

## PLANNING COMMISSION AGENDA

March 8, 2012

7 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

### I. CALL MEETING TO ORDER

### II. ROLL CALL

### III. CONSENT CALENDAR (items are considered routine and are not discussed unless requested by the commissioners)

1. Approval of February 9, 2012 Planning Commission Meeting Minutes

### IV. COMMUNICATIONS FROM THE FLOOR (5 minute maximum per person)

1. For items not listed on the agenda

### V. WORKSHOP: Update to the zoning use tables in the Development Code.

The workshop will have three objectives:

1. Review the purpose of the various zones and the uses allowed or conditionally allowed in each.
2. Adopt a memo to the City Council letting them know the work the Planning Commission is considering working on, the process, and their expectations.
3. Begin working on a few sections of the zoning use table, both to complete some of the work and to test the overall process for reviewing the remaining sections.

### VI. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: April 12, 2012

### VII. ITEMS FROM COMMISSIONERS

### VIII. ADJOURN

FOR QUESTIONS PLEASE STOP BY OR CALL 503-537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. FIRST STREET

#### **ACCOMMODATION OF PHYSICAL IMPAIRMENTS:**

*In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TRS services please dial 711.*

**PLANNING COMMISSION MINUTES**

**February 9, 2012**

**7:00 p.m. Regular Meeting**

**Newberg Public Safety Building**

**401 E. Third Street**

TO BE APPROVED AT THE MARCH 8, 2012 PLANNING COMMISSION MEETING

**I. CALL MEETING TO ORDER:**

Chair Thomas Barnes opened the meeting at 7:00 p.m.

**II. ROLL CALL:**

Present:	Thomas Barnes, Chair	Cathy Stuhr, Vice Chair
	Art Smith	Lon Wall
	Gary Bliss	Philip Smith
	Mayor Bob Andrews, Ex-Officio	
Absent:	Allyn Edwards (excused)	Kale Rogers, Student PC (excused)
Staff Present:	Barton Brierley, Planning & Building Director	
	Steve Olson, Associate Planner	
	DawnKaren Bevill, Minutes Recorder	

**III. CONSENT CALENDAR:**

Approval of the January 12, 2012 Planning Commission Meeting Minutes

Commissioner Stuhr reiterated a point that she felt had been left out of the minutes. She stated at the last Planning Commission Meeting the Stormwater regulations are prescriptive in nature by design. It was never intended for the City to have studies done. Best management practices are considered in compliance. If the City Council is asked for a grant to do a study, it may not be worthless, but first ask Terry Mahr, City Attorney, for advice.

Chair Barnes entertained a motion to accept the minutes of the January 12, 2011 meeting.

**MOTION #1: Philip Smith/Stuhr** approve the minutes from the Planning Commission Meeting of January 12, 2012 as amended. Motion carried (6 Yes/ 0 No/ 1 Absent [Edwards]).

**IV. COMMUNICATIONS FROM THE FLOOR:**

No items were brought forward.

**V. WORKSHOPS:**

1. **Wineries, brewers and distilleries:** Review Newberg's current zoning regulations, discuss the reasons to consider changing the regulations, and review some of the issues that should be addressed.

Mayor Andrews asked the distinction between a brewery and a brew pub. Mr. Olson replied a brewery is focused primarily on wholesale and a brew pub on retail.

Mr. Steve Olson, Associate Planner presented the staff report and PowerPoint presentation (see official meeting packet for details). He reviewed the winery, brewery, and distillery (WBD) zoning and existing codes and stated Newberg's Code is very restrictive. Current code discourages WBD, even in Industrial zones; a Conditional Use Permit process is a barrier. City staff believes there can be more flexibility for these uses in a way that would benefit the City without creating significant negative impacts. Clarity is also needed in the code.

Mr. Olson reviewed why the current code should be changed. Newberg is surrounded by vineyards and rural wineries, but much of the direct economic impact is bypassing the City. Urban wineries and distilleries are a growing trend. Microbreweries and brewpubs are still expanding. Supporting the wine/tourism industry would help implement the Economic Opportunities Analysis (EOA). It would also support the "grape cluster": The Allison, wine tasting rooms, restaurants, art galleries & boutiques, and local suppliers to WBD. It will also help continue Newberg's long history as an agricultural processing center. Urban wineries, in particular, strengthen the connection to local agriculture. There is a strong consumer demand for local WBD products. Strengthening local agriculture also reinforces Oregon growth management goals. There have been several inquiries in recent years regarding opening a winery or brewpub in Newberg. It is appropriate to consider code changes when new business trends emerge or the City realizes a business type has been overlooked.

Mr. Olson showed examples of potential sites and reviewed the issues to consider. Potential negative impacts by wineries are seasonal impacts which involve 6 weeks of light industrial (truck traffic), 46 weeks of storage/retail. Wineries and distilleries do not seem to create problem odors. Breweries sometimes do, but it is a function of scale and intensity. Small breweries/brewpubs seem to be good neighbors in commercial areas. Noise from WBD does not seem to be a problem in other cities, but can be addressed by the City's noise ordinance. While they add vitality, the City does not want the industrial uses to overwhelm commercial areas or commercial traffic interfering with industrial areas. Limits can be placed on the size of mixed uses (as in M-4 zone). Implementation issues, such as wastewater pretreatment, need to be addressed by WBD when they build but are not Development Code issues.

State and Federal regulations: WBD are highly regulated by the federal government and Oregon's OLCC.

City zoning: Most cities have not adopted specific WBD definitions, which means they rely on commonly accepted definitions. Mr. Olson reviewed the zoning codes of surrounding cities as well as: Walla Walla, Washington; Aurora, Colorado; and Bloomington, Indiana.

Mr. Olson reviewed some code amendment options and explained that staff will develop draft code changes based on comments received from the Planning Commission and will ask City Council to initiate a development code amendment so the draft can be formally reviewed by the Planning Commission.

### **Discussion:**

Art Smith stated, as he understands it, the history of Yamhill County was that of a dry county but that has changed. The advent of wineries and brew pubs has evolved and it is worth looking at the vision of the City as to what to emphasize. He is unsure if a goal or vision is given for making Newberg a centralized location for breweries; he is not sure what the potential is for more and if there is room for growth. He also believes it would be better to amend the code than rely on conditional-use permits.

Chair Barnes stated wineries and tourism are shown as a major part of the Economic Opportunity Analysis (EOA) and do meet part of the City vision. Steve Olson added there has been tremendous growth in wineries in

the last 20 years and he believes there will be cycles; he is not expecting the same level of growth for wineries in the short term. He will look into industry predictions.

Mayor Bob Andrews stated there are no wineries or distilleries in the City of Newberg. Mr. Olson agreed there are none at this time. Mayor Andrews stated the City needs to analyze what the impacts are on the infrastructure and City services; property taxes, and what the demands will be on the water and wastewater system. A philosophic change that has occurred in the State of Washington which he believes will migrate to Oregon is the role of Oregon Liquor Control Commission (OLCC) and whether the licensing will be at the State or County level. He would like for the City to be prepared to do it as a managed part of the City's growth and how it will represent income to City government as well as a burden to City government. These things need to be explored. He encouraged the Planning Commission to look at it in a positive way. Tourism is an industry. We cannot tie the City to one industry; flexibility is needed.

Commissioner Stuhr stated this is a unique opportunity to tie two industries together; promoting agriculture and tourism. The Chamber of Commerce is promoting the City of Newberg as the gateway to the wine country and tourism. She recently heard a wine industry expert speak at the Chamber and stated she was in awe at the amount of acres under cultivation for wineries in Oregon and the large potential for even more.

Commissioner Wall believes any decisions made will be based solely on the issues and not on the attitude toward alcohol sales. He is curious if the City Council has discussed this at all. Mayor Andrews replied they have not. Commissioner Wall said he would hate to see much work put into this before the City Council discusses it. Barton Brierley stated in the context of the EOA, staff did indicate the promotion of the winery and tourism industry was one goal and City Council did support it and weigh in to that extent.

Commissioner Philip Smith stated the City has already marketed itself as the gateway to the wine industry. Wine tourism is very important for the future of the City, thus the importance to carefully determine how the WBD's are placed into the City. Of the potential options that staff laid out, allowing WBD in all industrial with two-tracks in commercial seems to be a good, straightforward option.

Commissioner Bliss concurs with Commissioner Philip Smith. He finds it interesting that Newberg is the gateway to the wine country, yet is not developed in that vein. The City has a Class Five hotel and spa; a waterfront plan that has not yet been implemented but has great possibilities, which are terrific draws to this area, but in order to supplement that the City should implement the all industrial, commercial two-track option.

Commissioner Philip Smith stated in terms of planning, the Planning Commission needs input from the Engineering Department in regard to the water issue. How large of a footprint would lead to a wastewater problem and how would the City appropriately charge for it? Commissioner Bliss stated limiting the capacity and size is a possibility so as to not exceed the limits on the City.

Chair Barnes recessed for a five-minute break at 8:10 p.m.

2. **Zoning use table changes:** Discuss the process of updating the zoning use tables. Staff is asking for general direction from the Commission on the objectives, style, and process for making such a change.

Mr. Barton Brierley, Planning & Building Director, presented the staff report and PowerPoint presentation (see official meeting packet for details). He showed the current zoning lists and stated the challenges include undefined terms such as data processing center, health studio, gift shop and variety shop. As an example, the code currently lists "variety shop" as a permitted use in commercial zones without defining that term. Duplicate uses are also hard to define such as bars, cocktail lounges, night clubs, and taverns. There are overlapping uses such as hardware stores, building material sales, and floor covering stores.

Legal issues to be considered include the Religious Land Use and Institutionalized Persons Act (RLUIPA), which basically says you cannot treat religious type land uses any more restrictively than similar land uses. There is some verbiage in the code in section 15.304.020 (C) Churches are allowed, subject to the following conditions: Dedication and improvements of public streets, conveyance or dedication of public utility easements, as determined by the city. Churches are also allowed when using existing buildings. This should be reviewed. Family Child Care Home is defined as: a family child care home may provide care for up to 10 children in the provider's home. Family child care home must be permitted in all residential and commercial zones. Conditions may not be more restrictive than for a single family home.

The current zoning list is organized alphabetically. This can make it difficult to find a use, especially if the user does not know what a use is called. All uses should be placed in one table so the user can quickly see in which zones a particular use is allowed. This also serves to reveal hard to find uses.

Mr. Brierley reviewed the style options and stated Newberg's current code is in the Specific/Similar Use style. This code list a number of specific uses, and allows uses "similar" to those. Rather than list specific uses, some codes list broad categories of uses. Each use then fits into one category. Some code use specific limits on characteristics to separate use types, such as size limits, whether the use operates indoors or outdoors, or hours of operation. Form based codes focus more on what building types are allowed than what uses go in those buildings. A form based code could, for example, specify that buildings in the downtown would have to be two-story, brick facade, and built with certain architectural features.

The process of how to look at the use tables needs to be considered. It need to be very transparent so that the Planning Commission, City Council, and the public can understand what changes are being made and why. Some of the Planning Commission involvement would include: holding a series of Planning Commission workshops; splitting the commission into smaller workgroups, each which might look at one particular class, and appointing a subcommittee to make a recommendation.

#### **Discussion:**

Chair Barnes stated splitting into smaller groups to discuss uses in the different zones is a good approach. An electronic version of the samples would be helpful for each small group.

Commissioner Philip Smith stated the zoning-use table approach is a great idea. It will benefit a builder or applicant who comes to the City, helping them view a table to see what is permitted. Also, the City has 300 uses which should be reduced to perhaps 50 categories with good definitions since new land uses will continually be invented. Reducing the total number now will be advantageous.

Commissioner Bliss stated the applicant will be the user of the code and to give them easy to identify uses is a priority. There should be a list of applicants and engineers from over the years to possibly invite to a workshop to find their preferences and an overview of their ideas. He likes Attachment #4 which reduces the number of items in the code and readily identifies the categories and allowed uses.

Commissioner Art Smith stated this is an ideal time to look at this. Fewer categories that cover the basic requirements and make it user friendly is imperative; asking input from developers is a good idea.

Mayor Bob Andrews stated the points brought forward have been very good but there are two consumers since Staff will need to use this as well and they must be comfortable with the table chosen. Good definitions are very important, as well. He applauds staff and the Planning Commission for taking this on as a task. One of the things that we frequently find as a fault in government is the tendency to over-regulate. Over-regulating versus simplicity needs to be looked at.

Commissioner Philip Smith stated the form based code is a prescriptive method and he does not favor it.

Commissioner Bliss lived and worked in Pleasantville, California and he saw codes change as government changed. It created many different building styles throughout the city and that is where the form based codes would lead to.

Commissioner Wall stated styles and preferences change over time and so does the composition of the Planning Commission. The Planning Commission is better off looking at the actual impact of the particular industry and its characteristics.

Commissioner Stuhr asked if there are any Measure 37 or Measure 49 concerns. Mr. Brierley replied yes, but as long as you can show that someone can do the same uses on the properties after the change to a table format then there are no problems. He suggested adding a clause that if anyone can show the use could be done before but not now, there should be a grace period.

## **VI. ITEMS FROM STAFF:**

Update on Council items:

Barton Brierley stated the City Council met February 6, 2012 and approved the repeal of the McClure annexation. City Council was upset it had not gone through as planned. At the Feb 21, 2012 meeting they will be considering the adoption of the Housing Trust Fund, as recommended by the Affordable Housing Committee. It would be nice to have a few members from the committee present to talk about that proposal.

The Planning Commissioners will be receiving their forms from the State Ethics Office and he reminded the Commissioners to fill them out and return them on time.

Staff is still working on the South Industrial Urban Growth Boundary and will come back before City Council in March. Changes are being made to the EOA and the proposal is for the City to use the safe harbor population projections, which will help achieve the amount of south industrial land that is needed.

The Mayor's Volunteer Appreciation will be held on April 30, 2012.

The next Planning Commission meeting is scheduled for Thursday, March 8, 2012.

## **VII. ITEMS FROM COMMISSIONERS:**

Commissioner Gary Bliss will not be in attendance at the March 8, 2012 Planning Commission Meeting.

## **VIII. ADJOURN:**

Chair adjourned the meeting at 9:12 p.m.

**Approved by the Planning Commission on this 8<sup>th</sup> day of March, 2012.**

**AYES:**

**NO:**

**ABSENT:**

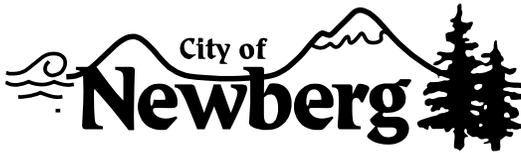
**ABSTAIN:**

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*Planning Recording Secretary*

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*Planning Commission Chair*



## Planning and Building Department

P.O. Box 970 ▪ 414 E First Street ▪ Newberg, Oregon 97132

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### PLANNING COMMISSION STAFF REPORT ZONING USE TABLE REVISION

MEETING DATE: March 8, 2012

FILE NO: DCA-12-002

TOPIC: Update to the zoning use tables in the Development Code

#### ATTACHMENTS:

1. Purpose statements for each zoning classification.
2. Newberg Comprehensive Plan Districts purpose statements.
3. Draft memo to City Council on zoning use table process.
4. Excerpt from current zoning use table
5. Newberg animal control ordinance.
6. Excerpts from Oregon Small Cities Model Code

**A. SUMMARY:** At the February 9, 2012 planning commission meeting, the commission began discussing modifying the zoning use tables. This work session will continue that discussion.

The March 8, 2012 work session will have three objectives:

- 1. To familiarize the Planning Commission with the various zones in the Development Code, their purposes, and the structure of the lists of permitted and conditional uses.*

Attachment 1 gives a list of the purpose statements for each zone. Attachment 2 gives the purpose statements for each comprehensive plan district. Staff will make a presentation at the beginning of the business item to explain these further.

- 2. To adopt a memo to the City Council letting them know the work the Planning Commission is considering working on, the process, and their expectations.*

Attachment 3 is a draft of a memo. If this memo is acceptable, the commission should make a motion to send it to the City Council.

- 3. To begin working a few sections of the zoning use table, both to complete some of the work, and to test the overall process for reviewing the remaining sections.*

By starting the process with a few sections, the planning commission can get a better idea of the format it would like to pursue, the amount of work and discussion each section will require, and the process it would like to pursue to review the sections.

Staff suggests that the commission divide themselves into two working groups to consider the following issues:

Group 1: Agricultural uses, commercial lodging

Group 2: Eating and drinking uses, Commercial service uses

For each item, that group should discuss:

1. What uses in that category should be listed in the zoning table?
2. How should those uses be defined?
3. In which zones should those uses be allowed?

At the end of the meeting, each group could report to the full commission what they found.

## **B. DISCUSSION OF USE CATEGORIES**

Attached is basic information on each of the four suggested topics. We also have attached an excerpt from the current Newberg zoning use table (Attachment 4), and some information from the Oregon Small Cities Model Code.

## AGRICULTURAL USES

**A. What the code currently allows:** The code currently defines the following use:

*Agricultural uses, limited to the following:*

- 1. Berry and bush crops.*
- 2. Flower gardening.*
- 3. Orchards, tree crops, the raising and harvesting of.*
- 4. Truck gardening, the raising and harvesting of vegetables for home consumption.*

These are allowed in the R-1, R-2, and C-F zones.

*Agricultural uses or any other enterprise customarily carried on in the field of general agriculture (except no slaughterhouses permitted)*

These are allowed in the M-2, M-3, and M-4 zone

On the other hand, legal, non-conforming agricultural uses are allowed to remain indefinitely.

**B. Issues to address:**

1. Large scale agricultural operations definitely affect neighboring properties. We get complaints each year from the legal farming practices that occur on large tracts of farm lands that remain within the city. On the other hand, these are interim uses of land, and it would be difficult to tell the land owner that they shouldn't be putting the land to productive use until such time as it is developed.
2. Home and community agricultural uses are becoming more popular. These are seen as promoting healthy lifestyles, provident living, and sustainability. The line between a "home garden," a "community garden" and "agricultural use" is not well defined.
3. Newberg has an animal control ordinance. See Attachment 5. In summary, the ordinance prohibits keeping of livestock, and requires a permit for keeping of other farm animals. While this ordinance is clunky, revising it is probably beyond the current scope.

**C. What the Oregon Model Code suggests:**

**1. Definitions**

*Farming or farm use.* As used in this Code, "agriculture" is the same as "farm use". See ORS 215.203(2)(a). Includes utilization of land to raise, harvest, or sell crops; feed, breed, manage, and sell livestock, poultry, fur-bearing animals, honeybees, or their produce; dairy

*and sell dairy products; or any other agricultural or horticultural use, animal husbandry, timber agricultural use, or combination thereof. Farm uses include preparation or processing and storage of products raised on such land, but do not include construction or use of dwellings and other buildings customarily provided in conjunction with farm uses.*

**Livestock.** *Domestic animal types customarily raised or kept on farms. See Agriculture.*

## 2. Use Categories

### **Agriculture**

**A. Characteristics.** *Agriculture includes activities that raise, produce or keep plants or animals.*

**B. Accessory uses.** *Accessory uses include dwellings for proprietors and employees of the use, and animal training.*

**C. Examples.** *Examples include breeding or raising of fowl or other animals; dairy farms; stables; riding academies; kennels or other animal boarding places; farming, truck gardening, forestry, tree farming; and wholesale plant nurseries.*

### **D. Exceptions.**

1. *Processing of animal or plant products, including milk, and feed lots, are classified as Manufacturing and Production.*
2. *Livestock auctions are classified as Wholesale Sales.*
3. *Plant nurseries that are oriented to retail sales are classified as Retail Sales and Service.*
4. *When kennels are limited to boarding, with no breeding, the City may determine the use category is Agriculture or Retail Sales and Service.*

## 3. Uses listed in the model code zoning table

- Agriculture – Animals
  - Livestock, limited to 1 head of cattle, horse, sheep, or similar size animal per ½ acre undeveloped pasture.
  - Small Animals, excluding roosters and swine limited to [5] of each type of animal (e.g., chickens, rabbits, and similar) per ½ acre. Swine: 2 per half acre.]

- Agriculture – Nurseries and similar horticulture (indoor or outdoor)
- Agriculture – Animals, when
  - existing use as of [date]
  - accessory to a permitted industrial use
  - new use

# COMMERCIAL LODGING USES

## A. What the code currently allows:

The code currently has the following definitions:

*“Bed and breakfast establishment” means a structure designed and occupied as a residence in which sleeping rooms are provided on a daily or a weekly basis for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility.*

Bed and breakfasts with two or fewer guest rooms are allowed in R-2, R-3, R-P, and all commercial zones.

Bed and breakfasts with three or more guest rooms are a conditional use in R-1 and all of the above zones.

*“Hotel,” “motel,” “motor hotel,” or “tourist court” means a building or group of buildings used for transient residential purposes containing six or more guest rooms without housekeeping facilities (not including kitchenettes) which are designed to be used, or which are used, rented or hired out for sleeping purposes.*

These are a permitted use in C-2, C-3, and C-4. Those with over 40,000 square feet floor area are a conditional use in C-3.

## B. Issues to address:

1. The code seems to have a gap in defining commercial lodging with fewer than six rooms and not within the home of the provider.
2. Vacation rental homes have been a source of concern in tourist communities. Newberg’s code is vague on such uses.

## C. What the Oregon Model Code suggests:

### 1. Definitions:

***Hotel/Motel.** A building or portion thereof designed and used for occupancy of transient individuals lodged with or without meals. (See ORS 446.310.)*

***Bed and breakfast inn.** Any establishment located in a structure designed for a single family residence and structures appurtenant thereto, regardless of whether the owner or operator of the establishment resides in any of the structures, that:*

*(a) Has more than two rooms for rent on a daily basis to the public; and*

*(b) Offers a breakfast meal as part of the cost of the room.*

The model code also has the following note: *Lodging where tenancy may be arranged for*

*periods less than one month is considered a hotel or motel use and is classified in the Retail Sales and Service category. However, in certain situations, lodging where tenancy may be arranged for periods less than one month may be classified as a Community Service use such as short term housing.*

**2. Uses listed in the model code zoning table**

- Bed and Breakfast establishments
- Hotels and motels are included in “retail sales and services” category. See Attachment 6.

## EATING AND DRINKING USES

**A. What the code currently allows:** The code lists the following uses:

- Banquet facilities
- Bars or night clubs
- Breweries and brew pubs
- Cafeteria and kitchen facilities
- Cocktails lounges
- Delicatessen stores
- Night Clubs
- Restaurants
- Taverns
- Wine tasting rooms or wine shops

Restaurants are allowed in all commercial and industrial zones. Uses serving alcohol are not allowed in C-1, M-1, M-2, and M-3.

**B. Issues to address:**

1. **Accessory uses:** Eating and drinking uses are accessory to uses in many zones, including schools, churches, and manufacturing facilities.
2. The distinction between restaurants and bars should be better defined if this is an important characteristic.

**C. What the Oregon Model Code suggests:**

1. The Oregon Model Code places all eating and drinking uses in the “Retail Sales and Services” category. See Attachment 6.

## COMMERCIAL SERVICE USES

**A. What the code currently allows:** The code lists the following uses:

- ATM Facilities
- Automobile rental agencies
- Banks
- Blueprinting
- Catering services
- Drive-up service windows
- Dry cleaners, coin operated
- Dry cleaners, tailor shops
- Dry cleaning establishment
- Laundromats, hand laundries, and self-service laundries
- Mortuaries
- Photocopying, Photoengraving, Photographic film processing, Photostatting
- Plumbing supplies and services
- Post offices
- Printing and publishing
- Printing shops
- Sewing machine sales and service
- Shoe repair shops
- Tailor or dressmaking shops
- Telephone answering services
- Upholstery; automobile and furniture

These are allowed in various commercial and industrial zones. The code allows the more retail oriented uses, such as dry cleaners and post offices, in commercial but not industrial zones. Also, the C-1 zone limits uses to those that might be more neighborhood oriented. A shoe repair shop is allowed, but not sewing machine sales and services. A bank is allowed, but not a mortuary.

**B. Issues to address:**

1. This is a broad category that probably will take a lot of thought to draft. The intention of the code and the zoning seems to be to separate commercial service uses into three main categories: commercial oriented uses, industrial oriented uses, and neighborhood

oriented uses.

2. The planning commission might also consider self service type uses. ATM machines, soda machines, and newspaper boxes seem to be compatible most places. Technology will probably lead to greater use implementation of such uses. For example, you can now purchase stamps at some ATM machines.

**C. What the Oregon Model Code suggests:**

1. The Oregon Model Code places all commercial services in the “Retail Sales and Services” category. See Attachment 6.

**Chapter 15.304**  
**R-1 LOW DENSITY RESIDENTIAL DISTRICT**

**15.304.010 Description and purpose.**

The R-1 low density residential district is intended for low density, urban single-family residential and planned unit development uses. A stable and healthful environment, together with the full range of urban services, makes this the most important land use of the community. The R-1 district is intended to be consistent with the low density residential designation of the comprehensive plan. [Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.280.]

**Chapter 15.306**  
**R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT**

**15.306.010 Description and purpose.**

A. The purpose of this land use designation is to provide a wide range of housing types and styles, while maintaining a maximum overall density of 8.8 units per gross residential acre.

B. Typical housing types will include single-family dwellings on small lots, attached and detached single-family, duplex or multifamily housing, cluster developments and townhouses. The R-2 district is intended to be consistent with the medium density residential designation of the comprehensive plan. [Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.295.]

**Chapter 15.308**  
**R-3 HIGH DENSITY RESIDENTIAL DISTRICT**

**15.308.010 Description and purpose.**

A. The purpose of this land use designation is to provide multifamily dwellings of different types and styles while maintaining a maximum overall density of 21.8 units per gross residential acre.

B. Typical housing types will include apartments, townhouses, condominiums, and cluster developments. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-3 district is intended to be consistent with the high density residential designation of the comprehensive plan. [Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.310.]

**Chapter 15.309**  
**R-4 MANUFACTURED DWELLING DISTRICT**

**15.309.010 Description and purpose.**

A. The purpose of this land use designation is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses.

B. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 dwellings per acre. The R-4 district is intended to be consistent with the medium density residential or high density residential designation of the comprehensive plan. [Ord. 2747 § 1 (Exh. A § 10), 9-6-11.]

**Chapter 15.310  
RP RESIDENTIAL-PROFESSIONAL DISTRICT**

**15.310.010 Description and purpose.**

The RP residential-professional district provides for a desirable mixing of residential land uses with professional office uses in possible close proximity to adjacent low density residential areas. The professional office building and parking coverage, traffic generation, open space and other external factors are intended to be compatible with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The RP district is intended to be consistent with commercial or residential designations on the Newberg comprehensive plan. RP districts shall be located as to conform to goals and policies identified within the Newberg comprehensive plan and in areas which have a minimal impact on the livability or appropriate development of abutting property. [Ord. 1968, 7-2-79. Code 2001 § 151.325.]

**Chapter 15.312  
C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**15.312.010 Description and purpose.**

The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations, and is typically appropriate to small shopping clusters or integrated shopping centers located within residential neighborhoods. The C-1 district is intended to be consistent with the “commercial” designation of the comprehensive plan. [Ord. 2451, 12-2-96. Code 2001 § 151.340.]

**Chapter 15.314  
C-2 COMMUNITY COMMERCIAL DISTRICT**

**15.314.010 Description and purpose.**

The C-2 community commercial district is intended to create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long- and short-term needs in compact locations typically appropriate to commercial clusters

near intersections of major thoroughfares. This district also includes some development which does not strictly fit the description of this section through NMC 15.316.030 but also does not merit a separate zoning district. The C-2 district is intended to be consistent with the commercial and mixed use designations of the comprehensive plan. [Ord. 2451, 12-2-96. Code 2001 § 151.355.]

### **Chapter 15.316 C-3 CENTRAL BUSINESS DISTRICT**

#### **15.316.010 Description and purpose.**

The C-3 central business district is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the “core” area based upon the guidelines established in the comprehensive plan. The buildings and uses permitted reflect the desire to have parking provided on a district-wide basis rather than having each individual building or use provide parking. The C-3 district is intended to be consistent with the commercial designation of the comprehensive plan. [Ord. 2451, 12-2-96. Code 2001 § 151.370.]

### **Chapter 15.318 C-4 RIVERFRONT COMMERCIAL DISTRICT**

#### **15.318.010 Description and purpose.**

- A. The purpose of the riverfront commercial district is to allow a mix of uses that:
1. Provides a variety of retail and commercial types that benefit from proximity to the river.
  2. Encourages access to and enjoyment of the Willamette River.
  3. Ensures compatibility of development with the surrounding area and minimizes impacts on the environment.
- B. Properties zoned in this district must comply with the development standards of the riverfront subdistrict, as described in NMC 15.352.010 through 15.352.050. [Ord. 2564, 4-15-02. Code 2001 § 151.375.]

### **Chapter 15.320 M-1 LIMITED INDUSTRIAL DISTRICT**

#### **15.320.010 Description and purpose.**

The M-1 limited industrial district is intended to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact, and with an open and attractive setting. The M-1 limited industrial district is typically appropriate to locations near major thoroughfares and nonmanufacturing areas. The M-1 district is intended to be consistent with the “industrial” and “mixed use” designations of the comprehensive plan. [Ord. 2451, 12-2-96. Code 2001 § 151.385.]

**Chapter 15.322**  
**M-2 LIGHT INDUSTRIAL DISTRICT**

**15.322.010 Description and purpose.**

The M-2 light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is intended to be consistent with the industrial designation of the comprehensive plan. [Ord. 2451, 12-2-96. Code 2001 § 151.400.]

**Chapter 15.324**  
**M-3 HEAVY INDUSTRIAL DISTRICT**

**15.324.010 Description and purpose.**

The M-3 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments and are typically appropriate to areas which are most distant from residential areas, and which have extensive rail or shipping facilities. The M-3 district is intended to be consistent with the industrial designation of the comprehensive plan. [Ord. 2451, 12-2-96. Code 2001 § 151.415.]

**Chapter 15.325**  
**M-4 LARGE LOT INDUSTRIAL DISTRICT**

**15.325.010 Description and purpose.**

The M-4 industrial employment district is divided into two subdistricts: the industrial employment subdistrict and the industrial commercial subdistrict. One of the main intents of these districts is to provide a variety of employment opportunities for the citizens of Newberg. Providing adequate jobs for our citizens leads to other related benefits, including a diversified and stable local economy, a stronger tax base, and environmental benefits from less out-commuting to jobs. In addition, providing adequate local jobs helps fulfill the stated desire of many citizens to “live here, work here, shop here.”

Through a comprehensive planning process, the city identified a need for large lot industrial sites of at least 20 acres in size. Further analysis of potential areas identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet the city’s needs for large site industrial development. As part of the city’s strategy for preserving large size industrial sites within industrial districts, the M-4 industrial employment subdistrict is intended to create, preserve and enhance areas containing large parcels (20+ acres) suitable for large industrial users and industrial planned unit developments. An approved plan for an industrial planned unit development is required prior to dividing a large parcel into lots or parcels that are less than 20 acres. The purpose of the planned unit development is to bring related industries and services that complement each other close together, resulting in synergistic effects arising from

regular face-to-face communications, economies of scale, and reduced transportation time and cost.

The industrial commercial subdistrict is intended to create, preserve and enhance areas for retail establishments serving the specific needs of the M-4 industrial employment area. The subdistrict is similar to the C-1 neighborhood commercial district, although the type and scale of uses permitted are limited to those that will directly support allowed uses within the M-4 industrial employment area. The area is not intended to serve pass-by traffic or provide for the general commercial needs of the community. The intent is to allow uses that complement the area while limiting or eliminating those uses that would have detrimental impact on the overall district.

Permitted and conditional uses are those identified below. Potential adverse impacts of industrial activity on adjacent uses are minimized by design and development standards as required by NMC 15.220.090. Large industrial sites and planned unit developments are configured and designed to minimize use-to-use conflicts within the industrial districts, as well as conflicts between industrial uses and those allowed in other districts.

The M-4 district is intended to be consistent with the industrial (IND) and commercial (COM) designations of the comprehensive plan. [Ord. 2720 § 1(3), 11-2-09. Code § 151.418.]

## **Chapter 15.326 SPRINGBROOK (SD) DISTRICT**

### **15.326.010 Description and purpose.**

A. The Springbrook district is intended to provide for a mixture of residential uses, commercial uses, hospitality/public uses, and light industrial uses. This mixture will provide for flexibility and innovation in design.

B. This chapter serves as a roadmap for development applications within the Springbrook district. This chapter explains the relationship between the Springbrook master plan document and the Newberg development code. Applicants should use this chapter to determine the applicable procedures and standards for development within the Springbrook district. [Ord. 2678 § 4 (Exh. 6(1)), 9-4-07; Ord. 2451, 12-2-96. Code 2001 § 151.425.]

## **Chapter 15.328 INSTITUTIONAL (I) DISTRICT**

### **15.328.010 Description and purpose.**

The institutional district is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses. The institutional district is intended to be consistent with the public/quasi-public designation of the comprehensive plan. [Ord. 2451, 12-2-96. Code 2001 § 151.435.]

**Chapter 15.330  
COMMUNITY FACILITIES (CF) DISTRICT**

**15.330.010 Description and purpose.**

The purpose of the community facilities (CF) district is to provide for appropriate development of community facilities, primarily by public agencies or nonprofit organizations. It encourages the preservation of natural resources and open space resources inventoried in the comprehensive plan. The CF district is intended to be consistent with the parks (P) and public/quasi-public (PQ) designations in the comprehensive plan. It may also be consistent with any other designation of the comprehensive plan as determined by the city council. [Ord. 2550, 5-21-01. Code 2001 § 151.445.]

**Chapter 15.332  
AIRPORT INDUSTRIAL (AI) DISTRICT**

**15.332.010 Description and purpose.**

The purpose of the City of Newberg AI airport industrial district is to encourage and support the continued operation and vitality of Sportsman Airpark by allowing airport-related industrial uses, and as such to promote economic development for the City of Newberg and Yamhill County. The AI airport industrial district is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require or benefit from a location within or immediately adjacent to primary flight operations and passengers or cargo service facilities. It is further intended to provide appropriate locations for airport-related light industrial uses that are compatible with and benefit from air transportation. [Ord. 2647, 6-5-06. Code 2001 § 151.448.]

**Chapter 15.336  
AIRPORT RESIDENTIAL (AR) DISTRICT**

**15.336.010 Description and purpose.**

The purpose of the City of Newberg AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. Maximum overall density shall be 8.8 units per gross acre. [Ord. 2647, 6-5-06. Code 2001 § 151.449.1.]

- c. Property outside the Urban Growth Boundary may be annexed only upon inclusion of such property into the Urban Growth Boundary.

### **3. General Policies**

- a. In new development areas all utility lines shall be placed underground. In existing areas an effort will be made to locate power, telephone, cable television and other utility cables underground over a period of time.
- b. The City shall coordinate planning activities with the county in order that lands suitable for industrial use but not needed within the planning period are zoned in a manner which retains these lands for future industrial use.
- c. The City may use the following or similar implementation measures to promote and encourage the establishment and expansion of industry in the planning area: tax incentives, land use controls and ordinances, preferential assessments, capital improvement programming, fee and less than fee acquisition techniques, and available state and federal programs or grants.
- d. Transfer of development rights may be used as a tool to aid in the preservation of historic sites, natural resources and open space areas.

## **III. PLAN CLASSIFICATIONS**

For the purpose of evaluating and eventually implementing the proposed Comprehensive Plan, descriptions of land use classifications are essential. Explanations of the map designations are as follows:

### **1. Mixed Use (MIX)**

The objective of this designation is to provide a compatible mixture of commercial, office, employment and high density residential uses. Commercial uses are intended to include neighborhood convenience uses such as convenience retail businesses, retail food establishments, personal service establishments, institutional uses and professional offices. Office employment uses may include office buildings, banks, theaters, and other similar types of facilities. Residential uses will be primarily multi-plexes and low or medium rise multi-family dwellings. Light industrial uses which are compatible with the general character of the area may also be permitted.



Due to the area's location, development should not be limited to a single type of use. Instead, this designation provides flexibility and recognizes that certain commercial, residential and industrial activities can be located together without conflicts. Proposals for the mixed use area shall be consistent with the availability of services and should not adversely impact existing or potential development of adjacent lands.

## **2. Residential Land Use**

Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Mobile home parks and mobile home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted. (As amended by Ord. 2380, 6-6-94).

The following is a summary of the three residential land use categories:

### **a. Low Density Residential (LDR)**

The objective of this designation is to provide a wide range of housing types and styles, while allowing for an overall density of up to 4.4 units per acre.

Typical housing types will include single-family attached and detached housing. Clustered housing areas within Planned Unit Developments or condominiums must include adequate open areas to maintain the low overall density of this classification.

Services shall include improved streets, underground utilities (except electrical transmission lines), street lighting, sidewalks, and in some cases, bikeways.

### **b. Medium Density Residential (MDR)**

The objective of this designation is to provide a wide range of housing types and styles while maintaining an overall density of up to 8.8 units per acre.

Typical housing types include single-family housing on small lots, attached or detached single-family or duplex units or tri- or four-plexes where adequate open areas exist and where the overall density is within the limits of this classification.

Services shall include improved streets, underground utilities (except electric transmission lines), street lighting, sidewalks and, in some cases, bikeways.

**c. High Density Residential (HDR)**

The objective of this designation is to provide multi-family housing of different types while maintaining an overall density of up to 21.8 units to the acre.

Typical housing types include apartments, townhouses, and a variety of cluster developments. Density may vary depending on lot sizes, off-street parking and other site constraints.

Services shall include improved streets, underground utilities (except electric transmission lines), street lighting, sidewalks, and in some cases, bikeways.

**3. Commercial Land Use (COM)**

The objective of this designation is to provide for a wide variety of commercial activities including offices, retail sales and services.

Several areas are designated for commercial use. The downtown core is recognized as the Central Business District (CBD) of Newberg. This area should remain as a stable commercial area and a primary location for offices and retail sales.

The area along Highway 99W east of the CBD is recognized as a commercial growth area. It will serve primarily as a service-type commercial area providing shopping centers, restaurants, motels and other services.

Neighborhood commercial areas are included on the Land Use Plan. These areas provide convenience sales or services to the neighborhood in which they are located. The services provided are at a scale consistent with the needs of the neighborhood and are designed so as to be compatible with the general character of the area.

**4. Stream Corridor (SC)**

The Stream Corridor lands also serve as a habitat for fish and wildlife. These lands form the basic Stream Corridor framework for the community and may be



augmented over time with other parcels of land possessing desirable natural and locational qualities. The Stream Corridor lands were carefully examined in conjunction with fish and wildlife habitats. The Stream Corridor ordinance has been designed to ensure the protection and preservation of these lands. The Stream Corridor Subdistrict shall include procedures under which limited filling and grading will be allowed provided environmental damage and hazardous conditions can be minimized. (Adopted by Ord. 96-2452, approved by City Council 11-4-96).

## **5. Parks (P)**

Park lands are usually publicly-owned or leased open areas which provide recreational or other types of leisure-oriented opportunities. Boundaries of these areas are specifically defined on the Plan map. These areas shall be located throughout the planning area in order to minimize travel distances to recreation opportunities.

## **6. Future Park Site**

The purpose of this designation is to provide the Parks District and/or The City of Newberg with a first option to buy part or all of the indicated areas.



**7. Future Park and School Sites**

The approximate future park and school site symbols indicate general locations of needed new facilities. Specific sites are not delineated due to financial constraints and, in some cases, to the lack of immediacy in the need for the facilities. As these projects become more feasible, symbols may be removed and specific future park or school sites may be added to the Comprehensive Plan map as needs become apparent.

Whenever possible, future school sites should be located adjacent to existing or future park sites.

**8. Public/Quasi-Public (PQ)**

The public/quasi-public designation is used to indicate the location of existing and future schools, public and private; airports; hospitals; continuing care retirement communities; cemeteries; government centers and other non-park facilities serving major community functions.

Except in cases where specific new sites are known, only existing public/quasi-public uses shall be shown on the Land Use Plan map. In general, these areas will expand into adjacent areas when the need arises.

**9. Industrial Use Areas (IND)**

The objective of this designation is to provide land for a variety of light industrial, heavy industrial and industrial park areas.

Heavy industrial uses should be located in the area near Smurfit Newsprint, an existing pulp and paper mill. Other designated areas should be developed to light industrial or industrial park type uses.

**10. Commercial/Medium-High Density Center At Mountainview Road and College Street**

Although specific boundaries are indicated on the Comprehensive Plan map, these designations are indicative of approximate acreages rather than exact locations of these uses. The center is meant to include approximately 2.3 acres of commercial land, two acres of high density residential land, and ten acres of medium density land in any type of well-designed land use pattern. Commercial uses in this area shall be limited to neighborhood convenience types of activities which shall not be

permitted until transportation provisions are adequate. Such provisions shall include the completion of Mountainview Drive from Springbrook Road to College Street and the installation of proper traffic controls.

#### **11. Springbrook District (SD)**

The objective of this designation is to provide a compatible mixture of residential, hospitality/public, commercial, and industrial uses, governed by a master development plan. Residential uses will be primarily single-family dwellings and multi-plexes. Hospitality/public uses will be hotels and recreational facilities. Commercial uses are intended to include general commercial and neighborhood convenience uses such as retail businesses, retail food establishments, personal service establishments, and offices. Light industrial uses which are compatible with the general character of the area are also permitted. Proposals for development shall be consistent with the master plan and the availability of services, and should not adversely impact existing or potential development of adjacent lands.

(Amended by Ordinance 2007-2678, September 4, 2007)

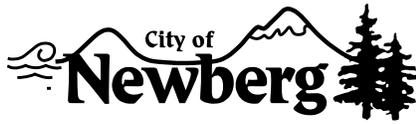
#### **12. (Deleted by ordinance 99-2517)**

#### **13. Riverfront District (RD)**

The riverfront provides a unique setting that, if properly developed, will elevate the quality of life for citizens of Newberg and the region. Development of the riverfront that provides the greatest benefit requires a flexible approach. Development should not be limited to a single type of use; residential and certain commercial activities can be located together without conflicts. Commercial uses must have a demonstrated need to be located near the river. Appropriate zones include Riverfront Commercial District (C-4), Medium Density Residential (R-2), Low Density Residential (R-1), and Community Facilities (CF). Proposals for development shall be consistent with the availability of services and should not adversely impact existing or potential development of adjacent lands. Natural habitats and riparian areas should be protected and enhanced as much as is reasonable. Good transportation links should be developed to connect the riverfront the local community and the region.

#### **14. Specific Plan (SP)**





## MEMORANDUM

**Date:** March 8, 2012  
**To:** Mayor Andrews, Newberg City Council  
**From:** Newberg Planning Commission  
**Re:** Proposed Update to Newberg Zoning Use Tables

Newberg's Development Code has slowly evolved over the past 50 years. The code is in need of maintenance and update in several areas. One area that we see need of update is in the zoning use tables. The zoning sections in the Newberg Development Code currently are formatted so that there is a section for each zone, and an alphabetical list of the uses allowed in that zone. The Code lists over 300 uses as either permitted or conditional uses in over 17 different zones. The format derives from the city's earliest zoning ordinances written in the 1950's.

The current code is not user friendly. It also in some areas is outdated or contains unintended discrepancies.

We would like to update these separate use lists into one comprehensive table. We have identified the following objectives:

1. Every use should have a definition.
2. Uses should not overlap.
3. Uses should be organized by category rather than by alphabet.
4. Similar uses should be combined, use names standardized, and the overall number of defined uses reduced
5. Definitions should be modernized.
6. The code should be updated to meet new state and federal laws.

We believe that by so doing we will make the code much more user friendly, and more effective achieving the city's comprehensive plan goals.

We would like to use the Oregon Small Cities Model Development Code as beginning template. This model code defines a limited number of general use categories, and then assigns those a permitted or conditional uses in each zone. We intend to customize this table to fit Newberg.

While the main goal is to reorganize the zoning use tables so they are more user friendly, we inevitably will find that some more substantial changes are needed. We will be reviewing what uses are and are not allowed in each zone, and trying to make sure those uses fit with the purpose of the zone. Through the process, we may discover some uses that are not allowed in certain zones that should be, and perhaps some that are allowed that should not be. We would like to identify any such uses and bring them to light so the Council can make an informed decision on whether or not to

make such changes.

We want to make this process very transparent so that the planning commission, city council, and the public can understand what changes are being made and why. We do intend on having public workshops, notices, newsletters, and hearings so the public is well informed of the process. We also want the City Council to be involved, and would like to schedule a work session with you as we get further into the project so that we can hear your ideas.

We intend to work on this project as time is available on our agendas. The time it takes to complete will depend on when other hearings or planning projects are on our plate. Thus, we do expect that this project will take a year or more to complete.

We appreciate the technical assistance we receive from staff in completing this and other projects. We are pleased to learn that we will have some assistance from a George Fox University student intern to help with the research for this project.

Please let us know if you have any direction, concern, or input on this project.

Sincerely,

Newberg Planning Commission

Tom Barnes, Chair

# Newberg Development Code Zoning Use Table By Category

	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
P: Permitted Use C: Conditional Use *Use has specific limits, see Devt. Code																	

## Accessory

	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
Accessory building and uses incidental to others permitted in the zone	P	P	P	P	P	P	P	P	P	P	P	P	P	P			P
Billboards												C*					
Home occupation	P	P	P	P*	P												
Home occupation ( one or more outside paid employee)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C

## Agricultural

	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
Agricultural uses: Berry and bush crops Flower gardening Raising and harvesting of orchards, tree crops Truck gardening, the raising and harvesting of vegetables for home consumption	P	P									P	P		P			
Agricultural, general (no slaughterhouses)													P				

## Commercial

	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
All development sites within the C-2 district that include bldgs that exceed 30,000 gfa or 50,000 gfa that do not meet code requirements							C*										

Commercial Lodging	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
	Bed and Breakfast establishments ( more than two guest sleeping rooms)	C	C	C		C	C	P	P	P							
Bed and Breakfast establishments (2 or fewer sleeping rooms)	C	P	P		P	P	P	P	P								
Hotel, motels, Inns, motor hotels or tourist courts							P	P*/C*	C								
Motel and Hotels																	C
<b>Commercial Service</b>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
ATM Facilities									P								
Automobile rental agencies																	P
Banks						P	P	P			P	P	P				
Blueprinting							P	P		P			P				
Catering services							P	P									
Drive-up service windows								C*									
Dry cleaners, coin operated						P	P	P									
Dry cleaners, tailor shops													P				
Dry cleaning establishment							P	P									
Laundromats, hand laundries, and self-service laundries						P	P	P									
Mortuaries							P	P									
Photocopying							P	P		P							
Photoengraving																	
Photostating																	
Plumbing supplies and services											P	P					
Post offices						P	P	P					P				
Printing and publishing											P	P					
Printing shops							P	P					P				

<b>Commercial Service</b>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
Sewing machine sales and service							P	P									
Shoe repair shops						P	P	P					P				
Tailor or dressmaking shops						P	P	P									
Telephone answering services						C	P	P									
Upholstery; automobile and furniture							P	P									
<b>Eating and Drinking</b>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
Banquet facilities									C								
Bars or night clubs							P	P					P				
Breweries and brew pubs									p								
Cafeteria and kitchen facilities															P		C*
Cocktails lounges							P	P									
Delicatessen stores						P	P	P	p				P				
Night Clubs													P				
Restaurants						P*	P	P*	P*	P*	P*	P*	P*				C*
Taverns							P	P	P				P				
Wine tasting rooms or wine shops									P								
<b>Office</b>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4	CF	I	AR	AI
Accountant					P	P	P	P	P								
Administrative Offices														P			
Architect					P	P	P	P	P	P							
Attorney					P	P	P	P	P								

## Title 6 ANIMALS

### Chapters:

- 6.05 General Provisions
- 6.10 Dogs

### Chapter 6.05 GENERAL PROVISIONS

#### Sections:

- 6.05.010 Definitions.
- 6.05.020 Animals at large.
- 6.05.030 Livestock and poultry prohibited.
- 6.05.040 Wild or domestic animals and fowl.
- 6.05.050 Permit for certain animals and fowl.
- 6.05.060 Nuisances.
- 6.05.070 Abatement of nuisance.
- 6.05.080 Alternative abatement procedure.
- 6.05.090 Dangerous animals.
- 6.05.100 *Deleted.*
- 6.05.110 Removal of carcasses.
- 6.05.120 Cruelty to animals.
- 6.05.130 Vehicles injuring animals.

#### **6.05.010 Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

“**Animal**” means any one of the lower animals, as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plants, and including mammals, fowl, reptiles, and fish.

“**Domestic animal**” means an animal conditioned so as to live and breed in a tame environment and normally amenable to human habitats.

“**Fowl**” means a bird of any kind.

“**Livestock**” means horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, and any fur-bearing animal bred and maintained, commercially or otherwise, within pens, cages, and hutches.

“**Poultry**” means domestic fowl, such as chickens, turkeys, ducks, geese, or other fowl raised for meat or eggs.

“**Running at large**” means an animal which is off or outside the premises belonging to the owner, keeper, or person having control, custody, or possession of the animal, or not in the company of and under the control of its owner or keeper by means of an adequate leash, pen, cage, coop, vehicle, or other means of confinement or immediate supervision.

**“Wild animal”** means an animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats. [Ord. 906, 3-25-40. Code 2001 § 92.01.]

**6.05.020 Animals at large.**

It shall be unlawful for any person, firm, corporation or association owning or controlling or having custody of any wild or domestic animal or fowl, cats and dogs excepted, to permit or allow the same to run at large within the corporate limits of the city. [Ord. 906, 3-25-40. Code 2001 § 92.02.]

**Penalty:** See NMC 6.10.120.

**6.05.030 Livestock and poultry prohibited.**

It shall be unlawful for any person, firm, corporation or association to keep or maintain within the corporate limits of the city any livestock or poultry, except for household pets, without first obtaining a permit to do so, and no permit shall be granted without the approval of the animal control officer. [Ord. 906, 3-25-40. Code 2001 § 92.03.]

**Penalty:** See NMC 6.10.120.

**6.05.040 Wild or domestic animals and fowl.**

It shall be unlawful for any person, firm, corporation or association to keep or maintain within the corporate limits of the city any wild or domestic fowl of any kind or description, or to keep or maintain any wild or domestic animals of any kind or description, cats and dogs excepted, or to keep or maintain any honeybees without first having obtained a permit from the police department. [Ord. 906, 3-25-40. Code 2001 § 92.04.]

**Penalty:** See NMC 6.10.120.

**6.05.050 Permit for certain animals and fowl.**

Any person, firm, corporation or association desiring to keep or maintain within the corporate limits of the city any wild or domestic fowl, wild or domestic animals, cats and dogs excepted, or any honeybees, shall apply for a permit from the police department, who shall make an investigation and issue the said permit. Any permit issued may be revoked at any time, either by the police department or by the city council, whenever it shall be made to appear that the maintenance of said fowl, animals or bees interferes with the rights of others in the enjoyment of their property, peace, health and safety. [Ord. 906, 3-25-40. Code 2001 § 92.05.]

**6.05.060 Nuisances.**

If any person, firm, corporation or association shall fail to obtain a permit as herein provided, or after having obtained such a permit shall keep or maintain any of said fowl, animals or bees in a manner that interferes with the rights of others in the enjoyment of their property, peace, health or safety, then such omission, acts and conditions shall be deemed to create a nuisance within the purview of this chapter. [Ord. 906, 3-25-40. Code 2001 § 92.06.]

**Cross-reference:** Nuisances, see Chapter 8.15 NMC.

#### **6.05.070 Abatement of nuisance.**

Whenever any nuisance as herein defined shall exist contrary to the provisions of this chapter, the chief of police of the city shall, in writing, notify the owner or occupant of the involved premises; and if such owner or occupant shall fail or refuse to remove or abate such nuisance within a reasonable period, then the said chief of police shall cause such nuisance to be removed or abated, as the case may be, by day labor. The cost of the removal or abatement shall be a lien against and upon the premises where such nuisance exists and shall be recorded in the lien records of said city and collected as other liens are collected under the Charter of said city. The term “**reasonable period**,” as herein used, shall be construed to mean not less than 48 hours. [Ord. 1696, 6-4-73; Ord. 906, 3-25-40. Code 2001 § 92.07.]

**Cross-reference:** Nuisances, see Chapter 8.15 NMC.

#### **6.05.080 Alternative abatement procedure.**

In addition to the procedures set forth in this chapter for the abatement of nuisances, the procedure set forth in the uniform nuisance abatement procedure ordinance, NMC 8.15.170 et seq., may be utilized by an enforcement officer to abate any nuisance defined in this chapter. [Ord. 2164, 4-1-85; Ord. 906, 3-25-40. Code 2001 § 92.08.]

#### **6.05.090 Dangerous animals.**

No owner or person in charge of an animal shall permit an animal which is dangerous to the public health or safety to be exposed in public. If the animal is exposed in public, it may be taken into custody by the city and disposed of in accordance with the procedures provided by ordinance for the disposition of personal property or for the impoundment of dogs; except that before the animal is released by the city, the chief of police must find that proper precautions will be taken to ensure the public health and safety. [Ord. 1690, 3-19-73. Code 2001 § 92.09.]

**Penalty:** See NMC 6.10.120.

**Cross-reference:** Nuisances, see Chapter 8.15 NMC.

#### **6.05.100 Livestock and poultry.**

*Deleted during 2011 recodification.* [Ord. 1690, 3-19-73. Code 2001 § 92.10.]

**Penalty:** See NMC 6.10.120.

#### **6.05.110 Removal of carcasses.**

No person shall permit an animal carcass to remain upon public property, or to be exposed on private property, for a period of time longer than five days. [Ord. 1690, 3-19-73. Code 2001 § 92.11.]

**Penalty:** See NMC 6.10.120.

#### **6.05.120 Cruelty to animals.**

- A. Except as otherwise authorized by law, no person shall intentionally or recklessly:
1. Subject any animal under human custody or control to cruel mistreatment.
  2. Subject any animal under the person’s custody or control to cruel neglect.
  3. Kill without legal privilege any animal under the custody or control of another.

B. As used in this section, “**animal**” includes birds. [Ord. 1703, 8-20-73. Code 2001 § 92.12.]

**Penalty:** See NMC 6.10.120.

**6.05.130 Vehicles injuring animals.**

Any person operating a vehicle within the city who shall run over, strike, injure, maim or kill any domestic animal, if injured, or provide for the disposition of the carcass, if such animal is killed; and in either case, such person shall make due and diligent inquiry to determine the owner of such animal; and if the owner be found, the operator of the vehicle shall notify the owner of the occurrence and also report the same forthwith to the chief of police or assistant. [Ord. 1703, 8-20-73. Code 2001 § 92.13.]

**Penalty:** See NMC 6.10.120.  
6, 3-25-40. Code 2001 § 92.99.]

# OREGON SMALL CITIES MODEL CODE

## RETAIL SALES AND SERVICE CATEGORY

### 1.4.250 Retail Sales and Service

- **A. Characteristics.** Retail Sales and Service firms are involved in the sale, lease or rent of new or used products to the general public. They may also provide personal services or entertainment, or provide product repair or services for consumer and business goods.
- **B. Accessory uses.** Accessory uses may include offices, storage of goods, manufacture or repackaging of goods for on-site sale, and parking.
- **C. Examples.** Examples include uses from the four subgroups listed below:
  1. Sales-oriented: Stores selling, leasing, or renting consumer, home, and business goods including art, art supplies, bicycles, clothing, dry goods, electronic equipment, fabric, furniture, garden supplies, gifts, groceries, hardware, home improvements, household products, jewelry, pets, pet food, pharmaceuticals, plants, printed material, stationery, and videos; food sales, and sales or leasing of consumer vehicles including passenger vehicles, motorcycles, light and medium trucks, and other recreational vehicles.
  2. Personal service-oriented: Branch banks; urgency medical care; laundromats; photographic studios; photocopy and blueprint services; hair, tanning, and personal care services; tax preparers, accountants, real estate, legal, financial services; business, martial arts, and other trade schools; dance or music classes; taxidermists; mortuaries; veterinarians; kennels limited to boarding, with no breeding; and animal grooming.
  3. Entertainment-oriented: Restaurants, cafes, delicatessens, taverns, and bars; indoor or outdoor continuous entertainment activities such as bowling alleys, ice rinks, and game arcades; pool halls; indoor firing ranges; theaters, health clubs, gyms, membership clubs, and lodges; hotels, motels, recreational vehicle parks, and other temporary lodging with an average length of stay of less than 30 days.
  4. Repair-oriented: Repair of TVs, bicycles, clocks, watches, shoes, guns, appliances and office equipment; photo or laundry drop off; quick printing; recycling drop-off; tailor; locksmith; and upholsterer.
- **D. Exceptions.**
  1. Lumber yards and other building material sales that sell primarily to contractors and do not have a retail orientation are classified as Wholesale Sales.
  2. The sale of landscape materials, including bark chips and compost not in conjunction with a primary retail use, is classified as Industrial Service.
  3. Repair and service of consumer motor vehicles, motorcycles, and light and medium trucks is classified as Vehicle Repair. Repair and service of industrial vehicles and

equipment, and heavy trucks is classified as Industrial Service.

4. Sales, rental, or leasing of heavy trucks and equipment is classified as Wholesale Sales.

5. Hotels, restaurants, and other services that are part of a truck stop are considered accessory to the truck stop which is classified as Industrial Service.

6. In certain situations, hotels and motels may be classified as a Community Service use, such as short term housing or mass shelter. See Community Services.

7. When kennels are limited to boarding, with no breeding, the applicant may choose to classify the use as Retail Sales and Service or Agriculture.