



# Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us

## NOTICE OF ADOPTED AMENDMENT

July 13, 2007

TO: Subscribers to Notice of Adopted Plan  
or Land Use Regulation Amendments

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Pendleton Plan Amendment  
DLCD File Number 001-07



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures\*

### **DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: July 26, 2007**

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

**\*NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist  
Matthew Crall, DLCD Transportation Planner  
Mark Radabaugh, DLCD Regional Representative  
Michael Muller, City of Pendleton

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FORM 2

DLCD NOTICE OF ADOPTION

DEPT OF

This form must be mailed to DLCD within 5 working days after the final decision per ORS 197.610, OAR Chapter 660 - Division 18

DEPT OF

09 2007

(See reverse side for submittal requirements)

JUL 09 2007

LAND CONSERVATION AND DEVELOPMENT

LAND CONSERVATION AND DEVELOPMENT

Jurisdiction: CITY OF PENDLETON Local File No.: NONE (If no number, use none)

Date of Adoption: 06/19/07 Date Mailed: JULY 2, 2007 (Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: MARCH 26, 2007

- Comprehensive Plan Text Amendment, Comprehensive Plan Map Amendment, Land Use Regulation Amendment, Zoning Map Amendment, New Land Use Regulation, Other: (Please Specify Type of Action)

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached."

UPDATE OF TRANSPORTATION SYSTEM PLAN, TRANSPORTATION SYSTEM PLAN MAPS & IMPLEMENTING ORDINANCES

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "Same." If you did not give notice for the proposed amendment, write "N/A."

SAME (COPIES OF "SIGNED" CITY ORDINANCES ARE FORWARDED FOR YOUR RECORDS, OUR TGM CONSULTANT (PARAMETRIX) MAY HAVE ALREADY PROVIDED "UNSIGNED" COPIES OF THE ADOPTING ORDINANCES)

Plan Map Changed from: NA to NA, Zone Map Changed from: NA to NA, Location: CITY-WIDE, Acres Involved: , Specify Density: Previous: NA New: NA

Applicable Statewide Planning Goals:

Was an Exception Adopted? Yes: No: X

DLCD File No.: 001-07 (15927)

Did the Department of Land Conservation and Development receive a notice of Proposed Amendment **FORTY FIVE (45) days prior to the first evidentiary hearing.** Yes:  No:

If no, do the Statewide Planning Goals apply. Yes:  No:

If no, did The Emergency Circumstances Require immediate adoption. Yes:  No:

Affected State or Federal Agencies, Local Governments or Special Districts: ODOT, UMATILLA COUNTY

Local Contact: MICHAEL W. MULLER Area Code + Phone Number: (541) 966-0261

Address: 500 SW DORION AVENUE City: PENDLETON

Zip Code+4: 97801-2090 Email Address: mike.muller@ci.pendleton.or.us

### ADOPTION SUBMITTAL REQUIREMENTS

This form **must be mailed** to DLCD **within 5 working days after the final decision**  
per ORS 197.610, OAR Chapter 660 - Division 18.

1. Send this Form and TWO (2) Copies of the Adopted Amendment to:

**ATTENTION: PLAN AMENDMENT SPECIALIST  
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT  
635 CAPITOL STREET NE, SUITE 150  
SALEM, OREGON 97301-2540**

2. Submit **TWO (2) copies** the adopted material, if copies are bounded please submit **TWO (2) complete copies** of documents and maps.
3. Please Note: Adopted materials must be sent to DLCD not later than **FIVE (5) working days** following the date of the final decision on the amendment.
4. Submittal of this Notice of Adoption must include the text of the amendment plus adopted findings and supplementary information.
5. The deadline to appeal will not be extended if you submit this notice of adoption within five working days of the final decision. Appeals to LUBA may be filed within **TWENTY-ONE (21) days** of the date, the "Notice of Adoption" is sent to DLCD.
6. In addition to sending the "Notice of Adoption" to DLCD, you must notify persons who participated in the local hearing and requested notice of the final decision.
7. **Need More Copies?** You can copy this form on to 8-1/2x11 green paper only ; or call the DLCD Office at (503) 373-0050; or Fax your request to:(503) 378-5518; or Email your request to [Mara.Ulloa@state.or.us](mailto:Mara.Ulloa@state.or.us) - ATTENTION: PLAN AMENDMENT SPECIALIST.

## **ORDINANCE NO. 3743**

### **AN ORDINANCE ADOPTING A TRANSPORTATION SYSTEM PLAN FOR THE CITY OF PENDLETON IN ACCORDANCE WITH THE OREGON TRANSPORTATION PLANNING RULE (OAR 660-12)**

**Whereas**, the Oregon Legislature adopted law that was implemented by Oregon Administrative Rules at Chapter 660, Division 12; and

**Whereas**, the administrative rule require cities to adopt a Transportation System Plan (TSP); and

**Whereas**, the City of Pendleton intends to comply with OAR 660-12 and has formed a Project Management Team and Technical Advisory Committee to oversee the development of the TSP.; and

**Whereas**, the City of Pendleton, with support of the Oregon a Department of Transportation Department and Department of Land Conservation and Development, has hired the consulting firm of Parametrix to prepare the TSP; and

**Whereas**, the consultant has worked with City Staff and the two committees since September, 2005, in the preparation of the TSP; and

**Whereas**, the public has been afforded an opportunity to aid in the development of, and review and comment on the TSP, Now, Therefore,

### **THE CITY OF PENDLETON ORDAINS AS FOLLOWS**

Section 1: The Transportation System Plan prepared by the City of Pendleton, dated March, 2007, is hereby adopted as the transportation element of the Pendleton Comprehensive Plan and in accordance with OAR 660-12.

Section 2. On adoption, this TSP, City staff is directed to complete adoption process for implementing ordinances and the Comprehensive Plan, to ensure the timely implementation of the TSP.

Section 3. The Transportation System Plan (TSP) and Transportation System Plan Maps (TSPM) represent the long-range plan for the provision of a safe, efficient, inter-connected transportation network for the City of Pendleton. It provides a map showing where new streets will be constructed, how existing streets will be redesigned, bicycling infrastructure, and more. The TSPM is to be used during development review to assure the provision of the

planned street system through the dedication of right-of-way, or the construction of new facilities.

PASSED by the City Council and approved by the Mayor June 19, 2007

APPROVED: Phillip W. Houk  
Phillip W. Houk  
Mayor

ATTEST: Judi A. Zoske  
Judi Zoske  
City Recorder

APPROVED AS TO FORM:  
Peter H. Wells  
Peter H. Wells  
City Attorney

# 1. POLICIES AND STANDARDS

## 1.1 INTRODUCTION

The purpose of this section is to make well-reasoned, implementable recommendations to implement the Pendleton TSP. The following policy and code amendments are partly based on a review of the previous Transportation System Planning process and the 1997 Department of Land Conservation and Development (DLCD) review of the TSP. This review process resulted in a number of amendments to the City's zoning, subdivision and redevelopment codes. Many of these amendments were adopted, however some were not and are reviewed here, and recommended for adoption by the City.

Additionally, recent amendments to the Transportation Planning Rule (TPR) and the development of the Oregon Model Code have provided new requirements and options for local jurisdictions in developing land use and transportation policies. The changes in the TPR are reflected in these recommendations and will ensure the City's planning process remains in compliance with state planning law. The Model Code offers opportunities to bring new amenities and designs to the city that will increase best use of the available land and maximize values.

Policy and code recommendations focus on three main categories: planning coordination, street standards, and development codes. The planning coordination recommendations work to bring the several transportation planning documents in to concurrence with each other. This includes aligning the TSP with the TPR and Bicycle System Master Plan. The street standards offer specific amendments to improve the quality of streets in Pendleton. These include amendments to the street widths in residential areas as well as bringing other street widths into compliance with the TPR. Several recommendations create a clear framework for variances and exceptions unique to Pendleton and its economy. Finally, the development code changes bring new requirements in to make best use of the City's resources by limiting the impact of utility use in the public right-of-way and creating a clear path for upgrading city streets as redevelopment occurs. Together this package of policy changes is expected to provide a higher quality transportation network for all users and types of land use.

## 1.2 COORDINATION WITH OTHER PLANNING AND POLICY DOCUMENTS

### Conformance with Transportation System Plan

Recent amendments to the TPR have granted local jurisdictions greater discretion to modify performance standards in order to support more intense development. This proposed code amendment will allow the City of Pendleton to tailor land use and transportation policy to meet local goals. These recommendations come from the review of the previous TSP by the DLCD.

*Action: Insert new section in Ordinance Number 3250, Article XXI as follows:*

An amendment to the text of this Ordinance or to a zoning map shall comply with the provisions of the City of Pendleton Transportation System Plan. More intense development may be permitted where amendments to this Ordinance include amendments to performance standards for the facility to allow such intense development. No amendments may allow land uses or levels that are inconsistent with the functional classification of an existing or planned transportation facility.

## Implementing Mechanisms

The 2001 Transportation System Plan Manual and the Transportation Planning Rule require that a jurisdiction have the appropriate mechanisms to require construction of planned facilities and to dictate the design elements of said facilities.

*Action 1: Amend City Ordinances to incorporate requirements, drawings, and other design specifics. These specifics will be outlined later in this memo, under circulation planning and other sections.*

*Action 2: Refer to/ Adopt the Transportation System Plan Map (TSPM) in the adopting ordinance for the TSP Update project. This text can also be included on the Transportation System Plan Map.*

The Transportation System Plan Map (TSPM) represents the long-range plan for the provision of a safe, efficient, inter-connected transportation network for the City of Pendleton. It provides a map showing where new streets will be constructed, how existing streets will be redesigned, bicycling infrastructure, and more. The TSPM is to be used during development review to assure the provision of the planned street system through the dedication of right-of-way, or the construction of new facilities.

## Circulation Planning

The text provided below will enable the City of Pendleton to better preserve right-of-way and require appropriate transportation improvements and coordination. These amendments will enable the development review processes to have better information as well as enforcement mechanisms necessary to require cross-circulation.

*Action: Amend Ordinance 3251 to include the following language in Article VI, Section 21.*

G. The Transportation System Plan and Transportation System Plan Map.

*Amend Ordinance 3481 to include the following language.*

*Amend Ordinance 3251 to include the following language (with Purpose amendment in Articles 1, Section 2, K and Submittal Requirements in Article III, Section 7, D, 5, E.*

### Purpose:

To Section 1, Purpose and Policy, add:

E. To ensure adequate cross-circulation in a manner which allows subsequent developments to meet these standards, and to provide a mechanism for integrating various streets into an efficient and safe transportation network.

### Submittal requirements:

To Section 5. Development Requirements, in Part A, add language as shown below.

A. The developer...and drainage plan New paragraph

Applicants shall also submit a circulation plan which includes the subject site and all adjacent parcels. Proposed streets must be shown to the point of connection with the existing street system within six hundred (600) feet. The circulation plan shall demonstrate feasibility with development of adjacent properties, or may revise the off-site portion of prior approved plans. Circulation plans shall also be consistent with the Transportation System Plan Map, as amended. A circulation plan shall be submitted at application.

Circulation plans shall be schematic in nature and include sufficient off-site and on-site conditions to evaluate it against the review criteria. It shall include:

Proposed project boundary;

Existing and proposed streets (from TSPM), transit routes and facilities, and other pedestrian/bicycle destinations within six hundred (600) feet of the project boundary;

Site access points for vehicles, pedestrians, bicycles, and transit; and

Contours showing changes in elevation.

Sensitive lands (wetlands, shoreline, geologic hazard, floodplain, etc.)

#### Connectivity Requirements

To Section 5. Development Requirements, in Part E add language as shown below.

E. When it has been...or oversizing costs. New paragraph

Where a public or private road has been constructed, created or stubbed in such a manner as to be able to be extended or widened in accordance with adopted plans, prior approved development or this section, then:

- 1) Connection with Adjacent Areas. All residences, buildings or structures shall be constructed in such a position on the property that they will not interfere with the extension or widening of the roadway to adjacent areas and shall be so situated that such extension will make orderly and planned development for additional road installations to meet the reasonable minimum requirements of good and safe traffic circulation, consistent with applicable zoning setbacks.
- 2) Right-of-Way for Street Extensions. Right-of-way or private easements necessary for such extension or widening and falling within parcels being developed shall be granted or created as a condition of development approval.
- 3) Provisions for Future Extensions. Any street for which an extension in the future is planned shall be extended to the edge of the property being developed through the plat, short plat or site plan approval process, unless otherwise approved by the Public Works Director. The street stub shall, include sidewalks, bike lanes, planting strips etc in accordance with local code and the Transportation System Plan Map. The stub shall include a full street section unless the Public Works Director finds that only a half street or 2/3rd street width is necessary.
- 4) Use of Temporary Turnaround. If a road serving more than eighteen (18) dwelling units or more than one hundred fifty (150) feet in length temporarily terminates at a property boundary, a temporary turnaround cul-

de-sac bulb consistent with this standard shall be constructed near the plat boundary. The bulb shall be paved and shall be ninety (90) feet in diameter, which may include the width of the roadway with sidewalks, where required, terminating at the point where the bulb radius begins. Removal of the temporary turnaround and extension of the sidewalk shall be the responsibility of the developer who extends the road. The easement for a temporary turnaround may be extinguished without City approval after the temporary turnaround is determined to be no longer necessary by the City.

- 5) Barricades. A barricade shall be placed at the end of all stub streets, whether or not a temporary turnaround is constructed. Barricades must be constructed in accordance with city code, and will include a permanent sign in conformance with the Manual on Uniform Traffic Control Devices with the following or a similar message approved by the Public Works Director: *Dead End, This road will be extended in the future.*

#### To Complete sidewalk network

To Section 5. Development Requirements, in Part E add language as shown below.

D. If City standard public facilities do not exist at the time of development, the developer shall... The Public Works Director may waive certain requirements based on topography or other locational factors that may make provision of the improvements impractical. *New Sentence.* The Public Works Director may request that the applicant obtain two independent bids for the construction to substantiate the impracticality of the requirement.

### **Transportation Impact Studies**

Land use plans and regulations cannot account for every possible type and level of development. Within a single commercial zoning district, for example, a building can be occupied by everything from an accountant's office to a nightclub. While city and state transportation planning can accommodate the broad patterns of growth over long periods of time, there are circumstances where private development is asked to make additional improvements to the transportation system. The following language will enable the City to requirement impact studies for major new developments, and to require mitigation to the impacts.

#### Submittal requirements for Traffic Impact Study:

*Action:* Amend Ordinance 3481, Section 5. Development Requirements, in new Part B, add language as shown below.

- A. Add following Circulation Plan requirements.

#### Transportation Impact Study.

- 1) A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of local significance, unless the development application is exempt from the provisions of (A) 7 this section or the requirement for a study has been waived by the Public Works Director.

2) A transportation impact study shall include, at a minimum, an analysis of the following elements:

- a) Trip generation, modal split, distribution, and assignment for the proposed development; and
- b) An analysis of the projected impact of the proposed development upon the current operating level and safety of any affected transportation corridor or intersection of regional significance.

A transportation impact study shall be prepared by and/or under the supervision of a registered professional traffic engineer in the state of Oregon.

A transportation impact study shall be based on traffic counts obtained within twelve (12) months of the date of the development application. The traffic counts shall reflect representative traffic conditions within transportation corridors and at intersections of significance. The Public Works Director may request new counts be taken or estimated when recent development renders counts from within the previous 12 month period to be no longer representative.

A transportation impact study shall analyze impacts on affected transportation corridors or intersections of significance between the subject development and the state highway system. The City staff will provide the list of these intersections for different areas of the City, based on analysis from the State Transportation Planning and Analysis Unit (TPAU). *Intersections of significance* shall include all those with an arterial or collector level roadway as defined in the TSP.

The Public Works director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works director determines that additional information or analysis is required to implement the standards and requirements contained in this section.

No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will include fewer than 50 single family residential units, 83 multi-family units, or 50,000 square feet of non-residential space.

Upon the written request of an applicant, the Public Works Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works Director determines that the potential transportation impacts upon the affected transportation corridor.

The Traffic Impact Study will be used to determine impacts, and propose mitigations. The City will negotiate with the applicant to determine the most appropriate mitigations. These mitigations shall then be provided by the applicant or an equivalent payment must be made so that the City can initiate the required transportation system improvement project. These improvements must be proportionate and directly related to the impacts of the proposed development.

## **Bicycle Planning**

The City of Pendleton has a developed Bicycle System Master Plan that is not fully integrated into the citywide transportation planning system. This amendment incorporates the recommendations and designations made in the bicycle plan with the entire transportation planning process to provide for efficient implementation of all plans.

*Action: Amend Transportation Map and Capital Improvement Plan, establish Transportation System Plan Map and revise cross sections.*

When roadways are reconstructed or upgraded, the City shall include bicycle facilities as they are identified in the TSP and TSPM. Bike lanes will be required on nearly all new arterial and collector facilities and with reconstruction of existing facilities. Sidewalks will be required by proposed code requirements, and are shown in the TSP and on the TSPM.

To Ordinance 3481, Section 5. Development Requirements, add part H. Bicycle System as shown below.

H. Where Required. Bike lanes shall be included in the reconstruction or new construction of any arterial or collector street if bike lanes are indicated in the Transportation System Plan Map or as required by the Public Works Director.

- a) Signage and Markings. Bike lanes shall include signage and pavement markings in conformance with the Manual on Uniform Traffic Control Devices.
- b) Vertical Clearance. Bike facilities shall have an unobstructed vertical clearance of not less than eight (8) feet.
- c) Reference Standards. Standards for bikeways consist of the following: Manual on Uniform Traffic Control Devices, USDOT, and Federal Highway Administration. For additional reference see "Guide for Development of New Bicycle Facilities," American Association of State Highway and Transportation Officials (AASHTO), 1991.

## **1.3 CITY STREET STANDARDS**

### **Street Widths**

This proposed amendment was suggested by the DLCD. Current street standards do not comply with the TPR, as they do not allow "skinny streets." Streets that are too wide reduce useable land in a development, reducing both land available and decreasing potential tax base. Based on recent studies across Oregon, specifications are recommended for adoption in the code. Please see the discussion and table below regarding the new street standards, including provisions for "skinny streets."

### **Bikeways in Arterial and Collector Cross Sections**

In the previous transportation system planning process the city and DLCD agreed to include bikeways where identified in the TSP. However, this amendment did not include the necessary widths within the travel lanes in the street standards section.

*Action:* Amend Ordinance Number 3251, Section 31 Table 1 to add Bikeways to Cross-section (as shown below).

Arterial and Collector Street widths must include width requirements for bikeways in addition to the travel lanes. These bikeways must be no less than five (5) feet wide, with a recommended width of six (6) feet in each direction of travel. Decision on whether bikeways are to be bicycle lanes, bicycle paths or shared lanes is left to the discretion of the Planning Commission and its evaluation of bicycle use. The TSP, TSPM, and Bicycle System Master Plan identify the streets that shall be used to make a determination.

### **Codification of Street Standards**

The TSP will include the cross sections, illustrating the street design standards. These and other discussions in the TSP, as well as details from the TSPM, may be useful in the analysis of unique circumstance. Therefore, these documents should be cross-referenced in the code to allow for enforceability.

*Action* Ordinance Number 3251, Section 31, Add language for referencing the TSP and TSPM

D. All streets shall be...as set forth by the Comprehensive Plan (add) the TSP, and the TSPM.

### **General Street Standards**

#### **Cross Sections and Functional Classifications**

There is a need for consolidation and clarification of the street standards as well as other standards for municipal infrastructure. The following amendments will provide clear standards and will implement consistency between the TSPM and the code. The TSP will be adopted inclusive of cross section graphics for the major functional classifications. These are to be used with the code to implement the TSPM and TSP, which will provide the number of lanes, parking, bike facilities and other details for all proposed facilities.

*Action:* Amend Ordinance 3251 Article VII, Section 31 as shown.

Amend Table One with the following.

Table 1-1. Design Standards for Public Streets

ROW	Total Lanes	Travel Lanes	Width	Center Lane	Width	Bike Lanes	Width	Parking Lanes	Width	Pavement Width	Planter Width	Sidewalk	Notes
<b>Arterial</b>													
60	2	2	12	0	14	2	6	0	8	36	0-7	5-12	3,5
80	2	2	12	0	14	2	6	2	8	52	0-9	5-14	5
70	2	2	12	0	14	1	6	2	8	46	0-7	5-12	1,5
70	3	2	11	1	14	2	6	0	8	48	0-6	5-11	3,5
90	3	2	11	1	14	2	6	2	8	64	0-8	5-13	5
80	4	4	12	0	14	2	6	0	8	60	0-5	5-10	3,5
90	5	4	11	1	14	2	6	0	8	70	0-5	5-10	3,5
<b>Collector</b>													
60	2	2	12	0	14	2	6	0	8	36	0-7	5-12	3
80	2	2	12	0	14	2	6	2	8	52	0-9	5-14	
70	3	2	11	1	14	2	6	0	8	48	0-6	5-11	3
90	3	2	11	1	14	2	6	2	8	64	0-8	5-13	
<b>Local Commercial</b>													
60	2	2	16	0	14	0	6	0	8	32	0-9	5-14	3
60	2	2	12	0	14	2	6	0	8	36	0-7	5-12	3
80	2	2	12	0	14	2	6	2	8	52	0-9	5-14	
60	3	2	14	1	14	0	6	0	8	42	0-5	5-9	3
70	3	2	11	1	14	2	6	0	8	48	0-7	5-11	3
90	3	2	11	1	14	2	6	2	8	64	0-9	5-13	

(Table Continues)

Table 1-1. Design Standards for Public Streets (Continued)

ROW	Total Lanes	Travel Lanes	Width	Center Lane	Width	Bike Lanes	Width	Parking Lanes	Width	Pavement Width	Planter Width	Sidewalk	Notes
<b>Industrial</b>													
60	2	2	12	0	14	0	5	2	3	30	3-10	5-12	3
70	2	2	12	0	14	2	5	2	3	40	3-10	5-12	3
70	3	2	11	1	14	0	5	2	3	42	4-9	5-10	3
80	3	2	11	1	14	2	5	2	3	52	4-9	5-10	3
<b>Major Residential</b>													
50	2	2	14	0	14	0	6	0	8	28	3-6	5-8	3,4
60	2	2	12	0	14	0	6	1	8	32	6-9	5-8	3,4
60	2	2	10	0	14	0	6	2	8	36	4-7	5-8	
<b>Minor Residential</b>													
50	2	2	7	0	14	0	6	2	7	28	3-6	5-8	2
50	2	2	10	0	14	0	6	0	7	20	7-10	5-8	3
50	2	2	8.5	0	14	0	6	1	7	24	5-8	5-8	2,3
50	2	2	8	0	14	0	6	2	7	30	2-5	5-8	2
50	2	2	11	0	14	0	6	1	8	30	2-5	5-8	3
60	2	2	10	0	14	0	6	2	7	34	5-8	5-8	
<b>Accessway</b>													
8	1	1	5	NA	NA	Integrated	NA	0	0	5	NA	Integrated	
10	1	1	8	NA	NA	Integrated	NA	0	0	8	NA	Integrated	
14	2	2	6	NA	NA	Integrated	NA	0	0	12	NA	Integrated	
<b>Alley</b>													
18	2	2	60	NA	NA	NA	NA	0	0	12	NA	0	

<sup>1</sup> One-way streets only.

<sup>2</sup> Considered to be Queuing Streets. Allowed for streets with less than 500 ADT and shorter than 400 ft. Consideration must be given in the design to provide queuing space for yielding vehicles by restricting street parking in areas.

<sup>3</sup> Additional off street parking must be provided.

<sup>4</sup> Utilized in hillside areas to minimize grading in steep terrain.

<sup>5</sup> Arterial roadways in the downtown must have sidewalks 10 feet in width and consistent with all city codes.

<sup>6</sup> Planted Medians may be built and can be as narrow as 6 feet when not also serving as a center turn lane, or left turn lane.

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## **Dead-End Streets**

Presently the subdivision code does not require dead-end streets to be signed or barricaded at the end. The code does require turning space, but without signage and barricades both the developer and city may be liable for personal or property damage or injury arising from a vehicle driving through the dead-end. Proposed amendment requires signs to warn drivers of the dead-end and barricade and barricades to prevent vehicles from leaving the roadway. This amendment will apply to all new developments and also creates a means for existing dead-ends to be brought up to these standards.

*Action: Amend Ordinance Number 3251, Section 31(M) to include the following:*

Dead-end streets, per fire code, shall include clear signage that the street is a dead-end and that it is barricaded. If shown as later extending (on the TSPM) the sign shall read *Dead End, This road will be extended in the future.*

The street shall include a reflective barricade (per AASHTO) constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade and signage shall be included in the street construction cost and born by the developer.

## **Planting Strips**

This amendment is recommended based on the Model Code developed by the DLCDC. Street trees provide several benefits including welcoming pedestrian use with shaded sidewalks and slowing stormwater runoff. In addition to requiring plantings, the city should develop a planting manual that can guide developers as they choose trees to use.

*Action: Ordinance Number 3251, Article One Section 3 Definitions*

Planting Strip: A landscaped buffer between roadways and sidewalks as is shown on the street cross section graphics of the City Transportation System Plan.

*Action: Amend Ordinance Number 3251, Article VIII, Section 46 sub-section B to read as follows:*

B. As a requirement for any subdivision or major partition approval, and prior to City acceptance of the street improvements, the developer shall provide a planting strip along each street with a width of no less than three (3) feet within the right-of-way. Further, developer shall plant shade trees as established by this Ordinance. Such trees are to be planted within the planting strip and abutting the land division, unless this location is altered for utility purposes. A minimum of one (1) tree shall be planted every fifty (50) feet of frontage along each street unless otherwise approved by the Planning Commission. A minimum of two trees per frontage is required. Sleeves shall be provided under the sidewalk for irrigation of the planting strip. Tree planting is required before the City will establish a Water service account. Shade trees planted in planting strips shall come from the street tree manual developed by the City. At the discretion of the Public Works Director the Plantings can be allowed behind the sidewalk or within tree wells (providing a "curb-tight" sidewalk exists).

## **Providing for Landscaping in Boulevard Medians**

Similar to planting strips, landscaped medians slow stormwater runoff, but additionally landscaped medians prevent encroachment by vehicles into other lanes of travel and provide calming influence on traffic.

*Action: Amend Ordinance Number 3251, Section 31 section to include new sub-section as follows:*

R. Where directions of travel are separated by a median, such as with boulevard cross-sections with or without a left turn lane, the median shall be no less than twelve (12) feet and be provided for landscaping. Planted medians may be a minimum of six (6) feet in width when separating travel lanes for a road section without center or left turn lanes in the median. Median shall be planted with shade trees no less than every thirty (30) feet. Shade trees planted in medians shall come from the street tree manual developed by the City. Plantings shall be of an appropriate height and placement at intersections and crossing locations to ensure adequate visibility and sight distance for vehicles, pedestrians, and bicyclists.

## **Artifacts**

It is important to preserve Pendleton's historic resources and sense of place. The following amendment will help to preserve horse rings, angle irons, and historic street stamps

*Action: Amend Ordinance Number 2287, Section 27 to protect historic appurtenances.*

Add to text: Any monuments ...within the City, and any horse rings, angle irons, and street stamps, should not be removed, and shall be reinstalled in the improved curb or sidewalk as is feasible.

Add at end of text: Angle irons frequently are found on curbs, especially at corners and have protected curbs from carriage wheels. Stamps are found in concrete with street names, construction company names, and years of construction. Where street improvements disturb these artifacts, they are to be installed with the new facility, as close as possible, to where they were originally found. In circumstances where this is not possible, the artifacts shall be held by the City and reused in places where these artifacts have been lost.

## **Sidewalks**

Sidewalks provide safe and convenient routes for pedestrian circulation and provide connectivity between all areas of a community and the destinations provided there. However, there are cases where sidewalks are either impractical or unlikely to provide a benefit. This amendment to the code provides a clear policy for the Planning Commission to use in deciding whether to grant a variance for the requirement to build sidewalks.

*Action: Amend Ordinance Number 3251, Section 43(B) to provide framework for Planning Commission variance.*

- Variances for sidewalks on both sides may be granted by the Planning Commission if:
  - The topography of the site does not permit the reasonable use of a sidewalk; or
  - Some other existing or proposed accessway, sidewalk or other facility exists that provides a safe and convenient bicycle and pedestrian route (e.g. pedestrian and bicycle pathways along the rear or side of the lot, easements, bridal paths).

## Bicycle and Pedestrian Facilities

### Definition of Safe and Convenient Bicycle and Pedestrian Routes

The DLCD and City agreed on language for defining safe and convenient routes that today does not remain in the code. The definition is required by the Transportation Planning Rule and also gives developers a clear test for designing amenities in their subdivisions. This definition is also used in other proposed code amendments included in this plan and therefore this definition should be adopted.

#### **Ordinance Number 3251, Section 3**

*Action:* Add the following definition for the phrase "Safe and Convenient Bicycle and Pedestrian Routes."

Safe and Convenient Bicycle and Pedestrian Routes: Bicycle and pedestrian routes, facilities and improvements which are reasonably free from hazards, particularly types or levels of automobile traffic which would interfere with or discourage pedestrian or cycle travel for short trips. Further these routes must provide a reasonably direct route of travel between destinations such as between a transit stop and a store, and the route must meet travel needs of cyclists and pedestrians considering destination and length of trip; and considering that the optimum trip length of pedestrians is generally 1/4 to 1/2 mile.

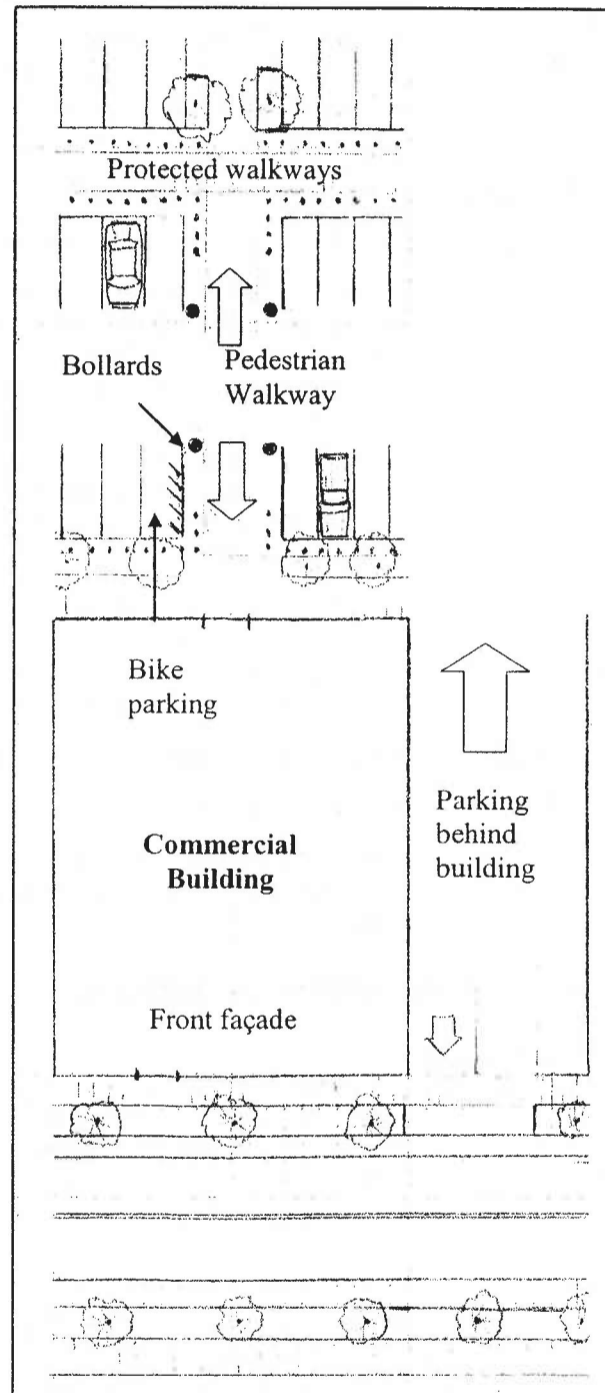
#### **Designation of Accessways**

The DLCD recommended clarification of terms used in the TSP in the previous planning effort. Bikeways and accessways were not defined separately, and here a modified accessway definition is recommended. This definition conforms to the TPR and also provides clear guidance on how variances maybe provided in certain cases.

#### **Ordinance Number 3251, Section 44**

*Action:* Rename section "Bicycle Ways" and amend section as follows.

Accessways: The dedication of accessways, (8') to fifteen (15') feet wide, are required by the Commission through a block or to connect to a cul-de-sac where it is deemed necessary to provide circulation or access for non-motorized traffic and potentially emergency access for



vehicles. Where constraints limit access to pedestrians only, or where it can be determined that bicycle use shall be minimal or non-existent, Section 43(E) shall apply.

### **Pedestrian and Bicycle Access and Circulation**

These two amendment recommendations were initiated by the DLCDC and the City in 2001, but have since been refined. These remove unenforceable language and provide clear requirements for sidewalks. The new additions serve to separate pedestrian and vehicular movements in large parking lots. The language comes from a joint effort by the city planning director and the DLCDC.

#### ***Ordinance Number 3250, Article XVIII***

*Action:* Amend Article with new section as follows.

**Pedestrian and Bicycle Access and Circulation:** A sidewalk or walkway connection shall be provided between the primary entrance of each building and the adjacent or frontage street. In addition, a sidewalk or walkway providing reasonably direct connections between primary building entrances of abutting developments shall be incorporated into the design. Sidewalks or walkways at 50 feet or more in length through a parking lot area shall include raised pavement, striping, special pavers, or other similar identifying devices. Parking blocks or curbs should be used for each, non-parallel, parking stall. Bollards should be used to identify and protect these walkways.

Sidewalks or walkways should not be located behind parked vehicles requiring vehicles to back out across the walkway. Rather, the sidewalk should be in the front of the stalls (See drawing). When possible the walkway should be separated from parking stalls by a landscape buffer.

#### ***Ordinance Number 3250, Article I, Section 3***

*Action:* Amend Article with new definition as follows.

**Reasonably Direct** – A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

## **1.4 DEVELOPMENT AND MAINTENANCE**

### **Driveways**

Currently the code does not provide engineering and construction guidance for driveways. The following language will provide safer designs and contribute to the livability of residential areas. Standards, for projects impacting the state system must be consistent with state requirements.

*Action:* Amend Ordinance Number 3250 Article IV Section 25 to include the following:

J. Driveways. In any district...required yard

Driveway surfaces shall be designed for all weather conditions (paved or compacted gravel). Vehicle driveway and storage areas will not be allowed to be dirt or vegetation. For grades over 8 percent, paved driveway surfaces are required. All portions of the driveway within the public right-of-way, and at a minimum of the first 20 feet behind the curb or sidewalk shall be paved as an apron to control gravel.

For residential driveways, including private roads, the maximum slope of any portion of the driveway shall be 20 percent, with an overall average grade of less than 15

percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 12 percent for a crest situation and 16 percent for a sag situation. The maximum number of houses served by a driveway or private road is three.

For commercial or industrial driveways, including private roads, the maximum slope of any portion of the driveway shall be 15 percent for any point above the elevation of the roadway, and shall be 8 percent for any point below the elevation of the roadway. The overall average grade shall be less than 12 percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 8 percent for a crest situation and 12 percent for a sag situation.

Every driveway approach or entrance to abutting property shall be maintained and kept in a safe condition by the owner of the abutting property. Any driveway approach which is not so maintained or which interferes with the drainage or safe travel of the street shall be repaired to conform with the specifications of City ordinances and the City Engineer or be removed.

When a driveway approach no longer provides necessary access for vehicles to parking areas, driveways, or doors intended and used for vehicles, such driveway approach shall be removed. Upon the removal of any such driveway approach, that portion of the street occupied by the same shall be restored as nearly as practicable to match the conditions adjacent to driveway approach or in accordance with design standards for public streets (Ord. 3251 Sect. 31). Restoration shall include curbing, sidewalk to the nearest grid section, and landscaping, all by and at the expense of the owner of the abutting property.

The current design requirements for industrial and commercial driveways would be better implemented with the attached graphics (see below).

*Action: Amend Ordinance Number 3251 Article VII Section 28.*

D. When a driveway approach no longer provides necessary access for vehicles to parking areas, driveways, or doors intended and used for vehicles, such driveway approach shall be removed. Upon the removal of any such driveway approach, that portion of the street occupied by the same shall be restored as nearly as practicable to match the conditions adjacent to driveway approach or in accordance with design standards for public streets (Ord. 3251 Sect. 31). Restoration shall include curbing, sidewalk to the nearest grid section, and landscaping, all by and at the expense of the owner of the abutting property.

*Amend Ordinance Number 3250 Articles VII and VIII for Commercial (adding a new Section 49) and Industrial zones (adding to Section 57 adding G) to include the following:*

In order to improve the access and safety of freight hauling, driveways outside of the downtown area shall be constructed in accordance with the graphic below.

### **Block Size Limits**

Block size limits provide efficient land use and increase access to residences, places of work and business and other local amenities. These limits are derived from those in the DLCDC model code and are recommended for adoption here.

*Action: Amend Ordinance Number 3251, Article VII, Section 26 section to include the following:*

In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards (The standards preferably represent minimum and maximum distances between two streets. But in many cases may only determine minimum and maximum distances between streets and accessways):

- a. Residential Districts: Minimum of one hundred (100) foot block length and maximum of eight hundred (800) length; maximum two thousand (2,000) feet block perimeter;
- b. Downtown: Minimum of one hundred (100) foot length and maximum of four hundred (400) foot length; maximum one thousand seven hundred (1,700) foot perimeter;
- c. General Commercial Districts: Minimum of one hundred (100) foot length and maximum of six hundred (600) foot length; maximum one thousand four hundred (1,400) foot perimeter;
- d. Masterplanned Developments: Large multi-use sites may be granted a variance from these limits if the development is developed with multiple users and owners in its final development. These developments may not include districts solely developed for retail sales establishments or other similar uses that involve high traffic. Block standards also may not be applicable in the Industrial Districts.

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**Figure 1-1. Commercial and Industrial Driveway Standards**

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## Parking

The following amendments will help to stimulate economic development, minimize excess parking, better accommodate cyclists, and provide a more pleasing urban form.

*Action: Amend Ordinance Number 3250, Section 119 as shown to require less parking for two uses and to limit the amount of overflow parking that can be constructed:*

In the beginning paragraph:

At the time...fractional bicycle space shall not...

The following Off-street automobile and bicycle parking MINIMUMS are hereby established. PARKING MAXIMUMS ARE SET AT 125 PERCENT OF THE MINIMUMS.

F (1) One (1) space per 250 square feet. . .

F (5) One (1) space per 250 square feet. . .

B. Commercial Residential

(1) Hotel: One (1) space per guest room or suite, one (1) additional space for the owner or manager, plus one (1) space for every ten (10) units

*Action: Amend Ordinance Number 3250, Section 121 to include the following:*

H. Design requirements. . .

10. After ...Commission, add

(11) All parking areas adjacent to public sidewalks shall be buffered from the sidewalk (except at gateways and openings) with a minimum of four feet of landscape area with vegetation at least three feet in height.

(12) Bicycle parking facilities shall be provided in accordance with the provisions below:

- a. Bicycle parking facilities should either be a lockable enclosure in which the bicycle is stored, or a secure stationary rack which supports the frame so the bicycle cannot easily be pushed or fall to one (1) side. Racks that require a user-supplied lock should accommodate locking the frame and both wheels using either a cable or U-shaped lock.
- b. Bicycle parking spaces should be at least six (6) feet long and two-and-one-half (2 1/2) feet wide, and overhead clearance in covered spaces should be a minimum of seven (7) feet.
- c. A five (5) foot aisle for bicycle maneuvering should be provided and maintained beside or between each row/ rack of bicycle parking.
- d. Bicycle racks or lockers should be securely anchored.
- e. Required bicycle parking should be well lighted and secure.
- f. Bicycle parking should not obstruct walkways. A minimum five (5) foot wide aisle shall remain clear.

- g. If ten (10) or more bicycle spaces are provided for commercial development, then at least fifty percent (50%) of the bicycle spaces should be covered. A lockable enclosure shall be considered as a covered parking space.
- h. All of the required bicycle parking for residential uses should be covered. This may include space provided in a carport or garage.
- i. Bicycle parking should be located on the site within fifty (50) feet of main building entrances and not farther from the entrance than the closest standard or compact motor vehicle parking space. Bicycle parking should have direct access to both the public right-of-way and to the main entrance of the principal use.
- j. For buildings or developments with multiple entrances, bicycle parking should be distributed proportionally at the various public entrances; employee bicycle parking should be located at the employee entrance, if appropriate.
- k. Bicycle parking may be located in the public right-of-way only with the approval of the Public Works Director.
- l. Bicycle parking may be provided within a building easily accessible for bicyclists.

(13) In Commercial zones, parking areas should be, whenever possible, located behind the plane established by the front façade of the building for which the parking is being provided. The parking should be located to the rear of the building to the maximum extent possible. Locating the parking lot in front of the building (between the fronting, public right-of-way and the building) should be avoided. The required parking minimums in Section 119 may be reduced by 25% for developments with the parking located behind the building. For parking areas located beside a building, and behind the plane established by the front façade may have a 10% reduction in their required parking.

*The use of the word MAY above is intentional. Development, especially infill development, is often on complex sites with oddly shaped parcel and multiple frontages. The use of the word MAY will allow the City and the Public Works Director, some discretion in the applicability of these incentives.*

## **1.5 PENDLETON COMPREHENSIVE PLAN TRANSPORTATION ELEMENT**

The purpose of the Comprehensive Plan is to provide for orderly growth and to encourage development of a community that meets the needs of its current and future residents. The Comprehensive Plan is the City's highest tier policy document, and establishes the policy framework for future growth decisions. The Transportation Plan is an element of the Comprehensive Plan. It expresses the City's policies for an orderly, efficient, and safe multimodal transportation system. The Transportation Plan is currently implemented through the 1996 TSP, Capital Facilities Plan, and city ordinances. The Transportation Plan policies were amended concurrently with adoption of the 1996 TSP.

The Comprehensive Plan Transportation Plan includes goals, policies, programs, and other direction on how the City should plan and maintain the transportation system. The guidance begins with the identification of "Needs", which are provided below. There are additional sections of the plan which address related topics such a pedestrian connectivity. There are recommended changes and additions to these Needs statements below.

*Action: Amend Comprehensive Plan as shown.*

1. There is a need for an efficient integrated hierarchical street system and standards thereto.
2. There is a need for a system whereby County roads inside the City can be improved to the appropriate urban standards as development occurs in an area served by a County road.
3. There is a need for a logical streets naming and numbering system within the Pendleton Urban Area.
4. There is a need for adequate off-street parking.
5. ~~There is a need for free, regulated vehicular parking in the downtown area.~~ *There is a need for adequate, and regulated vehicular parking in the downtown area.*
6. There is a need for a program and funding of street repair and maintenance.
7. There is a need for safe traffic flows in and within the existing and any future one-way couplets
8. There is a need for safe street intersections.
9. There is a need for available alternative modes of transportation to facilitate an individual's mobility.
10. There is a need for A: protective railroad crossing devices to protect through traffic at all new street grade crossings; and B: a smoother, safe, and durable surface at all existing and new street-grade railroad crossings.
11. There is a need for passenger and freight rail.
12. There is a need for an integrated bicycle system.
13. There is a need to provide pedestrian and bicycle linkage between residential, business, educational, and recreational areas.
14. There is a need for subsidized transportation for senior citizens, limited or fixed income citizens, disabled and handicapped individuals.
15. There is a need for bridle paths. *ADD – and a facility(s) for short-term equestrian boarding, loading, and unloading.*
16. There is a need for competitive truck delivery services.
17. There is a need for air service.
18. There is a need for coordination with the ODOT in the implementation of its six-year Highway Improvement Program.
19. There is a need for improved access to Pendleton's industrial sites, including the Pendleton Industrial Park and the Air Business and Industries Park.

*Proposed additional policies:*

20. There is a need to provide sufficient paved, impervious surface, while reducing, where appropriate street widths and parking lot size.
  21. There is a need to investigate and, as appropriate, implement fixed route transit service.
-

22. There is a need to adopt and enforce a fair, clear Transportation System Plan Map.

## **1.6 PROGRAMMATIC OPPORTUNITIES**

There are a number of opportunities for the businesses community to support the development of an effective and efficient transportation system. The City may enlist the aid of the business community and other leaders to supporting future funding initiatives for needed improvement projects. The following “Customer First” concept can be initiated with City support, but would be maintained by the Chamber of Commerce or similar entity.

### *Customer First Program*

Providing good customer service includes providing customers with accessible parking. The first priority for whom parking needs to be provided is the customer. The customer can choose to frequent a different business if parking is unavailable, if parking is seemingly unsafe, or if bicycle bike racks are not provided.

A Customer First program is a pact made amongst business owners to prioritize the needs of their customers, especially in regards to parking. The program can be further refined by small groups of business leaders, employees, and perhaps a city representative. Some examples of program objectives and campaigns are provided below. Adherence to the mission can be loosely or tightly enforced. A small sticker could be inexpensively produced for the windows of participating businesses.

#### Goals:

- Encourage the use of alternate modes for employees.
- Prioritizing available parking (on and off street) for customers.
- Assist employees, where possible in finding different parking, or new ways to commute.

#### Campaigns:

1. Reducing employee parking from on-street stalls.
2. “Save the best” campaign to keep parking directly in front of each business free for customers.
3. Support of transit use through flexible scheduling, transit pass subsidies, etc.
4. Installation of bike racks.
5. Initiation of telecommuting program where possible.

## **1.7 ACCESS MANAGEMENT ON STATE FACILITIES**

Along state highways, access is commonly controlled by the ODOT through the purchase of access rights. New access to/from a state highway is provided consistent with the standards adopted in the Oregon Highway Plan (OHP) for each highway classification, its location within an urban or rural area, and its posted speed. The 1999 OHP was amended in 2006. With this amendment, new spacing standards were adopted and are now applicable in Pendleton. These standards should be enforced, and can be found at:

<http://www.oregon.gov/ODOT/TD/TP/docs/orhwyplan/hwyplan/appendices.pdf>

## **ORDINANCE NO. 3744**

### **AN ORDINANCE ADOPTING THE TRANSPORTATION SYSTEM PLAN AND AMENDING ORDINANCE NO. 3442 (THE 1990 COMPREHENSIVE PLAN)**

**Whereas,** The purpose of the Comprehensive Plan is to provide for orderly growth and to encourage development of a community that meets the needs of its current and future residents; and

**Whereas,** The Comprehensive Plan is the City's highest tier policy document, and establishes the policy framework for future growth decisions; and

**Whereas,** The Transportation Plan is an element of the Comprehensive Plan. It expresses the City's policies for an orderly, efficient, and safe multi-modal transportation system; and

**Whereas,** The Transportation Plan is currently implemented through the 1996 Transportation System Plan, Capital Facilities Plan, and City ordinances; and

**Whereas,** The Transportation Plan policies were amended concurrently with adoption of the 1996 Transportation System Plan; and

**Whereas,** The Comprehensive Plan Transportation Plan includes goals, policies, programs, and other direction on how the City should plan and maintain the transportation system; and

**Whereas,** The guidance begins with the identification of "Needs", which are provided below. There are additional sections of the plan which address related topics such as pedestrian connectivity.

### **THE CITY OF PENDLETON ORDAINS AS FOLLOWS:**

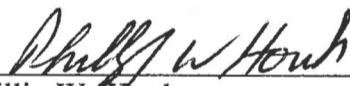
Section 1: The 2007 Transportation System Plan is adopted as the principal transportation component of the Comprehensive Plan.

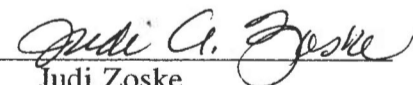
Section 2: The Comprehensive Plan Statements of transportation "needs" are amended as follows:

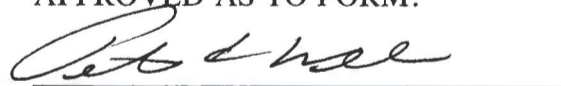
1. There is a need for an efficient integrated hierarchical street system and standards thereto.
2. There is a need for a system whereby County roads inside the City can be improved to the appropriate urban standards as development occurs in an area served by a County road.
3. There is a need for a logical streets naming and numbering system within the Pendleton Urban Area.
4. There is a need for adequate off-street parking.
5. There is a need for ~~free~~ adequate and regulated vehicular parking in the downtown area.
6. There is a need for a program and funding of street repair and maintenance.
7. There is a need for safe traffic flows in and within the existing and any future one-way couplets
8. There is a need for safe street intersections.

9. There is a need for available alternative modes of transportation to facilitate an individual's mobility.
10. There is a need for A: protective railroad crossing devices to protect through traffic at all new street grade crossings; and B: a smoother, safe, and durable surface at all existing and new street-grade railroad crossings.
11. There is a need for passenger and freight rail.
12. There is a need for an integrated bicycle system.
13. There is a need to provide pedestrian and bicycle linkage between residential, business, educational, and recreational areas.
14. There is a need for subsidized transportation for senior citizens, limited or fixed income citizens, disabled and handicapped individuals.
15. There is a need for bridle paths and a facility(s) for short-term equestrian boarding, loading, and unloading.
16. There is a need for competitive truck delivery services.
17. There is a need for air service.
18. There is a need for coordination with the ODOT in the implementation of its six-year Highway Improvement Program.
19. There is a need for improved access to Pendleton's industrial sites, including the Pendleton Industrial Park and the Air Business and Industries Park.
20. There is a need to provide sufficient paved, impervious surface, while reducing, where appropriate street widths and parking lot size.
21. There is a need to investigate and, as appropriate, implement fixed route transit service.
22. There is a need to adopt and enforce a fair, clear Transportation System Plan Map.

PASSED by the City Council and approved by the Mayor June 19, 2007

APPROVED:   
Phillip W. Houk  
Mayor

ATTEST:   
Judi Zoske  
City Recorder

APPROVED AS TO FORM:  
  
Peter H. Wells  
City Attorney

## **ORDINANCE NO. 3745**

### **AN ORDINANCE AMENDING ORDINANCE 3250, PENDLETON ZONING ORDINANCE, IMPLEMENTING THE 2007 TRANSPORTATION SYSTEM PLAN**

#### **THE CITY OF PENDLETON ORDAINS AS FOLLOWS:**

Section 1. Ordinance 3250, Section 3 is amended as follows:

**SECTION 3. DEFINITIONS.** The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, excepting those instances where the context clearly indicates a different meaning. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular, the word lot includes the word plot. The word shall is mandatory, while the word may is discretionary.

**Abutting.** Having a common linear boundary.

**Access.** A way or means of approach to provide physical entrance to a property.

**Accessory Structure or Accessory Use.** A structure or use incidental and subordinate to the main use of the property and located on the same lot as the main use; such as, but not limited to: private garage, carport, tool or storage shed, playhouse, private recreation facilities, guest house (no cooking facilities), temporary real estate sales office, fence, and satellite dish antennas. Above-ground fuel storage tanks are considered accessory structures, subject to the requirements of this Ordinance and other applicable local and state laws.

**Acre.** A measure of land area containing 43,560 square feet.

**Addition.** A structure added to the original structure at some time after the completion of the original.

**Aisle.** The traveled way by which cars enter and depart parking spaces.

**Airport.** A place where aircraft can land and take off, usually equipped with hangars, facilities for refueling and repair and various accommodations for passengers.

**Airport Elevation.** 1493 feet, as determined by the Airport Master Plan.

**Airport Hazard.** Any structure or vegetation located on or in the vicinity of the airport, or any use of land near said airport, which obstructs the airspace required for the flight of aircraft in landing or takeoff at said airport or is otherwise hazardous to such landing or takeoff of aircraft.

**Airport Hazard Subdistrict.** A zoning subdistrict designed to protect the airport from hazardous obstructions.

**Airport Master Plan.** That document adopted by the City Council as a plan for Airport development.

**Alley.** A service way providing a secondary means of public access to abutting property and not intended for general traffic circulation.

**Alteration.** Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders, or interior partitions, as well as any change

in doors or windows, or any enlargement to or diminution of a building or structure, whether horizontally or vertically, or the moving of a building or structure from one location to another. For purposes of the Historic Conservation Subdistrict, the term alteration shall mean any addition to, removal of, or change in the exterior part of a structure and shall include modification of the surface texture, material, or architectural details of the exterior part of the structure, but shall not include paint color.

Approach, Transitional, Horizontal, and Conical Zones. These zones apply to the area under the approach, transitional, horizontal, and conical surfaces defined on the approach and clear zone within the Airport Master Plan.

Average Slope. A measure of topographical features derived by dividing the change in elevation by the linear distance over which such elevation change occurs.

Awning. A roof-like cover that is temporary in nature and that projects from the wall of a building for the purpose of shielding a doorway or window from the elements.

Boarding House. A dwelling, or part thereof, in which lodging is provided by the owner or operator to more than two (2) boarders.

Building. A structure built for the support, shelter or enclosure of persons, animals, or property of any kind.

Cabana. A stationary, light weight structure which may be prefabricated or demountable, with two or more walls, used adjacent to and in conjunction with a mobile home, to provide living space meant to be moved with the mobile home.

Carport. A roofed structure, or portion of a building, open on two (2) or more sides, used primarily for the parking and storage of automobiles and other property.

Cemetery. Land used or intended to be used for the burial of the dead and dedicated for cemetery purposes; including columbaria, crematories, mausoleums, and mortuaries (when operated in conjunction with and within the boundary of such cemetery).

Central Area Parking District. A group of properties within the downtown Pendleton area as portrayed on Figure 10, that participated in LID #293 which established parking lots in the downtown area. Uses within this district are not required to provide off-street parking as set forth in Section 83 of this Ordinance.

Church. A building or structure, or group of buildings or structures, which by design and construction are primarily intended for the conducting of religious services and accessory uses associated therewith.

City. The City of Pendleton, Oregon.

City Manager. The City's chief administrative officer or authorized agent.

City Park. A recreation area dedicated and preserved public usage.

City Planner. The Director of the Department of Planning and Building; an authorized agent of the City Manager with duty to administer and enforce this Ordinance.

City Standards. Those designs, drawings and specifications of all public improvements adopted by the Public Works Director as authorized by the City ordinance, setting forth the accepted design of such improvements.

Class A Manufactured Housing Subdistrict. A zoning subdistrict identified on Map VI of the Pendleton Comprehensive Plan in which manufactured housing defined by this ordinance as 'Class A' may be installed, subject to the requirements of this ordinance.

**Class B Manufactured Housing Subdistrict.** A zoning subdistrict identified on Map VI of the Pendleton Comprehensive Plan in which manufactured housing defined by this ordinance as 'Class A' or 'Class B' may be installed, subject to the requirements of this ordinance.

**Clear Vision Area.** A triangular area on a lot at the intersection of two streets or a street and a 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 joining 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. (See Sections 116 and 117.)

**Clinic.** Single or multiple offices for physicians, surgeons, dentists, chiropractors, osteopaths or other members of the healing arts and which may include a dispensary in each such building to handle merchandise of a nature customarily prescribed by occupants in connection with their practices.

**Commercial Amusement and Recreation Establishment.** An establishment operated for profit and devoted to facilities and equipment for recreation purposes, including bowling alleys, billiard establishments, skating rinks, recreation centers and similar uses whether the use of such establishment is limited to private membership or open to the public upon payment of a fee.

**Common or Party Wall.** A wall of fire-resistive construction, built to Uniform Building Code standards as a separation between two attached single-family dwelling units.

**Conditional Use.** Certain land uses which, due to special requirements, unusual character, size or shape, infrequent occurrence, or possible detrimental effects on surrounding property, and for similar reasons, may be allowed by the Planning Commission only as set forth in Article XIX of this Ordinance.

**Condominium.** A system of separate ownership of attached single-family dwellings in a multiple unit structure, wherein only the interior portion of the dwelling unit itself is owned outright by the occupants, while the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

**Cross-Section.** A profile of the ground surface perpendicular to a center line.

**Day Nursery.** Any facility that provides care to six (6) or more children, including children of the provider, regardless of full-time or part-time status.

**Demolition.** To raze, destroy, dismantle, deface, or in any other manner cause partial or total ruin of an historic site or structure.

**Density.** The number of housing units per gross acre of land within a defined area.

**Dwelling.** A building designed exclusively for residential purposes, including single-family, duplex, and multi-family residences, but not including hotels or motels.

**Dwelling, Caretaker or Manager Only.** A use accessory to a commercial or industrial facility for a residence for a caretaker or manager which may be allowed with a principal commercial or industrial use on the same property. If a manufactured home, it shall be only of Class A, B, or C.

**Dwelling, Duplex.** A detached residential building under one ownership that is designed for the occupancy of two (2) families.

Dwelling, Multi-Family. A residential building under one ownership that is designed for the occupancy of three (3) or more families.

Dwelling, Single Family. A detached, conventional manufactured or prefabricated residential dwelling unit designed to be occupied by one family.

Dwelling, Single Family Attached. An attached residential building that contains more than one single family dwelling unit in combination with individual lot ownership.

Dwelling Unit. One or more rooms designed for or occupied by one family.

Erect. To attach, place, alter, construct, reconstruct, or enlarge a principal or accessory building or structure.

Existing Manufactured Home Park or Subdivision. One in which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed is completed before May 1, 1990. The construction of facilities includes, at a minimum, the installation of utilities, construction of streets, and either final site grading or the pouring of concrete pads.

Family. One or more persons related by blood, marriage, legal adoption, or legal guardianship living together in a dwelling unit, together with unrelated individuals up to a total number of occupants that will not exceed that allowed by the Housing Code.

Family Day Care Provider. A person providing care, in the home of the provider, to twelve (12) or fewer children, including children of the provider, regardless of full-time or part-time status. This use shall be treated as a single family dwelling for zoning purposes.

Fence, Sight Obscuring. An artificially constructed barrier of any material or combination of materials erected to enclose or screen areas of land.

Floor Area. The area within the surrounding walls of a building or portion thereof, exclusive of vent shafts and courts.

Fuel Storage Tank (Above-Ground). A tank installed on property for the storage of flammable liquids. Said tanks are a maximum of 6000 gallons in size, are installed so as to not be accessible to the public and are used solely for the fueling of vehicles associated with the main use of the property.

Garage, Private. An accessory building, enclosed on at least three (3) sides, used for the parking and storage of vehicles or recreational equipment owned or used by the occupants of the principal structure.

Garage, Public. A building available for use by the public for the parking or temporary storage of motor vehicles or recreational equipment.

Governmental Structure or Land Use. A building or use being occupied or conducted by a local, state, or federal government agency (excluding City parks and infrastructure improvements located within public rights of way or easements).

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 (5') feet of a sidewalk, the above-ground level should be measured at the sidewalk (see Figure #7).

Health Officer. The Umatilla County Health Officer.

Height of Building. The vertical distance, using mean sea level elevation datum, from the ground level to the highest point of a flat roof or to the deck line of a mansard roof or to the average height of the highest gable of a pitched or hipped roof (See Figure #7).

**Highway Ready.** Refers to a recreation vehicle that is on wheels or a jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

**Historic Conservation Subdistrict.** A City-wide zoning subdistrict designed to ensure public review of actions affecting designated historic sites, structures, and districts as inventoried within the Comprehensive Plan, or designated as such in the future, with the purpose of preserving the City's architectural and cultural heritage.

**Historic Preservation District.** A relatively compact, definable geographic area possessing an obvious concentration, linkage or continuity of sites, buildings or structures united by past events, architectural styles, construction features or other physical features illustrative of the community's historic development.

**Historic Site or Structure.** Any historic site or structure, or a geographic area listed on the City of Pendleton Inventory of Historic Buildings, Sites and Districts or recognized as significant by the City of Pendleton Comprehensive Plan and Technical Report.

**Historic Resource.** A district, site, building, structure, object or natural feature significant in American history, architecture, archeology or culture. It may be of value to the nation as a whole, or important only to the community in which it is located.

**Home Occupation.** Any activity conducted within a dwelling unit for financial gain or profit; such activity being clearly incidental to the use of the dwelling unit and conducted by persons residing in the unit, on a full-time, year-round basis. A business conducted within a dwelling unit shall be classified as a Home Occupation if it:

1. Employs persons other than residents of the home; or
2. Anticipates more than 2 clients or customers per day will visit the home; or
3. Provides for a sign announcing the business.

Businesses conducted in dwelling units that generate less neighborhood impact than Home Occupations shall be considered a dwelling unit for zoning purposes, provided that such business comply with the criteria of Section 29(B) of this Ordinance. A business conducted within a dwelling unit will not be classified as a Home Occupation if the only business activity conducted at the home is instruction of five or fewer persons at one time and the activity generates less neighborhood activity than does a Home Occupation. (See Article V, Section 29, for regulations.)

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

**Hospital Industrial Subdistrict.** A zoning subdistrict designed to ensure the compatible development of light industries on lands within the State of Oregon property in the vicinity of the Eastern Oregon State Hospital and Training Center (See Sections 87-88 of this Ordinance).

**Hotel.** A building offering transient lodging (there being no cooking facilities in the guest rooms) and additional services such as restaurants, meeting rooms and recreational facilities.

**Infrastructure Improvements.** Facilities and structures such as streets, curbs, gutters, sidewalks, storm sewers, sanitary sewers, water lines, private utility poles/lines, bridges, traffic control mechanisms, fire hydrants, and other items commonly found within public

rights of way or easements. Such improvements shall be considered outright uses within all zones.

Interior Yard. A side or rear yard not abutting upon a public street.

Intermediate Regional Flood. The flood that has a one percent (1%) chance of being equaled or exceeded in any single year.

Junk Yard. Any property devoted wholly or in part to the storage, buying, selling or otherwise handling of or dealing in scrap or waste material.

Kennel. Any place where dogs, cats, or other household pets are trained, boarded, bred, or sold for financial return.

Larger Than Utility Runway. A runway that is constructed for and intended to be used by propeller driven aircraft of greater than 12,500 pounds maximum gross weight and jet powered aircraft.

Limited Use Development Subdistrict (L-U). A zoning subdistrict designed to accommodate special cases where the timing of land development or the uses allowed on land warrant restriction beyond that provided by the underlying land use designation.

Livestock. Animals of the bovine species, horses, mules, asses, sheep, goats, and swine, or other like animals, but does not include pygmy goats.

Lodging House. A residence wherein lodging is provided for compensation but where meals for guests shall neither be provided nor permitted.

Lot. A designated parcel, tract, or area of land established by plat, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit.

Lot Area. The total horizontal area within the lot lines of a lot.

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.

Lot Coverage. The percentage of a building lot that is covered by any roofed structure. (See Figure 6).

Lot, Interior. Any lot that abuts a street on only one (1) side.

Lot Line. The property line bounding a lot.

Lot Line, Front. In the case of an interior lot, the lot line separating one lot from a street other than an alley. In the case of a corner lot, the lot line upon which the main entrance to the building faces, or is to face, according to a building permit application. If a property has no structure, and is not the subject of a building permit application, the front lot line shall be the shortest lot line abutting a street other than an alley. (See Figure 2.)

Lot Line, Rear. A lot line which is opposite and most distant from the front lot line, and in the case of an irregular, triangular, or other shaped lot, a line ten (10) feet in length within the lot parallel to and at a maximum distance from the front lot line. (See Figure 2.)

Lot Line, Side. Any lot line not a front or rear lot line. (See Figure 2.)

Lot, Through. A lot fronting upon two (2) streets other than alleys; thus, containing two (2) front yards.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's

lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Ordinance.

**Manufactured Home.** A dwelling unit fabricated in an off-site manufacturing facility, transportable in one or more sections, which is built on a permanent chassis for installation or assembly at the building site, and designed for use with or without a permanent foundation when connected to the required utilities. The four types of manufactured homes (Class A, B, C and D) are defined as meeting all of the appropriate requirements of this Ordinance, as set forth in Article V, Section 31 and 32. Class A, B and C manufactured homes bear a seal certifying that it is built in compliance with the federal Manufactured Housing Construction and Safety Standards Code. Class D manufactured homes were not built in compliance with this code. For flood plain management purposes the term 'Manufactured Home' also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes the term 'manufactured home' does not include park trailers, travel trailers, and other similar vehicles.

**Manufactured Home Park.** Any place where seven (7) or more manufactured homes are located within five hundred (500) feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. (See Section 30 for regulations.)

**Manufactured Home Subdivision.** A subdivision as defined in the City of Pendleton Subdivision Ordinance and intended to be occupied primarily or exclusively by manufactured homes.

**Manufactured Housing Construction and Safety Standards Code.** Title VI of the 1974 Housing and Community Development Act (42 U.S.C. 5401 et sequential), as amended (previously known as the federal Mobile Home Construction and Safety Act), rules and regulations adopted thereunder (including information supplied by the home manufacturer) which has been stamped and approved by a Design Approval Primary Inspection Agency, an agent of the U. S. Department of Housing and Urban Development pursuant to HUD rules and regulations and interpretations of said code by the Oregon Department of Commerce; all of which became effective for mobile/manufactured home construction on June 15, 1976.

**Mixed Use District.** A zoning subdistrict designed to allow for the 'master-planning' of relatively large tracts of land in conformance with the Comprehensive Plan. (See Article XIV.)

**Motel.** A building or group of buildings on the same lot containing guest units with separate entrances and consisting of individual sleeping quarters, detached or in connecting rows, with or without cooking facilities.

**Motor Home.** A portable unit designed to be driven under its own power having sleeping, cooking, and plumbing facilities independent of external utility connections, and designed for use principally as a temporary recreational or vacation residence.

**Neighborhood Commercial Use.** A use within a residential zone intended to meet the daily convenience shopping or service needs of residents in the immediate area. (See Article V, Section 28, for regulations.)

**Nonconforming Structure or Use.** A lawful existing structure, use, or vegetative growth at the time this Ordinance or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

**Nonprecision Instrument Runway.** A runway having an existing instrument approach procedure utilizing air navigation facilities with only horizontal guidance, or area type navigation equipment, for which a straight-in nonprecision instrument approach procedure has been approved or planned.

**Obstruction.** Any structure, vegetative growth, or other object (mobile or immobile) which exceeds a limiting height set forth in Article XI, Section 69, of this Ordinance.

**Off-Street Parking Space, Automobile.** A temporary storage area for a motor vehicle that is directly accessible to an access aisle, and which is not located within a dedicated street right of way. (See Sections 119-121 for standards.)

**Off-Street Parking Space, Bicycle.** A temporary storage area for a bicycle located on private property, whether it be in a rack, locker, or a 25 square foot clear space, or other design approved by the City.

**Parking Area, Public.** An area, other than a street, used for the temporary parking of four (4) or more automobiles and available for public use whether free, for compensation, or as an accommodation for clients or customers.

**Pendleton Landmarks Commission.** A Commission formed to administer the provisions of the Historic Conservation Subdistrict. Until such time as a Landmarks Commission is established by Umatilla County, the Pendleton Planning Commission shall serve as Pendleton's Landmarks Commission.

**Person.** A corporation, company, association, society, firm, partnership, or joint stock company, as well as an individual, a state, and all political subdivisions of a state or any agency or instrumentality thereof.

**Planning Commission.** The Pendleton City Planning Commission.

**Planned Unit Development (PUD).** An area of land to be developed as a single entity for a number of dwelling units and may include public or semi-public, commercial or industrial uses.

**Precision Instrument Runway.** A runway having an existing instrument approach procedure utilizing an Instrument Landing System (ILS) or a Precision Approach Radar (PAR). It also means a runway for which a precision approach system is planned and is so indicated on an approved airport layout plan or any other planning document.

**Prefabricated (Modular) House.** A sectional or factory-built single-family dwelling to which wheels may or may not be attached for the purpose of moving it to a home site where it is affixed to the real property on a permanent foundation. A prefabricated house must comply with the requirements for Group 1 occupancies in the current Uniform Building Code prepared by the International Conference of Building Officials and with the requirements for dwellings in the current National Electrical Code as prepared by the National Fire Protection Association.

**Preservation.** The act or process of applying measures to sustain the existing form, integrity, and material of an historic building, structure or object, and the existing form and vegetation cover of a site. It may include initial stabilization work, where necessary, as well as on-going maintenance of the historic building materials.

**Primary Surface.** A surface longitudinally centered on the runway. When the runway has a specially prepared hard surface, the primary surface extends two hundred (200) feet beyond each end of that runway. The width of the primary surface of a runway will be that width prescribed in Part 77 of the Federal Aviation Regulations (FAR) for the most precise approach existing or planned for either end of that runway. The elevation of any point on the primary surface is the same as the elevation of the nearest point on the runway centerline.

**Public or Semi-public Use.** An area owned or operated by a public or non-profit organization for the benefit of the public generally. (This does not include landfill sites, garbage dumps, governmental structures and land uses, City parks or infrastructure improvements located within public rights of way or easements.)

**Pygmy Goat.** A genetically small, cobby, and compact goat whose body circumference in relation to height and weight is proportionately greater than other breeds of goats; having a maximum height of not exceeding 23 inches for a Doe (female), 24 inches for a Buck (unneutered male), and 27 inches for a Wether (neutered male), with measurement taken at the highest part of the back at the base of the neck where the shoulder blades almost touch. It does not include Bucks (unneutered males) of more than six months of age.

**Ramada.** A stationary structure having a roof extending over a mobile home or trailer which may also extend over a patio or parking space for motor vehicles, and is used principally for protection from sun and rain. .

**Reasonably Direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

**Recreational Equipment.** Boats, boat trailers, travel trailers, pickups campers or coaches (designed to be mounted on automotive vehicles), motor homes, tent trailers, motorcycles, and the like.

**Reinforced Pier.** At a minimum, a reinforced pier must have a footing adequate to support the weight of the manufactured home under saturated soil conditions. concrete blocks may be used if vertical steel reinforcing rods are placed in the hollows of the blocks and the hollows are filled with concrete or high strength mortar. Dry stacked concrete blocks do not constitute reinforced piers.

**Residential Facility.** A facility including those licensed by or under the authority of the Department of Human Resources under Oregon Law which provides residential care alone or in conjunction with treatment or training or a combination thereof for six (6) to fifteen (15) individuals who need not be related. Staff persons required to meet Department of Human Resources licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

**Residential Home.** A home, including those licensed by or under the authority of the Department of Human Resources under Oregon Law which provides residential care alone or in conjunction with treatment or training or a combination thereof for five (5) or fewer

individuals who need not be related. Staff persons required to meet Department of Human Resources 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.

**Runway.** A defined area on an airport prepared for landing and takeoff of aircraft along its length.

**Sanitary Landfills or Solid Waste Disposal Sites.** Places or facilities for disposing of refuse on or beneath the land surface.

**Solar Energy System.** A complete design or assembly consisting of a solar energy collector, an energy storage facility (where used), and components for the distribution of transformed energy.

**Solar Skyspace.** The space between a solar energy collector and the sun which must be kept free of obstructions that shade the collector to an extent which precludes its cost-effective operation.

**Solar Skyspace Easement.** A right, expressed as an easement, covenant, condition, or other property interest in any deed or other instrument executed by or on behalf of any landowner, which protects the solar skyspace of an actual, proposed, or designated solar energy collector at a described location by forbidding or limiting activities or land uses that interfere with access to solar energy. The solar skyspace may be described as the three-dimensional space in which obstruction is prohibited or limited, or as the times of day during which direct sunlight to the solar collector may not be obstructed, or as a combination of the two methods. (See Section 118 and Appendix B.)

**Solid Waste Transfer Station.** A place or facility the principal purpose of which is to provide a place where waste materials are taken from smaller collection vehicles and placed in larger transportation units for movement to disposal areas, such as landfills. Compaction, separation, recycling, and other activity incidental to solid waste management may be done at the station.

**Solid Waste Treatment Facilities.** A facility designed to change the physical, chemical, or biological character or composition of any solid waste. Does not include landfills or transfer stations.

**Standard Industrial Classification Manual (SIC).** The latest publication (including supplements) prepared by the Statistical Policy Division, Office of Management and Budget, Executive Office of the President of the United States, and available from the Superintendent of Documents, United States Government Printing Office, Washington, D.C. As used in this Ordinance, the SIC shall constitute the detailed listing and description of uses allowed in the various zoning districts, except where such uses are otherwise defined in this Ordinance.

**Start of Construction.** Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the state of excavation; or the placement of a manufactured home on a foundation. Permanent

construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Story.** That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that 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 (6') feet above ground level, such basement or cellar shall be considered a story.

**Street.** The entire width between the boundary lines of every dedicated way which provides for public use for the purpose of vehicular and pedestrian traffic and including the terms 'road,' 'highway,' 'lane,' 'place,' 'avenue,' 'alley,' or other similar designations.

**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 of 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). See also, 'infrastructure improvements,' which are separately defined.

**Subdistrict.** An area accurately defined as to boundaries and location on an official zoning map and designed to accommodate special development problems which might occur within any zone. It is used in combination with 'underlying' or 'parent' use zones.

**Temporary Use.** A short-term use not normally allowed in a given zoning district, which may be permitted by the City Council, on recommendation of the Planning Commission in accordance with Article XIX, Section 145-146 of this Ordinance.

**Townhouse.** Two or more attached single-family dwellings, having common 'party' walls, but with independent entrances and lot ownership.

**Trailer.** Any portable unit designed and built to be towed on its chassis, comprised of frame and wheels, and which does not fall within the definition of vacation trailer, mobile home or prefabricated house. This definition includes boat trailers, bunk trailers, portable school rooms, and industrial, commercial or public offices and accessory uses.

**Umatilla River Subdistrict.** A zoning subdistrict designed to guide development of the lands adjacent to the Umatilla River and its tributaries as they traverse the City. (See Article XVI of this Ordinance).

**Uniform Building Code.** The Uniform Building Code as adopted by the state of Oregon and the City of Pendleton, a copy of which is on file at the City Hall Building Department.

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

**Vacation Trailer.** A vehicle which is (1) built on a single chassis, (2) four hundred square feet (400) or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) primarily designed as temporary living quarters for camping, travel or seasonal use. Duration of use, without compliance with applicable manufactured home regulations for siting, set-up, water, sewer, and electrical hook-ups, shall be limited to twelve months in any thirteen month period. (Amended by Ord. 3576, January 1998)

**Vacation Trailer Park.** A plot of ground upon which two or more vacation trailers are located, for temporary residential purposes, regardless of whether a charge is made for such accommodation.

**Variance.** A modification of the provisions of this Ordinance, which modification shall be made by the Planning Commission so as to alleviate a hardship not anticipated by this Ordinance, and which hardship is peculiar to the land for which the variance is requested. (See Sections 138-144 of this Ordinance for regulations.)

**Vegetation.** Any object of natural floral growth.

**Visual Runway.** A runway intended solely for the operation of aircraft using visual approach procedures.

**Wrecking Yard.** Any property devoted in whole or in part to the dismantling for salvage, demolition, storage or sale of obsolete or damaged vehicles, trailers, similar items or their parts.

**Yard.** An open space on a lot which is unobstructed from the ground upward except as otherwise provided in this Ordinance.

**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 building.

**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 main building.

**Yard, Side.** A yard between the front and rear yards measured horizontally and at right angles to the side lot line from the nearest point of the building.

**Zero Lot Line.** An interior side or rear lot line that is also the location of a common or 'party' wall separating attached single-family dwelling units. (See Figure 4.)

**Zone.** An area accurately defined as to boundaries and location on an official zoning map and within which area only certain uses of land are permitted and within which other types of land uses are excluded, as set forth in this Ordinance."

Section 2. Ordinance 3250, Section 25 is amended as follows:

"SECTION 25. MISCELLANEOUS YARD PROVISIONS AND EXCEPTIONS.

A. The required front yard depths may be reduced in any residential zone as follows:

(1) If there are dwellings on both abutting lots with front yards of depths less than the required depth for the zone, the depth of the front yard for the intervening lot need not exceed the average depth of the front yards of the abutting lots;

(2) If there is a dwelling on one abutting lot with a front yard of less depth than the required depth for the zone, the front yard for the lot need not exceed a depth one-half way between the depth of the abutting lot and the required front yard depth:

In determining the depth of a front yard, the required depth shall be measured at right angles to the nearest street right-of-way, except as provided in subsection (B) below.

B. No building shall be erected on a lot which fronts upon a street having only a portion of its required width dedicated (as set forth in the Comprehensive Plan), unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street right-of-way width plus the width and/or depth of the yards required on the lot by this Ordinance.

C. The front wall of a garage, and any portion of a carport, shall not be permitted less than twenty (20) feet from the front property line.

D. Only under adverse topographical circumstances will a variance be granted for a front yard setback less than ten (10') feet.

E. In any residential zone, a porch, patio, deck and cover thereto, or unattached solar energy system shall be permitted to project not more than ten (10') feet into the required front yard. Such structures located in the required front yard shall not be enclosed to extend the living areas of the house. Satellite dish antennas shall not be located in the front yard of a dwelling.

F. In any zone, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls, may be located in required yards, provided such devices are not more than three and one-half (32') feet in height. Only stairs and protective railings may be located within the first ten (10') feet of the required front yard.

G. Projecting Building Features: The following building features may project into the required front yard no more than five (5') feet, and into the required interior yards no more than two (2) feet, provided that such projections are no closer than three (3) feet to any interior lot line:

(1) Architectural features such as gutters, flues, eaves, cornices, belt courses, sills, awnings, buttresses, or similar features;

(2) Chimneys and fireplaces.

H. Accessory Structure: In the interior rear and/or side yards, an accessory structure may be located so that its walls and/or projecting features shall be no closer than three (3) feet to the property line.

Exception: Above ground fuel storage tanks, as defined by this Ordinance shall be located so that no portion of the tank is closer to a property line or building than stated below:

0 - 275 gallons	-	10 foot setback
276 - 750 gallons	-	15 foot setback
751 - 6000 gallons	-	25 foot setback

Said tanks shall also comply with all applicable local and state fire codes. Installation and dispensing permits shall be required from the Pendleton Fire Marshal and Oregon State Fire Marshal. All tanks, regardless of capacity, shall require a conditional use permit when located in a residential zone.

I. Solar energy collectors and equipment used for the mounting or operation of such devices, and any other on-site energy generating device shall be exempt from the interior yard requirements.

J. Driveways. In any district, driveways or access-ways providing ingress and egress to or from private parking areas or garages, public parking areas or garages and parking spaces shall be permitted, together with any appropriate traffic control devices in any required yard.

Driveway surfaces shall be designed for all weather conditions (paved or compacted gravel). Vehicle driveway and storage areas will not be allowed to be dirt or vegetation. For grades over 8 percent, paved driveway surfaces are required. All portions of the driveway within the public right-of-way, and at a minimum of the first 20 feet behind the curb or sidewalk shall be paved as an apron to control gravel.

For residential driveways, including private roads, the maximum slope of any portion of the driveway shall be 20 percent, with an overall average grade of less than 15 percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 12 percent for a crest situation and 16 percent for a sag situation. The maximum number of houses served by a driveway or private road is three.

For commercial or industrial driveways, including private roads, the maximum slope of any portion of the driveway shall be 15 percent for any point above the elevation of the roadway, and shall be 8 percent for any point below the elevation of the roadway. The overall average grade shall be less than 12 percent along the entire length of the driveway. The maximum grade change in any given 10 feet of driveway shall be 8 percent for a crest situation and 12 percent for a sag situation.

[graphics to be provided]

K. Fences and Walls. In any residential zone, a sight obscuring fence or wall, not exceeding six (6) feet in height, may be located or maintained within the required interior yards, except where the requirements of vision clearance apply. Such fences or walls may be placed in front or sideyards abutting a street, provided such fences or walls do not exceed three and one-half (32') feet in height. Non-sight obscuring fences of six (6') feet or less in height may be erected within any required yard.L. Front Yard Fence and Wall Waivers. Waiver of the front and side yard (3.5') fence provisions may be sought by letter to the Planning Commission by any person who proves he can provide equal aesthetic qualities by other means. The Planning Commission shall consider such application on the basis of aesthetic value of the substitute plan. The substitute plan must:

- (1) Provide adequate vision clearance for automobiles, both those passing on the street and those leaving the development site;
- (2) Include landscaping;
- (3) Not be detrimental to the public health, safety or welfare, or be materially injurious to properties or improvements in the vicinity.

[Insert Figure. Commercial and Industrial Driveway Standards]"

Section 3. Ordinance 3250, Section 49 is added as follows:

"SECTION 49. DRIVEWAYS. In order to improve the access and safety of freight hauling, driveways outside of the downtown area, shall be constructed in accordance with the graphic in Section 25.

[SECTIONS 49- 50 Reserved for Expansion.]"

Section 4. Ordinance 3250, Section 119 is amended as follows:

**“SECTION 119. OFF-STREET AUTOMOBILE AND BICYCLE PARKING REQUIREMENTS.** 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, except the Central Area Parking District (see Figure 10) off-street automobile and bicycle parking spaces shall be provided in accordance with the requirements of this section, unless greater requirements are otherwise established. If parking space has been provided in connection with an existing use, the parking space 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 primary to the functioning of the particular use of property 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 automobile space requirements shall be counted as a whole space, fractional bicycle spaces shall not.

The following off-street automobile and bicycle parking MINIMUMS requirements are hereby established. PARKING MAXIMUMS ARE SET AT 125 PERCENT OF THE MINIMUMS

A. Residential:

- (1) Single family (attached or detached): one (1) space per unit;
- (2) Duplex - three (3) spaces per duplex;
- (3) Multi-family dwellings: one and one-half (1.5) spaces per unit in residential zones, one (1) space per unit in commercial zones; plus one bicycle space per seven (7) units in all multi-family dwellings;
- (4) Residential hotel, rooming or boarding houses: Spaces equal to eighty (80%) percent of the number of guest accommodations plus one (1) additional space for the owner or manager.

B. Commercial Residential:

- (1) Hotel: ~~One (1) space per two (2) guest room or suite, one (1) additional space for the owner or manager, plus one (1) space for every ten (10) units; plus one (1) space per two (2)~~ employees;
- (2) Motel: One (1) space per guest room or suite, one (1) additional space for the owner or manager, plus one (1) space for every ten (10) units;
- (3) Club or Lodge: Spaces to meet the combined requirements of the uses being conducted such as hotel, restaurant, auditorium, etc.

C. Institutional:

- (1) Welfare or correctional institution: One (1) space per five (5) beds for patients or inmates, plus one (1) space per two (2) employees;
- (2) Convalescent hospital, nursing home, sanitarium, rest home, group care home: One (1) space per two (2) beds for patients or residents, plus one (1) space per two (2) employees;
- (3) Hospital: Spaces equal to one and one-half (1.5) times the number of beds.

D. Place of public assembly:

(1) Church: One (1) space per four (4) seats or eight (8') feet of bench length in the main auditorium;

(2) Library or reading room: One (1) space per four hundred (400) square feet of floor area plus one (1) space per two (2) employees; plus ten (10) bicycle spaces;

(3) Pre-school nursery or kindergarten: One (1) space per teacher; plus bicycle spaces equal to one tenth of the student capacity;

(4) Elementary or junior high schools: One (1) space per classroom, plus one (1) space per employee or one (1) space for each four (4) seats or eight (8') feet of bench length in the auditorium or assembly room, whichever is greater; plus bicycle spaces equal to one tenth of the student capacity;

(5) High school: One (1) space per classroom, plus one (1) space per employee, plus one (1) space for each six (6) students or one (1) space for each four (4) seats or eight (8') feet of bench length in the main auditorium, whichever is greater;

(6) College or commercial school for adults: One (1) space per five (5) seats in classrooms, plus one (1) space per employee;

(7) Other auditorium or meeting room: One (1) space per four (4) seats or eight (8') feet of bench length; plus bicycle parking spaces equal to one per ten (10) auto spaces.

E. Commercial amusement:

(1) Stadium, arena or theatre: One (1) space per four (4) seats or eight (8') feet of bench length; plus ten (10) bicycle spaces;

(2) Bowling alley: Three (3) spaces per alley plus one (1) space per two (2) employees; plus ten (10) bicycle spaces;

(3) Dance hall or skating rink: One (1) space per two hundred (200) square feet of floor area, plus one (1) space per two (2) employees; plus ten (10) bicycle spaces.

F. Commercial: (2) Bowling alley: Three (3) spaces per alley plus one (1) space per two (2) employees; plus ten (10) bicycle spaces;

(3) Dance hall or skating rink: One (1) space per two hundred (200) square feet of floor area, plus one (1) space per two (2) employees; plus ten (10) bicycle spaces.

F. Commercial:

(1) Retail store except as provided in subsection (2) of this subsection: One (1) space per two hundred ~~fifty (250)~~ (200)-square feet of floor area; plus one (1) bicycle space per 4000 sq. ft. of floor area;

(2) Service or repair shop, retail store handling exclusively bulky merchandise such as automobiles and furniture: One (1) space per six hundred (600) square feet of floor area; plus one (1) bicycle space per 4000 sq. ft. of floor area;

(3) Bank or office (except medical and dental): One (1) space per six hundred (600) square feet of floor area, plus one (1) space per two (2) employees;

(4) Medical and dental clinic: One (1) space per three hundred (300) square feet of floor area, plus one (1) space per two (2) employees; plus one (1) bicycle space per 4000 sq. ft. of floor area;

(5) Eating or drinking establishment: One (1) space per two hundred ~~fifty (250)~~ (200) square feet of floor area; plus one (1) bicycle space per 4000 sq. ft. of floor area;

(6) Mortuary: One (1) space per four (4) seats or eight (8') feet of bench length in chapels.

G. Industrial:

(1) Storage warehouse, manufacturing establishment, rail or trucking freight terminal:

One (1) space per employee; plus one (1) bicycle space per 50 employees;

(2) Wholesale establishment: One (1) space per seven hundred (700) square feet of patron serving area, plus one (1) space per employee, plus one (1) bicycle space per 50 employees.”

Section 5. Ordinance 3250, Section 121 is amended as follows:

“SECTION 121. GENERAL PROVISIONS FOR OFF-STREET PARKING AND LOADING.

A. The provision and maintenance of off-street parking and loading space is a continuing obligation 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 Ordinance. Use of property in violation hereof shall be a violation of this Ordinance. 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 loading requirements, it shall be unlawful and a violation of this Ordinance to begin or maintain such altered used until the required increase in off-street parking or loading is provided.

B. 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. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.

D. Provided, however, that the requirements of this section of this Ordinance may be met by a property owner or owners by:

(1) Creation of an improvement district, under any bonding act now existing or which may hereafter be enacted;

(2) Creation, subject to approval of the Council, of a jointly owned and maintained parking area; and further provided that said property owner or owners so acting may be granted a period of time to be set by the Council within which time said property owner or owners may acquire parking area, provided said owner or owners shall have made contributions to a fund within the control of the City Council, and in such amounts as directed by the City Council for the purpose of so acquiring and maintaining said parking area; and provided that said contributions shall be paid as directed, and that payment thereof shall not be abandoned by said person or persons or any one of them prior to the acquisition of said area.

E. Owner 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 Planning Commission in the form of deeds, leases or contracts to establish the joint use.

F. Off-street parking spaces for dwellings shall be located on the same lot with the dwelling. Other required parking spaces shall be located not further than five hundred (500') feet from the building or use they are required to serve, measured along the shortest pedestrian route from the building.

G. 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 in conducting the business or use.

H. Design requirements for parking lots:

(1) All parking areas for four or more vehicles shall be surfaced with asphalt, concrete or similar pavement so as to provide a surface that is durable and dust-free and shall be so graded and drained to avoid the flow of water across public sidewalks. Such parking areas are required to obtain a parking lot permit from the City Engineer. Permits are required for new parking lots, paving of gravel parking lots and overlays of existing parking lots. Parking lot permits shall be acquired by the licensed contractor performing the work.

(2) Except for parking to serve residential uses, public or private parking and loading areas adjacent to an existing residential dwelling or in a residential zone, shall be designed to include the erection of a sight obscuring fence or hedge of not less than six (6) feet in height except where vision clearance is required. A sight obscuring fence or hedge should be on any side not fronting the street.

(3) 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;

(4) Artificial lighting which may be provided shall not create or reflect substantial glare in a residential zone or on any adjacent dwelling.

(5) Access aisles shall be of sufficient width for all vehicle turning and maneuvering.

(6) Groups of four or more parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street other than an alley will be required.

(7) 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.

(8) Service drives shall have a minimum clear-vision area formed by the intersection of the driveway center line, the street right-of-way line, and a straight line joining said lines through points twenty (20') feet from their intersection.

(9) All parking areas, except those required in conjunction with a single-family or two-family dwelling, shall provide a substantial curb which will prevent cars from encroachment on abutting private or public property.

(10) All parking areas shall be adequately landscaped at the rate of at least forty (40) square feet per required off-street parking space, unless otherwise approved by the Commission.

All parking areas adjacent to public sidewalks shall be buffered from the sidewalk (except at gateways and openings) with a minimum of four feet of landscape area with vegetation at least three feet in height.

Add (12) Bicycle parking facilities shall be provided in accordance with the provisions below:

(a) Bicycle parking facilities should either be a lockable enclosure in which the bicycle is stored, or a secure stationary rack which supports the frame so the bicycle cannot easily be pushed or fall to one (1) side. Racks that require a user-supplied lock should accommodate locking the frame and both wheels using either a cable or U-shaped lock.

(b) Bicycle parking spaces should be at least six (6) feet long and two-and-one-half (2 1/2) feet wide, and overhead clearance in covered spaces should be a minimum of seven (7) feet.

(c) A five (5) foot aisle for bicycle maneuvering should be provided and maintained beside or between each row/ rack of bicycle parking.

(d) Bicycle racks or lockers should be securely anchored.

(e) Required bicycle parking should be well lighted and secure.

(f) Bicycle parking should not obstruct walkways. A minimum five (5) foot wide aisle shall remain clear.

(g) If ten (10) or more bicycle spaces are provided for commercial development, then at least fifty percent (50%) of the bicycle spaces should be covered. A lockable enclosure shall be considered as a covered parking space.

(h) All of the required bicycle parking for residential uses should be covered. This may include space provided in a carport or garage.

(i) Bicycle parking should be located on the site within fifty (50) feet of main building entrances and not farther from the entrance than the closest standard or compact motor vehicle parking space. Bicycle parking should have direct access to both the public right-of-way and to the main entrance of the principal use.

(j) For buildings or developments with multiple entrances, bicycle parking should be distributed proportionally at the various public entrances; employee bicycle parking should be located at the employee entrance, if appropriate.

(k) Bicycle parking may be located in the public right-of-way only with the approval of the Public Works Director.

(l) Bicycle parking may be provided within a building easily accessible for bicyclists.

Add (13) In Commercial zones, parking areas should be, whenever possible, located behind the plane established by the front façade of the building for which the parking is being provided. The parking should be located to the rear of the building to the maximum extent possible. Locating the parking lot in front of the building (between the fronting, public right-of-way and the building) should be avoided. The required parking minimums in Section 119 may be reduced by 25% for developments with the parking located behind the building. For parking areas located beside a building, and behind the plane established by the front façade may have a 10% reduction in their required parking.

(11) Off-street parking areas shall, at a minimum, comply with the design factors below:

<u>AB</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>	
0c	9	9	12	23	30	--
20c	9	15	11	26.3	41	32.5
30c	9	17.3	11	18	45.6	37.8
45c	9	19.8	13	12.7	52.5	46.5
60c	9	21	18	10.4	60	55.5
70c	9	21	19	9.6	61	57.9
80c	9	20.3	24	9.1	64.3	62.7
90c	9	19	24	9	62	--

- A. Parking Angle                      E. Curb length per car  
 B. Stall Width                         F. Center to Center Width (from curb to curb)  
 C. 19' Stall to curb                  G. Of Double Row with aisle between stall centers  
 D. Aisle width

Compact car spaces may be allowed to serve non-residential uses on approval of the Director of Planning and Building. Such spaces shall not exceed 30 percent of the required number of spaces and shall not be more than four (4) feet shorter in length than standard spaces.”

Section 6. Ordinance 3250 is amended to add a new section as follows

**“SECTION 124A. PEDESTRIAN AND BICYCLE ACCESS AND CIRCULATION.**

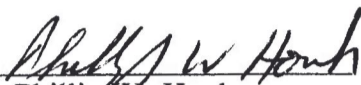
A sidewalk or walkway connection shall be provided between the primary entrance of each building and the adjacent or frontage street. In addition, a sidewalk or walkway providing reasonably direct connections between primary building entrances of abutting developments shall be incorporated into the design. Sidewalks or walkways at 50 feet or more in length through a parking lot area shall include raised pavement, striping, special pavers, or other similar identifying devices. Parking blocks or curbs should be used for each, non-parallel, parking stall. Bollards should be used to identify and protect these walkways.

Sidewalks or walkways should not be located behind parked vehicles requiring vehicles to back out across the walkway. Rather, the sidewalk should be in the front of the stalls (See drawing). When possible the walkway should be separated from parking stalls by a landscape buffer.”

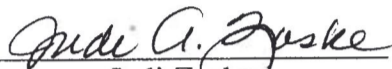
Section 7. Ordinance 3250 is amended to add a new section as follows

“SECTION 150A. ZONING MAP. An amendment to the text of this Ordinance or to a zoning map shall comply with the provisions of the City of Pendleton Transportation System Plan. More intense development may be permitted where amendments to this Ordinance include amendments to the performance standards for the facility to allow such intense development. No amendments may allow land uses or levels that are inconsistent with the functional classification of an existing or planned transportation facility.”

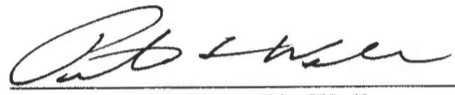
PASSED by the City Council and approved by the Mayor June 19, 2007

APPROVED:   
Phillip W. Houk  
Mayor

ATTEST:

  
Judi Zoske  
City Recorder

APPROVED AS TO FORM:

  
Peter H. Wells  
City Attorney

**ORDINANCE NO. 3746**

**AN ORDINANCE AMENDING ORDINANCE 3251, THE  
PENDLETON SUBDIVISION ORDINANCE, IMPLEMENTING  
THE 2007 TRANSPORTATION SYSTEM PLAN**

**THE CITY OF PENDLETON ORDAINS AS FOLLOWS:**

Section 1: Ordinance 3251, Section 2 is amended as follows:

SECTION 2. Purpose. This Ordinance is adopted for the following purposes:

- A. To protect and provide for the public health, safety, and general welfare of the people of the City of Pendleton;
- B. To guide the future growth and development of the City, in accordance with the Comprehensive Plan;
- C. To provide for adequate light, air and privacy, to secure safety from fire, flood and other danger, and to prevent overcrowding of the land;
- D. To protect and conserve the value of land and improvements throughout the City and minimize the conflicts among the uses of land and improvements;
- E. To guide public and private policy and action in order to provide adequate and efficient transportation, water, sewage, schools, parks, and other public services and facilities;
- F. To provide the most beneficial circulation of auto and pedestrian traffic throughout the City;
- G. To establish reasonable standards of design and procedures for subdivisions and partitions, in order to further the orderly layout and use of land;
- H. To ensure that public facilities are available and will have a sufficient capacity to serve the proposed subdivisions or partitions;
- I. To prevent the pollution of air, water and land resources; to assure the adequacy of drainage facilities; to protect the water table; and to encourage the wise use and management of natural resources throughout the City;
- J. To provide for open spaces through the most efficient design and layout of the land, while preserving the density of land as established in the Comprehensive Plan
- K. To ensure adequate cross-circulation in a manner which allows subsequent developments to meet these standards, and to provide a mechanism for integrating various streets into an efficient and safe transportation network.

Section 2. Ordinance 3251, Section 3 is amended as follows:

“SECTION 3. Definitions. As used in this Ordinance, the following words and phrases shall have the following meaning:

Alley. A narrow street through a block primarily for vehicular access to the back or side of properties that abut another street.

Amendment. An addition to or change of this Ordinance as will effect an improvement, or better carry out the purpose for which it was formulated.

**Appeal.** The procedure whereby a person seeks relief from the City Council or Planning Commission regarding a ruling made by the Planning Commission or the City Manager.

**Applicant.** The owner or agent of the land proposed to be subdivided or partitioned. Consent shall be required from the landowner of the premises. (See developer, land divider, subdivider and partitioner.)

**Approval of Occupancy.** The issuance of a certificate of occupancy for a building or; for those specified residential buildings (as set forth in the Uniform Building Code).

**Arterial.** A street that is primarily a traffic artery for traversing large areas.

**Berm.** A mound of earth, or the act of pushing earth into a mound.

**Bicycle Lane.** A bicycle right-of-way incorporated into the design of a street right-of-way. (See Figure 3)

**Bicycle Path.** The portion of a bicycle right-of-way developed for bicycle traffic. (See Figure 3)

**Bicycle Way.** A right-of-way for bicycle traffic.

**Blanket Encumbrance.** A trust, deed, or mortgage or any other lien or encumbrance, mechanics' lien or otherwise, securing or evidencing the payment of money and affecting more than one interest in subdivided land, or an agreement affecting more than one such lot, parcel or interest by which the subdivision under an option, contract to sell or trust agreement.

**Block.** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, waterways, or corporate limit lines of the City.

**Block Length.** The distance measured along all that part of one side of a street which is between two intersecting or intercepting streets, or between an intersecting or intercepting street and a railroad right-of-way, watercourse, body of water or undivided acreage.

**Bridge.** A structure designed to convey vehicles and/or pedestrians over a water course, railway, public or private right-of-way, or any depression.

**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.

**Building Line.** A line on a plat or map indicating the area within which buildings or structures shall be erected.

**Business Street.** Any block length along any street, other than an arterial, within which there is or will be provided access to one or more commercial structures which may result in a high volume of business traffic on such street.

**Capital Improvements Program.** A proposed schedule of all future projects listed in order of construction priority together with cost estimates and the anticipated means of financing each project.

**City.** The City of Pendleton, Oregon.

**City Manager.** The City Manager of the City of Pendleton, Oregon, or his authorized agent.

**City Standards.** Those designs, drawings, and specifications of all public improvements adopted by the Public Works Director setting forth the accepted design of such improvements.

**City Surveyor.** A licensed surveyor designated by the City Manager, who shall review and process plats in lieu of the County Surveyor pursuant to Oregon Law.

**Collector.** A street supplementary to the arterial street system and a means of traversing between arterials and minor streets; used to some extent for through traffic and to some extent for access to abutting properties.

**Commercial Transaction.** The sale or lease of a tract, parcel, lot or area of land. Sale or lease includes every disposition, transfer or offer or attempt to dispose of or transfer land in a land division, or an interest or estate therein, by a developer or his agent, including the offering of such property as a prize or gift when a monetary charge or consideration for whatever purpose is required by the developer or his agent.

**Comprehensive Plan.** The generalized, coordinated land use map and policy statement of the City of Pendleton that interrelates all functional and natural systems and activities relating to land and society, including, but not limited to: natural resources, recreational facilities, sewer and water systems, and air and water quality management programs, including modifications or amendments which may be made from time to time.

**Construction Plan.** The drawings or designs accompanying a subdivision plat or major partition map showing the specific location and design of improvements to be installed in the subdivision or partition in accordance with the requirements of this Ordinance and any other ordinance as a condition of the approval of the plat or map.

**Council or City Council.** The City Council of the City of Pendleton, Oregon.

**County.** The county of Umatilla, Oregon.

**County Clerk.** The Umatilla County Clerk.

**Cul-de-sac.** A short, dead-end street, provided access to individual properties, having one end open to traffic and being terminated by a vehicle turn-around.

**Developer.** A person who purchases a lot or parcel in a subdivision that does not have a single family residential dwelling or duplex thereon to construct a single family residential dwelling or duplex on the lot or parcel and to resell the lot or parcel and the dwelling or duplex for eventual residential use purposes. Developer also includes a person who purchases a lot, parcel or other interest in a subdivision that does not have a single family residential dwelling or duplex thereon for resale to another person.

**Development.** The construction of improvements or structures upon the subdivided or partitioned land including any lot or parcel thereon.

**Drainage Land.** Land, privately owned and maintained, required for drainage ditches, or required along a natural stream of watercourse for preserving the channel and providing for the flow of water therein, to protect the public against flood damage or the accumulation of surface water.

**Dwelling Unit.** A building designed exclusively for residential purposes, including one-family, two-family and multi-family residences, but not including hotels or motels.

**Easement.** An easement is a non-possessory interest in the land of another which entitles the owner of the interest to a limited use or enjoyment of the other's land and to protection from interference with this use. The interest, once created, is irrevocable and is not subject to the will of the owner of the land. Easements include; conservation or scenic easements, solar easements, riparian easements, and easements from light and air.

Escrow. A deposit of cash with the City Recorder in lieu of an amount required and still in force on a performance or maintenance bond. Such escrow funds shall be deposited in an escrow account.

Filing Fee. Monies collected from the developer to defray the actual costs of processing documents submitted to the Planning Commission and City as a whole as set forth in this Ordinance (See Article XIII for fee schedule.)

Frontage Road. A minor street parallel and adjacent to an arterial street providing access to abutting properties, but protected from through traffic.

Grade. The slope of a road, street, or other public way, specified in percentage terms.

Highway, limited access. A freeway, or expressway, designed for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right to access to or from the same, except at such points and in such manner as may be determined by the public authority that has jurisdiction over such traffic way.

Interest. Includes a lot or parcel, and a share, undivided interest or membership which includes the right to occupy the land overnight, and lessee's interest in land for more than three years if less than three years of the interest may be renewed under the terms of the lease for a total period more than interest in a condominium as that term is defined in the Ordinance or any security interest under a land sales contract, trust deed or mortgage. "Interest" does not include divisions of land created by lien foreclosures or foreclosures of recorded contracts for the sale or lease of such land.

Land Divider. An owner commencing proceedings under this Ordinance to effect a subdivision or partition of land by himself or his lawful agent. (See applicant, developer, subdivider, and partitioner.)

Land Division. The act of subdivision, or the major or minor partitioning of land.

Lot. A unit of land that is created by a subdivision of land (See Figure 1).

Corner Lot. A lot at least two adjacent sides of which abut streets other than alleys, provided the angle of intersection of the adjacent streets does not exceed 135 degrees.

Flag Lot. An interior lot abutting on a street the width of an access strip to said lot, with the remainder of said lot separated from the street by other lots.

Interior Lot. A lot having frontage on only one street.

Through Lot. A lot having frontage on two parallel or approximately parallel streets other than alleys.

Lot or Parcel Area. The total horizontal area within the lines of a lot or parcel.

Lot or Parcel Improvement. Any building, structure, utility, work of art, or other object or improvement of the land on which it is situated constituting a physical betterment of real property, or any part of such betterment. Certain lot or parcel improvements shall be properly bonded as provided in this Ordinance.

Lot Line (See Figure 2.)

Front Lot Line. The shortest lot line abutting a street and/or the lot line facing the front entry to the principal structure as set forth in the Zoning Ordinance.

Side Lot Line. Any lot line that is not a front or rear lot line.

Rear Lot Line. The lot line that is opposite to and most distant from the front lot line.

Major Partition. A partition which includes the creation of a street or road.

Map. A final diagram, drawing or other writing concerning a major partition.

Minor Street. A street intended to provide access to individual properties, and other streets.

Minor Partition. A partition that is subject to approval by a City or county under a regulation or ordinance adopted by this ordinance and that does not include the creation of a street or road.

Model Home. A dwelling unit used initially for display purposes which typifies the type of units that will be constructed within a subdivision.

Negotiate. Any activity preliminary to the execution of a binding agreement for the sale or lease of land in a subdivision, including but not limited to advertising, solicitation and promotion of the sale or lease of such land.

Neighborhood Park and Recreation Improvement Fund. A special fund established by the City Council to retain monies contributed by developers in accordance with the provisions of this Ordinance. This fund shall be used for the acquisition and/or maintenance of park land or facilities that will directly serve the development and the surrounding vicinity.

Non-residential Subdivision or Partition. A subdivision or partition whose intended use is other than residential (such as commercial or industrial). Such subdivision or partition shall comply with the applicable provisions of this Ordinance.

Official Map. The map established by the City pursuant to law showing the streets, highways, parks, drainage systems, and setback lines theretofore laid out, adopted and established by law; including amendments or additions thereto adopted by the City resulting from the approval of all subdivision plats or partition maps by the Planning Commission and the subsequent filing of said plats or maps.

Open Space. An open area designed for passive space, active recreational usage, storm drainage and recreational facilities.

Owner. A person having legal or equitable title to land sought to be subdivided or partitioned.

Parcel. A unit of land that is created by a partitioning of land. Types of parcels and parcel lines shall be consistent with those identified under the "lot" categories as defined by this Ordinance.

Park. An open space dedicated for public recreational usage.

Parking Area, Public. An area, other than a street, used for the temporary parking of four or more automobiles and available for public use, whether free, or for compensation, or for accommodation of clients or customers.

Partition. Either an act of partitioning land or an area of land partitioned as defined in this Ordinance.

Partition Land. To divide an area or tract of land into parcels when such area or tract of land exists as a unit or contiguous units of land under a single ownership. Partition land does not include:

1. Divisions of land resulting from lien foreclosures;
2. Divisions of land resulting from foreclosure of recorded contracts for the sale of real property;
3. Divisions of land resulting from the creation of cemetery plots;

4. Any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by an applicable zoning ordinance. Such boundary line adjustments shall be reviewed and approved by the City as set forth in this Ordinance;
  5. The sale of a lot in a recorded subdivision, even through the lot may have been acquired prior to the sale with other contiguous lots or property by a single owner;
  6. A sale or grant by a person to a public agency or public body for state highway, county road, city street or other right of way purposes provided that such road or right of way complies with the applicable comprehensive plan and Oregon Law.
- Partition Plat.** A final map and other writing containing all the descriptions, locations, specifications, provisions and information concerning a major or minor partition.
- Partitioner.** An owner commencing proceedings under this Ordinance to effect a partition of land by himself or his lawful agent. (See Applicant, developer.)
- Pedestrian Way.** A right-of-way dedicated for pedestrian traffic.
- Pedestrian Walkway.** The portion of a pedestrian way developed for pedestrian traffic. A walkway shall be required to be finished with a permanent surfacing agent, approved by the City Engineer, and shall be maintained as set forth by Ordinance.
- Sidewalk.** A walkway parallel to City and project streets.
- Mid-Block Walk.** A walkway designed for general circulation, not necessarily parallel to, and often perpendicular to nearby streets.
- Performance Agreement or Bond.** A financial commitment by the subdivider or partitioner and executed by an Oregon Licensed Surety Company or a financial institution in an amount not to exceed one hundred and twenty percent (120%) of the full cost of construction and improvements as required by this Ordinance, and conditional upon the faithful performance thereof.
- Perimeter Half-Street.** A portion of the width of a street, usually along the edge of a tract of land, where the remaining portion of the street could be provided in a future development.
- Perimeter Street.** Any existing street to which the tract of land to be divided abuts on only one side.
- Person.** A natural person, domestic or foreign corporation, a partnership, association, a joint stock company, a trust and any unincorporated organization. As used in this ordinance, the term "trust" includes a common law or business trust, but does not include a private trust or a trust created or appointed under or by virtue of any last will and testament, or by a court.
- Planning Commission.** The Planning Commission of the City of Pendleton, Oregon.
- Planning Director.** The Planning Director of the City of Pendleton, Oregon.
- Plat.** A final subdivision plat, replat or partition plat.
- Pre-Hearing Conference.** A conference held after the acceptance of an application for tentative plan approval of a subdivision or major partition.
- Public Hearing.** Quasi-judicial public proceedings, at which both those for and against a request before the Planning Commission and/or City Council have an opportunity to offer testimony.

**Public Improvement.** Any drainage ditch, roadway, parkway, sidewalk, pedestrian walkway, bicycle way, tree, lawn, shrub, off-street parking area, lot or parcel improvement, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may affect an improvement for which City responsibility is established. All such improvements shall be properly bonded.

**Public Right-of-Way.** The area between boundary lines of a street, pedestrian way or bicycle way.

**Public Use.** Including, but not limited to: parks, playgrounds, recreation areas, public open space, educational sites or governmental facilities.

**Public Works Director.** The City of Pendleton Public Works Director or his authorized agent.

**Real Property Sales Contract.** An agreement wherein one party agrees to lease or to convey title to real property to another party upon the satisfaction of specified conditions set forth in the contract.

**Reasonably Direct.** A route that does not deviate unnecessarily from a straight line or a route that does not involve a significant amount of out-of-direction travel for likely users.

**Replat.** A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision. The act of platting the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in a subdivision or parcels in a partition. A replat may act to vacate the platted lots or parcels and easements within the replat area.”

**Reservation.** The setting aside of land for future public acquisition.

**Roadway.** The portion of a public street right-of-way developed for vehicular traffic.

**Sale or Lease.** Includes every disposition or transfer of land in a subdivision, or partition or an interest or estate therein, by a subdivider or a developer, or their agents, including the offering of such property as a prize or gift when a monetary charge or consideration for whatever purpose is required by the subdivider, developer or their agents.

**Same Ownership.** Ownership by the same person, corporation, firm, entity, partnership, or unincorporated association; or ownership by different corporations, firms, partnerships, entities, or unincorporated associations, in which a stockholder, partner or associate, or a member of his family owns an interest in each corporation, firm, partnership, entity, or unincorporated association.

**Screening.** A strip of at least ten (10) feet in width, densely planted or having equivalent natural growth with shrubs or trees at least four (4) feet high at the time of planting, of a type that will form a year around dense screen of at least six (6) feet in height.

**Shade Tree.** A tree in a public place, street right-of-way, or special easement as provided in this Ordinance.

**Sketch Plan.** A drawing, diagram or other writing concerning a proposed subdivision or partition.

**Street or Road.** A public right-of-way that is created to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created

to provide ingress or egress to such land in conjunction with the use of land for forestry, mining or agricultural purposes.

**Structure.** That which is built or constructed. An edifice or building of 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).

**Subdivided Lands and Subdivision.** Improved or unimproved land or lands divided, or created into interests or sold under an agreement to be subsequently divided or created into interests, for the purpose of sale or lease, whether immediate or future, into 11 or more undivided interests or four or more other interests. "Subdivided Lands and "subdivision" do not mean property submitted to this ordinance or property located outside this state which has been committed to the condominium form of ownership in accordance with the laws of the jurisdiction within which the property is located.

**Subdivision Plat.** A final map and other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

**Subdivider.** Any person who causes land to be subdivided into a subdivision for himself or for others, or who undertakes to develop a subdivision, but does not include a public agency or officer authorized by law to make subdivisions.

**Temporary Improvement.** Improvements built and maintained by the developer during construction of the land division and prior to the release of the performance agreement or bond.

**Tentative Plan.** A preliminary plan for a subdivision or major partition consisting of a diagram, drawing or other writing containing all the descriptions, locations, specifications, dedication provisions, and other information as required by this Ordinance.

**Tract.** A continuous expanse of land.

**Variance.** A modification of the provisions of this Ordinance, which modification shall be made by the Planning Commission subject to the criteria set forth in this Ordinance. All variance requests shall be made in writing at the time of application for tentative plan approval."

Section 4. Ordinance 3251, Section 7 is amended as follows:

**SECTION 7. Tentative Plan Procedure.**

A. Purpose. The process of tentative plan approval is intended to present for the deliberation of the Planning Commission:

- (1) The plan documents and statements submitted by the developer or his agent concerning the plan for the proposed development;
- (2) The report of the pre-hearing conference;
- (3) Additional reports or statements of public officials or agencies affected by the proposed land division;
- (4) The testimony of all citizens who wish to comment upon the proposed land division;
- (5) The staff report of the Department of Planning and Building and other City officials concerning the tentative plan.

B. Format. A public hearing shall be held at a regularly scheduled meeting of the Planning Commission in which all testimony, reports and information shall be presented and considered by the Commission.

C. Application Procedure and Requirements. Prior to proceeding to application for final plat approval, the developer of a sub-division or major partition shall file an application for approval of a tentative plan. The application shall:

- (1) Be made on forms available at the Department of Planning and Building, together with a processing fee as set forth in Article XIII of this Ordinance;
- (2) Be presented to the City Manager;
- (3) Include all the land which the applicant proposes to divide and a list of the names and addresses of all property owners within 250 feet of the boundaries of the proposed land division;
- (4) Be accompanied by a minimum of fifteen (15) copies of the tentative plan and additional documents as described in these regulations;
- (5) Be accompanied by a statement of the intended method of developing the proposed land division, indicating:
  - (a) If the land will be developed in one or more stages or phases;
  - (b) If the lots or parcels, in whole or in part, will be sold to additional contractors for the construction of structures or if the contracting will be undertaken in whole or in part by the applicant for tentative plan approval.

D. Information Required on the Tentative Plan. The tentative plan shall be prepared by an Oregon licensed surveyor or engineer. All sheets shall be numbered in sequence and the following shall be shown on all documents:

- (1) General Information.
  - (a) The name of the land division;
  - (b) The name and address of the owner or owners, land divider, engineer, and/or surveyor and land planner;
  - (c) Appropriate identification clearly stating the map is a tentative plan;
  - (d) The date, north arrow, and scale of the drawing.
- (2) Vicinity Map. A vicinity map shall be provided and shall specify:
  - (a) All existing subdivisions, streets and tract lines of acreage land parcels within 1500 feet of the proposed land division;
  - (b) The manner in which streets and alleys in the proposed land division may connect with existing and proposed streets and alleys in neighboring land divisions or undeveloped property to produce the most advantageous development of the entire area.
- (3) Detail Map. The Tentative plan shall be drawn at a scale of one inch equals 100 feet. The size of the plan shall be either 18 inches by 24 inches or 24 inches by 36 inches. The following information shall be shown on the detailed map:
  - (a) The location of the proposed land division by section, township, range, and a legal description sufficient to define the location and boundaries of the property;
  - (b) The area of the proposed land division;
  - (c) The date of the last property survey;
  - (d) The number of lots or parcels.

(4) Existing Conditions. The detailed map shall show the following existing conditions:

(a) The location, widths, and names of all existing and platted or mapped streets or other public rights-of-way within or adjacent to the proposed land division, railroad rights-of-way and other features such as section lines and corners, political subdivision or corporate lines, monuments and easements;

(b) The location in the adjoining streets or property of existing sewer and water mains, culverts and drain pipes, electrical conduits or lines proposed to be used or connected to the property to be subdivided. The invert elevations of sewers, culverts and drains shall be shown at points of proposed connection;

(c) Contour lines having the following minimum intervals:

- Two foot contour intervals for ground slopes less than ten percent;

- Five foot contour intervals for ground slopes more than ten percent.

The elevations of all control points which are used to determine the contours shall be indicated and must be to U. S. Geodetic Survey Datum, if within a one-mile radius of an existing monument. If datum is not within a one-mile radius, datum shall be that approved by the Public Works Director.

(d) The approximate location of area subject to inundation or storm water overflow with the approximate high water elevation. Surface water drainage patterns shall be shown for every lot, parcel and block;

(e) Location, width, direction and flow of all water courses;

(f) Natural features, such as rock outcroppings, marshes, wooded areas and existing trees;

(g) Existing use or uses of the property and adjacent property, including the location of existing structures to remain on the property or immediately adjacent to the property after final approval;

(h) The land use zoning on and adjacent to the tract;

(i) The location of at least one temporary bench mark within the plat boundaries.

(5) Proposed Plan of Land Division. The following information shall be included on the tentative plan:

(a) The location, width, names, approximate grades and radii of curves of proposed streets;

(b) The locations, widths and purposes of all easements on the land proposed to be divided and on abutting property;

(c) The location, area, and approximate dimensions of proposed lots or parcels and the proposed lot or parcel and block numbers;

(d) The proposed land use, including any lots or areas allocated for multi-family dwellings, shopping or commercial facilities, churches, industrial uses, parks, schools, playgrounds, public or semi-public use.

(e) Applicants shall also submit a circulation plan which includes the subject site and all adjacent parcels. Proposed streets must be shown to the point of connection with the existing street system within six hundred (600) feet. The circulation plan shall demonstrate feasibility with development of adjacent properties, or may revise the off-site portion of prior approved plans. Circulation plans shall also be consistent with the Transportation System Plan Map, as amended. A circulation plan shall be submitted at application.

Circulation plans shall be schematic in nature and include sufficient off-site and on-site conditions to evaluate it against the review criteria. It shall include:

- (a) Proposed project boundary;
- (b) Existing and proposed streets (from TSPM), transit routes and facilities, and other pedestrian/bicycle destinations within six hundred (600) feet of the project boundary;
- (c) Site access points for vehicles, pedestrians, bicycles, and transit; and
- (d) Contours showing changes in elevation.
- (e) Sensitive lands (wetlands, shorelines, geologic hazard, floodplain, etc.)
- (6) Explanatory Information. The following information shall be included with the tentative plan, but may be submitted in the form of statements in lieu of being drawn on the detailed map:
  - (a) Proposed deed restrictions, if any, in outline form;
  - (b) The location within the land division and in the adjoining street and properties of existing sewer and water mains, culverts, drain pipes and electrical lines as well as the provisions to be made for water supply, sewage disposal and drainage and flood control.
- (7) Supplementary Proposals With Tentative Plan. Any of the following may be required by the Planning Commission to supplement the plan of land division:
  - (a) Approximate center-line profiles with extensions for a reasonable distance beyond the limits of the proposed land division showing the finished grade of streets and the nature and extent of street construction;
  - (b) A plan for domestic water supply lines and related water service facilities;
  - (c) Proposals for sewage disposal, storm water drainage and flood control, including profiles of proposed drainage ways;
  - (d) If lot areas are to be graded, a plan showing the nature of cuts and fills and information on the character of the soil (a grading permit is required by Chapter 70 of the Uniform Building Code);
  - (e) Proposals for other improvements such as electric utilities, pedestrian walkways, bikeways, etc.
- E. Study of Tentative Plan. Copies of the tentative plan will be distributed to appropriate departments and agencies for their review and comment, and the Department of Planning and Building shall review the tentative plan and submit its report in writing to the Planning Commission at a scheduled public hearing.
- F. Scheduling of Public Hearing. Within fifteen (15) days following receipt of an application for tentative plan approval, at a regularly scheduled meeting, the Planning Commission shall schedule a public hearing for consideration of the tentative plan in accordance with Article XV of this Ordinance. The public hearing shall be held within forty (40) days following receipt of an application for tentative plan approval.
- G. Action on Tentative Plan. Within ten (10) days following the closing of the public hearing, the Planning Commission shall give written notice to the developer of its decision, whether it be:
  - (1) Approval;
  - (2) Approval, subject to modifications or conditions;
  - (3) Disapproval.

The action of the Planning Commission shall be noted on two copies of the tentative plan, including reference to any attached documents describing conditions necessary for final approval. One copy shall be returned to the developer and the other shall be retained by the Department of Planning and Building.

H. **Effective Period of Tentative Plan Approval.** The approval of a tentative plan shall be effective for a period of twenty-four (24) months, at the end of which time, final approval of the subdivision or major partition shall have been obtained from the Planning Commission, although the plat or map need not yet be signed and filed with the Umatilla County Clerk. An extension of time may be granted, for good cause, by the Planning Commission if such extension is authorized by the Commission prior to expiration of the twenty-four (24) month period, and provided such extension shall not exceed two (2) years. If the subdivision is to be developed in phases, extensions not to exceed two (2) year increments may be granted by the Planning Commission, but in no case shall the total time period for filing final plat or map for all phases exceed six (6) years without resubmitting for a new tentative plan for approval. Any plat or map not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new tentative plan for approval subject to all existing zoning and land division regulations.

The Planning Commission may waive any procedural steps, including fees, not deemed necessary by them in reviewing a resubmitted tentative plan, or require full compliance with the procedure for tentative plan approval.

I. **Modification of a Tentative Plan.** An application for modification of an approved tentative plan is available from the Department of Planning and Building.

(1) Within eighteen months of the approval, or conditional approval, of a tentative plan by the Planning Commission, the applicant may apply for modification of the tentative plan. Within twenty (20) days following receipt of such application for modification, the Planning Commission shall consider such application at a regularly scheduled meeting. The Commission may waive any procedural steps not deemed necessary in reviewing an application for modification of a tentative plan, including the holding of a public hearing and fee payment.

J. **Resubmittal of Tentative Plan Following Disapproval.** At any time following disapproval of a tentative plan, the applicant may re-apply for approval of the land division. All procedures and stages normally required for initial application shall be followed, including the pre-application conference.

K. **Zoning Regulations.** Every tentative plan and final plat shall conform to the existing zoning and land division regulations applicable at the time of proposed final approval, except that any plat which has received tentative plan approval shall be exempt from any subsequent amendments to the zoning ordinance rendering the plat nonconforming as to bulk or use, provided that final approval is obtained within the eighteen (18) month period.

L. **Grading of Site Prior to Final Approval.** After tentative plan approval, the developer may apply for a grading permit from the Department of Planning and Building, and upon receipt of such permit, may commence construction to the grades and elevations specified by the approved tentative plan.

M. **Model Homes.** At the time of tentative plan approval, for the purpose of allowing the early construction of model homes in a subdivision, the Planning Commission in its discretion

may permit a portion of a subdivision involving no more than two (2) lots to be created prior to final plat approval for the entire subdivision, provided said portion derives access from an existing City, county or state highway, and provided no future road or other improvement is anticipated where said lots are proposed. The subdivision plat for the minor portion shall be submitted to the Planning Commission simultaneously with the tentative plan for the entire subdivision. Subsequent to tentative plan approval, the model home(s) may be constructed, subject to any additional conditions that the Planning Commission may impose.

N. Public Improvements. The Planning Commission encourages and may require that all public improvements be installed and dedicated prior to the signing of the final plat by the Chairman of the Planning Commission and the Director of Planning and Building. In all cases, formal approval of the construction plans by the City Engineer is required prior to the commencement of construction. If the Planning Commission does not require that all public improvements be installed and dedicated prior to signing of the final plat or map, a performance agreement or bond shall be submitted for approval of the City Attorney and Public Works Director, to ensure the future installation of the required public improvements.

O. As-Builts. A drawing or diagram showing all public improvements "as built" shall be filed with the City Manager upon completion of said improvements.

Section 5. Ordinance 3251, Section 21 is amended as follows:

SECTION 21. Conformance to Applicable Rules and Regulations. In addition to the requirements established in this Ordinance, all subdivision and partition plats shall comply with the following laws, rules, and regulations:

A. All applicable statutory provisions;

B. The City Zoning Ordinance, building, and housing codes and all other applicable laws of the City;

C. The Comprehensive Plan, official map, public utilities plan and capital improvements program, including all streets, drainage systems, and parks shown on the official map or Comprehensive Plan as adopted;

D. The special requirements of these regulations and any rules of county and state agencies, such as the State Highway Division (if any part of the subdivision or partition were to abut a state highway);

E. The standards and regulations adopted by the Public Works Director and all boards, commissions, agencies and officials of the City of Pendleton;

F. All pertinent standards contained within the planning guides published by any state or regional planning agency;

If the owner places restrictions on any of the land contained in the land division greater than those required by the zoning ordinance or these regulations, such restrictions or reference thereto may be required to be indicated on the subdivision or partition plat, or the Planning Commission may require that restrictive covenants be recorded with the Umatilla County Clerk in a form approved by the City Attorney. Such restrictions shall not be the enforcement responsibility of the City of Pendleton.

G. The Transportation System Plan and Transportation System Plan Map.

Section

SECTION 26. Blocks. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted due to topography, or in blocks adjacent to arterials, railroads, waterways, cemeteries, parks, or public land or farmland.

In certain blocks, the Planning Commission may require an easement or dedicated right-of-way through the block to accommodate utilities, drainage facilities, pedestrian ways, or bicycle ways. The dedication of pedestrian or bicycle ways, not less than five (5) feet wide, may be required by the Commission through a block or to connect to a cul-de-sac or where deemed necessary to provide circulation or access for nonmotorized traffic.

In order to promote efficient vehicular and pedestrian circulation throughout the city, subdivisions and site developments shall be served by a connecting network of public streets and/or accessways, in accordance with the following standards. The standards preferably represent minimum and maximum distances between two streets. But in many cases may only determine minimum and maximum distances between streets and accessways):

(a) Residential Districts: Minimum of one hundred (100) foot block length and maximum of six hundred (800) length; maximum one thousand four hundred (2,000) feet block perimeter;

(b) Downtown: Minimum of one hundred (100) foot length and maximum of four hundred (400) foot length; maximum one thousand two hundred (1,700) foot perimeter;

(c) General Commercial Districts: Minimum of one hundred (100) foot length and maximum of six hundred (600) foot length; maximum one thousand four hundred (1,400) foot perimeter;

(d) Masterplanned Developments: Large multi-use sites may be granted a variance from these limits if the development is developed with multiple users and owners in its final development. These developments may not include districts solely developed for retail sales establishments or other similar uses that involve high traffic; and Not applicable to the Industrial Districts.

Section 6. Ordinance 3251, Section 31 is amended as follows:

Section 31. Design of Streets.

A. Streets shall be related appropriately to the topography. All streets shall be arranged so as to obtain as many as possible of the building sites at, or above the grade of the adjoining streets. Grades of streets shall conform as closely as possible to the original topography. A combination of steep grades and curves shall be avoided where possible. Specific standards are contained in the later stages of this section.

B. Streets shall be graded and improved to conform with City construction standards and specifications and shall be approved as to design and specifications by the Public Works Director, in accordance with the construction plans required to be submitted prior to final plat or map approval.

C. As topography permits, streets within a new land division should be oriented east-west to take advantage of solar energy applications. East-west streets are conducive to more north-south lot orientations and east-west home orientations that are desirable for solar access.

D. All streets shall be properly integrated with the existing and proposed system of thoroughfares and dedicated rights-of-way as set forth by the Comprehensive Plan.

E. Minor streets shall be platted to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and utility systems, and to provide convenient and safe access to property.

F. The rectangular gridiron street pattern need not be adhered to, and the use of curvilinear streets, cul-de-sacs, and U-shaped streets is encouraged when such design will result in a more desirable street layout.

G. Proposed streets shall be extended to the boundary lines of the tract to be partitioned, unless prevented by the topography or other physical conditions, or unless the Planning Commission determines that the extension is not necessary or desirable for the coordination of the layout of the subdivision or partition with the existing layout or the most advantageous future development of adjacent tracts.

H. In commercial and industrial developments, the streets and other access-ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provisions of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflicting movements between various types of traffic.

I. In order to provide for streets of suitable location, width and improvement to accommodate prospective traffic and afford satisfactory access to police, fire fighting, snow removal, sanitation, transit, and street maintenance equipment, and to coordinate streets so as to compose a convenient system and avoid undue hardship to adjoining properties, the following design standards are set forth:

TABLE 1. Design Standards for Streets. The pavement surface widths indicated herein are the maximum permitted and lesser widths may be approved by the Planning Commission when it can be shown that the projected traffic volume can be safely and efficiently accommodated on the proposed width.

~~Minor Street (Widths)~~

~~Planting, Utility~~

<del>Right-of-way</del>	<del>Pavement</del>	<del>Travel Lanes</del>	<del>Parking Lanes</del>	<del>Sidewalk (each side)</del>
<del>60'</del>	<del>24'*</del>	<del>2-12'</del>	<del>None</del>	<del>18'</del>
<del>60'</del>	<del>36'</del>	<del>2-10'</del>	<del>2-8'</del>	<del>12'</del>
<del>60'</del>	<del>44'**</del>	<del>2-12'</del>	<del>2-10'</del>	<del>8'</del>

~~\*The pavement width shall only be permissible on dead-end streets with a cul-de-sac and approved by the Planning Commission.~~

~~\*\*The pavement width may be required where the street serves partially as a collector and has been so designated by the Planning Commission and approved by the City Council.~~

~~Collector Street (Widths)~~

~~Planting, Utility~~

<del>Right-of-way</del>	<del>Pavement</del>	<del>Travel Lanes</del>	<del>Parking Lanes</del>	<del>(each side)</del>
<del>60'</del>	<del>36'</del>	<del>2-10'</del>	<del>2-8'</del>	<del>12'</del>

60'	44'	2-12'	2-10'	8'
80'	44'	2-12'	2-10'	18'

~~Arterial Streets (Widths)~~

~~Planting, Utility~~

~~Right-of-way      Pavement Travel Lanes      Parking Lanes (each side)~~

60'	44'	2-12'	2-10'	8'
80'	44'	2-12'	2-10'	18'
80'	56'	4-12'	1-8'	18'
80'	64'	4-11'	2-10'	8'
100'	80'	5-12'	2-10'	10'

~~Maximum Grade (Percent)~~

~~Alley 15%~~

~~Minor 15%~~

~~Collector 12%~~

~~Arterial 8%~~

~~Minimum Radius of Curve (In feet)~~

~~Alley 50~~

~~Minor 100~~

~~Arterial 150~~

~~Minimum Length of Vertical Curve~~

~~The minimum length shall be such that a minimum slope of .5% is maintained for drainage purposes.~~

~~Minimum Sight Distance (In feet)~~

~~Minor 200~~

~~Collector 200~~

~~Arterial 300~~

~~Intersection across corners 75 feet back~~

~~Design Speed (Miles per Hour)~~

~~Minor 25~~

~~Collector 30~~

~~Arterial 35-40~~

~~Maximum Length of Cul-de-sac (In feet)~~

~~Permanent 400 (Serving no more than 16 dwelling units)~~

~~Temporary 1000 (Serving no more than 25 dwelling units)~~

~~Minimum Right-of-way Radius of Cul-de-sac (In feet)~~

~~Permanent 50~~

~~Temporary 50~~

Minimum Pavement Radius of Cul-de-sac. (In feet)  
 Permanent—40  
 Temporary—40

**Table 1. Design Standards for Public Streets**

<b>ROW</b>	<b>Total Lanes</b>	<b>Travel Lanes</b>	<b>Width</b>	<b>Center Lane</b>	<b>Width</b>	<b>Bike Lanes</b>	<b>Width</b>	<b>Parking Lanes</b>	<b>Width</b>	<b>Pavement Width</b>	<b>Planter Width</b>	<b>Sidewalk</b>	
<b>Arterial</b>													
60	2	2	12	0	14	2	6	0	8	36	0-7	5-12	3.5
80	2	2	12	0	14	2	6	2	8	52	0-9	5-14	5
70	2	2	12	0	14	1	6	2	8	46	0-7	5-12	1.5
70	3	2	11	1	14	2	6	0	8	48	0-6	5-11	3.5
90	3	2	11	1	14	2	6	2	8	64	0-8	5-13	5
80	4	4	12	0	14	2	6	0	8	60	0-5	5-10	3.5
90	5	4	11	1	14	2	6	0	8	70	0-5	5-10	3.5
<b>Collector</b>													
60	2	2	12	0	14	2	6	0	8	36	0-7	5-12	3
80	2	2	12	0	14	2	6	2	8	52	0-9	5-14	
70	3	2	11	1	14	2	6	0	8	48	0-6	5-11	3
90	3	2	11	1	14	2	6	2	8	64	0-8	5-13	
<b>Local Commercial</b>													
60	2	2	16	0	14	0	6	0	8	32	0-9	5-14	3
60	2	2	12	0	14	2	6	0	8	36	0-7	5-12	3
80	2	2	12	0	14	2	6	2	8	52	0-9	5-14	
60	3	2	14	1	14	0	6	0	8	42	0-5	5-9	3
70	3	2	11	1	14	2	6	0	8	48	0-7	5-11	3
90	3	2	11	1	14	2	6	2	8	64	0-9	5-13	

(Table Continues)

**Table 1. Design Standards for Public Streets (Continued)**

ROW	Total Lanes	Travel Lanes	Width	Center Lane	Width	Bike Lanes	Width	Parking Lanes	Width	Pavement Width	Planter Width	Sidewalk	
<b>Industrial</b>													
60	2	2	12	0	14	0	5	2	3	30	3-10	5-12	<u>3</u>
70	2	2	12	0	14	2	5	2	3	40	3-10	5-12	<u>3</u>
70	3	2	11	1	14	0	5	2	3	42	4-9	5-10	<u>3</u>
80	3	2	11	1	14	2	5	2	3	52	4-9	5-10	<u>3</u>
<b>Major Residential</b>													
50	2	2	14	0	14	0	6	0	8	28	3-6	5-8	<u>3,4</u>
60	2	2	12	0	14	0	6	1	8	32	6-9	5-8	<u>3,4</u>
60	2	2	10	0	14	0	6	2	8	36	4-7	5-8	
<b>Minor Residential</b>													
50	2	2	7	0	14	0	6	2	7	28	3-6	5-8	<u>2</u>
50	2	2	10	0	14	0	6	0	7	20	7-10	5-8	<u>3</u>
50	2	2	8.5	0	14	0	6	1	7	24	5-8	5-8	<u>2,3</u>
50	2	2	8	0	14	0	6	2	7	30	2-5	5-8	<u>2</u>
50	2	2	11	0	14	0	6	1	8	30	2-5	5-8	<u>3</u>
60	2	2	10	0	14	0	6	2	7	34	5-8	5-8	
<b>Accessway</b>													
8	1	1	5	NA	NA	Integrated	NA	0	0	5	NA	Integrated	
10	1	1	8	NA	NA	Integrated	NA	0	0	8	NA	Integrated	
14	2	2	6	NA	NA	Integrated	NA	0	0	12	NA	Integrated	
<b>Alley</b>													
18	2	2	60	NA	NA	NA	NA	0	0	12	NA	0	

<sup>1</sup> One-way streets only.

<sup>2</sup> Considered to be Queuing Streets. Allowed for streets with less than 500 ADT and shorter than 400 ft. Consideration must be given in the design to provide queuing space for yielding vehicles by restricting street parking in areas.

<sup>3</sup> Additional off street parking must be provided.

<sup>4</sup> Utilized in hillside areas to minimize grading in steep terrain.

<sup>5</sup> Arterial roadways in the downtown must have sidewalks 10 feet in width and consistent with all city codes.

<sup>6</sup> Planted Medians may be built and can be as narrow as 6 feet when not also serving as a center turn lane, or left turn lane.

**Minimum Radius of Curve (In feet)**

Alley 50

Minor 100

Arterial 150

**Minimum Length of Vertical Curve**

The minimum length shall be such that a minimum slope of .5% is maintained for drainage purposes.

Minimum Sight Distance (In feet)

Minor 200

Collector 200

Arterial 300

Intersection across corners 75 feet back

Design Speed (Miles per Hour)

Minor 25

Collector 30

Arterial 35-40

Maximum Length of Cul-de-sac (In feet)

Permanent 400 (Serving no more than 16 dwelling units)

Temporary 1000 (Serving no more than 25 dwelling units)

Minimum Right-of-way Radius of Cul-de-sac (In feet)

Permanent 50

Temporary 50

Minimum Pavement Radius of Cul-de-sac. (In feet)

Permanent 40

Temporary 40

J. After sewer and water utilities have been installed by the developer, he shall construct curbs and gutters and shall surface roadways to the widths prescribed in this Ordinance. Said surfacing shall be of such character as is suitable for the expected traffic and in harmony with similar improvements in the surrounding areas. Types of pavement shall be as determined by the Public Works Director. Adequate provisions shall be made for culverts, drains, and bridges. All street pavements, shoulders, drainage improvements and structures, curbs, turnarounds, pedestrian walkways, and bicycle ways shall conform to all construction standards and specifications adopted by the Public Works Director and shall be incorporated into the construction plans required to be submitted by the developer for final plat or map approval.

K. Right-of-way widths in excess of the standards designated in this Ordinance shall be required whenever, due to topography, additional width is necessary to provide adequate earth slopes.

(1) In residential districts, a buffer strip at least twenty-five (25) feet in depth in addition to the normal depth of the lot or parcel required in the district shall be provided adjacent to the railroad right-of-way or limited access highway. This strip shall be part of the platted lots or mapped parcels and shall be designated on the plat or map: "This strip is reserved for landscape buffering, the placement of structures hereon is prohibited."

(2) In districts zoned for commercial or industrial uses, the nearest street extending parallel or approximately parallel to a railroad right-of-way shall, whenever practical, be at a sufficient distance therefrom to ensure suitable depth for commercial or industrial sites.

(3) Streets parallel to the railroad when intersecting a street which crosses the railroad at grade shall, to the extent practical, be at a distance of at least one hundred and fifty (150) feet from the railroad right-of-way. Such distance shall be determined with due consideration of the minimum distance required for future separation of grades by means of adequate approach gradients.

L. The creation of reserve strips controlling access to streets shall not be approved unless necessary to protect the public welfare or a substantial property right. The control and disposal of the land comprising such strips shall be placed within the jurisdiction of the City under conditions approved by the Planning Commission.

M. Dead End Streets. A temporary "T" or "L-shaped" turnaround shall be provided on all temporary dead-end streets (which may extend into adjoining vacant property as some future date). The plat or map shall contain a notation that such land outside the normal street right-of-way shall revert back to the abutting property owners whenever the street is continued. The Planning Commission may limit the length of temporary dead-end streets in accordance with the design standards of this Ordinance.

When a street does not extend to the boundary of the land division and its continuation is not required by the Planning Commission for access to adjoining property, its terminus shall normally not be nearer to such boundary than fifty (50) feet. However, the Commission may require the reservation of an appropriate easement to accommodate drainage facilities, utilities, or the dedication of land for pedestrian or bicycle ways. A cul-de-sac turn-around shall be provided at the end of a permanent dead-end street in accordance with City construction standards and specifications. For greater convenience to traffic and more effective police and fire protection, permanent dead-end streets shall be limited in length in accordance with the design standards of this Ordinance and be appropriately signed.

Dead-end streets, per fire code, shall include clear signage that the street is a dead-end and that it is barricaded. If shown as later extending (on the TSPM) the sign shall read Dead End, This road will be extended in the future.

This road will be extended in the future. Further the street shall include a reflective barricade (per Manual of Uniform Traffic Control Devices) constructed at the end of the street by the subdivider and shall not be removed until authorized by the City or other applicable agency with jurisdiction over the street. The cost of the barricade and signage shall be included in the street construction cost and born by the developer.

N. Intersections.

(1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets shall not be less than seventy-five (75) degrees. An oblique street should be curved approaching an intersection and should be approximately at right angles for at least one hundred (100) feet therefrom. A maximum of two streets shall intersect at any one point.

(2) Proposed new intersections along one side of an existing street shall, whenever practical, coincide with any existing intersections on the opposite side of the street. Street jogs with center line offsets shall not be less than 150 feet, except where the intersected street has

reserve strips without median breaks at either intersection. Where streets intersect arterial streets, their alignment shall be continuous. Intersection of arterial streets shall be at least 800 feet apart.

(3) Minimum curb return radius at the intersection of two minor streets shall be at least twenty feet, and the minimum curb return radius at an intersection involving a collector or arterial street shall be at least twenty-five feet. Alley intersections and abrupt changes in alignment within a block shall have the corners cut off in accordance with standard engineering practices, as approved by the Public Works Director, to permit safe vehicle movement.

(4) Intersections shall be designed with a grade no greater than five percent (5%). In hilly or rolling areas, at the approach to an intersection, a leveling area shall be provided having no greater than a ten percent slope at a distance of fifty feet from the nearest right-of-way line of the intersecting street.

(5) Wherever street intersections will involve earth banks or existing vegetation inside any lot or parcel corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide an adequate sight distance. However, the design of any proposed street shall take into consideration the location of any existing trees and vegetation. Trees shall not be destroyed for the construction of a street or other improvement if practical alternative design is available.

(6) The cross slopes on all streets, including intersections, shall be five (5) percent or less.

O. Bridges. Bridges of primary benefit to the applicant, as determined by the Planning Commission, shall be constructed at the expense of the developer, with no reimbursement from the City. The sharing of expense for the construction of bridges not of primary benefit to the applicant (as determined by the City Council on recommendation of the Planning Commission) if approved, will be established by agreement. Said cost shall be charged to the applicant pro rata as the percentage of vehicular impact of his land division versus the bridge capacity or potential traffic volumes.

P. Alleys.

(1) Alleys shall not be permitted in residential zones.

(2) Alleys shall be provided in commercial and industrial zones, except that the Planning Commission may waive this requirement where other provisions are made for service access, such as off-street loading, unloading and parking consistent with and adequate for the uses proposed.

(3) The right-of-way width of an alley shall be a minimum of 25 feet.

(4) Dead-end alleys shall not be permitted, except that the Planning Commission may waive this restriction if such an alley is unavoidable, provided that adequate turnaround facilities are provided.

Q. Perimeter Streets. Streets systems in new land divisions shall be laid out so as to eliminate or avoid the creating of a new perimeter half-streets. Where an existing half-street is adjacent to a new land division, the other half of the street shall be improved and dedicated by the land developer. The Planning Commission may authorize a new perimeter street where the land divider improves and dedicates the entire required street right-of-way width within his own land division boundaries.

R. Where directions of travel are separated by a median, such as with boulevard cross-sections with or without a left turn lane, the median shall be no less than twelve (12) feet and be provided for landscaping. Planted medians may be a minimum of six (6) feet in width when separating travel lanes for a road section without center or left turn lanes in the median. Median shall be planted with shade trees no less than every thirty (30) feet. Shade trees planted in medians shall come from the street tree manual developed by the City.

Section 7. Ordinance 3251, Section 43 is amended as follows:

**SECTION 43. Pedestrian Walkway Improvements.**

A. The City recognizes the need to provide safe, non-vehicular access to all areas of the City. The land divider is encouraged to design the land division in such a manner as to creatively provide for the efficient and secure flow of pedestrian traffic.

B. Sidewalks shall be included within the dedicated rights-of-way of all streets as shown below; unless a variance is approved by the Planning Commission at the tentative plat stage:

(1) Minor Street: Four-foot wide sidewalks on both sides in residential or nonresidential zones;

(2) Collector Street: Four-foot wide sidewalks on both sides in residential or nonresidential zones;

(3) Arterial Street: Five-foot wide sidewalks on both sides in residential zones and on both sides from the curb line to the private property line in nonresidential zones.

Variances for sidewalks on both sides may be granted by the Planning Commission if:

(1) The topography of the site does not permit the reasonable use of a sidewalk; or

(2) Some other existing or proposed accessway, sidewalk or other facility exists that provides a safe and convenient bicycle and pedestrian route (e.g. pedestrian and bicycle pathways along the rear or side of the lot, easements, bridal paths).

C. Concrete is the standard material for sidewalk construction. Asphalt sidewalk shall be permitted only on approval of the City Council.

D. The City recognizes that certain developers may wish to consider more aesthetic materials for the construction of pedestrian walkways in order to add to the value and attractiveness of the land division. The City encourages the developer to discuss the construction of such innovative walkways with the Public Works Director as early as possible in the platting process.

E. The Planning Commission may require, in order to facilitate pedestrian access from streets to schools, parks, playgrounds or other nearby streets, the dedication of a strip of land or provision of an access easement at least five (5) feet in width for a pedestrian right-of-way.

All such dedications or easements shall be noted on the tentative plan and the final plat.

Section 8. Ordinance 3251, Section 44 is amended as follows:

**SECTION 44. Accessways.** The dedication of accessways, (8') to ten (15') feet wide, are required by the Commission through a block or to connect to a cul-de-sac where it is deemed necessary to provide circulation or access for non-motorized traffic and potentially emergency access for vehicles. Where constraints limit access to pedestrians only, or where it can be determined that bicycle use shall be minimal or non-existent, Section 43(E) shall apply **Bicycle Ways**. The Planning Commission may require the installation of separate bicycle lanes within streets of the land division, and separate dedicated bicycle paths within the non-street area of the land division,

~~at the expense of the developer as a requirement for final plat approval if such paths or lanes are part of a city-wide approved bicycle plan or an extension thereof.~~

~~The design and construction standards of all bicycle ways shall be in accordance with the approved City standard, and be maintained by the City.~~

Section 9. Ordinance 3251, Section 46 is amended as follows:

SECTION 46. Natural Features and Trees.

A. Existing features which would add to the value of residential development or to the City as a whole, such as trees, waterways, historic sites, and similar assets, shall be preserved as they exist in the design of the land division. No trees shall be removed from any land division nor any change in grade of land effected until approval of the tentative plan has been granted. The tentative plan shall indicate the location of existing trees, and whether they are planned for removal or retention. Trees required to be retained shall be preserved and protected against excavations. The location of all proposed new shade trees along the street side of each lot or parcel as required by this Ordinance shall also be shown on the sketch plan.

B. As a requirement for any subdivision or major partition approval, and prior to City acceptance of the street improvements, the developer shall plant shade trees as established by this Ordinance. Such trees are to be planted within the planting strip five (5) feet of the right-of-way of the streets within and abutting the land division, unless this location is altered for utility purposes. A minimum of At least one (1) tree shall be planted for every fifty (50) seventy (70) feet of frontage along each street unless otherwise approved by the Planning Commission. A minimum of two trees per frontage is required. Sleeves shall be provided under the sidewalk for irrigation of the planting strip. Tree planting is required before the City will establish a Water service account. Shade trees planted in planting strips shall come from the street tree manual developed by the City. At the discretion of the Public Works Director the Plantings can be allowed behind the sidewalk or within tree wells (providing a "curb-tight" sidewalk).

~~B. As a requirement for any subdivision or major partition approval, and prior to City acceptance of the street improvements, the developer shall plant shade trees as established by this Ordinance. Such trees are to be planted within five (5) feet of the right-of-way of the streets within and abutting the land division, unless this location is altered for utility purposes. At least one (1) tree shall be planted for every seventy (70) feet of frontage along each street unless otherwise approved by the Planning Commission.~~

C. New shade trees to be provided pursuant to this Ordinance shall have a minimum trunk diameter of not less than two (2) inches measured twelve (12) inches above the ground level, and be oak, honey locust, hard maples, or other long-lived shade trees as approved by the Planning Commission. Shade tree maintenance shall be the responsibility of the property owner.

PASSED by the City Council and approved by the Mayor June 19, 2007

APPROVED:   
Phillip W. Houk  
Mayor

ATTEST: Judi A. Zoske  
Judi Zoske  
City Recorder

APPROVED AS TO FORM:

Peter H. Wells  
Peter H. Wells  
City Attorney

**ORDINANCE NO. 3753**

**AN ORDINANCE Amending Ordinance 2287, The Ordinance  
Regulating the Opening and Excavating of Public Places,  
Implementing the 2007 Transportation System Plan amendments**

**THE CITY OF PENDLETON ORDAINS AS FOLLOWS:**

Section 1: Ordinance 2287, Section 27 is amended as follows:

“SECTION 27. Preservation of Monuments. Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the City, and any horse rings, angle irons, and street stamps, should not be removed, and shall be reinstalled in the improved curb or sidewalks as is feasible. ~~shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the City Manager to so do.~~ Permission to remove or disturb such monuments reference points, or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of this monument by the City. Angle irons frequently are found on curbs, especially at corners and have protected curbs from carriage wheels. Stamps are found in concrete with street names, construction company names, and years of construction. Where street improvements disturb these artifacts, they are to be installed with the new facility, as close as possible, to where they were originally found. In circumstances where this is not possible, the artifacts shall be held by the City and reused in places where these artifacts have been lost.”

PASSED by the City Council and approved by the Mayor July 3, 2007

APPROVED: Phillip W. Houk  
Phillip W. Houk  
Mayor

ATTEST: Judi A. Zoske  
Judi Zoske  
City Recorder

APPROVED AS TO FORM:  
Peter H. Wells  
Peter H. Wells  
City Attorney

## ORDINANCE NO. 3754

### AN ORDINANCE AMENDING ORDINANCE 3481, THE ORDINANCE ESTABLISHING CRITERIA AND COMMUNITY STANDARDS RELATED TO CONSTRUCTION, ADDITION, REMODELING, ETC., OF STRUCTURES IMPLEMENTING THE 2007 TRANSPORTATION SYSTEM PLAN

#### THE CITY OF PENDLETON ORDAINS AS FOLLOWS:

Section 1: Ordinance 3481, Section 1, is amended as follows

“SECTION 1. Purpose and Policy. The purpose of this Ordinance is to assure equal and fair treatment of all individuals seeking to improve property within the Urban Growth Boundary of the City of Pendleton. This Ordinance shall govern the development of property or structures within the Urban Growth Boundary which are exempt from the subdivision requirements or are developed within previously subdivided property. The policies of the City of Pendleton are as follows:

- A. Adequate information must be presented with each development to assure that zoning and subdivision standards are upheld, to coordinate traffic flow and street patterns and assure that existing public and private utilities are not damaged or infringed upon by development.
- B. To assure reasonable development standards are achieved and promote the development of Pendleton, while protecting the tax base and tax burden on residents in the community.
- C. To foster and promote the logical extension of public improvements in an economical manner over a long term.
- D. To authorize the conditioning of the right to build or change uses of property with requirements to construct necessary public improvements in a timely manner.
- E. To ensure adequate cross-circulation in a manner which allows subsequent developments to meet these standards, and to provide a mechanism for integrating various streets into an efficient and safe transportation network.“

Ordinance 3481, Section 5 is amended as follows:

“SECTION 5. Development Requirements. The following requirements shall pertain to all development falling under the categories identified in Section 4:

- A. The developer shall complete a building or development permit application and a site plan. The site plan shall be drawn to scale and show all existing and proposed structures and their exterior dimensions; all streets, alleys and other public rights-of-way; existing and proposed utility lines and/or easements; building setbacks; location of utilities and proposed connection routes; off-street parking; curb cut and sidewalk locations and dimensions, 100 year flood level (if applicable) and drainage plan.

Applicants shall also submit a circulation plan which includes the subject site and all adjacent parcels. Proposed streets must be shown to the point of connection with the existing street system within six hundred (600) feet. The circulation plan shall demonstrate feasibility with development of adjacent properties, or may revise the off-site portion of prior approved plans. Circulation plans shall also be consistent with the Transportation System Plan Map, as amended. A circulation plan shall be submitted at application.

Circulation plans shall be schematic in nature and include sufficient off-site and on-site conditions to evaluate it against the review criteria. It shall include:

- (1) Proposed project boundary;
- (2) Existing and proposed streets (from TSPM), transit routes and facilities, and other pedestrian/bicycle destinations within six hundred (600) feet of the project boundary;
- (3) Site access points for vehicles, pedestrians, bicycles, and transit; and
- (4) Contours showing changes in elevation.
- (5) Sensitive lands (wetlands, shorelines, geologic hazard, floodplain, etc.)

#### B. Transportation Impact Study

(1) A transportation impact study shall be required for all development applications in which the proposed development is projected to have an impact upon any affected transportation corridor or intersection of local significance, unless the development application is exempt from the provisions of (A) 7 this section or the requirement for a study has been waived by the Public Works Director.

(2) A transportation impact study shall include, at a minimum, an analysis of the following elements:

- (a) Trip generation, modal split, distribution, and assignment for the proposed development; and
- (b) An analysis of the projected impact of the proposed development upon the current operating level of any affected transportation corridor or intersection of regional significance.

A transportation impact study shall be prepared by and/or under the supervision of a registered professional traffic engineer in the state of Oregon.

A transportation impact study shall be based on traffic counts obtained within twenty (12) months of the date of the development application. The traffic counts shall reflect representative traffic conditions within transportation corridors and at intersections of significance. The Public Works Director may request new counts be taken or estimated when recent development renders counts from within the previous 12 month period to no longer be accurate.

A transportation impact study shall analyze impacts on affected transportation corridors or intersections of significance between the subject development and the state highway system. The City staff will provide the list of these intersections for different areas of the City, based on analysis from the State Transportation Planning and Analysis Unit (TPAU). Intersections of significance shall include all those with an arterial or collector level roadway as defined in the TSP.

The Public Works director reserves the right to require an applicant to provide additional data and/or analysis as part of a particular transportation impact study, where the Public Works director determines that additional information or analysis is required to implement the standards and requirements contained in this section. No traffic impact study shall be required, pursuant to the provisions of this section, where the proposed development will include fewer than 50 single family residential units, 83 multi family units, or 50,000 square feet of non-residential space. Upon the written request of an applicant, the Public Works Director may waive the requirement for a transportation impact study, or limit the scope of analysis and required elements of a traffic impact study where the Public Works Director determines that the potential transportation impacts upon the affected transportation corridor.

The Traffic Impact Study will be used to determine impacts, and propose mitigations. The City will negotiate with the applicant to determine the most appropriate mitigations. These mitigations shall then be provided by the applicant or an equivalent payment must be made so that the City can initiate the required transportation system improvement project. These improvements must be proportionate and directly related to the impacts of the proposed development

BC. The developer shall provide proof of review and approval by all affected state and/or county agencies, such as the State Department of Transportation or County Public Works Department.

CD. Where the development site abuts existing curb and gutter, sidewalks in conformance with City standards shall be constructed in conjunction with the development. If sidewalks exist on none of the abutting properties, the developer may be required to irrevocably consent to participate in an improvement district to install the sidewalk in the future. This requirement may be waived by the City Manager if sidewalks are impractical due to topography.

DE. If City standard public facilities do not exist at the time of development, the developer shall be required to irrevocably consent to participate in a future improvement district to construct and dedicate all public facilities, such as water, sewer, storm drainage, pavement, curb, gutter, sidewalk and street right-of-way adjacent to the development in conformance with City standards and provide easement or deeds to the City for all such public facilities. However, where it is determined by the City Manager that delaying the design and construction of any or all such 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 such improvements as a condition of development. The City ManagerPublic Works Director may waive certain improvement requirements based on topography or other locational factors that make provision of the improvement(s) impractical. The Public Works Director may request that the applicant obtain two independent bids for the construction to substantiate the impracticality of the requirement.

EF. When it has been determined that the extension of public facilities is required, costs related to such extension shall be borne by the developer as they relate to the development. In addition, any extension of such facilities shall be continued and

extended in a logical fashion through the development site so as to be readily available for adjacent development. This subsection shall not prevent the City from choosing to participate in engineering design and public facility construction or oversizing costs. Where a public or private road has been constructed, created or stubbed in such a manner as to be able to be extended or widened in accordance with adopted plans, prior approved development or this section, then:

(1) Connection with Adjacent Areas. All residences, buildings or structures shall be constructed in such a position on the property that they will not interfere with the extension or widening of the roadway to adjacent areas and shall be so situated that such extension will make orderly and planned development for additional road installations to meet the reasonable minimum requirements of good and safe traffic circulation, consistent with applicable zoning setbacks.

(2) Right-of-Way for Street Extensions. Right-of-way or private easements necessary to such extension or widening and falling within parcels being developed shall be granted or created as a condition of development approval.

(3) Provisions for Future Extensions. Any street for which an extension in the future is planned shall be extended to the edge of the property being developed through the plat, short plat or site plan approval process, unless otherwise approved by the Public Works Director. The street stub shall, include sidewalks, bike lanes, planting strips etc in accordance with local code and the Transportation System Plan Map. The stub shall include a full street section unless the Public Works Director finds that only a half street or 2/3rd street width is necessary.

(4) Use of Temporary Turnaround. If a road serving more than eighteen (18) dwelling units or more than one hundred fifty (150) feet in length temporarily terminates at a property boundary, a temporary turnaround cul-de-sac bulb consistent with this standard shall be constructed near the plat boundary. The bulb shall be paved and shall be ninety (90) feet in diameter, which may include the width of the roadway with sidewalks, where required, terminating at the point where the bulb radius begins. Removal of the temporary turnaround and extension of the sidewalk shall be the responsibility of the developer who extends the road. The easement for a temporary turnaround may be extinguished without City approval after the temporary turnaround is determined to be no longer necessary by the City.

(5) Barricades. A barricade shall be placed at the end of all stub streets, whether or not a temporary turnaround is constructed. Barricades must be constructed in accordance with city code, and will include a permanent sign in conformance with the Manual on Uniform Traffic Control Devices with the following or a similar message approved by the Public Works Director: Dead End, This road will be extended in the future.

FG. Where such improvement(s) installed by a developer benefit other properties, a 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 developer shall make arrangements with the City for the payment of such improvements prior to issuance of any City permit.  
H. Where Required. Bike lanes shall be included in the reconstruction or new construction of any arterial or collector street if bike lanes are indicated in the Transportation System Plan Map or as required by the Public Works Director.

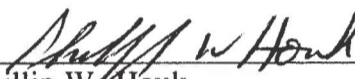
(a) Signage and Markings. Bike lanes shall include signage and pavement markings in conformance with the Manual on Uniform Traffic Control Devices.

(b) Vertical Clearance. Bike facilities shall have an unobstructed vertical clearance of not less than eight (8) feet.

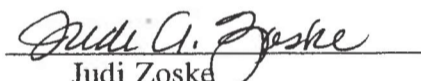
(c) Reference Standards. Standards for bikeways consist of the following: Manual on Uniform Traffic Control Devices, USDOT, and Federal Highway Administration. For additional reference see "Guide for Development of New Bicycle Facilities," American Association of State Highway and Transportation Officials (AASHTO), 1991."

PASSED by the City Council and approved by the Mayor June 19, 2007

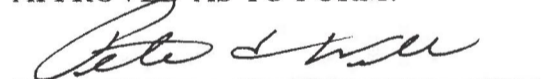
APPROVED:

  
Phillip W. Houk  
Mayor

ATTEST:

  
Judi Zoske  
City Recorder

APPROVED AS TO FORM:

  
Peter H. Wells  
City Attorney