

Council Roundup for April 2, 2018

The Newberg City Council met on April 2, 2018 and took the following actions:

- Approved the following Resolutions:
 - Resolution 2018-3450, Setting Water Rates for 2019 and 2020.
 - Resolution 2018-3151, Setting Wastewater Rates for 2019 and 2020.
 - Resolution 2018-3452, Setting Stormwater Rates for 2019 and 2020.
- Approved the following Ordinances
 - Ordinance 2018-2829, Traffic Safety Commission changes
 - Ordinance 2018-2830, Reducing the front building width line in R-1 & R-2 zones
- Approved Council Minutes from March 5, 2018.

In other business, the Council:

- Held the first reading of Ordinance 2018-2826, R-3 zone changes. Second reading will be held May 7.
- Held a joint meeting with the City Planning Commission and discussed Urban Growth Boundary, Riverfront planning, residential parking, and a hearings officer.
- Proclaimed April 8-14 as National Library Week.
- Recognized Newberg 9-1-1 Telecommunicators for their work in recognition of National Telecommunicators Week.

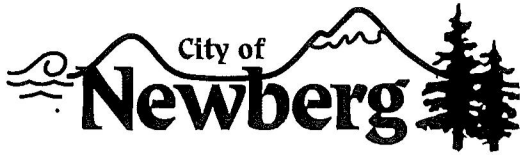


**City Council Work Session
April 2, 2018 - 6:00 PM
Public Safety Building 401 East Third Street**

- I. CALL MEETING TO ORDER**
- II. ROLL CALL**
- III. REVIEW OF THE COUNCIL AGENDA AND MEETING**
- IV. COUNCIL BUSINESS ITEMS**
- V. COUNCIL AND PLANNING COMMISSION JOINT MEETING**
- VI. ADJOURNMENT**

PUBLIC COMMENT

WORK SESSIONS ARE INTENDED FOR DISCUSSION. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS AND NO DECISIONS WILL BE MADE. NO ORAL OR WRITTEN TESTIMONY WILL BE HEARD OR RECEIVED FROM THE PUBLIC.



Community Development Department

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MEMORANDUM

TO: Newberg City Council/Newberg Planning Commission
FROM: Doug Rux, Community Development Director
SUBJECT: Joint Work Session Topics
DATE: April 2, 2018

Topics for discussion:

1. Urban Growth Boundary Expansion Process – Newberg 2030
2. Residential Parking Standards
3. Riverfront Master Plan
4. Hearings Officer



**City Council Business Session
April 2, 2018 - 7:00 PM
Public Safety Building 401 East Third Street**

I. CALL TO ORDER

II. ROLL CALL

III. PLEDGE OF ALLEGIANCE

IV. PROCLAMATION

- IV.a Proclamation for National Library Week April 8-14, 2018
[Library Week Proclamation 4-2-18 RCA.pdf](#)

V. RECOGNITION OF 9-1-1 TELECOMMUNICATORS

VI. CITY MANAGER'S REPORT

VII. PUBLIC COMMENTS

(30 minutes maximum which may be extended at the mayor's discretion; an opportunity to speak for not more than five (5) minutes per speaker allowed)

VIII. CONSENT CALENDAR

- VIII.a March 5, 2018 Council Minutes
[RCA Council Minutes 2018-0402.pdf](#)

IX. PUBLIC HEARINGS - ADMINISTRATIVE

- IX.a Updating Water, Wastewater, and Stormwater Rates for 2019-2020
[Updating Water, Wastewater, and Stormwater Rates for 2019-2020.pdf](#)

X. PUBLIC HEARINGS - LEGISLATIVE

- X.a Ordinance 2018-2829, An ordinance amending Article V. Traffic Safety Commission of the Newberg Municipal Code (NMC 2.15.330 – 2.15.480).
[Ord2018-2829_Amend_Article_V_TSC_with_Exhibits rev 2.pdf](#)
- X.b Ordinance 2018-2826, An Ordinance amending the text of the Newberg Comprehensive Plan and the Newberg Municipal Code to require large residential annexations or urban growth boundary expansions to include some R-3

multi-family residential land

[RCA ORD 2826.doc](#)

[Attachment 1 - PC Res_2017-329 signed.pdf](#)

[Attachment 2 - Resolution 2018-338 Approved.pdf](#)

[Large Residential Annexations or Urban Growth Boundary Expansions.pdf](#)

- X.c Ordinance 2018-2830, An Ordinance amending the Newberg Municipal Code to reduce the front building width line in R-1 zones to 35 feet and in R-2 zones to 25 feet

[RCA Ordinance 2830.doc](#)

[Attachment 1 - Res3435.pdf](#)

[Attachment 2 - Amended Application DCA18-0002 Lot Width at Front Building Line.pdf](#)

[Attachment 3 - Resolution 2018-337 approved.pdf](#)

[Reduce The Front Building Width Line In R-1 & R-2.pdf](#)

XI. COUNCIL BUSINESS

XII. ADJOURNMENT

COMMENTS

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. Speakers who wish the Council to consider written material are encouraged to submit written information in writing by 12:00 p.m. (noon) the day of the meeting.

ADA STATEMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder's Office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than two business days prior to the meeting. To request these arrangements, please contact the City Recorder at (503) 537-1283. For TTY services please dial 711.

ORDER

The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 2, 2018				
Order ____	Ordinance ____	Resolution ____	Motion <u>X</u> ____	Information ____
No.	No.	No.		
SUBJECT: Approve a proclamation recognizing April 8-14, 2018 as National Library Week in Newberg.			Contact Person (Preparer) for this Motion: Leah Griffith, Library Director Dept.: Library File No.:	

RECOMMENDATION:

Approve a proclamation recognizing April 8-14, 2018 as National Library Week in Newberg

EXECUTIVE SUMMARY:

The Newberg Public Library has served the community since 1908 and continues to meet and address current needs of its residents. The library joins with libraries and communities nationwide in an annual celebration of Library Week to recognize the contributions libraries and library staff make to their communities. This year's celebration will include the opening of the Library of Things collection which includes games, craft tools and a variety of other "tools" to expand learning.

FISCAL IMPACT:

None. The Library Foundation is supporting a Library Week open house on Saturday, April 14th at 2 pm.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL GOALS):

This supports the Council's desire support Newberg as a great place live, work and grow.



PROCLAMATION

A PROCLAMATION RECOGNIZING APRIL 8-14, 2018 NATIONAL LIBRARY WEEK

WHEREAS, libraries are not just about what they have for people, but what they do for and with people;

WHEREAS, libraries have long served as trusted and treasured institutions, and library workers and librarians fuel efforts to better their communities, campuses and schools;

WHEREAS, librarians are leaders in their institutions and organizations, in their communities, in the nation and in the world;

WHEREAS, librarians continue to lead the way in leveling the playing field for all who seek information and access to technologies;

WHEREAS, libraries and librarians look beyond their traditional roles and provide transformative opportunities for education, employment, entrepreneurship, empowerment and engagement, as well new services that connect closely with patrons' needs;

WHEREAS, libraries are pioneers supporting democracy and effecting social change, with a commitment to providing equitable access to information for all library users regardless of race, ethnicity, creed, ability, or socio-economic status;

WHEREAS, libraries lead in working with diverse communities, including people of color, immigrants and people with disabilities, offering services and educational resources that transform communities, open minds and promote inclusion and diversity;

WHEREAS, libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, IT IS PROCLAIMED, by the Mayor and City Council, and on behalf of the citizens of the City of Newberg, Oregon, **that April 8-14, 2018 is National Library Week** and we encourage the citizens of Newberg to visit and explore the Newberg Public Library and find out what's new at your Library. Because of you and our experts at the library, **Libraries Transform**.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on the 2nd day of April, 2018.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 2, 2018

Order ____ Ordinance ____ Resolution ____ Motion XX Information ____
No. No. No.

SUBJECT: Council Minutes

**Contact Person (Preparer) for this
Motion: Sue Ryan
Dept.: City Recorder**

RECOMMENDATION: Approve Council Minutes for March 5, 2018.

NEWBERG CITY COUNCIL MINUTES
REGULAR SESSION
March 5, 2018, 7:00 PM
PUBLIC SAFETY BUILDING (401 E. THIRD STREET)

A work session was held at 6:00 p.m. preceding the meeting. Present were Mayor Andrews, Councilors Patrick Johnson, Denise Bacon, Mike Corey, Scott Essin, Stephen McKinney, and Matt Murray. City staff present were City Manager Joe Hannan, City Attorney Truman Stone, City Recorder Sue Ryan, Community Development Director Doug Rux, Library Director Leah Griffith, and Finance Director Matt Zook.

Mayor Andrews called the meeting to order. Committee chairs gave their reports.

Stuart Brown, Affordable Housing Commission, said the notice of funding available had closed and no applications had been received. The mini grant with Habitat for Humanity for manufactured home repair was going well. Eight families had been helped, and there was one request that was pending. The CDBG grant funding had helped 17 families and he highlighted the projects that had been done. The Housing Newberg group made recommendations to the Council and the Council approved four of those recommendations to work on. The Commission discussed expanding their scope and leadership structure to assist staff with the four initiatives. The Commission also reviewed SB 1051, the inclusionary bill for affordable and low income housing.

There was a brief discussion on what the requirements would be for accessory dwelling units and possible changes to the Newberg Municipal Code. Mr. Brown said the Commission was focusing on Code changes for parking, utility connections, and lot coverage ratios. They had elected a new Chair and Vice Chair. Mr. Brown would like to remain part of the Commission in whatever capacity he could. Community Development Director Rux said the Council would need to pass a resolution creating an ex officio position for the Commission.

Beth Koschmann, Budget Committee Chair, said the Committee had not met yet this year. The first meeting would be held on April 17. She explained the challenges for the coming year's budget. There would be no City facilities tour this year as there were no new Budget Committee members. The budget document would be updated into a more user friendly format and the five year forecast would help them in the decision making process.

Rick Rogers, Citizens Rate Review Committee Chair, said a public hearing on the proposed water, sewer, and stormwater rates was held on March 1. The proposal would be brought to Council on April 2. He thought the Committee represented a good cross-section of the community.

Rick Fieldhouse, Historic Preservation Committee Chair, said the Committee was working on getting the Cameo Theatre on the National Historic Register. The research and report was being done by consultants through grant funding. The consultants thought it was a slam dunk as the property met two of the four criteria. The next projects they would be working on were plaques and markers for historic buildings and creating a downtown historic district.

Paul Headley, Library Board Chair, discussed a scholarship program for library cards for people outside of the City limits. For those who did not qualify for the program, there was a trial period where people could have a temporary library card for a month to see what the library had to offer. He announced the activities during National Library Week April 10-14. Five people were hired on an on-call basis to cover staff illnesses. The Library Foundation had an author event in November and had received a recent \$50,000 donation. The Foundation had given \$18,500 in 2018. The Friends of the Library worked with the Library Foundation and had given the library \$10,000 for 2018. The construction projects at the library were winding down and should be done by May.

CDD Rux gave updates for the Transient Lodging Tax Committee and the Planning Commission. He said the TLT Committee were working on the Wolves and People application marketing grant, reviewing the small grant program, and a marketing proposal. The Planning Commission reviewed the PSU population projections, Development Code amendment for private streets in PUDs, discussed residential parking standards, and Senate Bill 1051 provisions. They would be reviewing subdivision applications and lot width requirements in the near future. They had a going away party for Commissioner Cathy Stuhr and Planner Steve Olson.

Mayor Andrews reported the Traffic Safety Commission discussed issues dealing with parking on arterials and on Villa Road. They also discussed residential parking issues, areas that needed traffic calming, and how to educate people on distracted driving. Councilor Johnson suggested some patrolling on Wilsonville Road during the peak afternoon hours as many people were making u-turns there.

Council President Bacon said there would be no Executive Session tonight for the Judge's evaluation. It would be on March 19 instead.

CALL MEETING TO ORDER

Mayor Andrews called the business session to order at 7:00 p.m.

ROLL CALL

Members Present:	Mayor Bob Andrews	Stephen McKinney	Mike Corey
	Denise Bacon	Patrick Johnson	Matt Murray
	Scott Essin	Stephen McKinney	

Staff Present:	Joe Hannan, City Manager	Truman Stone, City Attorney
	Sue Ryan, City Recorder	Doug Rux, Community Development Director
	Matt Zook, Finance Director	Jay Harris, Public Works Director
	Kaaren Hofmann, City Engineer	

PLEDGE OF ALLEGIANCE: The Pledge of Allegiance was performed.

PROCLAMATION: Mayor Andrews presented the Newberg High School cheerleaders with a proclamation declaring March 5 as a day in their honor due to their recent championship win.

CITY MANAGER'S REPORT: City Manager Hannan reported on his activities including budget preparation, neighborhood meeting for the new communications antenna, and Chamber Board meeting. He gave an update on the animal shelter appraisal. He also met with the TLT Chair on tourism and marketing. Staff were working on funding for Cameo Theatre rehabilitation, and the Springbrook development. A public art brochure was being created in partnership with the Downtown Coalition. The Villa Road reconstruction project would begin soon. He had also discussed signage to recognize groups on City signs, and to promote Newberg as the Camellia City. He had been looking at options for a veterans' service center. The glass recycling program would begin soon. It would be one month free with charges starting in May. The City received an award for over 60 years of participation in City/County Insurance Services.

COUNCIL APPOINTMENTS:

MOTION: Andrews/Bacon moved to consent to the Mayor's appointment of Larry Hampton to the Affordable Housing Commission for a term from March 5, 2018 to December 31, 2018. Motion carried (7 Yes/0 No).

MOTION: Andrews/Bacon moved to consent to the Mayor's appointment of Lesley Woodruff to the Traffic Safety Commission for a term from March 5, 2018 to December 31, 2018. Motion carried (7 Yes/0 No).

MOTION: Andrews/Bacon moved to consent to the Mayor's appointment of Ryan Howard, Brett Baker, Sid Friedman, Claudia Stewart, Larry Hampton, Todd Engle, Brian Doyle, Lisa Rogers, Fred Gregory, and Curt Walker to the Newberg 2030 Citizen Advisory Committee for a term of the length of the project. Motion carried (7 Yes/0 No).

PUBLIC COMMENTS: Sally Godard, Executive Director of Unidos Bridging Community, spoke about the Unidos citizenship class. This year they had 14 students, 3 volunteer teachers, and 3 volunteer assistants. She explained the citizenship program and its students. Many immigrants did not have the ability to apply for citizenship. The group continued to work toward comprehensive immigration reform. She invited everyone to join the graduation of these students on March 12. The students introduced themselves.

Crista Eberle, Newberg Animal Shelter Friends, shared how they thought the best way to ensure a stable future for the shelter was to purchase the building. Ken Austin, local businessman and A-dec co-founder, had agreed to help with the fundraising by matching donations dollar for dollar. They would be holding a fundraiser event, Wine and Whiskers, on April 28.

CONSENT CALENDAR:

MOTION: Bacon/Corey moved to approve the Consent Calendar including Resolution 2018-3447, A Resolution to authorize the City Manager to enter into a professional services agreement with Kittelson & Associates, Inc. to design the city's 2018 Pavement Preservation and Utility Improvement Project; Resolution 2018-3448, A Resolution releasing a Right-of-Way for a water main easement on property located at R3208049000 (Tract C and AA – Springbrook District Subdivision); Resolution 2018-3449, A Resolution releasing a Right-of-Way for a water main easement of property located at R321800800 and R321800900 (Tract A and B – Springbrook District Subdivision. Motion carried (7 Yes/0 No).

NEW BUSINESS: TLT Small Grant Awards: CDD Rux said this was the second round of small grant applications through the TLT program. He explained the small grant process and the five applications that were received. The TLT Committee recommended approval for four: the Hoover-Minthorn House Museum, Anvil Academy, Oregon Truffle Festival, and Chehalem Cultural Center. They came to a total of \$20,000 which had been allocated in the budget. Staff recommended adoption of the resolution.

Brian Stewart thanked the TLT Committee for their work. This was the 10th anniversary of the Camellia Festival. He described how the festival was being promoted. He thought the festival would draw people in throughout the state and would expose Newberg to a lot of people who would not normally come. The City of Newberg's camellia was officially registered with the America Camellia Society. He was in favor of the grant award.

There was discussion on the grand prix race route, and that while groups had not received the full amount of their request they would be able to do their projects.

MOTION: Bacon/Johnson moved to approve Resolution 2018-3433, A Resolution awarding Transient Lodging Tax small grant funds to the Hoover-Minthorn House Museum – Herbert Hoover's Oregon Boyhood – An Exhibit and Marketing Plan, Anvil Academy – Newberg Grand Prix Cycle Kart Rally, Oregon Truffle Festival – Oregon Truffle Festival Newberg Weekend –the Terroir of Truffles, and Chehalem Cultural Center – The Newberg Camellia Festival Run/Walk. Motion carried (7 Yes/0 No).

2016 Newberg Transportation System Review: CDD Rux reviewed the TSP 2016 Plan. It was developed for a 20 year horizon and was updated every 10 years. He described the goals, accomplishments, relationship to other master plans, and modifications that needed to be done. The Bypass had been completed, but the Wilsonville Road realignment still needed to be done. Other completed projects included Elliott Road paving, Villa Road improvements, and 8th Street paving. The adopted Transportation Utility Fee provided road maintenance

funding. The City worked with Yamhill County Transit Area for the Transit Master Plan update, and worked with Sportsman's Airpark for development rights. The Downtown Improvement Plan and Strategic Tourism Plan identified a downtown trolley, and a Bike/Ped ADA Plan for bike/ped improvements. Future projects were the Urban Growth Boundary expansion, and Riverfront Master Plan.

There was discussion on downtown traffic studies, the impact of the Bypass, Phase 2 and the road diet plan to remove one travel lane on Fir and one travel lane on Hancock, Bypass signage, and traffic volume.

2016 Newberg Downtown Improvement Plan Review: CDD Rux reviewed the Plan. He discussed the 10 big ideas in the Plan, and its accomplishments. A Comprehensive Plan zone change traffic study to create the Craft Industrial Zone might need to be put on hold. Other projects included: aligning the Downtown Plan with the TSP, Water Master Plan, Wastewater Master Plan, and Bike/Ped ADA Plan.

City Council Rules Subcommittee request: CM Hannan said the Council Rules Subcommittee recommended providing food for Council when there was a work session and regular meeting. The cost would be up to \$15 per person for regular and special meetings which would be under \$3,000 per year. This would begin in May 2018. Councilor Johnson said the subcommittee had brought this forward to see what the Council thought of the idea.

Councilor Essin said most people got off work at 5 then came to a 6 p.m. meeting without getting dinner, and had to go four or five hours at a meeting without food. This came up as part of a suggestion for the Council Rules regarding the Council receiving \$10 per meeting. To not put a burden on staff, they could have the food delivered. He asked the Oregon Public Meetings Law defined work sessions and regular meetings as two separate meetings. City Attorney Stone said his analysis showed they were two separate meetings as they had separate agendas. Council Rules governed how they were compensated. It was a matter of the Council interpreting its own rules on what was a compensated meeting. The Oregon Ethics folks said there were some ethics constraints on the Council interpreting its own rule that would give a benefit to the Council. He thought that was an over-strict reading of the rule.

Mayor Andrews said the subject was not about compensation, but about meals. Councilor Corey was not interested in meals, but he was interested in compensation. Councilor Murray was okay with reciprocating when there were joint meetings. He was not interested in the meals, but he was interested in a different type of compensation. Councilor McKinney said previously meals were always provided. If a meal was not provided, it made it difficult for him because he was a diabetic. In 2007 and 2008 significant budget cuts were being made and the meals stopped. For him it was the times that he ate that were most important. Councilor Bacon would not participate in the meals as she had a very restrictive diet, but understood the needs of others. She was in support. Councilor Corey asked if there were other options for compensation that had been discussed.

Councilor Johnson said the subcommittee was not in agreement on compensation yet. Right now they were going through the League of Oregon Cities rules to see if they should be used in Newberg. They would take on the contentious issues after that process was done. Councilor Essin thought meals were important as he could not eat dinner beforehand. Councilor Murray said meetings could be more efficient by staying on track and following Robert's Rules of Order and not getting sidetracked. It could help get people home sooner. He did not think tax payers should pay for meals for the Council.

Councilor Johnson said in a time where they were talking about making more budget cuts and meals would increase the workload of staff, he saw a lot of problems with offering meals. He did not want to take the focus away from important issues and did not think this was the right time to make this change. Councilor Essin could not continue to serve the number of hours required if the Council did not think his time was worth a meal. He would be announcing his resignation within 30 days if it didn't pass tonight as he could not serve citizens properly.

Councilor McKinney said it was not a matter of blood sugar levels, but also insulin and other medications, sometimes a month's worth of appointments to get yourself back and regulated. It would be more productive for the Council if the time of the meeting was changed so it did not interrupt health issues for certain members of this Council and future Council members. He had been here 10 years and served thousands of hours. He was disturbed that the decision was being based on people's own needs rather than the needs of the people around them. They had provided meals in the past and it was not a large amount of money in the City budget. He did not think citizens would begrudge this.

MOTION: Essin/McKinney moved to have meals provided to the Mayor and City Council at regular and special meetings at a cost not to exceed \$15.00 per person per meeting beginning at the May 7, 2018 Council meeting. Motion passed (4 Yes/3 No [Corey, Murray, Johnson]).

Mayor Andrews suggested those who did not want a meal, to let staff know that they did not need anything ordered for them. Councilor McKinney left the meeting.

COUNCIL BUSINESS:

City Recorder Ryan reminded Council to turn in their SEI forms.

EXECUTIVE SESSION Real Property ORS 192.660 (2) e

Councilor McKinney returned to the meeting.

Start: 8:53 p.m.

Stop: 9:11 p.m.

Staff: City Manager Joe Hannan, City Attorney Truman Stone, CDD Doug Rux

Topic: Butler Property appraisal

ADJOURNMENT: The meeting was adjourned at 9:11 p.m.

ADOPTED by the Newberg City Council this 2nd day of April, 2018.

Sue Ryan, City Recorder

ATTESTED by the Mayor this ____ day of April, 2018.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 2, 2018

Order ____	Ordinance ____	Resolution <u>XX</u>	Motion ____	Information ____
No.	No.	No. 2018-3450, No. 2018-3451, and No. 2018-3452		

SUBJECT: New Water, Wastewater, and Stormwater Rates Effective January 1, 2019 and January 1, 2020

Contact Person (Preparer) for this Motion: Matt Zook, Finance Director

HEARING TYPE: ADMINISTRATIVE

RECOMMENDATION:

Adopt **Resolution No. 2018-3450, No. 2018-3451, and No. 2018-3452.**

EXECUTIVE SUMMARY:

The Citizens' Rate Review Committee (CRRC) was formed by the City Council in 1992 to review and recommend utility rates (water, wastewater and stormwater) to the City Council for approval and implementation.

The Committee met in multiple meetings between October 5, 2017 and March 1, 2018 to review water, wastewater, and stormwater rates, including the Capital Improvement Program projects, operating, and maintenance costs for all the systems.

The CRRC reviewed proposed rates at their meetings. The review included:

- Capital Improvement Plans for the water, wastewater and stormwater systems for the next five years
- Revenue and budget requirements
- Service characteristics
- Customer class characteristics
- Peak demands on the systems
- Fund reserves

The driving forces for the proposed new rates included:

- System characteristics and load requirements
- Continued operations and maintenance cost increases, reflecting general price inflation and external service cost increases (e.g., electricity and chemical costs)
- On-going repair and replacement of aging infrastructure
- Debt service requirements (wastewater only)

The following approved minutes are found on the City's website under Archived Meetings at:

www.newbergoregon.gov/meetings/:

- Approved minutes of the CRRC meetings in 2017 from October 5, October 26, November 9, and December 7, as well as in 2018 from January 4 and January 25.

The following minutes are included in this packet:

- Draft minutes of February 15, 2018.
- Draft minutes of March 1, 2018.

The proposed rates included in each resolution are to cover the time period from January 1, 2019, through December 31, 2020. It is important to exercise clarity when discussing rate increases. When discussing rate increases, the percentage commonly discussed refers to the increase in overall projected system revenue rather than the increase in specific individual rates or individual customer bills. Thus, the rates reflected in the three resolutions are expected to generate an overall revenue increase of 4% in water, 3.5% in wastewater, and 9.0% in stormwater. The actual changes to the individual fixed and volume charges will differ by customer class and meter size. Further, the individual customer monthly bill will increase a different amount based on class and usage. Sample residential, commercial, and industrial monthly calculations will be included in the meeting presentation.

Newberg Municipal Code 2.15.200(M) pertains to the special provision allowing increases above a certain percent per year in the rates and/or fees to be subject to the state referendum process. NMC 2.15.200(M) articulates that the threshold for rates not eligible for referral is the CPI for all urban consumers in the Portland-Salem, OR-WA metropolitan area, plus an additional 3%. This CPI value for 2017 is 4.2%, which means a 7.2% threshold for rate-setting purposes.

City staff maintains that the most defensible interpretation of Section 2.15.200(M) is to apply the 7.2% threshold to each individual rate. As a result, some of the individual rate increases were above the threshold. This triggered a requirement, also articulated in NMC 2.15.200(M), that the resolution approving the increase in rates and/or fees will designate which portion of an increase if any is subject to the referral process. Staff recognizes that this interpretation of NMC 2.15.200(M) creates some additional challenges. One such challenge is the risk of restricting the rate approval process from having the flexibility to shift the cost burden between fixed and variable charges in strategic manner to achieve targeted policy choices.

The rates proposed for Council approval also represent an increase in the fixed-based percentage of overall projected revenue for water from 28% currently to 30%. For the wastewater system, the proposed rates include a fixed-based percentage of projected revenue increases from about 30% currently to about 35% in the proposed rates.

The CRRC reviewed the Transportation Utility Fee for the first time since the fee was implemented in 2017. This review was more of an educational exercise as staff did not recommend any increase in the fee at this time. The TUF will be reviewed again in future CRRC meetings per the Newberg Municipal Code.

FISCAL IMPACT:

These recommended changes to the rates are anticipated to generate \$5.65 million in revenues in FY 2018-2019 and \$5.9 million in FY 2019-2020 in the Water Fund; \$7.9 million in revenues in FY 2018-2019 and \$8.2 million in FY 2019-2020 in the Wastewater Fund; and \$1.6 in revenues in FY 2018-2019 and \$1.7 million in FY 2019-2020 in the Stormwater Fund. These amounts are sufficient to cover the cost of current operation and maintenance, provide for the necessary capital projects, and meet cash flow and debt covenant requirements in their respective funds.

STRATEGIC ASSESSMENT:

It is important and necessary to raise sufficient revenues in order to properly operate and maintain the City's water, wastewater, and stormwater systems.

**CITY OF NEWBERG
CITIZENS' RATE REVIEW COMMITTEE
THURSDAY, FEBRUAR 15, 2018
6:30 PM MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

I. CALL MEETING TO ORDER

The meeting was called to order at 6:30 PM.

II. ROLL CALL

Members Present:	Rick Rogers, Chair	Adam Lundstrom	Marilynn Van Grunsven
	Bill Rourke	Sarah Grider	Holly Bradford
	Nick Morace	Mayor Bob Andrews, ex-officio	

Staff Present: Joe Hannan, City Manager
Matt Zook, Finance Director
Jay Harris, Public Works Director

Others Present: Deb Galardi, Galardi Consulting LLC

III. CONSENT AGENDA

1. Approve minutes from the January 25, 2018 meeting

MOTION: Van Grunsven/Rourke moved to approve the consent agenda. The motion carried (7 Yes/0 No).

IV. PUBLIC COMMENTS

None.

V. COMMITTEE BUSINESS

1. Internal Franchise Fee Rate Increase Discussion

City Manager Hannan said there were two challenges to the City's budget, the communications upgrade for the Police and Fire Departments and the overall budget shortfall in the General Fund of \$1.3 million. The communications upgrade would include switching the radio signals from analog to digital and installing a new antenna. One of his tasks was figuring out how to pay for the upgrade, and he came up with three strategies. The first was to look at assets to sell, and he proposed selling the Butler property and animal shelter property. The second was selling some equipment to TVF&R. With the TVF&R vote, there was also a vote not to leverage the \$1.88 in property taxes that was going to the Fire Department and not to raise the property tax for a year. The earliest they could ask voters to fund police operations was in 2019. The amount of property tax that they would be able to collect next year, taking out the \$1.88, was \$4.3 million and the Police Department budget was \$7.2 million. He was proposing to ask the voters to approve a local option levy in 2019. He also recommended an increase of the franchise fee rate for water, storm, and sewer as property taxes were not applied to every property in the City because

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they were tax exempt. Part of the strategy was spreading the financial burden to everyone and to help close the shortage gap. The increase would match the franchise fees of the other utilities and a cap could be recommended as well. They would also be looking at program, employee, and salary/benefit cuts and would look at increasing the Public Safety Fee.

There was discussion regarding the General Fund and the departments that were funded by the General Fund.

CM Hannan explained the increase in the franchise fees would bring in an extra \$300,000 per year. People's property taxes would not go down, because even though the City was not collecting \$1.88, TVF&R would be collecting \$2.02. Water and sewer bills might be increased with the franchise fee increase. Two years from now there might be a property tax increase if the proposed levy was approved in 2019.

Chair Rogers questioned why there was a franchise fee for water, storm, and sewer in the first place. This was a police/fire issue, not a water/sewer issue.

CM Hannan said the logic was that they had to take care of the overall city and the Council was responsible for looking at wherever they were able to achieve revenue to meet their goals. The utilities used the rights-of-way and there was a fee associated with that and the funds could be used to pay for things like police.

Committee Member Grider said the CRRC was tasked with setting the water, wastewater, and stormwater rates. All of these other fees that were seemingly unrelated were tacked onto the water bill and the bill was increasing. It felt manipulative and misleading for the City to ask the CRRC to raise rates for things that the CRRC did not know they were taking on.

CM Hannan said there had been discussion regarding splitting out the municipal services statement so there was a separate bill for water/sewer/storm and a separate one for the communications/police department. That could be a recommendation, however there was an extra cost to sending out another bill.

Committee Member Grider thought it should be a separate committee to review the municipal funds instead of tacking it on to the CRRC tasks.

CM Hannan said that was a Budget Committee task. What the CRRC recommended would go to the Budget Committee.

Chair Rogers had heard concern that the communications upgrade was not a good deal for the City. The CRRC's charge was to look at the rates through the models for operating, debt service, and capital improvements. They had been looking at a 3.5% increase, but this would make it effectively 5.5%. He could not justify that without cutting some capital improvement projects and that would continue to kick the can down the road.

Committee Member Lundstrom was not sure if the CRRC should be addressing this issue. To add the franchise fee increase on top of what they had been discussing made him uncomfortable.

Committee Member Bradford agreed that the CRRC was there to discuss water, sewer, and stormwater rates and this was outside their mandate. She was uncomfortable about adding a fee to a bill that was already creeping up way too high. People were not pleased with the rates, and would be even more displeased to see a franchise fee increase on their bills.

Committee Member Morace thought the City should stop spending money it did not have. This proposal did not have anything to do with what the CRRC was here for.

Committee Member Rourke said they needed City services and they should be willing to pay for them. He did not know if people were convinced there needed to be a communications upgrade. He thought anything higher than the 3.5% to 4% was a hard sell.

Committee Member Van Grunsven said people were having a hard time making their budgets work. She thought there should be a special election to see if there was support for the communications upgrade.

Chair Rogers asked what was the increase in percentage that required additional review. Finance Director Zook said it was the CPI plus 3%. The CPI for 2017 was 4.2%. He did not anticipate any of the rates would require that review.

2. Committee Discussion and Decision on Proposed Rates for Town Hall/Public Hearing

Deb Galardi, Galardi Consulting LLC, gave a system recap. She began with the water system and discussed the updated Capital Improvement Plan, current structure and updated rates for the fixed charge and volume charge, financial forecast, and sample bills. There were significant capital improvements identified in the short-term in the recently completed Water Master Plan, the updated rate structure reflected an increased fixed revenue share of 30% from 26%, and the rate increase scenarios were 3.5% which was the minimum needed to fund capital, 4.0% which was needed to meet the \$1 million reserve to almost reach the “low” target, and 4.75% which would meet medium level reserve targets. She then reviewed the wastewater system including the Capital Improvement Plan, current and updated rates, financial forecast, and sample bills. The Capital Improvement Plan was consistent with the prior study, the updated rate structure reflected an increased fixed revenue share of 35% from 30%, and the rate increase proposed was 3.5% to fund capital and to meet the medium level reserve targets. The stormwater system discussion included the Capital Improvement Plan, projected rates/bills, and financial forecast. The Capital Improvement Plan was consistent with the prior study, rate increases were needed to continue building rate capacity for capital improvements, and the rate increase proposed was 9% which was needed to fund capital and it almost achieved low level reserve targets. She explained the transportation capital improvement plan and financial forecast for streets. The Transportation Utility Fee was implemented in September 2017. Current rates supplemented with gas taxes were sufficient to meet the identified pavement projects and no TUF increase was recommended. Additional funding sources were needed in the future to fully address pavement needs. She then displayed a typical residential bill for all systems with the increase of water and sewer at 3.5% and storm at 9%. This would mean an increase of about \$5 per month on the bills. She also displayed a bill with the increase of 4% for water, 3.5% for sewer, and 9% for storm, which was about a \$0.30 increase from the bill she just displayed. She then discussed the reserves for all systems. The reserve was based on an operating contingency of 60 days, which was a moderate reserve level, and was based on one year of debt service. For wastewater at the 3.5%, the reserve stayed between low and medium, storm was on the low end but almost got to the minimum, and water at 3.5% did not meet the low threshold and at 4% it was closer to getting to the low threshold. She then discussed a reserve scenario if the franchise fee was increased and there was no rate adjustment made. That scenario showed water would be in the negative, there would still be some reserve in wastewater, and storm got quite low. She discussed another reserve scenario with the franchise fee increase and water at 4% to 5% which helped regain some of what was lost.

Chair Rogers asked the Committee what they recommended for the water rate, 3.5% or 4%.

Except for Committee Member Morace, the Committee was in favor of the 4% due to the reserve levels and stability. 15

Chair Rogers recommended if the City Council decided to increase the franchise fee that it would come from capital improvement projects and was not passed on to the rate payers.

MOTION: Rourke/Lundstrom moved to recommend a 3.5% wastewater rate increase, 9% stormwater rate increase, and 4% water rate increase for the town hall/public hearing. The motion passed (6 Yes/1 No [Morace]).

3. Review of Town Hall/Public Hearing Format

Chair Rogers said the Town Hall/Public Hearing meeting would be held on March 1.

FD Zook answered some questions that had been asked at previous meetings. It was requested that the total bill include the other fees as well, and this was included in Ms. Galardi's presentation. It was also requested that the comparisons with other communities that had been done for water, sewer, and storm also be done for the TUF and Public Safety Fee. Staff had provided that information tonight. It was also questioned why Newberg's rates were like Lake Oswego's.

Ms. Galardi said it was driven primarily by the wastewater rates. Most other communities were served by regional wastewater utility systems and there were economies of scale with regional systems. When the service was spread over a lot of people in fast growing communities, it tended to bring down the average rate for all. There was also the investment in reducing Infiltration and Inflow, some cities did not collect franchise fees, and debt played a factor as well. She thought as some debt was paid off, Newberg would be able to take a lower position. Some communities had other sources of revenue that helped off-set the rates.

There was consensus that this information would make a difference in public opinion and understanding and the Committee wanted it shared concisely at the town hall/public hearing meeting.

Ms. Galardi suggested instead of a comparison by population, there should be a comparison of ownership models.

FD Zook said there was a new Communications Specialist position at the City whose sole purpose was to get information out to the public so the messaging was consistent and broad. He thought this information could also be forwarded to her as well. He explained the major debt components of the wastewater program and how they had been refinanced to lower the rates. He got an offer last week to lower the interest rate again without any cost of issuance. The loan for the effluent reuse debt that was attached to the non-potable rate was also being looked at for refinancing. These would provide some savings as well.

Committee Member Lundstrom would like to see the debt service payoff schedules.

Committee Member Morace said people questioned why the City had so much debt, and he thought that information should be shared more thoroughly.

Public Works Director Harris explained the City's policy of not taking on anymore debt in the future, which was reflected in the City's master plans.

VI. ADJOURNMENT

The meeting adjourned at 8:15 PM.

Approved by the Citizen's Rate Review Committee on this 1st day of March, 2018.

Citizens' Rate Review Committee Recording Secretary

Citizens' Rate Review Committee Chair

**CITY OF NEWBERG
CITIZENS' RATE REVIEW COMMITTEE
THURSDAY, MARCH 1, 2018
6:30 PM MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

I. CALL MEETING TO ORDER

The meeting was called to order at 6:30 PM.

II. ROLL CALL

Members Present:	Rick Rogers, Chair	Nick Morace	Marilynn Van Grunsven
	Bill Rourke	Sarah Grider	Holly Bradford
	Mayor Bob Andrews, ex-officio		

Staff Present: Matt Zook, Finance Director
Caleb Lippard, Assistant Finance Director
Jay Harris, Public Works Director

Others Present: Deb Galardi, Galardi Consulting LLC

III. INTRODUCTIONS

The Citizens Rate Review Committee and staff introduced themselves.

IV. PRESENTATION BY STAFF & CONSULTANT

Deb Galardi, Galardi Consulting LLC, gave an overview of the rate setting process including the development of the financial plan, cost of service analysis, and rate design. The financial plan development was a projection of the annual cash flow over 5-10 year periods. The financial plan drivers were the City budget process, economic factors, master planning, regulatory requirements, repair and replacements, customer/consumption trends, financial policies, and growth trends/legal limitations. She explained the current rate pressures which required rate increases including steady consumption and customer growth, future debt refinancing, existing reserves, replacement of aging infrastructure, large debt burden, and system reliability upgrades. She then reviewed the Capital Improvement Plans and key projects for water, wastewater, and stormwater. The recommended annual rate revenue increase for water was 4%, for wastewater was 3.5%, and for stormwater was 9%. No increase was recommended to the transportation fee. She explained the financial forecasts for water, wastewater, stormwater, and transportation and how the rate increases would affect reserves. She gave an example of a typical residential bill for all systems with the proposed rate increases. The overall increase for 2019 would be \$5.14 or 3.9% and for 2020 would be \$5.46 or 4.0%. She then discussed the residential utility bill comparison with other cities. The factors impacting the bill comparison were: regional systems vs. single systems, Infiltration and Inflow investment, debt burden, City policies (e.g. franchise fees), and public vs. private.

V. ADMINISTRATIVE PUBLIC HEARING

Chair Rogers opened the public hearing.

There was no public testimony.

Chair Rogers closed the public hearing.

VI. COMMITTEE DISCUSSION

Chair Rogers said there was a March 15 CRRC meeting scheduled for final deliberations. The Committee could deliberate now and not meet on March 15.

MOTION: Grider/Rourke moved to deliberate tonight and cancel the March 15 meeting. The motion carried (6 Yes/ 0 No).

MOTION: Rourke/Grider moved to recommend a 3.5% rate increase for wastewater, 4% rate increase for water, and 9% rate increase for stormwater and no rate increase for the Transportation Utility Fee to the City Council. The motion passed (5 Yes/ 1 No [Morace]).

VII. NEXT STEPS IN PROCESS

The City Council public hearing on these rates would be held on April 2, 2018.

VIII. ADJOURNMENT

The meeting adjourned at 7:06 PM.

Approved by the Citizen's Rate Review Committee on this 1st day of March, 2018.

Citizens' Rate Review Committee Recording Secretary

Citizens' Rate Review Committee Chair

PORTLAND-SALEM						
Consumer Price Index, All Items, 1982-84=100 for All Urban Consumers (CPI-U)						
YEAR	SEMI-ANNUAL AVERAGE		ANNUAL AVERAGE	OVER-THE-YEAR PERCENT CHANGE		ANNUAL AVERAGE
	1st Half	2nd Half		YEAR	1st Half	
1990	124.9	129.8	127.4	1990	4.7	6.7
1991	132.8	135.1	133.9	1991	6.3	4.1
1992	138.8	140.9	139.8	1992	4.5	4.3
1993	143.6	145.8	144.7	1993	3.5	3.5
1994	147.7	150.1	148.9	1994	2.9	2.9
1995	152.5	153.9	153.2	1995	3.2	2.5
1996	157.2	160.0	158.6	1996	3.1	4.0
1997	162.6	165.5	164.0	1997	3.4	3.4
1998	166.1	168.1	167.1	1998	2.2	1.6
1999	170.8	174.4	172.6	1999	2.8	3.7
2000	176.4	179.5	178.0	2000	3.3	2.9
2001	181.2	183.6	182.4	2001	2.7	2.3
2002	183.5	184.0	183.8	2002	1.3	0.2
2003	186.0	186.5	186.3	2003	1.4	1.4
2004	189.8	192.5	191.1	2004	2.0	3.2
2005	194.5	197.5	196.0	2005	2.5	2.6
2006	199.8	202.5	201.1	2006	2.7	2.5
2007	206.653	210.460	208.556	2007	3.4	3.9
2008	214.619	216.159	215.389	2008	3.9	2.7
2009	214.102	217.191	215.647	2009	-0.2	0.5
2010	217.508	219.179	218.344	2010	1.6	0.9
2011	223.105	226.077	224.590	2011	2.6	3.1
2012	228.746	230.811	229.779	2012	2.5	2.1
2013	233.735	237.322	235.528	2013	2.2	2.8
2014	239.751	242.679	241.215	2014	2.6	2.3
2015	242.976	245.405	244.190	2015	1.3	1.1
2016	247.143	251.710	249.426	2016	1.7	2.6
2017	258.055	261.621	259.838	2017	4.4	3.9
						4.2

Table of over-the-year percent increases. An entry for 2ndHalf 2005 indicates the percentage increase from 2ndHalf 2004 to 2ndHalf 2005 (in this example 2.6 percent).



RESOLUTION No. 2018-3450

A RESOLUTION ADOPTING NEW MONTHLY WATER RATES FOR THE CITY OF NEWBERG EFFECTIVE JANUARY 1, 2019 AND JANUARY 1, 2020

RECITALS:

1. Newberg Municipal Code Chapter 13.15 governs the city of Newberg water system and the adoption of city water rates, fees and charges.
2. The Citizens' Rate Review Committee (CRRC) met October 5, 2017, October 26, 2017, and February 15, 2018 to review water system rates and system attributes, including the Capital Improvement Program and the system operating and maintenance costs.
3. The review also included the modification of the water rate structure by increasing the fixed cost charge portion for the service charges. That fixed portion allocation will change from the current 28% to an estimated 30% under the proposed rates.
4. The CRRC held a Town Hall meeting and Public Hearing on the proposed monthly charges on March 1, 2018, and approved their final rate change recommendations to City Council at that same meeting.
5. The CRRC recommends changes to the monthly water charges based on their analysis of current and future anticipated water fund needs.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Effective on the respective dates as outlined in Exhibit A, the monthly water service rates shall consist of charges as shown on the attached Exhibit A, which is hereby attached and by this reference incorporated.
2. Rates for any other water use, not explicitly provided for in this resolution, shall be established by the finance director to conform as close as practical to the charges established herein. Such charges shall be reviewed by the City Council.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 3, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of April, 2018.

Sue Ryan, City Recorder

ATTEST by the Mayor this ____ day of April, 2018.

Bob Andrews, Mayor

EXHIBIT A

Exhibit A to

Resolution No. 2018-3450

Council Adopted Rates						
Monthly Water Rates						
Customer Class	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020	2019 % Incr	2020 % Incr	Avg Annual Increase
Service Charge (\$/Month)	\$2.18	\$2.38	\$2.38	9.17%	0.00%	4.59%
Meter Charge (\$/Month)						
3/4"	\$12.95	\$14.41	\$16.05	11.27%	11.38%	11.97%
1"	\$22.02	\$24.50	\$27.29	11.26%	11.39%	11.97%
1-1/2"	\$42.74	\$47.55	\$52.97	11.25%	11.40%	11.97%
2"	\$68.64	\$76.37	\$85.07	11.26%	11.39%	11.97%
3"	\$129.50	\$144.10	\$160.50	11.27%	11.38%	11.97%
4"	\$216.27	\$240.65	\$268.04	11.27%	11.38%	11.97%
6"	\$431.24	\$479.85	\$534.47	11.27%	11.38%	11.97%
8"	\$690.24	\$768.05	\$855.47	11.27%	11.38%	11.97%
10"	\$1,078.74	\$1,200.35	\$1,336.97	11.27%	11.38%	11.97%
Nonpotable Meter Charge (\$/Month)						
4"	\$57.47	\$58.62	\$59.79	2.00%	2.00%	2.02%
8"	\$180.84	\$184.46	\$188.15	2.00%	2.00%	2.02%
Volume Charge (\$/ccf)						
Residential	\$4.00	\$4.00	\$4.06	-0.11%	1.50%	0.69%
Multifamily	\$3.27	\$3.24	\$3.28	-0.81%	1.23%	0.21%
Commercial	\$3.94	\$4.09	\$4.16	3.84%	1.71%	2.81%
Industrial	\$4.15	\$4.33	\$4.42	4.36%	2.08%	3.27%
Irrigation	\$7.20	\$7.65	\$7.75	6.30%	1.31%	3.84%
Outside City	\$6.01	\$6.00	\$6.09	-0.17%	1.50%	0.67%
Public Agency	\$4.11	\$4.36	\$4.45	6.17%	2.06%	4.18%
Non-Potable	\$2.51	\$2.51	\$2.51	0.00%	0.00%	0.00%

Rates at or below 7.2% increase per year (not subject to referral process)						
Monthly Water Rates						
Customer Class	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020 *	2019 % Incr	2020 % Incr	Avg Annual Increase
Service Charge (\$/Month)	\$2.18	\$2.34	\$2.55	9.17%	0.00%	4.59%
Meter Charge (\$/Month)						
3/4"	\$12.95	\$13.88	\$15.45	11.27%	11.38%	11.97%
1"	\$22.02	\$23.61	\$26.26	11.26%	11.39%	11.97%
1-1/2"	\$42.74	\$45.82	\$50.97	11.25%	11.40%	11.97%
2"	\$68.64	\$73.58	\$81.87	11.26%	11.39%	11.97%
3"	\$129.50	\$138.82	\$154.48	11.27%	11.38%	11.97%
4"	\$216.27	\$231.84	\$257.98	11.27%	11.38%	11.97%
6"	\$431.24	\$462.29	\$514.40	11.27%	11.38%	11.97%
8"	\$690.24	\$739.94	\$823.35	11.27%	11.38%	11.97%
10"	\$1,078.74	\$1,156.41	\$1,286.78	11.27%	11.38%	11.97%
Nonpotable Meter Charge (\$/Month)						
4"	\$57.47	\$58.62	\$62.84	2.00%	2.00%	2.02%
8"	\$180.84	\$184.46	\$197.74	2.00%	2.00%	2.02%
Volume Charge (\$/ccf)						
Residential	\$4.00	\$4.00	\$4.29	-0.11%	1.50%	0.69%
Multifamily	\$3.27	\$3.24	\$3.47	-0.81%	1.23%	0.21%
Commercial	\$3.94	\$4.09	\$4.38	3.84%	1.71%	2.81%
Industrial	\$4.15	\$4.33	\$4.64	4.36%	2.08%	3.27%
Irrigation	\$7.20	\$7.65	\$8.20	6.30%	1.31%	3.84%
Outside City	\$6.01	\$6.00	\$6.43	-0.17%	1.50%	0.67%
Public Agency	\$4.11	\$4.36	\$4.67	6.17%	2.06%	4.18%
Non-Potable	\$2.51	\$2.51	\$2.69	0.00%	0.00%	0.00%

Portion of increase greater than cap (referable)						
Monthly Water Rates						
Customer Class	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020	2019 % Incr	2020 % Incr	Avg Annual Increase
Service Charge (\$/Month)	\$2.18	\$0.04	\$0.00	9.17%	0.00%	4.59%
Meter Charge (\$/Month)						
3/4"	\$11.78	\$0.53	\$0.60	11.27%	11.38%	11.97%
1"	\$20.03	\$0.89	\$1.03	11.26%	11.39%	11.97%
1-1/2"	\$38.87	\$1.73	\$2.00	11.25%	11.40%	11.97%
2"	\$62.43	\$2.79	\$3.20	11.26%	11.39%	11.97%
3"	\$117.80	\$5.28	\$6.02	11.27%	11.38%	11.97%
4"	\$196.73	\$8.81	\$10.06	11.27%	11.38%	11.97%
6"	\$392.27	\$17.56	\$20.07	11.27%	11.38%	11.97%
8"	\$627.87	\$28.11	\$32.12	11.27%	11.38%	11.97%
10"	\$981.27	\$43.94	\$50.19	11.27%	11.38%	11.97%
Nonpotable Meter Charge (\$/Month)						
4"	\$55.24	\$0.00	\$0.00	2.00%	2.00%	2.02%
8"	\$173.82	\$0.00	\$0.00	2.00%	2.00%	2.02%
Volume Charge (\$/ccf)						
Residential	\$3.85	\$0.00	\$0.00	-0.11%	1.50%	0.69%
Multifamily	\$3.15	\$0.00	\$0.00	-0.81%	1.23%	0.21%
Commercial	\$3.75	\$0.00	\$0.00	3.84%	1.71%	2.81%
Industrial	\$3.95	\$0.00	\$0.00	4.36%	2.08%	3.27%
Irrigation	\$6.69	\$0.00	\$0.00	6.30%	1.31%	3.84%
Outside City	\$5.78	\$0.00	\$0.00	-0.17%	1.50%	0.67%
Public Agency	\$3.88	\$0.00	\$0.00	6.17%	2.06%	4.18%
Non-Potable	\$3.52	\$0.00	\$0.00	0.00%	0.00%	0.00%

* The calculation of the "rates not subject to the referral process effective January 1, 2020" as shown above are based on a 7.2% increase above the January 1, 2019 rates in the "Council Adopted Rates" columns above. This assumes that rates effective January 1, 2019 are not lowered through the referral process. If rates effective January 1, 2019 were lowered through the referral process, this could lower the "rates not subject to the referral process" for January 1, 2020, as these "year 2" rates would be based on 7.2% of the lower, actual referred rates from year 1. For example, if the Council Adopted Rate effective January 1, 2019 (year 1) was \$14.41, of which \$13.88 was not eligible for referral, the assumed rate "not subject to the referral process for January 1, 2020" (year 2) will be calculated as a 7.2% increase on \$14.41, resulting in \$15.45 (as shown above), unless the year 1 rates were lowered through the referral process, which would produce a "year 2" rate based on the new "year 1" rate of \$13.88, resulting in a \$14.88 amount "not eligible for referral" in year 2.



RESOLUTION No. 2018-3451

A RESOLUTION ADOPTING NEW MONTHLY WASTEWATER RATES FOR THE CITY OF NEWBERG EFFECTIVE JANUARY 1, 2019 AND JANUARY 1, 2020

RECITALS:

1. Newberg Municipal Code Chapter 13.10 governs the city of Newberg wastewater system and the adoption of the wastewater rates, fees and charges.
2. The Citizens' Rate Review Committee (CRRC) met November 9, 2017, December 7, 2017, and February 15, 2018 to review wastewater system rates and system attributes, including the Capital Improvement Program and the system operating and maintenance costs.
3. The review also included the modification of the wastewater rate structure by increasing the fixed cost charge portion for the service charges. That fixed portion allocation will change from the current 30% to an estimated 35% in the proposed rates.
4. The CRRC held a Town Hall meeting and Public Hearing on the proposed monthly charges on March 1, 2018, and approved their final rate change recommendations to City Council at that same meeting.
5. The CRRC recommends changes to the monthly wastewater charges based on their analysis of current and future anticipated wastewater fund needs.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Effective on the respective dates outlined in Exhibit A, the monthly wastewater service charges shall consist of charges as shown on the attached Exhibit A, which is hereby attached and by this reference incorporated.
2. Rates for any other wastewater use, not explicitly provided for in this resolution, shall be established by the finance director to conform as close as practical to the charges established herein. Such charges shall be reviewed by the City Council.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 3, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of April, 2018.

Sue Ryan, City Recorder

ATTEST by the Mayor this ____ day of April, 2018.

Bob Andrews, Mayor

EXHIBIT A

Council Adopted Rates						
Monthly Wastewater Rates						
	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020	2019 % Incr	2020 % Incr	Avg Annual Increase
Customer Class						
Service Charge (\$/Month)	\$22.57	\$26.16	\$27.21	15.91%	4.01%	10.28%
Multifamily Unit Charge	\$19.89	\$22.84	\$23.79	14.83%	4.16%	9.80%
Volume Charge (\$/ccf)						
Single Family	\$8.86	\$8.65	\$8.93	-2.37%	3.24%	0.40%
Multifamily	\$8.86	\$8.65	\$8.93	-2.37%	3.24%	0.40%
Commercial - 1	\$8.86	\$8.65	\$8.93	-2.37%	3.24%	0.40%
Commercial - 2	\$10.86	\$10.81	\$11.15	-0.46%	3.15%	1.34%
Commercial - 3	\$17.78	\$18.26	\$18.83	2.70%	3.12%	2.95%
Industrial	\$10.86	\$10.81	\$11.15	-0.46%	3.15%	1.34%
Outside City	\$8.86	\$8.65	\$8.92	-2.37%	3.12%	0.34%

Rates at or below 7.2% increase per year (not subject to referral process)						
Monthly Wastewater Rates						
	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020*			
Customer Class						
Service Charge (\$/Month)	\$22.57	\$24.20	\$28.04			
Multifamily Unit Charge	\$19.89	\$21.32	\$24.48			
Volume Charge (\$/ccf)						
Single Family	\$8.86	\$8.65	\$9.27			
Multifamily	\$8.86	\$8.65	\$9.27			
Commercial - 1	\$8.86	\$8.65	\$9.27			
Commercial - 2	\$10.86	\$10.81	\$11.59			
Commercial - 3	\$17.78	\$18.26	\$19.57			
Industrial	\$10.86	\$10.81	\$11.59			
Outside City	\$8.86	\$8.65	\$9.27			

Portion of increase greater than cap (referrable)						
Monthly Wastewater Rates						
	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020			
Customer Class						
Service Charge (\$/Month)	\$20.66	\$1.96	\$0.00			
Multifamily Unit Charge	\$18.24	\$1.52	\$0.00			
Volume Charge (\$/ccf)						
Single Family	\$8.19	\$0.00	\$0.00			
Multifamily	\$8.19	\$0.00	\$0.00			
Commercial - 1	\$8.19	\$0.00	\$0.00			
Commercial - 2	\$10.02	\$0.00	\$0.00			
Commercial - 3	\$16.37	\$0.00	\$0.00			
Industrial	\$10.02	\$0.00	\$0.00			
Outside City	\$8.19	\$0.00	\$0.00			

* The calculation of the "rates not subject to the referral process effective January 1, 2020" as shown above are based on a 7.2% increase above the January 1, 2019 rates in the "Council Adopted Rates" columns above. This assumes that rates effective January 1, 2019 are not lowered through the referral process. If rates effective January 1, 2019 were lowered through the referral process, this could lower the "rates not subject to the referral process" for January 1, 2020, as these "year 2" rates would be based on 7.2% of the lower, actual referred rates from year 1. For example, if the Council Adopted Rate effective January 1, 2019 (year 1) was \$26.16, of which \$24.20 was not eligible for referral, the assumed rate "not subject to the referral process for January 1, 2020" (year 2) will be calculated as a 7.2% increase on \$26.16, resulting in \$28.04 (as shown above), unless the year 1 rates were lowered through the referral process, which would produce a "year 2" rate based on the new "year 1" rate of \$24.20, resulting in a \$25.94 amount "not eligible for referral" in year 2.

Exhibit A to
Resolution No. 2018-3451



RESOLUTION No. 2018-3452

A RESOLUTION ADOPTING NEW MONTHLY STORMWATER RATES FOR THE CITY OF NEWBERG EFFECTIVE JANUARY 1, 2019 AND JANUARY 1, 2020

RECITALS:

1. Newberg Municipal Code Chapter 13.20 governs the stormwater system and the adoption of the stormwater rates, fees, and charges.
2. The Citizens' Rate Review Committee (CRRC) met January 4, 2018 and February 15, 2018 to review stormwater system rates and system attributes, including the Capital Improvement Program and the system operating and maintenance costs.
3. The CRRC held a Town Hall meeting and Public Hearing on the proposed monthly charges on March 1, 2018, and approved their final rate change recommendations to City Council at that same meeting.
4. The CRRC recommends changes to the monthly stormwater charges based on their analysis of current and future anticipated stormwater fund needs.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Effective on the respective dates outlined below, the monthly stormwater service rates shall be as shown on the attached Exhibit A, which is hereby attached and by this reference incorporated.
2. An EDU (Equivalent Dwelling Unit), as defined by Newberg Municipal Code Section 13.20.020, means a configuration of development, or impervious surfaces on a parcel, deemed to contribute an amount of runoff to the city's stormwater system equal to that runoff created and contributed to the system by the average single-family residential parcel.
3. Adjustments or reductions of the fee can be made upon application of the owner of developed property to the city engineer and upon certification by the city engineer that the owner or the property meets one or more of the criteria established in Newberg Municipal Code Section 13.20.080.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 3, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2th day of April, 2018.

Sue Ryan, City Recorder

ATTEST by the Mayor this ____ day of April, 2018.

Bob Andrews, Mayor

EXHIBIT A

Exhibit A to Resolution No. 2018-3452

Council Adopted Rates					
Monthly Stormwater Rates					
Customer Class	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020	2019 % Incr	2020 % Incr
Service Charge (\$/EDU/Month)	\$10.30	\$11.23	\$12.24	9.02%	8.99%
					Avg Annual Increase 9.41%

Rates at or below 7.2% increase per year (not subject to referral process)					
Monthly Stormwater Rates					
Customer Class	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020*	2019 % Incr	2020 % Incr
Service Charge (\$/EDU/Month)	\$10.30	\$11.04	\$12.04	9.02%	8.99%
					Avg Annual Increase 9.41%

Portion of increase greater than cap (referrable)					
Monthly Stormwater Rates					
Customer Class	Current Through Dec 31, 2018	Effective Jan 1, 2019	Effective Jan 1, 2020	2019 % Incr	2020 % Incr
Service Charge (\$/EDU/Month)	\$8.67	\$0.19	\$0.20	9.02%	8.99%
					Avg Annual Increase 9.41%

* The calculation of the "rates not subject to the referral process effective January 1, 2020" as shown above are based on a 7.2% increase above the January 1, 2019 rates in the "Council Adopted Rates" columns above. This assumes that rates effective January 1, 2019 are not lowered through the referral process. If rates effective January 1, 2019 were lowered through the referral process, this could lower the "rates not subject to the referral process" for January 1, 2020, as these "year 2" rates would be based on 7.2% of the lower, actual referred rates from year 1. For example, if the Council Adopted Rate effective January 1, 2019 (year 1) was \$11.23, of which \$11.04 was not eligible for referral, the assumed rate "not subject to the referral process for January 1, 2020" (year 2) will be calculated as a 7.2% increase on \$11.23, resulting in \$12.04 (as shown above), **unless** the year 1 rates were lowered through the referral process, which would produce a "year 2" rate based on the new "year 1" rate of \$11.04, resulting in a \$11.83 amount "not eligible for referral" in year 2.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 02, 2018

Order ____ **Ordinance** XX **Resolution** ____ **Motion** ____ **Information** ____
No. **No. 2018-2829** **No.**

**SUBJECT: An ordinance amending Title 2
Chapter 15, Article V. Traffic Safety
Commission of the Newberg Municipal Code
(NMC 2.15.330 – 2.15.480).**

**Contact Person (Preparer) for this
Motion: Brett Musick, P.E., Senior Engineer
Dept.: Public Works Department**

HEARING TYPE: ☒ **LEGISLATIVE** ☐ **QUASI-JUDICIAL** ☐ **NOT APPLICABLE**

RECOMMENDATION:

Adopt Ordinance No. 2018-2829 amending Title 2, Chapter 15, Article V. Traffic Safety Commission of the Newberg Municipal Code.

EXECUTIVE SUMMARY:

Title 2, Chapter 15, Article V of the Newberg Municipal Code addresses the establishment, purposes and duties, authority and decision process of the Traffic Safety Commission. Over the past year there have been discussions regarding changing the primary staff liaison from the Police Department to Engineering Services and for changes to the decision process for more public involvement before decisions are made. The proposed revisions will address those recent decisions related to changing the Traffic Safety Commission liaison from the Police Department to the Engineering Services Division of Public Works and for changes to how decisions are made.

The track changes version of the proposed amendments is attached at Exhibit A and a clean version is Exhibit B. The changes include:

- Primary staff liaison changed to Engineering Services from the Police Department;
- Clarifications for the duties of the commission;
- Modifications to the process for Limited Traffic Decisions for the city engineer to make initial decisions in accordance with policies adopted by the Traffic Safety Commission; and
- Clarifications for the process to appeal decisions to the City Council.

Note that Police authority for permits and emergencies are not changed.

The proposed changes will allow for consistency and transparency in decisions made by the Traffic Safety Commission related to its purpose, duties and authority.

FISCAL IMPACT:

There is no measurable fiscal impact to the City.



ORDINANCE No. 2018-2829

**AN ORDINANCE AMENDING TITLE 2, CHAPTER 15, ARTICLE
V. TRAFFIC SAFETY COMMISSION OF THE NEWBERG MUNICIPAL
CODE (NMC 2.15.330 – 2.15.480).**

RECITALS:

1. WHEREAS, Title 2, Chapter 15, Article V. Traffic Safety Commission of the Newberg Municipal Code addresses the purpose and duties of the Traffic Safety Commission in the City.
2. WHEREAS, the proposed changes will allow for consistency and transparency in how decisions are made by the Traffic Safety Commission. These changes will be consistent with State Law, the recently updated Master Plans and methodologies.
3. WHEREAS, the Traffic Safety Commission has recommended approval of the proposed code revisions to the City Council.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1. Title 2, Chapter 15, Article V. Traffic Safety Commission of the Newberg Municipal Code is amended as follows:

Section 2.15.380 is amended as follows:

2.15.380 Presiding members.

At the commission's first meeting of each calendar year, the commission will elect a chair and a vice chair. The chair will preside at all meetings of the commission. The vice chair will preside in the absence of the chair. An election will be held thereafter on the first meeting of each calendar year for the purpose of electing a chair and a vice chair of the commission. The city engineer, or designee, will act as secretary to the commission.

Section 2.15.390 is amended as follows:

2.15.390 Meetings, quorum, and official action.

B. Special and Emergency Meetings. A special meeting of the commission may be called by the chair, upon its own motion, or the city engineer, upon his/her own motion, or at the request of the majority of the members of the commission. Notice of the meeting will be given in accordance with the Oregon Public Meetings Law. An emergency meeting of the commission may be called in the same manner as a special meeting. The facts constituting the emergency will be placed upon the record as the first order of business of that meeting.

Section 2.15.400 is amended as follows:

2.15.400 Purpose and duties.

B. The commission's duties include, but are not limited to:

1. Reviewing proposals related to major traffic matters within the city.
2. Making recommendations to the city council on issues pertaining to traffic safety, traffic planning and design, and general traffic matters.
3. Promulgating standards and policies relating to neighborhood traffic management.
4. Researching, developing and implementing coordinated traffic safety programs which meet local needs.
5. Promoting public acceptance of official programs proposed or instigated by the city.
6. Fostering public knowledge and support of traffic law enforcement, transportation planning and traffic engineering issues.
7. Coordinating with the public and private school systems of the city to promote traffic safety aids in the schools and public education on traffic safety.
8. Holding public hearings on traffic issues, as provided in NMC 2.15.040 to decide upon locations designated for parking, crosswalks, safety zones and traffic control signs within the community.

Section 2.15.410 is amended as follows:

2.15.410 Authority.

A. Limited Traffic Decisions. Limited traffic decisions are traffic decisions which affect and are confined to one particular location.

1. The city engineer will make an initial decision based on city policies. Notice of the decision will be mailed to property owner(s) within 300 feet of the subject location if more than one property owner is affected by the decision. The notice will include information on how to appeal the decision.
2. Request for Public Hearing. A public hearing will be held before the traffic safety commission upon written request by two or more affected property owners. Notice of the hearing will be given to property owners within 300 feet of the subject location in a manner reasonably calculated to notify affected property owners.
3. Notice of the decision by the traffic safety commission will be mailed to all property owners within 300 feet of the subject location within 10 business days of the decision.
4. Appeal. Limited traffic decisions of the traffic safety commission may be appealed to the Newberg city council within 30 days of the notice of the decision. A notice of appeal and council hearing date will be

mailed to property owners within 300 feet of the subject Location as provided in NMC 2.15.450.

B. General Traffic Decisions. General traffic decisions are decisions which affect the entire community, or a number of locations. Such decisions are truck routes, general parking policies, parking for one-way grids affecting more than one block, general signage policies, traffic safety hazard policies and traffic safety programs. Such decisions will be made in the following manner:

1. Notice will be given in a method reasonably calculated to give all interested parties notice.
2. Such notice will state the following:
 - a. The time, date, and place of the hearing.
 - b. The recommended decision to be made.
 - c. The criteria to be used in making the decision.
 - d. That public testimony will be taken at the hearing.
 - e. Written comments can be made and the location where such comments can be delivered, mailed, or emailed.
3. The commission will meet at the time and date to conduct a hearing pursuant to the process adopted by the commission.
4. When the commission has made a decision, reasonable notification of the decision will be given and the right of any party making an appearance in the hearing by either written form or by oral testimony will be informed of their right to appeal. Notice of the decision may be done by announcing the decision and the right to appeal at the hearing where the decision is made.

Section 2.15.430 is amended as follows:

2.15.430 Log of decisions.

Decisions made by the commission will be set out in a schedule in chronological date order and in accordance with the type of decision, the date of the decision, the brief description of the decision made and the date in which the action was taken for the decision. The city engineer or designee will have the authority to update the schedule. Such schedule, as soon as reasonably possible, but in no event later than quarterly, will be presented to the commission for its review and comment.

Section 2.15.450 is amended as follows:

2.15.450 Appeals of decisions.

A. Parties Who Can Appeal. Any party appearing before the commission, either in written form or by oral testimony, the city manager, and the city engineer have the authority to appeal the decision of the commission.

C. Effect of Decision While Appeal or Reconsideration Is Pending. The decision of the commission will be held in abeyance pending appeal to the city council. However, this does not affect the ability of the chief of police to enact any decision under the authority granted to him/her under NMC 2.15.470.

Section 2.15.470 is amended as follows:

2.15.470 Authority of city engineer.

The city engineer will have the authority to make traffic decisions as follows:

A. General Authority. The city engineer will have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the city engineer will designate the findings as to reasons for taking such action, will make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the traffic safety commission.

B. Appeal to Commission. At the next regularly scheduled meeting, the city engineer will ratify, affirm, alter, or change the action.

Section 2. Codification. Provisions of this ordinance shall be incorporated into the city code and the word ordinance maybe changed to another word, and the sections of this ordinance maybe renumbered, or re-lettered, provided however that any whereas clauses need not be codified and the city recorder is authorized to correct any cross-references and typographical errors.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: May 2, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of April, 2018, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 5th day of April, 2018.

Bob Andrews, Mayor

**Ordinance 2018-2829
EXHIBIT A**

**Amendments to Title 2, Chapter
15, Article V.
Traffic Safety Commission Code**

Note:

~~**(NMC 2.15.330-2.15.480)**~~

Existing text is shown in regular font.

Added text is shown in double-underline.

Deleted text is shown in strikethrough.
Article V. Traffic Safety Commission

2.15.330 Establishment.

There is established a Newberg traffic safety commission ("commission") for the City of Newberg. [Ord. 2743 § 1, 10-3-11; Ord. 2427. Code 2001 § 32.15.]

2.15.340 Membership.

The commission shall consist of nine voting members who are not officials or employees of the city. The mayor, city manager, chief of police, city engineer, and student from one of the local high schools will serve as ex officio nonvoting members of the commission. The chief of police and city engineer may designate a person in their department to serve in their capacity. The members, including the student member, will be appointed by the mayor, subject to the confirmation by the city council. [Ord. 2790 § 2, 11-2-15; Ord. 2743 § 1, 10-3-11; Ord. 2427. Code 2001 § 32.16.]

2.15.350 Terms of office.

The members of the commission will serve for a term of three consecutive calendar years. The terms will begin January 1st of the first calendar year and end December 31st of the last calendar year. The terms of the members will be established in approximately equal expiration of terms each year. The term of the student members will begin June 1st of each calendar year and end May 31st of succeeding calendar year with reappointment not to exceed three years. Members of the commission will continue after expiration of the term until such time as their successors are appointed. [Ord. 2743 § 1, 10-3-11; Ord. 2690 § 2(A), 2-4-08; Ord. 2427. Code 2001 § 32.17.]

2.15.360 Appointment and qualifications.

The procedure and qualifications for appointment to positions on the commission are as follows:

A. The city will give public notice of any vacancy of the commission and accept such applications for vacancies.

B. The application for membership on the commission will state the principal occupation, residence of the applicant, and other information or qualifications the city may deem necessary.

C. All members will have their principal place of residency in the City of Newberg, except two members may have their residency outside the city limits, but within the urban growth boundary of the city. [Ord. 2743 § 1, 10-3-11; Ord. 2427. Code 2001 § 32.18.]

2.15.370 Vacancies and removals.

The city will fill vacancies and remove commissioners as follows:

A. Any vacancy on the commission will be filled by appointment by the mayor with the consent of the city council for the unexpired term of the predecessor.

B. A member of the commission may be removed by recommendation of the mayor with consent of the city council after hearing for misconduct or nonperformance of duty.

C. When a commission member has failed to attend three consecutive commission meetings or has three or more unexcused absences from meetings during a calendar year, the member will be rebuttably presumed to be in nonperformance of duty, and the chairperson will notify the mayor of such situation.

[Ord. [2743](#) § 1, 10-3-11; Ord. [2690](#) § 2(A), 2-4-08; Ord. [2427](#). Code 2001 § 32.19.]

2.15.380 Presiding members.

At the commission's first meeting of each calendar year, the commission will elect a chair and a vice chair. The chair will preside at all meetings of the commission. The vice chair will preside in the absence of the chair. An election will be held thereafter on the first meeting of each calendar year for the purpose of electing a chair and a vice chair of the commission. The ~~chief of police~~ city engineer, or designee, will act as secretary to the commission. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.20.]

2.15.390 Meetings, quorum, and official action.

Meetings of the commission will be called and conducted in the following manner:

A. Regular Meetings. The commission will hold regular meetings at a time and place designated by the commission. The commission will meet whenever business warrants but, in no event, not less than quarterly. Notice of meetings and the agenda will be published in accordance with Oregon Public Meetings Law.

B. Special and Emergency Meetings. A special meeting of the commission may be called by the chair, upon its own motion, or the ~~chief of police~~ city engineer, upon his/her own motion, or at the request of the majority of the members of the commission. Notice of the meeting will be given in accordance with the Oregon Public Meetings Law. An emergency meeting of the commission may be called in the same manner as a special meeting. The facts constituting the emergency will be placed upon the record as the first order of business of that meeting.

C. Quorum. A majority of the voting members (five members) of the commission will constitute a quorum. A quorum is required to be present at meetings in order to conduct official business.

D. Official Action. A vote of the majority of the quorum will be necessary to take any official action by the commission.

E. Public Meetings. The meetings of the commission will be open to the public and subject to the Oregon Public Meetings Law. Meetings other than regularly scheduled meetings may be announced at a prior meeting. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.21.]

2.15.400 Purpose and duties.

A. The purpose of the commission is to promote traffic safety through investigation, study and analysis of traffic safety programs; to conduct educational efforts among the public in the matters of public safety; to consider all traffic safety programs which are referred to them for recommendation by the city council and to make reports to the city council on matters of traffic safety and traffic safety programs.

~~B. The commission will decide on the location of parking, crosswalks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community. [Ord. 2743 § 1, 10-3-11; Ord. 2427, Code 2001 § 32.22.]~~

The commission's duties include, but are not limited to:

1. Reviewing proposals related to major traffic matters within the city.
2. Making recommendations to the city council on issues pertaining to traffic safety, traffic planning and design, and general traffic matters.
3. Promulgating standards and policies relating to neighborhood traffic management.
4. Researching, developing and implementing coordinated traffic safety programs which meet local needs.
5. Promoting public acceptance of official programs proposed or instigated by the city.
6. Fostering public knowledge and support of traffic law enforcement, transportation planning and traffic engineering issues.
7. Coordinating with the public and private school systems of the city to promote traffic safety aids in the schools and public education on traffic safety.
8. Holding public hearings on traffic issues, as provided in NMC 2.15.040 to decide upon locations designated for parking, crosswalks, safety zones and traffic control signs within the community.

2.15.410 Authority.

The commission will conduct hearings to consider and make decisions concerning its duties and deciding upon locations of parking, crosswalks, safety zones, and traffic control signs within the community using the following procedure:

A. Limited Traffic Decisions. ~~The commission will make~~ Limited traffic decisions, ~~which are traffic decisions which affect one particular location and are confined to one location,~~ in the following manner:

1. Notice of the commission's limited traffic decision will be given to the property owners that are within 300 feet of the location of the traffic control change in which the decision is concerned. The city engineer will make an initial decision based on city policies. Notice of the decision will be mailed to property owner(s) within 300 feet of the subject location if more than one property

owner is affected by the decision. The notice will include information on how to appeal the decision.

2. Request for Public Hearing. A public hearing will be held before the traffic safety commission upon written request by two or more affected property owners. Notice of the hearing will be given to property owners within 300 feet of the subject location in a manner reasonably calculated to notify affected property owners.

~~In addition to the decision, the notice will state the following:~~

- ~~a. That the person can submit written comments within 14 days of the notice giving any input concerning the decision. The mailing address and email address where written response should be sent will be stated.~~
- ~~b. The person may request a public hearing concerning the decision and that if two or more adjacent property owners request the public hearing, a public hearing will be held.~~
- ~~c. That the respondent will give the name, address and location in which it wishes to receive the notice of public hearing and final decision when it is made.~~

~~3. The decision, along with a copy of the notice and any written response, will be forwarded to the commission at the time and date of the meeting in which the decision will be before them. Notice of the decision by the traffic safety commission will be mailed to all property owners within 300 feet of the subject location within 10 business days of the decision.~~

4. Appeal. Limited traffic decisions of the traffic safety commission may be appealed to the Newberg city council within 30 days of the notice of the decision. A notice of appeal and council hearing date will be mailed to property owners within 300 feet of the subject Location as provided in NMC 2.15.450.

~~If a request for a public hearing is made, public notice will be made stating that a public hearing is to be held and written notice will be given to property owners within 300 feet.~~

~~5. The commission will meet and deliberate concerning the decision using a procedure which they have adopted.~~

~~6. When the commission makes a final decision, notice of such decision will be made to any person submitting written response. Such notice will notify the person of their right to appeal the decision.~~

B. General Traffic Decisions. General traffic decisions are decisions which affect the entire community, or ~~are decisions which affect~~ a number of locations. Such decisions are truck routes, general parking policies, parking for one-way grids affecting more than one block, general signage policies, traffic safety hazard policies and traffic safety programs. Such decisions will be made in the following manner:

1. Notice will be given in a method reasonably calculated to give all interested parties notice.

2. Such notice will state the following:

- a. The time, date and place of the hearing.
- b. The recommended decision to be made.
- c. The criteria to be used in making the decision.
- d. That public testimony will be taken at the hearing.
- e. Written comments can be made and the location where such comments can be delivered, mailed, or emailed.

3. The commission will meet at the time and date to conduct a hearing pursuant to the process adopted by the commission.

4. When the commission has made a decision, reasonable notification of the decision will be given and the right of any party making an appearance in the hearing by either written form or by oral testimony will be informed of their right to appeal. Notice of the decision may be done by announcing the decision and the right to appeal at the hearing where the decision is made.

C. Decisions of Commission. All decisions of the commission will be final unless such decision is appealed by parties having the right to appeal such decision to the city council in accordance with NMC [2.15.450](#). [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.23.]

2.15.420 Final decisions – Enactment.

Final decisions will be forwarded to the city manager or designee to enact the decision and do all necessary work to carry out the decisions of the commission. Such work will be performed under the direction of the city manager or designee. Specific action taken in carrying out the final decisions will be the responsibility of the city manager or designee. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.24.]

2.15.430 Log of decisions.

Decisions made by the commission will be set out in a schedule in chronological date order and in accordance with the type of decision, the date of the decision, the brief description of the decision made and the date in which the action was taken for the decision. The ~~chief of police~~ city engineer or designee will have the authority to update the schedule. Such schedule, as soon as reasonably possible, but in no event later than quarterly, will be presented to the commission for its review and comment. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.25.]

2.15.440 Development permit process decisions.

Repealed by Ord. [2743](#). [Ord. [2427](#). Code 2001 § 32.26.]

2.15.450 Appeals of decisions.

The decisions of the commission can be appealed to the city council. The commission will have an opportunity to reconsider its decision when a petition for appeal is filed. The following procedure is established for an appeal of a commission decision:

A. Parties Who Can Appeal. Any party appearing before the commission, either in written form or by oral testimony, the city manager, and the ~~chief of police~~ city engineer have the authority to appeal the decision of the commission.

B. Petition for Appeal and Time of Filing. Any decision of the commission can be appealed to the city council if such appeal is made within 14 days of the date of the decision. Such appeal will be made upon the petition prescribed for and approved by the commission stating the name of the party, indicating standing of party to appeal, demonstrating where the decision was in error, and what, if any, new evidence is available that was not available at the hearing.

~~C. Reconsideration. Such petition will immediately be placed upon the next regular meeting of the commission for reconsideration of the decision. The commission may consider any new evidence presented, the record of the decision and any reason stated by the appellant. The commission may set the matter down for further hearing, affirm its previous decision, alter its decision in any manner it deems proper, or take no action.~~

~~D. Appeal to the Council. If the decision is reaffirmed or no action is taken, or within 14 days after the commission has altered its decision, and the appealing party is notified of the commission's actions, the party filing the appeal will notify the city if they wish the matter to be appealed to the city council.~~

CE. Effect of Decision While Appeal or Reconsideration Is Pending. The decision of the commission will be held in abeyance pending appeal to the city council. However, this does not affect the ability of the chief of police to enact any decision under the authority granted to him/her under NMC [2.15.470](#). [Ord. [2743](#) § 1, 10-3-11; Ord. [2733](#) Att. A, 2-7-11; Ord. [2427](#). Code 2001 § 32.27.]

2.15.460 City council decisions.

The city council will consider any appeal of a decision by the commission using the following procedure:

A. Record Before Council and Public Testimony. The city council will hear the appeal based upon the record filed, any written information which will consist of all documents before the commission, plus the minutes of the commission. Written material can be submitted by the appellant or any party prior to the council meeting. The council may, upon the majority of the vote, set the matter down for a public hearing where testimony can be heard.

B. Authority of Council. The city council, after hearing, may reverse the commission's decision and/or completely substitute their judgment for that of the commission, and will have the authority to consider all matters, whether they were specified in the appeal or not, remand the matter back to the commission, or do whatever the council deems proper.

C. Final Decision. The decision of the city council is final. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.28.]

2.15.470 Authority of chief of police.

The ~~chief of police~~ city engineer will have the authority to make traffic decisions as follows:

A. General Authority. The ~~chief of police~~ city engineer will have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the ~~chief of police~~ city engineer will designate the findings as to reasons for taking such action, will make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the traffic safety commission.

~~B. Ratification by Commission. At a special meeting or the next regularly scheduled meeting, but in no event later than the next regularly scheduled meeting of the commission, the chief of police will report the action to the commission and the commission will ratify, affirm, alter or change the action of the chief of police. Such decision of the commission can be appealed under the same procedure as any other decision of the commission. During the period of appeal, the decision of the chief of police will remain in full force and effect. Appeal to Commission. At the next regularly scheduled meeting, the city engineer will ratify, affirm, alter or change the action.~~

C. The chief of police and/or designee will have authority to make decisions on all temporary street closures or other temporary traffic changes due to special events, such as Old Fashioned Festival (parade) and other public functions.

D. Permits for closure of the Newberg cultural district festival street are issued under NMC [12.05.245](#). [Ord. [2779](#) § 3, 2-17-15; Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.29.]

2.15.480 Legal advice.

~~The city attorney shall give legal advice to the commission.~~ The commission has the authority to request legal advice from the city attorney, including attendance at meetings. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.30.]

EXHIBIT B

Amendments to Title 2, Chapter 15, Article V. Traffic Safety Commission Code

(NMC 2.15.330-2.15.480)

2.15.330 Establishment.

There is established a Newberg traffic safety commission ("commission") for the City of Newberg. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.15.]

2.15.340 Membership.

The commission shall consist of nine voting members who are not officials or employees of the city. The mayor, city manager, chief of police, city engineer, and student from one of the local high schools will serve as ex officio nonvoting members of the commission. The chief of police and city engineer may designate a person in their department to serve in their capacity. The members, including the student member, will be appointed by the mayor, subject to the confirmation by the city council. [Ord. [2790](#) § 2, 11-2-15; Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.16.]

2.15.350 Terms of office.

The members of the commission will serve for a term of three consecutive calendar years. The terms will begin January 1st of the first calendar year and end December 31st of the last calendar year. The terms of the members will be established in approximately equal expiration of terms each year. The term of the student members will begin June 1st of each calendar year and end May 31st of succeeding calendar year with reappointment not to exceed three years. Members of the commission will continue after expiration of the term until such time as their successors are appointed. [Ord. [2743](#) § 1, 10-3-11; Ord. [2690](#) § 2(A), 2-4-08; Ord. [2427](#). Code 2001 § 32.17.]

2.15.360 Appointment and qualifications.

The procedure and qualifications for appointment to positions on the commission are as follows:

- A. The city will give public notice of any vacancy of the commission and accept such applications for vacancies.
- B. The application for membership on the commission will state the principal occupation, residence of the applicant, and other information or qualifications the city may deem necessary.
- C. All members will have their principal place of residency in the City of Newberg, except two members may have their residency outside the city limits, but within the urban growth boundary of the city. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.18.]

2.15.370 Vacancies and removals.

The city will fill vacancies and remove commissioners as follows:

A. Any vacancy on the commission will be filled by appointment by the mayor with the consent of the city council for the unexpired term of the predecessor.

B. A member of the commission may be removed by recommendation of the mayor with consent of the city council after hearing for misconduct or nonperformance of duty.

C. When a commission member has failed to attend three consecutive commission meetings or has three or more unexcused absences from meetings during a calendar year, the member will be rebuttably presumed to be in nonperformance of duty, and the chairperson will notify the mayor of such situation.

[Ord. [2743](#) § 1, 10-3-11; Ord. [2690](#) § 2(A), 2-4-08; Ord. [2427](#). Code 2001 § 32.19.]

2.15.380 Presiding members.

At the commission's first meeting of each calendar year, the commission will elect a chair and a vice chair. The chair will preside at all meetings of the commission. The vice chair will preside in the absence of the chair. An election will be held thereafter on the first meeting of each calendar year for the purpose of electing a chair and a vice chair of the commission. The city engineer, or designee, will act as secretary to the commission. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.20.]

2.15.390 Meetings, quorum, and official action.

Meetings of the commission will be called and conducted in the following manner:

A. Regular Meetings. The commission will hold regular meetings at a time and place designated by the commission. The commission will meet whenever business warrants but, in no event, not less than quarterly. Notice of meetings and the agenda will be published in accordance with Oregon Public Meetings Law.

B. Special and Emergency Meetings. A special meeting of the commission may be called by the chair, upon its own motion, or the city engineer, upon his/her own motion, or at the request of the majority of the members of the commission. Notice of the meeting will be given in accordance with the Oregon Public Meetings Law. An emergency meeting of the commission may be called in the same manner as a special meeting. The facts constituting the emergency will be placed upon the record as the first order of business of that meeting.

C. Quorum. A majority of the voting members (five members) of the commission will constitute a quorum. A quorum is required to be present at meetings in order to conduct official business.

D. Official Action. A vote of the majority of the quorum will be necessary to take any official action by the commission.

E. Public Meetings. The meetings of the commission will be open to the public and subject to the Oregon Public Meetings Law. Meetings other than regularly scheduled meetings may be announced at a prior meeting. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.21.]

2.15.400 Purpose and duties.

A. The purpose of the commission is to promote traffic safety through investigation, study and analysis of traffic safety programs; to conduct educational efforts among the public in the matters of public safety; to consider all traffic safety programs which are referred to them for recommendation and to make reports to the city council on matters of traffic safety and traffic safety programs.

B. The commission's duties include, but are not limited to:

1. Reviewing proposals related to major traffic matters within the city.
2. Making recommendations to the city council on issues pertaining to traffic safety, traffic planning and design, and general traffic matters.
3. Promulgating standards and policies relating to neighborhood traffic management.
4. Researching, developing and implementing coordinated traffic safety programs which meet local needs.
5. Promoting public acceptance of official programs proposed or instigated by the city.
6. Fostering public knowledge and support of traffic law enforcement, transportation planning and traffic engineering issues.
7. Coordinating with the public and private school systems of the city to promote traffic safety aids in the schools and public education on traffic safety.
8. Holding public hearings on traffic issues, as provided in NMC 2.15.040 to decide upon locations designated for parking, crosswalks, safety zones and traffic control signs within the community.

2.15.410 Authority.

A. Limited Traffic Decisions. Limited traffic decisions are traffic decisions which affect and are confined to one particular location.

1. The city engineer will make an initial decision based on city policies. Notice of the decision will be mailed to property owner(s) within 300 feet of the subject location if more than one property owner is affected by the decision. The notice will include information on how to appeal the decision.
2. Request for Public Hearing. A public hearing will be held before the traffic safety commission upon written request by two or more affected property owners. Notice of the hearing will be given to property owners within 300 feet of the subject location in a manner reasonably calculated to notify affected property owners.
3. Notice of the decision by the traffic safety commission will be mailed to all property owners within 300 feet of the subject location within 10 business days of the decision.

4. Appeal. Limited traffic decisions of the traffic safety commission may be appealed to the Newberg city council within 30 days of the notice of the decision. A notice of appeal and council hearing date will be mailed to property owners within 300 feet of the subject Location as provided in NMC 2.15.450.

B. General Traffic Decisions. General traffic decisions are decisions which affect the entire community, or a number of locations. Such decisions are truck routes, general parking policies, parking for one-way grids affecting more than one block, general signage policies, traffic safety hazard policies and traffic safety programs. Such decisions will be made in the following manner:

1. Notice will be given in a method reasonably calculated to give all interested parties notice.
2. Such notice will state the following:
 - a. The time, date, and place of the hearing.
 - b. The recommended decision to be made.
 - c. The criteria to be used in making the decision.
 - d. That public testimony will be taken at the hearing.
 - e. Written comments can be made and the location where such comments can be delivered, mailed, or emailed.
3. The commission will meet at the time and date to conduct a hearing pursuant to the process adopted by the commission.
4. When the commission has made a decision, reasonable notification of the decision will be given and the right of any party making an appearance in the hearing by either written form or by oral testimony will be informed of their right to appeal. Notice of the decision may be done by announcing the decision and the right to appeal at the hearing where the decision is made.

C. Decisions of Commission. All decisions of the commission will be final unless such decision is appealed by parties having the right to appeal such decision to the city council in accordance with NMC [2.15.450](#). [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.23.]

2.15.420 Final decisions – Enactment.

Final decisions will be forwarded to the city manager or designee to enact the decision and do all necessary work to carry out the decisions of the commission. Such work will be performed under the direction of the city manager or designee. Specific action taken in carrying out the final decisions will be the responsibility of the city manager or designee. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.24.]

2.15.430 Log of decisions.

Decisions made by the commission will be set out in a schedule in chronological date order and in accordance with the type of decision, the date of the decision, the brief description of the decision made and the date in which the action was taken for the decision. The city engineer or designee will have the authority to update the schedule. Such schedule, as soon as reasonably possible, but in no event later than quarterly, will be presented to the commission for its review and comment. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.25.]

2.15.440 Development permit process decisions.

Repealed by Ord. [2743](#). [Ord. [2427](#). Code 2001 § 32.26.]

2.15.450 Appeals of decisions.

The decisions of the commission can be appealed to the city council. The commission will have an opportunity to reconsider its decision when a petition for appeal is filed. The following procedure is established for an appeal of a commission decision:

A. Parties Who Can Appeal. Any party appearing before the commission, either in written form or by oral testimony, the city manager, and the city engineer have the authority to appeal the decision of the commission.

B. Petition for Appeal and Time of Filing. Any decision of the commission can be appealed to the city council if such appeal is made within 14 days of the date of the decision. Such appeal will be made upon the petition prescribed for and approved by the commission stating the name of the party, indicating standing of party to appeal, demonstrating where the decision was in error, and what, if any, new evidence is available that was not available at the hearing.

C. Effect of Decision While Appeal or Reconsideration Is Pending. The decision of the commission will be held in abeyance pending appeal to the city council. However, this does not affect the ability of the chief of police to enact any decision under the authority granted to him/her under NMC [2.15.470](#). [Ord. [2743](#) § 1, 10-3-11; Ord. [2733](#) Att. A, 2-7-11; Ord. [2427](#). Code 2001 § 32.27.]

2.15.460 City council decisions.

The city council will consider any appeal of a decision by the commission using the following procedure:

A. Record Before Council and Public Testimony. The city council will hear the appeal based upon the record filed, any written information which will consist of all documents before the commission, plus the minutes of the commission. Written material can be submitted by the appellant or any party prior to the council meeting. The council may, upon the majority of the vote, set the matter down for a public hearing where testimony can be heard.

B. Authority of Council. The city council, after hearing, may reverse the commission's decision and/or completely substitute their judgment for that of the commission, and will have the authority to consider all matters, whether they were specified in the appeal or not, remand the matter back to the commission, or do whatever the council deems proper.

C. Final Decision. The decision of the city council is final. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.28.]

2.15.470 Authority of city engineer.

The city engineer will have the authority to make traffic decisions as follows:

A. General Authority. The city engineer will have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the city engineer will designate the findings as to reasons for taking such action, will make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the traffic safety commission.

B. Appeal to Commission. At the next regularly scheduled meeting, the city engineer will ratify, affirm, alter or change the action.

C. The chief of police and/or designee will have authority to make decisions on all temporary street closures or other temporary traffic changes due to special events, such as Old Fashioned Festival (parade) and other public functions.

D. Permits for closure of the Newberg cultural district festival street are issued under NMC [12.05.245](#). [Ord. [2779](#) § 3, 2-17-15; Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.29.]

2.15.480 Legal advice.

The commission has the authority to request legal advice from the city attorney. [Ord. [2743](#) § 1, 10-3-11; Ord. [2427](#). Code 2001 § 32.30.]

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 2, 2018

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2018-2826 No.

SUBJECT: An Ordinance amending the text of the Newberg Comprehensive Plan and the Newberg Municipal Code to require large residential annexations or urban growth boundary expansions to include some R-3 multi-family residential land

Contact Person (Preparer) for this
Motion: Doug Rux, Director
Dept.: Community Development
File No.: CPTA17-0003 and DCA18-0003

HEARING TYPE: ☒ LEGISLATIVE ☐ QUASI-JUDICIAL ☐ NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2018-2826 as recommended by Planning Commission Resolution No. 2018-338.

EXECUTIVE SUMMARY:

- A. BACKGROUND:** On May 11, 2017 the Newberg Planning Commission initiated a Newberg Comprehensive Plan and Municipal Code Amendment to evaluate the topic of annexations and providing higher density zoning to some of the lands that are being annexed through adopting Resolution No. 2017-329 (Attachment 1). The impetus for the evaluation was the annexation of land in north Newberg located south of NE North Valley Road and east of N Chehalem Drive called Dutchman Ridge that was proposed by Del Boca Vista LLC. As part of that annexation process the issue of a policy in the Comprehensive Plan came to the forefront. The policy states:

I. HOUSING - POLICIES:

3. Mix Policies

x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

The discussion at the time focused on the use of the words “large” and “some”. Through the Dutchman Ridge annexation process the Planning Commission identified “large” as 40 acres and “some” was not defined. The City Council identified “large” as 40 acres but did not address the issue of defining “some”. It was further identified that in October 2010 when the mix policy was approved by the City Council in the Comprehensive Plan (Ordinance 2010-2730) no implementing regulations had been developed to implement the policy.

The Planning Commission wanted the amendment process to consider the following issues:

- a. Should the LDR comprehensive plan designation allow a mix of zones?
- b. Should the LDR comprehensive plan designation allow a mix of densities?
- c. Should the HDR/R-3 location policies be revised to emphasize flexibility, and state that they are a lower priority than the goal of dispersing R-3 throughout the community?
- d. How should the words “large” and “some” be defined in the context of the R-3 mix policy

- (above) to provide clarity for implementation? Should the size of an annexation be based on gross acreage or on buildable acreage after subtracting for items such as wetlands, stream corridors, and public right-of-way?
- e. Should the timing change from requiring some R-3 land at annexation to requiring some HDR land at the time of an urban growth boundary amendment?

B. PROCESS: A municipal code amendment is a Type IV application and follows the procedures in Newberg Municipal Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a legislative public hearing to consider the matter. Important dates related to this application are as follows:

1. 5/11/17: The Newberg Planning Commission adopted Resolution 2017-329, initiating the Municipal Code Amendment.
2. 8/10/17: The Newberg Planning Commission held a Workshop on the R-3 Annexation policy issue.
3. 9/14/17: The Newberg Planning Commission held a second Workshop on the R-3 Annexation policy issue.
4. 11/9/17: The Newberg Planning Commission held a third Workshop on the R-3 Annexation policy issue.
5. 12/14/17: The Newberg Planning Commission held a fourth Workshop on the R-3 Annexation policy issue.
6. 3/8/18 : After proper notice, the Planning Commission held a legislative hearing to consider the item, took public comment, and adopted Resolution No. 2018-338 (Attachment 2).
7. 3/21/18: Planning staff placed notice on Newberg's website, and posted notice in four public buildings. The Newberg Graphic published notice of the hearing.
8. 4/2/18: After proper notice, the City Council held a legislative public hearing, took public testimony, and deliberated on the proposal.

C. PUBLIC COMMENTS: As of the writing of this report, the city has not received any written public comments. If the city receives written comments by the comment deadline, Planning staff will forward them to the City Council.

During the Planning Commission Workshops public comments were submitted from Charlie Harris and Friends of Yamhill County. These comments were taken into consideration during the Planning Commission development of the proposal.

D. AGENCY COMMENTS:

1. Frontier: Reviewed, no conflict.
2. Waste Management: Reviewed, no conflict.

E. CITY STAFF COMMENTS: None.

F. ANALYSIS:

1. Comprehensive Plan changes:

The Planning Commission worked through the four Workshops to define “large” and “some”. Their consensus was the following:

- a. The net size of the parcel (after subtracting for stream corridor overlays) should be used instead of the gross size.
- b. The size of an annexation or UGB amendment application is based on the aggregate size of all the parcels in the application, and not on the size of individual parcels.
- c. The threshold for “large” should be set at 15 net acres.
- d. “Some” should be defined as 10% of the net size of the application.

2. Mix and Location policies:

The Planning Commission worked through the four Workshops to clarify the location policies. There consensus was the following:

3. Mix Policies

b. ~~Low and moderate income~~ Multi-family housing should not be concentrated within particular areas of the City.

k. The City shall encourage an adequate supply of ~~rental~~ multi-family housing dispersed throughout the City to meet the needs of renters.

2. Location Policies

a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

b. While the policies in (a) above are desirable, they are not absolute requirements and are a lower priority than the goal of dispersing R-3 multi-family housing throughout the City.

3. Process:

The Planning Commission discussed that the mix policy should apply at both the UGB amendment stage and at the annexation stage. Specifically they discussed the following:

UGB amendments: The Comprehensive Plan policy could be changed as follows (deletions are ~~striketthrough~~, new text is underlined):

3. Mix Policies

x. Where large ~~residentially designated~~ parcels or groups of parcels are to be ~~annexed~~ brought into the urban growth boundary and designated low or medium density residential, the City shall apply a mixture of ~~zoning~~ residential designations, to include some ~~R-3 zoned~~ HDR-designated lands, consistent with the policy of distributing multi-family housing affordable housing throughout the community. Such designations ~~zoning~~ shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

Annexation stage:

Require the applicant to apply for a concurrent comprehensive plan map amendment to designate some of the property HDR/R-3 upon annexation. The CP policy could be changed as follows (deletions are ~~striketthrough~~, new text is underlined):

3. Mix Policies

x. Where large ~~residentially~~ LDR or MDR designated parcels or groups of parcels are to be annexed, ~~the City shall apply a mixture of zoning,~~ the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing affordable R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

The Planning Commission discussed potential changes to the Municipal Code to implement the Comprehensive Plan text changes. Discussed deletions are ~~striketthrough~~, and new text is underlined:

15.250.030 Quasi-judicial annexation criteria.

Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

A. The proposed use for the site complies with the Newberg comprehensive plan and with the

designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

B. An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in subsection (E) of this section. An “adequate level of urban services” shall be defined as:

1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.
2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.

E. The city council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2640, 2-21-06; Ord. 2451, 12-2-96. Code 2001 § 151.262.]

For the full text of the code amendment, see Exhibit A in the ordinance.

G. PLANNING COMMISSION RECOMMENDATION:

The Newberg Planning Commission held a public hearing on March 8, 2018, heard public testimony, and approved Resolution No.2018-338 recommending the City Council approve the proposal.

FISCAL IMPACT:

No significant fiscal impact to the City is expected.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Goal 8: Encourage Affordable Housing. The proposal responds to the priority by providing comprehensive plan policies and municipal code criteria to provide some R-3 zoned land at the time of annexation and high density residential (HDR) designated land at the time of Urban Growth Boundary expansion to meet residential land need to address housing affordability in Newberg.

City Council Ordinance No. 2018-2826 with:

Exhibit “A”: Proposed Comprehensive Plan and Development Code Amendment text amendment

Exhibit “B”: Findings

Attachments:

1. Resolution 2017-329 initiating the Comprehensive Plan Text Amendment and Development Code Amendment
2. Resolution No. 2018-338 Planning Commission Recommendation

AN ORDINANCE AMENDING THE TEXT OF THE NEWBERG COMPREHENSIVE PLAN AND THE NEWBERG MUNICIPAL CODE TO REQUIRE LARGE RESIDENTIAL ANNEXATIONS OR URBAN GROWTH BOUNDARY EXPANSIONS TO INCLUDE SOME R-3 MULTI-FAMILY RESIDENTIAL

RECITALS:

1. The City Council adopted Ordinance 2010-2730 in October 2010 that adopted Comprehensive Plan policies related to housing mix and affordability that did not have corresponding Municipal Code implementing regulations for annexation and R-3 lands.
2. The Newberg Planning Commission adopted Resolution 2017-329 on May 11, 2017, which initiated amendments to the Newberg Comprehensive Plan and Newberg Municipal Code to consider large residential annexations or urban growth boundary expansions to include some R-3 multi-family residential.
3. The Newberg Planning Commission conducted Workshops on the proposal on August 17, September 14, November 9 and December 14, 2017.
4. The Newberg Planning Commission adopted Resolution No. 2017-338 recommending the City Council adopt the proposed amendments.
5. After proper notice, the City Council opened the hearing on April 2, 2018, considered public testimony and deliberated. They found that the proposed comprehensive plan and municipal code amendment was in the best interests of the city.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Comprehensive Plan and Municipal Code are amended as shown in Exhibit "A". Adoption is based upon the findings in Exhibit "B". Exhibits "A" and "B" are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: May 2, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of April, 2018.

AYE: **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 5th day of April, 2018.

Bob Andrews, Mayor

List of Exhibits:

Exhibit “A”: Comprehensive Plan and Municipal Code Amendments

Exhibit “B”: Findings

Exhibit “A” to Ordinance 2018-2826
Comprehensive Plan Amendments – File CPTA17-0003 and Municipal Code Amendments –File
DCA18-0003

Note: Existing text is shown in regular font.
Added text is shown in underline
Deleted text is shown in ~~strikethrough~~.

The Newberg Comprehensive Plan shall be amended as follows:

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

2. Location Policies

a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

b. While the policies in (a) above are desirable, they are not absolute requirements and are a lower priority than the goal of dispersing R-3 multi-family housing throughout the City.

~~b~~ c. The City will encourage medium density housing in and adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portions of the Riverfront District. (Ordinance 2002-2564, April 15, 2002)

3. Mix Policies

AFFORDABLE HOUSING means a dwelling unit that provides housing for a family or individual(s) with a household income less than the median household income for the Newberg area, such that a household pays no more than 30 percent of its annual income on housing (rent/mortgage, utilities, property taxes). Affordable housing may include a care home for low-income individuals. Affordability can be assured through deed restriction or other recorded documents that specify qualifying income of buyers or renters, and limiting sales price, rent levels and appreciation. Affordable housing may also include small, market-rate dwelling units (e.g., studios, apartments and accessory dwelling units). (Ordinance 2010-2730, October 18, 2010).

a. The City will encourage innovative approaches to solving the problem of meeting low income housing needs. Such approaches may include, but are not limited to the following: rent subsidies, federally funded development under HUD programs, state and regional housing programs.

- b. ~~Low and moderate income~~ Multi-family housing should not be concentrated within particular areas of the City.
- c. Manufactured dwellings shall be recognized as a source of affordable housing.
- d. Modular housing (prefabricated structures) meeting all building codes and placed on permanent foundations shall be treated as single-family units. They will be subject to the same location and density requirements as other single-family dwellings. Manufactured housing on individual lots shall be subject to special development standards to assure design consistency and compatibility. (Ordinance 2380, June 6, 1994).
- e. Manufactured homes shall be permitted in the following locations: 1) manufactured dwelling and mobile home parks, 2) manufactured home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in manufactured dwelling parks, mobile home parks and manufactured home subdivisions when units meet the provisions of the Development Code. (Ordinance 2380, June 6, 1994, Ordinance 2011-2747, September 8, 2011).
- f. The City shall ensure that enough land is planned for manufactured homes, particularly in conjunction with transportation corridors.
- g. Home occupations shall be permitted provided that such uses are compatible with adjoining residential uses and there are no outward manifestations of the business.
- h. To reduce distances between land uses, a mixture of all compatible uses will be encouraged. As such, convenience commercial areas may be located within residential districts provided they meet special development standards.
- i. The City shall encourage the provision of affordable subsidized housing for low- and very low-income households, which are defined as those earning between 50 percent and 80 percent, and those earning 50 percent or less, of the median household income in Newberg (Ordinance 2010-2730, October 18, 2010)
- j. The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.
- k. The City shall encourage an adequate supply of ~~rental~~ multi-family housing dispersed throughout the City to meet the needs of renters.
- l. The City shall encourage residential occupancy of upper floors within multi- story commercial buildings.
- m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.
- n. The City will encourage housing development in commercial areas within the Riverfront District on upper floors, above ground floor commercial, office, or retail spaces. (Ordinance 2002-2564, April 15, 2002)

o. The City has adopted a comprehensive approach to meeting local housing needs that balances density, design, and flexibility in code standards and procedures. The City shall use development incentives such as density bonuses, flexible development standards, and streamlined review procedures to stimulate or require the production and preservation of affordable housing. (replaces old policy “o”)

p. The City shall create a local housing trust fund for the purpose of encouraging the production and retention of affordable housing in Newberg.

q. The City shall provide financial incentives for affordable housing, such as system development charge deferrals or waivers, permit application fee reductions or waivers, and land cost write-downs or donations for qualified affordable housing developments. These incentives could be paid by a housing trust fund.

r. The City shall support the retention of affordable housing through public education, planning, zoning and community development programs.

s. The City shall support state legislative efforts that strengthen tenant rights, for example, by ensuring relocation costs and replacement housing are addressed when manufactured home parks close and when low-income housing is converted to other uses.

t. The City shall support state legislative efforts to expand the range of regulatory tools (e.g., inclusionary housing) and non-regulatory tools available to cities in meeting local housing needs.

u. The City shall build understanding and support for affordable housing through educational forums with residents and employers, pre-application consultations with developers, and through local housing studies.

v. The City shall work with local affordable housing providers in developing an overall strategy for meeting Newberg’s housing needs.

w. City resources shall be directed toward assisting public and private entities in producing and preserving affordable housing throughout the community.

x. Where large ~~residentially designated~~ parcels or groups of parcels are to be ~~annexed~~ brought into the urban growth boundary and designated low or medium density residential, the City shall apply a mixture of ~~zoning~~ residential designations, to include some ~~R-3 zoned~~ HDR-designated lands, consistent with the policy of distributing multi-family housing ~~affordable housing~~ throughout the community. Such ~~designations~~ ~~zoning~~ shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

y. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

y z. The City shall promote and support employer programs that assist employees to secure affordable housing.

z aa. To the extent possible, the City shall zone residential housing near employment centers.

aa ab. The City shall promote and support public and/or private transit systems that connect housing to employment centers. (Policies o. through x. and z. through ab. ~~aa~~. Ordinance 20102730, October 18, 2010.)

The Newberg Municipal Code shall be amended as follows:

15.250.030 Quasi-judicial annexation criteria.

Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

B. An adequate level of urban services must be available, or made available, within three years’ time of annexation, except as noted in subsection (E) of this section. An “adequate level of urban services” shall be defined as:

1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.
2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.

E. The city council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2640, 2-21-06; Ord. 2451, 12-2-96. Code 2001 § 151.262.]

Exhibit “B” to Ordinance 2018-2826
Findings – File CPTA17-0003 and DCA18-0003

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This 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 policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternatives to amending the municipal code text would be to: 1) deny the application and retain the current comprehensive plan and municipal code language which leaves the ambiguity on how to implement the mix policy in the comprehensive plan, or 2) modify the proposal that the Planning Commission has conducted four workshops on to further clarify the implementation of the mix policy concerning R-3 land.

The Comprehensive Plan and Municipal Code amendment measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings and comply with the goal.

The proposed amendments to the Comprehensive Plan and NMC are consistent with the Comprehensive Plan.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to

agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendments would not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources, areas, and open spaces. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources and identified open spaces in compliance with Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. Protections are already in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain areas.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. The Chehalem Park and Recreation District (CPRD) is the lead on developing recreation areas within the Newberg Urban Growth Boundary. This proposal does not impede CPRD's ability to plan and implement recreation areas. This proposal does not propose any destination resorts. Goal 8 compliance is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The Newberg Economic Development Strategy identifies housing as a need for the community. The proposal would provide for additional multi-family housing opportunities while creating the opportunity for housing for the growing Newberg population base and growing economy at rental or for sale price points that are potentially in alignment with income levels.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: This proposal responds to an identified need and clarifies existing comprehensive plan policies on multi-family housing to provide opportunities of additional multi-family land with the existing Urban Growth Boundary or expanded Urban Growth Boundary. The proposal provides the opportunity for additional housing to meet the needs of the citizens of Newberg.

The Newberg Economic Development Strategy identifies several housing weaknesses within the City, including lack of affordable housing for lower income families, lack of multi-family housing, and a lack of vacant rental residential housing. The proposed amendments create the opportunity to provide for additional multi-family zoned land that can be provide for housing commensurate with income levels within the community.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Newberg has acknowledged public facilities plans covering water, wastewater, transportation and stormwater. This proposal does not negatively affect any of these plans but may require applicants to conduct additional analysis to ensure public facilities are sized to accommodate the planned densities and complies with Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The proposed text amendment does not modify the acknowledged transportation plan. If UGB expansion or compliance with the proposed Comprehensive Plan policies and Municipal Code regulations requires modifications to the Transportation System Plan, processes are in place to analyze those proposals for compliance and or modifications. Goal 12 compliance is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: No applicable as the proposed amendment does not affect energy conservation.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but

ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable because the proposed amendment does not impact the Willamette River Greenway and the protections already established by the Newberg Comprehensive Plan and development regulations.

B. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council will be required to finalize a decision regarding the application for the amendments to the NMC. This requirement can be met.

C. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for

involvement in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation. The proposal complies with the goal.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

POLICIES:

6. When Comprehensive Plan statements conflict, the relative importance of the statements should be balanced by giving consideration to existing and future public need, impacts on surrounding areas, and the effect of any precedent that may be established.

Finding: The City of Newberg has an acknowledged land use program that implements the statewide and local goals. It has been identified that there are competing and conflicting comprehensive plan policies related to housing affordability that were created in October 2010 and that were not fully implemented with Municipal Code criteria at that time. The Planning Commission initiated a process to correct the inconsistencies through this Comprehensive Plan and Municipal Code modifications. The proposal clarifies and corrects the inconsistencies, and responds to the public need for multi-family land and complies with the goal and policy.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal and policy. Protections are in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary or with expansion of the Urban Growth Boundary and complies with the goal and policy.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Not applicable because the proposal does not modify policies or regulations related to natural hazard areas such as floodplains or landslide areas.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: Not applicable because the proposal does not modify policies or regulations related to open space, scenic, historic and recreational resources.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies
 - a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)

Finding: The proposal will enhance the ability to provide housing in the R-3 zone which in turn provides the opportunity for housing at price points or rental points that encourage people to live and work in Newberg. The proposal complies with the goal and policy.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

1. Density Policies
 - a. Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.
 - b. Target densities shall be as follows:

<u>Classification</u>	<u>Units Per Gross Acre*</u>
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

**Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.*

2. Location Policies

a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

3. Mix Policies

k. The City shall encourage an adequate supply of rental housing dispersed throughout the City to meet the needs of renters.

m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.

x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

Finding: Density is the driver rather than housing type as a criteria for housing. The proposal would assist in meeting density targets of 16.5 units per gross acre in High Density (R-3) stated in the Newberg Comprehensive Plan by designating land through large annexations and Urban Growth Boundary expansions. The location of R-3 designated land through the designation process will take into consideration access to collector and arterial roadways and traffic circulation through low density residential areas. Additionally the designation process will take into consideration proximity of commercial areas and public open spaces.

The proposal also will disperse potential rental housing in R-3 throughout the community and not consolidate R-3 housing in focused locations in the community with the proposed Comprehensive Plan language modifications. Additionally the proposal requires that through the Urban Growth Boundary expansion process some R-3 land will also need to be factored and considered through that process.

Finally the proposal clarifies conflicting or unclear language for the Mix Policy on what is a “large” annexation and what “some” means for designating R-3 land through the annexation and Urban Growth Boundary processes. The proposed language will assist in ensuring some R-3 land gets designated.

Overall the proposal complies with the Housing Goal and identified policies.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

2. To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: The City of Newberg has policies and development regulations for urban design. This proposal does not modify those policies and regulations. For lands that are designated R-3 through the annexation or Urban Growth Boundary expansion, development will need to comply with goals, policies and regulations at the time of development.

The proposal complies with the Urban Design goals and policies.

K. TRANSPORTATION

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

POLICIES:

- b. Modifications should be made to the City's land use plan and development ordinances that will decrease trip length and encourage non-auto oriented development.
- 2) The City should encourage higher density development in residential areas near transit corridors, commercial areas and employment centers, including the downtown. (Ordinance 2016-2810, December 19, 2016)

Finding: The proposal for designating some R-3 land at the time of large annexations or at the time of Urban Growth Boundary expansion will need to consider the location of transit corridors, commercial areas and employment centers at the time of designation of R-3 land and meets the goal and policy.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

POLICIES:

1. All Facilities & Services Policies

c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.

2. Sewers and Water Policies

c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: Newberg has approved water, wastewater and storm water master plans that have been developed based on the target density of 16.5 units per gross acre for R-3. At the time of annexation which meets the definition of "large" and "some" as stated in Exhibit "A", adequate public infrastructure will need to be analyzed by the applicant. Where upsizing is required the appropriate analysis will need to be provided to ensure the R-3 designation will work. The proposal anticipates this additional analysis requirement and complies with the goal and policies.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

POLICIES:

1. Planning Policies

a. The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Finding: The proposal will continue to assist the City's efforts to have a compact urban form for residential development and as a result assists in conserving energy through an efficient land use pattern. The proposal complies with the goal and policy.

N. URBANIZATION

GOALS:

- 1. To provide for the orderly and efficient transition from rural to urban land uses.
- 2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
- 3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposal is not requesting an Urban Growth Boundary expansion, maintains Newberg's separation from the Portland Metropolitan area and works to meet the density targets listed in the Comprehensive Plan while balancing growth. The proposal complies with the goal and policies.

Conclusion: The proposed municipal code amendments meet the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.



PLANNING COMMISSION RESOLUTION 2017-329

A RESOLUTION INITIATING A COMPREHENSIVE PLAN TEXT AMENDMENT & DEVELOPMENT CODE AMENDMENT REGARDING ANNEXATION/HOUSING POLICIES AND R-3 (HIGH DENSITY RESIDENTIAL) ZONING

RECITALS

1. On April 13, 2017 the Planning Commission directed staff to draft a resolution initiating potential changes to the text of the Newberg Comprehensive Plan and Newberg Development Code. The changes are related to the following housing/annexation policy:

I. HOUSING - POLICIES:

3. Mix Policies

x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

2. The Commissioners wanted the amendment process to consider the following issues:
 - a. Should the LDR comprehensive plan designation allow a mix of zones?
 - b. Should the LDR comprehensive plan designation allow a mix of densities?
 - c. Should the HDR/R-3 location policies be revised to emphasize flexibility, and state that they are a lower priority than the goal of dispersing R-3 throughout the community?
 - d. How should the words "large" and "some" be defined in the context of the R-3 mix policy (above) to provide clarity for implementation? Should the size of an annexation be based on gross acreage, or on buildable acreage after subtracting for items such as wetlands, stream corridors, and public right-of-way?
 - e. Should the timing change from requiring some R-3 land at annexation to requiring some HDR land at the time of an urban growth boundary amendment?
3. The Newberg Planning Commission considered the proposal at their May 11, 2017 meeting.

The Newberg Planning Commission resolves as follows:

1. The Commission initiates a Comprehensive Plan Text Amendment/Development Code Amendment to consider changes regarding annexations and R-3 zoning and addressing the issues cited above.

Adopted by the Newberg Planning Commission this 11th day of May, 2017.



Planning Commission Chair

ATTEST:



Planning Commission Secretary



PLANNING COMMISSION RESOLUTION 2018-338

A RESOLUTION RECOMMENDING AMENDING THE TEXT OF THE NEWBERG COMPREHENSIVE PLAN AND THE NEWBERG MUNICIPAL CODE TO REQUIRE LARGE RESIDENTIAL ANNEXATIONS OR URBAN GROWTH BOUNDARY EXPANSIONS TO INCLUDE SOME R-3 MULTI-FAMILY RESIDENTIAL

RECITALS

1. The City Council adopted Ordinance 2010-2730 in October 2010 that adopted Comprehensive Plan policies related to housing mix and affordability that did not have corresponding Municipal Code implementing regulations for annexation and R-3 lands.
2. The Newberg Planning Commission adopted Resolution 2017-329 on May 11, 2017, which initiated amendments to the Newberg Comprehensive Plan and Newberg Municipal Code to consider large residential annexations or urban growth boundary expansions to include some R-3 multi-family residential.
3. The Newberg Planning Commission conducted Workshops on the proposal on August 17, September 14, November 9 and December 14, 2017.
4. After proper notice, the Newberg Planning Commission opened the hearing on March 8, 2018, considered public testimony and deliberated. They found that the proposed code amendment was in the best interests of the city.

The Newberg Planning Commission resolves as follows:

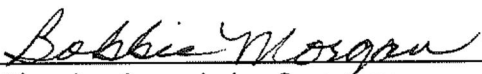
1. The Commission recommends that the City Council adopt the amendments to the Newberg Comprehensive Plan and Newberg Municipal Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 8th day of March, 2018.



Planning Commission Chair

ATTEST:



Planning Commission Secretary

List of Exhibits:

Exhibit "A": Comprehensive Plan and Municipal Code Amendments

Exhibit "B": Findings

**Exhibit "A" to Planning Commission Resolution 2018-338
Comprehensive Plan Amendments – File CPTA17-0003 and Municipal Code
Amendments –File DCA18-0003**

Note: Existing text is shown in regular font.

Added text is shown in underline

Deleted text is shown in ~~strikethrough~~.

The Newberg Comprehensive Plan shall be amended as follows:

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

2. Location Policies

a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

b. While the policies in (a) above are desirable, they are not absolute requirements and are a lower priority than the goal of dispersing R-3 multi-family housing throughout the City.

~~b c.~~ The City will encourage medium density housing in and adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portions of the Riverfront District. (Ordinance 2002-2564, April 15, 2002)

3. Mix Policies

AFFORDABLE HOUSING means a dwelling unit that provides housing for a family or individual(s) with a household income less than the median household income for the Newberg area, such that a household pays no more than 30 percent of its annual income on housing (rent/mortgage, utilities, property taxes). Affordable housing may include a care home for low-income individuals. Affordability can be assured through deed restriction or other recorded documents that specify qualifying income of buyers or renters, and limiting sales price, rent levels and appreciation.

"Working Together For A Better Community-Serious About Service"

Z:\HISC\WP5\FILES\FILES.CPTA (Comp Plan TXT Amendment)\2017\CPTA-17-003 R-3 at ANX\Planning Commission\CPTA17-0003 Staff Report to PC 03-08-18.doc

Affordable housing may also include small, market-rate dwelling units (e.g., studios, apartments and accessory dwelling units). (Ordinance 2010-2730, October 18, 2010).

a. The City will encourage innovative approaches to solving the problem of meeting low income housing needs. Such approaches may include, but are not limited to the following: rent subsidies, federally funded development under HUD programs, state and regional housing programs.

b. ~~Low and moderate income~~ Multi-family housing should not be concentrated within particular areas of the City.

c. Manufactured dwellings shall be recognized as a source of affordable housing.

d. Modular housing (prefabricated structures) meeting all building codes and placed on permanent foundations shall be treated as single-family units. They will be subject to the same location and density requirements as other single-family dwellings. Manufactured housing on individual lots shall be subject to special development standards to assure design consistency and compatibility. (Ordinance 2380, June 6, 1994).

e. Manufactured homes shall be permitted in the following locations: 1) manufactured dwelling and mobile home parks, 2) manufactured home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in manufactured dwelling parks, mobile home parks and manufactured home subdivisions when units meet the provisions of the Development Code. (Ordinance 2380, June 6, 1994, Ordinance 2011-2747, September 8, 2011).

f. The City shall ensure that enough land is planned for manufactured homes, particularly in conjunction with transportation corridors.

g. Home occupations shall be permitted provided that such uses are compatible with adjoining residential uses and there are no outward manifestations of the business.

h. To reduce distances between land uses, a mixture of all compatible uses will be encouraged. As such, convenience commercial areas may be located within residential districts provided they meet special development standards.

i. The City shall encourage the provision of affordable subsidized housing for low- and very low-income households, which are defined as those earning between 50 percent and 80 percent, and those earning 50 percent or less, of the median household income in Newberg (Ordinance 2010-2730, October 18, 2010)

j. The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.

k. The City shall encourage an adequate supply of ~~rental~~ multi-family housing dispersed throughout the City to meet the needs of renters.

l. The City shall encourage residential occupancy of upper floors within multi- story commercial buildings.

m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.

n. The City will encourage housing development in commercial areas within the Riverfront District on upper floors, above ground floor commercial, office, or retail spaces. (Ordinance 2002-2564, April 15, 2002)

o. The City has adopted a comprehensive approach to meeting local housing needs that balances density, design, and flexibility in code standards and procedures. The City shall use development incentives such as density bonuses, flexible development standards, and streamlined review procedures to stimulate or require the production and preservation of affordable housing. (replaces old policy "o")

p. The City shall create a local housing trust fund for the purpose of encouraging the production and retention of affordable housing in Newberg.

q. The City shall provide financial incentives for affordable housing, such as system development charge deferrals or waivers, permit application fee reductions or waivers, and land cost write-downs or donations for qualified affordable housing developments. These incentives could be paid by a housing trust fund.

r. The City shall support the retention of affordable housing through public education, planning, zoning and community development programs.

s. The City shall support state legislative efforts that strengthen tenant rights, for example, by ensuring relocation costs and replacement housing are addressed when manufactured home parks close and when low-income housing is converted to other uses.

t. The City shall support state legislative efforts to expand the range of regulatory tools (e.g., inclusionary housing) and non-regulatory tools available to cities in meeting local housing needs.

u. The City shall build understanding and support for affordable housing through educational forums with residents and employers, pre-application consultations with developers, and through local housing studies.

v. The City shall work with local affordable housing providers in developing an overall strategy for meeting Newberg's housing needs.

w. City resources shall be directed toward assisting public and private entities in producing and preserving affordable housing throughout the community.

x. Where large ~~residentially-designated~~ parcels or groups of parcels are to be ~~annexed~~ brought into the urban growth boundary and designated low or medium density residential, the City shall apply a mixture of ~~zoning~~ residential designations, to include some ~~R-3-zoned~~ HDR-designated lands, consistent with the policy of distributing multi-family housing ~~affordable housing~~ throughout the community. Such ~~designations~~ zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, "large" is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. "Some" is defined as 10% of the net size of the application.

y. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, "large" is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. "Some" is defined as 10% of the net size of the application.

y z. The City shall promote and support employer programs that assist employees to secure affordable housing.

z aa. To the extent possible, the City shall zone residential housing near employment centers.

aa ab. The City shall promote and support public and/or private transit systems that connect housing to employment centers. (Policies o. through x. and z. through ab. aa. Ordinance 20102730, October 18, 2010.)

The Newberg Municipal Code shall be amended as follows:

15.250.030 Quasi-judicial annexation criteria.

Quasi-judicial annexation applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is

requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, "large" is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. "Some" is defined as 10% of the net size of the application.

B. An adequate level of urban services must be available, or made available, within three years' time of annexation, except as noted in subsection (E) of this section. An "adequate level of urban services" shall be defined as:

1. Municipal wastewater and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.
2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three-year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

D. The burden for providing the findings for subsections (A), (B) and (C) of this section is placed upon the applicant.

E. The city council may annex properties where urban services are not and cannot practically be made available within the three-year time frame noted in subsection (B) of this section, but where annexation is needed to address a health hazard, to annex an island, to address wastewater or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the city council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available. [Ord. 2745 § 1 (Exh. A), 7-18-11; Ord. 2640, 2-21-06; Ord. 2451, 12-2-96. Code 2001 § 151.262.]

**Exhibit "B" to Planning Commission Resolution 2018-338
Findings – File CPTA17-0003 and DCA18-0003**

APPROVAL CRITERIA

A. Statewide Planning Goals (the "Goals")

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This 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 policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternatives to amending the municipal code text would be to: 1) deny the application and retain the current comprehensive plan and municipal code language which leaves the ambiguity on how to implement the mix policy in the comprehensive plan, or 2) modify the proposal that the Planning Commission has conducted four workshops on to further clarify the implementation of the mix policy concerning R-3 land.

The Comprehensive Plan and Municipal Code amendment measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings and comply with the goal.

The proposed amendments to the Comprehensive Plan and NMC are consistent with the

Comprehensive Plan.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendments would not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources, areas, and open spaces. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources and identified open spaces in compliance with Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. Protections are already in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain areas.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where

appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. The Chehalem Park and Recreation District (CPRD) is the lead on developing recreation areas within the Newberg Urban Growth Boundary. This proposal does not impede CPRD's ability to plan and implement recreation areas. This proposal does not propose any destination resorts. Goal 8 compliance is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The Newberg Economic Development Strategy identifies housing as a need for the community. The proposal would provide for additional multi-family housing opportunities while creating the opportunity for housing for the growing Newberg population base and growing economy at rental or for sale price points that are potentially in alignment with income levels.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: This proposal responds to an identified need and clarifies existing comprehensive plan policies on multi-family housing to provide opportunities of additional multi-family land with the existing Urban Growth Boundary or expanded Urban Growth Boundary. The proposal provides the opportunity for additional housing to meet the needs of the citizens of Newberg.

The Newberg Economic Development Strategy identifies several housing weaknesses within the City, including lack of affordable housing for lower income families, lack of multi-family housing, and a lack of vacant rental residential housing. The proposed amendments create the opportunity to provide for additional multi-family zoned land that can be provide for housing commensurate with income levels within the community.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Newberg has acknowledged public facilities plans covering water, wastewater, transportation and stormwater. This proposal does not negatively affect any of these plans but may require applicants to conduct additional analysis to ensure public facilities are sized to accommodate the planned densities and complies with Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The proposed text amendment does not modify the acknowledged transportation plan. If UGB expansion or compliance with the proposed Comprehensive Plan policies and Municipal Code regulations requires modifications to the Transportation System Plan, processes are in place to analyze those proposals for compliance and or modifications. Goal 12 compliance is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: No applicable as the proposed amendment does not affect energy conservation.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable because the proposed amendment does not impact the Willamette River Greenway and the protections already established by the Newberg Comprehensive Plan and development regulations.

B. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council will be required to finalize a decision regarding the application for the amendments to the NMC. This requirement can be met.

C. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation. The proposal complies with the goal.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

POLICIES:

5. When Comprehensive Plan statements conflict, the relative importance of the statements should be balanced by giving consideration to existing and future public need, impacts on surrounding areas, and the effect of any precedent that may be established.

Finding: The City of Newberg has an acknowledged land use program that implements the statewide and local goals. It has been identified that there are competing and conflicting comprehensive plan policies related to housing affordability that were created in October 2010 and that were not fully implemented with Municipal Code criteria at that time. The Planning Commission initiated a process to correct the inconsistencies through this Comprehensive Plan and Municipal Code modifications. The proposal clarifies and corrects the inconsistencies, and responds to the public need for multi-family land and complies with the goal and policy.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal and policy. Protections are in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary or with expansion of the Urban Growth Boundary and complies with the goal and policy.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Not applicable because the proposal does not modify policies or regulations related to natural hazard areas such as floodplains or landslide areas.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: Not applicable because the proposal does not modify policies or regulations related to open space, scenic, historic and recreational resources.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies
 - a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)

Finding: The proposal will enhance the ability to provide housing in the R-3 zone which in turn provides the opportunity for housing at price points or rental points that encourage people to live and work in Newberg. The proposal complies with the goal and policy.

I. HOUSING

"Working Together For A Better Community-Serious About Service"

Z:\MISC\WP5\FILES\FILES.CPTA (Comp Plan TXT Amendment)\2017\CPTA-17-003 R-3 at ANX\Planning Commission\CPTA17-0003 Staff Report to PC 03-08-18.doc

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

1. Density Policies

a. Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.

b. Target densities shall be as follows:

Classification	Units Per Gross Acre*
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

**Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.*

2. Location Policies

a. Medium and high density areas should be located for immediate access to collector streets or minor arterials and should not cause traffic to move through low density areas. High density areas should be easily accessible to arterial streets. They should also be located near commercial services and public open spaces.

3. Mix Policies

k. The City shall encourage an adequate supply of rental housing dispersed throughout the City to meet the needs of renters.

m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.

x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

Finding: Density is the driver rather than housing type as a criteria for housing. The proposal would assist in meeting density targets of 16.5 units per gross acre in High Density (R-3) stated in the Newberg Comprehensive Plan by designating land through large annexations and Urban Growth Boundary expansions. The location of R-3 designated land through the designation process will take into consideration access to collector and arterial roadways and traffic circulation through low density residential areas. Additionally the designation process will take into consideration proximity of commercial areas and public open spaces.

The proposal also will disperse potential rental housing in R-3 throughout the community and not consolidate R-3 housing in focused locations in the community with the proposed Comprehensive Plan language modifications. Additionally the proposal requires that through the Urban Growth Boundary expansion process some R-3 land will also need to be factored and considered through

that process.

Finally the proposal clarifies conflicting or unclear language for the Mix Policy on what is a “large” annexation and what “some” means for designating R-3 land through the annexation and Urban Growth Boundary processes. The proposed language will assist in ensuring some R-3 land gets designated.

Overall the proposal complies with the Housing Goal and identified policies.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

2 To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: The City of Newberg has policies and development regulations for urban design. This proposal does not modify those policies and regulations. For lands that are designated R-3 through the annexation or Urban Growth Boundary expansion, development will need to comply with goals, policies and regulations at the time of development.

The proposal complies with the Urban Design goals and policies.

K. TRANSPORTATION

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

POLICIES:

b. Modifications should be made to the City's land use plan and development ordinances that will decrease trip length and encourage non-auto oriented development.

2) The City should encourage higher density development in residential areas near transit corridors, commercial areas and employment centers, including the downtown. (Ordinance 2016-2810, December 19, 2016)

Finding: The proposal for designating some R-3 land at the time of large annexations or at the time of Urban Growth Boundary expansion will need to consider the location of transit corridors, commercial areas and employment centers at the time of designation of R-3 land and meets the goal and policy.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

POLICIES:

1. All Facilities & Services Policies

c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.

2. Sewers and Water Policies

- c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: Newberg has approved water, wastewater and storm water master plans that have been developed based on the target density of 16.5 units per gross acre for R-3. At the time of annexation which meets the definition of "large" and "some" as stated in Exhibit "A", adequate public infrastructure will need to be analyzed by the applicant. Where upsizing is required the appropriate analysis will need to be provided to ensure the R-3 designation will work. The proposal anticipates this additional analysis requirement and complies with the goal and policies.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

POLICIES:

1. Planning Policies

- a. The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Finding: The proposal will continue to assist the City's efforts to have a compact urban form for residential development and as a result assists in conserving energy through an efficient land use pattern. The proposal complies with the goal and policy.

N. URBANIZATION

GOALS:

- 1. To provide for the orderly and efficient transition from rural to urban land uses.
- 2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
- 3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposal is not requesting an Urban Growth Boundary expansion, maintains Newberg's separation from the Portland Metropolitan area and works to meet the density targets listed in the Comprehensive Plan while balancing growth. The proposal complies with the goal and policies.

Conclusion: The proposed municipal code amendments meet the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.

Large Residential Annexations Or Urban Growth Boundary Expansions To Include Some R-3 Multi-family Residential Land

CPTA-17-0003 and DCA18-0003

Newberg City Council

April 2, 2018

BACKGROUND

- On May 11, 2017 the Newberg Planning Commission initiated a Newberg Comprehensive Plan and Municipal Code Amendment to evaluate the topic of annexations and providing higher density zoning to some of the lands that are being annexed.
- The impetus for the evaluation was the annexation of land in north Newberg located south of NE North Valley Road and east of N Chehalem Drive called Dutchman Ridge.

BACKGROUND

- The discussion at the time focused on the use of the words “large” and “some”. Through the Dutchman Ridge annexation process the Planning Commission identified “large” as 40 acres and “some” was not defined.
- Planning staff placed notice on Newberg’s website, and posted notice in four public buildings. The Newberg Graphic published notice of the hearing on March 21, 2018.

BACKGROUND

- The Planning Commission worked through the four Workshops to define “large” and “some”. Their consensus was the following:
 - a. The net size of the parcel (after subtracting for stream corridor overlays) should be used instead of the gross size.
 - b. The size of an annexation or UGB amendment application is based on the aggregate size of all the parcels in the application, and not on the size of individual parcels.
 - c. The threshold for “large” should be set at 15 net acres.
 - d. “Some” should be defined as 10% of the net size of the application.

PROPOSAL COMPREHENSIVE PLAN

I. HOUSING

POLICIES:

2. Location Policies

b. While the policies in (a) above are desirable, they are not absolute requirements and are a lower priority than the goal of dispersing R-3 multi-family housing throughout the City.

PROPOSAL COMPREHENSIVE PLAN

3. Mix Policies

- b. ~~Low and moderate income~~ Multi-family housing should not be concentrated within particular areas of the City.
- k. The City shall encourage an adequate supply of ~~rental~~ multi-family housing dispersed throughout the City to meet the needs of renters.

PROPOSAL COMPREHENSIVE PLAN

- x. Where large ~~residentially designated~~ parcels or groups of parcels are to be ~~annexed~~ brought into the urban growth boundary and designated low or medium density residential, the City shall apply a mixture of ~~zoning~~ residential designations, to include some ~~R-3-zoned~~ HDR-designated lands, consistent with the policy of distributing multi-family housing ~~affordable housing~~ throughout the community. Such designations ~~zoning~~ shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

PROPOSAL COMPREHENSIVE PLAN

y. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

Proposal Municipal Code

15.250.030 Quasi-judicial annexation criteria.

A.

1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

RECOMMENDATION

- Adopt Ordinance No. 2018-2826 as recommended by Planning Commission Resolution No. 2018-338.
- Recommendation based on findings that the proposal meets the applicable Comprehensive Plan goals and policies and development code process of 15.100.060.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: April 2, 2018

Order ____ Ordinance XX Resolution ____ Motion ____ Information ____
No. No. 2018-2830 No.

SUBJECT: An Ordinance amending the Newberg Municipal Code to reduce the front building width line in R-1 zones to 35 feet and in R-2 zones to 25 feet

Contact Person (Preparer) for this
Motion: Doug Rux, Director
Dept.: Community Development
File No.: DCA18-0002

HEARING TYPE: ☒ LEGISLATIVE ☐ QUASI-JUDICIAL ☐ NOT APPLICABLE

RECOMMENDATION:

Adopt Ordinance No. 2018-2830 as recommended by Planning Commission Resolution No. 2018-337.

EXECUTIVE SUMMARY:

A. SUMMARY:

The proposed amendments do the following:

Amends Newberg Municipal Code sections 15.405.030(D)1.b. and c. to reduce the front building width line in R-1 zones to 35 feet and in R-2 zones to 25 feet.

B. BACKGROUND:

On December 26, 2017 Marc Wilcutts, representing Del Boca Vista LLC, submitted a letter requesting that the City Council initiate an amendment to the Newberg Municipal Code (NMC). The NMC currently requires that the lot width at the building line in the R-1 zone is 50 feet and in the R-2 zone is 30 feet. Del Boca Vista LLC is considering a number of new residential subdivisions within Newberg in both the R-1 and R-2 zones. Del Boca Vista LLC is requesting that the City consider allowing the reduced lot width at the building line. As part of the submitted material Del Boca Vista LLC noted that in 2010 (Ordinance No. 2010-2730, October 18, 2010) the City reduced the lot size in R-1 from the prior 7,500 square foot size down to 5,000 square feet, a 34% reduction in lot size, but did not address the corresponding lot width at the building line when the modification was made. This same issue occurred in the R-2 zone where the lot size went from 5,000 square feet down to 3,000 square feet, a 40% reduction.

The Planning Division staff discussed this potential change with the Engineering Services Department and the City Engineer, and determined that a front building line width reduction could be possible if on-street parking could be provided.

The City Council adopted Resolution No. 2018-3435 on January 16, 2018, which initiated the code amendment process (Attachment 1). On January 26, 2018 Del Boca Vista LLC submitted an application requesting the Municipal Code Amendment. The submission is included as Attachment 2.

C. PROCESS: A development code amendment is a Type IV application and follows the

procedures in Newberg Municipal Code 15.100.060. The Planning Commission will hold a legislative hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission's recommendation, the Newberg City Council will hold a legislative public hearing to consider the matter. Important dates related to this application are as follows:

1. 1/16/18: The Newberg City Council adopted Resolution 2018-3435, initiating the Municipal Code Amendment.
2. 1/26/18: Del Boca Vista LLC submitted an application requesting the Municipal Code Amendment.
3. 2/21/18: Planning staff placed notice on Newberg's website, and posted notice in four public buildings. The Newberg Graphic published notice of the hearing.
4. 3/8/18: After proper notice, the Planning Commission held a legislative hearing to consider the item, took public comment, and adopted Resolution No. 2018-337 (Attachment 3).
5. 3/21/18: Planning staff placed notice on Newberg's website, and posted notice in four public buildings. The Newberg Graphic published notice of the hearing.
6. 4/2/18: After proper notice, the City Council held a legislative public hearing, took public testimony, and deliberated on the proposal.

D. PUBLIC COMMENTS: As of the writing of this report, the city has not received any written public comments. If the city receives written comments by the comment deadline, Planning staff will forward them to the City Council.

E. AGENCY COMMENTS:

1. Tualatin Valley Fire & Rescue: Reviewed, no conflict.
2. Frontier: Reviewed, no conflict.
3. Waste Management: Reviewed, no conflict.

F. CITY STAFF COMMENTS: The Public Works Maintenance Division provided comments that: 1) parking on both sides of a 32' wide street will restrict travel lane widths to be 8 feet, and 2) Parking on both sides will not facilitate proper street cleaning by street sweepers due to parked vehicles prohibiting adequate clearance to sweep.

The Engineering Services Department provided comments that: 1) Parking analysis exhibits showing curbside sidewalks are not consistent with city code Section 15.505.030(G0(8), and 2) Driveway widths in parking analysis are not consistent with City Public Works Design and Construction Standard Drawing 508 (12' wide minimum, 24' wide maximum).

G. ANALYSIS:

1. **Lot width at the public street** – Newberg Municipal Code (NMC) 15.405.030D.1.a.

states that “Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.” This requirement conflicts with another section of the NMC on lot width at the front building line.

2. **Lot width at the front building line** - Newberg Municipal Code (NMC)

15.405.030D.1.b. states “Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.” It further states under 15.405.030D.1.c. “Each lot in an R-1, AI, or RP zone shall have a minimum width of 50 feet at the front building line.”

NMC 15.05.030 Definitions, defines the front building line as “Building line, front means a line extending parallel with and abutting the front of the closest building to a front lot line.”

As noted in the applicant’s material when the City reduced the lots size in R-1 from 7,500 square feet down to 5,000 square feet, and in R-2 reduced the lot size from 5,000 square feet down to 3,000 square feet the issue of the lot width requirements at the street and at the front building line were not addressed. One can view that there are two lot width requirements with NMC 15.405.030D.1.a., and 15.405.030D.1.b. and 15.405.030D.1.c.

The proposed reduction in the R-1 lot width at the front building line is 30% and in R-2 is 17%. The proposed lot width at the front building line (35 feet) would be wider than the 25 foot street frontage requirement in R-1. This would allow for on-street parking to occur. The proposed lot width at the front building line (25 feet) would be equal to the 25 foot street frontage requirement in R-2. This would allow for on-street parking to occur.

The proposal would assist in meeting the target densities in R-1 of 4.4 units per gross acre and 9 units per gross acre in R-2.

3. **On-street parking** – City staff expressed concern about the potential impacts of reducing the lot width at the front building line and how it could impact on-street parking on local residential streets. The applicant provided diagrams in R-1 to reflect how on-street parking could work with a minimum 35 foot lot width at the front building line and a corresponding 35 foot width at the street. As indicated in the example of a typical 400 foot block length it would allow 10 houses on each side of the block. On each side of the street six on-street parking spaces could be provided in addition to the requirement for two off-street parking spaces per house. There is no stated parking stall length for parking on a local residential street in the NMC or the Transportation System Plan. Staff provided guidance to use 18 feet – 20 feet for these stalls.

The applicant provided diagrams in R-2 to reflect how on-street parking could work with a minimum 25 foot lot width at the front building line and a corresponding 25 foot width at the street. As indicated in the example of a typical 400 foot block length it would allow 16 houses on each side of the block. On each side of the street 4 on-street parking spaces could be provided in addition to the requirement for two off-street parking spaces per house.

4. **Lot Size** – The proposal does not change the lot size requirements of NMC 15.405.010

Lot area – Lot areas per dwelling unit. R-1 remains with a lot size of 5,000 square feet and R-2 remains at 3,000 square feet.

5. **Lot Coverage** – The proposal does not change the lot coverage requirement of NMC 15.405.040 Lot coverage and parking coverage requirements. R-1 remains at 30 percent, or 40 percent if all structures on the lot are one-story. Maximum Parking Coverage in R-1, remains at 30 percent. The Combined Maximum Lot and Parking Coverage for R-1 remains at 60 percent.

R-2 remains at 50 percent. Maximum Parking Coverage in R-2, remains at 30 percent. The Combined Maximum Lot and Parking Coverage for R-2 remains at 60 percent.

For the full text of the code amendment, see Exhibit A in the resolution.

F. PLANNING COMMISSION RECOMMENDATION:

The Newberg Planning Commission held a public hearing on March 8, 2018, heard public testimony, and approved Resolution No.2018-337 recommending the City Council approve the proposal.

FISCAL IMPACT:

No significant fiscal impact to the City is expected.

STRATEGIC ASSESSMENT (RELATE TO COUNCIL PRIORITIES FROM SEPTEMBER 2017):

Goal 8: Encourage Affordable Housing. The proposal responds to the priority by encouraging an alternative housing product on lots that are slightly narrower at the front building line from the standard lot width that has been in effect for decades in Newberg. The housing product may be less expensive than the housing product which is currently available, but will depend on market conditions.

Ordinance No. 2018-2830 with

Exhibit “A”: Proposed Development Code Text Amendment

Exhibit “B”: Findings

Attachments:

1. Newberg City Council Resolution No. 2018-3435 initiating text amendments
2. Application by Del Boca Vista LLC
3. Newberg Planning Commission Resolution No. 2017-337



ORDINANCE NO. 2018-2830

**AN ORDINANCE AMENDING THE NEWBERG MUNICIPAL CODE TO
REDUCE THE FRONT BUILDING WIDTH LINE IN R-1 ZONES TO 35 FEET
AND IN R-2 ZONES TO 25 FEET**

RECITALS:

1. The Newberg City Council adopted Resolution 2018-3435 on January 16, 2018, which initiated amendments to the Newberg Development Code to consider reduction of the lot width at the front building line in the R-1 and R-2 zones.
2. Del Boca Vista LLC applied on January 26, 2018, for a Development Code Amendment to reduce the lot width at the front building line in the R-1 and R-2 zones.
3. After proper notice, the Newberg Planning Commission opened the hearing on March 8, 2018 to consider the amendment and found that the proposed code amendment was in the best interests of the city. They adopted Resolution No. 2018-337, which recommended that the City Council amend the Newberg Development Code.
4. After proper notice, the Newberg City Council held a public hearing on April 2, 2018, considered public testimony, and deliberated. They found that the proposed code amendment was in the best interests of the city.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City Council adopts the amendments to the Newberg Municipal Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: May 2, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 2nd day of April, 2018, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 5th day of April, 2018.

Bob Andrews, Mayor

List of Exhibits:

Exhibit “A”: Municipal Code Amendments

Exhibit “B”: Findings

EXHIBIT “A” TO ORDINANCE 2018-2830
Municipal Code Amendments –File DCA18-0002
Reduce the Lot Width at the Front Building Line in R-1 and R-2 Zones

Note: Existing text is shown in regular font.
Added text is shown in underline
Deleted text is shown in ~~strikethrough~~.

The Newberg Municipal Code shall be amended as follows:

15.405.030 Lot dimensions and frontage.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:
 - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NDC 15.240.020.L.2.
 - b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.
 - c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.
 - d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

Exhibit “B” to Ordinance 2018-2830
Findings –File DCA18-0002
Reduce the Lot Width at the Front Building Line in R-1 and R-2 Zones

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This 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 policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternatives to amending the municipal code text would be to: 1) deny the application and retain the current lot width at the front building line requirement for R-1 and R-2, or 2) establish a lot width at the front building line less than 50 feet and larger than 35 feet in R-1 and less than 30 feet and larger than 25 feet in R-2.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings. No changes to the implementation measures of the code are proposed as a part of this land use action.

The Applicant’s proposed amendments to the NDC are consistent with the Comprehensive Plan.

GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendments would not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources, areas, and open spaces. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources and identified open spaces in compliance with Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. Protections are already in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain areas.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. The Chehalem Park and Recreation District (CPRD) is the lead on developing recreation areas within the Newberg Urban Growth Boundary. This proposal does not impede CPRD's ability to plan and implement recreation areas. This proposal does not propose any destination resorts. Goal 8 compliance is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The Newberg Economic Development Strategy identifies housing as a need for the community.

The proposal would provide for additional housing opportunities while creating the opportunity for new homes for the growing Newberg population base and growing economy at price points that are potentially in alignment with income levels.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: Efficient development of residentially zoned land located within the City can provide the opportunity for additional housing to meet the needs of the citizens of Newberg.

The Newberg Economic Development Strategy identifies several housing weaknesses within the City, including lack of affordable housing for lower income families, lack of multifamily housing, and a lack of vacant rental residential housing. The proposed text amendments create flexibility to accommodate a variety of housing types including those that can be utilized for affordable housing and rental housing and complies with the goal.

The proposal would assist in meeting density targets of 4.4 units per gross acre in Low Density (R-1) and 9 units per gross acre in Medium Density (R-2).

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Newberg has acknowledged public facilities plans covering water, wastewater, transportation and stormwater. This proposal does not negatively affect any of these plans because the infrastructure is designed to meet the target densities of 4.4 units in R-1 and 9 units in R-2 which will not be changed by the proposal and complies with Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The proposed text amendment does not modify the acknowledged transportation plan and no modifications to target densities of 4.4 units in R-1 and 8 units in R-2 that would change a functional classification of roadways within the city. Goal 12 compliance is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: No applicable as the proposed amendment does not affect energy conservation.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable because the proposed amendment does not impact the Willamette River Greenway and the protections already established by the Newberg Comprehensive Plan and development regulations.

B. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council will be required to finalize a decision regarding the application for the amendments to the NMC. This requirement can be met.

C. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation. The proposal complies with the goal.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: The proposed text amendment to reduce the lot width at the front building line is consistent with the land use planning process for the City of Newberg and complies with the goal.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

POLICIES:

2. Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal and policy. Protections are in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with the goal and policy.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Not applicable because the proposal does not modify policies or regulations related to natural hazard areas such as floodplains or landslide areas.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: Not applicable because the proposal does not modify policies or regulations related to open space, scenic, historic and recreational resources.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies

- a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)

Finding: The proposal will enhance the ability to meet the target densities in the R-1 and R-2 zones which in turn provides the opportunity for housing at price points that encourage people to live and work in Newberg. The proposal complies with the goal and policy.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

1. Density Policies

- a. Density rather than housing type shall be the most important development criteria and shall be used to classify different types of residential areas on the plan.
- b. Target densities shall be as follows:

<u>Classification</u>	<u>Units Per Gross Acre*</u>
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

**Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.*

3. Mix Policies

- j. The City shall encourage innovation in housing types and design as a means of offering a

greater variety of housing and reducing housing costs.

m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.

r. The City shall support the retention of affordable housing through public education, planning, zoning and community development programs.

Finding: Density is the driver rather than housing type as a criteria. The proposal would assist in meeting density targets of 4.4 units per gross acre in Low Density (R-1) and 9 units per gross acre in Medium Density (R-2) stated in the Newberg Comprehensive Plan. The Newberg Comprehensive Plan indicates that actual development has been occurring at 3.6 units, below the planned density for 4.4 units per gross acre for Low Density. In Medium Density trends are identified at 5.8 units, below the 9 units per gross acre. The proposal would assist in achieving the stated target densities by modifying the lot width at the front building line to allow a different style of housing (narrower building widths). The proposal would also assist in encouraging innovation in housing types such as narrower home styles with the goal of a variety of home styles intermixed with traditional home styles and housing at a reduced costs to home buyers. Finally, the proposal is a zoning approach to addressing housing affordability.

Overall the proposal complies with the goal and policies.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies

l. The City should encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas. (Ordinance 2016-2810, December 19, 2016)

p. Developments of medium or high density should be of a quality and design which will effectively offset the greater density. (Ordinance 2016-2810, December 19, 2016)

4. Residential Areas Policies

b. The City will evaluate and encourage various innovative and alternative approaches to zoning, including but not limited to the following: zero lot lines, cluster and density zoning, planned unit developments, performance standards and condominiums.

Finding: The proposal will encourage innovative design for homes on lots with a different width than has traditionally occurred within Newberg. Because a portion of the proposal addresses medium density areas (R-2), developments will need to be creative in design to address the density target of 9 units per gross acre. The proposal does not change zoning of land within the City but does address a dimensional standard on lot width that implements the zoning for R-1 and R-2 zoned lands and brings the lot width at the front building line in alignment with the lot width at the street frontage requirements.

Overall the proposal complies with the goal and policies.

K. TRANSPORTATION

GOAL 8: Maintain and enhance the City's image, character and quality of life.

POLICIES:

d. The City will encourage development that protects the integrity of existing neighborhoods, commercial, and industrial areas using the following design techniques.

1) New development and new transportation facilities shall be designed to meet the street classification, design, and access standards identified in the Transportation System Plan.

Finding: The R-1 and R-2 zoned lands within Newberg are predominantly served by local residential streets that feed into collector and arterial roadways. The proposal does not change the street classifications identified within the Transportation System Plan by modifying the lot width at the front building line. It maintains the integrity of neighborhoods for residential development and the target densities for R-1 and R-2. The proposal complies with the goal and policy.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

POLICIES:

1. All Facilities & Services Policies

c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.

2. Sewers and Water Policies

c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: Newberg has approved water, wastewater and storm water master plans that have been developed based on the target densities of 4.4 units per gross acre for R-1 and 9 units per gross acre for R-2 lands. As previously noted past trends are that densities have not been developing at the targeted densities. Modifications to the lot width at the front building line will assist in meeting the target densities and will be in alignment with the adopted public facilities plans.

Overall the proposal complies with the goal and policies.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

POLICIES:

1. Planning Policies

a. The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Finding: The proposal will continue to assist the City's efforts to have a compact urban form for residential development and as a result assists in conserving energy through an efficient land use pattern. The proposal complies with the goal and policy.

N. URBANIZATION

GOALS:

1. To provide for the orderly and efficient transition from rural to urban land uses.

2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.

3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposal is not requesting an Urban Growth Boundary expansion, maintains Newberg's separation from the Portland Metropolitan area and works to meeting the density targets listed in the

Comprehensive Plan while balancing growth. The proposal complies with the goal and policies.

Conclusion: The proposed municipal code amendments meet the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.



RESOLUTION NO. 2018-3435

A RESOLUTION INITIATING AN AMENDMENT TO THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE FOR LOT WIDTH AT THE BUILDING LINE IN R-1 AND R-2

RECITALS:

1. On December 26, 2017 Jessica Cain, representing Del Boca Vista, submitted a letter requesting that the City Council initiate an amendment to the Newberg Development Code (NDC) included as Exhibit "A".
2. The Del Boca Vista request is to consider reducing the lot width at the building line in R-2 from the current 30 feet down to 25 feet, and a reduction from 50 feet down to 35 feet in R-1.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:


1. The City Council initiates an amendment to the Newberg Municipal Code, Title 15 Development Code for lot width at the building line in R-1 and R-2. This starts the public process to study the proposed amendments.
2. By initiating this amendment, the City Council does not commit to taking any specific action on the proposal. It only wishes to give the amendment full consideration by the Planning Commission and City Council in public hearings.
3. Del Boca Vista would have to file an application and pay the appropriate fee for a Type IV Development Code Amendment to move the process to the next step. Staff will then schedule a Planning Commission public hearing to make a recommendation on the item. The Planning Commission recommendation will be brought to the City Council for a public hearing and final decision.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: January 17, 2018.

ADOPTED by the City Council of the City of Newberg, Oregon, this 16th day of January, 2018.


Sue Ryan, City Recorder

ATTEST by the Mayor this 18th day of January, 2018.


Bob Andrews, Mayor



December 26, 2017

Doug Rux, Community Development Director
City of Newberg
Via email to Doug.Rux@newbergoregon.gov

Re: Request that the Newberg City Council Initiate an Amendment to the Text of the Newberg Land Use Regulations Pursuant to Newberg Development Code ("NOC") Section 15.302.030.C, "Amendment of Land Use Regulations," to Reduce the Building Width Line in R-1 zones to 35 feet and in R-2 zones to 25 feet

Dear Mr. Rux:

This office represents Del Boca Vista LLC (the "Applicant"). On behalf of Marc Willcuts, it's managing member, this letter respectfully requests that the City Council initiate amendments to the NDC as explained in this letter. NDC Section 15.302.030.C requires that a change in land use regulations may be initiated only by a resolution of the Newberg Planning Commission or the Newberg City Council. Public notice is not required to initiate the amendment. Should the City Council approve the initiation of this amendment, the amendment will be reviewed pursuant to the Type IV procedure.

The Applicant requests that the City Council initiate an amendment to NDC Sections 15.405.030(D)l.b. and (D)l.c. to reduce the building width line in R-1 zones from 50 feet to 35 feet and in R-2 zones from 35 feet to 25 feet. The Applicant has been discussing this matter with City staff and understand they support the initiation of the amendment. Staff has explained that initiation of the amendments does not guarantee staff support for, or approval by the City Council of, the amendments.

The reason for the amendments is to authorize an applicant to propose smaller building width lines in its subdivision applications. Of course, any subdivision is subject to approval by the Community Development Director or Planning Commission. Should the City Council initiate this text amendment and the text amendment be approved, the amendment simply gives an applicant for a subdivision the opportunity to propose smaller building width lines but there is no guarantee that they will be approved unless they meet the approval criteria and are satisfactory to service providers.

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CCB# 200294

On behalf of Marc Willcuts, we are looking forward to speaking with the City Council on January 16, 2017 and answering any questions that you may have about this request.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jessica S. Cain', with a large, stylized 'C' at the end.

Jessica S. Cain

971-998-7507

jessica@dbvcorp.com



TYPE IV APPLICATION (LEGISLATIVE AMENDMENTS) -- 2017

RECEIVED

JAN 26 2018

OFFICE USE ONLY: (Pre-Application Conference is
Optional for Type 2) **DCA 18-0002**
Total App. Fee: _____ File #: _____ Project
Cost: _____
Less Pre-App Fee: _____ Date: _____

TYPES - PLEASE CHECK ALL THAT APPLY:

- ☐ Comprehensive Plan Text Amendment **Initial:** _____
☒ Development Code Text Amendment
☐ Comprehensive Plan Map (Large Areas) Amendment
☐ Zoning Map (Large Areas) Amendment

APPLICANT INFORMATION:

APPLICANT: Del Boca Vista LLC
 ADDRESS: 500 E. Hancock St., Newberg, OR 97132

GENERAL INFORMATION:

N/A

PROJECT NAME: _____ PROJECT LOCATION: _____
 PROJECT DESCRIPTION/USE: _____
 MAP/TAX LOT NO. (i.e. 3200AB-400): _____ ZONE: _____ SITE SIZE: _____ SQ. FT. ☐ ACRE: ☐
 COMP PLAN DESIGNATION: _____ TOPOGRAPHY: _____
 CURRENT USE: _____
 SURROUNDING USES:
 NORTH: _____ SOUTH: _____
 EAST: _____ WEST: _____

SPECIFIC PROJECT CRITERIA AND REQUIREMENTS ARE ATTACHED

General Checklist:

- ☒ Fees ☐ Noticing Information ☐ Site Development Plan (12 reduced, 2 full sized)
☒ Criteria Response ☐ Owner Signature/Letter of Consent ☐ Title Report

Design Review Checklist:

- ☐ Site Analysis Diagram ☐ Architectural Drawings ☐ Landscape Plan
☐ Existing Features/Natural Landscape ☐ Drives/Parking/Circulation ☐ Drainage
☐ Buffering/Screening ☐ Signs/Graphics ☐ Exterior Lighting ☐ Trash/Refuse Storage
☐ Roadways/Utilities ☐ Traffic Study ☐ Special Needs for Handicapped

Preliminary Plat for Partition/Subdivision Checklist:

- ☐ Reproducible Final Plat (3 sets) ☐ Preliminary Plat File No.
☐ Preliminary Approval Conditions ☐ Phasing Plan (optional)

Minor Design Review: Duplex, Comm/Ind Checklist:

- ☐ Vicinity Map ☐ Tentative Plan ☐ Architectural Drawings (optional)
☐ Landscape/Fencing Plan ☐ Existing Features/Natural Landscape ☐ Roadways/Utilities/Drainage
☐ Proposed CCRs ☐ Traffic Study ☐ Phasing Plan (optional)

Variance Checklist:

- ☐ Landscape Plan ☐ Signs/Graphics

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent. Incomplete or missing information may delay the approval process.

Applicant Signature

Date

Marc Willcuts

Print Name

Owner Signature

Date

Marc Willcuts

Print Name

Attachments: General Information, Fee Schedule, Criteria, Checklists



January 26, 2018

Development Code Text Amendment
Written Criteria Response

Before the Newberg Planning Commission and Newberg City Council is a request from Del Boca Vista LLC that the Newberg City Council amend the text of the Newberg Development Code ("NDC") to Reduce the Building Width Line in R-1 zones to 35 feet and in R-2 zones to 25 feet. The Newberg City Council initiated an amendment to the Newberg Municipal Code, Title 15 Development Code for lot width at the building line at its public meeting on January 16, 2018 in Resolution No. 2018-3435.

It is important to recognize that while the lot sizes in each of the residential zones decreased by City Council action almost ten years ago, the building line width was not revised in accordance with the decreased lot sizes. These proposed amendments reflect a reduction in building line width that is commensurate with the reduction in lot sizes. For example, R-1 had a minimum lot size of 7500 square feet which was then reduced to 5,000 square feet. This is a 34% reduction in size. Likewise, the proposed amendment is requesting a similar percentage in reduction to the building line width of 30%. Such reductions allow a more diverse and affordable housing product in the residential zones of the City of Newberg.

Proposed NDC Text Amendment

Note: Existing text is shown in regular font.

Added text is shown in highlighted underline

Deleted text is shown in strikethrough.

The Newberg Development Code shall be amended as follows:

15.405.030 Lot dimensions and frontage.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:

- a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NDC 15.240.020.L.2.
- b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.
- c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.
- d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

The applicable approval criteria are found in the NDC, the Newberg Comprehensive Plan and the Statewide Planning Goals.

Newberg Development Code

Chapter 15.100 Land Use Processes and Procedures - 15.100 Type IV Procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent

information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution. [Ord. 2451, 12-2-96. Code 2001 § 151.025.]

RESPONSE: Public hearings with both the Planning Commission and the City Council are required to render a decision with regard to this application for the amendments to the NDC.

Statewide Planning Goals

Goal 1: Citizen Involvement.

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

RESPONSE: Public hearings with both the Planning Commission and the City Council are required to render a decision regarding this Type IV application for the proposed amendments to the NDC. This process has been established by the City and determined to be consistent with this Goal because they allow for citizen participation at both levels.

Goal 2: Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

RESPONSE: The land use action has an adequate factual base contained in this application criteria response. Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations. No changes to the implementation measures of the code are proposed as a part of this land use action.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

RESPONSE: The proposed amendments would not negatively impact Goal 5 because the amendments do not change protections that already exist in the Code to protect and conserve these areas. Creating a lesser width at the building line may in fact serve to protect these areas by allowing for some residential housing developments to use less land to accommodate these type of building plans. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources and identified open spaces in compliance with the goal.

Goal 6: Air, Water and Land Resources Quality.

To maintain and improve the quality of the air, water and land resources of the state.

RESPONSE: The proposed amendments would not negatively impact Goal 6 because the amendments do not change protections that already exist in the Code to protect these resources. As an example, the stream corridor creates protections of the water and land resources but allows for density transfer for development due to these protected areas. Creating a lesser width at the building line serves to protect these resources by allowing for some residential housing developments to use less land to accommodate these type of building plans on a less wide lot.

Goal 9: Economic Development.

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

RESPONSE: This application creates opportunities for economic advancement because development of residential housing creates more construction and development jobs. Also, additional housing provides for the growing Newberg population base and growing economy.

Goal 10: Housing.

To provide for the housing needs of citizens of the state.

RESPONSE: These amendments, if adopted, would allow for a greater diversity of housing types that are more affordable in each of the residential housing zones which is an identified weakness of the City as identified in the Newberg Economic Development Strategy.

Goal 14: Urbanization.

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

RESPONSE: The proposed amendments afford the opportunity to create a diverse housing product that is more affordable and do not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land for projected population and employment opportunities within the City.

Newberg Comprehensive Plan II. Goals and Policies

A. Citizen Involvement.

Goal: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

RESPONSE: Public hearings with both the Planning Commission and the City Council are required to render a decision regarding this Type IV application for the proposed amendments to the NDC. This process has been established by the City and determined to be consistent with this Goal because they allow for citizen participation at both levels.

B. Land Use Planning.

Goal: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

RESPONSE: The proposed text amendment to reduce the lot width at the building line is consistent with the land use planning process for the City of Newberg.

E. Air, Water and Land Resource Quality.

Goal: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

RESPONSE: The proposed amendments would not negatively impact this Goal because the amendments do not change protections that already exist in the Code to protect these resources. As an example, the stream corridor creates protections of the water and land resources but allows for density transfer for development due to these protected areas. Creating a lesser width at the building line serves to protect these resources by allowing for some residential

housing developments to use less land to accommodate these type of building plans on a less wide lot.

H. The Economy.

Goal: To develop a diverse and stable economic base.

RESPONSE: This application creates opportunities for economic advancement because development of residential housing creates more construction and development jobs.

I. Housing.

Goal: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels.

RESPONSE: These amendments, if adopted, would allow for a greater diversity of housing types that are more affordable in each of the residential housing zones which is an identified weakness of the City as identified in the Newberg Economic Development Strategy.

J. Urban Design.

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies

- j. The City should encourage compatible architectural design of new structures in the community.
 - l. The City should encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas.
 - p. Developments of medium or high density should be of a quality and design which will effectively offset the greater density.
- ### **4. Residential Areas Policies**
- b. The City will evaluate and encourage various innovative and alternative approaches to zoning, including but not limited to the following: zero lot lines, cluster and density zoning, planned unit developments, performance standards and condominiums.

RESPONSE: The proposed amendments afford the opportunity to create a diverse housing product that is more affordable. This amendment would further this Goal by creating a higher likelihood of cluster and density zoning due to the smaller building line width.

N. Urbanization

GOALS:

- 1. To provide for the orderly and efficient transition from rural to urban land uses.
- 2. To maintain Newberg's identity as a community which is separate from the Portland

Metropolitan area.

3. To create a quality living environment through a balanced growth of urban and cultural activities.

RESPONSE: The proposed amendments afford the opportunity to create a diverse housing product that is more affordable and do not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land for projected population and employment opportunities within the City.

Parking

While the NDC does not require off-site parking spaces, parking is a recognized concern in any residential housing development. As such, Del Boca Vista LLC has drafted examples of both on and off-site parking space alternatives in the residential zones with the proposed amended building line width. Figures A and B demonstrate off-site parking under current code requirements.

Figure 1 demonstrates that in an R-1 zone one off-site parking space is created for every three homes. A typical block length of 400 feet allow for 10 houses on each side of the block. Six off-site parking spaces could be created in addition to the 20 on-site parking spaces required. Additionally, on the end of each block, another four spaces can be created for a total of 14 off-site parking spaces on each side of the street in each block. This option does assume a curbside sidewalk and rolled curbs to allow for the additional parking spaces. See Figure 6 for an example that has been constructed in this manner.

Figure 2 demonstrates that in an R-2 zone one off-site parking space is created for every four homes. A typical block length of 400 feet allow for 16 houses on each side of the block. Four off-site parking spaces could be created in addition to the 32 on-site parking spaces required. Additionally, on the end of each block, another four spaces can be created for a total of 12 off-site parking spaces on each side of the street in each block. See Figure 5 for an example that has been constructed in this manner.

Figure 3 demonstrates how a reduced setback between houses could create additional off-site parking spaces. This model reflects one offsite space for every two houses.

Figure 4 demonstrates how a modified setback between houses could create additional off-site parking spaces. This model reflects zero offsite space in the block but creates three on-site parking spaces.

Additionally, these developments also require water quality and detention facilities in the neighborhood. This area would also allow for additional parking spaces to be created.

Summary

For the foregoing reasons, this proposed amendment can be approved. Sufficient facts and findings exist to support adoption of the proposed NDC code text amendments. Del Boca Vista LLC respectfully requests that the Planning Commission recommend approval of the application to the City Council.

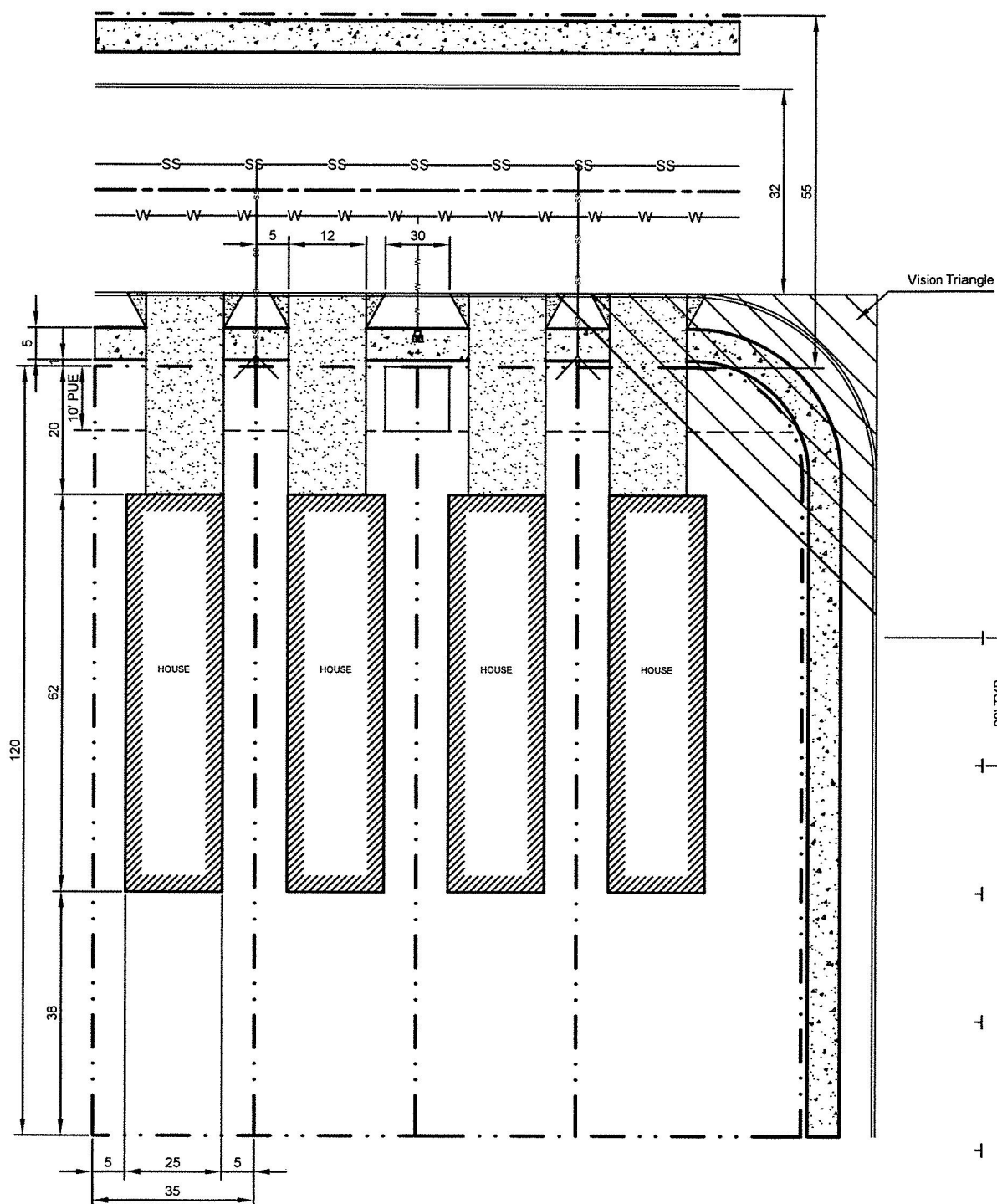


Figure A - R1 Zone

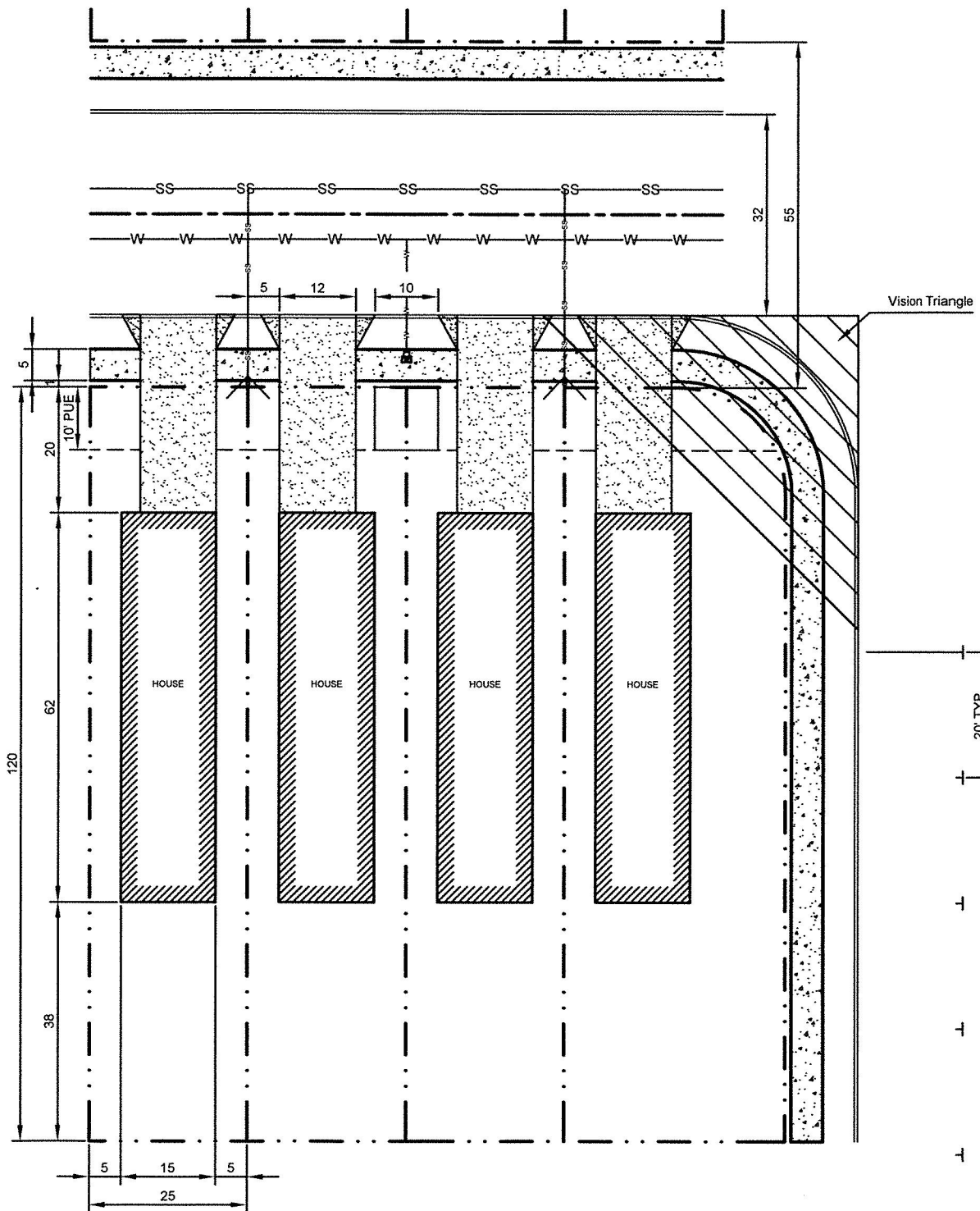


Figure B - R2 Zone

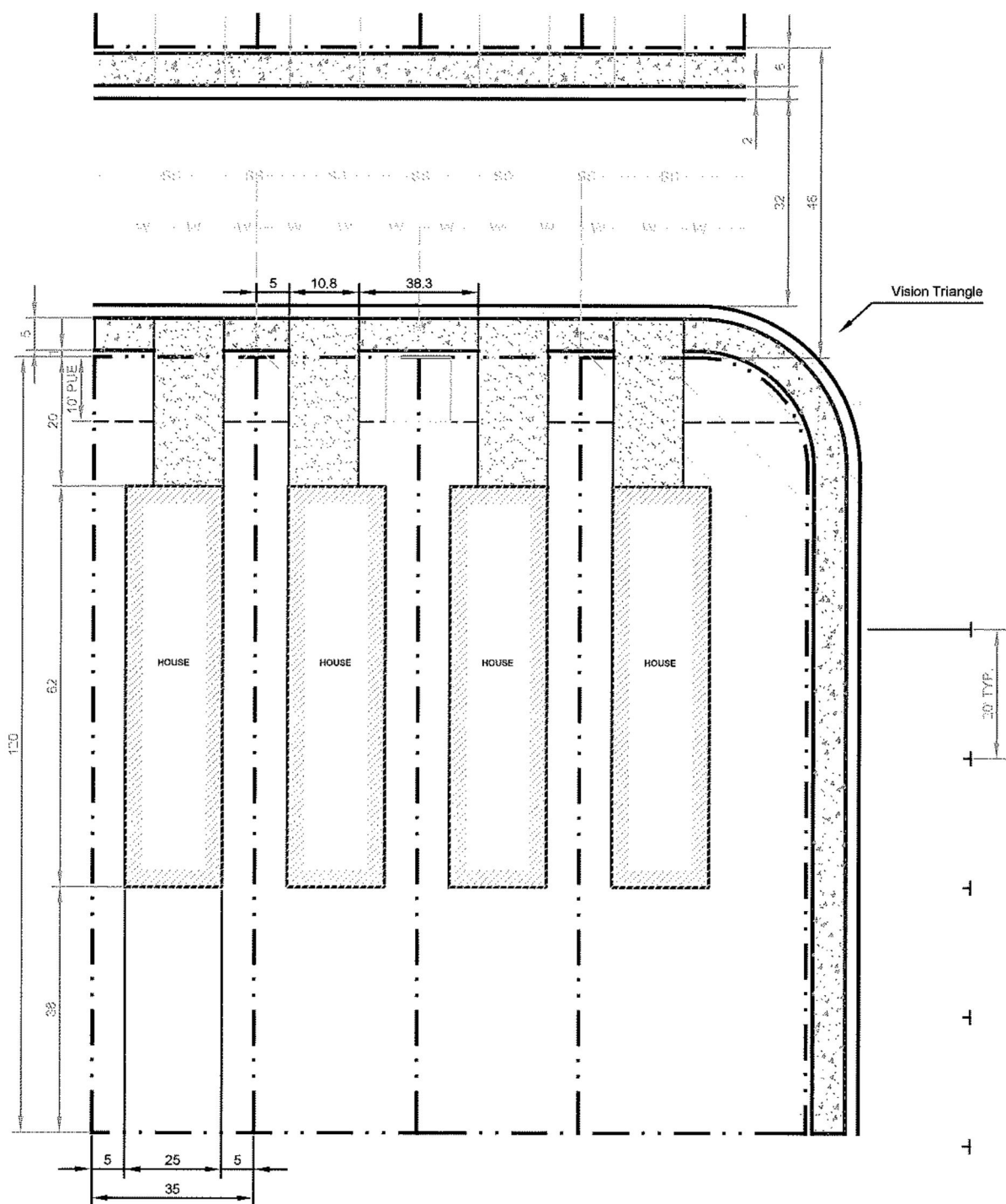


Figure 1 - R1 Zone

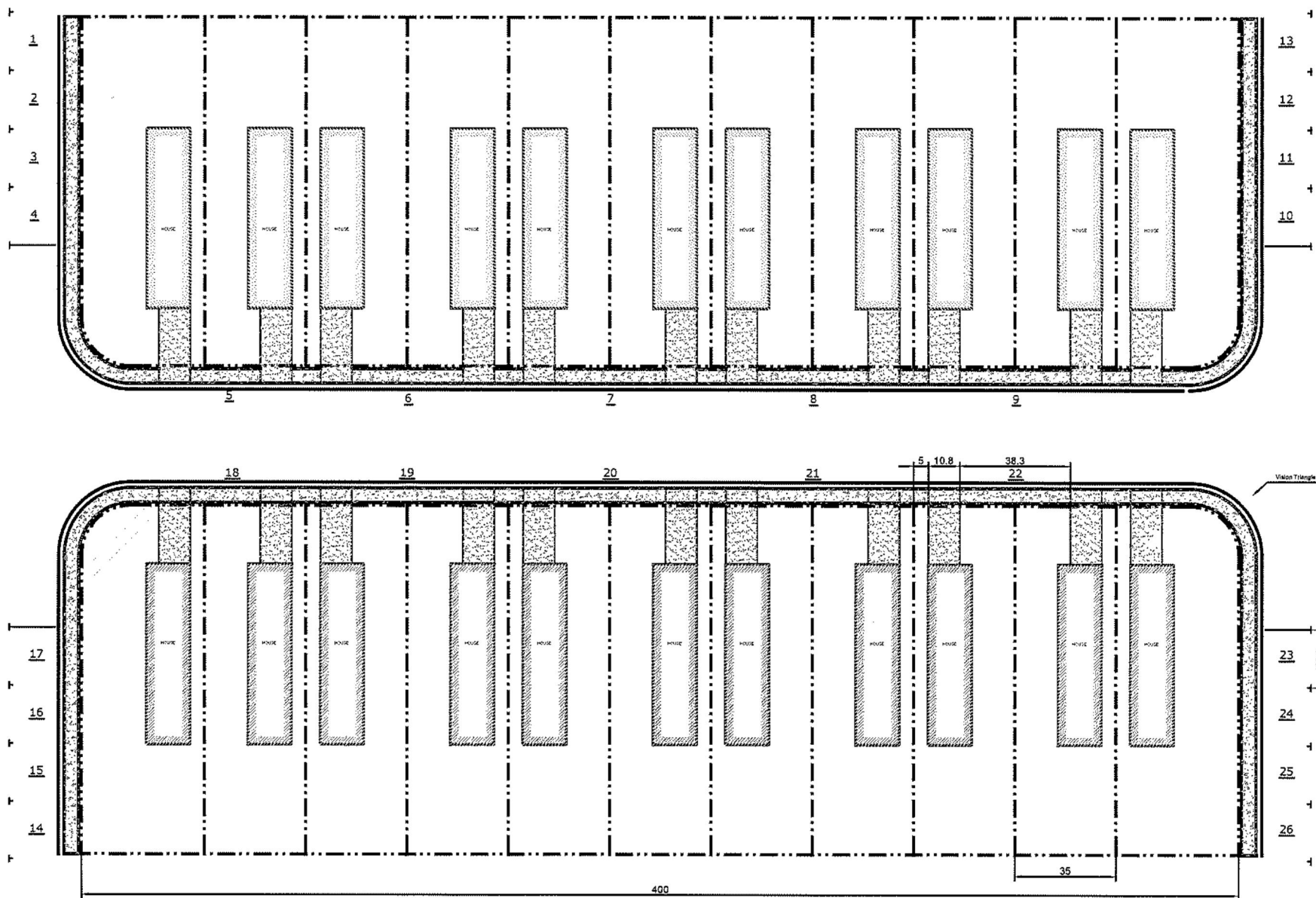


Figure 2 - R1 Zone

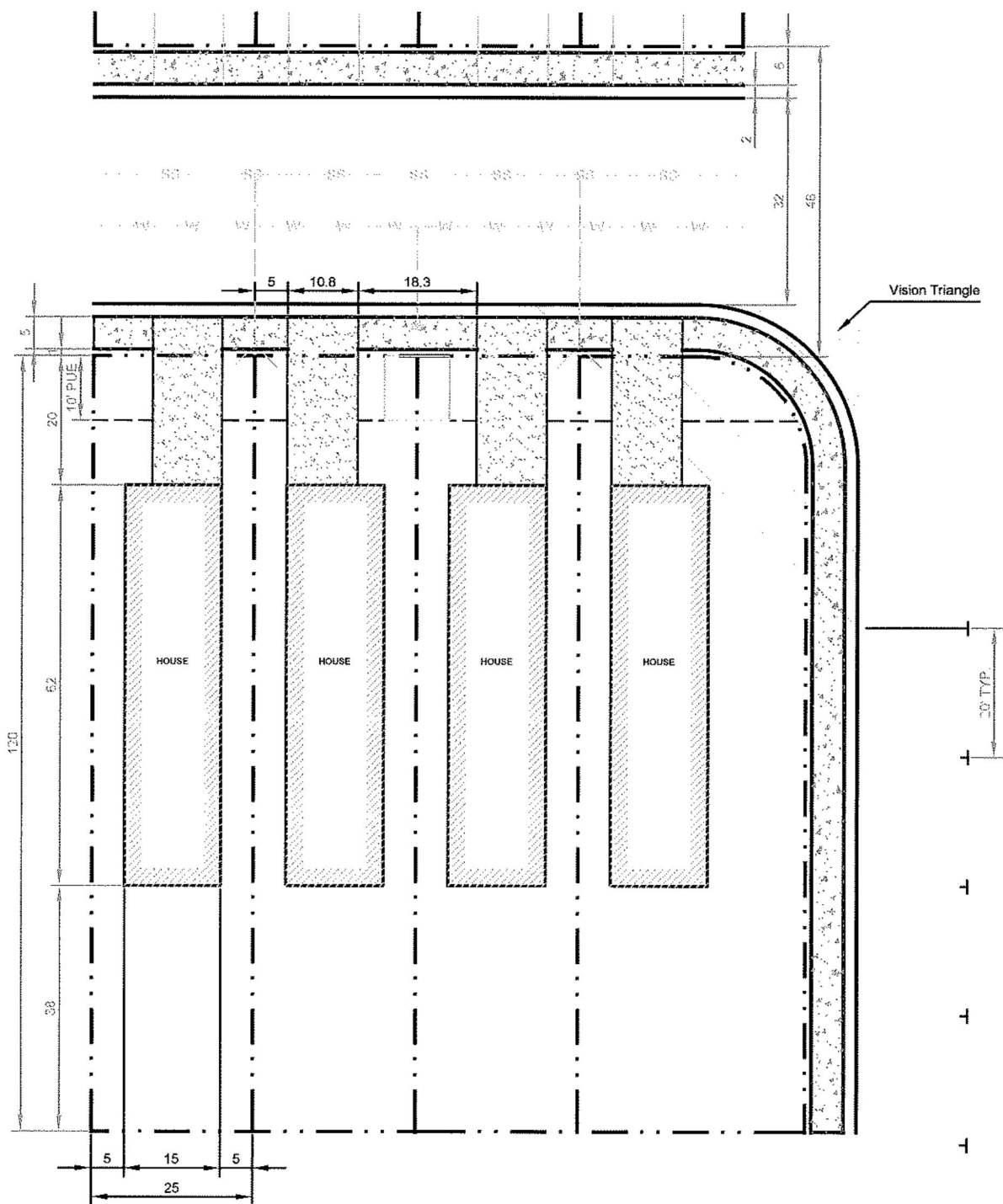


Figure 3 - R2 Zone

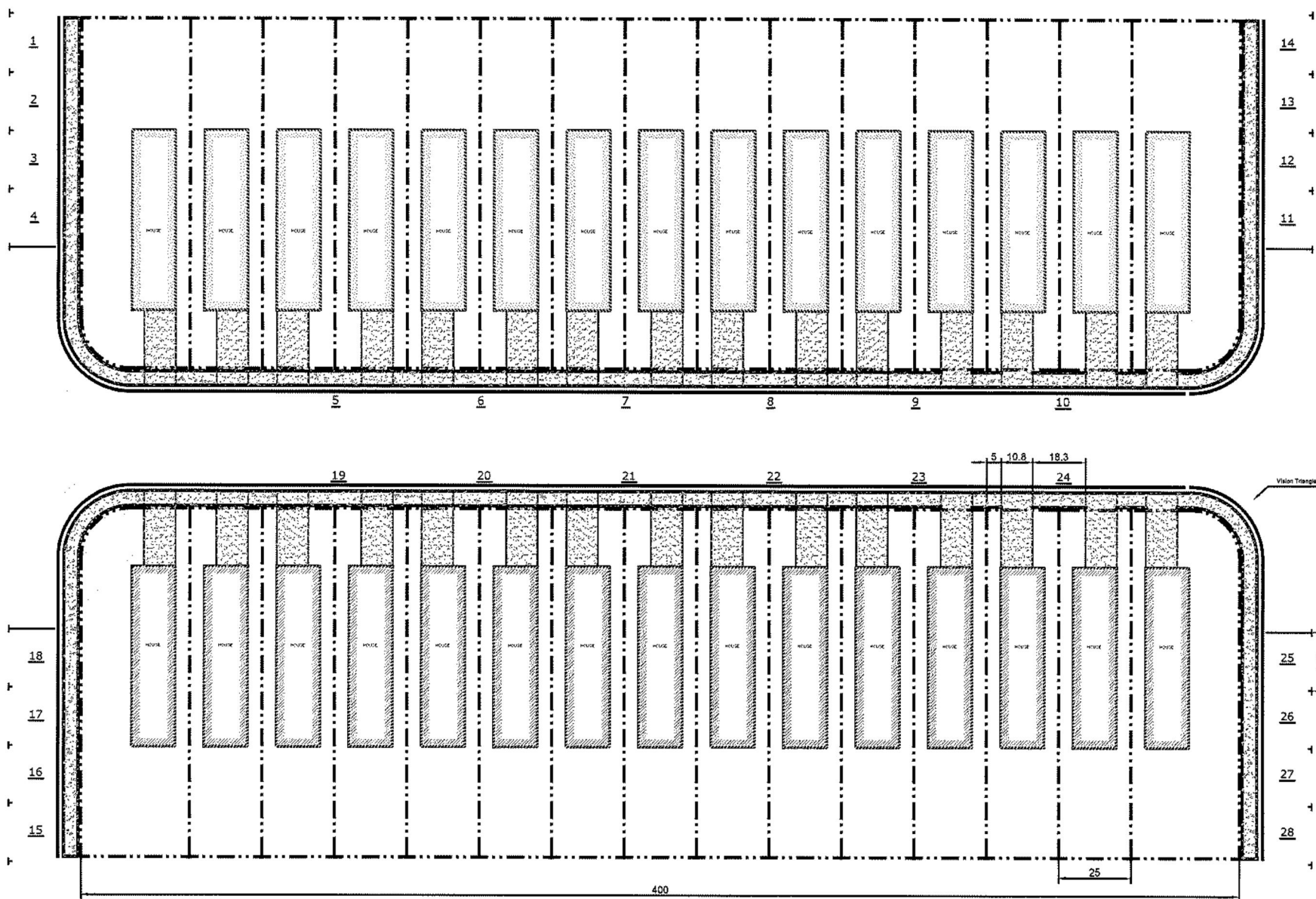


Figure 4 - R2 Zone



Figure 5 - Example 25ft wide lot development on N. Burrage Ave in Portland



Figure 6 - Example of curb tight sidewalk development on SW Whistling Swan Ln, Beaverton, OR



PLANNING COMMISSION RESOLUTION 2018-337

**A RESOLUTION RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG
MUNICIPAL CODE TO REDUCE THE FRONT BUILDING WIDTH LINE IN R-1 ZONES TO 35 FEET
AND IN R-2 ZONES TO 25 FEET**

RECITALS

1. The Newberg City Council adopted Resolution 2018-3435 on January 16, 2018, which initiated amendments to the Newberg Municipal Code to consider reducing the front building line lot width in R-1 zones to 35 feet and in R-2 zones to 25 feet.
2. Del Boca Vista LLC applied on January 26, 2018, for a Municipal Code Amendment to allow reduce the lot width at the front building line in the R-1 and R-2 zones.
3. After proper notice, the Newberg Planning Commission opened the hearing on March 8, 2018, considered public testimony and deliberated. They found that the proposed code amendment was in the best interests of the city.

The Newberg Planning Commission resolves as follows:

1. The Commission recommends that the City Council adopt the amendments to the Newberg Municipal Code as shown in Exhibit "A". Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "B" are hereby adopted. Exhibit "B" is by this reference incorporated.

Adopted by the Newberg Planning Commission this 8th day of March, 2018.



Philip D. Smith
Planning Commission Chair

ATTEST:



Bobbie Morgan
Planning Commission Secretary

List of Exhibits:

- Exhibit "A": Municipal Code Amendments
Exhibit "B": Findings

**Exhibit "A" to Planning Commission Resolution 2018-337
Municipal Code Amendments –File DCA18-0002
Reduce the Lot Width at the Front Building line in R-1 and R-2 Zones**

Note: Existing text is shown in regular font.
Added text is shown in underline
Deleted text is shown in strikethrough.

The Newberg Municipal Code shall be amended as follows:

15.405.030 Lot dimensions and frontage.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:
 - a. Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access except as allowed by NDC 15.240.020.L.2.
 - b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.
 - c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.
 - d. Each lot in an AR zone shall have a minimum width of 45 feet at the front building line.

**Exhibit “B” to Planning Commission Resolution 2018-337
Findings –File DCA18-0002
Reduce the Lot Width at the Front Building line in R-1 and R-2 Zones**

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with this Goal. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This 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 policies and designations.

The proposed land use action has an adequate factual base and has been thoroughly described in this application.

The alternatives to amending the municipal code text would be to: 1) deny the application and retain the current lot width at the front building line requirement for R-1 and R-2, or 2) establish a lot width at the front building line less than 50 feet and larger than 35 feet in R-1 and less than 30 feet and larger than 25 feet in R-2.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings. No changes to the implementation measures of the code are proposed as a part of this land use action.

The Applicant’s proposed amendments to the NDC are consistent with the Comprehensive Plan.

“Working Together For A Better Community-Serious About Service”

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GOAL 3: AGRICULTURAL LANDS

To preserve and maintain agricultural lands.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

To conserve forest lands by maintaining the forest land base and to protect the state's forest economy by making possible economically efficient forest practices that assure the continuous growing and harvesting of forest tree species as the leading use on forest land consistent with sound management of soil, air, water, and fish and wildlife resources and to provide for recreational opportunities and agriculture.

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest lands outside of the Newberg Urban Growth Boundary.

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendments would not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code to protect these resources, areas, and open spaces. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources and identified open spaces in compliance with Goal 5.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. Protections are already in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with Goal 6.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain areas.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including

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destination resorts.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal. The Chehalem Park and Recreation District (CPRD) is the lead on developing recreation areas within the Newberg Urban Growth Boundary. This proposal does not impede CPRD's ability to plan and implement recreation areas. This proposal does not propose any destination resorts. Goal 8 compliance is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The Newberg Economic Development Strategy identifies housing as a need for the community. The proposal would provide for additional housing opportunities while creating the opportunity for new homes for the growing Newberg population base and growing economy at price points that are potentially in alignment with income levels.

GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

Finding: Efficient development of residentially zoned land located within the City can provide the opportunity for additional housing to meet the needs of the citizens of Newberg.

The Newberg Economic Development Strategy identifies several housing weaknesses within the City, including lack of affordable housing for lower income families, lack of multifamily housing, and a lack of vacant rental residential housing. The proposed text amendments create flexibility to accommodate a variety of housing types including those that can be utilized for affordable housing and rental housing and complies with the goal.

The proposal would assist in meeting density targets of 4.4 units per gross acre in Low Density (R-1) and 9 units per gross acre in Medium Density (R-2).

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Newberg has acknowledged public facilities plans covering water, wastewater, transportation and stormwater. This proposal does not negatively affect any of these plans because the infrastructure is designed to meet the target densities of 4.4 units in R-1 and 9 units in R-2 which will not be changed by the proposal and complies with Goal 11.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

"Working Together For A Better Community-Serious About Service"

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Finding: The proposed text amendment does not modify the acknowledged transportation plan and no modifications to target densities of 4.4 units in R-1 and 8 units in R-2 that would change a functional classification of roadways within the city. Goal 12 compliance is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: No applicable as the proposed amendment does not affect energy conservation.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal.

GOAL 15: WILLAMETTE RIVER GREENWAY

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Not applicable because the proposed amendment does not impact the Willamette River Greenway and the protections already established by the Newberg Comprehensive Plan and development regulations.

B. Newberg Municipal Code

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.060 Type IV procedure – Legislative.

A. Type IV Actions Are Legislative. The planning commission shall hold a public hearing and make a recommendation to the city council. The city council shall hold another public hearing and make a final decision.

B. Legislative actions include, but are not limited to:

1. Amendments to the Newberg comprehensive plan text;
2. Amendments to the Newberg development code;
3. The creation of any land use regulation.

C. The public hearing before the planning commission shall be held in accordance with the requirements of this code. Notice of a hearing on a legislative decision need not include a mailing to property owners or posting of property (refer to NMC 15.100.200 et seq.).

D. Interested persons may present evidence and testimony relevant to the proposal. If criteria are involved, the planning commission shall make findings for each of the applicable criteria.

E. The city council shall conduct a new hearing pursuant to this code. At the public hearing, the staff shall present the report of the planning commission and may provide other pertinent information. Interested persons shall be given the opportunity to present new testimony and information relevant to the proposal that was not heard before the planning commission.

F. To the extent that a finding of fact is required, the city council shall make a finding for each of the applicable criteria and in doing so may sustain or reverse a finding of the planning commission. In granting an approval, the city council may delete, add, or modify any of the provisions in the proposal or attach certain conditions beyond those warranted for the compliance with standards if the city council determines that the conditions are necessary to fulfill the approval criteria.

G. The city council's decision shall become final upon the effective date of the ordinance or resolution.

Finding: Public hearings with the Planning Commission and the City Council will be required to finalize a decision regarding the application for the amendments to the NMC. This requirement can be met.

C. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: This application is subject to the Type IV Legislative process, which requires public notification and public hearings before the Planning Commission and the City Council. This process has been established by the City and determined to be consistent with Goal I of the Oregon Statewide Planning Goals. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and the City Council are all recognized as opportunities for citizen participation. The proposal complies with the goal.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: The proposed text amendment to reduce the lot width at the front building line is consistent with the land use planning process for the City of Newberg and complies with the goal.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

Finding: Not applicable because the proposal does not propose any land use regulation changes to agricultural lands outside of the Newberg Urban Growth Boundary.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

POLICIES:

2. Development in drainageways shall be limited in order to prevent erosion and protect water quality. Trees provide needed protection from erosion and should be maintained.

Finding: Not applicable because the proposal does not propose any land use regulation changes to the Stream Corridor that protects wooded areas within the Newberg Urban Growth Boundary.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

POLICIES:

1. Development shall not exceed the carrying capacity of the air, water or land resource base.

Finding: Newberg has an acknowledged comprehensive plan that complies with this goal and policy. Protections are in place for air, water and land resource quality. This proposal works within those parameters by providing efficiency of residential land uses within the Urban Growth Boundary and complies with the goal and policy.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: Not applicable because the proposal does not modify policies or regulations related to natural hazard areas such as floodplains or landslide areas.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.
2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.
3. To protect, conserve, enhance and maintain the Willamette River Greenway.

Finding: Not applicable because the proposal does not modify policies or regulations related to open space, scenic, historic and recreational resources.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICIES:

1. General Policies
 - a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs. (Ordinance 2006-2634, January 3, 2006)

Finding: The proposal will enhance the ability to meet the target densities in the R-1 and R-2 zones which in turn provides the opportunity for housing at price points that encourage people to live and work in Newberg. The proposal complies with the goal and policy.

I. HOUSING

GOAL: To provide for diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2634)

POLICIES:

1. Density Policies
 - a. Density rather than housing type shall be the most important development criteria and

shall be used to classify different types of residential areas on the plan.

b. Target densities shall be as follows:

Classification	Units Per Gross Acre*
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

**Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.*

3. Mix Policies

j. The City shall encourage innovation in housing types and design as a means of offering a greater variety of housing and reducing housing costs.

m. Within the urban area, land use policies will attempt to provide a broad range of residential uses and encourage innovative development techniques.

r. The City shall support the retention of affordable housing through public education, planning, zoning and community development programs.

Finding: Density is the driver rather than housing type as a criteria. The proposal would assist in meeting density targets of 4.4 units per gross acre in Low Density (R-1) and 9 units per gross acre in Medium Density (R-2) stated in the Newberg Comprehensive Plan. The Newberg Comprehensive Plan indicates that actual development has been occurring at 3.6 units, below the planned density for 4.4 units per gross acre for Low Density. In Medium Density trends are identified at 5.8 units, below the 9 units per gross acre. The proposal would assist in achieving the stated target densities by modifying the lot width at the front building line to allow a different style of housing (narrower building widths). The proposal would also assist in encouraging innovation in housing types such as narrower home styles with the goal of a variety of home styles intermixed with traditional home styles and housing at a reduced costs to home buyers. Finally, the proposal is a zoning approach to addressing housing affordability.

Overall the proposal complies with the goal and policies.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

1. General Policies

l. The City should encourage innovative design and ensure that developments consider site characteristics and the impact on surrounding areas. (Ordinance 2016-2810, December 19, 2016)

p. Developments of medium or high density should be of a quality and design which will effectively offset the greater density. (Ordinance 2016-2810, December 19, 2016)

4. Residential Areas Policies

b. The City will evaluate and encourage various innovative and alternative approaches to zoning, including but not limited to the following: zero lot lines, cluster and density zoning, planned unit developments, performance standards and condominiums.

Finding: The proposal will encourage innovative design for homes on lots with a different width than has traditionally occurred within Newberg. Because a portion of the proposal addresses medium density areas (R-2), developments will need to be creative in design to address the density target of 9 units per gross acre. The proposal does not change zoning of land within the City but does address a dimensional standard on lot width that implements the zoning for R-1 and R-2 zoned lands and brings the lot width at the front building line in alignment with the lot width at the street frontage requirements.

Overall the proposal complies with the goal and policies.

K. TRANSPORTATION

GOAL 8: Maintain and enhance the City's image, character and quality of life.

POLICIES:

- d. The City will encourage development that protects the integrity of existing neighborhoods, commercial, and industrial areas using the following design techniques.
 - 1) New development and new transportation facilities shall be designed to meet the street classification, design, and access standards identified in the Transportation System Plan.

Finding: The R-1 and R-2 zoned lands within Newberg are predominantly served by local residential streets that feed into collector and arterial roadways. The proposal does not change the street classifications identified within the Transportation System Plan by modifying the lot width at the front building line. It maintains the integrity of neighborhoods for residential development and the target densities for R-1 and R-2. The proposal complies with the goal and policy.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

POLICIES:

- 1. All Facilities & Services Policies
 - c. New public facilities and services shall be designed at levels consistent with planned densities and designated land uses for the area.
- 2. Sewers and Water Policies
 - c. Developments with urban densities should be encouraged to locate within the area which can be serviced by Newberg's present sanitary sewer system.

Finding: Newberg has approved water, wastewater and storm water master plans that have been developed based on the target densities of 4.4 units per gross acre for R-1 and 9 units per gross acre for R-2 lands. As previously noted past trends are that densities have not been developing at the targeted densities. Modifications to the lot width at the front building line will assist in meeting the target densities and will be in alignment with the adopted public facilities plans.

Overall the proposal complies with the goal and policies.

"Working Together For A Better Community-Serious About Service"

Z:\MISC\WP5FILES\FILES.DCA (Dev Code TXT Amendmen0)2018\DC18-0002 Lot Width Building Line R-1 & R-2\Planning Commission\DC18-0002 Staff Report to PC 03-08-18.doc

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

POLICIES:

1. Planning Policies

- a. The City will encourage energy-efficient development patterns. Such patterns shall include the mixture of compatible land uses and a compactness of urban development.

Finding: The proposal will continue to assist the City's efforts to have a compact urban form for residential development and as a result assists in conserving energy through an efficient land use pattern. The proposal complies with the goal and policy.

N. URBANIZATION

GOALS:

- 1. To provide for the orderly and efficient transition from rural to urban land uses.
- 2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.
- 3. To create a quality living environment through a balanced growth of urban and cultural activities.

Finding: The proposal is not requesting an Urban Growth Boundary expansion, maintains Newberg's separation from the Portland Metropolitan area and works to meeting the density targets listed in the Comprehensive Plan while balancing growth. The proposal complies with the goal and policies.

Conclusion: The proposed municipal code amendments meet the applicable requirements of the Statewide Planning Goals, and the Newberg Comprehensive Plan, and should be approved.

Reduce The Front Building Width Line In R-1 Zones To 35 Feet And IN R-2 Zones To 25 Feet

DCA18-0002

Newberg City Council

April 2, 2018

BACKGROUND

- The Newberg City Council adopted Resolution 2018-3435, initiating the Municipal Code Amendment on January 16, 2018.
- Del Boca Vista LLC submitted a Development Code Amendment on January 26, 2018.
- Planning staff placed notice on Newberg's website, and posted notice in four public buildings. *The Newberg Graphic* published notice of the hearing on March 21, 2018.

BACKGROUND

Lot width at the public street – Newberg Municipal Code (NMC)

15.405.030D.1.a. states that “Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in NMC 15.05.030, shall be created to provide frontage or access.” This requirement conflicts with another section of the NMC on lot width at the front building line.

BACKGROUND

Lot width at the front building line - Newberg Municipal Code (NMC) 15.405.030D.1.b. states “Each lot in an R-2 and R-3 zone shall have a minimum width of 30 feet at the front building line.” It further states under 15.405.030D.1.c. “Each lot in an R-1, AI, or RP zone shall have a minimum width of 50 feet at the front building line.”

NMC 15.05.030 Definitions, defines the front building line as “Building line, front means a line extending parallel with and abutting the front of the closest building to a front lot line.”

BACKGROUND

On-street parking – A typical 400 foot block length it would allow 10 houses on each side of the block. On each side of the street six on-street parking spaces could be provided in addition to the requirement for two off-street parking spaces per house. There is no stated parking stall length for parking on a local residential street in the NMC or the Transportation System Plan. Staff provided guidance to use 18 feet – 20 feet for these stalls.

BACKGROUND

Lot Size – The proposal does not change the lot size requirements of NMC 15.405.010 Lot area – Lot areas per dwelling unit. R-1 remains with a lot size of 5,000 square feet and R-2 remains at 3,000 square feet.

Lot Coverage – The proposal does not change the lot coverage requirement of NMC 15.405.040 Lot coverage and parking coverage requirements. R-1 remains at 30 percent, or 40 percent if all structures on the lot are one-story. Maximum Parking Coverage in R-1, remains at 30 percent. The Combined Maximum Lot and Parking Coverage for R-1 remains at 60 percent.

R-2 remains at 50 percent. Maximum Parking Coverage in R-2, remains at 30 percent. The Combined Maximum Lot and Parking Coverage for R-2 remains at 60 percent.

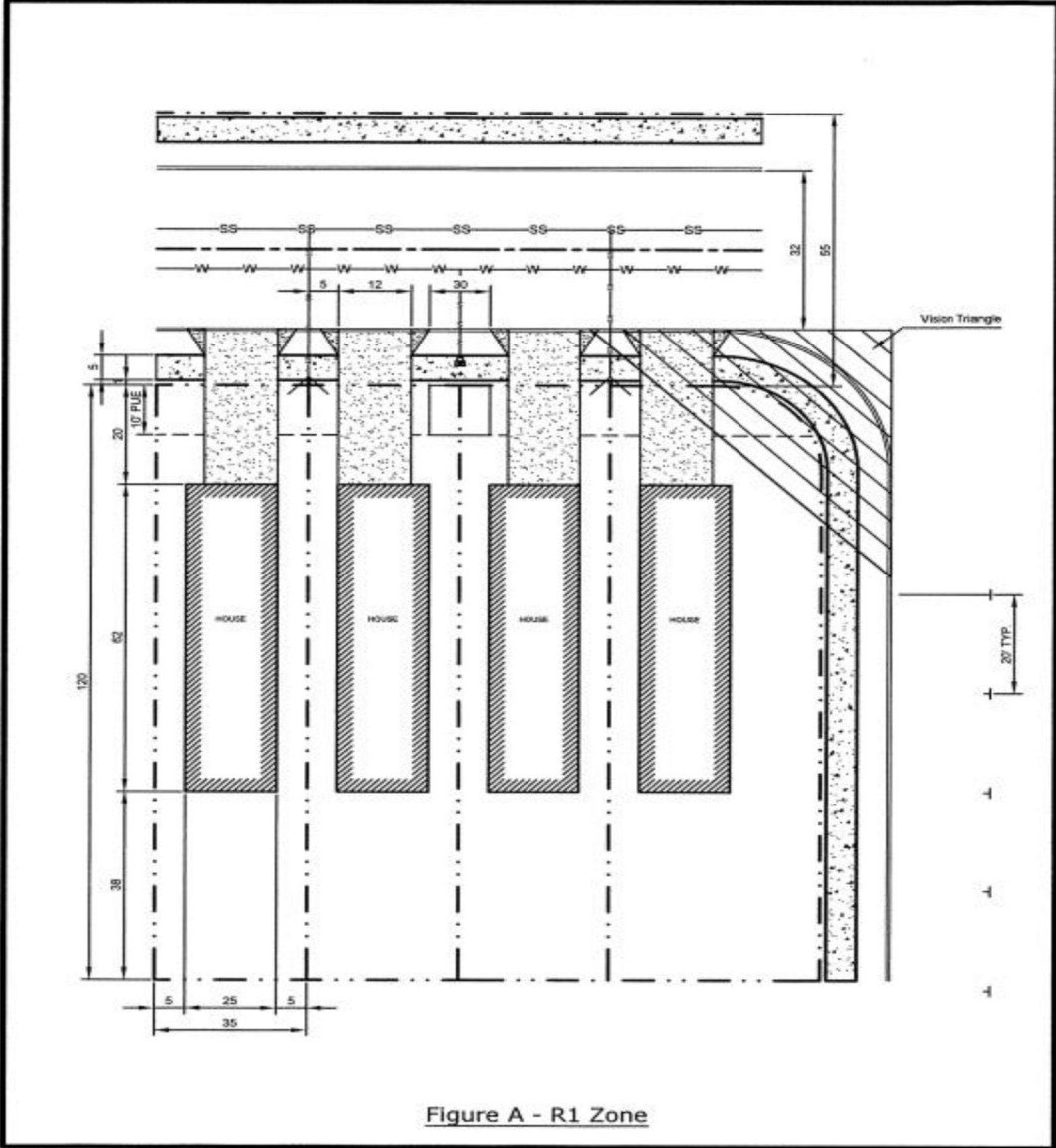
Proposal Municipal Code

15.405.030 Lot dimensions and frontage.

D. Frontage.

1. No lot or development site shall have less than the following lot frontage standards:
 - b. Each lot in R-2 zone shall have a minimum width of 25 feet at the front building line and R-3 zone shall have a minimum width of 30 feet at the front building line.
 - c. Each lot in R-1 zone shall have a minimum width of 35 feet at the front building line and AI or RP shall have a minimum width of 50 feet at the front building line.

Parking Examples



Parking Examples

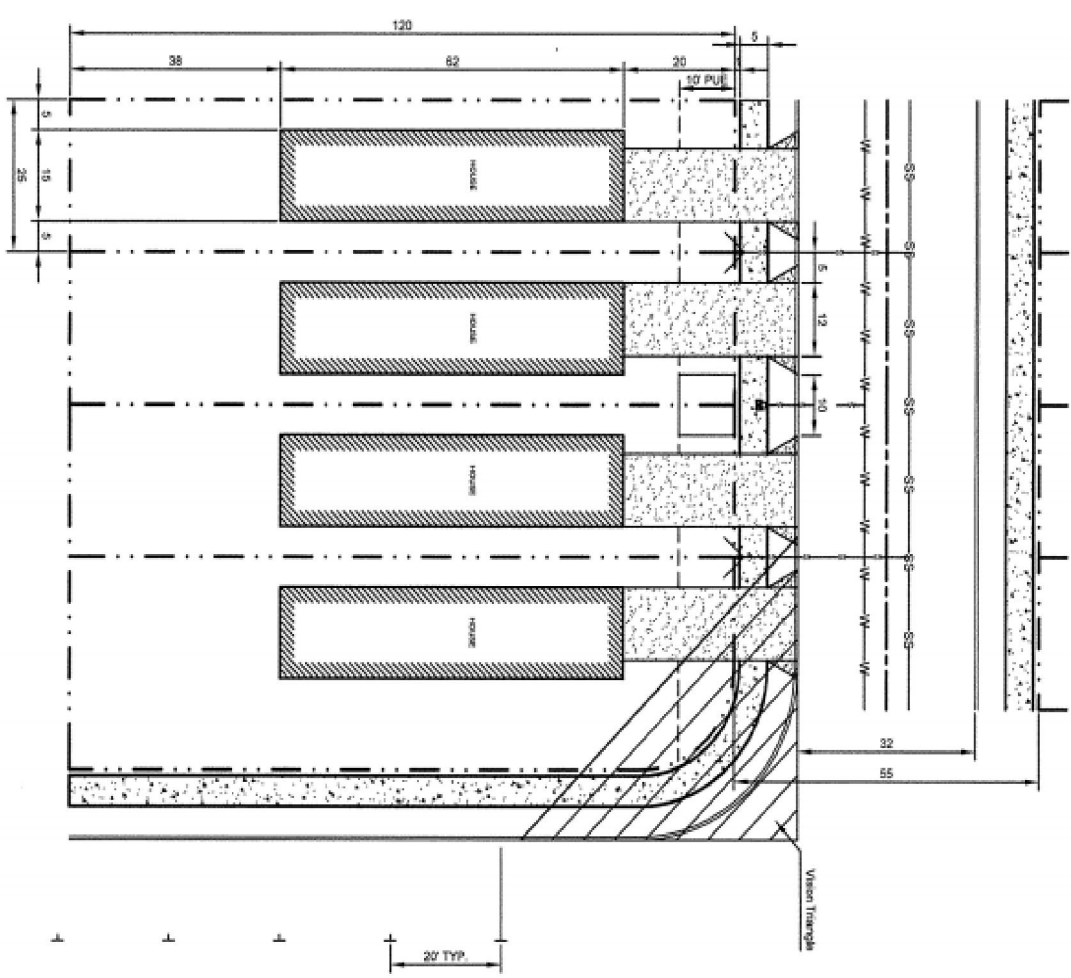


Figure B - R2 Zone

Parking Examples

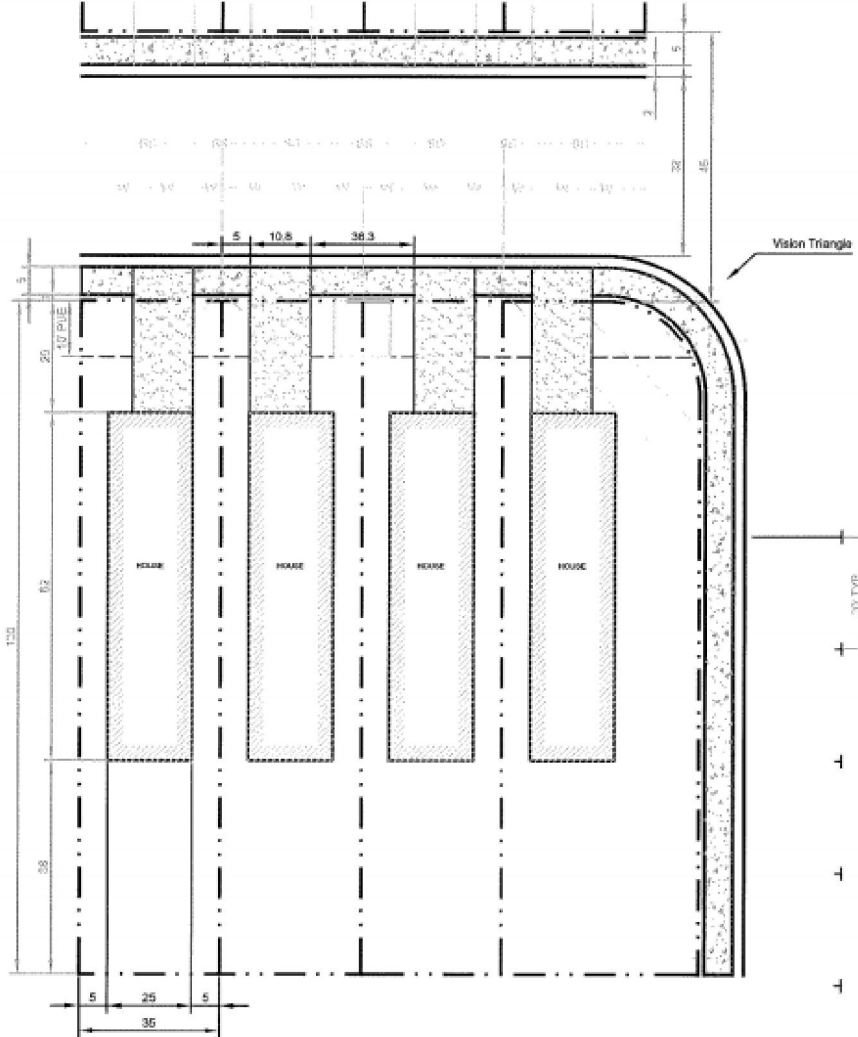


Figure 1 - R1 Zone

Parking Examples

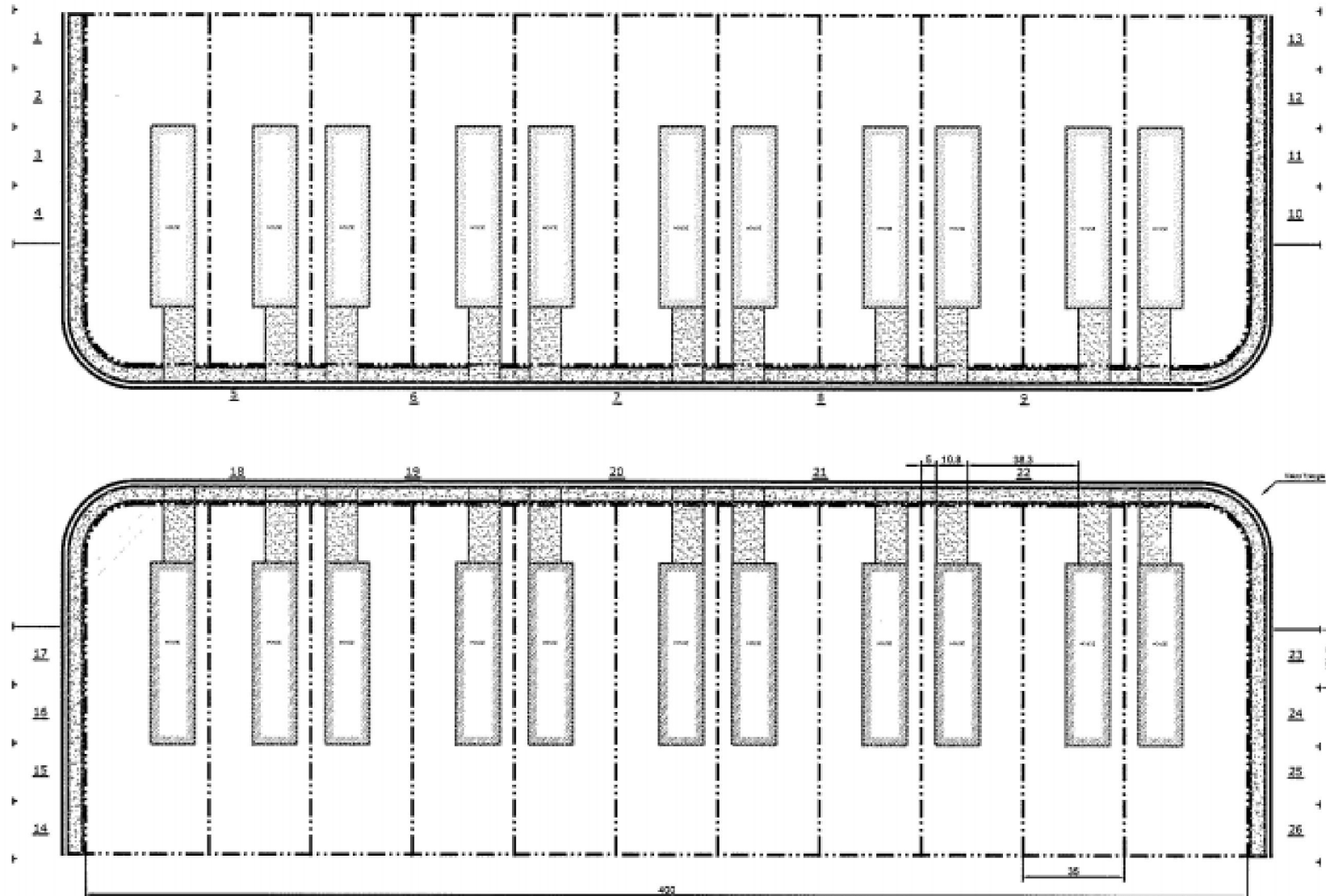


Figure 2 - R1 Zone

Parking Examples

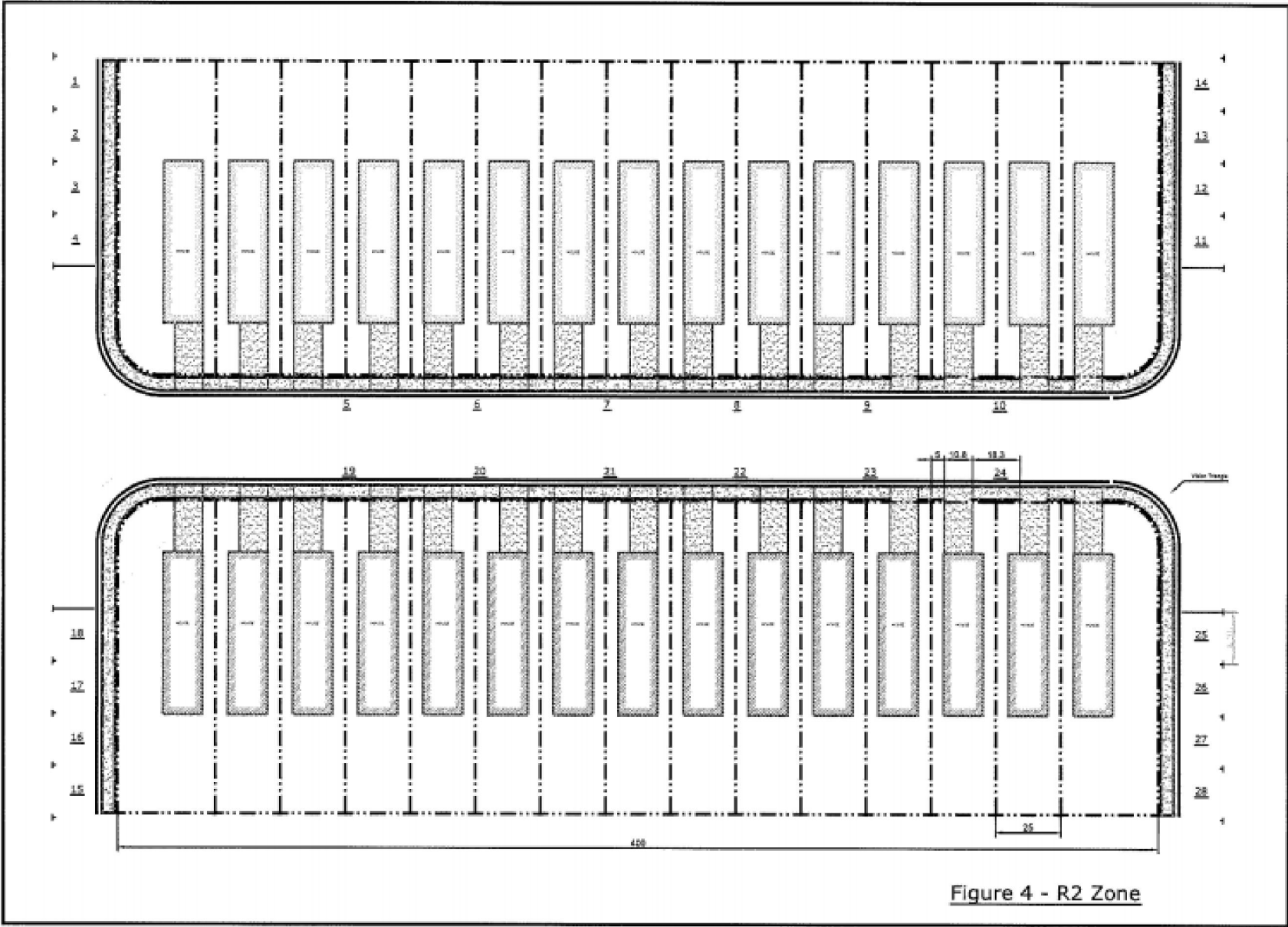


Figure 4 - R2 Zone

Parking Examples



Figure 5 - Example 25ft wide lot development on N. Burrage Ave in Portland



Figure 6 - Example of curb tight sidewalk development on SW Whistling Swan Ln, Beaverton, OR

RECOMMENDATION

- Adopt Ordinance No. 2018-2830 as recommended by Planning Commission Resolution No. 2018-337.
- Recommendation based on findings that the proposal meets the applicable Comprehensive Plan goals and policies and development code process of 15.100.060.

Large Residential Annexations Or Urban Growth Boundary Expansions To Include Some R-3 Multi-family Residential Land

CPTA-17-0003 and DCA18-0003

Newberg City Council

April 2, 2018

BACKGROUND

- On May 11, 2017 the Newberg Planning Commission initiated a Newberg Comprehensive Plan and Municipal Code Amendment to evaluate the topic of annexations and providing higher density zoning to some of the lands that are being annexed.
- The impetus for the evaluation was the annexation of land in north Newberg located south of NE North Valley Road and east of N Chehalem Drive called Dutchman Ridge.

BACKGROUND

- The discussion at the time focused on the use of the words “large” and “some”. Through the Dutchman Ridge annexation process the Planning Commission identified “large” as 40 acres and “some” was not defined.
- Planning staff placed notice on Newberg’s website, and posted notice in four public buildings. The Newberg Graphic published notice of the hearing on March 21, 2018.

BACKGROUND

- The Planning Commission worked through the four Workshops to define “large” and “some”. Their consensus was the following:
 - a. The net size of the parcel (after subtracting for stream corridor overlays) should be used instead of the gross size.
 - b. The size of an annexation or UGB amendment application is based on the aggregate size of all the parcels in the application, and not on the size of individual parcels.
 - c. The threshold for “large” should be set at 15 net acres.
 - d. “Some” should be defined as 10% of the net size of the application.

PROPOSAL COMPREHENSIVE PLAN

I. HOUSING

POLICIES:

2. Location Policies

b. While the policies in (a) above are desirable, they are not absolute requirements and are a lower priority than the goal of dispersing R-3 multi-family housing throughout the City.

PROPOSAL COMPREHENSIVE PLAN

3. Mix Policies

- b. ~~Low and moderate income~~ Multi-family housing should not be concentrated within particular areas of the City.
- k. The City shall encourage an adequate supply of ~~rental~~ multi-family housing dispersed throughout the City to meet the needs of renters.

PROPOSAL COMPREHENSIVE PLAN

- x. Where large ~~residentially designated~~ parcels or groups of parcels are to be ~~annexed~~ brought into the urban growth boundary and designated low or medium density residential, the City shall apply a mixture of ~~zoning~~ residential designations, to include some ~~R-3-zoned~~ HDR-designated lands, consistent with the policy of distributing multi-family housing ~~affordable housing~~ throughout the community. Such designations ~~zoning~~ shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

PROPOSAL COMPREHENSIVE PLAN

y. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

Proposal Municipal Code

15.250.030 Quasi-judicial annexation criteria.

A.

1. Where large LDR or MDR designated parcels or groups of parcels are to be annexed, the applicant(s) shall concurrently apply for a comprehensive plan map amendment to include some HDR-designated/R-3 zoned lands, consistent with the policy of distributing R-3 multi-family housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.

For the purposes of this policy, “large” is defined as an area greater than 15 net acres, after subtracting for land in stream corridor overlays. “Some” is defined as 10% of the net size of the application.

RECOMMENDATION

- Adopt Ordinance No. 2018-2826 as recommended by Planning Commission Resolution No. 2018-338.
- Recommendation based on findings that the proposal meets the applicable Comprehensive Plan goals and policies and development code process of 15.100.060.

Reduce The Front Building Width Line In R-1 Zones To 35 Feet And IN R-2 Zones To 25 Feet

DCA18-0002

Newberg City Council

April 2, 2018

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Parking Examples

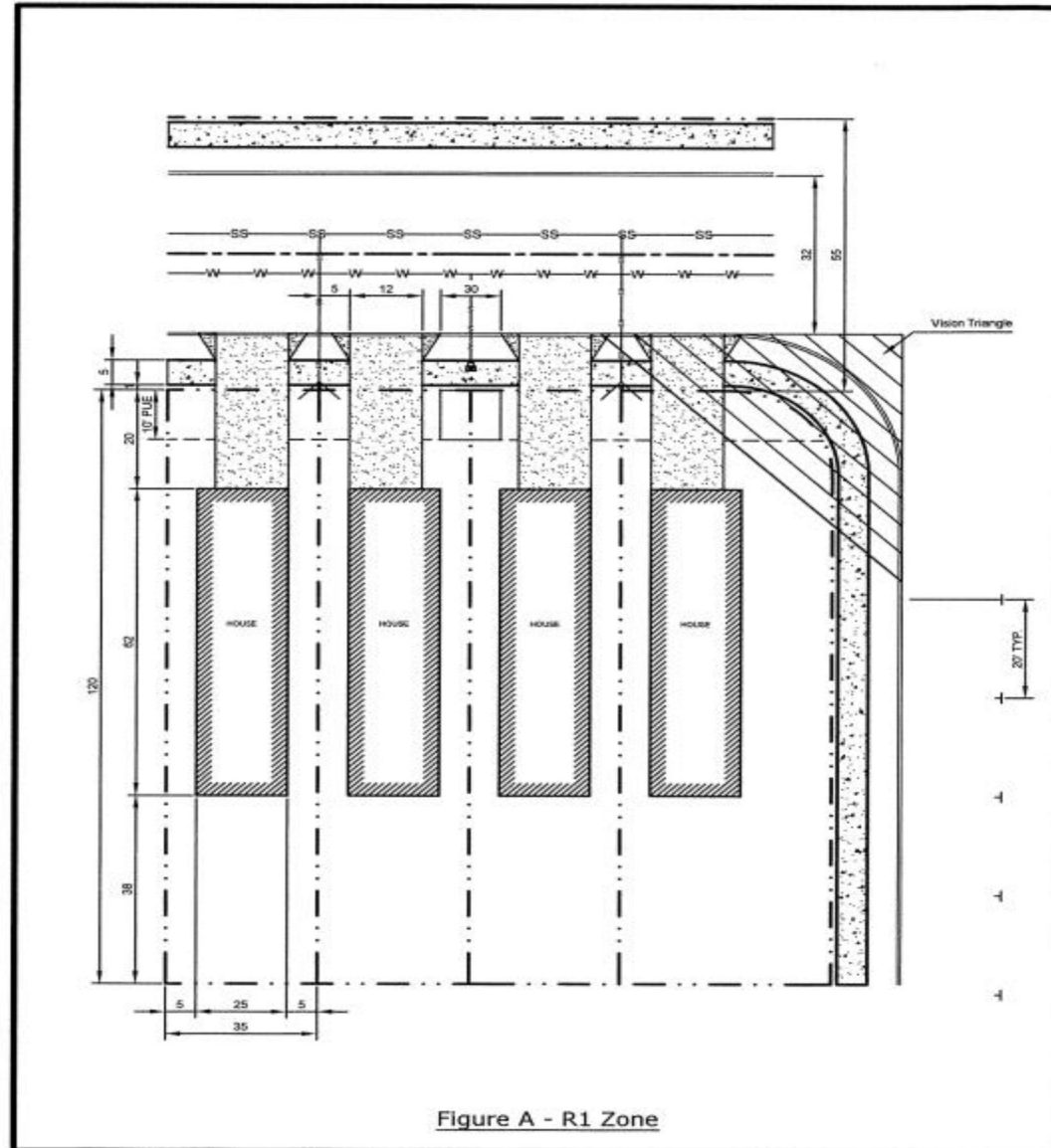


Figure A - R1 Zone

Parking Examples

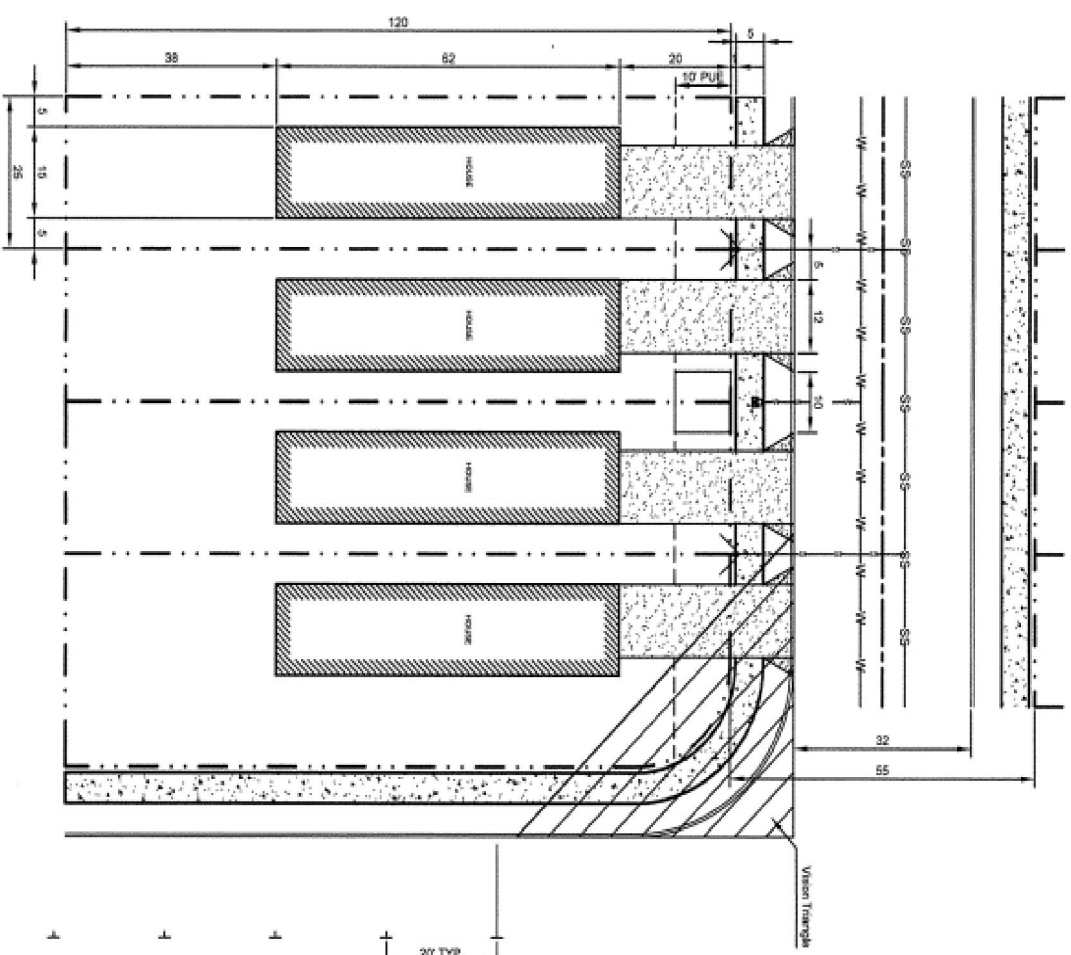


Figure B - R2 Zone

Parking Examples

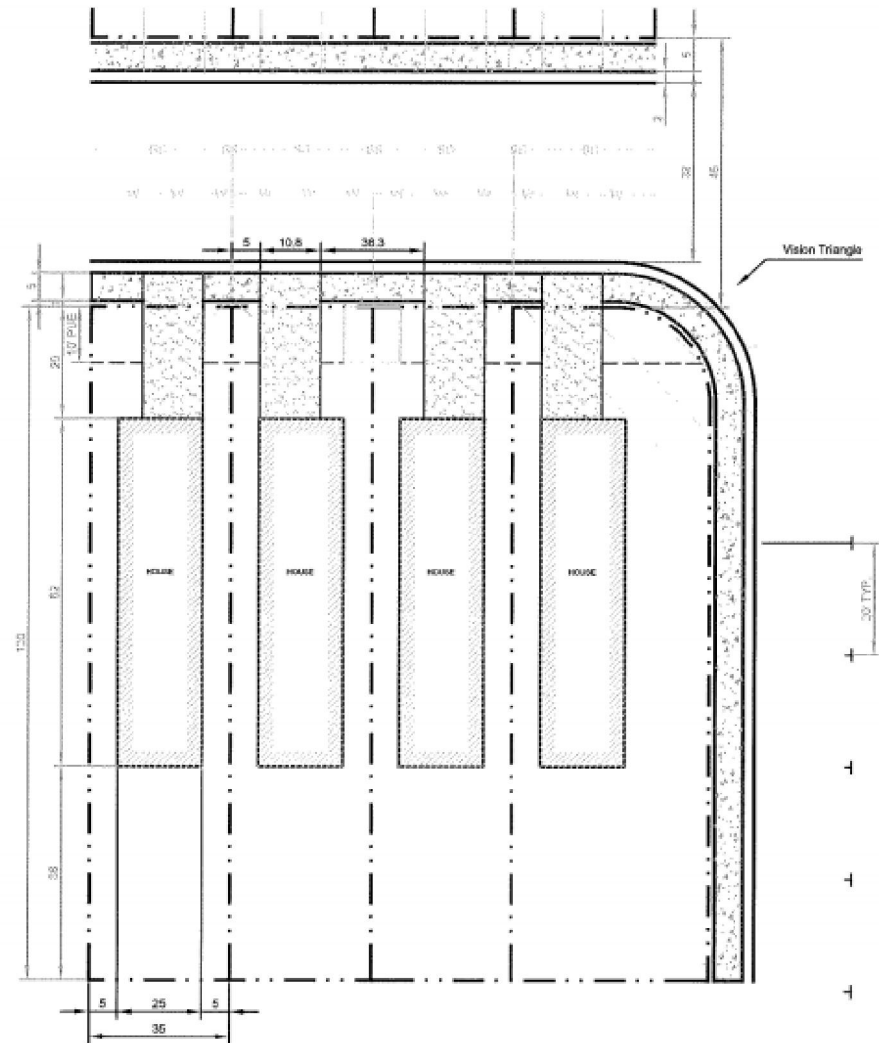


Figure 1 - R1 Zone

Parking Examples

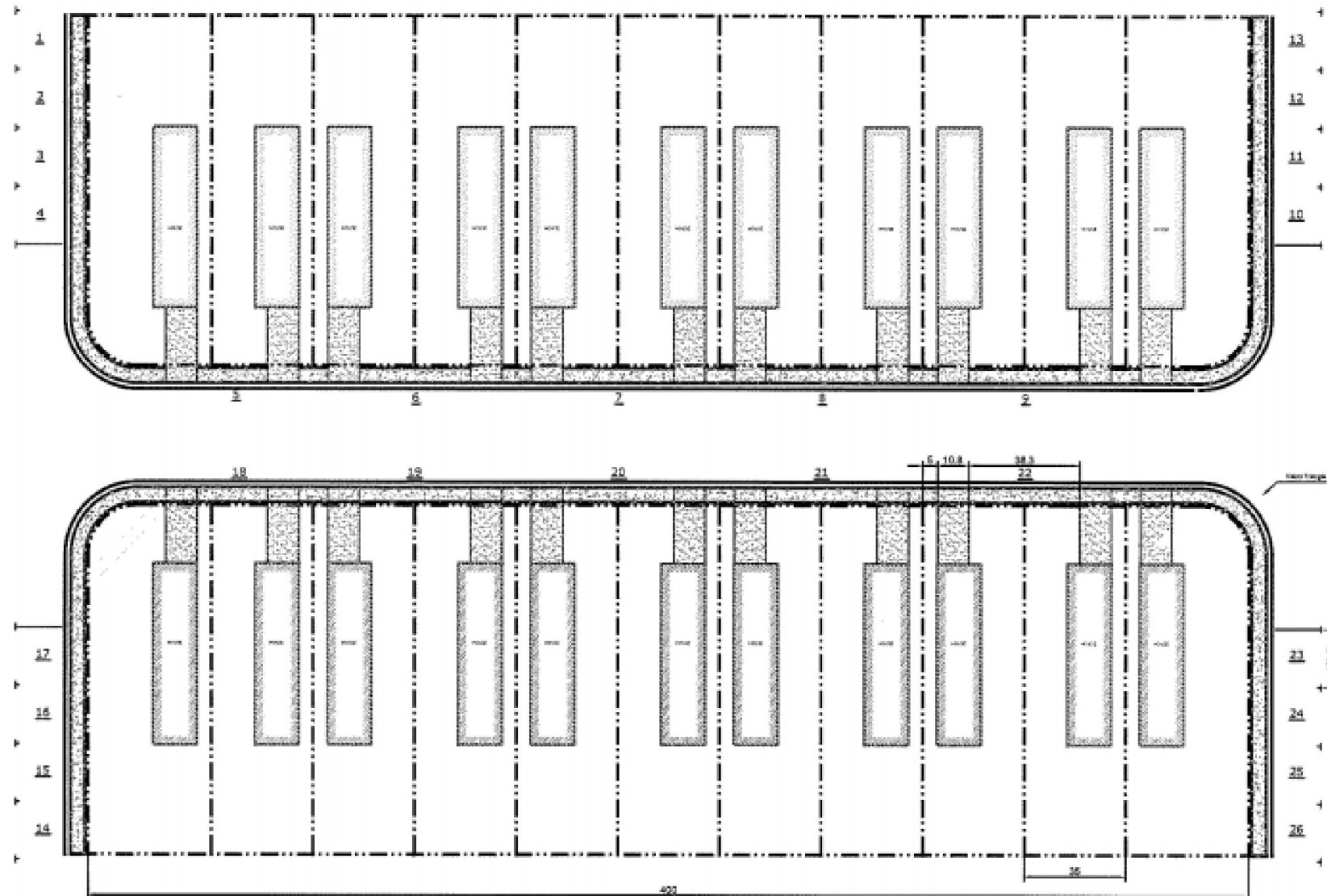


Figure 2 - R1 Zone

Parking Examples

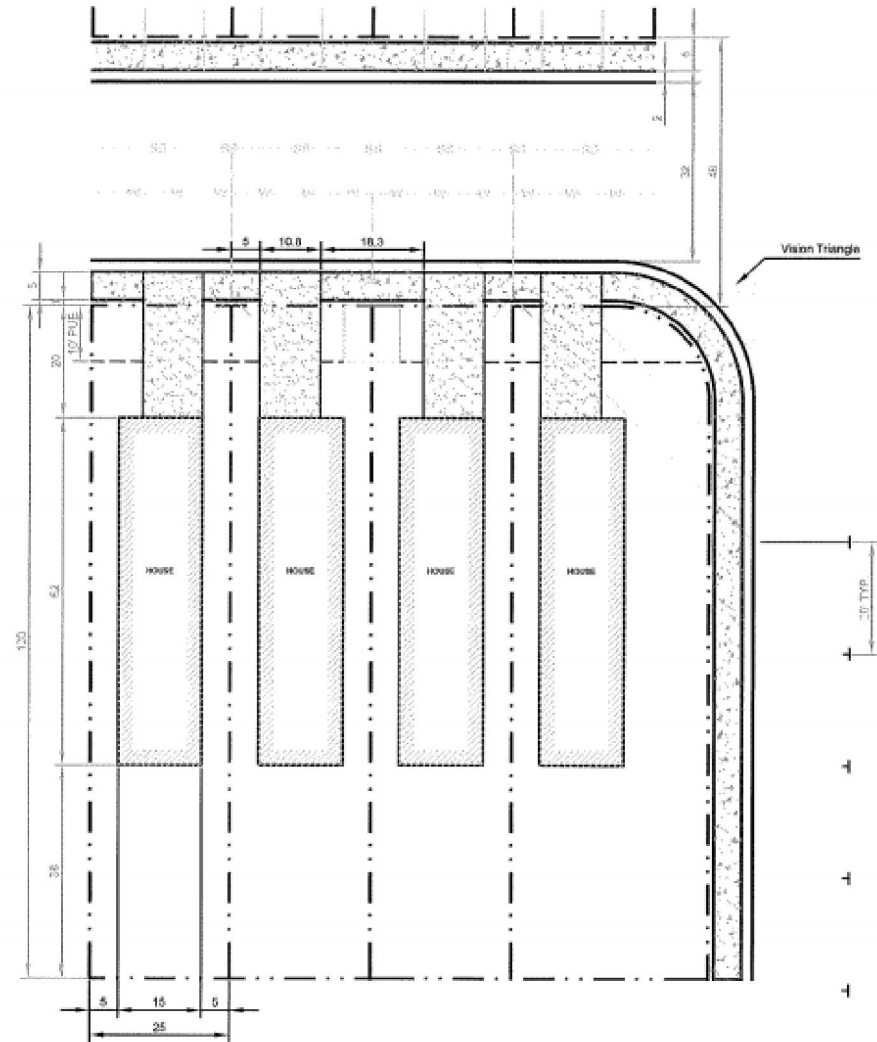
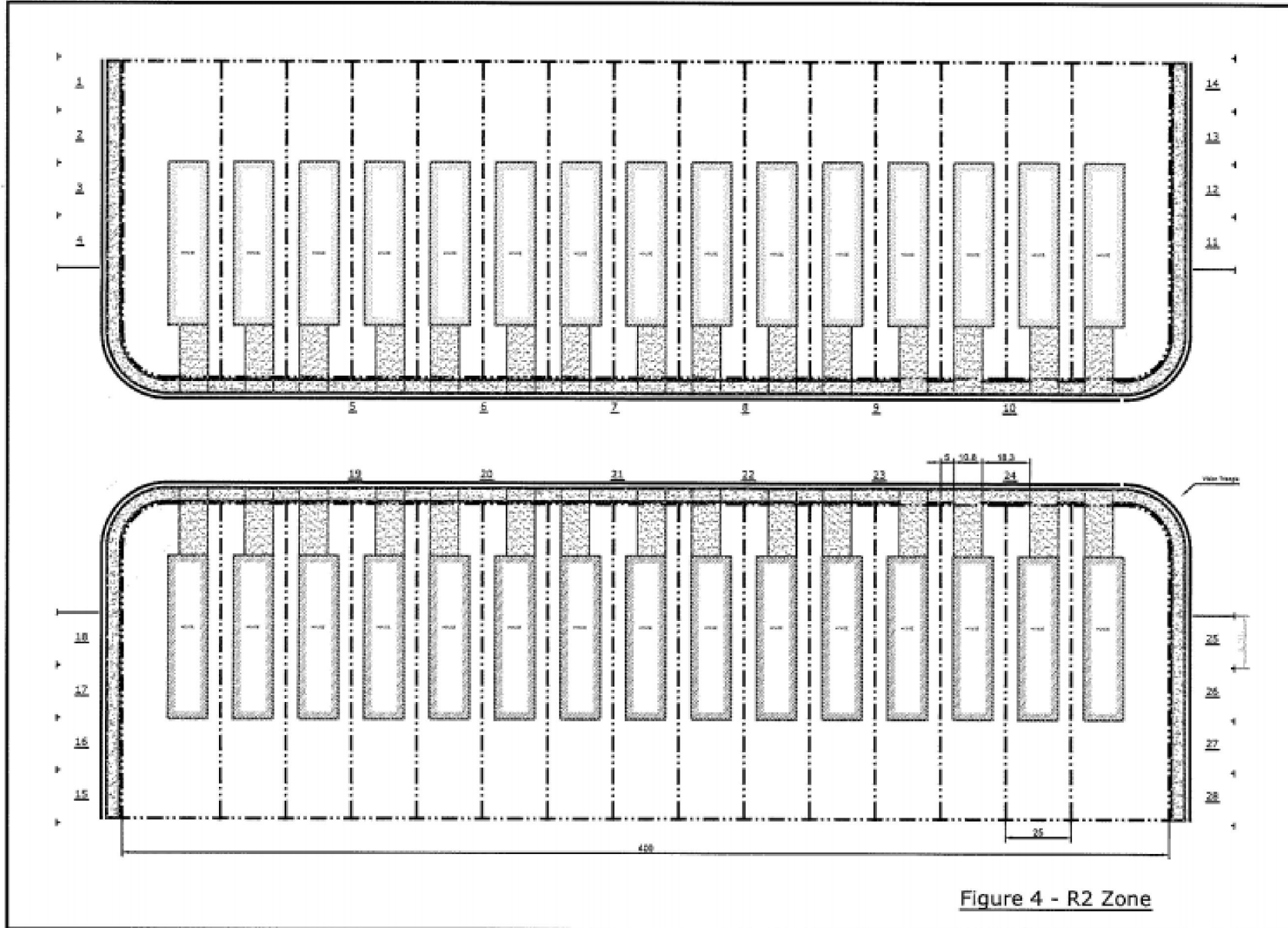


Figure 3 - R2 Zone

Parking Examples



Parking Examples



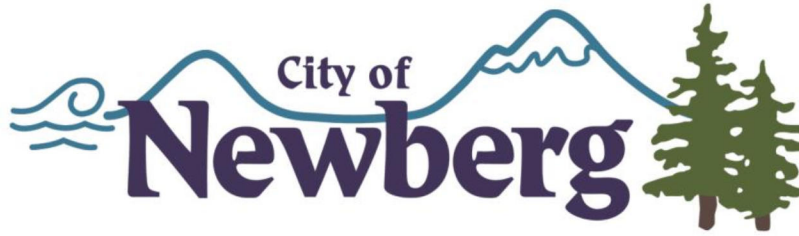
Figure 5 - Example 25ft wide lot development on N. Burrage Ave in Portland



Figure 6 - Example of curb tight sidewalk development on SW Whistling Swan Ln, Beaverton, OR

RECOMMENDATION

- Adopt Ordinance No. 2018-2830 as recommended by Planning Commission Resolution No. 2018-337.
- Recommendation based on findings that the proposal meets the applicable Comprehensive Plan goals and policies and development code process of 15.100.060.



Utility Rate Review

City Council Public Hearing

April 2, 2018

Agenda

- Overview of Rate-Setting Process
- Capital Requirements
- Recommendations
- Comparisons

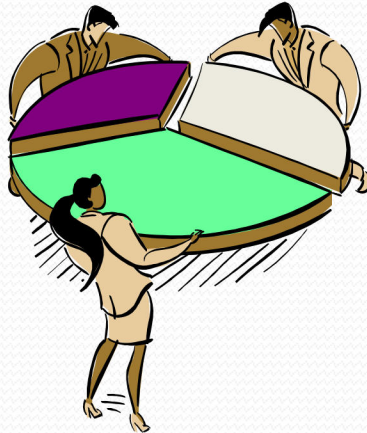
Overview of Rate-Setting Process

3-Step Rate-Setting Process

Financial Plan



Cost of Service Analysis



Rate Design



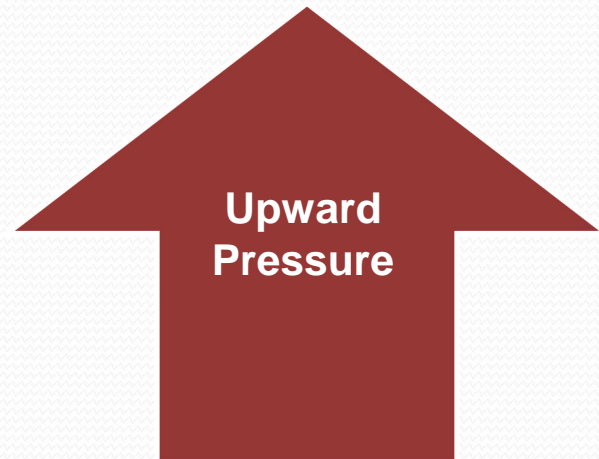
Key Rate Drivers



- * Steady consumption and customer growth
- * Future debt refinancing
- * Existing reserves (wastewater)

Required Revenue Increases from Rates

- * Replacement of aging infrastructure
- * Large debt burden (water & wastewater)
- * System reliability upgrades
- * Maintain adequate operating and capital reserves



Capital Requirements

Capital Improvement Plan (Water)

Inflation- Adj	Fiscal Year						
Capital	FY 2017-18	FY 2018-19	FY 2019-20	FY 2020-21	FY 2021-22	FY 2022-23	Total
Total (\$m)	\$2.0	\$2.0	\$2.3	\$4.1	\$2.6	\$2.3	\$15.38

Key Projects:

- *Redundant Water Supply (\$4 m)*
- *Chehalem Drive Extension (\$1 m)*
- *Bell Pump stations (\$2.5 m)*
- *Pipe upsizing and replacement (\$3.5 m)*
- *Fixed base radio read (\$1 m)*



Capital Improvement Plan - Wastewater

Inflation- Adj Capital	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Total
Total (\$m)	\$4.4	\$1.5	\$2.8	\$4.0	\$2.2	\$1.6	\$16.4

Key Projects:

- *Hess Creek (\$3.5 m)*
- *Infiltration & Inflow (\$5 m)*
- *Dayton Ave Pump station (\$2 m)*
- *Oxidation ditch structural (\$2 m)*
- *Chehalem Extension (\$1 m)*



Capital Improvement Plan (Stormwater)

Inflation- Adj Capital	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023	Total
Total	\$950,000	\$154,500	\$596,756	\$601,000	\$416,438	\$637,601	\$3,356,295

Key Projects (through 2023):

- *Drainage upgrades (\$2.0 m)*
- *Water Quality/regulatory (\$0.3 m)*
- *Maintenance facility (\$0.5 m)*



Recommendations

Annual Revenue Increases*

System	Effective Jan 1, 2019	Effective Jan 1, 2020
Water	4.0%	4.0%
Wastewater	3.5%	3.5%
Stormwater	9.0%	9.0%
Transportation Utility Fee	0.0%	0.0%

*Projected overall annual increase from all rates collectively;
changes to individual rate components vary

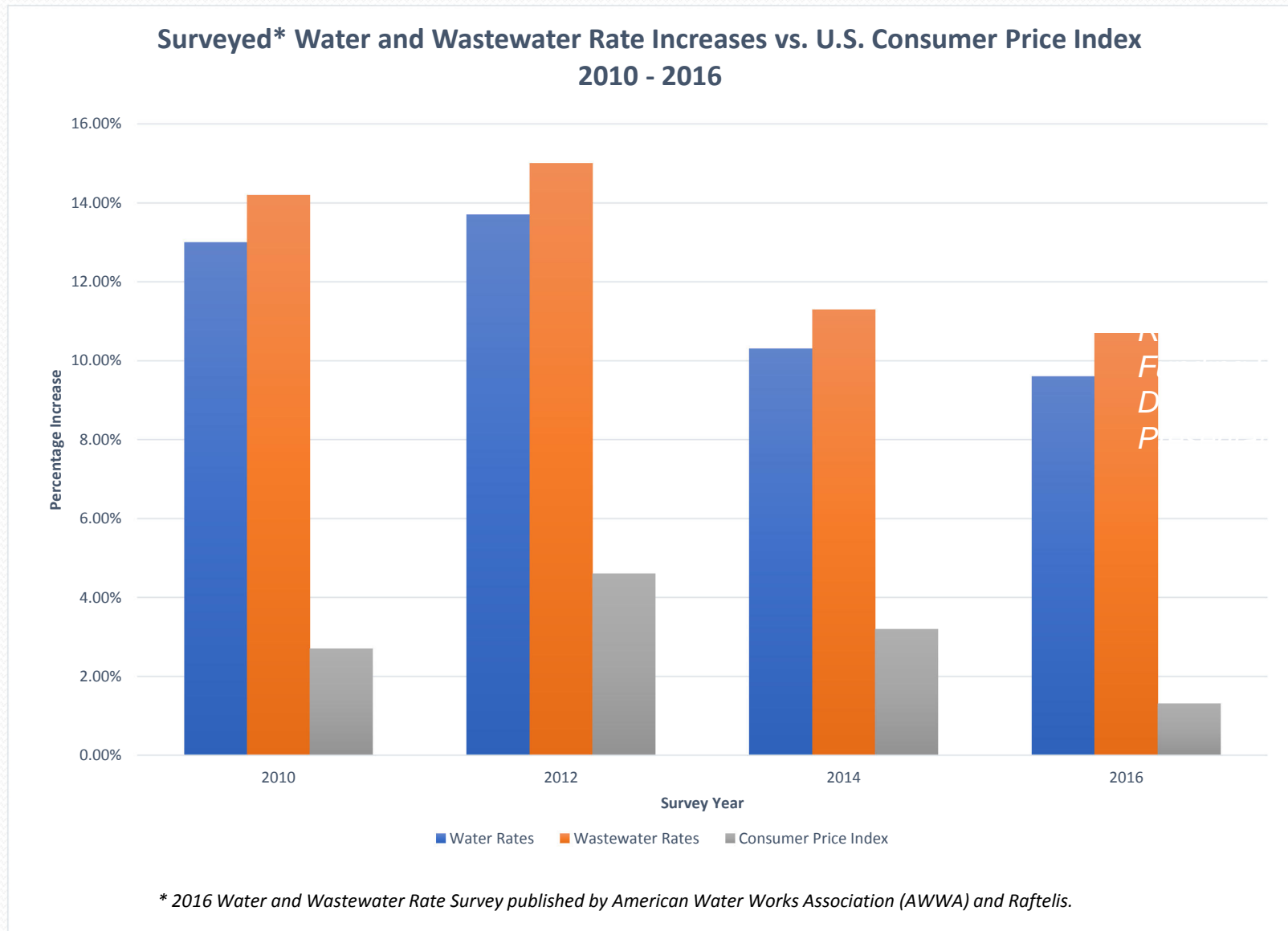
Other Recommendations

- Increase fixed charge cost recovery
 - Water = 30%
 - Wastewater = 35%
- Maintain adequate cash reserves
 - Operating = 60 days
 - Capital reserves
 - Rehabilitation & replacement 1-2% asset value
 - Target 5% sales revenue
 - Balance against rate impacts

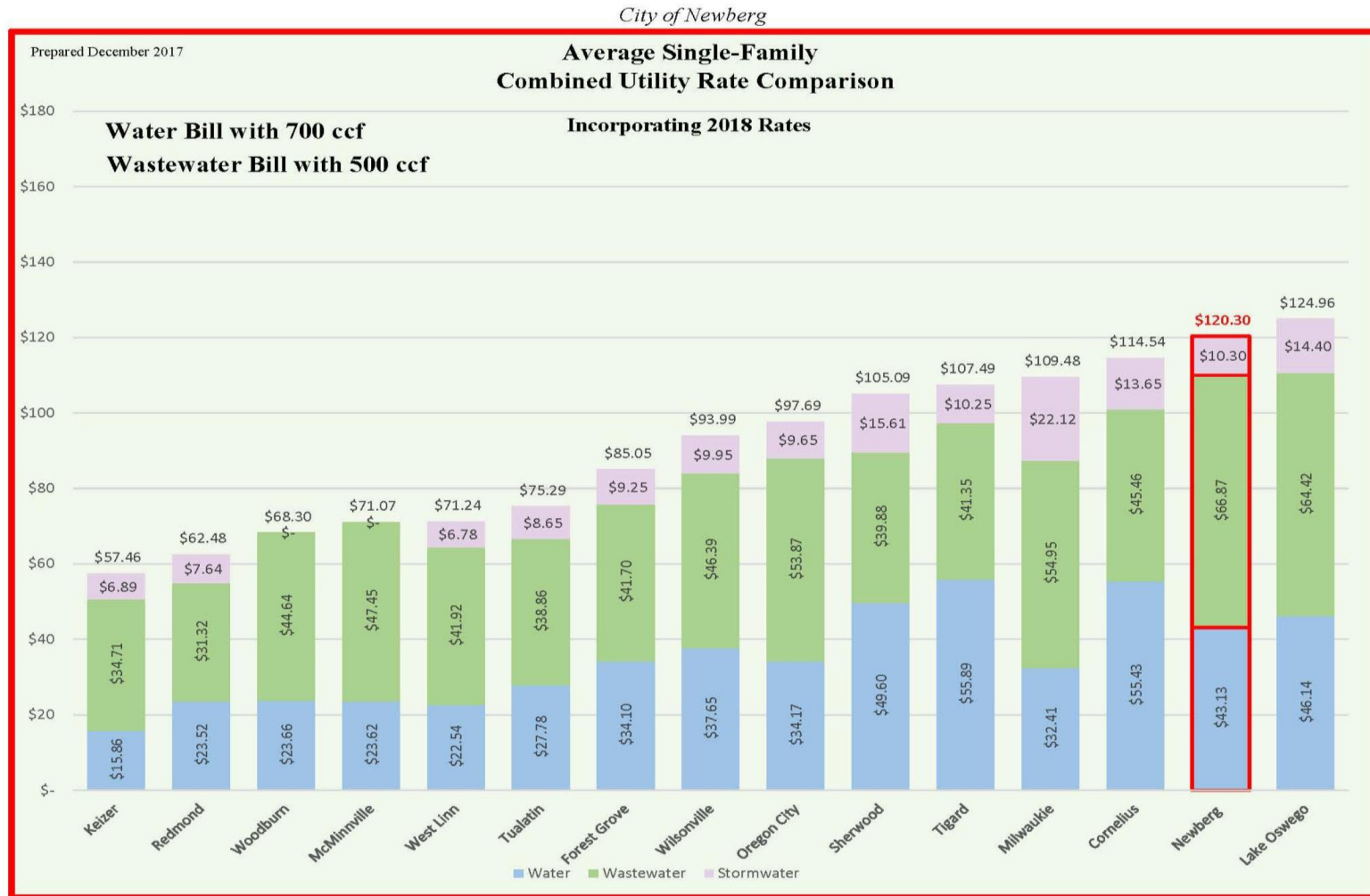
Typical Residential Bill – All Systems

Overall Increase					1-Jan	1-Jan
2019	2020	System	Units	Current	2019	2020
4.0%	4.0%	Water	7	\$43.16	\$44.83	\$46.84
3.5%	3.5%	Sewer	5	\$66.87	\$69.41	\$71.85
9.0%	9.0%	Storm	1	\$10.30	\$11.23	\$12.24
		TUF	1	\$4.99	\$4.99	\$4.99
		Public Safety	1	\$3.00	\$3.00	\$3.00
		Communication	1	\$2.04	\$2.04	\$2.04
		Total		\$130.36	\$135.50	\$140.96
		<i>Difference \$</i>			<i>\$5.14</i>	<i>\$5.46</i>
		<i>Difference %</i>			<i>3.9%</i>	<i>4.0%</i>

National Rate Increases vs. Inflation*



Residential Utility Bill Comparison (2018)



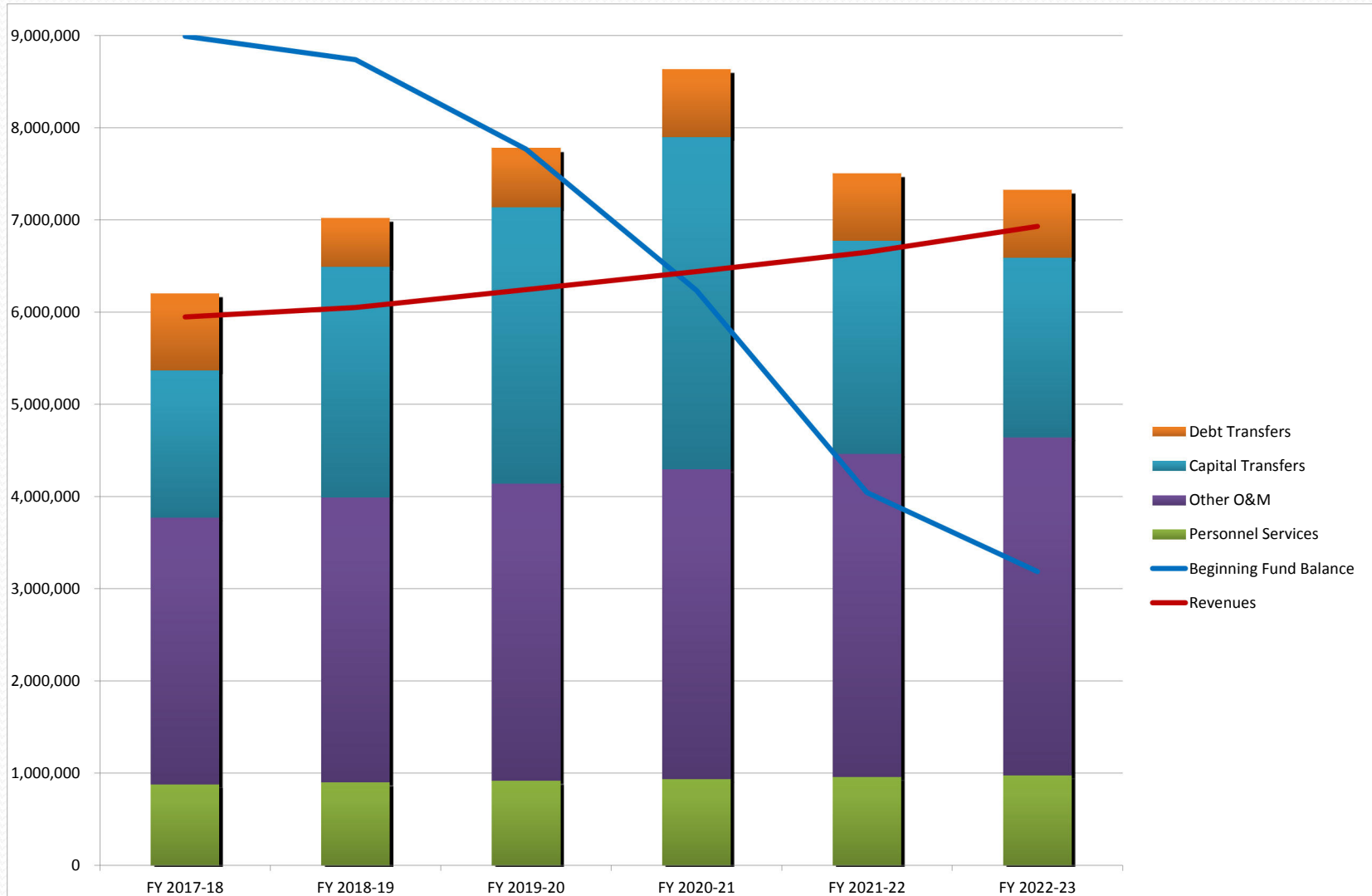
Factors Impacting Bill Comparison

- Regional systems vs. single system
- Infiltration & inflow investment
- Debt burden
- City policies (e.g. franchise fees)
- Public vs private

BACK-UP SLIDES

Financial Forecast - Water

Recommended annual rate revenue increase = 4.0%



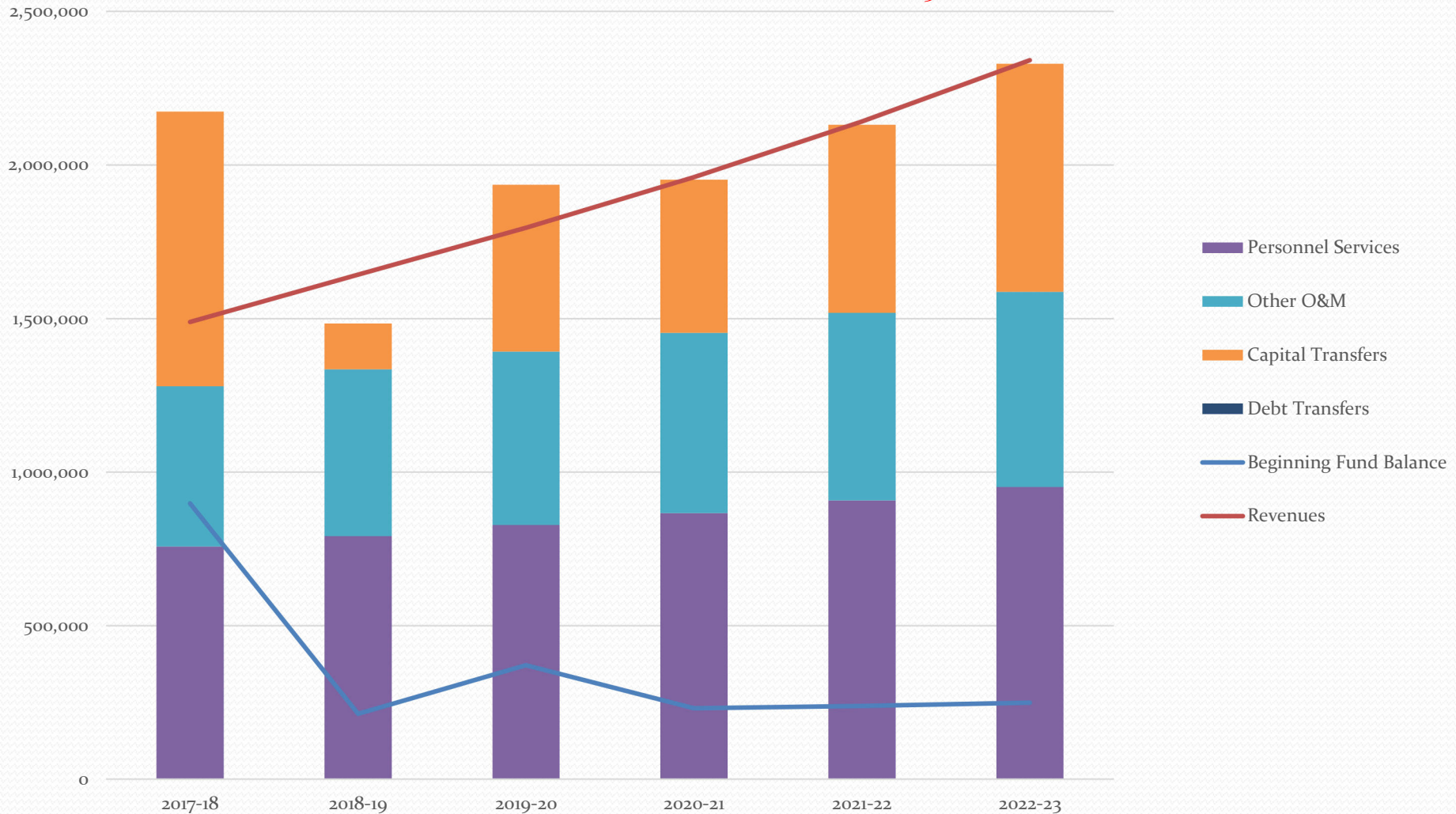
Financial Forecast - Sewer

Recommended annual rate revenue increase = 3.5%

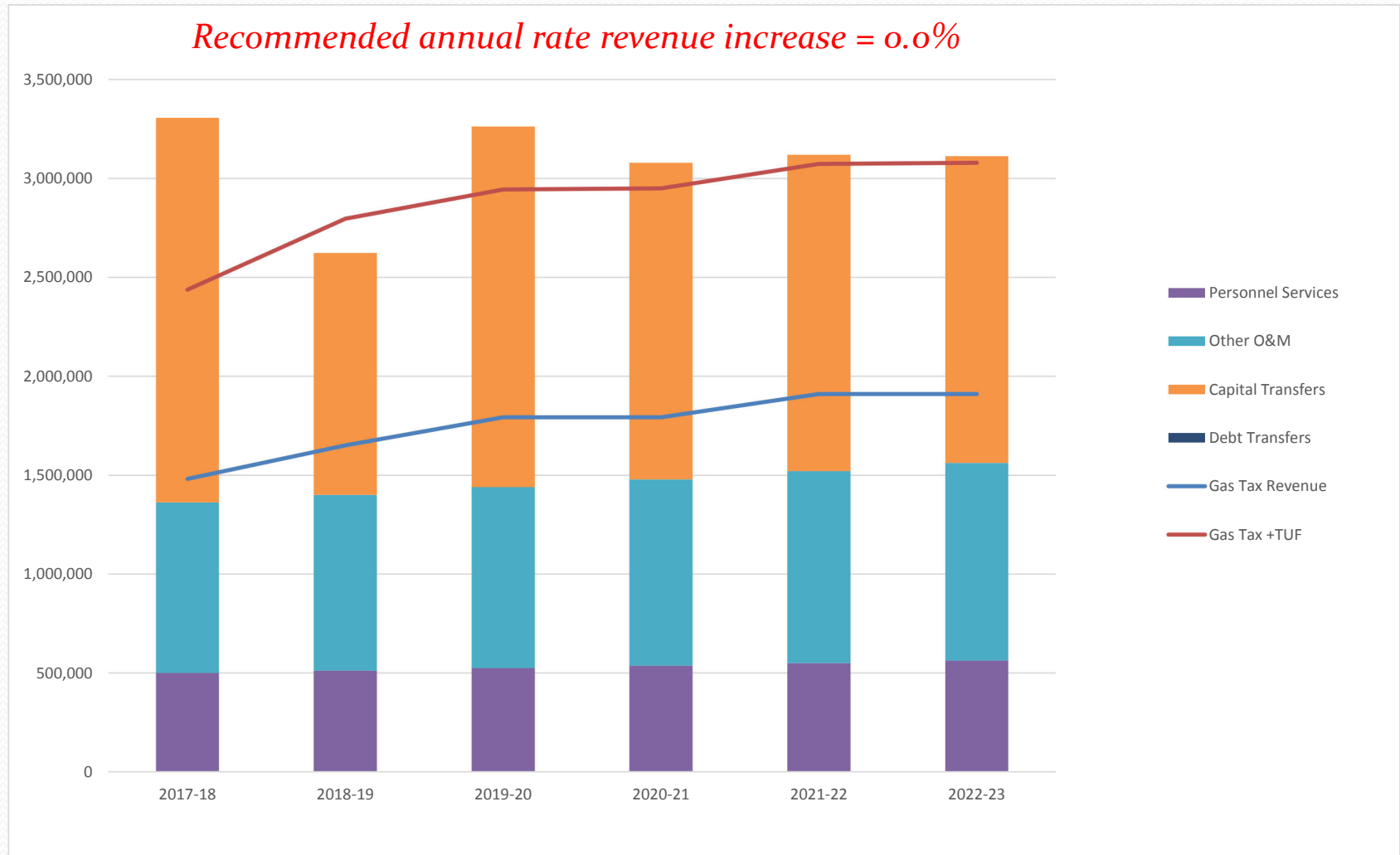


Financial Forecast - Stormwater

Recommended annual rate revenue increase = 9.0%



Financial Forecast – Transportation



**See handout for rate schedule*

NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: April 2nd, 2018

Prepared by: Sue Ryan

Councilors	Roll Call	Consent Minutes 3/5	Res 3450 Water Rates	Res 3451 Wastewater Rates	Res 3452 Stormwater Rates	Waiver 2 nd reading Ord 2829	Ord 2829 Traffic Safety Commission
ANDREWS, Bob, Mayor	X	Yes	Yes	Yes	Yes	Yes	Yes
BACON, Denise	A	Absent	Absent	Absent	Absent	Absent	Absent
COREY, Mike	X	Yes	Yes	Yes	Yes	Yes	Yes
ESSIN, Scott	X	Yes	Yes	Yes	Yes	Yes	Yes
JOHNSON, Patrick	X	Yes	Yes	Yes	Yes	Yes	Yes
McKINNEY, Stephen	X	Yes	Yes	Yes	Yes	Yes	Yes
MURRAY, Matt	X	Yes	Yes	Yes	Yes	Yes	Yes
ROLL CALL VOTES		YES: 6 NO: 0 ABSENT: 1	YES: 6 NO: 0 ABSENT: 1	YES: 6 NO: 0 ABSENT: 1	YES: 6 NO: 0 ABSENT: 1	YES: 6 NO: 0 ABSENT: 1	YES: 6 NO: 0 ABSENT: 1
MOTION (1 st /2 nd):		Corey/Essin	Corey/McKinney	Murray/Corey	Corey/Murray	McKinney/Corey	McKinney/Corey
Follow Up/Dept. contact Note if property or contract		City Recorder Sue	Finance Matt	Finance Matt	Finance Matt		Engineering Brett
Public Comment requests	4/2 - None						

Meeting adjourned at 9:30 p.m.

PCM also present for Work Session – Chairman Phil Smith, Jason Dale, John Wuitschick, Jr.

Councilors	Roll Call	Waiver 2 nd reading Ord 2826	Waiver 2 nd reading Ord 2830	Ord 2830 Changing building line width		
ANDREWS, Bob, Mayor	X	No	Yes	Yes		
BACON, Denise	A	Absent	Absent	Absent		
COREY, Mike	X	Yes	Yes	Yes		
ESSIN, Scott	X	No	Yes	Yes		
JOHNSON, Patrick	X	Yes	Yes	Yes		
McKINNEY, Stephen	X	No	Yes	Yes		
MURRAY, Matt	X	Yes	Yes	Yes		
ROLL CALL VOTES		YES: 6 NO: 0 ABSENT: 1	YES: 5 NO: 1 ABSENT: 1	YES: 5 NO: 1 ABSENT: 1		
MOTION (1 st /2 nd):		Johnson/Murray	Essin/Corey	Essin/Murray		
Follow Up/Dept. contact Note if property or contract				Community Development Doug		
Public Comment requests	4/2 - None					