters 2 and 3, Development Review - ~~See Chapter 4.2.~~ **[INSERT REF]**

Specific Area Plan. Describes in more detail the type of development planned for a specific area than is typically found in a comprehensive plan, zone map, or public facilities plan. ~~See Chapter 2.5.~~

Standards and Criteria. Standards are code requirements. Criteria are the elements required to comply with a particular standard.

Steep Slopes. Slopes greater than 25 percent.

Storefront Character. The character expressed by buildings placed close to the street with ground-floor display windows, weather protection (e.g., awnings or canopies), corner building entrances or recessed street-front entries, and similar features.

Storm Water Facility. A detention and/or retention pond, swale, or other surface water feature that provides storage during high-rainfall events and/or water quality treatment.

Street/road. A public or private way for travel by vehicles, bicycles and pedestrians, that meets the City standards in ~~Chapter 3.4, Section 100.~~ Section 3.7.100.

Street access. Safe and efficient passage for pedestrians and vehicles to circulate through a connected street system. ~~See Chapter 3.1, Section 200.~~ See Section 3.7.100(G).

Street Connectivity. The number of street connections within a specific geographic area. Higher levels of connectivity provide for more direct transportation routes and better dispersion of traffic, resulting in less traffic on individual streets and potentially slower speeds through neighborhoods.

Street Furniture/Furnishings. Benches, lighting, bicycle racks, drinking fountains, mail boxes, kiosks, and similar pedestrian amenities located within a street right-of-way. ~~See also, Chapter 2.2, Section 170. See also Section 3.2.600.~~

Street Stub. A temporary street ending; i.e., where the street will be extended through adjacent property in the future, as those properties develop. Not a permanent street-end or dead-end street.

Street Tree. A tree planted in a street right-of-way within a planter strip or tree cut-out.

Subdivision. To divide land into four or more lots within a single calendar year. (ORS 92.010(13).)

~~Surface water management. Definition to be developed in Chapter 3.5.~~

Swale. A type of storm water facility. Usually a broad, shallow depression with plants that filter and process contaminants.

Tangent. Meeting a curve or surface in a single point.

Terrace. A porch or promenade supported by columns, or a flat roof or other platform on a building.

Topographical Constraint. Where existing slopes prevent conformance with a Code standard.

Townhouse. See definition for Housing Type.

Townhouse Project. One or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and any commonly owned property attributed to the townhouse project shall be prorated based on the square footage of development sharing the property.

Tract: Private/Public. A piece of land set aside in a separate area for dedication to the public, a homeowner's association, or other entity (e.g., for open space, recreation facilities, ~~sensitive lands~~natural resource areas, etc.).

Transportation Facilities and Improvements. The physical improvements used to move people and goods from one place to another; i.e., streets, sidewalks, pathways, bike lanes, airports, transit stations and bus stops, etc. Transportation improvements include the following:

- a. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
- b. Installation of culverts, pathways, medians, fencing, guardrails, lighting, and similar types of improvements within the existing right-of-way.

- c. Projects specifically identified in the City’s adopted Transportation System Plan as not requiring further land use review and approval.
- d. Landscaping as part of a transportation facility.
- e. Emergency measures necessary for the safety and protection of property.
- f. Construction of a street or road as part of an approved subdivision or partition.
- g. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designated improvements in the Transportation System Plan.
- h. Construction, reconstruction, or widening of highways, roads or bridges, or other transportation projects that are not designed and constructed as part of an approved subdivision or partition.

Transportation Facilities and Improvements in subsections g. and h. require a Conditional Use Permit (CU) under ~~Section 4.4.400D~~. **[INSERT REF]**

Transportation Mode. The method of transportation (e.g., automobile, bus, walking, bicycling, etc.)

Triplex. ~~A building with three attached housing units on one lot or parcel. See definition for Housing Type.~~

Vacate Plat/Street. To abandon a subdivision or street right-of-way. For example, vacation of a public right-of-way that is not needed or cannot be used for a street or other public purpose. A plat may be vacated, returning the property to an undivided condition.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of this Code. ~~See Chapter 5.1.~~ **[INSERT REF]**

Vision Clearance Area. ~~The shaded area as shown on the following figure is the Vision Clearance Area. This area is regulated and further described in section 3.1.200N of the code. The Vision Clearance Area is shown in Figure 3.3.500.A and regulated by Section 3.3.500.~~ This standard applies to driveways, streets, alleyways and railways.

Wetland. ~~A land areas where water is the dominant factor determining the nature of soil development and the types of plant and animal communities. It is defined more specifically by the Federal Clean Water Act (Section 404) and Oregon Administrative Rules (OAR 141-85-010). For more information, contact the Oregon Division of State Lands. Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. See ORS 196.800.~~

Window Hood. An architectural detail placed above a window, used as an accent.

~~**Wireless Communication Equipment.** Includes cell towers, antennae, monopoles, and related facilities used for radio signal transmission and receiving.~~

Yard. The area defined by setbacks (i.e., between the setback line and respective property line).

Zero-Lot Line House. ~~Single-unit family~~ Detached single-unit dwelling home that is not subject to side yard setbacks on one side of a typical lot. ~~See Chapter 2.1, Section 200-A.~~ See Section 2.6.420.

Zone. An area within the urban growth boundary designated on the Zoning Map, in which the use of land is limited to the uses allowed by that zone. Zones are established in Chapter 2. A unit of land within a zone may also be designated with one or more overlay zones. See also Overlay Zone.

Commentary: Chapter 1.3 is a new addition to the BDC. This chapter puts all rules about how certain dimensions are measured in one place. These rules are spread across the zoning chapters today and sometimes repeat themselves. New measurement rules are proposed for floor area and landscape/outdoor/open space area to align with new or revised standards in Chapter 2 and 3.

Chapter 1.3 Measurement Rules

Sections

- 1.3.100 Purpose and Applicability**
- 1.3.200 Measuring Lot Dimensions**
- 1.3.300 Measuring Setbacks**
- 1.3.400 Measuring Building Height**
- 1.3.500 Measuring Lot Coverage**
- 1.3.600 Measuring Floor Area**
- 1.3.700 Measuring Density**
- 1.3.800 Measuring Landscape Area, Required Outdoor Area and Usable Open Space**
- 1.3.900 Measuring Windows and Doors**

1.3.100 Purpose and Applicability

- A. Purpose.** This chapter states how the measurements and calculations used throughout this Code are made. Stating them once, in one place, avoids the conflicting formulations that arise when a measurement rule is repeated in several chapters.
- B. Applicability.** Where a standard in this Code is expressed as a dimension, area, percentage, height or density, it is measured or calculated as provided in this chapter, unless that standard expressly provides otherwise.

1.3.200 Measuring Lot Dimensions

- A. **Lot Area.** The total surface area, measured horizontally, within the lot lines of a lot.
- B. **Lot Depth.** The average distance measured from the front lot line to the rear lot line.
- C. **Lot Width.** Lot width is the horizontal distance between the side lot lines, measured at the front lot line. Where the front lot line is curved, lot width is measured along the chord of the front lot line.

1.3.300 Measuring Setbacks

- A. **General.** A setback is the distance between a building, or other feature of development, and a property line. Setbacks are measured from the face of the building, excluding porches, to the respective property line. Setbacks for decks and porches are measured from the edge of the deck or porch to the property line.
- B. **Application.** Setback standards apply to primary structures and to accessory structures.
- C. **Permitted Projections into Setbacks.** The following architectural features may encroach into a required setback:
 - 1. **Eaves, chimneys, bay windows, overhangs and similar architectural features.** May encroach not more than 3 feet.
 - 2. **Porches, decks and similar structures not exceeding 36 inches in height.** May encroach not more than 6 feet, subject to the front setback standards of the applicable zone.
 - 3. Walls and fences may be placed on property lines, subject to the standards in Section 3.5.400 Fences and Walls. Walls and fences within front yards shall additionally comply with the vision clearance standards in Section 3.3.500.

1.3.400 Measuring Building Height

- A. **Method of Measurement.** Building height is the vertical distance above a reference datum measured to the highest point of the coping of a flat roof, to the deck line of a mansard roof, or to the average height of the highest gable of a pitched or hipped roof.
- B. **Reference Datum.** The reference datum is whichever of the following yields the greater height of building:

1. The elevation of the highest adjoining sidewalk or ground surface within a five-foot horizontal distance of an exterior wall of the building, when that sidewalk or ground surface is not more than 10 feet above the lowest grade; or
 2. An elevation 10 feet higher than the lowest grade, when the sidewalk or ground surface described in paragraph (1) is more than 10 feet above the lowest grade.
- C. **Stepped or Terraced Buildings.** The height of a stepped or terraced building is the maximum height of any segment of the building.
- D. **Exceptions.** The following are not counted in maximum building height:
1. **Minor projections.** Chimneys, vents, flag poles and similar items three feet or less in width may extend not more than five feet above the height limit.
 2. **Solar panels.** Roof-mounted solar panels are excluded from height calculations.
 3. **Rooftop mechanical and stairwell enclosures.** On a building of more than three floors, rooftop mechanical equipment and stairwell enclosures set back at least 15 feet from any street-facing roof edge may extend not more than 16 feet above the height limit for elevator equipment, or not more than 10 feet for other mechanical equipment covering not more than 10 percent of the roof area.
 4. **Features not for human occupancy.** Bell towers, steeples, roof equipment and similar features not for human occupancy are excluded.

1.3.500 Measuring Lot Coverage

- A. **Lot Coverage.** Lot coverage is the area of a lot covered by buildings and structures, expressed as a percentage of total lot area. Lot coverage includes open structures such as pole barns, and building features such as patio covers, roofed porches and decks. Lot coverage does not include eaves. Impervious paving is not lot coverage.
- B. **Height Threshold.** Lot coverage includes a building or structure with a surface more than 36 inches above finished grade.

1.3.600 Measuring Floor Area

- A. **Floor Area.** Floor area is measured for each floor from the exterior faces of a building. Floor area includes stairwells, ramps, shafts, chases, and the area devoted to garages and structured parking. A stairwell is counted as floor area on one level only. Floor area does not include: an area where the elevation of the floor is 4 feet or more below the adjacent right-of-way, measured at the property line; a basement, meaning a portion of a building where at least 50 percent of the total combined area of the basement walls is below grade; an area where the ceiling height is less than 6 feet 8 inches; roof area, including roof top parking; roof top mechanical equipment; a roofed outdoor living area structurally attached to the building, unless enclosed by walls more than 42 inches in height for 75 percent or more of its perimeter; or a covered carport.
- B. **Ground Floor Area.** Ground floor area is the floor area of the lowest story of a building at or above finished grade, measured as provided in subsection (A).
- C. **Floor Area Ratio.** Floor area ratio is the amount of floor area of a building or structure in relation to the amount of site area, expressed as a ratio of X:1, where X is the floor area permitted for each square foot of site area. Floor area ratio is calculated by dividing the total floor area of all buildings on a site by the total site area, and the maximum floor area ratio applies cumulatively to all buildings on a site. Floor area ratio does not include floor area for required long term bicycle parking that is not located in a dwelling unit, indoor common area used to meet a required outdoor area standard, or an accessory structure less than 15 feet in height and less than 200 square feet.

1.3.700 Measuring Density

- A. **Density.** Density is the number of dwelling units in relation to a specified area of land. Land devoted to street right-of-way is not included.
- B. **Net Acre.** A net acre is 43,560 square feet of net site area. Net site area is the site area less constrained lands. Site area is the total area of a development site after subtracting any required or planned dedication of public rights-of-way or designation of private rights-of-way. An applicant may classify the following as constrained land: lands protected under a statewide land use planning goal; land with slopes of 25 percent or greater; land within a utility easement; and, for multi-unit housing on a site where an existing dwelling unit is retained, the building footprint and required setbacks for that unit.

1.3.800 Measuring Landscape Area, Required Outdoor Area and Usable Open Space

- A. Landscape Area.** Landscape area is measured as the area of the site meeting the landscaping standards of Chapter 3.5, expressed as a percentage of total site area.
- B. Required Outdoor Area.** Site area covered by enclosed buildings or used for vehicle parking and circulation is not counted as required outdoor area or usable open space. The areas that count toward the required outdoor area are:
1. Areas planted with vegetation, including natural areas and existing trees;
 2. Private open space, including balconies attached to individual dwelling units;
 3. Pedestrian hardscape; and
 4. Usable open space meeting subsection (C).
- C. Usable Open Space.** Where usable open space is required, it must include one or more of the following:
1. Outdoor recreation area surfaced with lawn, groundcover, gravel, or hard surface. The area must be contiguous and able to fit a 10-foot by 10-foot square;
 2. Balconies, terraces, and rooftop decks with seating areas that are available for use by all residents;
 3. Tree grove, such as a stand of existing mature trees, within an area of maintained ground cover;
 4. Turf or grass play fields;
 5. Children's play structure or play area;
 6. Sports courts;
 7. Swimming or wading pool or hot tub;
 8. Walking fitness course;
 9. Natural area with benches;
 10. Gardening area with at least 50 square feet of planting area; or
 11. Shared indoor recreation or community space, as provided in subsection (D).

- D. Indoor Recreation and Community Space.** Where a standard in this Code allows part of the required usable open space to be provided as shared indoor recreation or community space, the eligible spaces are community rooms, including exercise, entertainment, cooking or dining, or meeting facilities; day care facilities; support services offices or facilities; and occupational facilities, such as shared remote or live-work facilities. Indoor common areas that are not recreational or community spaces, such as lobbies, hallways, laundry facilities, storage rooms, and vehicle or bicycle facilities, do not qualify.
- E. Enclosure.** A required outdoor area may be covered, such as by a covered patio or gazebo, but may not be fully enclosed except as provided in subsection (D). A covered outdoor area is subject to the applicable setback standards.

1.3.900 Measuring Windows and Doors

- A. Standard.** The minimum amount of window and door area required is stated in the applicable design standards.
- B. Qualifying Features.** Windows and pedestrian entrance doors may be used to meet the standard, as provided in subsections (C) and (D).
- C. Window Area.** Window area is the aggregate area of the glass within each window, including any interior grids, mullions, or transoms. Windows into storage areas, mechanical and utility areas, and garbage and recycling areas do not qualify.
- D. Door Area.** Door area is the area of the portion of an entrance door, other than a garage door, that moves, and does not include the frame. For multi-unit housing, doors that provide access to dwelling units, whether shared or individual access, and doors that provide access to community spaces qualify; all other doors, such as doors into storage or mechanical areas, do not qualify.

Commentary: Chapter 1.4 is a new addition to the BDC. The current code defines use types with a simple definition. This can make it challenging for staff to classify a specific use if the characteristics of that use differ from the definition. Additionally, the set of uses that are defined is not comprehensive, so it is unclear for staff how some uses should be regulated.

These use categories are defined more broadly by their characteristics, rather than by specific uses (e.g. “Commercial Outdoor Recreation” vs. “mini golf” or “Eating and Drinking Establishments” vs. “Restaurants”). Examples of specific uses within each category are provided, but other uses may be permitted if they have similar characteristics.

In some cases, use categories more clearly differentiate between uses that are similar but have different impacts. For example, “Quick Vehicle Servicing” encompasses gas stations and oil change shops, but not heavier automotive repair.

The benefits of use categories are:

- Clearer guidelines for staff to classify a proposed use
- Less ambiguity because every zone addresses how every use category is regulated
- Consistent terms for use categories used throughout the BDC

Keep in mind that defining a use category in Chapter 1 does not address whether the use is permitted in a zone. That is addressed in Chapter 2.

Chapter 1.4 Use Categories

Sections

1.4.100 Purpose

1.4.200 Classification of Uses

1.4.300 Household Living

1.4.310 Group Living

1.4.400 Commercial Outdoor Recreation

1.4.410 Commercial Parking

1.4.420 Drive-Through Facilities

1.4.430 Eating and Drinking Establishments

1.4.435 Lodging

1.4.440 Major Event Assembly

1.4.450 Office

1.4.460 Quick Vehicle Servicing

1.4.470 Retail Sales and Service

1.4.475 Medical Marijuana Business

1.4.480 Self-Service Storage

- 1.4.490 Vehicle Repair**
- 1.4.500 Data Center**
- 1.4.510 Industrial Service**
- 1.4.520 Manufacturing and Production**
- 1.4.530 Warehouse and Freight Movement**
- 1.4.540 Waste-Related**
- 1.4.550 Wholesale Sales**
- 1.4.600 Community Service**
- 1.4.610 Child Care**
- 1.4.620 Healthcare**
- 1.4.630 Parks and Open Areas**
- 1.4.640 Religious Institutions**
- 1.4.650 Schools**
- 1.4.700 Basic Utilities**
- 1.4.710 Major Utility Facilities**
- 1.4.720 Transportation Facilities**
- 1.4.730 Wireless Communication Facilities**
- 1.4.800 Agriculture**
- 1.4.810 Mining**
- 1.4.820 Detention Facilities**

1.4.100 Purpose

- A. Purpose.** This subchapter classifies land uses and activities into use categories on the basis of common functional, product, or physical characteristics. The use categories provide the basis for assigning uses to zones. Whether a use category is allowed in a particular zone is stated in Chapter 2.1.
- B. Relationship to Definitions.** This subchapter describes use categories. Chapter 1.2 defines individual terms. Where a term used in a category description is defined in Chapter 1.2, that definition governs.
- C. Category Names.** The names of use categories are capitalized throughout this Code.

1.4.200 Classification of Uses

- A. Assignment to a Category.** A use is assigned to the category whose Characteristics subsection describes the use. Where the Characteristics subsections of two or more categories describe the use, the Exceptions subsections govern.

- B. Housing Types.** Where a development meets the definition of more than one housing type, the applicant shall specify the housing type on the development application. The City shall not reclassify a housing type specified by the applicant where the development meets the definition of that type.
- C. Considerations.** Except as provided in subsection (B), the City may consider the following in assigning a use to a category:
1. The description of the activity in relation to the Characteristics subsection of each category;
 2. The floor area and site area devoted to each activity;
 3. The relative amount of sales from each activity;
 4. The number of employees engaged in each activity; and
 5. Whether the activity would be found independent of the other activities on the site.
- D. Developments with More Than One Primary Use.** Where all primary uses of a development are in one category, the development is classified in that category. Where the primary uses are in different categories, each primary use is classified in its own category and is subject to the regulations for that category.
- E. Accessory Uses.** An accessory use is permitted in conjunction with the primary use unless this Code states otherwise. Unless this Code states otherwise, an accessory use is subject to the same regulations as the primary use. Accessory uses commonly found in a category are listed in the Accessory Uses subsection of that category.
- F. Examples.** The Examples subsection of each category lists examples of uses included in the category. The names are generic. They are based on the common meaning of the term and not on what a particular use calls itself.
- G. Uses Not Listed.** A use that is not described by any category in this subchapter is determined under Section 2.1.100(G) and (H).

1.4.300 Household Living

- A. Characteristics.** Household Living is the residential occupancy of a dwelling unit by one or more persons. A dwelling unit contains independent living facilities for sleeping, cooking, and sanitation for the exclusive use of its occupants. Tenancy is arranged for a continuous period of 30 days or more.

- B. Accessory Uses.** Accessory uses commonly found are recreational activities, the keeping of household pets, hobbies, and parking for the occupants. An accessory dwelling unit, a home occupation, and a family child care home caring for not more than 16 children are accessory uses subject to the standards of Chapter 2.6.
- C. Examples.** Household Living includes the following housing types, each as defined in Chapter 1.2: detached single-unit dwelling; duplex; triplex; quadplex; cottage cluster; townhouse; multi-unit housing; accessory dwelling unit; manufactured home; and manufactured dwelling park. Household Living also includes a residential home.
- D. Exceptions.**
1. Occupancy where tenancy is arranged for a continuous period of less than 30 days is not Household Living. It is classified as Lodging under Section 1.4.435, or as Community Service under Section 1.4.600 where the use is a shelter.
 2. Occupancy of a dwelling unit in which the occupants share sanitary or food preparation facilities is classified as Group Living under Section 1.4.310.
 3. Occupancy in which residents receive care, treatment, or training as a condition of tenancy is classified as Group Living under Section 1.4.310, except that a residential home remains Household Living.
 4. A dwelling for a farmworker is classified as Household Living. Multiunit housing for farmworkers is classified as Household Living.

1.4.310 Group Living

- A. Characteristics.** Group Living is the residential occupancy of a structure by a group of persons who share sanitary or food preparation facilities, or who receive care, treatment, or training as a condition of tenancy. Tenancy is arranged for a continuous period of 30 days or more. Group Living structures do not contain a dwelling unit for the exclusive use of each occupant.
- B. Accessory Uses.** Accessory uses commonly found are common eating areas, recreational facilities, offices for staff, parking for occupants and staff, and a family child care home caring for not more than 16 children.
- C. Examples.** Group Living includes the following, each as defined in Chapter 1.2: single room occupancy housing; residential facility; residential treatment facility and residential treatment home; dormitory; fraternity and sorority; and nursing and convalescent home.
- D. Exceptions.**
1. A residential home is classified as Household Living under Section 1.4.300.

2. Occupancy where tenancy is arranged for a continuous period of less than 30 days is not Group Living. It is classified as Lodging under Section 1.4.435, or as Community Service under Section 1.4.600 where the use is a shelter.
3. A facility for persons under judicial detention who are supervised by peace officers is classified as Detention Facilities under Section 1.4.820.
4. A hospital and a use providing overnight medical care are classified as Healthcare under Section 1.4.620.

1.4.400 Commercial Outdoor Recreation

- A. **Characteristics.** Commercial Outdoor Recreation uses provide continuous recreation or entertainment activities to paying participants or spectators. The activities take place primarily outdoors. The use may occupy several structures arranged together in an outdoor setting. The activities are available during posted business hours rather than only on scheduled event dates.
- B. **Accessory Uses.** Accessory uses commonly found are concessions, eating and drinking establishments, equipment rental, parking, maintenance facilities, and a residential caretaker unit where permitted by the base zone.
- C. **Examples.** Examples include amusement parks, water parks, golf driving ranges, miniature golf courses, batting cages, go-kart tracks, outdoor paintball and archery courses, outdoor shooting ranges, and marinas.
- D. **Exceptions.**
 1. Golf courses are classified as Parks and Open Areas.
 2. A use that draws large numbers of people to periodic events, rather than on a continuous basis, is classified as Major Event Assembly.
 3. Recreation and entertainment activities conducted primarily indoors are classified as Retail Sales and Service.
 4. A campground and a recreational vehicle park are classified as Lodging under Section 1.4.435.
 5. A recreation facility that is accessory to a primary use on the same site is accessory to that use.

1.4.410 Commercial Parking

- A. **Characteristics.** Commercial Parking facilities provide vehicle parking that is not accessory to a specific use on the same site. A fee may or may not be charged. A facility that provides both accessory parking for a use on the site and parking for people not connected to that use is classified as Commercial Parking.
- B. **Accessory Uses.** Accessory uses commonly found are attendant booths, leasing and security offices, and electric vehicle charging equipment. In a parking structure only, accessory uses may also include car washing and vehicle repair that serve vehicles parked in the structure.
- C. **Examples.** Examples include short-term and long-term fee parking lots and structures, shared parking lots serving a commercial district, and commuter or shuttle parking lots.
- D. **Exceptions.**
1. Parking that is accessory to a primary use on the same site is not classified as Commercial Parking. This is so even if the operator leases the facility to the primary use or charges a fee to the individuals who park in it.
 2. A parking facility that is accessory to a use, and that charges the public to park for occasional nearby events, is not classified as Commercial Parking.
 3. A public transit park-and-ride facility is classified as Community Service.
 4. Storage of vehicles that are not in regular operation, including towing and impound yards, is classified as Industrial Service.
 5. A full-serve or mini-serve gas station is always classified as a primary use in the Quick Vehicle Servicing category rather than as an accessory use, even when it is located in a parking facility.
 6. Parking that serves a passenger terminal on the same site is accessory to the terminal, which is classified as Transportation Facilities.

1.4.420 Drive-Through Facilities

- A. **Characteristics.** A Drive-Through Facility is designed to allow a driver to remain in the vehicle before and during a transaction or service. The facility includes the drive-up window, kiosk, or service lane and the associated driveways, queuing lanes, and waiting areas. A Drive-Through Facility is classified in this category whether the use it serves is a primary use or an accessory use. Drive-Through Facilities are subject to Section 2.6.600.

- B. Accessory Uses.** Accessory uses commonly found are menu boards, order boxes, canopies, pay stations, call boxes, and pedestrian walkways serving the facility.
- C. Examples.** Examples include drive-up windows and lanes serving an eating and drinking establishment, coffee kiosk, bank, pharmacy, or dry cleaner; automatic teller machines with a drive-up lane; and drive-in theaters.
- D. Exceptions.**
1. A full-serve or mini-serve gas station, car wash, or quick lubrication facility is classified as Quick Vehicle Servicing. A gas station is always classified as a primary use in the Quick Vehicle Servicing category rather than as an accessory use, even when it is in conjunction with other uses.
 2. A loading dock, refuse enclosure, or gate serving a use where no transaction occurs with the driver in the vehicle is not a Drive-Through Facility.
 3. An electric vehicle charger intended for use while the vehicle is parked in a parking space is not a Drive-Through Facility.
 4. A queuing lane serving a Commercial Parking facility is accessory to that facility.

1.4.430 Eating and Drinking Establishments

- A. Characteristics.** Eating and Drinking Establishments prepare and sell food or beverages for consumption on or off the premises. Customers order and pay on the site. Seating may be indoors, outdoors, or absent.
- B. Accessory Uses.** Accessory uses commonly found are outdoor seating areas, live entertainment, catering, retail sale of packaged food and beverages, and parking.
- C. Examples.** Examples include restaurants, cafes, delicatessens, coffee shops, sandwich shops, taverns, bars, brewpubs, tasting rooms, and mobile food vendors.
- D. Exceptions.**
1. A brewery, distillery, winery, or bakery where production is the primary activity is classified as Manufacturing and Production. A tasting room or retail counter accessory to that production is accessory to the Manufacturing and Production use.
 2. A drive-up window or lane serving an eating and drinking establishment is classified in the Drive-Through Facilities category and is subject to Section 2.6.600.
 3. A full-serve or mini-serve gas station in conjunction with an eating and drinking establishment is always classified as a primary use in the Quick Vehicle Servicing category rather than as an accessory use.

4. Food service that is accessory to a use in another category, including a cafeteria serving employees, students, or patients, is accessory to that use.
5. Transient lodging with an average length of stay of less than 30 days is classified as Retail Sales and Service. Food and beverage service accessory to that lodging is accessory to the lodging.
6. An eating and drinking establishment that is part of a truck stop is accessory to the truck stop, which is classified as Industrial Service.
7. Charitable meal service and food distribution operated by a public or nonprofit agency is classified as Community Service.
8. A food cart pod is classified as Eating and Drinking Establishments and is subject to Section 2.6.680.

1.4.435 Lodging

- A. **Characteristics.** Lodging uses provide overnight accommodations to transient guests. Tenancy is arranged for a continuous period of less than 30 days. Guest rooms or spaces are rented, and the operator provides the accommodation as a commercial service.
- B. **Accessory Uses.** Accessory uses commonly found are offices, eating and drinking establishments serving guests, meeting and banquet rooms, recreational facilities, laundry facilities, retail sales to guests, parking, and a residential caretaker unit where permitted by the base zone.
- C. **Examples.** Examples include hotels, motels, bed and breakfast inns, hostels, recreational vehicle parks, and campgrounds.
- D. **Exceptions.**
 1. Occupancy where tenancy is arranged for a continuous period of 30 days or more is classified as Household Living under Section 1.4.300 or as Group Living under Section 1.4.310.
 2. A shelter operated by a public or nonprofit entity, where no individual lease is executed, is classified as Community Service under Section 1.4.600.
 3. A manufactured dwelling park and a mobile home park are classified as Household Living under Section 1.4.300.
 4. A guest room accessory to a dwelling, where the dwelling remains occupied as a residence, is an accessory use under Section 1.4.300(B).

1.4.440 Major Event Assembly

- A. **Characteristics.** Major Event Assembly uses draw large numbers of people to specific scheduled events or shows. Activities are generally of a spectator nature. Attendance occurs on event dates rather than continuously. A Major Event Assembly use has a permanent seating or standing capacity of [INSERT VALUE] persons or more, or 20,000 square feet or more of total event area.
- B. **Accessory Uses.** Accessory uses commonly found are eating and drinking establishments, concessions, merchandise sales, offices, ticketing areas, parking, and maintenance facilities.
- C. **Examples.** Examples include stadiums, sports arenas, auditoriums, concert halls, exhibition and meeting facilities, fairgrounds, rodeo grounds, and race tracks for motor vehicles, horses, or dogs.
- D. **Exceptions.**
1. Exhibition and meeting areas with less than 20,000 square feet of total event area are classified as Retail Sales and Service.
 2. A banquet hall that is part of a hotel or an eating and drinking establishment is accessory to that use.
 3. Theaters are classified as Retail Sales and Service. A drive-in theater is classified in the Drive-Through Facilities category.
 4. A use that provides continuous outdoor recreation or entertainment during posted business hours is classified as Commercial Outdoor Recreation.
 5. A use that provides continuous indoor recreation or entertainment is classified as Retail Sales and Service.
 6. An assembly facility that is accessory to a school, religious institution, or community service use on the same site is accessory to that use.

1.4.450 Office

- A. **Characteristics.** Office uses are conducted in an office setting and provide business, government, professional, financial, technical, or design services. Goods are not manufactured, stored, or displayed for sale on the site, except as an accessory activity. Employees are present at the site during posted business hours.
- B. **Accessory Uses.** Accessory uses commonly found are cafeterias, conference rooms, employee health and fitness facilities, records storage, and parking.

- C. Examples.** Examples include professional services such as lawyers, accountants, engineers, architects, landscape architects, and management consultants; business services such as headquarters offices, sales offices, temporary staffing agencies, and call centers; financial services such as banks, lenders, brokerages, insurance agents, real estate agents, and property managers; government administrative offices and utility business offices; and drafting, graphic design, and software development services where no equipment or material is stored on the site.
- D. Exceptions.**
1. An office that is part of and located with a firm in another category is accessory to that firm's primary activity. A headquarters office in conjunction with or adjacent to a primary use in another category is part of that other category.
 2. A contractor or other firm that performs services off the site is classified as Office if equipment and materials are not stored on the site and fabrication or similar work is not carried on at the site. Otherwise the firm is classified as Industrial Service.
 3. A facility whose primary activity is the operation of computing, data storage, or network equipment is classified as Data Center.
 4. A use that provides medical or surgical care with overnight patient stay or emergency service is classified as Healthcare. A practitioner's office or clinic with no overnight patient stay is classified in this category.
 5. A research and development laboratory is classified as Industrial Service.
 6. A drive-up window or lane serving an office, including a branch bank, is classified in the Drive-Through Facilities category. Drive-Through Facilities must be a permitted use in the zone to be allowed in conjunction with an Office use.
 7. Radio and television studios are classified in this category.

1.4.460 Quick Vehicle Servicing

- A. Characteristics.** Quick Vehicle Servicing uses provide fuel, cleaning, or short-duration service directly to motor vehicles. The driver generally remains on the site while the service is performed. The development includes a pump island, wash bay, service bay, or similar facility where the service occurs. Full-serve and mini-serve gas stations are always classified as a primary use in this category rather than as an accessory use, even when they are in conjunction with other uses.
- B. Accessory Uses.** Accessory uses commonly found are convenience retail sales, air and water stations, vacuum equipment, tire sales and mounting, and minor vehicle repair.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card-key fueling stations, electric vehicle charging stations designed for the driver to wait on the site, car washes, and quick lubrication and quick oil change facilities.

D. Exceptions.

1. Truck stops are classified as Industrial Service. Eating and drinking establishments, lodging, and other services that are part of a truck stop are accessory to the truck stop.
2. Fueling or charging facilities for vehicles that belong to a specific use, and that are on the site where those vehicles are kept, are accessory to that use.
3. An electric vehicle charger intended for use while the vehicle is parked in a parking space is not a Quick Vehicle Servicing use.
4. Repair or service of a consumer motor vehicle where the customer does not wait on the site is classified as Vehicle Repair.
5. Repair and service of industrial vehicles and equipment and of heavy trucks are classified as Industrial Service.
6. A drive-up window or lane serving a use other than vehicle servicing is classified in the Drive-Through Facilities category.

1.4.470 Retail Sales and Service

A. Characteristics. Retail Sales and Service firms sell, lease, or rent new or used products to the general public. They may also provide personal services, indoor entertainment, or repair of consumer and business goods. Customers come to the site to buy the product or to receive the service.

B. Accessory Uses. Accessory uses commonly found are offices, storage of goods, manufacture or repackaging of goods for on-site sale, outdoor display areas, and parking.

C. Examples. Examples include uses from the four subgroups listed below.

1. **Sales-oriented.** Stores selling, leasing, or renting consumer, home, and business goods, including clothing, electronics, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvement products, household goods, jewelry, pet supplies, pharmaceuticals, plants, printed material, and stationery; food sales and farmers markets; retail plant nurseries and garden centers; and sales or leasing of consumer vehicles, including passenger vehicles, motorcycles, boats, recreational vehicles, and light and medium trucks.

2. **Service-oriented.** Branch banks; laundromats and dry cleaners; photographic studios; photocopy and quick printing services; hair, nail, tanning, and personal care services; funeral homes, mortuaries, and crematoriums; veterinary clinics and animal hospitals; kennels limited to boarding, with no breeding; animal grooming; business, martial arts, and other trade schools; and dance and music instruction.
3. **Entertainment-oriented.** Indoor recreation and entertainment such as bowling alleys, skating rinks, game arcades, pool halls, indoor firing ranges, health clubs, and gyms; private lodges, private clubs, and membership clubs; and theaters.
4. **Repair-oriented.** Repair of televisions, computers, bicycles, clocks, watches, shoes, firearms, appliances, and office equipment; photo and laundry drop-off; tailoring; locksmithing; and upholstery.

D. Exceptions.

1. Establishments that prepare and sell food or beverages, including restaurants, cafes, taverns, and bars, are classified as Eating and Drinking Establishments.
2. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
3. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.
4. Sales of landscape materials, including bark chips and compost, are classified as Industrial Service.
5. Repair and service of consumer motor vehicles, motorcycles, boats, recreational vehicles, and light and medium trucks are classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and of heavy trucks, towing and vehicle storage, and vehicle wrecking and salvage are classified as Industrial Service.
6. A full-serve or mini-serve gas station, car wash, or quick lubrication facility is classified as Quick Vehicle Servicing. A gas station is always classified as a primary use rather than as an accessory use, even when it is in conjunction with a retail use.
7. Eating and drinking establishments, lodging, and other services that are part of a truck stop are accessory to the truck stop, which is classified as Industrial Service.
8. Plant nurseries that grow plants primarily for wholesale sale are classified as Agriculture. Plant nurseries and garden centers oriented to retail sales are classified in this category.

9. A trade school where industrial vehicles and equipment, including heavy trucks, are operated is classified as Industrial Service.
10. An institution of higher learning offering courses of general or specialized study leading to a degree is classified as Schools. Business and trade schools are classified in this category.
11. Private lodges, clubs, and private or commercial athletic or health clubs are classified in this category. A community facility with membership provisions that is open to the general public to join at any time is classified as Community Service.
12. Lodging with no minimum length of stay that is operated by a public or nonprofit agency as a mass, outdoor, or short-term shelter is classified as Community Service.
13. Uses where tenancy is arranged for a continuous period of 30 days or more are residential and are classified as Household Living under Section 1.4.300 or as Group Living under Section 1.4.310.
14. Overnight accommodations to transient guests, where tenancy is arranged for a continuous period of less than 30 days, are classified as Lodging under Section 1.4.435.
15. Where a kennel is limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service or as Agriculture.
16. Care that includes overnight patient stay or emergency service is classified as Healthcare.

1.4.475 Medical Marijuana Business

- A. **Characteristics.** Medical Marijuana Business uses dispense medical marijuana, or grow medical marijuana, under a registration or license issued by the Oregon Health Authority. Activity occurs indoors, or outdoors where screened and ventilated as required by Section 2.6.640.
- B. **Accessory Uses.** Accessory uses commonly found are offices, secure storage, security facilities, and off-street parking.
- C. **Examples.** Examples include a medical marijuana dispensary or facility and a medical marijuana grow facility, each as defined in Chapter 1.2.
- D. **Exceptions.**
 1. Processing and extraction of cannabis and medical marijuana are classified as Manufacturing and Production.

2. Sale of goods that do not include marijuana is classified as Retail Sales and Service.

1.4.480 Self-Service Storage

- A. **Characteristics.** Self-Service Storage uses provide separate storage areas for individual or business tenants. Each storage area is designed to allow private access by the tenant for storing or removing personal property. The tenant, not an employee, is the primary mover of the goods.
- B. **Accessory Uses.** Accessory uses commonly found are a leasing and security office, parking, and a residential caretaker unit where permitted by the base zone. Use of a storage area for sales, service, repair, or manufacturing is not accessory to a Self-Service Storage use. Rental of trucks or equipment is not accessory to a Self-Service Storage use.
- C. **Examples.** Examples include single-story and multistory facilities that provide individual storage areas for rent. These uses are also called miniwarehouses.
- D. **Exceptions.**
 1. A transfer and storage business with no individual storage areas, or where employees are the primary movers of the goods to be stored or transferred, is classified as Warehouse and Freight Movement. Miniwarehouses are classified in this category.
 2. Storage of vehicles where the storage is not accessory to another use on the same site, including towing and impound yards, is classified as Industrial Service.
 3. Storage of goods that is accessory to a primary use on the same site is accessory to that use.

1.4.490 Vehicle Repair

- A. **Characteristics.** Vehicle Repair firms service and repair passenger vehicles, light and medium trucks, and other consumer motor vehicles such as motorcycles, boats, and recreational vehicles. The customer generally does not wait on the site while the service or repair is performed. Work occurs in a service bay or an enclosed building.
- B. **Accessory Uses.** Accessory uses commonly found are offices, sales of parts, and storage of vehicles awaiting or following service.

C. Examples. Examples include vehicle repair garages, transmission and muffler shops, auto body and paint shops, alignment shops, auto upholstery shops, auto detailing, and tire sales and mounting.

D. Exceptions.

1. Repair and service of industrial vehicles and equipment and of heavy trucks, towing and vehicle storage, and vehicle wrecking and salvage are classified as Industrial Service.
2. Service where the driver waits on the site, including fueling, car washing, and quick lubrication, is classified as Quick Vehicle Servicing.
3. Vehicle repair in a parking structure that serves only vehicles parked in that structure is accessory to the Commercial Parking use.
4. Sales or leasing of consumer vehicles is classified as Retail Sales and Service. Repair that is accessory to a vehicle sales use on the same site is accessory to that use.

1.4.500 Data Center

A. Characteristics. Data Center uses operate computing, data storage, and network equipment as the primary activity on the site. That equipment, and the electrical, cooling, fire suppression, and security systems serving it, occupy most of the floor area. A Data Center has a connected electrical load of 5 megawatts or more. A Data Center also has cooling infrastructure dedicated to the equipment, such as chillers, cooling towers, evaporative cooling units, or dedicated air handling units. Data Center uses typically employ few people relative to their floor area and have substantial electrical and cooling demands, and for that reason are classified separately from Office.

B. Accessory Uses. Accessory uses commonly found are offices, network operations centers, security facilities, electrical switchgear and substations serving the facility, backup generators and fuel storage for those generators, water storage and cooling water treatment, staging and warehouse areas, and parking.

C. Examples. Examples include data centers, server farms, co-location facilities, hosting and cloud computing facilities, and cryptocurrency mining facilities.

D. Exceptions.

1. A server room, network closet, or computer equipment area that is accessory to a primary use in another category is accessory to that use.
2. An office where employees use computers to provide services to customers or clients is classified as Office.

3. Generation of electrical or thermal energy on the site primarily for off-site use or sale is classified as Major Utility Facilities.
4. An electrical substation, switchyard, or energy storage facility serving only the Data Center on the same site is accessory to the Data Center.
5. Manufacture or assembly of computing or network equipment is classified as Manufacturing and Production.

1.4.510 Industrial Service

- A. **Characteristics.** Industrial Service firms repair or service industrial, business, or consumer machinery, equipment, products, or by-products. A firm that services consumer goods does so mainly by providing centralized service for separate retail outlets. Contractors, building maintenance firms, and similar firms perform their services off the site and store equipment or materials on the site. Few customers, and especially few members of the general public, come to the site.
- B. **Accessory Uses.** Accessory uses commonly found are offices, parking, outdoor storage, rail spur or lead lines, and docks.
- C. **Examples.** Examples include welding shops; machine shops; tool repair; electric motor repair; repair of scientific and professional instruments; sales, repair, storage, salvage, or wrecking of heavy machinery, metal, and building materials; sales of landscape materials, including bark chips and compost; towing and vehicle storage; auto and truck salvage and wrecking yards; heavy truck servicing and repair; tire retreading and recapping; truck stops; building, heating, plumbing, and electrical contractors; trade schools where industrial vehicles and equipment, including heavy trucks, are operated; exterminators; janitorial and building maintenance services; fuel oil distributors; solid fuel yards; research and development laboratories; drydocks and the repair or dismantling of ships and barges; laundry, dry cleaning, and carpet cleaning plants; and photofinishing laboratories.
- D. **Exceptions.**
 1. Repair and service of consumer motor vehicles, motorcycles, boats, recreational vehicles, and light and medium trucks are classified as Vehicle Repair. Repair and service of industrial vehicles and equipment and of heavy trucks, towing and vehicle storage, and vehicle wrecking and salvage are classified in this category.
 2. Recycling operations that receive, store, sort, or process post-consumer material from others are classified as Waste-Related. A recycling drop-off station that is accessory to a retail use is accessory to that use.

3. Printing, publishing, and lithography are classified as Manufacturing and Production.
4. A contractor or other firm that performs services off the site is classified as Office if equipment and materials are not stored on the site and fabrication or similar work is not carried on at the site.
5. Eating and drinking establishments, lodging, and other services that are part of a truck stop are accessory to the truck stop.
6. Manufacturing, processing, fabrication, packaging, or assembly of goods is classified as Manufacturing and Production.
7. A firm whose primary activity is the storage or movement of goods for others is classified as Warehouse and Freight Movement.
8. Service where the driver waits on the site, including fueling, car washing, and quick lubrication, is classified as Quick Vehicle Servicing.

1.4.520 Manufacturing and Production

- A. **Characteristics.** Manufacturing and Production firms manufacture, process, fabricate, package, or assemble goods. Natural, synthetic, raw, secondary, or partially completed materials may be used. Products are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on the site. Where goods are sold on the site, those sales are a subordinate part of the firm's activity. Relatively few customers come to the site. Manufacturing and Production in commercial zones is also subject to Section 2.6.620.
- B. **Accessory Uses.** Accessory uses commonly found are offices, cafeterias, employee recreation facilities, warehouses, storage yards, rail spur or lead lines, docks, repair facilities, truck fleet parking, tasting rooms and retail sale of goods produced on the site, parking, and a residential caretaker unit where permitted by the base zone.

C. Examples. Examples include processing of food and related products; commercial bakeries; catering establishments; breweries, distilleries, and wineries; production of animal feed; weaving and production of textiles and apparel; lumber mills, pulp and paper mills, and other wood products manufacturing; woodworking, including cabinet makers; production of chemical, rubber, leather, clay, bone, plastic, stone, glass, or paper materials or products; printing, publishing, and lithography; concrete batching and asphalt mixing; production or fabrication of metals and metal products, including enameling and galvanizing; manufacture or assembly of machinery, equipment, instruments, vehicles, appliances, and electrical items; ship and barge building; oil module production; production of prefabricated structures, including manufactured dwellings; sign making; and processing and extraction of cannabis and medical marijuana.

D. Exceptions.

1. Manufacture of goods sold primarily on the site and to the general public is classified as Retail Sales and Service.
2. Repair or servicing of machinery, equipment, products, or by-products is classified as Industrial Service.
3. Manufacture or production of goods from composting organic material received from others is classified as Waste-Related.
4. Generation of electrical or thermal energy primarily for off-site use or sale is classified as Major Utility Facilities.
5. Micro-generation that serves a use on the same site is classified as Basic Utilities.
6. Extraction of mineral or aggregate resources from the ground is classified as Mining. Crushing, washing, and batching of material extracted on the same site is accessory to the Mining use.
7. A solid waste incinerator that generates energy from waste received from others is classified as Waste-Related.
8. A facility whose primary activity is the operation of computing, data storage, or network equipment is classified as Data Center.
9. Raising, producing, or keeping plants or animals is classified as Agriculture. Processing of animal or plant products, including milk, and feed lots are classified in this category.

1.4.530 Warehouse and Freight Movement

- A. **Characteristics.** Warehouse and Freight Movement firms store or move goods for themselves or for other firms. Employees are the primary movers of the goods. Goods are generally delivered to other firms or to the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.
- B. **Accessory Uses.** Accessory uses commonly found are offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, repackaging of goods, and parking.
- C. **Examples.** Examples include separate warehouses used by retail stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; wholesale distribution centers; truck, marine, and air freight terminals; barge loading and transloading facilities; rail yards used for car switching, assembling trains, or transferring goods between transportation modes; grain terminals; parcel services; post office distribution facilities; bus barns and vehicle maintenance facilities; and the stockpiling of sand, gravel, and other aggregate materials.
- D. **Exceptions.**
1. Miniwarehouses are classified as Self-Service Storage. A transfer and storage business with no individual storage areas, or where employees are the primary movers of the goods to be stored or transferred, is classified in this category.
 2. Uses that transfer or store solid or liquid waste are classified as Waste-Related.
 3. Storage of goods that is accessory to a primary use on the same site is accessory to that use.
 4. A firm that emphasizes on-site sales or order taking, with a display area, is classified as Wholesale Sales.
 5. A firm whose primary activity is the sale of products to the general public is classified as Retail Sales and Service.
 6. Storage of vehicles where the storage is not accessory to another use on the same site is classified as Industrial Service.

1.4.540 Waste-Related

- A. **Characteristics.** Waste-Related uses receive solid or liquid waste from others for disposal on the site or for transfer to another location. Waste-Related uses also collect sanitary waste, produce goods or energy from the biological decomposition of organic material, or receive, store, sort, and distribute post-consumer recyclable material. Waste-Related uses also include uses that receive hazardous waste from others and are subject to state hazardous waste management rules.
- B. **Accessory Uses.** Accessory uses commonly found are offices, scale houses, equipment storage and maintenance, and repackaging and transshipment of by-products.
- C. **Examples.** Examples include waste transfer stations, waste composting facilities, recycling operations and material recovery facilities, effluent disposal facilities for industrial waste, portable sanitary collection equipment storage and pumping, and solid waste incinerators that generate energy from waste received from others.
- D. **Exceptions.**
1. Disposal of clean fill is a fill and is not a Waste-Related use.
 2. Infrastructure services that must be located in or near the area where the service is provided in order to function are classified as Basic Utilities. Examples include sewer pipes, pump stations, and collection stations that serve a development.
 3. Water treatment plants and sewage treatment plants are classified as Major Utility Facilities.
 4. Generation of electrical or thermal energy primarily for off-site use or sale, other than from waste received from others, is classified as Major Utility Facilities.
 5. Micro-generation that serves a use on the same site is classified as Basic Utilities.
 6. A recycling drop-off station that is accessory to a retail use is accessory to that use.
 7. Repair or servicing of machinery or equipment, and vehicle wrecking and salvage, are classified as Industrial Service.
 8. Waste collection or handling that is accessory to a primary use on the same site is accessory to that use.

1.4.550 Wholesale Sales

- A. Characteristics.** Wholesale Sales firms sell, lease, or rent products primarily intended for industrial, institutional, or commercial businesses. The firm emphasizes on-site sales or order taking and often includes a display area. The firm may or may not be open to the general public. Sales to the general public are limited as a result of the way in which the firm operates. Products may be picked up on the site or delivered to the customer.
- B. Accessory Uses.** Accessory uses commonly found are offices, product repair, warehouses, minor fabrication services, repackaging of goods, and parking.
- C. Examples.** Examples include sale or rental of machinery, equipment, heavy trucks, building materials, lumber, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; agricultural equipment and supply dealers; livestock auctions; mail order houses; and wholesalers of food, clothing, auto parts, building hardware, and office supplies.
- D. Exceptions.**
1. A firm that engages primarily in sales to the general public is classified as Retail Sales and Service. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified in this category.
 2. Sales, rental, or leasing of heavy trucks and equipment is classified in this category rather than as Retail Sales and Service.
 3. A firm that sells on a membership basis and admits any member of the general public who chooses to join is classified as Retail Sales and Service.
 4. A firm that is primarily storing goods, with little on-site business activity, is classified as Warehouse and Freight Movement.
 5. Wholesale plant nurseries are classified as Agriculture.
 6. Repair or servicing of machinery or equipment as the primary activity is classified as Industrial Service.

1.4.600 Community Service

- A. Characteristics.** Community Service uses are of a public, nonprofit, or charitable nature and provide a local service to people of the community. The service is provided on the site, or employees are present at the site on a regular basis. The service is ongoing rather than limited to special events. A community center or facility with membership provisions is a Community Service use only if it is open to the general public to join at any time. A Community Service use may provide mass, outdoor, or short-term shelter with no minimum length of stay when the shelter is operated by a public or nonprofit agency. A Community Service use may also provide counseling, education, or training of a public, nonprofit, or charitable nature.
- B. Accessory Uses.** Accessory uses commonly found are offices, meeting areas, food preparation and service areas, health and hygiene facilities, therapy areas, child care, athletic facilities, and parking.
- C. Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, hospices, social service facilities, treatment centers for drug and alcohol conditions that do not provide overnight care, vocational training for persons with disabling conditions, mass shelters, outdoor shelters, and short-term shelters operated by a public or nonprofit agency, charitable meal service and food distribution centers, and public transit park-and-ride facilities.
- D. Exceptions.**
1. Private lodges, clubs, and private or commercial athletic or health clubs are classified as Retail Sales and Service. A commercial museum is classified as Retail Sales and Service.
 2. Parks, open areas, and cemeteries are classified as Parks and Open Areas.
 3. Uses where tenancy is arranged for a continuous period of 30 days or more are residential and are classified as Household Living under Section 1.4.300 or as Group Living under Section 1.4.310.
 4. Transient lodging with an average length of stay of less than 30 days is classified as Retail Sales and Service. Lodging with no minimum length of stay that is operated by a public or nonprofit agency as a mass, outdoor, or short-term shelter is classified in this category.
 5. Public safety facilities, including police, fire, and ambulance stations, are classified as Basic Utilities.
 6. A government administrative office where the public is not received for a direct service is classified as Office.

7. A public transit park-and-ride facility is classified in this category rather than as Commercial Parking or as Transportation Facilities.
8. Care that includes overnight patient stay or emergency service is classified as Healthcare.
9. Day or evening care of two or more children outside the children's homes for a fee is classified as Child Care.
10. A school is classified as Schools. A religious institution is classified as Religious Institutions.

1.4.610 Child Care

- A. **Characteristics.** Child Care uses provide day or evening care of two or more children outside the children's homes for a fee. Child Care also includes daytime care of teenagers or adults who need assistance or supervision. Care is provided for periods of less than 24 hours, and no overnight stay occurs.
- B. **Accessory Uses.** Accessory uses commonly found are offices, indoor and outdoor play areas, food preparation areas, and parking.
- C. **Examples.** Examples include child care centers, preschools, nursery schools, before-school and after-school programs, and adult day care programs.
- D. **Exceptions.**
 1. A family child care home caring for not more than 16 children in a dwelling is a residential accessory use and is not classified in this category. A family child care home is an accessory use under Section 1.4.300(B).
 2. Care given by a parent, guardian, or relative of the children, or by a babysitter, is not a Child Care use.
 3. Child care that is accessory to a school, religious institution, community service use, or employer on the same site is accessory to that use.
 4. A facility providing state-mandated basic education is classified as Schools. Preschools are classified in this category.
 5. Care that includes overnight patient stay or emergency service is classified as Healthcare.

1.4.620 Healthcare

- A. Characteristics.** Healthcare uses provide medical or surgical care to patients. A Healthcare use offers overnight patient stay, emergency service, or both. Healthcare uses tend to occupy campus settings or multiple parcels.
- B. Accessory Uses.** Accessory uses commonly found are outpatient clinics, offices, laboratories, pharmacies, teaching facilities, meeting areas, cafeterias, helicopter landing facilities, maintenance facilities, parking, and housing for staff, trainees, or patient families.
- C. Examples.** Examples include hospitals, acute care centers, medical complexes that include a hospital, freestanding emergency facilities, inpatient surgical centers, and inpatient rehabilitation and psychiatric hospitals.
- D. Exceptions.**
1. A practitioner's office or clinic that provides care where patients are not kept overnight, and that provides no emergency service, is classified as Office. This includes medical and dental offices, outpatient clinics, urgent care facilities, dialysis centers, and physical therapy centers.
 2. A use that provides exclusive care and planned treatment or training for psychiatric, alcohol, or drug conditions, where patients are residents of the program, is classified as Group Living under Section 1.4.310.
 3. A medical, dental, or diagnostic laboratory that is not on the site of a Healthcare use is classified as Office.
 4. A research and development laboratory is classified as Industrial Service.
 5. A veterinary clinic or animal hospital is classified as Retail Sales and Service.
 6. A hospice or social service facility that does not provide medical or surgical care is classified as Community Service.
 7. A nursing or convalescent home, and other residential care where tenancy is arranged for a continuous period of 30 days or more, are classified as Group Living under Section 1.4.310.

1.4.630 Parks and Open Areas

- A. **Characteristics.** Parks and Open Areas are lands used for natural areas, vegetative landscaping, outdoor recreation, community gardens, public squares, or the interment of human or animal remains. Lands in this category have few structures. Access is generally free of charge, or a fee is charged only for the use of a specific facility. Cemeteries are Parks and Open Areas.
- B. **Accessory Uses.** Accessory uses commonly found are restrooms, clubhouses, maintenance and storage buildings, concessions, columbaria and mausolea within a cemetery, parking, and a residential caretaker unit where permitted by the base zone.
- C. **Examples.** Examples include public parks, playgrounds, athletic fields and courts, swimming pools, golf courses, cemeteries, public squares and plazas, recreational trails, botanical gardens, boat launching areas, nature preserves, and community gardens.
- D. **Exceptions.**
1. On-site mitigation is not a Parks and Open Areas use.
 2. Commercial recreation or entertainment activities conducted continuously for a fee, other than a golf course, are classified as Commercial Outdoor Recreation. Golf courses are classified in this category.
 3. A use that draws large numbers of people to periodic events, rather than on a continuous basis, is classified as Major Event Assembly.
 4. A crematorium or funeral home is classified as Retail Sales and Service.
 5. Raising, producing, or keeping plants or animals as a farm use, other than a community garden, is classified as Agriculture.
 6. Open space or a recreation facility that is accessory to a primary use on the same site is accessory to that use.

1.4.640 Religious Institutions

- A. **Characteristics.** Religious Institutions primarily provide meeting areas for religious activities.

- B. Accessory Uses.** Accessory uses commonly found are religious education facilities, food service, charitable meal service and food distribution, child care, assembly and social halls, cemeteries, residences for clergy, congregate housing such as convents, and parking. A religious institution may allow overnight living in vehicles as provided by ORS 203.082.
- C. Examples.** Examples include churches, temples, synagogues, mosques, and other places of worship.
- D. Exceptions.**
1. A school operated by a religious institution is classified as Schools.
 2. Day or evening care of two or more children outside the children's homes for a fee, where the care is not accessory to religious activities on the same site, is classified as Child Care.
 3. A cemetery that is not accessory to a religious institution on the same or an abutting site is classified as Parks and Open Areas.
 4. A meeting hall that is rented to the general public for events is classified as Major Event Assembly if the total event area is 20,000 square feet or more, and as Retail Sales and Service if the total event area is less than 20,000 square feet.
 5. A shelter operated by a public or nonprofit agency with no minimum length of stay is classified as Community Service.

1.4.650 Schools

- A. Characteristics.** Schools provide state-mandated basic education at the primary, elementary, middle, junior high, or high school level. Schools also include institutions of higher learning that offer courses of general or specialized study leading to a degree and that are accredited by a recognized accrediting agency. Schools may be public or private and secular or parochial. Schools tend to occupy campus settings or multiple parcels.
- B. Accessory Uses.** Accessory uses commonly found are offices, play areas, cafeterias, recreational and athletic facilities, athletic fields, auditoriums, laboratories, before-school and after-school child care, student and faculty housing, meal programs and food distribution for students and families, maintenance facilities, and parking.
- C. Examples.** Examples include public and private daytime schools, boarding schools, universities, colleges, community colleges, nursing and medical schools not accessory to a Healthcare use, and seminaries.
- D. Exceptions.**

1. Business and trade schools are classified as Retail Sales and Service.
2. A trade school where industrial vehicles and equipment, including heavy trucks, are operated is classified as Industrial Service.
3. Preschools are classified as Child Care.
4. Dance, music, martial arts, and similar instruction offered to the general public is classified as Retail Sales and Service.
5. Student housing that is not on a school site is classified as Household Living under Section 1.4.300 or as Group Living under Section 1.4.310.
6. A stadium or auditorium open to the general public for scheduled events, with a permanent seating or standing capacity of [INSERT VALUE] persons or more, is classified as Major Event Assembly.

1.4.700 Basic Utilities

- A. **Characteristics.** Basic Utilities are infrastructure services that must be located in or near the area where the service is provided in order to function. Basic Utilities convey, distribute, store, or measure a service rather than treat it or generate it for sale. Except for public safety facilities, Basic Utilities generally do not have regular employees at the site. The service may be publicly or privately provided. All public safety facilities are Basic Utilities.
- B. **Accessory Uses.** Accessory uses commonly found are parking; control, monitoring, data, and transmission equipment; equipment and material storage; and holding cells within a police station.
- C. **Examples.** Examples include water and sewer pump stations; sewage collection and conveyance systems; local electrical substations and distribution lines; water towers, reservoirs, and water distribution lines; water quality and flow control facilities; stormwater facilities and conveyance systems; telephone exchanges; micro-generation; and public safety facilities, including fire stations, police stations, ambulance stations, and emergency communication broadcast facilities.
- D. **Exceptions.**
 1. Infrastructure that serves a regional or system-wide area, rather than the immediate vicinity, is classified as Major Utility Facilities. Water treatment plants, sewage treatment plants, regional transmission lines, and regional pipelines are classified as Major Utility Facilities.
 2. Generation of electrical or thermal energy primarily for off-site use or sale is classified as Major Utility Facilities. Micro-generation that serves a use on the same site is classified in this category.

3. A service where people are generally present, other than a public safety facility, is classified as Community Service or as Office.
4. A utility business office where employees or customers are generally present is classified as Office.
5. Bus barns and vehicle maintenance facilities are classified as Warehouse and Freight Movement.
6. A wireless communication facility that is not a public safety facility is classified as Wireless Communication Facilities.
7. A solid waste incinerator that generates energy from waste received from others is classified as Waste-Related.
8. Streets and other rights-of-way, transit facilities, passenger terminals, and rail lines are classified as Transportation Facilities.
9. A utility facility that serves only a primary use on the same site is accessory to that use.

1.4.710 Major Utility Facilities

- A. **Characteristics.** Major Utility Facilities are infrastructure services that serve a regional or system-wide area rather than the immediate vicinity. Major Utility Facilities also generate electrical or thermal energy primarily for off-site use or sale, or treat water or wastewater. Infrastructure services that must be located in or near the area where the service is provided in order to function are classified as Basic Utilities.
- B. **Accessory Uses.** Accessory uses commonly found are offices, control and monitoring buildings, switchyards and substations serving the facility, security facilities, equipment and material storage, access roads, and parking.
- C. **Examples.** Examples include utility-scale natural gas, solar, wind, geothermal, and biomass power generation facilities; utility-scale battery energy storage facilities; regional electrical transmission lines and transmission substations; regional gas and oil pipelines; water treatment plants; and sewage treatment plants.
- D. **Exceptions.**
 1. Infrastructure services that must be located in or near the area where the service is provided in order to function are classified as Basic Utilities. Local electrical substations and distribution lines, water and sewer pump stations, water towers and reservoirs, and conveyance systems are Basic Utilities.

2. Micro-generation that serves a use on the same site is classified as Basic Utilities.
3. Electrical generation, switchgear, or energy storage that serves only a primary use on the same site is accessory to that use.
4. Landfills, waste composting, waste transfer, recycling operations, and solid waste incinerators that generate energy from waste received from others are classified as Waste-Related.
5. A utility business office where employees or customers are generally present is classified as Office.
6. Manufacture or assembly of energy generating equipment is classified as Manufacturing and Production.
7. A rail line or a street right-of-way is classified as Transportation Facilities.
8. A wireless communication facility is classified as Wireless Communication Facilities.

1.4.720 Transportation Facilities

- A. **Characteristics.** Transportation Facilities are the physical improvements used to move people and goods from one place to another. This category includes streets and other rights-of-way, transit facilities, passenger terminals, and rail lines. A facility in this category is open to the traveling public or to a transportation operator, and it is not accessory to a specific use on the same site.
- B. **Accessory Uses.** Accessory uses commonly found are sidewalks, bicycle lanes, medians, landscaping, lighting, signs, shelters, waiting areas, ticketing and baggage areas, concessions, offices, freight handling areas, maintenance and fueling facilities, rental car facilities, and parking serving the facility.
- C. **Examples.** Examples include streets, roads, alleys, bridges, sidewalks, pathways, and bicycle lanes; transit stops, shelters, turnarounds, stations, and transit centers; passenger terminals for bus, rail, air, and marine travel; airports, air strips, and helicopter landing facilities; and railroad tracks and lines for the movement of trains.
- D. **Exceptions.**
 1. A public transit park-and-ride facility is classified as Community Service.
 2. A parking facility that is not accessory to a specific use on the same site is classified as Commercial Parking. Parking that serves a passenger terminal on the same site is accessory to the terminal.

3. A railroad lead or spur line that delivers or unloads rail cars at a specific site is accessory to the primary use of that site.
4. A rail yard used for car switching, assembling trains, or transferring goods between transportation modes is classified as Warehouse and Freight Movement.
5. A bus barn or vehicle maintenance facility is classified as Warehouse and Freight Movement.
6. A truck, marine, or air freight terminal is classified as Warehouse and Freight Movement.
7. Regional transmission lines and regional pipelines are classified as Major Utility Facilities.
8. A helicopter landing facility that is accessory to another use is accessory to that use.
9. A driveway, drive aisle, or queuing lane serving a specific use on the same site is accessory to that use.

1.4.730 Wireless Communication Facilities

- A. **Characteristics.** Wireless Communication Facilities include the devices, equipment, machinery, structures, and supporting elements necessary to transmit or receive a wireless signal or message. The facility operates as a discrete unit. Towers may be self-supporting, guyed, or mounted on a pole or a building.
- B. **Accessory Uses.** Accessory uses commonly found are equipment shelters and cabinets, backup generators, fencing, access roads, and parking.
- C. **Examples.** Examples include cell towers, monopoles, lattice towers, antennas, point-to-point microwave facilities, radio and television broadcast towers, small wireless facilities mounted on a pole or a building, and accessory transmitting and receiving equipment.
- D. **Exceptions.**
 1. A receive-only antenna is not classified in this category.
 2. Radio and television studios are classified as Office.
 3. A wireless communication facility that is a public safety facility, including an emergency communication broadcast facility, is classified as Basic Utilities.
 4. A wireless communication facility that serves only a primary use on the same site is accessory to that use.

1.4.800 Agriculture

- E. Characteristics.** Agriculture uses raise, produce, or keep plants or animals. Production occurs outdoors, in greenhouses, or in buildings. Products are generally sold off the site or to wholesale buyers.
- F. Accessory Uses.** Accessory uses commonly found are dwellings for the proprietors and employees of the use, barns and other farm buildings, greenhouses, irrigation facilities, storage and maintenance of farm equipment, animal training, and the seasonal sale of products grown on the site.
- G. Examples.** Examples include farming, truck gardening, orchards, vineyards, hay and grain production, irrigated field crops, forestry and tree farming, dairy farms, breeding or raising of fowl or other animals, stables and riding academies, kennels and other animal boarding places, wholesale plant nurseries, and cultivation of cannabis and medical marijuana.
- H. Exceptions.**
1. Processing of animal or plant products, including milk, and feed lots are classified as Manufacturing and Production. Processing and extraction of cannabis and medical marijuana are classified as Manufacturing and Production.
 2. Livestock auctions are classified as Wholesale Sales.
 3. Plant nurseries and garden centers oriented to retail sales are classified as Retail Sales and Service. Wholesale plant nurseries are classified in this category.
 4. A medical marijuana dispensary or facility and a medical marijuana grow facility are classified as Medical Marijuana Business.
 5. Where a kennel is limited to boarding, with no breeding, the applicant may choose to classify the use as Agriculture or as Retail Sales and Service.
 6. Land used for grazing that is not part of a farm or ranch is classified as Parks and Open Areas.
 7. Continuation of an existing farm use is subject to Section 2.6.650.

1.4.810 Mining

- A. Characteristics.** Mining uses extract mineral or aggregate resources from the ground for off-site use.

- B. Accessory Uses.** Accessory uses commonly found are storage, sorting, stockpiling, and transfer off the site of the mined material; crushing, washing, and batching of material extracted on the same site; scale houses; offices; and equipment storage and maintenance.
- C. Examples.** Examples include quarrying and dredging for sand, gravel, and other aggregate materials; mining; and oil, gas, and geothermal drilling.
- D. Exceptions.**
 - 1.** Processing of material that was not extracted on the same site, including concrete batching and asphalt mixing, is classified as Manufacturing and Production.
 - 2.** Stockpiling of sand, gravel, or other aggregate material that was not extracted on the same site is classified as Warehouse and Freight Movement.
 - 3.** Grading or excavation as part of an approved development on the site is not a Mining use.

1.4.820 Detention Facilities

- A. Characteristics.** Detention Facilities provide for the judicially required detention or incarceration of persons. Persons detained are under 24-hour supervision by peace officers, except when on approved leave.
- B. Accessory Uses.** Accessory uses commonly found are offices, kitchens and dining areas, recreational facilities, health care facilities for those detained, workshops, and parking.
- C. Examples.** Examples include prisons, jails, juvenile detention facilities, and detention-diversion facilities.
- D. Exceptions.**
 - 1.** A program providing a transitional living experience for former offenders, where residents are not supervised by peace officers, is classified as Group Living under Section 1.4.310.
 - 2.** A use providing psychiatric, alcohol, or drug treatment where residents are not under judicial detention is classified as Group Living under Section 1.4.310 or as Healthcare under Section 1.4.620.

Commentary: Minor administrative edits are proposed to the enforcement chapter for clarify and consistency.

Chapter ~~1.31.5~~ Enforcement

Sections

1.5.100	Provisions of this Code Declared to be Minimum Requirements
1.5.200	Violation of Code Prohibited
1.5.300	Penalty
1.5.400	Complaints Regarding Violations
1.5.500	Inspection and Right of Entry
1.5.600	Abatement of Violations
1.5.700	Stop-Order Hearing

~~1.3.100~~**1.5.100** Provisions of this Code Declared to be Minimum Requirements

- A. Minimum Requirements Intended.** In their interpretation and application, the provisions of this Code shall be held to be minimum requirements, adopted for the protection of the public health, safety, and general welfare
- B. Most Restrictive Requirements Apply.** When the requirements of this Code vary from other provisions of this Code or with other applicable standards, the most restrictive or that imposing the highest standard shall govern.

~~1.3.200~~**1.5.200** Violation of Code Prohibited

No person shall erect, construct, alter, maintain or use any building or structure or shall use, divide or transfer any land in violation of this Code or any amendment thereto.

~~1.3.300~~1.5.300 **Penalty**

- A. Class D Violations.** A violation of this Code shall constitute a Class D violation as defined in Chapter 153 of the Oregon Revised Statutes or as hereafter amended and the fine for such a violation shall be set forth in Chapter 153 of the Oregon Revised Statutes for a Class D violation as presently defined or as hereafter amended.
- B. Each Violation a Separate Infraction.** Each violation of a separate provision of this Code shall constitute a separate infraction, and each day that a violation of this Code is committed or permitted to continue shall constitute a separate infraction.
- C. Abatement of Violation Required.** A finding of a violation of this Code shall not relieve the responsible party of the duty to abate the violation. The penalties imposed by this section are in addition to and not in lieu of any remedies available to the City.
- D. Responsible Party.** If a provision of this Code is violated by a firm or corporation, the officer or officers, or person or persons responsible for the violation shall be subject to the penalties imposed by this section.

~~1.3.400~~1.5.400 **Complaints Regarding Violations**

- A. Filing Written Complaint.** Whenever a violation of this Code occurs, or is alleged to have occurred, any person may file a signed, written complaint.
- B. File Complaint with City Manager.** Such complaints, stating fully the causes and basis thereof, shall be filed with the City Manager. The City Manager or their designee shall properly record such complaints, investigate and take action thereon as provided by this Code.

~~1.3.500~~1.5.500 **Inspection and Right of Entry**

[customize this section, as necessary, with assistance of the City attorney]

~~1.3.600~~1.5.600 **Abatement of Violations**

Any development or use which occurs contrary to the provisions of this Code or contrary to any permit or approval issued or granted under this Code is unlawful, and may be abated by appropriate proceedings.

~~1.3.700~~1.5.700 Stop-Order Hearing

- A. Stop Order Issued.** Whenever any work is being done in violation of the provisions of the Code or a condition of any permit or other approval granted pursuant hereto, the City Manager or their designee may order the work stopped by notice in writing served on persons engaged in doing such work or causing such work to be done. All work under the permit or approval shall cease until it is authorized to continue.
- B. Stop Order Hearing.** The City Manager shall schedule a hearing if requested on the stop order for the earliest practicable date, but not more than 30 days after the effectiveness of any required notice. At the discretion of the City Manager such hearing shall be either of the following:
1. Part of a hearing on revocation of the underlying development approval; or
 2. Solely to determine whether a violation has occurred. The City Manager shall hold this hearing and shall make written findings as to the violation within 30 days of issuing the stop-work order. Upon a finding of no violation, the Planning Commission shall require the issuance of a resume work order. Upon finding a violation, the stop order shall continue to be effective until the violating party furnishes sufficient proof to the Planning Commission that the violation has been abated. The Planning Commission decision is subject to review under ~~Chapter 4.1.~~ **[INSERT REF]** 500 - Type III (Public Hearing) Procedure.