

Chapter 3.6 - Other Standards

Sections:

- 3.6.100 - Density Transfer
- 3.6.200 - Telecommunication Facilities
- 3.6.300 - Solid Waste Storage
- 3.6.400 - Environmental Performance
- 3.6.500 - Signs

3.6.100 Density Transfers

- A. Purpose.** The purpose of this chapter is to implement the comprehensive plan and encourage the protection of open spaces through the allowance of housing density transfers. “Density transfers” are the authorized transfer of allowed housing units (per Chapter 2) from one portion of a property to another portion of the same property, or from one property to another property.
- B. Determination of Allowable Housing Units.** The number of allowed housing units on a property is based on the surface area of the property (acres) times the maximum allowed housing density in Chapter 2.
- C. Density Transfer Authorized.** Allowed housing units may be transferred from one portion of a property to another portion of the same property, or from one property to another property. A density transfer shall not be approved unless it meets one or more of the criteria in 1-2 below, and it conforms to subsections D-E:
1. Protection of sensitive land areas as defined in Chapter 3.7 (and listed below) either by dedication to the public or a land trust, or by a non-revocable conservation easement. Sensitive land areas include:
 - a. Land within the 100-year floodplain;
 - b. Land or slopes exceeding 20%;
 - c. Drainage ways;
 - d. Wetlands.
 2. Dedication of land to the public for park or recreational purposes; that meets the following minimum criteria:
 - a. Size 5,000 square feet or more guaranteed;
 - b. Location within ½ mile walking distance from sending site;
 - c. Public access 24 hours a day.
- D. Prohibited Density Transfers.** Density shall not be transferred from land proposed for street right-of-way, storm water detention facilities, private streets, and similar areas which do not provide open space or recreational values to the public.

3.6.100 Density Transfers *(continued)*

E. Density Transfer Rules. All density transfers shall conform to all of the following rules:

1. Allowed housing units shall be transferred only to buildable lands (“receiving areas”). The number of allowed housing units shall be reduced on properties from which density is transferred (“sending areas”) based on the number of housing units transferred. The new number of housing units allowed on the sending area shall be recorded on a deed for the property that runs with the land. The deed shall state that the number of allowed housing units is subject to review and approval by the City, in accordance with current zoning and development codes;
2. The number of units which can be transferred is limited to the number of units which would have been allowed on 100 percent of the unbuildable area if not for these regulations;
3. The total number of housing units per property or development site shall not exceed 100 percent of the maximum number of units per gross acre permitted under the applicable comprehensive plan designation; except as otherwise permitted through the Master Planned Development process (Chapter 4.5); and
4. All density transfer development proposals shall comply with the development standards of the applicable land use district, except as otherwise allowed by the Master Planned Development process (Chapter 4.5).

3.6.200 Telecommunication Facilities

A. Purpose

The purpose of this Chapter is to administer the development of Communications or Telecommunications facilities within the City and to preserve neighborhood characteristics while providing essential telecommunication services to the citizens.

B. Definitions

1. Antenna; shall mean a device supported by a structure or tower designed for transmitting or receiving radio waves in telephone, television, radio, microwave or other wireless communication technologies.
2. Antenna Tower; shall mean a freestanding pole or structure designed for supporting an antenna, or antenna array, as defined in 3.6.200(B)(1).
3. Broadcast Facility; shall mean any facility designed to broadcast radio waves through wireless technologies for the purpose of commercial broadcast to AM or FM radio receivers, or television receivers.
4. Receiving Facilities; shall mean any facility designed to receive privately transmitted radio waves not intended for commercial broadcast. This shall include System Control and Data Acquisition systems, telephone relay systems, wireless communication relay systems and similar systems.
5. Special Use Permit; shall mean a Type III procedure as governed by Chapter 4.1.500 of the Boardman Development Code. A Special Use Permit is reviewed every 5 years with an opening clause to address negative impacts associated with operations of the communication/telecommunication facility such as radio interference.

3.6.200 Telecommunication Facilities *(continued)*

6. Transmission Facilities; shall mean a facility designed to transmit radio waves for private commercial applications not intended for commercial broadcast. This shall include System Control and Data Acquisition systems, telephone relay systems, wireless communication relay systems, and similar systems.

C. Telecommunications Facilities Permitted:

1. Residential Districts:

- a) free standing antennas of <35-feet or <25-feet from highest building height elevation
- b) antennas 25-feet or less from highest building height
- c) free standing antennas >35-feet or > 25-feet from highest building height (Special Use)

2. Commercial Districts

Commercial District and City Center Subdistrict

- a) free standing antennas <70-feet in height or < 35-feet from highest building height elevation
- b) free standing antennas >70-feet in height or > 35-feet from highest building height elevation(Special Use)
- c) antennas <35-feet from highest structure height
- d) antennas >35-feet from highest structure height (Special Use)

Tourist Commercial Subdistrict

- e) free standing antennas <70-feet in height or < 35-feet from highest building height elevation
- f) free standing antennas >70-feet in height (Special Use)
- g) antennas <35-feet from highest building height
- h) antennas >35-feet from highest building height (Special Use)
- i) Broadcast/Receiving/Transmission Facilities (Special Use)

Service Center Subdistrict

- j) free standing antennas <100-feet in height or < 50-feet from highest building height elevation
- k) free standing antennas >100-feet in height (Special Use)
- l) antennas <50-feet from highest building height
- m) antennas >50-feet from highest building height (Special Use)
- n) Broadcast/Receiving/Transmission Facilities (Special Use)

3. General Industrial Districts

- a) Antenna height unlimited
- b) Broadcast/Receiving/Transmission Facilities (Special Use)

Port Industrial

- c) Antenna height unlimited
- d) Broadcast/Receiving/Transmission Facilities (Special Use)

3.6.200 Telecommunication Facilities *(continued)***4. Light Industrial District**

- a) free standing antennas <100-feet in height or < 50-feet from highest building height elevation
- b) free standing antennas >100-feet in height (Special Use)
- c) antennas <50-feet from highest building height
- d) antennas >50-feet from highest building height
- e) Broadcast/Receiving/Transmission Facilities (Special Use)

Note: Special Use Permits will be a Type III Procedure as defined in 4.1.500

D. General Provisions:

- 1. All antenna supporting structures shall meet all applicable structural and electrical codes for telecommunications support structures.
- 2. All antenna supporting structures shall meet all applicable Federal Aviation Administration and Federal Communications Commission regulations.
- 3. All antenna supporting structures shall have restricted access making the structure inaccessible to the public.
- 4. All antenna supporting structures or building structures shall obtain all applicable building permits through the Boardman Building Department.
- 5. All communications or telecommunications structures or facilities shall submit an overall coverage plan indicating tower locations for coverage area within 1 mile of the Boardman Urban Growth Boundary, a specific site plan for each tower location which includes distance from any residential, commercial or industrial structure or structures, a narrative of the function and need for the facility or structure and any other pertinent information deemed relevant to the Boardman Planning Department for review and approval.
- 6. All communications or telecommunication buildings shall meet all relevant sections of building criteria for the zone in which they are located.

E. Special Use Approval Criteria:

- 1. Application shall follow a Type III Procedure as identified in Chapter 4.1.500.
- 2. Special Permit will be granted for a 5 year period with an opening provision to review and address unforeseen negative impacts associated with the operation of the facility, which may include but not be limited to radio or television interference, or other valid unanticipated damages brought forth through experience.
- 3. Application shall meet all of the provisions of General Provisions, 3.6.200(D).
- 4. Application shall not be a visual detriment to the surrounding neighborhood.
- 5. Application may be conditioned to provide screening or other aesthetic mitigation to adjacent properties.
- 6. Applications exceeding allowable heights shall indicate the reasons for the height adjustment and shall be the minimum variance from allowable height.
- 7. Application shall include different tower types available to meet the height and structure criteria.
- 6. Other conditions may be set by the Planning Commission in the Conditional Use permit process.

3.6.300 Solid Waste Storage

[Reserved for standards for solid waste storage and recycling facilities, if Boardman chooses to adopt them. Note: Chapter 3.2 requires landscaping or other screening of these facilities.]

3.6.400 Environmental Performance

[Reserved for reference to state and federal standards for air quality, water quality, emissions, and similar environmental concerns.]

3.6.500 Signs

A. Purpose. The purpose of this section is to provide for the regulation, control and permit process which will maintain the town character of the City of Boardman while providing adequate identification of businesses, enterprises and other entities located within the City of Boardman which depend upon signs for recognition; and also to provide equity for each requiring signs within the several land use zones of the city. All requests for permits for the construction, erection, placement or movement of signs will be submitted to the city of Boardman building official, and will be issued only in compliance with the provisions of this Development Code.

1. The International Conference of Building Officials Uniform Sign Code Publication date May 1st, 1994, a copy of which is located in the administrative offices of the city building official, is hereby adopted by reference and incorporated as a part of this Development Code.
2. Signs erected prior to December 31,2004, (Development Code Chapter adoption date) are governed under non-conforming rules in Section 5.2.

B. Sign Classifications.

1. Permanent signs. Signs placed for a period of 31 days or longer within one calendar year shall be classified as permanent; shall advertise or provide direction to the premises of the identified business located within the City of Boardman; shall be subject to a permanent sign permit; and shall conform to this and other City of Boardman ordinances.
 - a. On-premises signs shall be permitted within the regulations of this ordinance, with any exceptions subject to the requirements set forth within this ordinance for requesting variances or, where conditional use is specified, the provisions for such as set forth in the zoning ordinance.
 - b. Off-premises signs shall be subject to conditional use provisions; as such, the provisions and procedures as set forth in Chapter 4.4 of the Boardman Development Code; and approval of the Planning Commission of the City of Boardman is required prior to issuance of permit or installation.
2. Temporary signs. Signs placed for 30 days or less in a calendar year are temporary; and shall not be displayed for an aggregate total of greater than 30 days within a calendar year; and shall be subject

3.6.500 Signs *(continued)*

to a temporary sign permit; and shall conform to all City of Boardman ordinances. These provisions apply equally to both on and off premise signs.

C. Permits Required.

The following permits are required for all new signs, for all signs being altered due to change in ownership, business name or business type and for all signs being altered structurally.

- 1) Structural Building Codes Permit
- 2) Electrical Building Codes Permit (if lighted)
- 3) Sign Permit for Planning of Planning Review and Approval

D. General Provisions. Construction plans and materials lists must be presented to the building official for verification of adequacy according to the state uniform building code and public safety standards at the time of application for permits. Signs may be erected/constructed immediately upon obtaining sign permit providing verification of conformity with the following specifications:

1. On-premises signs.
2. Maximum sign area for free-standing signs in the General Commercial District and City Center Sub District shall be 100 square feet. Signs over 100 square feet in size are subject to a Type III Conditional Use Permit in accordance with Chapter 4.4, Chapter 4.1.500 and Chapter 3.6.500(E)(1)(d).
3. Service Center and Highway Commercial Sub Districts and Industrial Districts shall have no size limit.
4. The supporting structure of the sign is not to be considered part of the measurable sign area, and shall not extend upwards over 40 feet from ground level in General Commercial District.
5. Surface signs shall be limited to the surface of the structure, and shall not extend beyond that surface. The area of freestanding signs shall be measured by the rectangle which encloses the entire sign surface.
6. Window signs shall be considered surface signs, except those which are subject to the temporary or informational sign standards.
7. Each entity for which a sign is permitted is allowed one sign per face of each building.
8. Signs shall be designed to use materials in keeping with the visual character of the City of Boardman.
9. Signs which are lighted shall be illuminated for visibility only, and shall not disturb neighboring property and shall create no safety or traffic hazard. Flashing lights shall not be allowed.
10. Apartment, condominium or business complex location signs shall not exceed 35 square feet in size, and one such sign shall be allowed each complex, which shall not apply toward the allowance for signs for each/any business located therein.

3.6.500 Signs (continued)

11. Areas of shared signs shall be pro-rated to business involved, and shall be included within the permissible sign area of each.
12. Where a provision of this ordinance is less restrictive than another ordinance or requirement of the City, the provision or requirement which is more restrictive shall govern.

E. Sign-type Specific Definitions and Applicable Regulations.

1. Off-premise signs are as defined within Oregon state administrative rules:
 - a. The premises on which any activity is conducted is determined by the physical facts rather than property lines. It is the land occupied by the buildings or physical uses that are necessary or customarily incident to the activity, including such open spaces are arranged and designed to be used in connection with such buildings or uses;
 - b. The following will not be considered to be a part of the premises on which the activity is conducted and signs located on such land considered outdoor advertising signs:
 - (1) Any land which is not used as an integral part of the principal activity, including but not limited to:
 - (a) land which is separated from the activity by a public road
 - (b) land which is separated by obstruction, not used by activity; and
 - (c) land that is undeveloped highway frontage adjacent to the land actually used by the advertised activity, even though it might be undertake same ownership.
 - (2) Any land which is used for, or devoted to, a separate purpose unrelated to the advertised activity would not be part of the premises on which the activity is conducted even though same ownership;
 - (3) Any land which is separated from the principle activity, and is developed or used only at the sign site by structures which are only incidental to the principle activity, and which serves no reasonable or integrated purpose related to the activity other than to attempt to qualify the land for signing purposes;
 - (4) Where the sign site is located at or near the end of a narrow strip contiguous to the advertised activity, the sign site shall not be considered part of the premises on which the activity being advertised is conducted. A narrow strip shall include any configuration of land which is such that it cannot be put to any reasonable use related to the activity other than for signing purposes except the major entrance or exit roadway to or from the premises which serves only the advertised activity.
 - c. Off premises signs shall be reviewed as a Conditional Use, as required by Chapter 5. The provisions of Section C, General Provisions shall apply in addition to any conditions required pursuant to the Conditional Use process; however, a petition for relief from the provisions of Section C, General Provisions may be sought by application to the Planning Commission pursuant to the Exception and Variance processes, as provided by this Section D.4 Non-Conforming Permanent Signs.
 - d. The provisions of Section A, Purpose shall apply equally for off-premise signs as well as on-premise signs, as related to providing adequate identification to businesses, enterprises and

3.6.500 (E) Signs *(continued)*

- other entities located within the City of Boardman; and in this regard sign size located within the Commercial Districts may be conditionally approved up to 200 square feet where, to the Planning Commission satisfaction, such size is necessary for the adequate provision of directions to such businesses, enterprises and other entities.
- e. Off-premise signs which are visible from Interstate/Freeway routes shall be subject to approval of, and permitted by, the State of Oregon, in addition to any approvals granted by the City of Boardman.
2. **Informational Signs.** Signs whose sole purpose is to provide information, but no advertising, concerning services offered, with such as menus, business hours, OLCC regulations as examples, are considered informational signs for which neither permit nor Planning Commission approvals are required in instances where the following standards are met:
- a. Total sign square footage within this category shall not exceed 18 square feet per business, shall have no flashing lights, and shall not reduce the permitted advertising sign size as established within this Ordinance.
 - b. OPEN signs, MENUS, PARKING signs and similar informational signs shall be no larger than 6 square feet, with one parking sign allowed for each 4 spaces.
 - c. VACANCY signs (only) shall be no larger than 10 square feet.
3. **Non-conforming permanent signs.** Non-Conforming Permanent Signs are those that do not conform to the specifications of this Chapter and require specific exception, granted by the authorization of the Planning Commission. To gain such an exception, the applicant shall complete the permit application for the Building Official.
- a. Applicants shall also submit a scale plan of the building elevation with proposed sign and a written statement of the justification for exception, and request a sign permit exception from the Planning Commission. At its earliest meeting, the Planning Commission shall evaluate the application in terms of aesthetics, design and visual impact on the immediate vicinity and adjoining property.
 - b. Exception to the height above street level may be allowed by administrative action directed by the Planning Commission if problems could be caused by the terrain on which it is located, by the configuration of the sign, by disruption of pedestrian flow, or by vandalism.
 - c. The review body may grant exceptions (other than height, and for height where the following issues are factors) in compliance with the provisions set forth for variances if the following is demonstrated:
 - (1) Conformance with provisions herein would constitute economic hardship in identifying the business.
 - (2) Need for visibility at greater distances is demonstrated.
 - (3) The impact on the community is as favorable as allowed signs.
4. **Residential Signs.** Residential Signs are those that the purpose of which are to identify residence, or any conditional use permitted by the Boardman Development Code in that particular zone do not require approval and permit if in compliance with all of the following:

3.6.500 (E) Signs *(continued)*

- a. Signs may not have special lighting, and be within setbacks; and
 - b. One 4 square feet (maximum) sign per home or conditional use; and
 - c. Sign located on-premises, 6 feet or less height from ground.
5. Temporary Signs. Temporary Signs may be placed for 31 days or less in a calendar year, unless otherwise specified in this section, require no approvals if conforming with all of the following:
- a. Freestanding, or displayed inside windows and no larger than 4 square feet, and aggregate of all signs no more than 12 square feet. Overall height of freestanding signs is not to exceed 3 1/2 feet.
 - b. No lighting intended solely to illuminate sign; flashing lights not allowed.
 - c. Political signs not to exceed 6 square feet maximum, advertising an issue or candidate meeting the provisions of 3.6.500 (E)(5)(a-c) are permitted. Signs shall be placed no less than 20 feet from paved right-of-way surfaces, excluding sidewalks. The 31 day limit shall not apply. Approval must be obtained from the property owner, who must accept responsibility for removal of sign within two days after the election polling is closed, in the event those placing the sign fail to do so.
 - d. Real Estate signs shall not exceed 8 square feet for residential lots and 32 square feet for subdivisions and in commercial zones, placed on the property, are permitted during period that specific property is for sale or lease. Signs must be removed upon sale. One open house sign without advertising also permitted on premises during such periods. The 31-day limit shall not apply.
6. Sandwich Board. Sandwich Board signs shall be no larger than 15 square feet per side. For local nonprofit, community service groups, location of such may be allowed on public rights-of-way and property, subject to Building Official or Manager written approval which will establish any conditions.
7. Garage Sale. Garage sale signs shall be in compliance with residential sign requirements; off premises directional signs for such garage sales and similar residential temporary sales, shall have express written owners' permission of property upon which located and is subject to the provisions of City of Boardman Ordinance #5-2004.
8. Prime building contractor signs. Prime building contractor signs of less than 16 square feet in residential zones and 32 feet in commercial and industrial zones may be placed upon a project while under construction after building permit has been posted. Removal is required immediately following Building Inspector certifying completion.
9. Handbills and flyers. Handbills and flyers are permitted inside building or other community billboards only, and permission for any other method of display will be approved only by Manager, subject to Council endorsement.
10. Non-conforming temporary signs. Non-conforming Temporary Signs may be granted an exception to the requirements in writing by City Manager if the impact on the community is as favorable as that of signs allowed outright using a Type I process.

3.6.500 (E) Signs *(continued)***F. Administration**

1. **Responsibility.** The Building Department of the City of Boardman shall be responsible to the City Manager for the regulation of signs, administration of requests for permits, conditional uses, exceptions and variance, and for the issuance of permits. Fee schedules established by Resolution of the City Council will be maintained by the Building Official, and available upon request.
2. **Pre-Existing Non-Conforming Signs.** Pre-existing non-conforming signs which predate this Ordinance shall continue as permitted signs. Signs permitted within the provisions of this Ordinance shall continue as permitted signs for the zone in which located as long as the property retains that zoning. Permits issued shall contain provisions, which must be considered a condition of applicant's acceptance of the permit, which shall require modification into compliance with the sign requirements of the zone in which located within a reasonable period subsequent to any future zone change. Variances and exceptions may be requested in compliance with the provisions of this Ordinance.
3. **Permit Applications.** Applicants requiring permission and/or permits will be provided a current copy of this Ordinance.
4. **Transfer of Signs.** Signs may be transferable at change of business or property ownership without permit if they meet the provisions of 3.6.500(C).
5. **Alteration of Signs.** Alteration of existing signs beyond maintenance shall conform to provisions of this Chapter.
6. **Building Official Notification.** Building Official shall notify owners of any sign, or the business, or the real property, where a sign has been abandoned or allowed to become in state of disrepair, unsightly, or hazardous; reasonable remedies shall be accomplished within 30 days from date of notice or posting, as certified by Building Official. Failure to comply authorizes Building Official to cause removal of such signs. Expenses incurred incident to this removal shall be paid by the owner of the real property upon which sign is located and from which it was removed, regardless of sign ownership, providing that said real property owner has been provided a copy of the 30 day notice at the time it was posted.
7. **Violations.** Owners of signs erected in violation of the provisions of this Ordinance must remove such signs within 48 hours of notification; following the elapse of the 48 hours without appropriate action, the Building Official may cause such to be accomplished at the expense of the real property owner.
8. **Records.** Records of action on all variances or exceptions shall be maintained by the City and copies provided to the applicant upon request.

- G. Violations.** No person shall erect, maintain, or use, nor shall any person in control of any premises, permit the erection, maintenance, or use of any sign which does not conform to and comply with the

3.6.500 Signs *(continued)*

provisions of this Ordinance. Nothing contained in this Ordinance is intended to permit erection or maintenance of any sign in violation of any other Ordinances or State or Federal law. Violation of this Ordinance shall be subject to the penalties provided hereinafter.

- H. Penalty.** Any person who violates any of the provisions of this Ordinance, upon conviction thereof, shall be punished by a fine of not more than \$250.00. Conviction of any provision of this Ordinance shall be considered a violation as defined by ORS 161.565. Each calendar day that a sign is in violation of this Ordinance shall constitute a separate violation.
- I. Release from liability.** Neither the Building Official, nor City Manager acting for either the Planning Commission or City Council, nor the City nor any of its authorized representatives shall be liable for any damages, costs, or expenses for any failure to enforce the provisions of this Ordinance.
- J. Severability.** The provisions of this Ordinance are severable. If a section, sentence, clause or phrase of this Ordinance is adjudged by a court of competent jurisdiction to be invalid, the decision shall not affect the validity of the remaining portions of this Ordinance.