

**UMATILLA PLANNING COMMISSION MEETING  
AGENDA  
COUNCIL CHAMBERS  
OCTOBER 27, 2020  
6:30 PM**

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1. **CALL TO ORDER & ROLL CALL**

2. **PLEDGE OF ALLEGIANCE**

3. **APPROVAL OF MINUTES**

3.a [September 22, 2020 Minutes](#) *Suggested Action: Draft minutes for commission approval*

4. **UNFINISHED BUSINESS**

5. **NEW BUSINESS**

5.a [Dollar General Replat RP-2-20](#) *Suggested Action:*

*The applicant, Dollar General, requests approval to combine five tax lots into one. The proposed use is located on Assessors map 5N2817AC Tax Lots 4700, 4800, 4900, 5000, 5100.*

5.b [Dollar General Conditional Use CU-3-20 & Dollar General Site Plan Review SP-4-20](#)  
*Suggested Action:*

*The applicant, Dollar General, requests approval to construct an approximately 7,500 SF Dollar General retail store on approximately 0.66 acres located at the SE corner of Yerxa Avenue and State Highway 730 (6th Street). The proposed use is located on Assessors map 5N2817AC Tax Lots 4700, 4800, 4900, 5000, 5100.*

5.c [Loyal Restoration Verification of Non-Conforming use \(VER-1-20\)](#) *Suggested Action:*

*The applicant, Loyal Restoration, is requesting a Verification of non-conforming use. The Applicant is requesting to obtain verification of non-conforming use to continue the use of a shop structure as residential. The location is 1201 6<sup>th</sup> Street and can be found on Assessors Map 5N2817BD Tax Lot 800.*

6. **DISCUSSION ITEMS**

6.a [UGB UPDATE](#) *Suggested Action: Discussion*

7. **INFORMATIONAL ITEMS**

8. **ADJOURNMENT**

*This institution is an equal opportunity provider. Discrimination is prohibited by Federal law. Special accommodations to attend or participate in a city meeting or other function can be provided by contacting City Hall at (541) 922-3226 or use the TTY Relay Service at 1-800-735-2900 for appropriate assistance.*

**CITY OF UMATILLA  
PLANNING COMMISSION  
September 29, 2020  
\*\*DRAFT MINUTES\*\*  
COUNCIL CHAMBERS**

**I. CALL TO ORDER:** Meeting called to order at 6:30 p.m.

**II. ROLL CALL:**

A. **Present:** Commissioners; Boyd Sharp, Keith Morgan, Kelly Nobles, Bruce McLane, Heidi Sipe, Jennifer Cooper, Hilda Martinez.

B. **Absent:**

C. **Late arrival:**

D. **Staff present:** Community Development Director, Brandon Seitz and Associate Planner, Jacob Foutz.

**III. PLEDGE OF ALLEGIANCE: Moment of Silence asked for by Chair Sharp**

**IV. APPROVAL OF MINUTES:** September 22, 2020 Minutes. Motion to approve by Commissioner McLane, seconded by Commissioner Morgan. Motion carried.

**V. UNFINISHED BUSINESS:**

**VI. NEW BUSINESS:**

- 5.a [Fastrack Inc, Ballard Subdivision \(SUB-2-20\)](#) *Suggested Action: The applicant, Fastrack Inc, request approval of a tentative plat for a residential subdivision to divide 3 existing parcels into 64-lots for residential development and 2 lots for future residential development. The applicant intends to develop the residential lots with single-family dwellings.*

Chair Sharp opened the meeting and explained to those in attendance the order of business.

Chair Sharp asked for the Staff report

Planner Foutz gave a brief overview of the proposed subdivision.

Planner Foutz explained Chief Potts of the Umatilla rural fire district submitted comment stating that only two streets will need to have temporary turnarounds. Planner Foutz stated that it is staff recommendation to change condition of approval 11 to state that only two streets will require turnarounds.

Planner Foutz explained the TIA was submitted as a 500+ residential lot analysis. The cost of mitigation required will be spread out over those 500+ lots. Required mitigation will be a round-a-bout installed at the intersection of Powerline Rd and Hwy 730 along with 5 left turn lanes installed throughout Powerline Road. The applicant will pay for 57% of all mitigation costs. A signed development agreement will be signed by both the City and Fastrack before the final plat is approved.

Director Seitz stated that the impact fee will be spread over these lots along with future lots and that two way left turn lanes will be installed in future phases that are along Powerline Rd.

Commissioner Nobles asked about the Parks impact fee and why it is not in place yet.

Director Seitz explained that the Parks master plan is not completed yet and that is why parks impact fees are not used yet.

Chair Sharp asked for the applicants' testimony

Arney Wick of 4803 Catalonia drive in Pasco, Washington stated that they (Fastrack) do not want to see huge fees hit all at once in the future and they are more than happy to do whatever they need to do.

Chair Sharp asked for any other testimony

Jared Faris of 4803 Catalonia drive in Pasco, Washington stated that they are willing to do whatever they need to do. He stated he remembers paying 750 dollars per lot at Virginias place for parks. He has nothing but good experiences with the City and wants to continue working in the City.

Chair Sharp asked for any other testimony. None.

Commissioner Nobles stated he wants to see continued growth and is afraid that the effort towards the parks will get brushed over if it is not brought up now.

Chair Sharp called for a motion to close the hearing of SUB-2-20. Motion to close by Commissioner Sipe. Seconded by Commissioner McLane. Motion Carried 6-0.

Chair Sharp called for a motion to approve SUB-2-20 with the conditions of approval except for condition 11, which will be changed from 7 to 2. Motion to close by Commissioner Morgan. Seconded by Commissioner Cooper. Motion Carried 6-0.

**VII. DISCUSSION ITEMS:**

**VIII. INFORMATIONAL ITEMS:**

7.a [Livestock Residential](#) *Suggested Action: Will be going to council soon*

Planner Foutz explained that the Livestock Residential zone will be going to City Council. It has been delayed but not forgotten.

**IX. ADJOURNMENT:** Adjourned at 7:06pm.

**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECOMMENDATION  
FOR  
REPLAT RP-2-20**

**DATE OF HEARING:** October 27, 2020

**REPORT PREPARED BY:** Jacob Foutz, Associate Planner

**I. GENERAL INFORMATION AND FACTS**

**Applicant:** PJ Boughal (MTN2COAST, LLC), 2320 Mottman Road SW, Suite 106, Tumwater, WA 98512

**Property Owners:** Hasmukh Mistry (Shree Krishna Properties, LLC), 1630 S. Honeysuckle St., Kennewick, WA 99338

**Land Use Review:** Replat of Tax Lots 4700, 4800, 4900, 5000, 5100 on Assessors Map 5N2817AC.

**Property Description:** The properties are described as Tax Lots 4700, 4800, 4900, 5000, 5100 on Assessors Map 5N2817AC.

**Location:** The properties are located on Highway 730 in the City of Umatilla. It has an assigned address of 1450 HWY 730, Umatilla, OR 97882

**Existing Development:** Tax Lots 4700, 4800, 4900, 5000, 5100 on Assessors Map 5N2817AC are not developed.

**Proposed Development:** The applicant intends to reconfigure the existing lots 1,2,3,4, and 5, Block 5, Plat of Brownell’s addition to the City of Umatilla into 1 single lot. A Dollar General will then be built on the remaining lot.

**Zone** Downtown Transitional (DT).

**Adjacent Land Use(s):**

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	Downtown Transitional	Harvest Foods Grocery Store
South	Downtown Residential	Single Family Homes
East	Downtown Transitional	Umatilla Inn & Suites
West	Downtown Transitional	Umatilla Inn & Suites

## **II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, PJ Boughal (MTN2COAST, LLC), requests approval to replat five (5) existing lots. The proposed replat would result in one (1) lot. The properties are identified as 4700, 4800, 4900, 5000, 5100 on Assessors Map 5N2817AC.

The City's Land Division Ordinance (LDO) does not directly address replat requests, however, Section 11-2-6(A) addresses land division approval criteria. Therefore, the City will process the request subject to the standards contained in Section 11-2-6 of the LDO similar to a subdivision or partition request.

## **III. ANALYSIS**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

### **CITY OF UMATILLA ZONING ORDINANCE**

#### **SECTION 10-4B-7: DEVELOPMENT STANDARDS: (Downtown Transitional, DT)**

Minimum lot or parcel size:	
Commercial uses	None
Minimum lot width	None
Maximum front or street side yard setback	10 feet; the maximum front yard setback may be increased by 10 feet if the setback is occupied by an outdoor feature relating to the business or public amenity such as seating or artwork
Minimum yard setbacks:	
Front and rear yards	0 feet or 10 feet if adjacent to a residential district
Side yard	0 feet or 10 feet if adjacent to a residential district
Street side yard	1 foot
Parking space	10 feet wide; see chapter 9 of this title for parking standards
Maximum building height	35 feet
Maximum site coverage (building and impervious surface)	95 percent

**Findings:** The applicant is proposing to replat five existing lots into one (1) lot. The result of the request will create 1 lot zoned DT. The dimensional standards for the Downtown Transitional zone (Section 10-4B-7) is listed above for reference. The proposed lot will exceed the minimum lot width and depth and area requirements.

**Conclusion:** There are no minimum lot or parcel size for the Downtown Transitional Zone. The proposed lot exceeds the minimum dimensional standards for new lots located in the Downtown Transitional Zoning district.

### **CITY OF UMATILLA LAND DIVISION ORDINANCE**

#### **SECTION 11-2-6: LAND DIVISION APPROVAL CRITERIA:**

No plat for a subdivision or partition may be considered for approval until the city has approved a tentative plan. Approval of the tentative plan shall be binding upon the city and the applicant for the purposes of preparing the subdivision or partition plat. In each case, the applicant bears the

burden of proof to demonstrate that the proposal satisfies applicable criteria and standards.

A. Approval Criteria: Land division tentative plans shall only be approved if found to comply with the following criteria:

1. The proposal shall comply with the city's comprehensive plan.

**Findings:** The City of Umatilla's Zoning Ordinance (CUZO) and LDO implement the comprehensive plan goals and policies. If a request is found to meet or be capable of meeting the applicable standards and criteria in the CUZO and LDO the request is considered to be consistent with the comprehensive plan.

**Conclusion:** The CUZO and LDO implement the comprehensive plan goals and policies. If a request is found to meet or be capable of meeting the applicable standards and criteria in the CUZO and LDO the request is considered to be consistent with the comprehensive plan. This request is found to meet or be capable of meeting all of the applicable standards and criterion in the CUZO and LDO as addressed in this report.

2. The proposal shall comply with the I-82/U.S. 730 interchange area management plan (IAMP) and the access management plan in the IAMP (section 7) as applicable.

**Findings:** The interchange area management plan (IAMP) extends along U.S. Highway 730 from its intersection with U.S. Highway 395 west to Eisele Drive just west of the U.S. Post Office within City Limits. The properties are not within the IAMP area.

**Conclusion:** The properties are not located within the I-82/U.S. 730 Interchange Management Area. This criterion is not applicable.

3. The proposal shall comply with the city's zoning requirements.

**Findings:** The properties are located within the Downtown Transitional zoning district and the applicable City zoning requirements are addressed above. The proposed lots comply with all of the dimensional standards as addressed in this report.

**Conclusion:** Both of the proposed lots will meet the minimum dimensional standards as addressed in this report.

4. The proposal shall comply with the city's public works standards.

**Findings:** The City's public works standards are engineering design and safety standards for construction of streets, sidewalks, curbs, water/sewer lines, other utilities and for installation of improvements. It is anticipated that the developer will request permission to connect to City services at the time of development. However, no new streets are proposed as part of this request.

**Conclusion:** The proposal will result in a one (1) lot, no new streets or dedication of public rights of way are proposed or necessary. New connections to City services and installation of sidewalks will be required to meet the City's Public Works Standards in place at the time of the request.

5. The proposal shall comply with applicable state and federal regulations, including, but not

limited to, Oregon Revised Statutes 92, 197, 227, and wetland regulations.

**Findings:** The CUZO and LDO implement the applicable provision of ORS 92, 197, 227. The subject property does not contain wetlands as shown on the National Wetlands Inventory (NWI) or figure 5-1.2 in the City's Comprehensive Plan. Except as implemented through the City's ordinance, applicable state and federal regulations will be required to be met as a condition of approval.

**Conclusion:** This request is found to meet or be capable of meeting all of the standards and criterion as addressed in this report, the proposal will comply with applicable state and federal regulations, as implemented through the City's ordinances. The applicant will be required as a condition of approval to comply with all other state and federal requirements.

6. The proposal shall conserve inventoried natural resource areas and floodplains, including, but not limited to, mapped rivers, creeks, sloughs, and wetlands.

**Findings:** There are no known wetlands, as identified on the NWI, or flood zones on the subject property. The City of Umatilla's Comprehensive Plan does not identify any significant natural resources on the property and there are no known rivers, creeks or sloughs on the property.

**Conclusion:** There are no inventoried natural resource areas, waterways, water bodies or floodplain areas to conserve on the property. This criterion is not applicable.

7. The proposal shall minimize disruption of natural features of the site, including steep slopes or other features, while providing for safe and efficient vehicle, pedestrian, and bicycle access.

**Findings:** The subject property is not identified as having slope in Figure 7.1-2 of the City of Umatilla's Comprehensive Plan. There are no other known natural features on the subject property. No streets are proposed as part of this request therefore vehicle, pedestrian and bicycle access will be maintained.

**Conclusion:** The subject property has no inventoried natural features. No new streets are proposed or necessary to provide access to the site. Therefore, no disruption of natural features will occur as a result the replat request.

8. The proposal shall provide adjacent lands with access to public facilities and streets to allow its full development as allowed by the City's codes and requirements.

**Findings:** The one proposed lot located along Highway 730 will have direct frontage and will have access to city services and public facilities. The Lot will also have access to Yerxa along with an alley along the south property line.

**Conclusion:** The proposed lot will have access to public facilities, streets, and alleys.

9. The proposal shall be designed with streets that continue or connect to existing and planned land division plats on adjoining properties. All proposed streets shall comply with standards of this Title and the Public Works Standards.

**Findings:** The proposed replat will not create a new public street.

**Conclusion:** The proposed replat will not create a new public street.

**SECTION 11-4-5: LOTS:**

Lot and parcel size, shape, and orientation shall be consistent with the applicable zoning district and for the type of use contemplated. No lot or parcel dimension shall include the adjacent public right of way.

- A. Through lots with public streets on both front and rear or both sides shall be avoided except when essential to provide separation of residential development from adjacent arterial or collector streets. An easement at least five feet (5') in width shall be located adjacent to the right of way and there shall be no right of access to the major street. A permanent barrier may be required along the right of way, within the easement.

**Findings:** The proposed lot is not a through lot.

**Conclusion:** The proposed lot is not a through lot. This criterion is not applicable.

- B. Lot and parcel side lot lines shall be at right angles to fronting streets or radius to curved streets to the extent practical, in order to create lots and parcels with building sites which are nearly rectangular.

**Findings:** The proposed lot is rectangular in shape to the extent possible.

**Conclusion:** The proposed lot will create a building site which is nearly rectangular.

- C. Lots shall have a width to depth ratio not to exceed 2.5.

**Findings:** The width of the proposed lot will be approx. 250 ft and the depth 114 ft. To exceed the 2.5 width to depth ratio with a depth of 114 ft the width would have to be 285 ft. The proposed lot does not exceed 2.5.

**Conclusion:** The proposed lot will have a width to depth ratio that does not exceed 2.5.

- D. All lots and parcels shall have a minimum street frontage on a public street of fifty feet (50'), except that lots or parcels fronting a cul-de-sac or curved street may have a minimum street frontage of forty feet (40'), so long as the minimum lot width required by the zoning district is provided at a distance equivalent to the required front yard setback.

**Findings:** The proposed lot will exceed fifty feet (50') of street frontage.

**Conclusion:** The resulting lot will exceed the minimum fifty feet (50') of street frontage.

- E. Flag lots shall not be acceptable for land divisions, but may be approved if the following circumstances apply:

1. For one or two (2) lot land divisions when it is not practical to create or extend a public street or partial public street due to the nature of surrounding development.
2. When topographic conditions or other physical constraints make it impractical or infeasible to create or extend a public street.
3. When the size and shape of the site limit the possible arrangement of new lots or parcels and prevent the creation or extension of a public street.
4. When allowed, the flag portion of a new lot shall have a minimum width of fifteen feet (15') to accommodate a driveway a minimum of twelve feet (12') wide. Two (2) adjacent

flag lots may reduce the street frontage and pole width to twelve feet (12') wide, if joint access easements are created and a driveway is provided with a minimum width of twenty feet (20').

**Findings:** No flag lots are proposed as part of this application.

**Conclusion:** No flag lots are proposed as part of this application. These criteria are not applicable.

#### **IV. SUMMARY CONCLUSIONS AND DECISION**

This request for tentative replat approval meets or is capable of meeting through appropriate conditions of approval the land division requirements of the City of Umatilla's LDO. Therefore, staff recommends this request (RP-2-20) to replat five (5) existing lots into one (1) be approved based on the findings of fact and conclusion contained in Section III of this report subject to the conditions of approval contained in Section V of this report.

#### **V. CONDITIONS OF APPROVAL**

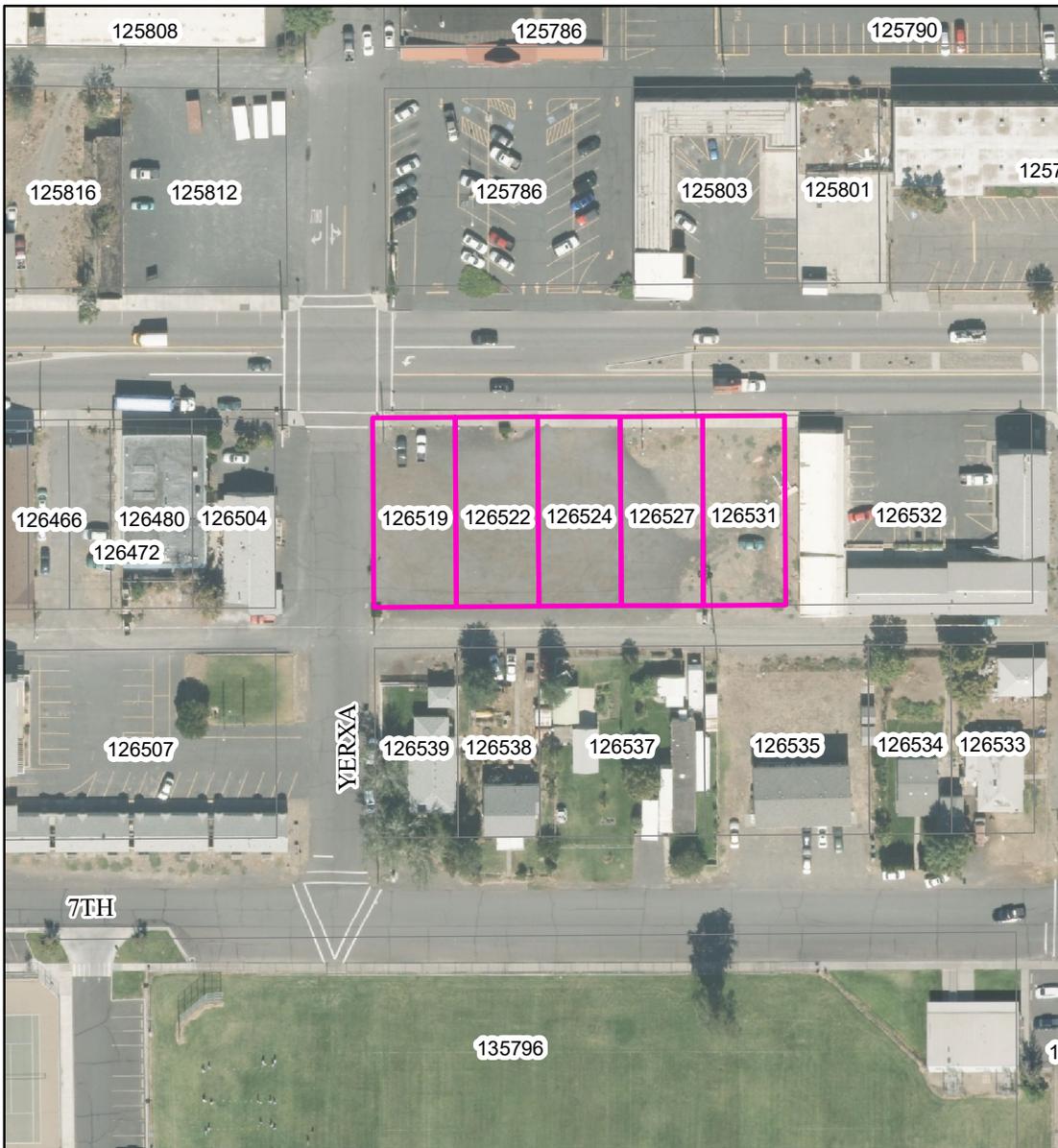
1. A tentative plat must be submitted to the City of Umatilla, Umatilla County Surveyor and Umatilla County GIS Department for review prior to submitting the final plat.
2. Final plat approval must be obtained and recorded within one year from the date of this approval, as required by Section 11-3-1(A) of the Land Division Ordinance, unless the applicant applies for and receives approval of an extension as specified under Section 10-14-16 of the City of Umatilla Zoning Ordinance.
3. The final plat must comply with the requirements of ORS chapter 92 and the requirements in Sections 11-3-1 and 11-3-2 of the City of Umatilla Land Division Ordinance.
4. If any historic, cultural or other archaeological artifacts are discovered during construction and installation of any required improvements, the applicant/developer shall immediately cease construction activity and notify appropriate agencies including, but not necessarily limited to the City of Umatilla and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR).
5. Failure to comply with the conditions of approval established herein may result in revocation of this approval.
6. The applicant shall submit a copy of the final recorded plat to the City of Umatilla.
7. The applicant shall obtain all federal, state and local permits or licenses necessary to record the final plat.

#### **VI. EXHIBITS**

Exhibit A Notice Map

Exhibit B Preliminary Plat

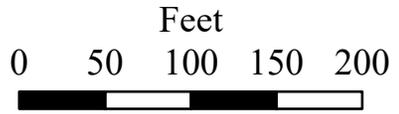




TAX & MAP	Property Owners within 100'	
	Account #	Owner
5N2817AC00101	125786	BIG COWBOY LLC
5N2817AC00300	125797	QUINONES PROPERTIES LLC
5N2817AC00400	125801	MISTRY HUSMUKH & REKHA B
5N2817AC00500	125803	MISTRY HUSMUKH & REKHA B
5N2817AC00900	125812	DESERT WIND INC
5N2817AC03800	126504	SHREE KRISHNA PROPERTIES LLC
5N2817AC04200	126507	SHREE KRISHNA PROPERTIES LLC
5N2817AC04700	126519	SHREE KRISHNA PROPERTIES LLC
5N2817AC04800	126522	SHREE KRISHNA PROPERTIES LLC
5N2817AC04900	126524	SHREE KRISHNA PROPERTIES LLC
5N2817AC05000	126527	SHREE KRISHNA PROPERTIES LLC
5N2817AC05100	126531	SHREE KRISHNA PROPERTIES LLC
5N2817AC05200	126532	SHREE KRISHNA PROPERTIES LLC
5N2817AC05600	126534	SALAS LUCAS & CARRILLO MARIA J
5N2817AC05700	126535	CIMMIYOTTI SCOTT M & FRANCES R (TRS)
5N2817AC05801	126537	GEORGE WILLIS & AUDREY
5N2817AC05900	126538	BORCHERT DAVID C & CECILIA J
5N2817AC06000	126539	MISTRY HAMUCKH & REKHA B



**CU-3-20, SP-4-20, RP-2-20**  
**DOLLAR GENERAL**  
**5N2817AC TL 4700,4800,4900,5000,5100**



**Legend**

- Proposed Dollar General Site
- Tax Lots 8-26-20



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 10/5/2020

DATUM

HORIZONTAL - CS 16-239-B MONUMENT 721 AND 723 COORDINATES WERE HELD.

DOLLAR GENERAL REPLAT
A REPLAT OF LOTS 1, 2, 3, 4 AND 5, IN BLOCK 5, PLAT OF BROWNELL'S ADDITION TO THE CITY OF UMATILLA
RECORDED IN VOLUME 5 OF PLATS, PAGE 31, RECORDS OF UMATILLA, OREGON.
A SUBDIVISION PART OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, SECTION 17, TOWNSHIP 5 NORTH, RANGE 28 EAST, W.M.

OWNER'S DECLARATION

KNOW ALL PEOPLE BY THESE PRESENTS THAT I, SIGNING MEMBER FOR SHREE KRISHNA PROPERTIES, LLC AND OWNER OF THE LANDS SHOWN ON THIS REPLAT AND MORE PARTICULARLY DESCRIBED IN THE ACCOMPANYING LEGAL DESCRIPTION, HAVE CAUSED THE SAME TO BE SURVEYED AND PLATTED INTO LOTS AS SHOWN ON THIS REPLAT IN ACCORDANCE WITH ORS CHAPTER 92 AS REVISED, AND UMATILLA COUNTY ORDINANCES, AS SHOWN HEREON.

SIGNING MEMBER FOR SHREE KRISHNA PROPERTIES, LLC DATE

MONUMENT NOTES

- 1. FOUND ODOT 1" BRASS CAP MARKED 721
2. FOUND ODOT 1" BRASS CAP MARKED 723
3. FOUND 1" BRASS CAP MARKED ODOT, POINT APA1007 CS 16-039-A
4. FOUND 1" BRASS CAP MARKED ODOT, POINT APA1019 CS 16-039-A
5. FOUND 5/8" REBAR, UNREADABLE YELLOW PLASTIC CAP, CS 06-201-A, IN SIDEWALK.
6. FOUND 5/8" REBAR, DAMAGED YELLOW PLASTIC CAP 1.00 SOUTH OF 5 ABOVE.
7. SET 5/8" REBAR, 30" LONG WITH ORANGE PLASTIC CAP MARKED "PRIGGE, LS 38985"
8. SET 5/8" REBAR, 30" LONG WITH ORANGE PLASTIC CAP MARKED "PRIGGE, LS 38985", SET THIS POINT 1.00' SOUTH OF CORNER ON LINE.

SURVEY NOTES

- 1. INSTRUMENT USED: SOKKIA SRX 3 TOTAL STATION AND TOPCON GR5 GPS.
2. SURVEY COMPLETED 09/2020.
3. ALL MONUMENTS SHOWN AS FOUND VISITED 08/2020.
4. MTN2COAST (M2C) WAS RETAINED BY SimonCRE TO COMPLETE A REPLAT SURVEY OF LOTS 1, 2, 3, 4 AND 5, BLOCK 5, PLAT OF BROWNELL'S ADDITION TO THE CITY OF UMATILLA.

ORIGINAL LEGAL DESCRIPTION

LOTS 1, 2, 3, 4 AND 5, BLOCK 5, PLAT OF BROWNELL'S ADDITION TO THE CITY OF UMATILLA, RECORDED IN VOLUME 5 OF PLATS, PAGE 31, RECORDS OF UMATILLA COUNTY, OREGON. BEING A PORTION OF SPECIAL WARRANTY DEED UNDER FILE NUMBER 2002-4200179.

NEW LEGAL DESCRIPTION

LOT 1 OF DOLLAR GENERAL REPLAT.

SITUATE IN THE CITY OF UMATILLA, COUNTY OF UMATILLA, OREGON.

SURVEY CERTIFICATION AND NARRATIVE

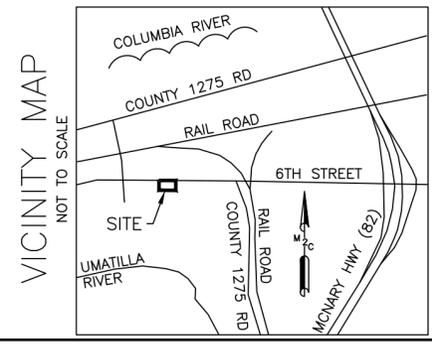
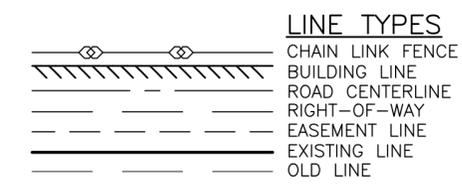
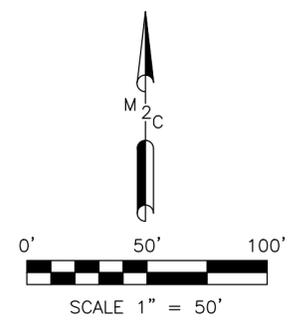
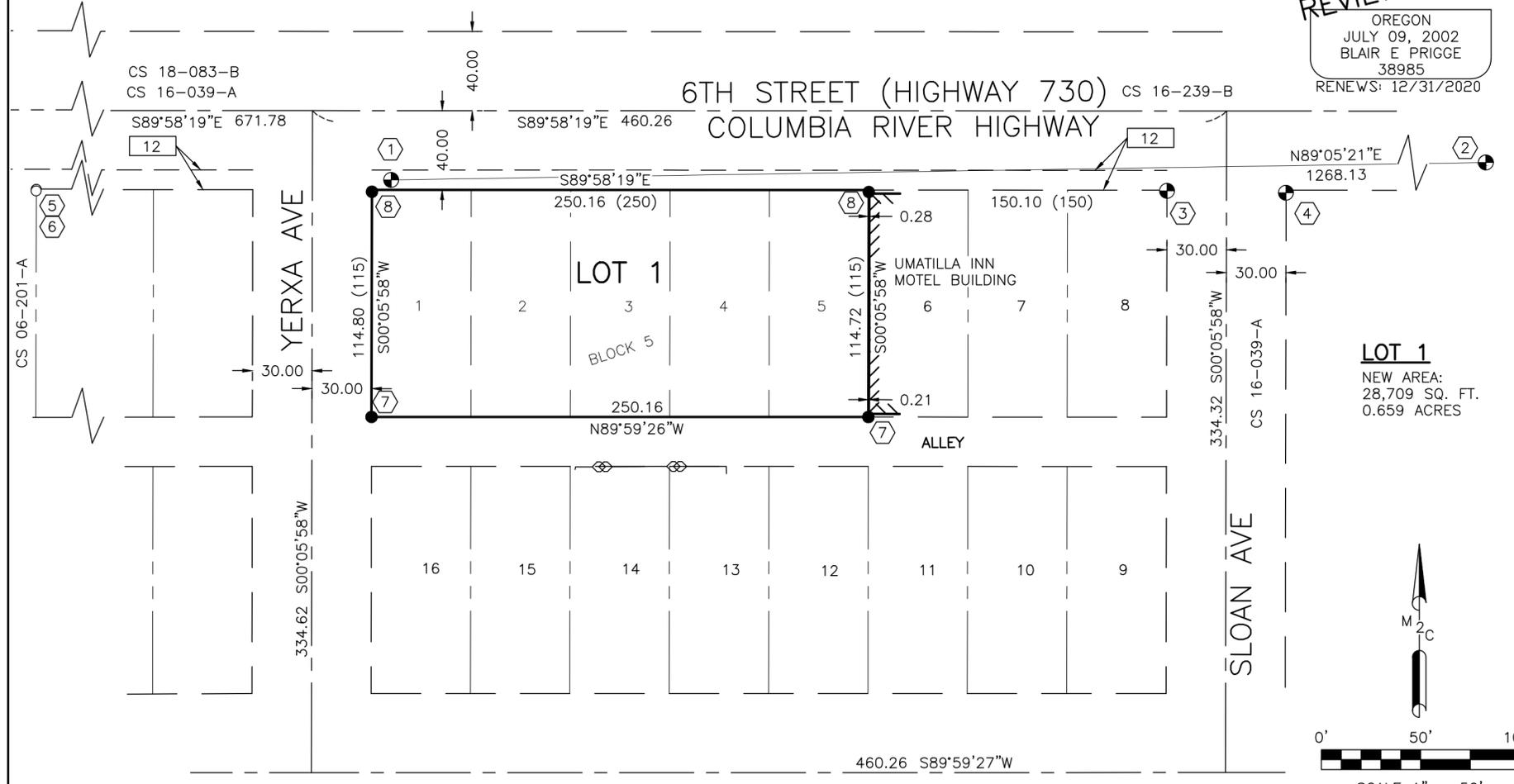
I, BLAIR E. PRIGGE, BEING A REGISTERED PROFESSIONAL LAND SURVEYOR IN THE STATE OF OREGON, CERTIFY THAT I HAVE CORRECTLY SURVEYED AND MONUMENTED THE LANDS DEPICTED ON THIS REPLAT, AND THIS REPLAT MEETS ALL THE REQUIREMENTS AS ESTABLISHED BY CHAPTER 92, OREGON REVISED STATUTES.

MTN2COAST, LLC (M2C) WAS RETAINED BY SimonCRE TO COMPLETE A REPLAT SURVEY OF LOTS 1, 2, 3, 4 AND 5, BLOCK 5, PLAT OF BROWNELL'S ADDITION TO THE CITY OF UMATILLA. THE PURPOSE OF THE REPLAT IS TO CONSOLIDATE LOT 1 THROUGH 5, BLOCK 5 OF BROWNELL'S ADDITION TO THE CITY OF OLYMPIA. M2C ESTABLISHED BLOCK 5 OF BROWNELL'S ADDITION IN THE FOLLOWING MANNER: THE CENTERLINE OF 6TH STREET WAS ESTABLISHED BY TYING ODOT MONUMENTS 721 AND 723 AS SHOWN ON CS 16-039-B AND HOLDING THEIR RELATIONSHIP TO THE CENTERLINE OF 6TH STREET. WE THEN TIED INTO PROPERTY CORNERS SHOWN ON CS 06-201-A TO ESTABLISH THE EAST-WEST RELATIONSHIP OF PROPERTY LINES ON THE WEST AND INTO CS 98-207-A TO ESTABLISH THE EAST-WEST RELATIONSHIP ON THE EAST. WE THEN SINGLE PROPORTIONED IN THE LOT LINES OF BLOCK 5 AS SHOWN ON THE MAP.

THE INITIAL CONTROL FOR THIS SURVEY WAS COMPLETED USING TOPCON GR5 GPS RECEIVERS AND THE LOCAL CORNERS WERE TIED AND SET USING A SOKKIA SX3 TOTAL STATION.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 09, 2002
BLAIR E PRIGGE
38985
RENEWS: 12/31/2020

REVIEW PRINT



MTN2COAST LLC
PROFESSIONAL LAND SURVEYORS
2320 MOTTMAN RD SW, STE 106
TUMWATER, WA 98512
360.688.1949

APPROVALS

WE CERTIFY THAT WE HAVE EXAMINED AND APPROVED THIS REPLAT FOR FILING IN THE COUNTY OF MORROW.

WEST EXTENSION IRRIGATION DISTRICT DATE

CITY OF UMATILLA DATE

UMATILLA COUNTY TAX COLLECTOR

I HEREBY CERTIFY THAT ALL TAXES AND ASSESSMENTS AGAINST THE LAND DESCRIBED HEREON HAVE BEEN PAID IN FULL INCLUDING THE YEAR 2020.

UMATILLA COUNTY ASSESSOR/TAX COLLECTOR DATE

UMATILLA COUNTY CLERK

STATE OF OREGON } S.S.
COUNTY OF UMATILLA }

I CERTIFY THAT THE WITHIN INSTRUMENT WAS RECEIVED AND FILED FOR RECORD ON

EASEMENTS:
12. EASEMENT, INCLUDING THE TERMS AND PROVISIONS THEREOF, GRANTEE : PACIFIC TELEPHONE AND TELEGRAPH COMPANY RECORDED : AUGUST 14, 1951, BOOK 198, PAGE 84, DEED RECORDS.

Table with 3 columns: DRAWN BY (PBJ), CHECKED BY (BEP), AUDITORS INDEX (SW1/4 NE1/4, SECTION 17, TOWNSHIP 5N, RANGE 28E, W.M.); DATE (09/24/2020), SCALE (1"=50'); JOB NUMBER (20-294), SHEET NUMBER (SV-1 OF 1).

**CITY OF UMATILLA PLANNING COMMISSION  
REPORT AND RECCOMENDATION  
FOR  
CONDITIONAL USE CU-3-20 & SITE PLAN SP-4-20**

**DATE OF HEARING:** October 27, 2020

**REPORT PREPARED BY:** Jacob Foutz, Associate Planner

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**I. GENERAL INFORMATION AND FACTS**

**Applicant:** Joshua Schripsema, SimonCRE SD IV, LLC, 6900 E. 2<sup>nd</sup> Street, Scottsdale, AZ 85251.

**Property Owners:** Hasmukh Mistry, 1630 S Honeysuckle St, Kennewick, WA 99338.

**Land Use Review:** Conditional use and site plan review to establish an 7,500 square foot Dollar General retail store.

**Property Description:** Township 5N, Range 28, Section 17AC, Tax Lots 4700, 4800, 4900, 5000, 5100.

**Location:** The subject properties have addresses of 1410-1450 6<sup>th</sup> Street, Umatilla, OR 97882.

**Existing Development:** The property is currently undeveloped.

**Proposed Development:** The applicant requests approval to construct an approximately 7,500 SF Dollar General retail store.

**Zone** Downtown Transitional (DT).

**Adjacent Land Use(s):**

<b>Adjacent Property</b>	<b>Zoning</b>	<b>Use</b>
North	Downtown Transitional	Harvest Foods Grocery Store
South	Downtown Residential	Single Family Homes
East	Downtown Transitional	Umatilla Inn & Suites
West	Downtown Transitional	Umatilla Inn & Suites

## **II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, Joshua Schripsema, SimonCRE, is the representing agent for Dollar General. The applicant is proposing to develop the site with a new 7,500 SF Dollar General Storefront. Dollar General’s website states “Our stores deliver everyday low prices on items including food, snacks, health and beauty aids, cleaning supplies, basic apparel, housewares, seasonal items, paper products and much more from America’s most-trusted brands and products, along with Dollar General’s high-quality private brands.”

A new Dollar General Storefront may be considered a “supermarket and other grocery store” or a “general merchandise store” and are subject to the procedures and standards as contained in Chapter 4 of the City of Umatilla Zoning Ordinance (CUZO). “Supermarket and other grocery store” and “general merchandise store” are allowed as a Conditional Use in the Downtown Transitional Zone.

## **III. ANALYSIS**

The criteria applicable to this request are shown in underlined text and the responses are shown in standard text. All of the following criteria must be satisfied in order for this request to be approved.

### **CUZO 10-12-1: AUTHORIZATION TO GRANT OR DENY:**

A. Approval Criteria: The applicant shall carry the burden of proof in demonstrating that the following review criteria are satisfied, in addition to any specific criteria and standards in this Chapter, other applicable chapters of this Title, and this Code. If any of the following criteria and other applicable standards cannot be satisfied by requiring conditions with the approval, the use shall be denied:

1. Applicable Plans: The conditional use application complies with applicable policies of the Umatilla City Comprehensive Plan.

**Findings:** The CUZO implements the comprehensive plan goals and policies. If a request is found to meet or be capable of meeting the applicable standards and criteria in the CUZO the request is considered to be consistent with the comprehensive plan.

**Conclusion:** This request is found to meet or be capable of meeting all of the applicable standards and criteria in the CUZO as addressed in this report.

2. Code Provisions: The proposal complies with all applicable provisions of this Code, including, but not limited to, provisions of this Chapter, the base district, and site review, as well as any other applicable provisions of this Code.

**Findings:** This report outlines the applicable provision of the CUZO. If the request is found to meet all of the standards and criteria as addressed in this report the request will comply with this standard.

**Conclusion:** The request is found to meet or be capable of meeting all of the applicable criteria of the CUZO as addressed in this report.

3. Use Characteristics: If the proposed use is a community service, application shall include evidence to demonstrate that the proposed use is needed within the community to provide

a social or technical benefit.

**Findings:** The proposed use is not a community service.

**Conclusion:** The proposed use is not a community service.

4. Site Characteristics: The site is appropriate for the proposed use, considering, but not limited to, the following factors: neighboring land use, adequacy of transportation facilities and access, site size and configuration, adequacy of public facilities.

**Findings:** The proposed use of the property will be to construct a 7,500 SF Dollar General Storefront. The neighboring uses are a grocery store, motel facilities, and single-family residences. To the south there are pre-existing single-family residences located in the Downtown Residential Zone. The proposed use and the single-family residences are separated by an approximate 25-foot alley. The subject site is served by both Yerxa and Highway 730, both facilities provide adequate access. After a proposed replat, which will proceed this application, the subject site will be approximately 30,000 SF exceeding size requirements. The configuration of the store is shown facing HWY 730 in a way that meets configuration requirements as addressed in this report. In addition, both City water and sewer service are capable of serving the site.

**Conclusion:** Due to the neighboring land use, adequacy of transportation facilities/access, site size/configuration, and adequacy of public facilities the subject property has been found to be appropriate according to the above criteria.

5. Impacts On The Neighborhood: Potential impacts on neighboring properties shall be identified. Mitigating measures shall be identified for unavoidable adverse impacts.
6. Impacts On The Community: Potential impacts on the community shall be identified, including, but not limited to, public facilities, land supply within the particular zoning district, impact on housing, etc. Potential benefits of a proposed use may outweigh potential impacts, but such benefits and impacts should be identified. Unavoidable adverse impacts should be mitigated to the extent possible.

**Findings:** There are no potential negative impacts on neighboring properties other than those expected by being in the Downtown Transitional Zone. A letter sent by JUB Engineers states: "capacity issues are not anticipated at any nearby intersections due to the proposed site." Some changes to the median on HWY 730 have been recommended and ODOT has been notified. All improvements located within the right of way of HWY 730 is subject to ODOT review and approval. These changes can be seen on the attached Dollar General-Trip Generation Letter. With this proposed development land supply within the Downtown Transitional District remains in excess.

**Conclusion:** Visual impacts will be limited by the inclusion of landscaping. Some impacts from construction activities, such as noise from equipment or displaced parking may occur but should be temporary. Staff did not identify any adverse impacts that would result from the proposed use.

## **CUZO 10-4B-7: PROPERTY DEVELOPMENT STANDARDS:**

### A. Basic Site Development Standards:

#### 1. Minimum Lot Size And Lot Width; Building Setbacks; Maximum Building Height And Site Coverage:

<u>Minimum lot or parcel size:</u>	
<u>Commercial uses</u>	<u>None</u>
<u>Minimum lot width</u>	<u>None</u>
<u>Maximum front or street side yard setback</u>	<u>10 feet; the maximum front yard setback may be increased by 10 feet if the setback is occupied by an outdoor feature relating to the business or public amenity such as seating or artwork</u>
<u>Minimum yard setbacks:</u>	
<u>Front and rear yards</u>	<u>0 feet or 10 feet if adjacent to a residential district</u>
<u>Side yard</u>	<u>0 feet or 10 feet if adjacent to a residential district</u>
<u>Street side yard</u>	<u>1 foot</u>
<u>Parking space</u>	<u>10 feet wide; see chapter 9 of this title for parking standards</u>
<u>Maximum building height</u>	<u>35 feet</u>
<u>Maximum site coverage (building and impervious surface)</u>	<u>95 percent</u>

**Findings:** The proposed building and lot will exceed the minimum requirements.

**Conclusion:** The proposed building and lot exceeds the minimum standards for new buildings and lots located in the Downtown Transitional Zoning district.

**B. Site Development Impact Standards:**

1. Traffic Impact Analysis: A traffic impact analysis meeting the requirements under subsection 10-11-10C of this title shall be required to be submitted to the city with a land use application, when the community development director determines that the application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
- b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute Of Transportation Engineers' "Trip Generation Manual"; and information and studies provided by the local reviewing jurisdiction and/or ODOT:
  - (1) An increase in site traffic volume generation by two hundred fifty (250) average daily trips (ADT) or more (or as required by the city engineer). The latest edition of the "Trip Generation Manual", published by the Institute Of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or
  - (2) An increase in use of adjacent streets by vehicles exceeding the twenty thousand (20,000) pounds' gross vehicle weight by ten (10) vehicles or more per day; or
  - (3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or
  - (4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or
  - (5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

**Findings:** As addressed in the applicant's trip generation letter the proposed Dollar General will generate approximately 304 average daily trips. Therefore, Section 10-11-10 are applicable to this request.

**Conclusion:** The applicant's submitted trip generation letter indicated that the proposed use will generate more than 250 average daily trips. The relevant criteria in Section 10-11-10 is addressed below and found to be met.

C. Traffic Impact Analysis Requirements:

1. Preparation: A Traffic Impact Analysis shall be prepared by an Oregon registered professional engineer that is qualified to perform traffic engineering analysis and will be paid for by the applicant.

2. Transportation Planning Rule Compliance: See section 10-13-3, "Amendments To The Zoning Text Or Map", of this title.

3. Pre-Application Conference: The applicant will meet with the Umatilla Public Works Director and Planning Director prior to submitting an application that requires a Traffic Impact Analysis. The City has the discretion to determine the required elements of the TIA and the level of analysis expected. The City shall also consult the Oregon Department of Transportation (ODOT) on analysis requirements when the site of the proposal is adjacent to or otherwise affects a State roadway.

**Findings:** The applicant and Staff met with ODOT on September 10, 2020 for a pre-application conference. ODOT and Umatilla Public Works Director decided that a Trip generation letter would satisfy the requirements of a TIA.

**Conclusion:** The attached Trip Generation letter was recommended by ODOT as well as City of Umatilla to fulfill the Traffic Impact Analysis Requirements.

b. Access Connections: Where no other alternative exists, the city may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

c. Cross Access Drives, Pedestrian Access: Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

d. Separation Distance: The city may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

(1) Joint access driveways and cross access easements are provided.

(2) The site plan incorporates a unified access and circulation system.

(3) The property owner enters into a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of a joint use driveway.

(4) The city may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Phased Developments: Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not

the minimum for that frontage.

**Findings:** An existing ODOT permitted access is on Highway 730 and will be used for the Subject property. No new access will be constructed.

**Conclusion:** No new access will be constructed. This criterion is not applicable.

f. Corner Lots: Corner lots shall be required to locate motor vehicle accesses on the street with the lower functional classification when feasible provided such access will not be located within the functional area of the intersection. This requirement may be waived or modified when a commercial use would be required to take access from a street in a residential neighborhood.

g. Nonconforming Access Features: Legal access connections in place when this title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits are requested or when there is a change in use or enlargement or improvement that will increase trip generation.

**Findings:** The applicant is proposing to utilize the existing approach from Highway 730. Preliminary discussion with ODOT indicate that the proposed use will not be considered a change of use. Therefore, the applicant may be allowed to utilize the existing approach from Highway 730 as a nonconforming access.

**Conclusion:** City and ODOT staff agreed at the pre-application meeting with the applicant that the proposed use would not warrant a change of use. Staff agreed that a trip generation letter was appropriate for the proposed use and would not require additional analysis. Therefore, the existing approach may be considered a nonconforming access feather and is considered to meet these criteria.

#### 5. Driveway Standards:

a. If the driveway is one-way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.

b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty five feet (35') for both lanes.

c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

**Findings:** The submitted site plan shows an approximately thirty feet (30') wide concrete/asphalt driveway. The proposed driveway is adequate to serve the proposed use.

**Conclusion:** The proposed driveway will serve as a two-way access point into the subject property. The proposed driveway exceeds the required width. There is sufficient space onsite accommodate traffic entering or exiting the site.

6. Utilities: All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in accordance with city standards.

**Findings:** All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground.

**Conclusion:** This standard is best enforced as a condition of approval. This can be found in section V.

7. Easements: An applicant should discuss with the city planning official the likelihood that any easement will be required prior to making application. When an easement is required based on findings that justify the easement, the following standards shall apply:

a. Pedestrian Easements: In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

b. Open Space Easements: An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

c. General Public Easements: When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right of way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width.

**Findings:** No easements are proposed or required as part of this application.

**Conclusion:** No easements are proposed or required as part of this application. This criterion does not apply.

C. Special Site And Building Design Standards:

1. Building Orientation And Architectural Features:

a. The primary building and entry shall be oriented toward the fronting street. On corner lots, building entrances shall face the primary fronting street or the corner.

b. The primary building shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows or doorways.

c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or decorative elements.

d. Awnings that extend into the right of way over the public sidewalk are permitted on commercial buildings. Awnings shall not bisect transom windows.

**Findings:** The intent of these standards are to required new building to be oriented towards the street and incorporate windows, display areas and architectural elements designed to attract customers. No Awnings that extend into the right of way have been proposed. The submitted preliminary elevation shows the 20% windows facing Highway 730, along with decorative brick and metal creating an inviting look for customers. As shown on the submitted site plan the building will be oriented towards Highway 730 (the fronting street)

**Conclusion:** The intent of these standards is to incorporate design elements into new building that will be attractive to customers. The proposed site plan and preliminary elevation show an attractive building which will enhance the look of downtown Umatilla.

2. Off Street Parking, Loading And Unloading: See chapter 9 of this title for specific design standards for parking spaces and parking areas.

a. Within the DT zone, the minimum off street parking requirement shall be one-half (1/2) of the number of parking spaces specified for uses in chapter 9 of this title and parking spaces on the public street adjacent to the subject property may be counted to fulfill the parking requirement.

**Findings:** According to Section 10-9-3 the required parking for this proposed development is 1 space for each 400 square feet of gross floor area. With a building 7500 Sqft in size approximately 19 spots would be required, due to the fact that the proposed property is in the DT zone, the parking requirement is half and would come to a required 10 spots. The applicants site plan shows a total of 35 parking spots exceeding the requirement.

**Conclusion:** The applicant's proposed 35 parking spots exceed the City required 10 parking spots.

b. When any new off street parking is provided, parking areas shall be located behind buildings or to a nonstreet side yard such that buildings separate parking areas from the street, unless there is no feasible alternative.

c. Existing or proposed off street parking areas between the front or side of a building and the public right of way shall be separated from the right of way with a minimum thirty inch (30") wide landscape strip (see landscape requirements).

d. Parking bumpers shall be set at least six feet (6') from the property/right of way line for parking spaces established perpendicular to the right of way. Parking bumpers shall be securely fastened to the pavement or ground.

e. Parking within the street right of way along a street side yard shall maintain a six foot (6') separation from the edge of the right of way/property line to allow for a pedestrian walkway. Separation shall be maintained by the use of parking bumpers, an extruded curb or other barrier, as approved by the city public works director. No parking shall be allowed within twenty feet (20') of an intersection or crosswalk.

**Findings:** The proposed landscape concept plan shows that parking will be separated from the street by a curb as well as landscaping. The proposed curb can have the same effect as parking bumpers, effectively meeting the requirement.

**Conclusion:** The proposed landscaping and curb will create a sufficient barrier for aesthetic as well as functional purposes.

f. Loading and/or unloading of truck freight may occur on site, or within an alley or a local side street, but not within the right of way of 6th Street.

**Findings:** The proposed site plan shows the loading area for the storefront to be adjacent to the alley.

**Conclusion:** The loading dock will be adjacent to the alley and will not be within the right of way of 6<sup>th</sup> street.

### 3. Bicycle And Pedestrian Facilities And Easements:

a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned

bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or if findings justify the need to address anticipated impacts from the proposed development.

**Findings:** No bicycle or pedestrian easements will be required.

**Conclusion:** No bicycle or pedestrian easements will be required.

b. Developments shall provide an on site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

**Findings:** The proposed use is a storefront. The proposed site plan shows sidewalks being provided for internal pedestrian use. The majority of the foot traffic will be pedestrians exiting their cars and entering the storefront. The proposed internal sidewalks will connect to the sidewalks along Highway 730 thus creating an access to existing right of way facilities.

**Conclusion:** The sidewalks shown on the proposed site plan accomplish the purpose of this criterion.

#### 4. Landscaping, Lighting And Outdoor Storage:

a. At least five percent (5%) of the site shall be landscaped. A minimum thirty inch (30") wide landscape strip along street frontages and building fronts must be included in the landscape plan to accommodate surface water runoff from the site and to enhance the street appearance of the development.

b. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two (2) of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.

c. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.

d. Pedestrian amenities, such as benches, plazas, fountains, and sculptures that are high quality and provided for public use or enjoyment, may replace up to one-third ( $\frac{1}{3}$ ) of the required landscaping, but shall not replace required landscaping along street frontages or building fronts.

e. Parking areas shall be landscaped as prescribed in subsection 10-9-2D of this title.

f. Lighting may be required on the site, such as between parking areas and buildings or along walkways based on findings that justify the need to protect the public health, safety or welfare. All on site lighting shall be shielded to prevent off site glare or nuisance to traffic or neighboring properties.

**Findings:** The applicant has a submitted landscape plan that shows 7.45 percent of the subject property will be landscaped. The landscape plan shows a landscape strip along the street frontages and the building that appears to exceed the 30" landscaping minimum. The landscaping plan also shows 3 different tree types, 2 shrub types, perennial flowers as well as ornamental grass and basalt rock mulch. A condition of approval will be requiring irrigation or a letter from a landscape architect stating the selected plants do not require irrigation. The parking areas are shown to be landscaped, as well as having sufficient lighting.

**Conclusion:** The applicant submitted site plan includes landscaping and lighting that will meet these criteria.

g. Outdoor storage and garbage collection areas shall be entirely screened with a six foot (6') high sight obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.

**Findings:** The submitted site plan shows garbage collection areas being screened by a “Dumpster Enclosure”. No outdoor storage is proposed.

**Conclusion:** The shown garbage collection area will be screened by a “Dumpster Enclosure” this satisfies the criterion.

h. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.

**Findings:** This standard is best met as a condition of approval.

**Conclusion:** This standard will be met as a condition of approval.

5. Vision Clearance Area And Fences: See section 10-11-4 and subsection 10-11-1B of this title.

7. Signs: See title 8, chapter 2 of this code. (Ord. 799, 11-3-2015)

**Findings:** According to the submitted site plan the required 15 foot clear vision area will be met. According to the submitted proposed exterior elevation the proposed sign is in accordance with Title 8, chapter 2 of this code.

**Conclusion:** The proposed site will meet the requirements of the clear vision area as well as the sign code. No fence is proposed.

### **CUZO 10-13-2: SITE REVIEW:**

#### **B. Application:**

3. Site Design Criteria And Standards For Nonresidential Developments: The following requirements are in addition to any requirements specified in the applicable zoning district:

a. Landscaped areas shall be provided with automatic irrigation unless a landscape architect certifies that plants will survive without irrigation.

**Findings:** The applicant has submitted a conceptual landscape plan. The plan does not explicitly state there will be automatic irrigation but it is assumed with the type of vegetation being used. A condition of approval will require an automatic irrigation system servicing all plants on the conceptual landscape plan.

**Conclusion:** The applicant did not identify on the submitted conceptual landscape plan where the irrigation would go. A condition of approval requiring the applicant to provide a letter from a landscape architect or to provide irrigation would satisfy this requirement.

b. Landscaping shall be located along street frontages and building fronts to enhance the street appearance of a development.

**Findings:** The submitted conceptual landscape plan shows landscaping will be provided along the street frontage of the property.

**Conclusion:** The submitted conceptual landscape plan shows landscaping will be provided along the street frontage. The proposed landscaping is considered to enhance the street appearance of the development.

- c. Outdoor storage and garbage collection areas shall be entirely screened with vegetation, fence, or wall.

**Findings:** The submitted site plan shows garbage collection areas being screened by a “Dumpster Enclosure” No outdoor storage is proposed.

**Conclusion:** The shown garbage collection area will be screened by a “Dumpster Enclosure” this satisfies the criterion.

- d. Based on anticipated vehicle and pedestrian traffic and the condition of adjacent streets and rights of way, the city may require right of way improvements including, but not limited to, paving, curbs, sidewalks, bikeways, lighting, turn lanes, and other facilities needed because of anticipated vehicle and pedestrian traffic generation. Minimum requirements shall conform to the standards of subsection 11-4-2C of this code, minimum street standards and the public works standards.

**Findings:** The City will require right of way improvements including curb, sidewalks and other improvements necessary to bring the street frontage up to a current City standard. Improvements within the right of way will be reviewed and approved by the public works director.

**Conclusion:** The applicant is responsible for their proportionate share of improvements within the right of way including curb, sidewalks and other improvements. A condition of approval requiring the applicant to obtain a right of way permit for work within the right of way will satisfy this requirement.

- e. Access shall generally be taken from the higher classification street when a development fronts more than one street, except in the case of developments along Highway 730, which shall take access from an alley or a side street unless there is no alternative.

**Findings:** The subject property has an existing ODOT approved access on Highway 730. The proposed Dollar General will its access on Highway 730.

**Conclusion:** The subject property has an existing ODOT approved access on Highway 730. The proposed Dollar General will its access on Highway 730.

- f. Developments shall provide an on-site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips, or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings or both. Walkways shall be in clearly visible locations to promote safety.

Walkways shall be hard surfaced.

**Findings:** The proposed use is a storefront. The proposed site plan shows sidewalks being provided for internal pedestrian use. The majority of the foot traffic will be pedestrians exiting their cars and entering the storefront. The proposed internal sidewalks will connect to the new sidewalks along Highway 730 thus creating an access to existing City Right of Way facilities.

**Conclusion:** The sidewalks shown on the proposed site plan accomplish the purpose of this criterion.

- g. The primary building and entry orientation shall be to the fronting street rather than a parking lot.
- h. All buildings shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows, or doorways.
- i. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entries, or similar architectural or decorative elements.

**Findings:** The intent of these standards are to required new building to be oriented towards the street and incorporate windows, display areas and architectural elements designed to attract customers. The submitted preliminary elevation shows the 20% windows facing Highway 730, along with decorative brick and metal creating an inviting look for customers.

**Conclusion:** The intent of these standards is to incorporate design elements into new building that will be attractive to customers. The proposed site plan and preliminary elevation show an attractive building which will enhance the look of downtown Umatilla.

- j. A drive-through use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.

**Findings:** The proposed use does not include a drive-through use.

**Conclusion:** The request does not include a drive-through use. This criterion is not applicable.

4. Access Standards For All Uses

- a. New Connections: New connections shall not be permitted within the functional area of an intersection or interchange as defined by the connection spacing standards of this title and public works standards, unless no other reasonable access to the property is available.

**Findings:** The proposed access point is not located within the functional area of an intersection or interchange.

**Conclusion:** The proposed access point is not located within the functional area of an intersection or interchange.

- b. Access Connections: Where no other alternative exists, the city administrator may

allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

**Findings:** As addressed above the primary access point onto the site is not within a functional area of an intersection.

**Conclusion:** The primary access point onto the site is not within a functional area of an intersection.

- c. Cross Access Drives, Pedestrian Access: Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

**Findings:** There are no adjacent commercial or office properties that are considered major traffic generators.

**Conclusion:** The subject property is not located adjacent to commercial or office properties that are major tragic generators. This criterion is not applicable.

- d. Separation Distance: The city may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

- (1) Joint access driveways and cross access easements are provided.
- (2) The site plan incorporates a unified access and circulation system.
- (3) The property owner enters into a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of a joint use driveway.
- (4) The city may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

**Findings:** The applicant is not proposing to reduce the required separation distance of access points.

**Conclusion:** The applicant is not proposing to reduce the required separation distance of access points. These criteria are not applicable.

- e. Driveway Standards: Driveways shall meet the following standards:

- (1) If the driveway is one way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.
- (2) For two-way access, each lane shall have a minimum width of ten feet (10').
- (3) The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

**Findings:** The submitted site plan shows an approximately thirty feet (30') wide concrete/asphalt driveway. The proposed driveway is adequate to serve the proposed use.

**Conclusion:** The proposed driveway will serve as a two-way access point into the subject property. The proposed driveway exceeds the required width. There is sufficient space onsite accommodate traffic entering or exiting the site.

- f. Phased Developments: Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purposes of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

**Findings:** The proposed development is not part of a phased development.

**Conclusion:** The proposed development is not part of a phased development. This criterion is not applicable.

- g. Nonconforming Access Features: Legal access connections in place when this title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits are requested or when there is a change in use or enlargement or improvement that will increase trip generation.

**Findings:** The property has no existing access connection points that are considered nonconforming.

**Conclusion:** The property does not have nonconforming access features. This criterion is not applicable.

- h. Reverse Frontage: Lots that front on more than one street shall be required to locate motor vehicle accesses on the street with the lower functional classification. This requirement may be waived or modified when a commercial or industrial use would be required to take access from a street in a residential neighborhood.

**Findings:** The subject property has frontage on more than one street. An existing ODOT permitted access is on Highway 730 and will be used for the Subject property. No new access will be constructed.

**Conclusion:** The property does have frontage on more than one street. Due to an existing ODOT permitted access it is not required to be moved to a lower classification.

Review by The Oregon State Department Of Transportation: Any application that involves access to the state highway system shall be reviewed by the Oregon department of transportation for conformance with state access management standards. In the I-82/U.S. 730 interchange area management plan (IAMP) management area, proposed access shall be consistent with the access management plan in section 7 of the IAMP.

**Findings:** ODOT has been involved in the process and attended the pre-application meeting. ODOT has been involved in email correspondence showing the proposed site plan and we have noticed ODOT about this application.

**Conclusion:** Access will be from a state highway using a ODOT approved access. In addition, the subject property and proposed access points are not located with the I-

#### **IV. SUMMARY AND PLANNING COMMISSION DECISION**

The applicant is proposing to develop the site with a new 7500 square foot Dollar General Storefront. The submitted materials meet or are capable of meeting the standards and criteria of approval as addressed in this report. Therefore, based on the information in Sections I and II of this report, and the above criteria, findings of fact and conclusions addressed in Section III, the City of Umatilla Staff **RECOMMENDS** that the Planning Commission **APPROVES** Conditional Use, CU-3-20, subject to the conditions of approval contained in Section V.

#### **V. CONDITIONS OF APPROVAL**

1. The applicant must obtain all federal, state and local permits or licenses prior to starting construction activities.
2. The applicant shall provide a letter from a landscape architect to certify the selected plants will survive without irrigation or shall provide automatic irrigation.
3. The applicant shall be required to install sidewalks, curbs and/or gutters and other improvements necessary along the property abutting Yerxa Ave according to City public works standards, as well as Highway 730 to meet ODOT standards. The applicant shall obtain approval of a right-of-way permit from the proper regulator prior to performing any work within the right-of-way.
4. If any historic, cultural or other archaeological artifacts, or human remains are discovered during construction the applicant shall immediately cease construction activity, secure the site, and notify appropriate agencies including but not limited to the City of Umatilla, Oregon State Historic Preservation Office and the Confederated Tribes of the Umatilla Indian Reservation (CTUIR) Cultural Resources Protection Program.
5. The applicant must establish the proposed use within one year of the date of the final approval unless the applicant applies for and receives an extension prior to the expiration of the approval.
6. Failure to comply with the conditions of approval established herein may result in revocation of this approval.
7. The applicant shall obtain a City business license prior to starting operation of the business.
8. All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground.
9. Annual renewal of a business license for this Dollar General location shall be contingent upon satisfactory maintenance of landscaped areas.

## **VI. EXHIBITS**

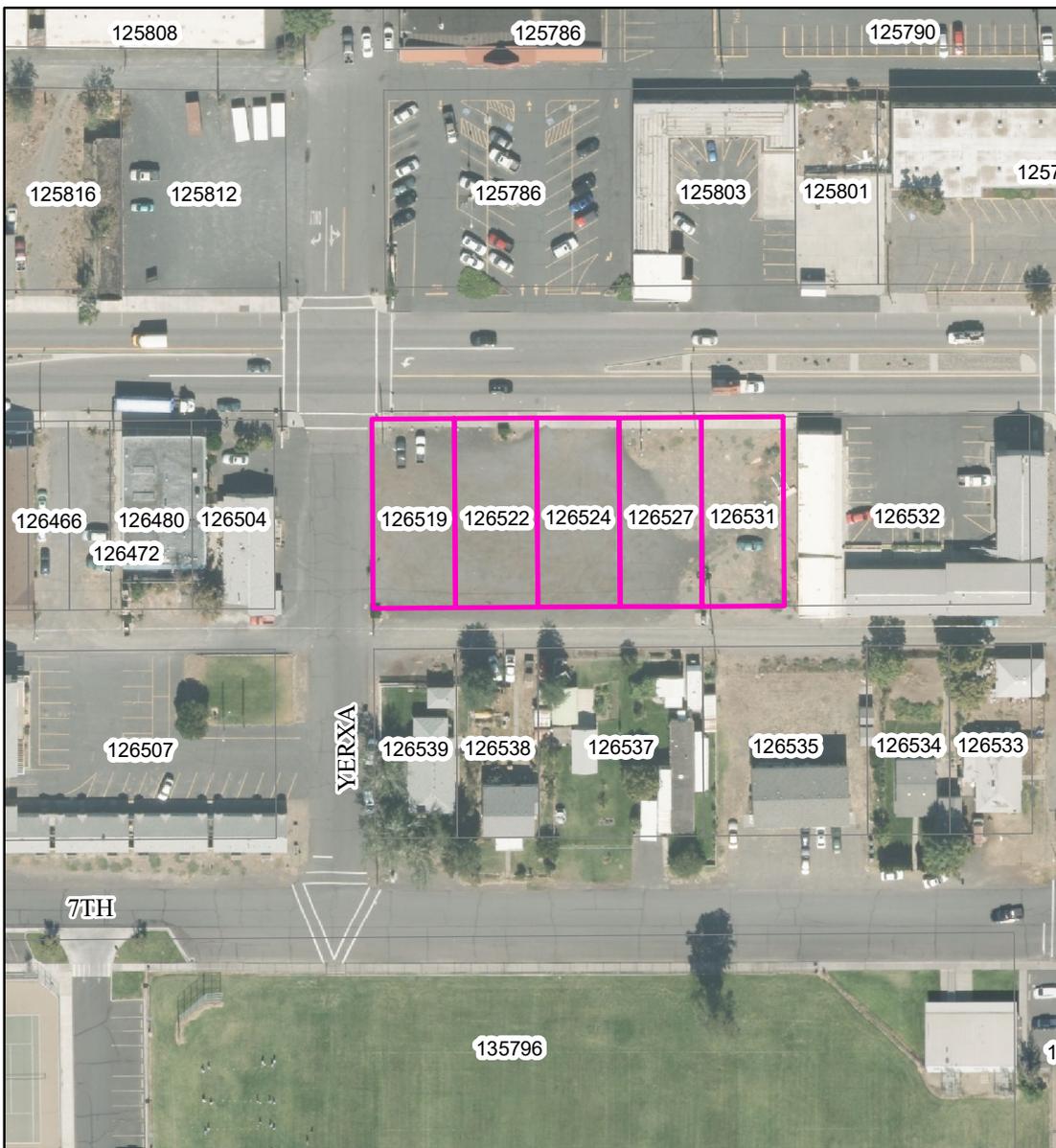
Exhibit A – Public Notice Map

Exhibit B – Applicant’s Site Plan

Exhibit C Applicant’s Proposed Exterior Elevations

Exhibit D Applicant’s submitted concept landscape plan

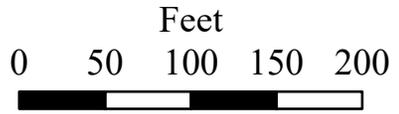
Exhibit E Trip Generation Letter



TAX & MAP	Property Owners within 100'	
	Account #	Owner
5N2817AC00101	125786	BIG COWBOY LLC
5N2817AC00300	125797	QUINONES PROPERTIES LLC
5N2817AC00400	125801	MISTRY HUSMUKH & REKHA B
5N2817AC00500	125803	MISTRY HUSMUKH & REKHA B
5N2817AC00900	125812	DESERT WIND INC
5N2817AC03800	126504	SHREE KRISHNA PROPERTIES LLC
5N2817AC04200	126507	SHREE KRISHNA PROPERTIES LLC
5N2817AC04700	126519	SHREE KRISHNA PROPERTIES LLC
5N2817AC04800	126522	SHREE KRISHNA PROPERTIES LLC
5N2817AC04900	126524	SHREE KRISHNA PROPERTIES LLC
5N2817AC05000	126527	SHREE KRISHNA PROPERTIES LLC
5N2817AC05100	126531	SHREE KRISHNA PROPERTIES LLC
5N2817AC05200	126532	SHREE KRISHNA PROPERTIES LLC
5N2817AC05600	126534	SALAS LUCAS & CARRILLO MARIA J
5N2817AC05700	126535	CIMMIYOTTI SCOTT M & FRANCES R (TRS)
5N2817AC05801	126537	GEORGE WILLIS & AUDREY
5N2817AC05900	126538	BORCHERT DAVID C & CECILIA J
5N2817AC06000	126539	MISTRY HAMUCKH & REKHA B



**CU-3-20, SP-4-20, RP-2-20**  
**DOLLAR GENERAL**  
**5N2817AC TL 4700,4800,4900,5000,5100**

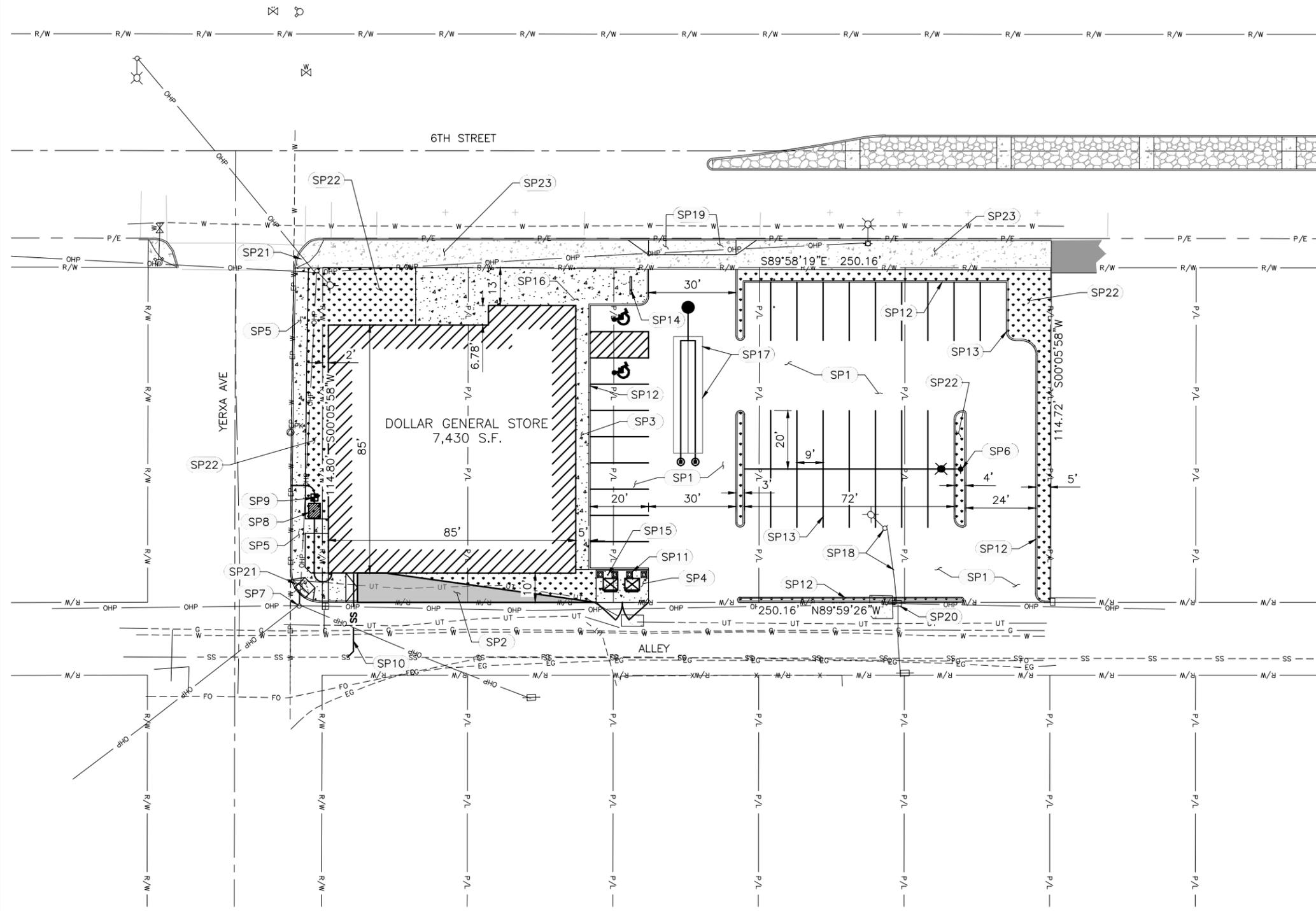
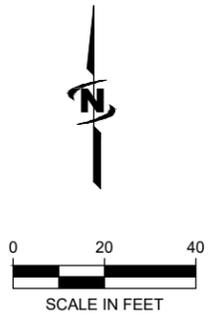


**Legend**

- Proposed Dollar General Site
- Tax Lots 8-26-20



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 10/5/2020



**KEYED NOTES:**

- SITE PLAN**
- SP1 STANDARD DUTY ASPHALT
  - SP2 HEAVY DUTY ASPHALT
  - SP3 CONCRETE SIDEWALK
  - SP4 THICKENED CONCRETE PAD
  - SP5 NEW CURB GUTTER AND SIDEWALK
  - SP6 PARKING LOT LIGHTING
  - SP7 RELOCATE EXISTING UTILITY POLE
  - SP8 1" DCVA
  - SP9 1" WATER METER
  - SP10 PVC SANITARY SEWER SERVICE
  - SP11 BOLLARD
  - SP12 CONCRETE CURB AND GUTTER
  - SP13 4" WIDE SOLID YELLOW PAINTED STRIPE, TYP.
  - SP14 PROPOSED PYLON SIGN
  - SP15 DUMPSTER ENCLOSURE
  - SP16 BICYCLE RACK TO BE PLACED AT FRONT OF BUILDING
  - SP17 SUBSURFACE INFILTRATION TRENCH
  - SP18 EXISTING LIGHT POLE AND OVERHEAD LINES TO BE REMOVED
  - SP19 LOCATION OF EXISTING DRIVEWAY TO BE REUSED. NEW CONCRETE AND ADA RAMP TO BE INSTALLED IN ACCORDANCE WITH CITY STANDARD DETAILS.
  - SP20 NEW POLE MOUNTED TRANSFORMER. ROUTE UNDERGROUND POWER TO BUILDING.
  - SP21 NEW ADA RAMP
  - SP22 LANDSCAPE AREAS TO BE DESIGNED BY LICENSED LANDSCAPE ARCHITECT.
  - SP23 RETAIN AND PROTECT EXISTING CURB, GUTTER, AND SIDEWALK.

- NOTES:**
1. COMBINE FIVE EXISTING LOTS INTO ONE PROPOSED LOT.
  2. PARKING 33 STANDARD STALLS  
1 ACCESSIBLE STALL  
1 VAN ACCESSIBLE STALL  
10 PARKING STALLS REQUIRED
  3. AREAS  
IMPERVIOUS AREA: 26,570 S.F.  
LANDSCAPED AREA: 2,140 S.F.  
TOTAL PROPERTY: 28,710 S.F.

PRELIMINARY  
PLANS

NOT FOR  
CONSTRUCTION

REUSE OF DRAWINGS  
JUB SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT, AND OTHER RIGHTS IN THIS DRAWING. NO PART OF THIS DRAWING SHALL BE REUSED WITHOUT WRITTEN CONSENT BY JUB. ANY REUSE WITHOUT WRITTEN CONSENT BY JUB WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO JUB.

NO.	REVISION	DESCRIPTION	BY	DATE

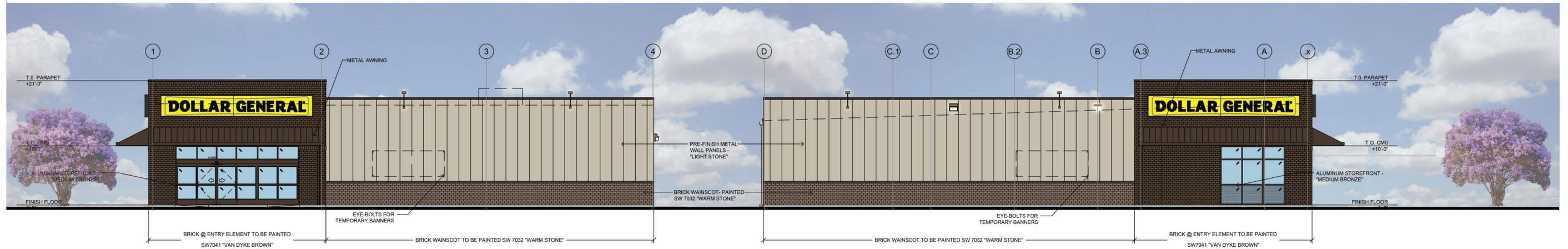
DOLLAR GENERAL  
UMATILLA, OR

CONCEPT SITE PLAN

FILE: 30-20-065\_C-100  
JUB PROJ. #: 30-20-065  
DRAWN BY: JGC  
DESIGN BY: EEF  
CHECKED BY: EEF  
AT FULL SIZE, IF NOT ONE INCH SCALE ACCORDINGLY  
LAST UPDATED: 9/28/2020

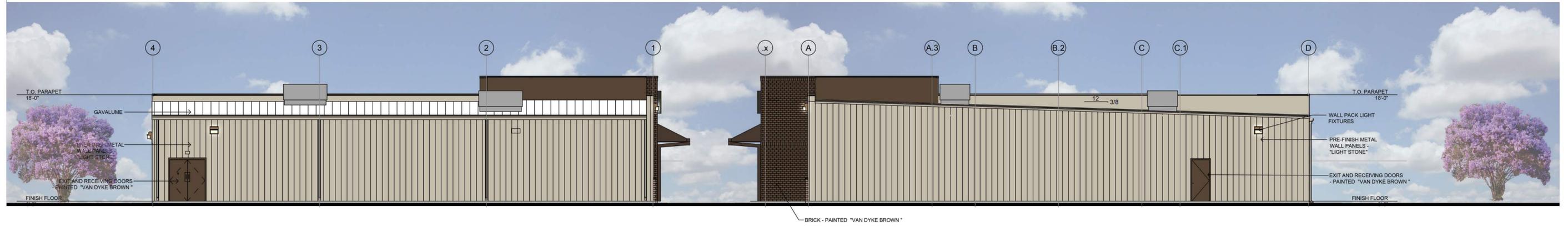
SHEET NUMBER:

**C-100**



FRONT ELEVATION - SOUTH  
6TH STREET (HWY 730)

SIDE ELEVATION - WEST  
PARKING LOT



REAR ELEVATION - NORTH  
ALLEY

SIDE ELEVATION - EAST  
YERXA AVENUE

# DOLLAR GENERAL UMATILLA Retail Store

Umatilla, OR



6593 Riverdale Street  
San Diego, CA 92120  
tel 619.727.4800

PROPOSED EXTERIOR ELEVATIONS

SEPTEMBER 23, 2020





J-U-B ENGINEERS, INC.

J-U-B COMPANIES



THE LANGDON GROUP



GATEWAY MAPPING INC.

September 29, 2020

Brandon Seitz, Community Development Director  
City of Umatilla  
PO Box 130  
700 East. Sixth Street  
Umatilla, OR 97882

Jeff Wise, P.E.  
Oregon Department of Transportation  
3012 Island Avenue  
LaGrande, OR 97850-9497

**RE: DOLLAR GENERAL - TRIP GENERATION LETTER**

Dear Brandon and Jeff:

J-U-B Engineers, Inc. has prepared this Trip Generation Letter for the proposed Dollar General store in the City of Umatilla, Oregon. This memo provides information regarding historical background of the site, the proposed development, trip generation and access to the site with our recommendation regarding improvements to facilitate access to the site. This information is provided to assist both the Oregon Department of Transportation (ODOT) and the City of Umatilla to determine appropriate mitigation for the proposed development, and if any additional information is necessary.

Site Information

The site is situated on the southeast corner of 6<sup>th</sup> Street (US 730)/Yerxa Avenue and is comprised of five lots with a single access to US 730 that comprise approximately 0.66 acres. There is also access from an unpaved alley on the south side of the site.

6<sup>th</sup> Street (US 730) is a principal arterial with a right-of-way width of 80' and a curb-to-curb width of 60' that generally provides one travel lane in each direction with space in the middle for left turns, as well as parking and sidewalks on each side. The posted speed limit is 25 MPH. There is a raised median on 6<sup>th</sup> Street starting approximately 130' east of Yerxa Avenue, which corresponds closely to the east side of the existing driveway to the site, and extends eastward to the next intersection at Sloan Avenue. The median is approximately 2-3' wide at the west end tapering to 12' width 50' to the east. The median restricts left turns to/from driveways to the east, while allowing for westbound left turns at Yerxa Avenue.

The site is within the Downtown Transitional Zone. Although it currently sits vacant, in the mid 1970's the ODOT provided an access permit to the site from US 730 for a PUC office (assumed to be Public Utilities Commission office). In 2003 the City of Umatilla permitted an 8'x12' Espresso Drive Thru.

Proposed Development

The proposed development includes a 7,430 sq. ft. Dollar General store that will be situated at the west end next to Yerxa Avenue. The existing five lots will be combined into a single lot. The site will use the

existing access from 6<sup>th</sup> Street (US 730) and will construct a curb along the southern side of the parking lot next to the alley that will create two access driveways. The site plan includes 33 parking spaces including 2 for handicapped accessibility. 10 parking spaces are required per the development code. A concept site plan is attached.

#### Trip Generation and Distribution

The Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> Edition) provides anticipated rates for Variety Store (Land Use 2814) as follows:

- Average Weekday Traffic – average rate of 63.47 trips per 1,000 sq. ft. With 7,430 sq ft. this would result in approximately 472 average weekday trips.
- AM Peak Hour of the adjacent roadway network – average rate of 3.18 trips per 1,000 sq ft. resulting in 24 AM Peak Hour trips (14 inbound and 10 outbound).
- PM Peak Hour of the adjacent roadway network – average rate of 6.84 trips per 1,000 sq ft. for 51 PM Peak Hour trips (26 inbound 25 outbound).

Based on recent traffic counts west of the site for other traffic studies, the directional distribution of traffic during the PM peak hour is 53% eastbound and 47% westbound. Assuming a similar pattern for trips to/from the proposed development, the following trips are anticipated to/from the site during the PM peak hour:

- 14 eastbound right turns into the site
- 12 westbound left turns into the site
- 12 northbound left turns out of the site
- 13 northbound right turns out of the site

It is certainly possible that some of the trips will be pass-by trips, and some of the trips could access the site from the alley on the south side, thus the above numbers are conservatively high.

Regarding past uses of the site and their trip generation the following information is provided by the ITE Trip Generation Manual:

- A Government Office Building (Land Use 730) has average trip generation rates per 1,000 sq. ft. of 22.59 daily, 3.34 AM peak hour and 1.71 PM peak hour. Assuming an office building the same size as the Dollar General of 7,430 sq. ft, it would generate 168 daily trips, 25 AM and 13 PM peak hour trips.
- A Coffee/Donut Shop with Drive-Through Window and No Indoor Seating (Land Use 938) has average trip generation rates per 1,000 sq ft of 2,000 daily, 337.04 AM and 83.33 PM peak hour trips. Given the small size of the Espresso Drive-thru, it would generate 192 daily, 32 AM and 8 PM peak hour trips.

It is anticipated that the proposed Dollar General will generate approximately 304 daily trips, 1 fewer AM peak hour trip and 38 more PM peak hour trips than the previously permitted PUC Office that was permitted back in the 1970's.

Similarly, it is anticipated that the Dollar General will generate 280 more daily trips, 8 fewer AM trips, and 43 more PM peak hour trips than the Espresso Drive thru that was permitted back in 2003.

Recommended Improvements

Given the relatively low trips anticipated to be added to the roadway network, and a maximum of 14 trips entering from any direction during the PM peak hour, capacity issues are not anticipated at any nearby intersections to the proposed site.

We recommend that the median on US 730 be reconstructed to start a few feet east of the existing driveway and that it includes C-curb for 50' to the east plus taper similar to the existing taper. This will provide safe storage space for westbound left turns into the proposed development while still restricting other movements on the block between Yerxa Avenue and Sloan Avenue. These proposed changes are shown on the attached concept plan.

We hope that this letter adequately addresses all the appropriate issues. If there are any questions, please contact us.

Sincerely,  
**J-U-B ENGINEERS, Inc.**



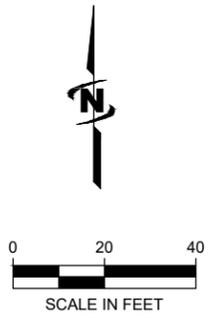
Eric E Ferguson, P.E.  
Project Engineer

*Spencer Montgomery*  
Spencer Montgomery  
Transportation Planner

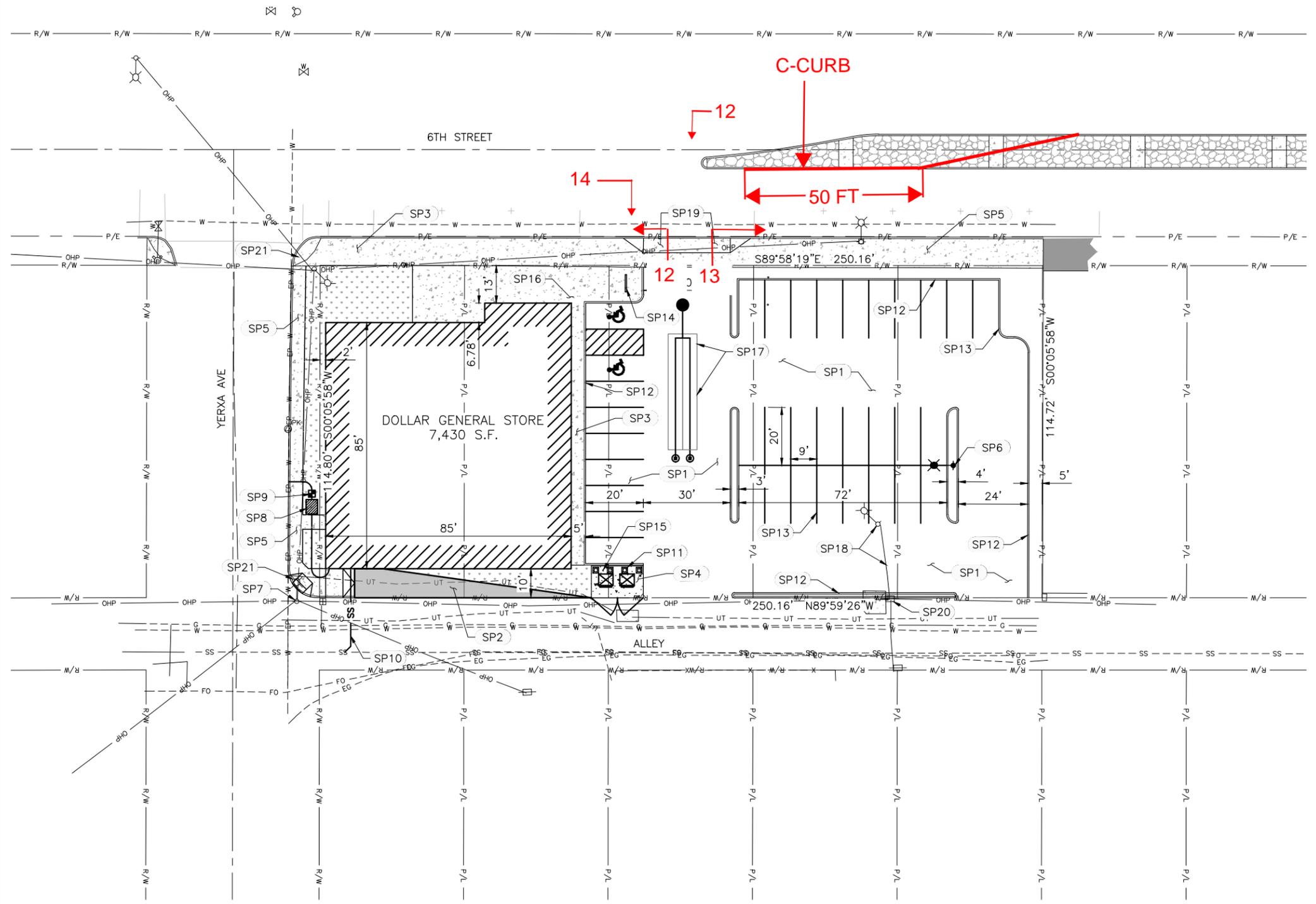
SDM:

Attachments: Conceptual Site Plan

c: Tom Lapp, ODOT



**PULL BACK MEDIAN TO ALLOW  
2-WAY TURNING. PLACE C-CURB  
ON SOUTH SIDE OF TURNING LANE.**



**KEYED NOTES:**

- SITE PLAN**
- SP1 STANDARD DUTY ASPHALT
  - SP2 HEAVY DUTY ASPHALT
  - SP3 CONCRETE SIDEWALK
  - SP4 THICKENED CONCRETE PAD
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  - SP18 EXISTING LIGHT POLE AND OVERHEAD LINES TO BE REMOVED
  - SP19 EXISTING CURB CUT TO BE REUSED
  - SP20 NEW POLE MOUNTED TRANSFORMER. ROUTE UNDERGROUND POWER TO BUILDING.
  - SP21 NEW ADA RAMPS

**NOTES:**

1. COMBINE FIVE EXISTING LOTS INTO ONE PROPOSED LOT.
2. PARKING 34 STANDARD STALLS  
1 ACCESSIBLE STALL  
1 VAN ACCESSIBLE STALL  
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IMPERVIOUS AREA: 26,570 S.F.  
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PRELIMINARY  
PLANS

NOT FOR  
CONSTRUCTION

REUSE OF DRAWINGS  
JUB SHALL RETAIN ALL COMMON LAW, STATUTORY, COPYRIGHT AND PATENT RIGHTS IN THIS DRAWING. NO PART OF THIS DRAWING SHALL BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN CONSENT OF JUB. ANY REUSE WITHOUT WRITTEN CONSENT BY JUB WILL BE AT CLIENT'S SOLE RISK AND WITHOUT LIABILITY OR LEGAL EXPOSURE TO JUB.

NO.	REVISION	DESCRIPTION	BY	DATE

DOLLAR GENERAL  
UMATILLA, OR

CONCEPT SITE PLAN

FILE: 30-20-065\_C-100  
JUB PROJ. #: 30-20-065  
DRAWN BY: JGC  
DESIGN BY: EEF  
CHECKED BY: EEF  
AT FULL SIZE, IF NOT ONE  
INCH SCALE ACCORDINGLY  
LAST UPDATED: 9/23/2020

SHEET NUMBER:

**C-100** 37

**CITY OF UMATILLA PLANNING COMMISSION  
STAFF REPORT  
FOR  
VERIFICATION OF NONCONFORMING USE VER-1-20**

**DATE OF HEARING:** October 27, 2020

**REPORT PREPARED BY:** Jacob Foutz, Associate Planner

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**I. GENERAL INFORMATION AND FACTS**

<b>Applicant:</b>	Loyal Restoration, 120 Rio Senda St., Umatilla, OR 97882
<b>Land Use Review:</b>	Verification of a nonconforming status.
<b>Property Description:</b>	The property is described as Tax Lot 800 on Assessors Map 5N2817BD.
<b>Location:</b>	The property is located on Highway 730 in the City of Umatilla. It has an assigned address of 1201 6 <sup>th</sup> St, Umatilla, OR 97882
<b>Existing Development:</b>	Existing Building and Shop.
<b>Proposed Development:</b>	The applicant intends to remodel the existing garage/shop located on the property to include an apartment unit.
<b>Zone</b>	Downtown Commercial (DC).

**II. NATURE OF REQUEST AND GENERAL FACTS**

The applicant, Loyal Restoration, is requesting a verification of non-conforming use. The applicant is requesting verification of a non-conforming use to continue the use of a shop structure as residential. Specifically, the applicant is requesting verification of the structure for residential use so that a portion of the structure may be remodeled to include an apartment unit. The location is 1201 6<sup>th</sup> Street and can be found on Assessors Map 5N2817BD Tax Lot 800.

This request is a Type II decision and is subject to the notice and procedural standards found in Section 10-10-7 of the City of Umatilla Zoning Ordinance (CUZO). However, the applicants request includes an interpretation of Section 10-10-1 of the CUZO that use of the structure for residential could include the addition of an apartment. Therefore, review by Planning Commission is warranted and this request will be processed as a Type III decision.

**III. ANALYSIS**

The applicant is requesting a verification of non-conforming status to determine if: (1) the existing shop on the property was permitted as an accessory use to the existing residential use, (2) or the

existing shop on the property was permitted as an accessory use to the existing commercial use. If the former is found to be true, future building permits could be issued to turn the shop into a residence. If the latter is found to be true then the shop cannot be used for residential purposes. For reference text from the CUZO provided below is underlined.

**10-10-1: CONTINUATION OF NONCONFORMING USE OR STRUCTURE:**

Subject to the provisions of this chapter, a nonconforming structure or use may be continued and maintained in reasonable repair, but shall not be altered or extended. The extension of a nonconforming use to a portion of a structure that was arranged or designed for the nonconforming use at the time of passage of this title is permitted. (Ord. 688, 6-15-1999)

**Findings:** In the applicant’s application letter they state “this is a very unusual property as it is a mixed space with commercial and residential uses. The upstairs of the building (off 6th Street) is commercial and is currently used as such. The downstairs of this building is a residential apartment and is currently used as such. This building was built in 1947 and we are told that it was originally built as a doctor's office with the doctor and his family living in the lower apartment and the clinic being on the main floor. In 2003, when this property was in use as a hair salon on the main floor and the business owners lived in the downstairs apartment, a shop was built for storage. To our knowledge, this was built as residential storage for the property's residence.”

In review of the original building permit from March 11, 2003 under “use of building” the applicant put “storage”. At the time of issuance of permit the property was located in the Downtown Transitional Zone contained in Ordinance 710 adopted May 7<sup>th</sup>, 2002. In the Downtown Transitional Zone at that time it states that residential uses are a conditional use as long as the ground floor is occupied by a commercial use. Even at the time of adoption in 2002 the building had a pre-existing residential use which would have negated the need for a conditional use at that time.

**Conclusion:** It can be reasonably assumed that the shop built in 2003 was permitted as an accessory use to the onsite residence. Therefore, the extension of Non-conforming residential use could be extended to the shop via the above standard that states “The extension of a nonconforming use to a portion of a structure that was arranged or designed for the nonconforming use at the time of passage of this title is permitted.”

**10-10-3: DISCONTINUANCE OF A NONCONFORMING USE:**

If a nonconforming use is discontinued from active use for a period of one year, further use of the property shall be for a conforming use. (Ord. 688, 6-15-1999)

**Findings:** There is no evidence pointing to the nonconforming use being discontinued from active use for a period of one year.

**Conclusion:** There is no evidence pointing to the nonconforming use being discontinued from active use for a period of one year.

**10-10-7: VERIFICATION OF A NONCONFORMING STATUS:**

An owner or operator of an alleged nonconforming use or structure may apply for a "verification of nonconforming status" through a type II procedure. The city administrator shall review information provided by the applicant and any pertinent records. The city administrator shall

Loyal Restoration, Verification of Nonconforming Use (VER-1-20)

issue a decision that makes findings that describe the circumstances and situation relating to the use or structure. The decision shall establish the approximate date or length of time the use or structure has been in existence and the date when a change in this code made the use or structure nonconforming. (Ord. 688, 6-15-1999)

**Findings:** The approximate date a residential use has existed on the property according to Umatilla County Assessors data is 1947, the year it was constructed. The length of time a residential use has existed on this property is approximately 73 years. The shop has existed on the property for 17 years, during which time it can be reasonably assumed it was used as an accessory use to the onsite residence. The residence and shop became nonconforming in 2015 (Ord 799) when the downtown transitional zone was changed to only allow residences on the second story of a commercial use.

**Conclusion:** It can be reasonably assumed that the shop built in 2003 was permitted as an accessory use to the onsite residence which has existed for 73 years. Therefore, the shop should be considered a legally established nonconforming use and can be used for residential purposes subject to the standard for nonconforming uses in Chapter 10 (Nonconforming Uses) of the CUZO.

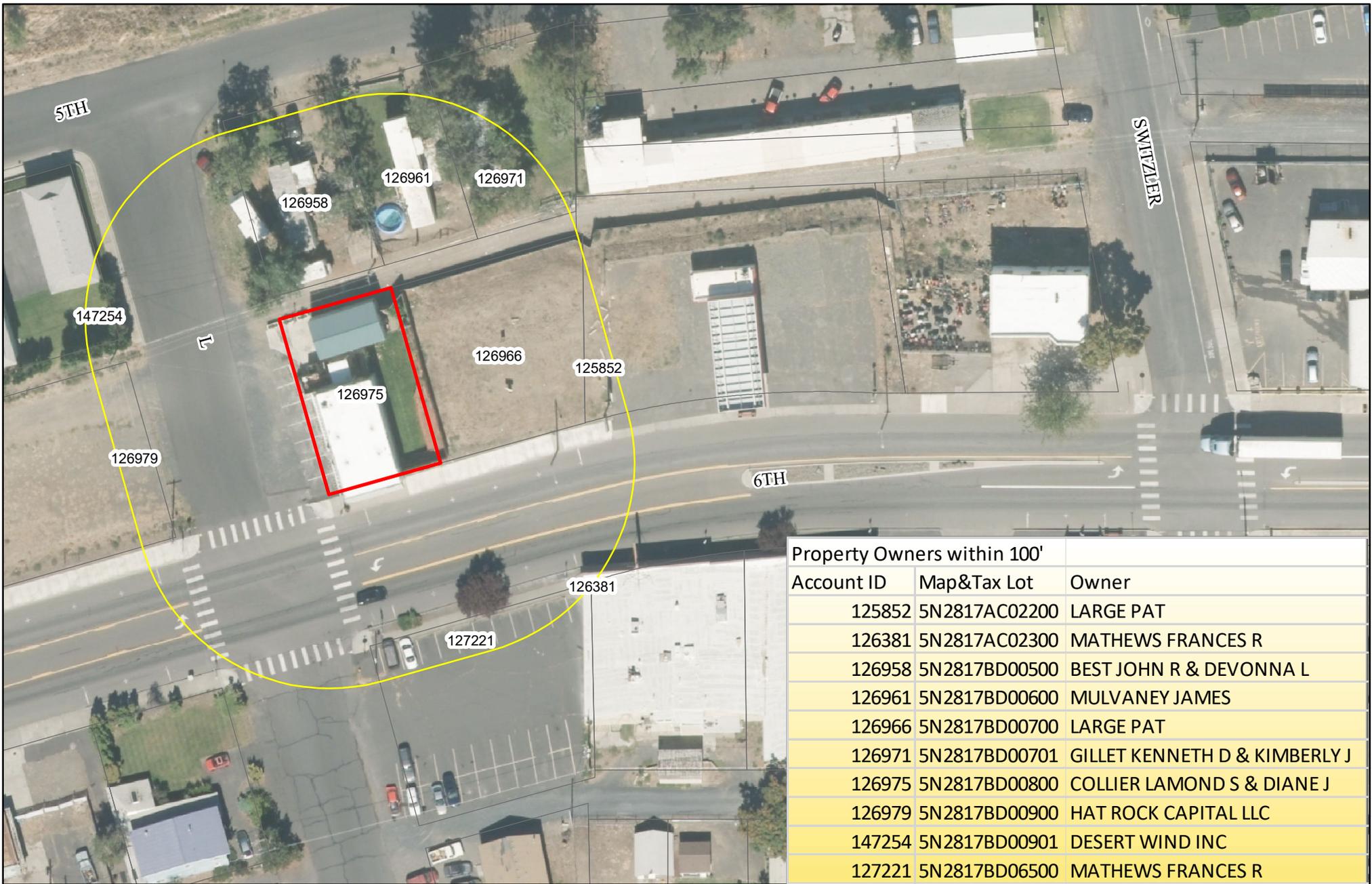
#### **IV. SUMMARY**

The applicant, Loyal Restoration, is requesting a Verification of non-conforming use. The applicant is requesting to obtain verification of non-conforming use to continue the use of a shop structure as residential are create a new apartment in the existing shop.

It is staff's recommendation Loyal Restoration is given a Verification of non-conforming status for the residential use of their building and shop located at 1201 6<sup>th</sup> street, Umatilla, OR 97882.

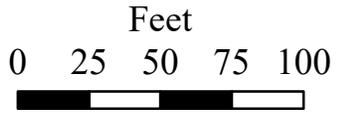
#### **Attachments**

Notice Map  
Loyal Restoration Application Letter  
March 11, 2003 Building Permit (1201 6<sup>th</sup>)  
Ordinance 710(2002)  
Ordinance 799(2015)



Property Owners within 100'		
Account ID	Map&Tax Lot	Owner
125852	5N2817AC02200	LARGE PAT
126381	5N2817AC02300	MATHEWS FRANCES R
126958	5N2817BD00500	BEST JOHN R & DEVONNA L
126961	5N2817BD00600	MULVANEY JAMES
126966	5N2817BD00700	LARGE PAT
126971	5N2817BD00701	GILLET KENNETH D & KIMBERLY J
126975	5N2817BD00800	COLLIER LAMOND S & DIANE J
126979	5N2817BD00900	HAT ROCK CAPITAL LLC
147254	5N2817BD00901	DESERT WIND INC
127221	5N2817BD06500	MATHEWS FRANCES R

## Verification of non-conforming use (VER-1-20)



### Legend

- Subject Property
- Property within 100'
- Tax Lots 08-26-20



MAP DISCLAIMER: No warranty is made as to the accuracy, reliability or completeness of this data. Map should be used for reference purposes only. Not survey grade or for legal use. Created by Jacob Foutz, on 10/7/2020



City of Umatilla  
PO Box 130  
Umatilla, OR 97882

RE: Verification of Non-Conforming Use

October 6th, 2020

Dear Mr. Seitz,

We own the building at 1201 6th Street. We believe the downtown area is in great need of smaller rental units and would like to add a studio apartment in the current shop space to help accommodate this need. Thank you for your help to our multitude of questions as we've thought through this property. We would like to request a verification of non-conforming use prior to applying for the building permits to complete this conversion to assure that we are proceeding appropriately.

As you are aware, this is a very unusual property as it is a mixed space with commercial and residential uses. The upstairs of the building (off 6th Street) is commercial and is currently used as such. The downstairs of this building is a residential apartment and is currently used as such. This building was built in 1947 and we are told that it was originally built as a doctor's office with the doctor and his family living in the lower apartment and the clinic being on the main floor. In 2003, when this property was in use as a hair salon on the main floor and the business owners lived in the downstairs apartment, a shop was built for storage. To our knowledge, this was built as residential storage for the property's residence. We would like to obtain verification of non-conforming use to continue the use of this shop structure as residential so we may continue to use the shop as storage for the current apartment and also add the studio apartment in the space. If approved, we will obtain the necessary building permits as soon as possible as we'd like to begin construction in November.

Thank you for your consideration. Please let us know if there is anything further you need from us. We have enclosed the \$100 review fee here.

Sincerely,

A handwritten signature in blue ink that reads "Kyle R. Sipe".

Kyle R. Sipe

A handwritten signature in blue ink that reads "Heidi A. Sipe".

Heidi A. Sipe

**Loyal Restoration, LLC**  
120 Rio Senda St.  
Umatilla, OR 97882  
loyalrestorations@gmail.com



# BUILDING PERMIT

Community Development  
300 6th Street  
Umatilla, OR 97882  
(541) 922-3226 • Fax (541) 922-5758

Building Permit No. US-17-03

Date 3-11-03 Rec.# 11034

Valuation \$ 15890.00

Building Permit Fee \$ 265.25-

Plan Review Fee \$ 172.41

\$ \_\_\_\_\_

State Surcharge \$ 18.57

TOTAL \$ 456.23

James Stuck is hereby granted permission  
to Construct 20 x 35

\_\_\_\_\_ on 5N28 17BD T.L. # 800

This permit is issued on the express condition that the construction shall conform in all respects to the statements certified to in the application for such permit and that all work shall be done in accordance with the ordinances of the City of Umatilla and the State of Oregon pertaining to the construction of buildings.

Street Address 1201 6th

Contractor Aq TECH

By Brett Cook (PB)  
Building Inspector  
James C Stuck

CODE REQUIREMENTS

#17354 A.P.

# BUILDING PERMIT APPLICATION

No. US-17-03

## CITY OF UMATILLA

300 Sixth Street • P.O. Box 130  
 Umatilla, OR 97882  
 (541) 922-3226  
 Fax (541) 922-5758

Application for:

- Plan Review & Building Permit   
 Plan Review - No Permit   
 Other \_\_\_\_\_

**Applicant To Complete All Numbered Spaces.**

Job Address <b>1</b> <u>1200 6th</u>		
Legal Descr. <b>2</b> <u>5N</u>	Map No. <u>28 17BD</u>	Tax Lot No. <u>800</u>
Owner <b>3</b> <u>JAMES C STUCK</u>	Mail Address <u>PO Box 607 UMATILLA</u>	Zip <u>97882</u> Phone <u>922-2906</u>
Contractor <b>4</b> <u>AGTACH</u>	Mail Address <u>PO Box 1154 HERMISTON OR</u>	Zip <u>567-5100</u> Phone <u>567-5100</u>
Contractor No. <b>5</b> <u>73234</u>		
Architect or Designer <b>6</b>		
Engineer <b>7</b>		
Use of Building <b>8</b> <u>STORAGE</u>		
Class of Work <b>9</b> <input checked="" type="checkbox"/> New <input type="checkbox"/> Addition <input type="checkbox"/> Alteration <input type="checkbox"/> Repair <input type="checkbox"/> Move <input type="checkbox"/> Remove <input type="checkbox"/> Other - Specify		
Describe Work <b>10</b> <u>CONSTRUCT 20X35X10</u>		
Valuation of Work \$ <u>15890.00</u>	Plan Check Fee <u>172.41</u> <input type="checkbox"/> Pd.	Permit Fee <u>265.25</u> <input type="checkbox"/> Pd.
Special Conditions: Applicant shall adhere to all applicable, local, state, and federal regulations.	7% State Fee <u>18.57</u> <input type="checkbox"/> Pd.	Total Fee <u>456.23</u> <input type="checkbox"/> Pd.
Use Zone <u>DT</u>		
Application Accepted By <u>DB</u>	Plans Checked By <u>Brett Cook DB</u>	Approved for Issuance By <u>Brett Cook DB</u>
<p align="center"><b>SETBACKS</b></p> <p>Front _____ Rear _____ Side _____ End _____ Height _____</p> <p><b>11</b> <b>NOTICE</b></p> <p><b>NOTE 1:</b> Separate Public Water and Sewer Permits Must Be Obtained  <b>NOTE 2:</b> Separate Plumbing, Electrical and Mechanical Permits Must Be Obtained  <b>NOTE 3:</b> Separate Curb, Sidewalk Permits Must Be Obtained</p> <p>It is the responsibility of the applicant to review title insurance and deed for any deed restriction, easements or other encumbrances upon the property.</p> <p>I agree to comply with all ordinances concerning the construction or repair of sidewalks adjacent to the building site.</p> <p>This permit becomes null and void if work or construction authorized is not commenced within 180 days, or if construction or work is suspended or abandoned for a period of 180 days at any time after work is commenced.</p> <p>I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.</p>		
Signature of Contractor or Authorized Agent <u>James C Stuck</u>		Date <u>3-11-2003</u>
Signature of Owner (If Owner/Builder)		Date
<b>SPECIAL APPROVALS</b>	<b>REQUIRED</b>	<b>RECEIVED</b>
Zoning	<input checked="" type="checkbox"/>	<u>DB</u>
Sidewalks	<input checked="" type="checkbox"/>	<u>DB</u>
Sewer Connection	<input checked="" type="checkbox"/>	<u>DB</u>
Water Connection	<input checked="" type="checkbox"/>	<u>DB</u>
Driveway	<input checked="" type="checkbox"/>	<u>DB</u>
Survey		
Use		
Fire Dept.		
Soil Report		
Plot Plan		
Set of Plans	<input checked="" type="checkbox"/>	<u>DB</u>
Other (specify)		

#22557 A.P.

**NOT APPROVED FOR ISSUANCE UNTIL SIGNED BY BUILDING OFFICIAL**

WHITE COPY - Office • CANARY COPY - Inspector • PINK COPY - Applicant

**ORDINANCE NUMBER 710**

**AN ORDINANCE ADOPTING TEXT AMENDMENTS TO THE COMPREHENSIVE  
PLAN AND ZONING CODE, AND ADOPTING THE CITY OF UMATILLA  
DOWNTOWN REVITALIZATION AND CIRCULATION STUDY;  
AND DECLARING AN EMERGENCY**

**WHEREAS**, City of Umatilla received a Transportation & Growth Management (TGM) Grant to complete the Umatilla Downtown Revitalization and Circulation Study; and

**WHEREAS**, all the property owners in the downtown area, local stakeholders, Planning Commission, and City Council were all integrally involved in the public outreach program to solicit input into the study process throughout the duration of the project; and

**WHEREAS**, notice to the public was advertised at least 10 days in advance of the final Planning Commission and City Council Hearings public hearings listed below; and

**WHEREAS**, a Strategic Plan Presentation was made to the Planning Commission on April 26, 2001 in which the public was also invited; and

**WHEREAS**, a public hearing by the Planning Commission on May 31, 2001 to solicit public testimony; and

**WHEREAS**, a public hearing by the City Council was held on June 4, 2001 to solicit public testimony; and

**WHEREAS**, a public hearing was held on October 2 and November 6, 2001 to deliberate and potentially make a decision to adopt the Umatilla Downtown Revitalization and Circulation Plan.

**NOW THEREFORE**, The City Of Umatilla does ordain as follows:

(New matter in an existing section is underlined and matter to be deleted is in *[italics and brackets]*.)

**Section 1.** Sign Code Amendment. 8-2A-11 of the City of Umatilla's Sign Code is amended as follows:

C. Commercial wall signs within the District shall be limited to an area of 32 square feet. Freestanding or projecting commercial signs shall be limited to an area of 24 square feet.

D. Free standing commercial signs shall be limited in height to a maximum of 20 feet. as measured from the top of the sign to the finished ground level. Commercial wall and canopy signs shall not project above the roof eaves.

**Section 2.** Comprehensive Plan Amendments. The City of Umatilla's Comprehensive Plan adopted by Ordinance No. 410 is hereby amended as set forth in Attachment A which is attached hereto and incorporated herein by this reference.

**Section 3. Zoning Code Amendments.** Title 10 of the Umatilla City Code shall be amended as set forth in Attachment B, which is attached hereto and incorporated herein by this reference.

- A. 10-3-D, Downtown Residential (DR), shall be added to the Zoning Code as described in pages 1-3 of Attachment B. The purpose of the Downtown Residential District is to accommodate higher density residential developments and office uses in the downtown area. Typical housing types include single family housing attached housing, apartments, townhouses, and condominiums.
- B. 10-4-B, Downtown Commercial (DC), shall be amended as described III pages 4-7 of Attachment B.
- C. 10-4-D, Downtown Transitional (DT), shall be added to the Zoning Code as described in pages 8-11 of Attachment B. The purpose of the Downtown Transitional (DT) District is to provide a transition in uses between General Commercial uses and Downtown Commercial uses, which are pedestrian-friendly, oriented toward the frontage streets and sidewalks; however, the District is designed for greater flexibility by allowing certain General Commercial activities as conditional uses that require sites located closer to the downtown.
- D. 10-12-2, Standards Governing Conditional Uses shall be amended by adding text as described in page 11 of Attachment B.
- E. 10-11-4 Vision Clearance is hereby amended by adding text as described in page 12 of Attachment B.
- F. 10-13-2 Site Review is hereby amended by adding text as described in page 12 of Attachment B.

**Section 4. Transportation System Plan Amendments.** The 1999 Umatilla Transportation System Plan, which was developed and incorporated into the Comprehensive Plan through the periodic review process, is hereby amended and replaced by the 2001 Umatilla Transportation System Plan.

**Section 5. Right of Way and Roadway Widths.** 11-4-2.C is hereby amended as follows:

Right of Way and Roadway Widths: Generally, right of way and roadway widths for state highways and county roads shall be determined by these entities. Unless otherwise determined by the City Administrator based on the recommendation of the City Engineer and Public Works Director, the widths of streets and roadways shall meet the following standards and, in addition, all street construction shall conform to the Public Works Standards.

### Minimum Street Standards

Type of Street	<u>Minimum</u> Right of Way	<u>Minimum</u> Widths for Sidewalks	<u>Minimum</u> Pavement Width	Bicycle Lane
Major Arterial Street	State or County standards or <u>60</u> [86]' [minimum]	6' both sides	<u>40</u> [36' to 90]'	6' both sides
Minor Arterial Street	State or County standards or <u>60</u> [74]' [minimum]	<u>5</u> [6]' both sides	<u>40</u> [24' to 90]'	See Bikeway Plan
Collector Street	<u>60</u> [52]' [minimum] or County standard	<u>5</u> [6]' both sides	<u>40</u> [24' to 64]' r minimum 1	See Bikeway Plan
Neighborhood Collector Street	<u>60</u> [50]' [minimum] or County standard	<u>5</u> [6]' both sides	<u>40</u> [22' to 50]'	See Bikeway Plan
Local Streets: Commercial or Industrial *	60' minimum	<u>5</u> [6]' both sides	36' [minimum]	N/A
Cul de sacs: Commercial or Industrial	55' radius	5' around	45' radius	N/A
Local Streets: Residential**, ***	<u>34</u> [60]' [minimum]	5' both sides	<u>24</u> [36]' [minimum]	N/A
Cul de sacs: Residential	50' radius	5' around	40' radius	N/A
[Local Street: Low Volume Residential	45' minimum	5' both sides	28' to 36'	N/A
Local Street: Minor Street * *	26' minimum	5' one side	20'	N/A]
Pedestrian Connections	20' minimum	6' walkway	N/A	6' wide in addition to walkway
Alleys	24' commercial or industrial; 20' residential	N/A	20' minimum	N/A

*[\*Handles less than 500 vehicle trips per day for low density developments in the R-1 and R-2 zones.*

*\*\*Serves five or fewer dwellings; is not a through street; does not exceed 150 feet in length; and may be terminated with a hammer-head type turnaround. A minor access street may be public or privately owned. If private, provisions for maintenance shall be recorded with the deeds of properties served by the street.]*

*\*Standards for streets within the Downtown Plan Area shall conform to design standards of the "Downtown Revitalization and Circulation Study. June 29, 2001. Figures 5-9 and 5-13. or other applicable street standards of the Downtown Plan.*

*\*\*The typical local residential street is expected to have a 60 foot right-of-way with 36 feet of pavement. Local residential streets may have reduced rights-of-way and pavement widths when anticipated traffic volume is less than 500 vehicle trips per day for low density developments in the R-1 and R-2 zones.*

\*\*\* A local residential "minor street" may be approved with a minimum right-of-way of 34 feet and pavement of width of 24 feet when the proposed street serves five or fewer dwellings; is not a through street and does not exceed 150 feet in length. A minor street may be terminated with a hammer-head type turnaround. A minor street may be public or privately owned. If private. "right-of-way" shall become required easement width and provisions for maintenance shall be recorded with the deeds of properties served by the street.

**Section 6.** Emergency clause. Passage of this ordinance is immediately necessary for protection of the health, safety and welfare of the citizens of the City of Umatilla, and an emergency is declared to exist and this ordinance shall be immediately effective.

**PASSED** and **ADOPTED** by the Council this 7<sup>th</sup> day of May, 2002.

Voting yes, Council members: Valerie Jorstad, Steve Johnson, George Fenton,  
Floyd Mathews and Robert Toliver

Voting no, Council members: \_\_\_\_\_

Absent Council members: \_\_\_\_\_

Abstaining Council members: \_\_\_\_\_

**And SIGNED** by the Mayor this 7<sup>th</sup> day of May, 2002.

\_\_\_\_\_  
GEORGE HASH, MAYOR

ATTEST:

\_\_\_\_\_  
Linda Gettmann, City Recorder

## Attachment A

### Comprehensive Plan Amendments

To achieve goals and objectives and implement strategies and policies contained in the Downtown Revitalization Plan, the City of Umatilla shall amend the Comprehensive Plan and Map.

Add the following language to the "Implementation" section of the Comprehensive Plan, following Subsection 1 "The City of Umatilla Plan Map" and renumber subsequent subsections accordingly:

#### 2. Area Plans

The Umatilla Comprehensive Plan contains policies that require that the Plan be frequently updated and refined. Revision and Plan refinement is necessary to ensure that the Plan reflects statewide goals and those of the local community. The Umatilla Comprehensive Plan also allows for supplemental planning to provide additional levels of detail.

The term "Area Plan" refers to a plan for a defined geographic area within the City of Umatilla. Area Plans shall adhere to the following guidelines:

1. Area Plans are intended to achieve goals and objectives and implement policies set forth in the City's Comprehensive Plan.
2. Area Plans are intended to achieve a special purpose or address planning issues that do not apply to the City as a whole.
3. Area Plans shall allow for significant public involvement in the development of the plan.
4. A map and text description of the study area or Area Plan boundary shall be included in the Area Plan in a format compatible with the Comprehensive Plan and Comprehensive Plan Map.
5. An Area Plan shall be subject to the same review and approval process as a Comprehensive Plan amendment and zone change.
6. If adopted by the City Council, the goals, objectives and strategies of the Area Plan shall become an official component of the City's Comprehensive Plan.
7. Once adopted, if conflicts or inconsistencies are discovered between Area Plans or between Area Plans and the Comprehensive Plan, the City Comprehensive Plan shall be used to resolve or overrule such conflicts and inconsistencies.

Add the following language to the "Land Use" section of the Comprehensive Plan and re-number subsections as necessary:

The following policies apply to the "Downtown Area" as identified on the Area Plan Map:

1. Within the downtown area, the City of Umatilla shall encourage development of a pedestrian-oriented town center that combines both commercial and public activities and is intended to become a community gathering place.
2. The Downtown Commercial (DC) District is intended to provide a concentrated central business district centered on 6th Street. Highway 730. The district allows a mix of civic, retail service, and office uses, designed to be pedestrian-friendly and oriented towards fronting streets and sidewalks.
3. In portions of the downtown area, the City of Umatilla shall provide a variety of commercial opportunities, accessible by pedestrians and vehicles alike, that are compatible with the pedestrian scale of downtown. The Downtown Transitional (DT) District provides for a transition of uses between General Commercial uses found near the freeway interchange (intersection of 1-84 and Highway 730) and Downtown Commercial uses, which are intended to be more pedestrian in scale. The District is primarily intended to accommodate Downtown Commercial uses, which are pedestrian-friendly and oriented toward the street; however, the District is designed for greater flexibility by allowing certain General Commercial uses to locate closer to the downtown while maintaining downtown design standards.
4. Within the downtown area, the City of Umatilla shall establish a Downtown Residential (DR) District to encourage improved land use compatibility between Downtown Commercial and residential uses. The intent of the DR District is to accommodate residential and professional office projects near the downtown core.

Add the following language to the "Urbanization" section of the Comprehensive Plan:

The City adopts the "Umatilla Downtown Revitalization Plan" as an Area Plan and a component of the Comprehensive Plan. For portions of downtown Umatilla that are within its study area, the strategies, goals, objectives, and policies of the Downtown Revitalization Plan shall be used to guide development.

## Attachment B

### Zoning Code Amendments

- Add 10-3-D - Downtown Residential (DR)
- Amend 10-4-B - Downtown Commercial (DC)
- Add 10-4-D-Downtown Transitional (DT)
- Amend 10-12-2 - Conditional Use Standards
- Amend 10-11-4 - Vision Clearance
- Amend 10-13-2 Site Review

### CHAPTER 3

### RESIDENTIAL DISTRICTS

### ARTICLE D. DOWNTOWN RESIDENTIAL (DR)

#### SECTION:

- 10-3D-1: Purpose
- 10-3D-2: Uses Permitted
- 10-3D-3: Conditional Uses Permitted
- 10-3D-4: Development Standards
- 10-3D-5: Limitations on Use

10-3D-1: **PURPOSE:** The purpose of the Downtown Residential District is to accommodate higher density residential developments and office uses in the downtown area. Typical housing types include attached housing, apartments, townhouses, and condominiums.

10-3D-2: **USES PERMITTED:** The following uses and their accessory uses are permitted in the DR District:

Single family dwellings existing at the time of the adoption of this ordinance.

Attached single family dwellings or multi-family dwellings.

Family daycare provider, residential homes and residential facilities.

Professional, financial, business, medical, dental and professional service offices are permitted only if the entire site is located within a distance of 350 feet of the 6th Street curb.

Expansion of existing commercial businesses with frontage along 6th Street shall be permitted within the DR District provided that the entire expansion site is located within a distance of 200 feet of the 6th Street curb. Such expansion includes parking and service areas that directly support such businesses.

10-3D-3: **CONDITIONAL USES PERMITTED:**

Community Service uses. (See standards and limitations on Community Services uses)

10-3D-4: **DEVELOPMENT STANDARDS:**

- A. Density: For residential uses, the maximum allowable density shall be one dwelling unit per two thousand (2,000) square feet.
- B. Landscaping: A minimum of fifteen percent (15%) of lot area shall be devoted to landscaping, exclusive of landscaping required for parking areas. The minimum dimension of any landscaped area shall be 5 feet. Landscaping shall be located between a structure and the fronting street, or as best provides a pleasant environment for pedestrians. Landscaping may include street furniture and pedestrian amenities, including public plazas and similar features.
- C. Open Space: At least 200 square feet of outdoor open area easily assessable from the interior of the dwelling shall be provided for each ground floor dwelling unit. Part of the required area may include a private screened patio.

DIMENSIONAL STANDARDS

	<u>Freestanding Dwellings or Structures</u>	<u>Attached Dwellings or Structures</u>
<u>Minimum lot area</u>	<u>5,000 square feet</u>	<u>2,000 square feet</u>
<u>Minimum lot width</u>	<u>50 feet</u>	<u>20 feet</u>
<u>Minimum lot depth</u>	<u>90 feet</u>	<u>90 feet</u>
<u>Minimum yard setbacks:</u>		
<u>Front and rear yard</u>	<u>12 feet</u>	<u>12 feet</u>
<u>Side yard</u>	<u>8 feet</u>	<u>0 feet</u>
<u>Side street yard</u>	<u>12 feet</u>	<u>12 feet</u>
<u>Garage</u>	<u>18 feet from any street except an alley</u>	<u>18 feet from any street except an alley</u>
<u>Maximum building height</u>	<u>35 feet</u>	<u>35 feet</u>

D. Building Orientation: Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary street or may face the corner.

E. Building Materials: No special standards for building materials apply.

F. Parking: Parking is not allowed in the front yard setback or in a side yard setback closer to the street than the adjacent building facade. Parking shall not be located between the building and the public street.

G. Garages and Carports: Garages and carports shall be located so that the garage door or carport opening is set back further from a street than the facade of the building. Garage doors shall be recessed a minimum of two feet from the building facade for any garage that fronts on a public street other than an alley.

H. Pedestrian walkways: For all multi-family dwellings, including attached single family dwellings, pedestrian walkways shall be provided between buildings and the public right of way. When not connected to a public sidewalk, walkways between adjacent buildings shall be provided. All pedestrian walkways shall not be less than 5 feet in width and constructed of concrete or other material easily distinguishable from vehicular pavements.

#### **10-30-5: LIMITATIONS ON USE**

A. All uses, including expansion or change of any existing use or structure except for modification of a single family residence, are subject to site review.

B. If office and residential uses occupy a single structure or parcel of land, the total minimum number of required off-street parking spaces shall be either the required number of spaces for the office use or the required number of spaces for the residential use, whichever is greater.

## CHAPTER 4

### COMMERCIAL DISTRICTS

#### ARTICLE B. DOWNTOWN COMMERCIAL (DC)

##### SECTION:

- 10-4B-1: Purpose
- 10-4B-2: Uses Permitted
- 10-4B-3: Conditional Uses Permitted
- 10-4B-4: Development Standards
- 10-4B-5: Limitations on Use

10-4B-1: **PURPOSE:** The Downtown Commercial District is intended to provide a concentrated central business district centered on 6th Street (State Highway 730). Uses include a mix of civic, retail, service, and office uses, designed to be pedestrian friendly and encouraged to be close to and oriented towards fronting streets and sidewalks. Parking may be provided on a District-wide basis and may include public street parking, rather than having each individual building or use provide parking.

10-4B-2: **USES PERMITTED:** The following uses and their accessory uses are permitted in the DC District. Site review is required:

*[Apartments on the second floor or above, provided the ground floor is occupied by commercial use.] Residential uses provided the ground floor street frontage is occupied by commercial use.*

Commercial uses which are conducted wholly within an enclosed building. Outside displays, furniture, and promotional activities directly related and subordinate to the primary business such as sidewalk cafes and outdoor seating are permitted; however, use of a sidewalk or public right of way is subject to a permit issued by the City.

Temporary commercial uses including the sale of arts and crafts, produce, collectibles and other small retail sales may occur outside a wholly enclosed structure *[along Highway 730 on lots fronting Highway 730, in an area defined by the east side of the Umatilla River Bridge to the west side of the Union Pacific Railroad overpass.]*. This temporary use is intended to create a "Farmer's Market" atmosphere in the City on weekends.

##### 10-4B-3: **CONDITIONAL USES PERMITTED:**

Community Service uses. (See standards and limitations on Community Services uses)

Drive-through windows for any use.

##### 10-4B-4: **DEVELOPMENT STANDARDS:**

A. Landscaping shall be provided as follows:

## REQUIRED LANDSCAPING

<u>Site Size</u>	<u>Required Landscaped Area (Percent of Site)</u>
<i>[5]10,000 square feet or smaller</i>	None
<i>[5,001 square feet to 10,000 square feet]</i>	<i>[5 per cent of site area]</i>
Greater than 10,000 square feet	<i>[10] 5 per cent of site area</i>

B. Pedestrian amenities, such as benches, plazas, fountains, and sculptures, may replace required landscaped area.

## DIMENSIONAL STANDARDS

### Minimum Lot Area:

#### Commercial Uses

None

#### Residential Uses

None; density shall comply with  
R3 District requirements

Minimum lot width

None

Maximum front or side street yard setback

10 feet

### Minimum yard setbacks:

Front and rear yard

0 feet or 10 feet if adjacent to a residential district

Side yard

0 feet or 10 feet if adjacent to a residential district

Side street yard

0 feet or 10 feet if adjacent to a residential district

Parking spaces or parking area

10 feet

Maximum building height

35 feet

Maximum site coverage  
(building and impervious surface)

100 percent

- C. Building Orientation: Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary fronting street or the corner. New buildings located on the corner of 6th and "I" Streets shall be designed with building fronts, which include display windows, facing both 6th Street and "I" Street.
- D. Building Materials: No special standards for building materials apply.
- E. Parking: No off street parking is required.
- F. Parking or loading areas which abut a residential zone along a rear or side property line shall be separated from the property line by a 20-foot-wide landscaped area. Alternatively, a 10-foot-wide landscaped area and a fence or wall at least 4 feet in height may be used to buffer the residential property.
- G. Design Features: Awnings are permitted on commercial buildings fronting on 6th or "I" Streets. Awnings shall not bisect transom windows.

#### 10-4B-5: **LIMITATIONS ON USE**

- A. All uses are subject to site review.
- B. No single use shall have a gross floor area greater than 12,000 square feet, except for a grocery store.
- C. The maximum front yard setback may be increased by 10 feet if the setback is occupied by an outdoor feature relating to the business or public amenity such as seating or art work.
- D. Parking is not allowed in the front yard setback or in a side yard setback closer to the street than the adjacent building facade or a minimum of 10 feet. Parking shall not be located between a building and the public street.
- [E. The minimum parking requirement shall be one half of the number of spaces specified for uses in Chapter 9 of this Title and parking spaces on the public street adjacent to a use may be counted to fulfill the parking requirement]*

CHAPTER 4

COMMERCIAL DISTRICTS

**ARTICLE D. DOWNTOWN TRANSITIONAL (DT)**

SECTION:

10-40-1: Purpose

10-40-2: Uses Permitted

10-40-3: Conditional Uses Permitted

10-40-4: Development Standards

10-40-5: Limitations on Use

10-40-1: **PURPOSE:** The purpose of the Downtown Transitional (DT) District is to provide a transition in uses between General Commercial uses and Downtown Commercial uses. The District is primarily intended to accommodate Downtown Commercial uses, which are pedestrian-friendly, oriented toward the fronting streets and sidewalks; however, the District is designed for greater flexibility by allowing certain General Commercial activities as conditional uses.

10-4D-2: **USES PERMITTED:** The following uses and their accessory uses are permitted in the DT District. Site review is required:

Downtown Commercial uses: (subject to the standards and limitations on Downtown Commercial uses).

Commercial uses which are conducted wholly within an enclosed building. Outside displays, furniture, and promotional activities directly related and subordinate to the primary business, such as sidewalk cafes and outdoor seating, are permitted; however, use of a sidewalk or public right of way is subject to a permit issued by the City.

10-4D-3: **CONDITIONAL USES PERMITTED:**

Temporary commercial uses including the sale of arts and crafts, produce, collectibles and other small retail sales may occur outside a wholly enclosed structure. This temporary use is intended to create a "Farmer's Market" atmosphere in the City on weekends. (Ord. 688, 6-15-99)

Residential uses, provided the ground floor street frontage is occupied by commercial use.

Community Service uses. (See standards and limitations on Community Services uses)

General Commercial uses (See 10-12-2.H):

General Commercial uses are permitted as conditional uses within the Downtown Transitional district provided that they comply with the standards and limitations for the Downtown Transitional district that are set forth in the following sections. General Commercial uses include:

1. Commercial uses that are not conducted wholly within an enclosed building, including a use that requires outdoor storage or display of products, such as lumberyards, motor vehicle sales lots, and plant nurseries.
2. Commercial uses that are conducted wholly within an enclosed building.
3. Temporary outside displays and promotional activities directly related and subordinate to the primary business.
4. Drive-through windows for any use.

10-4D-4: DEVELOPMENT STANDARDS:

REQUIRED LANDSCAPING

A. Landscaping shall be provided as follows:

<u>Site Size</u>	<u>Required Landscaped Area (Percent of Site)</u>
<u>5,000 square feet or smaller</u>	<u>None</u>
<u>5,001 square feet to 10,000 Square feet</u>	<u>5 per cent of site area</u>
<u>Greater than 10,000 square feet</u>	<u>10 per cent of site area</u>

B. Pedestrian amenities, such as benches, plazas, fountains, and sculptures, may replace required landscaped area.

DIMENSIONAL STANDARDS

<u>Minimum lot area</u>	<u>None</u>
<u>Minimum lot width</u>	<u>None</u>
<u>Maximum front or side street yard setback</u>	<u>10 feet</u>

Minimum yard setbacks:

<u>Front and rear yard</u>	<u>0 feet or 10 feet if adjacent to a residential district</u>
<u>Side yard</u>	<u>0 feet or 10 feet if adjacent to a residential district</u>
<u>Side street yard</u>	<u>0 feet or 10 feet if adjacent to a residential district</u>
<u>Parking spaces or parking area</u>	<u>10 feet</u>
<u>Maximum building height</u>	<u>35 feet</u>
<u>Maximum site coverage (building and impervious surface)</u>	<u>100 percent</u>

(Ord. 688. 6-15-99)

C. Building Orientation: Buildings shall have their primary entrances oriented toward the street. On corner lots, building entrances shall face the primary fronting street or the corner.

D. Building Materials: No special standards for building materials apply.

E. Parking: Parking shall not be located in the front yard setback closer to the street than the adjacent building facade or a minimum of 10 feet. Parking shall not be located between a building and the public street.

F. The minimum parking requirement shall be one-half (1/2) of the number of parking spaces specified for uses in Chapter 9 of this Title and parking spaces on the public street adjacent to a use may be counted to fulfill the parking requirement. (Ord. 688. 6-15-99)

G. Screening and Buffering: All outdoor storage areas or service areas, including recycling, garbage or waste disposal bins; and parking areas, but excluding areas used for outdoor sales, shall be screened to eliminate or reduce the visual impact of such areas from the public right-of-way. Screening and buffering must meet one of the following minimum standards:

1. A staggered row of evergreen trees or shrubs that will grow to form a continuous visual buffer at least five feet in height within one year of planting.
2. A combination of berm, having a slope less than 40 percent, and evergreen planting designed together to form a continuous visual buffer of at least five feet in height within one year from installation.
3. A masonry wall or sight-obscuring fence of not less than five feet in height combined with a landscaped area not less than five feet in width.
4. Alternative methods of screening and buffering visual impacts considered appropriate for the nature of the impacts may be approved by the City.

#### **10-4D-5: LIMITATIONS ON USE**

- A. All uses are subject to site review.
- B. No single use shall have a gross floor area greater than twelve thousand (12,000) square feet, except for a grocery store.
- C. The maximum front yard setback may be increased by 10 feet if the setback is occupied by an outdoor feature relating to the business or public amenity such as seating or art work.

## 10-12-2: STANDARDS GOVERNING CONDITIONAL USES

H. General Commercial Uses in the Downtown Transition District shall comply with the following standards.

- 1) The proposal shall be consistent with the purpose of the Downtown Transitional district.
- 2) The proposal must ensure a high quality pedestrian oriented environment. A high quality pedestrian oriented environment is one that includes features. such as:
  - Plazas or outdoor gathering areas:
  - Wide sidewalks:
  - Unusual or ornamental pavement materials or patterns:
  - Benches. street lighting. trash receptacles. bicycle racks. drinking fountains. and other outdoor furnishings:
  - Street trees or building awnings that provide shelter from the r
  - Fountains. ornamental pools. or ponds: and
  - Public art or interpretive exhibits.
- 3) Building entrances shall be oriented to the public street by fronting directly on the public sidewalk or directly connected to the public sidewalk by a concrete walkway. First floor building facades that front on public streets and include more than 50% of the wall area as windows.
- 4) Uses that occupy existing buildings may be exempted from compliance with the standards of this sub-section (10-12-2.H) through the site review process. when compliance is not feasible due to the nature of the proposed use or the nature of the existing building or site. or both.

10-11-4 Vision Clearance is hereby amended to add the following:

C. Access to the public right of way (public or private driveway) shall not be located within the vision clearance area of an intersection. unless there is no other alternative for access to a site.

10-13-2 Site Review, is hereby amended to add language in 10-13-2.3 as follows:

d. Based on anticipated vehicle and pedestrian traffic and the condition of adjacent streets and rights of way, the City may require right-of-way improvements including, but not limited to, paving, curbs, sidewalks, bikeways, lighting, turn lanes, and other facilities needed because of anticipated vehicle and pedestrian traffic generation. Minimum requirements shall conform to the standards of 11-4-2.C Minimum Street Standards and the Public Works Standards.

**ORDINANCE NO. 799**

**AN ORDINANCE AMENDING ORDINANCE NO. 779 BY ADOPTING ONE NEW COMMERCIAL ZONE AND REVISING THE COMPREHENSIVE PLAN AND ZONING MAP BY REZONING VARIOUS COMMERCIAL PROPERTIES; AND AMENDING ORDINANCE NO. 688 BY MODIFYING THE ZONING REGULATIONS FOR EACH OF THE EXISTING COMMERCIAL ZONES WITHIN THE CITY; AND DECLARING AN EMERGENCY**

**WHEREAS**, currently, the primary factor for determining whether or how a commercial use is allowed within any of the City’s existing commercial zones depends largely on whether the commercial use is “conducted wholly within an enclosed building” or “not conducted wholly within an enclosed building;” and

**WHEREAS**, the current approach in determining whether any proposed commercial use is allowed within an existing commercial zone has the potential for allowing uses that do not meet the purpose and intent of the zone or are not compatible with other uses in the zone; and

**WHEREAS**, the development standards applicable to any proposed commercial use are scattered throughout the Zoning Ordinance making them difficult to address through the site plan review process required for all uses; and

**WHEREAS**, the City desires to more actively shape each commercial zone to fit the area and the community’s desired vision for development of those areas, and to promote greater compatibility between uses; and

**WHEREAS**, the City Council remanded the Planning Commission’s recommended amendments originally proposed in application ZC-1-2015 back to the Planning Commission to consider making additional changes; and

**WHEREAS**, the Planning Commission made changes to the proposed amendments to address the City Council’s concerns and conducted a new public hearing prior to recommending approval of the amendments proposed in Zone Change application, ZC-1-2015, to the City Council for its review and a final decision; and

**WHEREAS**, the City Council held a public hearing on November 3, 2015 to consider the Planning Commission’s recommendation regarding the amendments proposed in application ZC-1-2015.

**NOW THEREFORE, THE CITY OF UMATILLA DOES ORDAIN AS FOLLOWS:**

Section 1. The Comprehensive Plan and Zoning Map is hereby amended to reflect only the plan/zone map changes shown on the map contained in Zone Change application ZC-1-2015, which is attached hereto as Exhibit A.

Section 2. Section 2.1 of the Comprehensive Landuse Plan, as adopted under Ordinance No. 779, is hereby amended to include the new McNary Center Mixed Use (MC) Zone as an official plan districts/ land use classification. The amendments to the Comprehensive Land Use Plan consist of the new zone by title and the purpose and intent statement for the zone, similar to how the existing plan districts/land use classifications are identified.

Section 3. Ordinance No. 688 is amended to include the zone text amendments to each of the City's commercial zones as contained in Zone Change application ZC-1-2015, attached hereto as Exhibit B (which includes the new McNary Center Mixed Use (MC) Zone), which replace the existing commercial zones in Chapter 4 of the City of Umatilla Zoning Ordinance in their entirety.

Section 4. If any provision of this Ordinance or its application to any person or circumstance is held to be invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of the Ordinance are severable.

Section 5. This Ordinance being necessary for the immediate preservation of the public health, safety and welfare, an emergency is declared to exist, and this Ordinance shall be in effect immediately upon its passage.

**ADOPTED** by the City Council this  3rd  day of  November , 2015.

Council members voting yes:  Councilors Farnsworth, Ray, Lougee, and TenEyck

Council members voting no: \_\_\_\_\_

Absent Council members:  Councilors Dedrick & Fenton

Abstaining Council members: \_\_\_\_\_

And **SIGNED** by the Mayor this  3rd  day of  November , 2015.

\_\_\_\_\_  
DAVID TROTT, MAYOR

ATTEST:

\_\_\_\_\_  
Nanci Sandoval, City Recorder

## ARTICLE B. DOWNTOWN TRANSITIONAL (DT)

SECTION:

### 10-4B-1: Purpose And Intent

### 10-4B-2: Interpretation Of Uses

### 10-4B-3: Uses Permitted Outright

### 10-4B-4: Uses Permitted Subject To Standards

### 10-4B-5: Conditional Uses Permitted

### 10-4B-6: Temporary Uses Permitted

### 10-4B-7: Property Development Standards

### 10-4B-8: Site Plan Design Review Requirements And Procedures

#### 10-4B-1: PURPOSE AND INTENT:

The purpose of the downtown transitional (DT) zone is to provide for a mix of pedestrian friendly commercial uses and small scale, auto oriented commercial uses. Commercial uses in this zone accommodate pedestrians and meet at least one-half ( $\frac{1}{2}$ ) of required parking on site. The DT zone is intended to serve as a transition between pedestrian oriented commercial uses within the central business district (DC zone) and predominantly auto oriented commercial uses extending farther beyond the central business district along Highway 730. (Ord. 799, 11-3-2015)

#### 10-4B-2: INTERPRETATION OF USES:

A. Types Of Uses: Within the DT zone, uses are classified as "permitted", "permitted with standards", and "conditional". Further, uses are functionally classified by the description of the particular activity (such as "single-family residence") or by the general category with reference to the "North American industry classification system" (NAICS). Permitted and conditional uses shall be of a size and scale to meet the purpose and intent of the DT zone.

B. North American Industry Classification System (NAICS): Uses functionally classified with reference to the NAICS are described with the NAICS index number. Some activities, otherwise included under the NAICS category, may be specifically excluded by this article. The excluded activity will be placed in the general NAICS category, but identified by the preceding words - "but (or and) excluding". For example, "food store (54), but excluding freezer and locker meat provisioners".

C. Interpretation Of Uses: Where a use is not described with reference to the NAICS or otherwise defined in section 10-1-6 of this title, the words of this zoning ordinance describing such use are to be given their ordinarily accepted meaning, except where the context in which they are used otherwise clearly requires.

D. Prohibited Uses: Uses not specifically identified as permitted, permitted with standards, or conditionally permitted within the zone, or otherwise allowed through interpretation, shall be considered prohibited uses. A use specifically permitted in one zone, but not another, shall not be interpreted as being permitted in another zone under a different classification. (Ord. 799, 11-3-2015)

#### 10-4B-3: USES PERMITTED OUTRIGHT:

The following uses and their accessory uses are permitted outright in the DT zone subject to the property development standards of the DT zone, and the site plan design review requirements and procedures under sections 10-4B-7 and 10-4B-8 of this article:

- A. Automotive parts and accessories stores (44131).
- B. Furniture and home furnishings (442).
- C. Electronic and appliance stores (443).
- D. Paint and wallpaper stores (44412).
- E. Hardware stores (44413).
- F. Specialty food stores (4452).
- G. Beer, wine and liquor stores (4453).
- H. Pharmacies and drugstores (44611).
- I. Cosmetics, beauty supplies, and perfume stores (44612).
- J. Optical goods (44613).
- K. Food (health) supplement and other health and personal care stores (44619).
- L. Clothing stores (4481).
- M. Shoe stores (4482).
- N. Jewelry, luggage, and leather goods stores (4483).

- O. Sporting goods, hobby, and musical instruments stores (4511).
- P. Bookstores and news dealers (4512).
- Q. Miscellaneous store retailers (453) limited to the following:
  - 1. Florists (4531).
  - 2. Office supplies, stationery, and gift stores (4532).
  - 3. Pet and pet supplies stores (45391).
  - 4. Art dealers (45392).
  - 5. Tobacco stores (453991).
- R. Information industries - except internet (51); examples include publishing industries, motion picture and sound recording industries, radio and television broadcasting and data processing, hosting and related services.
- S. Finance and insurance (52).
- T. Offices of real estate agents and brokers (5312) and activities related to real estate (5313).
- U. Consumer goods rental (5322).
- V. Professional, scientific, and technical services (541) limited to the following:
  - 1. Legal services (5411).
  - 2. Accounting, tax preparation, bookkeeping and payroll services (5412).
  - 3. Architecture, engineering, and related services (5413) not including testing lab (54138).
  - 4. Specialized design services (5414).
  - 5. Computer systems design and related services (5415).
  - 6. Management, scientific, and technical consulting services (5416).
  - 7. Advertising, public relations, and related services (5418).
  - 8. Marketing research and public opinion polling (54191).
  - 9. Photographic services (54192).
  - 10. Translation and interpretation services (54193).
  - 11. Management of companies and enterprises (551).
- W. Administrative and support services (561) limited to the following:
  - 1. Office administrative services (5611).
  - 2. Employment services (5613).
  - 3. Business support services (5614).
  - 4. Travel arrangement and reservation services (5615).
  - 5. Investigation and security services (5616).
  - 6. Services to buildings and dwellings (5617).
- X. Educational services (611) limited to the following:
  - 1. Business schools and computer and management training (6114).
  - 2. Technical and trade schools (6115).
  - 3. Fine arts schools (61161).
  - 4. Sports and recreation instruction (61162).
  - 5. Language schools (61163).
  - 6. Educational support services (6117).
- Y. Offices of physicians, dentists and other health practitioners (6211, 6212 and 6213).
- Z. Medical and diagnostic laboratories (6215) and other ambulatory healthcare services (62199).
- AA. Social assistance services (624) limited to the following:
  - 1. Individual and family services (6241).
  - 2. Vocational rehabilitation services (6243).

BB. Performing arts companies (7111).

CC. Fitness and recreational sports centers (71394).

DD. Bowling centers (71395).

EE. Public recreational park, facility or trail, provided:

1. The site is inventoried in the comprehensive plan for park, trail or other recreational purposes.
2. Development of the park, facility or trail will be in accordance with an adopted master development plan for the park, facility or trail.

FF. Food services and drinking places (722).

GG. Electronic and precision equipment repair and maintenance (8112).

HH. Personal and household goods repair and maintenance (8114).

II. Personal care services (8121); examples include barbershops and beauty salons.

JJ. Dry cleaning and laundry services (8123) except industrial launderers (812332).

KK. Other personal services (8129) limited to the following:

1. Pet care (except veterinary) services (81291).
2. Photofinishing (81292).
3. Other personal services (81299).

LL. Grant making, civic, professional, and similar organizations (813) but excluding religious organizations (8131). (Ord. 799, 11-3-2015)

**10-4B-4: USES PERMITTED SUBJECT TO STANDARDS:**

The following uses and their accessory uses are permitted in the DT zone subject to the standards listed thereunder, the property development standards of the DT zone, and the site plan design review requirements and procedures under sections 10-4B-7 and 10-4B-8 of this article, unless otherwise specified for the use:

A. Drive-through for any use, subject to the following standards:

1. A drive-through window or use shall be oriented to the side or rear of a building and shall be designed to minimize conflicts with pedestrians and vehicles.
2. A drive-through window that uses access from 6th Street (Highway 730) is allowed only if use of the access from 6th Street for the drive-through window is limited to either ingress or egress.

B. Creation of a new city, county or state road, or realignment of an existing city, county or state road or any portion thereof and which does not involve a land partition, subject to the following:

1. The road or realignment complies with applicable street standards, as specified in the comprehensive plan or other implementing ordinances and the city's public works standards, for the existing or intended street classification.
2. Review for compliance with the requirements under subsection B1 of this section, shall be subject to the procedures and requirements for a type III decision.
3. The use is subject to inspections, as determined by the city public works director, to certify that all improvements have been constructed to city standards.

C. Specialty trade contractors (238), subject to the following standards:

1. The use is limited to a maximum of seven thousand five hundred (7,500) square feet.
2. At least one-third ( $\frac{1}{3}$ ) of the building area is used for office use and retail product display.
3. There is no outside storage of materials.

D. Other building material dealers (44419), subject to the following standards:

1. The use is limited to a maximum of ten thousand (10,000) square feet.
2. At least forty percent (40%) of the building area is used for office use and retail product display.

E. Convenience stores (44512), subject to the following standard:

1. The use is limited to a maximum of six thousand (6,000) square feet.

F. Used merchandise stores (4533), subject to the following standards:

1. The use is limited to a maximum of seven thousand five hundred (7,500) square feet.
2. There is no outside storage or display of goods or materials.

G. Automotive equipment rental and leasing (5321), subject to the following standard:

1. The use is limited to a maximum of ten thousand (10,000) square feet including buildings and any outdoor storage of vehicles or other equipment.

H. General rental centers (5323), subject to the following standards:

1. The use is limited to a maximum of seven thousand five hundred (7,500) square feet.
2. There is no outside storage or display of goods or materials.

I. Veterinary services (54194), subject to the following standards:

1. The use is limited to the care and treatment of small animals up to two hundred (200) pounds on premises.
2. There is no outside storage of materials or outside containment of animals.

J. Local utility distribution facilities (see section 10-1-6, "Definitions", of this title), subject to the following:

1. A permit for the proposed distribution line or facility has been obtained from the public works director in accordance with the requirements of title 7 of this code, prior to construction. (Ord. 799, 11-3-2015)

**10-4B-5: CONDITIONAL USES PERMITTED:**

The following conditional uses are permitted in the DT zone subject to the property development standards of the DT zone, the decision criteria and any additional applicable standards in chapter 12 of this title specific to the use, and the site plan design review requirements and procedures under sections 10-4B-7 and 10-4B-8 of this article.

The applicant bears the burden of proof for demonstrating, based on factual information and arguments, how the proposed use complies with all standards and decision criteria upon which the planning commission must base its decision.

- A. Residential use on the second floor or above provided ground floor occupied by or readily available solely for commercial use.
- B. Automobile dealers (4411).
- C. Motorcycle, boat, ATV and other motor vehicle dealers (4412) but excluding recreational vehicle dealers (44121).
- D. Tire dealers (44132).
- E. Home centers (44411).
- F. Lawn and garden equipment and supplies stores (4442).
- G. Supermarkets and other grocery stores (44511 - except convenience stores).
- H. Gasoline stations (4471).
- I. General merchandise stores (other - 45299).
- J. Taxi and limousine service (4853).
- K. Motor vehicles towing (48841).
- L. Postal service (4911).
- M. Couriers and express delivery services (4921).
- N. Local messengers and local delivery (4922).
- O. Architecture, engineering and related services (5413) with testing lab (54138).
- P. Scientific research and development services (5417).
- Q. Facilities support services (5612) and other support services (5619).
- R. Ambulatory healthcare services (621) limited to the following:
  - 1. Outpatient care centers (6214).
  - 2. Home healthcare services (6216).
  - 3. Ambulance services (62191).
- S. Specialty hospitals - except psychiatric and substance abuse (6223).
- T. Nursing and residential care facilities (623).
- U. Community food, housing, emergency and other relief services (6242).
- V. Child daycare services (6244).
- W. Museums, historical sites and similar institutions (7121).
- X. Arcades (7131) and other amusement and recreation industries (71399).
- Y. Public recreational park, facility or trail not identified in the comprehensive plan.
- Z. Hotels and motels (72111).

- AA. RV parks and recreational camps (7212).
- BB. Rooming and boarding houses (7213).
- CC. Automotive repair and maintenance (8111).
- DD. Commercial and industrial machinery and equipment repair and maintenance (8113).
- EE. Death care services (8122) but excluding cemeteries (81222).
- FF. Parking lots and garages (81293).
- GG. Religious organizations (8134).
- HH. Public administration and government facilities and support services (92).
- II. Multi-tenant commercial/commercial building (see section 10-1-6, "Definitions", of this title).
- JJ. Major utility facilities (see section 10-1-6, "Definitions", of this title).
- KK. Mobile food vendor pods (722330). (Ord. 799, 11-3-2015; amd. Ord. 836, 6-4-2019)(Ord. 799, 11-3-2015)

**10-4B-6: TEMPORARY USES PERMITTED:**

Reserved. (Ord. 799, 11-3-2015)

**10-4B-7: PROPERTY DEVELOPMENT STANDARDS:**

The following property development standards apply to all new developments in the DT zone and are intended to provide a consistent development pattern that ensures a safe, orderly, efficient, economically viable and aesthetically pleasing environment throughout each zone district.

Existing developed properties are expected to meet these requirements to the extent reasonably possible. Similar to findings that demonstrate how a development proposal meets applicable standards, findings shall also justify why a proposal is not able to meet applicable standards for existing developed properties or structures. Cost may be considered, but shall not be the sole determinant if the cost is reasonable within the overall scope of the development proposal.

A. Basic Site Development Standards:

- 1. Minimum Lot Size And Lot Width; Building Setbacks; Maximum Building Height And Site Coverage:

Minimum lot or parcel size:

Commercial uses	None
Minimum lot width	None

Maximum front or street side yard setback  
 10 feet; the maximum front yard setback may be increased by 10 feet if the setback is occupied by an outdoor feature relating to the business or public amenity such as seating or artwork

Minimum yard setbacks:

Front and rear yards	0 feet or 10 feet if adjacent to a residential district
Side yard	0 feet or 10 feet if adjacent to a residential district
Street side yard	1 foot

Parking space  
 10 feet wide; see chapter 9 of this title for parking standards

Maximum building height  
 35 feet

Maximum site coverage (building and impervious surface)  
 95 percent

B. Site Development Impact Standards:

1. Traffic Impact Analysis: A traffic impact analysis meeting the requirements under subsection 10-11-10C of this title shall be required to be submitted to the city with a land use application, when the community development director determines that the application involves one or more of the following actions:

- a. A change in zoning or plan amendment designation; or
- b. The proposal is projected to cause one or more of the following effects, which can be determined by field counts, site observation, traffic impact analysis or study, field measurements, crash history, Institute Of Transportation Engineers' "Trip Generation Manual"; and information and studies provided by the local reviewing jurisdiction and/or ODOT:

(1) An increase in site traffic volume generation by two hundred fifty (250) average daily trips (ADT) or more (or as required by the city engineer). The latest edition of the "Trip Generation Manual", published by the Institute Of Transportation Engineers (ITE) shall be used as standards by which to gauge average daily vehicle trips; or

(2) An increase in use of adjacent streets by vehicles exceeding the twenty thousand (20,000) pounds' gross vehicle weight by ten (10) vehicles or more per day; or

(3) The location of the access driveway does not meet minimum intersection sight distance requirements, or is located where vehicles entering or leaving the property are restricted, or vehicles queue or hesitate, creating a safety hazard; or

(4) The location of the access driveway does not meet the access spacing standard of the roadway on which the driveway is located; or

(5) A change in internal traffic patterns that may cause safety problems, such as backup onto the highway or traffic crashes in the approach area.

2. Floodplain, Wetland And Riparian Areas: See chapter 7 of this title and title 12 of this code.

The requirements under chapter 7 of this title and title 12 of this code are triggered when development is proposed within a designated floodplain or riparian area as identified by the official flood insurance rate map (FIRM) prepared by the U.S. federal emergency management agency (FEMA); or when property contains wetland areas as identified on the national wetlands inventory (NWI) map prepared by the U.S. fish and wildlife service (USFWS).

3. Stormwater Surface Drainage:

a. Surface water runoff shall be handled on site through the use of landscaped areas, grassy swales or similar natural features to the extent reasonably feasible. Where surface water runoff cannot be entirely managed on site, adequate provisions shall be made so that runoff will not adversely affect the use of adjoining or downstream properties, unless a drainage easement has been obtained.

b. Where it is anticipated by the city public works director that the additional runoff resulting from a proposed development will overload an existing drainage facility, the city shall withhold approval of the development until provisions have been made for improvement of the potential condition or until provisions have been made for storage of additional runoff caused by the development in accordance with city standards.

c. In order to accommodate upstream drainage, culverts and other drainage facilities shall be large enough to accommodate existing and potential future runoff from the entire upstream drainage area, whether inside or outside the development. Such facilities shall be subject to review and approval by the city public works director.

4. Vehicle Access, Driveway And Circulation Standards:

a. New Vehicle Access Connections: New access connections shall not be permitted within the functional area (see section 10-1-6, "Definitions", of this title) of an intersection or interchange as defined by the connection spacing standards of this title, the comprehensive plan and public works standards, unless no other reasonable access to the property is available. See also subsection 10-11-4C of this title regarding vision clearance areas.

b. Access Connections: Where no other alternative exists, the city may allow construction of an access connection along the property line farthest from the intersection. In such cases, directional connections (i.e., right in/out, right in only, or right out only) may be required.

c. Cross Access Drives, Pedestrian Access: Adjacent commercial or office properties such as shopping plazas and office parks that are major traffic generators shall provide a cross access drive and pedestrian access to allow circulation between sites.

d. Separation Distance: The city may reduce the required separation distance of access points where they prove impractical, provided all of the following requirements are met:

(1) Joint access driveways and cross access easements are provided.

(2) The site plan incorporates a unified access and circulation system.

(3) The property owner enters into a written agreement with the city, recorded with the deed, that preexisting connections on the site will be closed and eliminated after construction of each side of a joint use driveway.

(4) The city may modify or waive the requirements of this section where the characteristics or layout of abutting properties would make a development of a unified or shared access and circulation system impractical.

e. Phased Developments: Development sites under the same ownership or consolidated for the purpose of development and comprising more than one building site, shall be reviewed as a single property for the purpose of complying with access standards. The number of access points permitted shall be the minimum number necessary to provide reasonable access to the site, not the minimum for that frontage.

f. Corner Lots: Corner lots shall be required to locate motor vehicle accesses on the street with the lower functional classification when feasible provided such access will not be located within the functional area of the intersection. This requirement may be waived or modified when a commercial use would be required to take access from a street in a residential neighborhood.

g. Nonconforming Access Features: Legal access connections in place when this title was adopted that do not conform with the standards herein are considered nonconforming features and shall be brought into compliance with applicable standards when new access connection permits are requested or when there is a change in use or enlargement or improvement that will increase trip generation.

5. Driveway Standards:

a. If the driveway is one-way in or out, the minimum width shall be ten feet (10') and appropriate sign(s) designating the driveway as a one-way connection shall be provided.

b. For two-way accesses, each lane shall have a minimum width of ten feet (10'). The maximum width for a driveway access, including both lanes, is thirty five feet (35') for both lanes.

c. The length of a driveway shall be designed in accordance with the anticipated storage length of entering and exiting vehicles to prevent vehicles from backing into the flow of traffic on the public street or causing unsafe conflicts with on site circulation.

6. Utilities: All electrical, telephone and cable television utility service installations or connections made as part of new construction of a building or structure shall be underground in accordance with city standards.

7. Easements: An applicant should discuss with the city planning official the likelihood that any easement will be required prior to making application. When an easement is required based on findings that justify the easement, the following standards shall apply:

a. Pedestrian Easements: In order to facilitate pedestrian access from streets, lots, or developments to schools, parks, nearby streets, or other developments, an easement no less than ten feet (10') wide with a paved pathway no less than six feet (6') shall be required. Any sight obscuring barrier such as a fence or planting at the edge of the easement shall not exceed three feet (3') in height in order to maintain visibility of the walkway from adjacent properties.

b. Open Space Easements: An open space easement may be required over areas in private ownership of the floodplain or areas with unique natural conditions. Such easement shall preclude development of the area when limiting the use of a property is determined to be in the public interest.

c. General Public Easements: When topography or other conditions make impractical the location of drainage facilities, sanitary sewer or water lines within the public street right of way, an unobstructed easement shall be provided across a property. Easements shall be of sufficient width to safely excavate buried facilities, but generally shall be no less than fifteen feet (15') in width.

### C. Special Site And Building Design Standards:

#### 1. Building Orientation And Architectural Features:

a. The primary building and entry shall be oriented toward the fronting street. On corner lots, building entrances shall face the primary fronting street or the corner.

b. The primary building shall incorporate ground floor windows along street facades, with at least twenty percent (20%) of any wall within thirty feet (30') of a street consisting of display areas, windows or doorways.

c. Building facades facing a street shall include changes in relief such as cornices, columns, gables, bay windows, recessed entryways, or similar architectural or decorative elements.

d. Awnings that extend into the right of way over the public sidewalk are permitted on commercial buildings. Awnings shall not bisect transom windows.

2. Off Street Parking, Loading And Unloading: See chapter 9 of this title for specific design standards for parking spaces and parking areas.

a. Within the DT zone, the minimum off street parking requirement shall be one-half ( $\frac{1}{2}$ ) of the number of parking spaces specified for uses in chapter 9 of this title and parking spaces on the public street adjacent to the subject property may be counted to fulfill the parking requirement.

b. When any new off street parking is provided, parking areas shall be located behind buildings or to a nonstreet side yard such that buildings separate parking areas from the street, unless there is no feasible alternative.

c. Existing or proposed off street parking areas between the front or side of a building and the public right of way shall be separated from the right of way with a minimum thirty inch (30") wide landscape strip (see landscape requirements).

d. Parking bumpers shall be set at least six feet (6') from the property/right of way line for parking spaces established perpendicular to the right of way. Parking bumpers shall be securely fastened to the pavement or ground.

e. Parking within the street right of way along a street side yard shall maintain a six foot (6') separation from the edge of the right of way/property line to allow for a pedestrian walkway. Separation shall be maintained by the use of parking bumpers, an extruded curb or other barrier, as approved by the city public works director. No parking shall be allowed within twenty feet (20') of an intersection or crosswalk.

f. Loading and/or unloading of truck freight may occur on site, or within an alley or a local side street, but not within the right of way of 6th Street.

#### 3. Bicycle And Pedestrian Facilities And Easements:

a. Bicycle or pedestrian easements and/or improvements may be required if a portion of the subject property is included in the comprehensive plan as necessary to complete a planned bicycle or pedestrian pathway or trail, or to accommodate a portion thereof; or if findings justify the need to address anticipated impacts from the proposed development.

b. Developments shall provide an on site pedestrian circulation system that connects building entrances, public sidewalks, bicycle and automobile parking areas, and parts of the site or abutting properties that may attract pedestrians. Walkways shall maintain a clear width of at least five feet (5') and shall be separated from vehicles by curbs, raised bumpers, planter strips or similar barriers. Walkways through parking areas or crossing driveways shall be clearly identified by a different material or pavement markings, or both. Walkways shall be in clearly visible locations to promote safety. Walkways shall be hard surfaced.

#### 4. Landscaping, Lighting And Outdoor Storage:

a. At least five percent (5%) of the site shall be landscaped. A minimum thirty inch (30") wide landscape strip along street frontages and building fronts must be included in the landscape plan to accommodate surface water runoff from the site and to

enhance the street appearance of the development.

b. Landscaping shall include ground cover material such as decorative rock, bark or lawn, and at least two (2) of the following landscape elements: flowers, decorative shrubs, trees, boulders or decorative lighting.

c. Landscaped areas shall be provided with automatic irrigation unless a letter from a licensed landscape architect is submitted with the landscape plan certifying that the selected landscape plants will survive without irrigation.

d. Pedestrian amenities, such as benches, plazas, fountains, and sculptures that are high quality and provided for public use or enjoyment, may replace up to one-third ( $\frac{1}{3}$ ) of the required landscaping, but shall not replace required landscaping along street frontages or building fronts.

e. Parking areas shall be landscaped as prescribed in subsection 10-9-2D of this title.

f. Lighting may be required on the site, such as between parking areas and buildings or along walkways based on findings that justify the need to protect the public health, safety or welfare. All on site lighting shall be shielded to prevent off site glare or nuisance to traffic or neighboring properties.

g. Outdoor storage and garbage collection areas shall be entirely screened with a six foot (6') high sight obscuring fence, wall or vegetation. Outdoor storage and garbage collection areas shall not be permitted within a required vision clearance area.

h. Annual renewal of a business license for a commercial use shall be contingent upon satisfactory maintenance of landscaped areas approved as part of the site plan or conditional use review for the use.

5. Vision Clearance Area And Fences: See section 10-11-4 and subsection 10-11-1B of this title.

6. Signs: See title 8, chapter 2 of this code. (Ord. 799, 11-3-2015)

#### **10-4B-8: SITE PLAN DESIGN REVIEW REQUIREMENTS AND PROCEDURES:**

All uses permitted in the DT zone are subject to site plan design review. The purpose of site plan design review is to provide a process to review proposals to verify that compliance with the property development standards of the DT zone under section 10-4B-7 of this article will be met, along with any other applicable provisions of this code, or the comprehensive plan.

A. Permitted Uses: In the DT zone, site plan design review for a use permitted outright or for a use permitted subject to standards shall follow the public notice and review procedures in subsections 10-14-2B and 10-14-6B of this title for a type II decision, and the notice of decision requirements under section 10-14-8 of this title.

B. Conditional Uses: Site plan design review shall be incorporated into the type III review process required for all conditional uses permitted in the DT zone. A type III decision includes the procedures under subsection 10-14-6C, and sections 10-14-7 and 10-14-8 of this title.

C. Application Requirements: An application for site plan design review only, or in conjunction with a conditional use request, shall include the information and materials listed under section 10-14-4 of this title.

D. Authority To Grant Exemption From Site Plan Design Review: The city planning official is authorized to exempt a proposed use from the requirements for site plan design review when:

1. The proposed use is listed in the DT zone as a use permitted outright or as a use permitted subject to standards.

2. The proposed use is the same type of use as the most recent previous use for the subject property for which site plan design review was approved by the city.

3. No changes to the zoning regulations or development standards applicable to the proposed use have occurred since the most recent site plan design was approved and the previous use was in full compliance with all conditions of the most recent site plan approval.

4. The applicant, and property owner if different, acknowledge in writing the terms and conditions of the prior site plan design approval and agree to abide by the terms and conditions of the approval. At the determination of the city planning official, any change to the prior site plan approval that would cause one or more of the current standards or conditions of approval to no longer be met shall require a new site plan design review and approval prior to making the change. (Ord. 799, 11-3-2015)