

PLANNING COMMISSION AGENDA

May 10, 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 April 12, 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 (continued).**

The workshop will continue the process begun in March 2012 of reviewing some draft classifications for commercial and industrial uses, and determining in which zones they should be permitted, allowed conditionally, or prohibited.
- VI. **ITEMS FROM STAFF**
 1. Update on Council items
 2. Other reports, letters, or correspondence: Alley access memo
 3. Next Planning Commission Meeting: June 14, 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

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PLANNING COMMISSION MINUTES

April 12, 2012

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

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 Gary Bliss
Allyn Edwards Philip Smith
Lon Wall Kale Rogers, Student Member

Absent: Mayor Bob Andrews, Ex-officio (excused)

Staff Present: Barton Brierley, Planning & Building Director Steve Olson, Associate Planner
Jessica Nunley, Assistant Planner Norma Alley, City Recorder

Public Present: Shawn Irwin, Ron Manning, David Christie, Kathy Carlson, Steve Winchester, Lisa Nauman, and Josh Nauman.

III. CONSENT CALENDAR

Approval of the March 8, 2012, Planning Commission Meeting Minutes.

MOTION #1: Phil Smith/Allyn Edwards to approve the minutes from the Planning Commission Meeting of March 8, 2012, as amended. Motion carried (7 Yes/0 No).

IV. COMMUNICATIONS FROM THE FLOOR

Shawn Irwin requested the Planning Commission review the ambiguity of the Development Code regarding alley way access to make it more clear. He noted it seemed incumbent upon this group to create clarity.

V. QUASI-JUDICIAL PUBLIC HEARINGS

- APPLICANT: Ron Manning**
REQUEST: Sherman Oaks Subdivision - Tentative plan approval for a 5-lot subdivision
LOCATION: 504 W. Sherman Street
TAX LOT: 3219BA-800
FILE NO.: SUB3-12-001 ORDER NO.: 2012-02
CRITERIA: 15.235.060(A)

Chair Barnes opened the public hearing, called for any abstentions due to ex-parte contact or bias, and read the required criteria of a Quasi-Judicial Hearing.

Commissioner Cathy Stuhr stated she went by to view the property. She said her initial reaction was it was a good mix for the neighborhood, but got the feeling it seemed small and expressed concern with how it was going to all fit on the land.

Commissioner Gary Bliss said he drove by the site, but had no contact.

Ms. Jessica Nunley, Assistant Planner, presented the staff report with the use of a PowerPoint and recommended approval (see official meeting packet for full report). Staff recommends adoption of Order No. 2012-02 with the correction in paragraph 4 of Page 14 of the packet, correcting the reference to eight units on Lot 4, which should be Lot 5.

Commissioner Bliss asked is section 15.235.050 part of the criteria for this application. Staff replied that it is not approval criteria, but does describe what needs to be submitted with the application. Commissioner Bliss said under that section a preliminary site grading plan shall be presented and I do not see one. Staff said that was addressed in the application. There are no proposed grade changes so there is nothing to provide at this point. Commissioner Bliss said he found differently as he did not see how Lot 3, and possibly Lot 4, can be drained to the street without filling the lot or putting in a pump; without showing on the plan or describing the application, the applicant should have provided a proposal so one lot does not drain onto another. Staff said part of that is taken under review through the building permit process. Commissioner Bliss stated he felt they have an incomplete application.

Commissioner Phil Smith asked due to the size of proposed Lots 2, 3 and 4, would it be legal to put a duplex on those lots. Jessica Nunley answered I do not believe there is enough for that as 6,000 square feet is required for a duplex.

Commissioner Phil Smith said part of the proposal is going to be made into a tract outside the city limits and the City has no responsibility. He asked does the owner requesting a tract have responsibility to the county and what is the responsibility of the land owner who does not want responsibility. Jessica Nunley replied that she had talked with the county and they are not concerned about it because people do designate tracts instead of lots when the property is not buildable, so the owner's responsibility is to comply with county regulations.

Commissioner Phil Smith asked is the reason this is a type three proposal because there is a stream corridor in the project and since the land is not wholly in the city. Jessica Nunley said it is primarily a type three review because of the portion of the property outside the city limits, but it also has a small stream corridor section.

Chair Barnes opened the public testimony starting with the **proponents**.

Mr. Ron Manning, applicant, presented the application and stated we have created a nice project taking into consideration the best use of the grounds, and we have installed sidewalks and remodeled the existing home to enhance the neighborhood. He continued saying we can address the stormwater with rain gardens, which means the water may not need to leave the multifamily site, and he believes that lots 3 and 4 drain to the street.

Commissioner Phil Smith said you heard the application is not complete because it does not have a grading plan or stormwater drainage plan. He asked what do you think of conditions to supply a stormwater drainage plan. Mr. Manning answered that is already part of the conditions of approval.

Commissioner Stuhr asked in respect to Lot 5 multifamily site, which may consist of smaller houses or studio size dwelling to rent out, is that your intention? Mr. Manning answered yes. Commissioner Stuhr asked since you will maintain ownership of Lot 5 and you can put up to eight units, do a detached small cottage, condos, or

townhomes as a multi-family unit, what is your intent and how is that going to fit. Mr. Manning said at this time he is looking at several design options but in the future he will address drainage and parking at design review.

Commissioner Stuhr asked for clarification in Mr. Rydell's report of findings for the criteria on Page 7 stating Lot 5 is exempt from a new application of the lot requirements at time of development. Jessica Nunley said the Planning Commission is being asked to decide on the density/development site question now, or revert to Option A to look at only that lot in the future. Commissioner Stuhr stated she was not comfortable to make that decision without knowing how all that is going to fit. Mr. Manning said that would go to staff and you put your faith in the code and staff to make the right decision.

Commissioner Bliss asked Ron Manning to clarify that Lot 3 will drain to street. Mr. Manning said yes, it will drain to street and we are considering rain drains off the foundation to get it to the street. As far as the low point, drainage is not required by building code unless water can get within one foot of the building floor.

Commissioner Bliss stated respective of crawl space and the rain drains, according to Mr. Rydell's topography, the southwest corner of the lot appears to be lower than the northwest corner of Lot 4, which means water would have to drain. Mr. Manning said Oregon drainage law says you cannot increase or concentrate the flow onto an adjacent property, but water can follow the natural drainage path. Commissioner Bliss said it cannot be accelerated. Mr. Manning said you are correct, but we will be taking it off the lot.

Commissioner Bliss said this is not setting a good precedent that a lot drain onto an adjacent lot. Mr. Manning commented he owns the single family and would create an easement for drainage if necessary. Commissioner Bliss said if you create the easement you take away from buildable area. Mr. Manning said we would still be within the allowable buildable area.

Opponents:

Mr. David Christie submitted written testimony that Chair Barnes read into the record.

Ms. Kathy Carlson testified of several concerns such as drainage, protection taken for land sliding during construction since there is a history of it sliding on the northwest corner, adhering to the Code regarding buildable property and square footage required, dividing the property between the city and county and different Codes applying, concerned for development for Lot 5 and what specifically will go there, property values decreasing, lack of off-street parking planned, compliance with ADA, how much green space is provided, and ensuring the embankment is secured.

Commissioner Wall asked you understand the area can be developed even without the subdivision they are asking for and the development would not be different because it is already zoned for this. Ms. Carlson asked are you telling me if you turned this down tonight it can be developed without going through this process? Yes, the subdivision is not required to develop the property.

Commissioner Stuhr stated we share your desire to know more of exactly what is going to happen in the future planning. She asked staff to confirm the details about what comes later in the process, when will property owners be notified, what is before us, how the Commission is making the decision, and what comes later. Jessica Nunley said staff is asking the Commission to make an interpretation on the lot area per lot or development site and, as shown, Lot 5 would allow six units outright or, looked at as a development site, 8 units. She continued with Lot 5 requires a type 2 design review, which is an administrative process where

neighbors will be notified of the requirements the applicant must meet and will have a chance to submit comments on the design.

Mr. Steve Winchester stated Morton Street still has a rise and all the water runs down through all the property lines there causing a swampy area. The southwest corner has a slight incline and the physics of taking a piece of property of that nature and turning it into what this gentleman is trying to do would cause the flow to go up hill. Why create all this density and make it worse than it already is; this is not encouraging homeowners to buy. Sherman Street has cars going down that street thinking it goes some place. Take eight, six, or four homes in there, the coming and going of two cars per house along with the current vehicles will create a traffic jam. He recommended the installation of a light at the intersection.

Commissioner Wall asked when you moved in seven years ago, you had a reasonable expectation more development would happen on the property. Mr. Winchester answered originally the family brought in a surveyor and decided to put on three homes and then we heard about this development, but yes, we knew homes would go in eventually.

Ms. Lisa Nauman expressed concern for the neighborhood being $\frac{3}{4}$ developed with $\frac{1}{4}$ left, eight residents currently residing on $\frac{3}{4}$ of the land and 11 more on $\frac{1}{4}$ making it feel shoe horned, the development providing the potential of 22 extra cars on this road with one exit, the increased traffic level, and what will happen to property values. She testified she lived there ten years and knew it would be developed eventually, but thought it was going to be three houses which would be wonderful; this seems like an extreme. She continued saying you have your zone of R-2 medium density and asked it be looked at literally instead of as a development and not put more than what is allowed. She said she would much rather match the neighborhood and not add so many residents causing crowding in the neighborhood; consider the tone of the neighborhood. She added my ten year old said she wanted to speak to the Planning Commission to ask for respect for the neighborhood. She closed with that and asked for the Commission to look at it as a neighborhood and not a development.

Mr. Josh Nauman testified he lives directly across the street from the proposed development and traffic is the biggest thing he looks at in this neighborhood. He stated it is expected adding development would increase that, but when looking at this it adds 20 plus cars and when both sides are lined it is difficult to get two cars down that road. The egress down Morton Street is dicey depending on the time of day and the increase of traffic would be a detriment to the area; not only for Sherman Street but also for Morton Street. Adding density to a dead end street as opposed to a street or block with open ends, makes it that much more congested; this is a safety concern. The improvements of sidewalk, street, and sewer has an effect on the larger neighborhood; not just my block. There is going to have to be roadway, curbs, and sidewalks pushing development close to the breaking slope and how practicable is it to develop that close to that. It concerns me because I know I do not let my kids get too close to it because it is an unstable edge. I bought a house on a block with duplexes and I knew what I was getting into. High density is out of character of the neighborhood. It is all single family or duplex neighborhood on Sherman and Morton Streets. This changes the character of the neighborhood with higher density, which is going to affect the property value.

Jessica Nunley provided the final staff report with clarifying on Page 13 of the packet stating the lot area of the section is only applied when calculating minimum density; it is not taking out area when calculating maximum units on the lot. The criterion stated above has the density requirement; Section C is a clarification and is a confusing requirement. Continued subdivision applications, like this one, are a two part process. First, it goes for a preliminary plat with condition of approval in most cases. Then, the application has two years after preliminary plat approval to get to final plat approval. Staff believes the application meets all the required criteria for approval. Staff recommends approval of Order No. 2012-02.

Commissioner Stuhr asked could the units on Lot 5 be duplexes. Staff answered yes. Commissioner Stuhr asked has anyone looked at Lot 5 as to setback requirements and the issue of being close to the slope. She expressed concern that if allowed there would be no way to go back. Staff replied yes, six units can be there and meet requirements. The applicant will have to supply a detailed design for approval at the next stage. At this point, the request is only for the subdivision.

Commissioner Stuhr said is that why a traffic study isn't included. Staff stated a traffic study is required for developments adding over 40 trips in p.m. peak hour; this development would need to include around 40 units before a traffic study would be required.

Commissioner Bliss asked will an analysis of the slopes be required for Lot 5. Barton Brierley said based on testimony we heard of a potential land slide issue, we will include as a condition that the applicant look into that during the development stage.

Commissioner Deliberations:

Commissioner Bliss stated accepting the understanding of the applicable lot area requirement, my original concerns that drainage easement were not included in the developable area was based on Mr. Manning's explanation that crawl spaces do not need drains and the City will allow flower beds as drainage; from that stand point that quells the drainage easement issues. I do not feel willing with looking at four lots and a multi-family lot to thwart this application under the criteria of going with Option A.

Commissioner Phil Smith said the choice the Commission has is for Lot 5 to allow six or eight units; it is not about design review or what is allowed for design review. He asked if we are not going to have a higher density on this particular one then when are we going to do it. If we have worries with drainage then we presume there is an easement. Both lots are far bigger than required and the lot averaging will still work. The reason we have two figures is because we have a minimum to include all that has to be given away to the street. I do not see any reason why we should not do it as one total development.

MOTION #2: Phil Smith/Allyn Edwards to approve Option B with up to eight units on Lot 5 with the condition the slopes have a geotechnical analysis submitted for Lot 5 when the design application is submitted.

Commissioner Wall said the city has spent a lot of time and effort talking about smaller lots and I have been one of the people complaining with previous applications that we don't often vote in favor of it. Second, this is way more complicated with the lousy economic situation. There is an awful lot of pressure to take on development and to look the other way, but we are desperate for development. It is not reasonable for folks to suspect this is not going to get developed, but is a question of developing six versus eight units; that is all this hearing is about. I am inclined to vote no because based on earlier comments. I think we have a good staff that is competent and is under the gun with the prevailing mentality the economy is horrible. I would have felt a lot better if there was more information on how it would be accomplished. I am inclined to vote no for this reason. We also have codes, regulations, criteria, and information we are to have when making decisions like this and from what I can see all of it is not here. I am not willing to say yes at this point.

Commissioner Stuhr said I hear what has been shared tonight and we have rules and criteria, which the criteria in front of us are well within going for six or eight units.

Commissioner Edwards said with all that has been said so far, I would have to vote in favor. I think the development would be aesthetically suitable to the neighborhood. These are new homes, more modernized, green friendly, and will enhance the neighborhood. This is offering a wide array of selection for the

neighborhood and I do not think it is going to be a detriment. The density for the development has met the standards. Drainage will be handled at a later time and not a part of this consideration. Therefore, I approve this as a development.

Commissioner Art Smith said I have listened carefully to the neighbors and staff and am in support in increasing density. Although, I am not convinced this is the best place to do that as I do not think it meets the current need of the neighborhood. There is enough concern of what I have heard tonight, so I vote no.

Commissioner Rogers commented what the applicant owns is R-2 and has a legitimate ability to put in more houses than he is proposing. He is being reasonable and is not putting in something that is not aesthetically appealing.

Chair Barnes stated he sympathizes with the neighbors and is concerned about traffic. Traffic in Newberg is terrible in any neighborhood but it is not part of the criteria; therefore, I am inclined to approve this application.

Commissioner Wall said I suspect I might change my vote, when are we going to get the guts to do this it stops now. I hope the next time we have another applicant we have equal amount of courage.

Commissioner Stuhr called for the question.

VOTE #2: Motion carried (6 Yes/1 No [Art Smith]).
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VI. ITEMS FROM STAFF

1. Update on Council items

Barton Brierley said Council will be continuing discussion of the affordable housing trust fund policy and procedures at their April 16, 2012, meeting. On May 7, 2012, they will be looking at amendments to our downtown bicycle rack design and the SE Industrial UGB/EOA. Two things they want to do is look at the commercial land needs and staff discussion with principal proponents of 1,000 Friends of Oregon.

2. Other reports, letters, or correspondence: school-zone flashing speed signs

Barton Brierley announced many participated in the sixth grade Design Star process and the City staff has been recognized for that project from the Oregon chapter of the American Planning Association by receiving the Special Achievement Award. He thanked Jessica Nunley and Jan Wolf for all their hard work and efforts.

3. Next Planning Commission Meeting: May 10, 2012

Barton Brierley proposed staff prepare a memo for the next meeting on the alley access concern brought up under public comments tonight. Staff will look at the issue and provide some possible options to consider. Barton Brierley reported staff provided a memo in the packet in response to the school flashing beacon signs and asked for any questions. Commissioner Edwards thanked Barton Brierley and staff for preparing the report addressing the Commission's concerns about the money being spend for the flashing lights in schools zones.

VII. ITEMS FROM COMMISSIONERS

Discussion commenced on the decisions of subdivision criteria versus the design application criteria, what criteria is to be decided on at the time of the hearing, the amount of information being submitted into the record to make an educated decision, and if concerns are being addressed properly through this process.

VIII. ADJOURN

Chair adjourned the meeting at 9:02 p.m.

Approved by the Planning Commission on this 10th day of May, 2012.

AYES:

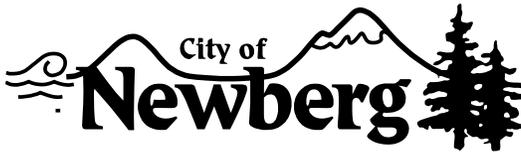
NO:

ABSENT: 0

ABSTAIN: 0

Planning Recording Secretary

Planning Commission Chair



Planning and Building Department

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PLANNING COMMISSION STAFF REPORT WORKSHOP: ZONING USE TABLE

MEETING DATE: May 10, 2012

FILE NO: DCA-12-002

TOPIC: Update the zoning use tables in the Development Code

ATTACHMENTS:

1. Potential Commercial Use Definitions
2. Potential Commercial Use Table
3. Oregon Model Development Code Commercial Use Categories
4. Current Zoning for Commercial Uses

A. SUMMARY: At the May 10, 2012 meeting, the Commission will continue discussion of updating the zoning use table. We plan on discussing the following uses:

1. Office Uses.
2. Commercial Service and Personal Service Uses.

B. PROCESS: We suggest the same format as previous: divide into two groups, have each group discuss one of the topics, then have the groups report back to the whole commission.

C. BACKGROUND INFORMATION:

Staff has provided potential definitions for office uses and commercial service uses. We also have provided information from the Oregon Model Code on these topics for consideration.

Also attached is potential information on Sales and Rentals uses, and Commercial Recreation Uses. If there is time, the commission could begin discussing these categories also. Otherwise, these are provided for reference.

Potential Commercial Use Categories and Definitions – 5/2/12

Office Use Categories

Medical Office

1. **Characteristics.** Medical offices provide medical or surgical care to patients within the office. Care is provided by or under the direction of a government licensed medical practitioner. Services are provided on an out-patient basis only. Regular office hours are during the day or evening with only occasional night time emergency care.
2. **Accessory uses.** Sale or rental of goods associated with the office. Medical laboratories. Eating and drinking establishments. These accessory uses may be allowed on separate parcels that are part of a medical office campus.
3. **Examples.** Offices for licensed doctors, dentists, osteopaths, massage therapists, naturopathic physicians, outpatient laboratories where the patient testing is largely conducted on-site.
4. **Exceptions**
 - a. Hospitals and urgent care centers are classified as hospitals.
 - b. Uses that provide care and treatment or training for patients where patients are residents of the program, such as alcohol and drug treatment, are classified in the group living category.
 - c. Medical laboratories other than outpatient laboratories, are classified in the commercial service category or industrial service category depending on the nature of the laboratory.
 - d. Personal care by someone other than a licensed medical practitioner is included in personal services.
 - e. Veterinary, animal, and pet care is included either in the commercial service category or the industrial service category depending on the nature of the use.

Allowed in R-P, C-1, C-2, C-3, and I. Conditional use in R-3. Not allowed in industrial zones.

Discussion Items: “Biochemical and X-ray laboratories” are currently allowed in R-P zone. The definition above would allow them only as “outpatient laboratories” in R-P, unless part of a medical office campus.

“Clinics” are currently a conditional use in R-3. The definition of “clinic” includes most medical offices. The draft would make medical office uses a conditional use in R-3.

Business Office

1. **Characteristics.** Business offices are office uses that serve the local area. General public visits to the office may be frequent. There is little or no outdoor storage of equipment

and materials. Vehicles used by the business are limited to passenger and light duty vehicles. No manufacturing occurs on site. Materials brought to and from the site are mostly hand carried.

2. **Accessory uses.** Accessory retail sales of items associated with the business office use is allowed.

3. **Examples.** Offices for attorneys, real estate agents, accountants, insurance agents, travel agents. Government offices.

4. **Exceptions.** Medical offices, personal services, commercial services, and industry offices are separate uses. Banks are commercial service uses. Office uses may be accessory to other uses, such as manufacturing, school, or church uses.

Allowed in R-P, C-1, C-2, and C-3. Not allowed in industrial zones.

Discussion Items: In R-P, “general office use, provided that the use does not involve any retail activities” is currently allowed. The chart would add this as a note, though the existing code allows specific office uses, such as real estate sales, that aren’t necessarily prohibited against retail activities.

Industry Office

1. **Characteristics.** Industry offices are corporate offices for traded-sector industries that design, research, or create a product where the manufacturing is done at a different facility, or the product is intangible or intellectual. It may include offices for management of corporations or sales of products where the primary market is beyond the local region. General public visits to the office are very infrequent.

2. **Accessory uses.** On-site testing or modeling, where such manufacturing comprises less than 20 percent of the floor area.

3. **Examples.** Offices for architects, surveyors, engineers, financial institutions, insurance companies, manufacturing designers, software companies and internet based businesses where the clientele served by the office are largely beyond the local region, call centers, technical support centers, movie studios, television or radio stations.

4. **Exceptions.**

a. Offices associated with on-site manufacturing uses are classified as a manufacturing use.

b. Industry offices of less than 10,000 square feet gross floor area are classified either as business offices or industry offices.

Zoning: Allowed in C-2, C-3, M-1, M-2, M-3, M-4

Discussion Items: Should industry offices be allowed in commercial areas? Also, M-2 current is quite restrictive related to office uses. M-3 allows “researching” and “testing.” The draft would expand the types of industry office uses that would be allowed.

Commercial Services Categories

Commercial Services

1. **Characteristics.** Commercial service establishments provide services to the general public for compensation. Customers typically come to the site to receive the service. Items that are brought in and serviced are predominantly small, hand carried items. Outdoor storage of materials on site is limited to small (under 400 square feet), fenced and screened areas. The establishments use passenger or light duty vehicles at the site; larger vehicles rarely visit the site. Operators may include non-profit organizations.
2. **Accessory uses.** Retail sale of items related to the service.
3. **Examples.** Banks, post offices, photocopy stores, dry cleaning and laundry services, mortuaries, small animal clinics and hospitals, sewing machine, vacuum, small appliance or jewelry repair shops, tailor shops, photography studios.
4. **Exceptions.** Outpatient medical laboratories are classified as medical office uses.

Zoning: Allowed in C-1, C-2, C-3

Discussion Items:

1. C-1 currently allows fairly limited service uses. This definition would broaden the list substantially.
2. Laboratories might fall into this category.

Personal Services

1. **Characteristics.** Personal service uses are engaged primarily in providing non-medical treatment to individuals at the site.
2. **Accessory uses.** Retail sale of products associated with the service is permitted, such as sale of hair care products at a beauty salon.
3. **Examples.** Beauty salons, tanning salons, body art salons.
4. **Exceptions.** Personal services exclude medical offices.

Zoning: Allowed in C-1, C-2, C-3, C-4. Not allowed in R-P or industrial zones.

Discussion Items: This might be combined with “commercial service” uses. The only zoning difference is that C-4 current allows beauty salons but not other types of commercial service uses. Also, we have had numerous requests to locate beauty salons in R-P zones.

Commercial Vehicle Services

1. **Characteristics.** Commercial vehicle service uses repair and service passenger vehicles, light duty vehicles and recreational vehicles for the general public. This includes fueling and washing services.

2. **Accessory uses.** Convenience retail uses.
3. **Examples.** Automobile service stations, auto repair, auto transmission, radiator, or electrical repair, car washes, towing businesses.
4. **Exceptions.** Servicing primarily to medium and heavy duty vehicles, farm equipment, and industrial vehicles is classified as industrial service.

Allowed in C-2, M-2, and M-3. Conditional use in C-3. Limited to service stations in M-1. Limited to card lock in M-4-C.

Discussion Items:

- C-2 currently allows “repair garages,” but not “automobile painting shops” or “radiator service and repairs,” though one could argue these are the same. The above would allow both. It would make a truck repair garage a conditional use rather than a permitted.

-M-1 allows “service stations” but not “repair garages” or “car washes, coin operated or mechanical.” A note in the table would reflect this limit.

-M-4 (commercial) allows card lock fueling, but not general service stations or repair garages. A note in the table would reflect this limit.

Industrial Service

1. **Characteristics.** Industrial service uses provide services to other businesses or industries, and may include sales to the general public. Services often are provided off site at the customer location. Sales to the general public are allowed, but general public visits to the site are infrequent. Items to be serviced may be brought in and out by truck, trailer or forklift. Materials may be stored in warehouses, or outside in enclosed areas. Trailers and medium or heavy duty vehicles may be used and stored on site.
2. **Accessory uses.** Sale of items related to the service are permitted.
3. **Examples.** Plumbing, heating and cooling services, construction contractors, building or landscape maintenance services, large animal veterinary clinics/hospitals, laboratories, farm implement repair, medium and heavy duty vehicle repair.
4. **Exceptions.** Commercial vehicle service and commercial service are separate uses.

Allowed in M-2, M-3, M-4. Might consider CUP in C-2 or C-3.

Discussion Items: M-1 allows “laboratories, general” and “photocopying, and blueprinting.”

SALES AND RENTALS

Discussion Items: The Development Code currently lists over 60 different types of retail sales establishments. There are several possible ways to group these uses. The definitions below group them into four categories: General retail sales, bulk outdoor retail, convenience retail, and wholesale and industry sales. There are many other options for grouping also that the commission could discuss.

Retail Sales - General

1. **Characteristics.** General retail sales uses sell or rent goods to the general public. Items are sold indoors, or, if outdoors, are limited to small items that don't require machinery to load to customers. Most items for sale are stored on or picked up from the site. Operators may be commercial or non-profit entities.
2. **Accessory uses.** Indoor manufacturing of small items primarily to be sold on site, such as retail bakeries or art studios. Repair of items sold, such as bicycles or vacuums. Wholesale sales of items that are primarily sold retail. Outdoor sale of two or fewer vehicles, or of bulky items requiring machinery to load occupying less than 1,000 square feet display area.
3. **Examples.** Pharmacies, department stores, secondhand stores, pawn shops, art sales.
4. **Exceptions.** Bulk outdoor retail, wholesale and industry sales, and retail convenience sales.

Zoning: Allowed in C-1 C-2, C-3, C-4

Discussion Items: Currently, M-2 allows a variety of retail uses, including agricultural supplies, feed and seed stores, building materials sales, equipment sales, auction sales. These would be classified as wholesale and industry sales. Secondhand stores are currently allowed in M-2, and the definition above could exclude them from M-2. Small convenience stores also are allowed, which is why this is a separate definition.

This definition also would broaden the types of retail uses allowed in C-1 and C-4.

Retail Sales - Bulk Outdoor

1. **Characteristics.** Bulk outdoor sales uses sell or rent large items to the general public from stock displayed or stored in whole or in part outdoors. Large items include vehicles and materials that require forklifts, tow trucks, or other loading equipment to load to customers. Sales may include sale of other items indoors or outdoors.
2. **Accessory uses.** Indoor manufacturing of small items primarily to be sold on site. Repair of items sold, such as automobile repair. Wholesale sales of items that are primarily sold retail.
3. **Examples.** Automobile sales, RV sales, boat sales, bark chip sales, automobile rental, self-moving truck rentals, retail lumber yard.
4. **Exceptions.** Retail indoor sales, wholesale and industry sales. Outdoor vehicle sales with two or fewer vehicles displayed is general retail sales.

Zoning: Allowed in C-2, M-2. Conditional Use in C-3.

Retail Convenience Sales

1. **Characteristics.** Convenience retail sales uses sell items to the general public that often are for immediate consumption. Store size is limited to a specific floor area established by the zoning district. Items are sold predominantly indoors.
2. **Accessory uses.** Eating and drinking (non-alcohol related).
3. **Examples.** Mini-marts.
4. **Exceptions.**

Zoning: Allowed in C-1 C-2, C-3, C-4, M-2, M-4-C

Discussion Items: Convenience retail is currently allowed in M-2, but limited to 2,000 square feet gross floor area, and in M-4-C, but limited to 5,000 square feet gross floor area. These limits are in footnotes.

Wholesale and Industry Sales

1. **Characteristics.** Wholesale sales uses sell goods or merchandise to retailers, to industrial, commercial, institutional, or other professional business users, or to other wholesalers and related subordinated services. Items are only occasionally sold directly to the general public.
2. **Accessory uses.** Retail sales of items to business people visiting the site.
3. **Examples.** Wholesale lumber yards, construction materials stores primarily serving contractors, construction equipment rental yards, wholesale nursery sales, agricultural machinery sales, agricultural supply stores.
4. **Exceptions.** Livestock sales.

Zoning: Allowed in M-1, M-2, M-3, M-4, Conditional in C-2

Discussion Items: Currently building materials sales, agricultural machinery sales, and equipment sales are permitted in C-2. Wholesale sales are not. A question would be whether such sales should be allowed outright in C-2, or allowed only with a Conditional Use Permit.

Commercial Recreation

Note: There would need to be a separate classification for non-commercial recreation uses, such as parks, trails, golf courses, and school/church sports fields.

Commercial Recreation - Indoor

1. **Characteristics.** Indoor commercial recreation uses provide entertainment, recreation, and fitness activities within buildings for spectator or participants. Fees usually are charged for admission or participation.
2. **Accessory uses.** Eating and drinking establishments and retail sales for spectators or participants. Outdoor commercial recreation uses occupying less than 10 percent of the site.
3. **Examples.** Theaters, skating rinks, billiard halls, bowling alleys, dance halls, indoor miniature golf courses or driving ranges, arcades, athletic clubs, gyms, commercial museums or commercial art galleries.
4. **Exceptions.** Outdoor commercial recreation activities occupying more than 10 percent of the site are classified as Outdoor Commercial Recreation. Recreational facilities accessory to a school, church or public community center use, regardless of whether admission is charged. Motor vehicle related commercial recreation uses are a separate category. Temporary festivals are a separate category.

Zoning: Allowed in C-2, C-3, M-1, and M-2.

Discussion Items: Currently, some indoor recreation uses are allowed in some industrial zones, such as skating rinks and athletic facilities, while others, such as bowling alleys, dance halls, and theaters are not. The difference could be that some of these uses are easily converted to industrial uses, while others are not. For example, it would be easy to use a warehouse temporarily for a tennis court or roller skating rink, then convert it back to a warehouse. This would not be practical with a fixed seat theater or bowling alley. Perhaps indoor commercial recreation uses in industrial zones could be limited to those that could easily be converted back to industrial use.

Commercial Recreation - Outdoor

1. **Characteristics.** Outdoor commercial recreation uses provide entertainment, recreation, and fitness activities partly or wholly outdoors for spectators or participants. Fees usually are charged for admission or participation.
2. **Accessory uses.** Eating and drinking establishments and retail sales for spectators or participants. Indoor commercial recreation uses.
3. **Examples.** Drive-in theaters, sports stadiums, outdoor driving ranges, amusement parks, outdoor miniature golf courses.
4. **Exceptions.** Recreational facilities accessory to a school, church, or public community center use, regardless of whether admission is charged. Golf courses are classified as parks. Motor vehicle related commercial recreation uses are a separate category. Temporary festivals are a separate category.

Zoning: Allowed in C-2, M-2.

Discussion Items: Amusement parks and carnivals and circuses (more than two weeks) are currently a conditional use in any zoning district. The commission could discuss whether to keep this allowance.

M-1 currently allows “athletic facilities” and “roller skating rinks” but not other types of recreation uses, which typically would be indoors. M-2 allows driving ranges, miniature golf courses, and drive-in theaters, which are more outdoor related.

Commercial Recreation – Motor Vehicle Related

1. **Characteristics.** Motor vehicle related commercial recreation uses provide entertainment or recreation with motorized vehicles for spectators and/or participants.
2. **Accessory uses.** Eating and drinking establishments and retail sales for spectators or participants. Indoor or outdoor commercial recreation uses.
3. **Examples.** Car or motorcycle racing tracks, drag strips, go cart tracks, remote control vehicle tracks, model airplane airports.
4. **Exceptions.** Scale model remote control vehicle tracks entirely indoors are considered Indoor Commercial Recreation uses.

Zoning: Conditional use in C-2, M-2

Discussion Items: Race tracks, including drag strips and go-cart tracks, are currently a conditional use in any zoning district. The commission could discuss whether to keep this allowance.

DRAFT Commercial Use Table - For discussion only - May 2, 2012

Code #	Use	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-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
300	COMMERCIAL USES																			
310	COMMERCIAL OFFICES																			
311	Medical Offices			C		P	P(1)	P	P(6)								P			
312	Business Offices					P(2)	P(1)	P	P(6)											
320	COMMERCIAL SALES AND RENTALS																			
321	Retail Sales - General						P(1)	P	P(3)	P		?								
322	Retail Sales - Bulk Outdoor							P	C			P								
323	Retail Convenience Sales						P(1)	P	P(6)	P		P(4)			P(5)					
324	Temporary Merchants							S	S(6)											See NDC 5.15.050 et seq.
330	EATING AND DRINKING ESTABLISHMENTS																			
331	Eating and Drinking - Alcohol Related							P	P(3)(6)	P										
332	Eating and Drinking - Non-Alcohol Related						P	P	P(3)(6)	P		P	?						C(7)	
340	COMMERCIAL SERVICES																			
341	Personal Services					?	P(1)	P	P(6)	P										
342	Commercial Services						P(1)	P	P(6)											
343	Commercial Vehicle Service							P	C			P(8)	P	?	P(9)					
350	COMMERCIAL RECREATION																			
351	Commercial Recreation - Indoors							P	P(3)(6)			P(10)?P(10)?								
352	Commercial Recreation - Outdoors							P				P								
353	Commercial Recreation - Motor Vehicle Related							C				C								
360	COMMERCIAL LODGING																			
361	Vacation Rental Homes	C	C	S	S	S	S(11)	S(11)	S(11)	S(11)										See NDC 15.XX.XXX
362	Bed and Breakfast (2 or fewer rooms)	C	P	P		P	P	P	P	P										See NDC 15.445.010
363	Bed and Breakfast (3 or more rooms)	C	C	C		C	C	P	P	P										See NDC 15.445.010
364	Hotel/Motels							C	C	C										C(7)
365	Recreational Vehicle Parks							C	C	P?	C	C	C							See NDC 15.445.170
400	INDUSTRIAL USES																			
413	Industry Offices							?	?		P	?	?	P						
420	Industrial Services							C				P	P	P						
424	Wholesale and Industry Sales							C(12)			P(12)	P	P	P						

Key

- P: Permitted Use
- C: Conditional Use - Use requires a conditional use permit
- S: Special Use - Use requires a special use permit
- ?: Use should have planning commission discussion (#): See notes below for limitations

Notes

- (1) Businesses in the C-1 zone that have hours of operation between 10 p.m and 7 a.m. require a conditional use permit.
- (2) Retail sales of goods on site not allowed.
- (3) If over 40,000 square feet gross floor area require a conditional use permit.
- (4) Store size is limited to 2,000 square feet gross floor area
- (5) Store size is limited to 5,000 square feet gross floor area
- (6) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, expect those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (7) Use must demonstrate that it is compatible with airport operations
- (8) Limited to service stations
- (9) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (10) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.
- (11) Allowed in existing dwellings only
- (12) Allowed indoors only

Commercial Use Categories

1.4.200 Commercial Outdoor Recreation

- A. Characteristics.** Commercial Outdoor Recreation uses are large, generally commercial uses that provide continuous recreation or entertainment oriented activities. They generally take place outdoors. They may take place in a number of structures which are arranged together in an outdoor setting.
- B. Accessory Uses.** Accessory uses may include concessions, restaurants, parking, caretaker's quarters, and maintenance facilities.
- C. Examples.** Examples include amusement parks, theme parks, golf driving ranges, miniature golf facilities, and marinas.
- D. Exceptions.**
1. Golf courses are classified as Parks and Open Space.
 2. Uses that draw large numbers of people to periodic events, rather than on a continuous basis, are classified as Major Event Entertainment.

1.4.210 Commercial Parking

- A. Characteristics.** Commercial Parking facilities provide parking that is not accessory to a specific use. A fee may or may not be charged. A facility that provides both accessory parking for a specific use and regular fee parking for people not connected to the use is also classified as a Commercial Parking facility.
- B. Accessory Uses.** In a parking structure only, accessory uses may include car washing, and vehicle repair activities.
- C. Examples.** Examples include short- and long-term fee parking facilities, commercial district shared parking lots, commercial shuttle parking, and mixed parking lots (partially for a specific use, partly for rent to others).
- D. Exceptions.**
1. Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby, are not considered Commercial Parking facilities.
 2. Parking facilities that are accessory to a primary use are not considered Commercial Parking uses, even if the operator leases the facility to the primary use or charges a fee to the individuals who park in the facility. See Accessory Parking Facilities in Chapter 1.3.300, Definitions.

3. Public transit park-and-ride facilities are classified as Basic Utilities.

1.4.220 Quick Vehicle Servicing

A. Characteristics. Quick Vehicle Servicing uses provide direct services for motor vehicles where the driver generally waits in the car before and while the service is performed. The development will include a drive-through facility, the area where the service is performed (See Chapter 1. 300, Definitions.) Full-serve and mini-serve gas stations are always classified as a primary use (Quick Vehicle Servicing), rather than an accessory use, even when they are in conjunction with other uses.

B. Accessory Uses. Accessory uses may include auto repair and tire sales.

C. Examples. Examples include full-serve and mini-serve gas stations, unattended card key stations, car washes, and quick lubrication services.

D. Exceptions.

1. Truck stops are classified as Industrial Service.
2. Refueling facilities for the vehicles that belong to a specific use (fleet vehicles) which are on the site where the vehicles are kept, are accessory to the use.

1.4.230 Major Event Entertainment

A. Characteristics. Major Event Entertainment uses are characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature.

B. Accessory Uses. Accessory uses may include restaurants, bars, concessions, parking, and maintenance facilities.

C. Examples. Examples include sports arenas, race tracks (auto, horse, dog, etc.), auditoriums, exhibition and meeting areas, outdoor amphitheaters, and fairgrounds.

D. Exceptions.

1. Exhibition and meeting areas with less than 10,000 square feet of total event area are classified as Retail Sales and Service.
2. Banquet halls that are part of hotels or restaurants are accessory to those uses, which are included in the Retail Sales and Service category.
3. Theaters, including drive-in theaters, are classified as Retail Sales and Service.

Current Allowed Uses Per Zone

Uses	General Category	Specific Use Type	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-I	M-4-E	CF	I	AI	AR
Accountant	Office	Business Office					P	P	P	P	P									
Administrative Offices	Office	Business Office																P		
Attorney	Office	Business Office					P	P	P	P	P									
Business offices, general	Office	Business Office							P	P										
General administration	Office	Business Office							P	P										
General office use (no retail activities)	Office	Business Office					P													
Insurance broker	Office	Business Office					P	P	P	P	P									
Landscape architect	Office	Business Office					P	P	P	P	P	P								
Real Estate sales	Office	Business Office					P	P	P	P	P									
Stockbroker	Office	Business Office					P	P	P	P										
Travel agencies	Office	Business Office							P	P	P									
Offices	Office	Business Office													P			P*		
Architect	Office	Business/Industry Office					P	P	P	P	P	P								
Designing	Office	Business/Industry Office										P								
Drafting or graphics	Office	Business/Industry Office					P	P	P	P	P	P								
Engineer	Office	Business/Industry Office					P	P	P	P	P	P*								
Lumber broker	Office	Business/Industry Office					P	P	P	P										
Research institutes (non-manufacturing)	Office	Business/Industry Office							P											
Surveyors	Office	Business/Industry Office					P	P	P	P	P	P								
Chiropractor	Office	Medical Office					P	P	P	P										
Clinics	Office	Medical Office				C	P	P	P	P	P									
Dentist	Office	Medical Office					P	P	P	P	P									

Attachment 4

Commercial/Industrial Service Uses

Current Allowed Uses Per Zone

Uses	General Category	Specific Use Type	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-I	M-4-E	CF	I	AI	AR
ATM Facilities	Commercial Services	Commercial Service									P									
Banks	Commercial Services	Commercial Service						P	P	P			P	P						
Catering services	Commercial Services	Commercial Service							P	P										
Dry cleaners, coin operated	Commercial Services	Commercial Service						P	P	P										
Dry cleaners, tailor shops	Commercial Services	Commercial Service														P				
Dry cleaning establishment	Commercial Services	Commercial Service							P	P										
Laundromats, hand laundries, and self-service laundries	Commercial Services	Commercial Service						P	P	P										
Locksmith shops	Commercial Services	Commercial Service							P	P						P				
Mortuaries	Commercial Services	Commercial Service							P	P										
Photocopying Photoengraving Photographic film processing Photostating	Commercial Services	Commercial Service							P	P		P								
Post offices	Commercial Services	Commercial Service						P	P	P						P				
Savings and loans	Commercial Services	Commercial Service						P	P											
Small animal clinics	Commercial Services	Commercial Service						P	P	P			P	P						
Sewing machine sales and service	Commercial Services	Commercial Service							P	P										
Shoe repair shops	Commercial Services	Commercial Service						P	P	P						P				
Small animal hospitals	Commercial Services	Commercial Service							P				P	P						
Tailor or dressmaking shops	Commercial Services	Commercial Service						P	P	P										
Telephone answering services	Commercial Services	Commercial Service						C	P	P										
Upholstery; automobile and furniture	Commercial Services	Commercial Service							P	P										
Blueprinting	Commercial Services	Commercial Service/Industrial Service							P	P										
Printing shops	Commercial Services	Commercial Service/Industrial Service							P	P		P								
Blood banks	Commercial Services	Commercial Service/Industrial Service/Medical Office							P	P										

Commercial/Industrial Service Uses

Current Allowed Uses Per Zone

Uses	General Category	Specific Use Type	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-I	M-4-E	CF	I	AI	AR
Laboratories, biochemical and X-ray	Commercial Services	Commercial Service/Industrial Service/Medical Office					P											P		
Laboratories, medical and dental	Commercial Services	Commercial Service/Industrial Service/Medical Office							P											
Automobile painting shops	Commercial Services	Commercial Vehicle Service											P	P						
Card Lock Fueling systems	Commercial Services	Commercial Vehicle Service													P					
Car washes, coin operated or mechanical	Commercial Services	Commercial Vehicle Service							P	C			P*	P						
Radiator service and repairs	Commercial Services	Commercial Vehicle Service											P	P						
Service stations	Commercial Services	Commercial Vehicle Service							P	C		P	P*	P						
Repair garages	Commercial Services	Commercial Vehicle Service/Industrial Service							P	C			P	P						
Laboratories, general	Commercial Services	Commercial/Industrial Service										P	P	P						
Building maintenance service	Industrial	Industrial Service							P	P			P	P						
Data processing center	Commercial Services	Industrial Service							P	P										
Fumigation chambers	Industrial	Industrial Service								C										
Industrial Service	Industrial	Industrial Service																		P
Plumbing supplies and services	Industrial	Industrial Service											P	P						
Printing and publishing	Industrial	Industrial Service											P	P						
Truck sales and services	Industrial	Industrial Service											P	P						
Barber and beauty shops	Commercial Services	Personal Service						P	P	P										P
Photographers studios	Commercial Services	Personal Service						P	P	P										
Reducing salons	Commercial Services	Personal Service							P	P										

Current Allowed Uses Per Zone

Uses	General Category	Specific Use Type	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-I	M-4-E	CF	I	AI	AR
Administrative and sales relating to industrial uses	Industrial	Wholesale and Industry Sales												P						
Agricultural supplies, including hatcheries	Industrial	Wholesale and Industry Sales											P							
Antiques shops	Commercial Sales and Rentals	General Retail Sales							P	P	P									
Appliance sales and services	Commercial Sales and Rentals	General Retail Sales							P	P										
Art supplies	Commercial Sales and Rentals	General Retail Sales							P	P	P									
Auction sales	Industrial	Wholesale and Industry Sales											P*	P*						
Auction sales, excluding livestock	Commercial Sales and Rentals	General Retail Sales							P											
Automobile parts and accessories stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Bakeries, retail	Commercial Sales and Rentals	General Retail Sales						P	P	P	P		P*	P*	P					
Bakeries, wholesale	Industrial	Wholesale and Industry Sales							P		P		P	P						
Bicycles shops	Commercial Sales and Rentals	General Retail Sales						P	P	P	P					P				
Book stores	Commercial Sales and Rentals	General Retail Sales						P	P	P	P							P		
Building materials sales	Commercial Sales and Rentals	General Retail Sales/Bulk Outdoor Retail/W/wholesale and Industry Sales							P*					P*	P*					
Camera and supplies shops	Commercial Sales and Rentals	General Retail Sales							P	P										
Christmas tree sales (outdoor sales) in accordance with this code	Commercial	Temporary Sales						P	P	P			P	P						
Clothing apparel shops	Commercial Sales and Rentals	General Retail Sales							P	P	P									
Confectionery stores with fountains	Commercial Sales and Rentals	General Retail Sales						P*	P	P	P*									
Convenience grocery stores within maximum of 2000 square feet	Commercial	Convenience Retail Sales												P*	P*					
Convenience markets without fueling facilities	Commercial	Convenience Retail Sales									P									
Curio shops	Commercial Sales and Rentals	General Retail Sales							P	P	P									

Current Allowed Uses Per Zone

Uses	General Category	Specific Use Type	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-I	M-4-E	CF	I	AI	AR
Dairy products stores (retail only)	Commercial Sales and Rentals	General Retail Sales						P	P	P										
Department stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Drapery stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Dress and millinery shops	Commercial Sales and Rentals	General Retail Sales							P	P										
Durable medical supplies/equipment sales and rental	Commercial Sales and Rentals	General Retail Sales																P		
Electrical and electronic supplies (retail)	Commercial Sales and Rentals	General Retail Sales							P	P										
Florist shops	Commercial Sales and Rentals	General Retail Sales						P	P	P					P					
Feed and seed stores	Industrial	Wholesale and Industry Sales											P*	P*						
Fire works sales (outdoor sales) from June 24 to July 6	Commercial Sales and Rentals	Temporary Sales						P	P	P			P	P						
Floor covering stores	Commercial Sales and Rentals	General Retail/Wholesale and Industry Sales							P	P										
Furniture stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Gift shops	Commercial Sales and Rentals	General Retail Sales						P	P	P	P					P				C
Garden supplies	Commercial Sales and Rentals	General Retail Sales							P	P										
Grocery stores or markets	Commercial Sales and Rentals	General Retail Sales						P	P	P*/C*						P				
Hardware stores	Commercial Sales and Rentals	General Retail Sales						P	P	P						P				
Hobby shops, including slot racing tracks	Commercial Sales and Rentals	General Retail Sales							P	P										
Jewelry stores	Commercial Sales and Rentals	General Retail Sales							P	P	P									
Leather goods stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Liquor stores, package	Commercial Sales and Rentals	General Retail Sales							P	P										
Mini Mart, less than 5000 gross square feet	Commercial Sales and Rentals	Convenience Retail Sales																		P
Meat markets	Commercial Sales and Rentals	General Retail Sales						P												

Current Allowed Uses Per Zone

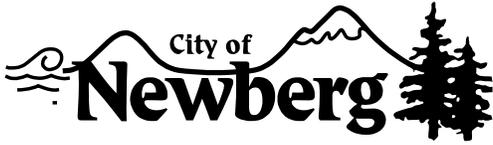
Uses	General Category	Specific Use Type	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-1	M-2	M-3	M-4-I	M-4-E	CF	I	AI	AR
Music stores	Commercial Sales and Rentals	General Retail Sales							P	P	P									
Offices supplies and equipment stores	Commercial Sales and Rentals	General Retail Sales							P	P					P					
Paint and wallpaper stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Pharmacy or drug store	Commercial Sales and Rentals	General Retail Sales						P		P	P				P*			P		
Pawn shops	Commercial Sales and Rentals	General Retail Sales								P										
Pet shops	Commercial Sales and Rentals	General Retail Sales							P	P										
Radio, television and record sales and services	Commercial Sales and Rentals	General Retail Sales							P	P										
Secondhand stores	Commercial Sales and Rentals	General Retail Sales							P*	P*			P	P						
Shoe stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Sporting goods stores	Commercial Sales and Rentals	General Retail Sales							P	P	P									
Surgical, medical and dental supplies and equipment stores	Commercial Sales and Rentals	General Retail Sales							P	P										
Tobacco shops	Commercial Sales and Rentals	General Retail Sales							P	P										
Toy stores	Commercial Sales and Rentals	General Retail Sales							P	P	P									
Variety shops	Commercial Sales and Rentals	General Retail Sales						P	P	P	P									
Wholesale business (material must be enclosed building)	Industrial	Wholesale and Industry Sales										P								
Wholesale Sales	Industrial	Wholesale and Industry Sales													P					

Current Allowed Uses Per Zone		Sales Uses																			
Uses	General Category	Specific Use Type	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-I	M-4-E	CF	I	AI	AR	
Wholesaling, warehousing and storing of the following, provided that all outdoor storage shall be enclosed within site-obscuring fences or walls: Automobiles, truck and buses Building materials, except no on-site wrecking or burning Consumer goods Contractors equipment Food products Household goods Ice Liquid fuel Lumber, except no log storage or ponding Other items similar to the preceding items	Industrial	Wholesale and Industry Sales												P							

Current Allowed Uses Per Zone

Uses	General Category	Specific Use Type	Commercial Recreation Uses																		
			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-I	M-4-E	CF	I	AI	AR	
Billiards and pool halls	Commercial Recreation	Commercial Indoor Recreation																			
Bowling alleys	Commercial Recreation	Commercial Indoor Recreation								P	P										
Dance halls	Commercial Recreation	Commercial Indoor Recreation								P	P										
Galleries	Commercial Recreation	Commercial Indoor Recreation										P									
Museums	Commercial Recreation	Commercial Indoor Recreation										P									
Places of entertainment and amusement, if conducted within a wholly enclosed building	Commercial Recreation	Commercial Indoor Recreation									P										
Health studios	Commercial Recreation	Commercial Indoor Recreation									P	P									
Rolling skating rink	Commercial Recreation	Commercial Indoor Recreation																			
Theaters	Commercial Recreation	Commercial Indoor Recreation																			
Pool and billiard halls	Commercial Recreation	Commercial Indoor Recreation																			
Skating rinks, indoor	Commercial Recreation	Commercial Indoor Recreation																			
Amusement parks	Commercial Recreation	Commercial Indoor/Outdoor Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Athletic facilities	Commercial Recreation	Commercial Indoor/Outdoor Recreation																			
Auditorium and theaters	Commercial Recreation	Commercial Indoor/Outdoor Recreation																			
Miniature golf courses	Commercial Recreation	Commercial Indoor/Outdoor Recreation																			
Movies theaters	Commercial Recreation	Commercial Indoor/Outdoor Recreation																			

Current Allowed Uses Per Zone		Commercial Recreation Uses																			
Uses	General Category	Specific Use Type	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-I	M-4-E	CF	I	AI	AR	
Carnivals and circuses (2 weeks or more), not governmentally sponsored event	Commercial Recreation	Commercial Outdoor Recreation	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Driving range	Commercial Recreation	Commercial Outdoor Recreation	C	C												C					
Driving range (private)	Commercial Recreation	Commercial Outdoor Recreation							P				P*	P*							
Outdoor recreation facilities	Commercial Recreation	Commercial Outdoor Recreation																			
Water oriented recreation facilities	Commercial Recreation	Commercial Outdoor Recreation									P										
Theaters (drive-in)	Commercial Recreation	Commercial Outdoor Recreation											P*	P							
Race tracks, including drag strips and go-cart tracks	Commercial Recreation	Commercial Reception - Motor Vehicle Related	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C



MEMORANDUM

Date: May 1, 2012
To: Newberg Planning Commission
From: Barton Brierley, AICP
Planning and Building Director
RE: Alley Access

At your April 12, 2012 meeting, you heard a request to consider clarify alley access rules. You asked that I prepare a memo giving a summary of the current rules, and a discussion of areas that might be clarified.

Current Rules

The Development Code provides specifications for alley access. Attached is a copy of the pertinent sections. Important points are:

- Alleys are allowed as secondary access to properties. Alley access is even required at times.
- In certain circumstances a developer may create a new alley to provide primary access to no more than six dwellings on no more than six lots.
- Alleys abutting a proposed subdivision or partition must be 20 feet wide and paved. Where the alley abuts property outside the subdivision or partition, the review body may allow it to be a lesser width where it eventually will become 20 feet wide.
- Adequate fire access is required for new structures. This access may be provided through an alley or other access.

Items that might be clarified

The Development Code is quite clear how **new** alleys are to be created and what standards they must meet. The Development Code is not as clear on how **existing** alleys that don't meet the same standards as new alleys may be used.

- The Development Code discusses requirements for "platting" alleys adjacent to a "subdivision or partition." The code could be clarified on how requirements apply to other types of development, such as construction of homes, apartments, or commercial buildings using existing alleys for access.

- Most alleys in Newberg were platted with a 12-16 feet width. The Development Code is not precise about the extent that these alleys may be used without being widened to a 20 foot width.
- The Code is not specific whether/when an existing unpaved alley needs to be paved if it is used for access for an existing lot.
- The vision clearance requirements for alleys are not easily found. Technically they are the same for alleys and streets, though it takes some research to find this. The driveway standard may be more appropriate.

Any clarification would need to look carefully at a variety circumstances. Adding a carport to the back of an existing home, using alley access, should be treated differently than building a new restaurant accessing that same alley.

Also, it should be noted that the Comprehensive Plan encourages infill and redevelopment. Infill development also is a very efficient use of resources, as it does not require building entire new blocks of infrastructure to serve properties. Using alleys for access can be a very important tool to achieve the comprehensive plan goals.

Newberg Development Code Provisions Regarding Alleys

15.05.030 Definitions.

“Alley” means a public way not over 30 feet wide providing a secondary means of access for vehicular or service access to properties otherwise abutting on a street, except as otherwise allowed.

15.505.020 Layout of streets, alleys, bikeways, and walkways.

A. Streets, alleys, bikeways, and walkways shall be laid out and constructed as shown in the Newberg transportation system plan or in adopted future street plans.

B. In areas where the transportation system plan or future street plans do not show specific transportation improvements, roads and streets shall be laid out so as to conform to subdivisions, partitions, and developments previously approved for adjoining property as to width, general direction and in other aspects, unless it is found in the public interest to modify these patterns. In addition, transportation improvements shall conform to the standards within this code. [Ord. 2619, 5-16-05. Code 2001 § 151.681.]

15.505.150 Platting standards for alleys.

A. Dedication. The director may require adequate and proper alleys to be dedicated to the public by the land divider of such design and in such location as necessary to provide for the access needs of the subdivision or partition in accordance with the purpose of this code.

B. Width. Width of right-of-way and paving design for alleys shall be not less than 20 feet, except that for an alley abutting land not in the subdivision or partition, a lesser width may be allowed at the discretion of the director where the land divider presents a satisfactory plan whereby such alley will be expanded to the width otherwise required. Slope easements shall be dedicated in accordance with specifications adopted by the city council under NMC 15.510.010 et seq.

C. Corner Cut-Offs. Where two alleys intersect, 10-foot corner cut-offs shall be provided.

D. Grades and Curves. Unless otherwise approved by the director where topographical conditions will not reasonably permit, grades shall not exceed 12 percent on alleys, and centerline radii on curves shall be not less than 100 feet.

E. Other Requirements. All provisions and requirements with respect to streets identified in this code shall apply to alleys the same in all respects as if the word “street” or “streets” therein appeared as the word “alley” or “alleys” respectively. [Ord. 2451, 12-2-96. Code 2001 § 151.694.]

15.505.200 Vehicular access standards.

*A. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials, and collectors serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. **Local streets and alleys provide access to individual properties.** Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function. [bold added]*

D. Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:

- 1. The review body finds that creating a public street frontage is not feasible.*
- 2. The alley access is for no more than six dwellings and no more than six lots.*
- 3. The alley has through access to streets on both ends.*
- 4. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley*