

PLANNING COMMISSION AGENDA
January 10, 2013
7 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

I. CALL MEETING TO ORDER

II. OATH OF OFFICE FOR NEW COMMISSIONERS

III. ROLL CALL

IV. ELECTION OF CHAIR AND VICE CHAIR

If the Planning Commission wishes to follow their usual rotation based on seniority then Cathy Stuhr is in line for Chair and there is a three-way tie for Vice Chair between Art Smith, Allyn Edwards, and Gary Bliss. The Commission could consider nominations for Vice Chair for 2013 only, or could establish a new rotation that would cover the next few years.

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

1. Approval of December 13, 2012 Planning Commission Meeting Minutes

VI. PUBLIC COMMENTS (5 minute maximum per person)

1. For any items not listed on the agenda

VII. WORKSHOP: Update to the zoning use tables in the Development Code (continued).

This public workshop will look at possible changes to the zoning use tables. It will consider:

1. Consolidating the various use lists into one table
2. Combining like uses into common categories
3. Modifying a few uses

VIII. ITEMS FROM STAFF

1. Update on Council items
2. Other reports, letters, or correspondence
3. Next Planning Commission Meeting: **Wednesday, February 13, 2013**

IX. ITEMS FROM COMMISSIONERS

X. 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

December 13, 2012

7:00 p.m. Regular Meeting

Newberg Public Safety Building

401 E. Third Street

TO BE APPROVED AT THE JANUARY 10, 2013 PLANNING COMMISSION MEETING

I. CALL MEETING TO ORDER

Chair Thomas Barnes opened the meeting at 7:00 PM

II. ROLL CALL

Members Present: Thomas Barnes, Chair Gary Bliss Art Smith
Philip Smith Lon Wall

Members Absent: Cathy Stuhr, Vice Chair (excused) Allyn Edwards (excused)
Mayor Bob Andrews, Ex-Officio

Staff Present: Barton Brierley, Planning & Building Director
Jessica Nunley, Assistant Planner Steve Olson, Associate Planner
DawnKaren Bevill, Minutes Recorder

Others Present: Brian Bennett, Phil Griffin, Charlie Harris, Craig Hinrichs, Elise Hui, Robert Mawson,
Verne Martin, Jonia Pierce, Matthew Scheibe, Daniel Shepherd, Brian Sweeney, Tom
Sisul, Robert Soppe, Yanira Vera, and James Walker

III. CONSENT CALENDAR

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

MOTION: Lon Wall/Art Smith to approve the Consent Calendar including the planning commission minutes for November 8, 2012. Motion carried (5 Yes/0 No/2 Absent [Edwards, Stuhr]).

IV. PUBLIC COMMENTS

No items were brought forward.

V. QUASI-JUDICIAL PUBLIC HEARING

APPLICANT/OWNER: Housing Authority of Yamhill County, represented by IDEA Architecture

REQUEST: Design review for a 56-unit apartment complex, historic review for renovation of a historic house and new construction on a historic site.

LOCATION: 1103 N. Meridian Street

TAX LOTS: 3218DA-2100

FILE NO.: DR2-12-001/HISD-12-005 ORDER NO.: 2012-07

CRITERIA: 15.220.050(B), 15.344.030

TIME – 7:03 PM

Chair Barnes opened the quasi-judicial public hearing by reading ORS 197.763 and calling for any abstentions, bias, ex-parte contact, or objections to jurisdiction. Commissioner Wall is a member of the Mayor's cabinet. During a recent cabinet meeting, a member of the traffic safety commission (TSC) spoke about the recent TSC hearing related to this topic but did not speak of any substance or opinions regarding the matter, only whether a TSC member should attend the planning commission meeting to address any questions. Also, Commissioner Wall has driven by the area. Commissioner Philip Smith travels by the property on foot several times weekly. Many of those concerned about the application are personal friends or acquaintances of his but none have approached him in regard to this matter. Chair Barnes drives by the site weekly to deliver for Meals on Wheels. Ms. Jessica Nunley, Assistant Planner, read the Newberg Graphic editorial dated December 8, 2012, that was not included in the official meeting packet and entered it into the record.

Ms. Jessica Nunley, Assistant Planner, presented the staff report accompanied by a PowerPoint presentation (see official meeting packet for full report).

Chair Barnes opened the public testimony starting with proponents.

TIME – 7: 31 PM

Ms. Elise Hui, Housing Authority of Yamhill County Executive Director, testified this site is near the center of town and near an existing bus route. Their mission is to provide the opportunity for decent, safe, and affordable housing to individuals and families in our community and give them opportunities to position themselves for success. There have been several neighborhood meetings and public hearings about this project dating from July 21, 2010, to August 14, 2012, as well as a letter dated December 13, 2011, in order to solicit and receive feedback from interested neighbors. The feedback was utilized regarding the plans for the site. Ms. Hui introduced the HAYC team members in attendance at the meeting.

Mr. Robert Mawson, Vice President of Heritage Consulting Group, reviewed the historic context of the property. The Newberg inventory identifies the house as “one of the finest examples of the Craftsman style in Newberg with some Queen Anne style embellishments such as the full-height bays and corbelled brick chimney.” The inventory form also identifies “Foundation Plantings. Large deciduous trees.” as “noteworthy landscape features.” The larger parcel does not hold any particular significance. The project will retain and rehabilitate the Todd House and rehabilitation plans are based on extensive architectural investigation.

Mr. James Walker, Project Architect, explained the design priorities of Deskins Commons are to utilize the historic house in the center of the site, calm vehicular circulation and distribute parking, to preserve the view corridor of the historic house from the street, re-purpose the promenade area, preserve the Oregon white oaks, ensure building orientation and street presence, buffer the site, ease density from the east to the west, and maintain building compatibility.

Mr. Brian Sweeney, Development Consultant, said the schematic drawings were just finished and made himself available for questions.

Mr. Tom Sisul, Civil Engineer of Sisul Engineering, made himself available for questions. Commissioner Bliss asked how loose silt can be avoided in the storm drain. Mr. Sisul replied there is a chance of silting, but all the catch basins will collect leaves and debris. Guards for down-spouts have been discussed and are an issue that will need maintenance. An operation-maintenance plan will be developed to manage the issues. The intent is to keep the detention system working even during a power outage. The water quality system will need to be pumped. There will be two overflow systems, the primary being at Meridian Street and the secondary on Evergreen Drive.

Charlie Harris stated he was a former member of the affordable housing committee and is proud of the follow-up by the planning commission and mayor that has occurred since then. He supports the project as it exceeds the design standards, and supports the housing authority as this is an opportunity to increase more housing rehabilitation in Newberg.

Undecided

TIME – 8:32 PM

Mr. Verne Martin lives directly adjacent to the property. He is concerned with the traffic on Meridian Street as well as this entire property being a historic site, not just the Todd house alone. Mr. Martin has done research and talked with many involved in the development of this project. There are many people concerned with this development as it will change the area. The concerns he brought forward are the increased traffic pressure which may be added by this development and especially the danger for children and bicyclists, the substantial seasonal standing water on the property, the location of the planned entrance to Deskins Commons, and having adequate fencing to help protect the properties of the adjacent neighbors.

Opponents

Daniel W. Shepherd testified the proponents answered his questions in regard to keeping and restoring the old historic home. The drainage issue is a concern as the swale comes through the back of his property. He asked how his home will be protected as construction will be going on during the summer months. As a member of the Newberg Citizen's Alliance, he is concerned with the parking and line of sight on Meridian Street. He is in support of a fence along his property.

Commissioner Bliss said there is a condition imposed by engineering and state law that any drainage across Mr. Shepherd's property cannot be stopped by a development downstream and a drain will be constructed to intercept and pull water away from the property line, per city code. There is a provision in the conditions for an annual report to the city and staff which will follow up on concerns. There is also code that requires mitigation during construction to alleviate dust. In regard to line of sight, the vision clearance triangle required at the entrance will allow adequate line of sight based on 25 mph traffic.

Mr. Robert Soppe raised the issue of historic compatibility requirements for new construction in terms of size, scale and material of the structure. He questioned if the requirements are met, particularly with building number two. The privacy screens on the new structures seem to be very distinctive and not compatible, as is the contrasting color scheme. There are some windows that are horizontal, making the windows stand out as different. It appears along the periphery of building two the only entrances are on the lower story and there are no staircases. If this is the case, the entrances for those units are on the inside in the courtyard, which violates the principle of parking spaces being near the front doors. Headlights striking adjacent properties, especially when traveling over speed bumps, can be a concern. He thanked Commissioner Wall for his service on the planning commission and said his presence will be missed.

Rebuttal

TIME – 9:10 PM

Mr. Brian Sweeney addressed comments regarding construction. The expectation of the construction company is to give the neighbors a 24-hour access number and discuss with the neighbors the various methods for keeping dirt off streets and dust off the neighbors, and encouraged feedback on the specific needs of the neighbors.

Mr. James Walker said regarding the wood screening element being compatible with the historic house, the home is only one thing they are relating to on the site, the other is the wooded nature of the site and the kind of light that goes through the trees when looking through the canopy. With relation to the repetitive nature of the windows, there are many vertical windows the same size, as well as horizontal windows that are not historic. Many have been changed over the years. They met with consultants early in the process in regard to compatibility and embracing the new structures around the historic home. Parking standards have been met and traffic recommendations have been followed. Mr. Walker explained the floor plan of building two in regard to entrance locations and primary parking spaces.

Mr. Tom Sisul addressed the drainage issues. He viewed the area from the fence to the sidewalk as saturated when he visited Mr. Shepherd's property last month. He would like to take the stormwater from that area and connect it directly to the outlet line. Mr. Sisul will discuss it with public works. He understands the concerns brought forward.

Chair Barnes closed the public testimony at 9:19 PM.

Ms. Jessica Nunley said the 2012 current bike route is on Meridian Street from Fulton Street. The 2013 route to be installed in the spring will include the rest of Meridian Street north to Crestview Drive. Ms. Nunley said she met with Mr. Martin and Mr. McDonough a few days prior and told them she will take the concerns of no parking zones at entrances to the multi-family developments on Meridian Street to the traffic safety commission for their consideration.

Chair Barnes called a seven-minute break.

The meeting reconvened at 9:30 PM.

MOTION #2: Philip Smith/Gary Bliss to adopt Order No. 2012-07 approving the requested project, with the findings in Exhibit "A" and the conditions of approval in Exhibit "B" and an additional condition for adequate screening to alleviate vehicular light intrusion on neighbors in the southwest corner of the project. Motion carried (5 Yes/0 No/2 Absent [Edwards, Stuhr]).

VI. ITEMS FROM STAFF:

TIME – 9: 48 PM

1. Update on Council items.

Mr. Brierley reported the south industrial urban growth boundary amendment went before the county commissioners and they asked the city to adopt the new County population forecast and recommended the city divide the proposal into two applications instead of one at a city council meeting in January, 2013.

The city council will consider the new planning commission appointments at their next meeting. The two planning commissioners are Mr. Gary Bliss and Mr. Jason Dale. Thomas Barnes will be appointed to the Newberg Urban Area Management Commission (NUAMC) and planning commission will need to appoint a NUAMC alternate.

2. Other reports, letters, or correspondence.

Mr. Barton Brierley appreciates Commissioner Lon Wall's service on the planning commission for the past several years.

3. The next Planning Commission Meeting is scheduled for Thursday, January 10, 2013.

The consensus of the planning commission was to hold their social gathering before the next scheduled meeting on January 10, 2013, at 6:15 PM.

VII. ITEMS FROM COMMISSIONERS

Commissioner Philip Smith referred to the letter from Mr. Ian McDonough from Spaulding Oaks, in regard to whether the public should be allowed more time to comment on the entire planning process, including the staff report, and asked Mr. Terry Mahr, City Attorney, if that is possible. Mr. Mahr replied the planning commission and staff bases their decisions on all the evidence, including public testimony. Staff has changed their recommendation in the past after hearing public testimony and evidence. He is unsure as to how that process could be changed.

VIII. ADJOURN

Chair Barnes adjourned the meeting at 10:00 PM

Approved by the Planning Commission on this 10th day of January, 2013.

AYES:

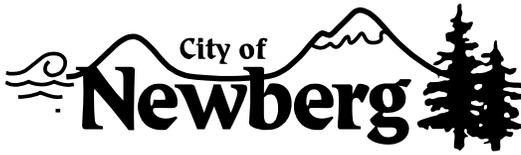
NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair



Planning and Building Department

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503-537-1240 ▪ Fax 503-537-1272 ▪ www.newbergoregon.gov

PLANNING COMMISSION STAFF REPORT WORKSHOP: ZONING USE TABLE UPDATE

MEETING DATE: January 10, 2013

FILE NO: DCA 12-002

TOPIC: Update the zoning use tables in the Development Code

ATTACHMENTS:

1. Zoning Use Table Draft December 2012
 2. Zoning definitions December 2012
 3. Sample of current zoning lists
 4. Online Survey
-

A. WORKSHOP DESCRIPTION

At the January 10, 2013 meeting, the Planning Commission will hold a public workshop on possible changes to the zoning use table. We have invited the public to attend through several means, including a newsletter and several advertisements. We also have provided an online survey.

The objectives of the workshop are to share information about the project with members of the public, and to solicit their feedback on several potential changes to zoning rules. The Commission is not expected to make any decisions at this workshop, but may provide guidance. The item will be scheduled for a hearing at a future date.

At the workshop, staff will make a presentation, and will walk through the survey.

B. PROJECT DESCRIPTION AND PURPOSES

1. **Organize the uses into one table.** The project would organize the various lists of uses allowed in each zone in one table. This allows the user to quickly see in which zones a particular use is allowed. For example, if a dentist is looking for a place to open a new office, she could look at one table and determine which zone such offices are allowed in.
2. **Consolidate uses into common categories.** The project would list general categories of uses rather than specific uses. For example, instead of listing “offices for physicians, dentists, chiropractors, osteopaths,” the new table would have a general category “medical office.” This simplifies the code. It also allows uses the otherwise

- might fall between the cracks of the existing specific use lists (such as a naturopathic physician).
3. **Updating the definitions.** The project would provide a definition for each use in the table. This will clarify what is or isn't allowed. It also will help eliminate confusing overlap between uses.
 4. **Meet new state and federal laws.** Federal and state laws, rules, and court rulings have defined how some uses may be regulated. The update will address the changes needed. For example the code updates rules on day care facilities and religious institutions to meet state and federal rules.

C. **POLICY ISSUES TO DISCUSS**

The main purpose of the code update is to clarify, simply, and modernize the Development Code. While the changes mostly would not change what is or isn't allowed in particular zones, the update process has raised a number of questions about whether some uses **should** be changed. The workshop will cover the following topics:

1. Vacation rental homes
2. Art, music, and dance schools in residential zones
3. Cemeteries in residential zones
4. Day care facilities in commercial zones
5. Parks in commercial zones
6. Recreational uses in industrial zones
7. Personal services in the Residential-Professional zones
8. Nursing homes in Residential-Professional zones
9. Private clubs, lodges, and meeting halls in institutional zones.
10. Prisons
11. Motor vehicle racing
12. Amusement parks
13. Pounds and kennels
14. Airport landing fields
15. Wastewater treatment plants.
16. Parking lots

Newberg Development Code - Zoning Use Table Revision

Draft December 28, 2012

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
AGRICULTURAL USES																			
Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)											
Livestock and Poultry Farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Home Gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Home Livestock and Poultry Raising	S	S															S		Title 6

Newberg Development Code - Zoning Use Table Revision

Draft December 28, 2012

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
RESIDENTIAL USES																			
Single Family Detached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)		Subject to density limits of 15.405.010(B)
Single Family Attached	P(2)	P	P(3)		P		C(4)	C(5)								P	P(6)		15.415.050; Subject to density limits of 15.405.010(B)
Manufactured Home on Individual Lot	P(2)	P	P(3)	P(7)	P												P(6)		15.445.050 - 15.445.070; Subject to density limits of 15.405.010(B)
Manufactured Dwelling Park		P	P	P															15.445.075 - 15.445.160
Mobile Home Park		P	P	P															15.445.075 - 15.445.160
Manufactured Home Subdivision		P		P															15.445.075 - 15.445.160
Duplex	P(2)	P	P	C	P		C(4)	P(8) /C(5)								P			Subject to density limits of 15.405.010(B)
Multiple Family Dwelling	C	P	P	C	P		C(4)	P(8) /C(5)								P			Subject to density limits of 15.405.010(B)
Accessory Dwelling Unit	C	P	P		P											P			15.445 Article V.
Mixed-use Dwelling						P(9)	P(10)	P(8) /C(5)	P(11)	C	C								
Caretaker Residence										P	P	P	C					P(12)	Limited to one, and allowed whenever the use requires the on-site residence of such person.
Dormitory		C	P		P											P			
Home Occupation (No more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S(13)	15.415.060
Home Occupation (More than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C(13)	15.415.060

Key

P: Permitted Use

C: Conditional Use - Use requires a conditional use permit

S: Special Use - Use requires a special use permit

X: Prohibited Use

(#): See notes below for limitations

?: Workshop will discuss whether this should be allowed or not.

Notes

- (1) Limited to sites with pre-existing agricultural uses, including at time of annexation.
- (2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of 15.405.010(B).
- (3) Permitted on individual lots created prior to November 17, 1992. Homes on individual lots created on or after November 17, 1992 will only be permitted through the planned unit development process.
- (4) The permitted density shall be stated on the conditional use permit.
- (5) The dwelling units must front onto Hancock or Second Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.
- (6) One residence per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision.
- (7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.
- (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (11) Must be located above ground floor commercial uses.
- (12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.
- (13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.

Newberg Development Code - Zoning Use Table Revision

Draft December 28, 2012

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
INSTITUTIONAL AND PUBLIC USES																			
INSTITUTIONAL CARE AND HOUSING																			
Family Child Care Home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(12)		ORS 657A
Day Care	P	P	P	C	P	P	P	C?					C	P		P		P(14)	ORS 657A
Residential Care Home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)							P	P(13)		ORS 197.665
Residential Care Facility (6-15 people)	C	P	P	C	P?		C	C								P			ORS 197.665
Group Care Facility (16+ people)	C	C	C		P?	C	C									P			
Hospital	C	C	C		C		P	P								P			
Detention Facility	?	?	?	?	?	?	?	?	?	C	C	C	C	?	?	?	?	?	
ASSEMBLY																			
Religious Institutions, Place of Worship	P	P	P	P	P	P	P	P	P		P				C	P			
Private Club, Lodge, Meeting Hall			C	C			P	P	C							P?			
Community Services	C	C	C	C	P		P	P	P						C	P			
SCHOOLS																			
School, Primary or Secondary	P	P	P		P										C				
College	P	P	P		P	P	P	P(15)							C	P			
Commercial Educational Services	C?	C?	C?		C	P	P	P								P?			
PARKS AND OPEN SPACES																			
Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Park	P	P	P	P	P	C?	C?	C?	P				P(16)		P(17)	P			
Golf Course	P	P	P												P(17)				
PUBLIC SERVICES																			
Emergency Services	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Pound, Dog or Cat, Kennel	?	?	?	?	C	C	C	C	C	C	P	P	C	C	?	C	?	C	
Cemetery	?	?	?	?	C	C	C	C	C	C	C	C	C	C	C	C	C	C	ORS 97.46
TRANSPORTATION																			
Transportation Facilities and Improvements	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Modification to public street standards for the purpose of ingress or egress to a minimum of three and not more than six lots	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
Transit Center							P	P	P	P	P	P							
Parking Facility			P		C?	C?	P	P(18)	C	P	P	P		P		P?			
Airport, Landing Field	?	?	?	?	?	?	?	?	?	?	C	C	C	C	C	C	C	C	P
Heliport, Helipad	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P
Marina									C										
Pilings, Piers, Docks, and Similar In-water Structures									C										
UTILITIES																			
Basic Utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Utility distribution plant or yard											P	P	P						
Waste water treatment plant	?	?	?	?	C	C	C	C	C	C	C	P	C	C	C	C	C	C	
TELECOMMUNICATION FACILITIES																			

Newberg Development Code - Zoning Use Table Revision

Draft December 28, 2012

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
Telecommunication facility incorporated into existing structure/utility pole and no taller than 18 ft above existing structure/utility pole	C	C	C	C	C	P	P	P	P	P	P	P	P	P		P			15.445, Article IV
Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing structure no taller than 18 feet above that structure.						C	C	C		C	P(19)	P(19)	P	C		C			15.445, Article IV
Telecommunication facility, including radio towers and transmitters, which are over 100 feet						C	C	C		C	C	C	C	C		C			15.445, Article IV

Key

P: Permitted Use

C: Conditional Use - Use requires a conditional use permit

S: Special Use - Use requires a special use permit

X: Prohibited Use

(#): See notes below for limitations

?: Workshop will discuss whether this should be allowed or not.

Notes

- (13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.
- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet gross floor area requires a conditional use permit.
- (16) Allowed in areas designated in industrial area plans.
- (17) Public only.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.

Newberg Development Code - Zoning Use Table Revision

Draft December 28, 2012

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
COMMERCIAL USES																			
COMMERCIAL OFFICES																			
Medical Offices			C		P	P(20)	P	P(21)								P			
Local Business Offices					P(22)	P(20)	P	P(21)											
COMMERCIAL SALES AND RENTALS																			
Retail Sales - General						P(20)	P	P(21) (22)	P		P(23)?								
Retail Sales - Bulk Outdoor							P	C			P								
Retail Convenience Sales						P(20)	P	P(21)	P		P(24)			P(25)					
Temporary Merchants							S	S(21)											5.15.050 et seq.
EATING AND DRINKING ESTABLISHMENTS																			
Eating and Drinking - Alcohol Related							P	P(21)	P										Requires liquor license
Eating and Drinking - Non-Alcohol Related						P(20)	P	P(21)	P	P	P	?						C(26)	
COMMERCIAL SERVICES																			
Personal Services					C	P(20)	P	P(21)	P										
Commercial Services						P(20)	P	P(21)											
Commercial Vehicle Service							P	C		P(27)	P	?		P(28)					
COMMERCIAL RECREATION																			
Commercial Recreation - Indoors							P	P(22)		P(29)?	P(29)?								
Commercial Recreation - Outdoors							P				P								
Commercial Recreation - Motor Vehicle Related							C				C								
COMMERCIAL LODGING																			
Vacation Rental Homes	C	C	S	S	S	S(30)	S(30)	S(30)	S(30)										*Possible new section*
Bed and Breakfast (2 or fewer rooms)	C	P	P		P	P	P	P	P										See NDC 15.445.010
Bed and Breakfast (3 or more rooms)	C	C	C		C	C	P	P	P										See NDC 15.445.010
Hotel/Motels							C	C	C									C(26)	
Recreational Vehicle Parks							C		C?	C	C	C							See NDC 15.445.170

Key

P: Permitted Use

X: Prohibited Use

C: Conditional Use - Use requires a conditional use permit

(#): See notes below for limitations

S: Special Use - Use requires a special use permit

?: Workshop will discuss whether this should be allowed or not.

Notes

- (20) Businesses in the C-1 zone that have hours of operation between 10 p.m and 7 a.m. require a conditional use permit.
- (21) 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, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (22) If over 40,000 square feet gross floor area require a conditional use permit.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to second hand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.
- (30) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.

Newberg Development Code - Zoning Use Table Revision

Draft December 28, 2012

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
INDUSTRIAL USES																			
Traded-Sector Industry Office					P(31)	P(31)	P	P		P	P		P					P(34)	
Industrial Services							C				P	P	P					P(34)	
Wholesale and Industry Sales							C(32)			P(32)	P	P	P					P(34)	
Warehouse, Storage, and Distribution										P(33)	P	P	P					P(34)	
Self-Service Storage							P			P	P	P	P						
Light Manufacturing										P	P	P	P					P(34)	
Heavy Manufacturing											P(35)	P	C						
Waste Related												C	C						
MISCELLANEOUS USES																			
Accessory building and use incidental to other permitted uses in the zone	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Uses similar to permitted uses in the zone.	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Uses similar to conditional uses in the zone	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	

Key

P: Permitted Use

C: Conditional Use - Use requires a conditional use permit

S: Special Use - Use requires a special use permit

X: Prohibited Use

(#): See notes below for limitations

?: Workshop will discuss whether this should be allowed or not.

Notes

(31) Limited to 10,000 square feet maximum floor area.

(32) Allowed indoors only.

(33) Allowed indoors only. Outdoor use requires a conditional use permit.

(34) Must be aviation related. See xxx.

(35) Limited to expansion or change of existing heavy manufacturing uses.

Zoning Use Definitions

Draft December 28, 2012

AGRICULTURAL USE CATEGORIES

“**Horticulture**” means the cultivation of a garden, orchard, or nursery, or the cultivation of flowers, fruits, vegetables, or ornamental plants for commercial purposes.

“**Livestock and poultry farming**” means the keeping and raising of livestock or poultry for commercial purposes.

“**Home gardening**” means the cultivation of flowers, fruits, vegetables, or ornamental plants for personal use of the owner or tenants of a lot. “Home gardening” includes community gardens where the space is provided without charge for the space to individuals to raise produce for their personal use, or for non-profit groups to raise produce to donate to individuals or charitable organizations.

“**Home livestock and poultry raising**” means the keeping and raising of livestock or poultry for the personal use of the owner or tenants of the lot.

RESIDENTIAL USE CATEGORIES

“**Caretaker dwelling**” means a dwelling provided on an industrial site for an employee or owner to provide around the clock surveillance or service for the industry.

“**Dormitory**” means a living organization housing six or more unrelated people who share a common kitchen either on the site or elsewhere.

“**Dwelling, single-family detached**” means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

“**Dwelling unit, single-family attached**” means a single-family dwelling having one or more walls attached to and in common with one or more single-family dwellings, with each dwelling unit on a separate lot or parcel.

“**Dwelling, two-family (duplex)**” means a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family.

“**Dwelling unit, accessory**” means one or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to an existing or new single-family dwelling.

“**Dwelling, multiple family**” means a building designed and used for occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family. “**Dwelling, multiple family**” includes assisted living facilities.

“Home occupation” means an occupation or profession carried on by a member of the family residing on the premises.

“Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

“Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

“Manufactured dwelling park” does not include a manufactured home subdivision.

“Manufactured home subdivision” means a subdivision where the use of lots is limited to one manufactured home per lot or uses accessory to the home or the subdivision.

“Mixed-use dwelling” means a dwelling on a lot that has separate non-residential uses on the same lot, such as an apartment provided on a second floor of a commercial building. “Mixed-use dwelling” excludes a caretaker dwelling.

“Mobile home park” means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person.

INSTITUTIONAL AND PUBLIC USE CATEGORIES

Institutional Care and Housing Use Definitions

“Family child care home” means a registered or certified family child care home under the laws of the State of Oregon. A registered family child care home generally provides care for a maximum of 10 children in the family living quarters of the provider’s home. A certified family care home is located in a building constructed as a single family dwelling and has a certificate to care for a maximum of 16 children at any one time.

Day Care

- 1. Characteristics.** This category includes the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation. It also may include care or supervision during part of the 24 hours of the day where lodging is not provided.
- 2. Accessory uses.** Play areas.
- 3. Examples.** Preschools, adult day care centers.

4. Exclusions

- a. Family child care homes.
- b. Child care which does not require state registration or certification, such as babysitting.
- c. Accessory day care that is provided primarily for the children of workers at the site is considered an accessory use.
- d. Schools, primary or secondary.
- e. Residential care homes and residential care facilities.

“Residential care home” means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500 or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home.

“Residential care facility” means a residential care, residential training or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to fifteen individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Group care facility

1. **Characteristics.** Group care facility means a facility that provides residential care alone or in conjunction with treatment or training or a combination thereof for sixteen or more individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.
2. **Accessory uses.** Personal service uses, recreational facilities, dining facilities, or retail sales for use of tenants, employees, or tenant visitors.
3. **Examples.** Nursing homes, addiction treatment centers, sanitariums.
4. **Exclusions.** Residential care homes, residential care facilities, and detention facilities are separate use categories. Assisted living facilities are classified as multiple family dwellings.

Hospital

1. **Characteristics.** A medical institution which provides medical and surgical care to patients on an inpatient or emergency basis, which may be in addition to outpatient care.
2. **Accessory uses.** Personal service uses, dining facilities, or retail sales for use of patients,

employees, or patient visitors.

3. **Examples.** Urgent care centers, medical practitioners who schedule office hours regularly to provide emergency care during nighttime hours.

Detention facility

1. **Characteristics.** These facilities detain individuals and lodge them.

2. **Examples.** Prisons.

3. **Exclusions.** Jails associated with a police station that provide short-term detention are considered an accessory to an emergency service use.

Assembly Use Definitions

Religious Institutions and Places of Worship

1. **Characteristics.** Religious institutions and places of worship primarily provide meeting areas for religious activities.

2. **Accessory uses.** Accessory uses include Sunday school facilities, parking, caretaker's housing, one transitional housing unit, and group living facilities such as convents. A transitional housing unit is a housing unit for one household where the average length of stay is less than 60 days. Religious schools, when accessory to a religious institution.

3. **Examples.** Examples include churches, temples, synagogues, and mosques.

4. **Exclusions.** Religious schools are included in Schools.

Private Club, Lodge, Meeting Hall

1. **Characteristics.** Private clubs, lodges, and meeting halls provide meeting areas that are restricted to those with membership in the host organization, or to individuals or organizations renting the space for special events. The activities may either be religious or non-religious. The activities may be non-profit or for profit, though for-profit activities are limited to those with membership or prospective membership in the organization renting the space.

2. **Accessory Uses.** Kitchens and dining areas for the use of the host organization or the individuals or organizations renting the facility.

3. **Examples:** Fraternal lodges, grange halls, wedding halls.

4. **Exclusions.** Religious institutions and places of worship is a separate category, however a private club, lodge, or meeting hall may be used for religious activities. Community services and commercial educational services are separate categories, though meeting halls may be rented for these types of uses. Meeting halls that are accessory to another use, such as a meeting room for tenants of an apartment complex, are part of the primary use.

Community Services

- 1. Characteristics.** Community Services are uses of a public, nonprofit, or charitable nature generally providing a local service to people of the community. Generally, they provide the service on the site or have employees at the site on a regular basis. The service is ongoing, not just for special events. Community centers or facilities that have membership provisions are open to the general public to join at any time, (for instance, any senior citizen could join a senior center). The use may also provide special counseling, education, or training of a public, nonprofit or charitable nature.
- 2. Accessory uses.** Accessory uses may include offices, meeting areas, food preparation areas, parking, health and therapy areas, daycare uses, and athletic facilities.
- 3. Examples.** Examples include libraries, museums, senior centers, community centers, publicly owned swimming pools, youth club facilities, ambulance stations, social service facilities, vocational training for the physically or mentally disabled, soup kitchens, and surplus food distribution centers.
- 4. Exclusions.**
 - a. Private lodges, clubs, and meeting rooms are a separate use category. Private or commercial athletic, health clubs, or museums are classified as commercial recreation.
 - b. Parks are a separate category.
 - c. Uses that provide lodging to individuals. These may be classified as dormitories, residential care homes, residential care facilities, or other uses depending on the nature of the lodging provided.
 - d. Public safety facilities are classified as Emergency Services.

School Use Definitions

Schools, Primary and Secondary

- 1. Characteristics.** This category includes public and private schools, secular or parochial, at the primary, elementary, middle, junior high, or high school level that provide state mandated basic education primarily to minors.
- 2. Accessory uses.** Accessory uses include play areas, cafeterias, recreational and sport facilities, auditoriums, and before- or after-school daycare, and administrative offices.
- 3. Examples.** Examples include public and private daytime schools, boarding schools and military academies.
- 4. Exclusions.**
 - a. Preschools are classified as daycare uses.
 - b. Commercial music, dancing, tutoring, art or similar schools are classified as commercial educational services.

Colleges

1. **Characteristics.** This category includes public and private schools that provide post-secondary education primarily for adults, usually working toward a degree or certificate.
2. **Accessory uses.** Accessory uses include cafeterias, student dormitories, recreational and sport facilities, auditoriums, student book stores, and administrative offices.
3. **Examples.** Examples include public and private universities and community colleges.
4. **Exclusions.** Commercial music, dancing, tutoring, art or similar schools are classified as commercial educational services.

Commercial Educational Services

1. **Characteristics.** Commercial Educational Service uses are conducted in an office or studio setting and generally focusing on serving students with supplemental education, enrichment, and/or tutoring, where a fee is usually charged for services.
2. **Accessory uses.** Accessory uses may include incidental retail (e.g., sale of instructional materials) or other amenities primarily for the use of employees and customers.
3. **Examples.** Examples include tutoring centers, computer classes, after school math and reading centers, arts and crafts classes, music and dancing school.
4. **Exclusions.** Schools, Primary and Secondary and Colleges are separate use categories. Pre-schools are classified as daycare uses.

Parks and Open Spaces Use Definitions

Open Space

1. **Characteristics.** Open spaces provide outdoor space for natural feature preservation, or for walking, sitting, watching, or observing. Most of the area is left in native vegetation. Public access may be restricted.
2. **Exclusions.** Active recreational facilities such as playgrounds, or ballfields. Parks are a separate use category.

Park

1. **Characteristics.** Park uses provide areas for outdoor recreation, whether passive or active. Parks may be private or publicly operated, but no admission fee is charged.
2. **Accessory uses.** Accessory uses may include pavilions, club houses, maintenance facilities, concessions, caretaker's quarters, and parking.
3. **Examples.** Playgrounds, community sports fields, public squares
4. **Exclusions.** Commercial recreational uses are a separate category. Open spaces without access or with only trails or observation areas are classified as open space. Recreational facilities

accessory to a school, church, or public community center use, regardless of whether admission is charged are part of the primary use. Golf courses are a separate category. Temporary festivals are a separate category.

“**Golf course**” means a large outdoor tract of land laid out for playing golf. “**Golf course**” may include a golf driving range or golf pro shop as accessory uses. “**Golf course**” excludes a miniature golf course.

Public Services Uses Definitions

Emergency Services

1. **Characteristics.** Facilities with personnel or equipment staged for quick response in case of emergency. The facility is operated by a public agency or private franchise agency.
2. **Accessory uses.** Jails for short term detention associated with a police station. Emergency vehicle and equipment storage or repair.
3. **Examples.** Police stations, fire stations, ambulance stations, and emergency highway safety equipment yards.
4. **Exclusions.** Emergency shelters are classified under community services. Utility maintenance yards are classified under utility distribution plant or yard.

“**Pound, dog or cat**” means premises where animals are impounded temporarily while their owners are being located or while awaiting adoption or final disposition.

“**Kennel**” means an establishment for the breeding or boarding of dogs or cats. “**Kennel**” does not include the raising of household pets of the resident of the premises.

“**Cemetery**” means a place:

1. Dedicated to and used, or intended to be used, for a permanent memorial or the permanent interment of human remains; and
2. That may contain a mausoleum, crypt or vault interment, a columbarium, an ossuary, a cenotaph, a scattering garden, any other structure or place used or intended to be used for the interment or disposition of human remains or any combination of these structures or places.

Transportation Uses Definitions

“**Transportation facilities and improvements**” means the physical improvements used to move people and goods from one place to another. “**Transportation facilities and improvements**” includes the following:

1. Construction of streets, walkways, and associated improvements as part of an approved subdivision, partition, design review, or similar application.
2. Projects identified in the city’s adopted transportation system plan.

3. Installation of culverts, pathways, medians, fencing, guardrails, walls, lighting, and similar types of improvements.
4. Normal operation, maintenance, repair, and preservation activities of existing transportation facilities.
5. Landscaping as part of a transportation facility.
6. Transit stops.

“Transportation facilities and improvements” does not include airports, landing fields, heliports, helipads, transit centers, or parking areas.

“**Transit center**” means a location for the boarding or departing of passengers from buses, trains, taxis or similar common passenger carriers (excluding aircraft), typically for several fixed routes. “Transit center” may include accessories such as multiple shelters, rest rooms, food vending, parking lots, offices for transit personnel, and transit vehicle storage and repair areas.

“**Parking facility**” means parking spaces that are not designated for use by those patronizing a specific use on-site or a nearby site. This includes publicly owned parking lots designated for use by the general public, commercial parking lots open to the general public where a fee is charged to park, and park and ride lots.

“**Airport**” means a facility, either on land or water, where aircraft can take off and land, typically including hard-surfaced landing strips, a control tower, hangars, and accommodations for passengers and cargo.

“**Landing field**” means a facility, either on land or water, where aircraft can take off and land, typically excluding hard surfacing, control towers, hangars, or accommodations for passengers and cargo. See also “**airport**.”

“**Helipad**” means a transportation structure or area used for the landing and ascending of a helicopter, typically associated with a single use, such as a hospital.

“**Heliport**” means a facility used for the landing and ascending of helicopters, typically with a control tower, hangars, and accommodations for passengers and cargo.

“**Marina**” means a boat basin offering dockage and other service for small watercraft, including marine gas facilities, boat launching, and moorage.

Utilities Uses Definitions

“**Basic utilities**” means utilities that serve the needs of land uses in the immediate vicinity including wastewater and water lines, wastewater or water pump stations, water reservoirs, storm drains, stormwater retention or detention facilities, electric service substations, natural gas transmission lines, electric, telephone, and cable lines, windmills and solar panels.

“**Utility distribution plants and yards**” means facilities that collect, distribute, or treat water, storm drainage, electrical power, natural gas, or similar material to serve areas beyond the immediate vicinity. It includes facilities that store and distribute equipment and material to repair streets and utilities. “Utility distribution plants and yards” include water treatment plant, street maintenance yards, and energy production facilities using material imported to the site. It excludes basic utilities and wastewater treatment plants.

“**Wastewater treatment plant**” means a facility for treatment and disposal of human waste collected from a large area. It excludes wastewater pump stations and septic systems.

“**Telecommunications facility**” means a land use which generates, detects, or processes radio frequency (RF) energy for purposes of wireless telecommunication and which provides commercial transmission capabilities to convey intelligence such as voice, digital data, still or moving pictures. Services include cellular communication, personal communication services (PS), enhanced specialized mobile radio, specialized mobile radio and paging. The facility may include a cellular tower or monopole; antennas; feedlines; structures to support antennas, feedlines, and other receiving and/or transmitting devices; transmitters, receivers and transceivers; accessory equipment, development and structures; and the land on which they are situated. This definition does not include amateur radio and citizen band radio equipment (see “amateur (“ham”) radio” and “citizen band (CB) radio”).

COMMERCIAL CATEGORIES

Commercial Office Use Definitions

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 with only occasional night time emergency care.
2. **Accessory uses.** Sale or rental of goods associated with the medical care.
3. **Examples.** Offices for licensed doctors, dentists, osteopaths, massage therapists, naturopathic physicians, outpatient laboratories where the patient testing is largely conducted on-site.
4. **Exclusions**
 - a. Hospitals and urgent care centers are classified under hospitals.

b. Uses that provide exclusive care and planned treatment or training for psychiatric, alcohol, or drug problems, where patients are residents of the program, are classified as residential care homes, residential care facilities, or group care facilities, depending on the nature of the facility.

c. Medical laboratories other than outpatient laboratories are classified as commercial service or industrial service uses 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 as commercial service or industrial service depending on the nature of the use.

Local Business Office

1. **Characteristics.** Local 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 regularly on site are limited to passenger and light duty vehicles. No manufacturing occurs on site. Materials on site are mostly hand carried.

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

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

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

Commercial Sales and Rentals Use Definitions

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 display for 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. **Exclusions.** Bulk outdoor retail, wholesale and industry sales, and retail convenience sales.

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. **Exclusions.** Retail indoor sales, wholesale and industry sales. Outdoor vehicle sales with two or fewer vehicles displayed is general retail sales.

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.

“**Temporary merchant**” means a person or persons occupying a temporary, fixed location, not within a permanent building, and selling or delivering from stock on hand, doing business in much the same manner as a permanent business.

Eating and drinking establishments

1. **Characteristics.** Eating and drinking establishments provide customers ready to consume food or drink for purchase. These establishments often provide tables and seating for the customers, and may provide take out or delivery service. Eating and drinking establishments are of two types:

Alcohol related are those establishments that serve alcohol and where minors are prohibited by law in any portion of the customer area.

Non-alcohol related are those establishments that do not serve alcohol, or that do serve alcohol but minors are not prohibited by law in any portion of the customer area.

2. **Accessory uses.** Drive-up service windows. Note that drive-up service windows require a conditional use permit in some zones. Entertainment.
3. **Examples.** Alcohol related uses include bars, night clubs, and taverns. Non-alcohol

related uses include restaurants, take-out food service, and soda fountains.

4. **Exclusions.** Non-profit membership-only clubs are classified in private clubs, lodges, and meeting halls.

Commercial Service Use Definitions

Personal Services

1. **Characteristics.** Personal service uses are engaged primarily in physical aesthetic services or 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, barber shops, tanning salons, body art salons.
4. **Exclusions.** Personal services exclude medical offices.

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 government or 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. **Exclusions.** Outpatient medical laboratories are classified as medical office uses.

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. **Exclusions.** Servicing primarily to medium and heavy duty vehicles, farm equipment, and industrial vehicles is classified as industrial vehicle service.

Commercial Recreation Use Definitions

Commercial Recreation - Indoor

1. **Characteristics.** Indoor commercial recreation uses provide entertainment, recreation, and fitness activities for spectator or participants, within buildings. 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, arcades, athletic clubs, gyms.
4. **Exclusions.** Recreational facilities accessory to a school or church use, regardless of whether admission is charged. Vehicle related commercial recreation uses are a separate category.

Commercial Recreation - Outdoor

1. **Characteristics.** Outdoor commercial recreation uses provide entertainment, recreation, and fitness activities for spectators or participants outdoors. Fees usually are charged for admission or participation.
2. **Accessory uses.** Eating and drinking establishments and retail sales for spectators or participants.
3. **Examples.** Drive-in theaters, sports stadiums, race tracks, outdoor driving ranges, amusement parks, outdoor miniature golf courses.
4. **Exclusions.** Recreational facilities accessory to a school or church use, regardless of whether admission is charged. Golf courses are a separate use. Vehicle related commercial recreation use is a separate category.

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. **Examples.** Car or motorcycle racing tracks, drag strips, go cart tracks, remote control vehicles

Commercial Lodging Use Definitions

“**Vacation rental home**” means a dwelling unit that is used, rented or occupied for periods of less than 30 days, or is available, advertised, or listed by an agent as available for use, rent for occupancy for periods of less than 30 days. “**Vacation rental home**” excludes bed and breakfast establishments.

“Bed and breakfast establishment” means a single family dwelling designed and occupied as a residence by an on-site manager in which sleeping units are provided for periods of less than 30 days for use by travelers or transients for a charge or fee paid or to be paid for the rental or use of the facility.

“Hotel,” “motel” mean a structure with sleeping units or dwelling units rented or occupied for periods of less than 30 days, excluding vacation rental homes and bed and breakfast establishments.

“Recreational vehicle park” or “RV park”

1. Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:
 - a. The renting of space and related facilities for a charge or fee; or
 - b. The provision of space for free in connection with securing the patronage of a person.
2. Does not mean:
 - a. An area designated only for picnicking or overnight camping; or
 - b. A manufactured dwelling park or mobile home park.

INDUSTRIAL USE DEFINITIONS

Traded Sector 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 station studios.
4. **Exclusions.**
 - a. Local business offices, medical offices, personal services, commercial services are separate uses.

b. Office uses accessory to on-site manufacturing are classified under the primary use.

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 is 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. Exclusions. Commercial vehicle service and commercial service are separate uses.

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. Exclusions. Livestock sales.

Warehouse, Storage and Distribution

1. Characteristics. Warehouse and Distribution involves the storage, or movement of goods for themselves or other firms. Goods are generally delivered to other firms or the final consumer, except for some will-call pickups. There is little on-site sales activity with the customer present.

2. Accessory uses. Accessory uses may include offices, truck fleet parking and maintenance areas, rail spur or lead lines, docks, and repackaging of goods.

3. Examples. Examples include separate warehouses used by retail stores such as furniture and appliance stores; household moving and general freight storage; cold storage plants, including frozen food lockers; storage of weapons and ammunition; major wholesale distribution centers; truck, marine, or air freight terminals; bus barns; parcel services; major post offices;

grain terminals; and the stockpiling of sand, gravel, or other aggregate materials, contractors equipment storage.

4. Exclusions.

a. Uses that involve the transfer or storage of solid or liquid wastes are classified as Waste-Related uses.

b. Self-Service Storage is a separate use category.

Self-Service Storage

1. Characteristics. Self-Service Storage uses provide separate storage areas for individual or business uses. The storage areas are designed to allow private access by the tenant for storing personal property.

2. Accessory uses. Accessory uses may include security and leasing offices. Living quarters for one resident manager per site are allowed. Other living quarters are subject to the regulations for residential uses. Use of the storage areas for sales, service and repair operations, or manufacturing is not considered accessory to the Self-Service Storage use. The rental of trucks or equipment is also not considered accessory to a Self-Service Storage use.

3. Examples. Examples include single story and multistory facilities that provide individual storage areas for rent. These uses are also called mini-warehouses.

4. Exclusions. A transfer and storage business where there are no individual storage areas or where employees are the primary movers of the goods to be stored or transferred is in the Warehouse , Storage and Distribution category.

Light Manufacturing

1. Characteristics. Light manufacturing uses involves manufacturing, processing, fabrication, packaging, or assembly of goods. These types of firms are involved in the secondary processing and assembly of materials and components into finished products, generally for the wholesale market, for transfer to other plants, or to order for firms or consumers. The external impact from these uses is generally less than heavy manufacturing. Outdoor storage and processing of goods and materials is less than 10 percent of the site. Transportation needs are often met by truck. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to the manufacturing site (typically fewer than five per day per 1,000 square feet of floor area).

Heavy Manufacturing

1. Characteristics. Heavy manufacturing a use that involves manufacturing, processing, fabrication, packaging, or assembly of large volumes of raw materials into refined products. These types of firms have significant external impacts. Outdoor storage and processing of goods and materials may exceed 10 percent of the site. Transportation needs are often met by both truck and rail. Goods are generally not displayed or sold on site, but if so, they are a subordinate

part of sales. Relatively few customers come to the manufacturing site (typically fewer than five per day per 1,000 square feet of floor area).

Waste-Related

1. Characteristics. Waste-Related uses are characterized by uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes, or uses that manufacture or produce goods or energy from the biological decomposition of organic material. Waste-Related uses also include uses that receive hazardous wastes from others and are subject to the regulations of OAR 340. 100-110, Hazardous Waste Management.

2. Accessory Uses. Accessory uses may include recycling of materials, offices, and repackaging and transshipment of by-products.

3. Examples. Examples include sanitary landfills, limited use landfills, waste composting, energy recovery plants, sewer treatment plants, portable sanitary collection equipment storage and pumping, and hazardous-waste-collection sites.

4. Exclusions.

a. Disposal of clean fill, as defined in OAR 340-093-0030, is considered a fill, not a Waste-Related use.

b. Sewer pipes that serve a development are considered a Basic Utility.

c. Wastewater treatment plants are a separate use.

Chapter 15.316
C-3 CENTRAL BUSINESS DISTRICT

Sections:

- | | |
|------------|---|
| 15.316.010 | Description and purpose. |
| 15.316.020 | Permitted buildings and uses. |
| 15.316.030 | Buildings and uses permitted conditionally. |
| 15.316.040 | Buildings and uses prohibited. |

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.]

15.316.020 Permitted buildings and uses.

A. In the C-3 central business district, the following buildings and uses are permitted as hereinafter specifically provided.

B. The buildings and uses are subject to the general provisions and exceptions set forth in this code:

1. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and NMC 15.316.030.
2. Ambulance services.
3. Antique shops.
4. Appliance sales and service.
5. Art supplies.
6. Artist studios.
7. Athletic facilities, less than 40,000 square feet gross floor area (gfa).
8. Auditoriums and theaters.
9. Automobile parts and accessories stores.
10. Bakeries, retail.
11. Banks.
12. Barber and beauty shops.
13. Bars or night clubs, including entertainment and sales of alcoholic beverages.
14. Bed and breakfast establishments.
15. Bicycle shops.
16. Billiards and pool halls.
17. Blood banks.
18. Blueprinting.
19. Bookstores.
20. Bowling alleys.
21. Building maintenance services.

22. Business offices, general.
23. Camera and supplies shops.
24. Catering services.
25. Chapels.
26. Christmas tree sales (outdoor sales) in accordance with this code.
27. Churches, less than 40,000 square feet (gfa).
28. Clinics.
29. Clothing apparel shops.
30. Clubs, lodges and meeting halls.
31. Cocktail lounges.
32. Colleges, business or private, less than 40,000 square feet (gfa).
33. Confectionery stores with fountains.
34. Curio shops.
35. Dairy products stores, retail only.
36. Dance halls.
37. Dancing and music schools.
38. Data processing centers.
39. Delicatessen stores.
40. Department stores.
41. Drapery stores.
42. Dress and millinery shops.
43. Dry cleaning establishments; coin-operated, custom and self-service.
44. Dwelling units, provided the units are located on the same lots as another use permitted in this section and NMC 15.316.030 and do not occupy the first floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
45. Electrical and electronic supplies, retail.
46. Facilities which exist for the purpose of providing for the temporary care and/or lodging of adult indigent persons.
47. Fireworks sales (outdoor sales) from June 24th through July 6th.
48. Floor covering stores.
49. Florist shops.
50. Furniture stores.
51. Garden supplies stores.
52. Gift shops.
53. Grocery stores, markets and supermarkets, including food products stores, retail, less than 40,000 square feet (gfa).
54. Group care homes, provided they comply with the requirements listed in subsection (B)(44) of this section.
55. Hardware stores.
56. Health studios.
57. Hobby shops, including slot racing tracks.

58. Hospitals.
59. Hotels, motels, motor hotels or tourist courts, less than 40,000 square feet (gfa).
60. Interior decorators' studios.
61. Jewelry stores.
62. Laboratories, medical and dental.
63. Laundromats, hand laundries and self-service laundries.
64. Leather goods stores.
65. Liquor stores, package.
66. Lockers, cold storage, retail use only.
67. Locksmith shops.
68. Mortuaries.
69. Movie theaters.
70. Museums.
71. Music stores.
72. Newspaper printing establishments.
73. Offices for the following:
 - a. Accountants.
 - b. Attorneys.
 - c. Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.
 - d. Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.
 - e. General administration.
 - f. Insurance brokers.
 - g. Lumber brokers.
 - h. Real estate sales.
 - i. Savings and loans.
 - j. Stockbrokers.
 - k. Telephone answering services.
 - l. Offices similar to the above but not specifically listed.
74. Office supplies and equipment stores.
75. Open space.
76. Paint and wallpaper stores.
77. Parking areas, public or private.
78. Pawnshops.
79. Pet shops.
80. Pharmacies and drug stores.
81. Photographers' studios.
82. Photographic film processing, photoengraving, photocopying and photostating.
83. Places of entertainment and amusement, if conducted within a wholly enclosed building.
84. Planned unit developments.
85. Post offices.
86. Printing shops.

87. Public and semi-public buildings.
88. Radio and television broadcasting studios.
89. Radio and television sales and service.
90. Reducing salons.
91. Restaurants, excluding drive-through windows.
92. Secondhand stores (if conducted wholly within an enclosed building).
93. Sewing machine sales and service.
94. Shoe repair shops.
95. Shoe stores.
96. Skating rinks, indoor.
97. Sporting goods stores.
98. Surgical, medical and dental supplies and equipment stores.
99. Tailor shops.
100. Taverns.
101. Telecommunications facilities, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure more than 18 feet.
102. Telephone and telegraph exchanges.
103. Theaters.
104. Tobacco shops.
105. Toy stores.
106. Transit centers.
107. Transportation facilities and improvements.
108. Travel agencies.
109. Upholstery, automobile and furniture.
110. Variety shops.
111. Any other buildings or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section. [Ord. 2619, 5-16-05; Ord. 2561, 4-1-02; Ord. 2536, 11-6-00; Ord. 2516, 6-21-99; Ord. 2451, 12-2-96. Code 2001 § 151.371.]

15.316.030 Buildings and uses permitted conditionally.

In addition to the buildings and uses permitted conditionally listed in NMC 15.225.070, the planning commission may grant a conditional use permit for any of the following buildings and uses in accordance with a Type III procedure:

- A. Automobile sales, new and used.
- B. Athletic facilities, 40,000 square feet or greater (gfa).
- C. Car washes, coin-operated or mechanical.
- D. Churches, 40,000 square feet or greater (gfa).
- E. Colleges, business or private, 40,000 square feet or greater (gfa).
- F. Drive-up service windows, provided the use is accessory to an existing business on the site with walk-in customer service, e.g., drive-up bank window.
- G. Dwelling units; provided, that the dwelling units front onto Hancock or Second Street, that no more than 30 percent of a single street frontage of a block is occupied by

residential uses, that contiguous residential street frontage is less than 60 lineal feet, and that the density and parking standards for allowable dwelling units are met.

H. Garages, repair.

I. Grocery stores, markets and supermarkets, including food products stores, retail, 40,000 square feet or greater (gfa).

J. Group care facilities.

K. Hotels, motels, motor hotels or tourist courts, 40,000 square feet or greater (gfa).

L. Parking garages, public or private, with first floor street frontage of 40 feet or less for ingress and egress. First floor development shall be commercial.

M. Service stations. [Ord. 2580, 6-5-03; Ord. 2561, 4-1-02; Ord. 2536, 11-6-00; Ord. 2451, 12-2-96. Code 2001 § 151.372.]

15.316.040 Buildings and uses prohibited.

Drive-up service windows, except those in service on April 1, 2002, or drive-up service windows accessory to an existing business on the site with walk-in customer service. Changes in use will not be allowed. [Ord. 2580, 6-5-03; Ord. 2561, 4-1-02. Code 2001 § 151.373.]

Chapter 15.322
M-2 LIGHT INDUSTRIAL DISTRICT

Sections:

- | | |
|------------|---|
| 15.322.010 | Description and purpose. |
| 15.322.020 | Permitted buildings and uses. |
| 15.322.030 | Buildings and uses permitted conditionally. |

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.]

15.322.020 Permitted buildings and uses.

A. In the M-2 light industrial district, the following buildings and uses are permitted as hereinafter specifically provided.

B. The buildings and uses are subject to the general provisions and exceptions set forth in this code:

1. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and NMC 15.322.030.
2. Agricultural machinery, sales and service.
3. Agricultural supplies, including hatcheries.
4. Agricultural uses or any other enterprise customarily carried on in the field of general agriculture (except no slaughterhouses permitted).
5. Ambulance services.
6. Athletic facilities.
7. Auction sales.
8. Automobile painting shops.
9. Automobile sales, new and used.
10. Bakeries, wholesale and retail.
11. Banks.
12. Building maintenance services.
13. Building material sales.
14. Car washes, coin-operated or mechanical.
15. Christmas tree sales (outdoor sales) in accordance with this code.
16. Churches.
17. Convenience grocery stores with a maximum of 2,000 square feet.
18. Driving ranges, private.
19. Dwelling unit, limited to one, for a caretaker or superintendent, whenever the use requires the on-site residence of such person.
20. Equipment rental yards.
21. Equipment sales.
22. Feed and seed stores.

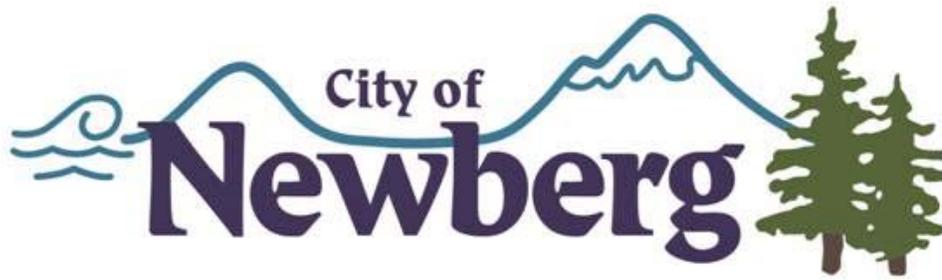
23. Fireworks sales (outdoor sales) from June 24th through July 6th.
24. Laboratories.
25. Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of articles, such as:
 - a. Blueprints.
 - b. Boats.
 - c. Ceramics.
 - d. Communication components and systems.
 - e. Cosmetics.
 - f. Creameries.
 - g. Drugs.
 - h. Electrical and electronic components and systems.
 - i. Farm equipment.
 - j. Food and beverage products (except fish, meat, sauerkraut, vinegar, yeast and alcoholic beverages).
 - k. Films.
 - l. Garments.
 - m. Glass.
 - n. Greenhouses.
 - o. Instruments.
 - p. Iron, steel and sheet metal, provided no blast furnaces shall be allowed.
 - q. Leather.
 - r. Novelties.
 - s. Paint, provided no boiling is allowed.
 - t. Paper and cellophane, except no manufacturing.
 - u. Perfumes.
 - v. Plaster, except no manufacturing.
 - w. Plastics, except no manufacturing.
 - x. Signs.
 - y. Soil.
 - z. Stone monuments.
 - aa. Textiles.
 - bb. Tires, limited to recapping, retreading and rebuilding.
 - cc. Tobacco.
 - dd. Toiletries.
 - ee. Upholstery.
 - ff. Wood, but excluding operation of a planing mill.
 - gg. Other items similar to the preceding items the manufacturing, compounding, processing, assembling, treatment, testing or repairing of which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the items specifically listed.
26. Miniature golf courses.
27. Mobile homes sales and service.
28. Open space.
29. Planned unit developments.
30. Plumbing supplies and services.

31. Pound (dog or cat), kennel.
32. Printing and publishing.
33. Public and private parking areas and garages.
34. Radiator service and repairs.
35. Radio towers and transmitters.
36. Repair garages.
37. Restaurants.
38. Secondhand stores.
39. Service stations.
40. Skating rinks, indoors.
41. Small animal clinics.
42. Small animal hospitals.
43. Telecommunications facilities, including radio towers and transmitters, which are 100 feet or less in height.
44. Theaters, drive-ins.
45. Transit centers.
46. Transportation facilities and improvements.
47. Trucking yards and terminals.
48. Truck sales and services.
49. Wholesaling, warehousing and storing of the following; provided, that all outdoor storage shall be enclosed within site-obscuring fences or walls:
 - a. Automobiles, trucks and buses.
 - b. Consumer goods.
 - c. Contractors' equipment.
 - d. Building materials, except no on-site wrecking or burning.
 - e. Food products.
 - f. Liquid fuel.
 - g. Household goods.
 - h. Ice.
 - i. Lumber, except no log storage or ponding.
 - j. Other items similar to the preceding items, including nonspecific or general wholesaling, warehousing and storage that shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the items specifically listed.
50. Utility distribution plants and service yards.
51. Other buildings and uses similar to the list above which shall not have any different or more detrimental effect upon the adjoining neighborhood areas or districts than the buildings and uses specifically listed; provided, that retail sales uses, unless specifically listed, shall only be incidental and indirectly related to the operation of permitted industrial uses. [Ord. 2720 § 1(7), 11-2-09; Ord. 2619, 5-16-05; Ord. 2576, 1-6-03; Ord. 2536, 11-6-00; Ord. 2451, 12-2-96. Code 2001 § 151.401.]

15.322.030 Buildings and uses permitted conditionally.

In addition to the buildings and uses permitted conditionally listed in NMC 15.225.070, the planning commission may grant a conditional use permit for any of the following buildings and uses in accordance with a Type III procedure:

- A. Dwellings, in conjunction with a permitted use.
- B. Manufacturing, compounding, bottling, processing, packaging, or treatment of fish, meat, sauerkraut, vinegar, yeast and alcoholic beverages.
- C. Recreational vehicle parks.
- D. Telecommunications facilities including radio towers and transmitters, which are more than 100 feet in height or which are less than 2,000 feet apart.
- E. Any other buildings or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section. [Ord. 2576, 1-6-03; Ord. 2536, 11-6-00; Ord. 2451, 12-2-96. Code 2001 § 151.402.]



Newberg Zoning Use Table Survey

Introduction

An important part of any zoning ordinance is the list of uses that are allowed in a particular zone. Newberg has had a zoning ordinance since the 1950s. The Newberg Planning Commission is considering modernizing the zoning lists to do the following:

- Organize the uses into a single table that would tell exactly which zones particular uses are allowed in.
- Replace the long lists of individual allowed uses with more general categories.
- Modernize outdated categories and definitions.
- Make several changes necessary because of new state or federal laws.

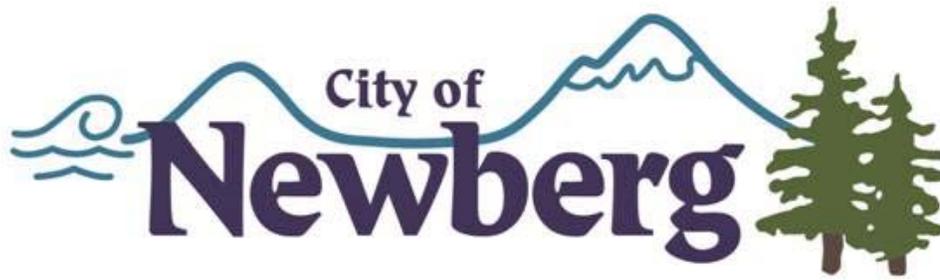
The intent is to modernize the code and make it clearer and easier to use. While it mostly would not change what is or isn't allowed in particular zones, the update process has raised a number of questions about whether some uses should be changed. The Planning Commission would like your input with the following survey.

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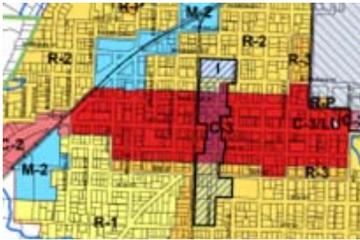


Newberg Zoning Use Table Survey

Newberg's Zones

Newberg has a zoning map that designates each area of the city as a particular zone. The main types are:

- Residential Zones (R-1, R-2, R-3, R-4, AR)
- Commercial Zones (C-1, C-2, C-3)
- Industrial Zones (M-1, M-2, M-3, M-4, AI)
- Special Purpose Zones (I: Institutional, R-P: Residential-Professional)



Newberg Zoning Map sample

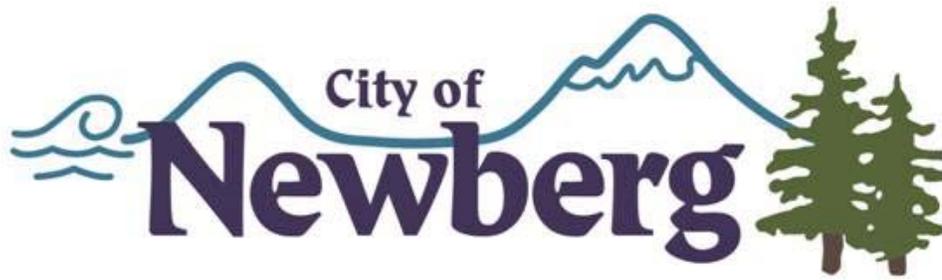
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Newberg Zoning Use Table Survey

Newberg's Zoning Ordinance

Newberg has a zoning ordinance (The Newberg Development Code) that lists which uses are allowed or not allowed in each of those zones.

The zoning ordinance lists uses as not permitted, a permitted use or a conditional use.

- If a use is permitted, then the person wanting to start that use still needs to apply for and receive appropriate permits, such as design review approval and building permits.
- If a use is a conditional use, then the person wanting to start that use must apply for a conditional use permit. The Newberg Planning Commission holds a public hearing, then decides whether or not to allow the use. If the Planning Commission approves, they can add special conditions to insure compatibility with the neighborhood, such as limiting hours of operation or requiring a landscape buffer.

We would now like to ask for your input on whether certain uses should be allowed in certain zones.

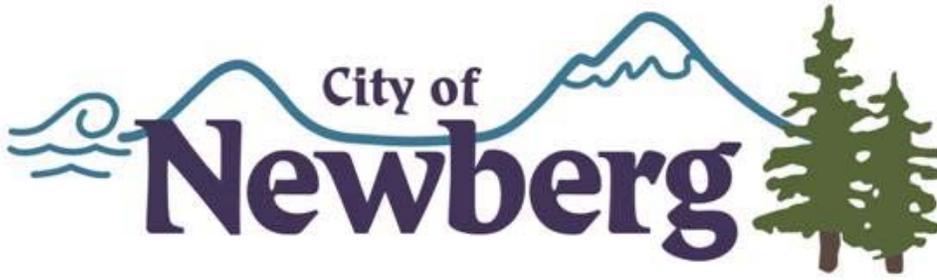
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Newberg Zoning Use Table Survey

Uses in Residential Zones

Following are questions about what uses should be allowed in residential zones.

1. **Vacation Rental Homes:** Should homeowners be allowed to rent out their homes to vacationers on a daily or weekly basis?

- Yes, they should be permitted.
- They should be allowed, but regulated. Regulations might address parking, garbage pickup, handling complaints, or other issues.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

2. **Art, Music, and Dance schools.** Should commercial schools such as those that hold art, music, dance, or similar classes be allowed in residential zones?

- Yes they should be a permitted use.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

3. **Cemeteries:** Should cemeteries be allowed in residential zones?

- Yes they should be a permitted use.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

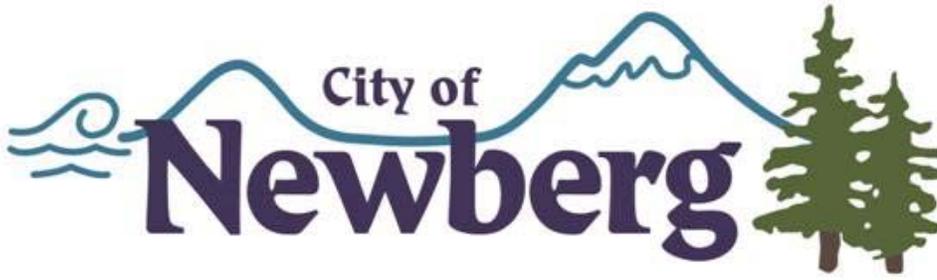
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Newberg Zoning Use Table Survey

Uses in Commercial Zones

The C-3 commercial zone is in downtown along First Street, Second Street, and Hancock Street.

4. **Day Care:** Should day care uses be allowed in the C-3 (downtown commercial) zone?

- Yes they should be a permitted use.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

5. **Parks:** Should parks be allowed in the C-3 (downtown commercial) zone?

- Yes they should be a permitted use.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

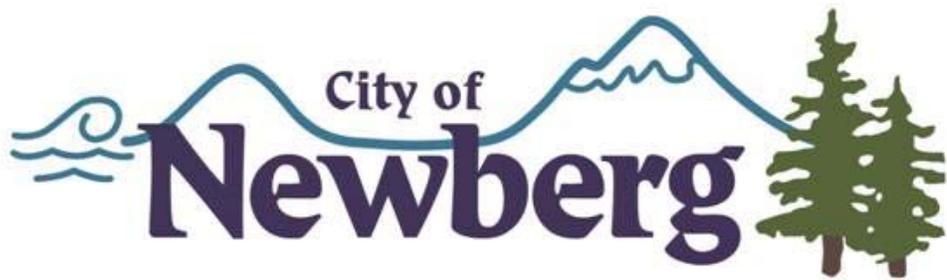
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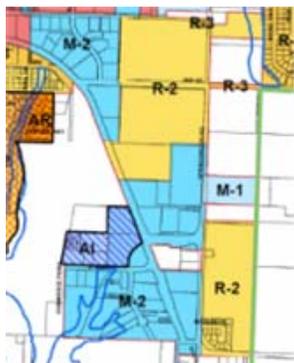
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Newberg Zoning Use Table Survey

Uses in Industrial Zones

Newberg has three industrial zones. The most common is the M-2 (Light Industrial) zone. M-2 zoned areas are found near the rail line, and along St. Paul Highway (Highway 219) and South Springbrook Road.



Industrial Zones

6. **Recreational Uses:** What recreational uses should be permitted in the M-2 industrial zone?

- Indoor recreational uses that could easily be switched back to industrial uses, such as indoor tennis courts, gyms and workout rooms, and roller skating rinks.
- Indoor recreational uses that involve permanent improvements, such as movie theaters, swimming pools, and bowling alleys.
- Outdoor recreational uses such as amusement parks and miniature golf courses.
- None of the above.
- Other (Please Specify)

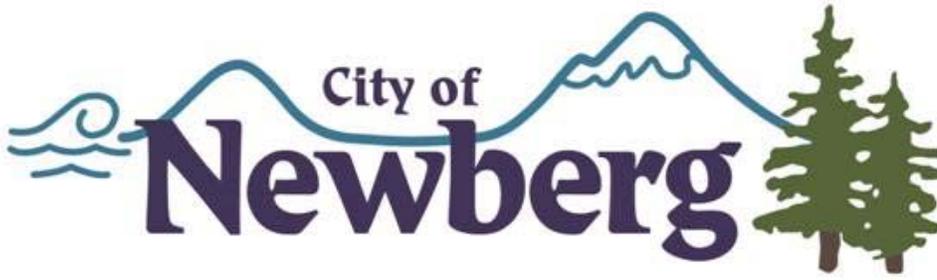
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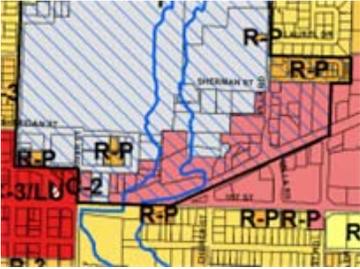
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Newberg Zoning Use Table Survey

Uses in Residential-Professional Zones

Residential-Professional zones are often located on the edge between commercial and residential areas. They allow a mixture of residential uses and professional office uses.



Residential Professional Zones (R-P)

7. Personal Services: Should personal service uses, such as beauty salons, nail salons, and tattoo studios, be permitted in Residential-Professional zones?

- Yes they should be a permitted use.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

8. Nursing Homes/Group Care Facilities: Should nursing homes and similar facilities that care for large groups of individuals be allowed in Residential-Professional areas?

- Yes they should be a permitted use.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

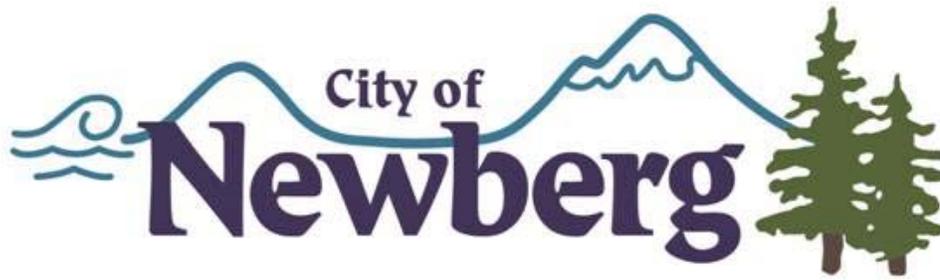
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Newberg Zoning Use Table Survey

Uses in the Institutional Zone

Institutional (I) zones include the areas near George Fox University, Providence Newberg Medical Center, and the Chehalem Cultural Center.



Institutional Zones

9. Private Clubs, Lodges, and Meeting Halls: Should private non-profit clubs, lodges, and meeting halls, such as a fraternal club, be allowed in Institutional zones?

- Yes they should be a permitted use.
- They should be a conditional use that requires case-by-case review at a Planning Commission public hearing.
- No, they should not be allowed.
- Other (Please Specify)

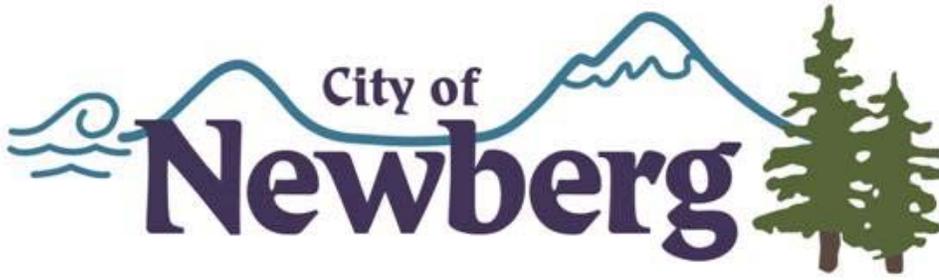
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Newberg Zoning Use Table Survey

Conditional Uses in any Zone

The zoning ordinance lists the following as conditional uses in ANY zoning district. The Planning Commission is discussing whether these should be changed.

10. **Prisons:** Where should prisons be allowed? (Check all that apply)

- As a conditional use in residential zones
 - As a conditional use in commercial zones
 - As a conditional use in industrial zones
 - As a permitted use in industrial zones.
 - None of the above.
 - Other (Please Specify)
-

11. **Motor Vehicle Racing:** Where should motor vehicle racing uses, such as race tracks, drag strips, and go cart tracks, be allowed? (Check all that apply)

- As a conditional use in residential zones
 - As a conditional use in commercial zones
 - As a conditional use in industrial zones
 - As a permitted use in industrial zones.
 - None of the above.
 - Other (Please Specify)
-

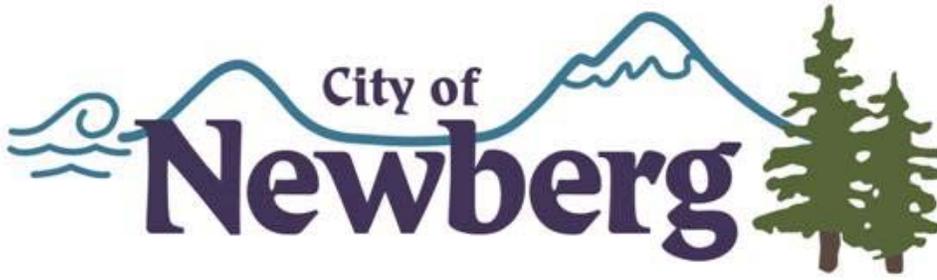
12. **Amusement Parks:** Where should amusement parks be allowed?

- As a conditional use in residential zones
 - As a conditional use in commercial zones
 - As a conditional use in industrial zones
 - As a permitted use in industrial zones.
 - None of the above.
 - Other (Please Specify)
-

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Newberg Zoning Use Table Survey

About You

13. **About you:** Which statements best describe you (check all the apply)?

- I live in Newberg
- I work in Newberg
- I shop, go to school, or attend a church or club in Newberg
- I own residential property in Newberg.
- I own commercial or industrial property in Newberg.
- I develop residential property in Newberg.
- I develop commercial or industrial property in Newberg.
- None of the above
- Other (Please Specify)

14. Do you have other comments or suggestions you would like to share?

Comments:

:

:

15. Thank you! If you would like to keep updated on this project as it moves along, please share your contact information below:

Contact information:

Quit

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