EXHIBIT B

Proposed Hermiston Municipal Code Chapter 157 Zoning Text Amendments

Proposed or moved text is shown in red, proposed text removal is shown in ~~strikethrough~~. Moved text is shown in red double underlined.

CHAPTER 157 - Zoning

GENERAL PROVISIONS

157.001 PURPOSE.

The several purposes of this chapter are to encourage the most appropriate use of land; to conserve and stabilize the value of property; to aid in the rendering of fire and police protection; to provide for adequate light and air; to lessen congestion; to encourage the orderly growth of the city; to prevent undue concentration of population; to facilitate adequate provisions for community utilities and facilities such as water, sewerage, electrical distribution systems, transportation, schools, parks and other public requirements; and in general, to promote public health, safety, convenience and general welfare.

(Ord. 1840, passed 2-28-94)

157.002 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning. As used in this chapter, the masculine includes the feminine and neuter, and the singular includes the plural.

ACCESSORY DWELLING UNIT. Interior, attached or detached residential structure that is used in connection with, or that is accessory to, a single-unit dwelling.

ACCESSORY STRUCTURE or USE. A structure or use incidental and subordinate to the main use of the property and which is on the same lot with the main use. A home occupation is an accessory use.

AFFORDABLE HOUSING. Residential property whose affordability is enforceable for a duration of no less than 30 years, including those properties under a covenant in ORS 456.270 to 256.295, in which:

(1) Each unit on the property is made available to own or rent to families with incomes of 80 percent or less of the area median income;

(2) The average of all units on the property is made available to families with incomes of 60 percent or less of the area median income; or

~~(1)~~(3) A manufactured dwelling park is operated that serves only households with incomes of 120 percent or less of the area median income.

ALLEY. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

AREA MEDIAN INCOME. The median income for Umatilla County in which housing is located as determined by the Housing and Community Services Department and adjusted for household size based on information from the United States Department of Housing and Urban Development.

BED AND BREAKFAST~~, BOARDING, LODGING or ROOMING HOUSE~~. A building that is owner occupied with five or less guest rooms where lodging with or without meals is provided for compensation.

BUILDING. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, process, equipment, goods or materials of any kind or nature greater than 120 square feet or ten feet in height.

CHILD CARE CENTER. A facility, other than a family child care home, that is certified under ORS 329A.280 (3); a preschool program or school-age program recorded under ORS 329A.255; or a parent cooperative, as defined in ORS 329A.250.

CITY. City of Hermiston, Oregon.

CIVIC CENTER. A building or complex of buildings that house municipal offices and services, and which may include cultural, recreational, athletic, convention and entertainment facilities owned and/or operated by a governmental agency.

CLINIC. Any facility used for the care, diagnosis and treatment of sick, inactive, infirm or injured persons and those who are in need of medical, dental or surgical attention, but who are not provided with board or room or kept overnight on the premises. CLINIC includes dental clinic, health clinic, medical clinic or doctors' offices and may include laboratory facilities in conjunction with normal clinic services.

CLUB. A group of people organized for a common purpose to pursue common goals, interests or activities and usually characterized by certain membership qualifications, payment of fees and dues, regular meetings and a constitution and by-laws.

~~COMMON WALL HOUSING. Attached housing units where each dwelling is located on a separate lot and sharing a wall on one or both sides with a neighboring dwelling.~~

DAY CARE HOME. Any facility, other than a single-~~family~~ unit dwelling, in which care and nurturing are provided to the young or elderly.

DEVELOPMENT. The conversion or change in character of occupancy or use of a building which would place the structure in a different building group as defined in the Uniform Building Code; the erection of a new structure; the demolishing of existing buildings for the conversion of property to a differing use; the creation of gasoline pumps, drive-up windows, traffic islands or similar alterations which channelize, alter or increase the traffic

volume or pattern on adjacent roadways. The term Development for purposes of this chapter shall not mean interior remodeling, repairs or maintenance of improvements to any existing structure which does not increase the volume of the structure, specifically exempted under this chapter are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.

DEVELOPMENT SITE. An area consisting of a parcel or tract of land specifically identified by a proponent as the land to be altered or developed. All required area to meet parking standards and similar requirements for a particular development shall be included in the term; however, the total property ownership of the proponent will not be considered in the site if it is not necessary to the development.

DWELLING, MULTI-~~FAMILY~~UNIT (APARTMENT). A building containing ~~three~~ five or more dwelling units~~. For the purposes of this chapter multiple two0family dwellings on a single lot shall also be considered multi-family dwellings as long as the total number of dwelling units is equal to or greater than three.~~ on the same lot or development site, not including middle housing.

DWELLING, MULTI-UNIT (COTTAGE CLUSTER). A grouping of dwelling units that share a common courtyard, up to 12 units. Each dwelling unit has a small footprint or floor area. The dwelling units may be detached or attached, provided no one building or structure contains more than 4 dwelling units. Cottage cluster may also be known as “cluster housing,” “cottage housing,” “bungalow court,” “cottage court,” “courtyard housing,” “garden apartments,” or “pocket neighborhood.”

DWELLING, MULTI-UNIT (QUADPLEX). Four attached or detached dwelling units in any configuration on a lot or parcel.

DWELLING, MULTI-UNIT (TRIPLEX). Three attached or detached dwelling units in any configuration on a lot or parcel.

DWELLING, SINGLE-~~FAMILY~~UNIT. A detached building containing one dwelling unit and is meant to mean structures conforming to the Oregon State Building Codes, unless otherwise specified.

DWELLING, SINGLE-UNIT ATTACHED (TOWNHOME). A dwelling unit in a row of two or more attached units, located on its own lot that shares one or more common or abutting walls with an adjacent unit. A townhouse is also commonly called a "rowhouse," "attached house," "townhome," or "common-wall house."

~~(1)~~ DWELLING, SINGLE ROOM OCCUPANCY. 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. Dwelling units may be site-built, prefabricated, or manufactured.

(1) SINGLE ROOM OCCUPANCY UNIT. An individual unit within a single room occupancy. An SRO unit is not a dwelling unit with independent cooking and sanitation facilities.

DWELLING, TWO-~~FAMILY~~UNIT (DUPLEX). Two attached or detached dwellings in any configuration on a lot or parcel.~~A structure on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwelling units.~~

DWELLING UNIT. A building, or a portion of a building, that has independent living facilities including provisions for sleeping, cooking, and sanitation, and that is designed for residential occupancy by a group of people. Buildings with more than one set of cooking facilities are considered to contain multiple dwelling units or accessory dwelling units, as applicable, unless the additional cooking facilities are clearly accessory to the primary use, such as an outdoor grill or wet bar. Dwelling units may be site-built, prefabricated, or manufactured. ~~One or more rooms designed for occupancy by one family and not having~~

~~more than one cooking facility. Includes all conventional and prefabricated housing which meets the State of Oregon's Uniform Building Code specifications and is constructed on a permanent foundation.~~

EASEMENT. A grant of one or more of the property rights by the property owner to and/or for the use by the public, a corporation or another person or entity.

EMERGENCY SHELTER. A building or cluster of buildings that provides shelter on a temporary basis for individuals and families who lack permanent housing.

~~FAMILY. One or more individuals occupying a dwelling unit and living as a single household unit. FAMILY shall include two or more handicapped persons as defined in the Fair Housing Act of 1988, living as a single housekeeping unit.~~

~~FAMILY DAY CARE PROVIDER. A FAMILY DAY CARE PROVIDER provides day care for not more than 12 children in the provider's home. The care is considered a residential use.~~

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(2) or is registered under ORS 329A.330. This care is considered a residential use.

FENCE, SIGHT-OBSCURING. A fence or planting arranged in a way as to obstruct visibility of land uses on a parcel from adjacent properties.

FLOOR AREA, GROSS. The sum of the gross horizontal areas of the several floor(s) of a building measured from the exterior face of exterior walls, or from the centerline of a wall separating two buildings, but not including interior parking spaces, loading space for motor vehicles, or any space where the floor-to-ceiling height is less than six feet.

GARAGE, PRIVATE. An accessory building or portion of a main building used for the parking or temporary storage of vehicles owned or used by occupants of the main building.

GARAGE, PUBLIC. A building other than a private garage used for the care and repair of motor vehicles where the vehicles are owned or used or stored for compensation, hire or sale.

GRADE (GROUND LEVEL). The average of the finished GROUND LEVEL at the center of all walls of the building. In case walls are parallel to and within five feet of a sidewalk, the above ground level should be measured at the sidewalk.

HEIGHT. The vertical distance of a structure measured from the average elevation of the finished grade within 20 feet of the structure to the highest point of the structure.

HOME OCCUPATION. A lawful activity commonly carried on within a dwelling by ~~members of the family occupying the~~ dwelling occupants with no servant, employee or other person being engaged, provided that:

(1) The residential character of the dwelling is maintained.

(2) The activity occupies less than one-quarter of the ground floor area of the dwelling.

(3) The activity is conducted in such a manner as not to give an outward appearance nor manifest any characteristic of a business in the ordinary meaning of the term nor infringe upon the right of neighboring residents to enjoy the peaceful occupancy of their homes.

HOSPITAL. An establishment which provides sleeping and eating facilities to persons receiving medical, obstetrical or surgical care and nursing service on a continuous basis.

HOTEL/MOTEL. A building or group of buildings used for transient or residential purposes on a property collectively containing six or more guest rooms.

INDUSTRIAL PARK. A large tract of land that has been planned, developed and operated as an integrated facility for a number of individual industrial uses, with special attention to circulation, parking, utility needs, aesthetics, and compatibility.

INDUSTRY. Those fields of economic activity related to forestry, fishing, hunting and trapping, mining, construction, manufacturing, transportation, communication, electric, gas, and sanitary services and wholesale trade.

JUNK. Old or scrap copper, brass, rope, rags, batteries, paper, trash, rubber, debris, waste, or junked, dismantled, wrecked, scrapped or ruined motor vehicles, or motor vehicle parts, iron, steel or other old or scrap ferrous, or nonferrous material, metal or nonmetal materials.

JUNKYARD. Any establishment or place of business where there is accumulated on the premises eight or more motor vehicles or an equivalent volume of junk that is maintained, operated or used for storing, keeping, buying or selling of junk and the term includes automobile graveyards, wrecking yards, and salvage yards.

LOCAL GOVERNMENT. All cities, counties and local service districts located in Oregon, and all administrative subdivisions of those cities, counties and local service districts.

LOT. A parcel or tract of land.

(1) LOT, CORNER. A lot abutting on two intersecting streets other than an alley, provided that the streets do not intersect at an angle greater than 135 degrees.

(2) LOT, INTERIOR. A lot other than a corner lot.

LOT AREA. The total horizontal area within the lot lines of a lot.

LOT COVERAGE. The area of a lot covered by any structure under a roof expressed as a percentage of the total lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.

LOT DEPTH. The horizontal distance from the midpoint of the front lot line to the midpoint of the rear lot line.

LOT LINE. The exterior boundary of a lot or parcel. For contiguous lots or parcels held in common ownership and combined for development purposes, the property line for purposes of setbacks shall be the exterior boundary of the combined lots or parcels. Unless otherwise specified, setbacks set forth in this code shall be measured to the property line.~~The property line bounding a lot.~~

LOT LINE, FRONT. In the case of an interior lot, the lot line separating the lot from the street, private road, or access drive, other than an alley. ~~, and i~~In the case of a corner or through lot, the shortest lot line along a street, private road, or access drive, other than an alley, or the property line toward which an existing building's entrance is oriented or over which the primary vehicular access to the property is gained. In the case of a corner lot with equal width and depth, either may be established as the front property line. In the case of a through lot, each street has a front property line.

LOT LINE, REAR. The ~~longest~~ lot line which is opposite and most distant from the front lot line. Where a ~~REAR LOT LINE~~rear lot line cannot be determined, such as in the case of an irregularly shaped lot, it shall be developed by striking a cord ten feet in length within the lot parallel to and at a maximum distance from the front lot line.

LOT LINE, SIDE. Any lot line not a front or rear lot line.

LOT WIDTH. The horizontal distance between the side lot lines, ordinarily measured parallel to the front lot line.

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

(1) MANUFACTURED HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities; is intended for human occupancy and is being used for residential purposes; and that was constructed in accordance with federal manufactured housing construction and safety standards

and regulations in effect at the time of construction ~~meets minimum requirements of Federal Housing and Urban Development standards; is constructed on steel chassis and equipped with axles and towing tongue~~.

(2) MOBILE HOME. A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that 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.

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

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

MANUFACTURED DWELLING PARK. Means any place where four or more manufactured dwellings or prefabricated structures, that are relocatable and more than eight and one-half feet wide, are located within 500 feet of one another on a minimum one acre lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.~~A five acre minimum tract, lot or parcel of land, the primary purpose of which is to rent space for the purpose of parking four or more manufactured dwellings occupied for dwelling or sleeping purposes.~~

MANUFACTURING. Establishments engaged in the mechanical or chemical transformation of materials or substances into new products including the assembling of component parts, the MANUFACTURING of products, and the blending of materials such as lubricating oils, plastics, resins or liquors.

MIDDLE HOUSING. Housing that consists of duplexes, triplexes, quadplexes, cottage clusters or townhouses. For Hermiston, only duplexes are required middle housing.

MINI-WAREHOUSE. A structure containing separate storage spaces of varying sizes leased or rented on an individual basis.

~~MODULAR HOME. A structure constructed off-site at a state approved manufacturing facility; has sleeping, cooking and plumbing facilities; is intended for human occupancy and used for residential purposes; meets minimum requirements of the Oregon State Structural Specialty Code; is constructed on conventional wood floor systems, set on perimeter concrete foundation; and is not equipped with axles or towing hardware.~~

NONCONFORMING STRUCTURE or USE. A lawful existing structure or use at the time this chapter or any amendment thereto becomes effective which does not conform to the requirements of the zone in which it is located.

OUTDOOR STORAGE. The keeping, in an unroofed area, of any goods, junk, material, merchandise, or vehicles in the same place for more than 24 hours.

PARK. A tract of land, designated and used by the public for active or passive recreation.

PARKING SPACE. A rectangle not less than 20 feet long and nine feet wide.

PARKING SPACE, HANDICAPPED. A rectangle not less than 20 feet long and 12 feet wide.

PERSON. Every natural PERSON, firm, partnership, association and/or corporation.

PLANNED UNIT DEVELOPMENT. A parcel of land planned as a single unit rather than as an aggregate of individual lots, with design flexibility from traditional zoning regulations.

PLANNING COMMISSION. The city of Hermiston's Planning Commission.

QUALIFIED PROFESSIONAL. Any person licensed in Oregon as a professional architect, engineer (civil, geotechnical, structural, or traffic—depending on the sealed product), geologist, hydrogeologist, or landscape architect.

RECREATIONAL VEHICLE. A vehicular type portable structure without permanent foundation, which can be towed, hauled or driven and primarily designed as temporary living accommodation for recreational, camping, travel or seasonal use and including but not limited to travel trailers, truck campers, camping trailers, self-propelled motor homes and park trailers.

RECREATIONAL VEHICLE PARK. An area designed by the person establishing, operating, managing or maintaining the same for overnight camping by the general public or any segment of the public. Includes but is not limited to areas open to use free of charge or through payment of a fee or by virtue of rental, lease, license, membership, association or common ownership.

RESIDENTIAL ~~CARE~~ 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.~~A facility licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.460 which provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related.~~

RESIDENTIAL ~~CARE~~ 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.~~A home licensed by or under the authority of the Department of Human Resources under ORS 443.400 to 443.825 which 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.~~

RUBBISH. A general term for solid waste, excluding food waste and ashes, taken from residences, commercial establishments and institutions.

SCRAP. Discarded or rejected materials that result from manufacturing or fabricating operations.

SCREENING. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation.

SECONDHAND STORE. Any establishment or place of business whose regular business includes buying, selling, trading, taking in pawn, accepting for sale on consignment, secondhand tangible property (excluding motor vehicles), previously owned, used, rented, or leased.

SETBACK. The minimum allowable distance between a building foundation and a given line of reference. ~~The distance between the street right-of-way line and the front line of a building foundation, excluding uncovered steps.~~

(1) FRONT SETBACK. The distance between the front lot line and the front line of a building foundation.

(2) GARAGE SETBACK. The distance between the nearest edge of the sidewalk, approximately parallel to the front property line, and the front line of the garage foundation.
(3) REAR SETBACK. The distance between the rear lot line and the rear line of a building foundation.
(4) SIDE SETBACK. The distance between the side lot line and the side line of a building foundation.

STORY. That portion of building included between the upper surface of any floor and the upper surface of the floor next above, except that the top STORY shall be that portion of a building included between the upper surface of the top floor and the ceiling above. If the finished floor level directly above a basement or cellar is more than six feet above grade, the basement or cellar shall be considered a STORY.

STREET. A vehicular way which is:

(1) An existing state, county, or municipal roadway;

(2) Shown upon a plat approved pursuant to the law;

(3) Approved by other official action; or

(4) Shown on a plat duly filed and recorded in the office of the County Recording Officer. The street shall include all land between the right-of-way line, whether or not improved or unimproved.

STREET, ARTERIAL. A street with signals at important intersections and stop signs on the side streets, and which collects and distributes traffic to and from collector streets.

STREET, COLLECTOR. A street which collects traffic from local streets and connects with minor and major arterials.

STREET, CUL-DE-SAC. A street with a single common ingress and egress and with a turnaround at the end.

STREET, LOCAL. A street designed to provide vehicular access to abutting property and to discourage through traffic.

STREET VENDOR. Any person upon a public sidewalk or other public way or place carrying, conveying or transporting merchandise which is offered for sale from a mobile type device or as a pedestrian.

STRUCTURAL ALTERATION. A change to the supporting members of a structure including the supporting parts of foundations, bearing walls or partitions, columns, beams, girders or the roof.

STRUCTURE. That which is built or constructed. An edifice or building or any kind or any piece of work artificially built up or composed of parts joined together in some definite manner and which requires location on the ground or which is attached to something having a location on the ground.

SWIMMING POOL. A water-filled enclosure, permanently constructed or portable, having a depth of more than 18 inches below the level of the surrounding land, or an above-surface pool, having a depth of more than 30 inches, designed, used and maintained for swimming and bathing.

TOWNHOUSE STRUCTURE. A structure formed by attached townhouses where the units have individual ground floor entries, share one or more common walls with one or more other units, do not share common floors or ceilings with other units, and are proposed on separate townhouse lots.

TENT. A structure made of materials such as, but not limited to, canvas, an architectural membrane, or other lightweight material and which is supported by a framework of supports or ropes which is intended to function as or resemble a tent or other engineered stressed membrane structure.

UNSTABLE SOIL. Soil types which pose severe limitations upon development or create a groundwater pollution hazard due to poor filtration, high water table and/or cemented hardpan, as defined by the U.S. Soil Conservation Service.

USE. The purpose for which land or a structure is designed, arranged or intended, or for which it is occupied or maintained.

VISION CLEARANCE AREA. A triangular area on a lot at the intersection of two streets or a street and an alley, driveway, other point of vehicular access or railroad, two sides of which are lot lines measured from the corner intersection of the lot lines to a distance specified in these regulations. The third side of the triangle is a line across the corner of the lot adjoining the ends of the other two sides. Where the lot lines at intersections have rounded corners, the lot lines will be extended in a straight line to a point of intersection. The vision clearance area contains no plantings, walls, structures, or temporary or permanent obstructions exceeding two and one-half feet in height measured from the grade of the street center line.

YARD. An open space on a lot which is unobstructed from the ground upward, except as otherwise provided in this chapter.

(1) YARD, FRONT. A yard between side lot lines and measured horizontally at right angles to the front lot line from the front lot line to the nearest point of the foundation of a building.

(2) YARD, REAR. A yard extending between side lot lines and measured horizontally at right angles to the rear lot line from the rear lot line to the nearest point of the foundation of a building.

(3) YARD, SIDE. A yard between the front and rear yards measured horizontally and at right angles to the side lot lines from the side lot line to the nearest point of the foundation of a building.

(Ord. 1840, passed 2-28-94; Am. Ord. 2109, passed 6-27-05; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2235, passed 12-28-15; Am. Ord. 2301, passed 7-27-20)

157.003 COMPLIANCE WITH CHAPTER PROVISIONS.

No structure or premises shall hereafter be used or occupied and no structure or part thereof shall be erected, moved, reconstructed, extended, enlarged or altered contrary to the provisions of this chapter.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.004 STATE AND FEDERAL REGULATIONS.

All development within the city shall adhere to subsections (A) through (E) of this section, but these standards shall not be approval standards for land use decisions, limited land use decisions or expedited land divisions but they shall govern all other city approvals necessary for building permits and to establish a use:

(A) State and federal air quality standards.

(B) State and federal clean water regulations.

(C) State noise regulations.

(D) State and federal solid and hazardous waste regulations.

(E) In addition to the requirements of the zoning ordinance, all uses and development must comply with all other applicable city, regional, state, and federal regulations and laws.

(F) Any use not authorized by this section is prohibited unless permitted outright or as a conditional use or determined to be similar to other uses in a zone by the Planning Commission.

(Ord. 1840, passed 2-28-94; Am. Ord. 2138, passed 6-25-07; Am. Ord. 2177, passed 7-25-11; Am. Ord. 2207, 10-14-13) Penalty, see § 157.999

157.005 INTERPRETATION.

The provisions of this chapter shall be held to the minimum requirements fulfilling its objectives. Where the conditions imposed by any provision of this chapter are less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other ordinance, resolution or regulation, the provisions which are more restrictive shall govern.

(Ord. 1840, passed 2-28-94)

CLASSIFICATION OF ZONES AND ZONING MAP

157.015 ESTABLISHMENT OF ZONES.

For the purpose of this chapter, the city is divided into zones designated as follows:

Zone	**Residential Designations**
Low Density Residential	R-1
Medium Density Residential	R-2
Medium-High Density Residential	R-3
Multi-Structure Residential	R-4
Central Commercial	C-1
Outlying Commercial	C-2
Light Industrial	M-1
Heavy Industrial	M-2
Airport	A
Open Space	OS

(Ord. 1840, passed 2-28-94; Am. Ord. 2322, passed 6-14-21)

157.016 ZONING MAP.

The location of boundaries of the zones designated in §-157.015 are hereby established as shown on the map entitled Zoning Map of the City of Hermiston, dated with the effective date of this chapter and signed by the Mayor and Finance Director/Recorder, and hereafter referred to as the "Zoning Map." The signed copy of the zoning map shall be maintained on file at city hall and is hereby made a part of this chapter.

(Ord. 1840, passed 2-28-94)

RESIDENTIAL ZONES

157.025 LOW DENSITY RESIDENTIAL ZONE (R-1).

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

(1) Single-~~family~~ unit dwelling;

(2) ~~Two-family~~ Duplex dwelling;

~~(1)~~(3) Conversions of an existing single-unit dwelling to State-required middle housing, so long as the addition or conversion does not increase nonconformance with applicable siting and design standards;

(4) Residential ~~care~~ home;

~~(2)~~(5) Child care center when collocated with a legally established institutional use. Where the institutional use is conditionally allowed, no additional conditions of approval applicable to the child care center can be applied;

~~(3)~~(6) Home occupations;

(7) Accessory structures;

~~(4)~~(8) Family Child Care Home;

~~(5) Family day care provider;~~

~~(6)~~ Manufactured ~~dwelling placed on an individual lot outside of a manufactured dwelling park and subject to requirements of § 157.145~~home or prefabricated dwelling subject to requirements of §157.145. This requirement shall not be construed as abrogating a recorded restrictive covenant; ~~and~~

(9) Utility facilities as defined in §-157.143;

(10) One accessory dwelling unit subject to requirements of §157.136; ~~.~~

(11) Single room occupancy in accordance with the requirements of §157.154;

(12) Restoration or replacement of a dwelling damaged or destroyed by a natural or involuntary event subject to the requirements of SB 1561, adopted by the Oregon legislature in the 2026 regular session and made a part of ORS 197; and

~~(7)~~(13) Conversion of a commercial use to a residential use, subject to §157.157.

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

(1) Cemetery;

(2) Church;

(3) Community building;

(4) Day care home;

(5) Golf course and other open land recreational use, but excluding intensive commercial amusement use such as "pitch and putt" golf course, driving range, automobile race track or amusement park;

(6) Governmental structure or land use including but not limited to a public park, playground, recreational building, fire station, library, museum, or civic center;

(7) Hospital or nursing home;

(8) Mortuary;

(9) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities; and

(10) Schools: nursery or preschool, primary, elementary, junior or senior high, college.

~~(C)~~ Dimensional Standards~~Lot size~~. In a~~a~~ R-1 zone, the dimensional standards~~lot size~~ shall be as follows, except as provided in §157.140:

(C)

~~The minimum lot area shall be 8,000 square feet;~~

Standard	All Uses

Min. lot size (sq ft)	8,000
Min. lot depth (ft)	80
Min. lot width[(a)] (ft)	60
Min. Setback (ft, measured from foundation)	
Front	15
Garage	20
Covered patio or porch, front	10
Side	7
Side, corner lot on street side	10
Rear	10/20[(b)]
Height (ft)	35
Max. lot coverage[(c)] (%)	40

~~The minimum lot depth shall be 80 feet; and~~

~~The minimum lot width shall be 60 feet and 25 feet for cul-de-sac lots.~~

(a) Cul-de-sac lots may have a minimum lot width of 25 feet.

(b) Rear yard setbacks for structures 20 feet or less in height shall be 10 feet and increased to 20 feet for structures over 20 feet in height.

(c) Covered decks, porches, patios, and gazebos may occupy an additional 5% of total lot area.

~~(D) Setback requirements. Except as provided in § 157.140, in a R-1 zone the yards shall be as follows:~~

~~(1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback.~~

~~(2) Each side yard shall be a minimum of seven feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation.~~

~~(3) The rear yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 15 feet.~~

~~(E) Heights of buildings. In a R-1 zone, no building shall exceed a height of 35 feet.~~

~~(F) Lot coverage. In a R-1 zone, buildings shall not occupy more than 40% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.~~

(Ord. 1840, passed 2-28-94; Am. Ord. 2138, passed 6-25-07; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2251, passed 9-25-17; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

157.026 MEDIUM DENSITY RESIDENTIAL ZONE (R-2).

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

(1) ~~a~~A use permitted outright in the R-1 zone; ~~and their accessory uses~~.

(2) Child care center; and

(3) Manufactured Dwelling Park in accordance with §157.146; and

(4) Attached single-unit housing in accordance with §157.153.

~~(1)~~

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

(1) A use permitted as a conditional use in a R-1 zone;

(2) Beauty salon and barber shop with less than 2,500 gross square feet;

(3) Bed and breakfast~~, boarding, lodging or rooming house~~;

~~(4) Multiple-family dwelling;~~

~~(5)~~(4) Neighborhood grocery, drug store, convenience store or florist shop which serves the immediate neighborhood and with less than 4,000 gross square feet;

~~(6)~~(5) Planned unit development; and

~~(7)~~(6) Residential care facility.

(C) Dimensional Standards. In a R-2 zone, the dimensional standards shall be as follows

(1) A Manufactured Home Park shall have a minimum lot area of 1 acre. Setback, height, and lot coverage standards shall accord “All Other Uses” requirements.

~~(C) Lot size. In a R-2 zone, the minimum lot size shall be as follows:~~

~~(D) The minimum lot area for single-family and two-family dwellings shall be 6,500 square feet;~~

~~The minimum lot area for multiple-family dwellings shall be 9,000 square feet plus 1,500 square feet for each dwelling unit over two;~~

~~The minimum lot depth shall be 80 feet; and~~

~~(1)~~(2) As below, except as provided in §157.140: ~~The minimum lot width shall be 60 feet and 25 feet for cul-de-sac lots.~~

Standard	**Single-unit & Duplex**	**All Other Uses**
Min. lot area (sq ft)	6,500	-
Min. lot depth (ft)	80	80
Min. lot width[(a)] (ft)	60	60
Min. Setback (ft, measured from foundation):		
Front	15	15
Garage	20	20
Covered patio or porch, front	10	10
Side	5	5
Side, corner lot on street side	10	10
Rear	10/20[(b)]	10/20[(b)]
Max. height (ft)	35	35
Max. lot coverage[(c)] (%)	45	45

(a) Cul-de-sac lots may have a minimum lot width of 25 feet.

(b) Rear yard setbacks for structures 20 feet or less in height shall be 10 feet and increased to 20 feet for structures over 20 feet in height.

(c) Covered decks, porches, patios, and gazebos may occupy an additional 5% of total lot area.

~~(E) Setback requirements. Except as provided in § 157.140, in a R-2 zone the yards shall be as follows:~~

~~(1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback.~~

~~(2) Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation.~~

~~(3) The rear yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 15 feet.~~

~~(F) Height of buildings. In a R-2 zone, no building shall exceed a height of 35 feet.~~
~~(G)~~

~~Lot coverage. In a R-2 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.~~

(Ord. 1840, passed 2-28-94; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2251, passed 9-25-17; Am. Ord. 2263, passed 9-24-18; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

157.027 MEDIUM-HIGH DENSITY RESIDENTIAL ZONE (R-3).

(A) Uses permitted outright. In a R-3 zone, only the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in the R-2 zone;

(2) Bed and breakfast~~, boarding, lodging or rooming house~~;

~~(2)~~(3) Multiple-~~family~~ unit dwelling; and

~~(3)~~(4) Residential care facility.

(B) Conditional uses permitted. In a R-3 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ 157.205 through 157.210:

(1) A conditional use permitted in a R-2 zone except bed and breakfast, ~~boarding, lodging or rooming house~~ and residential care facility which are outright uses in this zone;

(2) Art, music and photographic studio with less than 4,000 gross square feet;

(3) Doctor prescribed medical products sales with less than 4,000 gross square feet; and

~~(4) Manufactured dwelling park meeting requirements of § 157.146; and~~

~~(5)~~(4) Office for an accountant, architect, attorney, chiropractor, optician, engineer, family counselor, psychiatrist, dentist or doctor, and clinic, with less than 4,000 gross square feet.

(C) Dimensional Standards. In a R-3 zone, the dimensional standards shall be as follows:

(1) A Manufactured Home Park shall have a minimum lot area of 1 acre. Setback, height, and lot coverage standards shall accord with multi-unit requirements.

~~(1) Lot size. In a R-3 zone, the lot size shall be as follows:~~

~~(2) The minimum lot area for single-family dwellings and two-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;~~
~~For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;~~
~~The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and~~

~~(3)~~(2) As below, except as provided in §157.140:~~The minimum lot depth shall be 80 feet.~~

Standard	**Single-unit, & Duplexes**	**Multi-unit (3+ Units)**	**All Other Uses**
Min. lot area (sq ft)			
Interior lot	5,000	7,500, plus 2,000/unit for each additional unit	-
Corner lot	6,000	7,500, plus 2,000/unit for each additional unit	-
Min. lot depth (ft)	80	80	80
Min. lot width[(a)] (ft)			
Interior lot	60	60	60
Corner lot	70	70	70
Min. Setback, Max. height, Max. lot coverage, Min. density:			
As established in §157.026(C).			

(a) Cul-de-sac lots have a minimum lot width of 25 feet.

~~(4) Setback requirements. Except as provided in § 157.140, in a R-3 zone the yards shall be as follows:~~

~~i. The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;~~

~~ii. Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation; and~~

~~The back yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot, or fraction thereof, above 15 feet.~~

~~(5) Height of buildings. In a R-3 zone, no buildings shall exceed a height of 35 feet.~~

~~Lot coverage. In a R-3 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.~~

(Ord. 1840, passed 2-28-94; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2251, passed 9-25-17; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

157.028 MULTI-STRUCTURE RESIDENTIAL ZONE (R-4).

(A) Uses permitted outright. In a R-4 zone, the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in the R-3 zone.~~; and~~

~~(2) Manufactured dwelling park subject to requirements of § 157.146.~~

(B) Conditional uses permitted. In a R-4 zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of §§ 157.205 through 157.210:

(1) A conditional use permitted in a R-3 zone~~ except manufactured dwelling park which is an outright permitted use in this zone~~; and

(2) Recreational vehicle park subject to requirements of §~~-~~157.14~~6~~7.

(C) Dimensional Standards. In a R-4 zone, the dimensional standards shall be as established in the R-3 zone in §157.027(C).

(1) A Manufactured Home Park shall have a minimum lot area of 1 acre. Setback, height, and lot coverage standards shall accord with multi-unit requirements.

(2) A Recreational Vehicle Park shall have a minimum lot area of 3 acres. Setback, height, and lot coverage standards shall accord with multi-unit requirements.

~~Lot size. In a R-4 zone, the lot size shall be as follows:~~

~~(C) The minimum lot area for single-family dwellings and two-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;~~

~~(1) For multiple-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;~~

~~(2) The minimum lot area for manufactured dwelling parks shall be five acres;~~
~~The minimum lot width at the front building line shall be 60 feet for an interior lot, 70 feet for a corner lot, and 25 feet for cul-de-sac lots; and~~
~~The minimum lot depth shall be 80 feet.~~

~~(D) Setback requirements. Except as provided in § 157.140, in a R-4 zone the yards shall be as follows:~~

~~(1) The front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;~~

~~(2) Each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation; and~~
~~The back yard shall be a minimum of ten feet, measured from the foundation. However, for any structure exceeding 15 feet in height, the rear yard shall be increased one foot, up to a maximum of 25 feet, for every foot or fraction thereof above 15 feet.~~

~~Height of buildings. In a R-4 zone, no buildings shall exceed a height of 35 feet.~~

~~Lot coverage. In a R-4 zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.~~

(Ord. 1840, passed 2-28-94; Am. Ord. 2180, passed 7-25-11; Am. Ord. 2251, passed 9-25-17; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

157.029 RECREATIONAL RESIDENTIAL ZONE (RR).

(A) Uses permitted outright. In an RR zone, the following uses and their accessory uses are permitted outright:

(1) A use permitted outright in the R-3 zone;

(2) ~~Attached single-family~~Townhouse dwellings;

(3) Public recreational and accessory uses intermingled with residential development. Uses permitted include a golf course, other recreational uses, and uses accessory to such uses including but not limited to restaurants associated with such recreational use or uses, club house, driving range, putting greens, pro shop, meeting facilities, swimming pools, tennis courts, snack shop, walking paths and jogging/bike trails; and

(4) Recreational vehicle storage for use by residents of the Recreational Residential zone development within which the storage facility is located.

(B) Dimensional Standards. In a RR zone, the dimensional standards shall be as follows.

~~(B) Lot size. In an RR zone, the lot size shall be as follows~~:

~~(C) The minimum lot area for single-family detached and two-family dwellings shall be 5,000 square feet for an interior lot and 6,000 square feet for a corner lot;For multiple-family dwellings designed as other than two-family dwellings, the minimum lot area shall be 7,500 square feet or 2,000 square feet per dwelling unit, whichever is greater;~~

~~For attached single-family dwellings, the minimum lot area shall be 1,800 square feet per dwelling unit;~~

~~For single-family detached and for multifamily dwellings, the minimum lot width at the front building line shall be 50 feet for an interior lot, 60 feet for a corner lot, and 25 feet for cul-de-sac lots;~~

~~For attached single-family dwellings, the minimum lot width at the front building line shall be 20 feet; andThe minimum lot depth shall be 60 feet.~~

(1) A Manufactured Home Park shall have a minimum lot area of 1 acre. Setback, height, and lot coverage standards shall accord with multi-unit requirements.

~~(1)~~(2) As below, except as provided in §157.140:

~~Setback requirements. Except as provided in § 157.140, in an RR zone the yards shall be as follows:~~

~~(1) For detached single-family, two-family dwelling, and multifamily development the front yard shall be a minimum of 15 feet, measured from the foundation. The garage shall be constructed at 20 feet measured from the foundation. When a covered patio or covered porch is constructed in the front yard, the porch or patio may be constructed with a ten-foot setback;~~

~~(2) For attached single-family residential development, the front building setback shall be a minimum of 15 feet from the foundation;~~

~~(3) For detached single-family, two-family dwelling, and multifamily development, each side yard shall be a minimum of five feet, measured from the foundation, except that on corner lots the side yard on the street side shall be a minimum of ten feet measured from the foundation;~~

~~(4) For attached single-family, the side yard of the end units shall be a minimum of five feet; and~~

~~The back yard shall be a minimum of ten feet, measured from the foundation.~~

Standard	**Single-unit & Duplex**	**Townhouse**	**Multi-unit (3+ Units)**	**All Other Uses**
Min. lot area (sq ft)				
Interior lot	5,000	1,800	7,500, plus 2,000/unit for each additional unit.	-
Corner lot	6,000	1,800	7,500, plus 2,000/unit for each additional unit.	-
Min. lot depth (ft)	60	60	60	60
Min. lot width[(a)] (ft)				
Interior lot	50	20	50	-
Corner lot	60	20	60	-
Min. Setback (ft, measured from foundation):				
Front	15	15	15	-

Garage	20	20	20	-
Covered patio or porch, front	10	10	10	-
Side	5	5	0/5[(b)]	-
Side, corner lot on street side	10	10	10	-
Rear	10	10	10	-
Max. height (ft)	40	40	40	-
Max. lot coverage[(c)] (%)	45	45[(d)]	45	45

(a) Cul-de-sac lots may have a minimum lot width of 25 feet.
(b) Townhouses shall have a zero-foot setback for their common wall side yard, and otherwise a 5-foot side yard setback.
(c) Covered decks, porches, patios, and gazebos may occupy an additional 5% of total lot area.
(d) For townhouses, the maximum lot coverage standard is applied across the entire townhouse structure and associated townhouse lots.

~~(D) Height of buildings. In an RR zone, no residential buildings shall exceed a height of 40 feet.~~

~~Lot coverage. In an RR zone, buildings shall not occupy more than 45% of the lot area. Covered decks, porches, patios, and gazebos may occupy an additional five percent of the total lot area.~~

(Ord. 2098, passed 12-13-04; Am. Ord. 2251, passed 9-25-17; Am. Ord. 2322, passed 6-14-21)

COMMERCIAL ZONES

157.040 CENTRAL COMMERCIAL ZONE (C-1).

(A) Uses permitted outright. In a C-1, only the following uses and their accessory uses are permitted outright:
(1) Affordable housing defined in §157.002;
~~(1)~~(2) Automobile, boat or trailer sales showroom;

~~(2)~~(3) Bakery;
~~(3)~~(4) Bank, loan company or similar financial institution;
~~(4)~~(5) Barber shop;
~~(5)~~(6) Beauty shop;
~~(6)~~(7) Bicycle shop;
~~(7)~~(8) Blueprinting, photostating or other reproduction;
~~(8)~~(9) Book or stationery store or newsstand;
~~(9)~~(10) Bookbinding;
~~(10)~~(11) Building supply with no outside storage;
~~(11)~~(12) Bus station;
~~(12)~~(13) Business machines, retail and service;
(14) Catering establishment;
~~(13)~~(15) Child Care Center;
~~(14)~~(16) Church;
~~(15)~~(17) Clinic;
~~(16)~~(18) Clothes, cleaning or laundry agency;
~~(17)~~(19) Clothing store or tailor shop;
~~(18)~~(20) Club, lodge, union or fraternal organization;
~~(19)~~(21) Cocktail lounge or tavern;
(22) Confectionery store, including soda fountain;
~~(20)~~(23) Conversion of a commercial use to a residential use, subject to §157.157;
~~(21)~~(24) Curtain or drapery store;
~~(22)~~(25) Dancing school, music studio or instructional classes;
~~(23)~~(26) Delicatessen;
~~(24)~~(27) Drug store, pharmacy;
~~(25)~~(28) Dry cleaning, or pressing, except those using highly volatile or combustible materials or using high pressure steam tanks or boilers;
~~(26)~~(29) Dry goods, millinery or dress shop;
(30) Electrical supply store;
~~(27)~~(31) Family Child Care Home;
~~(28)~~(32) Feed and seed store;
~~(29)~~(33) Floor covering sales and service;
~~(30)~~(34) Florist shop;
~~(31)~~(35) Food store;
~~(32)~~(36) Frozen food lockers, retail only;
~~(33)~~(37) Furniture store;
~~(34)~~(38) Garden store;

~~(35)~~(39) Gift, hobby or art shop;
~~(36)~~(40) Grocery store, includes convenience store, mini-market;
~~(37)~~(41) Hardware store;
~~(38)~~(42) Health studio, physical therapist, reducing salon;
~~(39)~~(43) Hotel/Motel;
~~(40)~~(44) Jewelry store, including repairing;
~~(41)~~(45) Leather goods sales, including harness and saddle shop;
~~(42)~~(46) Locksmith;
~~(43)~~(47) Magazine or newspaper distribution agency;
(48) Meat market, retail only;
(49) Mixed use structures with ground floor commercial units and residential units subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making the properties affordable to moderate income households, as defined in ORS 456.270, subject to §157.157(H);
~~(44)~~
(50) Market rate multi-unit apartment dwellings;
~~(45)~~(51) Newspaper publishing;
~~(46)~~(52) Notions or variety store;
~~(47)~~(53) Office, business or professional;
~~(48)~~(54) Office supplies;
~~(49)~~(55) Paint store, including related contractor shop;
~~(50)~~(56) Parking lot or garage;
~~(51)~~(57) Pawn shop;
~~(52)~~(58) Pet shop, includes animal grooming but not overnight boarding or kennel;
~~(53)~~(59) Printing plant;
(60) Radio or television sales and service;
~~(54)~~(61) Residential structures subject to an affordable housing covenant as provided in ORS 456.270 to 456.295 making each unit affordable to a household with income less than or equal to 60 percent of the area median income as defined in ORS 456.270, subject to §157.157(H);
~~(55)~~(62) Restaurant or hotel supply;
(63) Restaurant or tea room;
~~(56)~~(64) Restoration or replacement of an existing dwelling damaged or destroyed by a natural or involuntary event subject to the requirements of SB 1561, adopted by the Oregon legislature in the 2026 regular session and made a part of ORS 197;
~~(57)~~(65) Retail store;

~~(58)~~(66) Scientific or professional instrument sale or repair;

~~(59)~~(67) Secondhand store;

~~(60)~~(68) Self-service laundry;

~~(61)~~(69) Shoe store or shoe repair shop;

~~(62)~~(70) Storage building for household goods in conjunction with retail sales;

~~(63)~~(71) Studio-art, music and photography;

~~(64)~~(72) Telephone or telegraph building;

~~(65)~~(73) Theater, except drive-in theater;

~~(66)~~(74) Upholstery shop, but excluding operations in mattress and upholstery refinishing where cyanide or other highly toxic material is used; and

~~(67)~~(75) Wholesale office or show room with merchandise on the premises limited to small items and samples.

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

(1) Auditorium, exhibition hall or other public assembly room;

(2) Automobile service station including minor automobile repairs but excluding body and fender work, or painting;

(3) Community building;

(4) Day care home~~ or nursery~~;

(5) Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theater;

(6) Government structure or land use including but not limited to a public park, playground, recreational building, fire station, library or museum;

(7) Hospital or nursing home;

(8) Mortuary;

~~(9) Motel;~~

~~(10) Multiple-family dwelling;~~

~~(11)~~(9) Planned unit development;

~~(12)~~(10) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;

~~(13)~~(11) Public utilities including wells, water storage tanks and sanitary sewer pump stations; and

~~(14)~~(12) Schools: Preschool, primary, elementary, junior or senior high, college.

(C) Setback requirements. Except as provided in §157.142~~0~~, in a C-1 zone no yard or vision clearance area shall be required except as follows:

(1) The front yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone;

(2) The side yard shall be minimum of 20 feet measured from the foundation where abutting a residential zone;

(3) The rear yard shall be a minimum of 25 feet measured from the foundation where abutting a residential zone; and

(4) All properties facing E. Main street from 3rd street to 7th street shall have a two-foot building setback from their front property line.

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

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

(1) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking and loading, drive-in windows, island service for motor vehicles and display of merchandise along the outside wall of the building not extending more than three feet from the wall, unless conducted as part of a special event and authorized by the City Council;

(2) All items produced or wares and merchandise handled shall be sold at retail on the premises except in the case of §157.040 (A);

(3) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards of the R-3 zone; ~~and~~

(4) Residential uses shall not be allowed on the ground floor of commercial buildings in the C-1 zone;~~.~~

(5) Residential uses permitted under this section shall be subject to all design standards in §157.027 and §§157.175 to 157.179 of this chapter, unless otherwise specified under §157.157; and

(6) For market rate residential development, residential uses will not be allowed in ground-floor storefront spaces on arterial or major collector streets as defined in the Hermiston Transportation System Plan.

~~a)~~

(Ord. 1840, passed 2-28-94; Am. Ord. 2217, passed 3-24-14) Penalty, see § 157.999

157.041 OUTLYING COMMERCIAL ZONE (C-2).

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

(1) A use permitted outright in a C-1 zone, except market rate multi-unit apartment dwellings;

(2) Amusement enterprise, including pool hall, bowling, dancing hall, skating rink, when enclosed in a building;

(3) Auditorium, exhibition hall or other public assembly room;

(4) Automobile, boat or trailer sales, rental, service and repair;

(5) Automobile service station;

(6) Automobile laundry;

(7) Day care home ~~or nursery~~;

~~(8)~~ Mortuary, undertaking or funeral parlor;

~~(9)~~(8) ~~Motel;~~

~~(10)~~(9) Recreational vehicle park subject to requirements of §157.147;

~~(11)~~(10) Taxidermy shop; and

~~(12)~~(11) Tire shop, including tire recapping.

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

(1) Amusement enterprise not enclosed in a building including, but not limited to, "pitch and putt" golf course, driving range, archery range, automobile race track and drive-in theater;

~~(2) Caretaker's residence subject to the following conditions:~~

~~(a) Residence shall be a manufactured dwelling complying with the 1976 HUD codes and shall be skirted;~~

~~(b) The residence shall be furnished with all utilities including telephone;~~

~~(c) The facility shall be set back from all streets as far as practical and still be in conformance with the setback requirements as established in the Uniform Building Code;~~

~~(d) The caretaker's residence shall be allowed only in conjunction with a business which requires the outside storage or display of wares~~

~~and shall be removed within 30 days following the discontinuance of the business enterprise; and~~

~~(e) All uses shall be subject to annual review by the commission and may be removed upon direction of the Commission for violation of these conditions;~~

~~(3)~~(2) Community building;

~~(4)~~(3) Drive-in establishment offering goods or services to customers waiting in parked motor vehicles, except drive-in theater;

~~(5)~~(4) Government structure or land use including but not limited to a public park, playgrounds, recreational building, fire station, library or museum;

~~(6)~~(5) Hospital or nursing home;

~~(7)~~(6) Planned unit development;

~~(8)~~(7) Preschool, primary, elementary, junior or senior high, college;

~~(9)~~(8) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;

~~(10)~~(9) Public utilities including wells, water storage tanks and sanitary sewer pump stations; and

~~(11)~~(10) Other uses similar to the uses permitted outright or the conditional uses normally located in the Outlying Commercial Zone (C-2), providing that the use has approval from the planning commission.

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

(1) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards as established in the R-3 zone;~~.~~

(2) The outside storage of junk shall be contained entirely within a sight-obscuring fence when adjacent to a residential use of property;~~.~~ and

(3) Residential uses permitted under this section shall be subject to all design standards in §157.027 and §§157.175 to 157.179 of this chapter, unless otherwise specified under §157.157.

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

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

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

(Ord. 1840, passed 2-28-94; Am. Ord. 2194, passed 11-26-12; Am. Ord. 2217, passed 3-24-14) Penalty, see § 157.999

157.042 DOWNTOWN COMMERCIAL OVERLAY ZONE (DCO).

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

(B) Uses permitted outright.

(1) In the DCO Zone, all uses and accessory uses permitted outright in the Central Commercial Zone (C-1) zone are allowed.

~~(2) Residential uses are permitted on upper stories and on ground floors when not located within storefront space.~~

~~(3)~~(2) Off-street parking and loading, drive-in windows, and outside dining and the display of merchandise along the outside wall of the building when extending no more than four feet from the wall.

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

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

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

(1) The front yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone;

(2) The side yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone;

(3) The rear yard shall be a minimum of 25 measured from the foundation where abutting a residential zone; and

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

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

(1) All business, service, repair, processing, storage or merchandise display shall be conducted wholly within an enclosed building, except for off-street parking

and loading, drive-in windows, island service for motor vehicles, display of merchandise along the outside wall of the building not extending more than four feet from the wall, and outside dining, unless conducted as part of a special event and authorized by the City Council;~~.~~

(2) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards of the R-3 zone;~~.~~

(3) For market rate residential development, residential uses will not be allowed in ground-floor storefront spaces on arterial or major collector streets as defined in the Hermiston Transportation System Plan; and

~~Residential uses shall not be allowed within the storefront space on the ground floor of buildings within the DCO Zone.~~

~~(3)~~(4) Residential uses permitted under this section shall be subject to all design standards in §157.027 and §§157.175 to 157.179 of this chapter, unless otherwise specified under §157.157.

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

(1) Primary entrances shall be protected from weather by either the addition of an awning, recessed building entry or other method as approved by the Planning Director.

(2) Lighting shall be provided for building entrances, parking areas and pathways.

(3) Off-street parking is not allowed between buildings and the street to which they are oriented. Parking and other vehicle areas shall be allowed between alleys and buildings.

(4) Ground floor windows shall be provided along 30% of the ground floor street facing elevations.

(5) Any new drive-up/drive-through facilities established after the adoption of the ordinance codified in this chapter shall be oriented toward an alley, driveway, or interior parking area, and not a public street.

(6) Drive-up/drive-in queuing areas shall be designed so that vehicles do not obstruct a driveway, fire access lane, walkway, or public right-of-way.

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

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

(K) Historic buildings. The standards of ~~§~~ 157.144 shall apply.

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

(1) New residential or commercial development;

(2) Expansion of single-~~family~~ unit or ~~two-family~~ duplex residential development costing in excess of 30% of the assessed value of the improvements on the property. The provisions of subsection (H)(3) of this section shall not apply;

(3) Reconstruction of a single-~~family~~ unit or ~~two-family~~ duplex residential casualty loss costing in excess of 130% of the previously assessed value of the structure itself. The provisions of subsection (H)(3) of this section shall not apply;

(4) Expansion of multi~~ple-family~~ unit or commercial development costing in excess of 50% of the assessed value of the improvements on the property;

(5) Reconstruction of multi~~ple-family~~unit; commercial casualty loss in excess of 110% of the previously assessed value of the structure itself; and

(6) Conversion of an existing building from residential to commercial use.

(M) Site plan review.

(1) The applicant shall complete a building permit application as provided by the city and provide a site plan, landscape plan and building elevations. All plans shall be drawn to scale and show the following:

(a) All existing and proposed structures and their exterior dimensions;

(b) All streets, alleys and other public right-of-way;

(c) Existing and proposed utility lines and/or easements;

(d) Building setbacks;

(e) Location of utilities and proposed connection routes;

(f) Off-street parking;

(g) Curb cut and sidewalk locations and dimensions and drainage plan;

~~(h) Landscape plans;~~

~~(i)~~(h) Screening;

~~(i)~~(i) Lighting;

~~(k)~~(j) Pedestrian amenities, including location of street furnishings;

~~(l)~~(k) Building elevations; and

~~(m)~~(l) Fire flow and similar requirements.

(2) At the applicant's request site plan review can occur prior to submittal of a request for building permit.

(3) Where the applicant's development site abuts existing curb and gutter, sidewalks in conformance with city standards are required to be constructed to the extent curb and gutter exist at the time of application.

(4) The applicant shall be required to ~~participate in a future improvement district to~~ construct and dedicate all public facilities, such as water, wastewater, drainage, curb, gutter, sidewalk and street right-of-way adjacent to the development in conformance with city standards ~~and~~ provide easements or deeds to the city for all public facilities, unless otherwise requested under §157.163(D).~~. However, where it is determined that delaying the design and construction of any or all facilities is not appropriate and logical, or causes an adverse impact on surrounding properties, the city may require the developer to construct and dedicate all improvements as a condition of development.~~

(5) Where ~~it has been determined that the~~ extension of public facilities is required per adopted Master Plans, all costs related to the extension shall be borne by the developer. In addition, any extension of the facilities shall be continued ~~and extended in a logical fashion~~ to the extent of the development site so as to be readily available for adjacent development.

(6) Where the improvement installed by a developer shall benefit other properties, a mutually agreeable settlement shall be arrived at between the city and the developer prior to installing the improvements. This agreement shall identify the benefiting properties, actual costs to be charged and method of repayment to the developer. Where prior agreement exists for improvements benefiting the subject property, the applicant shall make arrangements with the city for the payment of the improvements prior to issuance of any city permit.

(7) The developer shall provide proof of review and approval by all affected and/or county agencies, such as the Department of Transportation or County Planning Department.

(N) Final approval. In the DCO Zone, the standards of §~~157.165~~4 shall apply.

(O) Off-street parking requirements.

(1) The requirements of §-157.175 shall apply. Surface parking shall not exceed 110% of the minimum parking required when parking is provided on site. Exemptions to the standard can be approved for developments that provide shared parking, valet parking spaces or similarly managed parking accommodations.

(2) Off-street parking shall be provided in accordance with §-157.176.

(3) Parking credits. Credits may be granted for on-street parking and public parking lot spaces as follows:

(a) Credit for on-street parking. The amount of required off-street parking may be reduced by one off-street parking space for every on-street parking space located along the block adjacent to the development. On-street parking shall follow the established configuration of existing on-street parking, subject to city standards, except that angled parking may be allowed, as approved by the city. The configuration of the on-street parking and allowable credit toward off-street parking requirements shall be addressed during site plan review. The city shall maintain a written record of credits granted per each use.

(b) Credit for public parking lot spaces. For the first 5,000 gsf of building area, and for development located between S.E. 4th Street and Highway 395, credit shall be given for public parking lot spaces. The amount of required off-street parking may be reduced by one off-street parking space for every parking space provided in a city public parking lot located within the Downtown Commercial Overlay district.

(c) The provisions of Ordinance Nos. 587 and 1080 regarding the municipal parking lots shall remain in effect.

(4) Shared parking. Parking facilities may be shared by users on adjacent parcels if the following standards are met:

(a) One of the parcels has excess parking spaces, considering the present use of the property; the other parcel lacks sufficient area for required parking spaces;

(b) The total number of parking spaces meets the standards for the sum of the number of spaces that would be separately required for each use; and

(c) Legal documentation shall be submitted verifying permanent use of the excess parking area on one lot by patrons of the uses deficient in required parking area.

(5) Joint use parking. Joint use of parking spaces may occur where two or more separate developments or multiple uses in a development are able to jointly use some or all of the same required parking spaces because their parking demands occur at different times. Joint use of parking spaces may be allowed if the following standards are met:

(a) There shall be no substantial conflict in the principal operating hours of the buildings or uses for which the joint use parking is proposed. Future change of use, and continuation of joint use parking agreement shall be approved by the city.

(b) The joint use parking spaces shall be located no more than 400 feet from a building or use to be served by the joint use.

(c) The number and location of parking spaces, hours of use and changes in operating hours of uses subject to joint use shall be approved by the city.

(d) Legal documentation to the satisfaction of the City Attorney shall be submitted verifying the joint use of parking between the separate developments.

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

(1) Sandwich "A" boards and other portable signs are permitted along the outside wall of the building not extending more than four feet from the wall.

(2) Sandwich boards do not count against the maximum number of signs allowed.

(Ord. 2175, passed 9-26-11; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

157.043 NEIGHBORHOOD COMMERCIAL OVERLAY ZONE (NCO).

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

(1) Be prepared to take advantage of opportunities for infill, redevelopment, and new development in outlying commercial areas;

(2) Allow different types of compatible land uses close together to shorten traffic trips and facilitate all modes of transportation such as vehicles, pedestrians and bicycles.

(B) Uses permitted outright.

(1) In the NCO zone, all uses and accessory uses permitted outright in the outlying commercial zone (C-2) are allowed.

~~(1)~~(2) Market-rate apartments.

~~Residential uses are permitted on upper stories and on ground floors when not located within storefront space.~~

(C) Conditional uses permitted.

(1) In the NCO zone, the conditional uses and their accessory uses permitted in the outlying commercial zone (C-2) are permitted when authorized in accordance with the requirements of §§ 157.205 through 157.210;

(2) Mini-storage; and

~~(3) Multiple-family dwelling.~~

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

(1) Where there are existing residential dwellings, they and their accessory uses may be maintained, expanded or reconstructed in conformance with the development standards as established in the R-3 zone;~~.~~

(2) The outside storage of junk shall be contained entirely within a sight-obscuring fence when adjacent to a residential use of property;~~.~~ and

(3) Residential uses permitted under this section shall be subject to all design standards in §157.027 and §§157.175 to 157.179 of this chapter, unless otherwise specified under §157.157.

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

(1) The setback from any street shall be 20 feet. However, if solid ground cover landscaping is provided and maintained, the setback from a street may be reduced to ten feet;

(2) The side yard shall be a minimum of 20 feet measured from the foundation where abutting a residential zone; and

(3) The rear yard shall be a minimum of 25 feet measured from the foundation where abutting a residential zone.

~~(3)~~(4) For multi-unit dwellings, the standards of §157.027 shall apply.

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

(Ord. 2245, passed 4-24-17)

INDUSTRIAL ZONES

157.055 LIGHT INDUSTRIAL ZONE (M-1).

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

(1) Affordable housing as defined in §157.002 when the land is publicly owned and adjacent to lands zoned for residential uses or schools;

(2) Cabinet, carpenter or woodworking shop;

~~(1)~~(3) Child Care Center;

~~(2)~~(4) Compounding, packaging or storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries, but not including processes involving refining or rendering of fats and oils;

~~(3)~~(5) Dwelling for caretaker or night watchman on the property;

~~(4)~~(6) Freight depot;

~~(5)~~(7) Ice or cold storage plant;

~~(6)~~(8) Kennel;

~~(7)~~(9) Laboratory for research or testing, but not including the testing of combustion engines;

~~(8)~~(10) Laundry, dry cleaning or dyeing establishment;

~~(9)~~(11) Lumber yard, building supply outlet;

~~(10)~~(12) Machinery or equipment sales, services or storage;

~~(11)~~(13) Manufacture, repair or storage of articles from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felts, fiber, fur,

glass, hair, horn, leather, paper, plastic, precious or semiprecious stone or metal, shell, textiles, wax, wire or yarn;

~~(12)~~(14) Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, engineering, scientific or precision instrument, medical or dental supplies or equipment, electronic supplies or equipment, industrial or business machines, aircraft parts and equipment, luggage, photographic equipment or small pleasure boats;

~~(13)~~(15) Mini-storage;

~~(14)~~(16) Motor vehicle body shop, tire shop or similar repair service;

~~(15)~~(17) Plumbing, heating, electrical or paint contractor's sales, repairs or storage;

~~(16)~~(18) Private utilities including electric power substations, telephone exchanges, television, radio or microwave transmission facilities;

~~(17)~~(19) Processing, packaging or storage of food or beverages, but not including processes involving distillation, fermentation, slaughtering or rendering of fats and oils;

~~(18)~~(20) Public utilities including wells, water storage tanks and sanitary sewer pump stations;

~~(19)~~(21) Railroad tracks and related facilities;

~~(20)~~(22) Utility lines, station or substation;

~~(21)~~(23) Veterinary care facility;

~~(22)~~(24) Welding, sheet metal or machine shop;

~~(23)~~(25) Wholesale distribution or outlet, including trucking, warehousing and storage.

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

(1) Junkyard;

(2) Temporary dwelling unit;

(3) Fuel oil distribution; and

(4) Planned unit development.~~; and~~

~~(5) Temporary emergency shelter subject to the following design standards and conditions:~~

~~(a) A temporary emergency shelter shall be for short-term housing of persons. Occupancy shall not exceed 18 continuous months for any~~

~~resident. Shelters shall be designed and constructed to be quickly removable at the cessation of operations and permanent foundations shall not be used where not expressly required by building codes. A temporary emergency shelter is not a residential use under the definitions in ORS 197.303.~~

~~(b) The minimum lot area for a temporary emergency shelter shall be one-half acre and the maximum lot area shall be one and one-half acres.~~

~~(c) A business plan, operation plan, security plan, and all supporting documentation for resident rules shall be submitted and approved by the planning commission as part of the conditional use permit application.~~

~~(d) A temporary emergency shelter shall include a community building for the provision of services to the residents and detached, temporary shelters providing overnight accommodations for the residents. Staff facilities, offices, food storage, and other facilities shall be within the community building. The facility shall contain at least one community building containing shower facilities and permanent restrooms. Showers shall be provided at a ratio of one shower for every 25 residents. Toilets shall be provided at a ratio of one toilet for every 20 residents.~~

~~(e) The portion of the development site containing the shelters shall be enclosed with a chain-link fence equipped with sight-obscuring slats of at least six feet in height. The operator shall be responsible for permanent maintenance of the fence. The community building may be located within the fenced enclosure or within 500 feet of the fence when off-site services are provided.~~

~~(f) Facility shall be operated by a registered nonprofit agency or a local, county, state, or federal government agency. A qualifying nonprofit agency shall be defined as a 501(c)(3) organization registered with the US Internal Revenue Service (IRS) and considered active by the IRS during the current tax year.~~

~~(g) Where there are no permitted industrial uses or the property is otherwise vacant, the use shall not be allowed.~~

~~(h) The facility shall be located at least 1,000 feet from any public or private elementary, junior high, or high school, at least 1,000 feet from any public park, and at least 1,000 feet from another temporary emergency shelter. Distances shall be measured from the closest property line of the temporary emergency shelter to the closest property line of the~~

~~nearest school or temporary emergency shelter as depicted on the Umatilla County assessor maps.~~

~~(i) Temporary shelters shall not be serviced with water, sewer, or electrical service. All facilities for the health and wellness of residents shall be furnished within the community building.~~

~~(j) All shelters shall be removed within 60 days of the termination of operations of the permitted industrial use on the property. The community building may remain at the property owner's discretion. In the event the shelter ceases operations, all temporary shelters shall be removed within 60 days of the termination of operations.~~

~~(k) Due to the transitory nature of residents and staff in a temporary shelter, parking spaces designed and constructed in compliance with the standards of §§ 157.175 through 157.179 are not required and gravel parking may be utilized. However, no portion of any parking area nor any other portion of the property may be used for the storage of vehicles in excess of 72 hours.~~

~~(l) A fenced pet area of at least 200 square feet shall be provided for the exercise and sanitation needs of pets. Pet waste must be contained within this area and collected and deposited in an appropriate receptacle.~~

~~(m) Each temporary shelter shall be provided with a lockable, external storage unit for the secure storage of resident possessions.~~

~~(n) Temporary shelters shall be subject to all applicable building code requirements. One battery-operated smoke detector and one battery-operated carbon monoxide detector shall be provided in each unit. Each unit shall have at least one door and one emergency egress window.~~

~~(o) Outdoor lighting shall be provided. Lighting shall be oriented to prevent direct illumination onto abutting property.~~

~~(p) Total shelters may be provided at a ratio of no more than one shelter per 1,400 square feet of lot area. Occupancy of each shelter shall be no more than two persons unless otherwise authorized by the building official and fire marshal.~~

~~(q) All temporary emergency shelters shall be subject to a review by the planning commission subject to the standards for a conditional use permit in §§ 157.205 through 157.210. The planning commission shall set the schedule for review as part of the conditional use permit process. The review shall be subject to the public hearing requirements in § 157.229. The planning commission may modify conditions of~~

~~approval or revoke a conditional use permit for a temporary emergency shelter upon finding that the operator has not met the conditional use permit standards in § 157.210 or the conditions of approval.~~

~~(r) At least 45 days prior to any review by the planning commission the operator shall submit a written report to the city planner detailing the temporary emergency shelter's compliance with the standards in § 157.210 and with the conditions of approval from the issuance of the conditional use permit.~~

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

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

(1) A use which creates a nuisance because of the noise, smoke, odor, dust or gas is prohibited.

(2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

(3) Service activities, processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from the residential zone view by a permanently maintained sight-obscuring fence at least six feet high.

(4) Points of access from a public street to properties in a M-1 zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.

(5) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone.

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

(E) Setback requirements.

(1) Except as provided in §-157.140, in a M-1 zone no yard shall be required except as follows:

(2) When abutting a residential zone, all setbacks shall be a minimum of 50 feet measured from the foundation. If a living, solid screen is provided adjacent to the residential zone, the minimum setback may be reduced to 25 feet.

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

(Ord. 1840, passed 2-28-94; Am. Ord. 2301, passed 7-27-20; Am. Ord. 2308, passed 9-14-20) Penalty, see § 157.999

157.056 HEAVY INDUSTRIAL ZONE (M-2).

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

(1) A use permitted outright in a M-1 zone except for child care centers and affordable housing as defined in §157.002; and

(2) Manufacturing, repairing, compounding, fabricating, processing, packing or storage of a use not listed in §-157.055.

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

(1) Junkyard;

(2) Temporary dwelling unit;

(3) Planned unit development;

(4) Sand and gravel pits, including related activities such as exploration excavation, rock crushing, asphalt protection and storage, subject to requirements in § 157.149; and

~~(5) Temporary emergency shelter, subject to the requirements in § 157.055(B)(5).~~

(C) Limitations on use. In a M-2 zone, the following conditions and limitations shall apply:

(1) A use is prohibited which creates a nuisance because of noise, smoke, odor, dust or gas or which has been declared a nuisance by statute, by action of the municipal court or by a court of competent jurisdiction.

(2) Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.

(3) Where outside storage is used, the use shall have a solid enclosure at least six feet in height.

(D) Lot size. Lot size requirements for a M-1 zone shall apply in a M-2 zone.

(E) Setback requirements. Yard requirements for a M-1 zone shall apply in a M-2 zone.

(F) Height of buildings. Height of building requirements for a M-1 zone shall apply in a M-2 zone.

(Ord. 1840, passed 2-28-94; Am. Ord. 2301, passed 7-27-20; Am. Ord. 2308, passed 9-14-20) Penalty, see § 157.999

157.057 FAIRGROUNDS OVERLAY.

(A) Purpose. The fairgrounds overlay zone is intended to provide an area to accommodate the various uses and accessory uses which are associated with a county fairgrounds and regional event center. Uses on the fairgrounds include commercial, industrial and agricultural uses which overlap many zoning designations and cannot be accommodated under one zoning classification.

(B) Uses permitted outright. In the fairgrounds overlay zone the following uses are permitted outright:

(1) Agricultural and animal display buildings;
(2) Amusement enterprise enclosed in a building;
(3) Amusement enterprise not enclosed in a building;
(4) Auditorium or exhibition hall;
(5) Community building;
(6) Government structure or land use including but not limited to a public park, playground, recreational building, fire station, library or museum;
(7) Horse arena and other equine buildings;
(8) Parking lot;
(9) Professional office or service office;
(10) Public and private roads;
(11) Recreational vehicle park subject to the requirements of §-157.147;
(12) Rodeo grounds or other open air arena; and
(13) A use permitted outright in the underlying M-1 and/or OS zone.

~~(C) Uses permitted conditionally.~~

~~(1) Caretaker's dwelling conforming to the standards of § 157.042(B)(2).~~

~~(D)~~(C) Restrictions on use.

(1) The perimeter of the fairgrounds overlay shall be fenced with a six-foot chain link fence;

(2) All buildings shall be constructed at least 25 feet from any adjacent private property line;

(3) Paved parking shall be provided in accordance with the provisions of §§ 157.175 through 157.179 and shall be adequate to provide parking sufficient for all public assembly buildings on the property. Additional overflow parking for use during the Umatilla County Fair or other large festival may be grass or gravel; provided, that dust control is provided during the event;

(4) Building heights and lighting restrictions established in Chapter 151 of the Hermiston Code of Ordinances regarding development within the airport clearance areas shall be maintained.

(Ord. 2185, passed 3-26-12)

157.058 HYPERSCALE DATA CENTER (HDC) OVERLAY.

(A) Purpose and applicability. The hyperscale data center (HDC) overlay zone is intended to provide suitable sites for such data centers, as identified in the Hermiston Economic Opportunities Analysis (2024). This overlay zone applies to land added to the Hermiston urban growth boundary to meet hyperscale data center site requirements. A conceptual master plan must be approved in conjunction with HDC overlay designation.

(B) Uses permitted outright.

(1) Hyperscale data centers (i.e., large structures that house a large group of networked computer servers used by organizations for the remote storage, processing, or distribution of large amounts of data).

(2) Power substations serving one or more data centers.

(C) Permitted accessory uses.

(1) Power generating and battery storage facilities serving one or more data centers.

(2) Public facilities and private utilities serving hyperscale data center sites.

(3) Recreational facilities serving hyperscale data center employees.

(4) Security facilities protecting hyperscale data centers.

(5) Parking and circulation facilities.

(6) Administrative support facilities.

(D) Restrictions on use.

(1) Hyperscale data centers must meet heavy industrial (M-2) development standards and the standards of this overlay zone.

(2) Hyperscale data center computer networks and storage facilities shall be enclosed within covered structures.

(3) The minimum data center development standards:

(a) The minimum data center site area shall be 100 acres.

(b) Primary data center buildings shall have a gross floor area of at least 50,000 square feet.

(4) Hyperscale data center development shall substantially conform with approved conceptual master plans. The City Manager or their designee may approve deviations from the approved conceptual master plan that do not reduce the number of approved data center buildings shown on the master plan or preclude adequate provision of transportation or other public and private facilities identified in the master plan.

(5) No hyperscale data center buildings or power substations shall be located within 200 feet of a residential zone.

(6) Hyperscale data center lighting shall be shielded and shall not trespass into residential zones in accordance with § 157.179 design standards.

(7) Wind turbines shall be set back from residential zones at least two feet for each one foot of turbine height, measured from the ground to the blade rotor.

(8) Hyperscale data center development shall provide a minimum of 1.1 parking spaces per employee on the largest shift.

(Ord. 2374, passed 9-8-25)

AIRPORT ZONE (A)

157.070 PERMITTED USES.

In an A zone, the following uses and their accessory uses are allowed outright:

(A) A use permitted outright in a C-2 zone; and

(B) A use permitted outright in a M-1 zone.

(Ord. 1840, passed 2-28-94; Am. Ord. 2128, passed 1-22-07)

157.071 CONDITIONAL PERMITTED USES.

In an A zone, the following uses and their accessory uses are permitted when authorized in accordance with the requirements of 157.205 through 157.210:

(A) A use permitted conditionally in a C-2 zone; and

(B) A use permitted conditionally in a M-1 zone.

(Ord. 1840, passed 2-28-94)

157.072 OTHER REQUIREMENTS AND CONDITIONS.

(A) Other requirements. All requirements for limitation on use, signs, minimum lot size and setbacks and maximum height in an A zone shall conform to those in a M-1 zone, contained in § 157.055(C) through (F).

(B) Additional conditions. All uses in an A zone shall conform to conditions imposed in Chapter 151 of this code adopted as part of the Hermiston Airport Master Plan, which governs development around the Hermiston Airport, so as to minimize interference with the operations of the airport and reduce hazards to the public health, welfare and safety.

(Ord. 1840, passed 2-28-94)

Cross Reference:

Airport Hazard Zoning, see Chapter 151

OPEN SPACE ZONE (OS)

157.081 USES PERMITTED OUTRIGHT.

In an OS zone, the following uses and their accessory uses are permitted:

(A) Agriculture.

(B) Agricultural extension or experimentation station, including all buildings, sheds, greenhouses and other accessory structures necessary to facilitate operations.

(C) Public park and public recreation facility.

(Ord. 1840, passed 2-28-94)

157.082 CONDITIONAL USES PERMITTED.

In an OS zone, the following uses and their accessory uses may be permitted subject to the provisions governing conditional uses:

(A) Boat landing and launch facility.

(B) Open land recreation facility requiring the use of any structure with greater than 2,000 square feet of floor area.

(Ord. 1840, passed 2-28-94)

157.083 SPECIAL APPROVAL REQUIRED.

In addition to the building permit requirements of the City of Hermiston, no building permitted in the OS zone located within the 100-year floodplain shall be erected, constructed, established or moved until approval has been obtained. Said approval shall be granted by the city only after it has been determined that the structure is in compliance with federal standards as established within the city's floodplain ordinance.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

Cross-reference:

Flood Hazard Prevention, see Chapter 153

157.084 LOT SIZE.

In an OS zone, no minimum lot size shall be prescribed other than that required by this ordinance.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.085 YARD REQUIREMENTS.

In an OS zone, each lot shall have yards of the following sizes:

(A) The front yard shall not be less than 20 feet.

(B) The side yard shall not be less than 20 feet.

(C) The rear yard shall not be less than 25 feet.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

DEVELOPMENT HAZARD OVERLAY ZONE (DH)

157.100 PURPOSE.

The purpose of the Development Hazard Overlay designation (DH) is to identify areas within the existing and newly annexed portions of the city characterized by development limitations and/or groundwater pollution hazards due to unstable soils as defined in this chapter. This designation applies to areas of restrictive foundation soils and groundwater pollution hazards identified in Figure 12 of the Comprehensive Plan.

(Ord. 1840, passed 2-28-94)

157.101 DEVELOPMENT CONDITIONS.

In areas contained within the DH overlay, developers must comply to the following conditions in addition to those imposed by the underlying zoning. These include:

(A) Development of lots containing cemented hardpan shall be prohibited unless, ~~P~~prior to the development of the lot(s) ~~containing cemented hardpan~~, the ~~city shall require~~applicant submits a ~~registered~~ qualified professional~~engineer~~'s assessment of the design and structural techniques needed to mitigate potential hazards as part of the application package. In the event the assessment cannot identify~~there are in~~ adequate mitigation measures, ~~the city shall prohibit~~ development shall continue to be prohibited.

(B) In the case of an existing or potential groundwater pollution threat as indicated on Figure 12 of the Comprehensive Plan Map, in the Underground Injection Control System Management Plan, or identified by a qualified professional, the city shall prohibit the outdoor storage of hazardous chemicals and underground storage of gasoline and diesel fuels.

(C) Any additional requirements/prohibitions necessary to mitigate groundwater pollution problems shall be developed by a qualified professional, in conjunction with the D~~d~~epartment of Environmental Quality and Water Resources, and submitted as a report with the application.

(D) The applicant may request ~~At the discretion of the~~ Planning Commission review~~,~~ of ~~an applicant whose~~ property ~~is~~ located in the DH overlay area ~~may~~ to obtain an exemption from divisions (A) through (C) above, if ~~he~~ the applicant can demonstrate the proposed development is not constrained by development limitations and/or will not contribute to potential groundwater pollution. To obtain an exemption, the applicant must present documentation to this effect prepared by a ~~registered~~qualified professional ~~engineer~~.

(Ord. 1840, passed 2-28-94)

PLANNED UNIT DEVELOPMENTS

157.110 PURPOSE.

(A) The purpose of a planned unit development is to permit greater flexibility in land use regulations thereby allowing the developer to use a more creative approach in the development of land. Density requirement setbacks and other land use regulations may be adjusted to allow for a more desirable living environment. Preservation of natural features, harmonious variety of uses, the economy of shared services and facilities, and a development more compatible with the surrounding area are a few of the common benefits attained from a planned unit development.

(B) The PUD approach is expected to result in development that is superior to what could be obtained through ordinary lot-by-lot development. It is not intended to circumvent conventional land use regulations.

(C) In return for greater flexibility in site development, the PUD introduces some special requirements and standards for design approval. These conditions will be employed to

maximize quality of site design. They will not be used to cause undue delays nor unwarranted increase in costs, when compared to more conventional development. The PUD process will not be used as a device to force a decrease in residential density below that otherwise allowed by the Comprehensive Plan and underlying zoning.

(Ord. 1840, passed 2-28-94)

157.111 OWNERSHIP.

The tract or tracts of land included in a proposed PUD may be in one ownership or control, or the subject of a joint application by owners of all the property included. The holder of a valid written real estate option contract shall be deemed the owner of the land for the purpose of this section. The Planning Commission may require satisfactory evidence of the contract of purchase.

(Ord. 1840, passed 2-28-94)

157.112 GENERAL REQUIREMENTS.

The following general requirements will apply to planned unit developments:

(A) A planned unit development shall only be for non-residential uses.

~~(A)~~(B) A planned unit development shall be allowed in all zones ~~except R-1~~ as a conditional use according to the procedures set forth for those uses. In all residential zones, or comparable zones in the county, minimum site area shall be two acres to qualify for a PUD. For all other zones, the minimum shall be five acres.

~~(B)~~(C) As a condition of approval of a PUD, the Planning Commission may require the following:

(1) A performance bond or other securities acceptable to the city to e~~i~~nsure that a PUD is completed as submitted;

(2) An economic impact statement if the PUD is of a sufficient size and economic complexity;

(3) An environmental impact study if the PUD is large enough to have critical impact upon the land and environment;

(4) Areas for parks or playgrounds, sized according to prevailing statewide and local government standards, shall be permanently reserved within the PUD or provided for off-site;

(5) Streets be designed and constructed according to city standards and dedicated to the city;

(6) Easements for the orderly extension, maintenance, repair or replacement of public utilities; and

(7) Adequate guarantee must be provided to ensure permanent retention of common open space and recreation areas which may be required as conditions of PUD approval. This guarantee may be satisfied by creation of a nonprofit home owners' association to ensure maintenance of the area, or by development of the space to city specifications and acceptance of it by the city, in which case it would be available for general public use.

~~(C)~~(D) Whenever a planned unit development is subject to Chapter 154 of this code, the procedures and regulations of that chapter shall apply.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.113 PERMITTED USES.

(A) Residential zones.

(1) The principal use of the land shall be residential.

(2) Related commercial uses designed primarily for the service and convenience of the residents of the planned unit development may be allowed by approval of the Planning Commission.

(3) Community service uses designed for the residents of the planned unit development or for servicing the adjacent area may be allowed by approval of the Planning Commission.

(4) Accessory buildings and uses.

(5) Increased residential density tied to specific performance criteria will be encouraged in those areas that are near developed service centers.

(B) Commercial and industrial zones.

(1) Uses permitted outright and conditionally in a commercial or industrial zone, whichever applies.

(2) Community services uses approved by the Planning Commission.

(3) Other uses as approved by the Planning Commission which are consistent with the Comprehension Plan of the city and the type of PUD.

(4) Accessory buildings and uses.

(Ord. 1840, passed 2-28-94)

157.114 DEVELOPMENT PROCEDURES.

(A) Application. A letter of intent to develop a planned unit development along with a conditional use permit application shall be filed with the City Manager. The applicant shall pay application fee as established by resolution of the City Council.

(B) Stage review. There shall be a three-stage review process when approving a PUD application:

(1) Pre-preliminary conference (Stage 1);

(2) Preliminary approval (Stage 2); and

(3) Final approval (Stage 3).

(C) Fees. The following fees as provided or otherwise approved by Council resolution shall accompany each stage of review:

(1) Pre-preliminary conference (no fee).

(2) Preliminary approval ($100).

(3) Final approval ($75).

(Ord. 1840, passed 2-28-94)

157.115 PRELIMINARY CONFERENCE.

Stage 1 of development consists of the following:

(A) Before preparing a preliminary plan map and preliminary plan program, the applicant of a proposed planned unit development shall meet with the city staff at a conference scheduled at a time most convenient for both parties. At the conference, the developer shall provide basic information, such as a schematic drawing, showing the general relationship contemplated among all public and private uses and existing physical features, and written statements regarding the source of water supply, method of sewage disposal, dwelling types, lot layout, public and private access, nonresidential uses, and provisions for maintenance of landscaped areas, parks and open spaces. In return, the city staff shall provide the developer applicable standards and regulations.

(B) If the staff and applicant reach a satisfactory agreement, the applicant may proceed to Stage 2, preliminary approval.

(Ord. 1840, passed 2-28-94)

157.116 PRELIMINARY APPROVAL.

Stage 2 of the development consists of the following:

(A) The applicant shall submit to the Planning Commission ~~four~~ a copy~~ies~~ of the preliminary plan map for the proposed PUD. The plan map shall show the following information:

(1) Legally described property lines;

(2) Section lines;

(3) Existing streets, buildings, watercourses, tree masses, sanitary and storm sewers, water mains, culverts and other existing underground facilities.

(4) Location and size of the nearest water main and sewer outlet;

(5) Title of the proposed PUD and the name of the developer;

(6) Ownership of adjoining parcels within 300 feet of the proposed PUD;

(7) Contours referred to a City Engineer's bench mark with intervals sufficient to determine the character and topography of the land to be developed;

(8) North point, scale and date; and

(9) Location and size of all proposed streets, buildings, sanitary sewer or other sewage disposal facilities, water mains, storm water facilities, sidewalks, parks, open spaces and signs.

(B) A preliminary plan program or outline of the following shall accompany the preliminary plan map:

(1) Proposed ownership and maintenance of streets;

(2) Drafts of appropriate restrictive covenants and drafts of documents providing for the maintenance of any common space, or required dedications or reservations of public open spaces and any dedications of development rights;

(3) A list of the types of buildings proposed;

(4) The amount of land area to be devoted to the various types of buildings and a calculation of the average residential density per net acre;

(5) The nature of all proposed signs;

(6) All landscaping plans;

(7) Plans or written statements regarding grades of proposed streets, width and type of pavement, type of sanitary sewer or other sewage disposal facilities and any grading plans; and

(8) A stage development schedule if the final development plan is to be developed in stages.

(C) Upon receiving the preliminary plan map and program, the Planning Commission shall review the proposed planned unit development and shall seek to determine that all of the following conditions are met:

(1) The planned unit development will be consistent with the Comprehensive Plan of the city. specifically, this includes:

(a) Information indicating how the housing provided in the PUD relates to Hermiston area housing need indicators (described in Goal 10 of the Comprehensive Plan and periodically updated after that). All PUD proposals may, consistent with the density allowed by underlying zoning, propose housing concepts including townhouses, condominiums, owned multi-unit~~family units~~dwellings, mixtures of housing types and lot sizes, multiplex construction, manufactured dwellings or other kinds of dwellings manufactured off-site;

(b) Description of the municipal service and utilities needed at initial and later phases of PUD occupancy, and whether it is consistent with the city's then current designation of "sewer eligible" areas;

(c) Indication that the arterial streets required off-site are provided already, or planned and funded by appropriate city or county agencies. sufficient access will be required to meet vehicular movement and storage generated by the proposed development. Continuity with future streets in adjoining developments and dedication of sufficient arterial street right-of-way for the proposed development and other developments generally anticipated in comprehensive plan maps;

(d) Assurance that if density of the development in the PUD'S initial stages does not warrant public sewer or water connections, that the layout allows for later increases of density to a level that makes connections financially feasible; and

(e) Deed restrictions to support future assessments to provide services necessary for urban densities of development

(2) The planned unit development can be developed in harmony with the surrounding area and between uses within the PUD itself. Specifically:

(a) Height, bulk and density of buildings not radically different from those anticipated on adjacent or facing properties. Exceptions could be made if the PUD were in a transitional area between higher-intensity district and a lower-intensity residential district;

(b) Preservation of natural and cultural assets within the area; and

(c) Density bonuses of 15% are granted as an incentive to go through the PUD process. Maximum 5% additional bonuses may be granted by the Planning Commission for each of the following:

1. Superior design of structure;

2. Landscaping;

3. Public open space;

4. Provision of low cost housing;

5. Enhancement of public enjoyment of natural or cultural assets on site; and

6. Solar energy protection.

(3) The time table for the completion of the PUD is within reason.

(D) If, in the opinion of the planning staff, the foregoing provisions are satisfied, the PUD proposal shall be processed for a public hearing according to §§157.205 through 157.210 of this chapter.

(E) After the hearing, the Planning Commission shall determine whether the proposal still conforms to the permit criteria according to this section.

(F) The Planning Commission may approve or place conditions upon approving the preliminary plan map and preliminary plan program as suggested in §157.112 (C)(2), or any other conditions it deems necessary.

(G) The Planning Commission may deny the PUD application or return the PUD to the applicant for revisions.

(H) If the preliminary plan map and preliminary plan program are approved, the applicant may proceed to final approval (Stage 3).

(Ord. 1840, passed 2-28-94)

157.117 FINAL APPROVAL.

(A) Within one year after the approval of the preliminary plan map and preliminary plan program, the applicant shall submit to the city a final plan map and final plan program, for the entire development or when submission in stages has been authorized pursuant to §157.116 (B)(8) for the first stage of development.

(B) The final plan map and final plan program shall include all information included in the preliminary plan map and program.

(C) The final plan program shall include all fully drafted, properly executed legal documents for dedication or reservation of public facilities, and for the creation of a nonprofit home owners' association.

(D) The Planning Commission shall review the final plan map and program and shall determine whether they conform to all applicable criteria in §157.116 (C) and all major respects with the approved preliminary plan map and program.

(E) The Planning Commission may approve, approve with condition, or return final plan map for revisions to meet the original conditions of approval to the applicant. The applicant shall resubmit a revised final plan within 30 days of the Planning Commission decision to return the plan to the applicant.

(F) The decision of the Planning Commission shall become final ten days after the date of the decision, unless appealed to the City Council.

(Ord. 1840, passed 2-28-94)

157.118 APPEAL TO CITY COUNCIL.

The applicant or any other interested party may initiate an appeal according to §157.2321 of this chapter.

(Ord. 1840, passed 2-28-94)

157.119 CHANGES, MODIFICATIONS AND ADHERENCE.

(A) Changes and modifications.

(1) Major changes in the final plan map and final plan program from the preliminary plan map and program shall be considered the same as a new application and shall follow the procedures specified in §157.114.

(2) Minor changes in the final plan map and final plan program may be approved by the city staff. Minor changes may include minor shifting of the location of proposed streets, public or private ways, utility easements, parks or other open spaces. Minor changes shall not increase the density, boundary lines, use, location or amount of land devoted to specific land uses.

(B) Modification and adherence.

(1) All building permits in a PUD shall be issued only on the basis of the approved final plan map and final plan program.

(2) All public site dedications for the entire site and regulations regarding a home owners' association, if proposed, shall be properly recorded prior to the issuance of any building permit.

(Ord. 1840, passed 2-28-94)

157.120 REVOCATION OF PERMIT.

(A) In the event of a failure to comply with the approved final plan map and final plan program, the Planning Commission may, after notice and hearing, revoke a PUD application.

(B) The findings of the Planning Commission shall become final ten days after the date of decision unless appealed to the City Council in accordance with §-157.2321 of this chapter.

(Ord. 1840, passed 2-28-94)

SUPPLEMENTAL PROVISIONS

157.135 ZONE BOUNDARIES.

Unless otherwise specified, zone boundaries are lot lines or the centerline of street, alley, railroad right-of-way or the lines extended. Where a zone boundary divides a land parcel under a single ownership into two zones, then the entire parcel shall be zoned for the less restrictive use by the adjustment of the boundaries, provided the boundary adjustment is a distance of less than 20 feet. If the adjustment involves a distance of more than 20 feet, the procedure for a zone change shall be followed.

(Ord. 1840, passed 2-28-94)

157.136 ACCESSORY USE PROVISIONS; AUTHORIZATION.

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

(1) Fences, which may be located within yards, shall not exceed three and one-half feet from the grade of the street centerline in the front yard and on corner lots shall not conflict with requirements of a vision clearance area.

(2) A greenhouse or hothouse may be maintained accessory to a dwelling only if there are no sales.

(3) A maximum of one accessory dwelling may be constructed in any residential zone on a single lot which already contains a single-~~family~~ unit dwelling, subject to the following provisions:

(a) For the purposes of this subsection, an accessory dwelling shall be defined as an interior, attached, or detached residential structure that is used in connection with, or that is accessory to, a single-~~family~~ unit dwelling.

(b) The unit may be a detached building, in a portion of a detached accessory structure, or a unit attached or interior to the primary dwelling (e.g., an addition or the conversion of an existing floor).

(c) A detached accessory dwelling shall provide one or more rooms and contain a kitchen and bathroom within the accessory dwelling.

(d) An accessory dwelling constructed within a portion of the existing primary dwelling or attached to the existing primary dwelling shall be subject to the following design standards:

1. A separate entrance shall be provided for the accessory dwelling unit.
2. An accessory dwelling shall provide one or more rooms and contain a kitchen and bathroom within the accessory dwelling.

(e) All accessory dwellings constructed after the effective date of the ordinance codified in this section shall be subject to an accessory dwelling permit and shall pay an accessory dwelling permit fee as set by the City Council.

(f) All accessory dwellings constructed after the effective date of the ordinance codified in this section shall register with the city's utility billing services and pay per unit utility rates as set forth for multi-unit~~family~~ dwellings. Registration shall be done as part of the accessory dwelling permit process.

(g) If provided, ~~P~~parking shall be provided subject to the ~~space requirements and~~ design standards of §§~~-~~157.176~~5~~ through 157.179.

(h) Accessory dwelling units are subject to the maximum lot coverage, setbacks, and building height requirements of the underlying zone in which they are located. The sum of the gross square footage of the primary dwelling, garage or carport, outbuildings, and accessory dwelling shall not exceed the maximum lot coverage requirements of the city.

(4) Swimming pools, fish ponds or other decorative pools shall conform with §157.148~~7~~.

(B) Authorization of similar uses. The Planning Commission may rule that a use, not specifically listed in the allowed uses of a zone, shall be included among the allowed uses if the use is of the same general type and is similar to the allowed uses. However, this section does not authorize the inclusion of a use in a zone where it is specifically listed in another zone or which is of the same general type and is similar to a use specifically listed in another zone.

(C) Tents.

(1) Tents regulated by this section. Tents are permitted only as temporary accessory uses associated with the allowed uses permitted outright and approved conditional uses in all zones except the Open Space (OS) zone, but in no case shall any tent be allowed more than 30 days in a single calendar year when associated with such permitted or conditional use.

(2) Tents not regulated by this section.

(a) Tents 400 square feet or smaller in gross floor area.

(b) Tents used for temporary activities such as, but not limited to, fairs, circuses, recreational activities and seasonal or other temporary sales.

(3) Other provisions apply. Notwithstanding the provisions of this section and §157.001 and §157.002, other dimensional regulations and building code provisions continue to apply as applicable to tents.

(Ord. 1840, passed 2-28-94 Am. Ord. 2109, passed 6-27-05; Am. Ord. 2260, passed 8-13-18) Penalty, see § 157.999

157.137 BUILDING PROJECTIONS.

Cornices, eaves, canopies, sunshades, gutters, chimneys, flues, belt courses, leaders, sills, pilasters, lintels, ornamental features and other similar architectural features may project not more than two feet into a required yard or into required open space as established by coverage standards.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.138 MINIMUM MAINTENANCE REQUIREMENTS.

No lot area, yard or other open space or required off-street parking or loading area existing on or after the effective date of this chapter shall be reduced in area, dimension or size below the minimum required by this chapter, nor shall any lot area, yard or other open space or off-street parking or loading area which is required by this chapter for one use be used as the lot area, yard or other open space or off-street parking or loading area requirements for any other use, except as provided in §157.177.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.139 EXCEPTIONS TO LOT SIZE REQUIREMENTS.

If, at the time of passage of this chapter, a lot or the aggregate of contiguous lots or land parcels held in a single ownership has an area or dimension which does not meet the lot size requirements of the zone in which the property is located, the lot or aggregate holdings may be occupied by any use permitted outright in the zone subject to the other requirements of the zone and providing, if there is an area deficiency, residential use shall be limited to a single-~~family~~ unit or ~~two-family~~ duplex ~~residence~~dwellings.

(Ord. 1840, passed 2-28-94; Am. Ord. 2322, passed 6-14-21)

157.140 EXCEPTIONS TO BUILDING HEIGHT AND YARD REQUIREMENTS.

(A) In the case of buildings, the following exception to the yard requirements is authorized for a lot in any zone: if there are buildings on both abutting lots with yards of less than the required depth for the zone, the yard of the lot need not exceed the average yard of the abutting buildings. If there is a building on one abutting lot with a yard of less than the required depth for the zone, the yard for the lot need not exceed a depth one-half way between the depth of the abutting yard and the required yard depth.

(B) The following types of structures or structural parts are not subject to the building height limitations of this chapter except in residentially-zoned areas unless otherwise restricted: chimneys, cupolas, tanks, church spires, belfries, domes, derricks, monuments, fire and hose towers, observation towers, transmission towers, smokestacks, flagpoles, radio and television towers, masts, aerials, cooling towers, water towers, elevator shafts, windmills, conveyors and other similar projections.

(C) Where new radio, radiotelephone, and television transmission facilities and electrical transmission lines in excess of 35 feet in height are proposed, the city will submit notice of proposed construction to the Oregon Department of Aviation as required by its regulations.

(Ord. 1840, passed 2-28-94; Am. Ord. 2222, passed 11-24-14)

157.141 ACCESS.

All lots shall abut a street, other than an alley, for a width of at least 25 feet unless otherwise indicated in the base zone.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.142 VISION CLEARANCE.

Vision clearance shall be provided with the following distance establishing the size of the vision clearance area:

(A) In a residential zone, the minimum distance shall be 30 feet at street intersections and ten feet for an alley or driveway.

(B) In all other zones, except the C-1, the minimum distance shall be 15 feet at street intersections including an alley or service drive; except that when the angle of intersection between streets is less than 30 degrees, the distance shall be 25 feet.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.143 UTILITY FACILITIES.

Public and private utility facilities including but not limited to power transmission lines, major trunk pipelines and similar facilities and public and private wells, water storage tanks and treatment facilities, sanitary sewer pump stations and sanitary sewer treatment facilities, electric power substations, telephone exchanges and television, radio or microwave transmission facilities, but excluding underground sewer, water, gas, communication and power distribution lines and similar facilities serving uses located solely within Umatilla County, which are allowed in any zone.

(Ord. 1840, passed 2-28-94; Am. Ord. 2138, passed 6-25-07)

157.144 HISTORIC BUILDINGS.

(A) The following buildings have been designated as historic structures worthy of protection:

(1) Hermiston Irrigation District Building, 204 E. Hurlburt Avenue;

(2) Carnegie Building, 213 E. Gladys Avenue;

(3) Skinner Building, 201 E. Main Street;

(4) Donovan Bland Building, 201 W. Hermiston Avenue; and

(5) Bliss Building, 106 E. Main Street.

(B) Special provisions shall apply as follows:

(1) The city shall add to the list in division (A) above any other building or site determined to have historical, cultural or archaeological value. The city shall request the assistance of the Hermiston Heritage Association and the Oregon State Historic Preservation Officer (SHPO) to identify and document buildings or sites.

(2) Prior to undertaking remodeling, rehabilitation or structural alteration which affects the external appearance of a building or site listed in division (A) above, the owner of the building or site or his authorized agent shall be required to obtain a conditional use permit, subject to provisions in 157.205 through 157.210.

(3) Before approving an application for a permit, the Planning Commission shall determine that the proposed alterations are harmonious with the appearance of the historical building and do not otherwise adversely affect its architectural integrity or historical value. The applicant shall provide sufficient information about the proposed alterations to permit the Commission to render an informed decision.

(4) Upon receipt of an application for a conditional use permit as required in 157.162, the city shall provide the Hermiston Heritage Association with a copy of the application and request the association’s recommendation on the matter.

(5) Prior to granting a permit to demolish a historical structure listed in division (A) above, the Planning Commission shall review the request, taking into consideration the state of

repair, and reasonableness of the cost of rehabilitation or repair and the historic value of the property. If the Commission determines that the building cannot be repaired at a reasonable cost, constitutes an immediate danger to the public health or safety or a delay in demolition will pose an undue economic hardship upon the owner and that these factors outweigh the value to the public of preserving the structure, the Commission shall recommend the city issue the demolition permit.

(6) If preservation of the structure is feasible, the Commission may delay the issuance of the permit for up to 120 days while the owner is informed of state and federal rehabilitation incentives and/or a buyer who is willing to preserve the building can be found. In rendering its decision, the Commission shall seek the recommendation of the Hermiston Heritage Association on the matter. At the end of the 120day period, the Commission shall review the application for a demolition permit. If no reasonable alternative to demolition is available, the Commission shall recommend that the city issue the permit without further delay. If, in the opinion of the Commission, there is a reasonable alternative, the permit shall be denied.

(Ord. 1840, passed 2-28-94)

157.145 MANUFACTURED DWELLING STANDARDS.

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

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

~~(B)~~(A) The manufactured dwelling shall be placed on ~~an excavated and backfilled concrete or masonry block foundation and enclosed at the perimeter so that the manufactured dwelling is located not more than 12 inches above grade. Where the building site has a sloped grade, no more than 12 inches of the enclosing material shall be exposed on the uphill side of the home. If the manufactured dwelling is placed on a basement, the 12inch limitation shall not apply~~ a foundation meeting the requirements of the building code to which they are subject.

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

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

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

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

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

~~(H)~~(C) ~~In addition to the provisions in divisions (A) through (G) of this section, the~~The ~~c~~City may only subject a manufactured dwelling and the lot upon which it is sited to any ~~development~~ applicable standard~~, architectural requirement and minimum size requirement~~ to which a ~~conventional~~ site-built ~~single-family residential~~ dwelling of the same housing type on the same lot would be subject.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.146 MANUFACTURED DWELLING PARK STANDARDS.

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

(A) The minimum area shall be ~~five~~ one acre~~s~~.

(B) Manufactured dwelling parks shall abut and have direct access to a street.

(C) Asphalt access drives, 20 feet in width, shall be provided to each manufactured dwelling space, shall be unobstructed, open to traffic and continuous unless provided with adequate turnaround area or cul-de-sac. If the owner or operator permits parking on the access drives, the owner or operator shall construct the

access drives at least 30 feet in width. Each park shall have a principal access drive of not less than 36 feet.

(D) Walkways, not less than three feet in width, shall be provided from each manufactured dwelling space and service building to access drives and along both sides of all access drives.

(E) Except as required for vision clearance, the outer perimeter of each park shall be improved with one of the following:

(1) Sight-obscuring fence or wall not less than six feet in height; or

(2) Maintained evergreen landscaping that is at least five feet in depth, will mature within three years, and reach at least five feet in height at maturity.~~;~~ ~~or~~

~~(3) Combination of divisions (1) and (2) above when required by the Commission to blend the proposed development in with that of surrounding property.~~

(F) All manufactured dwellings and accessory structures shall be set back ~~a minimum of ten feet from any property line, except for the front property line which shall be 20 feet~~in accordance with the setback requirements for multi-unit development in the underlying zone, unless otherwise indicated in the base zone, and ten feet from another manufactured dwelling.

~~(G) Each manufactured dwelling space shall be a minimum of 30 feet wide and 40 feet long.~~

~~(H) All areas covered by manufactured dwellings and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.~~

~~(I) All open areas, except as otherwise specified herein, shall be suitably landscaped according to plans and specifications presented to and approved by the Planning Commission. Areas shall be continuously maintained.~~

~~(J) Each manufactured dwelling space shall be improved with one patio of concrete or other suitable impervious material, having a minimum area of 150 square feet.~~

~~(K)~~(G) A minimum of 200 square feet of recreation area for each manufactured dwelling space shall be provided in one or more locations within the manufactured dwelling park. The minimum size of each required recreation area shall be 5,000 square feet.

~~(L)~~(H) A ~~centralized~~ communal storage area for boats, campers, camping trailers, and automobiles shall be provided in each manufactured dwelling park. Storage area shall contain a minimum of 160 square feet for each manufactured dwelling space and be enclosed by a sight-obscuring fence.

~~(M) Storage structures and carports shall be located not less than six feet from any manufactured dwelling and shall be subject to all of the applicable permits and building codes of the city.~~

~~(N)~~(I) Mailboxes shall be provided, whether centrally or individually, for each manufactured dwelling space. Three off-street parking spaces shall be provided for all centralized mailbox areas unless on-street parking is provided.

~~(O)~~(J) All utilities, i.e., sewer, water, natural gas, electricity, telephone, and television cable, shall be underground in locations approved by the City Engineer.

~~(P)~~(K) Prior to location of a manufactured dwelling in a manufactured dwelling park, the owner or occupant shall establish to the satisfaction of the Building Inspector that the manufactured dwelling is in a condition that conforms to one of the following construction standards:

(1) HUD-manufactured dwellings constructed to the minimum standards in effect in Oregon, at the time of construction or Oregon standards in effect at the time entry into the park is to occur; or

(2) Non-HUD manufactured dwellings shall be in a condition that is not less than the substantial equivalent of any construction standards in effect in Oregon after June 1, 1979. Manufactured dwellings shall be inspected and certified as being substantially equivalent to construction standards in effect in Oregon after June 1, 1979 by the Oregon Building Codes Agency.

~~(Q)~~(L) Recreational vehicles spaces are allowed ~~may be provided~~; however, spaces shall be separated and distinct from the manufactured dwelling park.

(1) Manufactured dwelling parks providing recreational vehicle spaces shall provide facilities as required by the ORS and Oregon Administrative Rules.

(2) There shall be a 14-foot separation zone completely surrounding the recreational vehicle area separating it from the manufactured dwelling area.

~~(R) All manufactured dwellings shall be skirted.~~

~~A minimum of one public pay telephone shall be provided.~~

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.147 RECREATIONAL VEHICLE PARK STANDARDS.

(A) This section provides specific uniform standards for recreational vehicle parks which are permitted in R-4 Zones as a conditional use and in addition to any conditions of approval which may be imposed by the Planning Commission under §157.205 et seq. in addition to the normal standards of C-2 Zones where they are allowed as an outright use.

(B) A recreational vehicle park shall conform to state regulations and the following standards and requirements:

(1) The minimum area for a recreational vehicle park shall be three acres.

(2) The required site plan shall reflect the standards of this section and shall include the plot plan requirements of the State Health Division with respect to water supply, sewage disposal, fire hydrants, sanitary facilities, building location, street layout and park design.

(3) Evidence shall be provided that the park will be eligible for a certificate of sanitation as required by state law.

(4) A recreational vehicle space shall have an area of not less than 700 square feet exclusive of driveways and common areas.

(5) Roadways shall have a minimum width of 30 feet or a minimum width of 20 feet where parking is not permitted and an equal amount of off-road parking is provided. Roadways shall be designed and paved in accordance with state statutes.

(6) Each RV space shall have at least one 10 by 20 foot parking space exclusive of the RV itself. Parking and driveway areas shall be paved.

(7) Outdoor lighting shall be provided. Lighting shall be oriented to prevent direct illumination onto abutting property.

(8) The park shall be screened on all sides by a sight-obscuring planting screen, fence or combination thereof. The park owner shall be responsible for its permanent maintenance.

(9) The park shall provide piped potable water to accommodate not less than 75% of the spaces. One waste disposal dump station shall be provided for each 100 sites, or part thereof. All sewer and water lines shall be first approved by the City Engineer.

(10) Sanitary facilities shall be provided in accordance with state standards. Sanitary sewer shall be provided to not less than 75% of the spaces.

(11) Trash receptacles shall be provided at a rate of 30 gallons of refuse capacity for each two spaces or equivalent.

(12) All plumbing facilities shall be inspected and approved by the city Building Department.

(13) Each RV space shall be provided with electrical service.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.148 SWIMMING POOLS, FISH PONDS AND THE LIKE.

(A) Every person in possession of land within the city, either as owner, purchaser under contract, lessee, tenant or licensee, upon which is situated a swimming pool or other outside body of water designed or used for swimming, dipping or immersion purposes having a depth of more than 18 inches shall maintain an enclosure consisting of a fence or wall which shall discourage children from climbing and is acceptable to the Building Inspector.

(B) All gates or doors opening through the enclosure shall be equipped with self-enclosing and self-latching devices installed at least 40 inches above the ground or base, designed to help and capable of keeping the door or gate securely closed at all times when not in actual use; provided, however, that the door of any dwelling occupied by human beings and forming any part of the enclosure required need not be so equipped.

(C) No swimming pool shall be constructed without first obtaining a building permit. No building permit shall be issued until the plans are filed with the Building Inspector's office, and no pool shall be used until a final inspection is made by the Building Inspector after its construction is completed.

(D) Every person in possession of land within the city, either as owner, purchaser under contract, lessee, tenant or licensee, on which there is a fish pond or other decorative pool having a depth of 18 inches or more, shall construct and maintain an acceptable enclosure and securely close off or block any and all entrances thereto.

(E) An acceptable enclosure shall be one of the following:

(1) A fence completely surrounding the fish pond or decorative pool; or

(2) A wire across or cover of sufficient strength to hold a weight of at least 75 pounds and installed not more than six inches below the surface of the water at all times.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.149 SAND AND GRAVEL PITS.

(A) Because a sand and gravel pit can have significant adverse impacts on surrounding properties, particularly those devoted to residential uses, the following special standards governing extraction activities have been established:

(1) Minimum setbacks: 25 feet from any property line except those abutting a residential zone when the minimum setback shall be 100 feet;

(2) Extracting and processing operations shall be screened in such a manner that they are not readily visible from a public street or areas zoned or planned for residential development. The required screen shall be at least six feet in height and may consist of one or a combination of the following types:

(a) Walls. A wall shall consist of concrete, stone, brick, tile, or similar type of solid masonry material a minimum of four inches thick.

(b) Berms. A berm shall be constructed of earthen materials, and it shall be landscaped.

(c) Fences, solid. A solid fence shall be constructed of wood and shall form an opaque screen.

(d) Fences, open. An open-weave or mesh-type fence, when not used in combination with a berm, shall be combined with plant materials to form an opaque screen.

(3) Access to a sand and gravel pit shall be limited to a major arterial. Under no circumstances shall truck traffic associated with extraction activities be routed through residential neighborhoods.

(B) To obtain a conditional use permit to operate a sand and gravel pit, the operator or his authorized agent shall submit three copies of the following:

(1) The name, address, and signature of property owners and applicant;

(2) A written legal description or record summary of the property; and

(3) A site plan prepared by a registered mining or civil engineer or registered geologist containing the following:

(a) North point, scale, and date;

(b) Extent of the area to be excavated;

(c) Location, width, and grade of all easements or rights-of-way on or abutting the property;

(d) Location of all structures on the property;

(e) Location of all areas on the property subject to inundation or flood hazard, and the location, width, and directions of the flow of all watercourses and flood control channels that may be affected by the excavation;

(f) Bench marks;

(g) Existing elevations using contours no greater than 100 feet. This requirement can be modified by the city on applications for quarry excavations, if the size of the site and uniformity of the grade is such that this information is not necessary in the review process of the application;

(h) Typical cross-sections, showing the extent of overburden, extent of sand and gravel deposits, and the water table;

(i) Processing and storage areas;

(j) Proposed fencing, gates, parking and signs;

(k) Ingress-egress roads, plus on-site roads and proposed surface treatment and means to limit dust;

(l) A map showing access routes between the property and the nearest arterial road; and

(m) Areas to be used for ponding.

(4) An operational statement in which applicant addresses how potentially adverse impacts associated with pits operation will be mitigated, including a description of the following:

(a) The approximate date of commencement of the excavation and the duration of the operation;

(b) Proposed hours and days of the operation;

(c) Estimated type and volume of the excavation;

(d) Method of extracting and processing, including the disposition and overburden of top soils;

(e) Equipment proposed to be used in the operation of the excavation;

(f) Operating practices proposed to be used to minimize noise, dust, air contaminants, and vibration; and

(g) Methods to prevent pollution of surface or underground water.

(5) Reclamation plan and support documentation submitted to the Oregon Department of Geology and Mineral Industries (DOGAMI) in compliance to ORS 517.750 through 517.900, and documentation of DOGAMI's approval of the plan.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.9990

157.150 TRANSPORTATION IMPROVEMENTS, STANDARDS, AND PROCEDURES.

(A) Purpose. The purpose of this section is to provide standards and procedures to implement provisions of the State Transportation Planning Rule (OAR 660, Division 12) and local, regional, and state transportation plans.

(B) Applicability. The provisions of this section shall apply to all development and subdivisions subject to the Development Standards of §157.160 et seq.

(C) Notice and coordinated review. If a proposed development or subdivision is within 200 feet of a state highway, or an arterial or collector street, notice of the proposal shall be provided to the Oregon Department of Transportation (ODOT) and Umatilla County. Notice will help identify agency standards and provide an opportunity for agency input and coordinated review of transportation impacts.

(D) Zone changes. In addition to the zone change approval criteria set forth in §157.226(EF), all zone changes shall conform to the adopted Transportation System Plan (TSP). Proposed zone changes shall not substantially impact the functional classification or operation of transportation facilities. To ensure proper review and mitigation, a traffic impact study may be required for proposals that may impact transportation facilities, apart from those under subsection §157.150(E)(2).

(E) Traffic impact study.

(1) The applicant for a zone change, or a development or subdivision subject to the Development Standards of §157.160 et seq., shall submit a traffic impact study when the proposal meets the criteria as detailed in Section 5-1.1(D) of Hermiston's Public Works Standards.~~affects a transportation facility if it:~~

~~Changes the functional classification of an existing or planned transportation facility;~~

~~Changes standards implementing a functional classification system;~~

~~Allows types or levels of land use that would result in levels of traffic or access that are inconsistent with the functional classification of a transportation facility; or~~

~~Would reduce the level of service of the facility below the minimum acceptable level identified in the Transportation System Plan.~~

(2) A traffic impact study is not required for required individual middle housing development, as defined in §157.002, unless:

(a) It consists of more than 12 middle housing units.

~~(a)~~(b) Is on a lot or parcel created by a land division, other than a middle housing land division per §154.74, that occurred within the previous five years.

(F) Transportation projects. The following transportation projects are permitted outright in all zones in the city:

(1) Normal operation, maintenance, repair, and preservation activities associated with transportation facilities.

(2) Installation of culverts, pathways, fencing, guardrails, lighting, and similar types of improvements that take place within the public right-of-way.

(3) Landscaping as part of a transportation facility.

(4) Acquisition of right-of-way for public roads, highways, and other transportation projects identified in the TSP.

(5) Transportation projects specifically identified in the TSP.

(6) Emergency measures as necessary for the safety and protection of property.

(G) Access management. The following access management provisions shall apply to all development and subdivisions subject to the Development Standards of §-157.160 et seq.:

(1) ~~Development shall preserve the flow of traffic in terms of safety, capacity, functional classification, and level of services.~~ Access management policies set forth in the city TSP and the Oregon Highway Plan will apply to any proposals for new access or change of existing access.

(2) Residential driveways shall ~~be located to optimize intersection operation and, where possible, to~~ take access off the street with the lowest functional classification. For example, if a house is located on the corner of a local street and a minor collector, the driveway shall access from the local street as long as it can be located a sufficient distance from the intersection.

(3) Non-residential ~~P~~properties that front on collector or arterial streets are encouraged to share an access with neighboring properties.

(4) Access to state highways is regulated by the Oregon Department of Transportation (ODOT) as described in the Oregon Highway Plan. Umatilla County regulates access to county roads.

(5) A system of joint use driveways, sidewalks, and cross access easements shall be established for commercial and office developments wherever feasible and shall incorporate the following:

(a) A design speed of ten m.p.h. and a maximum width of 20 feet to accommodate two-way travel aisles for automobiles, service vehicles, and loading vehicles.

(b) A unified access and circulation plan for coordinated or shared parking areas.

(6) Pursuant to subsection (5) of this section, property owners shall record the following documents with the Umatilla County Recorder:

(a) An easement allowing cross access to and from other properties served by the joint use driveways, sidewalks, and cross access or service drive;

(b) A joint maintenance agreement defining maintenance responsibilities of property owners.

(7) The Planning Director or the Planning Commission may modify or waive the requirements of subsections (5) and (6) of this section where the characteristics or layout of abutting properties would make development of a unified or shared access and circulation system impractical.

(H) Street standards. Standards for streets, sidewalks, bike lanes, planting strips and right-of-way widths are adopted in the Public Works Standards. ~~TSP and incorporated into this section by reference:~~

~~Table 1: Urban Arterial Cross Sections~~

~~Table 2: Urban Collector Cross Sections~~

~~Table 3: Urban Local Street Cross Sections~~

~~Table 4: Rural Arterial/Collector/Local Road Cross Sections~~

(I) Right-of-way dedication and improvement. Right-of-way shall be dedicated as part of the development approval process. Improvements shall take place consistent with adopted street standards noted in §157.150(H) concurrent with the development or under a development agreement approved by the City Planning Commission or City Council.

(J) Bike lanes and bikeways. Bike lanes and bikeways shall be provided in accordance with the adopted TSP. Except as amended or altered by the TSP, bike lanes shall be provided along collector and arterial streets. Bike lanes and bikeways shall be constructed consistent with ODOT bicycle plan standards.

(K) Sidewalks. Sidewalks shall be provided along both sides of public streets, consistent with the standards of the TSP. Options are provided for curbside or setback sidewalks.

(L) Internal connections and bicycle parking.

(1) Internal pedestrian circulation shall be provided within new commercial, office, institutional and multi-unit~~family~~ residential developments through the clustering of buildings, construction of hard surface walkways, landscaping, or similar techniques.

(2) Internal pedestrian systems shall connect with external existing or planned systems. Walkways shall be as direct as possible and shall limit out-of-direction travel. Walkways shall be paved with a hard surface material and shall be no less than five feet in width. The walkways shall be separated from parking areas and internal driveways using curbing, landscaping, or distinctive paving material.

(3) Opportunities for at least one pedestrian walkway should be provided between adjacent commercial, office, and institutional development.

(4) Bicycle parking shall be provided for new commercial, office, institutional, and multi-~~family~~unit developments with more than 15 off-street parking spaces. Bicycle parking spaces must be a minimum of six feet in length, two feet in width, and have an overhead clearance of six feet. Bicycle parking spaces should be located as near as possible to building entrances used by automobile occupants.

(M) Middle housing development, as defined in §157.002, is exempt from traffic-related exactions, unless:

(1) The traffic exaction is a generally applicable system development charge or a fee-in-lieu-variance charge;

(2) The traffic exaction is a requirement specific to the lot or parcel on which the middle housing is proposed or its frontage;

(3) The proposal consists of more than 12 middle housing units; or

(4) The proposal is on a lot or parcel created by a land division, other than a middle housing land division per §154.74, that occurred within the previous five years.

(Ord. 2003, passed 12-13-99)

157.151 PROHIBITED ACTIVITIES.

(A) Tents. Tents shall not be allowed to accommodate a use permitted outright or an approved conditional use in any zone except the Open Space (OS) zone. Tents smaller than 400 square feet in gross floor area and all tents used for temporary activities, such as but not limited to, fairs, circuses, recreational activities and seasonal or other temporary sales are not regulated by this provision.

(B) Marijuana related activities. The following activities shall be prohibited activities in the R-3, R-4, C-1, C-2, DCO, M-1, and M-2 zones:

(1) Marijuana processing sites;

(2) Medical marijuana dispensaries registered under ORS 475.314;

(3) Marijuana producers licensed under Section 19, Chapter 1, Oregon Laws 2015;

(4) Marijuana processors licensed under Section 20, Chapter 1, Oregon Laws 2015;

(5) Marijuana wholesalers licensed under Section 21, Chapter 1, Oregon Laws 2015;

(6) Marijuana retailers licensed under Section 22, Chapter 1, Oregon Laws 2015; or

(7) Any combination of the entities described in this section.

(Ord. 2109, passed 6-27-05; Am. Ord. 2234, passed 11-23-15) Penalty, see § 157.999

~~157.152 COMMON WALL HOUSING.~~

~~(A) Common wall, attached single-family housing shall be allowed in the R-2, R-3, R-4 and RR zones. Attached single-family housing shall not be allowed in the R-1 zone.~~

~~(B) Where common wall housing is proposed, the minimum lot area shall be calculated using the density standards of the underlying zone for the number of units. At no time may there be more common wall units than would be allowed for traditional single lot multi-family housing.~~

~~(C) There shall be no setback for attached units where abutting a common wall. The sideyard setback on each end of a common housing block shall be the same as that in the underlying zone.~~

~~(D) Front and rear setbacks shall be the same as those in the underlying zone.~~

~~(E) Lot coverage requirements shall be calculated for the aggregate of all common wall attached units and shall be the same as the coverage requirement in the underlying zone.~~

~~(F) Where common wall dwellings abut a lot line, all provisions of the building code for zero lot line housing shall apply.~~

~~(G) Where common wall dwellings are proposed, each dwelling shall be serviced by an individual water meter and sewer connection. Group metering and connections are not allowed.~~

~~(H) All units with a common wall must be constructed concurrently and be under the same ownership at the time of initial construction.~~

~~(I) Common walls must follow the property line and have no openings.~~

~~(Ord. 2180, passed 7-25-11)~~

157.1523 ~~Junkyards.~~JUNKYARDS.

(A) Property and enclosure maintenance. Any person, firm, or corporation conducting within the city the business of storing, wrecking, dismantling or selling any used article shall confine the business within a building or within a sight-obscuring fenced enclosure, the fence to be substantially constructed on all open sides or ends of the premises, to a height of at least seven feet above the ground, and without openings or apertures, excepting necessary gateways or doors for ingress or egress, and which gates and doors in the fence shall be kept closed when not in use for ingress or egress.

(B) Objects out of public view. No junk belonging to or under control of the person, firm or corporation conducting business shall be placed in public view outside of the building or fenced enclosure where the business is conducted. This prohibition does not apply to the sale of vehicles as defined in ORS 801.590, including but not limited to recreational vehicles and manufactured dwellings, or structures on property zoned for such sales and with any approvals required pursuant to Chapter 157.

(Ord. 2301, passed 7-27-20)

157.153~~2~~ COMMON WALL HOUSING.

(A) Common wall, attached single-~~family~~unit housing shall be allowed in the R-2, R-3, R-4 and RR zones. Attached single-~~family~~unit housing shall not be allowed in the R-1 zone.

(B) Where common wall housing is proposed, the minimum lot area shall be calculated using the density standards of the underlying zone for the number of units. At no time may there be more common wall units than would be allowed for traditional single lot multi-~~family~~unit housing.

(C) There shall be no setback for attached units where abutting a common wall. The side yard setback on each end of a common housing block shall be the same as that in the underlying zone.

(D) Front and rear setbacks shall be the same as those in the underlying zone.

(E) Lot coverage requirements shall be calculated for the aggregate of all common wall attached units and shall be the same as the coverage requirement in the underlying zone.

(F) Where common wall dwellings abut a lot line, all provisions of the building code for zero lot line housing shall apply.

(G) Where common wall dwellings are proposed, each dwelling shall be serviced by an individual water meter and sewer connection. Group metering and connections are not allowed.

(H) All units with a common wall must be constructed concurrently and be under the same ownership at the time of initial construction.

(I) Common walls must follow the property line and have no openings.

(Ord. 2180, passed 7-25-11)

[NEW] 157.154 SINGLE ROOM OCCUPANCIES.

The standards in this section apply to a single room occupancy development on a lot in all zones where such development is allowed.

(A) A single room occupancy shall be allowed in any residential zone, subject to the following provisions:

(1) Up to six SRO units on each lot or parcel zoned to allow for the development of a detached single-unit dwelling; and

(2) On each lot or parcel on which multi-unit housing is allowed, with up to three SRO units for each dwelling unit permitted by the applicable maximum density standards.

(3) Parking shall be in accordance with §157.176.

(4) These provisions do not apply to single room occupancies used as day care homes, residential homes, or residential facilities.

(B) The following siting and design standards shall apply:

(1) For an SRO with up to six units, the standards applicable to a detached single-unit dwelling in the same zoning district shall apply.

(2) For an SRO with more than six units, the standards applicable to multi-unit housing in the same zoning district shall apply.

(C) Standards regulating required site amenities or facilities that are expressed on a per dwelling-unit basis shall be applied by treating every three SRO units as one dwelling unit for purposes of calculating the applicable requirement.

~~Section~~ [NEW] 157.155 AFFORDABLE AND ACCESSIBLE BONUS UNITS.

This section regulates the bonuses allowed for proposed State-required middle housing that include affordable and accessible design. The intent of this section is to align the implemented design standards with the identified sections below from the DLCD Medium Cities Model Code and modify the standards as appropriate for Hermiston.

(A) *Adoption by Reference.* The City hereby adopts by reference the following chapter and sections of the Department of Land Conservation and Development (DLCD) Medium Cities Model Code, applicable within City Limits.

(1) Chapter 8 Bonuses; and

(2) Section 1.4 Retention of Existing Units with Middle Housing.

These subsections of the Medium Cities Model Code are available as an attachment to OAR 660-008-0410 and incorporated as if fully set forth herein.

(B) *Subsequent Versions of Model Code.* Any future version of the subsections with the same title within the Medium Cities Model Code shall be adopted automatically, but shall be limited to the above identified chapter and section, so long as the intent and heading of those remain unchanged. The amendments identified in subsection (C) below shall continue to apply to any adopted future versions for the Medium Cities Model Code.

(C) *Amendments.*

(1) Local amendments to adopted subsections of the Medium Cities Model Code shall be as follows:

(a) For Tables 8.2-1:

i. The “Bonus Types” column shall only apply to those standards regulated by the Hermiston Municipal Code. For example, this Code does not regulate floor area ratio; therefore, that bonus shall not apply.

ii. The “Base Allowance” column shall not apply except as identified in (iii) below. The qualifying bonus shall instead be

applied to that allowed by the base zone or applicable supplemental provisions.

iii. In the case of the "Reduce Minimum Density" bonus type, the qualifying bonus shall instead be taken as a reduction to the required minimum lot area to a minimum of the identified "Base Allowance."

(2) Any additional local amendments shall be adopted by ordinance and appended to this section.

(D) *Administration*. The City Administrator shall administer this chapter consistent with state standards

[NEW] 157.156 EMERGENCY SHELTER AUTHORIZATION.

This section regulates buildings that may be authorized as an emergency shelter on any land within the city.

(A) The City shall approve an application for the development or use of land for an emergency shelter, as defined in §157.002, on any property notwithstanding the applicable state law or other standards of this code or the Hermiston Comprehensive Plan, if the emergency shelter:

(1) Includes sleeping and restroom facilities for clients;

(2) Demonstrates compliance with adopted Hermiston building codes;

(3) Is located within the City Limits as defined in the Hermiston Comprehensive Plan or urban areas per the Hermiston Planning Area Joint Management Agreement with Umatilla County;

(4) Will not result in the development of a new building that is sited within an area designated under a statewide planning goal relating to natural disasters and hazards, including the Development Hazard (DH) overlay, unless the development complies with regulations directly related to the hazard;

(5) Has transportation access to commercial and medical services; and

(6) Will not pose any unreasonable risk to public health or safety.

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

(1) A local government as defined in §157.002;

(2) An organization with at least two years' experience operating an emergency shelter using best practices that is:

(a) A local housing authority as defined in ORS 456.375;

(b) A religious corporation as defined in ORS 65.001; or

(c) A public benefit corporation, as defined in ORS 65.001, whose charitable purpose includes the support of homeless individuals, that has been recognized as exempt from income tax under section 501(a) of the Internal Revenue Code for at least three years before the date of the application for a shelter; or

(d) A nonprofit corporation partnering with any other entity described in this subsection.

(C) An emergency shelter approved under this section:

(1) May provide facilities on-site for its clients and at no cost to the clients for:

(a) Showering or bathing;

(b) Storage for personal property;

(c) Laundry;

(d) Food service prepared on-site or off-site;

(e) Recreation areas for children and pets;

(f) Case management services for housing, financial, vocational, educational or physical or behavioral health care services; or

(g) Any other services incidental to shelter.

(2) May also provide additional services not described in subsection (C)(1) to individuals who are transitioning from unsheltered homeless status. An organization providing services under this subsection may charge a fee of no more than $300 per month per client and only to clients who are financially able to pay the fee and who request the services.

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

(D) An emergency shelter under this section shall be decided by City Council in accordance with the public hearing requirements in §157.230. Whether or not a hearing is held, the approval or denial is not a land use decision and is subject to review only under ORS 34.010 to 34.100. A reviewing court shall award attorney fees to:

(1) The local government, and any intervening applicant, that prevails on the appeal of a local government's approval; and

(2) An applicant that prevails on an appeal of a local government's denial.

(E) An approval of an emergency shelter under this section is void unless the shelter is operating within two years following the approval.

(F) A building or cluster of buildings used as an emergency shelter under an approval granted by this section:

(1) May resume its use as an emergency shelter after an interruption or abandonment of that use for two years or less;

(2) May not be used for any purpose other than as an emergency shelter except upon application for a building or land use permit demonstrating that the building could be approved under the current Hermiston Municipal Code and land use laws.

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

[NEW] 157.157 BY-RIGHT AFFORDABLE HOUSING AND CONVERSION OF COMMERCIAL USE TO RESIDENTIAL USE STANDARDS.

This section regulates affordable housing development allowed by right and the conversion of commercial uses to residential uses in zones as allowed in the base zone standards or as otherwise stipulated by this section. This section is intended to align with the requirements of ORS 197A.445 and ORS 197A.460.

(A) Affordable housing as defined in §157.002 is allowed if proposed on property that is:

(1) Owned by a state government body, local government body, or special government body;

(2) A nonprofit organization that is organized as a religious corporation;

(3) A nonprofit corporation that is organized as a public benefit corporation whose primary purpose is the development of affordable housing;

(4) A housing authority, as defined in ORS 456.005;

(5) A manufactured dwelling park nonprofit cooperative, as defined in ORS 62.803; or

(6) As indicated as permitted in the base zoning standards.

(B) Affordable housing under this section on land zoned for residential use may be developed at the density and height level, considering whichever is greater:

(1) Density bonuses for affordable housing under §157.155; or

(2) Without consideration of any density bonus for affordable housing under §157.155:

(a) For property with existing maximum density of 16 or fewer units per acre, 200 percent of the existing density and 12 additional feet of height;

(b) For property with existing maximum density of 17 or more units per acre and 45 or fewer units per acre, 150 percent of the existing density and 24 additional feet of height; or

(c) For property with existing maximum density of 46 or more units per acre, 125 percent of the existing density and 36 additional feet of height.

(3) Density or height bonuses may be reduced to address a health, safety, or habitability issue, including fire safety, or to comply with protective measures pursuant to a statewide planning goal. The City must adopt findings to support this reduction.

(C) Affordable housing under this section is only allowed on land zoned to allow industrial uses if the property is:

(1) Publicly owned;

(2) Adjacent to lands zoned for residential uses or schools; and

(3) Not zoned for heavy industrial uses.

(D) Commercial conversion to residential use:

(1) Is only subject to the difference in water and wastewater SDCs between those paid when the building was originally constructed and those required at the time of the current application.

(2) Requires the lesser number of parking spaces in accordance with §157.175 from either:

(a) The amount required for the existing commercial use; or

(b) The amount required for the proposed residential use type.

(3) Conversion of an existing commercial use that does not expand the building footprint, including conversion of a lawful nonconforming structure, is permitted and is not subject to any standards regulating development adopted by the local government.

(4) Expansions, modifications, or additions to an existing structure are subject to the base zone's standards.

(5) Modifications to a lawful nonconforming structure may not increase nonconformance with applicable standards regulating development, except as permitted by §157.195.

(E) Affordable housing and commercial conversion to residential use is not required to be allowed on a property that:

(1) Cannot meet adopted Public Works Standards, Transportation System Plan, or other City Master Plan requirements for water, sewer, storm water drainage or streets, by the time that development on the lot is complete;

(2) Contains a slope of 25 percent or greater;

(3) Is within a 100-year floodplain; or

(4) Contains, based on related statewide land use planning goals:

(a) Protected natural disasters and hazards areas; or

(b) Protected natural resource areas, including air, water, land or natural areas, but not including open spaces or historic resources.

(F) Affordable housing developments and commercial conversion to residential use do not require a zone change or conditional use permit before allowing the use.

(G) Affordable housing developments and commercial conversion to residential use do not require the City to consider or update any statewide planning goal analyses relating to economic development.

~~(A)~~ Residential or mixed use structures on commercial lands subject to affordable housing covenants as provided in ORS 456.270 to 456.295 at the income levels specified in the base zone:

(H)

(1) Do not require the city to consider or update any statewide planning goal analyses relating to economic development.

(2) Do not apply on lands as identified in §157.157(E).

(3) Do not apply on lands that are vacant or added to the urban growth boundary within the last 15 years.

(I) All affordable housing and commercial conversions regulated by this section shall be subject to the standards of the base zone, or residential zone as specified, unless modified by the density bonuses in subsection (B) where applicable.

DEVELOPMENT STANDARDS

157.160 DEVELOPMENT POLICY.

The expressed purpose of this section is to assure equal and fair treatment to all individuals seeking to develop within the planning area of the city. This subchapter shall govern the development of property or structures within the planning area which are exempt from the subdivision requirements or are developed within subdivided property. The policies of the city are as follows:

(A) To present adequate information with each development to assure zoning regulatory standards are upheld, coordinate traffic flow and street patterns and assure existing public and private utilities are not damaged or infringed upon by development;

(B) To assure reasonable development standards are achieved to promote the development of the city, while protecting the tax base and tax burden of all residents in the community;

(C) To foster and promote the logical extension of public improvements in an economical manner over a long term; and

(D) To empower the conditioning of the right to build or change uses of property with requirements to construct necessary public improvements.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

~~157.161 DEFINITIONS.~~

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

~~DEVELOPMENT. The conversion or change in character of occupancy or use of a building which would place the structure in a different building group as defined in the Uniform Building Code; the erection of a new structure; the demolishing of existing buildings for the conversion of property to a differing use; the creation of gasoline pumps, drive-up windows, traffic islands or similar alterations which channelize, alter or increase the traffic volume or pattern on adjacent roadways. The term Development for purposes of this chapter shall not mean interior remodeling, repairs or maintenance of improvements to any existing structure which does not increase the volume of the structure, specifically exempted under this chapter are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.~~

~~DEVELOPMENT SITE. An area consisting of a parcel or tract of land specifically identified by a proponent as the land to be altered or developed. All required area to meet parking standards and similar requirements for a particular development shall be included in the term; however, the total property ownership of the proponent will not be considered in the site if it is not necessary to the development.~~

~~(Ord. 1840, passed 2-28-94)~~

157.1612 ISSUANCE.

No building permit may be issued for any development within the city unless it has met the terms of this section.

(Ord. 1840, passed 2-28-94)

157.1632 IMPLEMENTING ACTION.

The following development shall fall within the scope of this subchapter and shall be required to comply with the requirements identified herein:

(E) New residential, commercial, industrial or utility facility development;

(F) Expansion of single-~~family~~ unit or ~~two-family~~ duplex residential development costing in excess of 30% of the assessed value of the improvements on the property;

(G) Reconstruction of a single-~~family~~ unit or ~~two-family~~ duplex residential casualty loss costing in excess of 130% of the previously assessed value of the structure itself;

(H) Expansion of multi~~ple-family~~unit, commercial or industrial development costing in excess of 10% of the assessed value of the improvements on the property;

(I) Reconstruction of multi~~ple-family~~unit, commercial or industrial casualty loss in excess of 110% of the previously assessed value of the structure itself; and

(J) Change of occupancies.

(Ord. 1840, passed 2-28-94; Am. Ord. 2138, passed 6-25-07; Am. Ord. 2322, passed 6-14-21)

157.16~~4~~3 DEVELOPMENT REQUIREMENTS.

The following requirements shall pertain to all development falling under the categories identified in §157.16~~2~~3 above:

(A) The applicant shall complete a building permit application as provided by the city and a site plan. The site plan shall be drawn to scale and show the following:

(1) All existing and proposed structures and their exterior dimensions;

(2) All streets, alleys and other public right-of-way;

(3) Existing and proposed utility lines and/or easements;

(4) Building setbacks;

(5) Location of utilities and proposed connection routes;

(6) Off-street parking;

(7) Curb cut and sidewalk locations and dimensions and drainage plan.

~~(B)~~(D) When required in a conditional use permit or in a major development, the city may require the applicant to supply ~~landscape plans,~~ screening, lighting, fire flow and similar requirements.

~~(C)~~(E) Where the applicant's development site abuts existing curb and gutter, sidewalks in conformance with city standards are required to be constructed to the extent curb and gutter exist at the time of application.

(D) (1) The applicant shall be required ~~to participate in a future improvement district~~ to construct and dedicate all public facilities, such as water, wastewater, drainage, curb, gutter, sidewalk and street right-of-way adjacent to and needed to serve the development site as defined in HMC §157.002 in conformance with city standards and provide easements or deeds to the city for all public facilities.

~~(1)~~(2) ~~However~~The applicant may request approval from the City to participate in a future improvement district or appeal conditions of approval relating to required public facilities if concurrent construction with the proposed development is not feasible. The appeal will be in accordance with §157.232 to undertake a local hearing process and reach an agreement.~~, where it is determined that delaying the design and construction of any or all facilities is not appropriate and logical, or causes an adverse impact on surrounding properties, the city may require the developer to construct and dedicate all improvements as a condition of development.~~

(E) ~~Where it has been determined that the~~ All utilities shall be ~~extension~~ extended to and through the development site, including each lot or parcel affected by the proposed development, so as to be readily available for adjacent development. ~~of public facilities is required, a~~All costs related to the extension shall be borne by the developer. ~~In addition, any extension of the facilities shall be continued and extended in a logical fashion to the extent of the development site so as to be readily available for adjacent development~~.

(F) Where the improvement installed by a developer shall benefit other properties, a mutually agreeable settlement shall be arrived at between the C~~c~~ity and the developer prior to installing the improvements. This agreement shall identify the benefitting properties, actual costs to be charged and method of repayment to the developer. Where prior agreement exists for improvements benefiting the subject property, the applicant shall make arrangements with the city for the payment of the improvements prior to issuance of any city permit.

(G) The developer shall provide proof of review and approval by all affected and/or county agencies, such as the Department of Transportation or County Planning Department.

(H) Middle housing development, as defined in §157.002, is exempt from traffic-related exactions, other than a generally applicable system development charge or fee-in-lieu-variance charge, unless:

(1) The traffic exaction is a generally applicable system development charge or a fee-in-lieu-variance charge;

(2) The traffic exaction is a requirement specific to the lot or parcel on which the middle housing is proposed or its frontage;

(3) The proposal consists of more than 12 middle housing units; or

(4) The proposal is on a lot or parcel created by a land division, other than a middle housing land division per §154.74, that occurred within the previous five years.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.165~~5~~4 FINAL APPROVAL.

No final approval or certificate of occupancy will be issued by the city until a time as the applicant has complied with all requirements and shall not be issued if there is any major variance from the site plan.

(Ord. 1840, passed 2-28-94)

~~157.166 LIMITED LAND USE DECISIONS.~~

~~i. All uses permitted outright by this chapter and subject to 157.160 through 157.165 shall be processed as limited land use decisions as defined in ORC 197.015(13). The approval process shall be as~~

~~provided in ORS 197.195(1) - (5). The Hermiston Comprehensive Plan shall not be an approval standard for a limited land use decision. Approval shall be by the Planner following notice of the application and an opportunity to comment as required by ORS 197.763. Appeals of the Planner's decision shall be to the City Council as provided for in ORD 197.195(5), except that such appeals shall be on the record and shall follow the procedures in ORS 197.763.~~

(Ord. 2138, passed 6-25-07)

OFF-STREET PARKING AND LOADING

157.175 OFF-STREET PARKING REQUIREMENTS.

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

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

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.176 USES AND SPACES.

Uses	Standard Number of Spaces
Residential	

Single-~~family~~ unit and duplex~~two-family~~ dwellings	Two spaces in total, one of which may be located within any required yard
Multi-unit dwellings ~~Multi-family dwellings~~	Two spaces per dwelling unit with three or more bedrooms and 1.5 spaces per unit with less than three bedrooms
Single Room Occupancies	Two spaces for every three units for six units or less, 1.5 spaces for every three units for greater than six units
Accessory Dwelling Units	None
Bed and breakfast~~, boarding, lodging or rooming house~~	Spaces equal to 80% of the number of guest accommodations plus one additional space for the owner or manager
Commercial Residential	
Hotel	1.25 spaces per guest room
Motel	One space per guest room or suite plus one additional space for the owner or manager
Club, lodge	Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.
Institutional	
Welfare or correctional institution	One space per five beds for patients or inmates
Nursing home	One space per two beds for patients or residents
Hospital	Spaces equal to 1.5 times the number of beds
Place of Public Assembly	
Church	One space per four seats or eight feet of bench length in the main auditorium
Library, reading room	One space per 400 square feet of floor area plus one space per two employees
Day care, preschool	1.5 spaces per teacher
Kindergarten	Two spaces per teacher
Elementary or junior high school	1.5 spaces per classroom or one space per four seats or eight feet of bench length in the auditorium or assembly room, whichever is greater
High school	1.5 spaces per classroom plus one space for each six students or one space per four seats or eight feet of bench length in the main auditorium, whichever is greater
College, commercial school for adults	One space per five seats in classrooms
Other auditorium, meeting room	One space per four seats or eight feet of bench length
Physically handicapped	All public assembly parking lots shall provide one space for each 50 parking spaces or fractions thereof and shall be accessible and approximate to the entrance of the facility
Commercial Amusement	
Stadium, arena, theater	One space per four seats or eight feet of bench space
Bowling alley	Five spaces per alley plus one space per two employees
Dance hall	One space per 100 square feet of skating rink or floor area plus

Commercial	
Retail store	One space per 200 square feet of floor area
Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture	One space per 600 square feet of floor area
Bank, office (except medical and dental)	One space per 333 square feet of floor area
Medical and dental	One space per 300 square feet of floor area
Eating or drinking establishment	One space per 100 square feet of floor area
Mortuaries	One space per four seats or eight feet of bench length in chapels
Industrial	
Storage warehouse, manufacturing establishment, rail or trucking freight terminal or wholesale establishment	One space per 1,000 square feet

(Ord. 1840, passed 2-28-94; Am. Ord. 2322, passed 6-14-21)

157.177 OFF-STREET LOADING.

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

(B) Merchandise, materials or supplies.

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

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

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.178 ADDITIONAL REQUIREMENTS.

(A) Obligations and violations.

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

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

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

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

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

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

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

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

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

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.179 DESIGN REQUIREMENTS.

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

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

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

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

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

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

(G) Safety for traffic and pedestrians required.

(1) Off-street parking areas. Service drives to off-street parking areas shall be designed and constructed to facilitate the flow of traffic, provide maximum safety of traffic access and egress, and maximum safety of pedestrians and vehicular traffic on the site. The number of service drives shall be limited to the minimum that will allow the property to accommodate and service the traffic to be anticipated. Service drives shall be clearly and permanently marked and defined through use of rails, fences, walls or other barriers or markers on frontage not occupied by service drives.

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

(H) The City may approve deviations from the standards of this section when designed by a qualified professional.

(Ord. 1840, passed 2-28-94; Am. Ord. 2322, passed 6-14-21) Penalty, see § 157.999

NONCONFORMING USES

157.190 CONTINUATION OF USE.

(A) Except as otherwise provided, the use of a building, structure, premises or land lawfully existing at the time of the effective date of this chapter or at the time of a change in the official zoning maps may be continued and maintained in reasonable repair, although the use does not conform with the provisions of this chapter.

(Ord. 1840, passed 2-28-94; Am. Ord. 2301, passed 7-27-20)

157.191 VESTED RIGHTS.

Nothing in this chapter shall require any change in the plans, construction, alteration or designated use of a structure on which construction has physically, lawfully and substantially commenced prior to the adoption of this chapter, provided the structure is completed within two years from the issuance of the permit.

(Ord. 1840, passed 2-28-94)

157.192 ALTERATION OF USE OR STRUCTURE.

(A) Definition. As used in this section, ALTERATION of a nonconforming use or structure includes:

(1) A change in the use of no greater adverse impact to the neighborhood; and/or

(2) A change in the structure or physical improvements of no greater adverse impact to the neighborhood.

(B) ~~Minor alteration.~~ A proposal for the alteration of ~~10% or less of the gross building volume of~~ a nonconforming use or structure may be approved by

the city administration as ~~a minor variance to the provisions of this chapter.~~a limited land use decision as defined in ORS 197.015(12) and §157.229.

~~(C) Major alteration. A proposal for the alteration greater than 10% of the gross building volume of a nonconforming use or structure may be approved by the Planning Commission subject to the provisions for conditional use permits.~~

(Ord. 1840, passed 2-28-94)

157.193 RESTORATION OF USE OR STRUCTURE.

~~The city administration may approve, as a minor variance, the restoration, reconstruction, or replacement of a nonconforming use or structure which is damaged by fire, flood, wind, earthquake, or other calamity or act of God or the public enemy to an extent greater than 60% of the replacement value using new materials provided that the restoration is commenced within a period of one year and is diligently prosecuted to completion.~~

(A) Nonconforming dwellings damaged or destroyed by a natural or involuntary event may be replaced, subject to the requirements of SB 1561, adopted by the Oregon legislature in the 2026 regular session and made a part of ORS 197, provided that the restoration is applied for within three years of the natural or involuntary event and construction is commenced within a period of four years.

(Ord. 1840, passed 2-28-94)

157.194 DISCONTINUANCE OF USE.

If a nonconforming use involving a structure or property is discontinued from active use for a period of one year, any subsequent use of the property or structure shall be a conforming use, unless otherwise approved by the Planning Commission through the conditional use process.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.195 CRITERIA TO GRANT OR DENY.

When reviewing any request to alter or restore a nonconforming use, it shall be determined that all of the following are found to exist:

(A) The nature and character of the proposed use are substantially the same;

(B) There is no material difference in the quality, character or degree of use; and

(C) The proposed use will not prove materially adverse to surrounding properties.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

157.196 COMPLIANCE WITH STATE AND LOCAL CODES.

The granting of any approval shall not be deemed as providing any exception to all other state and local codes such as, but not limited to, fire and life safety, building or health codes.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

CONDITIONAL USES

157.205 AUTHORITY TO GRANT OR DENY.

(A) Conditional uses are those uses which may be appropriate, desirable, convenient or necessary in the district in which they are allowed, but which by reason of their height or bulk or the creation of traffic hazards or parking problems or other adverse conditions may be injurious to the public safety, welfare, comfort and convenience unless appropriate conditions are imposed. Uses designated in this chapter as conditional uses may be

permitted, enlarged or otherwise altered upon authorization by the Planning Commission in accordance with the standards and procedures set forth in this subchapter and §157.2~~29~~30. In the case of a use existing prior to the effective date of this chapter and which is classified in this chapter as a conditional use, any change in use or in lot area or any alteration of the structure shall conform with the requirements dealing with conditional uses.

(B) In permitting a conditional use or the modification of an existing conditional use, the city may impose, in addition to those standards and requirements expressly specified by this chapter, any additional conditions which the city considers necessary to protect the best interests of the surrounding property or the city as a whole. These conditions may include:

(1) Increasing the required lot size or yard dimensions;

(2) Limiting the height of buildings;

(3) Controlling the location and number of vehicle access points;

(4) Increasing the street width;

(5) Increasing the number of off-street parking and loading spaces required;

(6) Limiting the number, size and location of signs;

(7) Requiring screening and landscaping to protect adjacent property; and

(8) Recording conditions on the property with the County Clerk.

(Ord. 1840, passed 2-28-94)

157.206 APPLICATION PROCEDURE.

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

(Ord. 1840, passed 2-28-94)

157.207 PUBLIC HEARING; RECESS.

(A) Before the Planning Commission may act on a request for a conditional use, it shall hold a public hearing in accordance with the procedures set forth in §157.~~229~~230.

(B) The Planning Commission may recess a hearing on a request for a conditional use in order to obtain additional information or to serve further notice on other property owners or persons who it decides may be interested in the request. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing will be resumed.

(Ord. 1840, passed 2-28-94)

157.208 APPROVAL CRITERIA.

Based on the testimony provided at the hearing, the Planning Commission shall develop findings of fact to justify either approving or denying a conditional use permit. The Planning Commission may approve the requests when it is determined the request is in conformance with all the following requirements or can be made to conform through the impositions of conditions:

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

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

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

(D) The proposed use will prove reasonably compatible with surrounding properties.

(Ord. 1840, passed 2-28-94)

157.209 NOTIFICATION OF ACTION.

Within five days after a decision has been rendered, the city shall provide the parties to the hearings with written notice of the city's action on the request for a conditional use.

(Ord. 1840, passed 2-28-94)

157.210 STANDARDS FOR CONDITIONAL USES.

A conditional use shall comply with the standards of the zone in which it is located except as these standards may have been modified in authorizing the conditional use or as otherwise provided as follows:

(A) Setback. In a residential zone, front, side and rear yards shall be at least two-thirds the height of the principal structure. In any zone, additional yard requirements may be imposed.

(B) Height exception. A church or governmental building may be built to exceed the height limitations of the zone in which it is located to a maximum height of 50 feet if the total floor area of the building does not exceed one and a half times the area of the site and if the yard dimensions in each case are equal to at least two-thirds of the height of the principal structure.

(C) Limitation on access to property and openings to buildings. The city may limit or prohibit vehicle access from a conditional use to a residential street, and it may limit building openings within 50 feet of a residential property in an agricultural or residential zone if the openings will cause glare or excessive noise or will otherwise adversely affect adjacent residential property.

(D) Schools.

(1) Nursery schools shall provide and maintain at least enough open space for children that meets the requirements for certified child care centers by the Early Learning Division of the Oregon Department of Education (see OAR 414-300-0150). A sight-obscuring fence at least four feet but not more than six feet high shall separate the play area from abutting lots.

(2) Primary schools shall provide one acre of site area for each 90 pupils or one acre for every three classrooms, whichever is greater.

(3) Elementary schools shall provide one acre of site area for each 75 pupils or one acre for every 2 1/2 classrooms, whichever is greater.

(E) Utility substation or pumping substation. In the case of a utility substation or pumping substation, the city may waive the minimum lot size requirement only if it is determined that the waiver will not have a detrimental effect on adjacent property.

(F) Master plan approval.

(1) The following uses may be subject to an approved master plan:

(a) Public, parochial or private schools;

(b) Public or private nonprofit social service, community or recreational facilities;

(c) Governmental structures such as city offices, fire station, library, post office and public parks; and

(d) Hospitals.

(2) A master plan provides for long range development of an applicant's property. If a use listed above has received approval for a master plan by the Planning Commission, any expansion shall be processed in accordance with §§-157.205 through 157.209 of this chapter.

(3) The procedure for approval of a master plan shall be the same as a quasi-judicial conditional use process in §§-157.207 through 157.209 of this chapter.

(4) Once a master plan has been approved, a building permit may be approved administratively by city staff, provided the proposed permit has been addressed in the approved master plan.

(5) Minor deviation or temporary structures (for example, modular school classrooms) may be approved administratively by city staff, so long as the deviation from the master plan does not increase the overall land use intensity of the site by 10%, unless a different percentage is specified in the master plan.

(6) A master plan is recommended but not required for uses listed above that existed as of January 1, 1994. However, temporary uses and structures that do not increase the overall land use intensity by 10% may be approved administratively by the city staff.

(Ord. 1840, passed 2-28-94; Am. Ord. 2264, passed 9-24-18) Penalty, see § 157.999

ADMINISTRATION AND ENFORCEMENT

157.215 INFILL DEVELOPMENT DESIGNATION.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(F) Public hearing; recess. Before the Planning Commission may act on a request for an infill designation and deviation, it shall hold a public hearing in accordance with the procedures set forth in §-157.2330~~29~~. At the time of the public hearing, the Planning Commission shall determine if the property meets the eligibility for an infill designation and the appropriate deviations necessary to facilitate development.

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

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

(1) The property is constrained by internal or external physical features which preclude development conforming to adopted city standards;

(2) Public facilities have the capacity to service the development at the proposed density and are either in place or may be extended at the developer's expense;

(3) Granting of an infill designation will not have a negative impact on the ability of fire and life services to service the property;

(4) Approval of infill development will result in a development that is reasonably compatible with the existing neighborhood and adjacent properties; and

(5) Granting of an infill designation will result in residential development on property that would otherwise remain vacant or developed below the approved density.

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

(1) Lot width;

(2) Lot depth;

(3) Minimum lot size;

(4) Lot coverage;

(5) Front, rear, and side setbacks;

(6) Minimum street frontage;

(7) Minimum utility sizing standards;

(8) Building height;

(9) Off-street parking standards; and

(10) Street improvement standards.

When approving an infill designation on a property, the Planning Commission shall adopt conditions it deems necessary to ensure that the property develops in a manner that is reasonably compatible with neighboring properties. These conditions may include but are not limited to:

(1) Specifying exterior construction materials;

(2) Requiring landscape improvements;

(3) Requiring fencing improvements; and

(4) Requiring certain architectural features to insure neighborhood compatibility.

(I) Notification. Within five days after a decision has been rendered, the city shall provide the parties to the hearings with written notice of the city's action on the request for an infill designation. A decision on an infill designation may be appealed to the City Council following the procedures in §~~-~~157.23~~1~~2.

(Ord. 2250, passed 9-25-17; Am. Ord. 2322, passed 6-14-21)

157.225 VARIANCES.

(A) Authority to grant variances.

(1) Except for variances to residential development standards, which shall be reviewed administratively per §157.229, ~~T~~the Planning Commission may authorize variances from the requirements of this chapter where it can be shown that, owing to special and unusual circumstances related to a specific piece of property, the literal interpretation of this chapter would cause an undue or unnecessary hardship, except that no variance shall be granted to allow the use of the property for purposes not authorized within the zone in which the proposed use would be located. In granting a variance, the Planning Commission or city administration may attach conditions which it finds necessary to protect the best interests of the surrounding property or neighborhood and to otherwise achieve the purpose of this chapter. No variance shall be granted unless it can be shown that all of the following conditions exist:

(a) Exceptional or extraordinary conditions apply to the property that do not apply generally to other properties in the same zone or vicinity, which conditions are a result of the lot size, topography or other circumstances over which the applicant has no control;

(b) The variance is necessary for the preservation of a property right of the applicant substantially the same as is possessed by owners of other property in the same zone or vicinity;

(c) The authorization of the variance shall not be materially detrimental to the purpose of this ordinance, be injurious to the property in the zone or vicinity in which the property is located, or be otherwise detrimental to the objectives of any development pattern or policy; or

(d) It is impractical to maintain the zoning code requirements and, at the same time, build, erect or use the structure as desired.

(2) *Variance procedure.* Except for variances to residential development standards, which shall be reviewed administratively per §157.229, ~~T~~the

procedure to be followed in applying for and acting on a variance shall be the same as that provided in §157.2303~~29~~ of this chapter.

(3) *Granting or denying minor variances.* The city administration may grant a minor variance to the requirements of the chapter where it can be shown that, owing to special and unusual circumstances, strict application of the chapter would cause an undue or unnecessary hardship. In granting a minor variance, conditions may be imposed which are necessary to protect the best interest of the surrounding property or vicinity or otherwise achieve the purpose of this chapter.

(4) *Minor variances.* One variance involving the following may be granted by the city administration per §157.229 after a thorough examination and upon presentation of evidence that the variance requested involves one of the issues listed below:

(a) Deviation from a minimum property development standard by not more than 10%.

(b) Expansion of a conditional or nonconforming use by not more than 10% of the gross building volume.

(c) Extension or restoration of a nonconforming structure.

(B) Procedure.

(1) Upon receipt of the application form and payment of 25% of the usual application fee for a variance, the city administration shall render a decision within five working days, or the decision may be deferred to the Planning Commission unless required to be an administrative decision under §157.229.

~~(2) Additional information may be requested to arrive at a decision; and, if so, the decision shall be rendered within five working days following the submission of information.~~

(C) Notice.

(1) ~~Should a~~For ~~minor~~ variances ~~be granted~~determined by administrative action, ~~a notice of the variance decision and reasoning shall be mailed to all property owners within 100 feet of the subject property, including any public rights-of-way, soliciting comments or objections. If any written objections to the proposed variance are received within ten days of the mailing, a public hearing shall be required in accordance with 157.229 of this chapter. If no objections to the variance are received within the ten-day period, the variance shall become effective at the end of that period~~noticing shall be in accordance with §157.229.

~~(1)~~(2) For variances determined by the Planning Commission, noticing shall be in accordance with §157.230.

~~(2) In addition to notice to abutting property owners, the Planning Commission shall be notified of all minor variances granted by administrative variance.~~

(Ord. 1840, passed 2-28-94)

157.226 AMENDMENTS.

(A) *Authorization to initiate amendments*. An amendment to the text or the zoning map of this chapter may be initiated by the City Council, by the Planning Commission or by application of a property owner or his authorized agent. Apart for an application for a zone change to allow for denser residential use designation, ~~T~~the Planning Commission shall, within 40 days after a public hearing in accordance with procedures set forth in §157.2~~29~~30, recommend to the City Council approval, disapproval or modification of the proposed amendment.

(B) *Types of amendments.* An amendment to this chapter may be ~~either~~:

(1) Amendment to the text. Legislative revision.

(2) Amendment to the map. Legislative revision or quasi-judicial change.

~~(2)~~(3)Amendments to allow for denser residential use designation (residential upzoning).

(C) *Legislative revisions*. Proposed amendments to this chapter shall be deemed legislative revisions if:

(1) The proposed amendment involves the text of this chapter; and/or

(2) The proposed amendment involves the map, when such an amendment would have widespread and significant impact beyond the immediate area of the proposed amendment.

(D) *Quasi-judicial proceedings*.

(1) A proposed amendment to this chapter shall be deemed a quasi-judicial change if the proposed amendment involves the zoning map and does not have widespread and significant impact beyond the immediate area of the proposed amendment.

(2) Quasi-judicial changes may be initiated by property owners or contract purchases or his or her authorized agent.

(3) In case of a controversy as to whether an amendment be deemed a legislative or quasi-judicial matter, the decision of the Planning Commission shall be final.

(E) *Residential upzoning*.

(1) An application for an amendment to allow for residential upzoning shall be reviewed in accordance with §157.229 per ORS 197A.146.

~~(3)~~(2) A zone change qualifies under this subsection only when requested in conjunction with a specific residential development proposal that would be enabled by the requested zoning designation.

~~(E)~~(F) *Approval criteria*.

(1) ~~The~~ The following criterion~~a~~ apply to residential upzoning applications~~must be followed in deciding upon a quasi-judicial proceeding~~:

(a) The proposed amendment shall conform with the Comprehensive Plan map.

(2) The following criteria apply to all other amendment applications:

~~The burden in all land use proceedings is upon the applicant, whether a zone change, conditional use or variance is the subject of the hearing;~~

~~(a) The requested zone change or conditional use must be justified by proof that:~~

~~(b)~~

~~(c)~~(a) The change is in conformance with the goals and policies of the Comprehensive Plan ~~and also the goals and policies of the plan~~.~~;~~

~~(d)~~(b) ~~The showing of~~here is a public need for the ~~rezoning~~ amendment ~~and whether that public need is best served by changing the zoning classification on that property under consideration~~to comply with changing conditions or new laws.~~;~~

~~(e)~~(c) The public need is best served by changing the classification of the subject site in question as compared with other available property.

(d) The potential impact upon the area resulting from the change has been considered.

~~(f)~~(e) The amendment is consistent with adopted Master Plans and Public Works Standards as applicable.

~~(g) The courts will require a "graduated burden of proof" depending upon the more intensive land use that will occur as a result of the proposed rezoning.~~

~~(h) Procedural process for a quasi-judicial hearing.~~

~~1. Parties at a public hearing must have an opportunity to be heard, to present and rebut evidence.~~

~~2. There must be a record which will support the findings made by the City Council or Planning Commission.~~

~~(2)~~(3)*Amendment hearings*. The Planning Commission shall conduct a public hearing on a proposed amendment ~~at the earliest regular meeting, after the application is submitted,~~ in accordance with the public hearing procedures under §157.22~~9~~30 of this chapter. Both text and map amendments shall also be submitted to the Department of Land Conservation and Development 3~~4~~5 days prior to the date set for final action except as provided for under ORS 197.610.

~~(3)~~(4)*Application and fee*. An application for amendment by a property owner or his authorized agent shall be filed with the city. The application shall be accompanied by a fee ~~equal to the average cost of applications as established by the City Council~~as indicated on the application form.

~~(a) *Recess of hearing*. The Planning Commission may recess a hearing in order to obtain additional information or to serve further notice upon other property owners or persons it decides may be interested in the proposed amendment. Upon recessing for this purpose, the Commission shall announce the time and date when the hearing will be resumed.~~

~~(4)~~(5)*Records of amendments*. The city shall maintain a record of amendments to the text and map of this chapter in a form convenient for the use of the public.

(Ord. 1840, passed 2-28-94)

157.227 DUTIES OF CITY MANAGER.

The City Manager or his designee shall have the power and duty to enforce the provisions of this chapter. An appeal from a ruling of the city staff shall be made to the Planning Commission. No decision of the city shall be influenced by factors relating to race, religion, gender, age or physical disability.

(Ord. 1840, passed 2-28-94)

157.228 PERMIT REQUIRED; TIME LIMIT.

(A) Permit required. Prior to the erection, movement, reconstruction, extension, enlargement or alteration of a structure, a permit for erection, movement, reconstruction, extension, enlargement or alteration shall be obtained from the city. The applicant shall pay a fee as established by the City Council at the time the application is filed.

(B) Time limit on a permit. All land use decisions and approvals shall be based upon findings of fact. In order to assure that these decisions remain valid, all land use approvals shall be void after one year if no substantial construction has taken place. However, the Planning Commission may grant two one-year extensions upon a determination that the applicant is pursuing the completion of the project and that no material changes of surrounding land uses or designation has occurred.

(Ord. 1840, passed 2-28-94) Penalty, see § 157.999

[NEW] 157.229 ADMINISTRATIVE DECISIONS.

Whenever this code prescribes that an application shall be reviewed administratively, procedures and notice thereof shall be undertaken as provided in this section.

(A) *Application Types*. Applications reviewed under administrative procedures, unless otherwise indicated within the Code, include:

(1) Limited land use applications made under ORS 197.195, including application types defined in ORS 197.015(12):

(a) All uses permitted outright by this chapter and subject to §157.160 through §157.164;

(b) Tentative subdivision or partition plan;

(c) Replat;

(d) Extension, alteration or expansion of a nonconforming use; or

(e) Minor variances.

(2) Expedited applications for certain residential development under ORS 197A.146.

(a) These applications include:

1. A zone change to allow for a denser residential use designation (residential upzoning) when requested in conjunction with a specific residential development proposal enabled by the zone change; or

2. A variance from a residential approval standard.

(b) This expedited process only applies to land at the time of application that is zoned for residential or mixed-use residential use or has a residential comprehensive plan designation.

(3) Clear and objective residential applications under ORS 197A.400 related to the development of housing.

(B) *Application*. An administrative application is not initially subject to the requirements of ORS 197.797. The application shall be accompanied by a narrative description; responses to the applicable criteria and standards contained in this code that are considered relevant to the proposal; and the requirements of §157.163.

(1) For limited land use applications, the Hermiston Comprehensive Plan, apart from the adopted Comprehensive Plan Map, shall not be an approval standard for a limited land use decision.

(C) *Notice.* Public notice shall be mailed at least fourteen (14) days prior to the decision.

(1) Public notice shall:

(a) Explain the nature of the application and the proposed use or uses which could be authorized.

(b) List the applicable criteria from the code, and if applicable the plan, that apply to the application or indicate where to find criteria.

(c) Set forth the street address or other easily understood geographical reference to the subject property.

(d) State the place, date, and time that comments are due.

(e) State that failure of an issue to be raised by public comment, or failure to provide sufficient detail to afford the decision maker an opportunity to respond to the issue, prior to the expiration of the comment period, precludes appeal to the Land Use Board of Appeals (LUBA) based on that issue.

(f) Include the name of a local government representative to contact and a telephone number where additional information may be obtained.

(g) State that copies of the following are available for inspection at no cost and will be provided at a reasonable cost:

1. The application;

2. All documents and evidence relied upon by the applicant; and

3. Applicable criteria.

(h) Include a general explanation of the requirements for submission of testimony.

(2) The city shall provide written notice, along with an affidavit or other certification that such notice was given including the date notice was mailed and the parties notified.

(a) For a limited land use decision pursuant to ORS 197.195 or expedited applications of certain residential development under ORS 197A.146, notice shall be provided to:

1. The applicant;

2. Owners of property within 100 feet of the entire contiguous site for which the application is made. The list shall be compiled from the most recent property tax assessment roll;

3. Public agencies known to be affected, including those who are providing transportation facilities and services affected or potentially affected by the proposal; and

4. Any recognized neighborhood or community organization whose boundaries include the site.

(b) For Expedited Residential Applications that amend the property's zoning map designation, under ORS 197A.146, notice to the Department of Land Conservation and Development under post-acknowledgment procedures in ORS 197.610 and 197.615 shall be provided.

(c) For Clear and Objective Residential Applications under ORS 197A.400, notice shall be given only to owners of record of property on the most recent property tax assessment roll where such property is located within 100 feet, or within 500 feet for developments of 20 units or more, of the subject property.

(D) *Decision*. Approval or denial of an administrative decision shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision, and explains the justification for the decision based on the criteria, standards, and facts set forth.

(1) The city shall provide written notice of the decision to the Applicant and any party who submits comments in response to subparagraph (C). The notice shall briefly summarize the decision-making process and contain an explanation of appeal rights.

(E) *Appeal*. The city will provide for a hearing before the Planning Commission on appeal of an administrative decision under this section. The hearing shall allow the introduction of additional testimony or evidence and comply with the requirements of ORS 197.797.

(1) The following parties shall have standing to appeal the decision to the Planning Commission or subsequently to the Land Use Board of Appeals:

(a) For a limited land use decision pursuant to ORS 197.195 or expedited applications of certain residential development under ORS 197A.146, only those receiving notice of the decision under subsection (D), or, if applicable, those who appeared, either orally or in writing, before the hearing at the Planning Commission appeal hearing.

(b) For clear and objective housing-related applications under ORS 197A.400, only the applicant.

(2) Written notice of the decision rendered on appeal shall be given to all parties who appeared, either orally or in writing, before the hearing. The notice of decision shall include an explanation of the rights of each party to appeal the decision.

157.2~~29~~30 PUBLIC HEARINGS; NOTICE OF PUBLICATION.

Whenever this chapter prescribes that a public hearing shall be held on the applications for conditional use permits, variances or amendments to this chapter, notice thereof shall be given as provided in this section.

(A) Notices of public hearings shall be consistent with ~~ORS 197.195 for limited land use decisions and consistent with~~ ORS 197.763 for quasi-judicial land use decisions by publication in a newspaper of general circulation in the city.

(B) The applicant in all land use actions shall post a sign on the property declaring that a land use application has been filed. The notice shall be posted not less than 20 days prior to the initial public hearing for quasi-judicial land use actions and not less than 14 days prior to the initial public hearing for limited land use decisions. The notice posted on the property shall:

(1) Be posted on the property in a location clearly visible to the public and no more than 50 feet from a public right-of-way.

(2) State in letters at least two inches tall the following items:

(a) "Notice of Proposed Land Use Action."

(b) The street address of the property proposed for action.

(c) "For additional information, please contact:" and provide a contact number for the Hermiston Planning Department.

(d) "Comments must be submitted to the Hermiston Planning Department no later than:" and provide the date for submission of testimony.

(3) Following posting, the applicant must submit a declaration to the planning department stating that the notice was posted in accordance with this section.

(C) Notice of public hearing on a conditional use, variance, amendment to a zone boundary, or Comprehensive Plan map amendment shall be mailed to owners of property within 300 feet of the property for which the variance, conditional use, or zone boundary amendment has been requested. The notice of hearing shall be mailed consistent with ORS 197.763 for quasi-judicial land use decisions. The names and addresses of property owners as shown in the records of the County Assessor shall be used. The notice shall:

(1) Explain the nature of the application and proposed use or uses which could be authorized;

(2) List the applicable criteria from the chapter and the plan that apply to the application;

(3) Set forth the street address or other easily understood geographical reference to the subject property;

(4) State the date, time and location of the hearing;

(5) State that the failure to raise an issue by the close of the record at or following the final evidentiary hearing, in person or by letter, precludes appeal to LUBA or the City Council based on that issue, and appeal will be on the record unless directed otherwise by the City Council;

(6) State that failure to present an issue with sufficient specificity to afford the decision maker an opportunity to respond to that issue precludes appeal to LUBA or to the City Council based on that issue;

(7) Include the name of a local government representative to contact and a telephone number where additional information may be obtained;

(8) State that copies of the following are available for inspection at no cost and will be provided at a reasonable cost:

(a) The application;

(b) All documents and evidence relied upon by the applicant; and

(c) Applicable criteria.

(9) State that a copy of the staff report will be available for inspection at no cost at least seven days prior to the hearing and will be provided at reasonable cost; and

(10) Include a general explanation of the requirements for submission of testimony and the procedure for the conduct of hearings.

(D) If a proposed zone boundary amendment is legislative in nature, the mailing of individual notice is not required but additional means of informing the public as may be specified by the Council shall be observed.

(E) Notice shall be published no later than ten days prior to the hearing date in a newspaper of general circulation in the city for all public hearing items.

(F) Failure of a person to receive the notice prescribed in this section shall not impair the validity of a hearing, nor the action taken.

(G) Except as provided for under ORS 227.178, the city shall take final action on all zone change applications, conditional use permits, and variances including resolution of all appeals to the City Council under ORS 227.180, within 120 days from the date a completed application is submitted to the city. Within 30 days of receipt of an application, the city will review the application to determine whether it is complete. The applicant will be notified of any missing materials within the 30-day period. The 120-day time period will commence on the date the application is complete.

(Ord. 1840, passed 2-28-94; Am. Ord. 2177, passed 7-25-11)

157.2310 HEARINGS BEFORE PLANNING COMMISSION.

(A) Raising issues for appeals. An issue which may be the basis for an appeal shall be raised not later than the close of the record at the final evidentiary hearing on the proposal before the local government. The issues shall be raised with sufficient specificity to afford the Planning Commission and the parties an adequate opportunity to respond to each issue.

(B) Documents, evidence and reports.

(1) All documents or evidence relied upon by the applicants shall be submitted to the local government and be made available to the public not less than 21 days prior to the hearing.

(2) Any staff report used at the hearing shall be available at least seven days prior to the hearing.

(C) Commencement of hearing. At the commencement of a hearing, a statement shall be made to those in attendance that:

(1) Lists the substantive criteria which will form the basis of the decision;

(2) Testimony and evidence must be directed toward the criteria described in subsection (C)(1) of this section or other criteria which the person believes apply to the decision;

(3) Failure to raise an issue with sufficient specificity to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Council based on that issue; and

(4) The hearing shall result in a final decision.

(Ord. 1840, passed 2-28-94)

157.2311 APPEAL TO CITY COUNCIL.

(A) An action or ruling of the Planning Commission authorized by this chapter may be appealed to the City Council within 12 days (or within the time limit required by ORS Chapter 227 if it is greater) after notice of the Planning Commission's decision and of the right of appeal has been mailed to all persons involved in the Planning Commission's decision. Appeals may be made by submitting a notice of appeal on forms provided by the city and paying the prescribed fee.

(B) Aggrieved persons are those who have appeared in person or in writing in the evidentiary hearing. They will be given notice of the "notice of decision and right to appeal," and they are the only ones who may appeal and in event of appeal will have the right of notice.

(C) Fees, costs and records.

(1) This appeal shall be on the record which means that the hearing is for the presentation of argument against the interpretation or application of the chapter in reaching the

decision. The Council shall consider the record of the Planning Commission which should be prepared in synopsis form (not necessarily verbatim) and either stenographic or electronic record of the hearing shall be available to the appellants and to the Council.

(2) There shall be a filing fee as prescribed by the City Council.

(3) The actual cost of preparation of any transcription shall not exceed $500 or $10 per tape for copies of the audio tapes of the Planning Commission hearing if desired by appellants. The actual cost of mailing required notices to parties to the appeal shall be in addition, and the applicant shall pay a fee as prescribed by the City Council in advance for out-of-pocket costs and mailing by the city. Costs exceeding the advance will be billed. These costs shall be refunded to the appellants if they prevail.

(4) The Council may affirm, reverse, modify or remand the decision of the Planning Commission.

(Ord. 1840, passed 2-28-94; Am. Ord. 2265, passed 9-24-18)

157.2322 PETITIONS, APPLICATIONS AND APPEALS.

All applications and appeals provided for in this chapter shall be made on forms provided for the purpose or as otherwise prescribed by the Planning Commission in order to assure the fullest practical presentation of pertinent facts and to maintain a permanent record. All applications for permits shall be accompanied by plans, in duplicate, drawn to scale, showing the actual shape and dimensions of the lot to be built upon; the exact sizes and locations on the lot of the building and other structures, existing and proposed; and the existing and intended use of each building, structure or part thereof; the number of ~~families~~ units to be accommodated, if any; and other information as is needed to determine their conformance with the provisions of this chapter. Where multiple land use permits or zone changes are required, the hearing and applications may be applied for and conducted at one time.

(Ord. 1840, passed 2-28-94)

157.2343 SEVERABILITY.

If any portion of the zoning ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, that portion is to be deemed severed from the subdivision or zoning ordinance, and in no way affects the validity of the remainder of the subdivision or zoning ordinance.

(Ord. 2177, passed 7-25-11)

157.999 PENALTY.

The owner or owners of any buildings or premises, or part thereof, where anything in violation of this chapter shall be placed, or shall exist, or be maintained, and any architect, builder or contractor who shall assist in the commission of any violation, and all persons or corporations who shall violate or maintain any violation of any of the provisions of this chapter or who shall fail to comply therewith, or with any requirements thereof, or who shall build in violation of any detained statement of plan submitted and approved thereunder, shall for each and every violation or noncompliance be deemed guilty of a violation and upon conviction thereof, shall be fined not more than $250. Each day that a violation of this chapter continues shall be considered a separate offense.

(Ord. 1840, passed 2-28-94)