

ORDINANCE NO. 488

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH PLAINS, OREGON, IMPLEMENTING AN AMENDMENT TO TEXT OF THE ZONING AND DEVELOPMENT CODE REGARDING DEVELOPMENT IN THE C-1 ZONE WITHIN THE CITY'S DOWNTOWN CORE

WHEREAS, the City of North Plains ("City") initiated an amendment the text of the Zoning and Development Code regarding development in the C-1 Zone within the City's downtown core; and

WHEREAS, the City submitted the proposed amendments to DLCD on March 8, 2023; and

WHEREAS, the Planning Commission conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, public testimony and staff report at its meeting on April 12, 2023; and

WHEREAS, the City Council conducted a duly-noticed public hearing, and reviewed the proposed zoning code text amendments, Planning Commission recommendation, public testimony and staff report at its meeting on May 1, 2023; and

WHEREAS, the City Council considered the proposed amendments, the evidence in the record and applicable criteria for the amendments proposed in Application File No. TA23-038 (Zoning Code Text Amendment).

Now, therefore:

THE CITY OF NORTH PLAINS ORDAINS AS FOLLOWS:

Section 1. The City hereby adopts the Zoning and Development Code Text Amendments attached hereto as Exhibit "A."

Section 2. In support of this decision, the City Council adopts the findings in the staff report dated April 24, 2023, attached hereto as Exhibit "B," including all interpretations of the city comprehensive plan and development code set forth therein.

Section 3. This Ordinance shall become effective on the 30th day after its adoption.

INTRODUCED on the 1st day of May 2023, **ADOPTED** on the 15th day of May, 2023, and **EFFECTIVE** on the 15th day of June, 2023.

CITY OF NORTH PLAINS, OREGON



By: _____
Teri Lenahan, Mayor

ATTEST:



By: _____
Lori Lesmeister, City Recorder

CC Meeting Date: 05/1/2023

STAFF REPORT TO CITY COUNCIL

Planning Commission Recommendation of Approval to City Council

City File Number TA 23-038

Downtown Improvement Plan (DIP) Zoning and Development Code Updates

Staff Report Date: April 24, 2023



From: Steve Miller, Planning Manager

Public Hearing Date: May 1, 2023

Proposed Development Code Updates:

The North Plains City Council is considering a Zoning and Development Code Text Amendment that would update the existing regulations regarding development in the C-1 Zone within the City's downtown core.

The proposed Text Amendment requires a legislative public hearing before the Planning Commission who will make a recommendation to the City Council. The Planning Commission held the required legislative public hearing on April 12, 2023, and recommended approval of the proposed text amendments to the City Council.

Explanations for the proposed amendments are provided in blue commentary boxes. Draft code amendments are presented in (removed)/ underline (added) format and are highlighted in yellow. Omitted sections of the code are indicated by [...].

Proposed Zoning and Development Code text amendments:

- 155.143 Zoning Districts Use Table
Amendments to permitted uses are proposed in the C-1 and M-2 zoning districts. If the use permissions are amended as proposed, those will also need to be reflected in the Zoning District Use Table in Section 155.143.
- 155.215-155.221 C-1 Community Commercial District
 - The C-1 zone is the primary zoning designation within the North Plains downtown core.
 - Below are recommendations for enhancing the C-1 zone's ability to support a more vibrant and economically viable downtown North Plains. NOTE: Because the C-1 zoning designation is only applied in the downtown area, the impacts of any changes to the C-1 code section would be limited to downtown North Plains.
 - Updating regulations pertaining to the C-1 zone and the Downtown Improvement Plan (DIP) to:
 - Permit childcare centers outright.
 - Prohibit single-tenant retail uses over 30,000 sq. ft.
 - Prohibit drive-through businesses.

- 155.295-155.300 M-2 General Industrial District
 - For the sites closest to the downtown core in the M-2 zone (the blocks directly west of Main Street), the proposed amendments **limit heavy industrial uses not already in place**. This would promote future redevelopment that is more compatible with downtown retail uses and that is consistent with the NPDIP goals of a vibrant, walkable downtown.
- 155.671-155.673 Off-street Parking and Loading
 - North Plains' existing parking standards for certain commercial uses are higher than necessary to support successful downtown development. The proposed amendments below reduce parking ratios for targeted uses—retail stores, eating and drinking establishments, medical clinics, and motels.

SUMMARY OF RECOMMENDATION

The North Plains Planning Commission recommends approval of the updates to TA 23-038 to the City Council for a public hearing scheduled for May 1, 2023.

The North Plains Planning Commission recommended approval of TA 23-038 to the City Council at their meeting in April of 2023. The proposed amendments to the C-1 Zone provide design standards to ensure that new development complements the creation of an attractive and walkable downtown. The proposed changes to the C-1 zoning district allow mixed-use and middle housing types, amend dimensional standards such as minimum setbacks for residential uses and allow for a reduction in the minimum number of required parking spaces. The combination of changes to the C-1 zone with the new parking standards should result in development that is walkable, mixed-use, and higher density than the underlying (existing) C-1 zoning district.

These proposed amendments are subject to Chapter 155.127, Comprehensive Plan & Zoning Amendments and Chapter 155.032, Type IV Legislative and Other Decisions, of Title XV of the North Plains Municipal Code. As proposed, planning staff find the amendments consistent with all applicable standards from Title XV of the North Plains Municipal Code (NPMC) and the Statewide Planning Goals.

This report includes findings regarding each applicable Comprehensive Plan Development Code criterion. The proposal is consistent with the Comprehensive Plan and Development Code criteria for a Zoning Code Text Amendment.

BACKGROUND

The City is initiating an update to the Zoning and Development Code. The update is prompted by the The North Plains Downtown Improvement Plan (NPDIP), which is a plan to strengthen downtown North Plains in a way that enhances economic vitality and community livability. The NPDIP was developed between summer 2021 and spring 2023 with the help of the Project Advisory Committee (PAC), City staff, the Economic Development Committee, downtown stakeholders, and the broader North Plains community. The project was funded by a grant from the Oregon Departments of Transportation (ODOT) and Land Conservation and Development (DLCD) through their co-managed Transportation and Growth Management program (TGM).

COMPLIANCE WITH CITY OF NORTH PLAINS MUNICIPAL CODE

COMPREHENSIVE PLAN & ZONING AMENDMENTS

§155.127 Review Criteria

(A) Text Amendment

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the following review criteria:

(1) Impact of the proposed amendment on land use and development patterns within the city, as measured by:

(a) Traffic generation and circulation patterns in compliance with the Transportation System Plan (TSP);

(b) Demand for public facilities and services, in compliance with the City utility master plans;

(c) Level of park and recreation facilities;

(d) Economic activities;

(e) Protection and use of natural resources;

(f) Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.

FINDING: The adoption of the proposed Zoning Code text amendment is a necessary factual basis for the City to review proposed land use developments in the city's downtown core. The proposed text amendments do not have negative affect on the traffic generation and circulation patterns, level of park and recreation facilities, economic activities, protection and use of natural resources or compliance with special purpose plans or programs. This standard is met.

(2) The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

FINDING: Oregon's 19 Statewide Planning Goals are addressed below. Though several of the goals are not applicable to the proposed zoning code text amendments, those that are applicable are responded to in detail.

Goal 1 Citizen Involvement

The proposed changes to the Zoning and Development Code do not specifically address citizen involvement. Nevertheless, Goal 1 requires the City to incorporate six key components in its public involvement program:

- Citizen Involvement: An officially recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- Communication: Mechanisms for effective two-way communication between the public and elected/appointed officials;

- Influence: Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- Technical Information: Access to technical information used in the decision-making process, provided in an accessible and understandable format;
- Feedback Mechanisms: Programs to ensure that members of the public receive responses from policymakers and that a written record for land-use decisions is created and made accessible; and,
- Financial Support: Adequate resources allocated for the public involvement program as an integral component of the planning budget.

As part of the Downtown Improvement Plan process, the city and its consultant held five (5) Public Advisory Committee (PAC) meetings, conducted stakeholder interviews, held an on-line open house and survey in the Fall of 2021, held an in-person open house and survey (Spring 2022) to gather input on land uses and transportation alternatives, and generated a project website, sent emails to interested parties, and participated in social media engagement with interested parties.

In addition to the above noted public involvement, this land use application is subject to a City of North Plains Type IV land use review, which includes a significant citizen involvement component. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all avenues of citizen participation.

Goal 2 Land Use Planning

This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan.

The process identified above was utilized in the drafting of this proposed Zoning Code Amendments. Alternatives have been considered throughout the drafting of the proposed code language updates, including several publicly-noticed work sessions with the Planning Commission and City Council. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.

Goal 3 Agricultural Lands

This goal does not apply because the City does not include any areas designated for agricultural use.

Goal 4 Forest Lands

This goal does not apply because the City does not include any areas designated for forest use.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources

There are no proposed changes to text regarding Goal 5 open spaces, scenic and historic areas and natural resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 6 Air, Water and Land Resources Quality

There are no proposed changes to text regarding air, water, or land resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 7 Areas Subject to Natural Hazards

There are no proposed changes to text regarding areas subject to natural hazards. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 8 Recreational Needs

There are no proposed changes to text regarding recreational needs. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 9 Economic Development

There are no proposed changes to the C-1 zones text specifically regarding economic development. The proposed text amendment does include regulations pertaining to the C-1 zone's ability to support a more vibrant and economically viable downtown businesses through enhanced building facades and reduced parking. Revision of the regulations pertaining to downtown businesses supports economic development in the city. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 10 Housing

There are no proposed changes to the text regarding housing. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 11 Public Facilities and Services

There are no proposed changes to text regarding public facilities and services. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 12 Transportation

The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a comprehensive plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. The proposed zoning code text amendment does not propose any changes to an existing or planned transportation facility and, as such, the proposed zoning code text amendment does not affect the transportation system of the City.

Goal 13 Energy Conservation

There are no identifiable energy consequences of this land use action. The proposed text amendments will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning.

Goal 14 Urbanization

There are no proposed changes to text regarding urbanization. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

The City is not within the plan boundary for the Willamette River Greenway, does not have any estuarine resources, and is not located on the Oregon Coast, so goals 15 through 19 do not apply.

As discussed above, the proposed text amendments are generally consistent with the Statewide Planning Goals.

(3) The amendment is appropriate as measured by at least one of the following criteria:

(a) It corrects identified error(s) in the provisions of the plan.

(b) It represents a logical implementation of the plan.

(c) It is mandated by changes in federal, state, or local law.

(d) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.

FINDING: The determination to pursue a grant from the Oregon Departments of Transportation (ODOT) and Land Conservation and Development (DLCD) through their co-managed Transportation and Growth Management program (TGM) came from the City Manager after receiving authorization from the City Council. The City Council determined that establishing a Downtown Improvement Plan (DIP) for a rapidly growing and evolving city such as North Plains is desirable, appropriate, and proper.

The proposed text amendments generally represent a logical implementation of the Comprehensive Plan. The proposed amendments are appropriate, and this standard is met.

(4) Compliance with the statewide Transportation Planning Rule. When a development application includes a Comprehensive Plan, Zone Map or Text Amendment, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule. "Significant" means the proposal would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a street classification, requiring traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street as identified by the City's Transportation System Plan (TSP); or

(b) Change the standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the North Plains TSP or Comprehensive Plan; or

(d) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance identified in the North Plains TSP or Comprehensive Plan; or

(e) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan.

(5) Amendments that affect Transportation Plans. Except as provided in subsection 6 Exceptions, amendments to the Comprehensive Plan or land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the North Plains TSP. This shall be accomplished by one of the following:

(a) Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

(b) Amending the North Plains TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

(d) Amending the planned function, capacity or performance standards of the transportation facility; or

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

(6) Exceptions. Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan, may be approved when all of the following criteria are met:

(a) The amendment does not include property located in an interchange area, as defined under applicable law;

(b) The currently planned facilities, improvements or services are not adequate to achieve the standard;

(c) The currently planned facilities, improvements or services at a minimum mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

(d) The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid degradation to the facility.

FINDING: The proposed text amendments do not include changes to the Transportation System Plan (TSP) or significantly affect a transportation facility. The proposed text amendments are in compliance with the Transportation Planning Rule (TPR).

§155.129 Findings

Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.

FINDING: The City Council's final decision will include written findings. As the City is the applicant, they will have the necessary findings.

§155.129 Conditions

The granting of an approval of any land use action under Chapter 16.200 may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.

FINDING: Staff does not find it necessary to subject this decision to any conditions of approval.

CONCLUSION

Staff recommends the City Council's approval of City File Number T **23-038**, Zoning and Development Code Text Amendment, at their regularly scheduled meeting on May 1, 2023. The City Council may approve, approve with Conditions or deny the Text Amendment.

Commentary

Following are proposed amendments to Chapter 155: Zoning and Development of the North Plains Code of Ordinances. These amendments are intended to further the goals, objectives, and recommended strategies of the North Plains Downtown Improvement Plan (NPDIP). Amendments are proposed in the following code sections:

- Zoning Districts Use Table (155.143)
- C-1 Community Commercial District (155.215-155.221)
- M-2 General Industrial District (155.295-155.300)
- Off-Street Parking and Loading (155.671-155.673)

Explanations for the proposed amendments are provided in blue commentary boxes. Draft code amendments are presented in (removed)/ underline (added) format and are highlighted in yellow. Omitted sections of the code are indicated by [...].

CHAPTER 155: ZONING AND DEVELOPMENT

[...]

ZONING DISTRICTS

§ 155.140 DISTRICTS.

For the purposes of this chapter, the incorporated area of the city is hereby divided into the following zoning districts:

Low Density Residential	R7.5
Medium Density Residential	R5
High Density Residential	R2.5
Community Commercial	C1
General Commercial	C2
Light Industrial	M1
Heavy/General Industrial	M2
Floodplain	FP
Institutional and Public Use	IPU
Neighborhood Community	NC

(Prior Code, §16.10.000) (Ord. 477, passed 2-22-2022)

[...]

§ 155.143 USE TABLE.**Commentary**

Amendments to permitted uses are proposed in the C-1 and M-2 zoning districts. If the use permissions are amended as proposed, those will also need to be reflected in the Use Table below. The cells with proposed changes are highlighted in yellow and the proposed new footnotes follow the table. See Sections 155.216 and 155.296 for additional commentary.

Below is a table summarizing permitted uses in residential, commercial and industrial zoning districts. Refer to this table in conjunction to the corresponding chapters of this chapter.

	<i>R-7.5</i>	<i>R-5</i>	<i>R-2.5</i>	<i>NC</i>	<i>C-1</i>	<i>C-2</i>	<i>M-1</i>	<i>M-2</i>	<i>IPU</i>
	<i>R-7.5</i>	<i>R-5</i>	<i>R-2.5</i>	<i>NC</i>	<i>C-1</i>	<i>C-2</i>	<i>M-1</i>	<i>M-2</i>	<i>IPU</i>
COMMERCIAL, OFFICE AND RETAIL									
Accessory structures/uses to commercial, office and retail ¹	-	-	-	See §§ 155.255 through 155.261	P	P	-	-	
Alcoholic beverage establishment	-	-	-		P	P	C	C	
Amusement enterprise, indoor	-	-	-		P	P	C	C	
Amusement enterprise, outdoor	-	-	-		C	C	C	C	
Animal care facility	-	-	-		C	P	-	-	
Art studio/gallery	-	-	-		P	P	-	-	
Bus depot/terminal	-	-	-		-	C	P	P	
Catering establishment	-	-	-		P	P	-	-	
Child care, certified center ²	C	C	C		C	C	-	-	C
Child care, certified family home ²	P	P	P		P	P	-	-	
Child care, registered home ²	P	P	P		P	P	-	-	
Clinic, medical and dental	-	-	-		P	P	C	C	
Conference/convention center	-	-	-		C	P	C	C	
Drive-in/thru window	-	-	-		-	P	C	C	
Dry cleaners and laundry	-	-	-		P	P	C	C	
Farm/logging/lumber supply/equipment sales and service	-	-	-		C	C	P	P	
Fraternal lodge, fraternity or sorority	C	C	C		C	C	-	-	
Fuel sales and automobile service station ³	-	-	-		-	P ⁸	C	C	
Funeral homes, mortuaries and taxidermist	-	-	-		C	P	C	C	C
Franchise disposal service vehicle storage and repair, established as of September 2011	-	-	-		-	P	-	-	
Garden/greenhouse, commercial	-	-	-		-	P	P	P	

Hotels and motels	-	-	-		P	P	C	C	
Medical marijuana dispensary ⁴						C			
Marijuana retail facility ⁴						C			
Office, business	-	-	-		P	P	P	P	
Parking as a primary use	-	-	-		P	P	C	C	
Radio/TV station/studios	-	-	-		C	C	C	C	
Recycling drop-off center	-	-	-		-	P	-	-	
Restaurant, including fast food	-	-	-		P	P	C	C	
Retail sales and service	-	-	-		P	P	P	P	
Retail sales and service-single tenant over 30,000 square feet	-	-	-		-	C	C	C	
Retail sales, manufactured homes	-	-	-		-	-	C	C	
RV/travel trailer park								C	
Storage, self service	-	-	-		-	C	P	P	
Vehicle wash	-	-	-		-	C	C	C	
INDUSTRIAL AND MANUFACTURING									
Accessory structures/uses to industrial and manufacturing ¹	-	-	-	See §§ 155.255 through 155.261	-	-	P	P	
Auction yard, excluding livestock	-	-	-		-	-	-	P	
Auction yard, livestock	-	-	-		-	-	-	C	
Bulk storage tanks/cold storage facility	-	-	-		-	-	C	P	
Industrial, heavy	-	-	-		-	-	-	P13	
Industrial, light	-	-	-		-	C	P	P	
Marijuana production or processing site ⁴								C	
Marijuana wholesaler ⁴								C	
Scientific testing/research laboratory	-	-	-		-	C	P	P	
Storage, outdoor ⁵	-	-	-		-	-	C	C	
Storage, self service/RV, boats, vehicles	-	-	-		-	C	P	P	
Truck stop/freight/trucking terminal and truck repair	-	-	-		-	-	P	P	
Utility facility	C	C	C		C	C	P	P	P
Vehicular sales, rental, repair and service, including autos, trucks, RVs and trailers	-	-	-		-	P	P	P	
Warehousing	-	-	-		-	-	P	P	
Waste/recycling services or facilities	-	-	-		-	-	P	P	
Wholesale/services	-	-	-		C	C	P	P	
Wireless telecommunication facilities	-	-	-		C	C	C	C	C

Wireless telecommunication tower	-	-	-		-	-	C	P	C
PUBLIC, CIVIC AND INSTITUTIONAL									
Cemetery or mausoleum, when associated with another use such as a church or funeral home									C
Civic/governmental use	C	C	C	See §§ 155.255 through 155.261	P	P	C	C	P
Educational facility	C	C	C		C	C	C	C	P
Hospital/sanitarium	-	-	-		-	C	-	-	
Parks, open space and trails									P
Places of worship	C	C	C		C	C	-	-	P
RESIDENTIAL									
Accessory dwellings1	P	P	P	See §§ 155.255 through 155.261	-	-	-	-	
Accessory structures/uses related to residential uses1	P	P	P		-	-	-	-	-
Bed and breakfast inn	-	C	C		P	C	-	-	
Cottage cluster9	-	-	P						
Duplex dwelling	-	P	P		-	-	-	-	
Extended care facility/convalescent/nursing home	C	C	C		C	C	-	-	
Home occupations6	P	P	P		P	P	-	-	
Live/work townhome7	-	-	-		P	-	-	-	
Manufactured home8	P	P	-		-	-	-	-	
Manufactured home park8	-	C	C		-	-	-	-	
Mixed-use development7	-	-	-		P/C	-	-	-	
Multi-family dwelling9	-	-	P		P14	-	-	-	
Planned unit development 10	P	P	P		P	P	P	P	
Residential facility	-	-	P6		-	-	-	-	
Residential home	P	P	P		-	-	-	-	
Single-family attached dwelling/townhouse11	-	P	P	P14	-	-	-		
Single-family detached dwelling12	P	P	-	-	-	-	-		
Triplex dwelling	-	-	P	-	-	-	-		

NOTES TO TABLE:

P = Permitted; subject to design review, if applicable

- = Not permitted

C = Conditional use, subject to design review and requires a conditional use permit

1 = Subject to §§ 155.500 through 155.502 of this chapter

2 = Permitted if child care home is part of a single-family residential use

3 = Subject to §§ 155.445 through 155.452 of this chapter

4 = Subject to siting standards identified in the underlying zoning district

5 = Subject to § 155.451 of this chapter

6 = Subject to §§ 155.430 through 155.432 of this chapter

7 = Permitted in C-1 with no residential on ground floor street-facing building elevation; condition in C-1 with residential on ground floor street-facing building elevation

8 = Subject to §§ 155.515 through 155.518 of this chapter; Permitted on lots in R-2.5 only if received a building permit prior to February 28, 2022, otherwise prohibited

9 = Subject to § 155.056 of this chapter

10 = Subject to §§ 155.610 through 155.614 of this chapter

11 = Subject to §§ 155.485 through 155.487 of this chapter

12 = Permitted in R-2.5 only if received a building permit prior to February 28, 2022, otherwise prohibited

13 = Permitted in M-2 except new heavy industrial uses not in existence as of [date of adoption] are not permitted on Commercial Street within 450 feet of NW Main Street.

14 = Permitted in C-1 only on a site that does not have frontage on Commercial Street, otherwise prohibited.

(Prior Code, Ch. 16.15) (Ord. 477, passed 2-22-2022)

[...]

C-1 COMMUNITY COMMERCIAL DISTRICT

Commentary

The C-1 zone is the primary zoning designation within the North Plains downtown core.

Below are recommendations for enhancing the C-1 zone's ability to support a more vibrant and economically viable downtown North Plains. NOTE: Because the C-1 zoning designation is only applied in the downtown area, the impacts of any changes to the C-1 code section would be limited to downtown North Plains.

§ 155.215 PURPOSE.

The purpose of the C-1 District is to provide areas in the central business district to:

- (A) Allow a mixture of complimentary land uses including retail, offices, commercial services, civic and residential uses, to create economic and social vitality and to encourage the linking of trips;
- (B) Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians;
- (C) Provide flexibility in the siting and design of new developments and redevelopment to anticipate changes in the marketplace;
- (D) Reinforce streets as public places that encourage pedestrian and bicycle travel;
- (E) Provide roadway and pedestrian connections to residential areas;
- (F) Provide transitions between high traffic streets and neighborhoods;
- (G) Encourage efficient land use by facilitating compact, high-density development and minimizing the amount of land that is needed for surface parking; and
- (H) Provide appropriate locations and design standards for automobile- and truck-dependent uses.

(Prior Code, § 16.35.000)

Commentary

One of the goals of the NPDIP project is to provide more housing choices downtown. As noted above, having more housing downtown would not only help meet the community's housing needs, it also would help support businesses that rely on foot traffic, such as retail and restaurants.

Currently, residential uses are permitted in the C-1 zone, but only as part of a mixed-use development. Per Section 155.216(O), residential uses may not occupy more than 25% of the front building elevation on the ground floor. This limitation helps ensure a consistent retail frontage along Commercial Street. However, sites that do not front onto Commercial Street (e.g., sites that face Kaybern Street) lack visibility for attracting customers and would therefore be appropriate for non-commercial uses. Housing types such as apartments, condos, and townhomes may be appropriate on these sites, but would be precluded by the current code.

The proposed code changes below **allow multi-family development and townhomes in the C-1 zone on sites without frontage on Commercial Street**. As in other zones, multi-family development would be subject to Design Review (Sections 155.045-.057) and townhouses would be subject to special standards in Sections 155.458-.487.

In addition, the following changes to commercial uses in the C-1 zone are proposed:

- **Permit child care centers outright.** Child care in a single-family home is already permitted in the zone, whereas larger child care centers require a Conditional Use permit. Increasingly, child care centers are woven into downtown and neighborhood commercial areas as a key support service for community members and employees, and they are often located in commercial store fronts. Child care centers have better potential to activate vacant retail spaces than other professional services, such as medical or insurance offices. Also, the North Plains Economic Development Committee has mentioned this as a favorable use for downtown.
- **Prohibit single-tenant retail uses over 30,000 sq. ft.** These uses are currently allowed as Conditional Uses in the C-1 zone (see section 155.217). However, such large-scale retail establishments (i.e., “big box” stores), which tend to have very large parking lots, are incompatible with small downtown retail businesses. Allowing single-tenant buildings up to 30,000 sq. ft. would still allow a moderate-size grocery (or similar) store.
- **Prohibit drive-through businesses.** These are currently allowed as Conditional Uses in the C-1 zone (see section 155.217). However, such auto-oriented tend to detract from the pedestrian-oriented, human-scale environment that is desired for a walkable downtown—especially along Commercial Street. Drive-through businesses are more appropriate in the C-2 (Highway Commercial) zone, which is more geared toward auto-oriented, convenience uses.

§ 155.216 PERMITTED USES.

Permitted uses are subject to the requirements of §§155.045 through 155.057 of this chapter, if applicable. Refer to § 155.143 of this chapter:

- (A) Accessory uses related to commercial, office and retail, subject to §§155.500 through 155.502 of this chapter;
- (B) Alcoholic beverage establishment;
- (C) Amusement enterprise, indoor;
- (D) Art studio/gallery;
- (E) Bed and breakfast;

- (F) Catering establishment;
- (G) Child care, certified home, if part of a single-family residential use;
- (H) Child care, registered home, if part of a single-family residential use;
- (I) Child care, certified center;
- (J) Civic/governmental use;
- (K) Clinic, medical and dental;
- (L) Dry cleaners and laundry;
- (M) Home occupations, subject to §§ 155.430 through 155.432 of this chapter;
- (N) Hotels and motels;
- (O) Live/work townhomes; on Commercial Street frontages, residential uses shall not occupy more than 25% of front building elevation on the ground floor;
- (P) Mixed-use developments; on Commercial Street frontages, residential uses shall not occupy more than 25% of front building elevation on the ground floor;
- (Q) Multi-family dwellings, except on sites with frontage on Commercial Street; subject to §§ 155.045 through 155.057 of this chapter;
- (R) Townhouse dwellings, except on sites with frontage on Commercial Street; subject to §§ 155.485 through 155.487 of this chapter;
- (S) Offices, business;
- (T) Parking as primary use;
- (U) Planned unit development, subject to §§ 155.610 through 155.614 of this chapter;
- (V) Restaurants; drive-in/thru windows are prohibited; and
- (W) Retail sales and service; single tenant retail buildings shall not exceed 30,000 square feet; drive-in/thru windows are prohibited. (Prior Code, § 16.35.005)

§ 155.217 CONDITIONAL USES.

Commentary

As noted in the previous commentary, the proposed amendments prohibit **drive-through businesses** and **single-tenant retail uses over 30,000 sq. ft.** in the C-1 zone, and remove them from the list of Conditional Uses. The proposed amendments also permit **child care centers** outright and remove from the list of Conditional Uses.

The proposed prohibition on drive-through businesses is also listed under the Limitations on Use section (155.218) below.

(A) Conditional uses are subject to the requirements of §§ 155.045 through 155.057 of this chapter when applicable. Refer to § 155.143 of this chapter.

(B) The following uses and their accessory structures may be permitted in the C-1 District when authorized by the Planning Commission pursuant to §§ 155.070 through 155.077 of this chapter:

- (1) Amusement enterprise, outdoor;
- (2) Animal care facility;
- (3) Conference/convention center;
- (4) Educational facility;

- (5) Extended care facility/convalescent/nursing home;
- (6) Farm/logging/lumber supply/equipment sales and service;
- (7) Fraternal lodge;
- (8) Funeral homes, mortuaries and taxidermist;
- (9) Places of worship;
- (10) Radio/television station/studios;
- (11) Utility facilities;
- (12) Wholesales/services; and
- (13) Wireless telecommunication facilities.

(Prior Code, § 16.35.015)

§ 155.218 LIMITATIONS ON USE.

The following conditions and limitations shall apply to development in the C-1 District.

(A) The Commission may impose the following conditions before a building permit will be issued for the proposed development:

(1) Limit or prohibit access to streets not designated as major streets on an officially adopted plan where the principal uses along the street in the block are residential; and

(2) Require sight or sound barriers.

(B) The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

(C) (1) All business, service, repair, processing, storage or merchandise displays shall be conducted wholly within an enclosed building, except for the following:

(a) Off-street parking or loading;

(b) Drive-in windows; and

(c) Display of merchandise along the wall of the building not extended more than three feet from the wall and not in a public right-of-way.

(2) The use shall not be objectionable in relationship to surrounding residential zones because of odor, dust, smoke, cinders, fumes, noise, glare, heat or vibration.

(D) All drive-in/drive-through businesses are prohibited in the C-1 zone.

(Prior Code, § 16.35.020)

§ 155.219 DIMENSIONAL AND DESIGN STANDARDS.

Commentary

The current C-1 zone already includes some dimensional standards that work to encourage pedestrian-friendly design for new development. Such standards include maximum setbacks—

which ensure buildings are close to the street, requirements for entrances to face the street, and limitations on parking between the building and the street.

The proposed amendments below supplement these requirements by adding design standards including minimum window coverage, weather protection along the street, façade articulation/design, and requirements for building materials. New graphics are proposed to illustrate these standards. In addition, the proposed amendments clarify some of the existing standards.

NOTE: New construction in the C-1 is typically subject to Type III Design Review, which applies additional design criteria such as minimum landscaping and screening of mechanical equipment. (See Section 155.055.)

The following dimensional and design standards shall be the minimum requirements for all development in the C-1 District, except for modifications permitted under §§ 155.530 through 155.533 and §§ 155.610 through 155.614 of this chapter.

(A) *Lot size.*

- (1) The minimum lot area shall be 2,500 square feet.
- (2) The minimum lot width shall be 25 feet.

(B) *Setback requirements.*

(1) *Front yard.* The maximum front setback standard shall be met when a minimum of 50% of the front building elevation is placed no more than ten feet back from the front property line (see Figure 1). On lots with more than one building, this standard applies to the largest building. On lots with more than one street frontage, this requirement shall apply to all of the lot's street frontages. The setback standard may be increased when a usable public space with pedestrian amenities (such as, extra-wide sidewalk, plaza, pocket park, outdoor dining area or town square with seating) is provided between the building and front property line. An exception to this standard may also be approved through site design review for sites with multiple, detached buildings, when those buildings are oriented to an internal "shopping street".

Adjacent to a residentially zoned lot	Minimum & maximum setback: 10 feet
Adjacent to any other zone	No minimum required
	Maximum setback: 10 feet

(2) *Side yard.*

Adjacent to a residentially zoned lot	10 feet
Adjacent to any other zone	None required

(3) *Rear yard.*

Adjacent to a residentially zoned lot	10 feet
Adjacent to any other zone	None required

(C) *Building orientation.* New development shall be oriented to a street. The building orientation standard is met when all of the following criteria are met. See Figure 1.

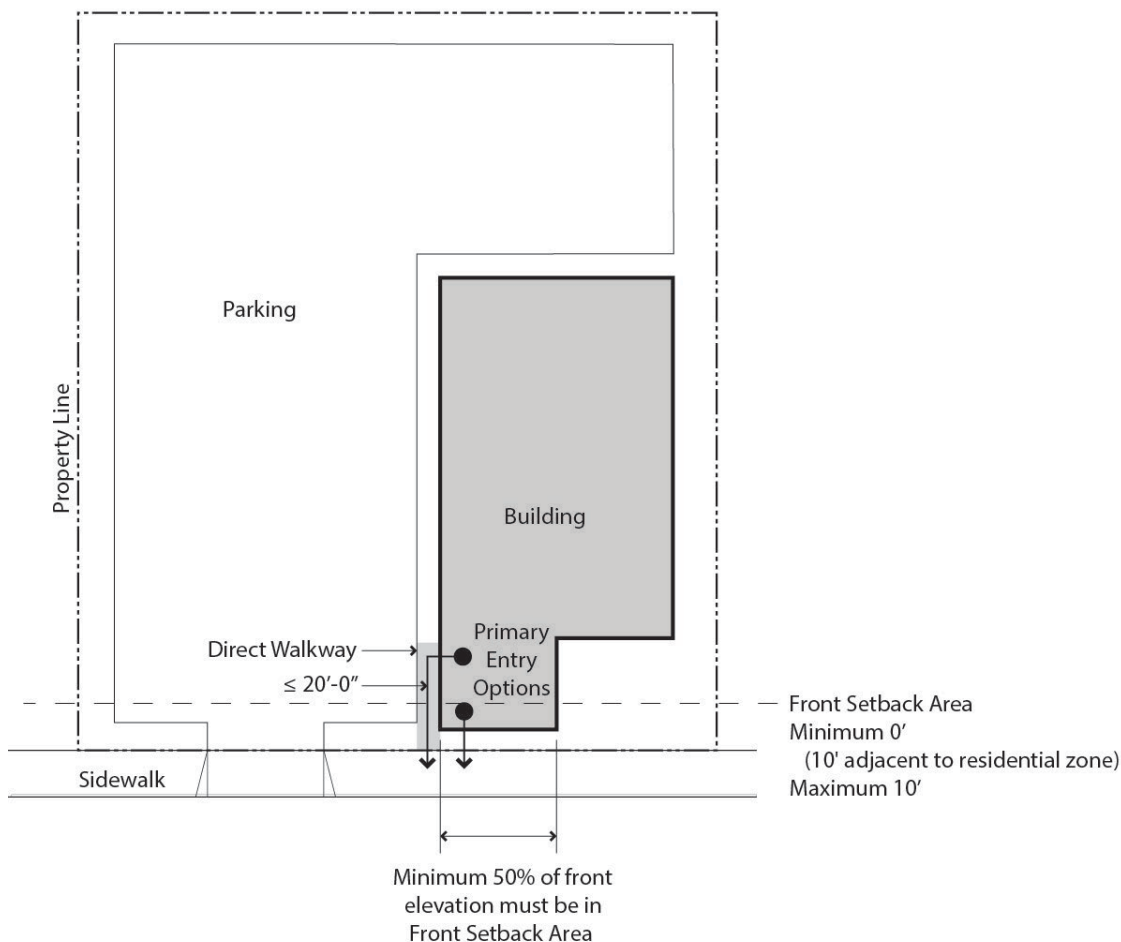
- (1) The minimum and maximum setback standards are met.
- (2) Buildings have their primary entrance(s) oriented to (facing) the street (i.e., within 45 degrees of the street property line). Building entrances may include entrances to individual units, lobby entrances, entrances oriented to pedestrian

plazas, or breeze-way/courtyard entrances (for example, to a cluster of units or commercial spaces). Alternatively, a building may have its entrance facing a side yard, plaza, or courtyard when a direct pedestrian walkway not exceeding 20 feet in length is provided between the building entrance and the street right-of-way.

(3) All primary entrances to a building are connected to the sidewalk by a direct and continuous walkway.

(4) Off-street parking, driveways or other vehicular circulation shall not be placed between a building and the street which is used to comply with division (B)(1) above.

Figure 1. Building Orientation (155.219(B)(1) and (C)).



(D) *Building entry design.* The primary building entrances must be architecturally emphasized through the use of one or more of the following features: recessed doorway(s); overhangs or canopies; transom windows; ornamental light fixtures; larger, transparent or more prominent doors; or pilasters or columns that frame the principal doorway.

(E) *Height of buildings.* Buildings in the C-1 District shall not exceed a height of 45 feet.

(F) *Lot coverage.* In the C-1 District, there is no maximum lot coverage requirement. (Prior Code, § 16.35.025)

(G) *Window requirements.*

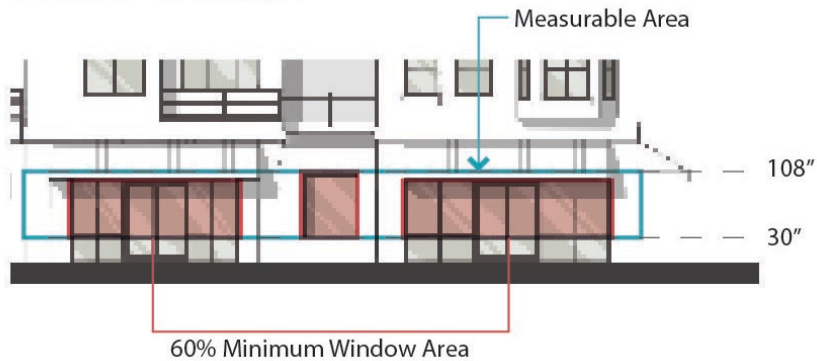
(1) *Nonresidential buildings.*

- Building façades facing Commercial Street must have windows, display areas, or glass doorways for at least 60 percent of the area of the ground level wall area.
- Building façades facing other public streets must have windows, display areas, or glass doorways for at least 40 percent of the area of the ground level wall area.
- The ground level wall area is the wall area above 30 inches and below 108 inches, as measured from finished grade.

- (2) *Residential buildings.* Building facades that face a public street must have windows for at least 15 percent of the area of the entire facade.
- (3) *Transparency.* All ground floor windows shall have a Visible Transmittance of 60 percent or higher.

Figure 2. Window Area (155.219(G)).

Commercial Street Example

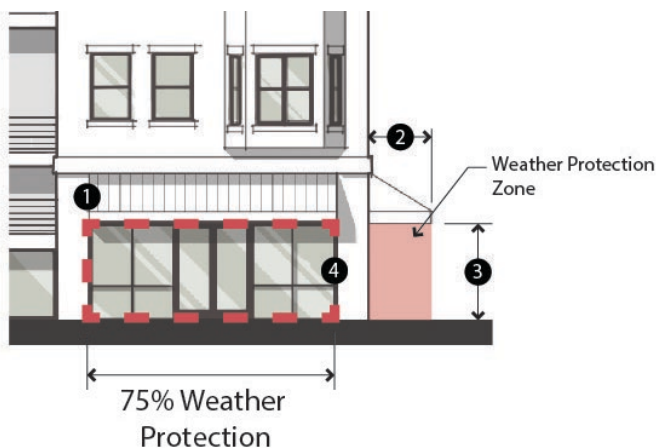


Residential Example



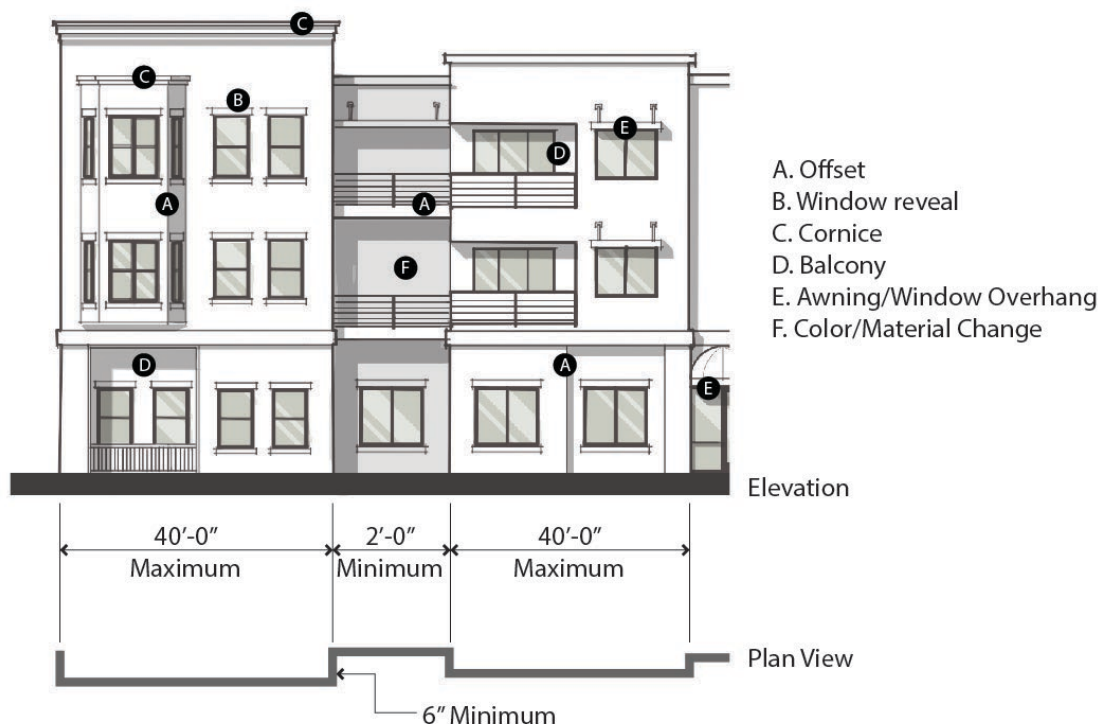
- (H) *Weather Protection.* On building façades facing Commercial Street, weather protection for pedestrians must be provided along at least 75 percent of the façade. Weather protection may be an awning, canopy, arcade, colonnade, recessed entry, or some combination of these elements. Where provided, weather protection shall meet the following standards (see Figure 3):

- (1) Awnings and canopies shall be constructed of glass, metal, plexiglass, exterior grade fabric, or a combination of these materials;
- (2) Project at least 5 feet from the building façade;
- (3) Have at least 10 feet clearance above the sidewalk;
- (4) Match the width of the storefront, door, or window opening(s); and
- (5) Not obscure any existing or proposed transom windows.

Figure 3. Weather Protection (155.219(H)).**(I) Building Design.**

(1) **Façade Articulation.** All building exterior walls greater than 100 feet in length that orient to a street or public space must have breaks in the wall plane (articulation) of not less than one break for every 40 feet of building length or width, as applicable, as follows (see Figure 4).

- A “break” is a feature or variation in the wall plane that projects or recedes at least six (6) inches for a length of at least two (2) feet. Breaks may include but are not limited to an offset, recess, window reveal, pilaster, frieze, pediment, cornice, parapet, gable, dormer, eave, coursing, canopy, awning, column, building base, balcony, permanent awning or canopy, marquee, or similar architectural feature.
- Changes in paint color and features that are not designed as permanent architectural elements, such as display cabinets, window boxes, retractable and similar mounted awnings or canopies, and other similar features, do not meet the break-in-wall-plane standard.

Figure 4. Façade Articulation (155.219(I)(1)).

(2) **Distinct Base.** For buildings with two or more stories, the street-facing façade at the ground level of the structure shall be visually distinct from upper stories. This visual separation shall be provided by one or more of the following features

(see Figure 5):

- a) A band, band course, band molding, belly band, belt course, or similar horizontal element of relatively slight projection, which marks a horizontal division in the wall plane between the ground floor and the upper floors;
- b) A projecting façade element (awning, canopy, or arcade) between the ground floor and the upper floors. Awnings and canopies must meet the standards in division (H) above;
- c) The use of a different exterior material, wall surface pattern, or wall texture on the ground floor façade;
- d) The street-facing façade above the ground floor is set back from the ground floor façade;
- e) The use of larger windows on the ground floor façade and smaller windows on the upper floors; or
- f) A row of transom windows above the main windows on the ground floor façade.

Figure 5. Distinct Base (155.219(l)(2)).



(3) Prohibited Materials.

- a) The following materials are prohibited on any building façade: T-111 siding, plain or plain painted plywood and strandboard sheets, plastic, vinyl siding, mirrored glass, and plain concrete block (not including split-faced, colored or other block designs that mimic stone, brick or other similar masonry).
- b) Corrugated metal or fiberglass is permitted only on non-street-facing facades and shall not cover more than 20 percent of any façade.

[...]

M-2 GENERAL INDUSTRIAL DISTRICT

Commentary

The M-2 zoning designation covers most of the western portion of the NPDIP study area. This area serves as a major employment center for the community and is dominated by the Oregon Canadian Forest Products site. Other industrial operations include Oregon Coffee Roasters and North Plains Forest Products.

The NPDIP recommendations include maintaining the industrial focus of this area. However, for the sites closest to the downtown core in the M-2 zone (the blocks directly west of Main Street), the proposed amendments **limit heavy industrial uses not already in place**. This would promote future redevelopment that is more compatible with downtown retail uses and that is consistent with the NPDIP goals of a vibrant, walkable downtown.

§ 155.295 PURPOSE.

The purpose of the M-2 District is to provide for a broad range of industrial processing and manufacturing uses. (Prior Code, § 16.055.000) (Ord. 431, passed 10-3-2016 ; Ord. 477, passed 2-22-2022)

§ 155.296 PERMITTED USES.

Permitted uses are subject to the requirements of §§155.045 through 155.057 of this chapter, if applicable. Refer to § 155.143 of this chapter:

- (A) Accessory uses related to industrial and manufacturing, subject to §§155.500 through 155.502 of this chapter;
- (B) Auction yard, excluding livestock;
- (C) Bulk storage tanks/cold storage plant;
- (D) Bus depot/terminal;
- (E) Farm/logging/lumber supply/equipment sales and service;
- (F) Garden/greenhouse, commercial, excluding marijuana-related uses;
- (G) Industrial, heavy; except new heavy industrial uses not in existence as of [date of adoption] are not permitted on Commercial Street within 450 feet of NW Main Street;
- (H) Industrial, light;
- (I) Office, business;
- (J) Planned unit development, subject to §§ 155.610 through 155.614 of this chapter;
- (K) Retail sales and service, excluding marijuana-related uses;
- (L) Storage, self-service;
- (M) Scientific testing/research laboratory;
- (N) Storage, self-service/RV;
- (O) Truck stop/freight/trucking terminal and truck repair;
- (P) Utility facility;
- (Q) Vehicular sales, rental, repair and service;
- (R) Warehousing;
- (S) Waste/recycling services;
- (T) Wholesales/services, excluding marijuana-related uses; and

(U) Wireless telecommunication tower.

(Prior Code, § 16.055.005) (Ord. 431, passed 10-3-2016 ; Ord. 477, passed 2-22-2022)

[...]

§ 155.298 LIMITATIONS ON USE.

The following conditions and limitations apply to development in the M-2 District.

(A) *Vehicular access.*

(1) Access points to an industrial site shall be located to minimize traffic congestion and, to the extent possible, to avoid directing traffic into residential areas.

(2) Where possible within industrial districts, access shall be designed to serve more than one industrial site.

(B) *Landscaping.*

(1) Properties abutting a residential zone shall provide and maintain a dense evergreen landscape buffer that will attain a mature height of at least seven feet or such other screening measures as may be prescribed by the Commission in the event differences in elevation should defeat the purpose of this requirement.

(2) Yards adjacent to streets shall be planted and continuously maintained with lawn, shrubs or trees suited to the site and climate.

(3) Other yards and unused property shall be maintained in grass or other suitable ground cover.

(Prior Code, §16.055.015) (Ord. 431, passed 10-3-2016; Ord. 477, passed 2-22-2022)

§ 155.299 DIMENSIONAL STANDARDS.

The following dimensional standards shall be the minimum requirement for all development in the M-2 District, except for modifications permitted under §§ 155.530 through 155.533 and §§ 155.610 through 155.614 of this chapter.

(A) *Lot size.*

(1) The minimum lot size shall be 5,000 square feet.

(2) The minimum lot width shall be 50 feet at the front building line.

(B) *Setback requirements.*

(1) *Front yard.*

Adjacent to a residential zone	20 feet
Adjacent to any other zone	None required

(2) *Side yard.*

Adjacent to a residential zone	20 feet
Adjacent to any other zone	None required
Adjacent to street	20 feet

(3) *Rear yard.*

Adjacent to a residential zone	20 feet
Adjacent to any other zone	None required

Adjacent to street	20 feet
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(C) *Height of buildings.* Buildings in the M-2 District shall not exceed a height of 80 feet.

(Prior Code, § 16.055.020) (Ord. 431, passed 10-3-2016 ; Ord. 477, passed 2-22-2022)

§ 155.300 PARKING REQUIREMENTS.

Off-street parking and loading requirements for industrial uses are specified in §§155.670 through 155.676 of this chapter.

(Prior Code, § 16.055.025) (Ord. 431, passed 10-3-2016 ; Ord. 477, passed 2-22-2022)

[...]

OFF-STREET PARKING AND LOADING

Commentary

Local parking requirements can sometimes be at odds with successful, vibrant downtowns. Large expanses of parking can be unattractive and detract from the appearance and walkability of an area. High parking requirements also leave less space for other uses that better contribute to downtown vitality—such as retail businesses and public gathering spaces.

Commercial Parking Ratios. North Plains’ existing parking standards for certain commercial uses are higher than necessary to support successful downtown development. The proposed amendments below reduce parking ratios for targeted uses—retail stores, eating and drinking establishments, medical clinics, and motels. The proposed parking ratios are based on DLCD’s Model Development Code for Small Cities.¹ (NOTE: Per existing provisions in Section 155.672, the parking requirements would only be triggered by new development in the C-1 zone, or by redevelopment or change of use in other zones—they would not apply to existing uses.)

§ 155.670 PURPOSE.

The purpose of this subchapter is to provide adequate areas for the parking, maneuvering, loading and unloading of vehicles for all land uses in the city.

(Prior Code, §16.155.000) (Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.671 GENERAL PROVISIONS.

(A) The provision and maintenance of off-street parking and loading spaces are continuing obligations of the property owner. No building or other permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street parking and loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of parking and loading space required by this chapter.

(B) Parking requirements for types of buildings and uses not specifically listed herein shall be determined by the Planning Commission, based upon the requirements of comparable uses listed.

(C) In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately, except as specified in division (D) below.

(D) Owners of two or more uses, structures, or parcels of land may agree to utilize jointly the same parking and loading spaces when the hours of operation do not overlap, provided that satisfactory legal evidence is presented to the Building

¹ Oregon Department of Land Conservation and Development, Model Development Code for Small Cities, Edition 3.1, Article 3 – Community Design Standards.

https://www.oregon.gov/lcd/TGM/Documents/ModelCode/ART3_OMC_ed3.1.pdf

Inspector in the form of deed, leases or contracts to establish the joint use. Of the total number of required off- street parking spaces, when the two or more joint uses include a mix of residential and commercial, one parking space per business shall be designated as a short-term parking space for use by patrons.

(E) Off-street parking spaces for dwellings shall be located on the same tax lot with the structure, and within 250 feet of the dwelling unit for which the parking space is required. Garages and/or carports may be used to satisfy the off- street parking requirements for dwellings, however, one required parking space may be uncovered. Parking spaces required for other uses may be located on a separate tax lot and shall be located not farther than 500 feet from the building or use they are to serve.

(F) Parking and loading spaces shall not be located in a required side or rear yard, except that off street parking spaces may be located in a required side or rear yard adjacent to a street on commercial or industrial zoned land provided that the parking spaces are developed consistent with the development standards of this chapter.

(G) Required parking spaces shall be available for parking of operable passenger automobiles of residents, customers, patrons and employees only, and shall not be used for storage of vehicles or materials or for the parking of trucks used in conducting the business or use.

(H) Required parking spaces shall be improved and available for use before the final inspection is completed by the Building Inspector. An extension of time may be granted by the Building Inspector providing an irrevocable letter of credit, assignment of bank account, performance bond, or its equivalent, is posted equaling the cost to complete the improvements.

(I) *On-street parking credit.* The amount of off-street parking required may be reduced by one-half off-street parking space for every one on-street parking space adjacent to the development (where curbs and sidewalks are present and parking is allowed). On-street parking shall follow the established configuration of existing on-street parking, except that angled parking may be allowed for some streets, where permitted by city standards. The following constitutes an on-street parking space:

- (1) Parallel parking, each 24 feet of uninterrupted curb;
- (2) Forty-five degree diagonal, each 14 feet of curb;
- (3) Sixty degree diagonal, each 11.5 feet of curb;
- (4) Ninety degree (perpendicular) parking, each ten feet of curb;
- (5) Curb space must be connected to the lot which contains the use;

(6) Parking spaces that would not obstruct a required clear vision area, nor any other parking that violates any law or street standard; and

(7) On-street parking spaces credited for a specific use may not be used exclusively by that use, but shall be available for general public use at all times. No signs or actions limiting general public use of on-street parking spaces are permitted.

(J) When the calculation of the minimum number of parking spaces required results in a fraction of a space, the applicant must round up to the nearest whole space.

(K) When 50 or more parking spaces are either required or proposed with a development application, a minimum of 5% of the total number of parking spaces shall be available for future installation of electric vehicle charging stations, as defined by Oregon Administrative Rule (OAR) 918-020-038. Fractional numbers derived from this calculation must be rounded up to the nearest whole number.

(L) All new developments may be required to provide for joint-use access to all adjacent undeveloped or underdeveloped parcels.

(M) Attached or detached garages may count toward the minimum parking requirement, provided the interior dimension of the garage contains a minimum width of 12 feet and depth of 22 feet for each vehicle.

(Prior Code, §16.155.005) (Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.672 COMMERCIAL DISTRICT MODIFICATIONS.

The parking requirements of this subchapter shall not apply to existing commercial buildings within the commercial core of the city, as defined on the official zoning map of the city as the C-1 zone.

(Prior Code, §16.155.010) (Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

§ 155.673 AUTOMOTIVE PARKING REQUIREMENTS.

(A) Residential.

- (1) Detached single-family*: two spaces per dwelling unit;
- (2) Duplexes and triplexes*: one and one-half spaces per dwelling unit;
- (3) Multi-family dwellings and attached single-family dwellings*:
 - (a) Studio units or one-bedroom units: one space per dwelling unit;
 - (b) Two-bedroom units: 1.75 spaces per dwelling unit;
 - (c) Three-bedroom units: two spaces per dwelling unit; and
 - (d) Senior housing: 1.25 spaces per dwelling unit.
- (4) Residential hotel; rooming/boarding house: two spaces per three guest rooms plus one additional space per two employees; and
- (5) Mobile home park: one space per mobile home, plus one guest parking space for every two homes.

Commentary

The parking ratio for hotels is already lower than the Model Code ratio for hotels and motels (0.75 space per room); however, the motel parking ratio exceeds this ratio. Therefore, the parking ratio for motels is proposed to be reduced to 0.75 space per room.

(B) Commercial residential.

- (1) Hotel: one space per two guest rooms or suites, plus one space per two employees; and
- (2) Motel: 0.75 space per guest room or suite, plus one space per two employees.

(C) Community services, institutional and semi-public uses.

- (1) General office/government office: three spaces per 1,000 square feet of gross floor area;
- (2) Community recreation buildings: one space per 250 square feet or one space per six patrons to the maximum capacity, plus one space per employee on the largest shift;
- (3) Church, chapel, auditorium, lodge, fraternal/civic assembly with or without eating/drinking facilities: one space per six fixed seats or, where there are no fixed seats, one space per ten patrons to the maximum capacity;
- (4) Library or museum: two spaces per 1,000 square feet of gross floor area;
- (5) Hospitals/medical centers: one space per 1,000 square feet of gross floor area;
- (6) Medical/dental offices/clinics: four spaces per 1,000 square feet of gross floor area;
- (7) Day care/small school: one space per employee and one space per five students;
- (8) Preschool/kindergarten: two and one-half spaces per 1,000 square feet of gross floor area;
- (9) School - elementary or middle/junior high: one and one-half spaces per classroom, plus recreation facilities, if applicable;
- (10) School - senior high school, vocational or college: two spaces per 1,000 square feet of gross floor area, plus recreation facilities, if applicable;
- (11) Park, private or public less than one acre: none; and
- (12) Park, private or public greater than one acre: as determined at time of land use review.

(D) Commercial amusement.

- (1) Stadium/arena/theater: one space per four seats or eight feet of bench length;
- (2) Bowling alley: four spaces per alley, plus one space per two employees; and

- (3) Dance hall/skating rink: one space per 100 square feet of floor area, plus one space per two employees.

(E) *Commercial.*

- (1) Retail store: one space per 400 square feet of gross floor area;
- (2) Service or repair shop: one space per 400 square feet of gross floor area, plus one space per two employees;
- (3) Retail store (handling exclusively bulky merchandise such as automobiles or furniture): one space per 1,000 square feet of gross floor area;
- (4) Bank/professional office: one space per 800 square feet of gross floor area;
- (5) Clinic or office for doctor, dentist or other practitioners of the healing arts: one space per 500 square feet of gross floor area, plus one space per two employees; and
- (6) Eating and drinking establishment: one space per 200 square feet of gross floor area.

(F) *Industrial.*

- (1) Storage warehouse/manufacturing establishment/rail or trucking freight terminal: one space per employee on largest shift;
- (2) Wholesale establishment: one space per employee, plus one space per 800 square feet of patron serving area; and
- (3) Public utility (gas/water/telephone/and the like): one space per two employees on largest shift, plus one space per company vehicle.

* Garages count toward off-street parking requirements. Garages need not be physically attached to the residential structure to count toward off-street parking requirements.

(Prior Code, §16.155.015) (Ord. 450, passed 12-18-2017; Ord. 451, passed 6-4-2018; Ord. 477, passed 2-22-2022)

[...]

CC Meeting Date: 05/1/2023

STAFF REPORT TO CITY COUNCIL

Planning Commission Recommendation of Approval to City Council

City File Number TA 23-038

Downtown Improvement Plan (DIP) Zoning and Development Code Updates

Staff Report Date: April 24, 2023



From: Steve Miller, Planning Manager

Public Hearing Date: May 1, 2023

Proposed Development Code Updates:

The North Plains City Council is considering a Zoning and Development Code Text Amendment that would update the existing regulations regarding development in the C-1 Zone within the City's downtown core.

The proposed Text Amendment requires a legislative public hearing before the Planning Commission who will make a recommendation to the City Council. The Planning Commission held the required legislative public hearing on April 12, 2023, and recommended approval of the proposed text amendments to the City Council.

Explanations for the proposed amendments are provided in blue commentary boxes. Draft code amendments are presented in (removed)/ underline (added) format and are highlighted in yellow. Omitted sections of the code are indicated by [...].

Proposed Zoning and Development Code text amendments:

- 155.143 Zoning Districts Use Table
Amendments to permitted uses are proposed in the C-1 and M-2 zoning districts. If the use permissions are amended as proposed, those will also need to be reflected in the Zoning District Use Table in Section 155.143.
- 155.215-155.221 C-1 Community Commercial District
 - The C-1 zone is the primary zoning designation within the North Plains downtown core.
 - Below are recommendations for enhancing the C-1 zone's ability to support a more vibrant and economically viable downtown North Plains. NOTE: Because the C-1 zoning designation is only applied in the downtown area, the impacts of any changes to the C-1 code section would be limited to downtown North Plains.
 - Updating regulations pertaining to the C-1 zone and the Downtown Improvement Plan (DIP) to:
 - Permit childcare centers outright.
 - Prohibit single-tenant retail uses over 30,000 sq. ft.
 - Prohibit drive-through businesses.

- 155.295-155.300 M-2 General Industrial District
 - For the sites closest to the downtown core in the M-2 zone (the blocks directly west of Main Street), the proposed amendments **limit heavy industrial uses not already in place**. This would promote future redevelopment that is more compatible with downtown retail uses and that is consistent with the NPDIP goals of a vibrant, walkable downtown.
- 155.671-155.673 Off-street Parking and Loading
 - North Plains' existing parking standards for certain commercial uses are higher than necessary to support successful downtown development. The proposed amendments below reduce parking ratios for targeted uses—retail stores, eating and drinking establishments, medical clinics, and motels.

SUMMARY OF RECOMMENDATION

The North Plains Planning Commission recommends approval of the updates to TA 23-038 to the City Council for a public hearing scheduled for May 1, 2023.

The North Plains Planning Commission recommended approval of TA 23-038 to the City Council at their meeting in April of 2023. The proposed amendments to the C-1 Zone provide design standards to ensure that new development complements the creation of an attractive and walkable downtown. The proposed changes to the C-1 zoning district allow mixed-use and middle housing types, amend dimensional standards such as minimum setbacks for residential uses and allow for a reduction in the minimum number of required parking spaces. The combination of changes to the C-1 zone with the new parking standards should result in development that is walkable, mixed-use, and higher density than the underlying (existing) C-1 zoning district.

These proposed amendments are subject to Chapter 155.127, Comprehensive Plan & Zoning Amendments and Chapter 155.032, Type IV Legislative and Other Decisions, of Title XV of the North Plains Municipal Code. As proposed, planning staff find the amendments consistent with all applicable standards from Title XV of the North Plains Municipal Code (NPMC) and the Statewide Planning Goals.

This report includes findings regarding each applicable Comprehensive Plan Development Code criterion. The proposal is consistent with the Comprehensive Plan and Development Code criteria for a Zoning Code Text Amendment.

BACKGROUND

The City is initiating an update to the Zoning and Development Code. The update is prompted by the The North Plains Downtown Improvement Plan (NPDIP), which is a plan to strengthen downtown North Plains in a way that enhances economic vitality and community livability. The NPDIP was developed between summer 2021 and spring 2023 with the help of the Project Advisory Committee (PAC), City staff, the Economic Development Committee, downtown stakeholders, and the broader North Plains community. The project was funded by a grant from the Oregon Departments of Transportation (ODOT) and Land Conservation and Development (DLCD) through their co-managed Transportation and Growth Management program (TGM).

COMPLIANCE WITH CITY OF NORTH PLAINS MUNICIPAL CODE

COMPREHENSIVE PLAN & ZONING AMENDMENTS

§155.127 Review Criteria

(A) Text Amendment

An amendment to the text of the Comprehensive Plan or this Ordinance shall be based upon a need for such an amendment identified by the City Council or the Planning Commission. Such an amendment shall be consistent with the following review criteria:

(1) Impact of the proposed amendment on land use and development patterns within the city, as measured by:

(a) Traffic generation and circulation patterns in compliance with the Transportation System Plan (TSP);

(b) Demand for public facilities and services, in compliance with the City utility master plans;

(c) Level of park and recreation facilities;

(d) Economic activities;

(e) Protection and use of natural resources;

(f) Compliance of the proposal with existing adopted special purpose plans or programs, such as public facilities improvements.

FINDING: The adoption of the proposed Zoning Code text amendment is a necessary factual basis for the City to review proposed land use developments in the city's downtown core. The proposed text amendments do not have negative affect on the traffic generation and circulation patterns, level of park and recreation facilities, economic activities, protection and use of natural resources or compliance with special purpose plans or programs. This standard is met.

(2) The proposed amendment complies with all applicable Statewide Planning Goals and administrative rule requirements.

FINDING: Oregon's 19 Statewide Planning Goals are addressed below. Though several of the goals are not applicable to the proposed zoning code text amendments, those that are applicable are responded to in detail.

Goal 1 Citizen Involvement

The proposed changes to the Zoning and Development Code do not specifically address citizen involvement. Nevertheless, Goal 1 requires the City to incorporate six key components in its public involvement program:

- Citizen Involvement: An officially recognized committee for public involvement broadly representative of geographic areas and interests related to land use and land-use decisions to provide for widespread public involvement;
- Communication: Mechanisms for effective two-way communication between the public and elected/appointed officials;

- Influence: Opportunities for the public to be involved in all phases of the planning and decision-making process including developing, evaluating, and amending plans;
- Technical Information: Access to technical information used in the decision-making process, provided in an accessible and understandable format;
- Feedback Mechanisms: Programs to ensure that members of the public receive responses from policymakers and that a written record for land-use decisions is created and made accessible; and,
- Financial Support: Adequate resources allocated for the public involvement program as an integral component of the planning budget.

As part of the Downtown Improvement Plan process, the city and its consultant held five (5) Public Advisory Committee (PAC) meetings, conducted stakeholder interviews, held an on-line open house and survey in the Fall of 2021, held an in-person open house and survey (Spring 2022) to gather input on land uses and transportation alternatives, and generated a project website, sent emails to interested parties, and participated in social media engagement with interested parties.

In addition to the above noted public involvement, this land use application is subject to a City of North Plains Type IV land use review, which includes a significant citizen involvement component. This process has been established by the city and determined to be consistent with this goal. The mandatory public notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all avenues of citizen participation.

Goal 2 Land Use Planning

This statewide goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan.

The process identified above was utilized in the drafting of this proposed Zoning Code Amendments. Alternatives have been considered throughout the drafting of the proposed code language updates, including several publicly-noticed work sessions with the Planning Commission and City Council. The proposed changes are consistent with and adequate to carry out the Comprehensive Plan.

Goal 3 Agricultural Lands

This goal does not apply because the City does not include any areas designated for agricultural use.

Goal 4 Forest Lands

This goal does not apply because the City does not include any areas designated for forest use.

Goal 5 Open Spaces, Scenic and Historic Areas, and Natural Resources

There are no proposed changes to text regarding Goal 5 open spaces, scenic and historic areas and natural resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 6 Air, Water and Land Resources Quality

There are no proposed changes to text regarding air, water, or land resources. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 7 Areas Subject to Natural Hazards

There are no proposed changes to text regarding areas subject to natural hazards. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 8 Recreational Needs

There are no proposed changes to text regarding recreational needs. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 9 Economic Development

There are no proposed changes to the C-1 zones text specifically regarding economic development. The proposed text amendment does include regulations pertaining to the C-1 zone's ability to support a more vibrant and economically viable downtown businesses through enhanced building facades and reduced parking. Revision of the regulations pertaining to downtown businesses supports economic development in the city. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 10 Housing

There are no proposed changes to the text regarding housing. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 11 Public Facilities and Services

There are no proposed changes to text regarding public facilities and services. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 12 Transportation

The Transportation Planning Rule (TPR), OAR 600-012.0060, requires that, where an amendment to a comprehensive plan or zoning regulation would significantly affect an existing or planned transportation facility, the local government shall put in place measures that assure that allowed land uses are consistent with the function, capacity, and performance standards of the facility. The proposed zoning code text amendment does not propose any changes to an existing or planned transportation facility and, as such, the proposed zoning code text amendment does not affect the transportation system of the City.

Goal 13 Energy Conservation

There are no identifiable energy consequences of this land use action. The proposed text amendments will not result in any appreciable difference in waste production or recycling compared with development under the existing zoning.

Goal 14 Urbanization

There are no proposed changes to text regarding urbanization. Therefore, the intent of this goal remains satisfied by the policies of the Comprehensive Plan and implementation in the Zoning Ordinance.

Goal 15 Willamette River Greenway

Goal 16 Estuarine Resources

Goal 17 Coastal Shorelands

Goal 18 Beaches and Dunes

Goal 19 Ocean Resources

The City is not within the plan boundary for the Willamette River Greenway, does not have any estuarine resources, and is not located on the Oregon Coast, so goals 15 through 19 do not apply.

As discussed above, the proposed text amendments are generally consistent with the Statewide Planning Goals.

(3) The amendment is appropriate as measured by at least one of the following criteria:

(a) It corrects identified error(s) in the provisions of the plan.

(b) It represents a logical implementation of the plan.

(c) It is mandated by changes in federal, state, or local law.

(d) It is otherwise deemed by the City Council to be desirable, appropriate, and proper.

FINDING: The determination to pursue a grant from the Oregon Departments of Transportation (ODOT) and Land Conservation and Development (DLCD) through their co-managed Transportation and Growth Management program (TGM) came from the City Manager after receiving authorization from the City Council. The City Council determined that establishing a Downtown Improvement Plan (DIP) for a rapidly growing and evolving city such as North Plains is desirable, appropriate, and proper.

The proposed text amendments generally represent a logical implementation of the Comprehensive Plan. The proposed amendments are appropriate, and this standard is met.

(4) Compliance with the statewide Transportation Planning Rule. When a development application includes a Comprehensive Plan, Zone Map or Text Amendment, the proposal shall be reviewed to determine whether it significantly affects a transportation facility, in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule. "Significant" means the proposal would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors). This would occur, for example, when a street classification, requiring traffic to exceed the levels associated with a "collector" street classification, requiring a change in the classification to an "arterial" street as identified by the City's Transportation System Plan (TSP); or

(b) Change the standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the North Plains TSP or Comprehensive Plan; or

(d) Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance identified in the North Plains TSP or Comprehensive Plan; or

(e) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan.

(5) Amendments that affect Transportation Plans. Except as provided in subsection 6 Exceptions, amendments to the Comprehensive Plan or land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the function, capacity and level of service of the facility identified in the North Plains TSP. This shall be accomplished by one of the following:

(a) Adopting measures that demonstrate that allowed land uses are consistent with the planned function of the transportation facility; or

(b) Amending the North Plains TSP or Comprehensive Plan to provide transportation facilities, improvements, or services adequate to support the proposed land uses; such amendments shall include a funding plan to ensure the facility, improvement, or service will be provided by the end of the planning period; or

(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes of transportation; or

(d) Amending the planned function, capacity or performance standards of the transportation facility; or

(e) Providing other measures as a condition of development or through a development agreement or similar funding method, specifying when such measures will be provided.

(6) Exceptions. Amendments to the Comprehensive Plan or land use regulation with a significant effect on a transportation facility, where the facility is already performing below the minimum acceptable performance standard identified in the North Plains TSP or Comprehensive Plan, may be approved when all of the following criteria are met:

(a) The amendment does not include property located in an interchange area, as defined under applicable law;

(b) The currently planned facilities, improvements or services are not adequate to achieve the standard;

(c) The currently planned facilities, improvements or services at a minimum mitigate the impacts of the amendment in a manner that avoids further degradation to the performance of the facility by the time of the development; and

(d) The road authority provides a written statement that the proposed funding and timing for the proposed development mitigation are sufficient to avoid degradation to the facility.

FINDING: The proposed text amendments do not include changes to the Transportation System Plan (TSP) or significantly affect a transportation facility. The proposed text amendments are in compliance with the Transportation Planning Rule (TPR).

§155.129 Findings

Findings justifying a decision on an application shall be made in writing, and shall be provided to the applicant.

FINDING: The City Council's final decision will include written findings. As the City is the applicant, they will have the necessary findings.

§155.129 Conditions

The granting of an approval of any land use action under Chapter 16.200 may be subject to such conditions as are reasonably necessary to protect the public health, safety or general welfare from potentially damaging effects resulting from approval of the permit, or to fulfill the public need for service demands created by approval of the request.

FINDING: Staff does not find it necessary to subject this decision to any conditions of approval.

CONCLUSION

Staff recommends the City Council's approval of City File Number T **23-038**, Zoning and Development Code Text Amendment, at their regularly scheduled meeting on May 1, 2023. The City Council may approve, approve with Conditions or deny the Text Amendment.