

## **CHAPTER 157**

### **Zoning**

#### **157.002 DEFINITIONS.**

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

#### **157.025 LOW DENSITY RESIDENTIAL ZONE (R-1)**

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

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

#### **157.040 CENTRAL COMMERCIAL ZONE (C-1).**

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

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

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

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

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

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

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

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

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

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

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

**157.041 OUTLYING COMMERCIAL ZONE (C-2).**

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

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

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

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

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

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

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

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

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

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

#### **157.042 DOWNTOWN COMMERCIAL OVERLAY ZONE (DCO).**

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

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

(B) *Uses permitted outright.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(M) *Site plan review.*

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

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

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

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

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

#### **157.043 NEIGHBORHOOD COMMERCIAL OVERLAY ZONE (NCO).**

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

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

(B) *Uses permitted outright.*

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

(C) *Conditional uses permitted.*

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

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

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

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

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

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

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

#### **157.055 LIGHT INDUSTRIAL ZONE (M-1).**

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

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

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

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

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

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

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

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

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

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

- (1) A use which creates a nuisance because of the noise, smoke, odor, dust or gas is prohibited.
- (2) Materials shall be stored and grounds shall be maintained in a manner which will not attract or aid the propagation of insects or rodents or otherwise create a health hazard.
- (3) Service activities, processing and storage on property abutting or facing a residential zone shall be wholly within an enclosed building or screened from the residential zone view by a permanently maintained sight-obscuring fence at least six feet high.
- (4) Points of access from a public street to properties in a M-1 zone shall be so located as to minimize traffic congestion and avoid directing traffic into residential streets.
- (5) Building entrances or other openings adjacent to or across the street from a residential zone shall be prohibited if they cause glare, excessive noise or otherwise adversely affect land uses in the residential zone.

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

(E) *Setback requirements.*

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

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

#### **157.154      *Emergency Shelter Authorization***

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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