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THE BOARD OF COMMISSIONERS OF UMATILLA COUNTY

UMATILLA COUNTY RECORDS

STATE OF OREGON

In the Matter of Co-Adopting )  
 City of Pendleton Ordinance ) ORDINANCE NO. 2003-05  
 Nos. 3481, 3556, 3570, 3575, )  
 3576, 3580, 3584, 3587, 3592, )  
 3615, 3617, 3652, 3657, 3664 - )  
 Amending Zoning Ordinance No. )  
 3520, Amending Subdivision and )  
 Partition Ordinance No. 3251, )  
 Establishing Infrastructure )  
 Standards and System )  
 Development Fees, and Amending )  
 Comprehensive Plan )

3250

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

WHEREAS on January 5, 1993, the Pendleton City Council adopted Ordinance No. 3481, to establish criteria and community standards relation to the construction, addition, remodeling or change of occupancy of structures, including infrastructure improvement standards.

WHEREAS on February 18, 1997, the Pendleton City Council adopted Ordinance No. 3556, to adopt a Transportation System Plan for the City of Pendleton.

WHEREAS on October 21, 1997, the Pendleton City Council adopted Ordinance No. 3570, to amend the Zoning Ordinance No. 3250, relating to development standards for multi-family housing developments in the R-1 (Low Density Residential) and R-2 (Medium Density Residential) Zones, deleting slope restriction.

WHEREAS on January 6, 1998, the Pendleton City Council adopted Ordinance No. 3575, to amend the Zoning Ordinance No. 3250, Sections 30, 31 and 32, relating to manufactured home and vacation

trailer parks, deleting garage and carport requirement.

WHEREAS on January 20, 1998, the Pendleton City Council adopted Ordinance No. 3576, to amend the Zoning Ordinance No. 3250, Sections 3 and 137, relating to vacation trailers, extending duration of occupancy use in trailer park.

WHEREAS on March 17, 1998, the Pendleton City Council adopted Ordinance No. 3580, to amend the Subdivision and Partition Ordinance No. 3251, Section 3, Definition; Section 24, to provide administrative approval of some subdivision or plat amendments; and Section 56, Fees.

WHEREAS on June 2, 1998, the Pendleton City Council adopted Ordinance No. 3584, to amend the Zoning Ordinance No. 3250, Section 53, Conditional Uses permitted in the M-1 (Light Industrial) Zone, and Section 56, Conditional Uses permitted in the M-2 (Heavy Industrial) Zone, adding Social Services as a permitted use.

WHEREAS on July 21, 1998, the Pendleton City Council adopted Ordinance No. 3587, to establish system development fees for part of the cost of capital improvement for water, transportation and parks, and Resolution 1980, adopting methodology and establishing a fee for a transportation system development charge.

WHEREAS on January 19, 1999, the Pendleton City Council adopted Ordinance No. 3592, to amend the Zoning Ordinance No. 3250 and 1990 Comprehensive Plan Document Ordinance No. 3442 relating to residential zone densities in the R-1 (Low Density Residential), R-2 (Medium Density Residential) and R-3 (High Density Residential) Zones, clarifying two single family dwellings as a permitted use and increasing the number of possible dwelling units per acre in R-2 Zone.

WHEREAS on January 4, 2000, the Pendleton City Council adopted Ordinance No. 3615, to amend the Zoning Ordinance No. 3250, Sections 18 and 21 relating to health services as conditional uses permitted in the R-2 (Medium Density Residential) and R-3 (High Density Residential) Zones, changing Hospital, Health Care Facility to Health Services as a permitted use.

WHEREAS on March 21, 2000, the Pendleton City Council adopted Ordinance No. 3617, to amend the Subdivision and Partition Ordinance No. 3251, Section 7H, relating to effective period of tentative plan approval for subdivisions, extending period to 24 months, with the possibility for an extension.

WHEREAS on September 4, 2001, the Pendleton City Council adopted Ordinance No. 3652, to amend the Zoning Ordinance No. 3250, Sections 35 and 36 relating to residential uses permitted outright and as conditional uses in the C-1 (Central Commercial) Zone.

WHEREAS on January 15, 2002, the Pendleton City Council adopted Ordinance No. 3657, to amend the Zoning Ordinance No. 3250, Sections 35, 36, 38, 39, 41 and 42, relating to allowing automobile-related uses and services as uses permitted outright in the C-2 (Tourist Commercial) Zone, C-3 (Service Commercial) Zone and certain specific areas of the C-1 (Central Commercial) Zone.

WHEREAS on May 21, 2002, the Pendleton City Council adopted Ordinance No. 3664, to amend the Zoning Ordinance No. 3250, Sections 78 and 84, relating to the administrative procedures for processing permits within the Flood Hazard Subdistrict (F-H), expanding staff capable of processing permits.

WHEREAS, at its February 27, 2003 meeting, the Umatilla County Planning Commission reviewed the ordinances and recommended that the Board of Commissioners co-adopt the ordinances.

WHEREAS the Board of Commissions held a public hearing on March 31, 2003, to consider the co-adoption of the ordinances;

WHEREAS at its meeting of March 31, 2003, the Board of Commissions voted unanimously to co-adopt the ordinance;

NOW, THEREFORE the Board of Commissioners of Umatilla County ordains the co-adoption by Umatilla County, Oregon, of the following:

1. City of Pendleton Ordinance No. 3481, a copy of which is attached to this document and incorporated by this reference.

2. City of Pendleton Ordinance No. 3556, adopting a Transportation System Plan dated December 26, 1996 for the City of Pendleton, a copy of which ordinance is attached to this document and incorporated by this reference.

3. City of Pendleton Ordinance No. 3570, amending Zoning Ordinance, a copy of which is attached to this document and incorporated by this reference.

4. City of Pendleton Ordinance No. 3575, amending Zoning Ordinance, a copy of which is attached to this document and

incorporated by this reference.

5. City of Pendleton Ordinance No. 3576, amending Zoning Ordinance, a copy of which is attached to this document and incorporated by this reference.

6. City of Pendleton Ordinance No. 3580, amending Subdivision and Partition Ordinance, a copy of which is attached to this document and incorporated by this reference.

7. City of Pendleton Ordinance No. 3584, amending Zoning Ordinance, a copy of which is attached to this document and incorporated by this reference.

8. City of Pendleton Ordinance No. 3587, establishing system development fees, and City of Pendleton Resolution 1980 adopting methodology and establishing a fee for a transportation system development charges, copies of which are attached to this document and incorporated by this reference. Pursuant to the Joint Management Agreement, the City is empowered to administer and to collect the transportation system development charges.

9. City of Pendleton Ordinance No. 3592, amending Zoning Ordinance, and also amending City of Pendleton 1990 Comprehensive Plan, a copy of which ordinance is attached to this document and incorporated by this reference.

10. City of Pendleton Ordinance No. 3615, amending Zoning Ordinance, a copy of which is attached to this document and incorporated by this reference.

11. City of Pendleton Ordinance No. 3617, amending Subdivision and Partition Ordinance, a copy of which is attached to this document and incorporated by this reference.

12. City of Pendleton Ordinance No. 3652, amending Zoning Ordinance, a copy of which is attached to this document and incorporated by this reference.

13. City of Pendleton Ordinance No. 3657, amending Zoning Ordinance, a copy of which is attached to this document and incorporated by this reference.

14. City of Pendleton Ordinance No. 3664, amending Zoning Ordinance, a copy of which is attached to this document and incorporated by this reference.

DATED this 31st day of March, 2003.

UMATILLA COUNTY BOARD OF COMMISSIONERS

William S. Hansell  
William S. Hansell, Chair

Dennis D. Doherty  
Dennis D. Doherty, Commissioner

Emile M. Holeman  
Emile M. Holeman, Commissioner



ATTEST:  
OFFICE OF COUNTY RECORDS

Jean Hemphill  
Records Officer



## ORDINANCE NO. 3481

AN ORDINANCE ESTABLISHING CRITERIA AND COMMUNITY STANDARDS RELATED TO THE CONSTRUCTION, ADDITION, REMODELING OR CHANGE OF OCCUPANCY OF STRUCTURES WITHIN THE CITY OF PENDLETON AND DECLARING AN EFFECTIVE DATE.

### THE CITY OF PENDLETON ORDAINS AS FOLLOWS:

**SECTION 1.**            **Purpose and Policy.** The purpose of this Ordinance is to assure equal and fair treatment of all individuals seeking to improve property within the Urban Growth Boundary of the City of Pendleton. This Ordinance shall govern the development of property or structures within the Urban Growth Boundary which are exempt from the subdivision requirements or are developed within previously subdivided property. The policies of the City of Pendleton are as follows:

- A. Adequate information must be presented with each development to assure that zoning and subdivision standards are upheld, to coordinate traffic flow and street patterns and assure that existing public and private utilities are not damaged or infringed upon by development.
- B. To assure reasonable development standards are achieved and promote the development of Pendleton, while protecting the tax base and tax burden on residents in the community.
- C. To foster and promote the logical extension of public improvements in an economical manner over a long term.
- D. To authorize the conditioning of the right to build or change uses of property with requirements to construct necessary public improvements in a timely manner.

**SECTION 2.**            **Definitions.** For purposes of this Ordinance, the following words and phrases shall have the meaning ascribed to them herein:

- A. **City:** The City of Pendleton, Oregon.
- B. **City Manager:** The City Manager of the City of Pendleton, Oregon or his/her authorized agent.
- C. **Developer:** A person, corporation, company, association, society, firm, partnership, joint stock company, individual, state, political subdivision or any agency or instrumentality thereof who undertakes a development as defined in this Ordinance.
- D. **Development Site:** An area consisting of a parcel or tract of land specifically identified by a developer as the land area to be altered or developed. All required area to meet parking standards and similar requirements for a particular development shall be included in the term; however, the total property ownership of the proponent will not be considered in the site if it is not necessary to the development.
- E. **Development:** The conversion or change in character of occupancy or use of a building which would place the structure in a different building group as defined in the Uniform Building Code; the erection of a new structure; the expansion of an existing structure or the replacement of a structure; the demolishing of existing buildings for the conversion of such property to a differing use; the creation of gasoline pumps, drive-up windows, traffic islands or similar alterations which channelize, alter or increase the traffic volume or pattern on adjacent roadways. The term development for purposes of this chapter shall **NOT** mean interior remodeling, repairs, maintenance of improvements to an existing structure which does not increase the volume of the structure. Specifically exempted under this Ordinance are building facades, roof or exterior wall repair or replacement, heating, ventilating or electrical alterations, or activities similar in character.

**SECTION 3.**            From and after the effective date of this Ordinance, no building or development permit may be issued for any development within the City of Pendleton Urban Growth Boundary unless said development has met the terms of this Ordinance.

**SECTION 4.**            **Implementing Action.** The following development shall fall within the scope of this Ordinance and shall be required to comply with the requirements identified herein:

- A. New residential, commercial, public/institutional or industrial development.

- B. Expansion of single-family or duplex residential development valued in excess of thirty (30%) percent of the most recent assessed value of the improvements on the property.
- C. Reconstruction of a single-family or duplex residential casualty loss valued in excess of one hundred thirty (130%) percent of the most recent assessed value of the structure.
- D. Expansion of multiple family, commercial, public/institutional or industrial development valued in excess of fifteen (15%) percent of the most recent assessed value of the improvements on the property.
- E. Reconstruction of multiple family, commercial, public/institutional or industrial casualty loss in excess of one hundred fifteen (115%) percent of the most recent assessed value of the structure.
- F. Change in use ("occupancy class") of a building as defined by the Uniform Building Code.

Development values within this section shall be determined by the City Manager based on the "Building Valuation Data" published and updated periodically by the State of Oregon Building Codes Agency for use in determining building permit valuations and the records of the Umatilla County Assessor's Office.

**SECTION 5. Development Requirements.** The following requirements shall pertain to all development falling under the categories identified in Section 4:

A. The developer shall complete a building or development permit application and a site plan. The site plan shall be drawn to scale and show all existing and proposed structures and their exterior dimensions; all streets, alleys and other public rights-of-way; existing and proposed utility lines and/or easements; building setbacks; location of utilities and proposed connection routes; off-street parking; curb cut and sidewalk locations and dimensions, 100 year flood level (if applicable) and drainage plan.

B. The developer shall provide proof of review and approval by all affected state and/or county agencies, such as the State Department of Transportation or County Public Works Department.

C. Where the development site abuts existing curb and gutter, sidewalks in conformance with City standards shall be constructed in conjunction with the development. If sidewalks exist on none of the abutting properties, the developer may be required to irrevocably consent to participate in an improvement district to install the sidewalk in the future. This requirement may be waived by the City Manager if sidewalks are impractical due to topography.

D. If City standard public facilities do not exist at the time of development, the developer shall be required to irrevocably consent to participate in a future improvement district to construct and dedicate all public facilities, such as water, sewer, storm drainage, pavement, curb, gutter, sidewalk and street right-of-way adjacent to the development in conformance with City standards and provide easement or deeds to the City for all such public facilities. However, where it is determined by the City Manager that delaying the design and construction of any or all such facilities is not appropriate and logical, or causes an adverse impact on surrounding properties, the City may require the developer to construct and dedicate all such improvements as a condition of development. The City Manager may waive certain improvement requirements based on topography or other locational factors that make provision of the improvement(s) impractical.

E. When it has been determined that the extension of public facilities is required, costs related to such extension shall be borne by the developer as they relate to the development. In addition, any extension of such facilities shall be continued and extended in a logical fashion through the development site so as to be readily available for adjacent development. This subsection shall not prevent the City from choosing to participate in engineering design and public facility construction or oversizing costs.

F. Where such improvement(s) installed by a developer benefit other properties, a settlement shall be arrived at between the City and the developer prior to installing the improvements. This agreement shall identify the benefiting properties, actual costs to be charged and method of repayment to the developer. Where prior agreement exists for improvements benefiting the subject property, the developer shall make arrangements with the City for the payment of such improvements prior to issuance of any City permit.

**SECTION 6. Final Approval.** No final approval or certificate of occupancy will be issued by the City until such time as the applicant has complied with all requirements of this Ordinance. Final approval or certificate of occupancy shall not be issued if there is any major variance from the site plan.

**SECTION 7. Appeal.** Any person aggrieved by a decision of the City Manager regarding this Ordinance may appeal to the City Council. Such appeal must be in writing and submitted to the City Manager within ten (10) calendar days after the action or decision appealed. Review of such appeals shall be held at the next regularly scheduled City Council meeting if filed no less than ten (10) calendar days prior to such scheduled meeting. Otherwise, the review

shall be held at the next regular meeting. This shall not preclude the City from waiving these minimum time requirements or calling for a special meeting.

The decision of the City Council shall be final.

**SECTION 8. Enterprise Zone Exception.** A business which is precertified by the City as a "qualified business firm," in accordance with the Oregon Enterprise Zone Act, may request an exception from this Ordinance from the City Council. Such requests will be reviewed on a case by case basis. Exceptions may take the form of a waiver of the requirements of this Ordinance or a delay in the time that a given improvement shall be installed. Agreements for exceptions authorizing a delay in the installation of public improvements shall be filed in the Umatilla County Deed Records at the expense of the business.

**SECTION 9. Violations and Penalties.**

A. A violation of this Ordinance shall be punishable by a fine not to exceed One Thousand and No/100 (\$1,000.00) Dollars.

B. Every full day during which an activity continues to be conducted in violation of this Ordinance shall be considered a separate offense.

C. Offenses under this Section shall be tried in the Municipal Court as a violation and not as a crime. As a violation there is no right to jury trial or court appointed counsel.

D. Confiscation. Any building or structure erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted, demolished, equipped, used, occupied or maintained in violation of this Ordinance may be confiscated by the City, and may be disposed of as provided by applicable State law or City ordinance.

E. Additional Remedies.

(1) The City may seek an injunction to prohibit a person from erecting, constructing, enlarging, altering, repairing, moving, improving, removing, converting, demolishing, equipping, using, occupying or maintaining any building or structure without complying with this Ordinance.

(2) In an action authorized by this Section, if the City prevails, it shall recover reasonable attorney's fees to be set by the Court in addition to its costs and disbursements. These fees are recoverable at all levels of trial and appeal.

**SECTION 10. Severability.** The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

**SECTION 11. Effective Date.** This Ordinance shall take effect and be in force from and after the first day of the first month following thirty (30) days after its passage.

PASSED and approved January 5, 1993.



ORDINANCE NO. 3556

AN ORDINANCE ADOPTING A TRANSPORTATION SYSTEM PLAN FOR THE CITY OF  
PENDLETON IN ACCORDANCE WITH THE OREGON TRANSPORTATION PLANNING RULE  
(OAR 660-12)

WHEREAS, the Oregon Legislature adopted law that was implemented by Oregon  
Administrative Rules at Chapter 660, Division 12; and

WHEREAS, said administrative rule requires cities to adopt a transportation  
system plan (TSP); and

WHEREAS, the City of Pendleton intends to comply with OAR 660-12 and has formed  
a Management Committee and Technical Advisory Committee to oversee the  
development of the TSP; and

WHEREAS, the City of Pendleton, with support from the Oregon Department of  
Transportation and Oregon Department of Land Conservation and Development, has  
hired the consulting firms of Otak, Inc. and Kittelson and Associates to prepare  
the TSP; and

WHEREAS, said consultants have worked with city staff and the two committees  
since May of 1995 in the preparation of the TSP; and

WHEREAS, the public has been afforded an opportunity to review and comment on the  
TSP.

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

SECTION 1. The transportation system plan prepared for the City of Pendleton,  
dated December 26, 1996, is hereby adopted in accordance with OAR 660-12.

SECTION 2. Upon adoption of this transportation system plan, city staff is  
directed to draft and process ordinances to amend the city comprehensive plan and  
implementation ordinances to ensure the timely implementation of the  
transportation system plan.

PASSED BY A MAJORITY OF THE COUNCIL MEMBERS PRESENT AND APPROVED BY THE MAYOR

FEBRUARY 18, 1997.

APPROVED:

Robert E. Ramig  
MAYOR

ATTEST:

Judith A. Zoske  
CITY RECORDER

APPROVED AS TO FORM:

[Signature]  
CITY ATTORNEY

## ORDINANCE N° 3570

AN ORDINANCE AMENDING ZONING ORDINANCE N° 3250, RELATING TO DEVELOPMENT STANDARDS FOR MULTI-FAMILY HOUSING DEVELOPMENTS IN THE R-1 (LOW DENSITY RESIDENTIAL) ZONE AND R-2 (MEDIUM DENSITY RESIDENTIAL) ZONE.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 15 of Ordinance N° 3250 is amended as follows:

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

- A. Agricultural Production and Services (SIC Major Groups 01 - 07);
- B. Animal Clinic, Kennel, or Hospital;
- C. Cemetery;
- D. Church;
- E. Day Nursery, Social Services (SIC Major Group 83);
- F. Dwelling, multi-family, provided that:
  - (1) Housing development shall not exceed more than nine (9) dwelling units per gross acre;
  - (2) ~~A minimum of fifty (50%) percent of the property shall have an average slope of not less than fifteen (15%) percent;~~
  - (3) The primary access shall be via a street that is improved or will be improved to City standards prior to occupancy of any unit, unless otherwise approved by the Planning Commission;
  - (4) Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use. Any extension or oversizing of sewer/water and/or storm water to serve the development shall be totally at the expense of the developer and consistent with applicable City policies and ordinances;
  - (5) That a sum be paid (for parks and recreation purposes) in accordance with the Subdivision Ordinance prior to issuance of a building permit;
  - (6) A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirements of Sections 119-121 of this Ordinance) prior to issuance of a building permit;
  - (7) An agreement, recorded by the property owner, shall be instituted that will prohibit the parcel of land approved for multi-family use under this Section from being further developed or subdivided for purposes of sale or building development. Lands left undeveloped or in open space shall be maintained by the property owner so as not to conflict with the provisions of Ordinance N° 2422 (Section 16 and other applicable sections);
- G. Governmental structure or land use, public and semi-public use; or structures, including, but not limited to: SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- H. Home occupation; as provided in Section 29 of this Ordinance;
- I. Hospital and Health Care Facility, SIC Groups 805 and 806;
- J. Light Industrial Uses (SIC Major Groups 25, 27, 36, 38, and 39, and SIC Groups 205, and 357);
- K. Manufactured Home Park, Manufactured Home Subdivision, Vacation Trailer Parks (Individual Conditional Use permits not required for each unit within approved parks or subdivisions);
- L. Neighborhood Commercial, see Article V, Section 28, for details;
- M. Schools and Colleges (SIC Major Group 82);
- N. Transportation and Communication Facilities (SIC Major Groups 40, 4221, 4225, 45, 46, 4783, 48 and 49)."

SECTION 2. Section 18 of Ordinance N° 3250 is amended as follows:

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

- A. Cemetery;
- B. Church;
- C. Day Nursery, Social Services (SIC Major Group 83);

D. Dwelling, multi-family, subject to the condition that:

(1) Housing development shall not exceed more than 15 dwelling units per gross acre;

~~(2) A minimum of fifty (50%) percent of the property shall have an average slope of not less than fifteen (15%) percent;~~

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

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

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

~~(6)~~ (6) A site plan (indicating vehicular access and movement, parking, landscaping and fencing or buffering) shall be submitted to and approved by the Planning Commission (subject to the requirements Sections 119-121 of this Ordinance) prior to issuance of a building permit;

~~(7)~~ (7) An agreement, recorded by the property owner, shall be instituted that will prohibit the parcel of land approved for multi-family use under this section from being further developed or subdivided for purposes of sale or building development. Lands left undeveloped or in open space shall be maintained by the property owner so as not to conflict with the provisions of Ordinance No. 2422 (Section 16 and other applicable sections);

E. Governmental Structure or land use, public and semi-public use or structures, including, but not limited to: SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;

F. Home Occupation (as provided in Section 29 of this Ordinance);

G. Hospital and Health Care Facility, SIC Groups 805 and 806;

H. Manufactured Home Park, Manufactured Home Subdivision, Vacation Trailer Parks (Individual Conditional Use permits not required for each unit within approved parks or subdivisions);

I. Neighborhood Commercial, see Article V, Section 28, for details;

J. Schools and Colleges (SIC Major Group 82);

K. Transportation and Communication Facilities (SIC Major Groups 40, 4225, 45, 46, 48, and 49)."

PASSED by the City Council and approved by the Mayor October 21, 1997.

APPROVED:

Robert E. Ranig  
Mayor

ATTEST:

Judi A. Zoske  
City Recorder

Approved as to Form:

Peter H. Wells  
Peter H. Wells, City Attorney

sh

# ORDINANCE N<sup>o</sup> 3575

AN ORDINANCE AMENDING ZONING ORDINANCE N<sup>o</sup> 3250, SECTIONS 30, 31 AND 32 RELATING TO MANUFACTURED HOME AND VACATION TRAILER PARKS.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 30 of Ordinance N<sup>o</sup> 3250 is amended to read:

"SECTION 30. MANUFACTURED HOME & VACATION TRAILER PARKS.

A. Purpose. It is the purpose of this section to regulate manufactured home and vacation trailer parks in the interest of public health, safety, and general welfare; by establishing minimum standards governing the location, construction, and maintenance of facilities required within such parks.

\*\*\*

D. Standards. The minimum standards for development of a mobile home park or vacation trailer park shall be as set forth in Article XIX, Section ~~137(6)~~ 137(F), of this Ordinance (Standards Governing Conditional Uses)."

SECTION 2. Section 31 of Ordinance N<sup>o</sup> 3250 is amended to read:

"SECTION 31. Manufactured Home Classes. For purposes of this ordinance, manufactured homes are divided into the following types.

A. A Class A Manufactured Home shall: \* \* \*

(4) ~~Reserved~~ Have a garage or carport with exterior materials matching the manufactured home. The City may require an attached or detached garage in lieu of a carport where such is consistent with the predominate construction of immediately surrounding dwellings;

\*\*\*

B. A Class B Manufactured Home shall:

\*\*\*

(4) ~~Reserved~~ Have a garage or carport with exterior materials matching the manufactured home. The City may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings;

\*\*\*"

SECTION 3. Section 32 of Ordinance N<sup>o</sup> 3250 is amended to read:

"SECTION 32. Manufactured Home Installation/Design Standards.

\*\*\*

E. ~~Reserved~~ Garages and Carports. All manufactured homes located outside of manufactured home parks, excepting caretaker dwellings, shall be provided with a garage or carport. \* Said garage or carport shall have roofing and siding (if required) that is consistent with that of the manufactured home. Such a garage or carport shall be attached to single wide manufactured homes; but may be attached to or detached from multi-section manufactured homes. \*(Exception: If less than fifty [50%] percent of the homes located within one hundred [100] feet of a multi-section manufactured home site have garages or carports, no garage or carport shall be required. If no homes exist within one hundred [100] feet of the manufactured home site, a garage or carport shall be required.)

\*\*\*"

SECTION 4. SEVERABILITY. The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining section or parts of sections.

PASSED by the City Council and approved by the Mayor January 6, 1998.

ATTEST:

Judi A. Ziske  
City Recorder

APPROVED:

Robert E. Ramig  
Mayor

Approved as to Form:

Peter H. Wells  
Peter H. Wells, City Attorney

ORDINANCE No. 3576

AN ORDINANCE AMENDING ZONING ORDINANCE No. 3250, SECTIONS 3 AND 137 RELATING TO VACATION TRAILERS.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 3 of Ordinance No. 3250 is amended to read:

SECTION 3. DEFINITIONS. The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them in this section, excepting those instances where the context clearly indicates a different meaning. Words used in the present tense include the future, the singular number includes the plural, and the plural the singular, the word lot includes the word plot. The word shall is mandatory, while the word may is discretionary. \* \* \*

Vacation Trailer. A vehicle which is (1) built on a single chassis, (2) four hundred square feet (400) or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) primarily designed as temporary living quarters for camping, travel or seasonal use. Duration of use, without compliance with applicable manufactured home regulations for siting, set-up, water, sewer, and electrical hook-ups, shall be limited to 45 days in any four (4) month ~~twelve months in any thirteen month~~ period. \* \* \*

SECTION 2. Section 137, Subsection I, of Ordinance No. 3250 is amended to read:

SECTION 137. STANDARDS GOVERNING CONDITIONAL USES. In addition to the standards of the zone in which the conditional use is located and the general standards of this Ordinance, the Planning Commission shall consider the following additional requirements. \* \* \*

I. The following minimum standards shall be applied by the Planning Commission in evaluating manufactured home and vacation trailer parks:

	MANUFACTURED HOME PARK	VACATION TRAILER PARK
***		
5. Length of Park Occupancy Allowable	NO LIMIT	Not more than 45 days in any 4 <del>twelve months in any thirteen</del> month period
***		

PASSED by the City Council and approved by the Mayor January 20, 1998.

APPROVED: Robert E. Ranig  
Mayor

ATTEST: Judi C. Zyske  
City Recorder

APPROVED AS TO FORM:

Peter H. Wells, City Attorney

ORDINANCE N° 3580

AN ORDINANCE AMENDING ORDINANCE N° 3251, THE SUBDIVISION AND PARTITION ORDINANCE, SECTION 3, DEFINITIONS; SECTION 24, TO PROVIDE ADMINISTRATIVE APPROVAL OF SOME SUBDIVISION OR PLAT AMENDMENTS; AND SECTION 56, FEES.

SECTION 1. Section 3 of Ordinance N° 3251 is amended by adding the following definition:

**"SECTION 3. Definitions.** As used in this Ordinance, the following words and phrases shall have the following meaning: \* \* \*

**"Replat.** A final map of the reconfiguration of lots and easements of a recorded subdivision or partition plat and other writings containing all the descriptions, location, specifications, dedications and provisions and information concerning a recorded subdivision. ~~The act of plating the lots, parcels and easements in a recorded subdivision or partition plat to achieve a reconfiguration of the existing subdivision or partition plat or to increase or decrease the number of lots in a subdivision or parcels in a partition. A replat may also vacate the platted lots or parcels and easements within the replat area."~~

SECTION 2. Section 24 of Ordinance N° 3251 is amended to read:

**"SECTION 24. Redivision and Replating of Land.**

A. For any change in the design of an approved or recorded subdivision or partition plat, if such change affects any street layout ~~reconfiguration of lots or parcels, or public utilities~~ shown on such diagram; or area reserved thereon for public use, or if it affects any map or plan legally reached prior to the adoption of any regulations controlling subdivisions or partitions, ~~and except as specified in paragraphs B through D of this section,~~ such changes shall be approved by the Planning Commission by the same procedure, rules, and regulations as for a subdivision or partition.

~~B. Authorization to Grant or Deny Replating of Land. The Planning Director may grant replating of an approved and recorded subdivision or partition if the Planning Director finds that the replat is to achieve a reconfiguration of the existing subdivision or partition plat that will not result in an increase in the number of lots in the subdivision or parcels in a partition.~~

~~C. Procedure. Upon receipt of an application and payment of one-half the usual application fee, the Planning Director shall render a decision within five (5) working days, or may elect to defer the decision to the Planning Commission. Additional information may be requested by the Planning Director in arriving at a decision. If additional information is requested, the Planning Director shall have five (5) additional working days to render a decision from when the additional information is given to the Planning Director. The decision shall be made using the criteria of Paragraph B of this Section of this Ordinance.~~

~~D. Notice to Property Owners. Should the Planning Director decide to grant a replat the decision shall not become final until ten (10) days have elapsed. A notice of the replat shall be mailed within two (2) working days of the decision to all owners of property within 250 feet of the subject property, and objections and comments solicited. If any written objection to the proposed replat is received by the Planning Director before the end of the ten (10) day period, the replat will not be granted and the matter will be heard by the Planning Commission as a quasi-judicial land use matter. On receipt of the second half of the usual application fee a public hearing will be scheduled and held. If no objection to the replat is received, the decision shall become final and effective at the~~

~~end of the ten (10) day period:~~

B. ~~B~~ Whenever a tract of land is subdivided or partitioned and the plat shows one or more lots or parcels containing more than one (1) acre of land, and there are indications that such lots or parcels will eventually be resubdivided or repartitioned into smaller building sites, the Planning Commission may require that such tract of land allow for the future opening of streets and the ultimate extension of adjacent streets. Easements, and/or irrevocable consents to dedicate right-of-way or participate in local improvement districts, that provide for the future opening and extension of such streets may be made a requirement of the plat."

SECTION 3. Section 56 of Ordinance N<sup>o</sup> 3251 is amended by adding the following fee:

"SECTION 56. Fees. The following fees are hereby established to allow for City review of land use requests set forth in this Ordinance:

\* \* \*

~~Replat \$ 200.00 with Planning Commission hearing~~

\* \* \*

PASSED by the City Council Member and approved by the Mayor March 17, 1998.

APPROVED:

Robert E. Ramig  
Mayor

ATTEST:

Judi A. Zyska  
City Recorder

Approved as to Form:

Peter H. Wells  
Peter H. Wells, City Attorney

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February 10, 1998

ORDINANCE N<sup>o</sup> 3584

AN ORDINANCE AMENDING ZONING ORDINANCE N<sup>o</sup> 3250, SECTION 53; CONDITIONAL USES PERMITTED IN LIGHT INDUSTRIAL (M-1) ZONE, AND SECTION 56, CONDITIONAL USES PERMITTED IN HEAVY INDUSTRIAL (M-2) ZONE.

SECTION 1. Section 53 of Ordinance N<sup>o</sup> 3250 is amended as follows:

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

- A. Commercial Amusement and Recreation (SIC Major Group 79);
- B. Eating and Drinking Establishments (SIC Major Group 58);
- C. Fuel and Ice Dealers (SIC Group 598);
- D. Governmental, public, or semi-public uses or structure, including, but not limited to SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- E. Hotels, motels, other lodging (SIC Major Group 70);
- F. Junk yard, wrecking yard;
- G. Light Industrial (SIC Major Groups 281, 285, 286, 287, and 289);
- H. Mining (SIC Major Group 14);
- I. Petroleum pipeline facilities;
- J. Sanitary landfills, solid waste disposal or treatment facilities;
- K. Transportation Equipment (SIC Major Group 37);
- L. Utilities (SIC Major Group 49);
- M. Veterinary and Horticultural Services (SIC Groups 074 and 078).
- ~~N. Social Services (SIC Major Group 83);~~
- N- Dwelling, Caretaker or Manager Only. This use is subject to conditional use criterion specified at Section 132 C. of this Ordinance and is subject to the additional condition that this use not result in the application of any ordinance, charter provision, or other regulation that would limit, hinder, or prevent the continued operation of any preexisting use."

SECTION 2. Section 56 of Ordinance N<sup>o</sup> 3250 is amended as follows:

**"SECTION 56. CONDITIONAL USES PERMITTED.** In a Heavy Industrial (M-2) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. Governmental, public, or semi-public use or structure, including, but not limited to SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;
- B. Heavy Industrial (SIC Major Groups 28, 29, 30, 32, 33 and 37 and Group 348);
- C. Junk yard, wrecking yard;
- D. Mining (SIC Major Group 14);
- E. Utilities (SIC Major Group 49);
- ~~F. Social Services (SIC Major Group 83);~~
- F- Dwelling, Caretaker or Manager Only. This use is subject to conditional use criterion specified at Section 132 C. of this Ordinance and is subject to the additional condition that this use not result in the application of any ordinance, charter provision, or other regulation that would limit, hinder, or prevent the continued operation of any preexisting use"

PASSED by the City Council and approved by the Mayor June 2, 1998.

APPROVED: Robert E. Raming  
Mayor



ATTEST: Judi A. Zyske  
City Recorder

Approved as to Form:

Peter H. Wells  
Peter H. Wells, City Attorney

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June 3, 1998

Ordinance N<sup>o</sup> 3587

**AN ORDINANCE TO ESTABLISH SYSTEM DEVELOPMENT FEES FOR PART OF THE COST OF CAPITAL IMPROVEMENT FOR WATER, TRANSPORTATION, AND PARKS**

**SECTION 1. PURPOSE.** The purpose of the system development charge is to impose a portion of the cost of capital improvements for water, transportation, and parks upon those developments that create the need for or increase the demands on capital improvements.

**SECTION 2. SCOPE.** The system development charge imposed by this ordinance is separate from and in addition to any applicable tax, assessment, charge, or fee otherwise provided by law or imposed as a condition of development.

**SECTION 3. DEFINITIONS.** For purposes of this ordinance, the following mean:

**Capital improvements.** Facilities or assets used for:

- (1) Water supply, treatment and distribution;
- (2) Transportation; or
- (3) Parks and recreation.

**City Manager.** City Manager or his designee.

**Development.** Conducting a building or mining operation, making a physical change in the use or appearance of a structure or land; dividing land into two or more parcels (including partitions and subdivisions), and creating or terminating a right of access.

**Improvement fee.** A fee for costs associated with capital improvements to be constructed after the date the fee is adopted pursuant to section 4 of this ordinance.

**Land area.** The area of a parcel of land as measured by projection of the parcel boundaries upon a horizontal plane with the exception of a portion of the parcel within a recorded right-of-way or easement subject to a servitude for a public street or scenic or preservation purpose.

**Owner.** The owner or owners of record title or the purchaser or purchasers under a recorded sales agreement, and other persons having an interest of record in the described real property.

**Parcel of land.** A lot, parcel, block or other tract of land that is occupied or may be occupied by a structure or structures or other use, and that includes the yards and other open spaces required under the zoning, subdivision, or other development ordinances.

**Permittee** means the person to whom a building permit, development permit, a permit or plan approval to connect to the water system, or right-of-way access permit is issued.

**Qualified public improvements.** A capital improvement that is:

- (1) Required as a condition of residential development approval;
- (2) Identified in the plan adopted pursuant to section 8 of this ordinance; and either
- (3) Not located on or contiguous to a parcel of land that is the subject of the development approval; or
- (4) Located in whole or in part on or contiguous to property that is the subject of development approval and required to be built larger or with greater capacity than is necessary for the particular development project to which the improvement fee is related.

(5) For purposes of this definition, contiguous means in a public way which abuts the parcel.

**Reimbursement fee.** A fee for costs associated with capital improvements constructed or under construction on the date the fee is adopted pursuant to section 4 of this ordinance.

System development charge. A reimbursement fee, an improvement fee or a combination thereof assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. "System development charge" includes that portion of a water system connection charge that is greater than the amount necessary to reimburse the city for its average cost of inspecting and installing connections with water facilities. "System development charge" does not include fees assessed or collected as part of a local improvement district or a charge in lieu of a local improvement district assessment, or the cost of complying with requirements or conditions imposed by a land use decision.

#### **SECTION 4. SYSTEM DEVELOPMENT CHARGE ESTABLISHED.**

A. System development charges shall be established and may be revised by resolution of the council. The resolution shall set the amount of the charge, the type of permit to which the charge applies, and, if the charge applies to a geographic area smaller than the entire city, the geographic area subject to the charge.

B. Unless otherwise exempted by the provisions of this ordinance or other local or state law, a system development charge is hereby imposed upon all development within the city, upon the act of making a connection to the city water within the city, and upon all development outside the boundary of the city that connects to or otherwise uses the water facilities of the city.

#### **SECTION 5. METHODOLOGY.**

A. The methodology used to establish the reimbursement fee shall consider the cost of then-existing facilities, prior contributions by then-existing users, the value of unused capacity, rate-making principals employed to finance publicly owned capital improvements, and other relevant factors identified by the council. The methodology shall promote the objective that future systems users shall contribute no more than an equitable share of the cost of then-existing facilities.

B. The methodology used to establish the improvement fee shall consider the cost of projected capital improvements needed to increase the capacity of the systems to which the fee is related.

C. The methodology used to establish the improvement fee or the reimbursement fee, or both, shall be contained in an ordinance adopted by the council.

#### **SECTION 6. AUTHORIZED EXPENDITURES.**

A. Reimbursement fees shall be applied only to capital improvements associated with the systems for which the fees are assessed, including expenditures relating to repayment of indebtedness.

B. (1) Improvement fees shall be spent only on capacity increasing capital improvements, including expenditures relating to repayment of future debt for the improvements. An increase in system capacity occurs if a capital improvement increases the level of performance or service provided by existing facilities or provides new facilities. The portion of the capital improvements funded by improvement fees must be related to demands created by current or projected development.

(2) A capital improvement being funded wholly or in part from revenues derived from the improvement fee shall be included in the plan adopted by the city pursuant to section 8 of this ordinance.

C. Notwithstanding subsections A and B of this section, system development charge revenues may be expended on the direct costs of complying with the provisions of this ordinance, including the costs of developing system development charge methodologies and providing an annual accounting of system development charge expenditures.

## **SECTION 7. EXPENDITURE RESTRICTIONS.**

A. System development charges shall not be expended for costs associated with the construction of administrative office facilities that are more than an incidental part of other capital improvements.

B. System development charges shall not be expended for costs of the operation or routine maintenance of capital improvements.

## **SECTION 8. IMPROVEMENT PLAN.** The council shall adopt a plan that:

A. Lists the capital improvements that may be funded with improvement fee revenues;

B. Lists the estimated cost and time of construction of each improvement; and

C. Describes the process for modifying the plan.

In adopting this plan, the council may incorporate by reference all or a portion of any public facilities plan, master plan, capital improvements plan or similar plan that contains the information required by this section.

## **SECTION 9. COLLECTION OF CHARGE.**

A. The system development charge is payable upon issuance of:

(1) A building permit;

(2) A development permit;

(3) A development permit for development not requiring the issuance of a building permit;

(4) A permit or approval to connect to the water system; or

(5) A right-of-way access permit.

B. If no building, development, or connection permit is required, the system development charge is payable at the time the usage of the capital improvement is increased.

C. If development is commenced or connection is made to the water system without an appropriate permit, the system development charge is immediately payable upon the earliest date that a permit was required.

D. The City Manager shall collect the applicable system development charge from the permittee on the earlier of when a permit that allows building or development of a parcel is issued or when a connection to the water system of the city is made.

E. The City Manager shall not issue such permit or allow such connection until the charge has been paid in full, or until provision for installment payments has been made pursuant to Section 10 of this ordinance, or unless an exemption is granted pursuant to Section 11 of this ordinance.

## **SECTION 10. INSTALLMENT PAYMENT.**

A. When a system development charge of \$25 or more is due and collectible, the owner of the parcel of land subject to the development charge may apply for payment in 20 semi-annual installments, to include interest on the unpaid balance, in accordance with ORS 223.208.

B. The City Finance Director shall provide application forms for installment payments, which shall include a waiver of all rights to contest the validity of the lien, except for the correction of computational errors.

C. An applicant for installment payments shall have the burden of demonstrating the applicant's authority to assent to the imposition of a lien on the parcel and that the interest of the applicant is adequate to secure payment of the lien.

D. The City Finance Director shall docket the lien in the lien docket. From that time the city shall have a lien upon the described parcel for the amount of the system development charge, together with interest on the unpaid balance at the rate established by the council. The lien shall be enforceable in the manner provided in ORS Chapter 223.

E. Until otherwise set by the council by resolution, interest on the unpaid balance shall be charged at a rate of nine percent per annum. At no time shall the interest rate established by the council exceed the prime rate as most recently reported in a national business newspaper plus three percent per annum.

#### **SECTION 11. EXEMPTIONS.**

A. Structures and uses established and existing on or before April 1, 1997 are exempt from a system development charge, except water charges, to the extent of the structure or use then existing and to the extent of the parcel of land as it is constituted on that date. Structures and uses affected by this subsection shall pay the water charges pursuant to the terms of this ordinance upon the receipt of a permit to connect to the water system.

B. Additions to single-family dwellings that do not constitute the addition of a dwelling unit, as defined by the State Uniform Building Code, are exempt from all portions of the system development charge.

C. An alteration, addition, replacement or change in use that does not increase the parcel's or structure's use of the public improvement facility are exempt from all portions of the system development charge.

D. A project financed by city revenues is exempt from all portions of the system development charge.

#### **SECTION 12. CREDITS.**

A. When development occurs that is subject to a system development charge, the system development charge for the existing use, if applicable, shall be calculated and if it is less than the system development charge for the use that will result from the development, the difference between the system development charge for the existing use and the system development charge for the proposed use shall be the system development charge. If the change in the use results in the system development charge for the proposed use being less than the system development charge for the existing use, no system development charge shall be required. No refund or credit shall be given unless provided for by another subsection of this Section.

B. A credit shall be given to the permittee for the cost of a qualified public improvement upon acceptance by the city of the public improvement. The credit shall not exceed the improvement fee even if the cost of the capital improvement exceeds the applicable improvement fee and shall only be for the improvement fee charged for the type of improvement being constructed.

C. If a qualified public improvement is located in whole or in part on or contiguous to the property that is the subject of development approval and is required to be built larger or with greater capacity than is necessary for the particular development project, a credit shall be given for the cost of the portion of the improvement that exceeds the city's minimum standard facility size or capacity needed to serve the particular development project or property. The applicant shall have the burden of demonstrating that a particular improvement qualifies for credit under this subsection. The request for credit shall be filed in writing no later than 60 days after acceptance of the improvement by the city.

D. When the construction of a qualified public improvement located in whole or in part or contiguous to the property that is the subject of development approval gives rise to a credit amount greater than the improvement fee that would otherwise be levied against the project, the credit in excess of the improvement fee for the original development project may be applied against improvement fees that accrue in subsequent phases of the original development project.

E. Notwithstanding subsections C and D, when establishing a methodology for a system development charge, the city may provide for a credit against the improvement fee, the reimbursement fee, or both, for capital improvements constructed as part of the development which reduce the development's

demand upon existing capital improvements and/or the need for future capital improvements, or a credit based upon any other rationale the council finds reasonable.

F. Credits shall not be transferable from one development to another.

G. Credits shall not be transferable from type of system development charge to another.

H. Credits shall be used within 10 years from the date the credit is given.

### **SECTION 13. NOTICE.**

A. The city Planning Director shall maintain a list of persons who have made a written request for notification prior to adoption or amendment of a methodology for any system development charge. Written notice shall be mailed to persons on the list at least 45 days prior to the first hearing to adopt or amend a system development charge. The methodology supporting the adoption or amendment shall be available at least 30 days prior to the first hearing to adopt or amend a system development charge. The failure of a person on the list to receive a notice that was mailed shall not invalidate the action of the city.

B. The city may periodically delete names from the list, but at least 30 days prior to removing a name from the list, the city must notify the person whose name is to be deleted that a new written request for notification is required if the person wishes to remain on the notification list.

### **SECTION 14. SEGREGATION AND USE OF REVENUE.**

A. All funds derived from a particular type of system development charge are to be segregated by accounting practices from all other funds of the city. That portion of the system development charge calculated and collected on account of a specific facility system shall be used for no purpose other than those set forth in section 6 of this ordinance.

B. The City Manager shall provide the city council with an annual accounting, based on the city's fiscal year, for system development charges showing the total amount of system development charge revenues collected for each type of facility and the projects funded from each account.

### **SECTION 15. APPEAL PROCEDURE.**

A. A person challenging the propriety of an expenditure of system development charge revenues may appeal the decision or the expenditure to the city council by filing a written request with the City Manager describing with particularity the decision of the City Manager and the expenditure from which the person appeals. An appeal of an expenditure must be filed within two years of the date of the alleged improper expenditure.

B. Appeals of any other decision required or permitted to be made by the City Manager under this ordinance must be filed within 10 days of the date of the decision.

C. After providing notice to the appellant, the council shall determine whether the City Manager's decision or the expenditure is in accordance with this ordinance and the provisions of ORS 223.297 to 223.314 and may affirm, modify, or overrule the decisions. If the council determines that there has been an improper expenditure of system development charge revenues, the council shall direct that a sum equal to the misspent amount shall be deposited within one year to the credit of the account or fund from which it was spent. The decision of the council shall be reviewed only as provide in ORS 34.010 to 34.100, and not otherwise.

D. A legal action challenging the methodology adopted by the council pursuant to section 5 shall not be filed later than 60 days after the adoption. A person shall contest the methodology used for calculating a system development charge only as provided in ORS 34.010 to ORS 34.100, and not otherwise.

**SECTION 16. PROHIBITED CONNECTION.** No person may connect to the water system of the city unless the appropriate system development charge has been paid or the lien or installment payment method has been applied for and approved.

**SECTION 17. PENALTY.** Violation of section 16 of this ordinance is punishable by a fine not to exceed \$1,000.

**SECTION 18. CONSTRUCTION.** The rules of statutory construction contained in ORS Chapter 174 are adopted and by this reference made a part of this ordinance.

**SECTION 19. SEVERABILITY.** The invalidity of a section or subsection of this ordinance shall not affect the validity of the remaining sections or subsections.

**SECTION 20. CLASSIFICATION.**

A. The city council determines that any fee, rates or charges imposed by this ordinance are not a tax subject to the property tax limitations of Article XI, Section 11(b) of the Oregon Constitution.

The City Manager shall publish a notice, within 15 days of the enactment of this ordinance and advertisement in The East Oregonian, a newspaper of general circulation published at Pendleton, Umatilla County, Oregon. The advertisement shall appear in the general news section of the newspaper, measure at least three inches square, be printed in type size at least equal to eight-point type, and state The City of Pendleton has classified one or more new fees as not being subject to the limits of Article XI, Section 11(b) of the Oregon Constitution, that the reader may contact the City Manager, City of Pendleton, 500 SW Dorion Avenue, Pendleton, Oregon 97801, phone 966-0201, to obtain a copy of the classification, and that judicial review of the classification may be sought within sixty days of July 21, 1998, the date the City Council acted to adopt and classify the fee.

**SECTION 21. EFFECTIVE DATE.** This Ordinance becomes effective at 12:01 a.m. on the sixty-first day after passage.

PASSED by the City Council and approved by the Mayor July 21, 1998.

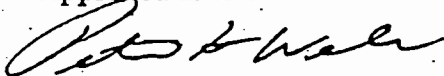
APPROVED: \_\_\_\_\_

Robert E. Ramig, Mayor

ATTEST: \_\_\_\_\_

City Recorder

Approved as to Form:



Peter H. Wells, City Attorney

phw/sh

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July 14, 1998

RESOLUTION 1980

A RESOLUTION OF THE CITY OF PENDLETON, OREGON, ADOPTING  
METHODOLOGY AND ESTABLISHING A FEE FOR A TRANSPORTATION SYSTEM  
DEVELOPMENT CHARGE.

Whereas, Pendleton Ordinance 3587 establishes system development charges pursuant to ORS 223.297-314; and

WHEREAS, The City has competed and adopted the Pendleton Transportation System Plan dated December 26, 1996 by Kittelson & Associates Inc.; and

WHEREAS, The City of Pendleton desires new development pay a fair share of providing the transportation system necessary to accommodate additional traffic; and

WHEREAS, The City does desires to adopt Appendix A of the July 14, 1997 City of Pendleton methodology report, which identifies the specific projects and their costs.

NOW, THEREFORE, BE IT RESOLVED:

The City adopts the Methodology report prepared by W & H Pacific, Inc. Dated July 14, 1997.

The City adopts the specific projects and costs estimates for transportation System Development Charges as outlined in Appendix A of the City of Pendleton methodology Report dated July 14, 1997.

The City adopts the Trip Generation, Fifth Edition (published by the Institute of Transportation Engineers, 1991), and San Diego Traffic Generators (published by the San Diego Association of Governments, 1993) as the guidelines for determining the number of Equivalent Length New Daily Trips a business will generate.

A developer may appeal the calculation of Equivalent Length New Daily Trips for a development by giving notice of appeal at the time the fee is collected. The full fee will be collected. Within two years of the date the fee is paid the developer may apply for a refund of up to half the original fee payment by showing, by a traffic generation study performed by a transportation professional recognized by the Public Works Director as proficient in traffic generation analysis to show traffic data in the calculation of transportation SDC's. The study shall meet the standards of Transportation SDC Unit Costs, Exceptions, part 2, of the City of Pendleton Methodology Report Transportation Systems Development Charge, July 14, 1997.

The City adopts a fee of a fee of \$1,050 per single family dwelling unit, a fee of \$690 per unit for multi-family Dwelling Units and a fee of \$110 per Equivalent Length New Daily Trips for commercial and industrial buildings and manufactured home parks.



This Resolution becomes effective at 12:01 a.m. on the sixty-first day after passage.

PASSED BY the City Council and approved by the Mayor July 21, 1998.

APPROVED: Robert E. Ranney  
Mayor

ATTEST: Judi A. Zoske  
City Recorder

Approved as to form:

Peter H. Wells  
Peter H. Wells, City Attorney

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July 22, 1998

**SDC EXAMPLES FOR DIFFERENT TYPES OF DEVELOPMENTS**

Calculation for Equivalent Length New Daily Trips (ELNDT)  
 Adjustment Factors based upon the ITE (Institute of Transportation Engineers) Land Use Categories:

<u>Example: Type of Land Use</u>	<u>ITE</u>	<u>Size</u>	<u>Trip</u>	<u>Linked</u>	<u>ELNDT</u>	<u>SDC Fee</u>	<u>SDC</u>
	<u>Trip Rate</u>	<u>(1000 sq. ft.)</u>	<u>Length</u>	<u>Trip</u>			
1) For a professional (business) offices of 5,000 sq. ft GFA:	16.58	x 5.0	x 0.65	x 1.0	= 53.885	x \$110.00	= \$ 5,927.35
2) For a building materials/lumber business at 15,000 sq. ft. GFA:	30.56	x 15.0	x 0.49	x 0.75	= 168.462	x \$110.00	= \$18,530.82
3) For specialty retail (auto parts) store of 6,600 sq. ft. GFA:	40.67	x 6.6	x 0.49	x 0.75	= 98.645	x \$110.00	= \$10,850.95
4) For fast food restaurant of 2400 sq. ft. GFA:	786.22	x 2.4	x 0.09	x 0.51	= 86.609	x \$110.00	= \$ 9,526.99
5) For Single Family:	Set Amount of \$1050.00						
6) For Multiple Family per unit	\$690.00						

7) When buildings are expanded, the SDC's amount is calculated based on the difference between the existing and expanded size.

## Appendix C

### ITE Trip Generation Rates and ELNDT Adjustment Factors

### ITE Trip Generation Rates & ELNDT Adjustment Factors

ITE Land Use	Notes	ITE Land Use Code	Average Weekday ITE Trip Rate		Equivalent Length New Daily Trip & ELNDT Adjustment Factors	
			Rate	Unit(*)	Trip Length	Linked Trip
<b>INDUSTRIAL</b>						
General Light Industrial		110	6.97	1,000 sf GFA	1.12	1.0
General Heavy Industrial	1	120	1.50	1,000 sf GFA	1.12	1.0
Industrial Park	2	130	6.97	1,000 sf GFA	1.12	1.0
Manufacturing		140	3.85	1,000 sf GFA	1.12	1.0
Warehouse		150	4.88	1,000 sf GFA	1.12	1.0
Mini-Warehouse		151	2.61	1,000 sf GFA	0.47	1.0
Utilities	1	170	1.06	Employees	1.00	1.0
Wholesale	1	860	6.73	1,000 sf GFA	0.49	1.0

• Abbreviations include: GFA = Gross Floor Area and sf = square feet.

The ratio between GFA and gross leasable area (GLA), as cited for shopping center in ITE Trip Generation is 1.5:1.  
The ITE Trip Generation rates are factored up by 14% to derive GFA weekday rates.

Notes:

- (1) The ITE Trip Generation has less than 5 studies supporting this average rate. Applicants are strongly encouraged to conduct, at their own expense, independent trip generation studies in support of their application.
- (2) The fitted relationship between the number of units and the average weekday trip generation as noted in ITE Trip Generation has a coefficient of correlation (R2) of less than 0.70. Applicants are strongly encouraged to conduct, at their own expense, independent trip generation studies in support of their application.
- (3) The rate shown has been approximated from the published p.m. peak hour trip generation rate. Applicants are strongly encouraged to conduct, at their own expense, independent trip generation studies in support of their application.
- (4) Average of elementary and high school trip generation rates.
- (5) San Diego Traffic Generator, San Diego Association of Governments, March 1993.

**ITE Trip Generation Rates &  
ELNDT Adjustment Factors**

ITE Land Use	Notes	ITE Land Use Code	Average Weekday ITE Trip Rate		Equivalent Length New Daily Trip & ELNDT Adjustment Factors	
			Rate	Unit(*)	Trip Length	Linked Trip
Hardware/Paint Stores	1	816	51.29	1,000 sf GFA	0.49	0.75
Nursery-Retail	2	817	36.08	1,000 sf GFA	0.49	0.75
Shopping Center		820				
(under 50,000 sf GFA)		820	167.59	1,000 sf GFA	0.31	0.28
(50,000 - 99,999 sf GFA)		820	91.65	1,000 sf GFA	0.33	0.50
(100,000 - 199,999 sf GFA)		820	70.67	1,000 sf GFA	0.40	0.61
(200,000 - 299,999 sf GFA)		820	54.50	1,000 sf GFA	0.49	0.67
(300,000 - 399,999 sf GFA)		820	46.81	1,000 sf GFA	0.49	0.71
(400,000 - 499,999 sf GFA)		820	42.02	1,000 sf GFA	0.49	0.73
(500,000 - 599,999 sf GFA)		820	38.65	1,000 sf GFA	0.49	0.80
High Turnover Sit-Down Restaurant	1	832	205.36	1,000 sf GFA	0.19	0.75
Fast Food Restaurant		833	786.22	1,000 sf GFA	0.09	0.51
New Car Sales		841	47.91	1,000 sf GFA	0.60	0.75
Service Station	1, 3	844	142.54	Gasoline Pump	0.07	0.77
Supermarket	1	850	87.82	Employee	0.14	0.46
Convenience Market	2	851	737.99	1,000 sf GFA	0.08	0.35
Convenience Market w/ Gas Pump	3, 5	853	194.34	Gasoline Pump	0.32	0.22
Apparel Store	3	870	31.27	1,000 sf GFA	0.49	0.75
Furniture Store	2	890	4.34	1,000 sf GFA	0.49	0.75
Bank/Savings: Walk-in	1	911	140.61	1,000 sf GFA	0.17	0.75
Bank/Savings: Drive-in	2	912	265.21	1,000 sf GFA	0.17	0.55
<b>OFFICE</b>						
Clinic	1	630	23.79	1,000 sf GFA	0.53	1.0
General Office		710				
(Under 100,000 sf GFA)		710	16.58	1,000 sf GFA	0.65	1.0
(100,000-199,999 sf GFA)		710	14.03	1,000 sf GFA	0.65	1.0
(200,000 sf GFA and over)		710	11.85	1,000 sf GFA	0.65	1.0
Medical Office Building		720	34.17	1,000 sf GFA	0.53	1.0
Government Office Bldg.	1	730	68.93	1,000 sf GFA	0.96	1.0
State Motor Vehicles Dept		731	166.02	1,000 sf GFA	0.96	1.0
U.S. Post Office	2	732	87.12	1,000 sf GFA	0.96	1.0
Research Center		760	7.70	1,000 sf GFA	0.67	1.0
Business Park		770	14.37	1,000 sf GFA	0.67	1.0

**ITE Trip Generation Rates &  
ELNDT Adjustment Factors**

ITE Land Use	Notes	ITE Land Use Code	Average Weekday ITE Trip Rate		Equivalent Length New Daily Trip & ELNDT Adjustment Factors	
			Rate	Unit(*)	Trip Length	Linked Trip
<b>RESIDENTIAL</b>						
Single Family		210	9.55	Dwelling Unit	1.00	1.0
Multi-Family		220	6.47	Dwelling Unit	0.97	1.0
Residential Condominium		230	5.86	Dwelling Unit	0.97	1.0
Manufactured Housing*		240	4.81	Occupied Dwelling Unit	0.97	1.0
Recreational Home/Condo		260	3.16	Dwelling Unit	1.00	1.0
<b>INSTITUTIONAL</b>						
Truck Terminals	1	30	9.85	1,000 sf GFA	1.12	1.0
Bus Depot	5		25	1000 sf GFA	1.00	1.0
Park	1	411	2.23	Acres	0.90	1.0
City (developed)	5		50	Acres	0.90	1.0
Neighborhood (undeveloped)	5		5	Acres	0.90	1.0
Amusement (Theme)	5		80	Acres	0.90	1.0
Golf Course	2	430	37.59	Holes	0.91	1.0
Movie Theatre	1	443	1.76	Seats	0.46	1.0
Racquet Club	2	492	17.14	1,000 sf GFA	0.51	1.0
Racquetball	5		40	1,000 sf GFA	0.51	1.0
Tennis	5		30	Court	0.51	1.0
Military Base		501	1.78	Employee	1.00	1.0
Elementary School		520	1.09	Student	1.08	1.0
Junior High School	4		1.20	Student	1.08	1.0
High School		530	1.38	Student	1.08	1.0
Junior/Community College	1, 3	540	1.33	Student	1.08	1.0
Church		560	9.32	1,000 sf GFA	1.08	1.0
Day Care Center/Preschool	2	565	4.65	Student	0.23	1.0
Library	1	590	45.50	1,000 sf GFA	0.49	1.0
Hospital		610	16.78	1,000 sf GFA	0.95	1.0
Nursing Home		620	2.60	Occupied Bed	0.95	1.0
<b>BUSINESS &amp; COMMERCIAL</b>						
Hotel/Motel		310	8.70	Occupied Room	0.69	0.75
Building Materials/Lumber		812	30.56	1,000 sf GFA	0.49	0.75
Specialty Retail Center	1	814	40.67	1,000 sf GFA	0.49	0.75
Discount Stores		815	70.13	1,000 sf GFA	0.49	0.75

\*In manufactured home park (per unit)

ORDINANCE N<sup>o</sup> 3592

AN ORDINANCE AMENDING ZONING ORDINANCE N<sup>o</sup> 3250, AND 1990 COMPREHENSIVE PLAN DOCUMENT ORDINANCE NO. 3442 RELATING TO RESIDENTIAL ZONE DENSITIES IN THE R-1 (LOW DENSITY RESIDENTIAL), R-2 (MEDIUM DENSITY RESIDENTIAL) AND R-3 (HIGH DENSITY RESIDENTIAL) ZONES.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

**SECTION 1.** Section 14 of Ordinance N<sup>o</sup> 3250 is amended as follows:

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

\*\*\*

"C. Dwelling, duplex; ~~or two single family dwellings on a minimum lot size of 6,000 square feet (subject to the provisions of Section 22), provided the distance between principal buildings is a minimum of ten feet;~~

**SECTION 2.** Section 17 of Ordinance N<sup>o</sup> 3250 is amended as follows:

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

\*\*\*

"C. Dwelling, duplex; ~~or two single family dwellings on a minimum lot size of 8,000 square feet (subject to the provisions of Section 22), provided the distance between principal buildings is a minimum of ten feet;~~

**SECTION 3.** Section 20 of Ordinance N<sup>o</sup> 3250 is amended as follows:

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

\*\*\*

"D. Dwelling, duplex; ~~or two single family dwellings on a minimum lot size of 5,000 square feet (subject to the provisions of Section 22), provided the distance between principal buildings is a minimum of ten feet;~~

**SECTION 4.** Section 22 of Ordinance N<sup>o</sup> 3250 is amended as follows:

**"SECTION 22. LOT SIZE.** In all of the residential zones, the minimum lot sizes shall be as follows:

Regardless of the minimum lot sizes listed above, all residential development must comply with the density ranges below:

Low Density Residential (R-1)	-	1 to 9 dwelling units per acre.
Medium Density Residential (R-2)	-	5 to 15 1/8 dwelling units per acre.
High Density Residential (R-3)	-	11 to 35 dwelling units per acre."

SECTION 5. Section 23 of Ordinance N° 3250 is amended as follows:

**“SECTION 23. MISCELLANEOUS LOT PROVISIONS.**

~~A. Erection of More Than One Principal Structure on a Lot. In any zoning district, more than one structure housing a permitted or permissible principal use may be erected on a single lot, provided that yard and other requirements of this Ordinance shall be met for each structure as though it were on an individual lot.~~

B. ~~A~~ Building Lots Must Abut a Street. No residential, commercial, or industrial building shall be erected on a lot which does not abut at least one street. Where there is a residence constructed, as of the date of this Ordinance, on an interior lot not abutting on a public street, such property shall continue unaffected except that in the case of reconstruction of such a structure, as provided in Section 128 of this Ordinance, nothing more than a single family dwelling and accessory buildings may be constructed upon such interior lot, and then only when easements for ingress and egress are recorded.

C. ~~B~~ Nonconforming Lots of Record.

(1) In any zoning district in which single family dwellings are permitted, a single family dwelling and accessory buildings may be erected on an single lot of record in existence on the date of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership.

(2) This provision shall apply even though such lot fails to meet the requirements for area that are applicable in the zoning district, provided that yard dimensions and requirements other than those applying to area of the lot shall conform to the regulations for the zoning district in which such lot is located. Variance of yard requirements shall be obtained only through action of the Planning Commission.

(3) If two or more lots or combinations of lots and portions of lots with continuous frontage in single ownership are of record on the date of this Ordinance, and if all or part of the lots do not meet the requirements established for lot areas, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of the parcel shall be used or sold in a manner which diminishes compliance with lot size requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a size below the requirements stated in this Ordinance.

~~D. C Parking, Storage or Use of Recreational Equipment. No equipment shall be used for living, sleeping or housekeeping purposes; nor connected to utilities, when parked or stored on a residential lot, or in any location not approved for such use.~~

E. ~~D~~ Parking and Storage of Certain Vehicles. Automotive vehicles or trailers of any kind or type without current license plates shall not be parked or stored on any residentially used property other than in completely enclosed buildings.”

SECTION 6. TR - 118 of 1990 Comprehensive Plan, Ordinance N° 3442 is amended as follows:

“In view of the previously noted factors, the following residential density limits were evolved:

Low Density	1-9 units/acre
Medium Density	5-15 18 units/acre
High Density	11-35 units/acre
High Density (Service Commercial)	30-80 units/acre
High Density (Central Commercial)	30-160 units/acre”



**SECTION 7.** CP - 47 of 1990 Comprehensive Plan, Ordinance N<sup>o</sup> 3442 is amended as follows:

**"POLICIES.** It shall be the policy of the City of Pendleton:

\*\*\*

(2) Medium Density Residential areas (5-15 ~~18~~ units/gross acre) are areas intended to accommodate one-family and two family homes, and Low Density Residential areas (1-9 units/gross acre) are intended primarily for one-family homes."

\*\*\*

PASSED by the City Council and approved by the Mayor on January 19, 1999.

APPROVED: Robert E. Ramig  
Mayor

ATTEST: Judi A. Zyske  
City Recorder

Approved as to Form:

Peter H. Wells  
Peter H. Wells, City Attorney

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ORDINANCE NO. 3615

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 3250, SECTIONS 18 AND 21, RELATING TO HEALTH SERVICES AS CONDITIONAL USES PERMITTED IN THE R-2 (MEDIUM DENSITY RESIDENTIAL) AND R-3 (HIGH DENSITY RESIDENTIAL) ZONES.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 18 of Ordinance No. 3250 is amended as follows:

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

\*\*\*\*

E. Governmental Structure or land use, public and semi-public use or structures, including, but not limited to: SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;

F. Home Occupation (as provided in Section 29 of this Ordinance);

G. ~~Hospital and Health Care Facility, SIC Groups 805 and 806 Health Services (SIC Major Group 80);~~

H. Manufactured Home Park, Manufactured Home Subdivision, Vacation Trailer Parks (Individual Conditional Use permits not required for each unit within approved parks or subdivisions);

I. Neighborhood Commercial, see Article V, Section 28, for details;

J. Schools and Colleges (SIC Major Group 82);

K. Transportation and Communication Facilities (SIC Major Groups 40, 4225, 45, 46, 48, and 49).

SECTION 2. Section 21 of Ordinance No. 3250 is amended as follows:

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

\*\*\*\*

C. Governmental Structure or Land Use, public and semi-public use or structures, including, but not limited to SIC Major Groups 43, 91, 92, 93, 94, 95 and 96;

D. Home Occupation (as provided in Section 29 of this Ordinance);

E. ~~Hospital, Health Care Facility (SIC Groups 805 and 806) Health Services (SIC Major Group 80);~~

F. Lodge, private club (SIC Group 864);

G. Neighborhood Commercial, see Article V, Section 28, for details;

H. Schools and colleges (SIC Major Group 82);

I. Transportation and Communication Facilities (SIC Major Groups 40, 4225, 45, 46, 48, and 49).

**SECTION 3. SEVERABILITY.** The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

PASSED by the City Council and approved by the Mayor January 4, 2000.

APPROVED: Robert E. Ramirez  
Mayor

ATTEST: Judi A. Zoske  
City Recorder

Approved as to Form: Peter H. Wells  
Peter H. Wells, City Attorney

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ORDINANCE NO. 3617

AN ORDINANCE AMENDING SUBDIVISION ORDINANCE NO. 3251,  
SECTION 7, SUBSECTION H, RELATING TO EFFECTIVE PERIOD OF  
TENTATIVE PLAN APPROVAL FOR SUBDIVISIONS.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 7, Subsection H, of Ordinance No. 3251 is amended as follows:

H. Effective Period of Tentative Plan Approval. The approval of a tentative plan shall be effective for a period of ~~eighteen (18) months~~ ~~(24) months~~ months, at the end of which time, final approval of the subdivision or major partition shall have been obtained from the Planning Commission, although the plat or map need not yet be signed and filed with the Umatilla County Clerk. ~~An extension of time may be granted for good cause by the Planning Commission if such extension is authorized by the Commission prior to expiration of the twenty-four (24) month period, and provided such extension shall not exceed two (2) years. If the subdivision is to be developed in phases, extensions may be granted by the Planning Commission, but in no case shall the total time period for filing final plat or map for all phases exceed six (6) years without resubmitting for a new tentative plan for approval.~~ Any plat or map not receiving final approval within the period of time set forth herein shall be null and void, and the developer shall be required to submit a new tentative plan for approval subject to all existing zoning and land division regulations.

The Planning Commission may waive any procedural steps, including fees, not deemed necessary by them in reviewing a resubmitted tentative plan, or require full compliance with the procedure for tentative plan approval.

SECTION 2. SEVERABILITY. The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

PASSED by the City Council and approved by the Mayor on the 21 day of March, 2000.

APPROVED: Phyllis W. Houch, Council President  
for Mayor Ramig

ATTEST: Judi A. Zinke  
City Recorder

Approved as to Form: Peter H. Wells  
Peter H. Wells, City Attorney

ORDINANCE NO. 3652

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 3250, SECTIONS 35 AND 36, RELATING TO RESIDENTIAL USES PERMITTED OUTRIGHT AND AS CONDITIONAL USES IN THE C-1 (CENTRAL COMMERCIAL) ZONE.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 35 of Ordinance No. 3250 is amended as follows:

SECTION 35. USES PERMITTED OUTRIGHT. In the Central Commercial (C-1) zone, the following uses and their accessory uses are permitted outright, except as provided in Section 45 of this Ordinance:

\*\*\*\*

D. *Residential uses (including Class A and Class B Manufactured Homes) Dwelling, multi-family, or residential facility outside the "Central Area Parking District", subject to the condition that:*

(1) Housing development shall not exceed more than 160 dwelling units per gross acre;

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

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

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

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

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

E. *Residential uses (including Class A and Class B Manufactured Homes) or residential facility within the "Central Area Parking District", but does not occupy space on the ground floor.*

\*\*\*

SECTION 2. Section 36 of Ordinance No. 3250 is amended as follows:

SECTION 36. CONDITIONAL USES PERMITTED. In the Central Commercial

(C-1) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance.

\*\*\*\*

G. Residential uses (including Class A and Class B Manufactured Homes) within the "Central Area Parking District" Dwelling, ~~multi-family~~, or residential facility, subject to the condition that:

- (1) Housing development shall not exceed more than one hundred sixty (160) dwelling units per gross acre;
- (2) The use does not occupy space above a permitted ground floor use;
- (3) Primary access shall be via a collector or arterial street (as designated in the Comprehensive Plan) that is improved or will be improved to City standards prior to occupancy of any unit, unless approved by the Planning Commission;
- (4) Public facilities and services are available to the site and are deemed adequate by the City to meet the requirements of this use approved by the Planning Commission (subject to the requirements of Sections 119-121 of this Ordinance) prior to issuance of a building permit. One (1) off-street parking space per residential unit shall be required; said spaces being located no more than 250 feet from the building they serve. All private off-street parking locations shall be approved by the Planning Commission;

**SECTION 3. SEVERABILITY.** The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

PASSED by the City Council and approved by the Mayor on this 4 day of September, 2001.

APPROVED: Robert E. Ramig  
Mayor

ATTEST: Judi C. Foske  
City Recorder

Approved as to Form: Peter H. Wells  
Peter H. Wells, City Attorney

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ORDINANCE NO. 3657

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 3250, SECTIONS 35, 36, 38, 39, 41 AND 42, RELATING TO ALLOWING AUTOMOBILE-RELATED USES AND SERVICES AS USES PERMITTED OUTRIGHT IN THE C-2 (TOURIST COMMERCIAL), C-3 (SERVICE COMMERCIAL) AND CERTAIN SPECIFIC AREAS OF THE C-1 (CENTRAL COMMERCIAL) ZONE.

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 35 of Ordinance No. 3250 is amended as follows:

SECTION 35. USES PERMITTED OUTRIGHT. In the Central Commercial (C-1) zone, the following uses and their accessory uses are permitted outright, except as provided in Section 45 of this Ordinance:

- A. *Automobile and vehicle dealers, repairs, services, and service stations (SIC Major Groups 55, and 75, except 752), except within the "Central Area Parking District";*
  - B.A Business and Personal Service (SIC Major Groups 472, 72, 73, 76 (Except 769), and 89);
  - C.B Commercial Amusement and Recreation (SIC major Groups 78 and 79);
  - D.E etc.....
- \*\*\*

SECTION 2. Section 36 of Ordinance No. 3250 is amended as follows:

SECTION 36. CONDITIONAL USES PERMITTED. In the Central Commercial (C-1) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance.

- A. *Automobile and vehicle dealers, repairs, services, and service stations (SIC Major Groups 55 and 75, except 752), within the "Central Area Parking District";*
- \*\*\*

SECTION 3. Section 37 of Ordinance No. 3250 is amended as follows:

SECTION 38. USES PERMITTED OUTRIGHT. In a Tourist Commercial (C-2) zone, the following uses and their accessory uses are permitted outright, except as provided in Section 45 of this Ordinance.

- D. *Service Stations (SIC Group 554), Auto Repair, Services, and Garages (SIC major Group 75);*
- \*\*\*

SECTION 4. Section 39 of Ordinance No. 3250 is amended as follows:

**SECTION 39. CONDITIONAL USES PERMITTED.** In a Tourist Commercial (C-2) zone, the following uses and their accessory uses are permitted when authorized in accordance with the provisions of Sections 131-137 of this Ordinance:

- A. ~~Auto Repair, Services, and Garages (SIC Major Group 75);~~
- A.B Transit Facilities (SIC Major Group 41);
- B.C Transportation & Utility Services (SIC Major Groups 42 and 49).

**SECTION 5.** Section 41 of Ordinance No. 3250 is amended as follows:

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

- A. ~~Auto Repair, Services, and Garages (SIC Major Groups 50 and 75);~~
  - B.A Business and Personal Services (SIC Major Groups 472, 72, 73, 76 except 769, and 89);
  - C.B Etc....
- \*\*\*

**SECTION 6.** Section 42 of Ordinance No. 3250 is amended as follows:

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

- A. ~~Auto Repair, Services, and Garages (SIC Major Groups 50 and 75);~~
  - A.B Communication Facilities (SIC Major Group 48);
  - B.C Etc....
- \*\*\*

**SECTION 7. SEVERABILITY.** The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

PASSED by the City Council and approved by the Mayor on this 15 day of January, 2002

APPROVED: Robert E. Ranig  
Mayor

ATTEST: Judi A. Zeske  
City Recorder

Approved as to Form: Peter H. Wells  
Peter H. Wells, City Attorney

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ORDINANCE NO. 3664

AN ORDINANCE AMENDING ZONING ORDINANCE NO. 3250, SECTIONS 78 AND 84, RELATING TO THE ADMINISTRATIVE PROCEDURES FOR PROCESSING PERMITS WITHIN THE FLOOD HAZARD SUBDISTRICT (F-H)

CITY OF PENDLETON ORDAINS AS FOLLOWS:

SECTION 1. Section 78 of Ordinance No. 3250 is amended as follows:

SECTION 78. LOCATION OF FLOOD HAZARD AREAS.

\*\*\*

B. The City Manager, *or designee*, shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A be constructed, improved or developed in accordance with the provisions of this Article (Flood Hazard Subdistrict, F - H). When no base elevation exists the building permit application shall be reviewed to assure proposed construction is reasonably safe from flooding.

SECTION 2. Section 84 of Ordinance No. 3250 is amended as follows:

SECTION 84. PROCEDURE. In a Flood Hazard Area, a lot may be used and a structure or a part of a structure reconstructed, altered, occupied or used only after the following requirements have been met:

A. An applicant shall submit with his application for a building or development permit sufficient evidence to indicate that the proposed development will result in a finished floor elevation and access to the property that is at least 1.00 foot higher than the elevation of an Intermediate Regional Flood. This evidence shall include sketches showing:

\*\*\*

B. An applicant shall submit with his application for a building or development permit sufficient evidence to enable the ~~Public Works Director~~ *City Manager, or designee*, to review his construction methods and materials to determine that minimum flood damage will occur in the event of inundation. This evidence shall enable the ~~Planning Commission~~ *City Manager, or designee*, to determine that:

\*\*\*

SECTION 3. SEVERABILITY. The sections of this Ordinance are severable. The invalidity of a section or part of a section shall not affect the validity of the remaining sections or parts of sections.

PASSED by the City Council and approved by the Mayor on this 21st day of May, 2002.

APPROVED: Robert E. Ramsey  
Mayor

ATTEST: Judi G. Goske  
City Recorder

Approved as to Form: Peter H. Wells  
Peter H. Wells, City Attorney

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