

NOV 05 2014

UMATILLA COUNTY RECORDS

THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

STATE OF OREGON

In the Matter of Co-Adopting )  
 City of Pendleton Ordinance )      ORDINANCE NO. 2014-15  
 No. 3836 Amending )  
 Comprehensive Plan, Plan Map )  
 and Zoning Ordinance )

WHEREAS the City of Pendleton and Umatilla County have previously entered into a Joint Management Agreement applying to lands within the City Urban Growth Area, and pursuant to the agreement, amendments to the City of Pendleton Comprehensive Plan and Implementing Ordinances for application to the Urban Growth Area, are referred to Umatilla County for adoption;

WHEREAS on August 6, 2013, the Pendleton City Council adopted Ordinance No. 3836, to amend the City of Pendleton Comprehensive Plan to include amendments to the Pendleton Comprehensive Plan Map and Exhibit F for amendments to the Pendleton Zoning Ordinance;

WHEREAS, at its October 23, 2014, the Umatilla County Planning Commission reviewed the ordinance and recommended that the Board of Commissioners co-adopt the ordinance;

WHEREAS the Board of Commissions held a public hearing on November 5, 2014, to consider the co-adoption of the ordinance and voted to co-adopt the ordinance.

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the co-adoption by Umatilla County, Oregon, of City of Pendleton Ordinance No. 3836, to amend the City of Pendleton Comprehensive Plan Map as set out in Exhibit A, and to amend the City of Pendleton Zoning Ordinance as set out in Exhibit F, a copy of Ordinance No. 3836 is attached to this document and incorporated by this reference.

DATED this 5th day of November, 2014.

UMATILLA COUNTY BOARD OF COMMISSIONERS

  
 \_\_\_\_\_  
 William J. Elfering, Chair



*George Murdock*

George L. Murdock, Commissioner

*W. Lawrence Givens*

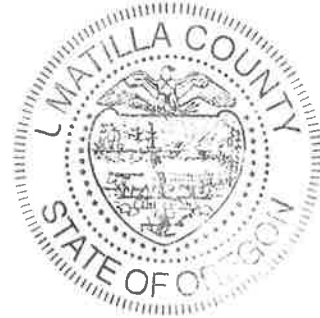
W. Lawrence Givens, Commissioner

ATTEST:

OFFICE OF COUNTY RECORDS

*Jen Churchill*

Records Officer



**ORDINANCE NO. 3836**  
**AN ORDINANCE AMENDING THE CITY OF PENDLETON**  
**COMPREHENSIVE PLAN, PLAN MAP AND ZONING ORDINANCE**

- WHEREAS,** The City of Pendleton continues to be in Periodic Review with work tasks requiring review and update of the Goal 5, 9 and 10 Elements of the Comprehensive Plan to implement community policy objectives; to ensure that the planning process is responsive to changing market conditions; to protect natural and historic resources; to provide for the safety and welfare of citizens and their property; to provide an adequate supply of serviceable land for residential, industrial, commercial uses; to implement an economic development strategy that includes a vital and vibrant mix of uses; and, to carry out the City's Periodic Review Work Program consistent with State law; and
- WHEREAS,** The City pursued and received grant funding for the above-noted Statewide Planning Goal review and updates from the Department of Land Conservation and Development; and
- WHEREAS,** Consistent with the Pendleton Comprehensive Plan and Statewide Planning Goal 1 – Citizen Involvement, the City formed a Citizen Advisory Committee (CAC) that reviewed draft background documents that provide the overall rationale for the proposed Comprehensive Plan and Zoning Ordinance amendment package; and
- WHEREAS,** The City Council determined to adopt the Exhibits A, B, E and F, attached hereto and incorporated herein by this reference, as amendments to the Pendleton Comprehensive Plan and Zoning Ordinance; and
- WHEREAS,** The City provided notice to DLCD (which has reviewed and commented on the Comprehensive Plan and Zoning Ordinance amendment package) and to individual property owners as required by state and local law;
- WHEREAS,** The City provided multiple opportunities for public and agency participation, including public hearings before the Planning Commission (June 30, 2011) and City Council (September 20, 2011) prior to adoption of Ordinance 3814 (2011 Comprehensive Plan and Zoning Ordinance amendments that served as the foundation for much of the 2013 amendment package); two joint Planning Commission / City Council work sessions (May 24, 2012 and May 15, 2013); CAC meetings to review draft technical memoranda that serve as the basis for this plan amendment package (November 8, 2012, November 15, 2012, and November 22, 2012); an open house to review the draft LWI (December 6, 2012); Planning Commission public hearings (May 16 and June 20, 2013); and a City Council public hearing (May 21, 2013); ongoing communications with the Department of Land Conservation and Development, the Department of State Lands, the Umatilla County Planning Department, and the State Historic Preservation Office.
- WHEREAS,** The City Council established the Pendleton Historic Preservation Commission (Ordinance 3834, adopted May 7, 2013) to implement the new Historic Preservation Subdistrict (Exhibit E); and
- WHEREAS,** The Planning Commission recommended approval of the draft Comprehensive Plan and Zoning Ordinance amendment package with revisions on June 20, 2013; and the City Council has reviewed all evidence and testimony submitted at the Planning Commission and City Council public hearings on the matter;

**NOW, THEREFORE, THE CITY OF PENDLETON ORDAINS AS FOLLOWS:**

- A. **Findings:** The Council's decision to adopt the Comprehensive Plan and Zoning Ordinance amendments set forth in Section B this Ordinance is supported by:
1. The Staff Report to the Planning Commission and City Council prepared by Winterbrook Planning (April 29, 2013);
  2. Technical Memoranda 3.1, 3.2, 5.1 and 5.3 (included in Exhibit B); and
  3. Technical Memoranda and Comprehensive Plan text, policy and map amendments adopted in September 2011 (Ordinance #3814).
- B. **Amendments:** The City of Pendleton Comprehensive Plan is hereby amended as set forth in Exhibits A, B, E and F, which are attached hereto and incorporated herein by reference.

1. **Comprehensive Plan Amendments**

**Exhibit A:** Exhibit A includes amendments to the Pendleton Comprehensive Plan Map to show: (1) a new *Central Mixed Use (CMU)* plan designation (replacing a patchwork of Commercial, Industrial and Residential designations in the downtown area); (2) three new *Residential Opportunity Area (ROA)* plan designations (replacing existing Low, Medium and High Density Residential designations in mapped areas); and (3) two new *Mixed Use Opportunity Area (MOA)* plan designations (replacing existing Light Industrial, Commercial and Residential designations in mapped areas).

**Exhibit B:** Exhibit B includes a new *Pendleton Opportunity Areas* element as part of the Pendleton Comprehensive Plan; this element provides the policy basis for amendments to the Zoning Ordinance found in Exhibit F.

Exhibit B also includes four supporting Technical Memoranda that provide the rationale for adopting the *Pendleton Opportunity Areas* element and related Comprehensive Plan Map designations; however, these "tech memos" are not in themselves policy documents:

- *Tech Memo 3.1 Revised Buildable Land Inventory (BLI) and Map*
- *Tech Memo 3.2 Commercial BLI and Map*
- *Tech Memo #5.1: Potential Residential Redesignation Areas and Policy Options*
- *Tech Memo #5.3: Commercial Lands and EOA Review*

2. **Historic Preservation Background Documents**


**Exhibit E:** Exhibit E includes two supporting Technical Memoranda that provide background for adoption of a new Historic Preservation Ordinance (based on the State Historic Preservation Office model ordinance) that will replace the existing Historic Conservation Subdistrict (Zoning Ordinance Article XIV).


- *Tech Memo #11.1: Certified Local Government Process; and*
- *Tech Memo #11.3: Pendleton Historic Resources Inventory.*

3. **Zoning Ordinance Amendments**

**Exhibit F:** Exhibit F includes a new *Article XV: Opportunity Areas (OA) Subdistrict* and replaces *Article XV: Mixed Use Development Regulations Subdistrict*. Exhibit F also includes relatively minor but systematic amendments to *Section 5 – Subdistricts, Article IV Residential Zones, Article V General Provisions for Residential Zones, Article VI Commercial Zones, and Article VIII Industrial Zones* of the Zoning Ordinance. These Zoning Ordinance amendments implement the new **Opportunity Areas** element of the Comprehensive Plan.

PASSED by the City Council and approved by the Mayor the 6<sup>th</sup> day of August, 2013

APPROVED:   
Phillip W. Houk  
Mayor

ATTEST:   
Andrea F. Denton  
City Recorder

APPROVED AS TO FORM:

  
Nancy Kerns  
City Attorney



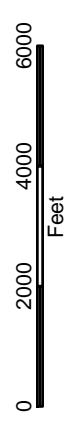
# Comprehensive Land Use Plan Map

## Legend

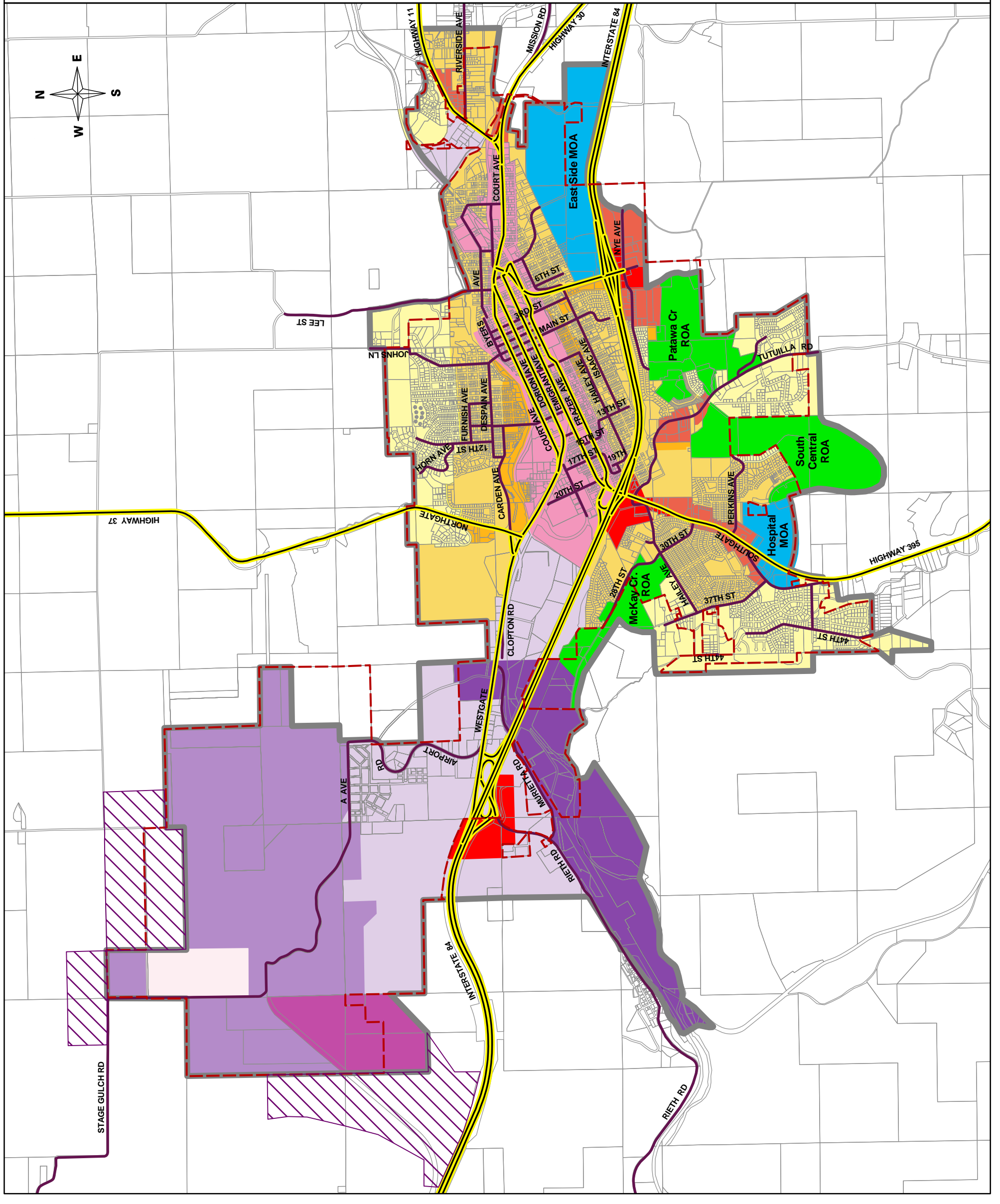
- Urban Growth Boundary
- City Limits
- Major Roads
- Highways
- Parcels

## Comprehensive Plan Designations

- Industrial Reserve
- Central Commercial Mixed Use
- Mixed Use Opportunity Area
- Residential Opportunity Area
- Heavy Industrial
- Light Industrial
- Airport Industrial
- Business Park
- Regional Distribution
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Service Commercial
- Tourist Commercial



MAP DISCLAIMER: No warranty is made by Umatilla County as to the accuracy, reliability or completeness of this data. Parcel data should be used for reference purposes only. Map prepared by Umatilla County Planning Department with original data compiled from various sources. Comprehensive plan data provided by Winterbrook Planning via the City of Pendleton. JKA 9/29/14



# Ordinance 3836 (Exhibit F)

## Opportunity Area & Central Mixed Use Zoning Ordinance Amendments

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**Note to reader:**

Proposed Zoning Ordinance amendments are presented in legislative format. **Bold font indicates proposed new text.** ~~Lined through font indicates text proposed for removal from the existing ordinance.~~ The proposed Zoning Ordinance amendments are intended to implement the proposed Central Mixed Use, Residential Opportunity Area and Mixed Use Opportunity Area Comprehensive Plan designations and policies.

## Section 5. Subdistricts

Subdistricts and their accompanying regulations shall apply in addition to the regulations of the basic zone. If a conflict in regulations or standards occurs between the land use zone and an overlay zoning subdistrict, the provisions of the subdistrict shall take precedence. Subdistricts shall be designated by adding the following suffixes to the symbol of the parent zone:

<u>Subdistrict</u>	<u>Suffix</u>
Airport Hazard	AHZ
Flood Hazard	F-H
Prison/Hospital Industrial	P/HIS
Airport Industrial	AI
Business Park	BP
Regional Distribution Center	RDC
Class A Manufactured Housing	MHA
Class B Manufactured Housing	MHB
Historic Conservation	HC
<del>Mixed Use Development</del>	<del>MXD</del>
<b>Opportunity Area</b>	<b>OA</b>
Planned Unit Development	PUD
<del>Umatilla River</del>	<del>U-R</del>
<b>Riparian Corridor and Wetland</b>	<b>RCW</b>
Limited Use Development	L-U

## ARTICLE IV. RESIDENTIAL ZONES

This Article describes the purpose, land use and locational standards for the Low Density, Medium Density and High Density Residential zones. However, in designated Opportunity Areas, the residential purpose, land use and locational standards found in Sections 13 - 21 of this Article may be modified by a Master Development Plan (MDP) approved by the Planning Commission pursuant to Article XV Opportunity Area Subdistrict.

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

**SECTION 13. DESCRIPTION AND PURPOSE.** To provide for the transition of large, sparsely settled areas from rural or agricultural characteristics to urban one-family residential use and to provide areas where a partial agricultural atmosphere is retained. **Within a designated Opportunity Area, land within the R-1 zone is suitable for the range of urban land uses authorized by a Master Development Plan approved by the City pursuant to Article XV Opportunity Area Subdistrict.**



**SECTION 14. USES PERMITTED OUTRIGHT.** In a Low Density Residential Zone R-1, the following uses and their accessory uses are permitted outright:

- A. City Park;
- B. Condominium;
- B. Dwelling, duplex; or two single family dwellings on a minimum lot size of 6,000 square feet (subject to the provisions of Section 22), provided the distance between principal buildings is a minimum of ten feet;
- C. Dwelling, single family (attached or detached);
- D. Keeping of livestock (except swine), fowl, rabbit and bees primarily for personal, noncommercial use, provided that:
  - (1) in the case of livestock, it shall be kept in an enclosure having a minimum area of 2,500 square feet for each animal kept therein.
  - (2) in the case of rabbits or other like animals or fowl, animals or fowl shall be kept in an enclosure having not less than fifteen (15) square feet for each animal or fowl.
  - (3) in any event no structure, building, corral, or enclosure erected or maintained for purposes of keeping livestock, rabbits or fowl shall be located within one hundred (100') feet of a dwelling, school, church, hospital, public playground or public building;
- E. Manufactured Home, Class A, provided that it is located within a Class A or Class B Manufactured Housing Subdistrict, and Class B, provided that it is located within a Class B Manufactured Housing Subdistrict, both subject to the requirements of Sections 31 and 32 of this Ordinance.
- F. Residential Homes and Residential Facilities;
- G. Townhouse.
- H. **Within a designated Residential or Mixed Use Opportunity Area, conditional uses listed in Section 15 shall be permitted when authorized by an approved Master Development Plan.**
- I. **Within a designated Mixed Use Opportunity Area, other urban uses shall be permitted when authorized by an approved Master Development Plan.**

(Section 14, as amended by Ord No. 3276, passed September 27, 1983; Ord No. 3363, passed March 3, 1987; Ord No. 3440, passed March 20, 1990; Ord No. 3453, passed February 20, 1991; Ord No. 3494, passed December 7, 1993; Ord No. 3592, passed January 19, 1999; and Ord 3835, passed \_\_\_ 2013).

**SECTION 15. CONDITIONAL USES PERMITTED.** In a Low Density Residential (R-1) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. Agricultural Production and Services (SIC Major Groups 01 - 07);
- B. Animal Clinic, Kennel, or Hospital;
- C. Cemetery;
- D. Church;
- E. Day Nursery, Social Services (SIC Major Group 83);

- F. Dwelling, multi-family, provided that (1) Housing development shall not exceed ~~more than~~ nine (9) dwelling units per gross acre; and **(2) City development standards are met.** ~~The primary access shall be via a street that is improved or will be improved to City standards prior to occupancy of any unit, unless otherwise approved by the Planning Commission;~~
- ~~(3) Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use. Any extension or oversizing of sewer/water and/or storm water to serve the development shall be totally at the expense of the developer and consistent with applicable City policies and ordinances;~~
- ~~(4) That a sum be paid (for parks and recreation purposes) in accordance with the Subdivision Ordinance prior to issuance of a building permit;~~
- ~~(5) A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirements of Sections 119-121 of this Ordinance) prior to issuance of a building permit;~~
- ~~(6) An agreement, recorded by the property owner, shall be instituted that will prohibit the parcel of land approved for multi-family use under this Section from being further developed or subdivided for purposes of sale or building development. Lands left undeveloped or in open space shall be maintained by the property owner so as not to conflict with the provisions of Ordinance No. 2422 (Section 16 and other applicable sections);~~
- G. Governmental structure or land use, public and semi-public use; or structures, including, but not limited to: SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- H. Home occupation; as provided in Section 29 of this Ordinance;
- I. Hospital and Health Care Facility, SIC Groups 805 and 806;
- J. Light Industrial Uses (SIC Major Groups 25, 27, 36, 38, and 39, and SIC Groups 205, and 357);
- K. Manufactured Home Park, Manufactured Home Subdivision, Vacation Trailer Parks (Individual Conditional Use permits not required for each unit within approved parks or subdivisions);
- L. Neighborhood Commercial, see Article V, Section 28, for details;
- M. Schools and Colleges (SIC Major Group 82);
- N. Transportation and Communication Facilities (SIC Major Groups 40, 4221, 4225, 45, 46, 4783, 48 and 49).

(Section 15, as amended by Ord No. 3276, passed September 27, 1983; Ord No. 3278, passed November 22, 1983; Ord No. 3363, passed March 3, 1987; Ord No. 3440, passed March 20, 1990; Ord No. 3453, passed February 20, 1991; and Ord No. 3570, passed October 21, 1997; and Ord 3835, passed \_\_\_ 2013.)

## MEDIUM DENSITY RESIDENTIAL ZONE (R-2)

**SECTION 16. DESCRIPTION AND PURPOSE.** To provide for land areas to be used predominately for dwellings of varying types within a moderate density range, together with related uses.

- A. **Within the Central Mixed Use Plan Designation, the R-2 zone also provides opportunities for adaptive re-use of historic structures and for expansion of existing commercial and light industrial uses.**
- B. **Within a designated Opportunity Area, land within the R-2 zone is suitable for the range of urban land uses authorized by a Master Development Plan approved by the City pursuant to Article XV Opportunity Area Subdistrict.**

**SECTION 17. USES PERMITTED OUTRIGHT.** In a Medium Density Residential (R-2) zone, the following uses and their accessory uses are permitted:

- A. City Park;
- ~~B. Condominium;~~
- B. Dwelling, duplex; or two single family dwellings on a minimum lot size of 5,000 square feet (subject to the provisions of Section 22), provided the distance between principal buildings is a minimum of ten feet.
- C. Dwelling, single family (attached or detached);
- D. Manufactured Home, Class A provided that it is located within a Class A or Class B Manufactured Housing Subdistrict, and Class B, provided that it is located within a Class B Manufactured Housing Subdistrict, both subject to the requirements of Sections 31 and 32 of this Ordinance.
- E. Residential Homes and Residential Facilities;
- F. Townhouse;
- G. Manufactured Home Park, Manufactured Home Subdivision, Vacation Trailer Parks.
- H. **Within the Central Mixed Use Plan Designation, adaptive commercial or industrial re-use of an historic structure if approved by the Historic Preservation Commission.**
- I. **Within a designated Residential or Mixed Use Opportunity Area, conditional uses listed in Section 18 shall be permitted when authorized by an approved Master Development Plan.**
- J. **Within a designated Mixed Use Opportunity Area, other urban uses shall be permitted when authorized by an approved Master Development Plan.**

(Section 17, as amended by Ord No. 3363, passed March 3, 1987; Ord No. 3440, passed March 20, 1990; Ord No. 3453, passed February 20, 1991; Ord No. 3494, passed December 7, 1993; Ord No. 3592, passed January 19, 1999; Ord 3814 passed September 20, 2011; and by Ord 3835, passed \_\_\_ 2013).

**SECTION 18. CONDITIONAL USES PERMITTED.** In a Medium Density Residential (R-2) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. Cemetery;
- B. Church;
- C. Day Nursery, Social Services (SIC Major Group 83);
- D. Dwelling, multi-family, **up 18 dwelling units per net buildable acre, subject to City development standards. subject to the condition that:**

- ~~(1) Housing development shall not exceed more than 18 dwelling units per gross acre;~~
- ~~(2) The primary access shall be via a street that is improved or will be improved to City standards prior to occupancy of any unit, unless otherwise approved by the Planning Commission; 2011-09-20 (11)~~ (3) ~~Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use. Any extension or oversizing of sewer/water and/or storm water to serve the development shall be totally at the expense of the developer and consistent with applicable City policies and ordinances;~~
- ~~(4) That a sum be paid (for parks and recreation purposes) in accordance with the Subdivision Ordinance prior to issuance of a building permit;~~
- ~~(5) A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirements Sections 119-121 of this Ordinance) prior to issuance of a building permit;~~
- ~~(6) An agreement, recorded by the property owner, shall be instituted that will prohibit the parcel of land approved for multi-family use under this section from being further developed or subdivided for purposes of sale or building development. Lands left undeveloped or in open space shall be maintained by the property owner so as not to conflict with the provisions of Ordinance No. 2422 (Section 16 and other applicable sections);~~
- E. Governmental Structure or land use, public and semi-public use or structures, including, but not limited to: SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- F. Home Occupation (as provided in Section 29 of this Ordinance);
- G. Health Services (SIC Major Group 80);
- H. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully established commercial or light industrial uses on the same or adjacent property;**
- J. Neighborhood Commercial, see Article V, Section 28, for details;
- K. Schools and Colleges (SIC Major Group 82);
- L. Transportation and Communication Facilities (SIC Major Groups 40, 4225, 45, 46, 48, and 49).

(Section 18, as amended by Ordinance No. 3276, passed September 27, 1983; Ord No. 3278, passed November 22, 1983; Ord No. 3363, passed March 3, 1987; Ord No. 3440, passed March 20, 1990; Ord No. 3453, passed February 20, 1991; Ord No. 3494, passed December 7, 1993; Ord No. 3570, passed October 21, 1997; and Ord No. 3615, passed January 4, 2000; Ord. 3814 passed September 20, 2011; and Ord 3835, passed \_\_\_ 2013.)

## HIGH DENSITY RESIDENTIAL ZONE (R-3)

**SECTION 19. DESCRIPTION AND PURPOSE.** To provide for residential units, at increased densities, offering varying forms of urban living. **Zoning of land for R-3 shall be based on applicable criteria in the Comprehensive Plan.** ~~In judging the suitability of areas for high density development, it should be determined that:~~

- ~~A. The development has good access to arterial streets, shopping facilities, schools and major employment centers in order to provide maximum convenience for residents of the area;~~

~~B. Traffic generated by the high density development will not be required to travel through areas of lesser density on route to principal community facilities;~~  
~~C. The development can be provided with municipal services at a level adequate to meet the demand for concentrated service.~~

- A. Within the Central Mixed Use Plan Designation, the R-3 zone also provides opportunities for adaptive commercial or industrial re-use of historic structures when approved by the Historic Preservation Commission.**
- B. Within designated Opportunity Areas, the R-3 zone is suitable for urban land uses authorized by a Master Development Plan approved by the City pursuant to Article XV Opportunity Area Subdistrict.**

**SECTION 20. USES PERMITTED OUTRIGHT.** In a High Density Residential Zone R-3, the following uses and their accessory uses are permitted outright.

- A. Boarding and lodging house;
- B. City Park;
- ~~C. Condominium;~~
- C. Dwelling, duplex; or two single family dwellings on a minimum lot size of 5,000 square feet (subject to the provisions of Section 22), provided the distance between principal buildings is a minimum of ten feet;
- D. Dwelling, multi-family, provided that: (1) Housing development shall not exceed ~~more than~~ 35 dwelling units per gross acre; and **(2) City development standards are met.**
- ~~(2) Accesses to the site shall be via a collector, arterial, or minor street (as designated in the Comprehensive Plan) that is improved or will be improved to City standards prior to occupancy of any unit, unless otherwise approved by the Planning Commission;~~
- ~~(3) Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use. Any extension or oversizing of sewer/water and/or storm water to serve the development shall be totally at the expense of the developer, and consistent with applicable City policies and ordinances;~~
- ~~(4) That a sum be paid (for parks and recreation purposes) in accordance with the Subdivision Ordinance prior to issuance of a building permit;~~
- ~~(5) A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirements of Sections 119-121 of this Ordinance) prior to issuance of a building permit;~~
- E. Residential Home and Residential Facility;
- F. Townhouse;
- G. Within the Central Mixed Use Plan Designation, adaptive commercial or industrial re-use of historic structures if approved by the Historic Preservation Commission;**
- H. Within a designated Residential or Mixed Use Opportunity Area, conditional uses listed in Section 18 shall be permitted when authorized by an approved Master Development Plan.**

- I. **Within a designated Mixed Use Opportunity Area, other urban uses shall be permitted when authorized by an approved Master Development Plan.**

(Section 20, as amended by Ord No. 3440, passed March 20, 1990; Ord No. 3453, passed February 20, 1991; and Ord No. 3592, passed January 19, 1999; and Ord 3835, passed \_\_\_ 2013.)

**SECTION 21. CONDITIONAL USES PERMITTED.** In a High Density Residential (R-3) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance.

- A. Church; (12) 2011-09-20
- B. Day Nursery, Social Services (SIC Major Group 83);
- C. Governmental Structure or Land Use, public and semi-public use or structures, including, but not limited to SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- D. Home Occupation (as provided in Section 29 of this Ordinance);
- E. Health Services (SIC Major Group 80);
- F. Lodge, private club (SIC Group 864);
- G. Neighborhood Commercial, see Article V, Section 28, for details;
- H. Schools and colleges (SIC Major Group 82);
- I. Transportation and Communication Facilities (SIC Major Groups 40, 4225, 45, 46, 48, and 49).
- J. Business and professional services (SIC Major Groups 73, 81, 87 and 89).
- K. **Within the Central Mixed Use Plan Designation, expansion of existing, lawfully established commercial or light industrial uses on the same or adjacent property.**

## **ARTICLE V. GENERAL PROVISIONS FOR RESIDENTIAL ZONES**

**This Article sets forth development standards that apply within Residential zones. However, in designated Opportunity Areas, the dimensional standards of Sections 22 – 25 may be modified by an approved Master Development Plan (MDP) pursuant to Article XV Opportunity Area Subdistrict.**

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## **ARTICLE VI. COMMERCIAL ZONES**

**This Article describes the purpose, land use and locational standards for Commercial zones. However, in designated Opportunity Areas, the purpose, land use and dimensional standards found in Sections 34 – 42 of this Article may be modified by a Master Development Plan (MDP) approved by the City pursuant to Article XV Opportunity Area Subdistrict.**

## CENTRAL MIXED USE COMMERCIAL ZONE (C-MU)

**SECTION 34. DESCRIPTION AND PURPOSE.** To provide for land areas and uses that preserve and enhance the City's core area and historic structures, within which will occur the greatest concentration of retail, and business, government and residential activity.

**SECTION 35. USES PERMITTED OUTRIGHT.** In the Central Mixed Use Commercial (CMU) zone, the following uses and their accessory uses are permitted outright provided that the gross floor area of the proposed building is less than 25,000 square feet, except as provided in Section 45 of this Ordinance.

- A. Automobile and vehicle dealers, repairs, services, and service stations (SIC Major Groups 55, and 75, except 752), except within the "Central Area Parking District";
- B. Business and Personal Service (SIC Major Groups 472, 72, 73, 76 (except 769), and 89);
- C. Commercial Amusement and Recreation (SIC Major Groups 78 and 79);
- D. Communication Facilities (SIC Major Group 48);
- E. Residential uses subject to City development standards (including Class A and Class B Manufactured Homes), and residential facilities. There is no maximum density, provided that: (1) one parking space per unit is provided within 250 feet of a public building entrance; and (2) for new construction, 10% of the site is reserved for accessible and usable open space, outside the "Central Area Parking District," subject to the condition that:
  - (1) Housing development shall not exceed more than 160 dwelling units per gross acre;
  - (2) Primary access shall be via a collector or arterial street (as designated in the Comprehensive Plan) that is improved or will be improved to City standards prior to occupancy of any unit, unless otherwise approved by the Planning Commission;
  - (3) Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use. Any extension or oversizing of sewer/water and/or storm sewer to serve the development shall be totally at the expense of the developer and consistent with applicable City policies and ordinances;
  - (4) That a sum be paid (for parks and recreation purposes) in accordance with the Subdivision Ordinance prior to issuance of a building permit;
  - (5) A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirements of Sections 119-121 of this Ordinance) prior to issuance of a building permit. One (1) off-street parking space per residential unit shall be required; said spaces being located no more than 250 feet from the building they serve. All private off-street parking locations shall be approved by the Planning Commission;
- F. Residential uses (including Class A and Class B Manufactured Homes) or residential facility within the "Central Area Parking district", but does not occupy space on the ground floor;
- F. Eating and Drinking Establishments, Food Stores (SIC Major Groups 54 and 58);

- G. Financial, Law, Insurance, and Real Estate Offices (SIC Major Groups 60, 61, 62, 63, 64, 65, 67, and 81); 2011-09-20 (19)
- H. General Retail (SIC Major Groups 53, 56, 57, 59 (except 598), and Groups 523 and 525);
- i. Governmental, public or semi-public use or structure--including, but not limited to: (SIC Major Groups 43, 91, 92, 93, 94, 95, 96, and 97);
- j. Health, **Educational and Social Services** (SIC Major Group 80; **82 and 83** except 806);
- K. Hotels, Boarding and Rooming Houses (SIC Major Group 70, except 703);
- L. Membership Organizations (SIC Major Group 86);
- M. Parking Area and garage, public or private (SIC Group 752);
- N. Printing and Publishing (SIC Major Group 27);
- O. Transit Facilities (SIC Major Group 41).
- P. Museums & Art Galleries (SIC Major Group 841, Code 8412)
- Q. Leather work and fabrication of an artisanal nature, including but not limited to:
  - (1) Leather and Sheep Lined Clothing (SIC 2386)
  - (2) Leather and Leather Products (SIC Group 31; not including 311/3111, Leather Tanning and Finishing)
  - (3) Saddles, tack and related products
- R. Brewpubs
- S. Breweries and wineries, with a production volume of less than 50,000 gallons per year, provided a tasting room is open to the public on a regular basis.
- T. Distilleries with a production volume of less than 12,000 gallons per year.
- U. Animal Clinics, Kennels and Hospitals within fully enclosed facilities.**

(Section 35, as amended by Ord No. 3440, passed March 20, 1990, Ord No. 3652, passed September 4, 2001, and Ord No. 3657, passed January 15, 2002; Ord No. 3776, passed September 16, 2008; and Ord No. 3792, passed February 7, 2009; and Ord 3835, passed \_\_\_ 2013.)

**SECTION 36. CONDITIONAL USES PERMITTED.** In the Central **Mixed Use Commercial (CMU)** zone, **any permitted use with a gross floor area of more than 25,000 square feet and** the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. Automobile and vehicle dealers, repairs, services, and service stations (SIC Major Groups 55 and 75, except 752); within the "Central Area Parking District."
- B. Building materials, retail (SIC Major Group 52, except 523 and 525);
- C. City Park;
- D. Contractors (SIC Major Groups 15 and 17);
- E. Dwelling, caretaker or manager only;
- ~~F. Residential uses (including Class A and Class B Manufactured Homes) within the Central Parking District, or residential facility, subject to the condition that:~~
  - ~~(1) Housing development shall not exceed more than one hundred sixty (160) dwelling units per gross acre;~~
  - ~~(2) The use does not occupy space above a permitted ground floor use;~~
  - ~~(3) Primary access shall be via a collector or arterial street (as designated in the Comprehensive Plan) that is improved or will be improved to City standards prior to occupancy of any unit, unless approved by the Planning Commission;~~



~~(4) Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use approved by the Planning Commission (subject to the requirements of Sections 110-121 of this Ordinance) prior to issuance of a building permit. One (1) off-street parking space per residential unit shall be required; said spaces being located no more than 250 feet from the building they serve. All private off-street parking locations shall be approved by the Planning Commission;~~

~~G. Educational Services (SIC Major Group 82);~~

~~F. Hospitals (SIC Major Group 806)~~

~~G. Zoos (SIC 8422) and **Animal clinics, kennels and hospitals utilizing outdoor areas for surgery, holding and/or boarding**~~

~~J. Social Service Organizations (SIC Major Group 83);~~

~~H. Transportation Services (SIC Major Group 40, 42, 4783, 49).~~

~~I. Breweries and wineries, with a production volume of more than 50,000 gallons per year, provided a tasting room is open to the public on a regular basis.~~

~~J. Distilleries with a production volume of more than 12,000 gallons per year.~~

**K. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully established light industrial uses on the same or adjacent property.**

(Section 36, as amended by Ord No. 3440, passed March 20, 1990, Ord No. 3652, passed September 4, 2001, Ord No. 3657, passed January 15, 2002, Ord No. 3704, passed June 15, 2004; Ord No. 3776, passed September 16, 2008; Ord No. 3792, passed February 7, 2009; and Ord 3835, passed \_\_\_ 2013.)

## **SERVICE COMMERCIAL ZONE (C-3)**

**SECTION 40. DESCRIPTION AND PURPOSE.** To provide areas for retail and service uses, and housing opportunities which that are accessible to the entire community.

**SECTION 41. USES PERMITTED OUTRIGHT.** In a Service Commercial (C-3) zone, the following uses and their accessory uses are permitted outright, except as provided in Section 45 of this Ordinance:

A. Auto Repair, Services, and Garages (SIC Major Groups 50 and 75);

B. Business and Personal Services (SIC Major Groups 472, 72, 73, 76 except 769, and 89);

C. Commercial Amusement and Recreation (SIC Major Groups 78 and 79);

D. Contractors (SIC Major Groups 15 and 17);

E. Dwelling, multi-family, or residential facility, subject to **City development standards. The maximum density shall be 80 dwelling units per net buildable acre provided that: (1) One parking space per unit is provided within 250 feet of a public building entrance; and (2) For new construction, 10% of the site is reserved for accessible and usable open space.**  
the condition that:

(1) Housing development shall not exceed eighty (80) dwelling units per gross acre;

~~(2) The use occupies space above a permitted ground floor use;~~

~~(3) The primary access shall be via a collector or arterial street (as designated in the Comprehensive Plan) that is improved or will be improved to City standards prior to occupancy of any unit, unless approved by the Planning Commission;~~

~~(4) Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use. Any extension or oversizing of sewer/water and/or storm sewer to serve the development shall be totally at the expense of the developer and consistent with applicable City policies and ordinances;~~

~~(5) That a sum be paid (for parks and recreation purposes) in accordance with the Subdivision Ordinance prior to issuance of a building permit;~~

~~(6) A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirements of Sections 119-121 of this Ordinance) prior to issuance of a building permit. One (1) off-street parking space per residential unit shall be required; said spaces being located no more than 250 feet from the building they serve. All private off-street parking locations shall be approved by the Planning Commission;~~

- F. Eating Establishment and Food Stores (SIC Major Group 54 and 5812);
- G. Financial, Law, Insurance, and Real Estate Offices (SIC Major Groups 60, 61, 62, 63, 64, 65, 66, 67, and 81);
- H. General Retail (SIC Major Groups 52, 53, 55 except 554, 56, 57, and 59 except 598);
- I. Health Services (SIC Major Group 80 except 806);
- J. Transit Facilities (SIC Major Group 41)
- K. Communication Facilities (SIC Major Group 48);**
- L. Drinking Establishments (SIC code 5813);**
- M. Dwelling, caretaker or manager only;**
- N. Educational Services (SIC Major Group 82);**
- O. Governmental, public or semi-public use or structures--including, but not limited to: SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;**
- P. Hospitals (SIC 806);**
- Q. Hotels, Motels, Mobile Home Parks, other lodging (SIC Group 70);**
- R. Membership Organizations (SIC Major Group 86);**
- S. Museums, Art Galleries, Zoos (SIC Major Group 84);**
- T. Printing and publishing (SIC Major Group 27);**
- U. Railroad Facilities (SIC Major Group 40);**
- V. Service Station (SIC Group 554);**
- W. Social Service Organizations (SIC Major Group 83);**

**X. Transportation Service (SIC Major Groups 47, except 472, and 49);**

(Section 41, as amended by Ord No. 3440, passed March 20, 1990, Ord No. 3657, passed January 15, 2002.; and Ord 3835, passed \_\_\_ 2013.)

**SECTION 42. CONDITIONAL USES PERMITTED.** In the Service Commercial (C-3) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. ~~Communication Facilities (SIC Major Group 48);~~
- B. ~~Drinking Establishments (SIC code 5813);~~
- C. ~~Dwelling, caretaker or manager only;~~
- D. ~~Dwelling, multi-family, or residential facility, subject to the condition that:~~
  - (1) ~~Housing development shall not exceed eighty (80) dwelling units per gross acre;~~
  - (2) ~~The use does not occupy space above a permitted ground floor use;~~
  - (3) ~~The primary access shall be via a collector or arterial street (as designated in the Comprehensive Plan) that is improved or will be improved to City standards prior to occupancy of any unit, unless otherwise approved by the Planning Commission;~~
  - (4) ~~Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use. Any extension or oversizing of sewer/water and/or storm sewer to serve the development shall be totally at the expense of the developer and consistent with applicable City policies and ordinances;~~
  - (5) ~~That a sum be paid (for parks and recreation purposes) in accordance with the Subdivision Ordinance prior to issuance of a building permit;~~
  - (6) ~~A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirement of Sections 119-121 of this Ordinance) prior to issuance of a building permit. One (1) off-street parking space per residential unit shall be required; said spaces being located no more than 250 feet from the building they serve. All private off-street parking locations shall be approved by the Planning Commission;~~
- E. ~~Educational Services (SIC Major Group 82);~~
- F. ~~Governmental, public or semi-public use or structures including, but not limited to: SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;~~
- G. ~~Hospitals (SIC 806);~~
- H. ~~Hotels, Motels, Mobile Home Parks, other lodging (SIC Group 70);~~
- I. ~~Membership Organizations (SIC Major Group 86);~~
- J. ~~Museums, Art Galleries, Zoos (SIC Major Group 84);~~
- K. ~~Printing and publishing (SIC Major Group 27);~~
- L. ~~Railroad Facilities (SIC Major Group 40);~~
- M. ~~Service Station (SIC Group 554);~~

- ~~N. Social Service Organizations (SIC Major Group 83);~~
- ~~O. Transportation Service (SIC Major Groups 47, except 472, and 49);~~
- A. Warehousing, motor freight (SIC Major Group 42).
- B. **Within the Central Mixed Use Plan Designation, expansion of existing, lawfully any established light industrial use on the same or adjacent property.**

(Section 42, as amended by Ord No. 3276, passed September 27, 1983; and Ord No. 3440, passed March 20, 1990, Ord No. 3657, passed January 15, 2002; and Ord 3835, passed \_\_\_ 2013.)

\* \* \*

**SECTION 45. LOT COVERAGE.** There shall be no maximum lot coverage regulations for commercial zones; however, **new residential buildings in commercial zones shall provide at least 10% of the building site as accessible open space and meet applicable parking standards. The 10% open space standard does not apply to redevelopment of existing or historic structures if on-site space is not available.** ~~the construction of any commercial building over 25,000 square feet shall require authorization by the Planning Commission under the conditional use provisions of Sections 131-137 of this Ordinance, even if the use is permitted outright.~~

## ARTICLE VIII. INDUSTRIAL ZONES

**This Article describes the purpose, land use and locational standards for the Industrial zones. However, in designated Opportunity Areas, the purpose, land use and dimensional standards found in Sections 51 – 53 of this Article related to the Light Industrial Zone may be modified by an approved Master Development Plan (MDP) pursuant to Article XV Opportunity Area Subdistrict.**

### LIGHT INDUSTRIAL ZONE (M-1)

**SECTION 51. DESCRIPTION AND PURPOSE.** Except as modified in Sections 58-60, to provide, enhance and protect areas to accommodate a wide range of manufacturing and allied uses that need generally flat topography and easy access to arterials and internodal shipping facilities, and to reserve industrial sites near the airport for specific employment uses identified in the Pendleton Economic Opportunities Analysis (EOA).

- A. **Within the Central Mixed Use Plan Designation, the M-1 zone may also provide opportunities for adaptive re-use of historic structures and for expansion of existing, lawfully-established commercial and residential uses.**

- B. Within designated Mixed Use Opportunity Areas, M-1 land with an approved Master Development Plan is suitable for land uses allowed in other zones within that Opportunity Area, where consistent with applicable Comprehensive Plan performance standards.**

(Section 51, as amended by Ord No. 3760, passed October 16, 2007; and Ord 3835, passed \_\_\_ 2013.)

**SECTION 52. USES PERMITTED OUTRIGHT.** In a Light Industrial (M-1) zone, the following uses and their accessory uses are permitted outright:

- A. Air Transportation Facilities (SIC Major Group 45);
- B. Automobile and vehicle dealers, repairs, services and service stations (SIC Major Groups 55 and 75);
- C. Building Materials, retail (SIC Major Group 52);
- D. Business Services (SIC Major Groups 73 and 89);
- E. Communication Facilities (SIC Major Group 48);
- F. Contractors (SIC Major Groups 15 and 17);
- G. Light Industrial (SIC Major Groups 20 except 2077, 22, 23, 24, 26 except 261, 27, 282, 283, 284, 307, 31, 36, 37, 38 and 39);
- H. Repair Services (SIC Major Group 76);
- I. Transportation Facilities and Services (SIC Major Groups 40, 41, 42 and 47);
- J. Wholesaling (SIC Major Groups 50 and 51).
- K. Solid Waste Transfer Stations, if the solid waste transfer station: (1) Is not within 1,000 feet of an existing residential structure or residential zone, or (2) The location of the transfer station has been approved by a vote of the people approving the facility.
- L. Within the Central Mixed Use Plan Designation, expansion of existing, lawfully established residential and commercial uses on the same or adjacent property.**

(Section 52, as amended by Ord No. 3305, passed August 21, 1984; Ord No. 3363, passed March 3, 1987; Ord No. 3428, passed May 2, 1989; Ord No. 3518, passed June 20, 1995; and Ord 3835, passed \_\_\_ 2013.)

**SECTION 53. CONDITIONAL USES PERMITTED.** Except as modified in Sections 58-60, in a Light industrial (M-1) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. Commercial Amusement and Recreation (SIC Major Group 79);
- B. Eating and Drinking Establishments (SIC Major Group 58);
- C. Fuel and Ice Dealers (SIC Group 598);
- D. Governmental, public, or semi-public uses or structure, including, but not limited to SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- E. Hotels, motels, other lodging (SIC Major Group 70);
- F. Junk yard, wrecking yard;
- G. Light Industrial (SIC Major Groups 281, 285, 286, 287, and 289);

- H. Mining (SIC Major Group 14);
- I. Petroleum pipeline facilities;
- J. Sanitary landfills, solid waste disposal or treatment facilities;
- K. Transportation Equipment (SIC Major Group 37);
- L. Utilities (SIC Major Group 49);
- M. Horticultural Services (SIC Groups );
- N. Social Services (SIC Major Group 83);
- O. Dwelling, Caretaker or Manager Only. This use is subject to the condition that this use not result in the application of any ordinance, charter provision, or other regulation that would limit, hinder, or prevent the continued operation of any preexisting use.
- P. Animal Clinic, Kennel, or Hospital

Section 53, as amended by Ord No. 3276, passed September 27, 1983; Ord No. 3305, passed August 21, 1984; Ord No. 3428, passed May 2, 1989; Ord No. 3518, passed June 20, 1995; Ord No. 3584, passed June 2, 1998; Ord No. 3660, passed February 5, 2002, Ord No. 3698, passed May 4, 2004, Ord No. 3706, passed May 18, 2004, Ord No. 3760, passed October 16, 2007; and Ord 3835, passed \_\_\_ 2013.)

\* \* \*

## AIRPORT INDUSTRIAL SUBDISTRICT

### SECTION 58. AIRPORT INDUSTRIAL SUBDISTRICT.

A. Purpose. The Airport Industrial Subdistrict (AI) is intended to reserve designated Light Industrial (M1) sites near the Pendleton Airport for targeted industrial users as called for in the Pendleton Comprehensive Plan (Industrial Plan Table A-AI) and the Pendleton Economic Opportunities Analysis (EOA).

B. Application. This subdistrict applies to the following sites shown on Table 58-AI below:

Table 58-AI. Airport Industrial Subdistrict Sites – Pendleton UGB

Site Name	Gross Acres	Suitable Acres	Site Need	Location / Comment
Site I-A	133	70	<b>General Industrial</b>	Within original UGB; City owned lease-only land north of the Barnhart Road Extension
Site I-OE (Pinkerton)	25	15	<b>General Industrial</b>	Within 2001 UGB; north of the Barnhart Road Extension
Pinkerton 1-N	160	106	<b>Large Site + General Industrial</b>	West of Stage Gulch Road, north of the Barnhart Road Extension
Miller 1-W	42	25	<b>Large Site + General Industrial</b>	Retain to meet general industrial needs; east of Stage Gulch Road, north of Daniel Road

C. Permitted Uses. Permitted uses allowed in the M1 Zone and listed in Section 52 also are allowed in the AI Subdistrict.

D. Conditional Uses. Most Conditional uses listed in the M1 zone and listed in Section 52 may be allowed in the A1 Subdistrict except: ~~commercial amusement and recreation (SIC Major Group 79); eating and drinking establishments (SIC Major Group 58); hotels, motels, other lodging (SIC Major Group 70);~~

(1) Junk yard, wrecking yard; mining (SIC Major Group 14); and animal clinic, kennel, or hospital **are not allowed in the A1 Subdistrict; and**

(2) **Cumulatively, no more than 10% of the gross land area within the A1 Subdistrict may be devoted to Commercial amusement and recreation (SIC Major Group 79); eating and drinking establishments (SIC Major Group 58); hotels, motels, other lodging (SIC Major Group 70).**

E. Development Parameters. The industrial development standards listed in Section 57 apply in the A1 Subdistrict, except that the following industrial sites listed in Industrial Plan Table A shall reserve at least one industrial development area of 50 acres to meet the needs of a major industrial user:

(1) Industrial Site 1-N (Pinkerton); and

(2) Industrial Site 1-W (Miller).

F. Site Plan Review. The site plan for proposed development within the A1 Subdistrict shall be reviewed and approval by the Director of Planning and Building prior to the issuance of a building permit for any building or parking area. The site plan shall consider vehicular/truck access and movement, parking, landscaping and fencing or buffering.

(Section 58, as added by Ord No. 3760, passed October 16, 2007; and Ord 3835, passed \_\_\_ 2013.)

## ARTICLE XV. OPPORTUNITY AREAS SUBDISTRICT (OA)

### Note to reader:

If the OA Subdistrict is adopted, Section 96 Mixed Use Development Regulations (MXD) Subdistrict would be repealed in its entirety. This Subdistrict has not been used since its adoption in 1987.

### Section 96. Opportunity Area (OA) Subdistrict

A. Description and Purpose. The Opportunity Area Subdistrict is intended to implement applicable Comprehensive Plan Opportunity Area performance standards by:

(1) Encouraging a range of housing types and densities ranging from work force to executive housing;

(2) Providing greater flexibility in the development review process to respond to changing market conditions;

(3) Providing incentives for better development design, provision of amenities, and creation of other public or private facilities or open spaces;

(4) Encouraging a diversity of compatible land uses and densities;

- (5) Providing a mechanism for the creative master planning of larger parcels of land within Opportunity Areas rather than relying on traditional zoning to meet community objectives;
- (6) Encouraging the efficient and timely development of streets, utilities, open spaces and housing units; while protecting designated natural and historical resources.

**B. Applicability.** The Opportunity Areas Subdistrict may be applied to land within Opportunity Areas designated on the Pendleton Comprehensive Plan map at the request of the property owner(s).

- (1) There are two Mixed Use Opportunity Areas (MOAs) and three Residential Opportunity Areas (ROAs) each of which has specific performance standards:
  - (a) East Side MOA (285 gross acres near Hwy 11 Interchange)
  - (b) Hospital MOA (94 gross acres near St. Anthony Hospital)
  - (c) McKay Creek ROA (115 gross acres south of SW 28<sup>th</sup> Drive)
  - (d) South Central ROA (251 gross acres south of Olney Cemetery)
  - (e) Patawa Creek ROA (191 gross acres south of I-84 / west of SE 3<sup>rd</sup> St)
- (2) Property owners within a designated Opportunity Area have the choice of (a) developing under existing zoning or (b) developing under the provisions of this Subdistrict.
- (3) Each Opportunity includes specific performance standards that must be addressed in proposed master development plan.

**C. Master Plan Required.** To take advantage of the flexibility offered by the OA Subdistrict, the applicant must submit a Master Development Plan (MDP) for review by the Planning Commission.

- (1) Once an MDP is approved for a specific area, it replaces existing zoning for that area.
- (2) The applicant (the property owner or authorized agent) shall be responsible for submitting an MDP that meets the criteria and standards of this section.
  - (a) The MDP must be prepared by a planning professional (an architect, landscape architect, civil engineer or land use planner) and shall:
    - (i) Cover at least 20 gross acres;
    - (ii) Have the written consent of all property owners who will be subject to the MDP; and
    - (iii) Include all contiguous land under the ownership of the MDP applicant(s), within the OA Subdistrict.
  - (b) Where feasible, the MDP should cover the entire Opportunity Area. However, if some property owners within the Opportunity Area are unwilling to be co-applicants for the MDP, the applicant(s) must prepare



- a Facility Feasibility Plan (FFP) for the remainder of the Opportunity Area that is not part of the MDP application.
- (c) The FFP must be prepared in consultation with the City Engineer and must show how:
    - (i) Transportation, sewer, water and storm drainage facilities can feasibly be provided to the remainder of the Opportunity Area that is not under the applicant's control; and
    - (ii) Relevant Opportunity Area performance standards can reasonably be met in the future.
  - (d) The applicant(s) must document a good faith effort to meet with, consider and accommodate the comments of non-applicant property owners within the relevant Opportunity Area.
- (3) The Community Development Director may require special studies to ensure that identified slope, landslide, flash flood or flood hazards are satisfactorily addressed.
  - (4) In order for the MDP application to be deemed complete for purposes of Planning Commission review, it must include the information required by Section 133 and be specific enough to demonstrate that the performance standards of Section 96.D are or can be met.
- D. Performance Standards.** Land uses permitted outright or conditionally in any of the underlying zones within the applicable Opportunity Area may be authorized by an approved MDP provided the Planning Commission determines that all of the following performance standards are or can be met.
- (1) The MDP has been prepared by a planning professional and:
    - (a) Covers at least 20 gross acres;
    - (b) Includes all contiguous land under the ownership of the MDP applicant(s) within the OA Subdistrict; and
    - (c) Is consistent with the recommendations of any natural hazard studies required by the Community Development Director.
  - (2) The location of transportation, sanitary sewer, storm water and water facilities are consistent with the Transportation System Plan and the Public Facilities Plan.
  - (3) All public improvements are designed to meet City standards as determined by the City Engineer, unless otherwise approved in the MDP by the Planning Commission.
  - (4) The average density of residential development within the MDP ranges from 6 – 35 dwelling units per net buildable acre. The minimum density standard does not apply to “constrained” lands as defined in Tech Memo 3.1 (Winterbrook, 2012), public rights-of-way, or historic landmark properties.

- (5) The MDP and FFP must comply with all applicable subdistrict standards, including but not limited to the Riparian Corridor and Wetland Subdistrict, the Flood Hazard Subdistrict, and the Historic Preservation Subdistrict. Modification of subdistrict standards may only occur as prescribed in the applicable Subdistrict, and is not permissible through the MDP process.
- (6) If required, the FFP has been prepared by a design professional in consultation with the City Engineer and demonstrates that:
  - (a) Transportation and public facilities can feasibly be provided to the remainder of the Opportunity Area that is not under the applicant's control; and
  - (b) The performance standards of this Section can reasonably be met in the future for the remainder of the Opportunity Area.
- (7) Where Ordinance #3481 or Oregon Transportation Planning Rule (OAR 660-012-0060) thresholds are met, a Transportation Impact Study (TIS) shall be prepared based on land uses authorized by the MDP.
- (8) To exceed the 18 units per buildable acre (the maximum allowed in the MDR district), density transfer is permitted from inventoried natural features (wetlands, riparian corridors, flash flood zones, flood plains, steep slopes, and high bedrock areas) to buildable land, provided that the natural feature is shown as open space on the MDP.
- (9) No minimum lot size or internal setback requirements apply (other than those required by the building code and public safety); however, the master plan must specify proposed lot size and other dimensional standards.
- (10) Street standards may be modified if approved by the Community Development Director and if determined sufficient for safe access by the Fire Marshall.
- (11) The MDP must provide for graduated density at the perimeter of the site to ensure compatibility with existing urban-level development; in particular, if urban-level single-family residential development abuts the site, the MDP must show single family development along the common property line.
- (12) The MDP must arrange land uses and building heights to maintain views of surrounding hills from adjacent properties.
- (13) The MDP must avoid garage-dominated homes by meeting the following standards:
  - a. The width of the street-facing garage cannot be greater than the width of the home;
  - b. garages must be set back 20' from property line to allow for parking; and
  - c. parking is not allowed in front or side yards.

(14) The MDP must provide for the long-term maintenance and funding of common open space.

F. **Procedure.** An application for MDP approval shall be reviewed by the Planning Commission under Type III procedure in accordance with Section 131.

- (1) For the Planning Director to deem an MDP application complete for purposes of Planning Commission review, all of the information required by Section 96.C must be provided by the applicant(s).
- (2) The staff report to the Planning Commission must evaluate compliance with applicable review standards set forth in Sections 96.D, and identify the specific dimensional standards (for example, lot size, building height, building setback, lot coverage, street width, housing density, etc.) that are proposed to be modified by the MDP.
- (3) The Planning Commission shall approve, deny or approve with conditions the final decision approving the MDP. The Planning Commission's decision shall identify specifically the dimensional standards that are modified in the MDP.
- (4) An approved MDP within an Opportunity Area shall replace applicable zoning for that area. However, existing Zoning and Subdivision Ordinance dimensional and development standards shall apply to any future development proposal covered by the approved MDP unless exceptions to these standards are specifically identified in the Planning Commission's decision.
- (5) An approved MDP is valid for five (5) years from the date of approval *unless* a phased MDP is approved by the Planning Commission. The maximum duration of a phased MDP is fifteen (15) years.
- (6) Future MDP applicants must consider, but are not bound by, the FFP prepared for any portion of an Opportunity Area that does not have an approved MDP.

(Section 96, as amended by Ord No. 3394, passed July 7, 1987; and Ord 3835, passed \_\_\_ 2013.)