



# Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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[www.oregon.gov/LCD](http://www.oregon.gov/LCD)



## NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: November 25, 2015

Jurisdiction: City of Umatilla

Local file no.: ZC-1-2015

DLCD file no.: 002-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/20/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

### Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

### DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or [plan.amendments@state.or.us](mailto:plan.amendments@state.or.us)



FORM

2

DLCD

# Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

 In person  electronic  mailed
DATE  
STAMP

DEPT OF

NOV 20 2015

LAND CONSERVATION  
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Umatilla**Local file number: **ZC-1-2015**Date of Adoption: **11/3/2015**Date Mailed: **11/18/2015**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: 9/29/2015 Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment Land Use Regulation Amendment Zoning Map Amendment New Land Use Regulation Other:

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

Ord. No. 799 rezoned certain commercial properties throughout the City as proposed in ZC-1-2015 from their current commercial zone to a different commercial zone as indicated on the accompanying map; made changes to existing zoning regulations primarily by clarifying the purpose and intent, more specifically listing the types of uses permitted using NAICS, made property development standards easier to understand, added definitions and one new zone - the McNary Center Mixed Use Commercial Zone.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from:

to:

Zone Map Changed from: **Various (see map)**to: **Various (see map)**Location: **Downtown, McNary and South Hill areas**Acres Involved: **63**

Specify Density: Previous:

New:

Applicable statewide planning goals:

<b>1</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>	<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>															

Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

 Yes  No

If no, do the statewide planning goals apply?

 Yes  No

If no, did Emergency Circumstances require immediate adoption?

 Yes  No

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**DLCD file No.** \_\_\_\_\_

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

City of Umatilla, DLCD, ODOT, Umatilla County, Umatilla Rural Fire District

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Local Contact: **William Searles**

Phone: (541) 922-3226 Extension: 101

Address: **PO Box 130**

Fax Number: **541-922-5758**

City: **Umatilla**

Zip: **97882-**

E-mail Address: **bills@umatilla-city.org**

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## **ADOPTION SUBMITTAL REQUIREMENTS**

**This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s) per ORS 197.615 and OAR Chapter 660, Division 18**

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615 ).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845 ).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615 ).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

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

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

**ORDINANCE NO. 799**

**AN ORDINANCE AMENDING ORDINANCE NO. 779 BY ADOPTING ONE NEW COMMERCIAL ZONE AND REVISING THE COMPREHENSIVE PLAN AND ZONING MAP BY REZONING VARIOUS COMMERCIAL PROPERTIES; AND AMENDING ORDINANCE NO. 688 BY MODIFYING THE ZONING REGULATIONS FOR EACH OF THE EXISTING COMMERCIAL ZONES WITHIN THE CITY; AND DECLARING AN EMERGENCY**

**WHEREAS**, currently, the primary factor for determining whether or how a commercial use is allowed within any of the City's existing commercial zones depends largely on whether the commercial use is "conducted wholly within an enclosed building" or "not conducted wholly within an enclosed building;" and

**WHEREAS**, the current approach in determining whether any proposed commercial use is allowed within an existing commercial zone has the potential for allowing uses that do not meet the purpose and intent of the zone or are not compatible with other uses in the zone; and

**WHEREAS**, the development standards applicable to any proposed commercial use are scattered throughout the Zoning Ordinance making them difficult to address through the site plan review process required for all uses; and

**WHEREAS**, the City desires to more actively shape each commercial zone to fit the area and the community's desired vision for development of those areas, and to promote greater compatibility between uses; and

**WHEREAS**, the City Council remanded the Planning Commission's recommended amendments originally proposed in application ZC-1-2015 back to the Planning Commission to consider making additional changes; and

**WHEREAS**, the Planning Commission made changes to the proposed amendments to address the City Council's concerns and conducted a new public hearing prior to recommending approval of the amendments proposed in Zone Change application, ZC-1-2015, to the City Council for its review and a final decision; and

**WHEREAS**, the City Council held a public hearing on November 3, 2015 to consider the Planning Commission's recommendation regarding the amendments proposed in application ZC-1-2015.

**NOW THEREFORE, THE CITY OF UMATILLA DOES ORDAIN AS FOLLOWS:**

Section 1. The Comprehensive Plan and Zoning Map is hereby amended to reflect only the plan/zone map changes shown on the map contained in Zone Change application ZC-1-2015, which is attached hereto as Exhibit A.

Section 2. Section 2.1 of the Comprehensive Land Use Plan, as adopted under Ordinance No. 779, is hereby amended to include the new McNary Center Mixed Use (MC) Zone as an official plan district/land use classification. The amendments to the Comprehensive Land Use Plan consist of the new zone by title and the purpose and intent statement for the zone, similar to how the existing plan districts/land use classifications are identified.

Section 3. Ordinance No. 688 is amended to include the zone text amendments to each of the City's commercial zones as contained in Zone Change application ZC-1-2015, attached hereto as Exhibit B (which includes the new McNary Center Mixed Use Commercial (MC) Zone), which replace the existing commercial zones in Chapter 4 of the City of Umatilla Zoning Ordinance in their entirety.

Section 4. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are severable.

Section 5. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance shall be in effect immediately upon its passage.

**ADOPTED** by the City Council this 3<sup>rd</sup> day of November, 2015.

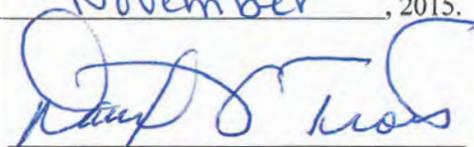
Council members voting yes: Councilor(s) Farnsworth, Ray, Lougee, and TenEyck.

Council members voting no: \_\_\_\_\_

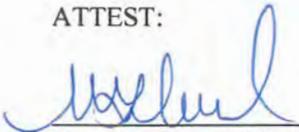
Absent Council members: Councilor Dedrick; Councilor Fenton

Abstaining Council members: \_\_\_\_\_

And **SIGNED** by the Mayor this 3<sup>rd</sup> day of November, 2015.

  
\_\_\_\_\_  
DAVID TROTT, MAYOR

ATTEST:

  
\_\_\_\_\_  
Nanci Sandoval, City Recorder

## **Background Narrative Provided for Proposed Zone Map and Zone Text Amendments in Zone Change Application ZC-1-2015**

The following narrative is provided, as required by Section 10-13-3(C) of the City of Umatilla Zoning Ordinance, as partial justification in demonstrating that the decision criteria under Section 10-13-3(D) are met for the amendments to the commercial zones and development standards proposed in zone change application ZC-1-2015.

In order to better understand the approach and reasons for the amendments proposed by the City of Umatilla Planning Commission, some background information is helpful. The City of Umatilla currently has four commercial zones: a Downtown Commercial (DC) Zone; a Downtown Transitional (DT) Zone; a General Commercial (GC) Zone; and a Neighborhood Commercial (NC) Zone. Commercial uses are permitted within each of these zones based solely on whether a proposed commercial use is “conducted wholly within a building” or “not conducted wholly within a building.” Both the DC Zone and the NC Zone only allow commercial uses “conducted wholly within an enclosed building.” As a result, there is little to distinguish the DC Zone from the NC Zone. The GC Zone allows commercial uses “conducted wholly within an enclosed building” and commercial uses “not conducted wholly within an enclosed building” as outright permitted uses. The DT Zone attempts to make the greatest distinction of the four zones by listing “Downtown commercial uses” and “Commercial uses conducted wholly within an enclosed building” as uses permitted outright, while ‘General commercial uses’ that include both “Commercial uses that are conducted wholly within and enclosed building” and “Commercial uses that are not conducted wholly within an enclosed building” are permitted as conditional uses. This is as confusing as it sounds, especially when you have to try to determine what distinguishes a “Downtown commercial use” from a “General commercial use.” In addition, property development standards for uses in each of the commercial zones largely apply a “one size fits all” approach rather than tailoring development standards uniquely to each zone.

At first, the approach used in the City’s current zoning regulations for determining whether, or how a proposed commercial use is permitted in the applicable zone seems rather simple. However, because any commercial use that can be “conducted wholly within an enclosed building” could be allowed in any of the City’s other existing commercial zones, even if the use is not appropriate in the zone or compatible with other commercial uses in the zone.

In 2014, the Umatilla City Council asked the planning commission and city planning staff to investigate what, if anything, could be done to address the seeming proliferation of adult strip clubs after the third strip club opened for business. The addition of this strip club made three strip clubs and one adult paraphernalia shop all located within less than 500 feet of the middle and high schools; the closest was only 220 feet from the high school and was adjacent to a pizza parlor that was a popular hangout for high school kids. At about this same time, like many other cities in Oregon, the City of Umatilla was facing the issue of how to deal with medical marijuana dispensaries through the recently passed Ballot Measure 91 while a number of people anxiously waited for an opportunity to establish this kind of use. It seemed to a community of roughly 6,000 people (not counting the local prison population), that strip clubs and potential marijuana businesses were defining the perception of the City, both within its borders and beyond. Following the moratorium on marijuana dispensaries, the city council passed an ordinance in September 2014

declaring a temporary moratorium under ORS 197.520 on adult entertainment uses. During the public hearing on the temporary moratorium, some local citizens testified that they were embarrassed to admit they were from Umatilla because of the negative image of the City portrayed through newspaper and local television reports regarding strip clubs. Several students provided very emotional testimony about how they were teased and ridiculed by students from other schools through unfair association with these businesses during both home and away sporting events. City staff have heard first-hand accounts from persons who stated their unwillingness to consider locating or relocating a business in the community due in large part to the existing strip clubs. Conflicts between two clubs located in close proximity reportedly resulted in the closure of one of the clubs, leaving two clubs in current operation in Umatilla. Since that time, city staff has received inquiries from several persons interested in opening a strip club, including one on property located near city hall.

The planning commission and city staff understood early on the difficulties in regulating adult entertainment businesses like strip clubs due to the constitutional protection granted them in Oregon Supreme Court rulings relating to freedom of speech. Both the planning commission and city staff also realized the nature of the City's current commercial zoning regulations made ensuring the compatibility between commercial uses in each of the zones difficult, if not almost impossible at times. The planning commission and staff believed it would be more beneficial to focus their efforts on trying to shape each of the City's commercial areas and zoning regulations to create a vision for each commercial area based on a clearer description of the purpose and intent of the zone, and a pre-determination of what uses would be compatible with each other within the zoning by more specifically listing the types of uses that would be permitted in each zone and trying to tailor property development standards to be more suited to the zone. The decision was made to treat adult entertainment businesses like any other type of use for purposes of deciding which uses should be permitted in each zone and then to examine those uses more thoroughly near the end of the process in light of court cases or other legal opinions, and to make adjustments to allow for such uses in a manner that could ensure compatibility with other uses.

The approach used in proposing the amendments to each zone was to start by clearly defining the purpose and intent of each zone as a guide to assess what types of uses would be appropriate in the zone. The next step was to identify the types of uses that met the purpose and intent of the zone. The planning commission and staff wanted to consider all commercial uses for possible inclusion in each zone, within the parameters that were set for the zones, but it did not seem realistic to be able to identify every single commercial use that exists and to list them separately in the zones. In order to accomplish both of these objectives, it was decided to use the NAICS code system (2012 version) developed by the U.S. Census Bureau which classifies similar types of uses (in most cases) at different levels of categorization (i.e., similarity).

In order to assess which uses were thought to meet the purpose and intent of the zone, an Excel spreadsheet was created with all commercial uses identified in the NAICS as well as a few uses that were not found in the NAICS code. In addition to assessing whether uses met the purpose and intent of the zone, their compatibility with other uses in the zone was assessed and uses were categorized in the zone as being permitted outright, permitted subject to standards specific to the use, or permitted as a conditional use. For each zone, the intent for any use not permitted under one of these categories meant the use would not be allowed in the zone.

The Planning Commission's assessment of whether to allow a use in each of the commercial zones was based on the following primary criteria: 1) did the use fit the purpose and intent of the zone; 2) whether the use was pedestrian oriented or auto-oriented; 3) the size of the use in relation to the available land base for each zone; 4) whether the type of use was typically associated with outside storage of materials; and 5) whether the type of use was expected to have negative impacts capable of being avoided with standards specific to the use, or that could reasonably be addressed through the review process for a conditional use. In order for a use to be included in the zone, the use had to meet all of these criteria. The degree to which any given use met all of the criteria varied, and was generally based on: a) first-hand knowledge or experience of staff or planning commission members; b) the extent to which a given use or type of use met the criteria *prima facie* (for example, a Wal-Mart superstore in the downtown area would not, on a surface-level analysis, meet one or more of the criteria); c) the collective reasoning of planning commission members and staff; and d) consideration given to legal issues or concerns that may have been applicable. The planning commission conducted 5 separate work sessions ranging from 2.5 to 3.5 hours each over a course of 5 months to consider all of the commercial zones and the uses that should be permitted in each zone.

In addition to the work described above to each of the commercial zones, the planning commission studied existing areas zoned for commercial use to assess if the current zoning was appropriate or whether a different commercial zone would provide a better fit to meet the vision for those areas. The planning commission found a few areas where it believed the current commercial zoning was not the most appropriate zoning. These areas are shown, along with the proposed new zoning, on the map submitted with the zone change application for ZC-1-2015 and include sections of the downtown area, an area in the South Hill neighborhood, and the existing commercial areas within McNary. As a result of this review, one new commercial zone was created: the proposed McNary Center (MC) Mixed Use Commercial Zone intended to replace the General Commercial and Neighborhood Commercial Zones which currently exist in that area.

As mentioned above, one of the impetuses for seeking the proposed zone changes was a directive from the city council to the planning commission to study what, if anything, could be done to address the seeming proliferation of strip clubs within the community, and especially within the downtown area considering how close this area is to the middle and high schools. Rather than react to the emotional outcry against these uses, the planning commission felt it would be better to treat them like any other commercial use in deciding where and how they should be permitted and then examine whether those regulations met or exceeded the City's authority. The planning commission and staff understood that an outright ban on such uses was not a legal option, and instead made provisions to allow them where they fit the purpose and intent of the zone, as well as the other criteria noted above.

Finally, in order to make each of the commercial zones – and the development standards that apply to the establishment of uses through the site review process – easier to understand and to administer, the proposed amendments include the development standards under each zone as much as possible, rather than having to search all through the zoning ordinance to find those standards as is now the case. Where it was impractical to list the standards (for example, the number of off-street parking spaces required for a specific type of use), reference to that section of the ordinance is provided.

## **Justification Addressing Approval Criteria for Zone Change Application ZC-1-2015**

In order to approve the amendments proposed in planning application ZC-1-2015, the Planning Commission, and ultimately the City Council, must find the following decision criteria contained in Section 10-13-3(D) are met. The information provided in the background narrative is intended to supplement the specific responses to the criteria outlined below in demonstrating that the criteria are met.

1. *The proposed designation is consistent with and supports the purposes of the portions of the City's Comprehensive Plan not proposed for amendment, or circumstances have changed to justify a change in the Comprehensive Plan.*

The Goal 2 Land Use Planning element of the City's Comprehensive Plan specifies that the zoning map designation is the same as the plan map designation (and vice versa) for all properties within the city limits. This means that any proposed change to the specific zoning map designation of one or more properties is also, by default, a plan map amendment. The Comprehensive Plan identifies each of the plan/zone designations for each of the zones shown on the plan/zone map, along with a brief description of the purpose or intent of the zone. The City is proposing to add one new commercial zone and to rezone certain areas in McNary with the new commercial zone. To ensure the Comprehensive Plan and the Comprehensive Plan Map and Zoning Map are consistent with and support each other, the new zone and its purpose and intent statement will be incorporated into the Comprehensive Plan with the other existing zones.

The proposed zone text and zone map amendments will not create any policy conflicts or competing regulations with other portions of the Comprehensive Plan or Zoning Ordinance that are not proposed for amendment. The proposed zoning map changes are consistent with the existing plan designation for all affected areas or properties because the existing plan/zone map designations are commercial. The proposed map amendments would change the existing commercial zoning to a different or new commercial zone for these areas or properties that the planning commission and staff believe are more suited to the land base and surrounding area, and that is more reflective of how the community would like to see these areas develop. The proposed zone text amendments primarily seek to accomplish four objectives: 1) to clarify the purpose and intent of the zone; 2) to permit only those types of commercial uses that meet the purpose and intent of the zone; 3) to make application of the property development standards easier to understand and administer through the site plan review process; and 4) to the extent possible, use the development standards to help shape the form and function of each commercially zoned area to better reflect the vision for those areas as opposed to the predominantly "one size fits all approach" that now exists.

2. *The proposed change will not affect the land supply for the existing zoning designation as related to projected need for the particular land use.*

The proposed amendments do not change the amount of land supply that is *planned* for commercial development. The proposed amendments change the supply of certain types of

commercial zoning which are intended to better reflect the nature of the existing land base to support the types of uses that would be permitted in the zone. Although the Comprehensive Plan designates each type of commercial zone as its own plan designation, the Comprehensive Plan does not specify a certain amount of each commercial zoning by type that is needed. Rather, the plan map/zone map designations are intended to reflect the nature of the area for which they are designated. For example, the Downtown Commercial Zone for the downtown area, the General Commercial Zone for areas along the highways where a broad range of uses are allowed, and the Neighborhood Commercial Zone for small-scale commercial uses to conveniently serve residential neighborhoods. The proposed zone changes are intended to better reflect the nature of the existing land bases and their surrounding areas to establish greater compatibility between existing uses and new uses in a manner that promotes the vision for the area as stated in the purpose and intent of the zone.

3. *The proposed designation will not negatively impact existing or planned public facilities and services.*

The proposed plan map/zoning map changes and zoning text changes will not negatively impact existing or planned public facilities any more than existing zoning and development regulations will. The proposed changes are actually intended to minimize negative impacts as much as possible by having a zoning designation that better fits the existing land use pattern where changes to the zoning map are proposed, by more clearly defining the types of uses permitted in each zone, and where appropriate, by limiting the size, operational characteristics or the location of certain uses in relation to existing uses. All uses, regardless of how permitted, will remain subject to site plan review to ensure they meet development standards for the zone which takes into consideration existing and/or planned public facilities and services. In most areas zoned for commercial use, public facilities such as access, water, sewer, electricity, etc. are existing and available. Approximately three areas that are currently zoned for commercial use would require an extension of one or more public facilities to serve the properties. At this time, any such extension would be at the property owner's/developer's expense as the City does not have any current plans to extend such facilities. The City's sewer and water systems are capable of handling any such extension.

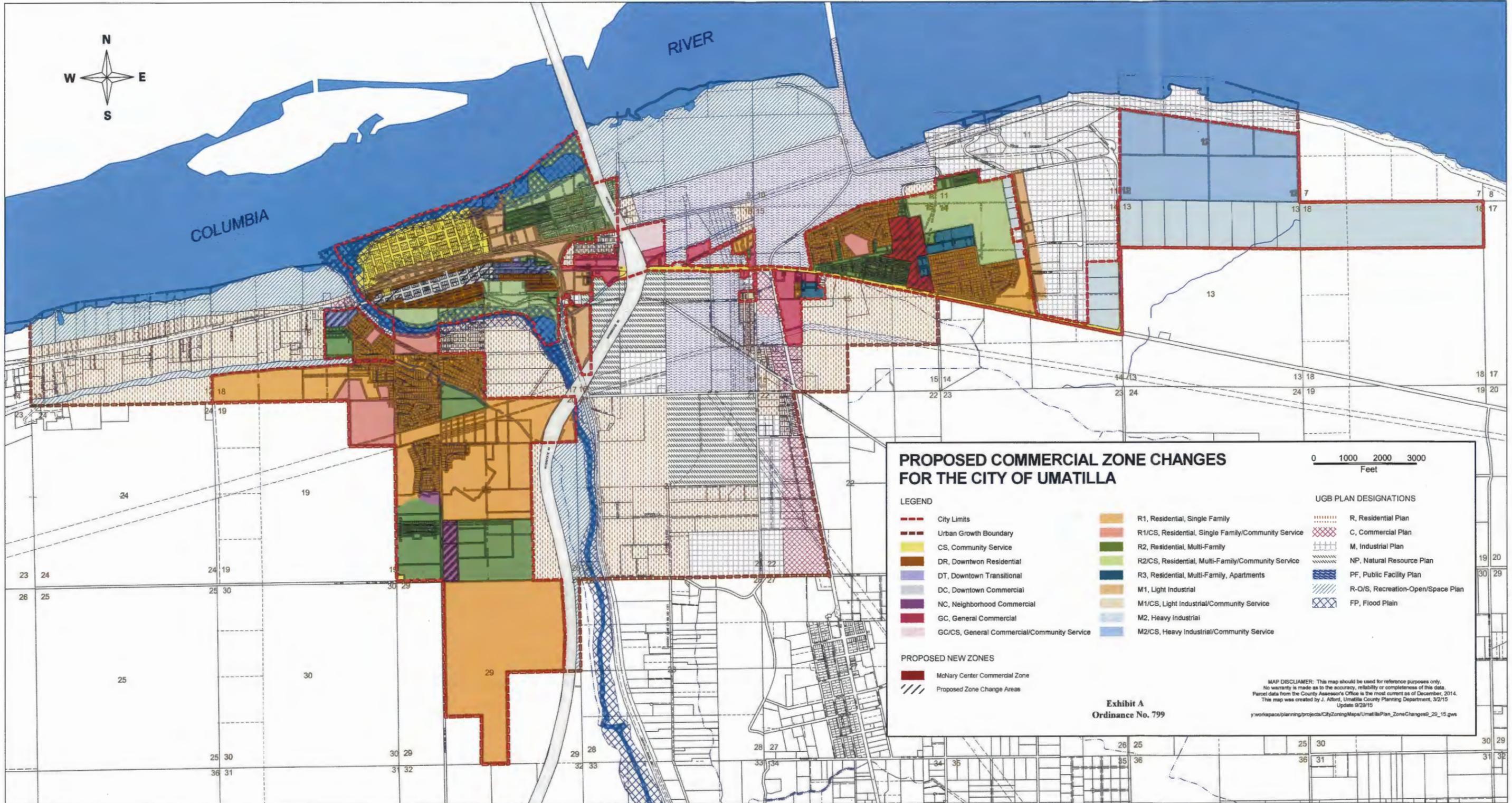
4. *The site is suitable for the proposed use, considering the topography, adjacent streets, access, size of the site, availability of public facilities, and any other pertinent physical features.*

No specific uses are proposed as part of this application. The areas that would be affected by the proposed amendments are all existing commercially planned and zoned areas and as such have already been determined to be suitable for commercial development considering topography, adjacent streets, access, size of site availability of public facilities and other pertinent physical features. The areas that are proposed for zone map amendments seek to establish a different or new commercial zone for each area that better fits the land use pattern of the area considering existing lot sizes, adjacent streets and access, and other physical features. The zone text amendments seek to more specifically identify and qualify what uses would be permitted in each zone based on the purpose and intent of the zone, as opposed to the current method which simply distinguishes uses based on whether they are "conducted wholly within an enclosed building" or "not conducted wholly within an enclosed building."

Site plan review will continue to be required for all uses which will further assess the suitability of a proposed use to the site proposed for the use based on the development standards for the zone.

5. *Other sites in the City or the vicinity are unsuitable for the proposed use. In other words, ownership and desire to develop a particular use in themselves provide insufficient rationale for changing a zoning designation that does not support the interests of the City as a whole.*

As mentioned above, no uses are proposed as part of this request. Both the plan map/zoning map changes and the zone text amendments are proposed to identify the types of uses that are considered suitable and compatible within each commercially zoned area based on the purpose and intent of the zone. In addition, the proposed plan/zone map amendments are intended be a better fit for those areas than the existing zoning considering the lot sizes and other physical characteristics of the areas, and the desired vision for how the community would like to see those areas developed. Neither ownership of any of the lots or parcels proposed for plan map/zone map amendment, nor any particular use listed in any of the zones was a factor for changing a zoning designation. All of the proposed changes are intended to support the interests of the City as a whole.



COLUMBIA

RIVER

### PROPOSED COMMERCIAL ZONE CHANGES FOR THE CITY OF UMATILLA

0 1000 2000 3000 Feet

**LEGEND**

- |   |   |  |
|---|---|--|
| <ul style="list-style-type: none"> <li>--- City Limits</li> <li>--- Urban Growth Boundary</li> <li>CS, Community Service</li> <li>DR, Downtown Residential</li> <li>DT, Downtown Transitional</li> <li>DC, Downtown Commercial</li> <li>NC, Neighborhood Commercial</li> <li>GC, General Commercial</li> <li>GC/CS, General Commercial/Community Service</li> </ul> | <ul style="list-style-type: none"> <li>R1, Residential, Single Family</li> <li>R1/CS, Residential, Single Family/Community Service</li> <li>R2, Residential, Multi-Family</li> <li>R2/CS, Residential, Multi-Family/Community Service</li> <li>R3, Residential, Multi-Family, Apartments</li> <li>M1, Light Industrial</li> <li>M1/CS, Light Industrial/Community Service</li> <li>M2, Heavy Industrial</li> <li>M2/CS, Heavy Industrial/Community Service</li> </ul> | <p><b>UGB PLAN DESIGNATIONS</b></p> <ul style="list-style-type: none"> <li>R, Residential Plan</li> <li>C, Commercial Plan</li> <li>M, Industrial Plan</li> <li>NP, Natural Resource Plan</li> <li>PF, Public Facility Plan</li> <li>R-O/S, Recreation-Open/Space Plan</li> <li>FP, Flood Plain</li> </ul> |
|---|---|--|

**PROPOSED NEW ZONES**

- McNary Center Commercial Zone
- Proposed Zone Change Areas

Exhibit A  
Ordinance No. 799

MAP DISCLAIMER: This map should be used for reference purposes only. No warranty is made as to the accuracy, reliability or completeness of this data. Parcel data from the County Assessor's Office is the most current as of December, 2014. This map was created by J. Alford, Umatilla County Planning Department, 3/2/15. Update 9/28/15. y:\workspace\planning\projects\CityZoningMaps\Umatilla\Plan\_ZoneChanges@\_28\_15.gws

The following definitions are proposed to be added to Section 10-1-6 of the City of Umatilla Zoning Ordinance:

**ADULT ENTERTAINMENT BUSINESS OR USE.** Adult entertainment business or use means a business or use that provides sexually-oriented entertainment, services or products which make up a substantial or significant portion of the establishment's activities or merchandise. Adult entertainment businesses or uses exclude minors by virtue of age under the laws of the State of Oregon, whether or not such minors are accompanied by a consenting parent, guardian or spouse. Types of uses include, but are not limited to: adult motion picture theaters, video arcades, massage parlors, nude modeling studios, lotion studios, adult bookstores, adult paraphernalia shops, nude photography studios, or eating and drinking establishments that have sexually-oriented entertainment such as nude dancers, strippers, or other similar entertainers.

**FUNCTIONAL AREA OF INTERSECTION.** The area beyond the physical intersection of two roadways that is necessary to safely traverse the intersection considering the perception, decision-making and maneuvering distance required, plus any vehicle storage length needed. The functional area includes the length of road upstream from an oncoming intersection needed by motorists to perceive the intersection and begin maneuvers to negotiate it. The upstream area consists of distance for travel during perception-reaction time, travel for maneuvering and deceleration, and queue storage. The functional area also includes the length of road downstream from the intersection needed to reduce conflicts between through traffic and vehicles entering and exiting a property. The functional areas of intersections vary depending on any number of factors such as vehicle speed, number and types of travel lanes, traffic control devices used, existing driveways, vision clearance, and other factors affecting perception-reaction distance, maneuverability and queue storage required.

**LOCAL UTILITY DISTRIBUTION FACILITY.** Local utility distribution facilities are distribution lines and facilities for water, sewer, power, telephone, cable television or internet that are located entirely within existing rights-of-way and/or utility easements, either underground or using existing poles, towers or other existing structures, and are primarily intended to serve local residences or businesses within the City's urban growth boundary.

**MAJOR UTILITY FACILITY.** Any utility facility or structure, as distinguished from local distribution utility facilities, owned or operated by a public, semi-public, private or cooperative electric, fuel, communication, sewage or water company for the generation, transmission, distribution, or processing of its products or for the disposal of cooling water, waste or by-products and including power transmission lines, major trunk pipelines, power substations, dams, water towers, railroad tracks, sewage lagoons, sanitary landfills, and similar facilities.

**MEDICAL MARIJUANA DISPENSARY.** A facility registered by the Oregon Health Authority under ORS 475.300 to ORS 475.346 that dispenses marijuana pursuant to ORS 475.314.

**MARIJUANA RETAILER.** A "person," as that term is defined under Ballot Measure 91, who sells marijuana items to a consumer in this state.

**MARIJUANA PROCESSOR.** A “person” who “processes” marijuana items in this state, as those terms are defined under Ballot Measure 91, Section 5(24) and (26)(a) and (b).

**MULTI-TENANT COMMERCIAL/OFFICE BUILDING.** A building designed and intended to accommodate two or more commercial retail or service uses or professional offices permitted in the zone, or any combination thereof, through leasing of floor space.

## ARTICLE A

### DOWNTOWN COMMERCIAL (DC) ZONE

#### 10-4A-1: PURPOSE AND INTENT

The purpose of the Downtown Commercial (DC) Zone is to provide a concentrated central business district centered on 6th Street (State Highway 730) to encourage development of a pedestrian-oriented town center that combines both commercial and public activities and is intended to become a community gathering place. Uses include a mix of civic, retail, service, office and residential uses intended and designed to be pedestrian friendly with buildings close to and oriented toward fronting streets and sidewalks to promote a pleasant window-shopping experience. Parking may be provided on a district wide basis and may include public street parking, rather than having each individual building or use provide parking.

#### 10-4A-2: INTERPRETATION OF USES

- A. Types of Uses. Within the DC Zone, uses are classified as “permitted,” “permitted with standards,” and “conditional.” Further, uses are functionally classified by the description of the particular activity (such as “single-family residence”) or by the general category with reference to the “North American Industry Classification System” (NAICS). Permitted and conditional uses shall be of a size and scale to meet the purpose and intent of the DC Zone.
- B. North American Industry Classification System (NAICS). Uses functionally classified with reference to the NAICS are described with the NAICS index number. Some activities, otherwise included under the NAICS category, may be specifically excluded by this Ordinance. The excluded activity will be placed in the general NAICS category, but identified by the preceding words – “BUT (or AND) EXCLUDING.” For example, “Food store (54), BUT EXCLUDING freezer and locker meat provisioners.”
- C. Interpretation of Uses. Where a use is not described with reference to the NAICS or otherwise defined in Section 10-1-6, the words of this zoning ordinance describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires.
- D. Prohibited Uses. Uses not specifically identified as permitted, permitted with standards, or conditionally permitted within the zone, or otherwise allowed through interpretation, shall be considered prohibited uses. A use specifically permitted in one zone, but not another, shall not be interpreted as being permitted in another zone under a different classification.

#### 10-4A-3: USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted in the DC Zone subject to the property development standards of the DC Zone, and the site plan design review requirements and

procedures under Subsections 10-4A-7 and 10-4A-8.

- A. Automotive Parts and Accessories Stores (44131)
- B. Electronic and Appliance Stores (443)
- C. Specialty Food Stores (4452)
- D. Pharmacies and Drug Stores (44611)
- E. Cosmetics, Beauty Supplies, and Perfume Stores (44612)
- F. Optical Goods (44613)
- G. Food (Health) Supplement and Other Health & Personal Care Stores (44619)
- H. Clothing Stores (4481)
- I. Shoe Stores (4482)
- J. Jewelry, Luggage, & Leather Goods Stores (4483)
- K. Sporting Goods, Hobby, & Musical Instruments Stores (4511)
- L. Book Stores & News Dealers (4512)
- M. Miscellaneous Store Retailers (453) LIMITED TO the following.
  - 1. Florists (4531)
  - 2. Office Supplies, Stationery, and Gift Stores (4532)
  - 3. Pet and Pet Supplies Stores (45391)
  - 4. Art Dealers (45392)
  - 5. Tobacco Stores (453991)
- N. Information Industries - except Internet (51)
- O. Finance and Insurance (52)
- P. Offices of Real Estate Agents and Brokers (5312) and Activities Related to Real Estate (5313)
- Q. Consumer Goods Rental (5322)

R. Professional, Scientific, and Technical Services (541) LIMITED TO the following:

1. Legal Services (5411)
2. Accounting, Tax Preparation, Bookkeeping & Payroll Services (5412)
3. Architecture, Engineering, & Related Services (5413) not including Testing Lab (54138)
4. Specialized Design Services (5414)
5. Computer Systems Design and Related Services (5415)
6. Management, Scientific, & Technical Consulting Services (5416)
7. Advertising, Public Relations, & Related Services (5418)
8. Marketing Research & Public Opinion Polling (54191)
9. Photographic Services (54192)
10. Translation and Interpretation Services (54193)
11. Management of Companies and Enterprises (551)

S. Administrative and Support Services (561) LIMITED TO the following:

1. Office Administrative Services (5611)
2. Employment Services (5613)
3. Business Support Services (5614)
4. Travel Arrangement & Reservation Services (5615)
5. Investigation & Security Services (5616)

T. Educational Services (611) LIMITED TO the following:

1. Business Schools & Computer and Management Training (6114)
2. Fine Arts Schools (61161)
3. Sports and Recreation Instruction (61162)
4. Language Schools (61163)

- 5. Educational Support Services (6117)
- U. Offices of Physicians, Dentists and Other Health Practitioners (6211, 6212 and 6213)
- V. Social Assistance Services (624) LIMITED TO the following:
  - 1. Individual and Family Services (6241)
  - 2. Vocational Rehabilitation Services (6243)
- W. Performing Arts Companies (7111)
- X. Public Recreational Park, Facility or Trail, provided:
  - 1. The site is inventoried in the Comprehensive Plan for park, trail or other recreational purposes.
  - 2. Development of the park, facility or trail will be in accordance with an adopted master development plan for the park, facility or trail.
- Y. Restaurants and Other Eating Places<sup>1</sup> (7225)
- Z. Electronic & Precision Equipment Repair and Maintenance (8112)
- AA. Personal Care Services (8121 – Examples include Barber Shops and Beauty Salons)
- BB. Drycleaning and Laundry Services (8123) EXCEPT Industrial Launderers (812332)
- CC. Other Personal Services (8129) LIMITED TO the following:
  - 1. Pet Care (except Veterinary) Services (81291)
  - 2. Photofinishing (81292)
- DD. Grantmaking, Civic, Professional, and Similar Organizations (813) BUT EXCLUDING Religious Organizations (8131)

**10-4A-4: USES PERMITTED SUBJECT TO STANDARDS**

The following uses and their accessory uses are permitted in the DC Zone subject to the standards listed thereunder, the property development standards of the DC Zone, and the site plan design review requirements and procedures under Subsections 10-4A-7 and 10-4A-8, unless otherwise

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<sup>1</sup> Limited to uses where the serving of food or meals is the primary service provided and which may include beer, wine or other alcoholic beverages that are incidental to the food or meals. May include a portion of the premises that is age-restricted due to serving alcoholic beverages provided the area is not enclosed from view of the remainder of the premises.

specified for the use.

A. Residential Use, subject to the following:

1. The use will be situated on the second story or above within a building in which the ground floor is occupied by or readily available solely for commercial use.
2. Off-street parking requirements meeting city standards are provided for the use separate from those required for ground floor commercial uses.
3. The residential use will comply with applicable building, fire and other safety codes as mandated by local, state or federal laws.

B. Drive-through for any use, subject to the following:

1. A drive-through window or use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.
2. A drive-through window that uses access from Sixth Street (Highway 730) is allowed only if use of the access for the drive-through window is limited to either ingress or egress.

C. Creation of a new City, County or State road, or realignment of an existing City, County or State road or any portion thereof and which does not involve a land partition, subject to the following:

1. The road or realignment complies with applicable street standards, as specified in the Comprehensive Plan or other implementing ordinances and the City's Public Works standards, for the existing or intended street classification.
2. Review for compliance with the requirements under subsection 10-4A-4(C)(1) above, shall be subject to the procedures and requirements for a Type III decision.
3. The use is subject to inspections, as determined by the City Public Works Director, to certify that all improvements have been constructed to City standards.

D. Specialty Trade Contractors (238), subject to the following standards:

1. The use is limited to a maximum of 5,000 square feet.
2. At least twenty percent of the building area will be used for office use and product display.
3. There will be no outside storage of materials.

E. Furniture and Home Furnishings (442), subject to the following standards:

1. The use is limited to a maximum of 7,500 square feet.

2. Loading and unloading of furniture and home furnishings must occur on-site, or along a local side street or within an alley.

F. Building Material & Supplies Dealers (4441) BUT EXCLUDING 44411 – Home Centers, subject to the following standards:

1. The use is limited to a maximum of 7,500 square feet.
2. There will be no outside storage or display of goods or materials.

G. Lawn & Garden Equipment & Supplies Stores (4442), subject to the following standards:

1. The use is limited to a maximum of 7,500 square feet.
2. There is not outside storage or display of goods or materials.
3. The use may include minor service and repair that is incidental to the retail use.

H. Beer, Wine and Liquor Stores (4453), subject to the following:

1. The use will not be located within 500 feet of a school or 200 feet of a designated city park.

I. Used Merchandise Stores (4533), subject to the following standards:

1. The use is limited to a maximum of 7,500 square feet in size.
2. There is no outside storage of goods or materials.

J. General Rental Centers (5323), subject to the following standards:

1. The use is limited to a maximum of 5,000 square feet.
2. There is no outside storage or display of goods or materials.

K. Veterinary Services (54194), subject to the following standards:

1. The use is limited to small animals on premises.
2. There shall be no outside boarding of animals.

L. Alcoholic Beverage Drinking Places<sup>2</sup> (7224) Examples include pub, tavern, sports bar and nightclub), subject to the following:

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<sup>2</sup> Includes any use where the serving of alcoholic beverages is the primary service and access to all, or to any portion of the premises that is separate and enclosed from view of the remainder of the premises, is age-restricted by law due to serving alcoholic beverages. The use may include the serving of meals incidentally to the primary use.

1. The use will not be located within 500 feet of a school, or within 150 feet of a public library or designated city park.

M. Personal & Household Goods Repair & Maintenance (8114), subject to the following standards:

1. The use is limited to a maximum of 5,000 square feet.
2. At least ten percent of the building area is used for office use and customer service.
3. There is no outside storage of materials

N. Local Utility Distribution Facilities (see Definitions), subject to the following:

1. A permit for the proposed distribution line or facility has been obtained from the Public Works Director in accordance with the requirements of Title 7 of the Municipal Code, prior to construction.

#### **10-4A-5: CONDITIONAL USES PERMITTED**

The following conditional uses may be permitted in the DC Zone subject to the property development standards of the DC Zone, the decision criteria and any additional applicable standards in Chapter 12 specific to the use, and the site plan design review requirements and procedures under Subsections 10-4A-7 and 10-4A-8.

The applicant bears the burden of proof for demonstrating, based on factual information and arguments, how the proposed use complies with all standards and decision criteria upon which the Planning Commission must base its decision.

- A. Convenience Stores (44512)
- B. General Merchandise Stores (45299)
- C. Taxi and Limousine Service (4853)
- D. Postal Service (4911)
- E. Couriers and Express Delivery Services (4921)
- F. Local Messengers and Local Delivery (4922)
- G. Architectural, Engineering & Related Services (5413) including Testing Lab (54138)
- H. Scientific Research and Development Services (5417)

- I. Services to Buildings and Dwellings (5617)
- J. Technical and Trade Schools (6115)
- K. Ambulatory Health Care Services (621) LIMITED TO the following:
  - 1. Outpatient Care Centers (6214)
  - 2. Medical and Diagnostic Laboratories (6215)
  - 3. Home Health Care Services (6216)
  - 4. Ambulance Services (62191)
  - 5. Other Ambulatory Health Care Services (62199)
- L. Community Food, Housing, Emergency & Other Relief Services (6242)
- M. Child Day Care Services (6244)
- N. Museums, Historical Sites, and Similar Institutions (7121)
- O. Arcades (7131)
- P. Other Amusement & Recreation Industries (7139) BUT EXCLUDING 71391, 71393 – permitted examples include Fitness & Recreation Sports Centers and Bowling Centers
- Q. Public Recreational Park, Facility or Trail not identified in the Comprehensive Plan
- R. Traveler Accommodations (721) BUT EXCLUDING Motels (72111) and RV Parks & Recreational Camps (7212)
- S. Parking Lots and Garages (81293)
- T. Other Personal Services (81299)
- U. Religious Organizations (8131)
- V. Public Administration and Government Facilities & Support Services (92)
- W. Multi-tenant commercial/office building (see Definitions)
- X. Major utility facilities (see Definitions)

**10-4A-6: TEMPORARY USES PERMITTED** (*reserved for expansion*)

**10-4A-7: PROPERTY DEVELOPMENT STANDARDS**

The following property development standards apply to all new developments in the DC Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

**A. BASIC SITE DEVELOPMENT STANDARDS**

**1. Minimum Lot Size and Lot Width; Building Setbacks; Maximum Building Height and Site Coverage**

Minimum lot or parcel size	
Commercial uses	None
Residential uses	None; density shall comply with R-3 district requirements
Minimum lot width	None
Maximum front or street side yard setback	10 feet; The maximum front yard setback may be increased by ten feet (10') if the setback is occupied by an outdoor feature relating to the business or public amenity such as seating or artwork.
Minimum yard setbacks	
Front and rear yards	0 feet or 10 feet if adjacent to a residential district
Side yard	0 feet or 10 feet if adjacent to a residential district
Street side yard	1 foot
Parking space	10 feet wide; see Chapter 9 for parking standards
Maximum building height	35 feet
Maximum site coverage (building and impervious surface)	95 percent

## B. SITE DEVELOPMENT IMPACT STANDARDS

### 1. Traffic Impact Analysis

A Traffic Impact Analysis meeting the requirements under Section 10-11-10(C) shall be required to be submitted to the City with a land use application, when the Community Development Director determines that the application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
  - b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
    - i) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
    - ii) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
    - iii) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
    - iv) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
    - v) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.
2. Floodplain, Wetland and Riparian Areas – See Section 10-7; also Title 12

The requirements under Section 10-7 and Title 12 are triggered when development is proposed within a designated floodplain or riparian area as identified by the official Flood Insurance Rate Map (FIRM) prepared by the U.S. Federal Emergency Management Agency (FEMA); or when property contains wetland areas as identified on the National Wetlands Inventory (NWI) map prepared by the U.S. Fish and Wildlife Service (USFWS).

### 3. Stormwater Surface Drainage

- a. Surface water run-off shall be handled on-site through the use of landscaped areas, grassy swales or similar natural features to the extent reasonably feasible. Where surface water runoff cannot be entirely managed on-site, adequate provisions shall be

made so that run-off will not adversely affect the use of adjoining or downstream properties, unless a drainage easement has been obtained.

- b. Where it is anticipated by the City Public Works Director that the additional runoff resulting from a proposed development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- c. In order to accommodate upstream drainage, culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Public Works Director.

#### 4. Vehicle Access, Driveway and Circulation Standards

##### a. New Vehicle Access Connections

New access connections shall not be permitted within the *functional area* (see Definitions) of an intersection or interchange as defined by the connection spacing standards of this Title, the Comprehensive Plan and public works standards, unless no other reasonable access to the property is available – see also Section 10-11-4(C) regarding vision clearance areas.

##### b. Access Connections

Where no other alternative exists, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right-in only, or right-out only) may be required.

##### c. Cross Access Drives, Pedestrian Access

Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

##### d. Separation Distance

The City may allow a reduction of the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- 1) Joint access driveways and cross access easements are provided.
- 2) The site plan incorporates a unified access and circulation system.
- 3) The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated

after construction of each side of a joint use driveway.

- 4) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Phased Developments

Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

f. Corner Lots

Corner lots shall be required to locate motor vehicle accesses on the street with the lower functional classification when feasible provided such access will not be located within the functional area of the intersection. This requirement may be waived or modified when a commercial use would be required to take access from a street in a residential neighborhood.

g. Nonconforming Access Features

Legal access connections in place when this Title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits area requested or when there is a change in use or enlargement or improvement that will increase trip generation.

5. Driveway Standards

- a. If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty-five feet (35') for both lanes.
- c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

6. Utilities

All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in

accordance with city standards.

## 7. Easements

An applicant should discuss with the City Planning Official the likelihood that any easement will be required prior to making application. When an easement is required based on findings that justify the easement, the following standards shall apply:

### a. Pedestrian Easements

In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

### b. Open Space Easements

An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

### c. General Public Easements

When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right-of-way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width. (Ord. 688, 6-15-1999)

## C. SPECIAL SITE AND BUILDING DESIGN STANDARDS

### 1. Building Orientation and Architectural Features

- a. Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary fronting street or the corner. New buildings located on the corner of 6<sup>th</sup> and "I" Streets shall be designed with building fronts, which include display windows, facing both 6<sup>th</sup> Street and "I" Street.
- b. The primary building shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows or doorways.
- c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or decorative elements.

- d. Awnings that extend into the right-of-way over the public sidewalk are permitted on commercial buildings. Awnings shall not bisect transom windows.
2. Off-street Parking, Loading and Unloading – See Section 10-9 for specific design standards for parking spaces and parking areas
- a. Within the DC Zone, off-street parking is not required.
  - b. When any new off-street parking is provided, parking areas shall be located behind buildings or to a non-street side-yard such that buildings separate parking areas from the street.
  - c. Existing off-street parking areas between the front or side of a building and the public right-of-way shall be separated from the right-of-way with a minimum 30-inch wide landscape strip (see landscape requirements).
  - d. Parking bumpers shall be set at least six feet from the property/right-of-way line for off-street parking spaces established perpendicular to the right-of-way. Parking bumpers shall be securely fastened to the pavement or ground.
  - e. Parking within the street right-of-way along a street side-yard shall maintain a six-foot separation from the edge of the right-of-way/property line to allow for a pedestrian walkway. Separation shall be maintained by the use of parking bumpers, an extruded curb or other barrier, as approved by the City Public Works Director. No parking shall be allowed within twenty feet of an intersection or crosswalk.
  - f. Loading and/or unloading of truck freight may occur on-site, or within an alley or a local side street, but not within the right-of-way of Sixth Street.
3. Bicycle and Pedestrian Facilities and Easements
- a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or if findings justify the need to address anticipated impacts from the proposed development.
  - b. Developments shall provide an on-site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

#### 4. Landscaping, Lighting and Outdoor Storage

- a. When an existing or proposed building sets back five feet or more from a front or street side-yard, a minimum 30-inch wide landscape strip along street frontages and building fronts shall be required to enhance the street appearance of the development and to accommodate surface water runoff from the site.
- b. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.
- c. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.
- d. Parking areas shall be landscaped as prescribed in Section 10-9-2(D).
- e. Lighting may be required on the site, such as between parking areas and buildings or along walkways, based on findings that justify the need to protect the public health, safety or welfare. All on-site lighting shall be shielded to prevent off-site glare or nuisance to traffic or neighboring properties.
- f. Outdoor storage and garbage collection areas shall be entirely screened with a six-foot (6') high sight-obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.
- g. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.

#### 5. Vision Clearance Area and Fences – See Section 10-11-4

#### 6. Signs – See Title 8 Chapter 2 of the Umatilla Municipal Code

### **10-4A-8: SITE PLAN DESIGN REVIEW REQUIREMENTS AND PROCEDURES**

All uses permitted in the DC Zone are subject to site plan design review. The purpose of site plan design review is to provide a process to review proposals to verify that compliance with the property development standards under Section 10-4A-7 of the DC Zone will be met, along with any other applicable provisions of this Code, or the Comprehensive Plan.

- A. In the DC Zone, site plan design review for a use permitted outright or for a use permitted subject to standards shall follow the public notice and review procedures in Sections 10-14-2(B) and 10-14-6(B) for a Type II decision, and the notice of decision requirements under Section 10-14-8.

B. Site plan design review shall be incorporated into the Type III review process required for all conditional uses permitted in the DC Zone. A Type III decision includes the procedures under Sections 10-14-6(C), 10-14-7 and 10-14-8.

C. Application requirements

An application for site plan design review only, or in conjunction with a conditional use request, shall include the information and materials listed under Section 10-14-4.

D. Authority to grant exemption from Site Plan Design Review

The City Planning Official is authorized to exempt a proposed use from the requirements for site plan design review when:

1. The proposed use is listed in the DC Zone as a use permitted outright or as a use permitted subject to standards.
2. The proposed use is the same type of use as the most recent previous use for the subject property for which site plan design review was approved by the City.
3. No changes to the zoning regulations or development standards applicable to the proposed use have occurred since the most recent site plan design was approved and the previous use was in full compliance with all conditions of the most recent site plan approval.
4. The applicant, and property owner if different, acknowledge in writing the terms and conditions of the prior site plan design approval and agree to abide by the terms and conditions of the approval. At the determination of the City Planning Official, any change to the prior site plan approval that would cause one or more of the current standards or conditions of approval to no longer be met shall require a new site plan design review and approval prior to making the change.

## ARTICLE B

### DOWNTOWN TRANSITIONAL (DT) ZONE

#### 10-4B-1: PURPOSE AND INTENT

The purpose of the Downtown Transitional (DT) Zone is to provide for a mix of pedestrian-friendly commercial uses and small-scale, auto-oriented commercial uses. Commercial uses in this zone accommodate pedestrians and meet at least one-half of required parking on-site. The DT Zone is intended to serve as a transition between pedestrian-oriented commercial uses within the central business district and predominantly auto-oriented commercial uses extending further beyond the central business district along Highway 730.

#### 10-4B-2: INTERPRETATION OF USES

- A. Types of Uses. Within the DT Zone, uses are classified as “permitted,” “permitted with standards,” and “conditional.” Further, uses are functionally classified by the description of the particular activity (such as “single-family residence”) or by the general category with reference to the “North American Industry Classification System” (NAICS). Permitted and conditional uses shall be of a size and scale to meet the purpose and intent of the DT Zone.
- B. North American Industry Classification System (NAICS). Uses functionally classified with reference to the NAICS are described with the NAICS index number. Some activities, otherwise included under the NAICS category, may be specifically excluded by this Ordinance. The excluded activity will be placed in the general NAICS category, but identified by the preceding words – “BUT (or AND) EXCLUDING.” For example, “Food store (54), BUT EXCLUDING freezer and locker meat provisioners.”
- C. Interpretation of Uses. Where a use is not described with reference to the NAICS or otherwise defined in Section 10-1-6, the words of this zoning ordinance describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires.
- D. Prohibited Uses. Uses not specifically identified as permitted, permitted with standards, or conditionally permitted within the zone, or otherwise allowed through interpretation, shall be considered prohibited uses. A use specifically permitted in one zone, but not another, shall not be interpreted as being permitted in another zone under a different classification.

#### 10-4B-3: USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in the DT Zone subject to the property development standards of the DT Zone, and the site plan design review requirements and procedures under Subsections 10-4B-7 and 10-4B-8.

- A. Automotive Parts and Accessories Stores (44131)

- B. Furniture and Home Furnishings (442)
- C. Electronic and Appliance Stores (443)
- D. Paint and Wallpaper Stores (44412)
- E. Hardware Stores (44413)
- F. Specialty Food Stores (4452)
- G. Beer, Wine and Liquor Stores (4453)
- H. Pharmacies and Drug Stores (44611)
- I. Cosmetics, Beauty Supplies, and Perfume Stores (44612)
- J. Optical Goods (44613)
- K. Food (Health) Supplement and Other Health & Personal Care Stores (44619)
- L. Clothing Stores (4481)
- M. Shoe Stores (4482)
- N. Jewelry, Luggage, & Leather Goods Stores (4483)
- O. Sporting Goods, Hobby, & Musical Instruments Stores (4511)
- P. Book Stores & News Dealers (4512)
- Q. Miscellaneous Store Retailers (453) LIMITED TO the following.
  - 1. Florists (4531)
  - 2. Office Supplies, Stationery, and Gift Stores (4532)
  - 3. Pet and Pet Supplies Stores (45391)
  - 4. Art Dealers (45392)
  - 5. Tobacco Stores (453991)
- R. Information Industries - except Internet (51) – Examples include publishing industries, motion picture and sound recording industries, radio and television broadcasting and data processing, hosting and related services

- S. Finance and Insurance (52)
- T. Offices of Real Estate Agents and Brokers (5312) and Activities Related to Real Estate (5313)
- U. Consumer Goods Rental (5322)
- V. Professional, Scientific, and Technical Services (541) LIMITED TO the following:
  - 1. Legal Services (5411)
  - 2. Accounting, Tax Preparation, Bookkeeping & Payroll Services (5412)
  - 3. Architecture, Engineering, & Related Services (5413) NOT including Testing Lab (54138)
  - 4. Specialized Design Services (5414)
  - 5. Computer Systems Design and Related Services (5415)
  - 6. Management, Scientific, & Technical Consulting Services (5416)
  - 7. Advertising, Public Relations, & Related Services (5418)
  - 8. Marketing Research & Public Opinion Polling (54191)
  - 9. Photographic Services (54192)
  - 10. Translation and Interpretation Services (54193)
  - 11. Management of Companies and Enterprises (551)
- W. Administrative and Support Services (561) LIMITED TO the following:
  - 1. Office Administrative Services (5611)
  - 2. Employment Services (5613)
  - 3. Business Support Services (5614)
  - 4. Travel Arrangement & Reservation Services (5615)
  - 5. Investigation & Security Services (5616)
  - 6. Services to Buildings and Dwellings (5617)

X. Educational Services (611) LIMITED TO the following:

1. Business Schools & Computer and Management Training (6114)
2. Technical and Trade Schools (6115)
3. Fine Arts Schools (61161)
4. Sports and Recreation Instruction (61162)
5. Language Schools (61163)
6. Educational Support Services (6117)

Y. Offices of Physicians, Dentists and Other Health Practitioners (6211, 6212 and 6213)

Z. Medical and Diagnostic Laboratories (6215) and Other Ambulatory Health Care Services (62199)

AA. Social Assistance Services (624) LIMITED TO the following:

1. Individual and Family Services (6241)
2. Vocational Rehabilitation Services (6243)

BB. Performing Arts Companies (7111)

CC. Fitness and Recreational Sports Centers (71394)

DD. Bowling Centers (71395)

EE. Public Recreational Park, Facility or Trail, provided:

1. The site is inventoried in the Comprehensive Plan for park, trail or other recreational purposes.
2. Development of the park, facility or trail will be in accordance with an adopted master development plan for the park, facility or trail.

FF. Restaurants and Other Eating Places<sup>1</sup> (7225)

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<sup>1</sup> Limited to uses where the serving of food or meals is the primary service provided and which may include beer, wine or other alcoholic beverages that are incidental to the food or meals. May include a portion of the premises that is age-restricted due to serving alcoholic beverages provided the area is not enclosed from view of the remainder of the premises.

- GG. Electronic and Precision Equipment Repair & Maintenance (8112)
- HH. Personal and Household Goods Repair & Maintenance (8114)
- II. Personal Care Services (8121) – examples include Barber Shops and Beauty Salons
- JJ. Drycleaning and Laundry Services (8123) EXCEPT Industrial Launderers (812332)
- KK. Other Personal Services (8129) LIMITED TO the following:
  - 1. Pet Care (except Veterinary) Services (81291)
  - 2. Photofinishing (81292)
  - 3. Other Personal Services (81299)
- LL. Grantmaking, Civic, Professional, and Similar Organizations (813) BUT EXCLUDING Religious Organizations (8131)

**10-4B-4: USES PERMITTED SUBJECT TO STANDARDS**

The following uses and their accessory uses are permitted in the DT Zone subject to the standards listed thereunder, the property development standards of the DT Zone, and the site plan design review requirements and procedures under Subsections 10-4B-7 and 10-4B-8, unless otherwise specified for the use.

- A. Drive-through for any use, subject to the following standards:
  - 1. A drive-through window or use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.
  - 2. A drive-through window that uses access from Sixth Street (Highway 730) is allowed only if use of the access from Sixth Street for the drive-through window is limited to either ingress or egress.
- B. Creation of a new City, County or State road, or realignment of an existing City, County or State road or any portion thereof and which does not involve a land partition, subject to the following:
  - 1. The road or realignment complies with applicable street standards, as specified in the Comprehensive Plan or other implementing ordinances and the City’s Public Works standards, for the existing or intended street classification.
  - 2. Review for compliance with the requirements under subsection 10-4B-4(B)(1) above, shall be subject to the procedures and requirements for a Type III decision.

3. The use is subject to inspections, as determined by the City Public Works Director, to certify that all improvements have been constructed to City standards.

C. Specialty Trade Contractors (238), subject to the following standards:

1. The use is limited to a maximum of 7,500 square feet.
2. At least one-third of the building area is used for office use and retail product display.
3. There is no outside storage of materials.

D. Other Building Material Dealers (44419), subject to the following standards:

1. The use is limited to a maximum of 10,000 square feet.
2. At least forty percent of the building area is used for office use and retail product display.

E. Convenience Stores (44512), subject to the following standards:

1. The use is limited to a maximum of 6,000 square feet.

F. Used Merchandise Stores (4533), subject to the following standards:

1. The use is limited to a maximum of 7,500 square feet.
2. There is no outside storage or display of goods or materials.

G. Automotive Equipment Rental and Leasing (5321), subject to the following standards:

1. The use is limited to a maximum of 10,000 square feet including buildings and any outdoor storage of vehicles or other equipment.

H. General Rental Centers (5323), subject to the following standards:

1. The use is limited to a maximum of 7,500 square feet.
2. There is no outside storage or display of goods or materials.

I. Veterinary Services (54194), subject to the following standards:

1. The use is limited to the care and treatment of small animals up to 200 pounds on premises.
2. There is no outside storage of materials or outside containment of animals.

J. Alcoholic Beverage Drinking Places<sup>2</sup> (7224) Examples include pub, tavern, sports bar and nightclub), subject to the following:

1. The use will not be located within 500 feet of a school, or within 150 feet of a designated city park.

K. Local Utility Distribution Facilities (see Definitions), subject to the following:

1. A permit for the proposed distribution line or facility has been obtained from the Public Works Director in accordance with the requirements of Title 7 of the Municipal Code, prior to construction.

#### **10-4B-5: CONDITIONAL USES PERMITTED**

The following conditional uses are permitted in the DT Zone subject to the property development standards of the DT Zone, the decision criteria and any additional applicable standards in Chapter 12 specific to the use, and the site plan design review requirements and procedures under Subsections 10-4B-7 and 10-4B-8.

The applicant bears the burden of proof for demonstrating, based on factual information and arguments, how the proposed use complies with all standards and decision criteria upon which the Planning Commission must base its decision.

- A. Residential use on the second floor or above provided ground floor occupied by or readily available solely for commercial use
- B. Automobile Dealers (4411)
- C. Motorcycle, Boat, ATV and Other Motor Vehicle Dealers (4412) BUT EXCLUDING Recreational Vehicle Dealers (44121)
- D. Tire Dealers (44132)
- E. Home Centers (44411)
- F. Lawn and Garden Equipment and Supplies Stores (4442)
- G. Supermarkets and Other Grocery Stores (44511 - Except convenience stores)
- H. Gasoline Stations (4471) BUT EXCLUDING Truck Stops (447190), and subject to the following standards:

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<sup>2</sup> Includes any use where the serving of alcoholic beverages is the primary service and access to all, or to any portion of the premises that is separate and enclosed from view of the remainder of the premises, is age-restricted by law due to serving alcoholic beverages. The use may include the serving of meals incidentally to the primary use.

1. The minimum area for a gasoline service station site is fifteen thousand (15,000) square feet; the maximum area is thirty thousand (30,000) square feet.
2. The maximum street frontage for a gasoline service station site on a corner lot shall be one hundred twenty feet (120’).
3. A service station shall not be constructed within six hundred forty (640) lineal feet of any part of a building housing another gasoline service station.

I. General Merchandise Stores (Other – 45299)

J. Taxi and Limousine Service (4853)

K. Motor Vehicles Towing (48841)

L. Postal Service (4911)

M. Couriers and Express Delivery Services (4921)

N. Local Messengers and Local Delivery (4922)

O. Architecture, Engineering and Related Services (5413) WITH Testing Lab (54138)

P. Scientific Research and Development Services (5417)

Q. Facilities Support Services (5612) and Other Support Services (5619)

R. Ambulatory Health Care Services (621) LIMITED TO the following:

1. Outpatient Care Centers (6214)

2. Home Health Care Services (6216)

3. Ambulance Services (62191)

S. Specialty Hospitals - except Psychiatric and Substance Abuse (6223)

T. Nursing and Residential Care Facilities (623)

U. Community Food, Housing, Emergency & Other Relief Services (6242)

V Child Day Care Services (6244)

W. Museums, Historical Sites and Similar Institutions (7121)

X. Arcades (7131) and Other Amusement & Recreation Industries (71399)

Y. Public Recreational Park, Facility or Trail not identified in the Comprehensive Plan

Z. Hotels and Motels (72111)

AA. RV Parks and Recreational Camps (7212)

BB. Rooming and Boarding Houses (7213)

CC. Automotive Repair and Maintenance (8111)

DD. Commercial & Industrial Machinery and Equipment Repair and Maintenance (8113)

EE. Death Care Services (8122) BUT EXCLUDING Cemeteries (81222)

FF. Parking Lots and Garages (81293)

GG. Religious Organizations (8134)

HH. Public Administration and Government Facilities & Support Services (92)

II. Multi-tenant commercial/commercial building (see Definitions)

JJ. Major utility facilities (see Definitions)

**10-4B-6: TEMPORARY USES PERMITTED** (*reserved for expansion*)

**10-4B-7: PROPERTY DEVELOPMENT STANDARDS**

The following property development standards apply to all new developments in the DT Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

**A. BASIC SITE DEVELOPMENT STANDARDS**

1. Minimum Lot Size and Lot Width; Building Setbacks; Maximum Building Height and Site Coverage

Minimum lot or parcel size	
Commercial uses	None
Minimum lot width	None
Maximum front or street side yard setback	10 feet; The maximum front yard setback may be increased by ten feet (10') if the setback is occupied by an outdoor feature relating to the business or public amenity such as seating or artwork.
Minimum yard setbacks	
Front and rear yards	0 feet or 10 feet if adjacent to a residential district
Side yard	0 feet or 10 feet if adjacent to a residential district
Street side yard	1 foot
Parking space	10 feet wide; see Chapter 9 for parking standards
Maximum building height	35 feet
Maximum site coverage (building and impervious surface)	95 percent

**B. SITE DEVELOPMENT IMPACT STANDARDS**

**1. Traffic Impact Analysis**

A Traffic Impact Analysis meeting the requirements under Section 10-11-10(C) shall be required to be submitted to the City with a land use application, when the Community Development Director determines that the application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
- b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
  - i) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or

- ii) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
- iii) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
- iv) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- v) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

2. Floodplain, Wetland and Riparian Areas – See Section 10-7; also Title 12

The requirements under Section 10-7 and Title 12 are triggered when development is proposed within a designated floodplain or riparian area as identified by the official Flood Insurance Rate Map (FIRM) prepared by the U.S. Federal Emergency Management Agency (FEMA); or when property contains wetland areas as identified on the National Wetlands Inventory (NWI) map prepared by the U.S. Fish and Wildlife Service (USFWS).

3. Stormwater Surface Drainage

- a. Surface water run-off shall be handled on-site through the use of landscaped areas, grassy swales or similar natural features to the extent reasonably feasible. Where surface water runoff cannot be entirely managed on-site, adequate provisions shall be made so that run-off will not adversely affect the use of adjoining or downstream properties, unless a drainage easement has been obtained.
- b. Where it is anticipated by the City Public Works Director that the additional runoff resulting from a proposed development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- c. In order to accommodate upstream drainage, culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Public Works Director.

4. Vehicle Access, Driveway and Circulation Standards

a. New Vehicle Access Connections

New access connections shall not be permitted within the *functional area* (see Definitions) of an intersection or interchange as defined by the connection spacing standards of this Title, the Comprehensive Plan and public works standards, unless no

other reasonable access to the property is available – see also Section 10-11-4(C) regarding vision clearance areas.

b. Access Connections

Where no other alternative exists, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right-in only, or right-out only) may be required.

c. Cross Access Drives, Pedestrian Access

Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

d. Separation Distance

The City may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- 1) Joint access driveways and cross access easements are provided.
- 2) The site plan incorporates a unified access and circulation system.
- 3) The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of a joint use driveway.
- 4) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Phased Developments

Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

f. Corner Lots

Corner lots shall be required to locate motor vehicle accesses on the street with the lower functional classification when feasible provided such access will not be located within the functional area of the intersection. This requirement may be waived or modified when a commercial use would be required to take access from a street in a residential neighborhood.

g Nonconforming Access Features

Legal access connections in place when this Title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits area requested or when there is a change in use or enlargement or improvement that will increase trip generation.

5. Driveway Standards

- a. If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty-five feet (35') for both lanes.
- c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

6. Utilities

All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in accordance with city standards.

7. Easements

An applicant should discuss with the City Planning Official the likelihood that any easement will be required prior to making application. When an easement is required based on findings that justify the easement, the following standards shall apply:

a. Pedestrian Easements

In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

b. Open Space Easements

An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude

development of the area when limiting the use of a property is determined to be in the public interest.

c. General Public Easements

When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right-of-way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width. (Ord. 688, 6-15-1999)

C. SPECIAL SITE AND BUILDING DESIGN STANDARDS

1. Building Orientation and Architectural Features

- a. The primary building and entry shall be oriented toward the fronting street. Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary fronting street or the corner.
- b. The primary building shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows or doorways.
- c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or decorative elements.
- d. Awnings that extend into the right-of-way over the public sidewalk are permitted on commercial buildings. Awnings shall not bisect transom windows.

2. Off-street Parking, Loading and Unloading – See Section 10-9 for specific design standards for parking spaces and parking areas

- a. Within the DT Zone, the minimum off-street parking requirement shall be one-half of the number of parking spaces specified for uses in Chapter 9 and parking spaces on the public street adjacent to the subject property may be counted to fulfill the parking requirement.
- b. When any new off-street parking is provided, parking areas shall be located behind buildings or to a non-street side-yard such that buildings separate parking areas from the street, unless there is no feasible alternative.
- c. Existing or proposed off-street parking areas between the front or side of a building and the public right-of-way shall be separated from the right-of-way with a minimum 30-inch wide landscape strip (see landscape requirements).
- d. Parking bumpers shall be set at least six feet from the property/right-of-way line for

parking spaces established perpendicular to the right-of-way. Parking bumpers shall be securely fastened to the pavement or ground.

- e. Parking within the street right-of-way along a street side-yard shall maintain a six-foot separation from the edge of the right-of-way/property line to allow for a pedestrian walkway. Separation shall be maintained by the use of parking bumpers, an extruded curb or other barrier, as approved by the City Public Works Director. No parking shall be allowed within twenty feet of an intersection or crosswalk.
- f. Loading and/or unloading of truck freight may occur on-site, or within an alley or a local side street, but not within the right-of-way of Sixth Street.

### 3. Bicycle and Pedestrian Facilities and Easements

- a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or if findings justify the need to address anticipated impacts from the proposed development.
- b. Developments shall provide an on-site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

### 4. Landscaping, Lighting and Outdoor Storage

- a. At least five percent (5%) of the site shall be landscaped. A minimum 30-inch wide landscape strip along street frontages and building fronts must be included in the landscape plan to accommodate surface water runoff from the site and to enhance the street appearance of the development.
- b. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.
- c. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.
- d. Pedestrian amenities, such as benches, plazas, fountains, and sculptures that are high quality and provided for public use or enjoyment, may replace up to one-third ( $\frac{1}{3}$ ) of

the required landscaping, but shall not replace required landscaping along street frontages or building fronts.

- e. Parking areas shall be landscaped as prescribed in Section 10-9-2(D).
- f. Lighting may be required on the site, such as between parking areas and buildings or along walkways based on findings that justify the need to protect the public health, safety or welfare. All on-site lighting shall be shielded to prevent off-site glare or nuisance to traffic or neighboring properties.
- g. Outdoor storage and garbage collection areas shall be entirely screened with a six-foot (6') high sight-obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.
- h. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.

5. Vision Clearance Area and Fences – See Section 10-11-4

6. Signs – See Title 8 Chapter 2 of the Umatilla Municipal Code

#### **10-4B-8: SITE PLAN DESIGN REVIEW REQUIREMENTS AND PROCEDURES**

All uses permitted in the DT Zone are subject to site plan design review. The purpose of site plan design review is to provide a process to review proposals to verify that compliance with the property development standards under Section 10-4B-7 of the DT Zone will be met, along with any other applicable provisions of this Code, or the Comprehensive Plan.

- A. In the DT Zone, site plan design review for a use permitted outright or for a use permitted subject to standards shall follow the public notice and review procedures in Sections 10-14-2(B) and 10-14-6(B) for a Type II decision, and the notice of decision requirements under Section 10-14-8.
- B. Site plan design review shall be incorporated into the Type III review process required for all conditional uses permitted in the DT Zone. A Type III decision includes the procedures under Sections 10-14-6(C), 10-14-7 and 10-14-8.
- C. Application requirements

An application for site plan design review only, or in conjunction with a conditional use request, shall include the information and materials listed under Section 10-14-4.

D. Authority to grant exemption from Site Plan Design Review

The City Planning Official is authorized to exempt a proposed use from the requirements for site plan design review when:

1. The proposed use is listed in the DT Zone as a use permitted outright or as a use permitted subject to standards.
2. The proposed use is the same type of use as the most recent previous use for the subject property for which site plan design review was approved by the City.
3. No changes to the zoning regulations or development standards applicable to the proposed use have occurred since the most recent site plan design was approved and the previous use was in full compliance with all conditions of the most recent site plan approval.
4. The applicant, and property owner if different, acknowledge in writing the terms and conditions of the prior site plan design approval and agree to abide by the terms and conditions of the approval. At the determination of the City Planning Official, any change to the prior site plan approval that would cause one or more of the current standards or conditions of approval to no longer be met shall require a new site plan design review and approval prior to making the change.

## ARTICLE C

### NEIGHBORHOOD COMMERCIAL (NC) ZONE

#### 10-4C-1: PURPOSE AND INTENT

The purpose of the Neighborhood Commercial (NC) Zone is to provide convenient locations intended for small-scale commercial developments such as convenience stores, personal services, small repair shops and similar businesses offering goods and services purchased frequently and which can be sustained within a neighborhood or similar limited trade area.

#### 10-4C-2: INTERPRETATION OF USES

- A. Types of Uses. Within the NC Zone, uses are classified as “permitted,” “permitted with standards,” and “conditional.” Further, uses are functionally classified by the description of the particular activity (such as “single-family residence”) or by the general category with reference to the “North American Industry Classification System” (NAICS). Permitted and conditional uses shall be of a size and scale to meet the purpose and intent of the NC Zone.
- B. North American Industry Classification System (NAICS). Uses functionally classified with reference to the NAICS are described with the NAICS index number. Some activities, otherwise included under the NAICS category, may be specifically excluded by this Ordinance. The excluded activity will be placed in the general NAICS category, but identified by the preceding words – “BUT (or AND) EXCLUDING.” For example, “Food store (54), BUT EXCLUDING freezer and locker meat provisioners.”
- C. Interpretation of Uses. Where a use is not described with reference to the NAICS or otherwise defined in Section 10-1-6, the words of this zoning ordinance describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires.
- D. Prohibited Uses. Uses not specifically identified as permitted, permitted with standards, or conditionally permitted within the zone, or otherwise allowed through interpretation, shall be considered prohibited uses. A use specifically permitted in one zone, but not another, shall not be interpreted as being permitted in another zone under a different classification.

#### 10-4C-3: USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in the NC Zone subject to the property development standards of the NC Zone, and the site plan design review requirements and procedures under Subsections 10-4C-7 and 10-4C-8.

- A. Specialty Food Stores (4452)
- B. Cosmetics, Beauty Supplies, and Perfume Stores (44612)

- C. Optical Goods (44613)
- D. Food (Health) Supplement and Other Health & Personal Care Stores (44619)
- E. Book Stores & News Dealers (4512)
- F. Florists (4531)
- G. Legal Services (5411)
- H. Specialized Design Services (5414)
- I. Computer Systems Design and Related Services (5415)
- J. Accounting, Tax Preparation, Bookkeeping & Payroll Services (5412)
- K. Photographic Services (54192)
- L. Translation and Interpretation Services (54193)
- M. Office Administrative Services (5611)
- N. Investigation & Security Services (5616)
- O. Language Schools (61163)
- P. Educational Support Services (6117)
- Q. Public Recreational Park, Facility or Trail, provided:
  - 1. The site is inventoried in the Comprehensive Plan for park, trail or other recreational purposes.
  - 2. Development of the park, facility or trail will be in accordance with an adopted master development plan for the park, facility or trail.
- R. Personal Care Services (8121) – Examples include Barber Shops and Beauty Salons
- S. Drycleaning and Laundry Services (81232) EXCEPT Coin-operated
- T. Photofinishing (81292)

**10-4C-4: USES PERMITTED SUBJECT TO STANDARDS**

The following uses and their accessory uses are permitted in the NC Zone subject to the standards listed thereunder, the property development standards of the NC Zone, and the site plan design review requirements and procedures under Subsections 10-4C-7 and 10-4C-8, unless otherwise specified for the use.

A. Residential Use, subject to the following:

1. The use will be situated on the second story or above within a building in which the ground floor is occupied by or available solely for commercial use.
2. Off-street parking requirements meeting city standards are provided for the use separate from those required for ground floor commercial uses.
3. The residential use complies with building, fire and other applicable safety codes as mandated by local, state or federal laws.

B. Creation of a new City, County or State road, or realignment of an existing City, County or State road or any portion thereof and which does not involve a land partition, subject to the following:

1. The road or realignment complies with applicable street standards, as specified in the Comprehensive Plan or other implementing ordinances and the City's Public Works standards, for the existing or intended street classification.
2. Review for compliance with the requirements under subsection 10-4A-4(C)(1) above, shall be subject to the procedures and requirements for a Type III decision.
3. The use is subject to inspections, as determined by the City Public Works Director, to certify that all improvements have been constructed to City standards.

C. Electronic and Appliance Stores (443) subject to the following standards:

1. The use is limited to a maximum of 5,000 square feet.
2. There is no outside storage or display of goods or materials.

D. Clothing Stores (4481) and Shoe Stores (4482)

1. The use is limited to a maximum of 5,000 square feet.
2. There is no outside storage or display of goods or materials.

E. Office Supplies, Stationery and Gift Stores (4532)

1. The use is limited to a maximum of 5,000 square feet.

2. There is no outside storage or display of goods or materials.

F. Consumer Goods Rental (5322)

1. The use is limited to a maximum of 5,000 square feet.

2. There is no outside storage or display of goods or materials.

G. Architecture, Engineering and Related Services (5413) WITHOUT Testing Lab

1. The use is limited to a maximum of 5,000 square feet in size.

H. Sports and Recreation Instruction (61162)

1. The use is limited to a maximum of 10,000 square feet.

I. Electronic and Precision Equipment Repair and Maintenance (8112)

1. The use is limited to a maximum of 5,000 square feet.

2. At least ten percent of the building area is used for office use and customer service.

3. There is no outside storage or display of goods or materials.

J. Personal & Household Goods Repair & Maintenance (8114)

1. The use is limited to a maximum of 5,000 square feet.

2. At least ten percent of the building area is used for office use and customer service.

3. There is no outside storage or display of goods or materials.

K. Pet Care (except Veterinary) Services (81291)

1. The use is limited to a maximum of 5,000 square feet.

2. The use is limited to the care and treatment of small animals up to 200 pounds on premises.

3. There is no outside storage or display of materials or outside containment of animals.

L. Civic and Social Organizations (8134)

1. The use limited to a maximum of 7,500 square feet.

M. Local Utility Distribution Facilities, subject to the following:

1. A permit for the proposed distribution line or facility has been obtained from the Public Works Director in accordance with the requirements of Title 7 of the Municipal Code, prior to construction.

**10-4C-5: CONDITIONAL USES PERMITTED**

The following conditional uses may be permitted in the NC Zone subject to the property development standards of the NC Zone, the decision criteria and any additional applicable standards in Chapter 12 specific to the use, and the site plan design review requirements and procedures under Subsections 10-4C-7 and 10-4C-8.

The applicant bears the burden of proof for demonstrating, based on factual information and arguments, how the proposed use complies with all standards and decision criteria upon which the Planning Commission must base its decision.

- A. Drive-through for any use
- B. Automotive Parts and Accessories Stores (44131)
- C. Convenience Stores (44512)
- D. Beer, Wine and Liquor Stores (4453)
- E. Pharmacies and Drug Stores (44611)
- F. Gasoline Stations (4471)
- G. Sporting Goods, Hobby and Musical Instruments Stores (4511)
- H. Used Merchandise Stores (4533)
- I. Pet and Pet Supplies Stores (45391)
- J. Art Dealers (45392)
- K. Tobacco Stores (453991)
- L. Taxi and Limousine Service (4853)
- M. Postal Service (4911)
- N. Courier and Express Delivery Services (4921)
- O. Local Messengers and Local Delivery (4922)

- P. Warehousing and Storage (4931)
- Q. Finance and Insurance (52)
- R. Offices of Real Estate Agents and Brokers (5312)
- S. Activities Related to Real Estate (5313)
- T. Business Schools and Computer and Management Training (6114)
- U. Offices of Physicians, Dentists and Other Health Practitioners (6211, 6212 and 6213)
- V. Home Health Care Services (6216)
- W. Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly (6233)
- X. Individual and Family Services (6241)
- Y. Community Food, Housing, Emergency and Other Related Services (6242)
- Z. Vocational Rehabilitation Services (6243)
- AA. Child Day Care Services (6244)
- BB. Performing Arts Companies (7111)
- CC. Arcades (7131)
- DD. Fitness and Recreation Sports Centers (71394)
- EE. Bowling Centers (71395)
- FF. Other Amusement and Recreation Industries (71399)
- GG. Public Recreational Park, Facility or Trail Not Identified in Comprehensive Plan and Included in a Master Development Plan
- HH. Bed and Breakfast Inns (721191)
- II. Food Services and Drinking Places (722) BUT EXCLUDING Mobile Food Services (72233)
- JJ. Coin-operated Laundries and Drycleaners (81231)

KK. Religious Organizations (8131)

LL. Public Administration and Government Facilities and Support Services (92)

MM. Major Utility Facilities (see Definitions)

**10-4C-6: TEMPORARY USES PERMITTED** (*reserved for expansion*)

**10-4C-7: PROPERTY DEVELOPMENT STANDARDS**

The following property development standards apply to all new developments in the NC Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

**A. BASIC SITE DEVELOPMENT STANDARDS**

**1. Minimum Lot Size and Lot Width; Building Setbacks; Maximum Building Height and Site Coverage**

Minimum lot or parcel size	
Commercial uses	4,000 square feet
Residential uses	None; density shall comply with R-3 district requirements
Minimum lot width	50 feet
Minimum yard setbacks	
Front and rear yards	10 feet
Side yard	0 feet or 10 feet if adjacent to a residential district
Street side yard	10 feet
Parking space	10 feet wide; see Chapter 9 for parking standards
Maximum building height	35 feet
Maximum site coverage (building and impervious surface)	95 percent

## B. SITE DEVELOPMENT IMPACT STANDARDS

### 1. Traffic Impact Analysis

A Traffic Impact Analysis meeting the requirements under Section 10-11-10(C) shall be required to be submitted to the City with a land use application, when the Community Development Director determines that the application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
- b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
  - i) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
  - ii) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
  - iii) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
  - iv) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
  - v) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

### 2. Floodplain, Wetland and Riparian Areas – See Section 10-7; also Title 12

The requirements under Section 10-7 and Title 12 are triggered when development is proposed within a designated floodplain or riparian area as identified by the official Flood Insurance Rate Map (FIRM) prepared by the U.S. Federal Emergency Management Agency (FEMA); or when property contains wetland areas as identified on the National Wetlands Inventory (NWI) map prepared by the U.S. Fish and Wildlife Service (USFWS).

### 3. Stormwater Surface Drainage

- a. Surface water run-off shall be handled on-site through the use of landscaped areas, grassy swales or similar natural features to the extent reasonably feasible. Where surface water runoff cannot be entirely managed on-site, adequate provisions shall be made so that run-off will not adversely affect the use of adjoining or downstream properties, unless a drainage easement has been obtained.
- b. Where it is anticipated by the City Public Works Director that the additional runoff resulting from a proposed development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- c. In order to accommodate upstream drainage, culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Public Works Director.

### 4. Vehicle Access, Driveway and Circulation Standards

#### a. New Vehicle Access Connections

New access connections shall not be permitted within the *functional area* (see definitions) of an intersection or interchange as defined by the connection spacing standards of this Title, the Comprehensive Plan and public works standards, unless no other reasonable access to the property is available – see also Section 10-11-4(C) regarding vision clearance areas.

#### b. Access Connections

Where no other alternative exists, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right-in only, or right-out only) may be required.

#### c. Cross Access Drives, Pedestrian Access

Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

#### d. Separation Distance

The City may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- 1) Joint access driveways and cross access easements are provided.

- 2) The site plan incorporates a unified access and circulation system.
- 3) The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of a joint use driveway.
- 4) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Phased Developments

Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

f. Corner Lots

Corner lots shall be required to locate motor vehicle accesses on the street with the lower functional classification when feasible provided such access will not be located within the functional area of the intersection. This requirement may be waived or modified when a commercial or industrial use would be required to take access from a street in a residential neighborhood.

g. Nonconforming Access Features

Legal access connections in place when this Title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits area requested or when there is a change in use or enlargement or improvement that will increase trip generation.

5. Driveway Standards

- a. If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty-five feet (35') for both lanes.
- c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

## 6. Utilities

All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in accordance with city standards.

## 7. Easements

### a. Pedestrian Easements

In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

### b. Open Space Easements

An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

### c. General Public Easements

When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right-of-way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width. (Ord. 688, 6-15-1999)

## C. SPECIAL SITE AND BUILDING DESIGN STANDARDS

### 1. Building Orientation and Architectural Features

- a. The primary building and entry shall be oriented toward the fronting street. Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary fronting street or the corner.
- b. The primary building shall incorporate ground floor windows along the fronting street facade, with at least twenty percent (20%) of the fronting wall consisting of display areas, windows or doorways.
- c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or

decorative elements.

- d. A drive through window or use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.
2. Off-street Parking, Loading and Unloading – See Section 10-9 for specific design standards for parking spaces and parking areas
    - a. Off-street parking shall not be located within five feet of a property line separating the subject property from a public street.
    - b. Existing or proposed off-street parking areas between the front or side of a building and the public right-of-way shall be separated from the right-of-way with a three foot wide landscape strip (see landscape requirements).
    - c. Parking bumpers shall be set at least six feet from the property/right-of-way line for parking spaces established perpendicular to the right-of-way. Parking bumpers shall be securely fastened to the pavement or ground.
    - d. A designated area (or areas) for loading and/or unloading of materials or freight shall be provided to ensure all such activities occur entirely on-site.
    - e. Parking or loading areas which abut a residential zone along a rear or side property line shall be separated from the property line by a twenty foot (20') wide landscaped area. Alternatively, a ten foot (10') wide landscaped area and a fence or wall at least four feet (4') in height may be used to buffer the residential property.
  3. Bicycle and Pedestrian Facilities and Easements
    - a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or if findings justify the need to address anticipated impacts from the proposed development.
    - b. Developments shall provide an on-site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.
  4. Landscaping, Lighting and Outdoor Storage

- a. At least five percent (5%) of the site shall be landscaped. A minimum 30-inch wide landscape strip along street frontages and building fronts must be included in the landscape plan to accommodate surface water runoff from the site and to enhance the street appearance of the development.
  - b. Pedestrian amenities, such as benches, plazas, fountains, and sculptures that are high quality and provided for public use or enjoyment, may replace up to one-third ( $\frac{1}{3}$ ) of the required landscaping, but shall not replace required landscaping along street frontages or building fronts.
  - c. Parking areas shall be landscaped as prescribed in Section 10-9-2(D).
  - d. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.
  - e. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.
  - f. Lighting may be required on the site, such as between parking areas and buildings or along walkways, based on findings that justify the need to protect the public health, safety or welfare. All on-site lighting shall be shielded to prevent off-site glare or nuisance to traffic or neighboring properties.
  - g. Outdoor storage and garbage collection areas shall be entirely screened with a six-foot (6') high sight-obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.
  - h. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.
5. Vision Clearance Area and Fences – See Section 10-11-4
6. Signs – See Title 8 Chapter 2 of the Umatilla Municipal Code

**10-4C-8: SITE PLAN DESIGN REVIEW REQUIREMENTS AND PROCEDURES**

All uses permitted in the NC Zone are subject to site plan design review. The purpose of site plan design review is to provide a process to review proposals to verify that compliance with the property development standards under Section 10-4C-7 of the NC Zone will be met, along with any other applicable provisions of this Code, or the Comprehensive Plan.

- A. In the NC Zone, site plan design review for a use permitted outright or for a use permitted subject to standards shall follow the public notice and review procedures in Sections 10-14-

2(B) and 10-14-6(B) for a Type II decision, and the notice of decision requirements under Section 10-14-8.

B. Site plan design review shall be incorporated into the Type III review process required for all conditional uses permitted in the NC Zone. A Type III decision includes the procedures under Sections 10-14-6(C), 10-14-7 and 10-14-8.

C. Application requirements

An application for site plan design review only, or in conjunction with a conditional use request, shall include the information and materials listed under Section 10-14-4.

## ARTICLE D

### GENERAL COMMERCIAL (GC) ZONE

#### 10-4D-1: PURPOSE AND INTENT

The purpose of the General Commercial (GC) Zone is to provide for commercial uses generally requiring medium to large sites in areas that rely primarily on vehicle traffic and high-visibility and which can accommodate all required parking and other associated activities on-site. The intent of the GC Zone is to allow for a broad range of commercial retail and service uses in a manner that aesthetically enhances the site and the surrounding area and that may include indoor and outdoor storage or display of goods.

#### 10-4D-2: INTERPRETATION OF USES

- A. Types of Uses. Within the GC Zone, uses are classified as “permitted,” “permitted with standards,” and “conditional.” Further, uses are functionally classified by the description of the particular activity (such as “single-family residence”) or by the general category with reference to the “North American Industry Classification System” (NAICS). Permitted and conditional uses shall be of a size and scale to meet the purpose and intent of the GC Zone.
- B. North American Industry Classification System (NAICS). Uses functionally classified with reference to the NAICS are described with the NAICS index number. Some activities, otherwise included under the NAICS category, may be specifically excluded by this Ordinance. The excluded activity will be placed in the general NAICS category, but identified by the preceding words – “BUT (or AND) EXCLUDING.” For example, “Food store (54), BUT EXCLUDING freezer and locker meat provisioners.”
- C. Interpretation of Uses. Where a use is not described with reference to the NAICS or otherwise defined in Section 10-1-6, the words of this zoning ordinance describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires.
- D. Prohibited Uses. Uses not specifically identified as permitted, permitted with standards, or conditionally permitted within the zone, or otherwise allowed through interpretation, shall be considered prohibited uses. A use specifically permitted in one zone, but not another, shall not be interpreted as being permitted in another zone under a different classification.

#### 10-4D-3: USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in the GC Zone subject to the property development standards of the GC Zone, and the site plan design review requirements and procedures under Subsections 10-4D-7, 10-4D-8 and 10-4D-9.

- A. Drive-through window for any use

- B. Specialty Trade Contractors (238)
- C. Automobile Dealers (4411) and Other Motor Vehicle Dealers (4412)
- D. Automotive Parts, Accessories, and Tire Stores (44131)
- E. Furniture and Home Furnishings (442)
- F. Electronic and Appliance Stores (443)
- G. Building Materials and Supplies Dealers (4441)
- H. Lawn and Garden Equipment and Supplies Stores (4442)
- I. Grocery Stores (4451)
- J. Specialty Food Stores (4452)
- K. Beer, Wine and Liquor Stores (4453)
- L. Health and Personal Care Stores (4461) - Examples include Pharmacies, Drug Stores, Beauty Supplies and Optical Goods Stores
- M. Clothing Stores (4481)
- N. Shoe Stores (4482)
- O. Jewelry, Luggage, & Leather Goods Stores (4483)
- P. Sporting Goods, Hobby, & Musical Instruments Stores (4511)
- Q. Book Stores & News Dealers (4512)
- R. Miscellaneous Store Retailers (453) – Examples include Florists, Office Supplies, Pet and Pet Supplies Stores, Art Dealers and Tobacco Stores
- S. Taxi and Limousine Service (4853)
- T. Motor Vehicle Towing (48841)
- U. Information Industries - except Internet (51) – Examples include publishing industries, motion picture and sound recording industries, radio and television broadcasting and data processing, hosting and related services
- V. Finance and Insurance (52)

- W. Offices of Real Estate Agents & Brokers (5312) and Activities Related to Real Estate (5313)
- X. Rental and Leasing Services (532) BUT EXCLUDING Commercial and Industrial Machinery and Equipment Rental and Leasing (5324)
- Y. Professional, Scientific, and Technical Services (541) BUT EXCLUDING Veterinary Services (54194)
- Z. Management of Companies and Enterprises (551)
  - AA. Administrative and Support Services (561) BUT EXCLUDING Other Support Services (5619)
  - BB. Educational Services (611) BUT EXCLUDING (6111, 6112 and 6113)
  - CC. Health Care Services (621) BUT EXCLUDING Outpatient Care Centers (6214) and Ambulance Services (62191)
  - DD. Social Assistance Services (624) LIMITED TO the following:
    - 1. Individual and Family Services (6241)
    - 2. Vocational Rehabilitation Services (6243)
  - EE. Performing Arts Companies (7111)
  - FF. Fitness and Recreational Sports Centers (71394) and Bowling Centers (71395)
  - GG. Public Recreational Park, Facility or Trail, provided:
    - 1. The site is inventoried in the Comprehensive Plan for park, trail or other recreational purposes.
    - 2. Development of the park, facility or trail will be in accordance with an adopted master development plan for the park, facility or trail.
  - HH. Food Services and Drinking Places (722)
  - II. Repair and Maintenance (811)
  - JJ. Personal Care Services (8121) – Examples include Barber Shops and Beauty Salons
  - KK. Drycleaning and Laundry Services (8123) EXCEPT Industrial Launderers (812332)
  - LL. Other Personal Services (8129) BUT EXCLUDING Parking Lots and Garages (81293)

MM. Grantmaking, Civic, Professional, and Similar Organizations (813) BUT EXCLUDING Religious Organizations (8131)

**10-4D-4: USES PERMITTED SUBJECT TO SPECIAL STANDARDS**

The following uses and their accessory uses are permitted in the GC Zone subject to the special standards listed for the use thereunder, the property development standards of the GC Zone, and the site plan design review requirements and procedures under Subsections 10-4D-7, 10-4D-8 and 10-4D-9, unless otherwise specified for the use.

- A. Creation of a new City, County or State road, or realignment of an existing City, County or State road or any portion thereof and which does not involve a land partition, subject to the following:
  - 1. The road or realignment complies with applicable street standards, as specified in the Comprehensive Plan or other implementing ordinances and the City's Public Works standards, for the existing or intended street classification.
  - 2. Review for compliance with the requirements under subsection 10-4A-4(C)(1) above, shall be subject to the procedures and requirements for a Type III decision.
  - 3. The use is subject to inspections, as determined by the City Public Works Director, to certify that all improvements have been constructed to City standards.
- B. Department Stores (45211) and Other General Merchandise Stores (45299)
  - 1. The use is limited to a maximum of 40,000 square feet.
- C. Couriers and Express Delivery Services (4921), subject to the following standards:
  - 1. Delivery vehicles will not exceed more than 20,000 pounds GVW.
  - 2. The use will not operate more than twenty delivery vehicles.
  - 3. All loading and unloading of delivery items will occur on-site.
- D. Local Messengers and Local Delivery (4922), subject to the following standards:
  - 1. Delivery vehicles will not exceed 8,000 pounds GVW.
  - 2. Delivery vehicles are clearly marked with the name of the company, business address and telephone number that allow for easy identification.
- E. Local Utility Distribution Facilities (see Definitions), subject to the following:

1. A permit for the proposed distribution line or facility has been obtained from the Public Works Director in accordance with the requirements of Title 7 of the Municipal Code, prior to construction.

#### **10-4D-5: CONDITIONAL USES PERMITTED**

The following conditional uses are permitted in the GC Zone subject to compliance with the property development standards of the GC Zone, the decision criteria and any additional applicable standards in Chapter 12 specific to the use, and the site plan design review requirements and procedures under Subsections 10-4D-7, 10-4D-8 and 10-4D-9.

The applicant bears the burden of proof for demonstrating, based on factual information and arguments, how the proposed use complies with all standards and decision criteria upon which the Planning Commission must base its decision.

- A. Residential use on the second floor or above, provided the ground floor is occupied by or readily available for commercial use
- B. Motor Vehicle and Motor Vehicle Parts & Supplies Merchant Wholesalers (4231)
- C. Household Appliance and Electrical and Electric Goods Merchant Wholesalers (4236)
- D. Hardware, and Plumbing and Heating Equipment & Supplies Merchant Wholesalers (4237)
- E. Machinery, Equipment & Supplies Merchant Wholesalers (4238)
- F. Miscellaneous Durable Goods Merchant Wholesalers (4239)
- G. Paper and Paper Products Merchant Wholesalers (4241)
- H. Drugs and Druggists' Sundries Merchant Wholesalers (4242)
- I. Apparel, Piece Goods, and Notions Merchant Wholesalers (4243)
- J. Grocery and Related Product Merchant Wholesalers (4244)
- K. Beer, Wine, & Distilled Alcoholic Beverage Merchant Wholesalers (42483)
- L. Miscellaneous Nondurable Goods Merchant Wholesalers (4249)
- M. Wholesale Electronic Markets and Agents and Brokers (4251)
- N. Adult Entertainment Business or Use (see Definitions), subject to the following:
  1. The use will not be located within 1,000 feet of a private or public elementary, middle or high school.

2. The use will not be located within 600 feet of a similar adult entertainment business or use.
3. The distance referred to in items 1 and 2 above shall be measured in a straight line, without regard to intervening structures or obstructions, from the closest point of the property containing the adult entertainment business or use to the closest point of the protected property.

O. Gasoline Stations (4471)

P. General Freight Trucking, Local (48411)

Q. Postal Service (4911)

R. Warehousing and Storage (4931), subject to the following standard:

1. The maximum site area is limited to 90,000 square feet.

S. Commercial and Industrial Machinery & Equipment Rental and Leasing (5324), subject to the following standard:

1. The maximum site area is limited to 60,000 square feet.

T. Veterinary Services (54194)

U. Other Support Services, Administrative (5619)

V. Outpatient Care Centers (6214)

W. Ambulance Services (62191)

X. Hospitals (622)

Y. Nursing and Residential Care Facilities (623)

Z. Community Food, Housing, Emergency and Other Relief Services (6242)

AA. Child Day Care Services (6244)

BB. Museums, Historical Sites, and Similar Institutions (7121)

CC. Amusement Arcades (7131)

DD. Gambling Industries (7132)

- EE. Other Amusement and Recreation Industries (71399)
- FF. Public Recreational Park, Facility or Trail not identified in the Comprehensive Plan and included within a master development plan
- GG. Traveler Accommodations (7211) BUT EXCLUDING Other Traveler Accommodations (72119)
- HH. RV Parks and Recreational Camps (7212)
- II. Death Care Services (8122) BUT EXCLUDING Cemeteries (81222)
- JJ. Parking Lots and Garages (81293)
- KK. Religious Organizations (8131)
- LL. Public Administration and Government Facilities & Support Services (92)
- MM. Multi-tenant commercial/office building (see Definitions)
- NN. Major utility facilities (see Definitions)

**10-4D-6: TEMPORARY USES PERMITTED** *(reserved for expansion)*

**10-4D-7: PROPERTY DEVELOPMENT STANDARDS**

The following property development standards apply to all new developments in the GC Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

**A. BASIC SITE DEVELOPMENT STANDARDS**

**1. Minimum Lot Size and Lot Width; Building Setbacks; Maximum Building Height and Site Coverage**

Minimum lot or parcel size	5,000 square feet
Minimum lot width	50 feet

Minimum yard setbacks	
Front yard	10 feet
Side yard	0 feet or 20 feet if adjacent to a residential district
Street side yard	10 feet
Rear yard	0 feet or 20 feet if adjacent to a residential district
Parking space	10 feet wide; see Chapter 9 for parking standards
Maximum building height	35 feet; Maximum building height may be adjusted through the site review process if approved by the Umatilla Rural Fire Protection District.
Maximum site coverage (building and impervious surface)	90 percent

**B. SITE DEVELOPMENT IMPACT STANDARDS**

**1. Traffic Impact Analysis**

A Traffic Impact Analysis meeting the requirements under Section 10-11-10(C) shall be required to be submitted to the City with a land use application, when the Community Development Director determines that the application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
- b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
  - i) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
  - ii) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
  - iii) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or

- iv) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
- v) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

2. Floodplain, Wetland and Riparian Areas – See Section 10-7; also Title 12

The requirements under Section 10-7 and Title 12 are triggered when development is proposed within a designated floodplain or riparian area as identified by the official Flood Insurance Rate Map (FIRM) prepared by the U.S. Federal Emergency Management Agency (FEMA); or when property contains wetland areas as identified on the National Wetlands Inventory (NWI) map prepared by the U.S. Fish and Wildlife Service (USFWS).

3. Stormwater Surface Drainage

- a. Surface water run-off shall be handled on-site through the use of landscaped areas, grassy swales or similar natural features to the extent reasonably feasible. Where surface water runoff cannot be entirely managed on-site, adequate provisions shall be made so that run-off will not adversely affect the use of adjoining or downstream properties, unless a drainage easement has been obtained.
- b. Where it is anticipated by the City Public Works Director that the additional runoff resulting from a proposed development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- c. In order to accommodate upstream drainage, culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Public Works Director.

4. Vehicle Access, Driveway and Circulation Standards

a. New Vehicle Access Connections

New access connections shall not be permitted within the *functional area* (see Definitions) of an intersection or interchange as defined by the connection spacing standards of this Title, the Comprehensive Plan and public works standards, unless no other reasonable access to the property is available – see also Section 10-11-4(C) regarding vision clearance areas.

b. Access Connections

Where no other alternative exists, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases,

directional connections (i.e., right in/out, right-in only, or right-out only) may be required.

c. Cross Access Drives, Pedestrian Access

Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

d. Separation Distance

The City may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- 1) Joint access driveways and cross access easements are provided.
- 2) The site plan incorporates a unified access and circulation system.
- 3) The property owner enters into a written agreement with the City, recorded with the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of a joint use driveway.
- 4) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Phased Developments

Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

f. Corner Lots

Corner lots shall be required to locate motor vehicle accesses on the street with the lower functional classification when feasible provided such access will not be located within the functional area of the intersection. This requirement may be waived or modified when a commercial use would be required to take access from a street in a residential neighborhood.

g. Nonconforming Access Features

Legal access connections in place when this Title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits area requested or when there is a change in use or enlargement or improvement that will

increased trip generation.

#### 5. Driveway Standards

- a. If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty-five feet (35') for both lanes.
- c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

#### 6. Utilities

All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in accordance with city standards.

#### 7. Easements

An applicant should discuss with the City Planning Official the likelihood that any easement will be required prior to making application. When an easement is required based on findings that justify the easement, the following standards shall apply:

##### a. Pedestrian Easements

In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

##### b. Open Space Easements

An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

##### c. General Public Easements

When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right-of-way, an

unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width. (Ord. 688, 6-15-1999)

### C. SPECIAL SITE AND BUILDING DESIGN STANDARDS

#### 1. Building Orientation and Architectural Features

- a. The primary building and entry shall be oriented toward the fronting street.

Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary fronting street or the corner.

- b. The primary building shall incorporate ground floor windows along the fronting street facades, with at least twenty percent (20%) of the fronting wall consisting of display areas, windows or doorways.
- c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or decorative elements.
- d. A drive-through window or use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.

#### 2. Off-street Parking, Loading and Unloading – See Section 10-9 for specific design standards for parking spaces and parking areas

- a. Off-street parking shall not be located within five feet of a property line separating the subject property from a public street.
- b. Existing or proposed off-street parking areas between the front or side of a building and the public right-of-way shall be separated from the right-of-way with a minimum three-foot wide landscape strip (see landscape requirements).
- c. Parking bumpers shall be set at least six feet from the right-of-way for parking spaces established perpendicular to the right-of-way. Parking bumpers shall be securely fastened to the ground.
- d. A designated area (or areas) for loading and/or unloading of materials or freight shall be provided to ensure all such activities occur entirely on-site.
- e. Parking or loading areas which abut a residential zone along a rear or side property line shall be separated from the property line by a five-foot wide landscaped area and a six-foot high fence or wall to buffer the residential property.

### 3. Bicycle and Pedestrian Facilities and Easements

- a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or if findings justify the need to address anticipated impacts from the proposed development.
- b. Developments shall provide an on-site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

### 4. Landscaping, Lighting and Outdoor Storage

- a. At least ten percent (10%) of the site shall be landscaped. A minimum 3-foot wide landscape strip along street frontages and building fronts must be included in the landscape plan to accommodate surface water runoff from the site and to enhance the street appearance of the development.
- b. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.
- c. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.
- d. Parking areas shall be landscaped as prescribed in Section 10-9-2(D).
- e. Lighting may be required on the site, such as between parking areas and buildings or along walkways, based on findings that justify the need to protect the public health, safety or welfare. All on-site lighting shall be shielded to prevent off-site glare or nuisance to traffic or neighboring properties.
- f. Outdoor storage and garbage collection areas shall be entirely screened with a six-foot (6') high sight-obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.
- g. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.

5. Vision Clearance Area and Fences – See Section 10-11-4
6. Signs – See Title 8 Chapter 2 of the Umatilla Municipal Code

**10-4D-8: GENERAL COMMERCIAL GATEWAY SUB-DISTRICT:**

The purpose of the General Commercial Gateway Sub-District is to implement provisions of the Interchange Area Management Plan (IAMP) including the realignment of Brownell Boulevard and the future redevelopment of the Port of Entry site following its planned eventual relocation through the use of measures intended to limit high-volume traffic generating uses, carefully manage accesses, and to improve the aesthetic “gateway” nature of the area through attractive landscaping, lighting and other visual enhancement measures.

**A. Applicability:**

The provisions of this section shall be applicable only to development on the port of entry site (5N28E17AD tax lot 100; 5N28E17AA tax lot 701; 5N28E16BB tax lots 8700, 8600, 8200, 8000, 7800; 5N28E16BC tax lot 100).

The provisions and requirements of the General Commercial Zone shall be applicable to this site, except as modified in this subsection.

**B. Development Approval**

Development proposals within the General Commercial Gateway Sub-District must reflect and implement the realignment of Brownell Boulevard as planned for in the I-82/U.S. 730 interchange area management plan (IAMP). Narratives, plans and drawings submitted pursuant to subsection 10-4D-9 for development proposals within the Gateway Sub-District must collectively address the location, timing and financing of the realignment of Brownell Boulevard through the site, consistent with the IAMP.

**C. Conditional Uses Permitted:**

In the Gateway Sub-District, the following uses and their accessory uses may be permitted subject to the provisions of Chapter 12 of this title.

1. Drive-through uses.

**D. Uses Prohibited:**

The following uses are prohibited in the General Commercial Gateway Sub-District:

1. Automobile service station.
2. Commercial uses that are not conducted wholly within an enclosed building, including uses that require outdoor storage or display of products such as lumberyards and plant nurseries. Outdoor seating that is secondary to an eating establishment use is an exception and shall be permitted.
3. Junkyard (scrap yard, recycling station).

4. Manufactured home sales.
5. Modular home sales.
6. Motor vehicle sales lots, including recreational vehicle sales.
7. Self-service storage.
8. Tire store.
9. Truck stop.
10. Vehicle repair.
11. Adult Entertainment Business or Use (see Definitions).
12. Any use related to the production, processing or retail sale of marijuana for recreational or medical use, including medical marijuana dispensaries.

E. Development Standards:

1. Setbacks:

Maximum front and side yard setback; -- Ten feet (10').

Minimum setback; -- Zero feet (0').

Build-to line: -- Zero feet (0'); at least one primary building entrance shall be built no farther from the street right-of-way than the build-to line; except where a greater setback is required for a planned street improvement, then the build-to line increases proportionately. The build-to line may be increased through site review when pedestrian amenities are provided between a primary building entrance and the street right-of-way.

2. Building Orientation:

Buildings shall have at least one primary entrance oriented toward the street. New buildings located adjacent to the realigned Brownell Boulevard shall be designed with building fronts, which include display windows, facing the street.

3. Maximum building height: -- Thirty-five feet (35').

- a. Maximum building height may be adjusted through the site review process if approved by the Umatilla rural fire protection district.

4. Parking:

Parking shall not be located between the building and a public street.

5. Landscaping:

a. Landscaping Requirements:

A minimum of ten percent (10%) of lot area shall be devoted to landscaping. The minimum dimension of any landscaped area shall be five feet (5'). Landscaping shall be located between a structure and the fronting street, or as best provides a pleasant environment for pedestrians. Required landscaping in parking areas may contribute to

the ten percent (10%) requirement.

b. Parking Areas:

A minimum of ten percent (10%) of the total surface area of all parking areas, as measured around the perimeter of all parking spaces and maneuvering areas, shall be landscaped. Such landscaping shall consist of “evenly distributed” shade trees and shrubs and/or ground cover plants. “Evenly distributed” means that the trees and other plants are distributed around the parking lot perimeter and between parking bays to provide a partial canopy. At a minimum, one tree per six (6) parking spaces on average shall be planted to create a partial tree canopy over and around the parking area. All parking areas with more than twenty (20) spaces shall include landscape islands with trees to break up the parking area into rows of not more than twelve (12) contiguous parking spaces. All parking area landscapes shall have dimensions of not less than twenty-four (24) square feet of area, or not less than four feet (4’) in width by six feet (6’) in length, to ensure adequate soil, water, and space for healthy plant growth.

c. Vegetative Requirements:

At least seventy-five percent (75%) of the required landscape area must be covered by plant material, lawn, and trees. Pedestrian amenities, such as benches, plazas, fountains, and sculptures, may replace up to ten percent (10%) of the required vegetative area.

d. Irrigation:

Maintained landscaped areas shall be provided with automatic irrigation unless a qualified landscape professional certifies that plants will survive without irrigation.

6. Lighting:

- a. Parking areas shall have lighting to provide at least two (2) foot-candles of illumination over parking spaces and walkways. Light standards shall be directed downward only and shielded to prevent lighting spillover into any adjacent residential district or use.
- b. Pedestrian oriented lighting shall be required on the Brownell Boulevard realignment. Lighting shall be similar in scale and design to example shown in Figure 10-1 of this section.
- c. Lighting fixtures shall be limited to heights of twenty-four feet (24’) for parking lots and sixteen feet (16’) for pedestrian walkways.

FIGURE 10-1  
PEDESTRIAN ORIENTED LIGHTING EXAMPLES



Source: SERA Architects, Inc. (Ord. 766, 12-6-2011)

#### **10-4D-9: SITE PLAN DESIGN REVIEW REQUIREMENTS AND PROCEDURES**

All uses permitted in the GC Zone are subject to site plan design review. The purpose of site plan design review is to provide a process to review proposals to verify that compliance with the property development standards under Section 10-4D-7 and 10-4D-8 of the GC Zone will be met, along with any other applicable provisions of this Code, or the Comprehensive Plan.

- A. In the GC Zone, site plan design review for a use permitted outright or for a use permitted subject to standards shall follow the public notice and review procedures in Sections 10-14-2(B) and 10-14-6(B) for a Type II decision, and the notice of decision requirements under Section 10-14-8.
- B. Site plan design review shall be incorporated into the Type III review process required for all conditional uses permitted in the GC Zone. A Type III decision includes the procedures under Sections 10-14-6(C), 10-14-7 and 10-14-8.
- C. Application requirements

An application for site plan design review only, or in conjunction with a conditional use request, shall include the information and materials listed under Section 10-14-4.

## ARTICLE E

### MCNARY CENTER MIXED USE (MC) ZONE

#### 10-4E-1: PURPOSE AND INTENT

The purpose of the McNary Center Mixed Use (MC) Zone is to allow for a mix of residential, and small- to medium-scale commercial retail, service and professional developments intended to provide convenient shopping, access to needed services, professional office space, and recreational opportunities within reasonable walking distance from all neighborhoods in McNary and which are at a scale appropriate for the McNary area.

#### 10-4E-2: INTERPRETATION OF USES

- A. Types of Uses. Within the MC Zone, uses are classified as “permitted,” “permitted with standards,” and “conditional.” Further, uses are functionally classified by the description of the particular activity (such as “single-family residence”) or by the general category with reference to the “North American Industry Classification System” (NAICS). Permitted and conditional uses shall be of a size and scale to meet the purpose and intent of the MC Zone.
- B. North American Industry Classification System (NAICS). Uses functionally classified with reference to the NAICS are described with the NAICS index number. Some activities, otherwise included under the NAICS category, may be specifically excluded by this Ordinance. The excluded activity will be placed in the general NAICS category, but identified by the preceding words – “BUT (or AND) EXCLUDING.” For example, “Food store (54), BUT EXCLUDING freezer and locker meat provisioners.”
- C. Interpretation of Uses. Where a use is not described with reference to the NAICS or otherwise defined in Section 10-1-6, the words of this zoning ordinance describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires.
- D. Prohibited Uses. Uses not specifically identified as permitted, permitted with standards, or conditionally permitted within the zone, or otherwise allowed through interpretation, shall be considered prohibited uses. A use specifically permitted in one zone, but not another, shall not be interpreted as being permitted in another zone under a different classification.

#### 10-4E-3: USES PERMITTED OUTRIGHT

The following uses and their accessory uses are permitted outright in the MC Zone subject to the property development standards of the MC Zone, and the site plan design review requirements and procedures under Subsections 10-4E-7 and 10-4E-8.

- A. Specialty Food Stores (4452)

- B. Pharmacies and Drug Stores (44611)
- C. Cosmetics, Beauty Supplies, and Perfume Stores (44612)
- D. Optical Goods (44613)
- E. Food (Health) Supplement and Other Health & Personal Care Stores (44619)
- F. Book Stores & News Dealers (4512)
- G. Florists (4531)
- H. Motion Picture Theaters (512131)
- I. Sound Recording Industries (5122)
- J. Radio and Television Broadcasting (5151)
- K. Data Processing, Hosting and Related Services (5182)
- L. Legal Services (5411)
- M. Specialized Design Services (5414)
- N. Computer Systems Design and Related Services (5415)
- O. Accounting, Tax Preparation, Bookkeeping & Payroll Services (5412)
- P. Architecture, Engineering and Related Services (5413) WITHOUT Testing Lab
- Q. Photographic Services (54192)
- R. Translation and Interpretation Services (54193)
- S. Office Administrative Services (5611)
- T. Investigation & Security Services (5616)
- U. Language Schools (61163)
- V. Educational Support Services (6117)
- W. Offices of Physicians, Dentists and Other Health Practitioners (6211, 6212 and 6213)

X. Restaurants and Other Eating Places<sup>1</sup> (7225) BUT EXCLUDING Mobile Food Services (72233)

Y. Public Recreational Park, Facility or Trail, provided:

1. The site is inventoried in the Comprehensive Plan for park, trail or other recreational purposes.
2. Development of the park, facility or trail will be in accordance with an adopted master development plan for the park, facility or trail.

Z. Personal Care Services (8121) – Examples include Barber Shops and Beauty Salons

AA. Drycleaning and Laundry Services (81232) EXCEPT Coin-operated

BB. Pet Care (except Veterinary) Services (81291)

CC. Photofinishing (81292)

DD. Civic and Social Organizations (8134)

#### **10-4E-4: USES PERMITTED SUBJECT TO STANDARDS**

The following uses and their accessory uses are permitted in the MC Zone subject to the standards listed thereunder, the property development standards of the MC Zone, and the site plan design review requirements and procedures under Subsections 10-4E-7 and 10-4E-8, unless otherwise specified for the use.

A. Residential Use, subject to the following:

1. The use will be situated on the second story or above within a building in which the ground floor is occupied by or readily available for commercial use.
2. Off-street parking requirements meeting city standards are provided for the use separate from those required for ground floor commercial uses.
3. The residential use will comply with applicable building, fire and other safety codes as mandated by local, state or federal laws.

B. Creation of a new City, County or State road, or realignment of an existing City, County or State road or any portion thereof and which does not involve a land partition, subject to the

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<sup>1</sup> Limited to uses where meals are the primary service provided and which may include beer, wine or other alcoholic beverages that are incidental to meals. May include a portion of the premises that is age-restricted due to serving alcoholic beverages provided the area is not enclosed from view of the remainder of the premises.

following:

1. The road or realignment complies with applicable street standards, as specified in the Comprehensive Plan or other implementing ordinances and the City's Public Works standards, for the existing or intended street classification.
2. Review for compliance with the requirements under subsection 10-4A-4(F)(1) above, shall be subject to the procedures and requirements for a Type III decision.
3. The use is subject to inspections, as determined by the City Public Works Director, to certify that all improvements have been constructed to City standards.

C. Consumer Goods Rental (5322), subject to the following standards:

1. The use is limited to a maximum of 5,000 square feet.
2. There will be no outside storage or display of goods or materials.

D. Sports and Recreation Instruction (61162), subject to the following standards:

1. The use is limited to a maximum of 10,000 square feet.

E. Alcoholic Beverage Drinking Places<sup>2</sup> (7224) - Examples include pub, tavern, sports bar or nightclub, subject to the following standards:

1. The use will not be located within 750 feet of a school, public library or designated city park.
2. The use will not be located within 100 feet of the right-of-way of Columbia Boulevard westward from its intersection with Willamette Avenue.

F. Electronic and Precision Equipment Repair and Maintenance (8112), subject to the following standards:

1. The use is limited to a maximum of 5,000 square feet.
2. At least fifteen percent (15%) of the building area is used for office use and customer service.
3. There will be no outside storage of materials

G. Personal & Household Goods Repair & Maintenance (8114), subject to the following standards:

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<sup>2</sup> Includes any use where the serving of alcoholic beverages is the primary service and access to all, or to any portion of the premises that is separate and enclosed from view of the remainder of the premises, is age-restricted by law due to serving alcoholic beverages. The use may include the serving of meals incidentally to the primary use.

1. The use is limited to a maximum of 5,000 square feet.
2. At least fifteen percent (15%) of the building area is used for office use and customer service.
3. There will be no outside storage of materials

H. Warehousing and Storage (4931), subject to the following standards:

1. The maximum site area for the use is limited to 40,000 square feet.
2. Outside storage is limited to recreational vehicles and boats.

I. Local Utility Distribution Facilities (see Definitions), subject to the following:

1. A permit for the proposed distribution line or facility has been obtained from the Public Works Director in accordance with the requirements of Title 7 of the Municipal Code, prior to construction.

**10-4E-5: CONDITIONAL USES PERMITTED**

The following conditional uses may be permitted in the MC Zone subject to the property development standards of the MC Zone, the decision criteria and any additional applicable standards in Chapter 12 specific to the use, and the site plan design review requirements and procedures under Subsections 10-4E-7 and 10-4E-8.

The applicant bears the burden of proof for demonstrating, based on factual information and arguments, how the proposed use complies with all standards and decision criteria upon which the Planning Commission must base its decision.

- A. Multi-family dwellings
- B. Drive-through for any use
- C. Convenience Stores (44512)
- D. Beer, Wine and Liquor Stores (4453)
- E. Gasoline Stations (4471)
- F. Used Merchandise Stores (4533)
- G. Taxi and Limousine Service (4853)
- H. Postal Service (4911)

- I. Local Messengers and Local Delivery (4922)
- J. Commercial Banks, Savings Institutions, Credit Unions and Other Depository Credit Intermediation (5221)
- K. Insurance Carriers and Related Activities (524)
- L. Offices of Real Estate Agents and Brokers (5312) and Activities Related to Real Estate (5313)
- M. Business Schools and Computer and Management Training (6114)
- N. Outpatient Care Centers (6214)
- O. Home Health Care Services (6216)
- P. Ambulance Services (62191)
- Q. Other Ambulatory Health Care Services (62199)
- R. Nursing Care Facilities – Skilled (6231)
- S. Continuing Care Retirement Communities and Assisted Living Facilities for the Elderly (6233)
- T. Individual and Family Services (6241)
- U. Community Food, Housing, Emergency and Other Related Services (6242)
- V. Child Day Care Services (6244)
- W. Performing Arts Companies (7111)
- X. Arcades (7131)
- Y. Fitness & Recreation Sports Centers (71394) and Bowling Centers (71395)
- Z. Other Amusement and Recreation Industries (71399)
- AA. Public Recreational Park, Facility or Trail Not Identified in Comprehensive Plan and Included in a Master Development Plan
- BB. Hotels (72111)
- CC. Coin-operated Laundries and Drycleaners (81231)
- DD. Religious Organizations (8131)

EE. Public Administration and Government Facilities and Support Services (92)

FF. Multi-tenant commercial/office building (see Definitions)

GG. Major utility facilities (see Definitions)

**10-4E-6: TEMPORARY USES PERMITTED** (*reserved for expansion*)

**10-4E-7: PROPERTY DEVELOPMENT STANDARDS**

The following property development standards apply to all new developments in the MC Zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

**A. BASIC SITE DEVELOPMENT STANDARDS**

**1. Minimum Lot Size and Lot Width; Building Setbacks; Maximum Building Height and Site Coverage**

Minimum lot or parcel size	
Commercial uses	4,000 square feet
Minimum lot width	50 feet
Residential uses	None; density shall comply with R-3 district requirements
Minimum yard setbacks	
Front and rear yards	10 feet
Side yard	0 feet or 10 feet if adjacent to a residential district
Street side yard	10 feet
Parking space	10 feet wide; see Chapter 9 for parking standards
Maximum building height	35 feet
Maximum site coverage (building and impervious surface)	95 percent

## B. SITE DEVELOPMENT IMPACT STANDARDS

### 1. Traffic Impact Analysis

A Traffic Impact Analysis meeting the requirements under Section 10-11-10(C) shall be required to be submitted to the City with a land use application, when the Community Development Director determines that the application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
- b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute of Transportation Engineers Trip Generation manual; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
  - i) An increase in site traffic volume generation by 250 Average Daily Trips (ADT) or more (or as required by the City Engineer). The latest edition of the Trip Generation manual, published by the Institute of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
  - ii) An increase in use of adjacent streets by vehicles exceeding the 20,000 pound gross vehicle weights by 10 vehicles or more per day; or
  - iii) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
  - iv) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
  - v) A change in internal traffic patterns that may cause safety problems, such as back up onto the highway or traffic crashes in the approach area.

### 2. Floodplain, Wetland and Riparian Areas – See Section 10-7; also Title 12

The requirements under Section 10-7 and Title 12 are triggered when development is proposed within a designated floodplain or riparian area as identified by the official Flood Insurance Rate Map (FIRM) prepared by the U.S. Federal Emergency Management Agency (FEMA); or when property contains wetland areas as identified on the National Wetlands Inventory (NWI) map prepared by the U.S. Fish and Wildlife Service (USFWS).

### 3. Stormwater Surface Drainage

- a. Surface water run-off shall be handled on-site through the use of landscaped areas, grassy swales or similar natural features to the extent reasonably feasible. Where

surface water runoff cannot be entirely managed on-site, adequate provisions shall be made so that run-off will not adversely affect the use of adjoining or downstream properties, unless a drainage easement has been obtained.

- b. Where it is anticipated by the City Public Works Director that the additional runoff resulting from a proposed development will overload an existing drainage facility, the City shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with City standards.
- c. In order to accommodate upstream drainage, culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the City Public Works Director.

#### 4. Vehicle Access, Driveway and Circulation Standards

##### a. New Vehicle Access Connections

New access connections shall not be permitted within the *functional area* (see definitions) of an intersection as defined by the connection spacing standards of this Title, the Comprehensive Plan and public works standards, unless no other reasonable access to the property is available – see also Section 10-11-4(C) regarding vision clearance areas.

##### b. Access Connections

Where no other alternative exists, the City may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right-in only, or right-out only) may be required.

##### c. Cross Access Drives, Pedestrian Access

Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

##### d. Separation Distance

The City may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- 1) Joint access driveways and cross access easements are provided.
- 2) The site plan incorporates a unified access and circulation system.
- 3) The property owner enters into a written agreement with the City, recorded with

the deed, that pre-existing connections on the site will be closed and eliminated after construction of each side of a joint use driveway.

- 4) The City may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Phased Developments

Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

f. Nonconforming Access Features

Legal access connections in place when this Title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits area requested or when there is a change in use or enlargement or improvement that will increase trip generation.

5. Driveway Standards

- a. If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty-five feet (35') for both lanes.
- c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on-site circulation.

6. Utilities

All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in accordance with city standards.

## 7. Easements

An applicant should discuss with the City Planning Official the likelihood that any easement will be required prior to making application. When an easement is required based on findings that justify the easement, the following standards shall apply:

### a. Pedestrian Easements

In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

### b. Open Space Easements

An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

### c. General Public Easements

When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right-of-way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width. (Ord. 688, 6-15-1999)

## C. SPECIAL SITE AND BUILDING DESIGN STANDARDS

### 1. Building Orientation and Architectural Features

- a. The primary building and entry shall be oriented toward the fronting street. Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary fronting street or the corner.
- b. The primary building shall incorporate ground floor windows along the fronting street facade, with at least twenty percent (20%) of the fronting wall consisting of display areas, windows or doorways.
- c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or decorative elements.
- d. A drive through window or use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.

2. Off-street Parking, Loading and Unloading – See Section 10-9 for specific design standards for parking spaces and parking areas
  - a. Off-street parking shall not be located within five feet of a property line separating the subject property from a public street.
  - b. Existing or proposed off-street parking areas between the front or side of a building and the public right-of-way shall be separated from the right-of-way with a three foot wide landscape strip (see landscape requirements).
  - c. Parking bumpers shall be set at least six feet from the property/right-of-way line for parking spaces established perpendicular to the right-of-way. Parking bumpers shall be securely fastened to the pavement or ground.
  - d. A designated area (or areas) for loading and/or unloading of materials or freight shall be provided to ensure all such activities occur entirely on-site.
  - e. Parking or loading areas which abut a residential zone along a rear or side property line shall be separated from the property line by a six foot (6') wide landscaped area and a fence or wall six feet (6') in height to buffer the residential property.
3. Bicycle and Pedestrian Facilities and Easements
  - a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or if findings justify the need to address anticipated impacts from the proposed development.
  - b. Developments shall provide an on-site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.
4. Landscaping, Lighting and Outdoor Storage
  - a. At least five percent (5%) of the site shall be landscaped. A minimum 30-inch wide landscape strip along street frontages and building fronts must be included in the landscape plan to accommodate surface water runoff from the site and to enhance the street appearance of the development.

- b. Pedestrian amenities, such as benches, plazas, fountains, and sculptures that are high quality and provided for public use or enjoyment, may replace up to one-third ( $\frac{1}{3}$ ) of the required landscaping, but shall not replace required landscaping along street frontages or building fronts.
- c. Parking areas shall be landscaped as prescribed in Section 10-9-2(D).
- d. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.
- e. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.
- f. Lighting may be required on the site, such as between parking areas and buildings or along walkways, based on findings that justify the need to protect the public health, safety or welfare. All on-site lighting shall be shielded to prevent off-site glare or nuisance to traffic or neighboring properties.
- g. Outdoor storage and garbage collection areas shall be entirely screened with a six-foot (6') high sight-obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.
- h. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.

5. Vision Clearance Area and Fences – See Section 10-11-4

6. Signs – See Title 8 Chapter 2 of the Umatilla Municipal Code

#### **10-4E-8: SITE PLAN DESIGN REVIEW REQUIREMENTS AND PROCEDURES**

All uses permitted in the MC Zone are subject to site plan design review. The purpose of site plan design review is to provide a process to review proposals to verify that compliance with the property development standards under Section 10-4E-7 of the MC Zone will be met, along with any other applicable provisions of this Code, or the Comprehensive Plan.

- A. In the MC Zone, site plan design review for a use permitted outright or for a use permitted subject to standards shall follow the public notice and review procedures in Sections 10-14-2(B) and 10-14-6(B) for a Type II decision, and the notice of decision requirements under Section 10-14-8.
- B. Site plan design review shall be incorporated into the Type III review process required for all conditional uses permitted in the MC Zone. A Type III decision includes the procedures under

Sections 10-14-6(C), 10-14-7 and 10-14-8.

C. Application requirements

An application for site plan design review only, or in conjunction with a conditional use request, shall include the information and materials listed under Section 10-14-4.

City of Umatilla  
P.O. Box 130  
Umatilla, OR 97882

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Department of Land Conservation & Development  
Attn: Plan Amendment Specialist  
635 Capitol St NE, Suite 150  
Salem, OR 97301-2540