



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

July 28, 2008



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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Eagle Point Plan Amendment
DLCD File Number 002-08

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: August 14, 2008

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
John Renz, DLCD Regional Representative
Bill Holmstrom, DLCD Transportation Planner
Bunny Lincoln, City of Eagle Point

<paa> ya/

FORM 2

DLCD NOTICE OF ADOPTION

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

(See reverse side for submittal requirements)



Jurisdiction: City OF EAGLE POINT Local File No.: NONE
(If no number, use none)

Date of Adoption: July 22, 2008 Date Mailed: July 24, 2008
(Must be filled in) (Date mailed or sent to DLCD)

Date the Notice of Proposed Amendment was mailed to DLCD: April 23, 2008

- 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."

AMENDMENTS TO THE OFF-STREET PARKING
CODE. ARTICLES I & II - EP20
METHODOLOGY FOR PARKING SPACE "IN USE" FEES.

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."

THREE YEAR REVIEW PERIOD CHANGED TO
TWO YEARS

Plan Map Changed from: N/A to _____

Zone Map Changed from: N/A to _____

Location: _____ Acres Involved: _____

Specify Density: Previous: _____ New: _____

Applicable Statewide Planning Goals: _____

Was an Exception Adopted? Yes: _____ No:

DLCD File No.: 002-08 (16854)

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: _____

Local Contact: BUNNY UNLOW Area Code + Phone Number: 541-826-4212

Address: PO BOX 779

City: EAGLE POINT Zip Code+4: 97524-0779

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 Larry.French@state.or.us - ATTENTION: PLAN AMENDMENT SPECIALIST.

ORDINANCE NO. 2008 - 10

AN ORDINANCE AMENDING ARTICLE V – OFF-STREET PARKING AND ARTICLE III - PR (PARKING RESERVE OVERLAY), EAGLE POINT ZONING ORDINANCE.

WHEREAS, the City of Eagle Point has acknowledged Comprehensive Plan Land Use and Zoning Maps delineating zoning designations, and a Zoning Ordinance to implement said maps; and

WHEREAS, said Maps and Ordinance may be amended from time to time, when found, by the Planning Commission and City Council, as part of a public hearing process, to be in the best interests of the City; and

WHEREAS, City review has determined the need to amend sections of the Ordinance related to off-street parking requirements in the Town Center area zoned C-1 (Retail Commercial) based upon the following Findings:

- The City has an acknowledged lack of economic development opportunities, as determined through Buildable Lands Analysis - University of Oregon Community Planning Workshop, 2002.
- Town Center commercial property owners have requested alternatives to implementing all codes required for on-site parking, thus allowing more innovative and creative architectural designs, and potentially greater use of the total lot area for commercial and mixed use development in designated areas within the Town Center.
- **Chapter 7, Goals & Policies** of the adopted **Town Center Plan** states the following parking goals:
 - Parking is an important element in retaining and attracting new business to the Town Center and ensuring that Town Center has an adequate amount of appropriately located off-street parking, including a plan and program to effectively finance, construct, manage and maintain all publicly owned parking.
 - Maximize parking opportunities through the development and adoption of shared parking standards within the Town Center.
 - Parking facilities developed by the City shall be strategically located to serve future development.
- **Chapter 7, Goals & Policies** of the adopted **Town Center Plan** states the following parking implementation measures:
 - Consider the creation of a Town Center parking district to manage public parking within the Town Center.

- Develop special zoning standards for Town Center Parking that address:
 1. Parking standards for surface and structured parking facilities;
 2. Shared parking standards; and
 3. Parking access.
- Implementation of new on and off-street parking regulations will create an enhanced commercial market to meet the guidelines of the "Town Center Plan", encourage downtown business development and better balance the City's "Jobs:Housing" mix.

WHEREAS, all requirements for legal notifications and public hearings have been fulfilled; now, therefore,

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:

Section 1 - Findings of Fact. The Council hereby adopts the **Findings of Fact** contained within the whole record.


Section 2 – Text Amendments. The Council hereby adopts the amendments to the text of **Article III** of the **Eagle Point Zoning Ordinance**, attached and incorporated herein as **Exhibit "A"** (Article III (PR – Parking Reserve Overlay District)).

The Council hereby adopts the amendments to the text of **Article III** of the **Eagle Point Zoning Ordinance**, attached and incorporated herein as **Exhibit "B"** (Article V – Off-Street Parking & Loading Facility Requirements).

Section 3. Severability In the event any provision or clause of this ordinance is deemed to be void, invalid or unenforceable, that provision or clause shall be severed from the remainder of this ordinance so as to not cause the invalidity or unenforceability of the remainder of this ordinance. In that event, all remaining clauses and provisions shall continue in full force and effect.

Section 4. Effective Date. The Ordinance amendment shall become effective thirty (30) days after formal adoption by the City Council.

APPROVED by the City of Eagle Point this 22nd day of July, 2008.


Leon C. Sherman, Mayor

Attest:


Dena Roberts, Recorder

EXHIBIT "A"

P.R. - PARKING RESERVE OVERLAY DISTRICT

SECTION

3.210	Description, Purpose and Application
3.211	Permitted Buildings and Uses

Section 3.210 Description, Purpose and Application

The P.R. – Parking Reserve Overlay District purpose is to provide areas, in the Town Center Commercial District, for the development of parking lots and parking structures in lieu of each building or land use providing parking on each property. The purpose of the District is to minimize areas for large open parking facilities which detract from pedestrian shopping use. The District shall be applied to any area zoned as C-1 (Retail Commercial) located within the adopted "Town Center", and to any other areas of the Town Center that may be designated as commercial or mixed use as a result of future rezoning.

The provisions and requirements of the Parking Reserve Overlay District apply in addition to the provisions and requirements of the basic district.

In those instances where there is a conflict between the provisions and requirements in the overlay district with those of the basic district, the provisions and requirements of the overlay district supersede those of the basic district only when the lot land use is for a use provided for in the Parking Reserve Overlay District.

Section 3.211 Permitted Buildings and Uses

On any property where the zone symbol P.R. is located, only the following land uses are permitted:

- (a) Parking area – private.
- (b) Parking area – public.
- (c) Parks, playgrounds or open space use.
- (d) Walkways, bike paths and roadways.
- (e) Public utilities as approved by the City Engineer.
- (f) Parking facilities in conjunction with a building use as approved by the Site Plan Committee.
- (g) Uses as approved by the Site Plan Committee, Planning Commission or City Council as a part of the Eagle Point Zoning Ordinance and/or Town Center Plan.

Section 3.212 Off-Street Parking Credits

In the Town Center Commercial District, the amount of off-street parking may be reduced by one credit for every required space.

- (a) Every credited parking space shall be subject to payment of a Parking “In-Lieu” Fee as adopted by the City. (See Section 3.215.)
- (b) Parking spaces may not be counted if located within twenty (20) feet measured along the curb of any street corner or intersection of an alley or street, nor other parking configuration violating any local or State law or standard.
- (c) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public parking at all times.
- (d) No signs or actions limiting general public use of established on-street parking spaces are permitted.
- (e) All parking credits shall be approved as part of a site plan and/or Conditional Use approval.
- (f) In all cases, parking spaces, both on - and off-street, shall comply with design criteria set forth in the adopted (or amended) Eagle Point “Standard Details”.

Section 3.214 Shared Parking

Shared parking may be approved under the provisions of Article V, Section 5.070 – Common Parking for Mixed Uses.

Section 3.215 “In Lieu” Parking Fees

The “In Lieu” Fee shall be attached to land ownership, and be paid to the City in lieu of providing required off-street parking for approved commercial development in the designated Town Center.

- (a) Amount Fee. The amount of the “In Lieu” Fee shall be set by ordinance of the City Council, and shall be reviewed every two (2) years. The Fee may otherwise be adjusted by the Council as it deems appropriate based upon changing factors (inflation, construction costs, and/or land values). Any adjustment to the amount of the Fee shall take into account the current costs of land acquisition, financing and construction.
- (b) Use of Fees. “In Lieu” Parking Fees shall be deposited into a dedicated account, and used exclusively for the development and provision of public parking facilities for the commercial area defined by the City as the Town Center. Development and provision of parking includes, but is not limited to, paving, striping, sidewalks, acquisition of real property, payment of administrative costs and construction.

Section 3.216 Payment of Fees

- (a) Calculation of Parking Requirement(s) Fees. Fees shall be based upon the number of parking space credits approved for a specific development.
- (b) Condition of Approval. "In Lieu" Fee payment shall be included in the Conditions of Approval for any approved development subject to same.
- (c) Fee Payment – New Development. For new development, the "In Lieu" Fee shall be paid prior to the issuance of Certificate of Occupancy for the subject property, or may be deferred in the following manner:
 - 1.) 20% prior to building and/or site occupancy.
 - 2.) 10% (of initial remaining balance) on July 1st of the ensuing ten (10) years. Note: Any outstanding balance shall include interest, as established and mandated by the State.
 - 3.) Any deferred payment schedule shall be evidenced by a recorded agreement between the City and the affected property owner(s).
- (d) Fee Payment – Change of Owner, Tenant or Occupancy. Any property subject to Parking "In Lieu" Fee obligations which undergoes a change of ownership, tenancy, or occupancy shall provide all such fees in full, or execute an agreement with the City establishing a Deferred Parking Payment Schedule. Such agreement shall be established prior to the issuance of any occupancy certification and/or license to transact business on said property.
- (e) Disruption of "In Lieu" Payments. Should a business paying deferred "In Lieu" Fees cease to exist, for any reason, previous payment(s) shall be non-refundable. However, the unpaid balance, if any, shall remain on record with the City and, per recorded agreement, follow the land.

Should a new business be obligated for additional parking spaces (beyond those previously assessed to the subject property), the additional fees shall be added to the remaining balance due.

Should a new business be obligated for fewer parking spaces (beyond those previously assessed to the subject property), no refund of previous payments shall be granted.

- Any change of occupancy on a previously developed commercial property shall not constitute grounds for on-site parking redesign to accommodate any additional parking. If desired, the "new" occupancy shall be allowed to purchase "in lieu" spaces off-site to total the amount required for the new use. Amendment(s) to the recorded parking space payment agreement shall be made to reflect the new amount due.

EXHIBIT "B"

ARTICLE V

OFF-STREET PARKING AND LOADING FACILITY REQUIREMENTS

SECTION

5.010	Description and Purpose
5.020	Required Off-Street Parking
5.030	Parking Area Design Standards
5.040	Parking Area Uses
5.050	Parking Spaces Required
5.060	Parking Requirements for Uses Not Specified.
5.070	Common Parking for Mixed Uses
5.080	Parking Area Improvements and Maintenance Standards
5.090	Parking Table and Diagram (Figures 11 and 12)
5.100	Off-Street Loading

Section 5.010 Description and Purpose

The purpose of this Article is to require each District to meet the parking and loading needs generated by each District's uses and to provide for parking solutions in each District which will encourage the development of the District and adjoining Districts. It is also the purpose of this Article to set forth the off-street parking requirements for the various buildings and uses irrespective of the Districts in which they occur.

Section 5.020 Required Off-Street Parking

- (a) Every use hereafter commenced, expanded, or changed, and every building hereafter erected or enlarged, or altered so as to cause a need for additional parking in conformance with this Article, shall have permanently maintained parking spaces in accordance with this Article. In all instances however, the number of required spaces shall be based upon the total size of the building or use, and not just upon the size or scope of the expansion or alteration alone.

- (b) Nothing in this Article shall excuse a non-conforming use or structure, with regard to any provision of this Zoning Ordinance, from having to comply with the off-street parking requirements provided for by this Article, at such time the use loses its pre-existing non-conforming use status under Section 4.260 of this Zoning Ordinance.

Section 5.030 Parking Area Design Standards

- (a) All public or private parking areas or garages, except those required in conjunction with a single family dwelling, shall be designed, laid out, and constructed in accordance with the provisions of this Article. Where single family dwellings are built as part of a development of two (2) or more houses, they shall comply with Section 5.050 (a) (1) and 5.080 (a) of this Article.
- (b) All public or private parking areas, and parking spaces, except those required in conjunction with a single family or two-family dwelling, shall be designed and laid out to conform to the minimum standards as set forth in Section 5.090 Parking Table and Diagram.
- (c) Groups of three (3) or more parking spaces shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street other than an alley will be required. Service drives shall be designed and constructed in traffic ingress and egress and minimum safety of pedestrians and vehicular traffic on the site. (Not in Setbacks.)
- (d) Public and private parking areas provided in excess of the requirements of this Article or as a permitted or conditional use shall be designed and laid out in conformance to Section 5.090 Parking Table and Diagram.

Section 5.040 Parking Area Uses

Required parking spaces shall be available for parking of vehicles of residents, customers, patrons and employees only, and shall not be used for storage, sale, repair, or servicing of vehicles or materials. Nothing in this Ordinance shall be interpreted to prevent occasional use of parking areas for community events, special sales, staging areas for parades and public gatherings.

Section 5.050 Parking Spaces Required

The number of off-street parking spaces required shall be no less than as set forth in the following:

In any parking area with four (4) or more required parking spaces, 25% of those spaces may be designed for compact vehicle use. Compact spaces shall be designed in accordance with adopted City standards.

(a) Residential Types

- | | |
|---|--|
| 1. Dwelling, single family
or two family | 2 spaces for each
dwelling unit (not in front yard) |
|---|--|

2.	Dwelling, multiple unit.	Where fractioned, next highest full
	a. Family units	
	Studio	2 spaces for each unit
	1 Bedroom	2 spaces for each unit
	2 Bedroom	3 spaces for each unit
	3 Bedroom	3 spaces for each unit
	4 Bedroom	3 spaces for each unit
	b. Senior Citizen Units	3/4 space for each dwelling unit; where fractioned, next highest full unit.
	c. Congregate Housing.	
	Senior Citizen Units	1 space for each 4 residents, plus 1 space for each staff member, plus 1 space for each 4 residents for visitor parking.
3.	Hotels, motels, motor hotels and the like.	1 space for each guest room plus 1 space for each 2 employees.
4.	Rooming and Boarding Houses.	1 space for each guest room plus 1 space for the manager.
5.	Fraternities, male cooperatives and male dormitories	1 space for each 3 beds or occupants whichever number is greater.
6.	Sororities, female co-operatives and female dormitories	1 space for each 3 beds or occupants, whichever number is greater.
(b)	<u>Institutional and Public Types</u>	
	1. Hospitals	1 ½ spaces for each bed; where fractioned, next highest full unit.
	2. Churches, clubs, lodges.	1 space for every 4 fixed seats or every 8 feet of bench length where no permanent seats or benches are maintained in main auditorium (sanctuary or place of worship)
	3. Libraries, museums, art galleries.	1 space for each 400 square feet of floor area.

4. Nursing homes, homes for the aged, group care homes, asylums and the like. 1 space for each 2 beds.
5. Welfare or correctional institutions. 1 space for each 3 beds.
6. Schools.
 - a. Elementary or Junior High. 1 ½ spaces for each teaching station plus 1 space for every 6 fixed seats or for every 42 square feet of seating area where there are no fixed seats in auditorium.
 - b. High Schools 1 ½ spaces for each teaching station, plus 1 space for every 4 fixed seats or for every 28 square feet of seating area where there are no fixed seats in the auditorium. Additional parking spaces shall be required for additional spectator facilities as listed in other sub-sections of this Article.
 - c. Colleges.

“Commuter” type- 1 space for every full time equivalent student.

“Resident” type- 1 space for every 3 full time equivalent students.

“Commercial or Business”- 1 space for every 4 classroom seats.

(c) Commercial Types

1. Retail establishments except as otherwise specified herein. 1 space for each 300 square feet of gross floor area.
2. Barber and beauty shops, Pharmacies. 1 space for each 150 square feet of gross floor area.
3. Bowling alley. 3 spaces for each bowling lane.
4. Service or repair shop; Retail store handling

- Bulky merchandise
(Example-furniture)
- 1 space for each 600 square feet of gross floor area.
5. Supermarkets or grocery stores:
- a. Neighborhood stores- 4,000 square feet or less.
- 1 space for each 150 square feet of floor area.
- b. Community or regional Stores- 4,001 square feet and over.
- 1 space for each 75 square feet of floor area.
6. Office buildings, business and professional offices.
- 1 space for each 400 square feet of gross floor area.
7. Medical and dental offices or clinics.
- 1 space for each 200 square feet of floor area plus 1 space for each 2 employees or doctors.
8. Mortuaries or funeral Homes.
- 1 space for each 4 seats or 8 feet of bench length in chapels.
9. Establishments or enterprises of a recreational or entertainment nature.
- a. Spectator type, i.e., auditoriums, assembly halls, theaters, stadiums, places of public assembly.
- 1 space for each 4 seats of 43 square feet of gross floor area, whichever is more.
- b. Participating type, i.e., skating rinks, dance halls.
- 1 space for each 100 square feet of gross floor area.

- c. Establishments for the sale and consumption on the premises of food and beverage.

1 space for each 4 seating spaces and 2 spaces for each full time employee.
- (d) Industrial Types
 - 1. Except as specifically mentioned herein industrial uses listed as permitted in the "I" District.

1 space for each 500 square feet of gross floor area.
 - 2. Wholesale and storage operations.

1 space for each 700 square feet of gross floor area.
 - 3. Laboratories and research Facilities.

1 space for each 300 square feet of gross floor area.
 - 4. Machinery or equipment sales.

1 space for each 400 square feet of gross floor area.

Section 5.060 Parking Requirements For Uses Not Specified.

The parking space requirements for buildings and uses not set forth herein shall be determined by the City Planning Director and such determination shall be based upon the requirements for the most comparable building or use specified herein. The decision of the City Planning Director may be appealed to the City Planning Commission.

Section 5.070 Common Parking for Mixed Uses.

- (a) In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.
- (b) Joint Use of Parking Facilities. The **Planning Director** may authorize the joint use of parking facilities required by said stated uses and any other parking use or facility provided that:
 - 1. The applicant shows that there is no substantial conflict in the principal operating hours of the buildings or uses for which the joint use of parking facilities is proposed; and

2. The parking facility for which joint use is proposed is no further than five hundred (500) feet from the building or use required to provide parking; and
3. If related to more than one (1) property, as opposed to a single parcel with day and night uses found to have compatible, non-conflicting parking needs (Example: Residential above commercial), the parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the City Council as to form and content. Such approved instrument shall be filed with the City Recorder, Planning and Building Departments.
4. At such time as any party subject to the aforementioned agreement desires to amend same, all parties involved shall meet with the Planning Director, or his designated representative, to implement the amendment(s). Any amended version of a joint agreement shall be approved by the City Council.

Section 5.080 Parking Area Improvements and Maintenance Standards.

All public or private parking areas which contain three (3) or more parking spaces, and outdoor vehicle sales areas, shall be improved according to the following:

- (a) Parking areas shall be paved with at least two (2) inches of asphalt or concrete over a compacted gravel base. The depth and type of base shall be determined by the City Building Inspector in relation to the soil conditions of the site. All parking areas shall be graded so as not to drain storm water over the public sidewalk and drainage systems shall be connected to storm sewers whenever possible. Parking lot surfacing shall not encroach upon the public right-of-way except where it abuts a concrete public sidewalk.
- (b) Parking areas shall provide a substantial bumper not less than six (6) inches high near the street and interior lot lines to protect abutting private and public property.
- (c) Parking areas and vehicle sales areas which abut a residential district, shall be enclosed along and immediately adjacent to any interior property line which abuts any residential district, within a fence, wall or hedge not less than three (3) feet and not more than eight (8) feet in height, but adhering to the vision clearance and front and interior yard requirements established for the district in which it is located. Said fence, wall, or hedge shall be maintained in good condition.
- (d) Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- (e) Building permits are required for all parking lot construction, repair or re-surfacing.
- (f) The maintenance of off-street parking spaces is a continuing obligation of the property owner.
- (g) All retail or service uses shall provide at least one (1) bicycle parking space approved by the City for each 1,000 square feet of floor area, with a minimum of one (1) spaces, and a maximum of ten (10). Downtown business with no private frontage area may pool resources to locate such spaces nearby but off-site.

Section 5.090 Parking Table and Diagram (Figures 11 and 12).

(a) Parking Table. The table in Figure 11 provides the minimum dimensions of public or private parking areas based on the diagram on the same page where:

- “A” Parking Angle
- “B” Stall Width
- “C” Stall Depth
- “D” Clear Aisle Width
- “E” Stall Width at Bay Side
- “F” Clear Access and Stall Depth

Figure 11

Parking Table

A	B	C	D	E	F
P a r a l l e l	8'6"		12.0	22.0	20.0
20 degrees	8'6" 9'0" 10'0"	14.1 14.6 15.5	11.0 11.0 11.0	24.9 26.3 29.2	25.1 25.6 26.5
30 degrees	8'6" 9'0" 9'6" 10'0"	16.4 16.8 17.3 17.7	11.0 11.0 11.0 11.0	17.0 18.0 19.0 20.0	27.4 27.8 28.3 28.7
45 degrees	8'6" 9'0" 9'6" 10'0"	18.7 19.1 19.4 19.8	13.5 13.0 13.0 13.0	12.0 12.7 13.4 14.1	32.2 32.1 32.4 32.8
60 degrees	8'6" 9'0" 9'5" 10'0"	20.0 20.3 20.5 20.8	18.5 18.0 18.0 18.0	9.8 10.4 11.0 11.5	38.5 38.3 38.5 38.8
70 degrees	8'6" 9'0" 9'6" 10'0"	20.1 20.4 20.6 20.9	19.5 19.0 18.5 18.0	9.0 9.6 10.1 10.6	39.6 39.4 39.1 38.9
80 degrees	8'6" 9'0" 9'6" 10'0"	19.3 19.4 19.5 19.6	24.0 24.0 24.0 24.0	8.6 9.1 9.6 10.2	43.3 43.4 43.5 43.6
90 degrees	8'6" 9'0"	18.0 18.0	25.0 24.0	8.5 9.0	43.0 42.0

	9'6"	18.0	24.0	9.5	42.0
	10'0"	18.0	24.0	10.0	42.0

NOTE: Though other standards may be approved or imposed by the City upon adopting findings specifying reasons therefore, the second series of measurements in each category of degree angle shall be used. As an example, where spaces are set at a 60 degree angle, the B, C, D, E, and F standards would be 9'0", 20.3', 18.0', 10.4; and 38.3'.

For figure 12, see printed Zoning & Subdivision Ordinance.

Section 5.100 Off-Street Loading.

- (a) All loading spaces for commercial and industrial buildings and uses shall be of the street and shall be in excess of required parking spaces.
- (b) Off-street parking areas used to fulfill the requirements of this ordinance shall not be used for loading and unloading operations except during periods of the day when not required for parking.
- (c) A minimum size loading berth shall contain space ten (10) feet wide, thirty five (35) feet long and have a height clearance of fourteen (14) feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.
- (d) Every use for which a building is erected or enlarged to the extent of increasing the total floor area to equal a minimum floor area required to provide loading space, and which will require the receipt of distribution of materials or merchandise by truck or similar vehicle, shall provide off-street loading space on the basis of minimum requirements as follows:

- 1. Commercial, industrial and public utility uses which have a gross floor area of 5,000 square feet or more shall provide truck loading or unloading berths in accordance with the following table:

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 5,000	0
5,000-30,000	1
30,000-100,000	2
100,000-and over	3

- 2. Restaurants, office buildings, hotels, motels hospitals, and institutions, schools and colleges, public buildings, recreation or entertainment facilities and any similar use which has a gross floor area of thirty thousand (30,000) square feet or more shall provide off-street truck loading or unloading berths in accordance with the following table:

<u>Square Feet of Floor Area</u>	<u>Number of Berths Required</u>
Less than 30,000	0
30,000-100,000	1
100,000-and over	2

ORDINANCE NO. 2008-11

AN ORDINANCE ESTABLISHING A METHODOLOGY AND FEE STRUCTURE FOR PAYMENT OF AN "IN LIEU" FEE FOR OFF-STREET PARKING REQUIRED IN CONJUNCTION WITH NEW OR EXPANDED DEVELOPMENT IN THE TOWN CENTER COMMERCIAL DISTRICT.

WHEREAS, the City Council of the City of Eagle Point, Oregon (hereinafter referred to as the "City") finds that it is beneficial and desirable to create incentives and options to encourage new or expanded business opportunities in the City's downtown core as part of the adopted Town Center Plan, and

WHEREAS, the City likewise finds that such goals may be partially met by the implementation of a program whereby owners of new or expanded development within the Town Center commercial area are allowed to pay "in lieu" fees for the provision of required off-street parking associated with land use approvals, now, therefore,

THE CITY OF EAGLE POINT ORDAINS AS FOLLOWS:

Section 1. PURPOSE. The purpose of the Town Center Off-Street Parking "In Lieu" Fee is to impose a portion of the costs of capital improvements for public parking upon those developments creating the need for, or increasing the demands for the same in the downtown commercial zone. The purpose of the "In Lieu" Fee is not to raise revenues, but to insure adequate public parking facilities are available, downtown, for the citizens of Eagle Point.

Section 3. SCOPE. The Town Center Off-Street Parking "In Lieu" Fee imposed by this ordinance is separate from, and in addition to, any applicable tax, assessment, charge or other fee in lieu of assessment, or fee otherwise provided by law or imposed as a condition of development. The Fee is to be considered in the nature of a charge rendered for facilities currently made available, or a charge for facilities to be made available in the future.

Section 4. "IN LIEU" FEE ESTABLISHED.

- A. Each developer of property located within the Town Center commercial zone, shall, as delineated herein, provide for code complaint off-street parking as specified in **Article V- Off Street Parking & Loading – Eagle Point Zoning Ordinance**, or pay a fee in lieu thereof, or do a combination of both, all at the option of the City.
- B. The "In Lieu" Fees to be assessed pursuant to this ordinance shall be as stipulated in **Exhibit A-3** (\$4260/space). Beginning **September 1, 2008**, after an initial 20% payment prior to business licensing and/or site occupancy, said fees may be paid incrementally, over a ten (10) year period, in amounts delineated in **Exhibit A-3 ("Deferred Payment Schedule")**.
- C. The amount of this "In Lieu" Fee has been created through application of the methodology described in **Exhibits A and A-3**. Any subsequent changes in the fee structure shall be adopted following required legal advertisements and public hearing(s).

D. The City Council shall review the methodology established under this ordinance every **two (2) years**, or as warranted by interim, unanticipated changes, and make amendments as deemed appropriate.

E. Unless and until the developer has paid the assessed "In Lieu" Parking fees, the City may, without limitation, withhold permission to license or occupy any new or expanded site.

Section 5. COLLECTION OF "IN LIEU" FEES.

A. Payment of the assessed fees shall be in accordance with the methodology outlined in **Exhibit A-3**.

Section 6. IN LIEU PARKING FEE METHODOLOGY.

A. The formulas and calculations used to compute the In Lieu Fee are based upon the methodology outlined in **Exhibit A-3**, attached and made a part hereof.

Section 7. FEE ALLOCATIONS.

A. Parking "In Lieu" Fees received by the City hereunder shall be used only for the purpose of increasing public parking opportunities in the Town Center commercial zone (**Exhibit A-1**).

B. All monetary revenues received from the Parking "In Lieu" Fee shall be budgeted, expended and accounted for as provided by state law. Their reporting shall be included in the City's Comprehensive Annual Report as required by ORS Chapter 294.

Section 8. APPEAL PROCEDURE.

A. The Parking "In Lieu" Fee may be appealed by filing a written request with the City Recorder. The request shall be accompanied by the fee set for appeals on the City's "**Planning Application Fee Schedule**". Such appeal shall specifically describe the expenditure being challenged and must be filed within one (1) of the date of the expenditure.

B. The appeal shall state:

1. The name and address of the appellant;
2. The nature of the Off-Street Parking Fee being appealed;
3. The alleged reason the Off-Street Parking Fee is incorrect; and
4. What the allegedly correct Off-Street Parking Fee should be.

C. It shall be the responsibility of the appellant to prove that the Off-Street Parking Fee being appealed is incorrect and what the correct amount should be.

D. When an appeal is filed, the City Planner shall prepare a written report and recommendation within twenty (20) working days of receipt for presentation to the Council at its next regular meeting. The City Council shall, by resolution, approve, modify or reject the report and recommendation of the City Planner or may adopt a revised methodology by resolution, if required. Any legal action contesting the City Council's decision on the appeal shall be filed within sixty (60) days of the Council's decision.

Section 10. SEVERABILITY. In the event any provision or clause of this ordinance is deemed to be void, invalid or unenforceable, that provision or clause shall be severed from the remainder of this ordinance so as to not cause the invalidity or unenforceability of the remainder of this ordinance. In that event, all remaining clauses and provisions shall continue in full force and effect.

Section 12. EFFECTIVE DATE.

This ordinance shall be in full force and effect on **September 1, 2008.**

Passed by the Council and signed by me in authentication of its passage this **22nd** day of **July, 2008.**



Mayor

ATTEST:


City Recorder

EXHIBITS:

- A Methodology Text
- A-1 Zoning Maps (Town Center Commercial)
- A-2 Windermere Real Estate Land Cost Estimate
- A-3 "In Lieu" Fee Calculations & Deferred Payment Schedule
- A-4 Hardey Engineering Parking Space Design Criteria & Cost

EXHIBIT A

**City of Eagle Point
Off Street Parking Space "In Lieu" Credit
Methodology
September 1, 2008 – August 31, 2010**

The methodology applied by the City of Eagle Point to compute applicable, per space fee levels for Off-Street Parking "In Lieu" Credits in the Town Center Commercial Zoning District is as follows:

1. Determination of an equitable cost for an undeveloped acre of commercial land in the area designated as the Downtown Commercial District in the adopted Town Center Plan and on the Eagle Point Zoning Map. (Exhibit A-1).

Said land costs are based upon the average of a written estimate from Mike Malepsy, Windermere-Trails End Real Estate (Exhibit A-2), and a City survey of six(6) vacant commercial properties sold since 1995. (Exhibit A-3).

2. Division of average acreage cost by number of engineered, developable parking spaces per acre (136 spaces with no topography issues, Town Center area).

3. Per space Land value + per space construction cost = Per space "In Lieu" Fee

Section 1. LAND/ENGINEERING COST CALCULATIONS.

LAND CALCULATIONS : Per Exhibit A-3, the average land cost for a vacant acre of downtown commercial property is established at \$333,979.

INFRASTRUCTURE - costs by Hardey Engineering & Assoc., July, 2008 (Exhibit A-4):

One (1) Parking Space -

Excavation
Fabric
4" Base Rock @ 12"
¾ minus Gravel @ 6"
Asphalt Paving @ 3"
Curb
Code compliant Landscaping & Underground Irrigation
Lighting
Striping
Storm Drainage (Underground piping for on-site detention not included)

PER SPACE TOTAL **\$1,800**

Section 2. PER SPACE COST CALCULATIONS.

Per **Exhibit A-3**, the “per space” cost for an engineered parking space is set at **\$4260**.

Section 3. FEE SCHEDULE. The adopted, ten (10) year Deferred Payment Schedule for required off-street parking, shall be as established in **(Exhibit A-3)**.

Section 4. COMMENCEMENT OF FEES/REVIEW/AMENDMENT. After an initial payment of 20% of the total due (prior to business license approval and/or site occupancy, the remaining designated fees for any deferred parking space payments shall become due and payable on **July 1st**. The City shall invoice appropriate parties for payment at a time set by the Finance Department. **Said invoices shall include (as an additional amount) any State mandated interest on the amount due.**

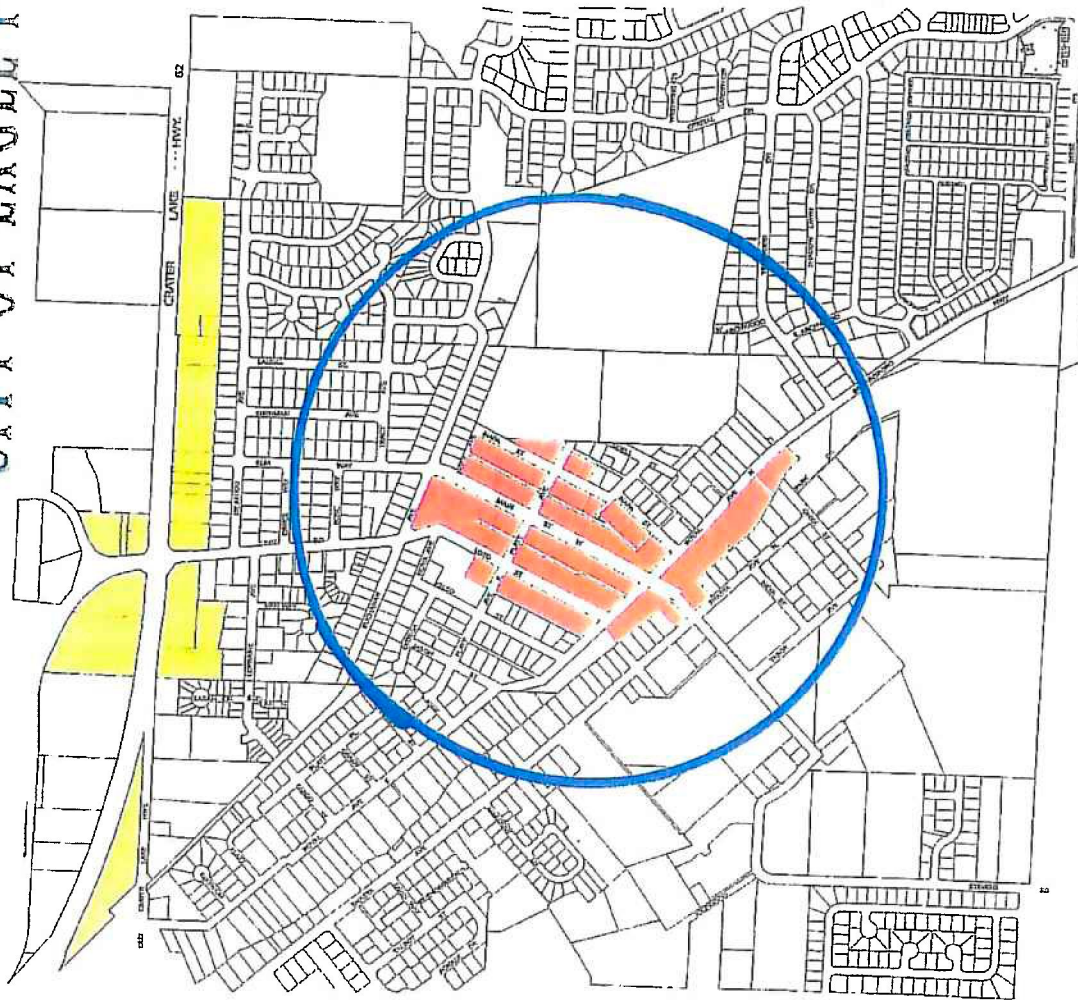
This methodology shall be reviewed in two (2) years (**2010**), and may be amended as found necessary by the City. Should circumstances be found to warrant interim review, such an action may be initiated in the manner prescribed in the Zoning Ordinance.

All above referenced exhibits shall become part of the adopted methodology and incorporated herein.

TOWN CENTER PLAN

EXHIBIT
A-1

CITY OF EAGLE POINT



LEGEND



-  Hwy. 62 Commercial Lands
-  Town Center Commercial Lands

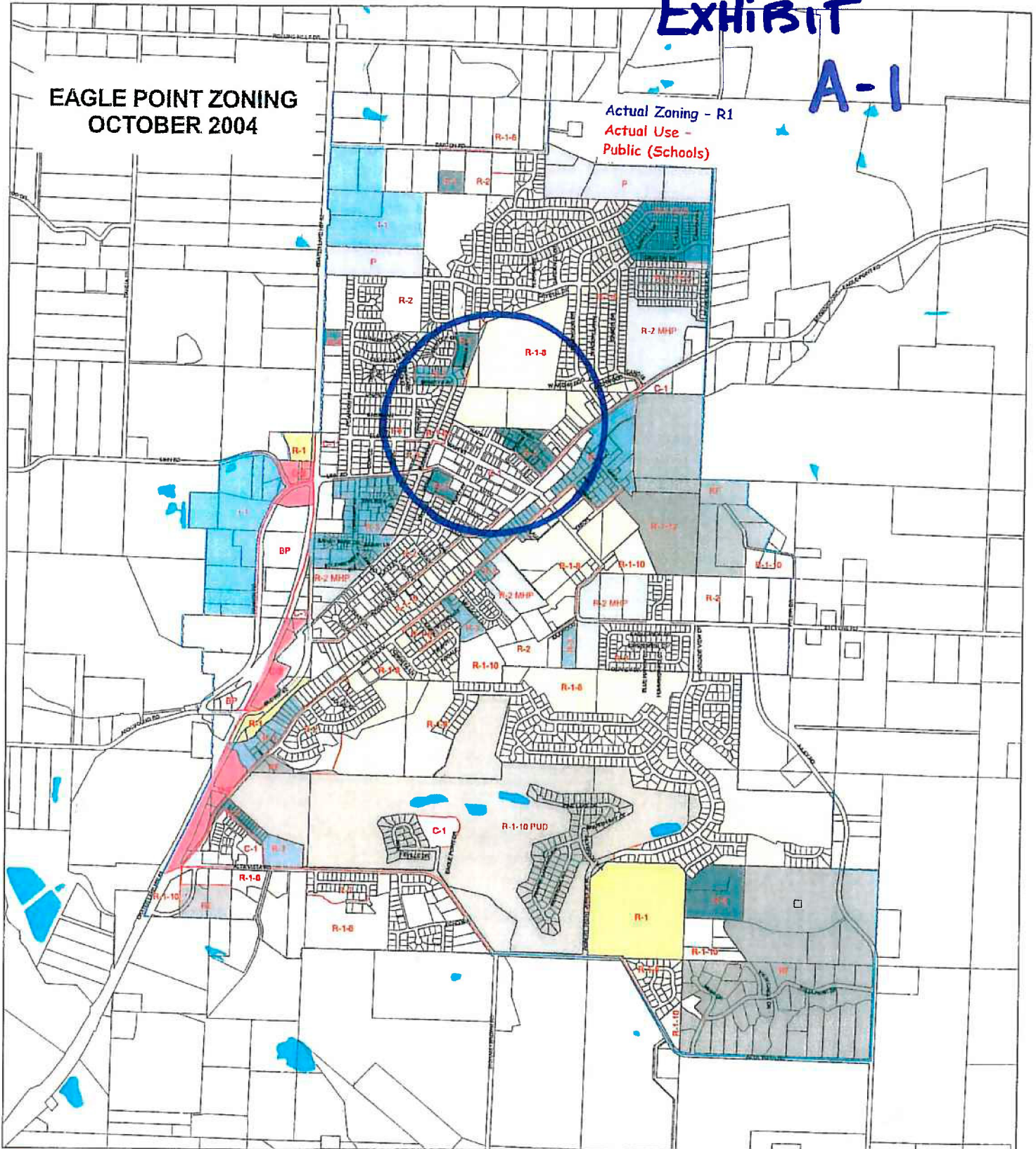
Figure 3.1 COMMERCIAL LANDS

EXHIBIT

A-1

EAGLE POINT ZONING
OCTOBER 2004

Actual Zoning - R1
Actual Use -
Public (Schools)



CITY OF
EAGLE POINT

Revised October 2004

City Limits		Urban Growth Boundary		City Zoning																																																																																															
[Solid Line]	City Limits	[Dashed Line]	Urban Growth Boundary	[Red Box]	Business Park	[Green Box]	U-1	[Red Box]	R-1-10	[Red Box]	R-1-12	[Red Box]	R-1-14	[Red Box]	R-1-16	[Red Box]	R-1-18	[Red Box]	R-1-20	[Red Box]	R-1-22	[Red Box]	R-1-24	[Red Box]	R-1-26	[Red Box]	R-1-28	[Red Box]	R-1-30	[Red Box]	R-1-32	[Red Box]	R-1-34	[Red Box]	R-1-36	[Red Box]	R-1-38	[Red Box]	R-1-40	[Red Box]	R-1-42	[Red Box]	R-1-44	[Red Box]	R-1-46	[Red Box]	R-1-48	[Red Box]	R-1-50	[Red Box]	R-1-52	[Red Box]	R-1-54	[Red Box]	R-1-56	[Red Box]	R-1-58	[Red Box]	R-1-60	[Red Box]	R-1-62	[Red Box]	R-1-64	[Red Box]	R-1-66	[Red Box]	R-1-68	[Red Box]	R-1-70	[Red Box]	R-1-72	[Red Box]	R-1-74	[Red Box]	R-1-76	[Red Box]	R-1-78	[Red Box]	R-1-80	[Red Box]	R-1-82	[Red Box]	R-1-84	[Red Box]	R-1-86	[Red Box]	R-1-88	[Red Box]	R-1-90	[Red Box]	R-1-92	[Red Box]	R-1-94	[Red Box]	R-1-96	[Red Box]	R-1-98	[Red Box]	R-1-100

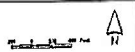




EXHIBIT
A-Z

April 25, 2008

Bunny Lincoln
Eagle Point Planning & Building Depts.
PO Box 779
Eagle Point, OR 97524

Dear Bunny,

Commercial property has sold for \$8.00 to \$10.00 per sq. ft. out on the Highway. That is \$348,480 to \$435,600 per acre.

If you had available an acre in downtown Eagle Point, I would say you would discount the value \$6-\$7.00 sq. ft. or \$261,360 to \$304,920.

If I can supply anything else, please let me know.

Sincerely,

A handwritten signature in black ink, appearing to read "Mike Malepsy".

Mike Malepsy, Owner/Broker
Windermere/Trails End Real Estate, LLC
Office: 541-878-2249
Cellular: 541-840-1424

CITY OF EAGLE POINT

EXHIBIT A-3

DOWNTOWN PARKING "IN LIEU" FEE METHODOLOGY

ACTUAL SALES -

<u>NAME</u>	<u>LOCATION</u>	<u>ACREAGE</u>	<u>SQ. FT.</u>	<u>SALE \$</u>	<u>YEAR</u>	<u>\$/SQ. FT.</u>	<u>\$/ACRE</u>
GRENSKY	MAIN @ ROYAL	0.21	9,147.60	\$69,000.00	1995	\$7.54	\$351,200.31
SPEAR	PLATT @ NAPA	0.13	5,662.80	\$27,000.00	2003	\$4.77	\$221,996.19
SPEAR	NAPA @ NOVA	0.29	12,632.40	\$33,000.00	2003	\$2.61	\$121,630.09
MAJOR	MAIN @ S SHASTA	0.28	12,196.80	\$86,000.00	2005	\$7.05	\$328,295.95
STACH	PLATT (EPHS ENTRANCE)	0.17	7,405.20	\$60,000.00	2005	\$8.10	\$377,248.42
FURRY	PLATT @ LOTO	0.20	8,712.00	\$170,000.00	2007	\$19.51	\$908,539.94
TOTAL							\$2,308,910.91
AVERAGE/ACRE							\$384,818.48

OTHER FACTORS/ESTIMATES -

WINDERMERE RE - MIKE MALEPSY				\$6/SF	\$261,360.00	
(\$6-7.00/SF)				\$7/SF	\$304,920.00	
				\$6.50/SF AVERAGE	\$283,140.00	
				AVERAGE/ACRE	\$333,979.24	
\$\$\$ / ENGINEERED SPACE					\$1,800.00	
LAND \$\$\$/SPACE					\$2,455.73	
	SPACES/ACRE	136				
	SF/SPACE	171				
				\$\$\$ / SPACE "IN LIEU"	\$4,260.00	

CITY OF EAGLE POINT

EXHIBIT A-3

DOWNTOWN PARKING "IN LIEU" FEE METHODOLOGY

DEFERRED PAYMENT SCHEDULE -

	<u>YEAR</u>	<u>PAYMENT</u>	<u>BALANCE</u>
20% PRIOR TO OCCUPANCY		\$852.00	\$3,408.00
10%/YEAR ON REMAINING	1	\$340.80	\$3,067.20
BALANCE	2	\$340.46	\$2,726.74
	3	\$340.46	\$2,386.28
	4	\$340.46	\$2,045.82
	5	\$340.46	\$1,705.36
	6	\$340.46	\$1,364.90
	7	\$340.46	\$1,024.44
	8	\$340.46	\$683.98
	9	\$340.46	\$340.46
	10	\$340.46	

*** State law requires collection of interest @ 9% minimum.
Applicable interest will be added to annual payment listed above.

Bunny Lincoln

From: Jim Higday [JHigday@hea-inc.com]
Sent: Tuesday, July 08, 2008 11:28 AM
To: Bunny Lincoln
Cc: Jim Roberts
Subject: Parking lot cost per space

EXHIBIT

A-4

Bunny,

A good number to use to calculate cost of a parking lot is \$1,800 per space. This amount includes construction (excavation for the pavement section) fabric, 12" of 4" rock, 6" of 3/4" minus, 3" of pavement, curbs, basic landscaping and irrigation, lighting, striping and storm drain (not onsite detention if required, large underground pipes)

Sincerely

Jim Higday
President
Hardey Engineering & Assoc., Inc.
PO Box 1625
2870 Nansen Drive
Medford Or. 97501-0124
541-772-6053