

Council Roundup for June 7, 2021

The Newberg City Council met on June 7, 2021 and took the following actions.

Approved Resolutions:

2021-3733 & 2021-3734 for State Revenue Sharing for FY 2021-22.

2021-3735 for Adoption of City of Newberg Budget for FY 2021-22.

2021-3741 for Intergovernmental Agreement with City of Dundee for law enforcement services.

2021-3737, Contract award to James W. Fowler for Wastewater Treatment Plant oxidation ditch.

2021-3738, Negotiation with North Valley Friends Church for real property purchase for Bell West Water Pump Station.

2021-3736, Contract award to The Saunders Company for NE Chehalem Wastewater and Water Extension Project.

2021-3744 Change order with First Cascade Corporation for Wastewater admin remodel project.

Approved Ordinance:

2021-2800, Amending Title 15 of the Newberg Municipal Code to make changes on duplex regulations.

In other business,

Proclaimed June 2021 as Pride Month.

Met jointly with Planning Commission on Middle Housing changes in land use law for triplexes, townhouses, quadplexes, and cottage clusters.

Heard activity report from City Manager. Heard from residents on the Building regulations for businesses, and plans for street development and pavement.

Set interviews for student committee applicants for June 23 and 24 at 6:30 p.m.

The Newberg Urban Renewal Agency met on June 7, 2021 and took the following actions.

Approved Resolution:

2021-02 Begin formal review process to adopt an Urban Renewal Plan.



City Council Work Session

June 7, 2021 - 6:00 PM

Join at <https://zoom.us/j/92654284931>

or by phone: 1 346 248 7799 or 1 669 900 6833 or 1 253 215 8782

webinar id: 926 5428 4931

1. CALL MEETING TO ORDER

- 1.A Agenda en Espanol
[2021-0607 Spanish Work Sxn Agenda.docx](#)

2. ROLL CALL

3. REVIEW OF THE COUNCIL AGENDA AND MEETING

4. COUNCIL BUSINESS ITEMS

5. PRESENTATIONS

- 5.A Work Session Middle Housing – Triplexes, Quadplexes, Cottage Clusters and Townhomes (HB 2001)
[INFO RCA Middle Housing CC-PC Work Session.doc](#)
[210607CCWorkSession_MiddleHousing Final.pdf](#)
[Combined Chapters for OtherMiddleHousing_210521.pdf](#)

6. ADJOURNMENT



Sesión de Asuntos del Consejo de la Ciudad

7 de junio de 2021 - 6:00 PM

Ingresar en <https://zoom.us/j/92654284931>

o por teléfono: 1 346 248 7799 o 1 669 900 6833 o 1 253 215 8782

webinar id: 926 5428 4931

1. LLAMAR AL ORDEN LA SESIÓN
2. PASAR LISTA DE ASISTENCIA
3. REPASO DE LA AGENDA Y SESIÓN DEL CONSEJO
4. ASUNTOS DEL CONSEJO
5. PRESENTACIONES
- 5.A Sesión de Asuntos acerca la Vivienda Intermedia – Triplexes, Quadplexes, Cottage Clusters and Townhomes (HB 2001)
[INFO RCA Middle Housing CC-PC Work Session.doc](#)
[210607CCWorkSession_MiddleHousing Final.pdf](#)
[Combined Chapters for OtherMiddleHousing_210521.pdf](#)
6. TERMINAR LA SESIÓN

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ No.	Ordinance ____ No.	Resolution ____ No.	Motion ____	Information <u>XX</u>
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SUBJECT: Work Session Middle Housing – Triplexes, Quadplexes, Cottage Clusters and Townhomes (HB 2001)

Staff: Doug Rux, Director; Steve Faust, Elizabeth Decker
Department: Community Development

Work Session X Business Session ____

Order on Agenda:

RECOMMENDATION:

Information only.

EXECUTIVE SUMMARY:

A. Background

The Oregon Legislature passed HB 2001 in 2019 and appropriated funds to the Department of Land Conservation and Development (DLCD) for the purpose of providing grants to local governments for the implementation of missing middle housing. The City Council adopted Resolution No. 202-3669 to support a grant application to address Middle Housing. DLCD ultimately awarded the City a grant of \$60,000 to develop regulations to comply with the HB 2001 and OAR 660-046. Through a Request for Proposal process 3 J Consulting was selected along with their sub-consultant Jet Planning.

The City approached the process in two phases. Phase 1 is to develop regulations for duplexes. This phase needs to be completed by the end of June 2021. Phase 2 is for triplexes, quadplexes, cottage clusters and townhomes. A proposal on these Middle Housing types will be brought to the Planning Commission and City Council in late fall of 2021.

The City Council appointed a Citizens Advisory Committee (CAC) to provide feedback and guidance to staff and the consultant team. The CAC met five times. The Committee members include:

Melisa Dailey – Chair
Robert Bonner – Vice Chair
Gabriel Skulec
Leslie Murray
Irma Vera
Robert Moxley

Two Community Forums were held. The first on December 15, 2020 and the second on February 22, 2021. In coordination with the first Community Form a survey was conducted with 192 participants. A second survey was conducted after Community Form #2 and closed on March 12.

The second task for the middle housing code updates is to permit triplexes, quadplexes, cottage cluster and townhomes on all lots where single-family detached dwellings are permitted, including within all master plan areas, under the same terms. Code updates have been drafted to comply with House Bill 2001 and the provisions of Oregon Administrative Rule (OAR) 660-046, Middle Housing in Medium and Large Cities. These code amendments, which span multiple sections, will be packaged and adopted by the City Council in late fall 2021.

B. Overview of Triplex., Quadplex, Cottage Cluster and Townhome Code Changes

- Adds Cottage cluster, Cottage cluster project and Dwelling, Cottage definitions.
- Modifies the Dwelling, multifamily definition to be five or more units.
- Adds a definitions for Dwelling, quadplex, Dwelling, townhouse, Dwelling, triplex, Middle housing, Quadplex, Townhouse, Townhouse Project, and Triplex.
- Allows triplexes, quadplexes, cottage clusters and townhomes R-1, R-2, R-3, RP and AR zones as Type I review process.
- Adjusts code provisions for design review to apply to multi-family projects of five units or more.
- Modifications to the Planned Unit Development requirements to incorporate triplexes, quadplexes, cottage cluster and townhomes as part of the density point system.
- Updates the Purpose of Each Zoning District language to include triplexes, quadplexes, cottage cluster and townhomes in R-1, R-2, R-3, AR zones.
- Exempts triplexes, quadplexes, cottage cluster and townhomes for density requirements but requires minimum lot size apply under the Subdistrict section.
- Updates the Use Category chapter to include triplexes, quadplexes, cottage cluster and townhomes as residential uses.
- Revises the Zoning Use Table for triplexes, quadplexes, cottage cluster and townhomes.
- Updates the Airport Residential and Airport Overlay Subdistrict chapters for triplexes, quadplexes, cottage cluster and townhomes.
- Modifies the Specific Plan Subdistrict for triplexes, quadplexes, cottage clusters and townhomes cluster requirements.
- Modifies the Riverfront Overlay Subdistrict for design standards for triplexes, quadplexes, cottage cluster and townhomes.
- Establishes the minimum and maximum lot size requirements for triplexes, quadplexes, cottage cluster and townhomes.
- Modifies lot coverage requirements for townhomes in R-1, and R-2 zones.
- Establishes front yard setback for cottage clusters and interior yard setback for townhomes.
- Creates building height requirement townhomes in R-1 at 35 feet, and cottage clusters at 25 feet in any residential zone.
- Establishes design requirements or exceptions for triplexes, quadplexes, cottage cluster and townhomes.
- Creates parking requirements for triplexes, quadplexes, cottage cluster and townhomes at 1 per dwelling unit.
- Adds access requirement for triplex, quadplex and cottage clusters for sites with multiple frontages.

Steve Faust, Elizabeth Decker and Heather Austin will provide details on the proposed code revisions that are included in the attached Power Point.

FISCAL IMPACT:

Funding was provided by the Department of Land Conservation and Development through a grant of \$60,000. Funds are expended out of 01-4110-53301 Planning Misc Grants.

STRATEGIC ASSESSMENT: (Relate to Council Goals if applicable)

2020 Council Goals:

1. Change operational culture to one focused on Customer Service and act to Resolve Ongoing Legal Disputes.

Not applicable.

2. Further develop an operational culture that adopts and cherishes Diversity, Equity, and Inclusion as core values.

Providing triplex, quadplex, cottage cluster and townhome housing opportunities for Newberg residents can further the Council goal for Diversity, Equity, and Inclusion.

3. Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

Complying with HB 2001 for triplex, quadplex, cottage cluster and townhome can provide additional housing opportunities to address the affordability issues Newberg is facing as documented in the Housing Needs Analysis.

4. Create and support an Urban Renewal Plan and Authority

Not applicable.

5. Collaborate with local partners and with entities like ICLEI in the development of a Sustainability program.

Not applicable.

Attachment: 1. Middle Housing -Triplex, Quadplex, Cottage Cluster and Townhome Power Point

Middle Housing Code Update: Other Middle Housing

PC/CC Joint Work Session

June 7, 2021



PROJECT OBJECTIVES

- Provide code opportunities for middle housing options to help address Newberg's housing needs
 - Duplexes, **triplexes, quadplexes, townhouses and cottage clusters**
- Build on the momentum of the HNA
- Comply with House Bill 2001 for Medium and Large Cities

PROJECT COMPONENTS

- Code Audit: Complete
- Duplex Code Updates
 - Adoption by June 2021
- **Other Middle Housing Code Updates**
 - Final draft by June 2021
 - Separate adoption in Fall 2021
- Public engagement throughout



MIDDLE HOUSING BASICS



OTHER MIDDLE HOUSING

- **Triplexes**
- **Quadplexes**
- **Townhouses**
- **Cottage clusters**
 - New construction or additions/conversion of existing buildings
 - Infill and new neighborhood development

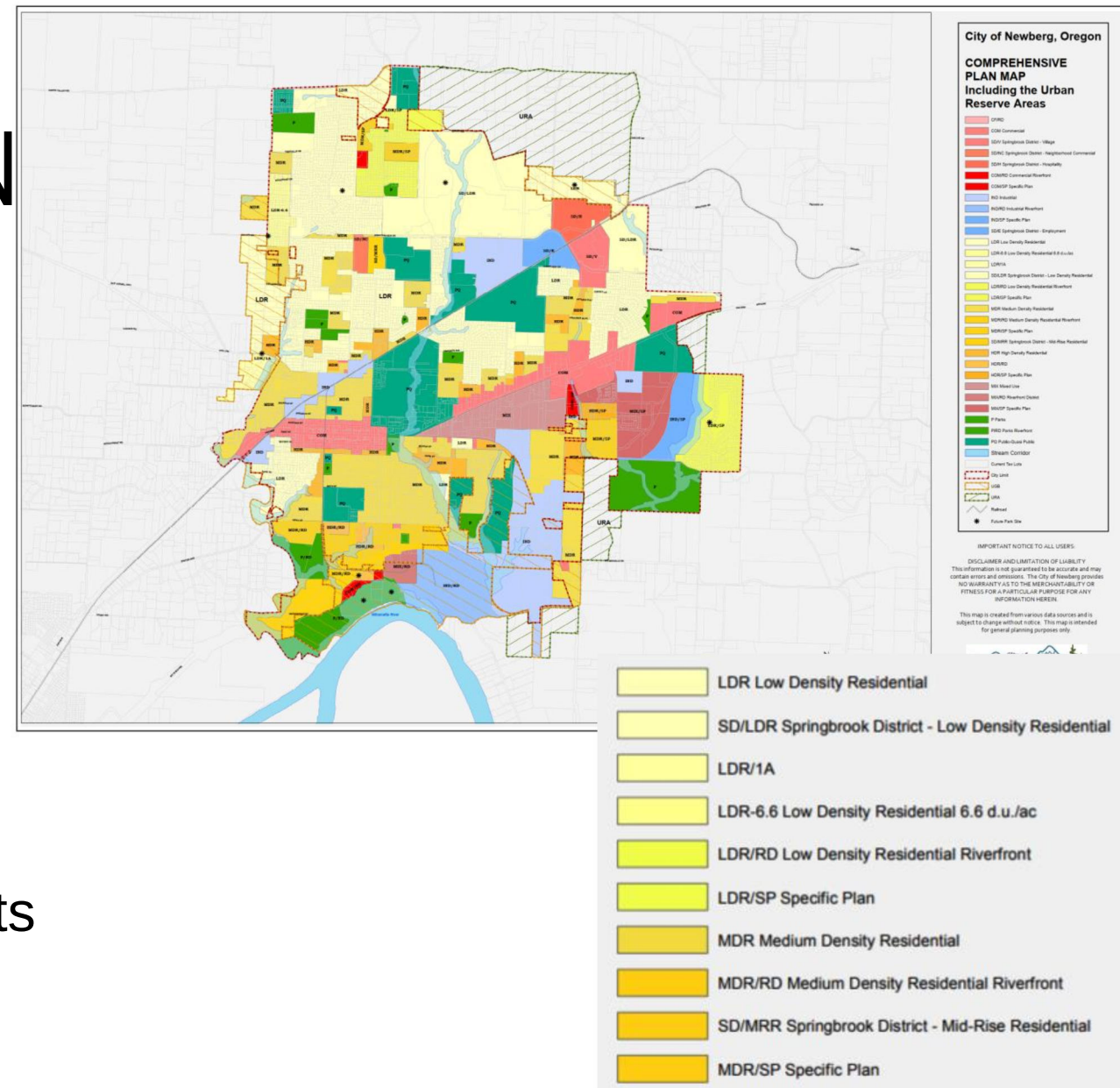


IMPLEMENTING HOUSE BILL 2001

- Key distinction:
 - Duplexes **on all lots** where single-family dwellings are allowed
 - Triplexes, quadplexes, townhouses and cottage clusters **in all residential zones** where single-family dwellings are allowed
- State rulemaking process produced two implementation options:
 - Minimum compliance standards (OAR 660-046)
 - Model Code
 - Mix of standards is possible locally

NEWBERG APPLICATION

- Will apply in all residential zones:
 - R-1, R-2, R-3, RP and AR
- Will apply in master plan and specific plan areas
- Expected to apply broadly but perhaps not deeply
 - Initial estimate of 3% of new units



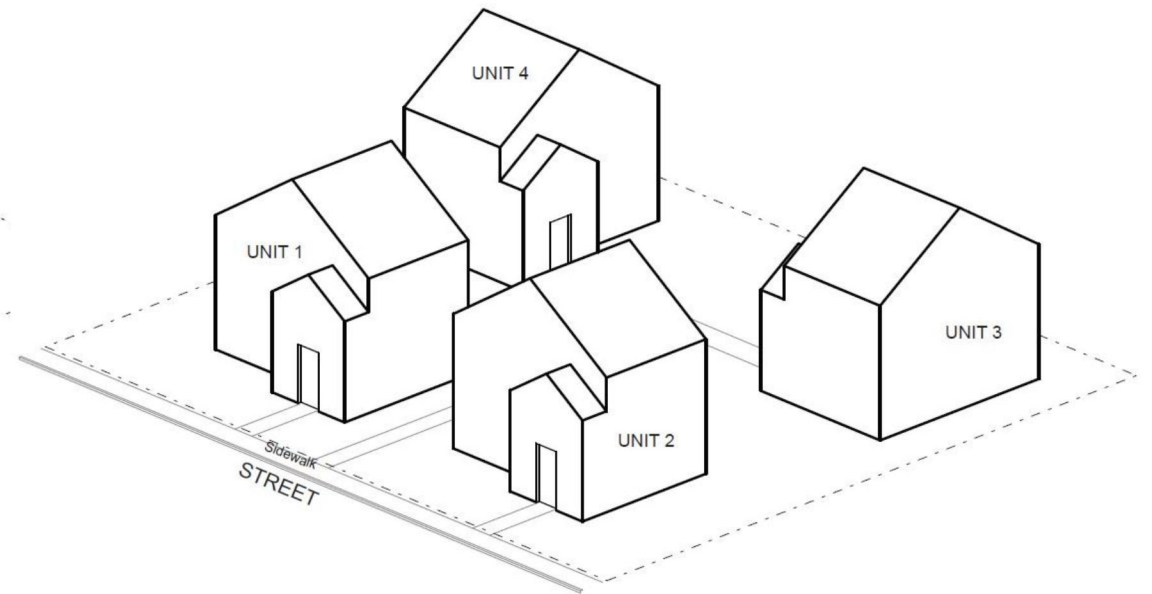
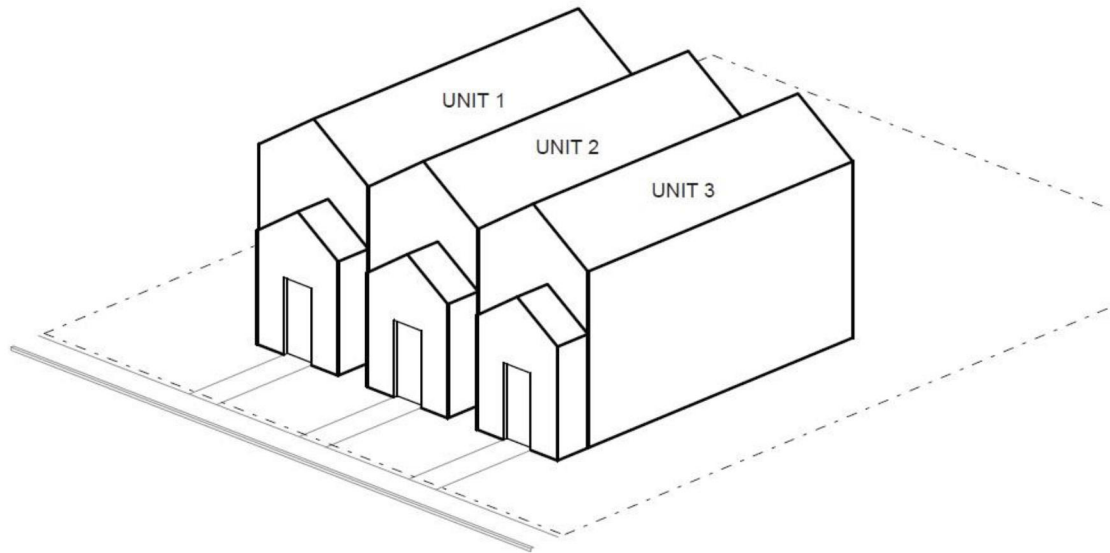
CODE UPDATES

KEY CODE CONCEPTS

- Add definitions for all middle housing types
- Allow middle housing in the R-1, R-2, R-3, RP and AR zones, including master plan and specific plan areas
- Add minimum lot sizes for middle housing
- Maintain existing dimensional standards (height and setbacks) with fine tuning
- Add middle housing design standards
- Revise parking requirement to one per dwelling unit and provide access, parking area options

UNIT DEFINITIONS

- Add new definitions for middle housing types
- Triplex and quadplexes: Variety of attached and detached options



PERMITTED USES

- Introduce in all residential zones where single-family is permitted

	R-1	R-2	R-3	RP	AR
Single-family detached dwelling	Y	Y	Y*	Y	Y
Duplex dwelling	Y	Y	Y	Y	Y
Townhouse dwelling	<u>Y</u> (S)	<u>Y</u> (S)	<u>Y</u> (S*)	<u>Y</u> (S)	<u>Y</u> (S)
<u>Triplex dwelling</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Quadplex dwelling</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>
<u>Cottage cluster project</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>	<u>Y</u>

*On existing lots created before 1992 only

MINIMUM LOT SIZES

- Introduce new minimum lot sizes tied to single-family lot sizes
- Create de facto maximum densities; no changes to density targets

	R-1	R-2	RP	AR	R-3
Minimum lot size (square feet): for SFDD and duplexes	5,000	3,000	3,000	5,000	2,500
Minimum lot size for triplexes	5,000				4,500
Minimum lot size for quadplexes	7,000				6,000
Minimum lot size for townhouses	1,500 (20 ft lot width)				
Minimum lot size for cottage cluster	7,000				

DIMENSIONAL STANDARDS

- Minimal changes proposed to dimensional standards
- Height and building coverage increase in R-1 for townhouses
- Builds upon similar increases to height and building coverage to other zones with duplex code updates

	R-1	R-2	RP	AR	R-3
Building coverage (dwelling & garage)	40%, <u>60% for townhouses</u>	60%	60%	60%	60%
Height	30 ft, <u>35 ft for townhouses</u>	35 ft	35 ft	35 ft	45 ft
<u>Cottage height</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>	<u>25 ft</u>

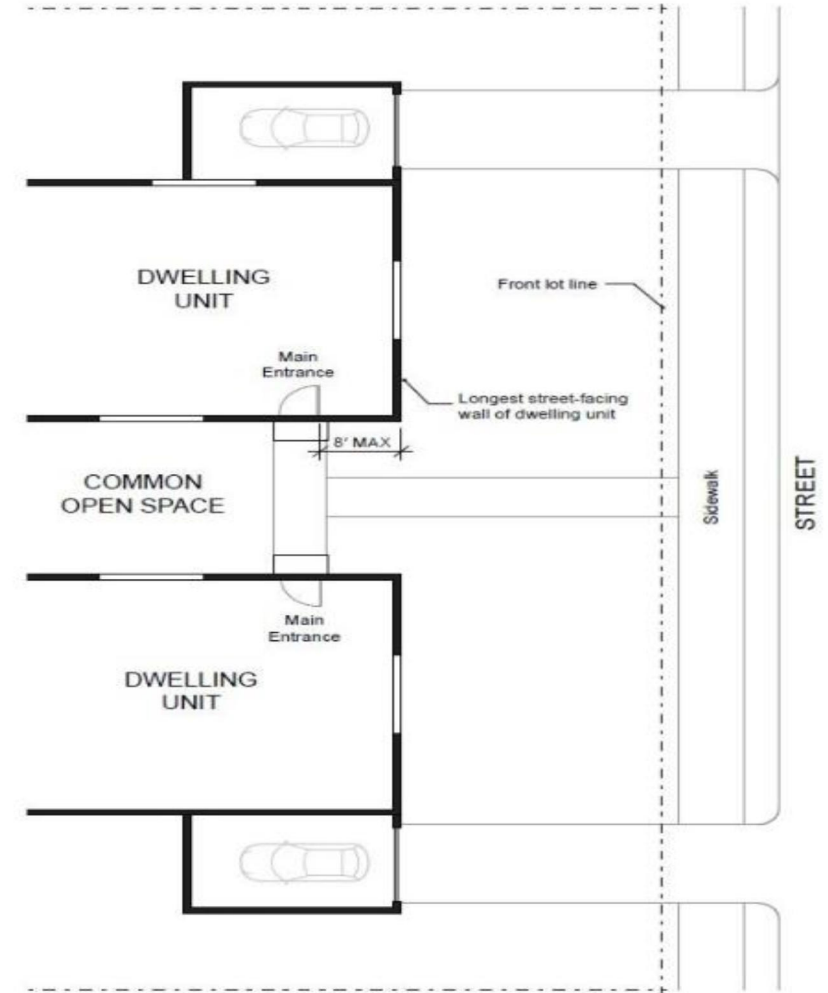
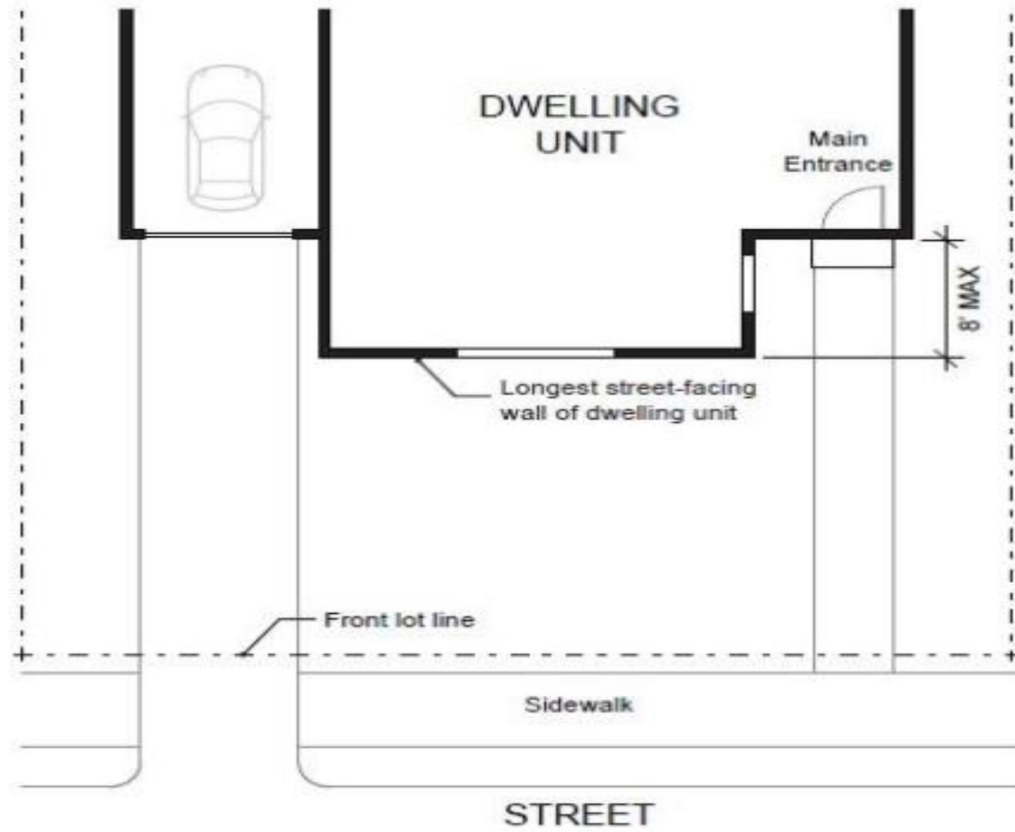
PROJECT SIZES

- Townhouses:
 - Up to four attached townhouses in the R-1 zone
 - Up to eight attached units in the R-2, R-3, RP and AR zones
 - Four units likely to be the most common configuration
- Cottage Clusters:
 - Minimum of three units
 - Maximum of eight units in a cluster in R-1
 - Maximum of 12 units in a cluster in R-2, R-3, RP and AR
 - Multiple clusters allowed per parcel
- Individual cottages:
 - Maximum footprint of 900 SF, total size up to 1,800 SF

DESIGN STANDARDS

- Clear & objective design standards:
 - Revise existing townhouse standards
 - Introduce new triplex & quadplex standards
 - Introduce new cottage standards
- General design features include:
 - Entryway, window coverage, garage location, driveway approaches
 - Courtyard and clusters for cottages

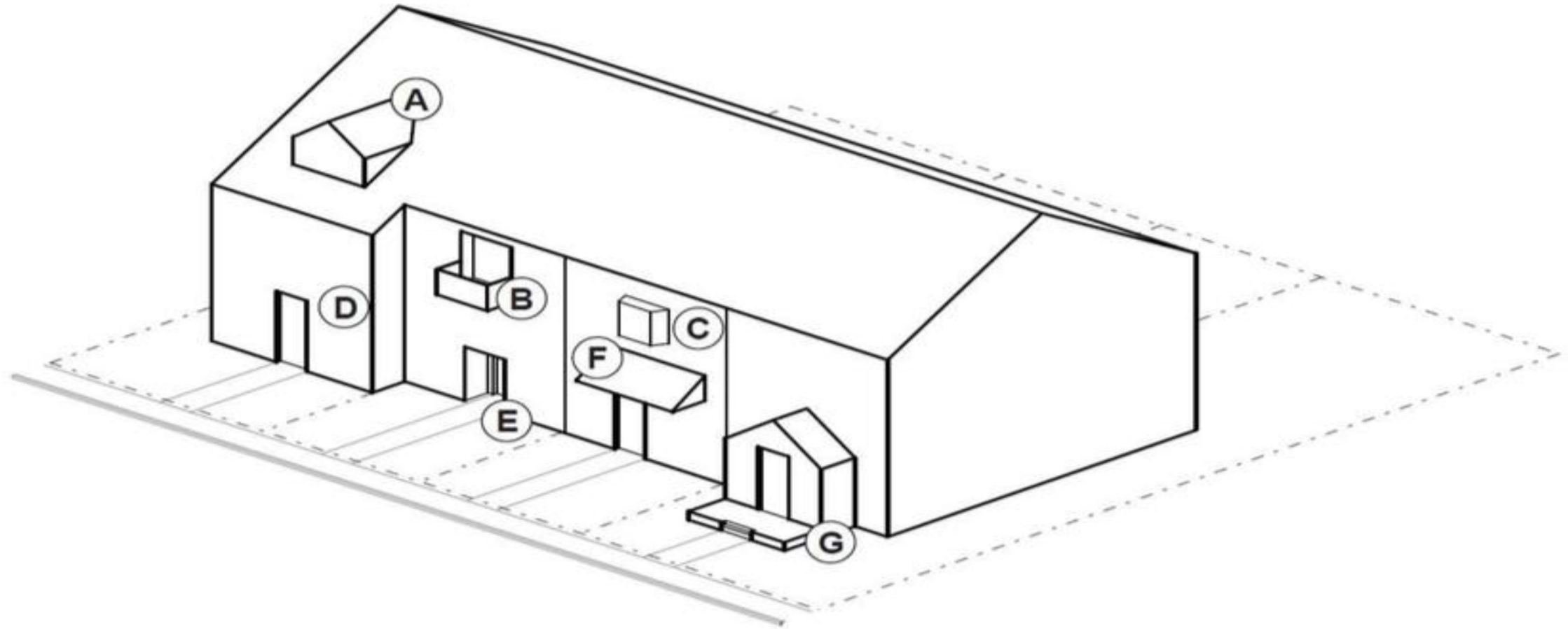
MAIN ENTRANCE OPTIONS



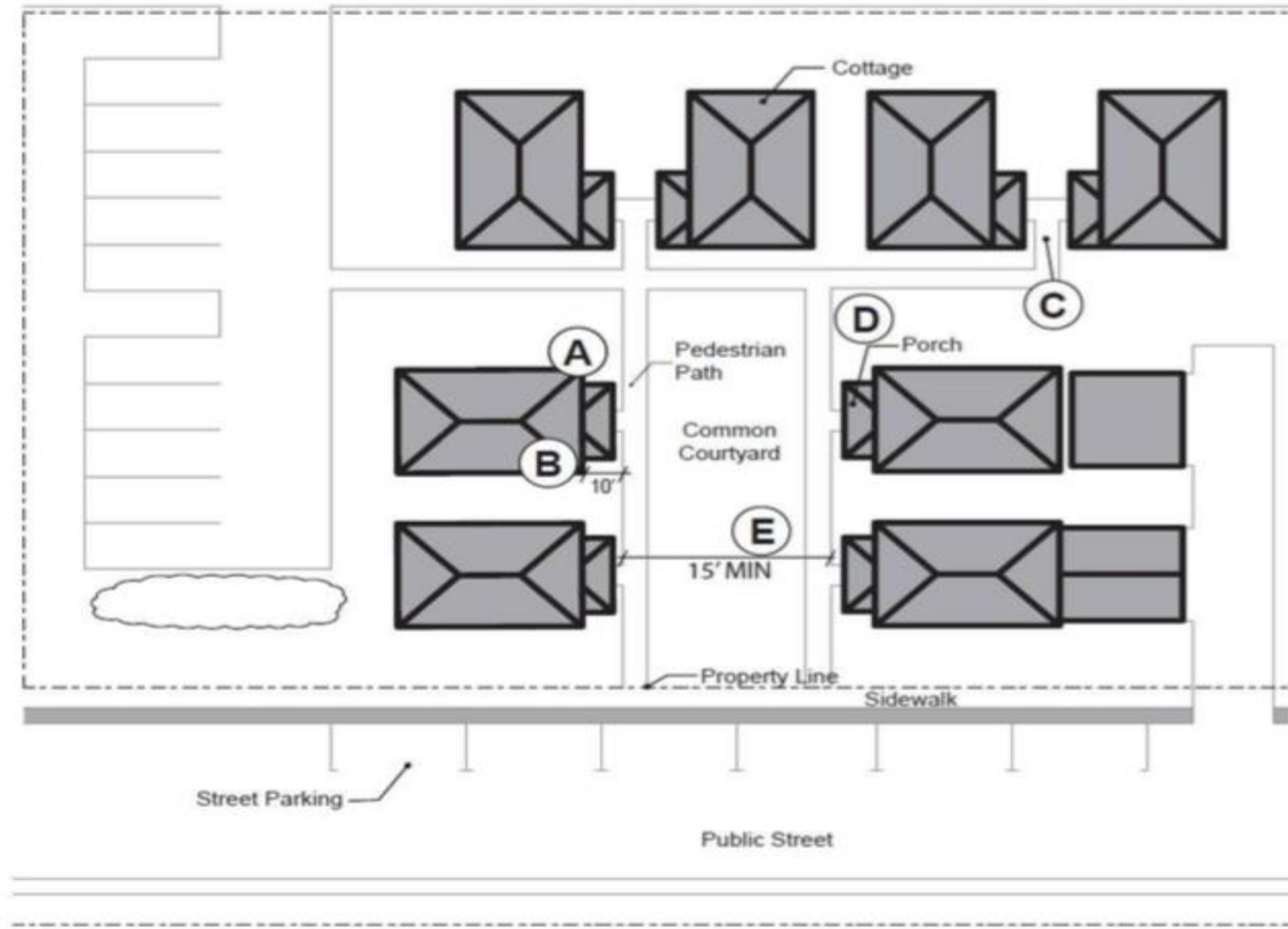
MINIMUM WINDOW COVERAGE



DEFINING ARCHITECTURAL FEATURES



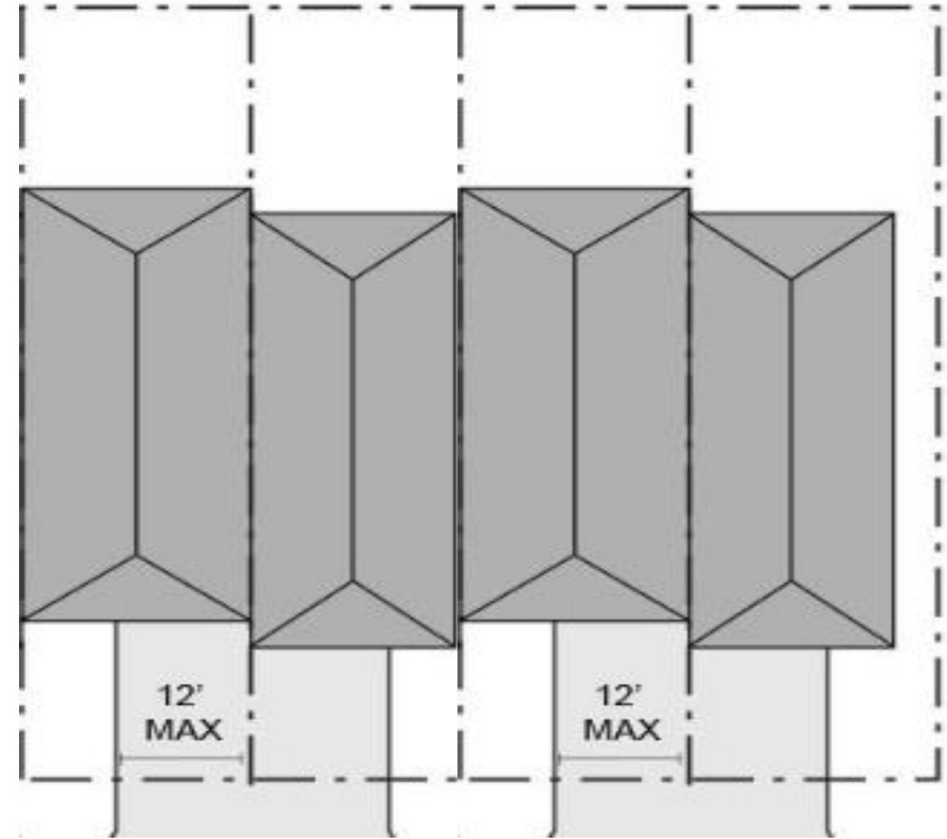
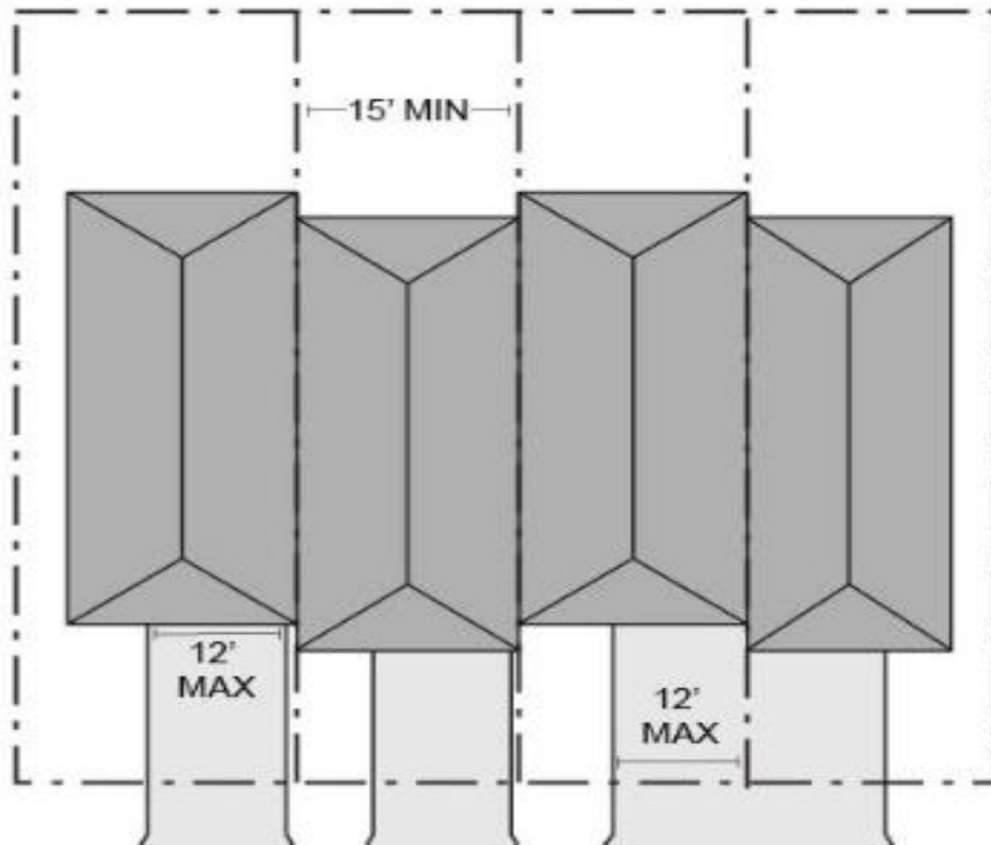
COTTAGE CLUSTERING & COURTYARD



PARKING STANDARDS

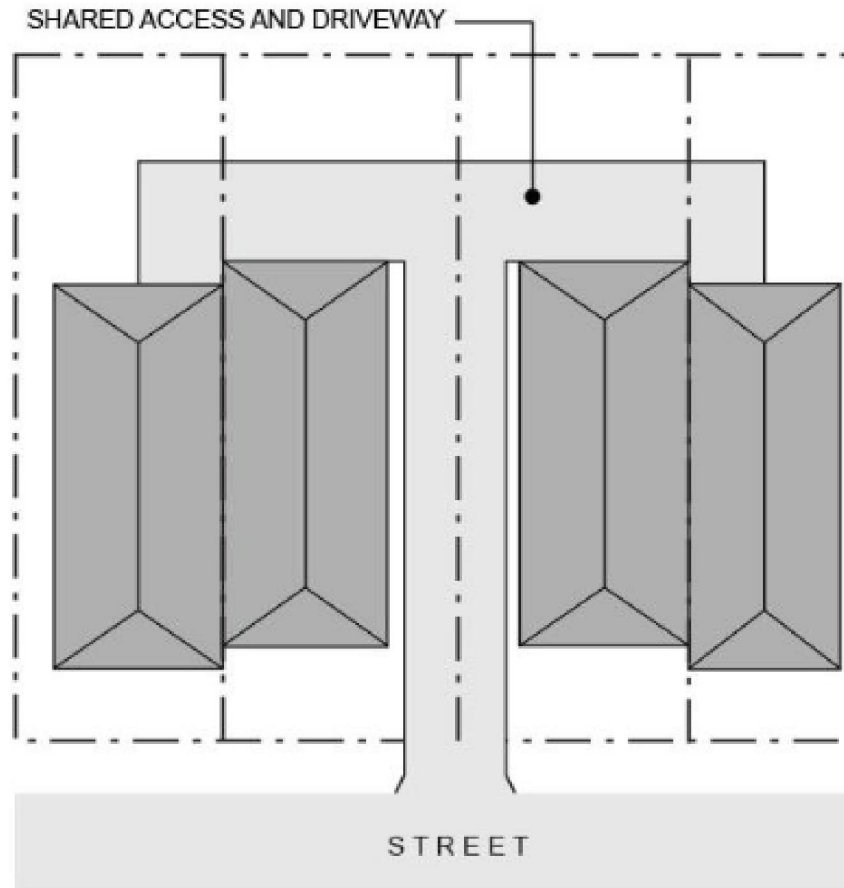
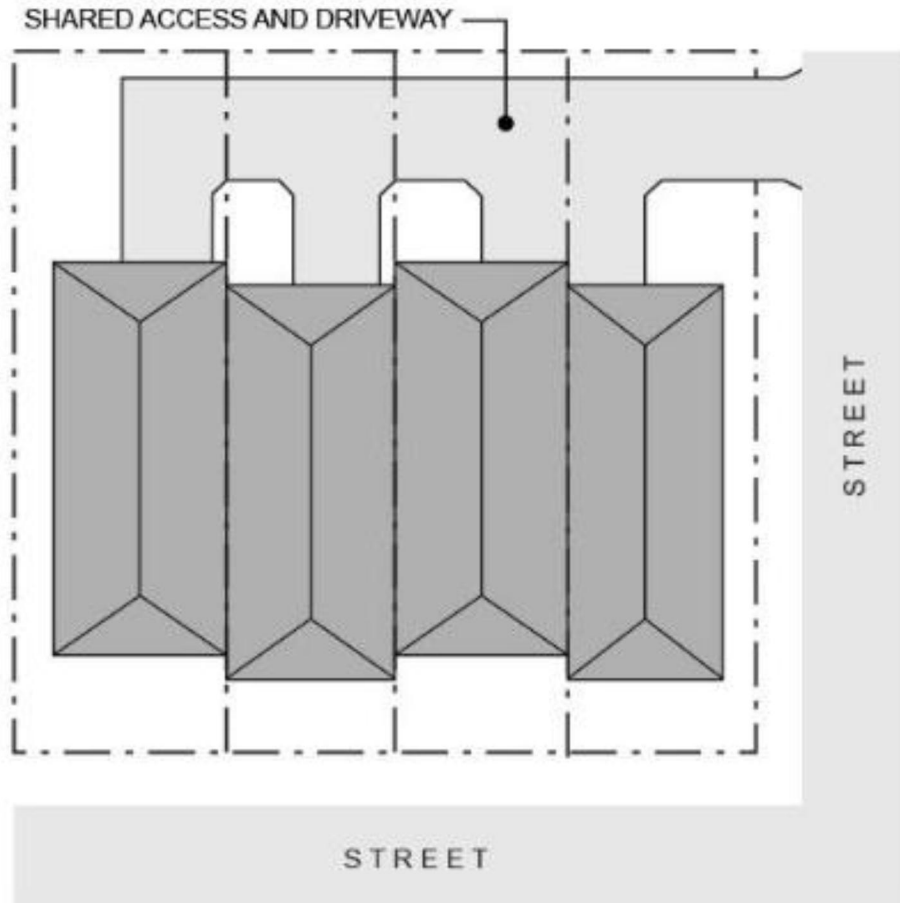
- General requirement for a minimum of one off-street parking space per unit
- Plexes: Provide options for one or multiple driveways similar to duplexes, up to 32 feet or 50% of lot frontage
 - Allow two driveways on corner lots
 - Require 22-ft spacing between driveways
- Townhouses: Must allow option for up to 12-ft wide driveway per 20-ft wide lot, with additional shared access or paired driveway options

STREET-FACING DRIVEWAYS



Individual and shared

SHARED ACCESS EASEMENTS



COTTAGE PARKING STANDARDS

- Shared parking areas
- Individual garages or carports



CHANGES TO MASTER PLAN AREAS

- Mix of plan-specific and base zoning standards apply
- Needed plan changes include:
 - Springbrook: Allow middle housing uses
 - Northwest Newberg: Revise density standards to permit middle housing
 - Springbrook Oaks: Revise density standards to permit middle housing
 - Riverfront District: Extend single-family design standards to all types

QUESTIONS

Note: Text with **yellow highlighted ~~strikeout~~ or underlines** indicates changes with pending duplex code revisions. Text with **blue highlighted ~~strikeout~~ or underlines** indicates proposed middle housing updates.

Chapter 15.05

GENERAL PROVISIONS

Sections:

- 15.05.010 Title.**
- 15.05.020 Purpose.**
- 15.05.030 Definitions.**
- 15.05.040 Scope and compliance.**
- 15.05.050 Interpretation, conflict and separability.**
- 15.05.060 Saving provision.**
- 15.05.070 Conditions.**
- 15.05.080 Amendments.**
- 15.05.090 Fee schedule.**
- 15.05.100 Enforcement.**
- 15.05.110 Adoption of zoning map.**
- 15.05.120 Penalty.**

15.05.010 Title. SHARE

This title shall be known as the Newberg development code. [Ord. 2451, 12-2-96. Code 2001 § 151.001.]

15.05.020 Purpose. SHARE

A. The purpose of this code is to coordinate city regulations governing the development and use of land and to implement the Newberg comprehensive plan.

B. The Newberg development code constitutes the development and land use regulations for the incorporated area of the city. These regulations are adopted to protect and promote the public health, safety, and general welfare, and to provide the economic and social advantages which result from an orderly, planned use of land resources. Such regulations are designed to achieve the following objectives:

1. To implement the comprehensive plan for the city.
2. To advance the position of the city as a regional center of commerce, industry, recreation and culture.
3. To provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities, with adequate provision for sunlight, fresh air and usable open spaces.

4. To protect residential, commercial, industrial and civic areas from the intrusions of incompatible uses, and to provide opportunities for compatible uses to concentrate for efficient operation in mutually beneficial relationship to each other and to shared services.
5. To ensure preservation of adequate space for commercial, industrial, agricultural, and other activities necessary for a healthy economy.
6. To promote safe, fast and efficient movement of people and goods without sacrificing the quality of the city's environment, minimize street congestion, and to provide for adequate off-street parking.
7. To achieve excellence and originality of design in all future developments and preserve the natural beauty of the city's setting.
8. To stabilize expectations regarding future development, thereby providing a basis for wise decisions with respect to such development.
9. To preserve and enhance the quality of the city's environment.
10. To secure safety from fire, flood, geological hazards, pollution and other dangers.
11. To provide adequate light and air, and to facilitate adequate provisions for transportation, water supply, wastewater disposal, drainage, education, recreation and other services and facilities. [Ord. 2451, 12-2-96. Code 2001 § 151.002.]

15.05.030 Definitions.

...

"Cottage cluster" means a grouping of no fewer than four detached dwelling units per acre, each with a footprint of less than 900 square feet, located on a single lot or parcel that includes a common courtyard. Cottage cluster may also be known as "cluster housing," "cottage housing," "bungalow court," "cottage court," or "pocket neighborhood."

"Cottage cluster project" means a development site with one or more cottage clusters. Each cottage cluster as a part of a cottage cluster project must have its own common courtyard.

"Duplex". See "**dwelling ~~two-family~~ (duplex)**."

"Dwelling" means a building or portion of a building which is occupied in whole or in part as a home, residence, or sleeping place, either permanently or temporarily by one or more families, but excluding hotels, motels and tourist courts.

"Dwelling, accessory" means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. A lot or parcel developed with single-family dwelling and an accessory dwelling is excluded from the definition of "duplex dwelling."

"Dwelling, caretaker" means a dwelling provided on an industrial site for an employee or owner to provide around the clock surveillance or service for the industry.

"Dwelling, cottage" means an individual dwelling unit that is part of a cottage cluster.

"Dwelling, ~~two-family (duplex)~~" means two dwelling units on one lot or parcel in any configuration. ~~a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family. A duplex dwelling does not include a lot or parcel developed with a single-family dwelling and an accessory dwelling.~~

"Dwelling, mixed use" means a dwelling on a lot that has separate nonresidential uses on the same lot, such as an apartment provided on a second floor of a commercial building. **"Mixed-use dwelling"** excludes a caretaker dwelling.

"Dwelling, multifamily" means a building designed and used for five or more dwelling units on one lot or parcel. ~~occupancy by three or more families, all living independently of each other, and having separate housekeeping facilities for each family.~~ **"Dwelling, multifamily"** includes assisted living facilities.

"Dwelling, quadplex" means four dwelling units on one lot or parcel in any configuration.

"Dwelling room" means:

1. An enclosed room containing more than 70 square feet of floor space and commonly used for living purposes, but excluding:
 - a. Lobbies, halls, closets, or storage space.
 - b. Unfinished attics, cellars or basements.
 - c. Bathrooms, utility rooms or kitchens or other cooking spaces.
 - d. Dinette alcoves, dinettes or other dining spaces, if these are not separated by walls or doors from other dwelling rooms or cooking spaces.
 - e. Dining rooms in dwellings containing three or more bedrooms.

2. The room count for any dwelling unit is the number of dwelling rooms plus the constant figure of one and one-half, which represents the nondwelling rooms listed above. The minimum count for a dormitory or hotel type of structure shall be two for each dwelling room.

"Dwelling, single-family" means one dwelling unit on one lot or parcel, a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

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

"Dwelling, single-family detached" means one dwelling unit on one lot or parcel with no common walls attached to another dwelling unit, means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.

"Dwelling, townhouse" means a dwelling unit constructed in a row of two or more attached units where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit, also commonly called a "single-family attached dwelling", "rowhouse" or "common-wall house".

"Dwelling, triplex" means three dwelling units on one lot or parcel in any configuration.

"Dwelling unit" means a single unit of one or more habitable rooms providing complete independent facilities for occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation.

...

"Family" means an individual, or two (A) one or more persons related by blood, or marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit or (B) one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons, who live together in one dwelling unit, or a group of not more than five persons (excluding household employees) who need not be related by blood or marriage, living together in a dwelling unit. "Family" may include two or more people with disabilities, as defined in the Fair Housing Amendments Act of 1988, living as a single housekeeping unit.

...

"Garage, single-car" means a covered parking space enclosed on all four sides designed for the parking of one motor vehicle. A single-car garage shall have a minimum inside width of 10 feet by 20 feet.

"Garage, two-car" means a covered parking space enclosed on all four sides designed for the parking of two motor vehicles. A two-car garage shall have a minimum inside width of 20 feet by 20 feet.

"Middle housing" means any individual or combination of duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and/or cottage clusters.

"Quadplex". See "Dwelling, quadplex."

"Townhouse". See "Dwelling, townhouse."

"Townhouse Project" means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the townhouse property lines and the any commonly owned property. ^[1]_{SEP}

"Triplex". See "Dwelling, triplex."

Chapter 15.100

LAND USE PROCESSES AND PROCEDURES

Sections:

Article I. Procedure Types and Determination of Proper Procedures

- 15.100.010 Procedures for processing development permits.**
- 15.100.020 Type I procedure – Administrative decision.**
- 15.100.030 Type II procedure.**
- 15.100.040 Repealed.**
- 15.100.050 Type III procedure – Quasi-judicial hearing.**
- 15.100.060 Type IV procedure – Legislative.**
- 15.100.070 Legislative enactments not restricted.**
- 15.100.080 Determination of proper procedure type.**

Article II. Processing Type I – IV Development Actions

- 15.100.090 Development permit application.**
- 15.100.100 Submission and acceptance of applications for land use decisions.**
- 15.100.110 Responsibility of director.**
- 15.100.120 Referral of development permit applications.**
- 15.100.130 Permit decision – Type I.**
- 15.100.140 Permit decision – Type II.**
- 15.100.150 Decision, findings and order – Types III and IV.**

Article III. Appeals

- 15.100.160 Appeal procedures.**
- 15.100.170 Notice of appeal – Type I, II and III.**
- 15.100.180 Scope of review.**
- 15.100.190 Review body decision on appeal of a Type I, II or III.**

Article IV. Notice

- 15.100.200 Compliance required.**
- 15.100.210 Mailed notice.**
- 15.100.220 Additional notice procedures of Type II development applications.**
- 15.100.230 Additional notice procedures for Type III quasi-judicial hearing.**
- 15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.**
- 15.100.250 Notice procedures for Type IV legislative hearing.**
- 15.100.260 Procedure for posted notice for Type II and III procedures.**
- 15.100.270 Procedure for published notice on Type III and Type IV procedures.**

Article V. Hearing

- 15.100.280 Challenges to impartiality.**
- 15.100.290 Disqualification.**
- 15.100.300 Participation by interested officers or employees.**
- 15.100.310 Ex parte contacts.**
- 15.100.320 Abstention or disqualification.**
- 15.100.330 Rights of abstaining or disqualified member.**
- 15.100.340 Burden and nature of proof.**
- 15.100.350 Order of proceedings.**
- 15.100.360 Record of proceedings.**

Article VI. Development Permit

- 15.100.370 Development permit required.**
- 15.100.380 Exclusions from development permit requirement.**

Article I. Procedure Types and Determination of Proper Procedures

15.100.010 Procedures for processing development permits.

 SHARE

All development permits shall be classified as one of the following: Type I, Type II, Type III, or Type IV procedures. [Ord. 2451, 12-2-96. Code 2001 § 151.020.]

15.100.020 Type I procedure – Administrative decision.

 SHARE

A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant.

B. Type I actions include, but are not limited to:

1. Design review permits for single-family dwellings, duplexes dwellings, triplex dwellings, quadplex dwellings, townhouses, cottage cluster projects, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).
2. Home occupation permits.
3. Signs, not in conjunction with a new development or major remodel.
4. Adjustments.
5. Processing final land division maps and plats.

6. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

C. A Type I decision may be appealed by an affected party, Type I, in accordance with NMC 15.100.160 et seq.

D. The director shall make a decision based on the information presented, and shall issue a development permit if the applicant has complied with all of the relevant requirements of the Newberg comprehensive plan and this code. The director may add conditions to the permit to ensure compliance with all requirements of this code, the comprehensive plan and other relevant policies and regulations. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2451, 12-2-96. Code 2001 § 151.021.]

15.100.030 Type II procedure.

A. Type II development actions shall be decided by the director.

B. Type II actions include, but are not limited to:

1. Site design review.
2. Variances.
3. Manufactured dwelling parks and mobile home parks.
4. Partitions.
5. Subdivisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.

D. The director shall make a decision based on the information presented and shall issue a development permit if the applicant has complied with all of the relevant requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.

E. Appeals may be made by an affected party, Type II, in accordance with NMC 15.100.160 et seq. All Type II development action appeals shall be heard and decided by the planning commission.

F. If the director's decision is appealed as provided in subsection (E) of this section, the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in NMC 15.100.050.

G. The decision of the planning commission on any appeal may be further appealed to the city council by an affected party, Type III, in accordance with NMC 15.100.160 et seq. and shall be a review of the record supplemented by written or oral arguments relevant to the record presented by the parties.

H. An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure. [Ord. 2813 § 1 (Exh. A § 3), 9-5-17; Ord. 2747 § 1 (Exh. A § 4), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.022.]

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15.100.130 Permit decision – Type I.



A. The director shall approve or deny the development permit for Type I action within 60 days of accepting a complete permit application.

B. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.

C. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of the Newberg comprehensive plan and this code.

D. The director shall deny the permit application if required approvals are not granted or the application otherwise fails to comply with code requirements.

E. The director shall notify the applicant of the disposition of the application. The notice shall indicate that the decision is final unless appealed by the applicant. The notice shall describe the right of appeal pursuant to NMC 15.100.160 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.044.]

15.100.140 Permit decision – Type II.



A. The director shall approve or deny the development permit for a Type II action within 60 days of accepting a complete permit application, unless it is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A).

B. The applicant shall provide notice pursuant to NMC 15.100.200 et seq. together with a 14-day comment period for the submission of written comments prior to the decision.

C. The decision of the director shall be based upon the application, the evidence, comments from referral agencies, and approvals required by others.

D. The director shall notify the applicant and others entitled to notice of the disposition of the application. The notice shall indicate the date that the decision will take effect and describe the

right of appeal pursuant to NMC 15.100.160 et seq. A decision on a Type II development shall take effect on the fifteenth day following the notice of a decision unless an appeal is filed pursuant to NMC 15.100.160 et seq.

E. Approval or denial of a Type II development permit application shall be accompanied by written findings that explain the criteria, facts and justification for the decision.

F. The director shall approve a permit application if applicable approvals by others have been granted and the proposed development or land use request otherwise conforms to the requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.

G. The director shall deny the permit application if required approvals are not obtained or the application otherwise fails to comply with code requirements.

H. Notice of approval or denial of a Type II decision shall be provided to the applicant, parties providing written testimony, or anyone requesting such notice. Notice shall include a description of the item, the decision, conditions that may have been added, and the rights of appeal.

I. Type II applications are required to be reviewed under the Type III procedures at the request of the applicant, or the application is a subdivision which has been converted to a Type III process pursuant to NMC 15.235.030(A), or through an appeal of the director's decision. Type II development permit applications that require a Type III procedure must conclude the hearing procedure before a land use or construction permit application can be considered to be complete by the director. Upon receiving a final decision by the hearing body on a Type III application, the subsequent review of a permit application may be reviewed by the director as a Type I process. [Ord. 2813 § 1 (Exh. A § 6), 9-5-17; Ord. 2451, 12-2-96. Code 2001 § 151.045.]

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Chapter 15.205

NONCONFORMING USES AND BUILDINGS

Sections:

15.205.010 Purpose.

15.205.020 Nonconforming use of land and agricultural exception.

15.205.030 Nonconforming use abandonment (excluding single-family).

15.205.040 Nonconforming uses and modifications to existing buildings.

15.205.050 Nonconforming buildings with legally conforming uses.

15.205.060 Single-family nonconforming use exemption.

15.205.070 Partially destroyed buildings or structures.

15.205.080 Repairs and maintenance.

15.205.090 Nonconforming use when annexed.

15.205.100 Nonconforming signs.

15.205.010 Purpose. SHARE

A. Within the zones established by this code, there exist lots, structures, and uses of land and structures which were lawful before this code was passed or amended, but which are now prohibited, regulated, or restricted under the terms of this code and amendments.

B. It is the intent of this code to permit these nonconformities until they are removed or abandoned, but not to encourage their survival. Such uses are declared by this code to be incompatible with permitted uses in the zones involved. It is further the intent of this code that nonconformities shall not be enlarged upon, significantly modified, expanded, or extended, except as provided for in this code.

C. To avoid undue hardship, nothing in this code shall be deemed to require changes in plans, construction, or use of any building on which a building permit in accordance with this code has been legally issued prior to the effective date of the ordinance codified in or amendment of this code, except that applications for extension of a building permit shall not be approved to exceed a period of one year from the date of adoption or amendment of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.140.]

15.205.020 Nonconforming use of land and agricultural exception. SHARE

A. Use to Be Abated When No Main Building Involved. Where no main buildings are used in connection with the nonconforming use of land, or where the only buildings are accessory or incidental to such use, the nonconforming use of such land shall be discontinued not later than three years after such use becomes nonconforming, and all uses thereafter shall conform to the regulations of the applicable district classification and the provisions of this code.

B. Expansion. A nonconforming use of land shall not be expanded or extended in any way either on the same or any adjoining land.

C. Discontinue or Change. The discontinuance of a nonconforming use of land or a change of a nonconforming use of land to some other kind of a nonconforming use constitutes abandonment and termination of the nonconforming use, and thereafter the use of the land must conform to the regulations of the applicable district classification.

D. Legally occurring agricultural uses, including, but not limited to, orchards, hay or grain farming, row crops, or other similar uses, may be allowed to retain their nonconforming status indefinitely. [Ord. 2451, 12-2-96. Code 2001 § 151.141.]

Penalty: See NMC 15.05.120.

15.205.030 Nonconforming use abandonment (excluding single-family).

Legally existing nonconforming uses may not be expanded, changed, modified, or altered in any way, except that a use may be modified to be less intensive in nature. Should a nonconforming use be abandoned for a period of at least 12 months, the nonconforming status of the use is lost, except as follows; provided, that there are extenuating circumstances (as determined by the planning commission), the planning commission may, through the use permit process, allow the reestablishment of the nonconforming use subject to conditions and an agreement on a specific date (not to exceed 10 years) at which time the nonconforming use will be permanently abandoned. [Ord. 2451, 12-2-96. Code 2001 § 151.142.]

Penalty: See NMC 15.05.120.

15.205.040 Nonconforming uses and modifications to existing buildings.

Legally existing nonconforming use of buildings or structures may be maintained subject to the following conditions; provided, that said building or structure is not abated or specifically regulated by this and other chapters of this code. No additions or enlargements shall be made to a nonconforming use of a building or structure except:

A. Additions or enlargements required by law.

B. Additions or enlargements to existing churches and schools if such otherwise conform to the regulations then in effect for the district in which located, including height, yard and area provisions. [Ord. 2451, 12-2-96. Code 2001 § 151.143.]

Penalty: See NMC 15.05.120.

15.205.050 Nonconforming buildings with legally conforming uses.

Unless completely or partially destroyed, pursuant to NMC 15.205.070, nonconforming buildings or structures with legal conforming uses may be altered or modified, including conversion of a detached single-family dwelling to a duplex dwelling, triplex dwelling or quadplex dwelling subject to any one of the following requirements. This shall be processed as a Type I application for single-family homes dwellings, and duplexes dwellings, triplex dwellings, and quadplex dwellings and as a Type II application for all commercial, industrial, and multifamily dwelling uses.

A. The addition or modification affects a part of the structure which will meet the current setback, height, yard or similar regulations and the addition or modification will not worsen the nonconforming status of the building; or

B. The addition or modification provides a logical expansion of the building and is within the existing building setback lines where:

1. In the opinion of the director, the expansion or modification will not adversely affect neighboring properties;
2. Building code requirements can be met;
3. The expansion or modification proposed is similar to other nonconforming buildings or structures in the area; and
4. Reasonable provisions have been made to minimize the impact of the nonconforming status of the building or structure; or

C. A building or parking area that is nonconforming to the standards of this code but otherwise conforms to the use provisions of the zoning district may be expanded; provided, that the portion of the building or parking area proposed for expansion complies with the provisions of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.144.]

Penalty: See NMC 15.05.120.

15.205.060 Single-family Residential nonconforming use exemption.

A. Where a single-family, duplex, triplex, quadplex, townhouse or multifamily dwelling, or a cottage cluster project is a legal, nonconforming use in any zoning district, it may be rebuilt if

partially or completely destroyed. If a single-family, duplex, triplex, quadplex, townhouse or multifamily dwelling or a cottage cluster project is completely or partially destroyed, it may be rebuilt either in conformance with the setback, height restriction, and other regulations of the district in which it is located or with the standards of the R-2 zoning district. The minimum lot area requirement does not apply.

B. In addition, if a structure was originally constructed and legally occupied as a single-family dwelling or a duplex dwelling, and it has since been converted to a different use, the structure may be reconverted back to a single-family dwelling or a duplex dwelling, subject to applicable building codes. The dwelling shall either meet current parking requirements, or shall provide the same parking that was provided prior to the conversion from dwelling to another use. No more than one two dwelling units per lot may be allowed under this provision. [Ord. 2730 § 1 (Exh. A (8)), 10-18-10; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.145.]

Penalty: See NMC 15.05.120.

15.205.070 Partially destroyed buildings or structures. SHARE

A. Conditions for Restoration – Extension.

1. Whenever, in any district, a building or structure occupied by a nonconforming use is damaged or destroyed to the extent of 50 percent or less of its assessed value by fire, explosion or other casualty, it may be restored and the occupancy or use of such building or structure, or part of such building or structure, which existed at the time of such partial destruction may be continued, if such restoration is started within a period of 12 months of such damage or destruction and is diligently prosecuted to completion.

2. An extension of the 12-month period may be approved by the planning commission through a Type III process. In order to receive an extension the applicant must demonstrate compliance with the following criteria. The planning commission may deny the extension based on inadequate demonstration that all of the criteria can be met.

- a. There are unusual or extraordinary circumstances which prohibit the owner from beginning restoration;
- b. The owner or applicant has diligently pursued the restoration process and can adequately demonstrate their ability to continue to pursue the restoration;
- c. There are permits required from other agencies besides the city which have prevented the restoration process from occurring sooner; and

d. The requested extension is no longer than one year from the date in which the first 12-month period expired.

B. In the event such damage or destruction exceeds 50 percent of the assessed value of the building or structure occupied by a nonconforming use, no repair or reconstruction shall be made unless every portion of such building or structure is made to conform to the height, yard, parking area and use regulations of the district classification in which it is located. [Ord. 2451, 12-2-96. Code 2001 § 151.146.]

Penalty: See NMC 15.05.120.

15.205.080 Repairs and maintenance. SHARE

Nothing in this chapter shall be deemed to prevent the repair or maintenance of any building or part of a building. [Ord. 2451, 12-2-96. Code 2001 § 151.147.]

15.205.090 Nonconforming use when annexed. SHARE

When a nonconforming use is annexed into the city, at time of annexation the applicant shall provide the planning commission and city council a schedule for the removal of the nonconforming use per NMC 15.250.100. [Ord. 2451, 12-2-96. Code 2001 § 151.148.]

15.205.100 Nonconforming signs. SHARE

A. Compliance for Temporary and Portable Signs. All temporary or portable signs not in compliance with the provisions of this code shall be removed immediately.

B. Compliance for All Other Signs. The owner of any sign that was placed legally but does not now conform to the requirements of this code shall either remove the sign or register it with the city on a form provided by the director prior to January 1, 2000. All signs that do not comply with the standards of this code shall be removed prior to March 31, 2010. Exceptions are:

1. Any legal nonconforming sign that exceeds that maximum allowable size or height by less than 10 percent may remain.

2. Prior to March 31, 2009, the owner of any legal nonconforming sign may apply to allow the legal nonconforming sign to remain. Such requests shall be heard by a hearings officer appointed by the city manager, and shall be approved, approved with conditions, or denied based on the following:

- a. The sign is in a good state of repair and maintenance.

- b. The number, size, and height of signs to remain is minimal and contributes to an attractive appearance to the neighborhood.

- c. The use of bold and bright colors, lighting, and designs is minimal.
- d. Other elements of the site are well maintained and attractive.

Except as specifically determined by the hearings officer, any sign allowed to remain under the provisions of this subsection is subject to removal under the provisions of subsections (C), (D), and (E) of this section.

C. Abandonment. Any sign not in compliance with the provisions of this code shall be removed by the owner if the site on which the sign is located is vacant for a period of one year or more. If the owner fails to remove the sign, the city may abate the sign as provided in NMC 15.05.100.

D. Site Improvements. Any sign not in compliance with the provisions of this code shall be removed if the buildings or site improvements on the site on which the sign is located are replaced or modified, except additions and remodels allowed under a Type I design review, NMC 15.220.020(A).

E. Sign Modifications. Signs not in compliance with the provisions of this code, when replaced, relocated, modified or altered, shall be brought into compliance with this code. For purposes of this section, a modification or alteration shall not include the following:

1. Maintenance and repairs such as cleaning, painting, refacing, replacing damaged portions of the sign, or similar activities that do not involve a change in copy.
2. A change of a panel on a sign for three or more tenants designed to have removable panels.
3. A modification of the existing cabinet and/or face of the sign that results in a reduction in size and/or height of the sign and that does not involve a change in copy.

F. Historic Landmarks and Cultural Landmarks Exemption. The provisions of subsections (A) through (E) of this section shall not apply to any sign located in a historic landmarks subdistrict or on a historic landmark, or a sign over 50 years old designated by the city council as a cultural landmark.

G. Signs Approved Through Approval of Sign Program. Any sign that was approved through approval of a sign program under prior codes but that does not now meet the provisions of this code shall be removed prior to January 1, 2015. Prior to January 1, 2014, the owner may apply for the sign to remain under the process described in subsection (B) of this section. [Ord. 2706 § 1 (Exh. A(1)), 10-6-08; Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.149.]

Penalty: See NMC 15.05.120.

Chapter 15.220

SITE DESIGN REVIEW

Sections:

- 15.220.010 Purpose.**
- 15.220.020 Site design review applicability.**
- 15.220.030 Site design review requirements.**
- 15.220.040 Conditions may be required.**
- 15.220.050 Criteria for design review (Type II process).**
- 15.220.060 Additional requirements for multifamily residential projects.**
- 15.220.070 Additional requirements for development in the C-2 zoning district.**
- 15.220.080 Additional requirements for development in the C-3 zoning district.**
- 15.220.090 Additional requirements for development in the M-4 zoning district.**

15.220.010 Purpose. SHARE

These provisions provide for the review and approval process of the design of certain developments and improvements in order to promote functional, safe and innovative site development compatible with the natural and manmade environment. The following provisions are intended to discourage unsightly development, improve the quality of new development in the city, coordinate the site planning process with existing and proposed development, and provide a pleasant working and living environment in the city. Furthermore, these provisions are intended to coordinate the site development process through review of the architecture of the structure(s), signs, landscaping, and other design elements on the site. [Ord. 2451, 12-2-96. Code 2001 § 151.190.]

15.220.020 Site design review applicability. SHARE

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

1. Type I.

a. Single-family dwellings;

b. Duplex es_dwellings;

c. Triplex dwellings;

d. Quadplex dwellings;

e. Townhouse dwellings;

f. Cottage cluster projects;

gc. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;

hd. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;

ie. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;

if. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;

kg. Signs which are not installed in conjunction with a new development or remodel;

h. Modifications, paving, landscaping, restriping, or regrading of an existing duplex, multifamily, institutional, commercial or industrial parking lot;

mi. Fences and trash enclosures;

nj. Accessory dwelling units.

2. Type II.

a. Any new development or remodel which is not specifically identified within subsection (A)(1) of this section.

b. Telecommunications facilities.

3. Exemptions to Type I and Type II Process. The following development activities are exempt from Type I or Type II standards:

a. Replacement of an existing item such as a roof, floor, door, window or siding.

b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

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15.220.030 Site design review requirements.  SHARE

A. Type I. Applications for Type I permit decisions shall be submitted upon forms established by the director. The application shall include a site development plan, drawn to scale, with the following as appropriate to the nature of the use:

1. Access to site from adjacent right-of-way, streets and arterials;
2. Parking and circulation areas;
3. Location and design of buildings and signs;
4. Orientation of windows and doors;
5. Entrances and exits;
6. Private and shared outdoor recreation spaces;
7. Pedestrian circulation;
8. Outdoor play areas;
9. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;
10. Areas to be landscaped;
11. Exterior lighting;
12. Special provisions for handicapped persons;
13. Other site elements and spaces which will assist in the evaluation of site development;
14. Proposed grading, slopes, and proposed drainage;
15. Location and access to utilities; and
16. Streets, driveways, and sidewalks.

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15.220.050 Criteria for design review (Type II process).

SHARE

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

1. Parking. Parking areas shall meet the requirements of NMC [15.440.010](#).
2. Setbacks and General Requirements. The proposal shall comply with NMC [15.415.010](#) through [15.415.060](#) dealing with height restrictions and public access; and NMC [15.405.010](#) through [15.405.040](#) and [15.410.010](#) through [15.410.070](#) dealing with setbacks, coverage, vision clearance, and yard requirements.

3. Landscaping Requirements. The proposal shall comply with NMC [15.420.010](#) dealing with [landscape](#) requirements and [landscape](#) screening.

4. [Signs](#). [Signs](#) shall comply with NMC [15.435.010](#) et seq. dealing with [signs](#).

5. Zoning District Compliance. The proposed [use](#) shall be listed as a permitted or conditionally permitted [use](#) in the zoning district in which it is located as found in NMC [15.305.010](#) through [15.336.020](#).

6. Sufficient Infrastructure. For all triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster developments, the City shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:

a. Connection to a public sewer system capable of meeting established service levels.

b. Connection to a public water system capable of meeting established service levels.

c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.

d. Storm drainage facilities capable of meeting established service levels for storm drainage.

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15.220.060 Additional requirements for multifamily residential projects. [SHARE](#)

The purpose of this section is to ensure that [multifamily](#) residential projects containing [three](#) [five](#) or more units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the site design review process, an [applicant](#) for a new multifamily residential project must demonstrate that some of the following site and [building](#) design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for [attached single-family projects of any size and](#) smaller multifamily projects with [six](#) [or fewer](#) [five to eight](#) units and at least 20 points are required for multifamily projects with [seven](#) [nine](#) or more units. For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).

A. Site Design Elements.

1. Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of [open space](#) areas which can

be consolidated into children's play areas, gardens, and/or dog-walking areas (three points).

2. Preserve existing natural features, including topography, water features, and/or native vegetation (three points).

3. Use the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more "pedestrian-friendly" environment (three points).

4. Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other "pedestrian-friendly" amenities (three points).

5. Create "outdoor" rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).

6. Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and use of native species (two points).

7. Landscape at the edges of parking lots to minimize visual impacts upon the street and surrounding properties (two points).

8. Use street trees and vegetative screens at the front property line to soften visual impacts from the street and provide shade (one point).

9. Use site furnishings to enhance open space. Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).

10. Keep fences neighborly by keeping them low, placing them back from the sidewalk, and using compatible building materials (one point).

11. Use entry accents such as distinctive building or paving materials to mark major entries to multifamily buildings or to individual units (one point).

12. Use appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing glare in nearby buildings (one point).

B. Building Design Elements.

1. Orient buildings toward the street. For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the street. In larger projects with internal circulation and grounds, this means that at least 10 percent of the

units should have main entries which face the street rather than be oriented toward the interior (three points).

2. Respect the scale and patterns of nearby buildings by reflecting the architectural styles, building details, materials, and scale of existing buildings (three points).

3. Break up large buildings into bays by varying planes at least every 50 feet (three points).

4. Provide variation in repeated units in both single-family attached and large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and building materials and form, either alone or in combination, can be used to create this variety (three points).

5. Building Materials. Use some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).

6. Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, "crippled hip" roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).

7. Keep car shelters secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).

8. Provide a front porch at every main entry as this is both compatible with the city's historic building pattern and helps to create an attractive, "pedestrian-friendly" streetscape (two points).

9. Use sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points). [Ord. 2763 § 1 (Exh. A § 8), 9-16-13; Ord. 2505, 2-1-99. Code 2001 § 151.195.]

Chapter 15.235

LAND DIVISIONS

Sections:

15.235.010 Purpose.

15.235.020 General requirements.

15.235.030 Preliminary plat approval process.

15.235.040 Preliminary plat submission requirements.

15.235.050 Preliminary plat approval criteria.

15.235.060 Land division related code adjustments and variances.

15.235.070 Final plat submission requirements and approval criteria.

15.235.080 Filing and recording.

15.235.090 Replatting and vacation of plats.

15.235.100 Validation of unit of land not lawfully established.

Prior legislation: Ords. 2451, 2529, 2590 and 2619. Code 2001 §§ 151.240.1, 151.240.2, 151.241.1, 151.241.2, 151.242.1, 151.242.2, 151.243.1, 151.244, 151.245, 151.246, 151.247, 151.248, 151.249, 151.249.2, 151.250.1, 151.250.2, 151.250.3, 151.251, 151.252.1, 151.252.2, 151.252.3, 151.252.4, 151.252.5.

15.235.040 Preliminary plat submission requirements.

Applications for preliminary plat approval shall contain all of the following information:

A. General Submission Requirements.

1. Information required for a Type II application.
2. Traffic Analysis. A traffic analysis shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. A traffic analysis may be required for projects below the 40 trips per p.m. peak hour threshold when the development's location or traffic characteristics could affect traffic safety, access management, street capacity or a known traffic problem or deficiency. The traffic analysis shall be scoped in conjunction with the city and any other applicable roadway authority.
3. Public Utilities Analysis. The public facilities analysis shall be scoped with the city, and shall address the impact of the proposed development on the public wastewater and water systems. The analysis shall identify any mitigation or improvements necessary to the public facilities to adequately serve the development per city standards under adopted ordinances and master plans.
4. Stormwater Analysis. The stormwater analysis shall address the criteria listed in Chapter 13.25 NMC.

5. Wetland Delineation Approved by the Department of State Lands (DSL). An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

6. Future Streets Concept Plan. The future streets concept shall show all existing subdivisions, streets, and unsubdivided land surrounding the subject property and show how proposed streets may be extended to connect with existing streets. At a minimum, the plan shall depict future street connections for land within 400 feet of the subject property.

B. Preliminary Plat Information. In addition to the general information described in subsection (A) of this section, the preliminary plat application shall consist of drawings and supplementary written material (i.e., on forms and/or in a written narrative) adequate to provide all of the following information, in quantities required by the director:

1. General Information.

- a. Name of subdivision (partitions are named by year and file number). This name shall not duplicate the name of another land division in Yamhill County;
- b. Date, north arrow, and scale of drawing;
- c. Location of the development sufficient to define its location in the city, boundaries, and a legal description of the site;
- d. Zoning of tract to be divided, including any overlay zones;
- e. A title block including the names, addresses and telephone numbers of the owners of the subject property and, as applicable, the name of the engineer and surveyor, and the date of the survey; and
- f. Identification of the drawing as a "preliminary plat."

2. Existing Conditions. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on existing conditions of the site:

- a. Streets. Location, name, and present width of all streets, alleys and rights-of-way on and abutting the site;
- b. Easements. Width, location and purpose of all existing easements of record on and abutting the site;

c. Public Utilities. Location and identity of all public utilities on and abutting the site. If water mains, stormwater mains, and wastewater mains are not on or abutting the site, indicate the direction and distance to the nearest utility line and show how utilities will be brought to standard;

d. Private Utilities. Location and identity of all private utilities serving the site, and whether the utilities are above or underground;

e. Existing Structures. Show all structures on the project site and adjacent abutting properties;

f. Ground elevations shown by contour lines at a minimum two-foot vertical interval for slopes up to 10 percent and five feet for slopes over 10 percent. Show elevations for the subject property and within 100 feet of the subject property. Such ground elevations shall be related to some established benchmark or other datum approved by the county surveyor; the city engineer may waive this standard for partitions when grades, on average, are less than six percent;

g. The location and elevation of the closest benchmark(s) within or adjacent to the site (i.e., for surveying purposes);

h. Wetlands and stream corridors;

i. The base flood elevation, per FEMA Flood Insurance Rate Maps, as applicable;

j. North arrow and scale; and

k. Other information, as deemed necessary by the director for review of the application. The city may require studies or exhibits prepared by qualified professionals to address specific site features and code requirements.

3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:

a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;

b. Easements. Location, width and purpose of all proposed easements;

c. Lots and private tracts (e.g., private open space, common area, or street) with approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;

d. Proposed uses of the property, including total number and type of dwellings proposed, all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;

e. Proposed grading;

f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;

g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;

h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;

i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

k. Evidence of compliance with applicable overlay zones; and

l. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

15.235.050 Preliminary plat approval criteria.

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;

2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;

3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

B. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

CHAPTER 15.240

PD PLANNED UNIT DEVELOPMENT REGULATIONS

Sections:

15.240.010 Purpose.

15.240.020 General provisions.

15.240.030 Preliminary plan consideration – Step one.

15.240.040 Final plan consideration – Step two.

15.240.050 Enforcement.

15.240.010 Purpose.

The city's planned unit development regulations are intended to:

- A. Encourage comprehensive planning in areas of sufficient size to provide developments at least equal in the quality of their environment to traditional lot-by-lot development and that are reasonably compatible with the surrounding area; and
- B. Provide flexibility in architectural design, placement and clustering of buildings, use of open space and outdoor living areas, and provision of circulation facilities, parking, storage and related site and design considerations; and
- C. Promote an attractive, safe, efficient and stable environment which incorporates a compatible variety and mix of uses and dwelling types; and
- D. Provide for economy of shared services and facilities; and
- E. Implement the density requirements of the comprehensive plan and zoning districts through the allocation of the number of permitted dwelling units based on the number of bedrooms provided. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2451, 12-2-96. Code 2001 § 151.225.]

15.240.020 General provisions.

- A. Ownership. Except as provided herein, the area included in a proposed planned unit development must be in single ownership or under the development control of a joint application of owners or option holders of the property involved.
- B. Processing Steps – Type III. Prior to issuance of a building permit, planned unit development applications must be approved through a Type III procedure and using the following steps:
 - 1. Step One – Preliminary Plans. Consideration of applications in terms of on-site and off-site factors to assure the flexibility afforded by planned unit development regulations is used to preserve natural amenities; create an attractive, safe, efficient, and stable

environment; and assure reasonable compatibility with the surrounding area. Preliminary review necessarily involves consideration of the off-site impact of the proposed design, including building height and location.

2. Step Two – Final Plans. Consideration of detailed plans to assure substantial conformance with preliminary plans as approved or conditionally approved. Final plans need not include detailed construction drawings as subsequently required for a building permit.

C. Phasing. If approved at the time of preliminary plan consideration, final plan applications may be submitted in phases. If preliminary plans encompassing only a portion of a site under single ownership are submitted, they must be accompanied by a statement and be sufficiently detailed to prove that the entire area can be developed and used in accordance with city standards, policies, plans and ordinances.

D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to obtain a building permit for construction in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

District	Density Points
R-1	175 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section

District	Density Points
R-2	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
RP	310 density points per <u>gross acre</u> , as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25 percent for deed-restricted affordable dwelling units as follows:

Density Point Table

Dwelling Type	Density Points: Standard Dwelling	Density Points: Income-Restricted Affordable Dwelling Unit
Studio and efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedrooms	35	26

Duplex, triplex or quadplex dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the two duplex combined dwelling units, for purposes of calculating density points. Four townhouse dwellings or cottage dwellings shall count as one standard dwelling, inclusive of all bedrooms in the combined dwelling units.

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

2. Approved Density. The number of dwelling units allowable shall be determined by the hearing authority in accordance with the standards set forth in these regulations. The hearing authority may change density subsequent to preliminary plan approval only if the reduction is necessary to comply with required findings for preliminary plan approval or if conditions of preliminary plan approval cannot otherwise be satisfied.

3. Easement Calculations. Density calculations may include areas in easements if the applicant clearly demonstrates that such areas will benefit residents of the proposed planned unit development.

4. Dedications. Density calculations may include areas dedicated to the public for recreation or open space.

5. Cumulative Density. When approved in phases, cumulative density shall not exceed the overall density per acre established at the time of preliminary plan approval.

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

1. R-1, R-2, R-3 and RP Zones.

a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.

b. Accessory buildings and uses.

~~c. Duplexes.~~

~~c d.~~ Dwellings, single, manufactured, and multifamily.

~~d e.~~ Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

2. C-1, C-2 and C-3 Zones.

a. When proposed as a combination residential-commercial planned unit development, uses and buildings as listed in subsection (G)(1) of this section and those listed as permitted outright or conditionally in the use district wherein the development will be located.

b. When proposed as a residential or commercial planned unit development, uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

3. M-1, M-2 and M-3 Zones. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located.

4. M-4 Zone. Uses and buildings as permitted outright or conditionally in the use district wherein the development will be located. Proposed sites, structures and uses must work together to support a common theme, product or industry. Applicants for an industrial planned development in M-4 must demonstrate conformance with any adopted master plan for the subject area and provide a plan describing how the proposed structures and uses will work together to support a common theme, product or industry. Prior to subdivision, covenants must limit occupancy to the types of industrial and related uses identified in the development plan.

H. Professional Coordinator and Design Team. Professional coordinators and design teams shall comply with the following:

1. Services. A professional coordinator, licensed in the State of Oregon to practice architecture, landscape architecture or engineering, shall ensure that the required plans are prepared. Plans and services provided for the city and between the applicant and the coordinator shall include:

a. Preliminary design;

b. Design development;

c. Construction documents, except for single-family detached dwellings and duplexes in subdivisions; and

d. Administration of the construction contract, including, but not limited to, inspection and verification of compliance with approved plans.

2. Address and Attendance. The coordinator or the coordinator's professional representative shall maintain an Oregon address, unless this requirement is waived by the director. The coordinator or other member of the design team shall attend all public meetings at which the proposed planned unit development is discussed.

3. Design Team Designation. Except as provided herein, a design team, which includes an architect, a landscape architect, engineer, and land surveyor, shall be designated by the professional coordinator to prepare appropriate plans. Each team member must be licensed to practice the team member's profession in the State of Oregon.

4. Design Team Participation and Waiver. Unless waived by the director upon proof by the coordinator that the scope of the proposal does not require the services of all members at one or more steps, the full design team shall participate in the preparation of plans at all three steps.

5. Design Team Change. Written notice of any change in design team personnel must be submitted to the director within three working days of the change.

6. Plan Certification. Certification of the services of the professionals responsible for particular drawings shall appear on drawings submitted for consideration and shall be signed and stamped with the registration seal issued by the State of Oregon for each professional so involved. To assure comprehensive review by the design team of all plans for compliance with these regulations, the dated cover sheet shall contain a statement of review endorsed with the signatures of all designated members of the design team.

I. Modification of Certain Regulations. Except as otherwise stated in these regulations, fence and wall provisions, general provisions pertaining to height, yards, area, lot width, frontage, depth and coverage, number of off-street parking spaces required, and regulations pertaining to setbacks specified in this code may be modified by the hearing authority, provided the proposed development will be in accordance with the purposes of this code and those regulations. Departures from the hearing authority upon a finding by the engineering director that the departures will not create hazardous conditions for vehicular or pedestrian traffic. Nothing contained in this subsection shall be interpreted as providing flexibility to regulations other than those specifically encompassed in this code.

J. Lot Coverage. Maximum permitted lot and parking area coverage as provided in this code shall not be exceeded unless specifically permitted by the hearing authority in accordance with these regulations.

K. Height. Unless determined by the hearing authority that intrusion of structures into the sun exposure plane will not adversely affect the occupants or potential occupants of adjacent properties, all buildings and structures shall be constructed within the area contained between lines illustrating the sun exposure plane (see Appendix A, Figure 8 and the definition of “**sun exposure plane**” in NMC 15.05.030). The hearing authority may further modify heights to:

1. Protect lines of sight and scenic vistas from greater encroachment than would occur as a result of conventional development.
2. Protect lines of sight and scenic vistas.
3. Enable the project to satisfy required findings for approval.

L. Dedication, Improvement and Maintenance of Public Thoroughfares. Public thoroughfares shall be dedicated, improved and maintained as follows:

1. Streets and Walkways. Including, but not limited to, those necessary for proper development of adjacent properties. Construction standards that minimize maintenance and protect the public health and safety, and setbacks as specified in NMC 15.410.050, pertaining to special setback requirements to planned rights-of-way, shall be required.

2. Notwithstanding subsection (L)(1) of this section, a private street may be approved if the following standards are satisfied.

a. An application for approval of a PUD with at least 50 dwelling units may include a private street and the request for a private street shall be supported by the evidence required by this section. The planning commission may approve a private street if it finds the applicant has demonstrated that the purpose statements in NMC 15.240.010(A) through (D) are satisfied by the evidence in subsections (L)(2)(a)(i) through (v) of this section.

i. A plan for managing on-street parking, maintenance and financing of maintenance of the private street, including a draft reserve study showing that the future homeowners association can financially maintain the private street;

ii. A plan demonstrating that on- and off-street parking shall be sufficient for the expected parking needs and applicable codes;

iii. Proposed conditions, covenants and restrictions that include a requirement that the homeowners association shall be established in perpetuity and shall continually employ a community management association whose duties shall include assisting the homeowners association with the private street parking management and maintenance, including the enforcement of parking restrictions;

iv. Evidence that the private street is of sufficient width and construction to satisfy requirements of the fire marshal and city engineer; and

v. The PUD shall be a Class I planned community as defined in ORS Chapter 94.

b. If the PUD is established, the homeowners association shall provide an annual written report on the anniversary date of the final approval of the PUD approval to the community development director that includes the following:

i. The most recent reserve study.

ii. The name and contact information for the retained community management association.

iii. A report on the condition of the private street and any plans for maintenance of the private street.

3. Easements. As are necessary for the orderly extension of public utilities and bicycle and pedestrian access.

M. Underground Utilities. Unless waived by the hearing authority, the developer shall locate all on-site utilities serving the proposed planned unit development underground in accordance with the policies, practices and rules of the serving utilities and the Public Utilities Commission.

N. Usable Outdoor Living Area. All dwelling units shall be served by outdoor living areas as defined in this code. Unless waived by the hearing authority, the outdoor living area must equal at least 10 percent of the gross floor area of each unit. So long as outdoor living area is available to each dwelling unit, other outdoor living space may be offered for dedication to the city, in fee or easement, to be incorporated in a city-approved recreational facility. A portion or all of a dedicated area may be included in calculating density if permitted under these regulations.

O. Site Modification. Unless otherwise provided in preliminary plan approval, vegetation, topography and other natural features of parcels proposed for development shall remain substantially unaltered pending final plan approval.

P. Completion of Required Landscaping. If required landscaping cannot be completed prior to occupancy, or as otherwise required by a condition of approval, the director may require the applicant to post a performance bond of a sufficient amount and time to assure timely completion.

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. A minimum of 40 percent of the required points shall be obtained in each of the design categories. [Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2763 § 1 (Exh. A §§ 9, 10), 9-16-13; Ord. 2730 § 1 (Exh. A § 9), 10-18-10; Ord. 2720 § 1(4), 11-2-09; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.226.]

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Chapter 15.302

DISTRICTS AND THEIR AMENDMENT

Sections:

- 15.302.010 Establishment and designation of use districts and subdistricts.**
- 15.302.020 Establishment of districts.**
- 15.302.030 Procedures for comprehensive plan map and zoning map amendments.**
- 15.302.032 Purposes of each zoning district.**
- 15.302.040 Subdistricts.**
- 15.302.050 Continuance of use.**
- 15.302.060 Establishment of districts and subdistricts by map.**
- 15.302.070 Division of zoning map.**
- 15.302.080 Uncertainty of district boundaries.**

15.302.010 Establishment and designation of use districts and subdistricts.



In order to classify, regulate, restrict and segregate the uses of lands and buildings, to regulate and restrict the height and size of buildings, to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, the following classes of use districts and subdistricts are established:

A. Use Districts.

1. R-1 low density residential district.
2. R-2 medium density residential district.
3. R-3 high density residential district.
4. RP residential professional district.
5. C-1 neighborhood commercial district.
6. C-2 community commercial district.
7. C-3 central business district.
8. C-4 riverfront commercial district.
9. CF community facilities district.
10. I institutional district.

11. M-1 limited industrial district.
12. M-2 light industrial district.
13. M-3 heavy industrial district.
14. M-4 large lot industrial district.
15. AI airport industrial district.
16. Airport residential (AR) district.
17. SD Springbrook district.
18. M-E mixed employment district.

B. Subdistricts of Use Districts.

1. AO airport overlay subdistrict.
2. CC civic corridor overlay subdistrict.
3. H historic landmarks subdistrict.
4. IO institutional overlay subdistrict.
5. LU limited use overlay subdistrict.
6. RD riverfront subdistrict.
7. SC stream corridor overlay subdistrict.
8. SP specific plan subdistrict.
9. AIO airport industrial overlay subdistrict.
10. Airport residential overlay subdistrict.
11. Bypass interchange overlay subdistrict.
12. Interim industrial overlay subdistrict. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2720 § 1(8), 11-2-09; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.120.]

15.302.020 Establishment of districts. SHARE

On the effective date of the ordinance codified in this code, the provisions of this code shall apply to and govern the use or maintenance of any land or other property in the city, exclusive of streets, alleys, and public lands used or reserved for governmental purposes as provided by law. The city shall be divided by the city council into parts and each such part may be subdivided into units, for the purposes of imposing or establishing districts and subdistricts on land and property. Such parts of units may be zoned and rezoned whenever the city council, after investigation and report by the commission, finds that criteria in NMC 15.302.030 are satisfied. [Ord. 2451, 12-2-96. Code 2001 § 151.121.]

Cross-reference: For lands used or reserved for governmental purposes as provided by law, see Section 5 of Article VIII of the Oregon Constitution and Chapter 271 of Title 25 ORS, generally. See also Chapter 271 of Title 25 ORS pertaining to public lands.

15.302.030 Procedures for comprehensive plan map and zoning map amendments. SHARE

This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the comprehensive plan map, zoning map and land use regulations.

A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.

1. Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. May be initiated by a resolution of the planning commission or city council. Unlike other Type III procedures, the decision of the planning commission on a Type III plan map amendment shall be in the form of a recommendation to the city council. The city council shall hold another new hearing and make a final decision.

2. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the city council for good cause shall grant permission to do so.

3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:

a. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;

b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

c. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

4. The property owner who desired to have their property reclassified has the burden of establishing that the requested classification meets the requirements of this section. As part of the application, the property owner requesting a change shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

5. A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection, which is functioning at a poor level of service. A traffic study may be required by the director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.

B. Type IV Plan and Zoning Map Amendments – Large Area of the City and Multiple Ownerships.

1. The city may initiate plan map amendments affecting large areas and multiple ownerships under the Type IV procedure. No public notice is required to initiate the amendment. Initiation must be done by resolution of the planning commission or city council. These map changes include those that have widespread and significant impact beyond the immediate area of change.

2. Amendment Criteria. The city must demonstrate:

a. The proposed change is consistent with and promotes the objectives of the Newberg comprehensive plan and this code;

b. There is a public need for a change of the kind in question;

c. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property;

d. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

C. Amendment of Land Use Regulation. A change in requirements, general provisions, exceptions or other provisions of a land use regulation may be initiated by a resolution of

the planning commission or the city council. No notice is required to initiate the amendment. Amendments to land use regulation shall be reviewed under the Type IV procedure. [Ord. 2733 Att. A, 2-7-11; Ord. 2693 § 1 (Exh. A(5)), 3-3-08; Ord. 2619, 5-16-05; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.122.]

15.302.032 Purposes of each zoning district. SHARE

A. R-1 Low Density Residential District.

1. The purpose of this land use designation is to provide a stable and healthful residential environment together with the full range of urban services. The R-1 zone is intended for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre, and/or middle housing densities consistent with applicable minimum lot sizes, in the district. ~~It is intended to provide a stable and healthful environment together with the full range of urban services.~~

2. Typical housing types will include single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, and planned unit developments. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.

B. R-2 Medium Density Residential District.

1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine units per gross buildable acre, and/or middle housing densities consistent with applicable minimum lot sizes, in the district.

2. Typical housing types will include single-family dwellings on small lots, attached single-family, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, ~~or~~ multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.

C. R-3 High Density Residential District.

1. The purpose of this land use designation is to provide multifamily dwellings of different types and styles at an average overall density of 16.5 units per gross buildable acre, and/or middle housing densities consistent with applicable minimum lot sizes, in the district.

2. Typical housing types will include duplexes dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects, multifamily dwellings, and manufactured dwelling and mobile home parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-3 district is intended to be consistent with the high density residential (HDR) designation of the comprehensive plan.

D. R-4 Manufactured Dwelling District.

1. The purpose of this land use designation is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses.
2. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 units per gross buildable acre. The R-4 district is intended to be consistent with the medium density residential (MDR) or high density residential (HDR) designation of the comprehensive plan.

E. RP Residential-Professional District. The RP residential-professional district provides for a desirable mixing of residential land uses with medical and local business office uses in possible close proximity to adjacent residential areas. The office building and parking coverage, traffic generation, open space and other external factors are intended to be compatible with the residential uses permitted. This district may be appropriate in transition areas between major land uses as indicated in the adopted plan. The RP district is intended to be consistent with commercial or residential designations on the Newberg comprehensive plan. RP districts shall be located as to conform to goals and policies identified within the Newberg comprehensive plan and in areas which have a minimal impact on the livability or appropriate development of abutting property.

F. C-1 Neighborhood Commercial District. The C-1 neighborhood commercial district is intended to create, preserve and enhance areas of retail establishments serving frequently recurring needs in convenient locations. It is typically appropriate for small convenience stores or neighborhood shopping centers located within residential neighborhoods. The C-1 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

G. C-2 Community Commercial District. The C-2 community commercial district is intended to create, preserve and enhance areas with a wide range of retail sales, commercial services, and office establishments. Typical development types include individual commercial buildings on small and large sites, community shopping centers, and some outdoor retail uses. This district is typically located along highways and arterials. This district also includes some development which does not strictly fit the description of "commercial" but also does not merit a separate zoning district. The C-2 district is intended to be consistent with the commercial (COM) and mixed use (MIX) designations of the comprehensive plan.

H. C-3 Central Business District. The C-3 central business district is intended to preserve and enhance areas within which the greatest possible concentration of retail sales and business will occur. The district will be applied to the “core” area based upon the guidelines established in the comprehensive plan. The buildings and uses permitted reflect the desire to have parking provided on a district-wide basis rather than having each individual building or use provide parking. The C-3 district is intended to be consistent with the commercial (COM) designation of the comprehensive plan.

I. C-4 Riverfront Commercial District.

1. The purpose of the C-4 riverfront commercial district is to allow a mix of uses that:
 - a. Provides a variety of retail, commercial, and residential uses that benefit from proximity to the river.
 - b. Encourages access to and enjoyment of the Willamette River.
 - c. Ensures compatibility of development with the surrounding area and minimizes impacts on the environment.
2. Properties zoned in this district must comply with the development standards of the riverfront overlay subdistrict, as described in NMC 15.352.010 through 15.352.060.
3. The C-4 district is intended to be consistent with the commercial/riverfront district (COM/RD) designation of the comprehensive plan.

J. M-1 Limited Industrial District. The M-1 limited industrial district is intended to create, preserve and enhance areas containing manufacturing and related establishments with limited external impact, and with an open and attractive setting. The M-1 limited industrial district is typically appropriate to locations near highways and arterials and nonmanufacturing areas. The M-1 district is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan.

K. M-2 Light Industrial District. The M-2 light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments and is typically appropriate to areas providing a wide variety of sites with good rail or highway access. The M-2 district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

L. M-3 Heavy Industrial District. The M-3 heavy industrial district is intended to create, preserve and enhance areas containing manufacturing or related establishments which are potentially incompatible with most other establishments and are typically appropriate to areas which are most distant from residential areas, and which have extensive rail or shipping facilities. The M-3

district is intended to be consistent with the industrial (IND) designation of the comprehensive plan.

M. M-4 Large Lot Industrial District. The M-4 industrial employment district is divided into two subdistricts: the industrial employment subdistrict and the industrial commercial subdistrict. One of the main intents of these districts is to provide a variety of employment opportunities for the citizens of Newberg. Providing adequate jobs for our citizens leads to other related benefits, including a diversified and stable local economy, a stronger tax base, and environmental benefits from less out-commuting to jobs. In addition, providing adequate local jobs helps fulfill the stated desire of many citizens to “live here, work here, shop here.” The M-4 district has two subdistricts:

1. Employment Subdistrict. Through a comprehensive planning process, the city identified a need for large lot industrial sites of at least 20 acres in size. Further analysis of potential areas identified the area south of Newberg, on either side of Highway 219, as the area best suited to meet the city's needs for large site industrial development. As part of the city's strategy for preserving large size industrial sites within industrial districts, the M-4 industrial employment subdistrict is intended to create, preserve and enhance areas containing large parcels (20+ acres) suitable for large industrial users and industrial planned unit developments. An approved plan for an industrial planned unit development is required prior to dividing a large parcel into lots or parcels that are less than 20 acres. The purpose of the planned unit development is to bring related industries and services that complement each other close together, resulting in synergistic effects arising from regular face-to-face communications, economies of scale, and reduced transportation time and cost.

2. Commercial Subdistrict. The industrial commercial subdistrict is intended to create, preserve and enhance areas for retail establishments serving the specific needs of the M-4 industrial employment area. The subdistrict is similar to the C-1 neighborhood commercial district, although the type and scale of uses permitted are limited to those that will directly support allowed uses within the M-4 industrial employment area. The area is not intended to serve pass-by traffic or provide for the general commercial needs of the community. The intent is to allow uses that complement the area while limiting or eliminating those uses that would have detrimental impact on the overall district.

Potential adverse impacts of industrial activity on adjacent uses are minimized by design and development standards as required by NMC 15.220.090. Large industrial sites and planned unit developments are configured and designed to minimize use-to-use conflicts within the industrial districts, as well as conflicts between industrial uses and those allowed in other districts. The M-4 district is intended to be consistent with the industrial (IND) and commercial (COM) designations of the comprehensive plan.

N. CF Community Facilities District. The purpose of the CF community facilities district is to provide for appropriate development of community facilities, primarily by public agencies or nonprofit organizations. It encourages the preservation of natural resources and open

space resources inventoried in the comprehensive plan. The CF district is intended to be consistent with the parks (P) and public/quasi-public (PQ) designations in the comprehensive plan. It may also be consistent with any other designation of the comprehensive plan as determined by the city council.

O. I Institutional District. The I institutional district is intended to support and promote institutional uses. The district provides for the establishment and growth of large institutional campuses as well as accessory and compatible uses. The institutional district is intended to be consistent with the public/quasi-public (PQ) designation of the comprehensive plan.

P. AR Airport Residential District. The purpose of the AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. Maximum overall density shall be 8.8 units per gross buildable acre in the district. The AR district is intended to be consistent with the airport residential (AR) designation in the comprehensive plan. Maximum overall density shall be 8.8 units per gross buildable acre in the district, calculated as follows:

a. Single-family detached dwellings and duplex dwellings shall count as a single dwelling unit for density calculation.

b. Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in Section 15.405.010.

Q. AI Airport Industrial District. The purpose of the AI airport industrial district is to encourage and support the continued operation and vitality of Sportsman Airpark by allowing airport-related industrial uses, and as such to promote economic development for the City of Newberg and Yamhill County. The AI airport industrial district is intended to recognize those areas devoted to or most suitable for the immediate operational facilities necessary for commercial and noncommercial aviation. It is also intended to provide areas for those activities directly supporting or dependent upon aircraft or air transportation when such activities, in order to function, require or benefit from a location within or immediately adjacent to primary flight operations and passengers or cargo service facilities. It is further intended to provide appropriate locations for airport-related light industrial uses that are compatible with and benefit from air transportation. The AI district is intended to be consistent with the industrial (IND) and public/quasi-public (PQ) designations in the comprehensive plan.

R. M-E Mixed Employment District. The M-E mixed employment district is intended to create a mix of light industrial and limited commercial uses that provide employment opportunities for the City of Newberg while also creating a high-quality urban environment. This designation can provide a buffer between industrial uses with a high degree of external impact and other uses such as residential and recreational areas. The M-E designation is intended to be consistent with the industrial (IND) and mixed use (MIX) designations of the comprehensive plan. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 4), 9-16-13.]

15.302.040 Subdistricts. SHARE

Subdistricts of each of the use districts may be established. The parent residential district requirements shall apply to those respective subdistricts except those regulations pertaining to lot area per dwelling unit or density.

A. Suffix Numbers Noting Density. Suffix numbers, including but not limited to the following examples, shall be noted on the zoning map indicating the maximum number of dwelling units permitted per gross acre. The following are examples of suffixes for subdistricts and their density equivalents:

Suffix	Density Maximum
5/A	5 <u>dwelling units</u> per <u>gross acre</u>
6/A	6 <u>dwelling units</u> per <u>gross acre</u>
7.5/A	7-1/2 <u>dwelling units</u> per <u>gross acre</u>
.33/A	1 <u>dwelling unit</u> per three <u>gross acres</u>

Note: Duplex dwellings count as a single dwelling per lot for the purpose of calculating compliance with the maximum density standards. Triplex dwelling, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from density calculation and shall be subject only to the minimum lot sizes in Section 15.405.010.

As further examples of subdistricts:

1. The subdistrict of an R-1 district which permits five dwelling units per gross acre is R-1-5/A.
2. The subdistrict of an R-1 district which permits one dwelling unit per five gross acres is R-1-.2/A.

B. AO Airport Overlay Subdistrict. An airport overlay subdistrict may be applied within any zoning district. The subdistrict shall be designated by the suffix AO added to the symbol of the parent district. The AO symbol shall be added to the zoning map for properties affected by the airport imaginary surfaces. Except as may otherwise be limited by this code, all uses permitted in the parent zone shall be allowable in the AO subdistrict.

C. CC Civic Corridor Overlay Subdistrict. The CC subdistrict is intended to emphasize the civic and historic character of that portion of downtown Newberg generally bounded by Sherman Street on the north, Blaine Street on the west, 5th Street on the south and Howard and School Streets on the east and as depicted on the zoning map. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix CC added to the symbol of the parent district.

D. H Historic Landmarks Overlay Subdistrict. The historic landmarks overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix H added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the H overlay zone except as otherwise may be limited by this code.

E. IO Institutional Overlay Subdistrict. The institutional overlay subdistrict may be created within any zoning district. The overlay shall be designated by the suffix IO added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the IO overlay zone except as otherwise may be limited by this code.

F. RD Riverfront Overlay Subdistrict. The riverfront overlay subdistrict may be applied to R-1, R-2, R-3, M-1, M-2, M-3, M-E, C-1, C-4, and CF zoning districts. This subdistrict may be applied to lands south of Ninth Street to the Willamette River. The overlay shall be designated by the suffix RD added to the symbol of the parent district. All uses permitted in the parent zone shall be allowable in the RD overlay zone except as otherwise may be limited in this code. Where provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.

G. SC Stream Corridor Overlay Subdistrict. The stream corridor overlay subdistrict may be created within any zoning district. The stream corridor subdistrict is applied to areas which are classified as Statewide Goal 5 resources. The overlay shall be designated by the suffix SC added to the symbol of the parent district. The SC subdistrict provides additional land use regulations which govern properties located within the subdistrict. Where the provisions of the subdistrict are inconsistent with the parent district, the provisions of the subdistrict shall govern.

H. SP Specific Plan Subdistrict. The SP subdistrict identifies the area in which a specific plan has been approved. The subdistrict overlay may be applied within any zoning district. The subdistrict shall be designated by the suffix SP added to the symbol of the parent district. Uses allowed in the parent district may be limited or expanded under the approved specific plan.

I. LU Limited Use Overlay Subdistrict. The limited use overlay subdistrict identifies an area where special use restrictions or standards apply. These restrictions or standards are defined in the ordinance creating the LU subdistrict and may include prohibiting uses otherwise allowed in the underlying zone, requiring conditional use permits for certain uses that are otherwise permitted outright, or creating special standards, such as special setbacks or height restrictions. The limited use overlay subdistrict may be applied within any zoning district.

J. Bypass Interchange (BI) Overlay. The bypass interchange overlay shall apply to lands within the city limits and within approximately one-quarter mile of the end of ramps of the East Newberg and Oregon 219 interchanges to the bypass. The bypass interchange overlay may be applied in combination with any zoning district. The overlay shall be designated by the suffix BI added to the symbol of the parent district. All uses permitted in the parent zone shall be allowed within the bypass interchange overlay except as specifically limited by this code.

[Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2602, 9-20-04; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2537, 11-6-00; Ord. 2451, 12-2-96. Code 2001 § 151.123.]

15.302.050 Continuance of use. SHARE

Any variance or permit of any kind and any nonconforming use existing pursuant to any repealed district classification may continue under the applicable new district classification but shall not in any manner be extended or enlarged in time or rights, except as provided in NMC 15.205.010 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.124.]

15.302.060 Establishment of districts and subdistricts by map.

 SHARE

The location and geographical boundaries of various districts and subdistricts shall be shown on a map or maps setting forth the district and subdistrict classifications applicable to the land and property contained in the zoning map. [Ord. 2451, 12-2-96. Code 2001 § 151.125.]

15.302.070 Division of zoning map. SHARE

The zoning map may, for convenience of use and for purposes of more readily identifying locations within such zoning map, be subdivided into units; and such parts and units may be separately employed for identification purposes when amending the zoning map or for any official reference to the zoning map. [Ord. 2451, 12-2-96. Code 2001 § 151.126.]

15.302.080 Uncertainty of district boundaries. SHARE

Where uncertainty exists as to the boundaries of any district as shown on any zoning map or part of a zoning map, the following rules shall apply:

- A. Where such boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries.
- B. In the case of unsubdivided property and where a zone boundary divides a lot, the locations of such boundaries, unless the same are indicated by dimensions, shall be determined by the use of the scale appearing on such zoning map.
- C. Where a public street or alley is officially vacated, the zoning regulations applicable to abutting property on each side of the centerlines shall apply up to the centerline of such vacated street or alley on each respective side.
- D. Areas of dedicated streets or alleys and railroad rights-of-way, other than those designated on the zoning map as being classified in one of the districts provided in this code, shall be deemed to be unclassified and, in the case of railroad rights-of-way, permitted to be used solely

for the purpose of accommodating tracks, signals, and other operative devices and the movement of rolling stock. [Ord. 2451, 12-2-96. Code 2001 § 151.127.]

Chapter 15.303

USE CATEGORIES

Sections:

- 15.303.010 Purpose.
- 15.303.100 Agricultural uses.
- 15.303.200 Residential uses.
- 15.303.300 Institutional and public uses.
- 15.303.310 Institutional care and housing.
- 15.303.312 Day care category.
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- 15.303.320 Assembly uses.
- 15.303.321 Religious institutions and places of worship category.
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- 15.303.330 School uses.
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- 15.303.332 College category.
- 15.303.333 Commercial educational services category.
- 15.303.340 Parks and open spaces uses.
- 15.303.341 Open space category.
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- 15.303.350 Public services uses.
- 15.303.351 Community services category.
- 15.303.352 Emergency services category.
- 15.303.360 Transportation uses.
- 15.303.370 Utility uses.
- 15.303.400 Commercial uses.
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- 15.303.411 Medical office category.
- 15.303.412 Local business office category.
- 15.303.420 Commercial sales and rentals.
- 15.303.421 Retail sales – General category.
- 15.303.422 Retail sales – Bulk outdoor category.
- 15.303.423 Retail sales – Convenience category.
- 15.303.425 Retail food and beverage production category.
- 15.303.430 Eating and drinking establishments category.
- 15.303.440 Commercial services uses.
- 15.303.441 Personal services category.
- 15.303.442 Commercial services category.
- 15.303.443 Commercial vehicle services category.
- 15.303.450 Commercial recreation uses.
- 15.303.451 Commercial recreation – Indoor category.
- 15.303.452 Commercial recreation – Outdoor category.

15.303.453 Commercial recreation – Motor-vehicle-related category.

15.303.460 Commercial lodging uses.

15.303.500 Industrial uses.

15.303.501 Traded sector industry office category.

15.303.502 Industrial services category.

15.303.503 Wholesale and industry sales category.

15.303.504 Warehouse, storage and distribution category.

15.303.505 Self-service storage category.

15.303.506 Light manufacturing category.

15.303.507 Heavy manufacturing category.

15.303.508 Waste-related category.

15.303.600 Miscellaneous uses.

15.303.010 Purpose.

 SHARE

A. Defined and Categorized Uses. Chapter 15.305 NMC lists the allowable uses in each zoning district. The uses listed are of two types:

1. Defined Uses. Defined uses are those uses that fit a specific definition contained in the definition section under NMC 15.05.030. For example, a “family child care home” is a specific defined use that is different than other day care type uses.

2. Use Categories. Use categories are used to describe land uses and activities that may be known by several common names, but are organized on the basis of common functional, product, or physical characteristics. For example, beauty salons, tanning salons, and body art studios are classified into a general category, “personal services.” Uses are assigned to the category whose description most closely describes the nature of the primary use. The “characteristics” subsection of each use category describes the characteristics of each use category. Developments may have more than one primary use. Developments may also have one or more accessory uses.

B. Interpretation. When a use’s category is not clearly identifiable, the director, through a Type I procedure, determines the applicable use category or similar use. The following is considered to determine what use category the use is in, and whether the activities constitute primary uses or accessory uses:

1. The description of the activity(ies) in relationship to the characteristics of each use category;
2. The relative amount of site or floor space and equipment devoted to the activity;
3. Relative amounts of sales from each activity;
4. The customer type for each activity;

5. The relative number of employees in each activity;
6. Hours of operation;
7. Building and site arrangement;
8. Vehicles used with the activity;
9. The relative number of vehicle trips generated by the activity;
10. How the use advertises itself; and
11. Whether the activity would function independently of the other activities on the site.

C. Developments with Multiple Primary Uses. When all the primary uses of a development fall within one use category, then the development is assigned to that use category. For example, a development that contains a grocery store, a gift shop, and a pharmacy would be classified in the general retail sales category because all the primary uses are in that category. When the primary uses of a development fall within different use categories, each primary use is classified in the applicable category and is subject to the regulations for that category.

D. Accessory Uses. The “accessory uses” subsection lists common accessory uses that are allowed by right in conjunction with the use unless stated otherwise in the regulations. Also, unless otherwise stated, they are subject to the same regulations as the primary use. Typical accessory uses are listed as examples with the categories.

E. Use of Examples. The “examples” subsection of each use category provides a list of examples of uses that are included in the use category. The names of uses on the lists are generic. They are based on the common meaning of the terms and not on what a specific use may call itself. For example, a use whose business name is “wholesale liquidation,” but that sells mostly to consumers, would be included in the general retail sales category rather than the wholesale and industry sales category. This is because the actual activity on the site matches the description of the general retail sales category.

F. Exclusions. The “exclusions” subsection of each use category indicates uses that are classified not included in that particular use category. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

15.303.100 Agricultural uses. SHARE

The following agricultural uses are defined in NMC 15.05.030:

- A. Horticulture.
- B. Livestock and poultry farming.

C. Home gardening.

D. Home livestock and poultry raising. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

15.303.200 Residential uses. SHARE

The following residential uses are defined in NMC 15.05.030:

A. Dwelling, single-family detached.

B. Dwelling, single-family attached.

C. Manufactured home.

D. Manufactured dwelling park.

E. Mobile home park.

F. Manufactured home subdivision.

G. Dwelling, two-family (duplex).

H. Dwelling, triplex.

I. Dwelling, quadplex.

J. Dwelling, townhouse.

K. Dwelling, cottage.

L. Cottage cluster project.

MH. Dwelling, multifamily.

NI. Dwelling, accessory.

OJ. Dwelling, mixed use.

PK. Dwelling, caretaker.

QL. Dormitory.

RM. Home occupation. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]...

Chapter 15.305

ZONING USE TABLE

Sections:

15.305.010 Classification of uses.

15.305.020 Zoning use table – Use districts.

15.305.030 Zoning use table – Use subdistricts.

15.305.010 Classification of uses.

The zoning use table under NMC 15.305.020 identifies the land uses that are allowed in the various zoning districts. The specific land use categories are described in Chapter 15.303 NMC. The table identifies each use as one of the following:

- P Permitted Use. The use is a permitted use within the zone. Note that the use still may require design review, building permits, or other approval in order to operate.
- C Conditional Use. A conditional use permit is required for the use. See Chapter 15.225 NMC.
- S Special Use. The use is subject to specific standards as identified within this code. The applicable section is included in the last column of the table.
- (#) A note indicates specific limits on the use. These notes are listed at the bottom of the table.
- X Prohibited Use. The use is specifically prohibited.

If none of the codes above are indicated, then the use is not permitted within the zone. [Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.020 Zoning use table – Use districts.

#	<u>Use</u>	R-1	R-2	R-3	R-4	RP	AR	Notes and Special <u>Use</u> Standards
100	AGRICULTURAL USES							
Def.	<u>Horticulture</u>	P	P	P(1)	P(1)	P(1)	P(1)	

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
Def.	Livestock and poultry farming	X	X	X	X	X	X	
Def.	Home gardening	P	P	P	P	P	P	
Def.	Home livestock and poultry raising	S	S				S	NMC Title 6
200	RESIDENTIAL USES							
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P	P(6)	Subject to lot or development site area requirements of NMC 15.405.010, density limits of NMC 15.405.010(B)
Def.	Dwelling, townhouse single-family attached	PS(2)	PS	PS(3)		PS	P(6)	NMC 15.415.050.B; subject to lot or development site area requirements density limits of NMC 15.405.010(B)
Def.	Manufactured home on individual lot	S(2)	S	S(3)	P(7)	S	P(6)	NMC 15.445.050 – 15.445.070; subject to lot or development site area requirements density limits of NMC 15.405.010(B)
Def.	Manufactured dwelling park		S	S	S			NMC 15.445.075 – 15.445.160
Def.	Mobile home park		S	S	S			NMC 15.445.075 – 15.445.160
Def.	Manufactured home subdivision		S		S			NMC 15.445.075 – 15.445.160
Def.	Dwelling, two-family (duplex)	P(2)	P	P	C	P	P(6)	Subject to lot or development site area requirements density limits of NMC 15.405.010(B)
Def.	Dwelling, triplex	P	P	P		P	P(6)	NMC 15.415.050.A; Subject to lot or site development requirements of NMC 15.405.010
Def.	Dwelling, quadplex	P	P	P		P	P(6)	NMC 15.415.050.A; Subject to lot or site development

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
								requirements of NMC 15.405.010
Def.	Cottage cluster project	P	P	P		P	P(6)	NMC 15.415.050.C; Subject to lot or site development requirements of NMC 15.405.010
Def.	Dwelling, multifamily	C	P	P	C	P		Subject to lot or development site requirements density limits of NMC 15.405.010(B)
Def.	Dwelling, accessory	S	S	S		S	S	Chapter 15.445 NMC, Article V
Def.	Dwelling, mixed use							
Def.	Dwelling, caretaker							Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	Dormitory		C	P		P		
Def.	Home occupation (no more than one outside paid employee)	S	S	S(13)	S	S	S	NMC 15.415.060
Def.	Home occupation (more than one outside paid employee)	C	C	C(13)	C	C	C	NMC 15.415.060
300	INSTITUTIONAL AND PUBLIC USES							
310	INSTITUTIONAL CARE AND HOUSING							
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	ORS Chapter 657A
312	Day care	P	P	P	C	P		ORS Chapter 657A
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	ORS 197.665
Def.	Residential care facility (6 – 15 people)	C	P	P	C	P		ORS 197.665
315	Group care facility (16+ people)	C	C	C		C		
316	Hospital	C	C	C		C		
Def.	Prison							
320	ASSEMBLY							

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
321	Religious institution, place of worship	P	P	P	P	P		
322	Private club, lodge, meeting hall			C	C			
330	SCHOOLS							
330	School, primary or secondary	P	P	P		P		
331	College	P	P	P		P		
332	Commercial educational services	C	C	C		C		
340	PARKS AND OPEN SPACES							
341	Open space	P	P	P	P	P	P	
342	Park	P	P	P	P	P		
Def.	Golf course	P	P	P				
350	PUBLIC SERVICES							
351	Community services	C	C	C	C	P		
352	Emergency services	P	P	P	P	P	P	
Def.	Pound, dog or cat							
Def.	Cemetery	C	C	C	C	C	C	ORS Chapter 97.46
360	TRANSPORTATION							
Def.	Transportation facilities and improvements	P	P	P	P	P	P	
Def.	Transit center							
Def.	Parking facility			P		C		
Def.	Airport, landing field							
Def.	Helipad, helipad	C	C	C	C	C	C	
Def.	Marina							
	Pilings, piers, docks, and similar in-water structures							
370	UTILITIES							
Def.	Basic utilities	P	P	P	P	P	P	
Def.	Utility distribution plant or yard							
Def.	Wastewater treatment plant							
Def.	Telecommunication facility incorporated into	C	C	C	C	C		Chapter 15.445 NMC, Article IV

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
	existing structure/utility pole and no taller than 18 feet above existing structure/utility pole							
Def.	Telecommunication facility, including <u>radio</u> towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing <u>structure</u> no taller than 18 feet above that <u>structure</u>							Chapter <u>15.445</u> NMC, Article IV
Def.	Telecommunication facility, including <u>radio</u> towers and transmitters, which are over 100 feet							Chapter <u>15.445</u> NMC, Article IV
400	COMMERCIAL USES							
410	COMMERCIAL OFFICES							
411	<u>Medical office</u>			C		P		
412	<u>Local business office</u>					P(22)		
420	COMMERCIAL SALES AND RENTALS							
421	<u>Retail sales – General</u>							
422	<u>Retail sales – Bulk outdoor</u>							
423	<u>Retail sales – Convenience</u>							
Def.	<u>Temporary merchant</u>							NMC <u>5.15.050</u> et seq.
425	<u>Retail food and beverage production</u>							Chapter <u>15.445</u> NMC, Article VIII
430	EATING AND DRINKING ESTABLISHMENTS							
430	Eating and drinking – Alcohol-related							Requires liquor license
430	Eating and drinking – Non-alcohol-related							
440	COMMERCIAL SERVICES							
441	<u>Personal services</u>					P		
442	<u>Commercial services</u>							
443	<u>Commercial vehicle service</u>							
Def.	<u>Kennel, commercial</u>							

#	Use	R-1	R-2	R-3	R-4	RP	AR	Notes and Special Use Standards
450	COMMERCIAL RECREATION							
451	<u>Commercial recreation – Indoors</u>							
452	<u>Commercial recreation – Outdoors</u>							
453	<u>Commercial recreation – Motor-vehicle-related</u>							
460	COMMERCIAL LODGING							
Def.	<u>Vacation rental home</u>	C	C	S	S	S		Chapter <u>15.445</u> NMC, Article VII
Def.	<u>Bed and breakfast</u> (2 or fewer rooms)	C	S	S		S		NMC <u>15.445.010</u>
Def.	<u>Bed and breakfast</u> (3 or more rooms)	C	C	C		C		NMC <u>15.445.010</u>
Def.	<u>Hotel</u> or <u>motel</u>							
Def.	<u>Recreational vehicle park</u>							NMC <u>15.445.170</u>
500	INDUSTRIAL USES							
501	<u>Traded sector industry office</u>					P(30)		
502	<u>Industrial services</u>							
503	<u>Wholesale and industry sales</u>							
504	<u>Warehouse, storage, and distribution</u>							
505	<u>Self-service storage</u>							
506	<u>Light manufacturing</u>							
507	<u>Heavy manufacturing</u>							
508	<u>Waste-related</u>							
600	MISCELLANEOUS USES							
Def.	<u>Accessory building</u> and <u>use</u> incidental to other permitted <u>uses</u> in the zone	P	P	P	P	P	P	
	<u>Uses</u> similar to permitted <u>uses</u> in the zone and not defined or categorized	P	P	P	P	P	P	
	<u>Uses</u> similar to conditional <u>uses</u> in the zone and not defined or categorized	C	C	C	C	C	C	

#	<u>Use</u>	R-1	R-2	R-3	R-4	RP	AR	Notes and Special <u>Use</u> Standards
	<u>Medical marijuana dispensary</u>	X	X	X	X	X	X	
	<u>Medical marijuana processor</u>	X	X	X	X	X	X	
	<u>Medical marijuana grow site</u>	P(36)	P(36)	P(36)	C	C	C	
	<u>Medical marijuana wholesaler</u>	X	X	X	X	X	P(38)	
	<u>Recreational marijuana processor</u>	X	X	X	X	X	X	
	<u>Recreational marijuana producer (indoor)</u>	X	X	X	X	X	X	
	<u>Recreational marijuana producer (outdoor)</u>	X	X	X	X	X	X	
	<u>Recreational marijuana retailer</u>	X	X	X	X	X	X	
	<u>Recreational marijuana wholesaler</u>	X	X	X	X	X	P(38)	
	<u>Marijuana laboratories</u>	X	X	X	X	X	X	
	<u>Marijuana research certificate</u>	X	X	X	X	X	X	

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#):

Notes.

(1) Limited to sites with preexisting agricultural uses, including at time of annexation.

(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).

(3) Permitted on individual lots created prior to November 17, 1992. Homes on individual lots created on or after November 17, 1992, will only be permitted through the planned unit development process.

(4) The permitted density shall be stated on the conditional use permit.

(5) The dwelling units must front onto Hancock Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.

(6) One residence single-family dwelling, or duplex dwelling, triplex, or quadplex dwelling, or up to four townhouse or cottage dwellings per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter 15.336 NMC.

(7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.

(8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.

(9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.

(10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.

(11) The units must be located on the same lot as another use permitted or conditionally permitted in the C-4 district and may not occupy the first-floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Parking shall be provided for all new dwelling units in private parking areas or garages on the basis of a maximum of one parking space for each dwelling unit.

(12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.

(13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.

(14) Allowed exclusively for employers or employees of businesses located within this district.

(15) Facility over 40,000 square feet gross floor area requires a conditional use permit.

(16) Allowed in areas designated in industrial area plans.

- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.
- (29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.
- (30) Limited to 10,000 square feet maximum floor area.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor use requires a conditional use permit.
- (33) Must be aviation-related. See Chapter 15.332 NMC.
- (34) Limited to expansion or change of existing heavy manufacturing uses.

(35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS

339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(36) Allows up to 12 mature plants; indoor operations only.

(37) Indoor use only.

(38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer, or medical marijuana processor and wholesaler.

(39) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(40) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2857 § 1 (Exh. A §§ 1, 2), 3-16-20; Ord. 2851 § 1 (Exh. A § 1), 1-21-20; Ord. 2840 § 1 (Exh. A § 1, Att. 1), 10-15-18; Ord. 2832 § 1 (Exh. A, Att. 1), 7-2-18; Ord. 2820 § 1 (Exh. A § 1, Att. 1), 9-18-17; Ord. 2809 § 1 (Exh. A § 1), 9-19-16; Ord. 2801 § 1 (Exh. A § 2), 6-6-16; Ord. 2798 § 1 (Exh. A § 2), 4-4-16; Ord. 2793 § 2 (Exh. A § 1), 2-1-16; Ord. 2780 § 1 (Exh. A § 2), 4-6-15; Ord. 2763 § 1 (Exh. A § 6), 9-16-13.]

15.305.030 Zoning use table – Use subdistricts.

 SHARE

#	Use	R-1/ PD	R-1/ 0.1	R-1/ 0.4	R-1/ 6.6	R-1/ SP	R-2/ PD	R-2/ SP	R-2/ RD	R-3/ RD	R-3/ PD	RP/ SP	RP/ LU	CF/ RD
600	MISCELLANEOUS <u>USES</u>													
	<u>Medical marijuana dispensary</u>	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)

#	Use	R-1/ PD	R-1/ 0.1	R-1/ 0.4	R-1/ 6.6	R-1/ SP	R-2/ PD	R-2/ SP	R-2/ RD	R-3/ RD	R-3/ PD	RP/ SP	RP/ LU	CF/ RD
	Medical marijuana processor	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)
	Medical marijuana grow site	C	C	C	C	C	C	C	(5)	(5)	C	C	C	(5)
	Medical marijuana wholesaler	X	X	X	X	X	X	X	(5)	(5)	X	X	X	(5)
	Recreational marijuana processor	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana producer (indoor)	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana producer (outdoor)	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana retailer	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Recreational marijuana wholesaler	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Marijuana laboratories	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)
	Marijuana research certificate	X	X	X	X	X	X	X	(6)	(6)	X	X	X	(6)

#	Use	M-1/ SP	M-E/ RD	M-1/ RD	M-2/ RD	SD/ E	FHO	II	AIO	H	SC	BI
600	MISCELLANEOUS USES											
	Medical marijuana dispensary	X	(5)	(5)	(5)	X	X	X	X	X	X	(5)
	Medical marijuana processor	P	(5)	(5)	(5)	P	X	X	X	X	X	(5)
	Medical marijuana grow site	C	(5)	(5)	(5)	C	C	C	C	C	C	C
	Medical marijuana wholesaler	P(1)	(5)	(5)	(5)	P(1)	X	P(1)	X	X	X	(5)
	Recreational marijuana processor	P	(6)	(6)	(6)	P	X	X	X	X	X	(6)
	Recreational marijuana producer (indoor)	P	(6)	(6)	(6)	P	X	P	X	X	X	(6)
	Recreational marijuana producer (outdoor)	C	(6)	(6)	(6)	C	X	C	X	X	X	(6)
	Recreational marijuana	X	(6)	(6)	(6)	X	X	X	X	X	X	(6)

#	<u>Use</u>	M-1/SP	M-E/RD	M-1/RD	M-2/RD	SD/E	FHO	II	AIO	H	SC	BI
	<u>retailer</u>											
	Recreational <u>marijuana wholesaler</u>	P(1)	(6)	(6)	(6)	P(1)	X	P(1)	X	X	X	(6)
	<u>Marijuana laboratories</u>	P	(6)	(6)	(6)	P	X	P	P	X	X	(6)
	Marijuana research certificate	P	(6)	(6)	(6)	P	X	P	P	X	X	(6)

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#):

Notes.

(1) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational retailer or wholesaler, or medical marijuana wholesaler.

(2) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.

(3) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m.

(4) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.

(5) See NMC 15.305.020, Zoning use table – Use districts, for districts where medical marijuana dispensaries, processors, grow sites, and wholesalers are allowed or prohibited.

(6) See NMC 15.305.020, Zoning use table – Use districts, for districts where recreational marijuana processors, producers (indoor and outdoor), retailers, wholesalers, and marijuana laboratories and research certificates are allowed or prohibited.

[Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2840 § 1 (Exh. A § 2, Att. 2), 10-15-18; Ord. 2820 § 1 (Exh. A § 2, Att. 2), 9-18-17; Ord. 2809 § 1 (Exh. A § 2), 9-19-16; Ord. 2801 § 1 (Exh. A § 3), 6-6-16; Ord. 2798 § 1 (Exh. A § 3), 4-4-16; Ord. 2793 § 3 (Exh. A § 2), 2-1-16.]

1

Code reviser's note: Section 25 of Ordinance 2763 provides:

SECTION 25: Grace period for previously permitted or conditional uses. Where an applicant demonstrates that a particular use was a permitted or conditional use on a specific property immediately prior to adoption of this ordinance, but that the use is no longer either a permitted or conditional use on that property due to this ordinance, the applicant may establish the use as either a permitted or conditional use, as provided in the prior code, provided the use is legally commenced prior to January 1, 2018.

Chapter 15.336

AIRPORT RESIDENTIAL (AR) DISTRICT

Sections:

15.336.010 Description and purpose.

15.336.020 Permitted buildings and uses.

15.336.010 Description and purpose.

The purpose of the City of Newberg AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. Maximum Average overall density shall be 8.8 units per gross acre. [Ord. 2647, 6-5-06. Code 2001 § 151.449.1.]

15.336.020 Permitted buildings and uses.

A. In the AR airport residential district, the following buildings and uses are permitted, as hereinafter specifically provided.

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

1. Residential airpark development, meaning one residence single family, or duplex, dwelling, triplex, or quadplex dwelling, or up to four townhouse or cottage dwellings per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision.
2. Accessory uses and structures.
3. Aircraft hangar. No aircraft hangar shall be constructed on any parcel or lot without a residential dwelling at least one single family or duplex dwelling, except if it is provided with permanent rights to a nearby airpark residence as per subsection (B)(1) of this section. An aircraft hangar cannot be used as a residence dwelling.
4. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; construction and maintenance of airport facilities; and other activities incidental to the normal operation of an airport.
5. Greenways, including but not limited to bicycle and pedestrian paths.

6. Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.

7. Transportation facilities and improvements.

8. Private streets that function as taxiways are allowed in the AR district and may include gates with designs approved by the fire marshal, at the limit of the taxiways.

9. Accessory dwelling unit. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2647, 6-5-06. Code 2001 § 151.449.2.]

Chapter 15.340

AIRPORT OVERLAY (AO) SUBDISTRICT

Sections:

15.340.010 Purpose.

15.340.020 Permitted uses within the airport approach safety zone.

15.340.030 Conditional uses within the airport approach safety zone.

15.340.040 Procedures.

15.340.050 Limitations.

15.340.010 Purpose.

 SHARE

A. In order to carry out the provisions of this airport overlay subdistrict, there are created and established certain zones which include all of the land lying beneath the airport imaginary surfaces as they apply to Sportsman Airpark in Yamhill County. Such zones are shown on the current airport overlay zone map and the displaced threshold approach surface map, prepared by the Newberg engineering department (see Appendix B, Maps 2 and 3).

B. Further, this overlay zone is intended to prevent the establishment of air space obstructions in airport approaches and surrounding areas through height restrictions and other land use controls as deemed essential to protect the health, safety and welfare of the people of the City of Newberg and Yamhill County. [Ord. 2451, 12-2-96. Code 2001 § 151.450.]

15.340.020 Permitted uses within the airport approach safety zone.

 SHARE

The following uses are permitted:

A. Single-family dwellings, mobile homes, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, cottage cluster projects and multifamily dwellings, when located greater than 3,000 feet from the displaced threshold and when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a hold harmless agreement and avigation and hazard easement and submits them to the airport sponsor and the community development department planning and building department.

B. All uses permitted in the primary zoning district, provided the use does not create the following:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.
3. Impairment of visibility.
4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the following limitations:

Permitted Density Table

Distance from the Displaced Threshold	Occupant Load (Gross Sq. Ft. of <u>Building per Person</u>)
Less than 1,500 ft.	125 sq. ft.
1,501 – 2,000 ft.	30 sq. ft.
Greater than 2,000 ft.	15 sq. ft.

C. Roadways, parking areas and storage yards located in such a manner that vehicle lights will not make it difficult for pilots to distinguish between landing lights and vehicle lights or result in glare, or in any way impair visibility in the vicinity of the landing approach. Approach surfaces must clear these by a minimum of 15 feet. [Ord. 2451, 12-2-96. Code 2001 § 151.451.]

15.340.030 Conditional uses within the airport approach safety zone.

The following uses are conditional uses and shall be processed through the Type III procedure:

A. All uses permitted as conditional uses within the primary zoning district, provided the use does not create the following:

1. Electrical interference with navigational signals or radio communication between the airport and aircraft.
2. Visual interference which would make it difficult for pilots to distinguish between airport lights or other lighting.

3. Impairment of visibility.
4. Bird strike hazards.
5. Endangerment or interference with the landing, taking off or maneuvering of aircraft intending to use the airport.
6. Population densities which exceed the standards listed in NMC 15.340.020(B)(6).

B. Any use, building, or structure which is otherwise permitted and is within the height limits of the displaced threshold approach surface but exceeds the height limits of the airport approach safety zone. The sole criteria for approval of such uses are as follows:

1. The use shall not create any of the conditions or hazards listed in subsection (A) of this section.
2. The landowner shall sign and record in the deed and mortgage records of Yamhill County a hold harmless agreement and avigation and hazard easement and submit them to the airport sponsor and the planning and building director or designee.
3. The use, building or structure shall be marked with lights as required by the State Aeronautics Division. The lights shall be installed and maintained by the applicant. [Ord. 2733 Att. A, 2-7-11; Ord. 2451, 12-2-96. Code 2001 § 151.452.]

15.340.040 Procedures. SHARE

A. Development Permits. An application for a development permit for any permitted use within the airport approach safety zone or the displaced threshold approach surface zone which is subject to site design review as required by NMC 15.220.010 et seq. and shall include the following information:

1. The boundaries of the airport imaginary surfaces as they relate to property boundary lines; and
2. The location and height of all existing and proposed buildings, structures, utility lines and roads; and
3. A statement from the Oregon Aeronautics Division indicating whether the proposed use will interfere with operation of the landing facility.

B. FAA Notice Required. To meet the requirements of Federal Aviation Regulations Part 77, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted for any construction or alteration of greater height than an imaginary surface extending outward and upward at a slope of 50 to one for a horizontal distance of 10,000 feet from the nearest point of

the nearest runway of the airport. Notice is not required for construction or alteration that is shielded by existing structures or terrain as defined in Section 77.15 of Part 77 of the Federal Aviation Regulations. [Ord. 2451, 12-2-96. Code 2001 § 151.453.]

15.340.050 Limitations. SHARE

A. To meet the standards and reporting requirements established in FAA Regulations, Part 77, no structure shall penetrate into the airport imaginary surfaces as defined in this code except as provided in NMC 15.340.030(B).

B. High density public uses as defined in this code shall not be permitted in the airport approach safety zone or the displaced threshold approach surface zone.

C. Following July 1990, if FAA funds are used by the city to improve or enhance the airport, new structures, buildings and dense uses shall be prohibited in the runway protection zone consistent with federal requirements.

D. Whenever there is a conflict in height limitations prescribed by this overlay zone and the primary zoning district, the lowest height limitation fixed shall govern; provided, however, that the height limitations here imposed shall not apply to such structures customarily employed for aeronautical purposes.

E. No glare-producing materials shall be used on the exterior of any structure located within the airport approach safety zone.

F. In noise-sensitive areas (within 1,500 feet of an airport or within established noise contour boundaries of 55 Ldn and above for identified airports) where noise levels are a concern, a declaration of anticipated noise levels shall be attached to any building permit or development approval. In areas where the noise level is anticipated to be 55 Ldn and above, prior to issuance of a building permit for construction of noise-sensitive land use (real property normally used for sleeping or normally used as schools, churches, hospitals, or public libraries) the permit applicant shall be required to demonstrate that the indoor noise level will not exceed 55 Ldn. The director will review building permits for noise-sensitive developments. [Ord. 2451, 12-2-96. Code 2001 § 151.454.]

Chapter 15.346

SPECIFIC PLAN (SP) SUBDISTRICT

Sections:

15.346.010 Purpose.

15.346.020 Plan development and approval process.

15.346.030 Approval criteria.

15.346.040 Plan implementation.

15.346.050 Amendments and adjustments to the specific plan.

15.346.060 Interim development.

15.346.070 Specific plan development standards.

15.346.010 Purpose.

 SHARE

The purpose of the SP subdistrict is to allow the development and approval of specific plans in the city. A specific plan is a master plan applied to one or more parcels in order to coordinate and direct development in terms of transportation, utilities, open space, and land use. The purpose is also to streamline the development process and encourage development according to the specific plan. Specific plans are intended to promote coordinated planning concepts and pedestrian-oriented mixed use development. [Ord. 2451, 12-2-96. Code 2001 § 151.505.]

15.346.020 Plan development and approval process.

 SHARE

A. Initiation. The process to establish a specific plan shall be initiated by the city council. The planning commission or interested property owners may submit requests to the city council to initiate the specific plan process. If owners request initiation of a specific plan process, the city council may require an application fee to be paid to cover the cost of creating the plan.

B. Steering Committee. The city council shall appoint a steering committee to guide development of the plan. The steering committee shall include persons representing affected property owners, neighbors, and the community at large.

C. Draft Plan. The steering committee shall develop a draft plan which shall be submitted to the planning commission and city council for review, modification, and approval.

D. Specific Plan. A specific plan shall include text and a diagram or diagrams which specify all of the following in detail:

1. Plan objectives: a narrative shall set forth the goals and objectives of the plan.
2. Site and context: a map of the site and context shall indicate existing land use, slope, and natural features.
3. The distribution, location, and extent of the uses of land, including open space and parks, within the area covered by the plan (land use plan).
4. The proposed distribution, location, and extent of major components of public and private transportation, wastewater, water, drainage and other essential facilities proposed to be located within the area covered by the plan and needed to support the land uses described in the plan.
5. Standards and criteria by which development will proceed and standards for conservation, development and utilization of natural resources, where applicable.
6. The plan shall identify the existing property ownership.
7. A circulation/transportation plan shall be included which identifies the proposed street pattern, including pedestrian pathways and bikeways. Design standards and street cross-sections shall be included.

E. Type III Hearings and Decisions. The planning commission shall hold a public hearing on the plan using a Type III procedure and shall make a recommendation to the city council. The city council shall have final approval authority. The hearing process to be followed shall be the same as that set forth for zoning map amendments pursuant to NMC 15.302.010 et seq. If the specific plan affects land outside the city limits, provisions and procedures required under the urban growth management agreement with Yamhill County shall also be met. [Ord. 2451, 12-2-96. Code 2001 § 151.506.]

15.346.030 Approval criteria. SHARE

Adoption of the specific plan and its related subdistrict shall be based on compliance with the zone change criteria of NMC 15.302.010 et seq. [Ord. 2451, 12-2-96. Code 2001 § 151.507.]

15.346.040 Plan implementation. SHARE

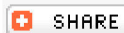
A. Overlay Subdistrict. The specific plan shall be implemented as a zoning overlay subdistrict. If the plan applies to land outside the city limits, the SP specific plan zoning subdistrict classification shall indicate where the SP overlay zone will be applied upon annexation. The

specific plan shall be adopted as an exhibit to the SP overlay zone subdistrict and the SP overlay plan district.

B. New Construction. New construction subject to site design review or building permit review shall meet the special development and design standards of the specific plan.

C. Priority of Standards and Procedures. Unless otherwise noted, the standards and procedures of the specific plan overlay subdistrict shall supplement and supersede standards and procedures of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.508.]

15.346.050 Amendments and adjustments to the specific plan.



Amendments to the specific plan may be either major or minor amendments.

A. Minor and Major Amendments.

1. Major amendments are those which result in any of the following:

- a. A change in land use.
- b. A change in the circulation/transportation plan that requires a major street (collector or arterial) to be eliminated or to be located in such a manner as to not be consistent with the specific plan.
- c. A change in the development standards.
- d. A change in the planned residential density.
- e. A change not specifically listed under the major and minor amendment definitions.

2. Minor amendments are those which result in any of the following:

- a. Changes related to street trees, street furniture, fencing, or signage that were approved as part of the specific plan.
- b. A change in the circulation/transportation plan that requires a local street, easement, or pathway to be shifted more than 50 feet in any direction.
- c. A change in the utility plan other than what would be necessary for authorized adjustment of lot lines.

B. Major Amendment – Type III Procedure. A major amendment to a specific plan shall be processed as a Type III comprehensive plan amendment. The amendment shall meet the criteria of NMC 15.346.030. In addition, findings must demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the specific plan.

C. Minor Amendment – Type II Procedure. A minor amendment to a specific plan may be approved by the director through a Type II procedure. The director's decision shall include findings that demonstrate that the change will not adversely affect the purpose, objectives, or functioning of the specific plan.

D. Authorized Adjustment of Lot Lines – Type I Procedure. As part of the final platting process, the director is authorized to grant adjustments to proposed lot lines consistent with flexible density standards (if included) as part of the specific plan subdistrict. [Ord. 2451, 12-2-96. Code 2001 § 151.509.]

15.346.060 Interim development.

To encourage platting in conformance with the specific plan, the following modifications to street, subdivision, and development standards may be granted by the director through the Type I procedure:

A. Temporary Dead-Ends. The director may authorize temporary cul-de-sacs or vehicle turnarounds where a through street will eventually be provided. Due to their temporary nature, the dimensions and improvement requirements for these cul-de-sacs and turnarounds may vary from standards set forth in the subdivision ordinance.

B. Temporary Street Improvements. Three-quarter-width streets may be provided temporarily to access lots where a full street will eventually be provided when all abutting lots are developed, unless otherwise approved as a half-street by the director and fire chief.

C. Tracts. Tracts of land which do not meet specific plan density requirements may be created and developed when it is demonstrated that the tracts can be developed in accordance with the specific plan in the future. If construction occurs on the tract, it shall be done in a manner that will meet specific plan development standards when full improvements are provided. [Ord. 2451, 12-2-96. Code 2001 § 151.510.]

15.346.070 Specific plan development standards.

Development standards for specific plans are listed below. The standards shall be utilized in conjunction with the specific plan adopted as an exhibit to the SP overlay subdistrict. This section is intended to be amended as new specific plans are adopted.

A. The Northwest Newberg Specific Plan.

1. Report Adopted. The northwest Newberg specific plan final report, dated August 1994, is adopted by reference. The development standards listed in this section shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

2. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the SP subdistrict shall be the same as those uses permitted in the base zoning districts. An exception to this is the commercial zone, which may be located on either side (north or south) of the extension of Foothills Drive. Such commercial area must be located in one node of not more than five acres in size and not split by a public street. This alternative is indicated as Appendix B of the northwest Newberg specific plan.

3. Street and Pedestrian Walkway Standards.

a. Street and public walkway standards are as follows:

	<u>Right-of-Way</u>	<u>Paved Surface</u>
Local <u>street</u>	60'	32'
<u>Collector</u> street	74'	36'
<u>Public walkway</u>	16'	6'

b. Five-foot bike lanes shall be provided along collector streets. Five-foot sidewalks shall be provided along local and collector streets. A six-foot-wide planter strip shall separate the sidewalk and the local street. A 12-foot-wide planter strip shall separate the sidewalk and the collector street. Local streets shall be designed as through streets. Cul-de-sacs shall be used only if a through street cannot be developed. The regulations for collector street standards may be waived when in the judgment of the director waiving of the standards is warranted based on traffic volume, reduced speed, type of usage and access limitations, pursuant to the City of Newberg transportation system plan.

4. Setbacks. Figures 9 and 10 of the northwest Newberg specific plan identify special setback standards that apply to the property.

a. Area 1 Setbacks – Figure 10. Minimum and maximum front setbacks for structures shall be met in area 1 of the northwest Newberg specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	<u>Minimum</u>	<u>Maximum</u>
Porch	10'	25'
<u>Dwelling</u>	15'	25' (without porch)
<u>Cottage cluster dwelling</u>	10'	25' (without porch)

	Minimum	Maximum
Garage or <u>carport</u>	20'	None

The front of a garage may not be closer to the property line than the front of the house residential structure unless each front on different streets.

b. Area 2 Setbacks – Figure 10. Special minimum front setbacks for residential structures shall be met in area 2 of the northwest Newberg specific plan. No maximum setback is required. Front setbacks are as follows:

	Minimum	Maximum
Porch	10'	None
Dwelling	15'	None
Cottage cluster dwelling	10	None
Garage or <u>carport</u>	20'	None

c. Interior Setbacks. Interior yard setbacks shall be the same as the base zone.

d. Commercial and Institutional Setbacks. Except as set forth in subsection (A)(8) of this section, setbacks for commercial and institutional use shall be set by the base zone or as otherwise required in this code.

5. Street Trees. Street trees shall be required along all streets where designated planter strips and/or raised medians are provided. One tree shall be required for every 40 feet of street frontage or fraction of 40 feet; e.g., a lot with 50 feet of frontage will provide two street trees; a lot with 100 feet of frontage will provide three street trees. Trees shall be provided in accordance with the list of trees included in the specific plan. Trees shall have a minimum of a one-and-one-half or one-and-three-fourths-inch caliper tree trunk and shall be balled and burlapped or boxed.

6. Residential Density. Residential density is governed by the SP overlay subdistrict. The maximum allowed density is set by the number of lots depicted on the land use plan, Figure 6 of the northwest Newberg specific plan. Additional standards follow:

a. Minimum Lot Size.

i. Single-family detached dwellings or duplex dwellings, or triplex dwellings; 5,000 square feet.

ii. Attached dwellings; 3,750 square feet;

ii. Townhouse dwellings; 1,500 square feet.

iii. Quadplex dwellings or cottage cluster projects: 7,000 square feet.

b. Maximum Lot Coverage.

i. R-1-SP and R-2-SP zones: 40 percent (including garage), except 60 percent (including garage) for townhouse dwellings.

ii. R-2-SP: 60 percent (including garage).

c. Maximum Density.

i. LDR districts: set by the specific plan (averages 4.4 dwellings per acre).

ii. MDR districts: 8.8 dwellings per acre.

iii. For the purpose of calculating compliance with the maximum density standard, single-family detached and duplex dwellings count as a single dwelling per lot.

iv. Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects shall be exempt from the maximum density calculation and shall be subject only to the minimum lot sizes in Section 15.346.070.A.6.a.

d. Flexible Minimum Density Requirements. The following standards may be applied at the time of platting:

i. Lots for single-family detached dwellings may be increased to 7,500 square feet.

ii. Lot size may be increased above 7,500 square feet for single-family detached dwellings, provided the overall density of the original parent parcel at the time of specific plan approval remains at or above 80 percent of the original planned density. If other parcels have built out at densities exceeding 80 percent of the original planned density, the overall density of the combined parcels may be used for the calculation. For these calculations, the planned density for LDR areas shall be assumed to be 6.5 dwelling units per acre (5,000-square-foot single-family lots) and MDR at 8.8 dwelling units per acre.

7. Building Orientation. All development shall be oriented to a local or collector street. Orientation shall be achieved by the provision of an entry door fronting upon the street with a direct sidewalk connection from the door to the public sidewalk.

8. Commercial Standards. In addition to site review standards, the following standards shall apply to commercial development:

a. Commercial structures shall be set back no further than 20 feet from the Foothills Drive right-of-way. This setback area shall not be used for any type of vehicular access or parking.

b. A minimum of a 300-square-foot plaza or pedestrian seating area at the intersection of Foothills Drive and the adjacent north-south local street shall be provided.

c. All walls adjacent to and visible from the public right-of-way shall include windows. An exception to this standard may be granted by the planning and building community development director if the wall is screened.

9. Sign Standards. Freestanding signs shall not exceed five feet in height, 30 square feet in area, and one per street frontage. Wall and window signs shall not exceed one square foot per lineal foot of wall. Roof signs are prohibited. Projecting fin signs shall not exceed 20 square feet in size.

B. Springbrook Oaks Specific Plan.

1. Report Adopted. The Springbrook Oaks specific plan dated August 2, 1999, and amended August 2, 1999, October 16, 2006 and August 6, 2018 is adopted by reference. The development standards listed in this section are intended to implement the policies of the Springbrook Oaks specific plan. Development of Springbrook Oaks shall follow the standards of this code section as well as the policies of the plan. If a conflict exists between the Springbrook Oaks specific plan policies and the development code, the Springbrook Oaks specific plan shall govern.

2. Permitted Uses and Conditional Uses. Eight development areas have been established with corresponding zones within the Springbrook Oaks specific plan. The permitted and conditional uses allowed under the SP subdistrict shall be the same as those uses permitted in the base zoning districts. Exceptions to this standard include the following:

a. A golf course shall be permitted within the M-1 area, adjacent to the stream corridor; and

b. Densities and lot sizes shall be in accordance to the standards established in subsection (B)(8)(a) of this section.

c. In addition to the permitted uses in the RP zone, area F-1 permits:

i. Medically related industrial uses, such as medical laboratories, manufacture and wholesale distribution of medical equipment, medical research facilities, and laundries and similar services for medical facilities.

ii. Medically related retail uses, such as a pharmacy, gift shop or cafe (limited to 3,000 square feet), or medical appliance sale and rental store.

iii. Barber and beauty shops.

Area F-1 permits residential uses.

d. Area F-2 does not permit single-family dwellings.

e. Areas shown in the bypass corridor overlay (LUBCO) district are subject to the standards of that overlay.

3. Street and Pedestrian Pathway Standards. Street and pedestrian pathway development standards are established in NMC 15.505.010 et seq. and NMC 15.505.210 et seq.

4. Residential Design. Multiple, nonrepetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three residences lots on any street frontage.

5. Setbacks. Figures 1 and 2 of the Springbrook Oaks specific plan identify special setback standards that apply to the property.

6. Residential, Professional and Industrial Setbacks.

a. Residential.

i. Development Areas A through F Setbacks – Figure 1 of the Springbrook Oaks Specific Plan. Minimum and maximum front setbacks for structures shall be met in development areas A through F of the Springbrook Oaks specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	Minimum	Maximum
Porch	10'	25'
<u>Dwelling</u>	15'	25' (without porch)
<u>Cottage cluster dwelling</u>	10'	25' (without porch)
Garage or <u>carport</u>	20'	None

The front of a garage may not be closer to the property line than the front of the house unless each front on different streets.

ii. Development Area H Setback – Figure 2 of the Springbrook Oaks Specific Plan. Special minimum front setbacks for residential structures shall be met in development area H of the Springbrook Oaks specific plan. No maximum setback is required. Front setbacks are as follows:

	Minimum	Maximum
Porch	10'	None
Dwelling	15'	None
Cottage cluster dwelling	10'	None
Garage or carport	20'	None

iii. Interior Setbacks. Interior yard setbacks shall be the same as the base zone. An exception to this standard is made for single-family attached housing, where no interior setback is required for the zero lot line. Another exception is development within the R-P zones of area F which may have a five-foot interior setback.

~~iv. Staggered front setbacks of at least two feet shall be established for attached homes. No two attached dwelling units, excluding duplex dwellings, with the same setback shall be located closer than every two residences on any street frontage.~~

b. Professional and Industrial Setbacks. Except as set forth in subsection (B)(5) of this section, setbacks for professional and industrial developments within development areas A, F, and G of the Springbrook Oaks specific plan shall be set by the base zone or as otherwise required in this code.

c. Building Heights. Building height limits shall be the same as those in the base zone. An exception is for areas F-1 and F-2, which shall have a maximum building height of 50 feet.

7. Street Trees. Street trees shall be provided adjacent to all public rights-of-way abutting or within a subdivision or partition. Street trees shall be installed in accordance with the provisions of NMC 15.420.010(B)(4). Trees shall be selected from the street tree species list authorized by the city council. Preference should be given towards the selection of oak species to maintain the character of the development's namesake: Springbrook Oaks.

8. Residential Density. Residential density is governed by the SP overlay subdistrict.

a. The following development standards shall be applied to Springbrook Oaks for single-family detached dwellings and duplex dwellings (please refer to Graphic VI for map of development areas A through H of the Springbrook Oaks specific plan). See

Appendix A, Figure 20. These standards shall supersede any density or density transfer standards established in the development code.

Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
A	C-2	5,000	NA	NA
B 	RP	1,500*	1,500*	21.8* ¹
C 	R-3	2,500*	2,500*	13.1*
D 	R-2	3,750*	3,750	8.8
E 	R-2	5,000	5,000*	6.6*
F-1 	RP	1,500*	1,500*	21.8*
F-2 	RP	1,500*	None* ²	None* ²
F-3 	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H 	R-1	5,000*	10,000* ³	3.3*

* Different than the standards established elsewhere in the development code.
Residential land use only permitted on F-1 area for Yamhill County tax lot 3216-02026.

¹ Up to 100 percent of the land zoned RP within area B may be developed for residential use.

² There is no limit on the number of dwelling units allowed in area F-2.

³ Average lot area per dwelling in any one subdivision.

⁴ Duplex dwellings are subject only to the Minimum Lot Size and are exempt from Minimum Lot Area per Dwelling Unit. Duplex dwellings count as a single dwelling unit per lot for the purpose of calculating compliance with the maximum density.

⁵ Triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects are permitted on lots meeting the applicable minimum lot areas for the dwelling type in the corresponding zone per Section 15.405.010(A), and are exempt from the development standards in this table.

b. Density Shifting.

i. A density shift of up to 20 percent is permitted between any two lots or portions of lots of equal acreage within the same or different residential areas (areas B, C, D and E). The shift may be up to 20 percent of total units permitted within the lower density zone regardless of which direction the shifting is occurring. Any such shift shall be approved through a Type I process. An agreement must be drafted and signed by all parties involved.

ii. An example of density shifting is as follows:

Present maximum density permitted by zone A five-acre lot in area B = 109 units

A five-acre lot in area C = 65.5 units

(20 percent = 13.1 units)

Proposed 20 percent Lot in area B = 122* units shift:

Lot in area C = 52* units

OR

Lot in area B = 95* units

Lot in area C = 78* units

* Rounded down to a whole unit number.

c. Increases in density of residential areas B, C, D and E may be permitted in consideration for land designated for public purposes such as schools, neighborhood parks, plazas, and the like (excluding stream corridors). For any given acreage designated for the aforementioned purposes, the density of an equal amount of acreage may be increased 20 percent in another area of Springbrook Oaks which has the same zone type as that of where the public area is located. The density shift may also be directed to a different zone, in a similar manner to the above. For example:

Present maximum density of public land: A five-acre lot in area D zoned R-2
= 44 units (20 percent = 8.8 units)

Proposed 20 percent density shift to another five acres in area D zoned R-2 44 units + 8.8 units = 52 units*

OR

Proposed 20 percent density 109 units + 8.8

shift to another five acres in units = 117
area B zoned R-3 units*

* Rounded down to a whole unit number.

e. Any area of land whose allowed density has increased due to a density shift may include a corresponding decrease in the area's minimum lot size and minimum lot area per dwelling unit.

f. No lot within any given zone may increase density due to a density shift more than once.

g. Maximum lot coverage is described in NMC 15.405.040.

9. Commercial and Industrial Standards. In addition to site review standards, all commercial and industrial development will conform to the covenants, conditions, and restrictions (CC&Rs) approved for the Springbrook Oaks development. A certificate of compliance with these CC&Rs shall be submitted with a design review application for any commercial or industrial development.

10. Sign Standards. Signs must comply with NMC 15.435.010 through 15.435.120.

11. Tree Management Plan. Any proposed development within development area H must follow the approved tree management plan for development area H. The plan shall be developed by a third-party licensed arborist.

12. Permitting Process. Any proposed development shall follow the permit approval process described in NMC 15.100.010 through 15.100.150. Exceptions to this standard are as follows:

a. Proposed subdivisions will be reviewed under the Type II process; and

b. Any proposed development within development areas A through F that meet the building design and development standards in Appendix C (see Springbrook Oaks specific plan) will be reviewed under the Type I process. The applicant shall provide written documentation showing that each development standard has been met.

13. Plan Amendments. Proposed amendments and adjustments to the specific plan will follow the procedure described in NMC 15.346.050. Exceptions to this amendment and adjustment procedure are as follows:

a. Proposed boundary modifications for development areas B through E (see Appendix A, Figure 20) that increase any individual area no more than five percent of

its original total acreage will be reviewed under a Type I process. Proposed boundary modifications that change the total acreage of any of the aforementioned development areas more than five percent will be reviewed under a Type III process.

b. Proposed boundary modifications for development areas F and G that move a boundary less than 50 feet and do not change the total acreage in a development area by more than 0.1 acre will be reviewed under a Type I process. Other proposed boundary modifications will be reviewed under a Type III process.

c. Proposed boundary changes for areas A and H will be reviewed under a Type III process.

14. Residential Development Near the Bypass. In order to minimize conflicts between the proposed bypass and proposed residential development in area F, the director shall approve a management plan prior to residential subdivision or development approval in area F. The management plan shall be developed in coordination with the director, ODOT, and the developer. The management plan may require any of the following or other conditions necessary to minimize conflicts:

a. Separation between the bypass and residential development, either within or outside the eventual right-of-way.

b. Specific orientation of buildings.

c. Specific layout of streets, walkways, pedestrian paths, alleys, driveways, open spaces, and sound walls. [Ord. 2833 § 1 (Exh. A), 8-6-18; Ord. 2657 § 1, 10-16-06; Ord. 2619, 5-16-05; Ord. 2517, 8-2-99; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.511.]

Chapter 15.352

RIVERFRONT (RD) OVERLAY SUBDISTRICT

Sections:

15.352.010 Purpose.

15.352.020 Where these regulations apply.

15.352.030 The Riverfront Plan general provisions.

15.352.040 Commercial design standards.

15.352.050 Residential design standards.

15.352.060 Mixed employment design standards for commercial development.

15.32.070 Mixed employment design standards for industrial development.

15.352.010 Purpose.

 SHARE

The purpose of the riverfront overlay subdistrict is to create a unique identity based on the district's special character as a result of its proximity to the Willamette River. The riverfront overlay subdistrict is also intended to encourage access to and enjoyment of the Willamette River and to protect and enhance views of and connections to the river. Specific building design standards for commercial, residential, and industrial buildings, streetscapes, and parking within the riverfront overlay subdistrict are included to achieve development that is consistent with the vision identified in the 2019 Riverfront Master Plan. This vision includes, but is not limited to, attractive pedestrian-oriented streets; an integrated mix of residential, commercial and industrial development; preservation of natural spaces along the riverfront; a network of off-street paths and trails; and space for large group activities such as concerts, cultural gatherings, or sporting events. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.1.]

15.352.020 Where these regulations apply.

 SHARE

The regulations of the chapter apply to the portion of any lot or development site which is within an RD overlay subdistrict. The delineation of the RD overlay subdistrict is described by boundary lines delineated on the City of Newberg zoning map indicated with an RD symbol. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.2.]

15.352.030 The Riverfront Plan general provisions.

 SHARE

A. Report Accepted. The 2019 Newberg Riverfront Master Plan was accepted by the city council on September 16, 2019 (Resolution No. 2019-3596). The development standards listed in this chapter shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RD overlay subdistrict shall be the same as those uses permitted in the base zoning districts, subject to the provisions of subsection (I) of this section.

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the 2019 Newberg Riverfront Master Plan.

D. View Corridors. Key views of the Willamette River shall be protected. Key views include the view from the top of the bluff, on the south side of the intersection of E Fourteenth Street and S River Street, and the view from the top of the bluff south of E Fourteenth Street generally between S College and S River Streets. These key views shall be protected as follows:

1. Any development on the south side of the intersections of E Fourteenth Street and S River Street, E Fourteenth Street and S College Street, and NE Waterfront Street shall provide a public viewing area accessible from E Fourteenth Street and NE Waterfront Street that allows views from the top of the bluff to the river. Any viewing area at this location shall be connected to the public esplanade or the E Fourteenth Street public sidewalk.
2. Development south of E Fourteenth Street and NE Waterfront Street shall protect views of the river by providing a public esplanade with a public walkway.
3. Development on the Riverfront Mill Site shall protect views of the river from the top of the bluff along the southern edge of the site, including at the northern terminus of the waterline bridge. Developments shall provide a public viewing area accessible from the future extension of E Fourteenth Street that allows views from the top of the bluff to the river and connects to a public sidewalk.
4. Additional key views of the Willamette River may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.

E. Significant Tree Grove. Oregon White Oaks within the significant tree grove located north of E Fourteenth Street and between S College and S River Streets shall be preserved, with the exception of removal necessary for a public infrastructure project or removal of trees deemed hazardous by a certified arborist.

F. Separate Rail Traffic from Other Modes. Transportation improvements to collector and arterial streets shall be designed with considerations intended to mitigate conflicts between rail traffic and other modes such as at-grade rail crossings.

G. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed.

H. Limits to the Floor Area of Commercial and Office Development within the M-E/RD subdistrict. Within the M-E/RD subdistrict, limits to total floor area shall be imposed in order to (a) preserve the predominantly employment-focused nature of the district east of S River Street and (b) limit traffic impacts of development within the M-E/RD subdistrict on nearby intersections, as identified in the 2019 Riverfront Master Plan and its Transportation Planning Rule (TPR) findings. The limits are as follows:

1. Commercial Retail Development. Within the M-E/RD Subdistrict, the total combined floor area for development within the categories of commercial sales and rental uses, eating and drinking establishments, commercial services, and commercial recreation shall not exceed 60,000 square feet.

2. Commercial Office Development. Within the M-E/RD subdistrict, the total combined floor area for development in the category of commercial office shall not exceed 60,000 square feet. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.3.]

15.352.040 Commercial design standards.

 SHARE

A. General. The commercial design standards apply to any development located within the commercial zoning district(s) within the riverfront overlay subdistrict. These standards are in addition to the standards and requirements of the Newberg development code. The development standards listed in this chapter shall take precedence over those listed elsewhere in this code.

B. Minimum Lot Size. Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

C. Lot Coverage. The development site is permitted to have 100 percent lot coverage.

D. Building Maximum Square Footage Requirements. Except as otherwise may be approved through a conditional use permit, the ground floor of buildings shall not exceed 15,000 square feet.

E. Setbacks.

1. Minimum. No front yard setbacks are required. No side or rear yard setbacks are required, except where adjacent to residentially zoned property. Where interior lot lines are common with residentially zoned property, setbacks of not less than 10 feet shall be required.

2. Maximum.

a. The maximum front yard setback shall be 10 feet for at least 50 percent of the length of the street-facing lot line. A building must be constructed that is located within 10 feet of the street-facing lot line for at least 50 percent of the length of the street-facing lot line. If the development is on a corner lot, this standard applies to both streets.

b. The maximum front yard setback may be increased to 20 feet if the following conditions are met:

i. Landscaping or a hard-surfaced expansion of the pedestrian path must be provided between the front of the building and the sidewalk.

ii. For each 100 square feet of hard-surfaced area between the building and the street lot line, at least one of the following amenities must be provided:

(A) A bench or other seating that will accommodate at least three people.

(B) A tree with a minimum caliper of two and one-half inches.

(C) A landscape planter not less than 20 square feet in area.

(D) A drinking fountain.

(E) Similar pedestrian-scale amenities.

F. Vision Clearance. There is no vision clearance requirement within the commercial zoning districts located within the RE overlay subdistrict.

G. Signs. Signs shall comply with sign standards for the C-3 zone under this code, NMC 15.435.040 through 15.435.120.

H. Parking.

1. Interior Lots. Within a development site, parking is not permitted between a building and a public street. Parking must be located to the side or rear of buildings.

2. Corner Lots. Parking may be located no closer than 40 feet from the intersection of two public streets.

3. Minimum Required Off-Street Parking. The minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

4. Off-Site Parking. Required off-street parking is permitted to be located off-site, as long as the off-street parking is located within 400 feet of the development.

5. Shared Parking. Shared parking facilities shall be exempt from setback and building square footage requirements, provided the parking facility does not abut Fourteenth Street. An intervening building must be provided between Fourteenth Street and the parking facility, or the facility must be set back a minimum of 40 feet from Fourteenth Street. Accessways to Fourteenth Street are permitted.

6. Bicycle Parking. Two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater.

7. Loading. Except as permitted in this subsection, loading areas shall be set back at least 10 feet from property lines and screened from the street and neighboring properties. Loading areas that are directly visible from the street or neighboring properties shall be screened using one of the following ways:

a. The loading area shall be incorporated into the building design and located internally to the building, with a door to the exterior.

b. The loading area shall be screened by a hedge, fence, or wall at least six feet in height. A hedge must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted as a form of screening loading areas.

I. Screening.

1. Refuse and Recycling. Refuse collection containers (dumpsters) and recycling areas shall be screened from the street and neighboring properties. Trash receptacles for pedestrian use are exempt from this requirement. One of the following standards must be met for refuse collection screening:

a. Refuse collection and recycling areas may be screened by being located completely within a building.

b. If located outside of a building, refuse collection and recycling areas must be located within an enclosure at least six feet in height. The enclosure shall be a sight-

obscuring masonry wall or nonflammable sight-obscuring fence. The material selected for the enclosure must be consistent with the building materials permitted on the surrounding buildings. Slatted chain link fencing is not permitted.

2. Roof-Mounted Mechanical Equipment. All roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, communications equipment, and similar equipment, excluding solar panels) must be screened from public view in one of the following ways:

- a. A parapet as tall as the tallest part of the equipment;
- b. A screen around the equipment that is as tall as the tallest part of the equipment; or
- c. The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.
- d. The review body may allow exemptions for equipment that contributes to the architectural design of the structure, such as piping in a brewery.

3. Ground-Mounted Equipment. Mechanical equipment on the ground must be screened from view by walls, fences, or vegetation as tall as the tallest part of the equipment. Any vegetation must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted.

J. Building Design.

1. Building Height. Maximum building height in the C-4 zone in the riverfront overlay subdistrict is 45 feet. Maximum building height in the C-1 zone in the riverfront overlay subdistrict is 30 feet. Minimum building height for all commercial zones in the riverfront overlay subdistrict is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

2. Street-Facing Building Facades. Street-facing facades shall be varied and articulated to provide visual interest to pedestrians.

- a. Street-facing building facades shall extend no more than 30 feet without providing a variation in building material or building offsets. Building offsets must articulate at least two feet.
- b. Street-facing building facades shall be articulated into planes of 500 square feet or less either by setting part of the facade back at least two feet from the rest of the

facade, or by the use of fascias, canopies, arcades, windows, breaks in relief, or other similar features.

c. Buildings must include changes in relief on 10 percent (in area) of facades facing public rights-of-way. Relief changes include cornices, bases, arcades, setbacks of at least two feet, canopies, awnings, projecting window features, or porticos.

3. Building Length. Building length shall not exceed 200 feet without a pedestrian connection through the building or between buildings. This is applicable to both a single building and to a group of individual buildings connected by common walls.

4. Building Materials. Building materials for all exterior sides with a primary or secondary entrance, excluding loading zones, shall convey an impression of durability.

a. Masonry, stone, stucco, and wood are permitted as the primary material for exterior appearance. Metal is not permitted as a primary exterior building material but may be used as an accent or awning.

b. Where concrete masonry units (concrete block) are used for exterior finish, decorative patterns must be used, such as split-face concrete block or by incorporating layering or patterns.

c. Where brick, rusticated concrete block, or stone masonry is used as a veneer material, it must be at least two and one-half inches thick. Brick and stone street-facing facades shall return at least 18 inches around exposed side walls.

d. Wood or wood-look siding must be lap siding, board and batten, shingle siding or channel siding and is not permitted to be applied in a diagonal or herringbone pattern. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited. Lap siding, shingles, and shakes shall be exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced a maximum of eight inches on center.

e. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be used for trim or accent colors but are not permitted as primary wall colors.

5. Ground-Floor Windows. Exterior walls on the ground level which face a street lot line or other public right-of-way must have windows at least 50 percent of the length and 25 percent of the ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine feet above the finished grade. To qualify as ground-floor windows, window sills must be no more than four feet above exterior grade. The ground-floor window requirement does not apply to the walls of residential units. Qualifying window

features must be either windows or doors that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. See Appendix A, Figure 25.

6. Window Glazing. Any windows facing public rights-of-way on the ground floor shall have clear glazing. Restroom windows are exempt from this requirement. On any floor, tinted or reflective glass shall not be visible from public rights-of-way, other than ornamental stained glass windows.

7. Main Building Entrance. Within the riverfront commercial district, the main building entrance shall connect to adjacent public rights-of-way with a paved walkway at least six feet in width. For buildings with more than one major entrance, only one entrance is required to meet the main building entrance standard. The walkway must not be more than 120 percent or 20 feet longer than the straight line distance between the entrance and the closest improved right-of-way, whichever is less.

8. Pedestrian Access to Esplanade. Buildings on properties adjacent to the esplanade shall provide pedestrian access to and a door facing the esplanade.

K. Landscaping. Where 100 percent of a lot is covered by a building, no landscaping is required.

1. All setback areas and lands not otherwise developed shall be landscaped. Courtyards, plazas and pedestrian walkways, esplanades and natural riparian vegetation are considered to be landscaping.

2. Parking Lot Landscaping. In addition to other Newberg development code standards for interior parking lot landscaping, special screening standards shall apply to parking lots. Parking areas shall be screened from neighboring properties and public rights-of-way. Perimeter landscaping at least five feet in width shall be provided. The following standards must be met for the perimeter landscaping areas:

- a. Enough low shrubs to provide a continuous screen at least three feet high and 95 percent opaque year-round.
- b. One tree per 30 linear feet or enough trees to provide a tree canopy over the landscaped area.
- c. Ground cover plants, perennials, or shrubs must fully cover the remainder of the landscaped area.
- d. A three-foot-high masonry wall may substitute for the shrubs, but trees and ground cover at the above-cited rates are still required.

L. Outdoor Storage and Display.

1. Outdoor Storage. Outdoor storage of merchandise or materials directly or indirectly related to a business is prohibited.

2. Outdoor Display. Outdoor display of merchandise is permitted during business hours only. A minimum pedestrian walkway of six-foot clear width must be maintained at all times.

M. Outdoor Seating. Outdoor seating is encouraged on public sidewalks and the esplanade. A minimum pedestrian walkway of six-foot clear width must be maintained at all times. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.4.]

15.352.050 Residential design standards.

In addition to the development standards of the base zone and the design standards in NMC 15.415.050, the following standards shall apply:

A. ~~Single-Family Dwellings and Duplex Dwellings~~ Façade Design Features.

1. For single-family dwellings, and duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, and including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

3. Townhouse dwellings shall be exempt from the unit definition standards of NMC 15.415.050.B.3.

B. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

- a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.
- b. The front of the garage can be no closer to the front lot line than the front facade of the primary structure house.
- c. Individual garage doors may be no more than 90 square feet in area for a single-car garage or 180 square feet in area for a two-car garage.
- d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

2. Surface parking areas shall be located behind or to the side of residential structures.

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials.

[Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]

15.352.060 Mixed employment design standards for commercial development.

A. General. The mixed employment (M-E) design standards for commercial development apply to any commercial uses located within the M-E zoning district within the riverfront overlay subdistrict, including retail, commercial offices, sales, and commercial services. These standards are in addition to the standards and requirements of the Newberg Development Code. The development standards listed in this chapter shall take precedence over those listed elsewhere in this code.

B. Minimum Lot Size. There is no minimum lot size required, provided the other standards of this code can be met.

C. Lot Coverage. There is no maximum lot coverage.

D. Building Ground Floor Maximum Square Footage Requirements. Except as otherwise may be approved through a conditional use permit, the ground floor of buildings shall not exceed 20,000 square feet.

E. Setbacks.

1. Minimum. No minimum setbacks are required.

2. Maximum.

a. The maximum front yard setback shall be 10 feet for at least 50 percent of the length of the street-facing lot line. A building must be constructed within 10 feet of the street-facing lot line for at least 50 percent of the length of the street-facing lot line. If the development is on a corner lot, this standard applies to both street frontages.

b. The maximum front yard setback may be increased to 20 feet if the following criteria are met:

i. Landscaping or a hard-surfaced expansion of the pedestrian path is provided between the front of the building and the sidewalk.

ii. For each 100 square feet of hard-surfaced area between the building and the street lot line, at least one of the following amenities must be provided:

(A) A bench or other seating that will accommodate at least three people.

(B) A tree with a minimum caliper of two and one-half inches.

(C) A landscape planter not less than 20 square feet in area.

(D) A drinking fountain.

(C) Similar pedestrian-scale amenities.

F. Vision Clearance. Development shall comply with NMC 15.410.060.

G. Signs. Signs shall comply with Chapter 15.435 NMC.

H. Parking.

1. Off-Street Parking Lots. Within a development site, parking is not permitted between a building and a public street. Parking must be located to the side or rear of buildings.

2. Corner Lots. Parking may be located no closer than 40 feet from the intersection of two public streets.

3. Minimum Required Off-Street Parking. The minimum number of required off-street parking spaces is described in NMC 15.440.030.

4. Off-Site Parking. Required off-street parking is permitted to be located off site, as long as the off-street parking is located within 400 feet of the development site. Off-site parking is subject the requirements to NMC 15.440.050(B).

5. Shared Parking. Shared parking facilities shall be exempt from setback and building square footage requirements, provided the parking facility does not abut E Fourteenth Street. An intervening building must be provided between E Fourteenth Street and the parking facility, or the parking facility must be set back a minimum of 40 feet from E Fourteenth Street. Accessways to E Fourteenth Street are permitted.

6. Bicycle Parking. Two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater.

7. Loading. Except as permitted in this subsection, loading areas shall be set back at least 10 feet from property lines and screened from the street and neighboring properties. Loading areas that are directly visible from the street or neighboring properties shall be screened using one of the following ways:

a. The loading area shall be incorporated into the building design and located internally to the building, with a door to the exterior.

b. The loading area shall be screened by a hedge, fence, or wall at least six feet in height. A hedge must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted as a form of screening loading areas.

I. Screening.

1. Refuse and Recycling. Refuse collection containers (dumpsters) and recycling areas shall be screened from the street and neighboring properties. Trash receptacles for pedestrian use are exempt from this requirement. One of the following standards must be met for refuse collection screening:

a. Refuse collection and recycling areas may be screened by being located completely within a building.

b. If located outside of a building, refuse collection and recycling areas must be located within an enclosure at least six feet in height. The enclosure shall be a sight-obscuring masonry wall or nonflammable sight-obscuring fence. The material selected for the enclosure must be consistent with the building materials permitted on the surrounding buildings. Slatted chain link fencing is not permitted.

2. Roof-Mounted Mechanical Equipment. All roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, communications equipment, and similar equipment, excluding solar panels) must be screened from public view in one of the following ways:

- a. A parapet as tall as the tallest part of the equipment;
- b. A screen around the equipment that is as tall as the tallest part of the equipment;
or
- c. The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.
- d. The review body may allow exemptions for equipment that contributes to the architectural design of the structure, such as piping in a brewery.

3. Ground-Mounted Equipment. Mechanical equipment on the ground must be screened from view by walls, fences, or vegetation as tall as the tallest part of the equipment. Any vegetation must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted.

J. Building Design.

1. Building Height. Maximum building height is 45 feet. Minimum building height is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

2. Street-Facing Building Facades. Street-facing facades shall be varied and articulated to provide visual interest to pedestrians.

- a. Street-facing building facades shall extend no more than 30 feet without providing a variation in building material or building offsets. Building offsets must articulate at least two feet.
- b. Street-facing building facades shall be articulated into planes of 500 square feet or less either by setting part of the facade back at least two feet from the rest of the facade, or by the use of fascias, canopies, arcades, windows, breaks in relief, or other similar features.
- c. Buildings must include changes in relief on a minimum of 10 percent (in area) of facades facing public rights-of-way. Relief changes include cornices, bases, arcades, setbacks of at least two feet, canopies, awnings, projecting window features, or porticos.

3. Building Length. Building length shall not exceed 400 feet without a pedestrian connection through the building or between buildings. This is applicable to both a single building and to a group of individual buildings connected by common walls.

4. Building Materials. Building materials for all exterior sides with a primary or secondary entrance, excluding loading zones, shall convey an impression of durability.

a. Masonry, stone, stucco, and wood are permitted as the primary material for exterior appearance. Metal is not permitted as a primary exterior building material but may be used as an accent or awning.

b. Where concrete masonry units (concrete block) are used for exterior finish, decorative patterns must be used, such as split-face concrete block or by incorporating layering or patterns.

c. Where brick, rusticated concrete block, or stone masonry is used as a veneer material, it must be at least two and one-half inches thick. Brick and stone street-facing facades shall return at least 18 inches around exposed side walls.

d. Wood or wood-look siding must be lap siding, board and batten, shingle siding or channel siding and is not permitted to be applied in a diagonal or herringbone pattern. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited. Lap siding, shingles, and shakes shall be exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced a maximum of eight inches on center.

e. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be used for trim or accent colors but are not permitted as primary wall colors.

5. Ground-Floor Windows. Exterior walls on the ground level which face a street or other public right-of-way must have windows at least 50 percent of the length and 25 percent of the ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine feet above the finished grade. To qualify as ground-floor windows, windowsills must be no more than four feet above exterior grade. The ground-floor window requirement does not apply to the walls of residential units. Qualifying window features must be either windows or doors that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. See Appendix A, Figure 25.

6. Window Glazing. Any windows facing public rights-of-way on the ground floor shall have clear glazing. Restroom windows are exempt from this requirement. On any floor, tinted or reflective glass shall not be visible from public rights-of-way, other than ornamental stained-glass windows.

7. Main Building Entrance., The main building entrance shall connect to adjacent public rights-of-way with a concrete walkway at least six feet in width. For buildings with more than one major entrance, only one entrance is required to meet the main building entrance standard. The walkway must not be more than 120 percent or 20 feet longer than the straight-line distance between the entrance and the closest improved right-of-way, whichever is less.

K. Landscaping. Where 100 percent of a lot is covered by a building, no landscaping is required.

1. All setback areas and lands not otherwise developed shall be landscaped. Courtyards, plazas and pedestrian walkways, esplanades and natural riparian vegetation are considered to be landscaping.

2. Parking Lot Landscaping. In addition to other Newberg Development Code standards for interior parking lot landscaping, special screening standards shall apply to parking lots. Parking areas shall be screened from neighboring properties and public rights-of-way. Perimeter landscaping at least five feet in width shall be provided. The following standards must be met for the perimeter landscaping areas:

- a. Enough low shrubs to provide a continuous screen at least three feet high and 95 percent opaque year-round.
- b. One tree per 30 linear feet or enough trees to provide a tree canopy over the landscaped area.
- c. Ground cover plants, perennials, or shrubs must fully cover the remainder of the landscaped area.
- d. A three-foot-high masonry wall may substitute for the shrubs, but trees and ground cover at the above-cited rates are still required.

L. Outdoor Storage and Display.

1. Outdoor Storage. Outdoor storage of merchandise or materials directly or indirectly related to a business is prohibited.

2. Outdoor Display. Outdoor display of merchandise is permitted during business hours only. A minimum pedestrian walkway of six-foot clear width must be maintained at all times.

M. Industrial Development. Industrial developments located in the mixed employment (M-E) zoning district within the riverfront overlay subdistrict shall comply with the standards in Chapter 15.220 NMC. [Ord. 2868 § 1 (Exh. A), 11-16-20.]

15.352.070 Mixed employment design standards for industrial development.

A. General. Industrial developments located within the M-E zoning district within the riverfront overlay subdistrict shall comply with the standards in Chapter 15.220 NMC. [Ord. 2868 § 1 (Exh. A), 11-16-20.]

Chapter 15.405 LOT REQUIREMENTS

Sections:

15.405.010 Minimum and maximum lot area ~~Lot areas per dwelling unit.~~

15.405.020 Lot area exceptions.

15.405.030 Lot dimensions and frontage.

15.405.040 Lot coverage and parking coverage requirements.

15.405.010 Minimum and maximum lot area ~~Lot areas per dwelling unit.~~ 

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family detached dwelling	Minimum lot area for duplex dwelling	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse dwelling	Minimum lot area for cottage cluster project	Minimum lot area per dwelling unit for multifamily dwelling
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review
R-2	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF

R-3	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF
R-P	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF
AR	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	-----

~~1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 10,000 square feet.~~

~~2. In the R-2 and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 5,000 square feet.~~

~~3. In the R-3 district, each lot or development site shall have a minimum of 2,500 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for duplex dwelling development shall not exceed 5,000 square feet.~~

23. In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

34. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.

45. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

56. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

B. **Maximum** Lot or Development Site Area per Dwelling Unit.

~~1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.~~

~~1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit except that there shall be a minimum of 5,000 square feet per duplex dwelling.~~

2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.

3. 2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit, except that there shall be a minimum of 3,000 square feet per duplex dwelling. In the R-2, A-R and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, or multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

43. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit for multifamily dwellings. There shall be a minimum of 2,500 square feet per duplex dwelling. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex, triplex, quadplex, or multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

C. In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

D. Lot size averaging is allowed for any subdivision. Some lots may be under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2763 § 1 (Exh. A § 12), 9-16-13; Ord. 2730 § 1 (Exh. A (2)), 10-18-10; Ord. 2720 § 1(14), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.565.]

Penalty: See NMC 15.05.120.

15.405.020 Lot area exceptions. SHARE

The following shall be exceptions to the required lot areas:

- A. Lots of record with less than the area required by this code.
- B. Lots or development sites which, as a process of their creation, were approved in accordance with this code.
- C. Planned unit developments, provided they conform to requirements for planned unit development approval. [Ord. 2451, 12-2-96. Code 2001 § 151.566.]

15.405.030 Lot dimensions and frontage. SHARE

A. Width. Widths of lots shall conform to the standards of this code.

B. Depth to Width Ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

C. Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

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 NMC 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, except that duplex, triplex, quadplex and cottage cluster project lots in the R-3 zone shall have a minimum width of 25 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.

2. The above standards apply with the following exceptions:

a. Lots for townhouse dwellings in any zone where they are permitted shall have a minimum frontage on a public street for a distance of at least 20 feet, shall have a minimum width of 20 feet at the front building line and shall have access meeting the provisions of NMC 15.415.050.B.

b. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

cb. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

dc. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex dwellings. [Ord. 2830 § 1 (Exh. A), 4-2-18; Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2720 § 1(15), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.567.]

Penalty: See NMC 15.05.120.

15.405.040 Lot coverage and parking coverage requirements.

 SHARE

A. Purpose. The lot coverage and parking coverage requirements below are intended to:

1. Limit the amount of impervious surface and storm drain runoff on residential lots.
2. Provide open space and recreational space on the same lot for occupants of that lot.
3. Limit the bulk of residential development to that appropriate in the applicable zone.

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

a. R-1: 40 percent, ~~or 50 percent if all structures on the lot are one story; except:~~

i. 50 percent if all structures on the lot are one story; and

ii. 60 percent for townhouse dwellings.

b. R-2 and RP: 50-60 percent.

c. AR and R-3: 50-60 percent.

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

a. R-1, ~~R-2 and RP~~: 60 percent.

b. ~~R-2~~, R-3, ~~and RP~~ and townhouse dwellings in R-1: 70 percent.

C. All other districts and uses not listed in subsection (B) of this section shall not be limited as to lot coverage and parking coverage except as otherwise required by this code. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2746 § 1 (Exh. A § 1), 8-15-11; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.568.]

Chapter 15.410

YARD SETBACK REQUIREMENTS

Sections:

15.410.010 General yard regulations.

15.410.020 Front yard setback.

15.410.030 Interior yard setback.

15.410.040 Setback and yard restrictions as to schools, churches, public buildings.

15.410.050 Special setback requirements to planned rights-of-way.

15.410.060 Vision clearance setback.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

15.410.010 General yard regulations.

 SHARE

A. No yard or open space provided around any building for the purpose of complying with the provisions of this code shall be considered as providing a yard or open space for any other building.

B. No yard or open space on adjoining property shall be considered as providing required yard or open space for another lot or development site under the provisions of this code.

C. No front yards provided around any building for the purpose of complying with the regulations of this code shall be used for public or private parking areas or garages, or other accessory buildings, except as specifically provided elsewhere in this code.

D. When the common property line separating two or more contiguous lots is covered by a building or a permitted group of buildings with respect to such common property line or lines does not fully conform to the required yard spaces on each side of such common property line or lines, such lots shall constitute a single development site and the yards as required by this code shall then not apply to such common property lines.

E. Dwellings Where Permitted above Nonresidential Buildings. The front and interior yard requirements for residential uses shall not be applicable; provided, that all yard requirements for the district in which such building is located are complied with.

F. In the AI airport industrial district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, even if located upon an adjacent parcel.

G. In the AR airport residential district, clear areas, safety areas, object-free areas, taxiways, parking aprons, and runways may be counted as required yards for a building, if located upon an adjacent parcel. [Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.550.]

Penalty: See NMC 15.05.120.

15.410.020 Front yard setback.

A. Residential (see Appendix A, Figure 10).

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet. Said yard shall be landscaped and maintained.

2. R-3 and RP districts shall have a front yard of not less than 12 feet. Said yard shall be landscaped and maintained.

3. The entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

4. Cottage cluster projects in any zone in which they are permitted shall have a front yard of not less than 10 feet. Any garage, carport, or parking areas that are part of a cottage cluster shall be set back at least 20 feet from the nearest property line of the street to which access will be provided. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only.

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.

2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet. A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet. In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

4. All lots or development sites in the C-4 district will comply with the front yard requirements described in NMC 15.352.040(E).

C. Industrial. All lots or development sites in the M-1, M-2 or M-3 districts shall have a front yard of 20 feet. Lots or development sites in the AI district shall have a front yard of 10 feet. Lots or development sites in the M-4 district shall have a front yard of 20 feet where abutting Highway 219, arterials, and collectors, and a front yard of 10 feet along other streets.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have a front yard of 25 feet. Outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, are not permitted within the required setback.

E. Mixed Employment. All lots or development sites in the M-E district shall have no minimum front yard requirements. The maximum allowable front yard shall be 10 feet. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained. Lots or development sites within the riverfront overlay subdistrict will comply with the front yard requirements described in NMC 15.352.060(E). [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2862 § 1 (Exh. A § 4), 6-15-20; Ord. 2720 § 1(12), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.551.]

Penalty: See NMC 15.05.120.

15.410.030 Interior yard setback. SHARE

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.

2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.

3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.

B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

2. All lots or development sites in the C-3 district shall have no interior yard requirements.

3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

C. Industrial and Mixed Employment. All lots or development sites in the AI, M-1, M-2, M-3, M-4, and M-E districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, interior yards of not less than 10 feet shall be required opposite the residential districts.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2720 § 1(13), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.552.]

Penalty: See NMC 15.05.120.

15.410.040 Setback and yard restrictions as to schools, churches, public buildings.

 SHARE

A. Building Setback. No buildings shall be erected, used or maintained for a school, church or public or semi-public building or use, institution or similar use under the regulations of

this code unless such building is removed at least 25 feet from every boundary line of any property included in any residential district.

B. Required Yard. No required front or interior yard of the lot on which such building or use is located shall be used for play or parking purposes. [Ord. 2451, 12-2-96. Code 2001 § 151.553.]

Penalty: See NMC 15.05.120.

15.410.050 Special setback requirements to planned rights-of-way.

 SHARE

A. Yard Requirements for Property Abutting Partial or Future Street Rights-of-Way.

1. Except as provided in subsection (A)(2) of this section, no building shall be erected on a lot which abuts a street having only a portion of its required width dedicated, unless the yards provided and maintained in connection with such building have a width and/or depth needed to complete the street width plus the width and/or depths of the yards required on the lot by this code.

2. Where a comprehensive plan street design or a future street plan exists, the placement of buildings and the establishment of yards where required by this code shall relate to the future street boundaries as determined by said plans.

B. Planned Street Right-of-Way Widths. Planned street right-of-way widths are established as indicated in subsection (C) of this section for the various categories of streets shown in the transportation system plan.

C. A lot or parcel of land in any district adjoining a street for which the planned right-of-way width and alignment have been determined shall have a building setback line equal to the yard required in the district, plus a distance of:

1. Fifty feet from and parallel with the centerline of expressways.
2. Thirty-five feet from and parallel with the centerline of major and minor arterials.
3. Thirty feet from and parallel with the centerline of multifamily, commercial and industrial streets and single-family collector streets.
4. Thirty feet from and parallel with the centerline of single-family local streets.
5. Twenty-five feet from and parallel with the centerline of single-family hillside, cul-de-sacs and local streets which will never be extended more than 2,400 feet in length and which will have a relatively even division of traffic to two or more exits.

Exceptions to the above five classifications are shown in the transportation system plan.

D. The centerline of planned streets shall be either the officially surveyed centerline or a centerline as on a precise plan. In the event of conflict between the two, the latter-described line shall prevail. In all other cases, a line midway between properties abutting the right-of-way shall be the centerline for the purposes of this code. [Ord. 2763 § 1 (Exh. A § 13), 9-16-13; Ord. 2602, 9-20-04; Ord. 2451, 12-2-96. Code 2001 § 151.554.]

Penalty: See NMC 15.05.120.

15.410.060 Vision clearance setback. SHARE

The following vision clearance standards shall apply in all zones (see Appendix A, Figure 9).

A. At the intersection of two streets, including private streets, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 50 feet in length.

B. At the intersection of a private drive and a street, a triangle formed by the intersection of the curb lines, each leg of the vision clearance triangle shall be a minimum of 25 feet in length.

C. Vision clearance triangles shall be kept free of all visual obstructions from two and one-half feet to nine feet above the curb line. Where curbs are absent, the edge of the asphalt or future curb location shall be used as a guide, whichever provides the greatest amount of vision clearance.

D. There is no vision clearance requirement within the commercial zoning district(s) located within the riverfront (RF) overlay subdistrict. [Ord. 2564, 4-15-02; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.555.]

Penalty: See NMC 15.05.120.

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks. SHARE

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

A. Depressed Areas. In any district, open work fences, hedges, guard railings or other landscaping or architectural devices for safety protection around depressed ramps, stairs or retaining walls may be located in required yards; provided, that such devices are not more than three and one-half feet in height.

B. Accessory Buildings. In front yards on through lots, where a through lot has a depth of not more than 140 feet, accessory buildings may be located in one of the required front yards; provided, that every portion of such accessory building is not less than 10 feet from the nearest street line.

C. Projecting Building Features. The following building features may project into the required front yard no more than five feet and into the required interior yards no more than two feet; provided, that such projections are no closer than three feet to any interior lot line:

1. Eaves, cornices, belt courses, sills, awnings, buttresses or other similar features.
2. Chimneys and fireplaces, provided they do not exceed eight feet in width.
3. Porches, platforms or landings which do not extend above the level of the first floor of the building.
4. Mechanical structures (heat pumps, air conditioners, emergency generators and pumps).

D. Fences and Walls.

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

2. In any commercial, industrial, or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.

4. The requirements of vision clearance shall apply to the placement of fences.

E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.

2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:

a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family detached dwelling, or two-family dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse dwelling on a single lot.

b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.

c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).

d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).

4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

F. Public Telephone Booths and Public Transit Shelters. Public telephone booths and public transit shelters shall be permitted; provided, that vision clearance is maintained for vehicle requirements for vision clearance.

G. Hangars within the AR airport residential district may be constructed with no yard setbacks to property lines adjacent to other properties within the airport residential or airport industrial districts. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2647, 6-5-06; Ord. 2619, 5-16-05; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.556.]

Chapter 15.415

BUILDING AND SITE DESIGN STANDARDS

Sections:

15.415.010 Main buildings and uses as accessory buildings.

15.415.020 Building height limitation.

15.415.030 Building height exemptions.

15.415.040 Public access required.

15.415.050 Rules and exceptions governing single-family attached dwellings triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.

15.415.060 Home occupation.

15.415.010 Main buildings and uses as accessory buildings.

 SHARE

A. Hereinafter, any building which is the only building on a lot is a main building.

B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.

C. In any residential district, there shall be no more than two accessory buildings on any lot or development site. [Ord. 2451, 12-2-96. Code 2001 § 151.535.]

15.415.020 Building height limitation. SHARE

A. Residential.

1. In the R-1, R-2, AR, and RP districts, no main building shall exceed 30 feet in height except that townhouse dwellings shall not exceed 35 feet in height. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:

a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.

b. Aircraft hangars in the AR district may be the same height as the main building.

2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.

~~3. 2.~~ In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.

4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:

a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.

b. Aircraft hangars in the AR district may be the same height as the main building.

5. No cottage cluster dwelling shall exceed 25 feet in height in any zone where the use is permitted.

~~6. 3.~~ Single-family dwellings permitted in commercial or industrial districts shall not exceed ~~30~~ 35 feet in height, or the maximum height permitted in the zone, whichever is less.

B. Commercial, Industrial and Mixed Employment.

1. In the C-1 district no main building or accessory building shall exceed 30 feet in height.

2. In the AI, C-2, C-3, M-E, M-1, M-2, and M-3 districts there is no building height limitation, except, where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

3. In the C-4 district, building height limitation is described in NMC 15.352.040(J)(1).

4. In the M-E district within the riverfront overlay subdistrict, building height limitation is described in NMC 15.352.060.

C. The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

D. Institutional. The maximum height of any building or structure will be 75 feet except as follows:

1. Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P district, no main building may exceed 30 feet.

2. Within 50 feet of an interior property line abutting an R-3 district, no main building may exceed 45 feet.

3. Within 100 feet of a property line abutting a public street or railroad right-of-way, or within 100 feet of property lines abutting parcels with an R-1, R-2, R-3, R-P, C-1, C-2, C-3, M-1, M-2, or M-3 zoning designation, no main building may exceed 50 feet in height.

4. To utilize the maximum permitted height standard, at least 80 percent of the building's ground coverage must be beyond the setback area designated in subsection (D)(3) of this section. The maximum encroachment may not exceed 25 feet.

E. Alternative Building Height Standard. As an alternative to the building height standards above, any project may elect to use the following standard (see Figure 24 in Appendix A). To meet this standard:

1. Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and

2. Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

F. Buildings within the airport overlay subdistrict are subject to the height limits of that subdistrict. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2730 § 1 (Exh. A (4)), 10-18-10; Ord. 2720 § 1(10), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.536.]

Penalty: See NMC 15.05.120.

15.415.030 Building height exemptions.

 SHARE

Roof structures and architectural features for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, TV antennas, steeples and similar structures may be erected above the height limits prescribed in this code; provided, that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the airport overlay subdistrict. [Ord. 2730 § 1 (Exh. A (4)), 10-18-10; Ord. 2451, 12-2-96. Code 2001 § 151.537.]

15.415.040 Public access required.

 SHARE

No building or structure shall be erected or altered except on a lot fronting or abutting on a public street or having access to a public street over a private street or easement of record approved in accordance with provisions contained in this code. New private streets may not be created to provide access except as allowed under NMC 15.332.020(B)(24), 15.336.020(B)(8), and in the M-4 zone. Existing private streets may not be used for access for new dwelling units, except as allowed under NMC 15.405.030. No building or structure shall be erected or altered without provisions for access roadways as required in the Oregon Fire Code, as adopted by the city. [Ord. 2720 § 1(11), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.538.]

Penalty: See NMC 15.05.120.

15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects. ~~single-family attached dwellings.~~

SHARE

A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:

1. Entry Orientation. At least one main entrance for each triplex or quadplex structure must meet the standards in subsections (a) and (b) below. Any detached structure with more than 50 percent of its street-facing façade is separated from the street property line by a dwelling is exempt from meeting these standards.

a. The entrance must be within 8 feet of the longest street-facing wall of the dwelling unit and

b. The entrance must either:

i. Face the street (see Figure 13);

(Ed. Note: Figure numbers currently refer to figures from the Model Code for Large Cities, and will be updated when figures are inserted into the text.)

ii. Be at an angle of up to 45 degrees from the street (see Figure 14);

iii. Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides (see Figure 15); or

iv. Open onto a porch (see Figure 16). The porch must:

(A) Be at least 25 square feet in area; and

(B) Have at least one entrance facing the street or have a roof.

2. Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street property line by a dwelling are exempt from meeting this standard. See Figure 17.

3. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (a) and (b) below.

a. The garage or off-street parking area is separated from the street property line by a dwelling; or

b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.

B. Where permitted, townhouse dwellings are subject to the following provisions:

1. Number of Attached Units. The minimum number of attached townhouse dwelling units in all zones is two units. The maximum number of attached townhouse dwelling units is four units in the R-1 zone and eight units in the R-2, R-3, R-P and AR zones.

2. Entry Orientation. The main entrance of each townhouse must:

a. Be within 8 feet of the longest street-facing wall of the dwelling unit, if the lot has public street frontage; and

b. Either:

i. Face the street; or

ii. Be at an angle of up to 45 degrees from the street; or

iii. Face a common open space or private access or driveway that is abutted by dwellings on at least two sides; or

iv. Open onto a porch. The porch must:

(A) Be at least 25 square feet in area; and

(B) Have at least one entrance facing the street or have a roof.

3. Unit Definition. Each townhouse must include at least one of the following on at least one street-facing façade (see Figure 22):

a. A roof dormer a minimum of 4 feet in width; or

b. A balcony a minimum of 2 feet in depth and 4 feet in width and accessible from an interior room; or

c. A bay window that extends from the façade a minimum of 2 feet; or

d. An offset of the façade a minimum of 2 feet in depth, either from the neighboring townhouse or within the façade of a single townhouse; or

e. An entryway that is recessed a minimum of 3 feet; or

f. A covered entryway with a minimum depth of 4 feet; or

g. A porch that is:

i. At least 25 square feet in area; and

ii. Has at least one entrance facing the street or has a roof.

4. **Windows.** A minimum of 15 percent of the area of all street-facing facades on each individual unit must include windows or entrance doors. Half of the window area in the door of an attached garage may count toward meeting this standard.

5. **Driveway Access and Parking.** Townhouses with street frontage must meet the following standards:

a. Garages on the front façade of a townhouse, off-street parking areas in the front yard, and driveways in front of a townhouse are allowed if they meet the following standards (see Figure 23):

i. Each townhouse lot has a street frontage of at least 15 feet on a local street.

ii. A maximum of one driveway approach is allowed for every townhouse. Individual driveways may be between 10 and 12 feet in width. Driveway approaches and/or driveways may be shared.

iii. For two abutting lots in the same townhouse project, driveways are encouraged to be paired and abut along the lot line to create one shared driveway approach, which may be between 20 to 24 feet in width. See Figure 23b.

iv. Outdoor on-site parking and maneuvering areas do not exceed 12 feet wide on any lot.

v. The garage width does not exceed 12 feet, as measured from the inside of the garage door frame.

b. The following standards apply to driveways and parking areas for townhouse projects that do not meet all of the standards in subsection (a).

i. Off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard of a townhouse.

ii. A townhouse project that includes a corner lot shall take access from a single driveway approach on the side of the corner lot. See Figure 24.

iii. Townhouse projects that do not include a corner lot shall consolidate access for all lots into a single driveway. The driveway and approach are not allowed in the area directly between the front façade and front lot line of any of the townhouses. See Figure 25.

iv. A townhouse project that includes consolidated access or shared driveways shall grant access easements to allow normal vehicular access and emergency access.

c. Townhouse projects in which all units take exclusive access from a rear alley are exempt from compliance with subsection (b).

d. As an alternative to the provisions of subsections a. through c., above, a townhouse development may utilize a shared parking area meeting the requirements of NMC 15.440.060.

C. Where permitted, cottage cluster projects are subject to the following provisions:

1. Unit Size. The dwelling unit footprint of an individual cottage dwelling shall not exceed 900 square feet. Up to 200 square feet may be excluded from the calculation of dwelling unit footprint for an attached garage or carport. Detached garages, carports, or accessory structures shall not be included in the calculation of dwelling unit footprint.

2. Number of Units. A minimum of three cottage dwellings is required per cottage cluster. A maximum of eight cottage dwelling is permitted per cluster in the R-1 zone and a maximum of 12 cottage dwellings per cluster is permitted in the R-2, R-3, R-P and AR zones. More than one cottage cluster may be permitted as part of a cottage cluster project.

3. Density. Cottage cluster projects shall meet a minimum density of four units per acre. No maximum density shall apply to cottage cluster projects.

4. Cottage Orientation. Cottages must be clustered around a common courtyard, meaning they abut the associated common courtyard or are directly connected to it by a pedestrian path, and must meet the following standards (see Figure 26):

a. Each cottage within a cluster must either abut the common courtyard or must be directly connected to it by a pedestrian path.

b. A minimum of 50 percent of cottages within a cluster must be oriented to the common courtyard and must:

i. Have a main entrance facing the common courtyard; and

ii. Be within 10 feet from the common courtyard, measured from the façade of the cottage to the nearest edge of the common courtyard; and

iii. Be connected to the common courtyard by a pedestrian path.

c. Cottages within 20 feet of a street property line may have their entrances facing the street.

d. Cottages not facing the common courtyard or the street must have their main entrances facing a pedestrian path that is directly connected to the common courtyard.

5. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards (see Figure 26):

a. The common courtyard must be a single, contiguous piece.

b. Cottages must abut the common courtyard on at least two sides of the courtyard.

c. The common courtyard must contain a minimum of 150 square feet per cottage within the associated cluster.

d. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.

e. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include

recreational amenities. Impervious elements of the common courtyard shall not exceed 75 percent of the total common courtyard area.

f. Pedestrian paths must be included in a common courtyard. Paths that are contiguous to a courtyard shall count toward the courtyard's minimum dimension and area. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.

6. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, or community eating areas. Community buildings must meet the following standards:

a. Each cottage cluster is permitted one community building, which shall count towards the maximum average floor area, pursuant to subsection (B)(5).

b. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

7. Pedestrian Access.

a. An accessible pedestrian path must be provided that connects the main entrance of each cottage to the following:

i. The common courtyard; and

ii. Shared parking areas; and

iii. Community buildings; and

iv. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.

b. The pedestrian path must be hard-surfaced and a minimum of four (4) feet wide.

8. Parking Design (see Figure 27).

a. Clustered parking. Off-street parking may be arranged in clusters, subject to the following standards:

i. Cottage cluster projects with fewer than 16 cottages are permitted parking clusters of not more than five (5) contiguous spaces.

ii. Cottage cluster projects with 16 cottages or more are permitted parking clusters of not more than eight (8) contiguous spaces.

iii. Parking clusters must be separated from other spaces by at least four (4) feet of landscaping.

iv. Clustered parking areas may be covered.

b. Parking location and access.

i. Off-street parking spaces and vehicle maneuvering areas shall not be located:

- Within of 20 feet from any street property line, except alley property lines; or

- Between a street property line and the front façade of cottages located closest to the street property line. This standard does not apply to alleys.

ii. Off-street parking spaces shall not be located within 10 feet of any other property line, except alley property lines. Driveways and drive aisles are permitted within 10 feet of other property lines.

c. Screening. Landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and public streets.

d. As an alternative to the provisions of subsections a. through c., above, a cottage cluster development may utilize a shared parking area meeting the requirements of NMC 15.440.060.

e. Garages and carports.

i. Garages and carports (whether shared or individual) must not abut common courtyards.

ii. Individual attached garages up to 200 square feet shall be exempted from the calculation of maximum building footprint for cottages.

iii. Individual detached garages must not exceed 400 square feet in floor area.

iii. Garage doors for attached and detached individual garages must not exceed 20 feet in width.

9. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area.

10. Existing Structures. On a lot or parcel to be used for a cottage cluster project, an existing detached single family dwelling on the same lot at the time of proposed development of the cottage cluster may remain within the cottage cluster project area under the following conditions:

a. The existing dwelling may be nonconforming with respect to the requirements of NMC 15.415.050(C).

b. The existing dwelling may be expanded up to the maximum height of 25 feet or the maximum building footprint of 900 square feet; however, existing dwellings that exceed the maximum height and/or footprint may not be expanded.

c. The floor area of the existing dwelling shall not count towards the maximum average floor area of a cottage cluster.

d. The existing dwelling shall be excluded from the calculation of orientation toward the common courtyard, per NMC 15.415.050(2)(b).

~~In all residential districts, single-family attached dwelling units may be permitted, provided:~~

~~A. Each dwelling unit shall be situated on an individual, legally subdivided or partitioned lot which includes existing lots of record.~~

~~B. The dwelling units shall have a common wall at the zero lot line.~~

~~C. The combined area of lots shall not be less than the lot area required in the residential district.~~

~~D. The lot or development site area requirement per dwelling unit listed in this code shall apply to each individual lot.~~

~~E. The setback requirements will apply to each dwelling unit independently, except that the setback for the zero lot line shall be waived.~~

~~F. Each dwelling unit shall have independent services which include, but are not limited to, wastewater, water and electricity.~~

~~G. Authorization of single-family attached dwelling units does not waive any requirement specified within the current edition of the Oregon Residential Specialty Code or other applicable requirements.~~

~~H. Maximum lot coverage requirements specified in this code shall apply to each individual lot.~~

~~I. A site plan is approved by the director prior to issuance of a building permit. In approving a site plan, the director may attach any conditions necessary to fulfill the purpose of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.539.]~~

15.415.060 Home occupation.

 SHARE

Home occupations shall be processed as a Type I procedure. Home occupation uses shall comply with the following standards:

- A. Signs shall comply with the standards of NMC 15.435.010 et seq.
- B. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
- C. The building retains the characteristics of a residence.
- D. There is no outside storage of materials, parts, tools, supplies, or other items related to the use as a home occupation, other than nursery plants.
- E. No more than one outside paid employee shall be permitted to work at the residence at any given time.
- F. The use does not destroy the residential character of the neighborhood.
- G. All work being performed at the site is done within the confines of a building and no noise, odor, dust, smoke or other evidence of the home occupation permeates beyond the confines of the property.
- H. The home occupation is incidental to the use of the building and site for residential purposes.
- I. The work does not involve the use of hazardous substances or materials which might create a fire hazard or danger to the environment or neighboring properties, including but not limited to gasoline, paint, oxygen/acetylene tanks, or other flammable or hazardous materials. [Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.540.]

Chapter 15.420

LANDSCAPING AND OUTDOOR AREAS

Sections:

15.420.010 Required minimum standards.

15.420.020 Landscaping and amenities in public rights-of-way.

15.420.010 Required minimum standards.

SHARE

A. Private and Shared Outdoor Recreation Areas in Residential Developments.

1. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors.

2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any **duplex or** multifamily residential development, as follows:

a. One- or two-bedroom units: 200 square feet per unit.

b. Three- or more bedroom units: 300 square feet per unit.

c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

3. In the AR airport residential district a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement.

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family **detached dwellings, and duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings and cottage cluster projects:**

1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping

requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

3. The following landscape requirements shall apply to the parking and loading areas:

a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.

d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).

e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:

i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in

height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

d. All broad-leaved evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought- resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

6. Required landscaping shall be continuously maintained.

7. Maximum height of tree species shall be considered when planting under overhead utility lines.

8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

C. Installation of Landscaping. All landscaping required by these provisions shall be installed prior to the issuance of occupancy permits, unless security equal to 110 percent of the cost of the landscaping as determined by the director is filed with the city, insuring such installation within six months of occupancy. A security – cash, certified check, time certificates of deposit, assignment of a savings account, bond or such other assurance of completion as shall meet with the approval of the city attorney – shall satisfy the security requirements. If the installation of the landscaping is not completed within the six-month period, or within an extension of time authorized by the director, the security may be used by the city to complete the installation. Upon completion of the installation, any portion of the remaining security deposited with the city shall be returned to the applicant. [Ord. 2720 § 1(16, 17), 11-2-09; Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2513, 8-2-99; Ord. 2451, 12-2-96. Code 2001 § 151.580.]

Penalty: See NMC 15.05.120.

Chapter 15.440

OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS

Sections:

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking.

15.440.020 Parking area and service drive design.

15.440.030 Parking spaces required.

15.440.040 Parking requirements for uses not specified.

15.440.050 Common facilities for mixed uses.

15.440.060 Parking area and service drive improvements.

15.440.070 Parking tables and diagrams.

15.440.080 Off-street loading.

Article II. Bicycle Parking

15.440.090 Purpose.

15.440.100 Facility requirements.

15.440.110 Design.

Article III. Private Walkways

15.440.120 Purpose.

15.440.130 Where required.

15.440.140 Private walkway design.

Article I. Off-Street Parking Requirements

15.440.010 Required off-street parking. SHARE

A. Off-street parking shall be provided on the lot or development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the lot or development site or within 400 feet of the lot or development site which the parking is required to serve. All required parking must be under the same ownership as the lot or development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the lot or development site.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.

1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

C. Off-street parking is not required in the C-3 district, except for:

1. Dwelling units meeting the requirements noted in NMC 15.305.020.

2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.

3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.

D. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses. For maximum number of off-street parking spaces refer to subsection (F) of this section.

E. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

F. Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:

1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces; or

2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or
3. A factor determined according to a parking analysis. [Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2851 § 1 (Exh. A § 2), 1-21-20; Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2763 § 1 (Exh. A § 15), 9-16-13; Ord. 2564, 4-15-02; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.610.]

Penalty: See NMC 15.05.120.

15.440.020 Parking area and service drive design.

 SHARE

A. All public or private parking areas, parking spaces, or garages shall be designed, laid out and constructed in accordance with the minimum standards as set forth in NMC 15.440.070.

B. Groups of three or more parking spaces, except those in conjunction with single-family detached dwelling, or two family duplex dwelling, triplex dwelling, quadplex dwelling, townhouse dwelling or cottage cluster project on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

C. Gates. A private drive or private street serving as primary access to more than one dwelling unit shall not be gated to limit access, except as approved by variance.

D. In the AI airport industrial district and AR airport residential district, taxiways may be used as part of the service drive design where an overall site plan is submitted that shows how the circulation of aircraft and vehicles are safely accommodated, where security fences are located, if required, and is approved by the fire marshal, planning director, and public works director. The following submittal must be made:

1. A drawing of the area to be developed, including the probable location, height, and description of structures to be constructed; the location and description of a security fence or gate to secure the aircraft operations areas of off-airport property from the other nonsecured pedestrian/auto/truck areas of on-airport property; the proposed location of the proposed taxiway access in accordance with FAA specifications (refer to Federal Aviation Administration Advisory Circular No. 150/5300-13 regarding airport design, and AC/5370-10B regarding construction standards for specifications that should be used as a guideline); and the identification of the vehicular traffic pattern area clearly separated from aircraft traffic. Once specific buildings have been designed, FAA Form 7460-1, Notice of Proposed Construction or Alteration, must be submitted to the City of Newberg, the

private airport owner, and the FAA for airspace review. [Ord. 2670, 5-7-07; Ord. 2647, 6-5-06; Ord. 2451, 12-2-96. Code 2001 § 151.611.]

Penalty: See NMC 15.05.120.

15.440.030 Parking spaces required. SHARE

Use	Minimum Parking Spaces Required
Residential Types	
<u>Dwelling, multifamily and multiple single-family dwellings</u> on a single <u>lot</u> Studio or one-bedroom unit Two-bedroom unit Three- and four-bedroom unit Five- or more bedroom unit • Unassigned spaces • Visitor spaces	1 per <u>dwelling unit</u> 1.5 per <u>dwelling unit</u> 2 per <u>dwelling unit</u> 0.75 spaces per bedroom If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide some unassigned spaces. At least 15 percent of the total required <u>parking spaces</u> must be unassigned and be located for convenient <u>use</u> by all occupants of the development. The location shall be approved by the <u>director</u>. If a development is required to have more than 10 spaces on a <u>lot</u>, then it must provide at least 0.2 visitor spaces per <u>dwelling unit</u>.
• On-street parking credit • Available transit service	On-street <u>parking spaces</u> may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a <u>lot</u>. The on-street spaces must be directly adjoining and on the same side of the <u>street</u> as the subject property, must be legal spaces that meet all <u>city</u> standards, and cannot be counted if they could be removed by planned future <u>street</u> widening or a <u>bike lane</u> on the <u>street</u>. At the review body's discretion, affordable <u>housing projects</u> may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.
Commercial neighborhood district (C-1)	1 for each <u>dwelling</u>
<u>Dwelling, single-family</u> or two-family	2 for each <u>dwelling unit</u> on a single <u>lot</u>
<u>Dwelling, duplex</u>	<u>1 for each dwelling unit</u>
<u>Dwelling, triplex</u>	<u>1 for each dwelling unit</u>

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
	Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement
<u>Dwelling, quadplex</u>	1 for each dwelling unit Except that conversion of a detached single-family dwelling to a quadplex dwelling shall not be subject to this requirement
<u>Dwelling, townhouse</u>	1 for each dwelling unit
<u>Dwelling, cottage</u>	1 for each dwelling unit
Fraternities, sororities, cooperatives and dormitories	1 for each three occupants for which sleeping facilities are provided
Hotels, motels, motor hotels, etc.	1 for each guest room
Rooming or boarding houses	1 for each guest room
<u>Special needs housing</u>	1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.
<u>Institutional Types</u>	
Churches, clubs, lodges	1 for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained – in main auditorium (sanctuary or place of worship)
Continuing care retirement community not including nursing care	1 space per living unit
Day care facility	5 spaces per each 1,000 gross sq. ft.
Hospitals (including accessory retail wholly contained within a hospital building)	2 spaces for each 1,000 gross sq. ft.
Libraries, museums, art galleries	1 for each 250 sq. ft. of gross floor area
Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.
Nursing homes, homes for the aged, group care homes, asylums, etc.	1 for each 3 beds
Schools	Colleges – “commuter” type, 1 for every full-time equivalent student (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Schools	Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Schools	Elementary or junior high, 1-1/2 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	High schools, 1-1/2 for each teaching station, plus 8 for every classroom, or 1 for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
Schools	<u>Colleges</u> – commercial or business, 1 for every 3 classroom seats (plus 1/2 of the requirements for <u>accessory buildings</u> , i.e., 1.-E* and 3.-G(1)**)
Welfare or correctional <u>institutions</u>	1 for each 5 beds
Commercial Types	
Barber and beauty shops	1 for each 75 sq. ft. of <u>gross floor area</u>
Bowling alleys	6 for each bowling lane
Establishments or enterprises of a recreational or an entertainment nature:	
Establishments for the sale and consumption on the premises of food and beverages with a drive-up window	1 for each 75 sq. ft. of <u>gross floor area</u>
Establishments for the sale and consumption on the premises of food and beverages without a drive-up window	1 for each 100 sq. ft. of <u>gross floor area</u>
Participating type, e.g., skating rinks, dance halls	1 for each 75 sq. ft. of <u>gross floor area</u>
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 <u>parking space</u> for each 4 seats
Office <u>buildings</u> , business and professional offices	1 for every 400 sq. ft. of <u>gross floor area</u>
Pharmacies	1 for each 150 sq. ft. of <u>gross floor area</u>
Retail establishments, except as otherwise specified herein	1 for each 300 sq. ft. of <u>gross floor area</u>
Retail stores handling bulky merchandise, household furniture, or appliance repair	1 for each 600 sq. ft. of <u>gross floor area</u>
Industrial Types	
Except as specifically mentioned herein, industrial <u>uses</u> listed as permitted in the M districts: M-1, M-2, M-3, and M-4	1 for each 500 sq. ft. of <u>gross floor area</u>
Aircraft storage <u>hangars</u> up to 3,600 sq. ft. each enclosed <u>hangar</u> area	None (parking occurs in <u>hangar</u>)
Aircraft storage <u>hangars</u> over 3,600 sq. ft. each enclosed <u>hangar</u> area	1 for every 700 sq. ft. of <u>hangar</u> area over 3,600 sq. ft.
Aircraft <u>hangars</u> intended for repair and maintenance operations	1 for each 5,000 sq. ft. of <u>hangar</u> , plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area

<u>Use</u>	<u>Minimum Parking Spaces Required</u>
Laboratories and research facilities	1 for each 300 sq. ft. of <u>gross floor area</u>
Machinery or equipment	1 for each 400 sq. ft. of gross sales floor area
Wholesale and storage operations	1 for each 700 sq. ft. of <u>gross floor area</u>

Notes:

* "1-E" refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

** "3.-G(1)" refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

[Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2763 § 1 (Exh. A § 16), 9-16-13; Ord. 2730 § 1 (Exh. A (13)), 10-18-10; Ord. 2720 § 1(19), 11-2-09; Ord. 2710 § 1, 3-2-09; Ord. 2647, 6-5-06; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.612.]

Penalty: See NMC 15.05.120.

15.440.040 Parking requirements for uses not specified.

 SHARE

The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. Such determination shall be based upon the requirements for the most comparable building or use specified herein. [Ord. 2451, 12-2-96. Code 2001 § 151.613.]

15.440.050 Common facilities for mixed uses.

 SHARE

A. In the case of mixed uses, the total requirements for off-street parking spaces shall be the sum of the requirements for the various uses. Off-street parking facilities for one use shall not be considered as providing parking facilities for any other use except as provided below.

B. Joint Uses of Parking Facilities. The director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility; provided, that:

1. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
2. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking.

3. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the city attorney as to form and content. Such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.

C. Commercial establishments within 200 feet of a commercial public parking lot may reduce the required number of parking spaces by 50 percent. [Ord. 2451, 12-2-96. Code 2001 § 151.614.]

15.440.060 Parking area and service drive improvements.

 SHARE

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

C. All parking areas, except those required in conjunction with a single-family detached, or two-family duplex, triplex, quadplex or townhouse dwellings, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

D. All parking areas, including service drives, except those required in conjunction with single-family detached, or two-family duplex, triplex, quadplex or townhouse dwellings, shall be screened in accordance with NMC 15.420.010(B).

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. ~~Attached or detached~~ Single-family detached, or duplex, triplex, quadplex, and townhouse dwellings ~~two-family~~: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

~~2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).~~

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.

J. Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces. [Ord. 2810 § 2 (Exhs. B, C), 12-19-16; Ord. 2730 § 1 (Exh. A (14)), 10-18-10; Ord. 2628, 1-3-06; Ord. 2505, 2-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.615.]

Penalty: See NMC 15.05.120.

15.440.070 Parking tables and diagrams. SHARE

The following tables provide the minimum dimensions of public or private parking areas:

Diagram 1

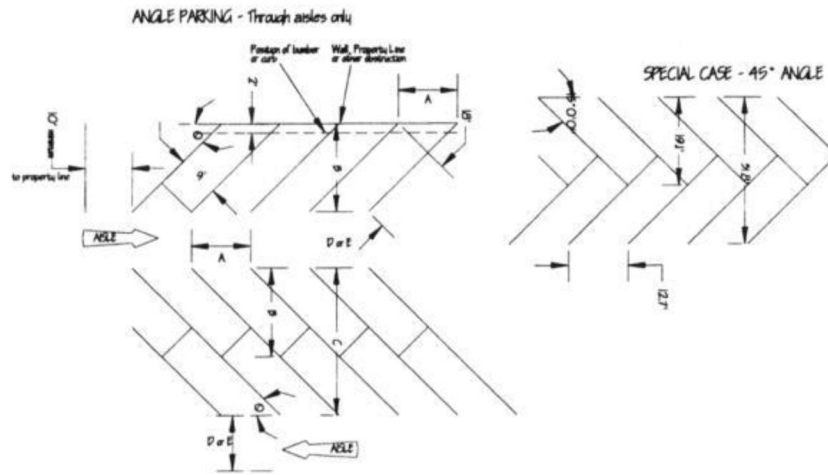
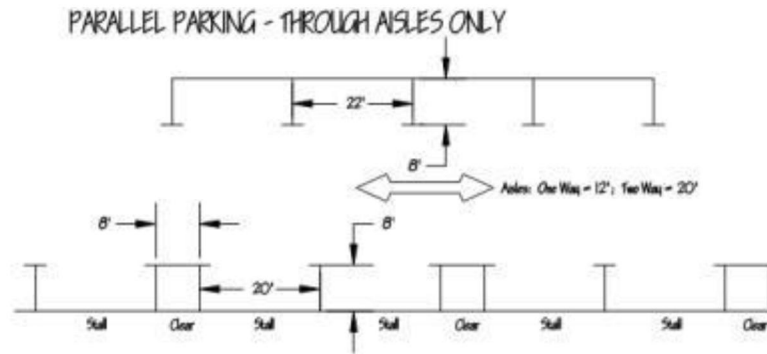


Table of Dimensions (In Feet)

Basic Stall			Back to Back	Aisles	
Angle - °	A	B	C	D (One-Way)	E (Two-Way)
30°	18	16.8	25.8	12	20
38°	14.6	18.2	29.3	12	20
45°	12.7	19.1	31.8	12	20
52°	11.4	19.7	33.9	13	20
55°	11	19.9	34.6	14	20
60°	10.4	20.1	35.7	15	20
70°	9.6	20	36.9	18	20
80°	9.1	19.3	37	20	20



90° PARKING - THROUGH or DEAD-END AISLES

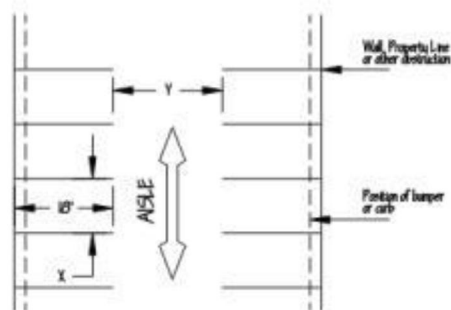


Diagram 2

Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the community development department at 537-1210.

Table of Dimensions (In Feet)

Stall Width with Corresponding Aisle Width						
Stall Width = X	9	9.5	10	10.5	11	12
Aisle Width = Y	24	24	22	22	20	20

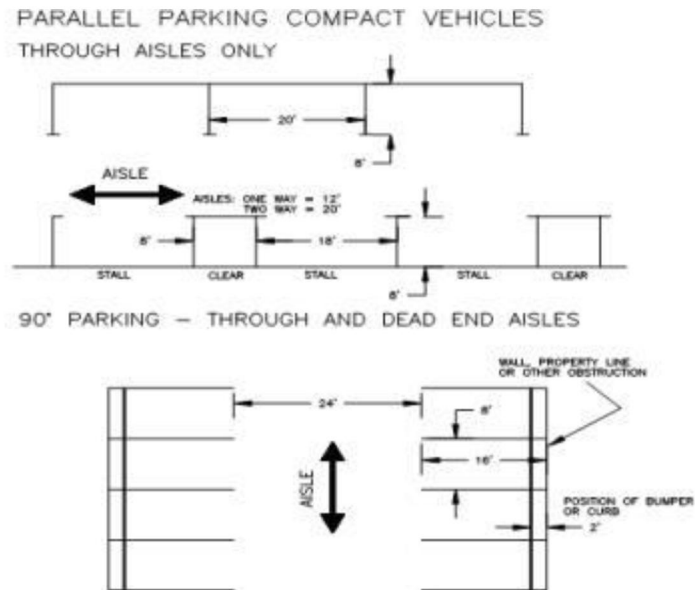


Diagram 3

Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.

[Ord. 2451, 12-2-96. Code 2001 § 151.616.]

15.440.075 Residential garage standards.

SHARE

A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.

B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.

C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.

15.440.080 Off-street loading. SHARE

A. Buildings to be built or substantially altered which receive and distribute materials and merchandise by trucks shall provide and maintain off-street loading berths in sufficient number and size to adequately handle the needs of the particular use.

1. The following standards shall be used in establishing the minimum number of berths required:

**Gross Floor Area of
the Building in
Square Feet**

No. of Berths

Up to 10,000	1
10,000 and over	2

2. A loading berth shall contain a space 10 feet wide and 35 feet long and have a vertical clearance of 14 feet. Where the vehicles generally used for loading and unloading exceed these dimensions, the required length of these berths shall be increased.

3. Additional off-street loading requirements within the C-4 district are described in NMC 15.352.040(H)(7).

4. Where a facility includes an aircraft hangar, the off-street loading requirement is not required since loading may occur through the hangar doors.

B. The following provisions shall apply to off-street loading facilities:

1. The provision and maintenance of off-street loading space is a continuing obligation of the property owner. No building permit shall be issued until plans are presented that show property that is and will remain available for exclusive use as off-street loading space. The subsequent use of property for which the building permit is issued shall be conditional upon the unqualified continuance and availability of the amount of loading space required by this code. Should the owner or occupant of any building change the use to which the building is put, thereby increasing off-street loading requirements, it shall be unlawful and a violation of this code to begin or maintain such altered use until such time as the increased off-street loading requirements are met.

2. Owners of two or more buildings may agree to utilize jointly the same loading spaces when the hours of operation do not overlap; provided, that satisfactory legal evidence is presented to the city attorney in the form of deeds, leases or contracts to establish the joint use.

3. A plan drawn to scale, indicating how the off-street loading requirements are to be fulfilled, shall accompany an application for a building permit.

4. Design Requirements for Loading Areas.

- a. Areas used for standing and maneuvering of vehicles shall have durable and dustless surfaces of asphaltic concrete or portland cement concrete, maintained adequately for all-weather use and so drained as to avoid flow of water across the sidewalks.
- b. Loading areas adjacent to residential zones designed to minimize disturbance of residents.
- c. Artificial lighting which may be provided shall be so deflected as not to shine or create glare in any residential zone or on any adjacent dwelling.
- d. Access aisles shall be of sufficient width for all vehicular turning and maneuvering.
- e. Vision clearance standards as identified in NMC 15.410.060 shall apply. [Ord. 2647, 6-5-06; Ord. 2564, 4-15-02; Ord. 2451, 12-2-96. Code 2001 § 151.617.]

Penalty: See NMC 15.05.120.

Article II. Bicycle Parking

15.440.090 Purpose.

Cycling is a healthy activity for travel and recreation. In addition, by maximizing bicycle travel, the community can reduce negative effects of automobile travel, such as congestion and pollution. To maximize bicycle travel, developments must provide effective support facilities. At a minimum, developments need to provide a secure place for employees, customers, and residents to park their bicycles. [Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.1.]

15.440.100 Facility requirements.

Bicycle parking facilities shall be provided for the uses shown in the following table. Fractional space requirements shall be rounded up to the next whole number.

<u>Use</u>	<u>Minimum Number of Bicycle Parking Spaces Required</u>
New multiple <u>dwelling</u> s, including additions creating additional <u>dwelling units</u>	One bicycle <u>parking space</u> for every four <u>dwelling units</u>
New commercial, industrial, office, and	One bicycle <u>parking space</u> for every 10,000

<u>Use</u>	Minimum Number of Bicycle <u>Parking</u> Spaces Required
institutional developments, including additions that total 4,000 square feet or more	square feet of <u>gross floor area</u> . In C-4 districts, two bicycle <u>parking spaces</u> , or one per 5,000 square feet of <u>building area</u> , must be provided, whichever is greater
<u>Transit centers</u> and <u>park and ride lots</u>	Four spaces or one per 10 vehicle spaces, whichever is greater ^{a + b}
<u>Parks</u>	Two bicycle <u>parking spaces</u> within 50 feet of each developed playground, ball field, or shelter
<u>Transit stops</u>	Two spaces ^a

Notes:

- a. Short-term bicycle parking is parking intended to be used for durations less than two hours. Short-term bicycle parking shall consist of a stationary rack or other approved structure to which the bicycle can be locked securely and shall be located within 50 feet of the main building entrance or one of several main entrances, and no further from an entrance than the closest automobile parking space. Shelter or cover may be required for a specified percentage of short-term parking.
- b. Long-term bicycle parking is parking intended to be used for durations over two hours. Long-term parking shall consist of a lockable enclosure, a secure room in a building on-site, monitored parking, or another form of fully sheltered and secure parking.

[Ord. 2862 § 1 (Exh. A § 3), 6-15-20; Ord. 2564, 4-15-02; Ord. 2518, 9-21-99. Code 2001 § 151.625.2.]

15.440.110 Design. SHARE

A. Bicycle parking facilities shall consist of one or more of the following:

1. A firmly secured loop, bar, rack, or similar facility that accommodates locking the bicycle frame and both wheels using a cable or U-shaped lock.

2. An enclosed locker.
3. A designated area within the ground floor of a building, garage, or storage area. Such area shall be clearly designated for bicycle parking.
4. Other facility designs approved by the director.

B. All bicycle parking spaces shall be at least six feet long and two and one-half feet wide. Spaces shall not obstruct pedestrian travel.

C. All spaces shall be located within 50 feet of a building entrance of the development.

D. Required bicycle parking facilities may be located in the public right-of-way adjacent to a development subject to approval of the authority responsible for maintenance of that right-of-way. [Ord. 2518, 9-21-99. Code 2001 § 151.625.3.]

Article III. Private Walkways

15.440.120 Purpose. SHARE

Sidewalks and private walkways are part of the city's transportation system. Requiring their construction is part of the city's plan to encourage multimodal travel and to reduce reliance on the automobile. Considerable funds have and will be expended to install sidewalks along the streets in the city. Yet there is little point to this expense if it is not possible for people to walk from the sidewalk to the developments along each side. The following requirements are intended to provide safe and convenient paths for employees, customers, and residents to walk from public sidewalks to development entrances, and to walk between buildings on larger sites. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.1.]

15.440.130 Where required. SHARE

Private walkways shall be constructed as part of any development requiring Type II design review, including mobile home parks. In addition, they may be required as part of conditional use permits or planned unit developments. In the airport industrial (AI) district and residential (AR) district, on-site walks are not required in aircraft operations areas, such as parking aprons, taxiways, and runways. [Ord. 2647, 6-5-06; Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.2.]

15.440.140 Private walkway design. SHARE

A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.

B. Required private walkways shall be a minimum of four feet wide.

C. Required private walkways shall be constructed of portland cement concrete or brick.

D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.

E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.

F. The review body may require on-site walks to connect to development on adjoining sites.

G. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.3.]

15.505.030 Street standards. SHARE

R. Vehicular Access Standards.

1. Purpose. The purpose of these standards is to manage vehicle access to maintain traffic flow, safety, roadway capacity, and efficiency. They help to maintain an adequate level of service consistent with the functional classification of the street. Major roadways, including arterials and collectors, serve as the primary system for moving people and goods within and through the city. Access is limited and managed on these roads to promote efficient through movement. Local streets and alleys provide access to individual properties. Access is managed on these roads to maintain safe maneuvering of vehicles in and out of properties and to allow safe through movements. If vehicular access and circulation are not properly designed, these roadways will be unable to accommodate the needs of development and serve their transportation function.

2. Access Spacing Standards. Public street intersection and driveway spacing shall follow the standards in Table 15.505.R below. The Oregon Department of Transportation (ODOT) has jurisdiction of some roadways within the Newberg city limits, and ODOT access standards will apply on those roadways.

Table 15.505.R. Access Spacing Standards

Roadway <u>Functional Classification</u>	Area¹	Minimum Public <u>Street</u> Intersection Spacing (Feet)²	<u>Driveway Setback from Intersecting Street</u>³
<u>Expressway</u>	All	Refer to <u>ODOT</u> Access Spacing Standards	NA
<u>Major arterial</u>	Urban CBD	Refer to <u>ODOT</u> Access Spacing Standards	
<u>Minor arterial</u>	Urban CBD	500 200	150 100
<u>Major collector</u>	All	400	150
<u>Minor collector</u>	All	300	100

¹ "Urban" refers to intersections inside the city urban growth boundary outside the central business district (C-3 zone).

"CBD" refers to intersections within the central business district (C-3 zone).

"All" refers to all intersections within the Newberg urban growth boundary.

Table 15.505.R. Access Spacing Standards

Roadway Functional Classification	Area¹	Minimum Public Street Intersection Spacing (Feet)²	Driveway Setback from Intersecting Street³
--	-------------------------	--	--

² Measured centerline to centerline.

³ The setback is based on the higher classification of the intersecting streets. Measured from the curb line of the intersecting street to the beginning of the driveway, excluding flares. If the driveway setback listed above would preclude a lot from having at least one driveway, including shared driveways or driveways on adjoining streets, one driveway is allowed as far from the intersection as possible.

3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.

a. For a duplex dwelling, triplex or quadplex dwelling or a cottage cluster project with frontage on two local streets, access may be permitted on both streets.

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 22 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.

5. Alley Access. Where a property has frontage on an alley and the only other frontages are on collector or arterial streets, access shall be taken from the alley only. The review body may allow creation of an alley for access to lots that do not otherwise have frontage on a public street provided all of the following are met:

- a. The review body finds that creating a public street frontage is not feasible.
- b. The alley access is for no more than six dwellings and no more than six lots.
- c. The alley has through access to streets on both ends.
- d. One additional parking space over those otherwise required is provided for each dwelling. Where feasible, this shall be provided as a public use parking space adjacent to the alley.

6. Closure of Existing Accesses. Existing accesses that are not used as part of development or redevelopment of a property shall be closed and replaced with curbing, sidewalks, and landscaping, as appropriate.

7. Shared Driveways.

a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. "Stub" means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. "Developable" means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. No more than four lots may access one shared driveway.

d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.

e. Where three or more lots or three dwellings share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway. However, townhouse dwellings with shared driveways shall be exempt from this standard.

8. Frontage Streets and Alleys. The review body for a partition, subdivision, or design review may require construction of a frontage street to provide access to properties fronting an arterial or collector street.

9. ODOT or Yamhill County Right-of-Way. Where a property abuts an ODOT or Yamhill County right-of-way, the applicant for any development project shall obtain an access permit from ODOT or Yamhill County.

10. Exceptions. The director may allow exceptions to the access standards above in any of the following circumstances:

a. Where existing and planned future development patterns or physical constraints, such as topography, parcel configuration, and similar conditions, prevent access in accordance with the above standards.

b. Where the proposal is to relocate an existing access for existing development, where the relocated access is closer to conformance with the standards above and does not increase the type or volume of access.

c. Where the proposed access results in safer access, less congestion, a better level of service, and more functional circulation, both on street and on site, than access otherwise allowed under these standards.

11. Where an exception is approved, the access shall be as safe and functional as practical in the particular circumstance. The director may require that the applicant submit a traffic study by a registered engineer to show the proposed access meets these criteria.



City Council Business Session

June 7, 2021 - 7:00 PM

Join at <https://zoom.us/j/92654284931>

or by phone: 1 346 248 7799 or 1 669 900 6833 or 1 253 215 8782

webinar id: 926 5428 4931

1. CALL TO ORDER

- 1.A Agenda en Espanol
[2021-0607 Spanish Biz Sxn Agenda.docx](#)

2. ROLL CALL

3. PLEDGE OF ALLEGIANCE

4. PRIDE MONTH PROCLAMATION

- 4.A Pride Month proclamation
[2021 PRIDE month.docx](#)

5. CITY MANAGER'S REPORT

6. PUBLIC COMMENTS

- 6.A Scott Johnson public comment
[Scott Johnson public comment 2021-0607.pdf](#)
- 6.B Mark Grier public comment
- 6.C Issue Tracker
[Newberg Issue Tracker Council.docx](#)

7. CONSENT CALENDAR

- 7.A Resolution 2021-3737, A resolution to authorize the City Manager to enter into a construction contract with James W. Fowler Company to complete the construction of the City's WWTP Oxidation Ditch Rehabilitation Project in the amount of \$597,500.00.
[Res2021-3737_OxiDitch#1RhPj_BidAward.pdf](#)
- 7.B Resolution 2021-3738, A resolution to authorize the City Manager to enter into negotiation with North Valley Friends Church to purchase real property for the

City's Bell West Water Pump Station site.

[RCA-Res2021-3738 BellWestPStaPj_PropAcquisition.pdf](#)

- 7.C Resolution 2021-3736, A resolution to authorize the City Manager to enter into a construction contract with The Saunders Company, Inc. for the NE Chehalem Wastewater and Water Extension Project in the amount of \$1,547,087.75

[Res 2021-3736 RCA NE Chehalem Bid Award_To MH A4.pdf](#)

- 7.D Resolution 2021-3744, A resolution to authorize the City Manager to approve a construction change order with First Cascade Corporation for the Wastewater Treatment Plant Admin Remodel project.

[RCA 2021-3744 ADMIN REMODEL Rev.1.doc](#)

8. PUBLIC HEARINGS

- 8.A Resolutions 2021-3733 and 2021-3734 Public Hearing and Approval for State Revenue Sharing for 2021-22

[RCA Res3733 declaration of intent to receive revenuesrev.doc](#)

[RCA State Shared Revenues Attachment 1.pdf](#)

- 8.B Resolution 2021-3735, Adoption of the budget

[RCA_2021-22_Budget_Adoptionrobrev.docx](#)

- 8.C Ordinance 2021-2880, Middle Housing Ordinance

[RCA 2880 Final w Exhibits-Attachments.pdf](#)

[210607CCHearing_DuplexCode Final.pdf](#)

[Council Packet 2021-0607 Ord 2880 Hanson testimony.pdf](#)

9. NEW BUSINESS

- 9.A Resolution 2021-3741, Dundee Police Contract

[RCA for Res3741 - police services contract dundee.doc](#)

[Exhibit A Draft IGA for Police Services Amended 2021.doc](#)

10. COUNCIL BUSINESS

- 10.A Council Committee Reports

11. ADJOURNMENT

ADA STATEMENT

Contact the City Recorder's Office for physical or language accommodations at least 2 business days before the meeting. Call (503) 537-1283 or email cityrecorder@newbergoregon.gov. For TTY services please dial 711.



Sesión de Determinación/Resolución del Consejo de la Ciudad
7 de junio de 2021 - 7:00 PM
Ingresar en <https://zoom.us/j/92654284931>
o por teléfono: 1 346 248 7799 o 1 669 900 6833 o 1 253 215 8782
webinar id: 926 5428 4931

1. LLAMAR AL ORDEN
2. PASAR LISTA DE ASISTENCIA
3. PROMESA DE LEALTAD A LOS ESTADOS UNIDOS DE AMERICA
4. INFORME DEL ADMINISTRADOR DE LA CIUDAD
5. COMENTARIOS PÚBLICOS
 - 5.A Comentario público de Scott Johnson
[Scott Johnson public comment 2021-0607.pdf](#)
 - 5.B Comentario público de Mark Grier
 - 5.C. Issue Tracker
[Newberg Issue Tracker Council.docx](#)
6. CALENDARIO DE CONSENTIMIENTO
 - 6.A Resolution 2021-3737, Una resolución para autorizar al Administrador de la Ciudad a iniciar un contrato de construcción con James W. Fowler Company para completar la construcción del Proyecto WWTP Oxidation Ditch Rehabilitation de la ciudad en la cantidad de \$597,500.00.
[Res2021-3737_OxiDitch#1RhPj_BidAward.pdf](#)
 - 6.B Resolution 2021-3738, Una resolución para autorizar al Administrador de la Ciudad a entablar negociaciones con North Valley Friends Church para comprar bienes raíces para el sitio de Bell West Water Pump Station de la ciudad.
[RCA-Res2021-3738 BellWestPStaPj_PropAcquisition.pdf](#)
 - 6.C Resolution 2021-3736, Una resolución para autorizar al Administrador de la Ciudad a iniciar un contrato de construcción con The Saunders Company, Inc. Para las Aguas Residuales NE Chehalem y el Proyecto de Extensión de Agua en la cantidad de \$ 1,547,087.75.
[Res 2021-3736 RCA NE Chehalem Bid Award_To MH A4.pdf](#)

- 6.D Resolution 2021-3744, Una resolución para autorizar al Administrador de la Ciudad a aprobar una orden de cambio de construcción con First Cascade Corporation para el proyecto de Remodelación Administrativa de la Planta de Tratamiento de Aguas Residuales.
[RCA 2021-3744 ADMIN REMODEL Rev.1.doc](#)

7. AUDIENCIAS PÚBLICAS

- 7.A Resolutions 2021-3733 and 2021-3734 Audiencia pública y aprobación para la distribución de ingresos estatales para 2021-22
[RCA Res3733 declaration of intent to receive revenuesrev.doc](#)
[RCA State Shared Revenues Attachment 1.pdf](#)
- 7.B Resolution 2021-3735, Aprobación del presupuesto
[RCA 2021-22 Budget Adoptionrob.docx](#)
- 7.C Ordinance 2021-2880, Ordenanza de Vivienda Intermedia
[RCA 2880 Final w Exhibits-Attachments.pdf](#)
[210607CCHearing_DuplexCode Final.pdf](#)

8. NUEVOS ASUNTOS

- 8.A Resolution 2021-3741, Contrato de la Policía de Dundee
[RCA for Res3741 - police services contract dundee.doc](#)
[Exhibit A Draft IGA for Police Services Amended 2021.doc](#)

9. ASUNTOS DEL CONSEJO

- 9.A Informe de Comités del Consejo

10. TERMINAR LA SESIÓN

DECLARACIÓN BAJO LA LEY ESTADOUNIDENSE DE DISCAPACIDADES

Contacta la oficina de la secretaría de la ciudad al menos 2 días hábiles antes de la sesión para obtener adaptaciones físicas o lingüísticas. Llame al (503) 537-1283 o envíe un correo electrónico a cityrecorder@newbergoregon.gov. Para servicios de TTY, marque 711.



PROCLAMATION

A Proclamation recognizing June 2021 in honor of LGBTQ Pride Month

WHEREAS, The struggle for dignity and equality for lesbian, gay, bisexual, transgender and questioning (LGBTQ) people is reflected in the tireless dedication of advocates and allies who strive to forge a more inclusive society; and

WHEREAS, President Bill Clinton, on June 2, 2000, declared June “Gay & Lesbian Pride Month” to commemorate the June 1969 Stonewall Uprising in Lower Manhattan and on June 1, 2009, President Barack Obama expanded the commemoration further by declaring June to be Lesbian, Gay, Bisexual and Transgender Pride Month; and

WHEREAS, June 28, 2021 marked the sixteenth anniversary of the Stonewall Uprising which broke out following a police raid on the Stonewall Inn, targeting LGBTQ patrons and other marginalized people, in violation of their civil rights, leading to the birth of the “Gay Rights Movement;” and

WHEREAS, LGBTQ Americans, including those who live in our local communities, face discrimination simply for being who they are and for who they love and there remains much work to do to extend the promise of our country to every person; and

WHEREAS, the landmark Supreme Court decision of 2015 guaranteeing marriage equality in all 50 States was a historic victory for LGBTQ Americans and continues to affirm our belief that we are all more free when we are treated as equals; and

NOW, THEREFORE, IT IS PROCLAIMED, that on this 21st day of June 2021, by the Mayor and City Council, and on behalf of the citizens of the City of Newberg, Oregon, that we proclaim the month of June 2021 as Lesbian, Gay, Bisexual, Transgender and Questioning Pride Month; and encourage all community residents to eliminate prejudice wherever it exists and to celebrate our great diversity by taking part in community events throughout June which focus on and celebrate our LGBTQ neighbors.

IN WITNESS WHEREOF, I have hereunto set my hand and cause the Seal of the City of Newberg to be affixed on this 21st day of June, 2021.

Rick Rogers, Mayor

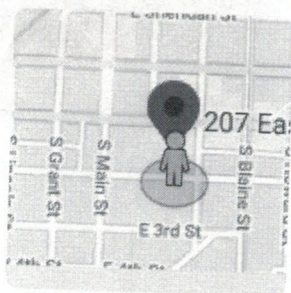


Image capture: Jul 2018 © 2020 Google

Newberg, Oregon



Street View













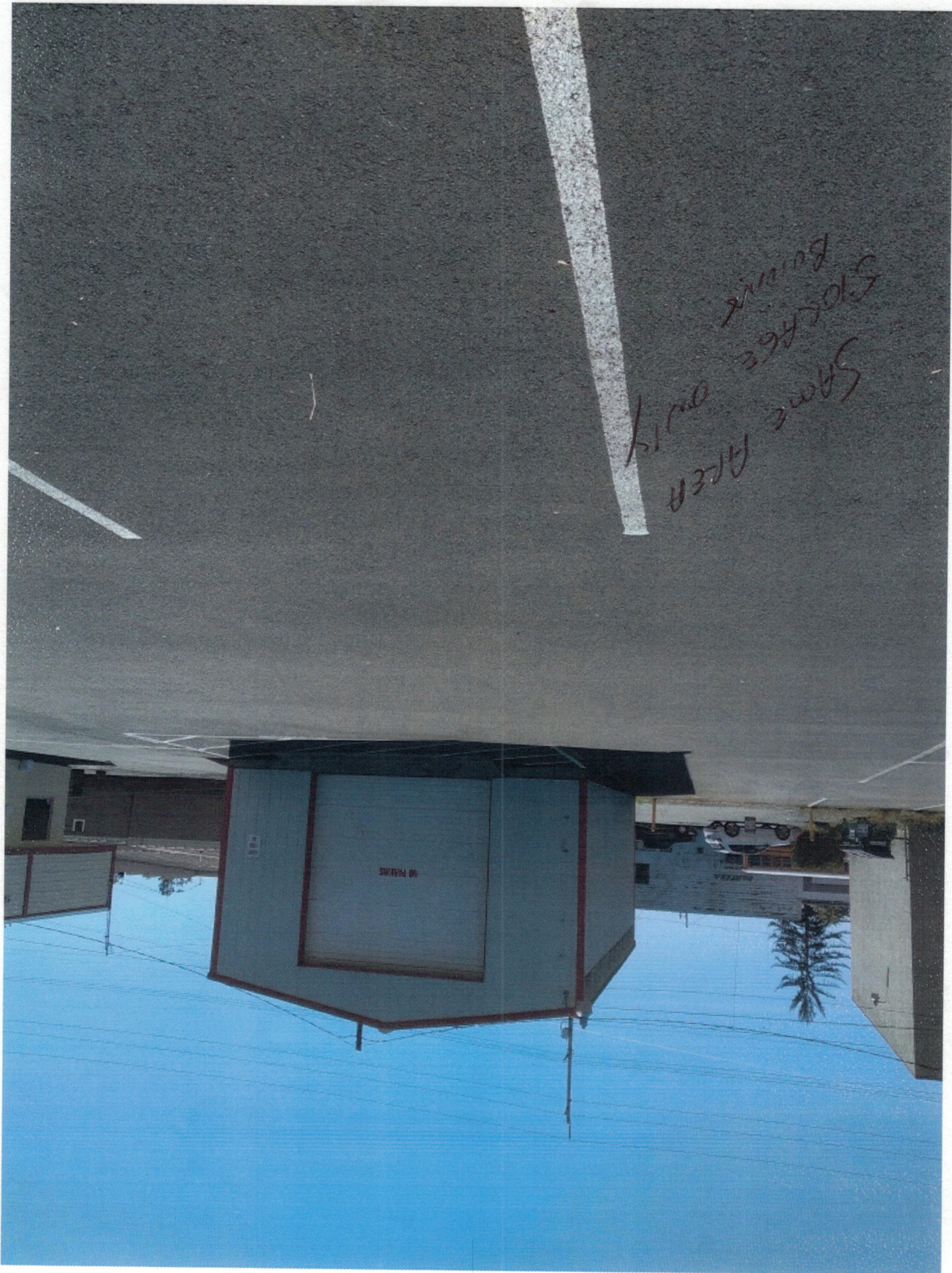






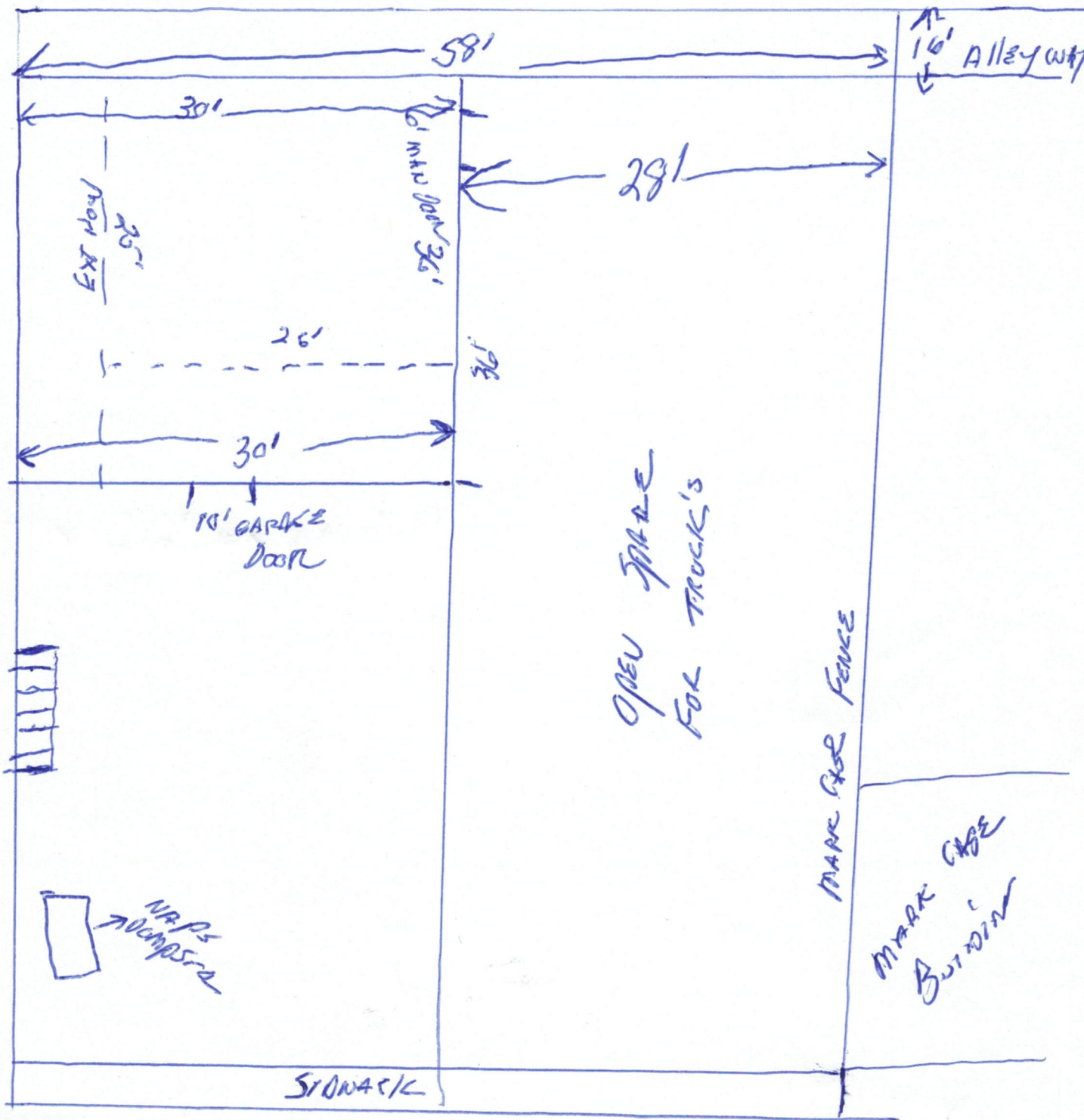












2nd St.

NEWBERG COUNCIL ISSUE TRACKER

DATE	TYPE	SUMMARY	DEPT.	STATUS	TIMEFRAME	COMPLETE
4/5/21	Council	City obligations in response to the Second Amendment Sanctuary Ordinance passed by Yamhill County	Legal	City Attorney Walker reviewing		
10/19/20	Council	Request from Matt Ross to amend City Code 8.15.150J to add language that weekend construction is specifically not allowed without a permit and only then in cases of emergency	Legal	City Attorney Walker reviewing		

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2021-3737

SUBJECT: A resolution to authorize the City Manager to enter into a construction contract with James W. Fowler Company to complete the construction of the City's WWTP Oxidation Ditch Rehabilitation Project in the amount of \$597,500.00.

**Staff: Paul Chiu, PE Senior Engineer
Department: Public Works - Engineering
File Number:**

Business Session

Order on Agenda - Consent

RECOMMENDATION:

Adopt Resolution No. 2021-3737.

EXECUTIVE SUMMARY:

The City's Wastewater Treatment Plant has two oxidation ditches that provide aerobic digestion for wastewater treatment (refer to Figure 1 on the next page) and one of them can be shut down for maintenance as needed in the summer. Both oxidation ditches were constructed in 1985 and large cracks have formed in the concrete floors, inclined slabs, and divider walls, of Oxidation Ditch No. 1. Oxidation Ditch No. 2 was rehabilitated in 2017 and currently performs satisfactorily.

HDR Engineering, Inc., the City's consultant, completed the required construction plans, specifications and cost estimate for rehabilitating Oxidation Ditch No. 1. The project includes the removal and replacement of over 650 square feet of concrete inside the oxidation ditch, the installation of a layer of fiber reinforced concrete (shotcrete) to the entire sloped surface of the oxidation ditch of approximately 21,500 square feet and associated repair. The Engineer's estimate is in the range of \$500,000.00 to \$700,000.00.

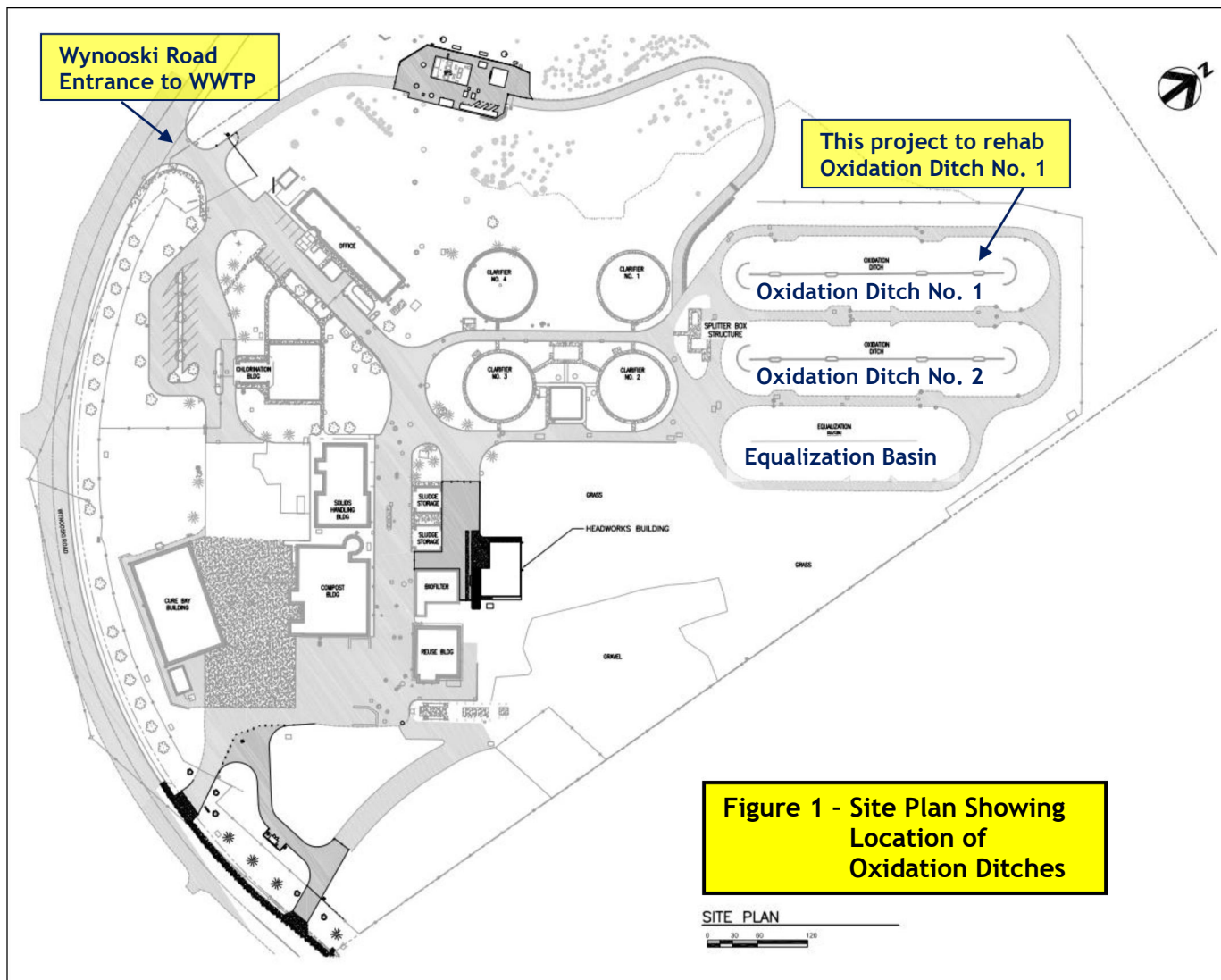
The project was advertised for bid on March 29, 2021 with no bids received on April 20, 2021. The project was advertised again for bid on April 26, 2021.

On May 11, 2021, the city received and opened two qualified bids from:

- (a) Cedar Mill Construction Company, LLC. (CMC) for \$903,190.00; and
- (b) James W. Fowler Company (JWF) for \$597,500.00.

JWF's bid price is within the Engineer's construction cost estimate. Bid analysis indicated that the considerable price markup on sub-bids, and the significant share for subcontract work (70% of CMC's work versus 42% of JWF's work) are the reasons for the substantial gap in bids.

The project is planned for completion this fall.



FISCAL IMPACT:

Funding for rehabilitation of the WWTP Oxidation Ditch Project was approved in the current fiscal year budget and will be appropriated in the next fiscal year budget under account number 04-5150-706310.

STRATEGIC ASSESSMENT:

Rehabilitating Oxidation Ditch No. 1 is a sustainable and less costly effort to provide and maintain proper wastewater treatment than to build a new one when the current wastewater treatment volume does not warrant the design and construction of a new oxidation ditch. The rehabilitation project will extend the service life of Oxidation Ditch No. 1 for another 20 years, and thus meet the City's sustainability goal, which is one of the citywide 2020 Council goals.



RESOLUTION No. 2021-3737

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO A CONSTRUCTION CONTRACT WITH JAMES W. FOWLER COMPANY TO COMPLETE THE CONSTRUCTION OF THE CITY'S WWTP OXIDATION DITCH REHABILITATION PROJECT FOR OXIDATION DITCH No. 1

RECITALS:

1. The City's consultant, HDR Engineering, Inc., completed the construction plans, specifications and cost estimate for the Wastewater Treatment Plant Oxidation Ditch Rehabilitation Project. The project provides repairs to Oxidation Ditch No. 1 and is vital for the wastewater treatment process.
2. The WWTP Oxidation Ditch Rehabilitation Project is an approved capital improvement project in the 2020-21 and 2021-22 fiscal year budgets.
3. The City of Newberg advertised the project on the city's website and in the Daily Journal of Commerce on April 26, 2021, soliciting bids in accordance with ORS Chapter 279C Public Contracting and Public Procurement requirements.
4. Two qualified bids were received on May 11, 2021. They were from: (a) Cedar Mill Construction Company, LLC. for \$903,190.00; and (b) James W. Fowler Company for \$597,500.00. The Engineer's estimate is in the range of \$500,000.00 to \$700,000.00.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as contract review board for the City, does hereby authorize the City Manager to enter into a contract with James W. Fowler Company to complete the Wastewater Treatment Plant Oxidation Ditch Rehabilitation Project in the amount of \$597,500.00.
2. The City Attorney will review and approve all contracts and agreements as to form and content.
3. The City Manager is authorized to negotiate and approve any needed construction change orders not to exceed 10 percent of the original contract amount.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June, 2021.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ No.	Ordinance ____ No.	Resolution ____ No. 2021-3738	Motion ____	Information ____
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SUBJECT: A resolution to authorize the City Manager to enter into negotiation with North Valley Friends Church to purchase real property for the City's Bell West Water Pump Station site

**Staff: Paul Chiu, P.E., Senior Engineer
Department: Public Works - Engineering
File Number:**

Business Session

Order on Agenda - Consent

RECOMMENDATION:

Adopt Resolution No. 2021-3738.

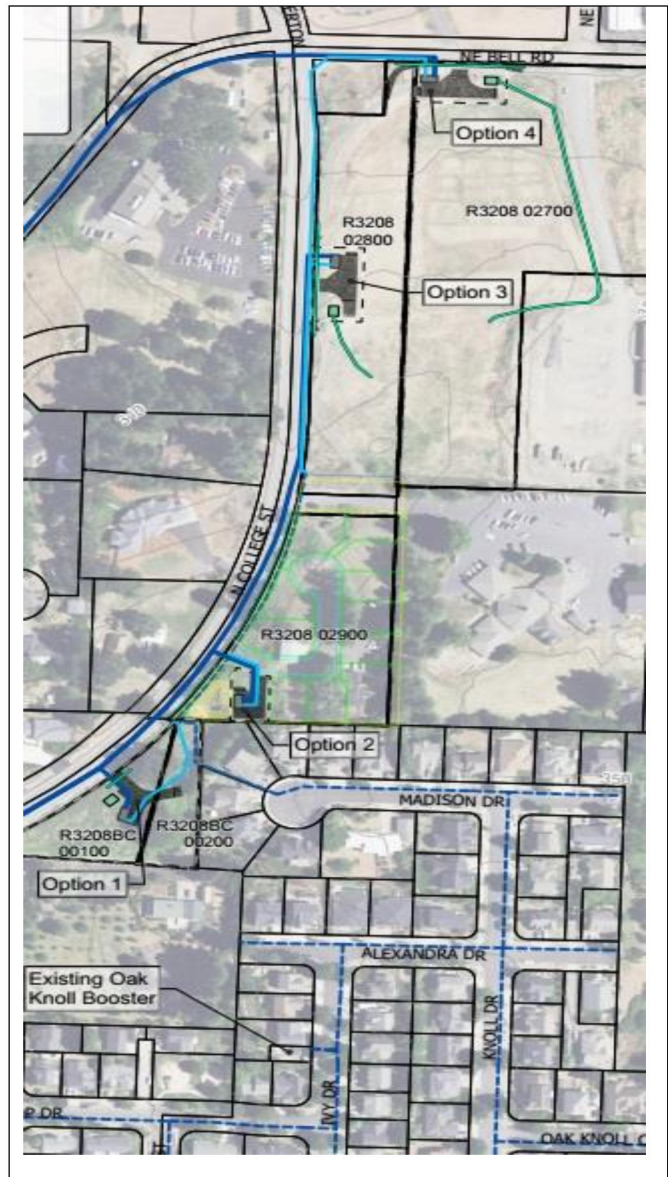
EXECUTIVE SUMMARY:

The 2017 Water System Master Plan identified the City's need for the Bell West Water Pump Station. The new pump station is intended to replace the existing Oak Knoll Water Booster Pump Station, expand the water service area and provide the required fire demand in pressure zone two.

To meet the pump station site elevation requirements, the location of the proposed pump station needs to be east of NE Terrace Drive in the N College Street and NE Bell Road neighborhood. The consultant team has identified four potential site locations for the proposed pump station. Please refer to the map on the right for reference.

Upon further evaluation using a matrix of factors such as zoning and parcel size, approximate market values, proximity to residential neighbors, proximity to 3-phase power source, length of new transmission main for connection to the proposed pump station, site development cost, potential natural resource impacts, and unobstructed line of sight for access drive, Site Option 4 has risen to the preferred option.

Staff has been in communication with two trustees of North Valley Friends Church (NVFC) who are authorized to work with the City for the proposed acquisition. The proposed Site Option 4 was presented to NVFC in December 2020, and they were open to the concept.



Upon further communication in April 2021, NVFC said in an email, “The final approval will rest with the church meeting but we can move forward.”

To formally kickoff the acquisition process, Council needs to first adopt this Resolution according to Oregon Revised Statutes (ORS) 35.235. Both parties appear to have mutual interest and desire to reach an agreement through negotiations for the proposed land acquisition. Condemnation by eminent domain will be the last resort for the proposed land acquisition but it does not appear to be necessary at this time.

FISCAL IMPACT:

The current fiscal budget allocates funding for property acquisition. Additional funding will be appropriated in the next fiscal budget for fiscal year 2021-2022.

STRATEGIC ASSESSMENT:

Housing affordability and sustainability are two of the 2020 Council goals. This project supports future housing development by providing adequate potable water and fire flow. Housing development may potentially include affordable housing according to the applicable land use and zoning.

The proposed pump station intends to incorporate elements of sustainability in its design, construction and operations, to minimize impact to the environment and contribute to improving livability for the community. The project includes sidewalk along its street frontage to support safe walking in Newberg.

Hence, the project meets the City’s housing affordability and sustainability goals, two of the citywide 2020 Council goals.



RESOLUTION No. 2021-3738

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO
NEGOTIATION WITH NORTH VALLEY FRIENDS CHURCH TO PURCHASE REAL
PROPERTY FOR THE CITY'S BELL WEST WATER PUMP STATION SITE**

RECITALS:

1. The 2017 Water System Master Plan identified the City's need for the Bell West Water Pump Station that will replace the existing Oak Knoll Water Booster Pump Station, expand the water service area, and provide the required fire demand in pressure zone two.
2. Upon further evaluation using a matrix of factors such as zoning and parcel size, approximate market values, proximity to residential neighbors, proximity to 3-phase power source, length of new transmission main for connection to the proposed pump station, site development cost, potential natural resource impacts, and unobstructed line of sight for access drive, a potential pump station location along NE Bell Road on North Valley Friends Church (NVFC) has risen to be the preferred location. The location of this preferred site is east of a private well at the southeast corner of the State Highway 219 and Bell Road intersection, and west of the Veritas School access drive.
3. Other potential pump station locations east of NE Terrace Drive in the N College Street and NE Bell Road neighborhood may receive reconsideration if the NVFC site conditions do not meet the development requirements of a pump station.
4. NVFC and the City have expressed mutual interest to further pursue the proposed land acquisition in good faith while condemnation by eminent domain does not appear to be necessary.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. City Manager is directed to begin negotiation with North Valley Friends Church, and in good faith, attempt to negotiate an agreement as to the amount of just compensation owed the owner(s) of the property. In doing so, staff is authorized to retain real estate appraisers, negotiators, and such other experts deemed necessary to fairly determine the amount of just compensation.
2. It is the intention of the Council that the required property interests, rights of way and/or easements be obtained through good faith negotiations. The City Manager, or designee is authorized to make a binding offer for a fair market compensation and to execute any documents necessary on behalf of the City, in a form approved by the City Attorney.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June, 2021.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ Ordinance ____ Resolution XX Motion ____ Information ____
No. No. No. 2021-3736

SUBJECT: A resolution to authorize the City Manager to enter into a construction contract with The Saunders Company, Inc. for the NE Chehalem Wastewater and Water Extension Project in the amount of \$1,547,087.75

Staff: Brett Musick P.E., Senior Engineer
Department: Public Works Engineering
File Number:

Business Session

Order on Agenda Consent

☐ **ADMINISTRATIVE PUBLIC HEARING**

RECOMMENDATION:

Adopt Resolution No. 2021-3736

EXECUTIVE SUMMARY:

This capital project would extend the public wastewater line from the existing terminus on the east side of Chehalem Creek in Hwy 240 to NE Chehalem Drive and then north in NE Chehalem Drive towards the intersection with Columbia Drive. The water extension portion of this project would extend the public water line from the existing terminus on the east side of Chehalem Creek in Hwy 240 to NE Chehalem Drive. There have been several development inquiries in this area outside of the City of Newberg limits yet within the Urban Growth Boundary (UGB). The wastewater line extension would allow for orderly future development along the western edge of the City. The water extension includes the installation of an 8" pipe to address a fire flow and pressure deficiency identified in the water system modeling for this area. The wastewater extension has been identified as a Capital Improvement Program project since at least the 2007 Wastewater Master Plan. The water extension has been identified as a Capital Improvement Program (CIP) project since 2015. Refer to Figure 1 on the following page for the project location.

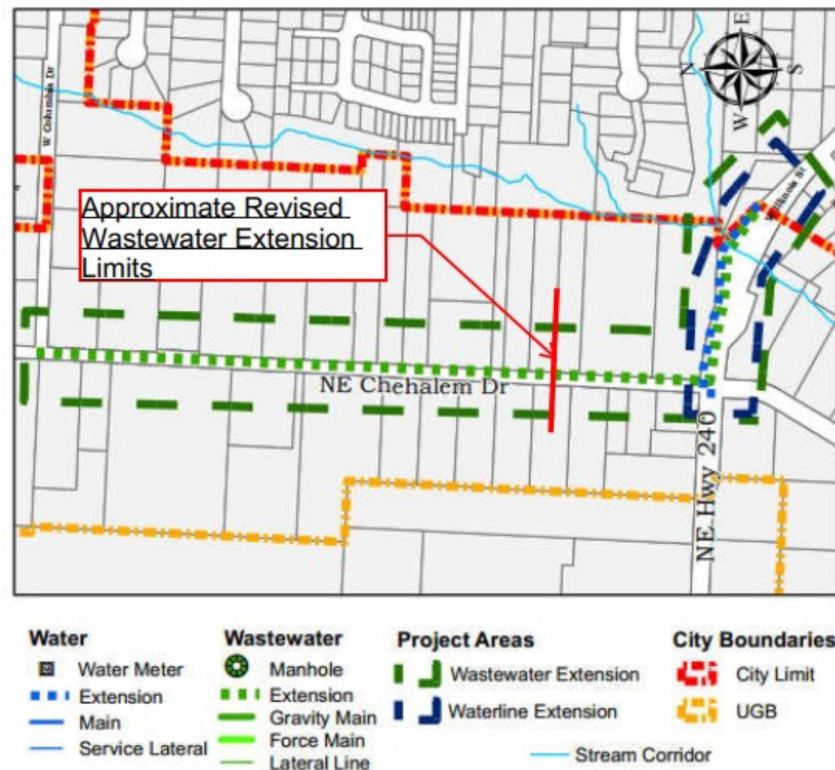
While the design of the wastewater has been completed for extension of the wastewater line to Columbia Drive, the construction project will complete only a portion of the line designed due to the available budget. It is planned to construct the wastewater line to a point approximately 500-feet north of the Highway 240/NE Chehalem Drive intersection terminating at a manhole included in the overall design..

Currently the area that would be served by the utility lines installed by this project consists of smaller rural lots ranging from approximately 1/3 of an acre to 2-1/2 acres, with a few 4 to 5 acre parcels. Most of the existing lots have homes with septic systems and wells, or water service provided by private water district distribution lines (NW Newberg Water District and Chehalem Valley Water Association).

Future annexation of these properties into the City of Newberg for development requires the availability of public wastewater and water lines. Development inquiries have focused on the area west of NE Chehalem Drive and north of Columbia Drive. The smaller size of the existing occupied lots in this area within the UGB, combined with the complexities of extending public wastewater and water utilities across the creek, create economic challenges for any one development to bear the cost of design and construction of these utilities.

Without adequate wastewater and water utilities reasonably close to proposed project locations, development in the near future becomes unlikely due to the cost of public utility extensions reducing the profitability of development. The use of funds derived from System Development Charges provides a means for the City to construct public projects to encourage development in an orderly fashion. System Development Charges (SDCs) are fees assessed or collected at the time of increased usage of a capital improvement, at the time of issuance of a development permit or building permit, or at the time of connection to the capital improvement. The purpose of SDCs are to impose a portion of the cost of capital improvements upon those developments that create the need for or increase the demands on capital improvements in the City.

Figure 1 – Vicinity Map Showing Project Location



On March 31, 2021 staff advertised the NE Chehalem Drive Wastewater and Water Extension Project. Bidders were asked to provide a total bid for the project broken out into a Base Bid and an Alternate Bid Item. On May 6, 2021 the City received three qualified bids for the total project (Base Bid plus the Alternate Bid Item) from:

- | | |
|------------------------------------|----------------|
| a) The Saunders Company, Inc.: | \$2,158,888.00 |
| b) K&E Excavating, Inc.: | \$2,381,486.00 |
| c) Landis and Landis Construction: | \$2,435,240.80 |

The Engineer's estimate of construction costs for this project (Base Bid plus the Alternate Bid Item) was in the range of \$2,100,000 to \$2,600,000. The bids are within the range of the Engineer's estimate.

In consideration of the available budget, construction is being limited to the Base Bid. The Saunders Company Base Bid amount of \$1,547,087.75 is used as the construction contract amount.

Construction is anticipated to be completed in September 2022.

FISCAL IMPACT:

The current fiscal budget (FY 2020/2021) and the proposed FY 2021-2022 budget appropriates funding for this multi-year project using utility rate and system development charges from the following accounts:

- 04-5150-706479, NE Chehalem Drive Wastewater Extension
- 04-5150-707479, NE Chehalem Drive Water Extension
- 04-5150-707481, W Illinois Fire Flow Water

Remaining design and construction budget from FY 2020/2021 will be appropriated for fiscal year 2021/2022 with a pending supplemental budget. Likewise, remaining design and construction budget from FY 2021/2022 will be appropriated for fiscal year 2022/2023. To account for bids received being higher than the available amount included in the current budget for this wastewater project, additional funds will be appropriated from the reserve established in the proposed FY 2021-2022 budget. This multi-year project anticipates construction start after July 4th 2021 with project closeout by October 2022.

STRATEGIC ASSESSMENT:

The City wastewater and waterline extension project would allow for orderly future development within this project area located in the City's Urban Growth Boundary. The W Illinois Street fire flow project would address the fire flow deficiency identified in the current Water System Master Plan update for this area.

2020 Council Goals:

1. Change operational culture to one focused on Customer Service and act to Resolve Ongoing Legal Disputes

Not applicable

2. Further develop an operational culture that adopts and cherishes Diversity, Equity, and Inclusion as core values.

Capital improvement public infrastructure design and construction by the City helps with maintaining systems and allows for orderly development beneficial to all our citizens.

3. Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

Capital improvement public infrastructure design and construction by the City promotes development of all housing types including transitional and workforce housing.

4. Create and support an Urban Renewal Plan and Authority

Not applicable

5. Collaborate with local partners and with entities like ICLEI in the development of a Sustainability program.

Capital improvement public infrastructure design and construction by the City is a necessary function of the City to help maintain the system for our citizens with a focus on customer service and sustainability.



RESOLUTION No. 2021-3736

**A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO ENTER INTO
A CONSTRUCTION CONTRACT WITH THE SAUNDERS COMPANY, INC.
FOR THE NE CHEHALEM WASTEWATER AND WATER EXTENSION
PROJECT IN THE AMOUNT OF \$1,547,087.75.**

RECITALS:

1. The City's consultant, Keller Associates Inc., completed the construction plans and the bid documents for the NE Chehalem Drive Wastewater and Water Extension Project
2. The NE Chehalem Drive Wastewater and Water Extension Project, is an approved budgeted capital improvement project in the 2020-2021 and 2021-2022 fiscal year budgets.
3. The City of Newberg advertised the project on the city's website and in the Daily Journal of Commerce on March 31, 2021 soliciting bids for the total project in accordance with ORS Chapter 279C Public Contracting and Public Procurement requirements. Bids for the total project were asked to be broken out into a Base Bid and an Alternate Bid Item.
4. Three qualified and responsive bids for the total project (Base Bid plus the Alternate Bid Item) were received on May 6, 2021. The bids were from:
 - a) The Saunders Co. Inc.: \$2,158,888.00
 - b) K&E Excavating, Inc.: \$2,381,486.00
 - c) Landis and Landis Construction: \$2,435,240.80

In consideration of the available budget, construction is being limited to the Base Bid. The Saunders Company **Base Bid amount of \$1,547,087.75** is used as the construction contract amount

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as contract review board for the city, does hereby authorize the City Manager to enter into a contract with The Saunders Company, Inc. to complete the NE Chehalem Drive Wastewater and Water Extension Project in the amount of \$1,547,087.75.
2. The City Attorney will review and approve all contracts and agreements as to form and content.
3. The City Manager is authorized to negotiate and approve any needed construction change orders not to exceed 10 percent of the original contract amount.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this 9th day of June, 2021.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2021-3744	Motion ____	Information ____
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SUBJECT: A resolution to authorize the City Manager to approve a construction change order with First Cascade Corporation for the Wastewater Treatment Plant Admin Remodel project.

Staff: Kaaren Hofmann, City Engineer
Department: Public Works
File Number:

Business Session

Order on Agenda Consent

☐ ADMINISTRATIVE PUBLIC HEARING

RECOMMENDATION:

Adopt Resolution No. 2021-3744

EXECUTIVE SUMMARY:

The existing WWTP Administration Building was originally constructed in 1987, utilizing construction standard materials and methods of that time, since then there has been no substantial upgrade. The planned Remodel will include upgrades and re-purposing of the existing facility and spaces to increase functionality and uses, meet current and future city and staff needs, without the need to construct additional buildings. Enhancements to existing building communication systems will allow for future expansion and utilize current electrical and HVAC systems whilst upgraded internal LED lighting will reduce electrical consumption. This updated facility will provide for current and anticipated programs and staffing needs, creating an easily maintained, productive and healthy environment for staff.

The project for the interior remodel of the Wastewater Treatment Plant Administration commenced in early March 2021 after the City Council awarded the construction contract on February 1, 2021 via Resolution No. 2021-3715. The project included remodel of lobby area, electrical improvements to the training room/Emergency Operations Center, laboratory component improvements and staff locker room and restroom improvements.

As demolition works progressed onsite the Contractor First Cascade Corporation encountered various unforeseen conditions and certain items that were not up to current codes and standards.

The original scope to improve the dated ceiling tile within the laboratory and training room/Emergency Operations Center was no longer able to be completed as the framing and existing tile would not be able to support the new layer of plasterboard intended. Simply fixing the new ceiling to the existing conditions was no longer a viable option.

The project team explored the solutions of -

1. Skim coating over the existing ceiling tiles to improve aesthetic finish
2. Removing the existing ceiling tile system and fixing the ceiling current framing

Both of the above options proved to be unrealistic as the weight of the new finishes could not be guaranteed to be sufficiently supported by the current ceiling framing.

As a result, the best solution to replace the ceiling in the laboratory and training room/Emergency Operations Center is to -

1. Demolish the existing ceiling tile, support framing and insulation.
2. Install new suspended ceiling framing, flush plasterboard ceiling and top cord insulation to seismic requirements of Newberg region.
3. Carry an allowance to complete the works for any unforeseen conditions once the demolition has been completed.

The cost of this work will not exceed -

Ceiling Works to laboratory and Training Room	Amount
Demo the old ceiling and insulation:	\$3,900
New suspended ceiling and insulation to meet seismic region design:	\$13,000
MISC. (Allowance and contingency for unforeseen conditions, supporting currently unsupported conduit, etc):	\$5,500
General Conditions (30 hours of supervision at \$65/hr):	\$1,950
Fee, CAT Tax, Bond:	\$2,700
TOTAL:	\$27,050

Current Change Order Status is as follows -

1. Approved Change Orders (C01) to date - \$15,012.30
2. Change order for Ceiling works \$27,050

FISCAL IMPACT:

The original construction contract value for the project was \$260,000. The total project cost is projected to be \$446,394.00. The proposed change orders will exceed the 10% allowance over the original construction contract amount but is still within the overall project budget.

STRATEGIC ASSESSMENT:

The following benefit of proceeding with the proposed change order is that the ceiling will be seismically resistant will meet the Council goals of sustainability and customer service.

A RESOLUTION TO AUTHORIZE THE CITY MANAGER TO APPROVE A CONSTRUCTION CHANGE ORDER WITH FIRST CASCADE CORPORATION FOR THE WASTEWATER TREATMENT PLANT ADMIN REMODEL PROJECT.

RECITALS:

1. The City Council awarded the construction contract on February 1, 2021 via Resolution No. 2021-3715.
2. Demolition has presented various unforeseen conditions and certain items that are currently not up to current codes and standards.
3. The original scope of work included improving the dated ceiling tile within the laboratory and training room/Emergency Operations Center. This was no longer able to be completed as the framing and existing tile would not be able to support the new layer of plasterboard intended. Simply fixing the new ceiling to the existing conditions is no longer a viable option.
4. The best solution to replace the ceiling in the laboratory and training room/Emergency Operations Center is to -
 - Demolish the existing ceiling tile, support framing and insulation
 - Install new suspended ceiling framing, flush plasterboard ceiling and top cord insulation to seismic requirements of Newberg region
 - Carry an allowance to complete the works for any unforeseen conditions once the demolition has been completed
5. The change order amount for the project will be \$27,050.
6. The original contract value for the WWTP Admin remodel Project was \$260,000. The 10% not to exceed amount on change orders of \$26,000 will be exceeded by proceeding with the ceiling work.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council, acting as contract review board for the City, does hereby authorize the City Manager to approve a construction change for the Wastewater Treatment Plant Admin Remodel project. The value of this change order is \$27,050.
2. The City Attorney will review and approve all contracts as to form and content.
3. The City Manager is authorized to negotiate and approve any needed construction change orders not to exceed 10 percent of the revised contract amount.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this 9th day of June, 2021.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ No.	Ordinance ____ No.	Resolution ____ No. 2021-3733 and 2021-3734	Motion ____	Information ____
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**SUBJECT: Public Hearing and Approval for
State Revenue Sharing for 2021-22**

Staff: Kezia Wanner
Department: Finance
File Number:

Business Session

Order on Agenda – Public Hearing

☒ **ADMINISTRATIVE PUBLIC HEARING**

RECOMMENDATION:

Adopt Resolutions 2021-3733 and 2021-3734

EXECUTIVE SUMMARY:

The City of Newberg relies upon State Shared Revenues to provide vital services to its residents. The City is required to meet certain obligations to participate in this program. To receive the “State Revenue Sharing” funds, the City must hold public hearings before the Budget Committee and City Council to discuss uses of these revenues. The City performed the public hearing to discuss possible uses of the revenue before the Budget Committee on April 27, 2021. The Budget Committee approved staff’s recommendation for use of the state revenues.

The 2021-22 Proposed Budget, as well as the 2020-21 Approved Budget, reports anticipated state shared revenues in the General Fund, the Gas Tax Fund (Street Fund), and the 9-1-1 Fund, with the shared revenues being used to support services provided by those funds. The City Council will hold a public hearing on the proposed use of the revenue on June 7, 2021 before the adoption of Resolution 2021-3734.

The City has an additional requirement in order to receive the “State Revenue Sharing”, as well as other State Shared Revenues, Cigarette Tax, and Gas Tax. The City must certify that it provides at least four of the following municipal services – fire protection, police protection, street construction/maintenance/lighting, sanitary sewers, storm sewers, planning/zoning/subdivision control, or one or more utility services.

Upon adoption of these two resolutions, City staff will complete the certification process with the State to receive state shared revenues.

FISCAL IMPACT:

Attachment 1: April 27 Budget Committee handout



RESOLUTION No. 2021-3733

A RESOLUTION DECLARING THE CITY OF NEWBERG'S ELECTION TO RECEIVE STATE REVENUES

RECITALS:

1. WHEREAS, State Revenue Sharing as prescribed in ORS 221.770 requires cities to pass an ordinance or resolution each year stating that they elect to receive state revenues sharing money; and
2. WHEREAS, a copy of this ordinance or resolution must be filed with Shared Financial Services of the Oregon Department of Administrative Services before July 31 of each year; and
3. WHEREAS, the City of Newberg held a public hearing to discuss possible uses of the revenue before the Budget Committee on April 27, 2021. The Budget Committee passed a motion to approve staff's recommendation for the use of the state revenues. The Fiscal Year 2021-22 budget includes state shared revenue in the General Fund, The Gas Tax Fund (Street Fund), and the 9-1-1 Fund, with the shared revenues being used to support services provided by those funds. The City Council held a public hearing on the proposed uses of the shared revenues on June 7, 2021. Each of these meetings were properly noticed in the Newberg Graphic and on the City website on April 13, 2021 and May 25, 2021, respectively.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Pursuant to ORS 221.770, the City hereby elects to receive state shared revenues for Fiscal Year 2021-22.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June, 2021.

Rick Rogers, Mayor



RESOLUTION No. 2021-3734

A RESOLUTION CERTIFYING THE PROVISION OF MUNICIPAL SERVICES BY THE CITY OF NEWBERG FOR THE PURPOSES OF PARTICIPATION IN THE STATE REVENUE SHARING PROGRAM

RECITALS:

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. WHEREAS, ORS 221.760 provides as follows:

Section 1. The officer responsible for disbursing funds to cities under ORS 323.455, 366.785 to 366.820 and 471.805 shall, in the cases of a city located within a county having more than 100,000 inhabitants according to the most recent federal decennial census, disburse such funds only if the city provides four or more of the following services:

- a. Police protection
- b. Fire protection
- c. Street construction, maintenance, and lighting
- d. Sanitary sewer
- e. Storm sewers
- f. Planning, zoning, and subdivision control
- g. One or more utility services

And,

2. WHEREAS, City officials recognize the desirability of assisting the state officer responsible for determining the eligibility of cities to receive such funds in accordance with ORS 221.760, now, therefore,

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

That the City of Newberg hereby certifies that it provides the following municipal services enumerated in Section 1, ORS 221.760:

- a. Police protection
- b. Street construction, maintenance, and lighting
- c. Sanitary sewer
- d. Storm sewers
- e. Planning, zoning, and subdivision control
- f. Water utility service

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: June 8, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June, 2021.

_____ Rick Rogers, Mayor

STATE SHARED REVENUE FY2021-22

	Liquor Tax – 14% of Total Liquor Revenues (also known as State Revenue Sharing)	Liquor Tax – 20% of Total Liquor Revenues	Cigarette Tax	Marijuana Tax	Gas Tax	9-1-1 Tax
Distribution	Complex formula including city property taxes, population, and income	Per capita to cities	Per capita to cities	10% of net state revenues (75% per capita; 25% per ratio of city licenses to total state licenses)	Per capita to cities	Per capita of cities and counties to 911 centers
Payments	Quarterly	Monthly	Monthly	Quarterly	Monthly	Quarterly
Requirements	- Pass an ordinance or resolution requesting SSR money. - Hold public hearings before Budget Committee (“possible uses”) and City Council (“proposed uses”) regarding city’s use of SSR. - Submit documentation certifying compliance to Dept. of Admin Svcs (DAS). - Levy property taxes for preceding year. - Cities in counties with popul. greater than 100k must certify that city provides at least four of the following municipal services: • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services	Cities in counties with population greater than 100k must certify that city provides at least four of the following municipal services: • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services	Cities in counties with popul. greater than 100k must certify that city provides at least four of the following municipal services: • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services	Annual city certification of no ban on marijuana licenses in any of the six license types: recreational producer, processor, wholesaler, or retailer, as well as medical grow site or medical facility.	Cities in counties with popul. greater than 100k must certify that city provides at least four of the following municipal services: • Fire protection • Police protection • Street construction, maintenance, and lighting • Sanitary sewers • Storm sewers • Planning, zoning, and subdivision control • One or more utility services	Annual accounting report to OEM
Uses	Unrestricted	Unrestricted	Unrestricted	Unrestricted	Restricted	Restricted
Key Statutes	ORS 221.770; 221.760; 471.810(1)(d)	ORS 221.760; 471.810(1)(b)	ORS 221.760; 323.030-.031; 323.455-.457	ORS 475B.015; 475B.700-760; Or Laws Ch. 1, sec. 44 (2015), amended by HB 3470 (2017) (see sections 30-37).	ORS 221.760; 366.739-.752; 366.785-366.820; ORS Ch. 319	ORS 403.200 - 250; OAR 104-080-0195 to 104-080-0210 (page 69)
Newberg Budget	01-0000-335006 for \$290,000 (page 31)	01-0000-335003 for \$490,000 (page 31)	01-0000-335004 for \$48,000 (page 31)	01-0000-335005 for \$185,000 (page 31)	02-0000-335000 & 02-0000-336000 for \$1,940,094 (pg 87)	13-0000-310000 & 13-0000-312000 for \$275,000 & \$22,500

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ No.	Ordinance ____ No.	Resolution <u>X</u> 2021-3735	Motion ____	Information ____
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SUBJECT: Adoption of FY 2021-22 Budget via
Resolution 2021-3735

Contact Person (Preparer) for this
Motion: Rob Moody
Dept.: Finance

HEARING TYPE: ADMINISTRATIVE

RECOMMENDATION:

Approve Resolution 2021-3735 adopting the 2021-22 Budget, making appropriations, and imposing and categorizing the tax.

EXECUTIVE SUMMARY:

The Budget Committee met on April 20, April 27, April 29, and May 4, 2021 to review and deliberate on the proposed 2021-2022 City Budget presented by the Budget Officer. The Budget Committee approved the budget as amended on May 4, 2021. A summary of the changes is included in this packet as Exhibit A.

FISCAL IMPACT: The 2021-22 Approved Budget equals \$133,844,625 with 141.4 FTE. Total appropriations equals \$133,415,310, with reserves and unappropriated ending fund balances totaling \$429,315. The approved property tax rate by the Budget Committee is \$2.7319 per \$1,000.00 assessed value.

STRATEGIC ASSESSMENT: This is a balanced budget and reflects the direction and priorities of the City Council to meet the needs of this community.



RESOLUTION 2021-3735

**A RESOLUTION ADOPTING THE CITY OF NEWBERG, OREGON
BUDGET FOR THE 2021-2022 FISCAL YEAR, MAKING
APPROPRIATIONS, IMPOSING THE TAX, AND CATEGORIZING THE
TAX**

RECITALS:

1. The City of Newberg Budget Committee approved the fiscal year 2021-22 budget on May 4, 2021.
2. The notice of this budget hearing and financial summary was published in the May 26, 2021 Newberg Graphic.
3. A public hearing on the approved budget was held on June 7, 2021.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. Adopting the Budget. The City Council of the City of Newberg hereby adopts the budget for fiscal year 2021-22 in the total amount of \$133,844,625 now on file at City Hall located at 414 E. First Street, Newberg, Oregon.
2. Making Appropriations. The amounts for the fiscal year beginning July 1, 2021, and for the purposes shown below are hereby appropriated:

General Fund (01)	
General Government	\$ 282,190
Municipal Court	319,952
Police	7,766,617
Communications	1,269,469
Library	1,682,911
Planning	1,472,725
Transfers	493,675
Contingency	2,614,327
Total General Fund	<u>15,901,866</u>
Street Fund (02)	
Public Works	1,579,559
Special Payments	100,000
Transfers	3,554,182
Contingency	2,186,638
Total Street Fund	<u>7,420,379</u>

Civil Forfeitures Fund (03)	
Police	500
Proprietary Capital Projects Fund (04)	
Capital Projects	25,462,180
Wastewater Fund (06)	
Public Works	6,419,803
Special Payments	50,000
Debt Service	1,649,386
Transfers	8,861,025
Contingency	3,701,372
Total Wastewater Fund	20,681,586
Water Fund (07)	
Public Works	4,594,592
Debt Service	410,921
Transfers	12,490,122
Contingency	2,157,955
Total Water Fund	19,653,590
Building Inspection Fund (08)	
Building Inspection	811,963
Contingency	1,495,405
Total Building Inspection Fund	2,307,368
Debt Service Fund (09)	
Debt Service	810,306
9-1-1 Emergency Fund (13)	
Communications	310,188
Contingency	35,824
Total 9-1-1 Emergency Fund	346,012
Economic Development Fund (14)	
Planning	198,382
Special Payments	1,343,021
Contingency	191,324
Total Economic Development Fund	1,732,727
Public Safety Fee Fund (16)	
Police	436,100
Communications	273,600
Contingency	44,544
Total Public Safety Fee Fund	754,244
Stormwater Fund (17)	
Public Works	1,708,677
Transfers	2,033,982
Contingency	86,468
Total Stormwater Fund	3,829,127
Street Capital Projects Fund (18)	
Capital Projects	7,597,464
Transient Lodging Tax Fund (19)	
General Government	246,524
Transfers	400,939
Contingency	1,292
Total Transient Lodging Tax Fund	648,755

Library Gift & Memorial Fund (22)	
Library	37,345
Contingency	8,368
Total Library Gift & Memorial Fund	45,713
Admin/Support Services Fund (31)	
City Manager's Office	1,169,086
General Office	273,600
Finance	1,057,860
Information Technology	1,156,907
Legal	774,565
Public Works	733,400
Insurance	490,000
Contingency	785,966
Total Admin/Support Services Fund	6,441,384
Vehicle/Equipment Replacement Fund (32)	
Transfers	3,091,000
Street System Development Fund (42)	
Transfers	3,343,282
Contingency	3,508,230
Total Street System Development Fund	6,851,512
Stormwater System Development Fund (43)	
Transfers	44,573
Contingency	190,845
Total Stormwater System Development Fund	235,418
Wastewater System Development Fund (46)	
Debt Service	211,044
Transfers	1,632,478
Contingency	6,923,024
Total Wastewater System Development Fund	8,766,546
Water System Development Fund (47)	
Debt Service	801,829
Contingency	35,805
Total Water System Development Fund	837,634
Total Appropriations	133,415,311
Unappropriated Fund Balance - Debt Service (09)	1,326
Reserve for payments in lieu (18)	413,754
Reserve for payments in lieu (43)	14,234
Total Adopted Budget	\$ 133,844,625

3. Imposing the Tax. The City Council of the City of Newberg imposes the following ad valorem property taxes upon the assessed value of all taxable property within the district at the rate of \$2.7319 per \$1,000 of assessed value for permanent rate tax.

4. Categorizing the Tax. The City Council of the City of Newberg categorizes the imposed taxes for purposes of Article XI section 11b as:

	<u>General Government Limitation</u>	<u>Excluded from the Limitation</u>
Permanent Rate Tax	\$2.7319 per \$1,000.00 TAV	

5. The Assistant City Manager is authorized and directed to certify the levy with the Yamhill County Assessor and Yamhill County Clerk.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is June 7th, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this ____ day of June, 2021.

Rick Rogers, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ No.	Ordinance <u>XX</u> No. 2020-2880	Resolution ____ No.	Motion ____	Information ____
SUBJECT: An Ordinance amending the Newberg Comprehensive Plan, Newberg Municipal Code, Title 15 Development Code, 15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.020, 15.235.040, 15.235.050, 15.240.020, 15.302.032, 15.302.040, 15.303.200, 15.305.020, 15.336.010, 15.336.020, 15.340.020, 15.342.050, 15.342.070, 15.342.100, 15.346.070, 15.3522.050, 15.405.010, 15.405.030, 15.405.040, 15.410.070, 15.415.020, 15.420.010, 15.420.020, 15.440.020, 15.44.060, 15.440.075, 15.505.030, Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan, Related to Duplex Regulations			Staff: Doug Rux, Director, Steve Faust, Elizabeth Decker, Heather Austin Department: Community Development File Number: CPTA21-0001/DCA21-0002/GEN21-0004/GEN21-0005/GEN21-0006	
Business Session			Order on Agenda Public Hearing	

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

RECOMMENDATION:

Adopt Ordinance No. 2021-2880.

EXECUTIVE SUMMARY:

A. SUMMARY:

The proposed amendment does the following:

Amends the Newberg Comprehensive Plan, Newberg Municipal Code, Title 15, 15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.020, 15.235.040, 15.235.050, 15.240.020, 15.302.032, 15.302.040, 15.303.200, 15.305.020, 15.336.010, 15.336.020, 15.340.020, 15.342.050, 15.342.070, 15.342.100, 15.346.070, 15.3522.050, 15.405.010, 15.405.030, 15.405.040, 15.410.070, 15.415.020, 15.420.010, 15.420.020, 15.440.020, 15.44.060, 15.440.075, 15.505.030 and the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan, to address duplex standards in residential zones for compliance with HB 2001 and OAR Chapter 660 Division 046.

B. BACKGROUND:

The Oregon Legislature passed HB 2001 in 2019 regarding Middle Housing. Newberg is required to comply with the provisions for duplexes as it is a community between 10,000 and 25,000 in population. On August 5, 2019, the Newberg City Council directed staff to work not

only on the duplex provisions but other Middle Housing including triplexes, quadplexes, cottage clusters, and townhomes. Staff submitted for a grant to the Oregon Department of Land Conservation and Development (DLCD) on April 30, 2020 supported by City Council Resolution No. 2020-3669 (Attachment 1). The City was successful in obtaining a grant and was awarded \$60,000 to develop comprehensive plan and development code regulations for duplexes, triplexes, quadplexes, cottage clusters and townhomes. The grant agreement was entered into on August 27, 2020.

The City Council appointed a Citizens Advisory Committee on August 17, 2020 to provide feedback and guidance to staff and the project's consultant- 3J Consulting which was selected through a Request for Qualifications process from the City's Qualified Pool List. The Land Conservation and Development Commission adopted Oregon Administrative Rules (OARs) for duplexes on July 23, 2020.

C 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. Amendments to the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, Springbrook Master Plan require public hearings. Important dates related to this application are as follows:

1. 4/20/202: The Newberg City Council adopted Resolution 2020-3669 applying for DLCD grant for Middle Housing.
2. 8/17/20 City Council Appointment of Citizen Advisory Committee.
3. 10/14/20: Citizens Advisory Committee Meeting Orientation.
4. 11/4/20: Citizens Advisory Committee Meeting.
5. 11/12/20: Planning Commission Briefing.
6. 11/18/20: Citizens Advisory Committee Meeting.
7. 12/10/20: Planning Commission Briefing.
8. 12/15/20: Public Open House #1 and Community Survey.
9. 1/14/21: Planning Commission Briefing.
10. 1/20/21: Citizens Advisory Committee Meeting.
11. 2/11/21: Planning Commission Briefing.
12. 2/17/21: Citizens Advisory Committee Meeting.
13. 2/23/21: Public Open House #2 and Community Survey.
14. 3/10/21: Citizens Advisory Committee Meeting.
15. 3/15/21: Planning Commission/City Council Joint Work Session.

16. 4/12/21: Measure 56 Notice Distributed.
17. 4/26/21: Notice to property owners in the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan were mailed for the Planning Commission hearing.
18. 4/28/21: Planning staff placed notice on Newberg's website, and posted notice in four public buildings for the Planning Commission public hearing. *The Newberg Graphic* published notice of the hearing.
19. 5/13/21: The Planning Commission held a public hearing, took public testimony, deliberated on the proposal and adopted Resolution No. 2021-371.
20. 5/26/21: Planning staff placed notice on Newberg's website, and posted notice in four public buildings. *The Newberg Graphic* published notice of the hearing.
21. 5/26/21: Notice to property owners in the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan were mailed for the City Council hearing.
22. 6/7/21: After proper notice, the City Council held a legislative hearing to consider the item.

D. PUBLIC COMMENTS: As of the writing of this report, the City has received six written comments on the proposal. Public participation was solicited through the Citizens Advisory Committee process through two open houses that included public participation and community surveys with the information in the project file. Measure 56 and notices for the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan were mailed to property owners.

The comment received by Linda Hanson (Attachment 2) raised the issue that the citizens voted to have low density housing and that the City has overridden this desire several times. She opposes duplex development.

Staff Response: Staff is not aware of any ballot measure based on our research that has gone before the voters to have low density residential development. Statewide Goal 10 requires that we have a variety of housing types for a variety of income levels. Newberg's Comprehensive Plan and Zoning Regulations respond to this by different zones within the city that accommodates detached single family, duplexes and as currently written multifamily for three dwelling units and above.

Comments were received from Joseph Ourada (Attachment 2) concerning parking and the impact Middle Housing will bring to neighborhoods with on-street parking. Mr. Ourada also expressed concerns on impacts of Middle Housing on property values.

Staff Response: OAR 660-046 sets a maximum required number of off-street parking spaces for duplex dwellings at two (2) and encourages no required off-street parking

requirement. The Citizens Advisory Committee discussed this issue at length and settled on complying with OAR 660-046 and the proposal requires two (2) off-street parking space for a duplex.

There is no criteria in OAR 660-046 to address the issue on impacts to property values. Staff is not aware of any research data that supports having a mix of detached single-family dwelling and duplexes reduces the value of the detached single-family dwelling.

Karla Vargas provided comments related to law enforcement and first responders with the community and those relations from more multi-family homes and duplexes (Attachment 2). Her second comment was in regards to townhomes and duplexes and their risk to fire damage.

Staff Response: Interim Police Chief Kosmicki provided the following feedback. “As far as policing is concerned, our best way to combat what Ms. Vargas is concerned about is maintaining staffing levels of the police department where we can remain proactive instead of only being reactive to crime. Having enough staff to maintain all of our outreach programs is extremely important as well.

Part of having enough staff does not only mean the number of officers but being able to retain them with their working knowledge of the community as well as maintaining the culture of the department. The officers of the NDPD are focused on the safety of the community. It is a goal of the men and women of the Newberg-Dundee Police Department to work with our residents to maintain the honor of being one of the safest cities in Oregon.

In response to fire and damage risk the Building Official has indicated that all duplex dwellings are required to meet Oregon Structural Specialty Code requirements as are detached single-family dwellings.

Friends of Yamhill County provided comments on the proposal that are included in Attachment 2. In summary the letter indicates their strong support of the city’s efforts to implement HB 2001 duplex amendments.

1000 Friends of Oregon provided comments on the proposal that are included in Attachment 2. The letter indicates the importance of allowing stacked and detached duplex units which the Newberg proposal would allow. They also encourage adoption of the proposed ordinance.

The Department of Land Conservation and Development (DLCD) raised questions about language in Exhibit “B” Section 4 questioning if the language needed to be adjusted to be clear and objective. Staff modified language to address the DLCD concern. DLCD also sought clarity on language in Exhibit “B” Section 37 on lot size. Staff modified language to address the DLCD concern.

E. STAFF/AGENCY COMMENTS: As of the writing of this report, the City has received the following comments on the proposal.

Building Official - Duplexes and duplex conversions will need to meet the separation requirements of the current 1 and 2 family dwelling specialty code. 3 units or more will need to meet the requirements of the current Oregon Structural Specialty Code.

Finance Department – Reviewed, conflict.

Police Department – Reviewed, conflict

Tualatin Valley Fire & Rescue – Reviewed, no conflict.

Ziply – Reviewed, conflict.

Public Works Engineering - Exhibit "B": Development

Code Amendment Section 51. Subsection

R.4 of Section 15.505.030 as amended to allow more than one driveway on a lot accessed from a minor collector or a local street as long as there is 22-feet separating the driveways applies only to duplexes. For single family homes the 40-feet of separation is to remain.

F. DISCUSSION:

There are a variety of Comprehensive Plan and Development Code modifications that are necessary to bring Newberg into conformance with HB 2001, ORS 197.758, and Oregon Administrative Rule (OAR) Chapter 660 Division 46 related to duplexes. To that end the Middle Housing Citizens Advisory Committee (CAC) met from October 2020 through March 2021 providing guidance and feedback to the project consultants 3J Consulting and Jet Planning. Input was also gathered through two virtual open houses and two online surveys.

Exhibits “A – E” are the culmination of the CAC and consultants work in identifying what policies need to be modified in the Comprehensive Plan under Goal I, - Housing and corresponding policies. In addition there are sections of the Development Code that need to be modified as noted under the Summary section of this report.

Definitions are required to be updated to align with definitions in OAR 660-046. Exhibit “B” contains the modifications.

The review process also needed to be modified. Duplexes are now required to be reviewed the same as single-family detached dwelling through a Type I Administrative process with clear and object standards.

The Nonconforming Use provision of the Development Code needed amending to address conversion of existing dwellings into duplex dwellings.

For the Land Division chapter, modifications were made to provide information on the total number of units proposed and information on the adequacy of infrastructure to serve duplex development.

The Planned Unit Development chapter is modified to address density points for duplex units.

In the Districts and Their Amendment chapter the purpose of each zoning district is amended to clarify duplexes are allowed by right in R-1, R-2, and R-3.

The Use Categories chapter is modified to remove the reference to two-family dwelling and replacing it with duplex dwelling to align with the updated definitions.

The Zoning Use Table chapter is updated in multiple locations to reflect duplex development.

The Airport Residential and Airport Overlay chapters are modified to bring language in alignment with definitions for single-family and duplex dwellings.

A variety of changes are proposed to the Stream Corridor Overlay chapter to integrate duplex

dwelling as well as conversions of dwellings into duplexes.

A big challenge was to modify the Specific Plans and Master Plans. The Specific Plan Subdistrict chapter is modified to address duplexes in the Northwest Newberg and Springbrook Oaks Specific Plans. The Springbrook Master Plan also needs to be updated to reflect duplexes.

In the area of site design requirements, the Lot Requirements chapter was modified for lot area lot dimensions, lot coverage. Lot coverage is proposed to increase from 50% to 60% in R-2, RP, AR and R-3. A minor change occurs in the Yard Setback chapter on verbiage parking for service drives adding duplex dwellings and single-family dwellings. OAR 660-046 requires that the lot size for a single-family detached dwelling unit needs to be the same for a duplex. In the R-1 the minimum lot size is 5,000 square feet. In R-2 it is 3,000 square feet, R-3 2,500 square feet, AR 5,000 square feet, and RP 3,000 square feet. The current Development Code has the lot size for a duplex in R-1 at 10,000 square feet and R-2 at 6,000 square feet. Concerns were expressed by community members that the smaller lot size and allowing duplexes in single family areas would change the character of neighborhoods. Attachment 3 contains the feedback received from the two community surveys. Building height is proposed to be modified in the R-2, AR, and RP zones to 35 feet from the current 30 feet. R-1 remains at 30 feet.

The Landscape and Outdoor Areas chapter is modified to remove references to duplexes as they are no longer considered a multi-family development for purpose of landscaping requirements.

One of the significant issues raised by the CAC and community members was parking for duplexes. OAR 660-046 limits the maximum required number of off-street parking spaces to two per duplex. A new section was added in Parking for garages and their dimension requirements. Currently the dimension provision is buried in a definition.

Finally, there are modifications to the Public Improvements chapter on street frontage and driveway access, how many lots can share a driveway, and removing the reference to three dwellings.

Post the Planning Commission hearing staff made an additional change to Exhibit “B”, Section 9 concerning the Planned Unit Development point system. We deleted the proposed language changes under this section after further review because the original proposal made it more difficult for duplex development.

G. AD HOC MIDDLE HOUSING CITIZENS ADVISORY COMMITTEE

The Middle Housing Citizens Advisory Committee met on March 10, 2021 and recommend the Planning Commission and City Council approve the Middle Housing – Duplex regulations.

H. AFFORDABLE HOUSING COMMISSION

The Affordable Housing Commission met on April 27, 2021 and made a recommendation that City Council adopt the Comprehensive Plan amendment, Development Code amendments, and amendments to the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan.

I. PLANNING COMMISSION

The Newberg Planning Commission held a public hearing on May 13, 2021, heard public testimony, and approved Resolution No. 2021-371 (Attachment 5) recommending that City Council adopt the Comprehensive Plan amendments, Development Code amendments, and amendments to the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan.

FISCAL IMPACT:

Funding for development of the duplex regulations was from a grant from the Department of Land Conservation and Development. The grant amount was \$60,000 and is expended out of 01-4110-533011 Planning Misc Grants.

STRATEGIC ASSESSMENT:

2020 Council Goals:

1. Change operational culture to one focused on Customer Service and act to Resolve Ongoing Legal Disputes

Not applicable.

2. Further develop an operational culture that adopts and cherishes Diversity, Equity, and Inclusion as core values.

Providing duplex housing opportunities for Newberg residents can advance the Council goal for Diversity, Equity, and Inclusion.

3. Promote development of housing affordability such as houselessness, transitional housing, workforce housing.

Complying with HB 2001 for duplexes can provide additional housing opportunities to address the affordability issues Newberg is facing as documented in the Housing Needs Analysis.

4. Create and support an Urban Renewal Plan and Authority

Not applicable.

5. Collaborate with local partners and with entities like ICLEI in the development of a Sustainability program.

Not applicable.

ATTACHMENTS:

Ordinance 2021-2880 with:

- Exhibit "A": Comprehensive Plan Amendments
- Exhibit "B": Development Code Amendments
- Exhibit "C": Northwest Newberg Specific Plan
- Exhibit "D": Springbrook Oaks Specific Plan
- Exhibit "E": Springbrook Master Plan
- Exhibit "F": Findings

1. City Council Resolution No. 2020-369 DLCD Grant Application
2. Public Comments
3. Community Surveys #1 and #2
4. Newberg Housing Work Program
5. Planning Commission Resolution No. 2021-371

**AN ORDINANCE AMENDING THE NEWBERG
COMPREHENSIVE PLAN, NEWBERG MUNICIPAL
CODE, TILTLE 15 DEVELOPMENT CODE, 15.05.030,
15.100.020, 15.205.050, 15.205.060, 15.220.020, 15.235.040,
15.235.050, 15.240.020, 15.302.032, 15.302.040, 15.303.200,
15.305.020, 15.336.010, 15.336.020, 15.340.020, 15.342.050,
15.342.070, 15.342.100, 15.346.070, 15.3522.050, 15.405.010,
15.405.030, 15.405.040, 15.410.070, 15.415.020, 15.420.010,
15.420.020, 15.440.020,15.44.060, 15.440.075, 15.505.030,
NORTHWEST NEWBERG SPECIFIC PLAN,
SPRINGBROOK OAKS SPECIFIC PLAN, AND
SPRINGBROOK MASTER PLAN, RELATED TO DUPLEX
REGULATIONS**

RECITALS:

1. The Oregon Legislature adopted HB 2001 during the 2019 Legislative Session.
2. The Newberg City Council authorized an application to the Department of Land Conservation and Development (DLCD) for a grant to comply with HB 2001 on April 20, 2020.
3. DLCD awarded the City of Newberg a grant on August 27, 2020.
4. The City Council appointed an Ad Hoc Citizens Advisory Committee on August 17, 2020.
5. The Ad Hoc Citizens Advisory Committee met six (6) times in developing comprehensive plan, development code, and Specific Plan and Mater Plan provisions for duplexes.
6. The Planning Commission was briefed four (4) times on the draft duplex code provisions.
7. The City Council and Planning Commission held a joint work session on the duplex code provisions on March 15, 2021.
8. After proper notice, the Newberg Planning Commission opened the hearing on May 13, 2021, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City and adopted Resolution No. 2021-371.
9. After proper notice, the Newberg City Council opened the hearing on June 7, 2021, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Comprehensive Plan is amended as shown in Exhibit “A”.
2. The Newberg Development Code is amended and shown in Exhibit “B”.
3. The Northwest Newberg Specific Plan is amended and shown in Exhibit “C”.
4. The Springbrook Oaks Specific Plan is amended and shown in Exhibit “D”.
5. The Springbrook Master Plan is amended and shown in Exhibit “E”.
6. The Adoption is based upon the findings in Exhibit “F”.
7. Exhibits “A”, “B”, “C”, “D”, “E”, and “F” are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: July 7, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Sue Ryan, City Recorder

ATTEST by the Mayor this 10th day of June, 2021.

Rick Rogers, Mayor

List of Exhibits:

Exhibit “A”. Comprehensive Plan Amendments
Exhibit “B”: Development Code Amendment
Exhibit “C”: Northwest Newberg Specific Plan
Exhibit “D”: Springbrook Oaks Specific Plan
Exhibit “E”: Springbrook Master Plan
Exhibit “F”: Findings

Exhibit “A” to Ordinance No. 2021-2880
Comprehensive Plan Amendment – File CPTA21-0001

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~striketrough~~.

Section 1. The Newberg Comprehensive Plan, POLICIES: 1. Density Policies, subsection e. is deleted as shown:

- e. ~~———— In determining net residential densities, developers may be given density credit for land donated and accepted by the City for needed public facilities.~~

Section 2. The Newberg Comprehensive Plan, POLICIES: 3. Mix Policies, subsection ad. is added to read:

- ad. ———— The City shall permit duplex dwellings on any lot where single-family dwellings are permitted to provide additional housing options in compliance with OAR Division 660-046. (Ordinance No. 2021-2880, June 7, 2021.)

Exhibit “B” to Ordinance No. 2021-2880
Development Code Amendment – File DCA21-0002

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

The Newberg Development Code shall be amended as follows:

Section 1. Section 15.05.030 shall be amended to read for the following definitions:

Duplex. See “dwelling, ~~two family~~ duplex”

“Dwelling, accessory” means an interior, attached or detached residential structure that is used in connection with or that is accessory to a single-family dwelling. A lot or parcel developed with a single-family dwelling and an accessory dwelling is excluded from the definition of “duplex dwelling.”

“Dwelling, ~~two family~~ duplex” means two dwelling units on one lot or parcel in any configuration a building designed or used exclusively for the occupancy of two families living independently of each other and having separate housekeeping facilities for each family. A duplex dwelling does not include a lot or parcel developed with a single-family dwelling and an accessory dwelling.

“Dwelling, single-family” means one dwelling unit on one lot or parcel ~~a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.~~

“Dwelling, single-family detached” means one dwelling unit on one lot or parcel with no common walls attached to another dwelling unit. ~~means a detached building designed or used exclusively for the occupancy of one family and having housekeeping facilities for only one family.~~

“Family” means ~~an individual, or two~~ (A) one or more persons related by blood, or marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit or (B) one or more handicapped person as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons, who live together in one dwelling unit or a group of not more than five persons (excluding household employees) who need not be related by blood or marriage, living together in a dwelling unit. “Family” may include two or more people with disabilities, as defined in the Fair Housing Amendments Act of 1988, living as a single housekeeping unit.

“Garage, single-car” means a covered parking space enclosed on all four sides designed for the parking of one motor vehicle. ~~A single-car garage shall have a minimum inside width of 10 feet by 20 feet.~~

“Garage, two-car” means a covered parking space enclosed on all four sides designed for the parking of two motor vehicles. ~~A two-car garage shall have a minimum inside width of 20 feet by 20 feet.~~

Section 2. Section 15.05.030 is amended to add the following definition:

“Middle Housing” means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

Section 3. Subsection B of Section 15.100.020 is amended to read as follows:

B. Type I actions include, but are not limited to:

1. Design review permits for single-family dwellings, duplexes dwellings, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).
2. Home occupation permits.
3. Signs, not in conjunction with a new development or major remodel.
4. Adjustments.
5. Processing final land division maps and plats.
6. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

Section 4. Section 15.205.050 is amended to read as follows:

Unless completely or partially destroyed, pursuant to NMC 15.205.070, nonconforming buildings or structures with legal conforming uses may be altered or modified, including conversion of a detached single-family dwelling to a duplex dwelling, subject to any one of the following requirements. This shall be processed as a Type I application for single-family ~~homes~~ dwellings and duplexes dwellings and as a Type II application for all commercial, industrial, and multifamily dwelling uses.

A. The addition or modification affects a part of the structure which will meet the current setback, height, yard or similar regulations and the addition or modification will not worsen the nonconforming status of the building; or-

B. The addition or modification provides a logical expansion of the building and is within the existing building setback lines where:

1. In the opinion of the director, the expansion or modification will not adversely affect neighboring properties;
2. Building code requirements can be met;
3. The expansion or modification proposed is similar to other nonconforming buildings or structures in the area; and
4. Reasonable provisions have been made to minimize the impact of the nonconforming status of the building or structure; or-

C. A building or parking area that is nonconforming to the standards of this code but otherwise conforms to the use provisions of the zoning district may be expanded; provided, that the portion of the building or parking area proposed for expansion complies with the provisions of this code. [Ord. 2451, 12-2-96. Code 2001 § 151.144.]

Penalty: See NMC 15.05.120.

Section 5. Section 15.205.060 is amended to read as follows:

15.205.060 ~~Single-family~~ Residential nonconforming use exemption.

A. Where a single-family, duplex, or multifamily dwelling is a legal, nonconforming use in any zoning district, it may be rebuilt if partially or completely destroyed. If a single-family, duplex, or multifamily dwelling is completely or partially destroyed, it may be rebuilt either in conformance with the setback, height restriction, and other regulations of the district in which it is located or with the standards of the R-2 zoning district. The minimum lot area requirement does not apply.

B. In addition, if a structure was originally constructed and legally occupied as a single-family dwelling or duplex dwelling, and it has since been converted to a different use, the structure may be reconverted back to a single-family dwelling or duplex dwelling, subject to applicable building codes. The dwelling shall either meet current parking requirements, or shall provide the same parking that was provided prior to the conversion from dwelling to another use. No more than ~~one~~ two dwelling units per lot may be allowed under this provision. [Ord. 2730 § 1 (Exh. A (8)), 10-18-10; Ord. 2561, 4-1-02; Ord. 2451, 12-2-96. Code 2001 § 151.145.]

Penalty: See NMC 15.05.120.

Section 6. Subsection A.1. of Section 15.220.020 is amended to read as follows:

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

1. Type I.

- a. Single-family dwellings;
- b. Duplexes dwellings;
- c. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;
- d. Multifamily additions which do not exceed 1,000 square feet in gross floor area and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;
- e. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;
- f. Multifamily remodels which do not exceed 25 percent of the assessed valuation of the existing structure and do not add any new units;
- g. Signs which are not installed in conjunction with a new development or remodel;
- h. Modifications, paving, landscaping, restriping, or regrading of an existing ~~duplex~~, multifamily, institutional, commercial or industrial parking lot;
- i. Fences and trash enclosures;
- j. Accessory dwelling units.

Section 7. Subsection B.3. of Section 15.235.040 is amended to read as follows:

3. Proposed Development. Except where the director deems certain information is not relevant, applications for preliminary plat approval shall contain all of the following information on the proposed development:

- a. Proposed lots, streets, tracts, open space and park land (if any); location, names, right-of-way dimensions, approximate radius of street curves; and approximate finished street centerline grades. All tracts that are being held for private use and all reservations and restrictions relating to such private tracts shall be identified;
- b. Easements. Location, width and purpose of all proposed easements;
- c. Lots and private tracts (e.g., private open space, common area, or street) with

approximate dimensions, area calculation (e.g., in square feet), and identification numbers. Through lots shall be avoided except where necessary to provide separation of residential development from major traffic routes, adjacent nonresidential activities, or to overcome specific issues with topography or orientation;

d. Proposed uses of the property, including total number and type of dwellings proposed, all existing structures to remain, areas proposed to be dedicated as public right-of-way or preserved as open space for the purpose of stormwater management, recreation, or other use;

e. Proposed grading;

f. Proposed public street improvements, pursuant to NMC 15.505.030, including street cross sections;

g. Information demonstrating that proposed lots can reasonably be accessed and developed without the need for a variance and in conformance with applicable setbacks and lot coverage requirements;

h. Preliminary design for extending city water and wastewater service to each lot, per NMC 15.505.040;

i. Proposed method of stormwater drainage and treatment, if required, pursuant to NMC 15.505.050;

j. The approximate location and identity of other utilities, including the locations of street lighting fixtures, as applicable;

k. Evidence of compliance with applicable overlay zones; and

l. Evidence of contact with the applicable road authority for proposed new street connections. [Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

Section 8. Subsection A. of Section 15.235.050 is amended to read as follows:

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to NMC Division 15.500, Public Improvement Standards;

4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to city of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;
7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

Section 9. Subsection F.1. of Section 15.240.020 is amended to read as follows:

F. Density. Except as provided in NMC 15.302.040 relating to subdistricts, dwelling unit density provisions for residential planned unit developments shall be as follows:

1. Maximum Density.

- a. Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

District	Density Points
R-1	175 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
R-2	310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
R-3	640 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
RP	310 density points per gross acre, as calculated in subsection (F)(1)(b) of this section
C-1	As per required findings
C-2	As per required findings
C-3	As per required findings

- b. Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom

without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25 percent for deed-restricted affordable dwelling units and/or middle housing dwelling units as follows:

Density Point Table

Dwelling Type	Density Points: Standard Dwelling	Density Points: Income-Restricted Affordable Dwelling Unit
Studio and efficiency	12	9
One-bedroom	14	11
Two-bedroom	21	16
Three-bedroom	28	21
Four or more bedrooms	35	26

Duplex dwellings shall be counted as a single dwelling unit, inclusive of all bedrooms in the two duplex dwelling units, for purposes of calculating density points.

The density points in the right-hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under NMC 15.242.030 regarding affordable housing requirements for developments using the flexible development standards.

Section 10. Subsection G.1. of Section 15.240.020 is amended to read as follows:

G. Buildings and Uses Permitted. Buildings and uses in planned unit developments are permitted as follows:

1. R-1, R-2, R-3 and RP Zones.
 - a. Buildings and uses permitted outright or conditionally in the use district in which the proposed planned unit development is located.
 - b. Accessory buildings and uses.
 - ~~c. Duplexes.~~
 - ~~d.~~ Dwellings, single, manufactured, and multifamily.
 - ~~e.~~ Convenience commercial services which the applicant proves will be patronized mainly by the residents of the proposed planned unit development.

Section 11. Subsection A of Section 15.302.032 is amended to read as follows:

A. R-1 Low Density Residential District.

1. The purpose of this land use designation is to provide for low density urban single-family residential uses at an average overall density of 4.4 units per gross buildable acre in the district. It is intended to provide a stable and healthful environment together with the full

range of urban services.

2. Typical housing types will include single-family dwellings, duplex dwellings and planned unit developments. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-1 district is intended to be consistent with the low density residential (LDR) designation of the comprehensive plan.

Section 12. Subsection B of Section 15.302.032 is amended to read as follows:

B. R-2 Medium Density Residential District.

1. The purpose of this land use designation is to provide a wide range of dwelling types and styles at an average overall density of nine units per gross buildable acre in the district.

2. Typical housing types will include single-family dwellings on small lots, attached single-family, duplex dwellings or multifamily dwellings, and manufactured dwelling parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. The R-2 district is intended to be consistent with the medium density residential (MDR) designation of the comprehensive plan.

Section 13. Subsection C. of Section 15.302.032 is amended to read as follows:

C. R-3 High Density Residential District.

1. The purpose of this land use designation is to provide multifamily dwellings of different types and styles at an average overall density of 16.5 units per gross buildable acre in the district.

2. Typical housing types will include duplexes dwellings, multifamily dwellings, and manufactured dwelling and mobile home parks. The district also is intended to allow low intensity institutional uses that operate consistent with peaceful enjoyment of residential neighborhoods. Density may vary depending on lot size, off-street parking area, transportation, landscaping and other site considerations. The R-3 district is intended to be consistent with the high density residential (HDR) designation of the comprehensive plan.

Section 14. Subsection A. of Section 15.302.040 is amended to read as follows:

A. Suffix Numbers Noting Density. Suffix numbers, including but not limited to the following examples, shall be noted on the zoning map indicating the maximum number of dwelling units permitted per gross acre. The following are examples of suffixes for subdistricts and their density equivalents:

Suffix	Density Maximum
5/A	5 dwelling units per gross acre
6/A	6 dwelling units per gross acre

7.5/A	7-1/2 dwelling units per gross acre
.33/A	1 dwelling unit per three gross acres

Note: Duplex dwellings count as a single dwelling per lot for the purpose of calculating compliance with the maximum density standards.

As further examples of subdistricts:

1. The subdistrict of an R-1 district which permits five dwelling units per gross acre is R-1-5/A.
2. The subdistrict of an R-1 district which permits one dwelling unit per five gross acres is R-1-.2/A.

Section 15. Section 15.303.200 is amended to read as follows:

The following residential uses are defined in NMC 15.05.030:

- A. Dwelling, single-family detached.
- B. Dwelling, single-family attached.
- C. Manufactured home.
- D. Manufactured dwelling park.
- E. Mobile home park.
- F. Manufactured home subdivision.
- G. Dwelling, ~~two-family~~ (duplex).
- H. Dwelling, multifamily.
- I. Dwelling, accessory.
- J. Dwelling, mixed use.
- K. Dwelling, caretaker.
- L. Dormitory.
- M. Home occupation. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

Section 16. Section 15.305.020 is amended to read as follows:

Newberg Development Code – Zoning Use Table

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
100	AGRICULTURAL USES																				
Def.	Horticulture	P	P	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	P(1)	
Def.	Livestock and poultry farming	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	
Def.	Home gardening	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Home livestock and poultry raising	S	S								X								S		NMC Title 6
200	RESIDENTIAL USES																				
Def.	Dwelling, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)		X							P	P(6)		Subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)
Def.	Dwelling, single-family attached	S(2)	S	S(3)		S		C(4)	C(5)		X							P	P(6)		NMC 15.415.050; subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	Manufactured home on individual lot	S(2)	S	S(3)	P(7)	S					X								P(6)		NMC 15.445.050 – 15.445.070; subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)
Def.	Manufactured dwelling park		S	S	S						X										NMC 15.445.075 – 15.445.160
Def.	Mobile home park		S	S	S						X										NMC 15.445.075 – 15.445.160
Def.	Manufactured home subdivision		S		S						X										NMC 15.445.075 – 15.445.160
Def.	Dwelling, two-family (duplex)	P(2)	P	P	C	P		C(4)	P(8)/C(5)		X							P	<u>P(6)</u>		Subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)
Def.	Dwelling, multifamily	C	P	P	C	P		C(4)	P(8)/C(5)		X							P			Subject to <u>lot or development site area requirements density limits</u> of NMC 15.405.010(B)

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	Dwelling, accessory	S	S	S		S		C	C		X							S	S		Chapter 15.445 NMC, Article V
Def.	Dwelling, mixed use						P(9)	P(10)	P(8)/C(5)	P(11)	X	C	C								
Def.	Dwelling, caretaker										X	P	P	P	C					P(12)	Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	Dormitory		C	P		P					X							P			
Def.	Home occupation (no more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	X	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S(13)	NMC 15.415.060
Def.	Home occupation (more than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	X	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C(13)	NMC 15.415.060
300	INSTITUTIONAL AND PUBLIC USES																				
310	INSTITUTIONAL CARE AND HOUSING																				
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X							P	P(13)		ORS Chapter 657A
312	Day care	P	P	P	C	P	P	P	P		P	C	C	C	C	P		P		P(14)	ORS Chapter 657A
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X							P	P(13)		ORS 197.665
Def.	Residential care facility (6 – 15 people)	C	P	P	C	P		C	C		X							P			ORS 197.665

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
315	Group care facility (16+ people)	C	C	C		C		C			X							P			
316	Hospital	C	C	C		C		P	P		C							P			
Def.	Prison										X	C	C	C	C						
320	ASSEMBLY																				
321	Religious institution, place of worship	P	P	P	P	P	P	P	P	P	X		P(29)				C	P			
322	Private club, lodge, meeting hall			C	C			P	P	C	X							P			
330	SCHOOLS																				
330	School, primary or secondary	P	P	P		P					X						C				
331	College	P	P	P		P	P	P	P(15)		P(15)						C	P			
332	Commercial educational services	C	C	C		C	P	P	P		P							C			
340	PARKS AND OPEN SPACES																				
341	Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
342	Park	P	P	P	P	P	P	P	P	P	X				P(16)		P(17)	P			
Def.	Golf course	P	P	P							X						P(17)				
350	PUBLIC SERVICES																				
351	Community services	C	C	C	C	P		P	P	P	P						C	P			
352	Emergency services	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	P	P	P	P	
Def.	Pound, dog or cat							C	C		C	C	P	P	C	C					
Def.	Cemetery	C	C	C	C	C	C	C	C	C	X	C	C	C	C	C	C	C	C	C	ORS Chapter 97.46
360	TRANSPORTATION																				

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
Def.	Transportation facilities and improvements	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Transit center							P	P	P	X	P	P	P							
Def.	Parking facility			P		C	C	P	P(18)	C	P	P	P	P		P		P			
Def.	Airport, landing field										X		C	C						P	
Def.	Heliport, helipad	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	
Def.	Marina									C	X						C				
	Pilings, piers, docks, and similar in-water structures									C	X						C				
370	UTILITIES																				
Def.	Basic utilities	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Utility distribution plant or yard										X		P	P	P						
Def.	Wastewater treatment plant										X		C	P	C						
Def.	Telecommunication facility incorporated into existing structure/utility pole and no taller than 18 feet above existing structure/utility pole	C	C	C	C	C	S	S	S	S	S	S	S	S	S	S		S			Chapter 15.445 NMC, Article IV
Def.	Telecommunication facility, including radio towers and transmitters, which are 100 feet or less in height, except those incorporated into an existing structure no						C	C	C		C	C	S(19)	S(19)	P	C		C			Chapter 15.445 NMC, Article IV

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
	taller than 18 feet above that structure																				
Def.	Telecommunication facility, including radio towers and transmitters, which are over 100 feet						C	C	C		C	C	C	C	C	C		C			Chapter 15.445 NMC, Article IV
400	COMMERCIAL USES																				
410	COMMERCIAL OFFICES																				
411	Medical office			C		P	P(20)	P	P(21)		P							P			
412	Local business office					P(22)	P(20)	P	P(21)		P										
420	COMMERCIAL SALES AND RENTALS																				
421	Retail sales – General						P(20)	P	P(15)/(21)	P	P		P(23)								
422	Retail sales – Bulk outdoor							P	C		P		P								
423	Retail sales – Convenience						P(20)	P	P(21)	P	X		P(24)			P(25)					
Def.	Temporary merchant							S	S(21)		S										NMC 5.15.050 et seq.
425	Retail food and beverage production							S	S		P										Chapter 15.445 NMC, Article VIII
430	EATING AND DRINKING ESTABLISHMENTS																				
430	Eating and drinking – Alcohol-related							P	P(21)	P	P										Requires liquor license
430	Eating and drinking – Non-alcohol-related						P(20)	P	P(21)	P	P	P	P							C(26)	

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
440	COMMERCIAL SERVICES																				
441	Personal services					P	P(20)	P	P(21)	P	P										
442	Commercial services						P(20)	P	P(21)		P										
443	Commercial vehicle service							P	C		X	P(27)	P			P(28)					
Def.	Kennel, commercial							C	C		X	C	P	P	C	C					
450	COMMERCIAL RECREATION																				
451	Commercial recreation – Indoors							P	P(15)		P	P(29)	P(29)								
452	Commercial recreation – Outdoors							P			X		C								
453	Commercial recreation – Motor-vehicle-related										X		C							C(33)	
460	COMMERCIAL LODGING																				
Def.	Vacation rental home	C	C	S	S	S	S(13)	S(13)	S(13)	S(13)	X										Chapter 15.445 NMC, Article VII
Def.	Bed and breakfast (2 or fewer rooms)	C	S	S		S	S	S	S	S	X										NMC 15.445.010
Def.	Bed and breakfast (3 or more rooms)	C	C	C		C	C	S	S	S	X										NMC 15.445.010
Def.	Hotel or motel							P	P(15)	P	P									C(26)	
Def.	Recreational vehicle park							C		C	X	C	C	C							NMC 15.445.170
500	INDUSTRIAL USES																				

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
501	Traded sector industry office					P(30)	P(30)	P	P		P	P	P		P					P(33)	
502	Industrial services							C			P		P	P	P					P(33)	
503	Wholesale and industry sales							C(31)			P	P(31)	P	P	P					P(33)	
504	Warehouse, storage, and distribution										P	P(32)	P	P	P					P(33)	
505	Self-service storage							P			X	P	P	P	P						
506	Light manufacturing										P	P	P	P	P					P(33)	
507	Heavy manufacturing										X		P(34)	P	C						
508	Waste-related										X			C	C						
600	MISCELLANEOUS USES																				
Def.	Accessory building and use incidental to other permitted uses in the zone	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Uses similar to permitted uses in the zone and not defined or categorized	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
	Uses similar to conditional uses in the zone and not defined or categorized	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	
	Medical marijuana dispensary	X	X	X	X	X	P(35)	P(35)	P(35)	P(35)	X	X	X	X	X	X	X	X	X	X	

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
	Medical marijuana processor	X	X	X	X	X	X	P(38)	X	X	P(37)	P(37)	P(37)	P(37)	P(37)	X	X	X	X	X	
	Medical marijuana grow site	P(36)	P(36)	P(36)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	X
	Medical marijuana wholesaler	X	X	X	X	X	X	C(31)/(38)	X	X	P(38)	P(38)	P(38)	P(38)	P(38)	X	X	X	P(38)	X	
	Recreational marijuana processor	X	X	X	X	X	X	C(38)	X	X	P(37)	P(37)	P(37)	P(37)	P(37)	X	X	X	X	X	
	Recreational marijuana producer (indoor)	X	X	X	X	X	X	X	X	X	P	P	P	P	P	X	X	X	X	X	
	Recreational marijuana producer (outdoor)	X	X	X	X	X	X	X	X	X	C	C	C	C	C	X	X	X	X	X	
	Recreational marijuana retailer	X	X	X	X	X	P(38)/(39)/(40)	P(38)/(39)/(40)	P(38)/(39)/(40)	P(38)/(39)/(40)	X	X	X	X	X	X	X	X	X	X	
	Recreational marijuana wholesaler	X	X	X	X	X	X	C(31)/(38)	X	X	P(38)	P(38)	P(38)	P(38)	P(38)	X	X	X	P(38)	X	
	Marijuana laboratories	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	X	P	X	X	
	Marijuana research certificate	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	X	P	X	X	

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

Notes.

(1) Limited to sites with preexisting agricultural uses, including at time of annexation.

- (2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).
- (3) Permitted on individual lots created prior to November 17, 1992. Homes on individual lots created on or after November 17, 1992, will only be permitted through the planned unit development process.
- (4) The permitted density shall be stated on the conditional use permit.
- (5) The dwelling units must front onto Hancock Street. No more than 30 percent of a single street frontage of a block may be occupied by residential uses. Contiguous residential street frontage must be less than 60 lineal feet. Density and parking standards for allowable dwelling units must be met.
- (6) One ~~residence~~ single-family dwelling or duplex dwelling per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter 15.336 NMC.
- (7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.
- (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (9) Permitted on the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone. On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (10) Permitted above any permitted use in the C-2 zone. There shall be no density limitation. Parking shall be provided in private parking areas or garages on the basis of one parking space for each dwelling unit.
- (11) The units must be located on the same lot as another use permitted or conditionally permitted in the C-4 district and may not occupy the first-floor storefront area (the portion of the building closest to the primary street). There shall be no density limitation. Parking shall be provided for all new dwelling units in private parking areas or garages on the basis of a maximum of one parking space for each dwelling unit.
- (12) One residence of area not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for an airport caretaker or security officer on each separate parcel.

- (13) Permitted in existing dwelling units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed.
- (14) Allowed exclusively for employers or employees of businesses located within this district.
- (15) Facility over 40,000 square feet gross floor area requires a conditional use permit.
- (16) Allowed in areas designated in industrial area plans.
- (17) Limited to facilities owned or operated by a public agency.
- (18) Parking garages are a conditional use, and must have first floor street frontage of 40 feet or less for ingress or egress. First floor development must be commercial.
- (19) A conditional use permit is required if the facility is less than 2,000 feet from the nearest telecommunication facility.
- (20) Businesses in the C-1 zone that have hours of operation between 10:00 p.m. and 7:00 a.m. require a conditional use permit.
- (21) Drive-up service windows accessory to an existing business on the site with walk-in customer service, such as a drive-up bank window, are allowed only with a conditional use permit. Otherwise, drive-up service windows, except those in service on April 1, 2002, are prohibited. Changes in use will not be allowed.
- (22) Retail sales of goods on site not allowed.
- (23) Limited to secondhand stores.
- (24) Store size is limited to 2,000 square feet gross floor area.
- (25) Store size is limited to 5,000 square feet gross floor area.
- (26) Use must demonstrate that it is compatible with airport operations.
- (27) Limited to service stations.
- (28) Limited to card lock fueling only. Retail services are limited to self-vending services.

- (29) Permitted provided the structure is designed for easy conversion to industrial use, including not having fixed seating.
- (30) Limited to 10,000 square feet maximum floor area.
- (31) Allowed indoors only.
- (32) Allowed indoors only. Outdoor use requires a conditional use permit.
- (33) Must be aviation-related. See Chapter 15.332 NMC.
- (34) Limited to expansion or change of existing heavy manufacturing uses.
- (35) Shall not be located at the same address as a state-registered marijuana grow site, or within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a dispensary. The premises consist of the dispensary building, or the portion of the building used for a dispensary. Shall not be located within 1,000 feet of another medical marijuana dispensary. Operating hours are limited to the hours between 9:00 a.m. and 10:00 p.m.
- (36) Allows up to 12 mature plants; indoor operations only.
- (37) Indoor use only.
- (38) The use is not allowed within 1,000 feet of the real property comprising a public park, a public elementary or secondary school for which attendance is compulsory under ORS 339.020 or a private or parochial elementary or secondary school, teaching children as described in ORS 339.030(1)(a). Distance is measured in a straight line in a radius extending for 1,000 feet or less in any direction from the closest point anywhere on the boundary line of the real property comprising an existing public park, public elementary or secondary school or a private or parochial elementary or secondary school to the closest point of the premises of a recreational processor, wholesaler or retailer, or medical marijuana processor and wholesaler.
- (39) One-thousand-foot separation between retailer to retailer premises and 1,000-foot separation between retailer to dispensary premises.
- (40) Operating hours limited to the hours between 9:00 a.m. and 10:00 p.m. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2857 § 1 (Exh. A §§ 1, 2), 3-16-20; Ord. 2851 § 1 (Exh. A § 1), 1-21-20; Ord. 2840 § 1 (Exh. A § 1, Att. 1), 10-15-18; Ord. 2832 § 1 (Exh. A, Att. 1), 7-2-18;

Ord. 2820 § 1 (Exh. A § 1, Att. 1), 9-18-17; Ord. 2809 § 1 (Exh. A § 1), 9-19-16; Ord. 2801 § 1 (Exh. A § 2), 6-6-16; Ord. 2798 § 1 (Exh. A § 2), 4-4-16; Ord. 2793 § 2 (Exh. A § 1), 2-1-16; Ord. 2780 § 1 (Exh. A § 2), 4-6-15; Ord. 2763¹ § 1 (Exh. A § 6), 9-16-13.]

Section 17. Section 15.336.010 is amended to read as follows:

The purpose of the City of Newberg AR airport residential district is to encourage and support the continued operation and vitality of Sportsman Airpark and to take advantage of the transportation options it provides by allowing airport-related residential uses. ~~Maximum~~ Average overall density shall be 8.8 units per gross acre. [Ord. 2647, 6-5-06. Code 2001 § 151.449.1.]

Section 18. Subsection B. of Section 15.336.020 is amended to read as follows:

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

1. Residential airpark development, meaning one ~~residence~~ single-family or duplex dwelling per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision.
2. Accessory uses and structures.
3. Aircraft hangar. No aircraft hangar shall be constructed on any parcel or lot without a ~~residential-dwelling~~ at least one single-family or duplex dwelling, except if it is provided with permanent rights to a nearby airpark residence as per subsection (B)(1) of this section. An aircraft hangar cannot be used as a ~~residence~~ dwelling.
4. Customary and usual aviation-related activities, including but not limited to takeoffs and landings; construction and maintenance of airport facilities; and other activities incidental to the normal operation of an airport.
5. Greenways, including but not limited to bicycle and pedestrian paths.
6. Public and semi-public buildings, structures and uses that provide necessary services to an airport, such as fire stations, pump stations and water storage.
7. Transportation facilities and improvements.
8. Private streets that function as taxiways are allowed in the AR district and may include gates with designs approved by the fire marshal, at the limit of the taxiways.
9. Accessory dwelling unit. [Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2647, 6-5-06. Code 2001 § 151.449.2.]

Section 19. Subsection A. of Section 15.340.020 is amended to read as follows:

A. Single-family dwellings, mobile homes, duplex dwellings and multifamily dwellings, when located greater than 3,000 feet from the displaced threshold and when authorized in the primary zoning district, provided the landowner signs and records in the deed and mortgage records of Yamhill County a hold harmless agreement and avigation and hazard easement and submits them to the airport sponsor and the planning and building department.

Section 20. Subsection A. of Section 15.342.050 is amended to read as follows:

A. The expansion of an existing single-family or duplex dwelling, structure, building, improvements, or accessory structures inside the corridor delineation boundary, including any expansion associated with conversion of an existing single-family dwelling into a duplex dwelling; provided, that the following criteria have been satisfied:

1. The expansion of a single-family or duplex dwelling, structure or improvement (including decks and patios); provided, that it is located no closer to the stream or wetland area than the existing structure or improvement;
2. The coverage of all structures within the SC overlay subdistrict on the subject parcel shall not be increased by more than 1,000 square feet of the coverage in existence as of December 4, 1996;
3. The disturbed area is restored pursuant to NMC 15.342.060; and
4. No portion of the improvement is located within the 100-year flood boundary.

Section 21. Subsection G. of Section 15.342.050 is amended to read as follows:

G. Single-family or duplex dwellings structures which are nonconforming to the standards of this chapter may be rebuilt in the event of damage due to fire or other natural hazard; provided, that the single-family or duplex dwelling or structure is placed within the same foundation lines. [Ord. 2451, 12-2-96. Code 2001 § 151.469.]

Section 22. Subsection E. of Section 15.342.070 is amended to read as follows:

E. New single-family or duplex dwellings ~~residences~~ which meet all of the following requirements:

1. The lot was created prior to December 4, 1996, is currently vacant, has at least 75 percent of the land area located within the SC overlay subdistrict and has less than 5,000 square feet of buildable land located outside the SC overlay subdistrict.
2. No more than one single-family or duplex dwelling ~~house~~ and its expansion is permitted on the property, which shall occupy a coverage area not to exceed 1,500 square feet in area.
3. The single-family or duplex dwelling ~~structure~~ shall be sited in a location which minimizes the impacts to the stream corridor.
4. The improvements and other work are not located within the 100-year flood boundary.

Section 23. Subsection F. of Section 15.342.070 is amended to read as follows:

F. Reduced front yard setback. Properties within the SC subdistrict may reduce the front yard setback for single-family or duplex dwelling ~~residences~~ or additions where the following requirements are met:

1. The reduction in the front yard setback will allow no less than five feet between the property line and the proposed structure.
2. The reduction in the setback will allow the footprint of the proposed dwelling ~~structure~~ or addition to be located entirely out of the SC overlay subdistrict.

3. Two 20-foot-deep off-street parking spaces can be provided which do not project into the street right-of-way.

4. Maximum coverage within the stream corridor subdistrict shall not exceed 1,500 square feet.

Section 24. Subsection A.2. of Section 15.342.100 is amended to read as follows:

2. The expansion of a single-family ~~house~~ or duplex dwelling, including expansion associated with the conversion of an existing single-family dwelling into a duplex dwelling, is permitted within the SC overlay subdistrict, provided:

a. The single-family or duplex dwelling ~~structure~~ shall occupy a coverage area not to exceed a maximum of 1,500 square feet in area; and

b. The single-family or duplex dwelling ~~structure~~ shall be placed in a location which is located no closer to the wetland.

Section 25. Subsection A.3. of Section 15.342.100 is amended to read as follows:

3. The expansion of any existing use or structure, other than single-family dwellings and duplex dwellings, that is otherwise permitted within the base zoning district. The hearing body may authorize the expansion of an existing non-single-family use, provided the following criteria are met:

a. The expansion is limited to no more than 1,500 square feet of coverage;

b. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site;

c. Any alterations to a delineated stream corridor shall be the minimum necessary to allow for the reasonable use of the property;

d. The development conforms to the regulations of the Newberg development code; and

e. The expansion shall be placed in a location which is no closer to the wetland.

Section 26. Subsection A.1. of Section 15.346.070 is amended to read as follows:

1. Report Adopted. The ~~n~~Northwest Newberg s~~S~~pecific p~~P~~lan final report, dated August 1994 and amended June 7, 2021, is adopted by reference. The development standards listed in this section shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

Section 27. Subsection A.4. of Section 15.346.070 is amended to read as follows:

a. Area 1 Setbacks – Figure 10. Minimum and maximum front setbacks for structures shall be met in area 1 of the northwest Newberg specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	Minimum	Maximum
Porch	10'	25'

Dwelling	15'	25' (without porch)
Garage or carport	20'	None

The front of a garage may not be closer to the property line than the front of the ~~house~~ residential structure unless each front on different streets.

Section 28. Subsection A.6. of Section 15.346.070 is amended to read as follows:

6. Residential Density. Residential density is governed by the SP overlay subdistrict. The maximum allowed density is set by the number of lots depicted on the land use plan, Figure 6 of the northwest Newberg specific plan. Additional standards follow:

a. Minimum Lot Size.

- i. Single-family dwellings or duplex dwellings: 5,000 square feet.
- ii. Attached dwellings: 3,750 square feet.

b. Maximum Lot Coverage.

- i. R-1-SP ~~and R-2-SP~~ zones: 40 percent (including garage).
- ii. R-2-SP zone: 60 percent (including garage).

c. Maximum Density.

- i. LDR districts: set by the specific plan (averages 4.4 dwellings per acre).
- ii. MDR districts: 8.8 dwellings per acre.
- iii. For the purpose of calculating compliance with the maximum density standard, duplex dwellings count as a single dwelling per lot.

d. Flexible Minimum Density Requirements. The following standards may be applied at the time of platting:

- i. Lots may be increased to 7,500 square feet.
- ii. Lot size may be increased above 7,500 square feet, provided the overall density of the original parent parcel at the time of specific plan approval remains at or above 80 percent of the original planned density. If other parcels have built out at densities exceeding 80 percent of the original planned density, the overall density of the combined parcels may be used for the calculation. For these calculations, the planned density for LDR areas shall be assumed to be 6.5 dwelling units per acre (5,000-square-foot single-family lots) and MDR at 8.8 dwelling units per acre.

Section 29. Subsection A.8. of Section 15.346.070 is amended to read as follows:

8. Commercial Standards. In addition to site review standards, the following standards shall apply to commercial development:

- a. Commercial structures shall be set back no further than 20 feet from the Foothills Drive right-of-way. This setback area shall not be used for any type of vehicular access or parking.
- b. A minimum of a 300-square-foot plaza or pedestrian seating area at the intersection of Foothills Drive and the adjacent north-south local street shall be provided.
- c. All walls adjacent to and visible from the public right-of-way shall include windows. An exception to this standard may be granted by the ~~planning and building~~ community development director if the wall is screened.

Section 30. Subsection B.1. of Section 15.346.070 is be amended to read as follows:

1. Report Adopted. The Springbrook Oaks specific plan dated August 2, 1999, and amended August 2, 1999, October 16, 2006, August 6, 2018, and June 7, 2021 is adopted by reference. The development standards listed in this section are intended to implement the policies of the Springbrook Oaks specific plan. Development of Springbrook Oaks shall follow the standards of this code section as well as the policies of the plan. If a conflict exists between the Springbrook Oaks specific plan policies and the development code, the Springbrook Oaks specific plan shall govern.

Section 31. Subsection B.4. of Section 15.346.070 is amended to read as follows:

4. Residential Design. Multiple, nonrepetitive home designs (detached dwelling units) shall be used in the development. No two identical designs shall be located closer than every three ~~residences~~ lots on any street frontage.

Section 32. Subsection B.6.a. of Section 15.346.070 is amended to read as follows:

a. Residential.

i. Development Areas A through F Setbacks – Figure 1 of the Springbrook Oaks Specific Plan. Minimum and maximum front setbacks for structures shall be met in development areas A through F of the Springbrook Oaks specific plan. Residential structures shall be no closer nor further from the front property line than as follows:

	Minimum	Maximum
Porch	10'	25'
Dwelling	15'	25' (without porch)
Garage or carport	20'	None

The front of a garage may not be closer to the property line than the front of the ~~house~~ residential structure unless each front on different streets.

ii. Development Area H Setback – Figure 2 of the Springbrook Oaks Specific Plan.

Special minimum front setbacks for residential structures shall be met in development area H of the Springbrook Oaks specific plan. No maximum setback is required. Front setbacks are as follows:

	Minimum	Maximum
Porch	10'	None
Dwelling	15'	None
Garage or carport	20'	None

iii. Interior Setbacks. Interior yard setbacks shall be the same as the base zone. An exception to this standard is made for single-family attached housing, where no interior setback is required for the zero lot line. Another exception is development within the R-P zones of area F which may have a five-foot interior setback.

iv. Staggered front setbacks of at least two feet shall be established for attached homes. No two attached dwelling units, excluding duplex dwellings, with the same setback shall be located closer than every two residences on any street frontage.

Section 33. Subsection B.8. of Section 15.346.070 is amended to read as follows:

8. Residential Density. Residential density is governed by the SP overlay subdistrict.

a. The following development standards shall be applied to Springbrook Oaks (please refer to Graphic VI for map of development areas A through H of the Springbrook Oaks specific plan). See Appendix A, Figure 20. These standards shall supersede any density or density transfer standards established in the development code.

Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
A	C-2	5,000	NA	NA
B ⁴	RP	1,500*	1,500*	21.8* ¹
C ⁴	R-3	2,500*	2,500*	13.1*
D ⁴	R-2	3,750*	3,750	8.8
E ⁴	R-2	5,000	5,000*	6.6*
F-1 ⁴	RP	1,500*	1,500*	21.8*
F-2 ⁴	RP	1,500*	None* ²	None* ²
F-3 ⁴	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H ⁴	R-1	5,000*	10,000* ³	3.3*

* Different than the standards established elsewhere in the development code. Residential land use only permitted on F-1 area for Yamhill County tax lot 3216-02026.

¹ Up to 100 percent of the land zoned RP within area B may be developed for residential use.

² There is no limit on the number of dwelling units allowed in area F-2.

³ Average lot area per dwelling in any one subdivision.

⁴ Duplex dwellings are subject only to the Minimum Lot Size and are exempt from Minimum Lot Area per Dwelling Unit. Duplex dwellings count as a single dwelling per lot for the purpose of calculating compliance with the maximum density.

Section 34. Subsection A. of Section 15.352.050 is amended to read as follows:

A. Single-Family Dwellings and Duplex Dwellings.

1. For single-family dwellings and duplex dwellings, including manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

- a. Covered front porch at least six feet in width and length.
- b. Eaves (minimum 12-inch overhang).
- c. Bay or bow windows.
- d. Dormers.
- e. Window shutters.
- f. Cupolas.
- g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

Section 35. Subsection B. of Section 15.352.050 is amended to read as follows:

B. Standards for Garage Doors and Parking in Residential Zones.

1. Garage Location. All residential structures shall have a pedestrian entrance facing the street. When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

- a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.
- b. The front of the garage can be no closer to the front lot line than the front facade of the ~~house~~ primary structure.
- c. Individual garage doors may be no more than 90 square feet in area for a single-car garage or 180 square feet in area for a two-car garage.

d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

2. Surface parking areas shall be located behind or to the side of residential structures.

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]

Section 36. Subsection A. of Section 15.405.010 is amended to read as follows:

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1 district, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 10,000 square feet.

2. In the R-2, ~~R-3~~, and RP districts, each lot or development site shall have a minimum area of 3,000 square feet or as may be established by a subdistrict. ~~In the R-2 and R-P districts, the~~ The average size of lots in a subdivision intended for single-family or duplex dwelling development shall not exceed 5,000 square feet.

3. In the R-3 district, each lot or development site shall have a minimum area of 2,500 square feet or as may be established by a subdistrict. The average size of lots in a subdivision intended for duplex dwelling development shall not exceed 5,000 square feet.

~~34.~~ In the AI, AR, C-1, C-2, and C-3 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.

~~45.~~ In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.

~~56.~~ Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.

~~67.~~ Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

Section 37. Subsection B. of Section 15.405.010 is amended to read as follows:

B. Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, there shall be a minimum of 5,000 square feet per dwelling unit, except that there shall be a minimum of 5,000 square feet per duplex dwelling.

2. In the R-2, AR, and R-P districts, there shall be a minimum of 3,000 square feet of lot or development site area per dwelling unit, except that there shall be a minimum of 3,000 square

feet per duplex dwelling. In the R-2 and R-P districts, lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.

3. In the R-3 district, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit for multifamily dwellings. There shall be a minimum of 2,500 square feet per duplex dwelling. Lots or development sites in excess of 15,000 square feet used for multiple single-family, duplex or multifamily dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

Section 38. Subsection D. of Section 15.405.030 is amended to read as follows:

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 NMC 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, except that duplex lots in the R-3 zone shall have a minimum width of 25 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.

2. The above standards apply with the following exceptions:

a. Legally created lots of record in existence prior to the effective date of the ordinance codified in this code.

b. Lots or development sites which, as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

c. Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the airport residential and airport industrial districts. However, existing single-family detached dwellings on existing private streets may be converted to duplex dwellings. [Ord. 2830 § 1 (Exh. A), 4-2-18; Ord. 2822 § 1 (Exh. A), 2-5-18; Ord. 2730 § 1 (Exh. A (3)), 10-18-10; Ord. 2720 § 1(15), 11-2-09; Ord. 2647, 6-5-06; Ord. 2507, 3-1-99; Ord. 2451, 12-2-96. Code 2001 § 151.567.]

Section 39. Subsection B. of Section 15.405.040 is amended to read as follows:

B. Residential uses in residential zones shall meet the following maximum lot coverage and parking coverage standards. See the definitions in NMC 15.05.030 and Appendix A, Figure 4.

1. Maximum Lot Coverage.

- a. R-1: 40 percent, or 50 percent if all structures on the lot are one story.
- b. R-2 and RP: ~~50~~ 60 percent.
- c. AR and R-3: ~~50~~ 60 percent.

2. Maximum Parking Coverage. R-1, R-2, R-3, and RP: 30 percent.

3. Combined Maximum Lot and Parking Coverage.

- a. R-1, ~~R-2 and RP~~: 60 percent.
- b. R-2, R-3 and RP: 70 percent.

Section 40. Subsection E.2 of Section 15.410.070 is amended to read as follows:

2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:

- a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family or ~~two-family~~ duplex dwelling on a single lot.
- b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
- c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
- d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.

Section 41. Subsection A. of Section 15.415.020 is amended to read as follows:

A. Residential.

- 1. In the R-1, ~~R-2, AR, and RP~~ districts, no main building shall exceed 30 feet in height. ~~Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:~~

- a. ~~Up to 800 square feet of an accessory building may have a height of up to 24 feet.~~
- b. ~~Aircraft hangars in the AR district may be the same height as the main building.~~
- 2. In the R-2, AR, and RP districts, no main building shall exceed 35 feet in height.
- 23. In the R-3 district, no main building shall exceed 45 feet in height, except, where an R-3 district abuts upon an R-1 district, the maximum permitted building height shall be limited to 30 feet for a distance of 50 feet from the abutting boundary of the aforementioned district.
- 4. Accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except as follows:
 - a. Up to 800 square feet of an accessory building may have a height of up to 24 feet.
 - b. Aircraft hangars in the AR district may be the same height as the main building.
- 35. Single-family dwellings permitted in commercial or industrial districts shall not exceed ~~30~~ 35 feet in height, or the maximum height permitted in the zone, whichever is less.

Section 42. Subsection A.2 of Section 15.420.010 is amended to read as follows:

- 2. Individual and Shared Areas. Usable outdoor recreation space shall be provided for the individual and/or shared use of residents and their guests in any ~~duplex or~~ multifamily residential development, as follows:
 - a. One- or two-bedroom units: 200 square feet per unit.
 - b. Three- or more bedroom units: 300 square feet per unit.
 - c. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed.

Section 43. Subsection B. of Section 15.420.010 is amended to read as follows:

B. Required Landscaped Area. The following landscape requirements are established for all developments except single-family dwellings and duplex dwellings:

- 1. A minimum of 15 percent of the lot area shall be landscaped; provided, however, that computation of this minimum may include areas landscaped under subsection (B)(3) of this section. Development in the C-3 (central business district) zoning district and M-4 (large lot industrial) zoning district is exempt from the 15 percent landscape area requirement of this section. Additional landscaping requirements in the C-4 district are described in NMC 15.352.040(K). In the AI airport industrial district, only a five percent landscaping standard is required with the goal of “softening” the buildings and making the development “green” with plants, where possible. The existence of the runway, taxiway, and approach open areas already provide generally for the 15 percent requirement. Developments in the AI airport industrial district with a public street frontage shall have said minimum landscaping between the front property line and the front of the building.

2. All areas subject to the final design review plan and not otherwise improved shall be landscaped.

3. The following landscape requirements shall apply to the parking and loading areas:

a. A parking or loading area providing 10 or more spaces shall be improved with defined landscaped areas totaling no less than 25 square feet per parking space.

b. A parking, loading area, or drive aisle which runs adjacent to a property line shall be separate from any lot line adjacent to a street by a landscaped strip at least 10 feet in interior width or the width of the required yard, whichever is greater, and any other lot line by a landscaped strip of at least five feet in interior width. See subsections (B)(3)(c) and (d) of this section for material to plant within landscape strips.

c. A landscaped strip separating a parking area, loading area, or drive aisle from a street shall contain street trees spaced as appropriate to the species, not to exceed 50 feet apart on average, and a combination of shrubs and ground cover, or lawn. This landscaping shall provide partial screening of these areas from the street.

d. A landscaped strip separating a parking area, loading area, or drive aisle from an interior lot line shall contain any combination of trees, shrubs, ground cover or lawn. Plant material shall be selected from at least two different plant material groups (example: trees and shrubs, or lawn and shrubs, or lawn and trees and shrubs).

e. Landscaping in a parking or loading area shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area.

f. Landscaping areas in a parking lot, service drive or loading area shall have an interior width of not less than five feet.

g. All multifamily, institutional, commercial, or industrial parking areas, service drives, or loading zones which abut a residential district shall be enclosed with a 75 percent opaque, site-obscuring fence, wall or evergreen hedge along and immediately adjacent to any interior property line which abuts the residential district. Landscape plantings must be large enough to provide the required minimum screening requirement within 12 months after initial installation. Adequate provisions shall be maintained to protect walls, fences or plant materials from being damaged by vehicles using said parking areas.

h. An island of landscaped area shall be located to separate blocks of parking spaces. At a minimum, one deciduous shade tree per seven parking spaces shall be planted to create a partial tree canopy over and around the parking area. No more than seven parking spaces may be grouped together without an island separation unless otherwise approved by the director based on the following alternative standards:

i. Provision of a continuous landscaped strip, with a five-foot minimum width, which runs perpendicular to the row of parking spaces (see Appendix A, Figure 13).

ii. Provision of tree planting landscape islands, each of which is at least 16 square feet in size, and spaced no more than 50 feet apart on average, within areas proposed for back-to-back parking (see Appendix A, Figure 14).

4. Trees, Shrubs and Ground Covers. The species of street trees required under this section shall conform to those authorized by the city council through resolution. The director shall have the responsibility for preparing and updating the street tree species list which shall be adopted in resolution form by the city council.

a. Arterial and minor arterial street trees shall have spacing of approximately 50 feet on center. These trees shall have a minimum two-inch caliper tree trunk or stalk at a measurement of two feet up from the base and shall be balled and burlapped or boxed.

b. Collector and local street trees shall be spaced approximately 35 to 40 feet on center. These trees shall have a minimum of a one and one-half or one and three-fourths inch tree trunk or stalk and shall be balled and burlapped or boxed.

c. Accent Trees. Accent trees are trees such as flowering cherry, flowering plum, crab-apple, Hawthorne and the like. These trees shall have a minimum one and one-half inch caliper tree trunk or stalk and shall be at least eight to 10 feet in height. These trees may be planted bare root or balled and burlapped. The spacing of these trees should be approximately 25 to 30 feet on center.

d. All broad-leaved evergreen shrubs and deciduous shrubs shall have a minimum height of 12 to 15 inches and shall be balled and burlapped or come from a two-gallon can. Gallon-can size shrubs will not be allowed except in ground covers. Larger sizes of shrubs may be required in special areas and locations as specified by the design review board. Spacing of these shrubs shall be typical for the variety, three to eight feet, and shall be identified on the landscape planting plan.

e. Ground Cover Plant Material. Ground cover plant material such as greening juniper, cotoneaster, minor Bowles, English ivy, hypericum and the like shall be one of the following sizes in specified spacing for that size:

Gallon cans	3 feet on center
4" containers	2 feet on center
2-1/4" containers	18" on center
Rooted cuttings	12" on center

5. Automatic, underground irrigation systems shall be provided for all areas required to be planted by this section. The director shall retain the flexibility to allow a combination of irrigated and nonirrigated areas. Landscaping material used within nonirrigated areas must consist of drought- resistant varieties. Provision must be made for alternative irrigation during the first year after initial installation to provide sufficient moisture for plant establishment.

6. Required landscaping shall be continuously maintained.

7. Maximum height of tree species shall be considered when planting under overhead utility lines.

8. Landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) will apply to development proposals unless the institution has addressed the

requirements and standards by an approved site development master plan. With an approved site development master plan, the landscape requirements will be reviewed through an administrative Type I review process.

9. In the M-4 zone, landscaping requirements and standards for parking and loading areas (subsection (B)(3) of this section) do not apply unless within 50 feet of a residential district.

Section 44. Subsection B. of Section 15.440.020 is amended to read as follows:

B. Groups of three or more parking spaces, except those in conjunction with single-family or ~~two-family~~ duplex dwellings on a single lot, shall be served by a service drive so that no backward movement or other maneuvering of a vehicle within a street, other than an alley, will be required. Service drives shall be designed and constructed to facilitate the flow of traffic, provide maximum safety in traffic access and egress and maximum safety of pedestrian and vehicular traffic on the site, but in no case shall two-way and one-way service drives be less than 20 feet and 12 feet, respectively. Service drives shall be improved in accordance with the minimum standards as set forth in NMC 15.440.060.

Section 45. Section 15.440.030 is amended to read as follows:

Use	Minimum Parking Spaces Required
Residential Types	
Dwelling, multifamily and multiple single-family dwellings on a single lot	
Studio or one-bedroom unit	1 per dwelling unit
Two-bedroom unit	1.5 per dwelling unit
Three- and four-bedroom unit	2 per dwelling unit
Five- or more bedroom unit	0.75 spaces per bedroom
• Unassigned spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.
• Visitor spaces	If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.
• On-street parking credit	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.
• Available transit service	At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.
Commercial neighborhood district (C-1)	1 for each dwelling
Dwelling, single-family or two-family	2 for each dwelling unit on a single lot
<u>Dwelling, duplex</u>	<u>1 for each dwelling unit</u>
Fraternities, sororities, cooperatives	1 for each three occupants for which sleeping facilities are provided

Use	Minimum Parking Spaces Required
and dormitories	
Hotels, motels, motor hotels, etc.	1 for each guest room
Rooming or boarding houses	1 for each guest room
Special needs housing	1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.
Institutional Types	
Churches, clubs, lodges	1 for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained – in main auditorium (sanctuary or place of worship)
Continuing care retirement community not including nursing care	1 space per living unit
Day care facility	5 spaces per each 1,000 gross sq. ft.
Hospitals (including accessory retail wholly contained within a hospital building)	2 spaces for each 1,000 gross sq. ft.
Libraries, museums, art galleries	1 for each 250 sq. ft. of gross floor area
Medical/dental offices and laboratories	3.5 spaces for each 1,000 gross sq. ft.
Nursing homes, homes for the aged, group care homes, asylums, etc.	1 for each 3 beds
Schools	Colleges – “commuter” type, 1 for every full-time equivalent student (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Schools	Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Schools	Elementary or junior high, 1-1/2 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	High schools, 1-1/2 for each teaching station, plus 8 for every classroom, or 1 for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
Schools	Colleges – commercial or business, 1 for every 3 classroom seats (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)
Welfare or correctional institutions	1 for each 5 beds
Commercial Types	
Barber and beauty shops	1 for each 75 sq. ft. of gross floor area
Bowling alleys	6 for each bowling lane
Establishments or enterprises of a recreational or an entertainment nature:	
Establishments for the sale and consumption on the premises of food and beverages with a drive-up window	1 for each 75 sq. ft. of gross floor area
Establishments for the sale and consumption on the premises of food and beverages without a drive-up window	1 for each 100 sq. ft. of gross floor area
Participating type, e.g., skating rinks, dance halls	1 for each 75 sq. ft. of gross floor area
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 parking space for each 4 seats
Office buildings, business and professional offices	1 for every 400 sq. ft. of gross floor area

Use	Minimum Parking Spaces Required
Pharmacies	1 for each 150 sq. ft. of gross floor area
Retail establishments, except as otherwise specified herein	1 for each 300 sq. ft. of gross floor area
Retail stores handling bulky merchandise, household furniture, or appliance repair	1 for each 600 sq. ft. of gross floor area
Industrial Types	
Except as specifically mentioned herein, industrial uses listed as permitted in the M districts: M-1, M-2, M-3, and M-4	1 for each 500 sq. ft. of gross floor area
Aircraft storage hangars up to 3,600 sq. ft. each enclosed hangar area	None (parking occurs in hangar)
Aircraft storage hangars over 3,600 sq. ft. each enclosed hangar area	1 for every 700 sq. ft. of hangar area over 3,600 sq. ft.
Aircraft hangars intended for repair and maintenance operations	1 for each 5,000 sq. ft. of hangar, plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area
Laboratories and research facilities	1 for each 300 sq. ft. of gross floor area
Machinery or equipment	1 for each 400 sq. ft. of gross sales floor area
Wholesale and storage operations	1 for each 700 sq. ft. of gross floor area

Notes:

* “1-E” refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

** “3.-G(1)” refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

[Ord. 2862 § 1 (Exh. A § 2), 6-15-20; Ord. 2763 § 1 (Exh. A § 16), 9-16-13; Ord. 2730¹ § 1 (Exh. A (13)), 10-18-10; Ord. 2720 § 1(19), 11-2-09; Ord. 2710 § 1, 3-2-09; Ord. 2647, 6-5-06; Ord. 2550, 5-21-01; Ord. 2451, 12-2-96. Code 2001 § 151.612.]

Penalty: See NMC 15.05.120.

Section 46. Subsection C. of Section 15.440.060 is amended to read as follows:

C. All parking areas, except those required in conjunction with a single-family or ~~two-family~~ duplex dwellings, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

Section 47. Subsection D. of Section 15.440.060 is amended to read as follows:

D. All parking areas, including service drives, except those required in conjunction with single-family or ~~two-family~~ duplex dwellings, shall be screened in accordance with NMC 15.420.010(B).

Section 48. Subsection G. of Section 15.440.060 is amended to read as follows:

G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. Attached or detached single-family or ~~two-family duplex~~: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.
2. Three- or four-family: parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (see Appendix A, Figure 12).

Section 49. A new Section 15.440.075 is added to read as follows:

15.440.075 Residential garage standards.

- A. Single-car garages for residential uses shall have a minimum inside width of 10 feet by 20 feet.
- B. Two-car garages for residential uses shall have a minimum inside width of 20 feet by 20 feet.
- C. Three-car garages for residential uses shall have a minimum inside width of 30 feet by 20 feet.

Section 50. Subsection R.3. of Section 15.505.030 is amended to read as follows:

3. Properties with Multiple Frontages. Where a property has frontage on more than one street, access shall be limited to the street with the lesser classification.
 - a. For a duplex dwelling with frontage on two local streets, access may be permitted on both streets.

Section 51. Subsection R.4 of Section 15.505.030 is amended to read as follows:

4. Driveways. More than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 40 feet of lot frontage separating each driveway approach. More than one driveway is permitted on a lot accessed from a major collector as long as there is at least 100 feet of lot frontage separating each driveway approach.
 - a. For a duplex dwelling more than one driveway is permitted on a lot accessed from either a minor collector or local street as long as there is at least 22 feet of lot frontage separating each driveway approach.

Section 52. Subsection R.7. of Section 15.505.030 is amended to read as follows:

7. Shared Driveways.
 - a. The number of driveways onto arterial streets shall be minimized by the use of shared driveways with adjoining lots where feasible. The city shall require shared driveways as a condition of land division or site design review, as applicable, for traffic safety and access management purposes. Where there is an abutting developable property, a shared driveway shall be provided as appropriate. When shared driveways are required, they shall be stubbed to adjacent developable parcels to indicate future extension. “Stub” means that a driveway temporarily ends at the property line, but may be accessed or extended in the future as the adjacent parcel develops. “Developable” means that a parcel is either vacant or it is likely to receive additional development (i.e., due to infill or

redevelopment potential).

b. Access easements (i.e., for the benefit of affected properties) and maintenance agreements shall be recorded for all shared driveways, including pathways, at the time of final plat approval or as a condition of site development approval.

c. No more than four lots may access one shared driveway.

d. Shared driveways shall be posted as no parking fire lanes where required by the fire marshal.

e. Where three or more lots ~~or three dwellings~~ share one driveway, one additional parking space over those otherwise required shall be provided for each dwelling. Where feasible, this shall be provided as a common use parking space adjacent to the driveway.

Exhibit “C” to Ordinance No. 2021- 2880
Northwest Newberg Specific Plan – File GEN21-0004

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

Section 1. The Newberg Northwest Specific Plan, Page 22 is amended to add a note regarding duplexes:

NOTE:

Duplexes are permitted within the Northwest Newberg Specific Plan area wherever single-family detached dwellings are planned. A duplex shall be treated as the equivalent of a single-family detached dwellings for purposes of complying with the siting standards, maximum density, and maximum dwelling unit calculations within this Specific Plan. References to "house" in the text and figures shall be inclusive of a single-family detached dwelling and a duplex dwelling. (Ordinance No. 2021-2880, June 7, 2021.)

SUMMARY

The Northwest Newberg Specific Plan represents a new planning process and regulatory framework for coordinating land use, transportation and utilities. The City of Newberg has shown both initiative and vision in getting twelve property owners together to agree on a master plan for their properties.

Some refinements will be needed to the Specific Plan. In reviewing those refinements, the City should guard the original purpose and objectives of the Specific Plan. In particular, the City should adhere to the concepts of mixed use and a pedestrian-oriented neighborhood that has a highly coordinated and connected street pattern. These elements of the plan will result in a neighborhood that is highly desired by home buyers and cited as a model in the community.

NOTE:

Duplexes are permitted within the Northwest Newberg Specific Plan area wherever single-family detached dwellings are planned. A duplex shall be treated as the equivalent of a single-family detached dwelling for purposes of complying with the siting standards, maximum density, and maximum dwelling unit calculations within this Specific Plan. References to "house" in the text and figures shall be inclusive of a single-family detached dwelling and a duplex dwelling. (Ordinance No. 2021-2880, June 7, 2021.)

Exhibit “D” to Ordinance No. 2021- 2880
Springbrook Oaks Specific Plan – File GEN21-0005

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

Section 1. The Springbrook Oaks Specific Plan, Page 12 is amended to add a note regarding duplexes:

NOTE:

Duplexes are permitted within the Springbrook Oaks Specific Plan area wherever single-family detached dwellings are planned. A duplex shall be treated as the equivalent of a single-family detached dwelling throughout the Future Land Use Plan and Development Policies in Appendix A, including for purposes of calculating maximum density within this Specific Plan. (Ordinance No. 2021-2880, June 7, 2021.)

Section 2. The Springbrook Oaks Specific Plan, Appendix C, Page 31 is amended to add a note regarding duplexes:

NOTE:

Duplexes are considered the equivalent of single-family detached dwellings, and are not subject to any development or design standards specific to attached dwelling units. (Ordinance No. 2021-2880, June 7, 2021.)

Section 3. The Springbrook Oaks Specific Plan, Appendix E, Setback Standards, Figure 1 and 2 is amended to add a note regarding duplexes:

NOTE:

In these figures all references to “house” shall be inclusive of a single-family detached dwelling as well as a duplex dwelling. (Ordinance No. 2021-2880, June 7, 2021.)

Area H This area is zoned Low Density Residential (R-1). The purpose of this land use designation is to provide for low density, urban single family residential and planned unit development uses. This area is expected to be developed primarily as single family residential.

A series of policies have been established to guide development of Springbrook Oaks. These development policies can be found in Appendix A of this document. Appendix B describes the codification of this plan in the Newberg Development Code, Section 10.44.318. Appendix C establishes building design and development standards for proposed attached residential dwelling unit developments within Development Areas B through F. Such development proposals meeting these standards will be reviewed under a Type I process.

NOTE:

Duplexes are permitted within the Springbrook Oaks Specific Plan area wherever single-family detached dwellings are planned. A duplex shall be treated as the equivalent of a single-family detached dwelling throughout the Future Land Use Plan and Development Policies in Appendix A, including for purposes of calculating maximum density within this Specific Plan. (Ordinance No. 2021-2880, June 7, 2021.)

APPENDIX C

Springbrook Oaks Specific Plan**Building Design and Development Standards
Attached Residential Dwelling Units in Development Areas B through F**

The following standards have been established for attached residential dwelling units within Development Areas B through F of Springbrook Oaks. The purpose of these standards are:

- To protect the character and the social and economic stability of Springbrook Oaks.
- To ensure the orderly and beneficial development of each component of Springbrook Oaks.
- To expedite the design review process for proposed development.

Proposed developments for attached residential dwelling units within Development Areas B through F of Springbrook Oaks will be examined for compliance to these standards under a Type I process. Any such development not in compliance with these standards will be reviewed under the appropriate process specified within the Newberg Development Code.

Design Standards

- A. Primary individual unit entries shall be oriented towards a road. Entries shall be covered and architecturally differentiated from other building elements, in order to clearly express their location and function (see Figure 3).
- B. Buildings shall be articulated in such a manner that no more than 25' of horizontal, flat building facade will be permitted. In the case of rowhouse or townhouse units, no more than two units may be paired together in the same facade or without a minimum of 2'-0" difference between adjacent facades (see Figures 4 and 5).
- C. When possible, garages and carports should not be adjacent to primary streets or roads. They should be located internally within each development or complex where their designated dwelling units are located. Attached garages shall not extend beyond any primary entry facade.
- D. All buildings shall utilize materials that meet or exceed current industry standards (American Institute of Architects or American Society of Testing Materials) for a medium to high level range of quality. The proposed building materials will be recommended by a licensed architect and will be compatible with the Springbrook Oaks development.

The following are some examples of unacceptable building products:

1. T1-11 siding panels.
2. Three tab composition roofing.
3. Single-ply vinyl siding

In addition, all exterior walls shall utilize a "double-wall" system. This incorporates the use of an air infiltration barrier and secondary water resistive membrane, exterior sheathing beneath, and a covering with an acceptable siding product. Buildings will meet all applicable building codes and current construction requirements.

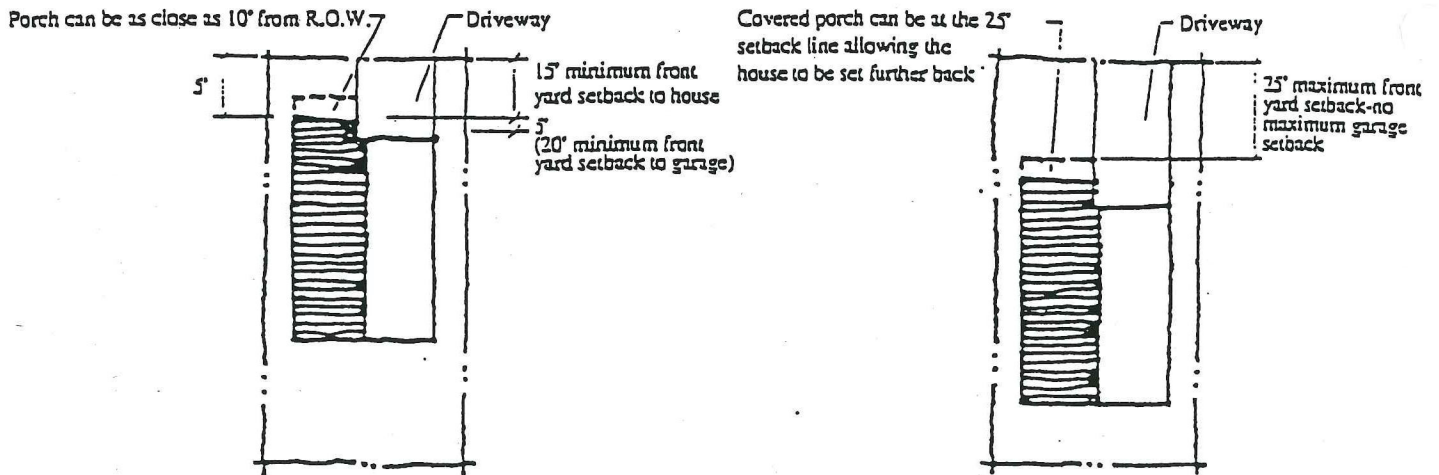
- E. Each dwelling unit shall incorporate individual areas of exterior space no less than 50 square feet per unit. Each space shall have a minimum dimension of 5', in any direction. This can be achieved through the use of porches, decks, patios, balconies etc. or designated yards other than those adjacent to primary streets or roads.
- F. On buildings with sloped roofs, no slope shall be less than a 4:12 pitch. These roofs shall utilize eaves, rakes, and overhangs of no less than 12".
- G. The minimum landscape percentage or "pervious" surface area shall not be less than 30% of the overall site area.
- H. No building shall be greater than 35', or three stories, in overall height. This shall include garages in rowhouse or townhouse type buildings.
- I. Where trash enclosures are required; they are to be located internally within the complex or development. They shall not be adjacent to any primary road or street. They shall be enclosed on all sides by walls, gates or fences and provided with a secondary buffer of landscape screening on at least three sides. Access to the enclosure shall be limited to one side only (see Figure 6).
- J. Each complex or development shall provide an internal pedestrian circulation system. Each system shall be interconnected with adjacent circulation systems to form a master pedestrian circulation system. All internal systems shall be appropriately illuminated to meet current City standards.
- K. All parking ratios shall meet current City standards.
- L. All buildings shall be colored in earth tones of medium range value. No building or buildings shall be brightly colored or colored in such a manner as to emphasize its overall mass. Subtle contrasts between adjacent buildings and individual building elements (i.e. trims, facades etc.) shall be provided.
- M. Exterior trim will be provided around all windows and at building corners. Window trim pieces shall be painted a contrasting color to the building body.

- N. All primary collector streets and neighborhood secondary streets, shall comply with Figures 7, 8, and 9.
- O. All setbacks shall comply with Figures 10 and 11.

NOTE:

Duplexes are considered the equivalent of single-family detached dwellings, and are not subject to any development or design standards specific to attached dwelling units. (Ordinance No.2021-2880, June 7, 2021.)

Figure 1



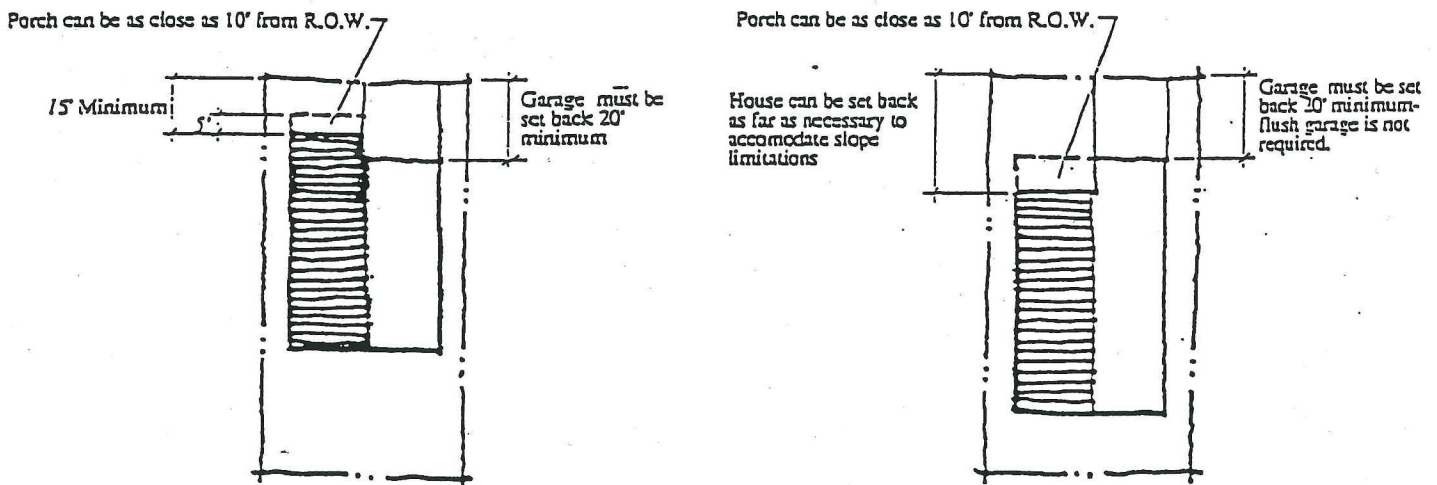
Minimum Front Setbacks

10'-Porch
15'-House
20'-Garage
Garage may not be closer to the front property line than the front of the house.

Maximum Front Setbacks

25'-Porch
25'-House (without porch)
None-Garage
Garage may not be closer to the front property line than the front of the house.

Figure 2



Minimum Front Setbacks

10'-Porch
15'-House
20'-Garage

Maximum Front Setbacks

None

NOTE:

In these figures all references to "house" shall be inclusive of a single-family detached dwelling as well as a duplex dwelling. (Ordinance No.2021-2880.)

SETBACK STANDARDS

Exhibit “E” to Ordinance No. 2021-2880
Springbrook Master Plan – File GEN21-0006

Note: Existing text is shown in regular font.

Added text is shown in double underline

Deleted text is shown in ~~strikethrough~~.

Section 1. The Springbrook Master Plan, Development Standards Matrix, Page 42 is amended to add duplex dwellings to Low Density Residential and Mid-Rise Residential.

DEVELOPMENT STANDARDS MATRIX						
DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID-RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
ALLOWED USE*	☐ Detached Dwelling Units ☐ <u>Duplex Dwellings</u> ☐ Manufactured Home ☐ Accessory Dwellings ☐ Home Occupations ☐ Passive or Active Use ☐ Parks ☐ Agriculture ☐ Civic Uses: - Post Office - Museum - Community Center - Library - School ☐ Day Care ☐ Group Care Facilities ☐ Church ☐ Transportation facilities and improvements and utility services ☐ Any other building or use determined to be similar to uses listed in this District	☐ Attached Dwelling Units ☐ Manufactured Home ☐ Detached Dwelling Units ☐ <u>Duplex Dwellings</u> ☐ Multi-Family Units ☐ Home Occupations ☐ Passive or Active Use ☐ Parks ☐ Agriculture ☐ Civic Uses: - Post Office - Museum - Community Center - Library ☐ Day Care ☐ Group Care Facilities ☐ Church ☐ Transportation facilities and improvements and utility services ☐ Any other building or use determined to be similar to uses listed in this District	☐ Retail ☐ Restaurants ☐ Office ☐ Medical Clinics ☐ Financial Institutions ☐ Agriculture ☐ Civic Uses: - Post Office - Museum - Community Center - Library ☐ Day Care ☐ Group Care Facilities ☐ Transportation facilities and improvements and utility services ☐ Services for local residents, such as laundromat or barber ☐ Any other building or use determined to be similar to uses listed in this District	☐ Industrial Offices (knowledge-based industries where services are primarily provided outside the community) ☐ Light Industrial ☐ Supporting Retail (directly serving the employment district, such as a deli or printing service) ☐ Day Care ☐ Agriculture ☐ Transportation facilities and improvements and utility services ☐ Any other building or use determined to be similar to uses listed in this District	☐ Retail ☐ Restaurants ☐ Attached Dwelling Units ☐ Manufactured Home ☐ Multi-Family Units ☐ Home Occupations ☐ Church ☐ Artist Studios ☐ Passive or Active Use ☐ Parks ☐ Agriculture ☐ Civic Uses: - Train Depot - Community Center - Museum - Post Office - Library ☐ Day Care ☐ Group Care Facilities ☐ Financial Institutions ☐ Winery ☐ Medical Clinics ☐ Office ☐ Transportation facilities and improvements and utility services ☐ Any other building or use determined to be similar to uses listed in this District	☐ Hotel ☐ Restaurants ☐ Spa ☐ Meeting Facilities ☐ Detached Dwelling Units, limited to vacation or transitory use or units for employees or caretakers of other uses within the Village or Hospitality areas ☐ Manufactured Home ☐ Home Occupations ☐ Retail ☐ Museum ☐ Artist Studios ☐ Group Care Facilities ☐ Agricultural Production or Processing ☐ Passive or Active Use ☐ Parks ☐ Transportation facilities and improvements and utility services ☐ Any other building or use determined to be similar to uses listed in this District
PROHIBITED USE	Home Occupation Signs	Home Occupation signs	Drive throughs, outside storage; temporary storage allowed	Outside storage or processing of materials	Drive throughs, outside storage; temporary storage allowed	
NEWBERG ZONE DISTRICT MODELED AFTER **	R-1	R-2 and R-3	C-1	M-1, but office is not allowed	C-3	No comparison
BUILDING AND SITE STANDARDS						
BUILDING HEIGHT	R-1	35 feet	C-1	M-1	C-3	Five stories or 75 feet

Exhibit “F” to Ordinance No. 2021-2880
Findings – Files CPTA21-0001/DCA21-0002/
GEN21-0004/GEN21-0005/GEN21-0006

APPROVAL CRITERIA

A. Statewide Planning Goals (the “Goals”)

GOAL 1: CITIZEN INVOLVEMENT

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

Finding: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 13, 2021 and Newberg City Council on June 7, 2021, which provided the opportunity for public comment. In addition, there were six Citizen Advisory Committee meetings, two virtual community open houses, two community surveys, social media posts, and a web page prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are 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 1 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 Goal is met.

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 is required by HB 2001 and OAR 660 Division 46 and has been thoroughly described in this application.

The alternatives to amending the Comprehensive Plan, Municipal Code text and the Specific Plans and Master Plans would be to: 1) deny the application and follow the Model Code and OAR 660 Division 046 for duplex requirements.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

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 the Stream Corridor that protects wooded areas within 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 amendment will not negatively impact inventoried Goal 5 resources because the amendments do not change protections that already exist in the Newberg Municipal Code, Specific Plans and Master Plans to protect these resources. Newberg has an acknowledged Stream Corridor designation, inventoried historic resources, and identified open spaces in compliance with Goal 5.

The proposal for duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

For designated historic resources duplex dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per NMC 15.344 HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for duplex dwellings and single-family detached dwellings.

This Goal is met.

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 does not modify the existing goals and policies. Complying with HB 2001 and OAR 660 Division 46 does not negatively impact Goal 6.

This Goal is met.

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 or landslide areas. This proposal does not modify the existing goals and policies. Duplex dwellings are required to follow the same regulations as single-family detached dwellings for development under NMC 15.343 AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO).

This Goal is met.

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. This proposal does not modify the City's recreational goals and policies.

This Goal 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 implementation of HB 2001 (OAR 660 Division 046) for duplexes do not apply to lands that are zoned for employment uses on Commercial, Industrial, or Public lots or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR 660 Division 46 will provide additional housing opportunities within the City of Newberg to support workers on employment designated lands.

The Goal is met.

GOAL 10: HOUSING

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

Finding: The City of Newberg is experiencing a variety of housing supply and costs issues. A Housing Needs Analysis was accepted by the City Council on March 1, 2021. That report indicates a lack of Medium Density and High Density residential land, significant increase in the median home price between 2018 and 2020 of \$90,000, and that over 50% of the households are cost burdened related to housing. Newberg is also a Severely Rent Burdened community as identified by HB 4006 where 28.5 percent of rental households pay 50% or more of their income towards housing costs. The hope is that implementation of HB 2001 (OAR 660-046-0030) for duplexes will assist in meeting the housing needs and price point to so that the development community can provide another housing type (duplexes) in an efficient manner for current and future citizens.

The City of Newberg has considered the requirements of OAR 660-046-0030 (Section 3, chapter 639, Oregon Laws 2019).

Implementation of Middle Housing Ordinances

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges. The City of Newberg approved a Housing Work

Program on November 2, 2020 (Attachment 4) that considered a variety of regulatory actions to address housing affordability. On November 16, 2020 the City Council adopted Ordinance No. 2020-2869 revising when system development charges need to be paid. This modification moved the payment for the charges from at time of issuance of a building permit to the time of insulation inspection for single- family dwelling and duplex dwellings. Additionally, the Newberg City Council is engaged in discussions on System Development Charges (SDCs) which commenced on April 19, 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further evaluated in FY 24/25; and System Development Charge Deferrals/Loans to be evaluated again in FY 25/26. The City has considered the requirements of 660-046-0030.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481. The Housing Work Program (Attachment 4) includes a program to establish an affordable multifamily housing property tax abatement program in FY 22/23 and a Housing Production Strategy in FY 22/23. The City has considered the requirements of 660-046-0030.

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195. The Newberg City Council adopted Ordinance No. 2020-2860 on November 16, 2020 implementing a Construction Excise Tax (CET). Implementation of the CET began on January 2, 2021. Per the adopted ordinance there is a sunset provision set at six years. In the fifth year of implementation the City Council will evaluate the effectiveness of the CET and determine whether to repeal the ordinance or authorize its continuance. The Housing Work Program (Attachment 3) identifies the review to occur in FY 25/26.

Newberg's adopted HNA dates to 2005 as an attachment updating the Population and Land Needs Projections element of the Comprehensive Plan as part of Ordinance No. 2005-2626. This document is now 21 years old. An update was prepared in 2019 but that report was only accepted by the City Council (Resolution No. 2019-3582) and not adopted. Newberg further updated the HNA in 2021 (Resolution No. 2021-3718) and that report has only been accepted and not adopted. The City Council has not set a date specific as to when they will adopt the 2021 HNA but is anticipated by the end of calendar year 2021 and they are aware that HB 2003 has a date set for December 31, 2024.

HB 2001 allows jurisdictions, but does not require a jurisdiction, to assume up to a three percent increase in zoned capacity for Middle Housing. Newberg is a community of 24,120 above the 10,000 population and required to meet the duplex requirements. Newberg is not required at this time to comply with the other Middle Housing provisions of triplexes, quadplexes, townhouses and cottage clusters until it reaches a population threshold of 25,000 or voluntarily if the Newberg City Council chooses to advance that timeline. Newberg has created draft code material for triplexes, quadplexes, townhouses and cottage clusters from a grant received by the Department of Land Conservation and Development (DLCD). In addition, Newberg applied for an Infrastructure Based Time Extension Request (IBTER) grant from DLCD which was awarded. An analysis was conducted on the residential areas north and south of the downtown area on infrastructure sufficiency. The analysis indicated that there was a deficiency related to the water system and fire flow in the two analyzed areas. DLCD approved the extension on Middle Housing for these area on March 16, 2021. Improvements to the water system are required to be completed by FYE 2029.

HB 2001 identifies Middle Housing to encompass duplexes, triplexes, quadplexes, townhouses and cottage clusters. There is no identified subset percentage for only duplexes related to capacity. Newberg has reviewed its City Council accepted HNA and conducted preliminary calculations on assuming a 3% capacity element for Middle Housing. Based on that calculation an additional 57 dwelling units could be accommodated within the existing Urban Growth Boundary. This is a very small percentage of the 3,331 dwelling units identified in the HNA between 2021–2041.

ORS 197.296 (6)(b) says the following:

Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region.

Newberg's reading of this is that a City can assume an increase of 3% in density when complying with HB 2001 but is not required to do so. DLCD guidance recommends applying this assumption in the HNA but a City is not required to do so.

The reason Newberg has not included this assumption in the current 2021 HNA is that a 3% increase in density is very small. It would increase the density assumptions as follows:

LDR: 4.8 du/gross acre to 4.96 du/gross acre
MDR: 7.6 to 7.8
HDR: 18.7 to 19.3

That is a very minor increase. It is an increase not worth including because it is essentially an unfounded assumption. To Newberg's knowledge, there is no analysis that justifies that increase. The actual change in density as a result of missing middle housing will vary greatly from city to city.

The bigger point is that Newberg does not have enough land within its UGB to accommodate expected growth. In addition, the 2021 HNA says:

Based on the analysis in Exhibit 58 in the HNA, Newberg is not meeting its needed density for the overall average density of 7.4 dwelling units per gross acre, as the capacity (3,331 dwelling units) divided by unconstrained buildable acres (568 acres) is equal to 5.8. Newberg is meeting its needed densities in the Low, Medium, and High Density Residential plan designations, as the future densities in these plan designations are consistent with the historical gross densities shown in Exhibit 48 of the HNA. The special area plans for the Northwest Newberg Specific Plan and Springbrook District were developed in 1993 and 2008, respectively. The expected densities in these areas, 4.9 dwelling units per gross acre in the Northwest Newberg Specific Plan and about 5.2 dwelling units per gross acre in the Springbrook District, are below the overall average density of 7.4 dwelling units per gross acre for the entire city. The Springbrook District's planned density has the greatest impact on overall average densities in Newberg, as expected housing in the Springbrook District accounts for about 40% of Newberg's housing capacity.

Consistent with ORS 197.296(6) Newberg will need to adopt measures to help the city achieve needed densities. The Newberg housing strategy identifies several potential measures (e.g., establish maximum lot size standards, establish minimum density standards, allow duplexes/triplexes/quadplexes in single family zones, etc.). Newberg is taking the first steps on the capacity issue by addressing HB 2001 for duplexes.

Stating this in another way, before expanding its UGB, Newberg will need to adopt land use efficiency

measures to increase the densities in Newberg. This will go well beyond an increase of 3%. Newberg will further consider the impacts of middle housing on land capacity in its 2021 Housing Needs Analysis, as suggested but not required by HB 2001.

Newberg's proposal to comply with HB 2001 (OAR 660-046-0030) is in compliance and integrates provisions that implement duplex dwelling development the same as single-family dwelling development.

The Goal is met.

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: The City applied for a grant from DLCD related to middle housing for an Infrastructure Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the grant were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater, and stormwater, a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021. The balance of the land within the Newberg Urban Growth Boundary is able to accommodate Middle Housing, specifically duplex development. The City is in the process of updating its Functional Plans for Transportation (CPTA20-0002), Water (CPTA20-0003), Wastewater (CPTA20-0004), and Stormwater (CPTA20-0005). The Transportation System Plan was approved by Ordinance No. 2021-2871 on March 1, 2021. The Water and Wastewater Master Plans were approved on May 3, 2021 by Ordinance No 2021-2876 and 2021-2877. The Stormwater Master Plan is scheduled for Planning Commission review on May 13, 2021. The City Council will review the Stormwater Master Plan on June 21, 2021.

The proposal meets the Goal.

GOAL 12: TRANSPORTATION

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

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021 which have gone through the Post Acknowledgment Plan Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20 year planning period.

660-046-0030

Implementation of Middle Housing Ordinances

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. The City of Newberg has not evaluated the impacts of duplex dwellings on the transportation system outside of the evaluation that occurred for the IBTER areas as noted above.

The proposal meets the Goal.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: Not applicable as the proposed amendment does not affect energy conservation.

This Goal is met.

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 existing Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

This Goal is met.

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: The City of Newberg is located along the Willamette River on its southern border. The Willamette River Greenway is located in this area. The Comprehensive Plan designations within the greenway consist of Park (P) and Industrial (I) designations. These designations have a corresponding Community Facility (CF) and Light Industrial (M-2) zoning classifications. The parcels along the Willamette River are currently not annexed into the city limits but are within the urban growth boundary. The Community Facility (CF) and Light Industrial (M-2) zoning classifications that apply to the parcels do not allow single family residential or any type of residential development, except M-2 allows care takers dwelling for an industrial activity. Additionally, The City has NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT. NMC 15.342.010 states "The purpose of the stream corridor (SC) overlay subdistrict is to implement the goals and policies of the comprehensive plan relating to open space, scenic, and natural resources which are intended to ". . . ensure that adequate land shall be retained in permanent open space use and that natural scenic and historic resources are protected." Furthermore, this subdistrict is intended to ". . . protect, conserve, enhance, and maintain the Willamette River Greenway." The subdistrict allows for a balance of protection of open space, scenic and natural resources and environmentally sensitive development. The designation of lands within this subdistrict is used to provide reasonable regulation of development in or adjacent to stream corridors. This subdistrict does not provide for or authorize public access to private properties designated within this subdistrict. Additionally, the provisions of this subdistrict do not provide measures for the public acquisition of private property."

The Newberg proposal to respond to requirements for HB 2001 are met as detached single family dwellings and correspondingly duplex dwellings are not allowed in the Willamette River Greenway regulated by NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT.

This Goal is met.

B. 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: The City meets this requirement by having various citizen committees and/or commissions with opportunities for the public to testify on general or specific matters. The proposal went before the Newberg Planning Commission on May 13, 2021, and Newberg City Council on June 7, 2021, which provided the opportunity for public comment. In addition there were six Citizen Advisory Committee meetings, two virtual community open houses, two community surveys, social media posts, and a web page prepared to inform the public of the pending proposal. Finally, notice was published in the Newberg Graphic newspaper and posted in four public places.

The amendments are 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 1 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 Goal is met.

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: 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 is required by HB 2001 and OAR 660 Division 46 and has been thoroughly described in this application.

The alternatives to amending the Comprehensive Plan, Municipal Code text and the Specific Plans and Master Plans would be to: 1) deny the application and follow the Model Code and OAR 660 Division 046 for duplex requirements.

Implementation measures proposed are consistent with and adequate to carry out comprehensive plan policies and designations as noted in these findings.

The Goal is met.

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.

POLICY: 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. Protections are already in place for air, water, and land resource quality. This proposal does not modify the existing goals and policies. Complying with HB 2001 and OAR 660 Division 46 does not negatively impact Goal 6.

This Goal is met.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other 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 or landslide areas. This proposal does not modify the existing goals and policies.

Duplex dwellings are required to follow the same regulations as single-family detached dwellings for development under NMC 15.343 AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO).

This Goal is met.

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

The proposal for duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

For designated historic resources duplex dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per NMC 15.344 HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for duplex dwellings and single-family detached dwellings.

This Goal is met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

POLICY: 1. General Policies. b. The City shall encourage economic expansion consistent with local needs.

Finding: The implementation of HB 2001 (OAR Chapter 660 Division 046) for duplexes do not apply to lands that are zoned for employment uses on Commercial, Industrial or Public lots or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR Chapter 660 Division 046 will provide additional housing opportunities within the City of Newberg to support workers on employment designated lands.

The Goal is met.

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)

Finding: The City of Newberg is experiencing a variety of housing supply and costs issues. A Housing Needs Analysis was accepted by the City Council on March 1, 2021. That report indicates a lack of Medium Density and High Density residential land, significant increase in the median home price between 2018 and 2020 of \$90,000, and that over 50% of the households are cost burdened related to housing. Newberg is also a Severely Rent Burdened community as identified by HB 4006 where 28.5 percent of rental households pay 50% or more of their income towards housing costs. The hope is that implementation of HB 2001 (OAR 660-046-0030) for duplexes will assist in meeting the housing needs and price point to so that the development community can provide another housing type (duplexes) in an efficient manner for current and future citizens.

The City of Newberg has considered the requirements of OAR 660-046-0030 (Section 3, chapter 639, Oregon Laws 2019).

Implementation of Middle Housing Ordinances

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges. The City of Newberg approved a Housing Work Program on November 2, 2020 (Attachment 4) that considered a variety of regulatory actions to address housing affordability. On November 16, 2020 the City Council adopted Ordinance No. 2020-2869 revising when system development charges need to be paid. This modification moved the payment for the charges from at time of issuance of a building permit to the time of insulation inspection for single- family dwelling and duplex dwellings. Additionally, the Newberg City Council is

engaged in discussions on System Development Charges (SDCs) which commenced on April 19, 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further evaluated in FY 24/25; and System Development Charge Deferrals/Loans to be evaluated again in FY 25/26. The City has considered the requirements of 660-046-0030.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481. The Housing Work Program (Attachment 4) includes a program to establish an affordable multifamily housing property tax abatement program in FY 22/23 and a Housing Production Strategy in FY 22/23. The City has considered the requirements of 660-046-0030.

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195. The Newberg City Council adopted Ordinance No. 2020-2860 on November 16, 2020 implementing a Construction Excise Tax (CET). Implementation of the CET began on January 2, 2021. Per the adopted ordinance there is a sunset provision set at six years. In the fifth year of implementation the City Council will evaluate the effectiveness of the CET and determine whether to repeal the ordinance or authorize its continuance. The Housing Work Program (Attachment 3) identifies the review to occur in FY 25/26.

Newberg's adopted HNA dates to 2005 as an attachment updating the Population and Land Needs Projections element of the Comprehensive Plan as part of Ordinance No. 2005-2626. This document is now 21 years old. An update was prepared in 2019 but that report was only accepted by the City Council (Resolution No. 2019-3582) and not adopted. Newberg further updated the HNA in 2021 (Resolution No. 2021-3718) and that report has only been accepted and not adopted. The City Council has not set a date specific as to when they will adopt the 2021 HNA but is anticipated by the end of calendar year 2021 and they are aware that HB 2003 has a date set for December 31, 2024.

HB 2001 allows jurisdictions, but does not require a jurisdiction, to assume up to a three percent increase in zoned capacity for Middle Housing. Newberg is a community of 24,120 above the 10,000 population and required to meet the duplex requirements. Newberg is not required at this time to comply with the other Middle Housing provisions of triplexes, quadplexes, townhouses and cottage clusters until it reaches a population threshold of 25,000 or voluntarily if the Newberg City Council chooses to advance that timeline. Newberg has created draft code material for triplexes, quadplexes, townhouses and cottage clusters from a grant received by the Department of Land Conservation and Development (DLCD). In addition, Newberg applied for an Infrastructure Based Time Extension Request (IBTER) grant from DLCD which was awarded. An analysis was conducted on the residential areas north and south of the downtown area on infrastructure sufficiency. The analysis indicated that there was a deficiency related to the water system and fire flow in the two analyzed areas. DLCD approved the extension on Middle Housing for these area on March 16, 2021. Improvements to the water system are required to be completed by FYE 2029.

HB 2001 identifies Middle Housing to encompass duplexes, triplexes, quadplexes, townhouses and cottage clusters. There is no identified subset percentage for only duplexes related to capacity. Newberg has reviewed its City Council accepted HNA and conducted preliminary calculations on assuming a 3% capacity element for Middle Housing. Based on that calculation an additional 57 dwelling units could be accommodated within the existing Urban Growth Boundary. This is a very small percentage of the 3,331 dwelling units identified in the HNA between 2021–2041.

ORS 197.296 (6)(b) says the following:

Amend its comprehensive plan, regional framework plan, functional plan or land use regulations to include new measures that demonstrably increase the likelihood that residential development will occur at densities sufficient to accommodate housing needs for the next 20 years without expansion of the urban growth boundary. A local government or metropolitan service district that takes this action shall

adopt findings regarding the density expectations assumed to result from measures adopted under this paragraph based upon the factors listed in ORS 197.303 (2) and data in subsection (5)(a) of this section. The density expectations may not project an increase in residential capacity above achieved density by more than three percent without quantifiable validation of such departures. For a local government located outside of a metropolitan service district, a quantifiable validation must demonstrate that the assumed housing capacity has been achieved in areas that are zoned to allow no greater than the same authorized density level within the local jurisdiction or a jurisdiction in the same region.

Newberg's reading of this is that a City can assume an increase of 3% in density when complying with HB 2001 but is not required to do so. DLCD guidance recommends applying this assumption in the HNA but a City is not required to do so.

The reason Newberg has not included this assumption in the current 2021 HNA is that a 3% increase in density is very small. It would increase the density assumptions as follows:

LDR: 4.8 du/gross acre to 4.96 du/gross acre
MDR: 7.6 to 7.8
HDR: 18.7 to 19.3

That is a very minor increase. It is an increase not worth including because it is essentially an unfounded assumption. To Newberg's knowledge, there is no analysis that justifies that increase. The actual change in density as a result of missing middle housing will vary greatly from city to city.

The bigger point is that Newberg does not have enough land within its UGB to accommodate expected growth. In addition, the 2021 HNA says:

Based on the analysis in Exhibit 58 in the HNA, Newberg is not meeting its needed density for the overall average density of 7.4 dwelling units per gross acre, as the capacity (3,331 dwelling units) divided by unconstrained buildable acres (568 acres) is equal to 5.8. Newberg is meeting its needed densities in the Low, Medium, and High Density Residential plan designations, as the future densities in these plan designations are consistent with the historical gross densities shown in Exhibit 48 of the HNA. The special area plans for the Northwest Newberg Specific Plan and Springbrook District were developed in 1993 and 2008, respectively. The expected densities in these areas, 4.9 dwelling units per gross acre in the Northwest Newberg Specific Plan and about 5.2 dwelling units per gross acre in the Springbrook District, are below the overall average density of 7.4 dwelling units per gross acre for the entire city. The Springbrook District's planned density has the greatest impact on overall average densities in Newberg, as expected housing in the Springbrook District accounts for about 40% of Newberg's housing capacity.

Consistent with ORS 197.296(6) Newberg will need to adopt measures to help the city achieve needed densities. The Newberg housing strategy identifies several potential measures (e.g., establish maximum lot size standards, establish minimum density standards, allow duplexes/triplexes/quadplexes in single family zones, etc.). Newberg is taking the first steps on the capacity issue by addressing HB 2001 for duplexes.

Stating this in another way, before expanding its UGB, Newberg will need to adopt land use efficiency measures to increase the densities in Newberg. This will go well beyond an increase of 3%.

Newberg will further consider the impacts of middle housing on land capacity in its 2021 Housing Needs Analysis, as suggested but not required by HB 2001.

Newberg's proposal to comply with HB 2001 (OAR 660-046-0030) is in compliance and integrates provisions that implement duplex dwelling development the same as single-family dwelling development.

The Goal is met.

J. URBAN DESIGN

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

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

Finding: Not applicable because the proposal does not propose any land use regulation changes to urban design policies or regulations.

K. TRANSPORTATION

GOAL 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance.

GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

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

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).

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

GOAL 9: Create effective circulation and access for the local transportation system.

GOAL 10: Maintain the viability of existing rail, water and air transportation systems.

GOAL 11: Establish fair and equitable distribution of transportation improvement costs.

GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.

GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.

GOAL 14: Coordinate with Yamhill County Transit Area.

GOAL 15: Implement Transit-Supportive Improvements.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021 which have gone through the Post Acknowledgment Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20 year planning period.

660-046-0030

Implementation of Middle Housing Ordinances

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. The City of Newberg has not evaluated the impacts of duplex dwellings on the transportation system outside of the evaluation that occurred for the IBTER areas as noted above.

The Goals are met.

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.

Finding: The City applied for a grant from DLCD related to middle housing for an Infrastructure Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the grant were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater and stormwater a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021. The balance of the land within the Newberg Urban Growth Boundary is able to accommodate Middle Housing, specifically duplex development. The City is in the process of updating its Functional Plans for Transportation (CPTA20-0002), Water (CPTA20-0003), Wastewater (CPTA20-0004), and Stormwater (CPTA20-0005). The Transportation System Plan was approved by Ordinance No. 2021-2871 on March 1, 2021. The Water and Wastewater Master Plans were approved by Ordinance 2021-2876 and 2021-2877 on May 3, 2021. The Planning Commission will review the Stormwater Master Plan on May 13, 2021. The City Council will review the Stormwater Master Plan on June 21, 2021.

The Goal is met.

M. ENERGY

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

Finding: Not applicable as the proposed amendment does not affect energy conservation.

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 proposed amendment does not include an expansion of the Urban Growth Boundary but ensures the efficient use of the land within the existing Urban Growth Boundary for the projected population and employment opportunities within the City and meets the goal. The proposal will maintain Newberg's identity and enhance the quality living and employment environment by balancing growth and providing cultural activities.

The Goals are met.

C. Oregon Revised Statutes and Oregon Administrative Rules

Applicable Oregon Revised Statute

197.758 Development of middle housing; local regulations. (1) As used in this section:

(a) “Cottage clusters” means groupings of no fewer than four detached housing units per acre with a footprint of less than 900 square feet each and that include a common courtyard.

(b) “Middle housing” means:

- (A) Duplexes;
- (B) Triplexes;
- (C) Quadplexes;
- (D) Cottage clusters; and
- (E) Townhouses.

(c) “Townhouses” means a dwelling unit constructed in a row of two or more attached units, where each dwelling unit is located on an individual lot or parcel and shares at least one common wall with an adjacent unit.

(2) Except as provided in subsection (4) of this section, each city with a population of 25,000 or more and each county or city within a metropolitan service district shall allow the development of:

(a) All middle housing types in areas zoned for residential use that allow for the development of detached single-family dwellings; and

(b) A duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings.

(3) Except as provided in subsection (4) of this section, each city not within a metropolitan service district with a population of more than 10,000 and less than 25,000 shall allow the development of a duplex on each lot or parcel zoned for residential use that allows for the development of detached single-family dwellings. Nothing in this subsection prohibits a local government from allowing middle housing types in addition to duplexes.

(4) This section does not apply to:

- (a) Cities with a population of 1,000 or fewer;
- (b) Lands not within an urban growth boundary;
- (c) Lands that are not incorporated and also lack sufficient urban services, as defined in ORS 195.065;
- (d) Lands that are not zoned for residential use, including lands zoned primarily for commercial, industrial, agricultural or public uses; or
- (e) Lands that are not incorporated and are zoned under an interim zoning designation that maintains the land’s potential for planned urban development.

(5) Local governments may regulate siting and design of middle housing required to be permitted under this section, provided that the regulations do not, individually or cumulatively, discourage the development of all middle housing types permitted in the area through unreasonable costs or delay.

Local governments may regulate middle housing to comply with protective measures adopted pursuant to statewide land use planning goals.

(6) This section does not prohibit local governments from permitting:

- (a) Single-family dwellings in areas zoned to allow for single-family dwellings; or
- (b) Middle housing in areas not required under this section. [2019 c.639 §2]

Note: Sections 3 and 4, chapter 639, Oregon Laws 2019, provide:

Sec. 3. (1) Notwithstanding ORS 197.646, a local government shall adopt land use regulations or amend its comprehensive plan to implement section 2 of this 2019 Act [197.758] no later than:

- (a) June 30, 2021, for each city subject to section 2 (3) of this 2019 Act; or
- (b) June 30, 2022, for each local government subject to section 2 (2) of this 2019 Act.

(2) The Land Conservation and Development Commission, with the assistance of the Building Codes Division of the Department of Consumer and Business Services, shall develop a model middle housing ordinance no later than December 31, 2020.

(3) A local government that has not acted within the time provided under subsection (1) of this section shall directly apply the model ordinance developed by the commission under subsection (2) of this section under ORS 197.646 (3) until the local government acts as described in subsection (1) of this section.

(4) In adopting regulations or amending a comprehensive plan under this section, a local government shall consider ways to increase the affordability of middle housing by considering ordinances and policies that include but are not limited to:

(a) Waiving or deferring system development charges;

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to 307.523, 307.540 to 307.548 or 307.651 to 307.687 or property tax freezes under ORS 308.450 to 308.481; and

(c) Assessing a construction tax under ORS 320.192 and 320.195.

(5) When a local government makes a legislative decision to amend its comprehensive plan or land use regulations to allow middle housing in areas zoned for residential use that allow for detached single-family dwellings, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility. [2019 c.639 §3]

Sec. 4. (1) Notwithstanding section 3 (1) or (3) of this 2019 Act, the Department of Land Conservation and Development may grant to a local government that is subject to section 2 of this 2019 Act [197.758] an extension of the time allowed to adopt land use regulations or amend its comprehensive plan under section 3 of this 2019 Act.

(2) An extension under this section may be applied only to specific areas where the local government has identified water, sewer, storm drainage or transportation services that are either significantly deficient or are expected to be significantly deficient before December 31, 2023, and for which the local government has established a plan of actions that will remedy the deficiency in those services that is approved by the department. The extension may not extend beyond the date that the local government intends to correct the deficiency under the plan.

(3) In areas where the extension under this section does not apply, the local government shall apply its own land use regulations consistent with section 3 (1) of this 2019 Act or the model ordinance developed under section 3 (2) of this 2019 Act.

(4) A request for an extension by a local government must be filed with the department no later than:

(a) December 31, 2020, for a city subject to section 2 (3) of this 2019 Act.

(b) June 30, 2021, for a local government subject to section 2 (2) of this 2019 Act.

(5) The department shall grant or deny a request for an extension under this section:

(a) Within 90 days of receipt of a complete request from a city subject to section 2 (3) of this 2019 Act.

(b) Within 120 days of receipt of a complete request from a local government subject to section 2 (2) of this 2019 Act.

(6) The department shall adopt rules regarding the form and substance of a local government's application for an extension under this section. The department may include rules regarding:

(a) Defining the affected areas;

(b) Calculating deficiencies of water, sewer, storm drainage or transportation services;

(c) Service deficiency levels required to qualify for the extension;

(d) The components and timing of a remediation plan necessary to qualify for an extension;

(e) Standards for evaluating applications; and

(f) Establishing deadlines and components for the approval of a plan of action.

Finding: Compliance with 197.758 are addressed in findings below under OAR 660, Division 46 Middle Housing in Medium and Large Cities

Applicable Oregon Administrative Rules (OARs)

OAR Chapter 660, Division 46 Middle Housing in Medium and Large Cities

660-046-0000

Purpose

The purpose of this division is to prescribe standards guiding the development of Middle Housing types as provided in Oregon Laws 2019, chapter 639. OAR 660-046-0010 to OAR 660-046-0235 establish standards related to the siting and design of Middle Housing types in urban growth boundaries. OAR 660-046-0300 to OAR 660-046-0370 establish the form and substance of an application and the review process to delay the enactment of standards related to the siting and design of Middle Housing types in areas with significant infrastructure deficiencies.

660-046-0010

Applicability

(1) A local government that is a Medium City or Large City must comply with this division.

Finding: The City of Newberg is classified as Medium City.

(2) Notwithstanding section (1), a Medium or Large City need not comply with this division for:

(a) Lots or Parcels that are not zoned for residential use, including but not limited to Lots or Parcels zoned primarily for commercial, industrial, agricultural, or public uses;

(b) Lots or Parcels that are Zoned For Residential Use but do not allow for the development of a detached single-family dwelling; and

(c) Lots or Parcels that are not incorporated and that are zoned under an interim zoning designation that maintains the land's potential for planned urban development.

Finding: The implementation of HB 2001 (OAR 660 Division 46) for duplexes do not apply to lands that are zoned for employment uses on Commercial, Industrial, Public lots, or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR 660 Division 46 will provide additional housing opportunities within the City of Newberg to support workers on employment designated lands.

(3) A Medium or Large City may regulate Middle Housing to comply with protective measures (including plans, policies, and regulations) adopted and acknowledged pursuant to statewide land use planning goals. Where Medium and Large Cities have adopted, or shall adopt, regulations implementing the following statewide planning goals, the following provisions provide direction as to how those regulations shall be implemented in relation to Middle Housing, as required by this rule.

(a) Goal 5: Natural Resources, Scenic, and Historic Areas – OAR chapter 660, division 23, prescribes procedures, and in some cases, standards, for complying with Goal 5. OAR chapter 660, division 16 directed implementation of Goal 5 prior to division 23. Local protection measures adopted pursuant to divisions 23 and 16 are applicable to Middle Housing.

(A) Goal 5 Natural Resources – Pursuant to OAR 660-023-0050 through OAR 660-023-0110, Medium and Large Cities must adopt land use regulations to protect water quality, aquatic habitat, and the habitat of threatened, endangered and sensitive species. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 5:

(i) Medium and Large Cities may apply regulations to Duplexes that apply to detached single-family dwellings in the same zone;

Finding: The proposal for duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for new development, expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

(ii) Medium and Large Cities may limit the development of Middle Housing other than Duplexes in significant resource sites identified and protected pursuant to Goal 5; and

Finding: The proposal for duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for new development, expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions.

(iii) If a Medium or Large City has not adopted land use regulations pursuant to OAR 660-023-0090, it must apply a 100-foot setback to Middle Housing developed along a riparian corridor.

Finding: The proposal for duplex dwellings within the Stream Corridor Overlay follow the same provisions for single-family detached dwellings including activities requiring a Type I process for new development, expansions and rebuilding dwellings as noted in NMC 15.342.050. For the Type II process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.070. For the Type III process duplex dwellings are treated the same as single-family detached dwellings as noted in NMC 15.342.100 for expansions

(B) Goal 5: Historic Resources – Pursuant to OAR 660-023-0200(7), Medium and Large Cities must adopt land use regulations to protect locally significant historic resources. This includes regulations applicable to Middle Housing to comply with protective measures as it relates to the integrity of a historic resource or district. Protective measures shall be adopted and applied as provided in OAR 660-023-0200. Medium and Large Cities may apply regulations adopted under OAR 660-023-0200 to Middle Housing that apply to detached single-family dwellings in the same zone, except as provided below. If a Medium or Large City has not adopted land use regulations to protect significant historic resources listed on the National Register of Historic Places, it must apply protective measures to Middle Housing as provided in OAR 660-023-0200(8)(a) until the Medium or Large City adopts land use regulations in compliance with OAR 660-023-0200. Medium or Large Cities may not apply the following types of regulations specific to Middle Housing:

(i) Use, density, and occupancy restrictions that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings; and

Finding: For designated historic resources duplex dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per NMC 15.344. HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for duplex dwellings and single-family detached dwellings.

Use, density, and occupancy are not restrictions for historic properties.

(ii) Standards that prohibit the development of Middle Housing on historic properties or districts that otherwise permit the development of detached single-family dwellings.

Finding: For designated historic resources duplex dwellings are treated the same as single-family detached dwellings as to use. All locally designated historic resources that require review per NMC 15.344. HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites are the same for duplex dwellings and single-family detached dwellings.

(b) Goal 6: Air, Water and Land Resources Quality – Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing.

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 does not modify the existing goals and policies. Complying with HB 2001 and OAR 660 Division 46 does not negatively impact Goal 6.

(c) Goal 7: Areas Subject to Natural Hazards – Pursuant to OAR 660-015-0000(7), Medium and Large Cities must adopt comprehensive plans (inventories, policies, and implementing measures) to reduce risk to people and property from natural hazards. Such protective measures adopted pursuant to Goal 7 apply to Middle Housing, including, but not limited to, restrictions on use, density, and occupancy in the following areas:

(A) Special Flood Hazard Areas as identified on the applicable Federal Emergency Management Agency Flood Insurance Rate Map; and

(B) Other hazard areas identified in an adopted comprehensive plan or development code, provided the Medium or Large City determines that the development of Middle Housing presents a greater risk to life or property than the development of detached single-family dwellings from the identified hazard. Greater risk includes but is not limited to actions or effects such as:

(i) Increasing the number of people exposed to a hazard;

(ii) Increasing risk of damage to property, built, or natural infrastructure; and

(iii) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

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 or landslide areas. This proposal does not modify the existing goals and policies.

Duplex dwellings are required to following the same regulations as single-family detached dwellings for development under NMC 15.343 AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO).

(d) Goal 9: Economic Development - Pursuant to OAR 660-009-0025, Medium and Large Cities must adopt measures adequate to implement industrial and other employment development policies, including comprehensive plan designations. Medium and Large Cities may limit the development of Middle Housing on Lots or Parcels Zoned For Residential Use designated for future industrial or employment

uses.

Finding: The implementation of HB 2001 (OAR 660 Division 46) for duplexes do not apply to lands that are zoned for employment uses on Commercial, Industrial, Public lots or parcels with the primary use intended for those activities. These lands are held for employment or public improvements to further Goal 9 activities pursuant to Newberg's Economic Opportunities Analysis. Compliance with OAR 660 Division 46 will provide additional housing opportunities within the City of Newberg to support workers on employment designated lands.

(e) Goal 11: Public Facilities and Services - Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan. This includes public facility projects to support the development of Middle Housing in areas zoned for residential use that allow for the development of detached single-family dwellings. Following adoption of Middle Housing allowances by a Large City, the Large City shall work to ensure that infrastructure serving undeveloped or underdeveloped areas, as defined in OAR 660-046-0320(8), where Middle Housing is allowed is appropriately designed and sized to serve Middle Housing.

Finding: The City applied for a grant from DLCD related to middle housing for an Infrastructure Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the grant award were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater, and stormwater a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021. The balance of the land within the Newberg Urban Growth Boundary is able to accommodate Middle Housing, specifically duplex development. The City is in the process of updating its Functional Plans for Transportation (CPTA20-0002), Water (CPTA20-0003), Wastewater (CPTA20-0004), and Stormwater (CPTA20-0005). The Transportation System Plan was approved by Ordinance No. 2021-2871 on March 1, 2021. The Water and Wastewater Master Plans were approved on May 3, 2021 by Ordinance No. 20212876 and Ordinance No. 2021-2877. The Planning Commission will review the Stormwater Master Plan on May 13, 2021. The City Council will review the Stormwater Master Plan on June 21, 2021.

(f) Goal 15: Willamette Greenway – Pursuant to OAR 660-015-0005, Medium and Large Cities must review intensifications, changes of use or developments to insure their compatibility with the Willamette River Greenway. Medium and Large Cities may allow and regulate the development of Middle Housing in the Willamette Greenway, provided that applicable regulations adopted pursuant to Goal 15 comply with ORS 197.307.

Finding: Single-family and duplex development is not permitted within the Willamette River Greenway per regulations in NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT.

(g) Goal 16: Estuarine Resources – Pursuant to OAR 660-015-0010(1) and OAR chapter 660, division 17, Medium and Large Cities must apply land use regulations that protect the estuarine ecosystem, including its natural biological productivity, habitat, diversity, unique features, and water quality. Medium and Large Cities may prohibit Middle Housing in areas regulated to protect estuarine resources under Goal 16 in the same manner as the Medium or Large City prohibits detached single-family dwellings to protect estuarine resources under Goal 16.

Finding: Not applicable as Newberg does not have identified estuarine resources.

(h) Goal 17: Coastal Shorelands – Pursuant to OAR 660-015-0010(2) and OAR 660-037-0080, local governments must apply land use regulations that protect shorelands for water-dependent recreational,

commercial, and industrial uses. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 17. Local governments may apply regulations to Middle Housing that apply to detached single-family dwellings in the same zone.

Finding: Not applicable as Newberg is not a coastal community and has coastal shorelands.

(i) Goal 18: Beaches and Dunes – Pursuant to OAR 660-015-0010(3), Medium and Large Cities must apply land use regulations to residential developments to mitigate hazards to life, public and private property, and the natural environment in areas identified as Beaches and Dunes under Goal 18. This includes regulations applicable to Middle Housing to comply with protective measures adopted pursuant to Goal 18 including but not limited to restrictions on use, density, and occupancy; provided the development of Middle Housing presents a greater risk to life or property than development of detached single-family dwellings. Greater risk includes but is not limited to actions or effects such as:

(A) Increasing the number of people exposed to a hazard;

(B) Increasing risk of damage to property, built or natural infrastructure; and

(C) Exacerbating the risk by altering the natural landscape, hydraulics, or hydrology.

Finding: Not applicable as Newberg is not a coastal community and has no beaches and dunes.

(4) For the purposes of assisting local jurisdictions in adopting reasonable siting and design standards for Middle Housing, the applicable Model Code adopted in this section will be applied to A Local Government That Has Not Acted to comply with the provisions of ORS 197.758 and this division. For such Medium and Large Cities, the applicable Model Code completely replaces and pre-empts any provisions of those Medium and Large Cities' development codes that conflict with the Model Code. The Commission adopts the following Middle Housing Model Codes:

(a) The Medium City Model Code as provided in Exhibit A; and

(b) The Large City Model Code as provided in Exhibit B.

Finding: The City of Newberg is a Medium City and has proposed new regulations for duplex dwellings that are consistent with single-family dwelling allowed in the same residential zones. The proposed regulations are drawn from OAR 660-046.

(5) This division does not prohibit Medium or Large Cities from allowing:

(a) Single-family dwellings in areas zoned to allow for single-family dwellings; or

(b) Middle Housing in areas not required under this division.

Finding: The City of Newberg has areas zoned for single-family dwellings in the R-1, R-2, R-3, AR, and RP zones. Duplex dwellings are proposed to be allowed in all of these residential zones consistent with single-family detached dwellings.

660-046-0020

Definitions

As used in this division, the definitions in ORS 197.015 and ORS 197.758 apply, unless the context

requires otherwise. In addition, the following definitions apply:

(1) *“A Local Government That Has Not Acted” means a Medium or Large City that has not adopted acknowledged land use regulations that are in compliance with ORS 197.758 and this division.*

Finding: The City of Newberg is proposing duplex dwellings in compliance with OAR 660-046 which has a final hearing scheduled before the City Council on June 7, 2021.

(2) *“Cottage Cluster” means a grouping of no fewer than four detached dwelling units per acre with a footprint of less than 900 square feet each that includes a common courtyard. A Medium or Large City may allow Cottage Cluster units to be located on a single Lot or Parcel, or on individual Lots or Parcels.*

Finding: Not applicable as Newberg is a Medium City and is not required to comply with Cottage Cluster development at this time.

(3) *“Department” means the Department of Land Conservation and Development.*

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(4) *“Design Standard” means a standard related to the arrangement, orientation, materials, appearance, articulation, or aesthetic of features on a dwelling unit or accessory elements on a site. Design standards include, but are not limited to, standards that regulate entry and dwelling orientation, façade materials and appearance, window coverage, driveways, parking configuration, pedestrian access, screening, landscaping, and private, open, shared, community, or courtyard spaces.*

Finding: No design standards are proposed for duplex dwellings. In the Springbrook Oaks Specific Plan duplex dwellings considered to be the same as single-family detached dwellings and notes have been added to the Plan clarifying that duplexes are not subject to design standards.

(5) *“Detached single-family dwelling” means a detached structure on a Lot or Parcel that is comprised of a single dwelling unit.*

Finding: The City of Newberg has a definition of single-family dwelling that is in alignment with this definition as noted in Exhibit “B” NMC 15.05.020.

(6) *“Duplex” means two attached dwelling units on a Lot or Parcel. A Medium or Large City may define a Duplex to include two detached dwelling units on a Lot or Parcel.*

Finding: The City of Newberg has a definition of duplex dwelling that is in alignment with this definition as noted in Exhibit “B” NMC 15.05.020.

(7) *“Goal Protected Lands” means lands protected or designated pursuant to any one of the following statewide planning goals:*

(a) *Goal 5 Natural Resources, Scenic and Historic Areas, and Open Spaces;*

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(b) *Goal 6 Air, Water and Land Resource Quality;*

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(c) Goal 7 Areas Subject to Natural Hazards;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(d) Goal 9 Economic Development;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(e) Goal 15 Willamette River Greenway;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(f) Goal 16 Estuarine Resources;

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(g) Goal 17 Coastal Shorelands; and

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(h) Goal 18 Beaches and Dunes.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(8) “Large City” means a city with a certified Portland State University Population Research Center estimated population of 25,000 or more or a city with a population over 1,000 within a metropolitan service district. A Large City includes unincorporated areas of counties within a metropolitan service district that are provided with sufficient urban services as defined in ORS 195.065. Sufficient urban services means areas that are within an urban service district boundary.

Finding: Newberg is a Medium City under 25,000 in population.

(9) “Lot or Parcel” means any legally created unit of land.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046. The NMC 15.05.030 Definitions has a definition of Lot and Parcel that are in alignment with the OAR 660-046-0020.

(10) “Master Planned Community” means a site that is any one of the following:

(a) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary that is zoned for or proposed to be Zoned For Residential Use, and which is not currently developed with urban residential uses, for which a Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan;

(b) Greater than 20 acres in size within a Large City or adjacent to the Large City within the urban growth boundary for which a Large City adopted, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan after the site was incorporated into the urban growth boundary; or

(c) Added to the Large City's urban growth boundary after January 1, 2021 for which the Large City proposes to adopt, by resolution or ordinance, a master plan or a plan that functions in the same manner as a master plan.

Finding: Newberg is a Medium City and these definitions do not apply.

(11) "Medium City" means a city with a certified Portland State University Population Research Center estimated population more than 10,000 and less than 25,000 and not within a metropolitan service district.

Finding: Newberg is Medium City with a population of 24,120 as certified by Portland State University Population Research Center as of July 1, 2021.

(12) "Middle Housing" means Duplexes, Triplexes, Quadplexes, Cottage Clusters, and Townhouses.

Finding: Exhibit "B" has a proposed definition of Middle Housing that aligns with the OAR 660-046-0020 definition.

(13) "Model Code" means the applicable Model Code developed by the Department and contained in the exhibits in OAR 660-046-0010(4).

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046.

(14) "Quadplex" means four attached dwelling units on a Lot or Parcel. A Large City may define a Quadplex to include any configuration of four detached or attached dwelling units on one Lot or Parcel.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046 but is not required to comply with Quadplex requirements at this time as it is classified as a Medium City.

(15) "Siting Standard" means a standard related to the position, bulk, scale, or form of a structure or a standard that makes land suitable for development. Siting standards include, but are not limited to, standards that regulate perimeter setbacks, dimensions, bulk, scale, coverage, minimum and maximum parking requirements, utilities, and public facilities.

Finding: Exhibit "B" contains siting standards that address setbacks, lot dimensions, lot coverage, and parking. Other provisions in Title 15 Development Code address utilities and public facilities. Duplex dwellings follow the same siting standards as single-family detached dwellings.

(16) "Sufficient Infrastructure" means the following level of public services to serve new Triplexes, Quadplexes, Townhouses, or Cottage Cluster development:

(a) Connection to a public sewer system capable of meeting established service levels;

(b) Connection to a public water system capable of meeting established service levels;

(c) Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system; and

(d) Storm drainage facilities capable of meeting established service levels for storm drainage.

Finding: Not applicable as Newberg is classified as a Medium City and it not required to address triplexes, quadplexes, townhouses, and cottage clusters for sufficient infrastructure at this time.

(17) “Townhouse” means a dwelling unit that is part of a row of two or more attached dwelling units, where each unit is located on an individual Lot or Parcel and shares at least one common wall with an adjacent dwelling unit.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046 but is not required to comply with Townhouse requirements at this time as it is classified as a Medium City.

(18) “Townhouse Project” means one or more townhouse structures constructed, or proposed to be constructed, together with the development site where the land has been divided, or is proposed to be divided, to reflect the Townhouse property lines and the any commonly owned property.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046 but is not required to comply with Townhouse Project requirements at this time as it is classified as a Medium City.

(19) “Triplex” means three attached dwelling units on a Lot or Parcel. A Large City may define a Triplex to include any configuration of three detached or attached dwelling units on one Lot or Parcel.

Finding: The City of Newberg acknowledges this definition as used in OAR 660-046 but is not required to comply with Triplex requirements at this time as it is classified as a Medium City.

(20) “Zoned for Residential Use” means a zoning district in which residential dwellings are the primary use and which implements a residential comprehensive plan map designation.

Finding: The City of Newberg has lands zoned for R-1, R-2, R-3, AR, and RP which are represented on the official Zoning Map that represent residential comprehensive plan designations and are applicable to duplex dwelling requirements of OAR 660-046.

660-046-0030

Implementation of Middle Housing Ordinances

(1) Before a local government amends an acknowledged comprehensive plan or a land use regulation to allow Middle Housing, the local government must submit the proposed amendment to the Department for review and comment pursuant to OAR chapter 660, division 18.

Finding: The City of Newberg notified DLCD through the Post Acknowledgement Plan Amendment (PAPA) process on April 7, 2021 on the proposed duplex proposal to comply with OAR 660-046.

(2) In adopting or amending regulations or amending a comprehensive plan to allow Middle Housing, a local government must include findings demonstrating consideration, as part of the post-acknowledgement plan amendment process, of methods to increase the affordability of Middle Housing through ordinances or policies that include but are not limited to:

(a) Waiving or deferring system development charges;

Finding: The City of Newberg approved a Housing Work Program on November 2, 2020, (Attachment 4) that considered a variety of regulatory actions to address housing affordability. On November 16, 2020, the City Council adopted Ordinance No. 2020-2869 revising when system development charges need to be paid. This modification moved the payments for the charges from at time of issuance of a

building permit to the time of insulation inspection for single-family dwelling and duplex dwellings. Additionally, the Newberg City Council will be engaging in discussions on System Development Charges for all development activities beginning in April 2021. Finally, in the Housing Work Program - Reduced / Waived Building Permit fee, Planning fees, or SDCs are identified to be further re-evaluated in FY 24/25; and System Development Charge Deferrals/Loans to be evaluated again in FY 25/26. The City has considered the requirements of OAR 660-046-0030.

(b) Adopting or amending criteria for property tax exemptions under ORS 307.515 to ORS 307.523, ORS 307.540 to ORS 307.548 or ORS 307.651 to ORS 307.687 or property tax freezes under ORS 308.450 to ORS 308.481; and

Finding: The Housing Work Program (Attachment 3) includes a program to - Establish an affordable multifamily housing property tax abatement program in FY 22/23, and a Housing Production Strategy in FY 22/23. The City has considered the requirements of OAR 660-046-0030.

(c) Assessing a construction tax under ORS 320.192 and ORS 320.195.

Finding: The Newberg City Council adopted Ordinance No. 2020-2860 on November 16, 2020, implementing a Construction Excise Tax (CET). Implementation of the CET began on January 2, 2021. Per the adopted ordinance there is a sunset provision set at six years. In the fifth year of implementation the City Council will evaluate the effectiveness of the CET and determine whether to repeal the ordinance or authorize its continuance. The Housing Work Program (Attachment 4) identifies the review to occur in FY 25/26.

Newberg's proposal to comply with HB 2001 (OAR 660-046-0030) is incompliance and integrates provisions that implement duplex dwelling development the same as single-family dwelling development.

(3) When a local government amends its comprehensive plan or land use regulations to allow Middle Housing, the local government is not required to consider whether the amendments significantly affect an existing or planned transportation facility.

Finding: The City of Newberg has an adopted Transportation System Plan from 2016 which includes the Addendum Riverfront Master Plan 2021 which have gone through the Post Acknowledgment Plan Amendment process. The transportation system is planned to accommodate the population growth of the community for a 20 year planning period.

660-046-0040

Compliance

(1) A Medium or Large City may adopt land use regulations or amend its comprehensive plan to comply with ORS 197.758 and the provisions of this division.

Finding: The City of Newberg is proposing to amend its comprehensive plan and land use regulations to comply with ORS 197.758 and OAR 660 Division 46 as they relate to duplex dwellings.

(2) A Medium or Large City may request from the Department an extension of the time allowed to complete the action under section (1) pursuant to the applicable sections of OAR 660-046-0300 through OAR 660-046-0370.

Finding: The City of Newberg applied for a grant from DLCD related to middle housing for an Infrastructure Based Time Extension (IBTER) and was awarded a grant. The areas evaluated from the

grant were areas north of downtown and south of downtown. Through the evaluation of transportation, water, wastewater, and stormwater a deficiency was identified for the water system related to fire flow to accommodate Middle Housing. DLCD reviewed the City of Newberg application and approved the application extension request on March 16, 2021.

(3) A Medium City which is A Local Government That Has Not Acted by June 30, 2021 or within one year of qualifying as a Medium City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) in its entirety to all proposed Middle Housing development applications until such time as the Medium City has adopted provisions under section (1).

Finding: The Newberg Planning Commission is scheduled to hold a public hearing on the proposal on May 13, 2021, followed by a City Council public hearing on June 7, 2021, prior to the June 30, 2021 deadline.

(4) A Large City which is A Local Government That Has Not Acted by June 30, 2022 or within two years of qualifying as a Large City pursuant to OAR 660-046-0050 and has not received an extension under section (2), shall directly apply the applicable Model Code contained in OAR 660-046-0010(4) for the specific Middle Housing type that is not in compliance with the relevant rules in this division to all proposed development applications for that specific Middle Housing type until such time as the Large City has adopted provisions under section (1).

Finding: Not applicable as Newberg is classified as a Medium City.

(5) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large City's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an appellate court solely on procedural grounds, the Medium or Large City is deemed to have acted. Accordingly, the Medium or Large City may continue to apply its own land use regulations and comprehensive plan as they existed prior to the adoption of land use regulations or comprehensive plan amendments that were the subject of procedural remand until the first of the two options:

Finding: The Newberg Planning Commission is scheduled to hold a public hearing on the proposal on May 13, 2021, followed by a City Council public hearing on June 7, 2021, prior to the June 30, 2021 deadline. Opportunities for appeals have not yet occurred as the local review and hearing process has not been completed.

(a) The Medium or Large City has adopted land use regulations or amended its comprehensive plan in response to the remand; or

Finding: Not applicable at this time.

(b) 120 days after the date of the remand. If the Medium or Large City has not adopted land use regulations or amended its comprehensive plan within 120 days of the date of the remand, the Medium or Large City is deemed not to have acted under sections (3) and (4).

Finding: Not applicable at this time.

(6) If a Medium or Large City has adopted land use regulations or amended its comprehensive plan by the date provided under sections (3) and (4) and the Medium or Large city's land use regulations or comprehensive plan changes are subsequently remanded by the Land Use Board of Appeals or an

appellate court on any substantive grounds, the Medium or Large City is deemed to have not acted under sections (3) and (4).

Finding: Not applicable at this time.

(7) If a Medium or Large City acknowledged to be in compliance with this division subsequently amends its land use regulations or comprehensive plan, and those amendments are remanded by the Land Use Board of Appeals or an appellate court, the Medium or Large City shall continue to apply its land use regulations and comprehensive plan as they existed prior to the amendments until the amendments are acknowledged.

Finding: Not applicable at this time.

(8) Where a Medium or Large City directly applies the Model Code in accordance with sections (3), (4) and (5), the Model Code completely replaces and pre-empts any provisions of that Medium or Large City's development code that conflict with the applicable sections of the Model Code.

Finding: Not applicable at this time.

660-046-0050
Eligible Local Governments

(1) If a local government was not previously a Medium City and a certified Portland State University Population Research Center population estimate qualifies it as a Medium City, the local government must comply with this division within one year of its qualification as a Medium City.

Finding: Not applicable as Newberg is classified as a Medium City.

(2) If a local government was not previously a Large City and a certified Portland State University Population Research Center population estimate qualifies it as a Large City, the local government must comply with this division within two years of its qualification as a Large City.

Finding: Not applicable at this time. Newberg will need to comply once it reaches the 25,000 population threshold.

660-046-0100
Purpose of Middle Housing in Medium Cities

OAR 660-046-0105 through OAR 660-046-0130 are intended to measure compliance with ORS 197.758 et seq and Goal 10 Housing for Medium Cities.

Finding: The City of Newberg is proposing to amend its comprehensive plan and land use regulations to comply with ORS 197.758 and OAR 660 Division 46 as they relate to duplex dwellings.

660-046-0105
Applicability of Middle Housing in Medium Cities

(1) A Medium City must allow for the development of a Duplex, including those Duplexes created through conversion of an existing detached single-family dwelling, on each Lot or Parcel zoned for residential use that allows for the development of detached single-family dwellings.

Finding: Exhibit “B” contains the proposed regulations allowing duplex dwelling development within Newberg that includes new development and conversions in compliance with OAR 660-046-0105(1)

(2) OAR 660-046-0105 through OAR 660-046-0130 do not require a Medium City to allow more than two dwellings units on a Lot or Parcel, including any accessory dwelling units.

Finding: Exhibit “B” contains the proposed regulations allowing duplex dwelling development within Newberg that limits dwellings to two and where applicable accessory dwelling units in compliance with OAR 660-046-0105(2).

660-046-0110

Provisions Applicable to Duplexes in Medium Cities

(1) Medium Cities may regulate Duplexes to comply with protective measures, including plans, policies and regulations, as provided in OAR 660-046-0010(3).

Finding: Analysis has been provided under OAR 660-046-0010(3) to meet this requirement.

(2) Medium Cities may regulate siting and design of Duplexes, provided that the regulations:

*(a) Are clear and objective standards, conditions, or procedures consistent with ORS 197.307; and
(b) Do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay.*

Finding: Newberg’s proposed duplex dwelling regulations address siting and design standards as show in Exhibit “B” that include building height, setbacks, lot size, parking, and lot coverage that are clear and objective standards and are the same for single-family and duplex dwellings.

Duplex dwellings in the Springbrook Oaks Specific Plan are treated the same as single-family detached dwellings and are not subject to design standards. Notes have been added to the Plan to clarify no design requirements for duplex dwellings. Setback requires do apply to both single-family detached and duplex dwellings that are the same.

The siting and design standards do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay as the standards apply equally to single-family dwellings and duplex dwellings.

(3) Siting and design standards that create unreasonable cost and delay include any standards applied to Duplex development that are more restrictive than those applicable to detached single-family dwellings in the same zone.

Finding: The siting and design standards do not, individually or cumulatively, discourage the development of Duplexes through unreasonable costs or delay as the standards apply equally to single-family dwellings and duplex dwellings.

(4) Siting and design standards that do not, individually or cumulatively, discourage the development of Duplexes through unreasonable cost and delay include only the following:

(a) Regulations to comply with protective measures adopted pursuant to statewide land use planning goals provided in OAR 660-046-0010(3);

(b) Permitted uses and approval process provided in OAR 660-046-0115;

(c) Siting standards provided in OAR 660-046-0120;

(d) Design standards in Medium Cities provided in OAR 660-046-0125;

(e) Duplex Conversions provided in OAR 660-046-0130; and

(f) Any siting and design standards in the Model Code contained in section OAR 660-046-0010(4)(a).

Finding: The City of Newberg did not utilize the Model Code in developing the proposed regulations. The proposal relies on OAR 660 Division 40 requirements.

660-046-0115

Permitted Uses and Approval Process

Medium Cities must apply the same approval process to Duplexes as detached single-family dwellings in the same zone. Pursuant to OAR 660-007-0015, OAR 660-008-0015, and ORS 197.307, Medium Cities may adopt and apply only clear and objective standards, conditions, and procedures regulating the development of Duplexes. Nothing in this rule prohibits a Medium City from adopting an alternative approval process for applications and permits for Middle Housing based on approval criteria that are not clear and objective as provided in OAR 660-007-0015(2), OAR 660-008-0015(2), and ORS 197.307(6).

Finding: The proposed regulations in Exhibit “B” applies a Type I Administrative review process (15.100) for duplex dwellings that is the same as applied to single-family dwellings. The standards are clear and objective and in compliance with OAR 660-046-0115. The City of Newberg is not proposing an alternative review process for duplex dwellings.

660-046-0120

Duplex Siting Standards in Medium Cities

The following standards apply to all Duplexes:

(1) Minimum Lot or Parcel Size: A Medium City may not require a minimum Lot or Parcel size that is greater than the minimum Lot or Parcel size required for a detached single-family dwelling in the same zone. Additionally, Medium Cities shall allow the development of a Duplex on any property zoned to allow detached single-family dwellings, which was legally created prior to the Medium City’s current lot size minimum for detached single-family dwellings in the same zone.

Finding: Exhibit “B” contains standards that the same lot size (NMC 15.405) is proposed for single-family detached dwellings and duplex dwellings for the R-1, R-2, R-3, AR, and RP residential zones in compliance with OAR 660-046-0120(1).

(2) Density: If a Medium City applies density maximums in a zone, it may not apply those maximums to the development of Duplexes.

Finding: The Newberg Development Code does not have density maximums. In Specific Plans maximums are identified. In these circumstance duplex dwellings are considered to equal a single family residence for density purposes.

(3) Setbacks: A Medium City may not require setbacks to be greater than those applicable to detached single-family dwellings in the same zone.

Finding: Exhibit “B” contains standards for setbacks (NMC 15.410) that are the same for single-family detached dwellings and duplex dwellings for the R-1, R-2, R-3, AR, and RP residential zones in compliance with OAR 660-046-0120(3).

(4) Height: A Medium City may not apply lower maximum height standards than those applicable to detached single-family dwellings in the same zone.

Finding: Exhibit “B” contains standards for building height (NMC 15.415) that are the same for single-family detached dwellings and duplex dwellings for the R-1, R-2, R-3, AR, and RP residential zones in compliance with OAR 660-046-0120(4).

(5) Parking:

(a) A Medium City may not require more than a total of two off-street parking spaces for a Duplex.

(b) Nothing in this section precludes a Medium City from allowing on-street parking credits to satisfy off-street parking requirements.

Finding: Exhibit “B” contains standards for parking for duplex dwellings (NMC 15.440) at a total of two off-street spaces in compliance with 660-046-0120(5)(a). No standards are proposed for off-street parking credits to satisfy off street parking per OAR 660-046-0120(5)(b).

(6) Lot Coverage and Floor Area Ratio: Medium Cities are not required to apply lot coverage or floor area ratio standards to new Duplexes. However, if the Medium City chooses to apply lot coverage or floor area ratio standards, it may not establish a cumulative lot coverage or floor area ratio for a Duplex that is less than established for detached single-family dwelling in the same zone.

Finding: Exhibit “B” contains standards for lot coverage (NMC 15.405) that is the same for duplex dwellings and single-family detached dwellings in compliance with OAR 660-046-0120(6).

(7) A Medium City or other utility service provider that grants clear and objective exceptions to public works standards to detached single-family dwelling development must allow the granting of the same exceptions to Duplexes.

Finding: No exceptions are proposed to duplex dwellings for public works standards that would apply differently to single-family detached dwellings.

660-046-0125

Duplex Design Standards in Medium Cities

(1) Medium Cities are not required to apply design standards to new Duplexes. However, if the Medium City chooses to apply design standards to new Duplexes, it may only apply the same clear and objective design standards that the Medium City applies to detached single-family structures in the same zone.

(2) A Medium City may not apply design standards to Duplexes created as provided in OAR 660-046-0130.

Finding: Exhibit “B” is not proposing design standards for duplex dwellings as the City of Newberg does not have design standards for single-family detached dwellings.

660-046-0130

Duplex Conversions

Conversion of an existing detached single-family dwelling to a Duplex is allowed, pursuant to OAR 660-046-0105(2), provided that the conversion does not increase nonconformance with applicable clear and objective standards in the Medium City's development code, unless increasing nonconformance is otherwise allowed by the Medium City.

Finding: Exhibit "B" contains conversion provisions in compliance with OAR 660-046-0130.

D. 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 are required to finalize a decision regarding the application for the amendment to the Development Code.

This requirement can be met.

NMC 15.346.050 for Specific Plans outlines the requirements for amendments to the plans. The process to use would be a Type III Procedure.

A. Minor and Major Amendments.

1. Major amendments are those which result in any of the following:

- a. A change in land use.*
- b. A change in the circulation/transportation plan that requires a major street (collector or arterial) to be eliminated or to be located in such a manner as to not be consistent with the specific plan.*
- c. A change in the development standards.*
- d. A change in the planned residential density.*
- e. A change not specifically listed under the major and minor amendment definitions.*

NMC 15.326.060 for the Springbrook Master Plan outlines the requirements for amendments to the

plan. The proposed amendments would be classified as a Type III process.

- a. The following modifications to the master plan shall follow a Type III procedure identified in NMC 15.100.050:*

- 1. Modifications other than those noted above.*
- 2. Modifications to the Springbrook district boundary.*

Chapter 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.050 Type III procedure – Quasi-judicial hearing.

A. All Type III decisions shall be heard and decided by the planning commission. The planning commission's decision shall be final unless the decision is appealed or the decision is a recommendation to the city council.

B. Type III actions include, but are not limited to:

- 1. An appeal of a Type I or Type II decision: This action of the planning commission is a final decision unless appealed to the city council.*
- 2. Conditional use permits: This action is a final decision unless appealed.*
- 3. Planned unit developments: This action is a final decision unless appealed.*
- 4. Substantial change to the exterior appearance of a historic landmark: This action is final unless appealed.*
- 5. Establishment of a historic landmark: This is a final decision by the planning commission, unless appealed.*
- 6. Establishment of a historic landmark subdistrict: This is a recommendation to the city council.*
- 7. Comprehensive plan map amendments: This action is a recommendation to the city council.*
- 8. Zoning map amendments and designation of subdistricts: This action is a recommendation to the city council.*
- 9. Annexation: This action is a recommendation to the city council.*
- 10. Subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).*

C. Planning Commission Decisions and Recommendation Actions.

- 1. Planning Commission Decision. Development actions shall be decided by the planning commission for those land use actions that require a Type III procedure and do not require the adoption of an ordinance. The decision shall be made after public notice and a public hearing is held in accordance with the requirements of NMC 15.100.090 et seq. A Type III decision may be appealed to the city council by a Type III affected party in accordance with NMC 15.100.160 et seq.*
- 2. Planning Commission Recommendation to City Council. Land use actions that would require the adoption of an ordinance shall be referred to the city council by the planning commission together with the record and a recommendation. The recommendation shall be made after public notice and a public hearing is held in accordance with the requirements of NMC 15.100.090 et seq.*

D. City Council Action. If a recommendation to the city council is required, the matter shall be reviewed by the city council as a new hearing. The final decision on these actions is made by the city council.

E. The applicant shall provide notice pursuant to NMC 15.100.200 et seq.

F. The hearing body may attach certain conditions necessary to ensure compliance with this code.

G. If the application is approved, the director shall issue a building permit when the applicant has complied with all of the conditions and other requirements of this code.

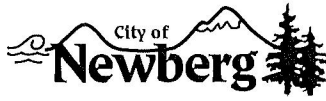
H. If a Type III application is denied, or if the applicant wishes to make substantive modifications to an approved application, the applicant may modify the application after the planning commission hearing and request a new planning commission hearing to consider the application. An application so modified shall be considered a new application for purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule. The city council shall establish a fee for such a reconsideration or modification by resolution. Application of this provision is limited to three times during a continuous calendar year.

Finding: For the Northwest Newberg Specific Plan and Springbrook Oaks Specific Plan the process required is a Type III procedure as the proposed modifications would be a change in land use and a change in the development standards. The Planning Commission will make a recommendation to the City Council because the proposal requires adoption of an ordinance.

For the Springbrook Master Plan the process required is a Type III procedure because the proposal is not a land use district boundary modifications prior to development within that phase greater than one acre and less than five acres that adjust a boundary no more than 100 feet, or modifications to the “Trip Cap” established with approval of the master plan which require a Type II process. The Planning Commission will make a recommendation to the City Council because the proposal requires adoption of an ordinance.

These requirements can be met.

Conclusion: The proposed Comprehensive Plan amendments, Development Code amendments, and amendments to the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan and Springbrook Master Plan meets the applicable requirements of the Statewide Planning Goals, the Newberg Comprehensive Plan, and Newberg Development Code and should be approved.



RESOLUTION No. 2020-3669

A RESOLUTION SUPPORTING GRANT APPLICATIONS AND AUTHORIZING THE COMMUNITY DEVELOPMENT DIRECTOR TO APPLY FOR A DLCD 2019-21 PLANNING ASSISTANCE DIRECT GRANTS FOR HB 2001 AND HB 2003 IMPLEMENTATION AND AUTHORIZING THE CITY MANAGER TO EXECUTE ALL GRANT AWARD CONTRACT DOCUMENTS

RECITALS:

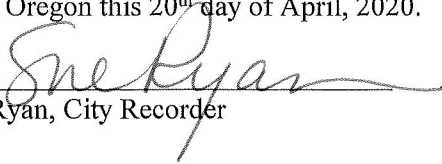
1. During the 2019 legislative session, the legislature adopted HB 2001 and HB 2003 and appropriated funds to the Department of Land Conservation and Development (DLCD) for the purpose of providing grants to local governments for the implementation of missing middle housing, housing needs analyses and housing production strategies.
2. The Department of Land Conservation and Development (DLCD) provides resources to help Oregon communities prepare and update local land use plans and ordinances through the 2019-21 Planning Assistance Direct Grant program.
3. As part of the grant application(s) the local government must include a resolution from the governing body of the city demonstrating support for the project(s). The proposed resolution would comply with the requirement.
4. On August 5, 2019, the Community Development Director met with Newberg City Council to discuss the City's implementation standards of House Bill 2001. It was decided that the requirements for cities with both a population lower than 25,000 and a population over 25,000 should be pursued as Newberg is on the cusp of crossing the 25,000 population threshold.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

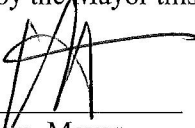
1. City Council supports the grant application(s) and authorizes the Community Development Director to submit application(s) to the Department of Land Conservation and Development for a 2019-21 Planning Assistance Direct Grant for planning project assistance to implement House Bill 2001 (Duplexes, Triplexes, Quads, Cluster Housing, and Townhomes) and HB 2003 (update the 2019 Housing Needs Analysis Buildable Lands Inventory and Population data, and prepare a Housing Production Strategy).
2. The City Manager is authorized to execute all grant award contract documents.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: April 21, 2020.

ADOPTED by the City Council of the City of Newberg, Oregon this 20th day of April, 2020.


Sue Ryan, City Recorder

ATTEST by the Mayor this 23rd day of April, 2020.


Rick Rogers, Mayor

ATTACHMENT 2 – PUBLIC COMMENTS

April 29, 2021

RECEIVED

MAY 03 2021

RECEIVED

Memo to: Doug Rux
City of Newberg
Community Development Department, PO Box 970
Newberg, OR 97132

Initial: _____

~~MAY 09 2021~~

Initial: _____

Regarding: Mailing of 4/12/2021: Notice of Public Hearing, Ordinance 2021-2880 and mailing of 4/27/2021:
Notice of Planning Commission Hearing on Duplex Regulations (HB2001)

Memo from: Linda B Hanson
3330 N Meridian St.
Newberg, OR 97132-6053
newberg lady1@gmail.com

Today I went into Newberg City Hall to try to review on a larger scale the map and information on the above. Nothing was available, but Bobbie Morgan was able to email some links for me to review thus making the resolution 2021-371 and ordinance 2021-2880 more easily enlarged and read. During the discussion with Ms. Morgan, I was told this action is a state mandate to have duplex regulations (HB 2001) as part of the city ordinances. That is not exactly as I read in the letters, but that is what I heard at city hall.

My understanding as of several years ago, the residence of Newberg, myself included, voted to have low density housing for Newberg. I have seen this "low density" overridden several times by the council and city planners. Granted, going to city commission hearings to discuss keeping low density development does not seem to happen. However, when the population voted to have low density development that is the development the citizens asked to have happen. Why are we consistently provided hearings and changes from our vote?

I am not in favor of the duplex housing. I also do not see that there is anything I can do or say that will change it from happening. The citizens of Newberg voted, but no one at the state, county or city level seems to have heard.

I do believe there is more concern for the revenue produced by mid-level and high density housing for the city and state. The citizen's vote is being set aside for monetary gain.

Doug Rux

From: Karla Vargas <vkarla@icloud.com>
Sent: Wednesday, April 14, 2021 1:41 PM
To: Doug Rux
Subject: Planning commission Resolution 2021-371

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I received the Notice of Public Hearing today regarding HB 2001 and I have some questions and concerns.

First, in a time where it appears to be acceptable to discriminate against law enforcement, as the community grows and the population increases how do you propose to keep relations between first responders and the community positive? I live in Newberg because it's a safe community. I don't want to have to face some of the issues like Portland where they have had a 2000% increase in homicides. Part of keeping a community safe is a good relationship between first responders and the public. As there are more multi family homes and duplexes and the like there will be more people and more crime.

Secondly it's a proven fact that townhomes and duplexes have an inherent risk in relation to fire and damage. If a fire starts in a single detached house the likelihood of it spreading to other detached homes is a lot smaller than when homes are connected. How does the city, the planning commission plan on mitigating these higher risks?

Thank you for your time. I hope you have a great rest of the week. Enjoy the sunshine!

Karla Vargas
Sent from my iPhone

Doug Rux

From: Joseph Ourada <jaourada@msn.com>
Sent: Tuesday, May 4, 2021 10:58 AM
To: Doug Rux
Cc: PLANNING
Subject: Northwest Newberg Specific Plan

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Rux,

I have received two letters from the Community Development Department concerning the Public Hearing on Middle Housing to be held on May 13. I spoke on the phone with Patrick Davenport to try to learn more about the project. He advised me to send an email to the planning mailbox which I did. Bobbie Morgan then sent me links to information on your web site.

Accessing this information leads me to believe that the proposed changes could negatively impact our home on Knoll Drive in NW Newberg. I plan to attend the Zoom meeting, and would also like to express my concerns to you as follows:

1. Concerning the "minimum" parking requirements for the Middle Housing developments, I understand that the new state rules do not allow Newberg to set the minimum higher than 1 car per unit. This is apparently based on data that shows the average vehicles per household in Oregon to be zero to one. However, this data is not applicable to Newberg. It is clearly skewed by the denser population centers (i.e. Portland/Beaverton, etc) where mass transit is readily available. Newberg is largely a bedroom community and is poorly served by mass transit. Most households will include more than one driver so there will be more than one car. With teenage children and/or multi-generational living, there will likely be many more. The house across the street from us regularly has two cars in the driveway and four additional cars parked on the street. The proposed rules would greatly exacerbate this situation for any in-fill Middle Housing developments. I think that Newberg needs to find a way to push back against this rule to avoid excessive street parking that will clog the neighborhoods and lower property values.
2. Property values in existing neighborhoods were not really addressed in any of the recorded meetings or documents that I saw. I am very worried that in-fill development in my neighborhood would have a direct negative impact on the value of my home. Specifically, there is a large lot (approximately 3 times average size) behind my house. It is my understanding that this lot was created by the owners of the neighborhood property when it was sub-divided and developed nearly a decade ago, and is still occupied by that party. It is reasonable to assume that this lot would be a prime candidate for Middle Housing redevelopment, perhaps in the near future. In this case, we could look forward to 2-3 story buildings looming over our back fence. This would destroy the privacy that attracted us to the neighborhood in the first place. Combined with the additional street parking that would likely spill around the corner and in front of our house, this would certainly lower property value and make the neighborhood less desirable.

Our longer term plans (15+ years?) include eventually moving to some kind of Senior living situation. As you know, this is expensive and we're counting on our home equity to cover much of that cost. If Middle Housing development in the neighborhood damages property values and erodes our equity, it will be a severe blow to those plans.

I hope that Newberg planning will take these kinds of considerations into account when writing the new rules, and granting development permits in order to preserve the character of Newberg neighborhoods and protect the residents' property value.

Thankyou for your consideration. Please advise if there is anything else I need to do to attend and speak at the meeting.

Joseph Ourada
3715 Knoll Drive
Newberg, OR
503-871-5656

Sent from [Mail](#) for Windows 10



P.O Box 1083
McMinnville, OR 97128

May 11, 2021

Helping to shape the use of our natural resources to protect the quality of life in Yamhill County.

Newberg Planning Commission
City of Newberg
414 E. First Street
Newberg, Oregon, 97132

RE: Middle Housing/HB 2001 Compliance

Dear Commissioners and Staff:

Friends of Yamhill County (FYC) works to protect natural resources through the implementation of land use planning goals, policies, and laws that maintain and improve the present and future quality of life in Yamhill County for both urban and rural residents. Our membership includes Newberg residents who support the mission and values of the Oregon land use program.

We strongly support the city's efforts to pursue solutions to its housing needs through implementation of House Bill 2001, the "Middle Housing" legislation passed in 2019.

Most of Newberg's residential land is zoned for single-family residential lots. All too often this sort of development creates large geographical areas where people with moderate incomes cannot afford to live. Allowing a greater mix of housing on these lots is simple common sense.

While the current amendments before you only address duplexes, it is our understanding that Newberg will be addressing triplexes, quadplexes, and cottage clusters in a subsequent set of amendments in the coming year, as required for cities over 25,000 in population.

In addition to increasing housing affordability within neighborhoods, the greater choice in housing-types allows older people to downsize in their own neighborhood or move near their children, while maintaining an independent household. Duplexes, triplexes, and quadplexes can increase home ownership by allowing younger households to use the rent to offset mortgage payments. Cottage cluster homes may be attractive to these who have neither the time nor desire to do lots of yard work.

On a personal note, I have watched my parents and my in-laws age and down-size. I've seen our daughter and her friends struggle to find places to live that they could afford in neighborhoods that lacked enough housing choices. I know first-hand the importance of healthy neighborhoods where people of varying incomes, ages, and household sizes can live together in a wide range of housing types.

In summary, we support these interim amendments addressing duplexes, and look forward to robust implementation of HB 2001 for all middle-housing types in the near future.

Sincerely,

Sid Friedman
Friends of Yamhill County



Main Office • 133 SW 2nd Ave, Ste 201 • Portland, OR 97204
Willamette Valley Office • 454 Willamette St, Ste 213 • Eugene, OR 97401
Southern Oregon Office • PO Box 2442 • Grants Pass, OR 97528

May 12, 2021

Newberg Planning Commission
C/O Doug Rux (doug.rux@newbergoregon.gov)
414 E 1st Street
Newberg, OR 97132

RE: Implementation of HB 2001

Dear Planning Commissioners,

1000 Friends of Oregon is a non-profit charitable organization dedicated to working with Oregonians to support livable communities. Our membership includes Newberg residents who support the mission and values of the Oregon land use program. Among these values are the provision of housing that meets the needs of all members of our communities.

In the 2019 Legislative Session, 1000 Friends worked with a coalition of partners to pass HB 2001, commonly known as the “middle housing” bill. The bill was intended to remove barriers to more, and more affordable, housing through allowing diverse housing types. In cities with populations above 10,000, duplexes must be allowed on each lot zoned for residential use that allows the development of a single-family dwelling.

The code amendments prepared for you today will allow more, and more affordable, housing options throughout Newberg’s residential zones. Of particular importance is the proposal to allow detached and stacked duplexes as options for new homes. This increased flexibility will allow for more creative housing solutions that meet more needs of Newberg residents. We encourage you to adopt this ordinance as proposed and to consider additional affordability measures such as waivers of SDCs or property tax exemptions for affordable units as Newberg implements “higher order” (triplexes, quads, townhomes, and cottage clusters) middle housing over the next year.

We appreciate your consideration of this testimony and your service to your community.

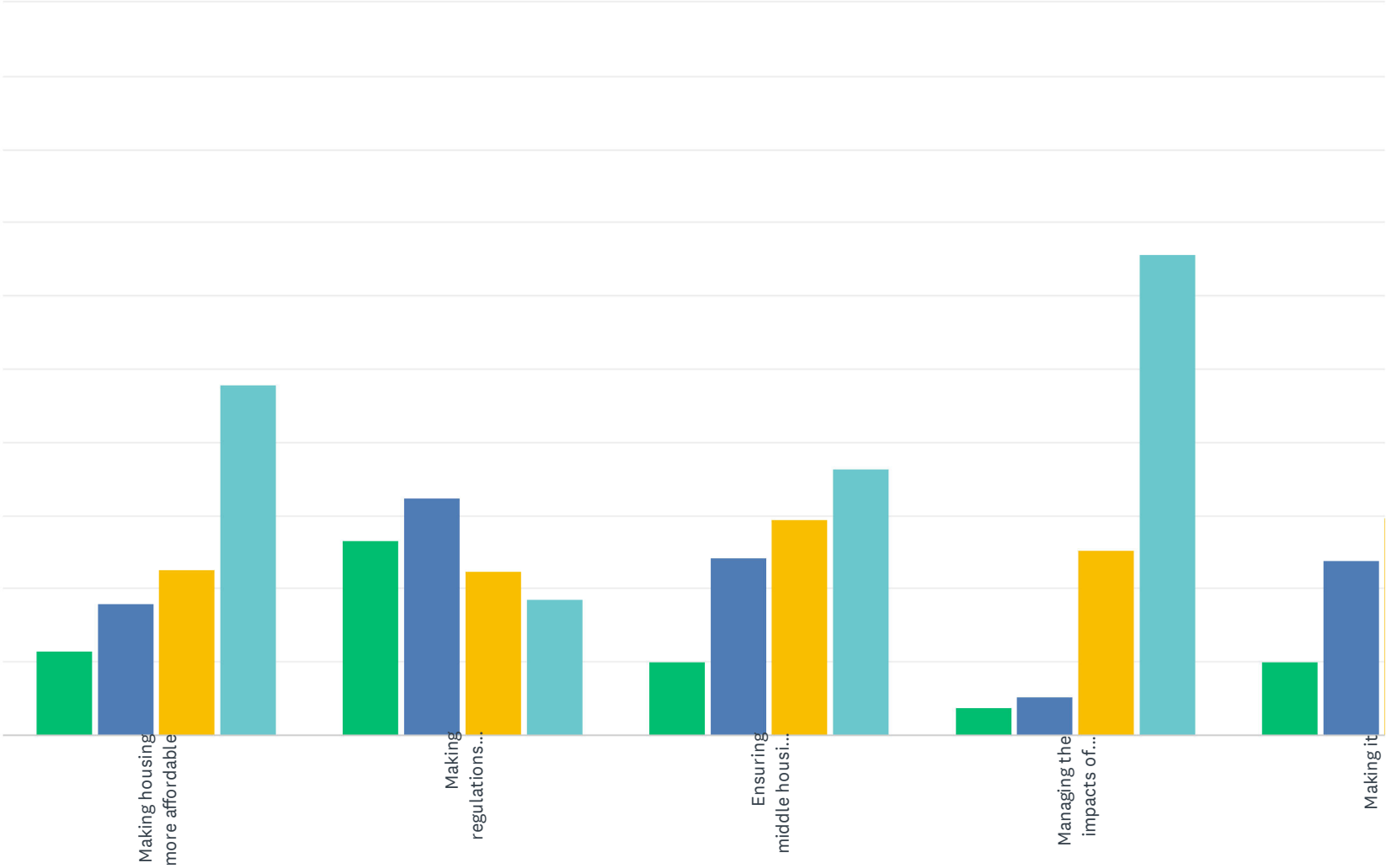
Sincerely,

A handwritten signature in cursive script that reads "Alexis Biddle".

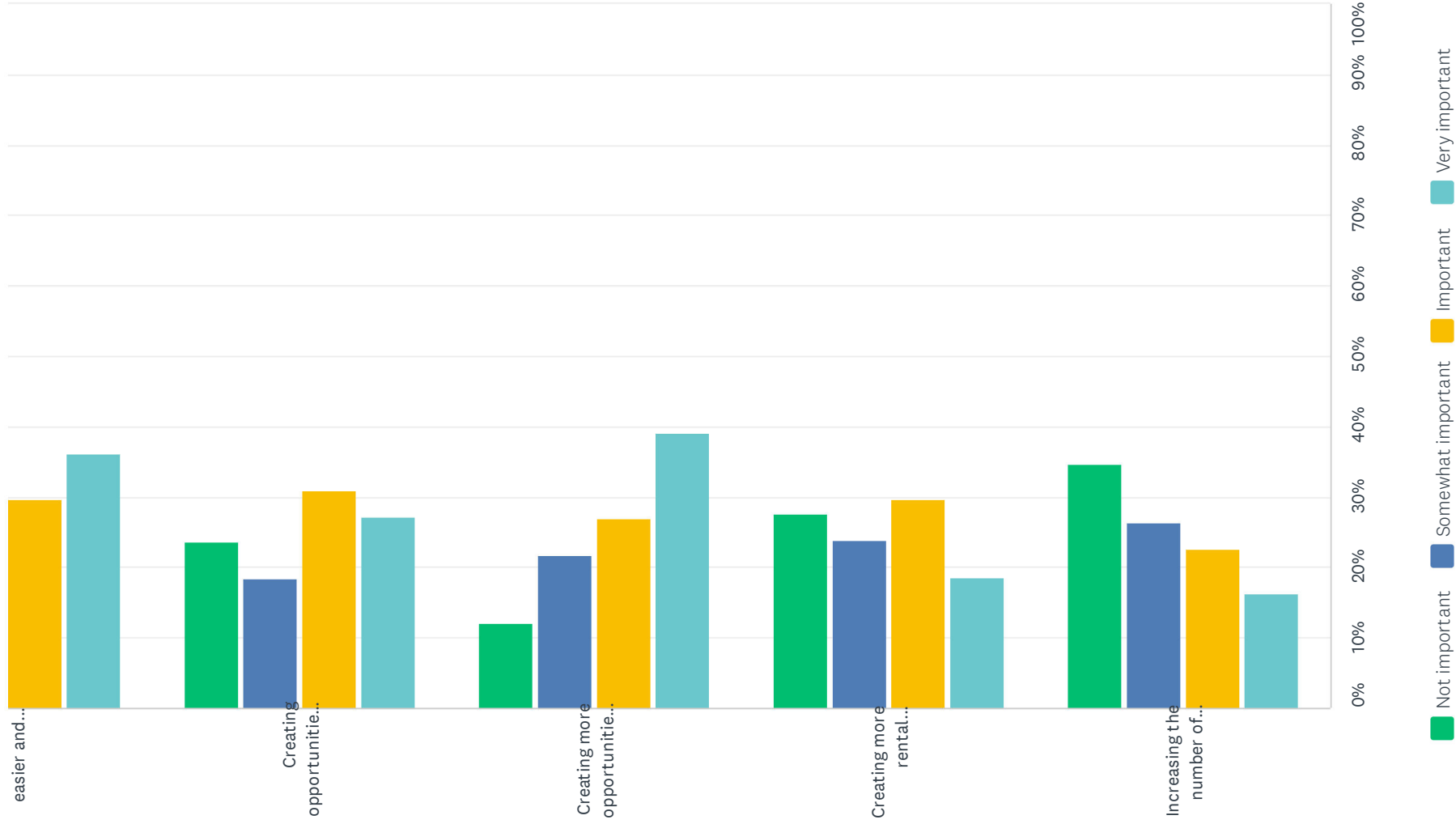
Alexis Biddle
Great Communities Program Director
1000 Friends of Oregon

Q1 1. What should be the top policy goals for introducing middle housing zoning standards?

Answered: 192 Skipped: 0



Newberg Middle Housing Code Project



Newberg Middle Housing Code Project

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Making housing more affordable	11.58% 22	17.89% 34	22.63% 43	47.89% 91	190	3.07
Making regulations more flexible	26.60% 50	32.45% 61	22.34% 42	18.62% 35	188	2.33
Ensuring middle housing is compatible with existing development	10.00% 19	24.21% 46	29.47% 56	36.32% 69	190	2.92
Managing the impacts of parking within neighborhoods	3.70% 7	5.29% 10	25.40% 48	65.61% 124	189	3.53
Making it easier and safer to get around by walking	10.11% 19	23.94% 45	29.79% 56	36.17% 68	188	2.92
Creating opportunities for a broader variety of housing types	23.56% 45	18.32% 35	30.89% 59	27.23% 52	191	2.62
Creating more opportunities for homeownership	12.17% 23	21.69% 41	26.98% 51	39.15% 74	189	2.93
Creating more rental opportunities	27.66% 52	23.94% 45	29.79% 56	18.62% 35	188	2.39
Increasing the number of housing units that can be built	34.74% 66	26.32% 50	22.63% 43	16.32% 31	190	2.21

Newberg Middle Housing Code Project

#	COMMENTS:	DATE
1	HB 2001 will burden neighborhoods with over-building of lots. Not making parking required on-site for new construction will flood roads with new cars and emergency vehicles will not be able to get through. Also, the school's will be flooded with new children and over-crowded. Real estate will buy all the houses and tear them down and make big apartment buildings where neighbors can get no sunlight in their yards. There will be no room for street trees and parks will be flooded. No one is going to make new parks. This bill was a give away to the real estate market and big interest money backers..	1/11/2021 8:18 AM
2	Please do not let this turn into a crowd place to live where its infested with apartments and high traffic	1/10/2021 3:06 PM
3	Any development team that does not ask for local participation from the outset is not generating equitable outcomes.	1/8/2021 1:49 PM
4	Development teams must ask for local participation from the outset in order to generate equitable outcomes.	1/8/2021 12:27 PM
5	Developers are reaping HUGE profits building junky cramped housing to justify making it "more affordable". No room for children to play, not enough parking, no privacy, cheap materials are ruining our neighborhoods while millions of dollars are leaving the community and ending up in the pockets of bankers and developers. We have to find a way to get off the inflation of home prices. Banks should not be allowed to drive up prices by mortgaging such dense and tiny homes for hundreds of thousands of dollars. They don't do that in the US SE and Central states, only in NE and West coast. It's unfair as our incomes are not higher than Texas or Ohio.	1/8/2021 11:39 AM
6	Do not mix middle housing with single family homes, keep separate	1/6/2021 11:31 PM
7	zoning needs to embrace Tiny houses and a permanent campground.	1/6/2021 11:17 AM
8	This was not a well designed survey. I just by chance stumbled across it, therefore I'm sure that the majority of the communities opinions are not going to be reflected in the results. The new skinny houses going up in our neighborhood reflects the greed of developers. The are poor quality and not family friendly. They don't have sufficient outdoor space and are not varied in design. Street maintenance is less than poor in our neighborhood as it is, therefore more traffic is taking the more maintained roads. We don't have Stop Signs as it is and 25 mph is too fast for a neighborhood with no Stop Signs and a lot of children. Please take care of what we have before building more. And no parking only forces people to park in front of our houses.	1/5/2021 9:49 PM
9	parking is really important. most families have 2 cars and groups of renters have more than 2. it's really hard when there's no parking on your street.	1/3/2021 6:55 PM
10	As a senior citizen I want to strongly encourage you to make it mandatory that all new housing be required to install a hand railing by the entrance. Older homes almost always provided this and we need to again provide this essential safety help for every new home. It is not only a help for older citizens, it also helps the handicapped and children as well. Even one step up is difficult for some people without a railing to help.	12/31/2020 9:58 PM
11	Biggest problem is the permitting process. Really \$100000 in permits to build a house really.	12/31/2020 2:09 PM
12	We need truly affordable options and options for all walks of life. Why is the city not considering land trust options?	12/31/2020 11:09 AM
13	Our city needs to be more appealing to young families as a place to settle and grow. More and more of our younger families have had to leave our city because they can't afford living here. That takes money from our city projects and our schools, and reduces our city's diversity.	12/31/2020 9:38 AM
14	We have lived in a house in Newberg that has rats for the past 2 yrs. We can afford anything else. The house before this one had black mold and got kicked out cuz i complained all the time. We need affordable and safe houses that rich people aren't gonna come and buy and rent them for ridiculous amount	12/30/2020 7:29 AM
15	Low cost ADUs and fees need to be fully supported by the city and its code	12/28/2020 2:45 PM
16	Adding tiny homes and mobile home opportunities	12/28/2020 12:39 PM
17	Housing must match the jobs available in our town. Commuting degrades our neighborhoods,	12/27/2020 9:58 PM

Newberg Middle Housing Code Project

puts additional strain on our infrastructure, and eats up a sizeable portion of families' budgets. As long as most of the people who live here work elsewhere, and the people who work here live elsewhere, we are sitting on an untenable, unsustainable, carbon-abusing situation. Walkways must be safe, attractive, and contiguous, linking where people live to where they want to go (business, shopping, school, church)

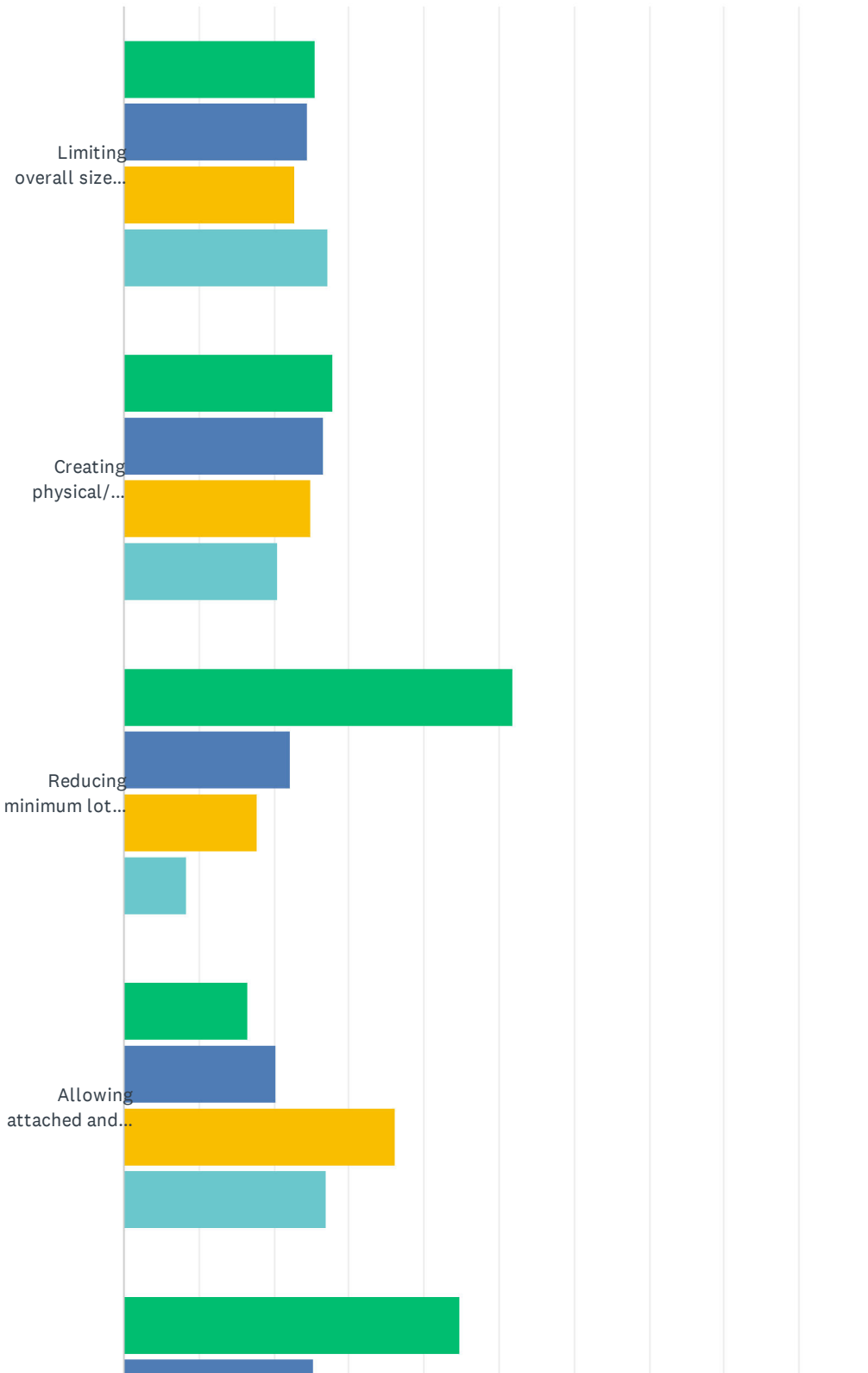
18	Usually it's the over flow of cars when it is a rental complex. It makes the neighborhood trashy. People start living there when they are not residents. Too much traffic. No rentals. More opportunities to buy	12/27/2020 4:21 PM
19	Reduce cost of housing so people can continue to live in newberg and afford homes. Right now the market is crazy and even an apartment is out of reach for most people.	12/27/2020 8:44 AM
20	Everywhere I have ever lived that has adopted this approach has seen an increase in crime and a decrease in quality of life. This is a terrible plan for Newberg	12/26/2020 11:31 PM
21	It's difficult to answer the "walking" item without knowing what sorts of middle housing zoning standards would support that.	12/26/2020 5:43 PM
22	Parking MUST be a priority. Do not allow the builders to decide, they will always do the minimum. Drive by ANY complex in newberg at night and see the cars stacked up for blocks around. An apartment or duplex expected to house a family of 4 should have at least 2.5 parking spaces.	12/26/2020 3:18 PM
23	Require adequate parking and don't count those tiny garages as a parking spot. Our sidewalks are horrible too.	12/26/2020 2:38 PM
24	Consider housing for the homeless.	12/26/2020 2:35 PM
25	Your first priority should be to get your engineering department under control. They are the detractors from affordable housing.	12/26/2020 1:30 PM
26	I believe there should be cottage housing for senior on low income.... give a way to have dignity in our senior years.	12/26/2020 12:06 PM
27	People will always park on the street, even if they have a driveway/garage. I think it's important to recognize that and ensure the streets are wide enough for the vehicles to park and vehicles to drive by. Often times I fear I might clip a mirror driving down my street with newly developed homes and terrible street parking. Also, the space between similar home styles should be kept at a different standard than the space between different styles. For example, a house should not be allowed 20 feet from an apartment complex (Wynooski). It looks terrible and is going to have future parking problems for the home owner/resident because they are on top of each other and it's crowded.	12/26/2020 11:07 AM
28	more low income housing a must	12/26/2020 9:52 AM
29	Diversity of housing types is important as the community grows and our ability to provide adequate housing options. However, planned development coupled with appropriate parking and access is critical. At this time there appears to be a significant imbalance. Higher density developments completely overlook the need for appropriate parking, not only for the residence but for visitors and emergency services as well. This doesn't create healthy livable communities for the longer term. Off-street and on-street parking requirements are long overdue for reshaping.	12/26/2020 8:18 AM
30	The taxpayers should not be asked to subsidize housing. Cars have to go somewhere. When you pack housing units into a small space with limited parking, the cars end up illegally blocking others or lining the street.	12/23/2020 10:07 PM
31	Private roads should not be permitted for more units. Too narrow and diminish value.	12/22/2020 2:59 PM
32	Not like Ella ct was agreed to and the rules never followed for NO street parking	12/22/2020 10:50 AM
33	Middle housing equals crime and over population. DON'T TURN NEWBERG INTO BEAVERTON, HILLSBORO, OR PORTLAND! I grew up here and hate seeing what you people continue to do.	12/22/2020 9:16 AM
34	Parking is a HUGE issue, already developed areas are NOT designed to deal with the extra cars. Everyone knows more than 1 car will come with each new "home". Honestly this is a terrible idea. Believe it will destroy currently pleasant and functional neighborhoods.	12/22/2020 8:08 AM

Newberg Middle Housing Code Project

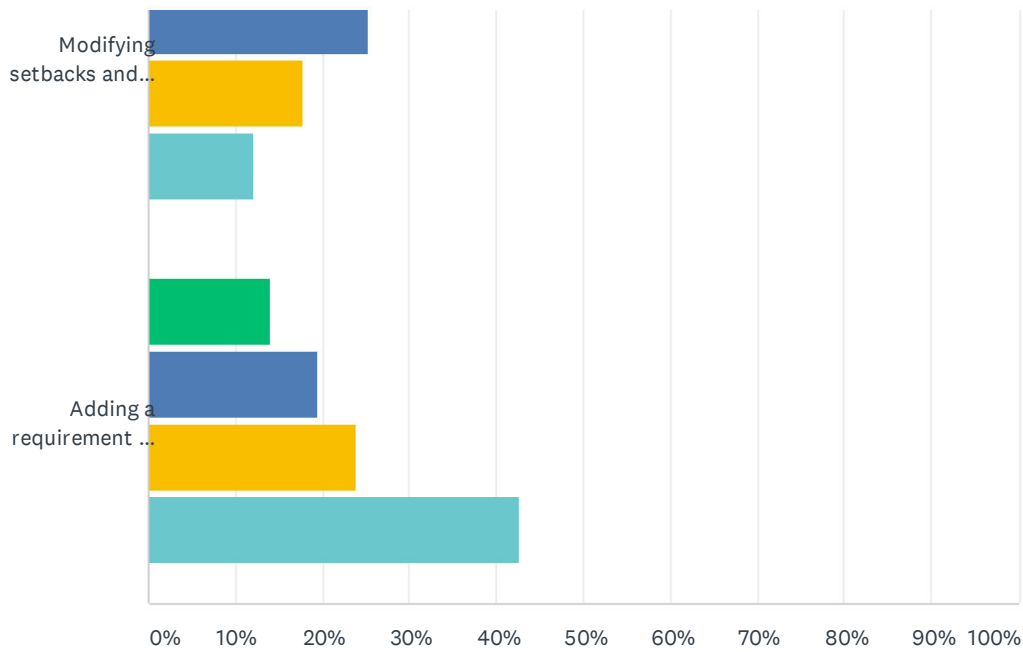
35	We do not need more duplex's or buildings of that nature, just look at The area near the air park, parking is horrible and the streets are crowded.	12/22/2020 5:30 AM
36	Housing that is actually affordable for people ie. Rent. Rent places people cant afford even if they are on housing section 8, its less than 1100.00\$ VERY hard to find a place to rent for under that	12/22/2020 1:27 AM
37	Off street parking makes it look nasty. Lots of broken down cars. Just trashy, if everyone has two parking spots instead of one, would make for a nicer area.	12/22/2020 1:09 AM
38	Street parking is a huge issue in our neighborhood. Makes it unsafe for kids to play.	12/21/2020 9:29 PM
39	Just say no to the crammed housing and car clusters. Like the houses by the air park. On top of it nothing has been done about the traffic in the area. It gets more dangerous every week. Fix the existing problems before you create more!	12/21/2020 8:55 PM
40	No fucking cheap housing!	12/21/2020 7:46 PM
41	Affordable is Minimum wage x 60 not well food is overrated again this month	12/21/2020 5:35 PM
42	Newberg does a very poor job of parking enforcement. It's all about increased property tax dollars at the cost of citizen inconvenience	12/21/2020 4:54 PM
43	Need to keep in mind parking when approving building permits	12/21/2020 4:50 PM
44	Having the housing fit with the character of the town is important. Wooden buildings and classic styling like our Main Street and older houses give newberg an inviting home feeling. Green and open spaces are also important.	12/18/2020 6:15 PM
45	Newberg is not a big city. I get that Portland is overpopulated but we cannot take them all in. Some housing needs to be single family housing so that we can maintain the small-town feel of Newberg. I don't want to become Sherwood. I want to live in a quiet, rural town where I can still go grocery shopping if I need to at 9pm (not as small as Lafayette or Dayton). We aren't Portland and people do need cars to get around - the bus system isn't robust enough to handle more Newbergers without cars. So, people need places to park their cars. We live in a single family neighborhood (Edwards area) and our streets are already maxed out with people parking. Please stop building houses with only one car spot, or no car spot. Most houses take 2 incomes to buy, so that's 2 people with jobs who need cars to get there. Stop thinking about making "progress" and start thinking about what we already have that is broken.	12/17/2020 10:53 PM
46	All this middle housing is wreaking havoc on parking and traffic in the Newberg area. Please stop. Houses here are already much more affordable than anything around Portland. Please quit splitting properties up and making less space for existing home owners!!!	12/17/2020 9:42 PM
47	Don't need anymore apartments or townhouse	12/17/2020 9:40 PM
48	Lets make Newberg a nice town with nice homes. Bringing in rentals, trailers and townhomes will make it look like dayton or lafayette	12/17/2020 9:32 PM
49	Rather than making regulations more flexible, you need to make permits less expensive! The permitting costs are a driving factor in the housing costs for new construction homes. Those costs get passed directly to the consumer.	12/17/2020 7:29 PM
50	Limit on street parking. Parking along street sides causes accidents.	12/17/2020 7:13 PM
51	Just having somewhere to live would be nice.	12/17/2020 5:32 PM
52	Property taxes are already super high in Newberg. I don't mind paying to live in a nice place. I don't want low income housing to affect my home's worth.	12/17/2020 4:02 PM
53	Provide more options to affordably stop renting and start owning under 350k in Newberg.	12/17/2020 2:25 PM
54	Let's not make Newberg like Sherwood. Keep Newberg small.	12/17/2020 12:16 PM

Q2 2. Knowing that standards must be applied equally to duplexes and single family detached dwellings, how important are the following duplex code standards?

Answered: 185 Skipped: 7



Newberg Middle Housing Code Project



■ Not important
 ■ Somewhat important
 ■ Important
 ■ Very important

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Limiting overall size of buildings	25.56% 46	24.44% 44	22.78% 41	27.22% 49	180	2.52
Creating physical/ visual connections between dwellings and the street	27.78% 50	26.67% 48	25.00% 45	20.56% 37	180	2.38
Reducing minimum lot sizes to allow for more duplexes	51.93% 94	22.10% 40	17.68% 32	8.29% 15	181	1.82
Allowing attached and detached configurations	16.48% 30	20.33% 37	36.26% 66	26.92% 49	182	2.74
Modifying setbacks and lot coverage standards to allow for more units	44.75% 81	25.41% 46	17.68% 32	12.15% 22	181	1.97
Adding a requirement for a garage or carport	14.05% 26	19.46% 36	23.78% 44	42.70% 79	185	2.95

Newberg Middle Housing Code Project

#	COMMENTS:	DATE
1	Too much over building. Every place in every part of the city will look like some new York high rise. How do you keep covid out of This dense type of housing. I would not want to live in a sense cramped neighborhood like this.	1/11/2021 8:22 AM
2	Do not pack the community with homes	1/10/2021 3:09 PM
3	Just because you can squeeze in more units, does not mean that you have made it more walkable. Density needs to not be in overdrive.	1/8/2021 1:49 PM
4	Density has to be balanced with livability. A neighborhood is not necessarily more walkable just because there is a lot of housing there.	1/8/2021 12:32 PM
5	Never forget, real PEOPLE have to actually live in these buildings.	1/8/2021 11:41 AM
6	housing is an urgent need. fees should be reduced for builders and requirements should be adjustable within reason.	1/6/2021 11:19 AM
7	Again, very poorly designed survey. The choices for answers are very vague. Important and Not Important don't reflect ones thoughts. For example, I would like to modify setbacks to enable more privacy, not for more units.	1/5/2021 9:56 PM
8	if there is plenty of street parking a garage is less important. but families need somewhere to store their "stuff".	1/3/2021 6:57 PM
9	Space for a small porch swing would be wonderful. Would be nice to have enough space between buildings for pyramidal trees. Also space for small garden in the sunny part of a yard. There should be no "hate strip" between street and sidewalk.	12/31/2020 10:05 PM
10	Needs to be affordable to people on limited incomes & minimum wage earners.	12/31/2020 11:11 AM
11	We want an appealing community, one that encourages people from various backgrounds to settle in our city. The dwellings needs to be homes a person is proud to own.	12/31/2020 9:40 AM
12	Duplex codes should be different from single family detached dwellings. SFDD may want a yard and the activity that goes with it. Many who live in duplex/condo/three/fourplexes do not need or want a yard. Lot sizes for duplexes and the others should reflect that flexibility.	12/30/2020 12:49 PM
13	Not just duplexes: We need to promote zero-lot line building. The codes make this very difficult, especially for setbacks and green space requirements. Habitat for Humanity purchased a large lot on S 3rd. It was clearly large enough for six units if they were all owned by the same landlord. Because of the codes, we ended up building fewer homes on this R3 lot, than if it were zoned R2. Home ownership is the major path to wealth in our history and society. Let's make it easier for people to own their homes, even if attached to a neighbor's home. Businesses do this all of the time, and individually owned townhouses are a feature of most communities who see themselves as cities.	12/27/2020 10:04 PM
14	2 and 3 story takes the privacy away. Too much traffic.	12/27/2020 4:23 PM
15	Reduce the number of homes built so that they aren't just stacked up on each other	12/27/2020 8:45 AM
16	We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:25 AM
17	Most are tough to answer without details. For example, would the garage or carport be instead of or in addition to other off-street parking? How would a dwelling NOT have a physical connection to the street? Reducing minimum lot sizes may be useful, but that's highly dependent on how much you reduce them.	12/26/2020 5:47 PM
18	Its not about the number of units, its about MORE parking. A required single car garage does not help when families have 3 cars.	12/26/2020 3:20 PM
19	Stop cramming in housing without addressing parking and sidewalks. You are making Newberg worse than Medford	12/26/2020 2:40 PM
20	There seem to be no options to oppose some of these statements. You have them worded as	12/26/2020 12:13 PM

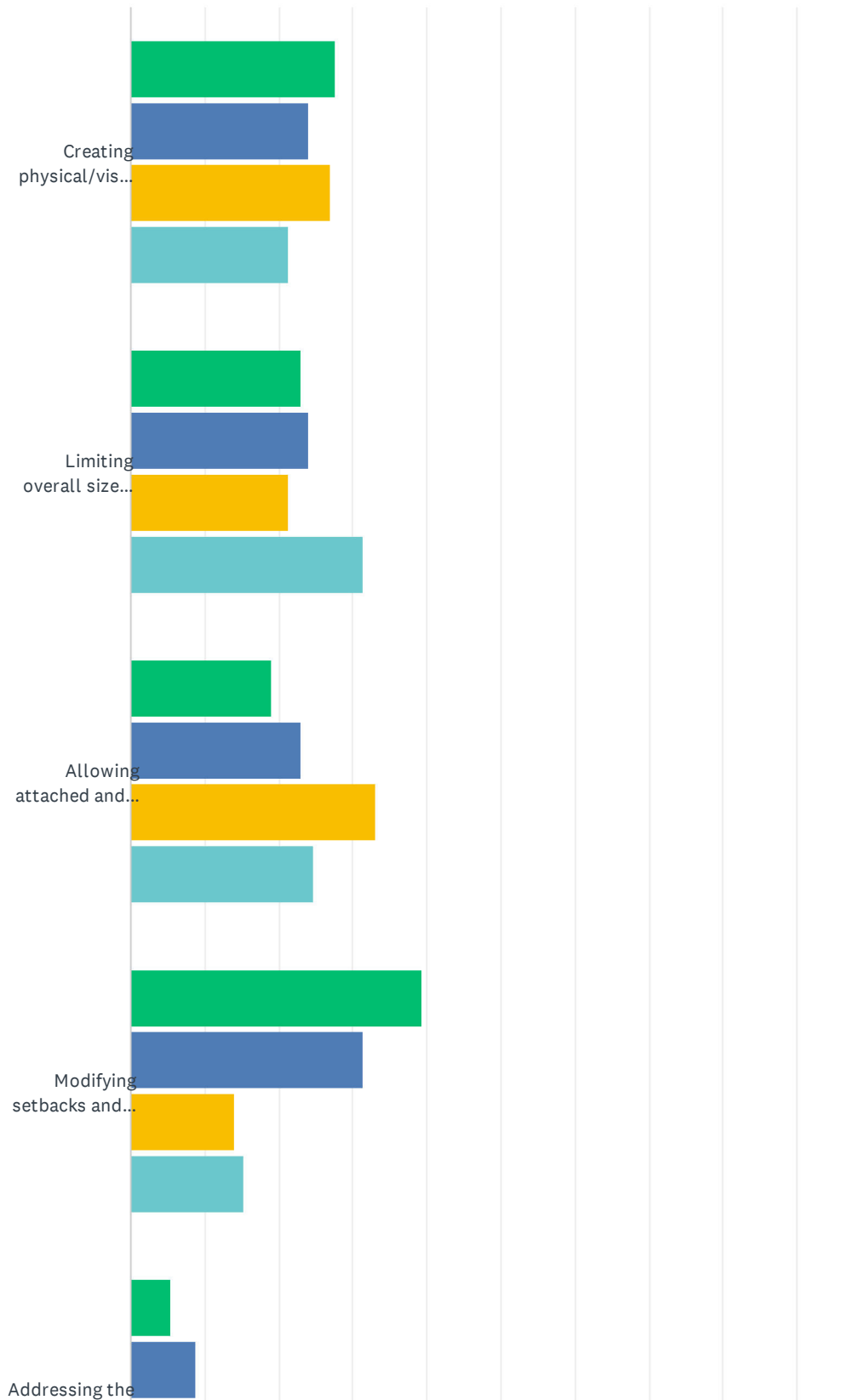
Newberg Middle Housing Code Project

support, or basically doesn't matter. There is no option to oppose a standard.

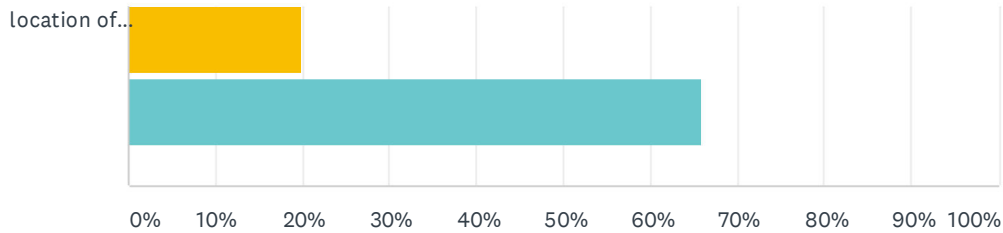
21	Again, thoughtful parking considerations are critical as Newberg continues to grow. I understand the need for density to create affordable housing but please don't overlook the balance of parking and access in terms of livability. We have too many examples already of poor neighborhood design and overly congested streets and limited access.	12/26/2020 8:23 AM
22	These duplex plans to not create livable neighborhoods.	12/23/2020 10:08 PM
23	when changed, visibility from roads should be considered a major factor for road safety. Also, setbacks should allow for wide sidewalks to promote walking where possible.	12/23/2020 3:32 PM
24	The town houses on Foothills are great- reasonable hoa, garages, beautiful and great layouts.	12/22/2020 3:01 PM
25	Not like giving away free parking in teh City lot to teh rentals above on College and first to put more money in the owners pocket	12/22/2020 10:52 AM
26	Yards and space are important for families. Please do not jeopardize the importance of children being outside to squeeze more compact housing in small places.	12/22/2020 6:16 AM
27	No more duplex's, triplets or apartments!	12/22/2020 5:31 AM
28	Stop reducing lot sizes.	12/21/2020 8:56 PM
29	Take your cheap housing to McMinnville	12/21/2020 7:47 PM
30	Reducing lot sizes is a terrible idea. Again, all about increase in collecting property tax \$\$	12/21/2020 4:56 PM
31	Having the duplex not share a wall is great idea. Having a shared carport or garage connect them gives privacy. Staking them on top of each other does the opposite. It makes you feel like your stacked up on top of each other and can't be yourself in your home	12/18/2020 6:35 PM
32	Duplexes should be built at the very minimum, meaning they should be the smallest/most attached new housing being built. I lived in a lot of attached housing growing up and I didn't think I would ever make it out. Lots of row-houses and multiplexes are not actually helpful in getting low income families out of that cycle. It doesn't work. They can't afford to put enough away to put a down payment on a house because rent is just as much as a mortgage, but they are doing it with no earned equity. Stop building large multiplex/tiny homes. Plan out parking to allow for multiple cars.	12/17/2020 11:01 PM
33	The city does not need anymore townhomes.	12/17/2020 9:41 PM
34	You are trying to get like Portland and have multiple houses on a lot this is idiotic	12/17/2020 12:24 PM

Q3 3. How important are the following triplex and quadplex code standards?

Answered: 182 Skipped: 10



Newberg Middle Housing Code Project



■ Not important
 ■ Somewhat important
 ■ Important
 ■ Very important

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Creating physical/visual connections between dwellings and the street	27.59% 48	24.14% 42	27.01% 47	21.26% 37	174	2.42
Limiting overall size of buildings	23.03% 41	24.16% 43	21.35% 38	31.46% 56	178	2.61
Allowing attached and detached configurations	19.10% 34	23.03% 41	33.15% 59	24.72% 44	178	2.63
Modifying setbacks and lot coverage standards to allow for more units	39.33% 70	31.46% 56	14.04% 25	15.17% 27	178	2.05
Addressing the location of parking areas relative to the street and dwellings	5.49% 10	8.79% 16	19.78% 36	65.93% 120	182	3.46

Newberg Middle Housing Code Project

#	COMMENTS:	DATE
1	This is a very bad idea getting worse. This is total over building and will overwhelm the utilities in the streets and city services. This is guaranteed to make people move away from this town or area. A lot of people didn't even know the bill got passed. We sure would have voted no on it if anyone had bothered to tell us about it!!	1/11/2021 8:26 AM
2	no overcrowding	1/10/2021 3:10 PM
3	Multifamily housing needs integrated services and family friendly criteria.	1/8/2021 1:49 PM
4	Cookie cutter configurations make for depressing neighborhoods. Livability is key.	1/8/2021 12:35 PM
5	Again, never forget that PEOPLE need to live here. They need space and parking, play areas for their children and safe walking areas.	1/8/2021 11:43 AM
6	with the large amount of students in the area multiplex housing is an important option. many of them from GFU are walkers...	1/6/2021 11:21 AM
7	see previous comments	1/5/2021 9:57 PM
8	Move house closer to the street to allow for larger "yard" or landscaped area for all the buildings to enjoy together . Having usable natural areas that are private is very important. I personally do not like so many fences since I feel that makes for alienation from our neighbors. Backyards should be as large as possible.	12/31/2020 10:10 PM
9	We need to allow for various sizes and configurations to encourage people in various stages of life to settle and consider Newberg their home. That requires allowing for various housing styles.	12/31/2020 9:43 AM
10	All units need 2x parking spots minimum.	12/28/2020 2:47 PM
11	Too many units. Creates too much traffic	12/27/2020 4:25 PM
12	Same answer as with duplexes: We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:26 AM
13	See comments from previous question as they apply here.	12/26/2020 5:48 PM
14	Parking, parking Parking.	12/26/2020 3:21 PM
15	Parking and sidewalks, otherwise you are ruining the town	12/26/2020 2:41 PM
16	Limiting size: especially applies to height	12/26/2020 12:44 PM
17	Parking requirements should be addressed. All units should accommodate on and off street parking for residents/owners.	12/26/2020 11:11 AM
18	Heights of buildings is important. Allowing over two stories dramatically changes the character of neighborhoods.	12/26/2020 10:45 AM
19	adding in garages for parking and keeping prices affordable!	12/26/2020 9:54 AM
20	Same story. Parking and access.	12/26/2020 8:24 AM
21	Again, setbacks should take road visibility and wide sidewalks into account.	12/23/2020 3:33 PM
22	Short term problems shouldn't be ugly longterm solutions	12/22/2020 3:02 PM
23	Not like that towering mess of Sect. 8 in peoples back yards built on Meridain st.	12/22/2020 10:54 AM
24	Developers will want the city to modify housing codes to allow maximum building space on minimum land. They'll claim this allows them to create affordable housing. But they will design projects with insufficient off street parking, pushing vehicles associated with middle housing to park on streets in front of existing single family homes. So any push for middle housing without adequate parking is asking existing homeowners to bear the burden of increased street parking while developers take their profit.	12/22/2020 7:01 AM
25	Yards and space are important for families. Please do not jeopardize the importance of children	12/22/2020 6:17 AM

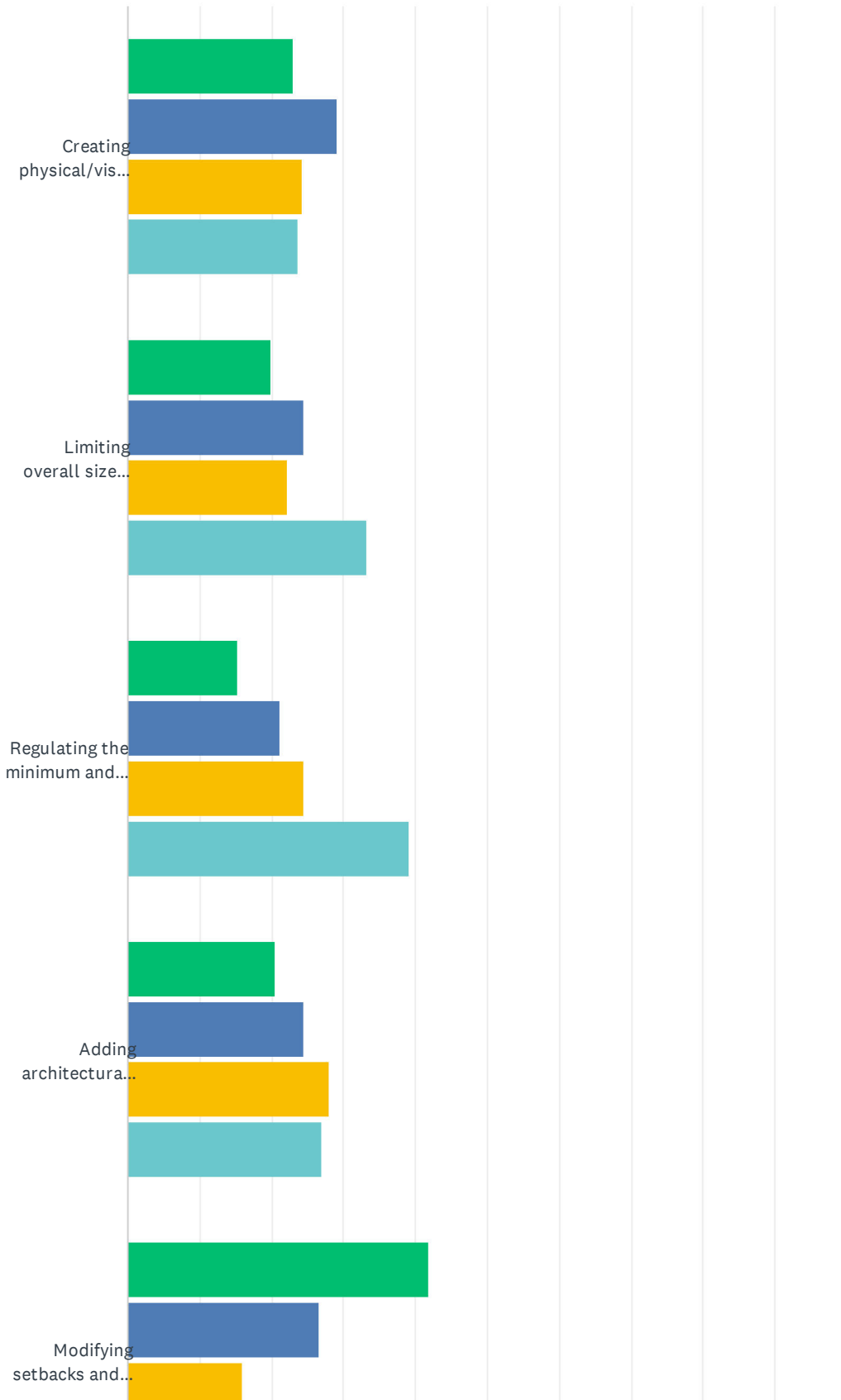
Newberg Middle Housing Code Project

being outside to squeeze more compact housing in small places.

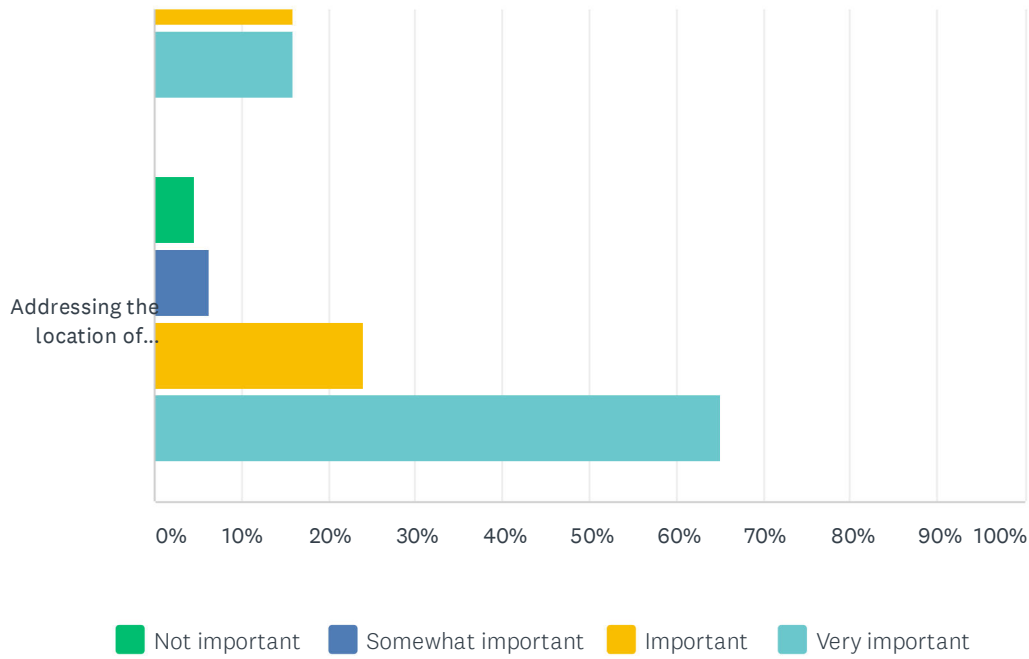
26	No more mult family housing units!	12/22/2020 5:32 AM
27	Take your garbage housing somewhere else	12/21/2020 7:48 PM
28	City of Newberg needs to field trip to Beaverton's Scholls Ferry & Roy Rogers intersect to see how stacked up the living areas area. And, how poorly the roads & infrastructure is not keeping up.	12/21/2020 4:58 PM
29	The second design in the photos looks great. It achieves shared space while still looking attractive and not over crowded.	12/18/2020 6:38 PM
30	Stop building these terrible houses. They don't help people. Most of them are shoddily built and some have been known to harbor black mold. It is awful to live in.	12/17/2020 11:03 PM
31	Please stop building all of these housing units. All of them. The duplexes, triplexes, etc.	12/17/2020 9:48 PM
32	All of those look like apartments. Don't Newberg into Orange County	12/17/2020 9:43 PM

Q4 4. How important are the following townhouse code standards?

Answered: 175 Skipped: 17



Newberg Middle Housing Code Project



	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Creating physical/visual connections between dwellings and the street	23.08% 39	28.99% 49	24.26% 41	23.67% 40	169	2.49
Limiting overall size of buildings	19.88% 34	24.56% 42	22.22% 38	33.33% 57	171	2.69
Regulating the minimum and maximum number of units in a single building	15.20% 26	21.05% 36	24.56% 42	39.18% 67	171	2.88
Adding architectural detailing standards to differentiate units	20.47% 35	24.56% 42	28.07% 48	26.90% 46	171	2.61
Modifying setbacks and lot coverage standards to allow for more units	41.76% 71	26.47% 45	15.88% 27	15.88% 27	170	2.06
Addressing the location of parking areas relative to the street and dwellings	4.57% 8	6.29% 11	24.00% 42	65.14% 114	175	3.50

Newberg Middle Housing Code Project

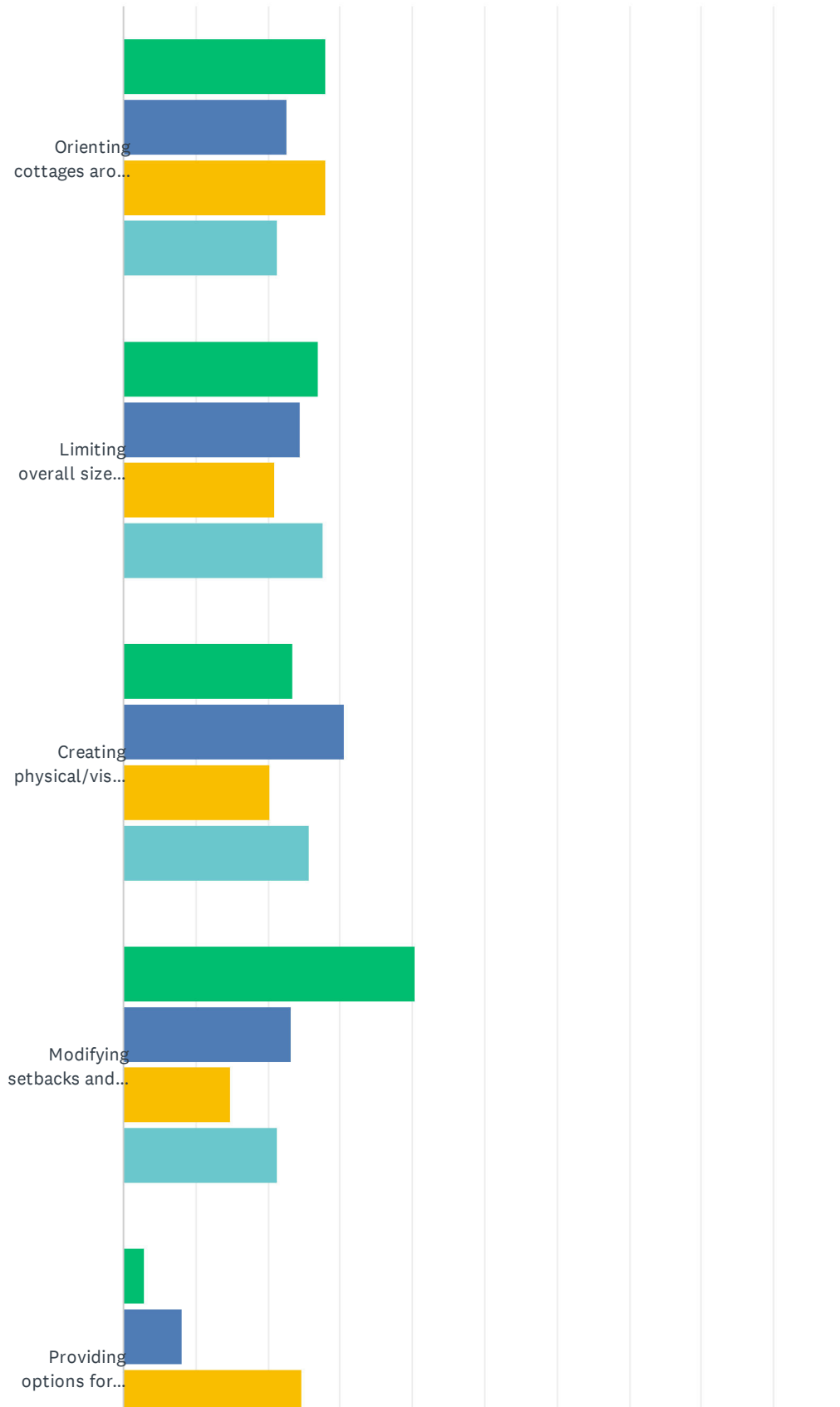
#	COMMENTS:	DATE
1	Stack it up housing. Total disgrace to the neighborhood. This is the worst abuse of power I have ever seen in this city. So real estate gets the money from this mess. Cars parked all over the roads. No trees.no grass. No parks. Taking our city over for profit.	1/11/2021 8:29 AM
2	don't overcrowd this town	1/10/2021 3:12 PM
3	Integration is key. It does include environment and community.	1/8/2021 1:49 PM
4	Mixed unit sizes per lot helps support a diverse tenant population and enriches the neighborhood.	1/8/2021 12:39 PM
5	It can never be about where to put "residents" but how to enhance the lives or HUMAN BEINGS.	1/8/2021 11:45 AM
6	in this time of need regulations need to be adjusted temporarily. the city needs to look towards communities that have successfully embrace new trends in housing.	1/6/2021 11:23 AM
7	I think the above opinion system is unclear. I did not feel clear as to my being for or against the description or just that it was important to be felt with.?? Are underground garages not an option? I think garages in the front are UGLY and take up good area that could be a natural area. Garages should be in the rear or underground.	12/31/2020 10:15 PM
8	People needs to feel they have some choices with where and how they live. The houses also must be seen as home. The ability to own a home or rent a nicely developed space, correlates to a more successful life.	12/31/2020 9:46 AM
9	Not impressed with this concept; too many units.	12/30/2020 3:04 PM
10	Many people will live in these dwellings. Parking is always a challenge and leads to safety problems for children and others when everyone parks on the street and visibility is limited.	12/30/2020 12:51 PM
11	Alley / Rear parking is the preferred	12/30/2020 7:05 AM
12	In a place with soaring property values, you logically cannot grow without either suburban sprawl or higher density housing. We should reward higher density residential--more people who can afford to live here where they work, the less strain on infrastructure.	12/27/2020 10:08 PM
13	More opportunities to buy. Less traffic riff raff	12/27/2020 4:26 PM
14	We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:27 AM
15	Townhouses should have a minimum of 3 parking spaces NOT including the garage.	12/26/2020 3:22 PM
16	There is already a population density issue in town and parking and sidewalks are a joke. Make del Boca vista fix up our town for a change and stop letting them rape us for profit	12/26/2020 2:43 PM
17	Rear garages have more curb appeal	12/26/2020 2:02 PM
18	Visual impact on neighborhoods is super important	12/26/2020 12:45 PM
19	Do not permit no onsite parking units please! Parking problems impact neighborhoods dramatically.	12/26/2020 10:48 AM
20	Again, setbacks should take road visibility and wide sidewalks into account	12/23/2020 3:34 PM
21	Affordable shouldn't mean cheaply smashed together with high hoa	12/22/2020 3:03 PM
22	Dont need a towering ugly structure that is over bearing on neighbors like the new GFU building on Villa rd.	12/22/2020 10:55 AM
23	Yards and space are important for families. Please do not jeopardize the importance of children being outside to squeeze more compact housing in small places.	12/22/2020 6:17 AM
24	No more town houses.	12/22/2020 5:33 AM
25	No Modifying set backs to allow more units for any form of multi family housing.	12/21/2020 5:34 PM

Newberg Middle Housing Code Project

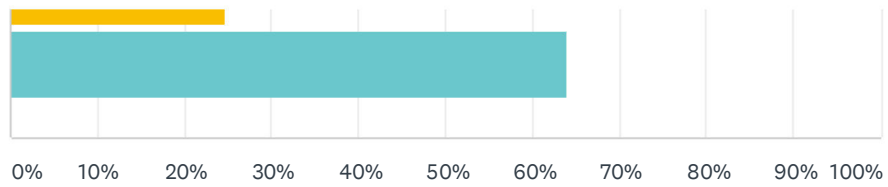
26	Newberg streets will never be able to handle the increased traffic & support of fire & public safety departments.	12/21/2020 4:59 PM
27	Having parking in the back with shared green space in between rows of driveways for kids to play.	12/18/2020 6:45 PM
28	This is a rural community. Don't turn it into a big city with huge rows of houses. They did it in Beaverton and it's awful. All of these additions of tons of houses on small lots don't contribute to the overall economy of our town. They just feed money into the pockets of big corporations who swoop in and build things up. It's not good for our town.	12/17/2020 11:07 PM
29	Looks like Beaverton or Orange County CA. Don't ruin Newberg with all theses attachment homes	12/17/2020 9:44 PM
30	Who cares what they look like? The rent prices in Newberg are unaffordable. Just having more places to tip the market in the favor of renters/buyers is a great start.	12/17/2020 5:34 PM

Q5 5. How important are the following cottage cluster code standards?

Answered: 171 Skipped: 21



Newberg Middle Housing Code Project



■ Not important
 ■ Somewhat important
 ■ Important
 ■ Very important

	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Orienting cottages around a shared courtyard area	27.98% 47	22.62% 38	27.98% 47	21.43% 36	168	2.43
Limiting overall size of the cottages	26.95% 45	24.55% 41	20.96% 35	27.54% 46	167	2.49
Creating physical/visual connections between dwellings and the street	23.35% 39	30.54% 51	20.36% 34	25.75% 43	167	2.49
Modifying setbacks and lot coverage standards to allow for more units	40.48% 68	23.21% 39	14.88% 25	21.43% 36	168	2.17
Providing options for shared parking or parking close to each cottage	2.94% 5	8.24% 14	24.71% 42	64.12% 109	170	3.50

Newberg Middle Housing Code Project

#	COMMENTS:	DATE
1	These places have no ysdrds. Children must play in the road. No yards for dogs. Pets get run over. How do you have your kids play ball in the back yard. Such a sad building future. These dont care about families of kids. Just want to sell to millennials who have no kids. Really bad plan. No parking for elderly or mothers dragging groceries home. Really a pipe dream. Who came up with this stuff in the first place? Real estate people who sell to millenials? Tunnel vision!!	1/11/2021 8:34 AM
2	do not overcrowd this town	1/10/2021 3:12 PM
3	Even cottages in the same complex do not need to be cookie cutters just because it pencils out better.	1/8/2021 1:49 PM
4	Integrating clusters with the larger neighborhood is vital to the success of the development. Clear lines of sight to community areas help occupants feel safe.	1/8/2021 12:45 PM
5	This stuff is easy if every decision maker thinks "How would I want it to be if I lived here?"	1/8/2021 11:46 AM
6	this type of housing is not new its just been phased out because of the codes. in the eary 20th century this was a common setup. you see remnants still used in many communities including Newberg. These would be very useful and very similar to tiny housing pods used in Portland. The city needs to look outward to communities that has successfully embraced nonstandard forms of new construction.	1/6/2021 11:26 AM
7	important and not important are not great answer choices. Was my comment important or not important	1/5/2021 10:00 PM
8	These are good. Best to be able to sit on the porch and not see or be seen by neighbors next door.	12/31/2020 10:18 PM
9	Needs to be affordable!	12/31/2020 11:15 AM
10	People need these choices to feel like they have a real home, we need creative ways to house our people, and we need our community to grow and thrive	12/31/2020 9:47 AM
11	This is the best concept of all, I believe. Creates a sense of community, is attractive, accessible for older people, and more attractive personal space.	12/30/2020 3:08 PM
12	If builders and developers can make money with residential units they can sell, they will build more affordable housing. Fewer units per acre, more expensive each becomes.	12/27/2020 10:10 PM
13	Too many units too much traffic and riff raff	12/27/2020 4:27 PM
14	This is my favorite option for our town. they remain small and unobstructive	12/27/2020 8:42 AM
15	We do not need smaller lots and more homes jammed into an area. Have you seen the nightmare that is villebois? Or even the neighborhood next to our airport is outrageous! It is so dangerous! If ever there is a need for a fire truck, there is no way for it to access the area. If anything the min lot size needs increased again and parking needs to be onsite not on the street.	12/27/2020 7:28 AM
16	Size should be market driven	12/26/2020 8:32 PM
17	More Parking!	12/26/2020 3:23 PM
18	Don't forget adequate parking	12/26/2020 2:43 PM
19	Consider a cluster for low income families.	12/26/2020 2:39 PM
20	Not a fan of this layout altogether	12/26/2020 2:03 PM
21	Overall size limits: especially height	12/26/2020 12:46 PM
22	would be nice to have detached garages for these too	12/26/2020 9:56 AM
23	These units have created problems over near old 99w.	12/23/2020 10:11 PM
24	Again, setbacks should take road visibility and wide sidewalks into account. Also, promoting off road parking, walkability of areas, adding parks should be a top priority.	12/23/2020 3:37 PM
25	Privacy is important.	12/22/2020 3:04 PM

Newberg Middle Housing Code Project

26	Yards and space are important for families. Please do not jeopardize the importance of children being outside to squeeze more compact housing in small places.	12/22/2020 6:18 AM
27	This is a bad idea also	12/22/2020 5:33 AM
28	Take this shit to McMinnville	12/21/2020 7:50 PM
29	No modifications of set backs or anyother codes	12/21/2020 5:35 PM
30	This is likely the best option presented in this survey	12/21/2020 5:01 PM
31	These look great and I'm sure collage kids from George Fox would like the shared space. I love that you can walk or bike almost anywhere in newberg easily. If these units were small enough to be affordable and located close enough to business centers they would be a good fit for peoples needs.	12/18/2020 6:58 PM
32	Just build regular single family houses so that there are good options to move to. Then we can sell our one-family house and another family can move in and grow here. Don't rush the process by building a ton of tiny homes.	12/17/2020 11:09 PM
33	These are over 50 homes and they need garages or the streets of Newberg will be all cars	12/17/2020 9:45 PM

Q6 6. Can you think of any other barriers to developing middle housing in Newberg?

Answered: 87 Skipped: 105

Newberg Middle Housing Code Project

#	RESPONSES	DATE
1	Walkability to services-i.e. restaurants, shops The livability of Newberg-i.e. lack of childcare, unwelcoming atmosphere for diverse populations	1/11/2021 12:31 PM
2	Reality. This stuff is totally ludicrous. No input from public. Just another sell out by state politicians to big money real estate. Take our land. Take our houses. Why not just use eminent domain to force us out of our homes now and build this stuff to sell to cry baby millenials.	1/11/2021 8:38 AM
3	Allow for some more mobile homes so people can afford a decent home.	1/10/2021 3:14 PM
4	Potential impact on schools/student population #'s	1/9/2021 7:52 AM
5	Lack of local participation in the development process	1/8/2021 1:50 PM
6	While outside investment plays an important role in development, community participation in planning mitigates the potential dissatisfaction the current population. 0 community input times any variable of investment \$ = unsatisfactory product.	1/8/2021 12:52 PM
7	We want to resist urbanization as much as possible. Human beings need privacy and breathing room, a quiet space for intimacy with their selves and relations. Overcrowding just to create "housing" leads to unhappiness. Parks, streets, walkways all need keep up with population. The high cost of housing is due to manipulation by banks and developers and has little to do with actual demand. If someone can buy a new 2500 sq ft house in Ohio for \$300,000, then we in Oregon should also be able to get that house here.	1/8/2021 11:54 AM
8	Fees charged to the developer that disincentives building low income housing.	1/7/2021 11:39 AM
9	Homeowner's associations. They're terrible and usually classist and should not be a thing, especially in middle housing that is supposed to be more affordable.	1/7/2021 12:58 AM
10	Don't loose the city to make this happen. Keep newberg what it is growing into. A destination for tourist	1/6/2021 9:44 PM
11	being sure there are schools and other community services for new population in the community	1/6/2021 7:13 PM
12	Zone for it. Push back against a house bill no one here voted on.	1/6/2021 3:50 PM
13	Regulations that will not permit such dwellings	1/6/2021 2:28 PM
14	zoning, strict sets of beautification requirements and fears of property values being effected. Tiny housing pods are not the devil.	1/6/2021 11:35 AM
15	More housing equals more cars and people. Do we have the infrastructure to support this? Even the police drive around the potholes in our neighborhood. That is, the few police that we have.	1/5/2021 10:04 PM
16	Not affordable for locals.	1/3/2021 7:20 PM
17	No	1/3/2021 10:52 AM
18	no	1/2/2021 6:09 PM
19	do water, stormwater, and wastewater systems need to be enlarged for higher density housing?	1/2/2021 2:14 PM
20	The insides need sensitive practical treatment. consider pocket doors, window over kitchen sink, solar, skylights.	12/31/2020 10:22 PM
21	Government	12/31/2020 2:11 PM
22	People who employ NIMBY. Don't want rentals or lower income housing in their neighborhoods.	12/31/2020 11:17 AM
23	Parking issues are important. School crowding is a big issue, as well.	12/31/2020 8:20 AM
24	Available land in City or incorporating county property into City.	12/30/2020 3:10 PM
25	The NIMBY mindset	12/30/2020 2:42 PM
26	Adequate parking and good green space allocation, so folks have open spaces to use, but not maintain.	12/30/2020 12:54 PM
27	parking requirements (less), lot coverage ratios (more lot coverage allowed)	12/30/2020 7:08 AM

Newberg Middle Housing Code Project

28	Consider communities around the place where these middle housing are built. For example, maybe that community is mostly single family house neighborhood and resident there may not like to have middle housing community; for example, maybe the place is in the middle of factory land, and it is not good for middle housing resident.	12/29/2020 10:52 AM
29	Visual impact. No huge buildings overpowering the neighborhoods. Keep visual effect compatible with neighborhood.	12/28/2020 7:33 PM
30	Support of more cottages and ADUs, less townhomes. Greenspace is very important.	12/28/2020 2:47 PM
31	opposition to developing alternative housing options for existing properties. Make it easy for people to add a bathroom and a bedroom to rent.	12/27/2020 10:18 PM
32	Need opportunities to buy.	12/27/2020 4:29 PM
33	The cost is to high	12/27/2020 8:48 AM
34	Yeah, everywhere that has tried this type of approach has failed. People that actually pay taxes don't want to live next to low income housing. It drives out all the higher income people, and then decreases property values leading to crime. Do a basic amount of research on areas that have tried it. I watched the Villa in Portland try the same tactic and it failed miserably.	12/26/2020 11:37 PM
35	Proximity to public transit, amenities	12/26/2020 8:33 PM
36	No.	12/26/2020 6:49 PM
37	Greed	12/26/2020 6:18 PM
38	Other than which barriers?	12/26/2020 5:50 PM
39	Lack of available land parcels, older narrow streets, many already small lots, unfinished streets, lack of sidewalks, lack of bike paths not in roadways, deteriorating sewer and water sysyrms	12/26/2020 5:27 PM
40	Never enough parking.	12/26/2020 3:24 PM
41	Don't do it	12/26/2020 2:44 PM
42	Your engineering department with rain garden requirements.	12/26/2020 1:34 PM
43	Consider the visual impact on existing neighborhoods	12/26/2020 12:47 PM
44	High cost of building permits	12/26/2020 12:41 PM
45	Parking will be the biggest ongoing issue.	12/26/2020 11:13 AM
46	Aesthetics! In Portland new, three-story glass and steel units, usually without onsite parking, overshadow and overpower existing traditional craftsman style homes, ruining the character of neighborhoods. Please, please don't let that happen here.	12/26/2020 11:04 AM
47	Parking is the biggest issue, along with adding more street lights at intersections vs. stop signs. As well as safe, walkable sidewalks.	12/26/2020 10:16 AM
48	cost. to many are built and to pricey for average person	12/26/2020 9:56 AM
49	Thoughtful design, reasonable adjustments to setbacks and community space/buffers, and ADEQUATE parking and access for these types of developments. We have done a poor job of managing this aspect for the sake of higher density. We have the opportunity to create quality liveable communities or we can continue to allow developers to simply slam as many units in as possible with little to no thought about long term implications.	12/26/2020 8:31 AM
50	Contractors get majority of lots making it harder for average person to buy a lot. Property tax is very high	12/25/2020 4:12 PM
51	None	12/23/2020 4:58 PM
52	More areas in a walkable distance to downtown Newberg should be opened for development, especially near-waterfront areas.	12/23/2020 3:41 PM
53	Systems Development Charges should be reduced in proportion to building size or even subsidized by large home development. Greater density for cottage development will not be achieved if current stormwater standards are applied. The city should allow rain gardens for	12/23/2020 11:08 AM

Newberg Middle Housing Code Project

storm detention and provide a standard design method similar to the LIDA design sheet so that a developer does not need to spend \$3K-\$6K on engineering design effort.

54	Appeal, do not want to lose the charm or quality of life a a small town and turn it into Beaverton.	12/23/2020 4:46 AM
55	Zoning will be important. I hate developers making lots of money by shoving too many houses in small lots. Also condo hoa doesn't go toward any equity causing a cycle of income inequality with house values.	12/22/2020 3:08 PM
56	It brings crime	12/22/2020 9:18 AM
57	High permit fees	12/22/2020 8:59 AM
58	Parking is a HUGE issue. Size of the other homes in the area.	12/22/2020 8:14 AM
59	We do not need middle housing, we need business.	12/22/2020 5:37 AM
60	Price	12/22/2020 1:37 AM
61	No	12/22/2020 1:13 AM
62	The completely stupid attitude that housing density is important. Look at history, housing density means more health problems. Just look at the mental illness of the illiberal liberals!	12/21/2020 11:47 PM
63	Make them actually affordable and available to those who can't afford the overpriced housing that is already available.	12/21/2020 9:58 PM
64	Cost. There needs to be more housing options for low income and no income families. There has to be something else besides putting a name on a list and having to wait three or more years for help.	12/21/2020 9:45 PM
65	Needs to be affordable for seniors who are very dependable but have limited income	12/21/2020 9:38 PM
66	The traffic issues have not been addressed as well as lack of parking and pedestrian safety.	12/21/2020 9:02 PM
67	We don't want it in Newberg	12/21/2020 7:52 PM
68	Neighborhood associations? Expensive/time-consuming permitting process?	12/21/2020 6:31 PM
69	Permit fees	12/21/2020 5:38 PM
70	Limit multi family housing as much as possible keep Newberg liveable with nice neighborhoods and single family dwellings and less Crime Hubs such as apartment complexes ect	12/21/2020 5:38 PM
71	Lack of a comprehensive plan that makes it realistic for working class people to spend no more than 30% of their net income on housing, let alone provide a path to home ownership.	12/21/2020 11:48 AM
72	Unclear, contradicting rules/regulations. Limit ability to have homes (ie. tiny homes) brought in on an axle.	12/20/2020 8:50 AM
73	Parking is a huge issue.	12/19/2020 9:50 AM
74	Newberg lacks Space to develop while still maintaining the small town character that draws people here. Cleaning up and developing existing lots will improve the town. Keeping new construction matching the older buildings styling so it is harmonious while using modern construction techniques is challenging. I think creative solutions can be found.	12/18/2020 7:40 PM
75	Reaching out to people locally before you reach out to outsiders	12/18/2020 2:59 PM
76	Newberg is already becoming overpopulated. We moved here 4 years ago after getting married and living 2 years in a duplex in Sherwood. We started our family here. And we are having trouble moving forward because we don't want to live in a town that is overrun with tiny houses with no parking. Newberg is the nice middle in between my and my spouses' full time jobs (one in Portland, one in McMinnville) so we can't move in either direction, we would like to stay here in this town. But we aren't in Portland and this shouldn't be like Portland, or Beaverton, or Hillsboro.	12/17/2020 11:15 PM
77	Please quit ruining Newberg with these units! Housing is already very affordable here in the grand scheme of Oregon housing. Please stop.	12/17/2020 9:51 PM
78	Stop all the low income housing. The churches can't handle all the needs	12/17/2020 9:47 PM

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79	Lets have nice lots 7500sq ft minimum with 1 level homes for our retired folks that have money, guaranteed income and keep up their yards and don't have a bunch of junk cars sitting around like many of the apartment complexes.	12/17/2020 9:38 PM
80	No	12/17/2020 8:33 PM
81	Permitting costs. The city fees associated with building have become prohibitive to affordable housing.	12/17/2020 7:35 PM
82	Traffic on both sides of the street can be a nightmare.	12/17/2020 4:05 PM
83	Parking is a huge issue. I live in a duplex and there needs to be enough parking for multiple cars. Especially in Newberg with all the Fox students.	12/17/2020 4:02 PM
84	Will it still be affordable for the people that we are in need of rental housing?	12/17/2020 2:49 PM
85	I'm reminded of when GFU built another dorm building on Villa Rd. The amount of parking spaces was apparently according to code and the Newberg Planning Commission approved it. Once the dorm was finished and students moved in, parking was a horrible issue on Villa Rd and other nearby roads. It is still an issue. My concern with developing middle housing is that parking will continue to be a bigger issue. On-street parking does help alleviate that issue, but only if the road is well equipped for that. Many roads in Newberg are not wide enough to accommodate parking on both sides and will only receive more wear and tear that they already can't handle. Despite this, I do think middle housing is a great idea and would provide more affordable housing for our community.	12/17/2020 2:31 PM
86	costs -- keeping costs affordable for everyone	12/17/2020 1:23 PM
87	Sewer system capacity	12/17/2020 11:57 AM

Q7 7. Is there anything else you would like to share about the Newberg Middle Housing Project?

Answered: 75 Skipped: 117

Newberg Middle Housing Code Project

#	RESPONSES	DATE
1	Total sell out to big money interests and big deal estate. Worst example of state government selling city out I have ever seen.	1/11/2021 8:38 AM
2	Please do not densely pack this town with homes.	1/10/2021 3:14 PM
3	Please proceed with caution. Many mistakes are being made because people do not know how to respond to a crisis, especially crises that have so many layers of policy, financing, and livability. Stakeholder engagement should be visibly documented and translated to encourage broad participation and build trust before bricks and sticks. Thank you for asking these important questions. I would like to be kept in the loop. Please feel free to contact me with instructions about how to sign up for updates.	1/8/2021 1:50 PM
4	I am middle income and am part of the target demographic. This matters to me.	1/8/2021 12:52 PM
5	Thank you for requesting feedback. I don't envy your position of getting between the Housing Code and the greed of developers and banks.	1/8/2021 11:54 AM
6	I'm excited about this, both as someone who believes housing is a human right and as someone who has been trying to buy their first home for several months now, and not had success because of being constantly out-offered. I would also like to share my hope that middle housing will allow pets, because pet ownership should not be limited to only those who can afford to own houses with big yards. And in support of pet ownership in middle housing, as well as just people's ability to spend time outside in their own neighborhood, middle housing should always be near well-maintained, walkable sidewalks and hopefully within walking distance of accessible green spaces, for the enjoyment of people and (well behaved/under control) pets alike.	1/7/2021 12:58 AM
7	No	1/6/2021 9:44 PM
8	Thank you for addressing the need for affordable housing in Newberg!	1/6/2021 1:00 PM
9	http://www.luxtiny.com/az-tiny-home-models/ https://tinyhousegiantjourney.com/2020/07/02/coastal-tiny-house-community	1/6/2021 11:35 AM
10	Please find a way to get the majority of residents opinion in a new, higher quality survey.	1/5/2021 10:04 PM
11	with a surplus of single family (R-1) land, middle housing provides a good opportunity to increase the supply of affordable housing.	1/4/2021 8:36 AM
12	Let's do it!	1/3/2021 7:01 PM
13	Density of population in terms of impact on traffic.	1/3/2021 10:52 AM
14	no	1/2/2021 6:09 PM
15	These tend to be cheaply built housing and within a few years are run down. They turn into rentals and a lot of the tenants don't care about the appearance in and around the neighborhood. A suggestion might be to have HOA's for each new development.	1/1/2021 12:24 PM
16	I always have plenty of ideas (ha). If I could see specific plans and details I could probably come up with more observations or ideas.	12/31/2020 10:22 PM
17	Stop the permit abuse	12/31/2020 2:11 PM
18	We need truly affordable housing for people who earn minimum wage & those on limited incomes.	12/31/2020 11:17 AM
19	An excellent idea and would benefit many.	12/30/2020 3:10 PM
20	Multi stories and mixed use	12/30/2020 2:42 PM
21	Not totally sure if this could fit here, but I would like to see zoning support tiny houses, if it does not already.	12/30/2020 1:33 PM
22	This will be the most needed housing in the future as so many begin to leave the unruly metropolitan areas for suburbia.	12/30/2020 12:54 PM
23	100% behind this, we need more middle housing - it provides opportunities for small landlords, and for owner occupants to defray the cost of ownership through renting 1-2-3 units.	12/30/2020 7:08 AM

Newberg Middle Housing Code Project

24	Keep it transport of how tax money, investor money is handled during this middle housing project.	12/29/2020 10:52 AM
25	Parking is huge. Every dwelling must have off street parking.	12/28/2020 7:33 PM
26	Include tiny homes along with cottage layouts	12/28/2020 12:43 PM
27	Higher density should be one of the highest priority goals. Land prices are outrageous here, which makes traditional thinking about housing development obsolete. If a buildable lot costs \$100,000, even two units will not be affordable to most of the people who work in Newberg. Quit building to attract commuters. When I was a child, our family of 5 lived comfortably in a 700 square foot house. Now that would be considered almost poverty housing. Let's get out in the lead for smaller footprint options. It is more automobiles, not bigger buildings, that will strip Newberg of its small town feel. Now it is commonly the case that graduates from Newberg High School--people who have lived here all of their lives--cannot afford to live here if they don't live with their parents. This is shameful, regressive, and in the medium-term will do great damage to our community.	12/27/2020 10:18 PM
28	Too many apartments cause riff raff and trashiness in the neighborhood	12/27/2020 4:29 PM
29	Include more native plants and trees in your builds	12/27/2020 8:48 AM
30	I will move out of Newberg and take my tax dollars with me if this is the direction the city is headed.	12/26/2020 11:37 PM
31	No.	12/26/2020 6:49 PM
32	I hope this survey isn't an indication of how the Project is being conducted. It is a fairly poorly written survey. Questions are far too vague.	12/26/2020 5:50 PM
33	No	12/26/2020 5:27 PM
34	This will not help our town	12/26/2020 2:44 PM
35	Please consider to address the homeless in our area. It costs more to care for someone homeless than it is to actually give them a place to live.	12/26/2020 2:42 PM
36	I don't feel that there should be any middle housing developments in Newberg	12/26/2020 2:10 PM
37	Keep neighborhoods livable and in character with existing buildings	12/26/2020 12:47 PM
38	Tiny homes should be allowed; since many are "pre-fab" the permit fees should be reduced to reflect the lack of work required by permit department	12/26/2020 12:41 PM
39	Parking, parking, parking. Easy access from parking to unit.	12/26/2020 12:30 PM
40	Preserving the character and livability of existing neighborhoods is paramount. Ensuring onsite parking, limiting height, and requiring new dwellings to be stylistically compatible with existing dwellings are the best ways to ensure character and livability are preserved.	12/26/2020 11:04 AM
41	no	12/26/2020 9:56 AM
42	None	12/23/2020 4:58 PM
43	Affordable buying options need to be considered more than rental options. Rental options are important, but owning a house is the main way citizens build wealth since a home is usually the largest asset a person owns.	12/23/2020 3:41 PM
44	Middle housing should be permitted on minimum lot sizes per the underlining zoning, not 7,000sf.	12/23/2020 11:08 AM
45	Can decrease value of property nearby and single family homes; quality of life issues.	12/23/2020 4:46 AM
46	If the city has high expectations of developers they'll rise to meet it, don't settle. Help our town keep charm and provide excellent affordable housing.	12/22/2020 3:08 PM
47	If older adults (over 65) are the target buyers for some of the middle housing options, it would be strategic to have these new developments be close to community resources and grocery stores or at least a bus stop. May elderly people can remain in their own home and continue living independently if they are in walking or close driving distance to grocery stores.	12/22/2020 2:40 PM
48	Don't do it and destroy our city	12/22/2020 9:18 AM

Newberg Middle Housing Code Project

49	Hope this also applies to all the upper end neighborhood developments in the city too.	12/22/2020 8:14 AM
50	Don't ask existing homeowners to have their streets clogged with parked vehicles from new higher density housing.	12/22/2020 7:05 AM
51	This is not a project the city council should be working on, stop trying to to put the problems of other metro cities into your agenda. Focus on getting new business's into Newberg and taking care of the citizens that already live here, instead of trying to pack as many people into city limits like you're trying to do.	12/22/2020 5:37 AM
52	It would be nice to have standard houses built instead of mini condos or apartments. Nice neighborhoods bring family's.	12/22/2020 1:13 AM
53	It is stupid!	12/21/2020 11:47 PM
54	I know that Newberg is progressing but at some point there needs to be an end to it.	12/21/2020 9:58 PM
55	Please create help for low income and no income families.	12/21/2020 9:45 PM
56	Much needed housing	12/21/2020 9:38 PM
57	To many houses crammed together with a small-slice of pavement is bad for Newberg. We need more green spaces and access to the river and recreation to improve the livability of this town.	12/21/2020 9:02 PM
58	Take your bullshit low income house and the crime that goes with it to Portland where it belongs	12/21/2020 7:52 PM
59	Thanks for thinking ahead! People who work in Newberg must be able to afford living in Newberg	12/21/2020 6:31 PM
60	Limit multi family housing as much as possible keep Newberg liveable with nice neighborhoods and single family dwellings and less Crime Hubs such as apartment complexes ect	12/21/2020 5:38 PM
61	What areas is Newberg considering to place these homes? Sincerely hope Newberg is not thinking oof tearing down existing homes & buildings.	12/21/2020 5:02 PM
62	Expand this project to help make it more doable to have ADU's and other smaller footprint homes to be added to properties.	12/20/2020 8:50 AM
63	Feel having enough parking and access to outside areas is very important for the sake of both our town and residents.	12/19/2020 1:21 PM
64	Allow for lots of parking. Give folks some space with their homes. Bigger lot sizes.	12/19/2020 9:50 AM
65	Making sure there is enough parking.	12/19/2020 1:39 AM
66	I appreciate the need and requirements for affordable housing. We need to make sure it fits the town and do it in a thoughtful manner. The bi pass was sold to newberg as an answer to traffic but drops you out at a random section of the 18 with no good path to continue. The traffic times listed on the sign for the 99 vs the bipartisan are almost always the same. It has hurt the character of Newberg by casting a shadow on some of the houses in town and goes within yards of the second story of a duplex.That is awful. We want projects that make us feel good about where we live. Properly done new housing can gel with the town and serve the needs of people. Affordable units within walking distance of services are a perfect fit. Blocking views of the river and the forested hills would be bad.	12/18/2020 7:40 PM
67	Stop middle housing!!!	12/17/2020 9:51 PM
68	Where are all the kids going to go to school? Build new schools and staff before we build more low income housing.	12/17/2020 9:47 PM
69	I think all this focus on affordable housing is ridiculous. Look at north newberg compared to south newberg. The north is much more desired because it has been kept and has nice appealing homes not a duplex with 5 junk cars parked out front.	12/17/2020 9:38 PM
70	I think location is important. Placing new housing developments in places where amenities can be easily accessed is crucial. Also, irritating housing into neighborhoods is critical. Is prefer many smaller clusters of housing throughout the town versus one large development.	12/17/2020 8:33 PM
71	It is extremely important that these types of developments are not built within existing	12/17/2020 7:35 PM

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neighborhoods. Citizens purchased within those neighborhoods expecting similar constructions around them based on the single family zoning. If a developer now crams in multi-family properties, it will impact parking, livability and have a massive impact on property values. We must protect property values for those that have invested hundreds of thousands of dollars into their homes.

72	Just glad this is being talked about, thanks.	12/17/2020 5:35 PM
73	Thank you for taking the time to do this. We need more housing options for our community.	12/17/2020 4:02 PM
74	Great idea. Building more single-family units smashed into smaller and smaller lots is not the answer to 'affordable' housing. Creating liveable, desirable, and affordable multi-unit rentals is going to go a long way to meeting the demand.	12/17/2020 2:49 PM
75	Cookie cutter housing is ugly	12/17/2020 11:57 AM

Q8 Sign up here to receive project updates! Your contact information will not be shared and responses will be reported in aggregate.

Answered: 49 Skipped: 143

ANSWER CHOICES	RESPONSES	
Name	100.00%	49
Company	0.00%	0
Address	0.00%	0
Address 2	0.00%	0
City/Town	0.00%	0
State/Province	0.00%	0
ZIP/Postal Code	0.00%	0
Country	0.00%	0
Email Address	97.96%	48
Phone Number	0.00%	0

Newberg Middle Housing Code Project

#	NAME	DATE
1	Tiona Cage	1/9/2021 7:52 AM
2	Joyce Allegra del Rosario	1/8/2021 1:50 PM
3	Leif Lidin-Lamon	1/8/2021 12:52 PM
4	Russell Johnson	1/8/2021 11:54 AM
5	Karen A Moore	1/7/2021 11:39 AM
6	Sarah Staples-Kelley	1/7/2021 12:58 AM
7	Beth Woolsey	1/6/2021 1:00 PM
8	Sue Pruitt	1/6/2021 1:00 PM
9	laura lehman	1/6/2021 11:35 AM
10	Amy Ashcroft	1/5/2021 10:04 PM
11	Jared C Jones	1/4/2021 7:50 PM
12	Charlie Harris	1/4/2021 8:36 AM
13	Wilma McNulty	12/31/2020 10:22 PM
14	Rick Lipinski	12/31/2020 5:18 PM
15	Dave miller	12/31/2020 2:11 PM
16	Pauline Metoxen	12/31/2020 11:17 AM
17	Lydia Schramm	12/31/2020 9:47 AM
18	Mary Shroll	12/31/2020 8:20 AM
19	Leslie Morse	12/30/2020 3:10 PM
20	Rob Leslie	12/30/2020 1:33 PM
21	Julie Jo Ann Marshall	12/30/2020 12:54 PM
22	Philip Higgins	12/30/2020 7:08 AM
23	Roy Gathercoal	12/27/2020 10:18 PM
24	Brian Zwingelstein	12/27/2020 8:43 AM
25	Michelle Morrison	12/26/2020 8:33 PM
26	Rod Federwisch	12/26/2020 6:49 PM
27	Randy Miller	12/26/2020 3:09 PM
28	Vicki Barnes	12/26/2020 2:04 PM
29	Lynette Goodwin	12/26/2020 12:30 PM
30	Carol Richards	12/26/2020 12:08 PM
31	Jillian Felizarta	12/26/2020 10:16 AM
32	Cody Swanson	12/23/2020 3:41 PM
33	Daniel Danicic	12/23/2020 11:08 AM
34	greg allen	12/23/2020 10:14 AM
35	Rachelle Staley	12/22/2020 3:08 PM
36	Tori Seipel	12/22/2020 8:53 AM
37	Andrew	12/22/2020 8:14 AM

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38	Kari	12/21/2020 9:58 PM
39	Sarah Ruth Snyder	12/21/2020 9:45 PM
40	FuckUcityPlanner	12/21/2020 7:52 PM
41	Victor Abramson	12/21/2020 6:31 PM
42	Pete Nelson	12/21/2020 5:52 PM
43	Carol Morter	12/19/2020 1:21 PM
44	Matthew Pruitt	12/18/2020 7:40 PM
45	Caitlin Collins	12/17/2020 8:33 PM
46	Anthony Pepitone	12/17/2020 8:21 PM
47	Margo Lane	12/17/2020 5:35 PM
48	Chris Pucci	12/17/2020 2:49 PM
49	Amanda	12/17/2020 11:42 AM
#	COMPANY	DATE
	There are no responses.	
#	ADDRESS	DATE
	There are no responses.	
#	ADDRESS 2	DATE
	There are no responses.	
#	CITY/TOWN	DATE
	There are no responses.	
#	STATE/PROVINCE	DATE
	There are no responses.	
#	ZIP/POSTAL CODE	DATE
	There are no responses.	
#	COUNTRY	DATE
	There are no responses.	

Newberg Middle Housing Code Project

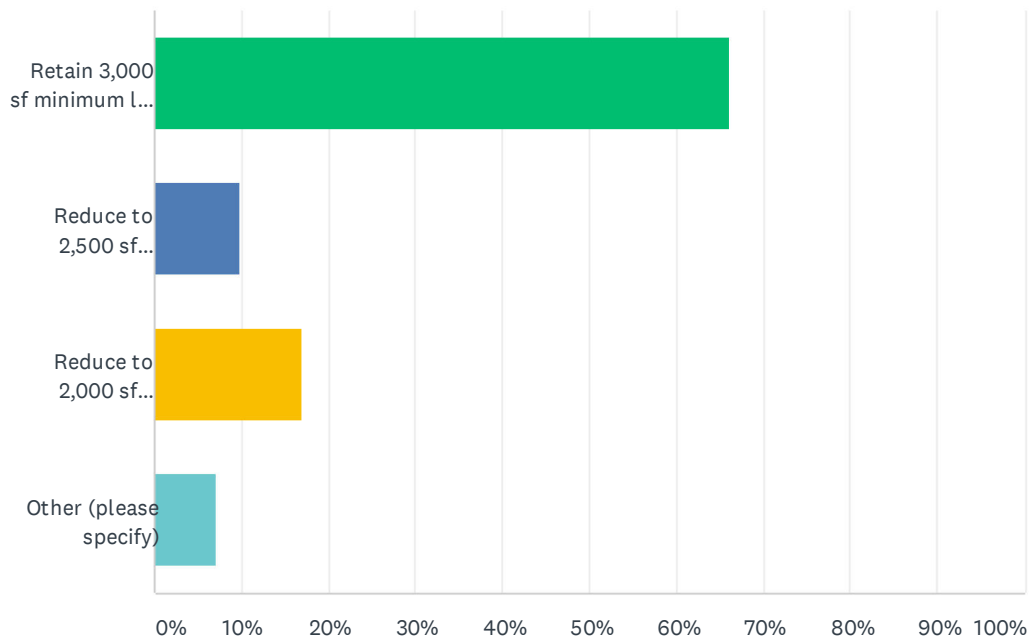
#	EMAIL ADDRESS	DATE
1	trcage@yahoo.com	1/9/2021 7:52 AM
2	@georgefox.edu	1/8/2021 1:50 PM
3	leif.lidinlamon@gmail.com	1/8/2021 12:52 PM
4	rejohnson76@hotmail.com	1/8/2021 11:54 AM
5	karenam464@gmail.com	1/7/2021 11:39 AM
6	sarahestaples@gmail.com	1/7/2021 12:58 AM
7	svpruitt@gmail.com	1/6/2021 1:00 PM
8	lauradavidlehman@gmail.com	1/6/2021 11:35 AM
9	ajashcroft3@gmail.com	1/5/2021 10:04 PM
10	qeitzuk@gmail.com	1/4/2021 7:50 PM
11	charris1@frontier.com	1/4/2021 8:36 AM
12	wiljoel2@gmail.com	12/31/2020 10:22 PM
13	rlipjr@gmail.com	12/31/2020 5:18 PM
14	Axhakhan@gmail.com	12/31/2020 2:11 PM
15	dcbk3@comcast.net	12/31/2020 11:17 AM
16	lydias126@frontier.com	12/31/2020 9:47 AM
17	mshroll@hotmail.com	12/31/2020 8:20 AM
18	ljmorse39@gmail.com	12/30/2020 3:10 PM
19	1.mediator@gmail.com	12/30/2020 1:33 PM
20	laetismom@yahoo.com	12/30/2020 12:54 PM
21	phiggins@pacificcrestrea.com	12/30/2020 7:08 AM
22	rgathercoal@frontier.com	12/27/2020 10:18 PM
23	brian.zwingelstein@gmail.com	12/27/2020 8:43 AM
24	morrisoml@comcast.net	12/26/2020 8:33 PM
25	rod.federwisch@yahoo.com	12/26/2020 6:49 PM
26	millerrandy@hotmail.com	12/26/2020 3:09 PM
27	luvmotherearth@hotmail.com	12/26/2020 2:04 PM
28	lynette.goodwin1@gmail.com	12/26/2020 12:30 PM
29	cari_sonblest2@outlook.com	12/26/2020 12:08 PM
30	jillianfelizarta@gmail.com	12/26/2020 10:16 AM
31	codyswanson4@gmail.com	12/23/2020 3:41 PM
32	djdanicic@gmail.com	12/23/2020 11:08 AM
33	drgregorypallen@gmail.com	12/23/2020 10:14 AM
34	rachellestaley@gmail.com	12/22/2020 3:08 PM
35	torimseipel@gmail.com	12/22/2020 8:53 AM
36	beesbuzzin@gmail.com	12/22/2020 8:14 AM
37	psychopenguinbabble@hotmail.com	12/21/2020 9:58 PM

Newberg Middle Housing Code Project

38	jeffsarahchloe@gmail.com	12/21/2020 9:45 PM
39	cityOidiots@aol.com	12/21/2020 7:52 PM
40	abramson2956@gmail.com	12/21/2020 6:31 PM
41	tbcpn1@gmail.com	12/21/2020 5:52 PM
42	email4carolmorter@gmail.com	12/19/2020 1:21 PM
43	blackglasscube@live.com	12/18/2020 7:40 PM
44	caitlin.collins.ma@gmail.com	12/17/2020 8:33 PM
45	Apepitone@gmail.com	12/17/2020 8:21 PM
46	thextonhall@gmail.com	12/17/2020 5:35 PM
47	pucci.christopher.a@gmail.com	12/17/2020 2:49 PM
48	alynch8509@gmail.com	12/17/2020 11:42 AM
#	PHONE NUMBER	DATE
	There are no responses.	

Q1 1. Should the City retain the 3,000-sf minimum lot size in the R-3 zone, reduce to 2,500 sf, or reduce to 2,000-sf?

Answered: 71 Skipped: 1

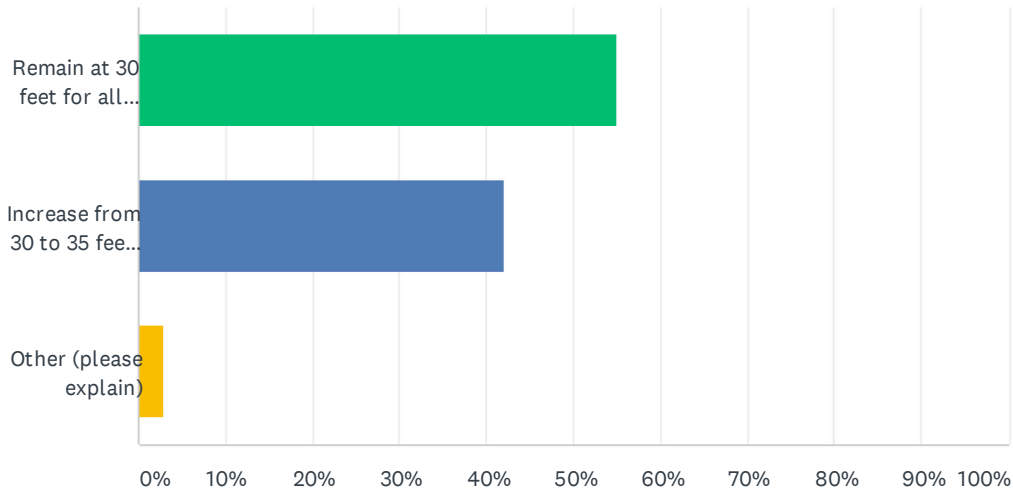


ANSWER CHOICES	RESPONSES	
Retain 3,000 sf minimum lot size	66.20%	47
Reduce to 2,500 sf minimum lot size	9.86%	7
Reduce to 2,000 sf minimum lot size	16.90%	12
Other (please specify)	7.04%	5
TOTAL		71

#	OTHER (PLEASE SPECIFY)	DATE
1	No more housing. It's not affordable	3/12/2021 12:18 PM
2	Large lots with one level homes	3/6/2021 9:27 AM
3	Real homes	3/5/2021 4:45 PM
4	Don't allow duplexes on less than 5,000 sq ft lots	2/25/2021 7:49 PM
5	Increase the lot size.	2/25/2021 3:22 PM

Q2 2. What height limit do you support for the R-1 (low density) zone?

Answered: 69 Skipped: 3

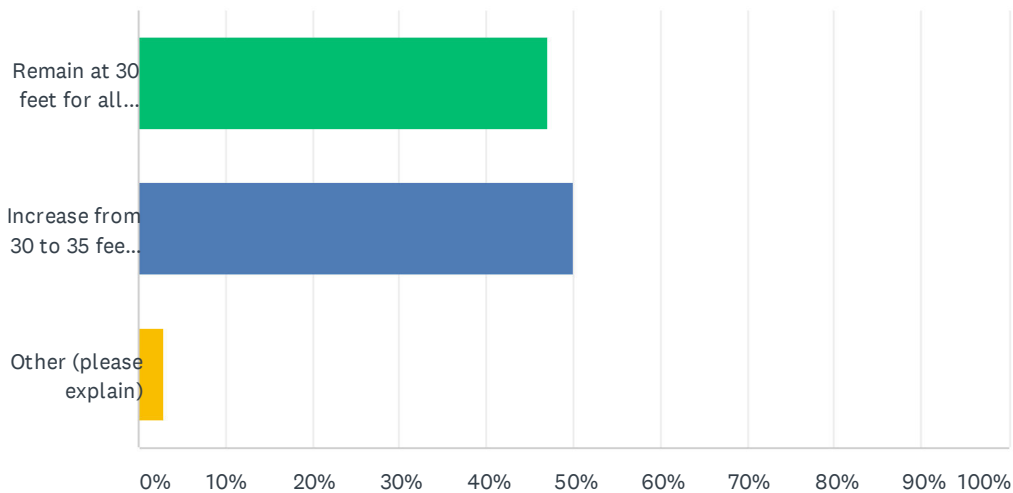


ANSWER CHOICES		RESPONSES	
Remain at 30 feet for all housing types (except townhouses)		55.07%	38
Increase from 30 to 35 feet for all housing types		42.03%	29
Other (please explain)		2.90%	2
TOTAL			69

#	OTHER (PLEASE EXPLAIN)	DATE
1	Maintain the height as the other homes in the area.	3/11/2021 6:08 PM
2	Real homes	3/5/2021 4:45 PM

Q3 3. What height limit do you support for the R-2, AR, and RP (medium density) zones?

Answered: 70 Skipped: 2

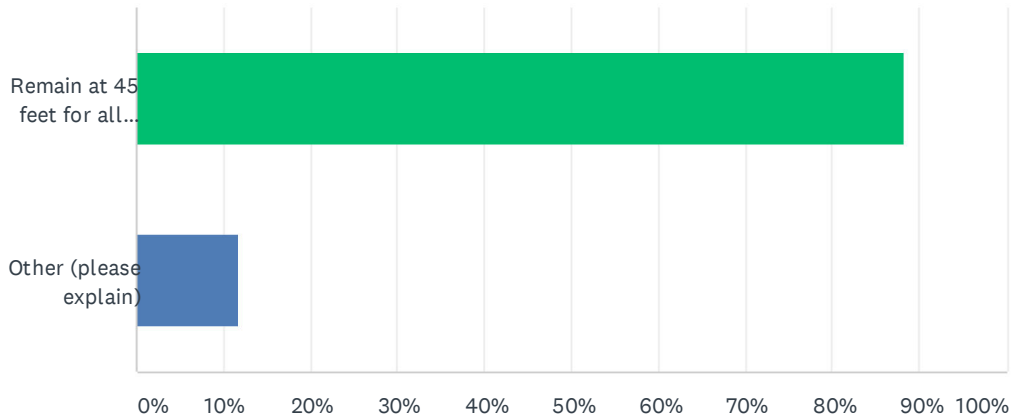


ANSWER CHOICES		RESPONSES	
Remain at 30 feet for all housing types (except townhouses)		47.14%	33
Increase from 30 to 35 feet for all housing types		50.00%	35
Other (please explain)		2.86%	2
TOTAL			70

#	OTHER (PLEASE EXPLAIN)	DATE
1	Maintain the height as the other homes in the area.	3/11/2021 6:08 PM
2	Real homes	3/5/2021 4:45 PM

Q4 4. What height limit do you support for the R-3 (high density) zones?

Answered: 68 Skipped: 4

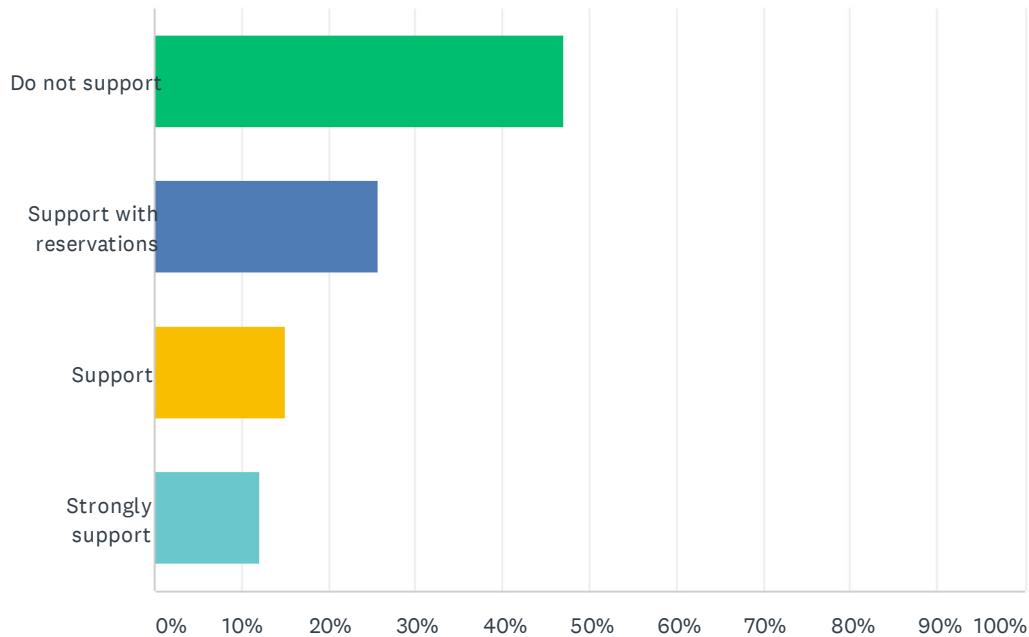


ANSWER CHOICES	RESPONSES
Remain at 45 feet for all housing types	88.24% 60
Other (please explain)	11.76% 8
TOTAL	68

#	OTHER (PLEASE EXPLAIN)	DATE
1	Don't need anymore expensive housing	3/12/2021 12:20 PM
2	35	3/9/2021 7:55 PM
3	I don't like high density	3/6/2021 9:31 AM
4	Real homes	3/5/2021 4:45 PM
5	30 ft, I don't think it is right to have tall complexes looking into the backyards of single family homes like we already have in my neighborhood. The row of townhouses by grocery outlet dwarves the houses behind them blocking their view of the sky or anything out their back yard. They don't fit in the neighborhood or town.	3/5/2021 11:11 AM
6	Review by project location for exceptions	3/5/2021 5:22 AM
7	60ft	2/26/2021 8:50 AM
8	30 foot maximum height for all buildings	2/25/2021 7:50 PM

Q5 5. Do you support reducing the minimum spacing between driveways from 40 feet to 22 feet?

Answered: 66 Skipped: 6



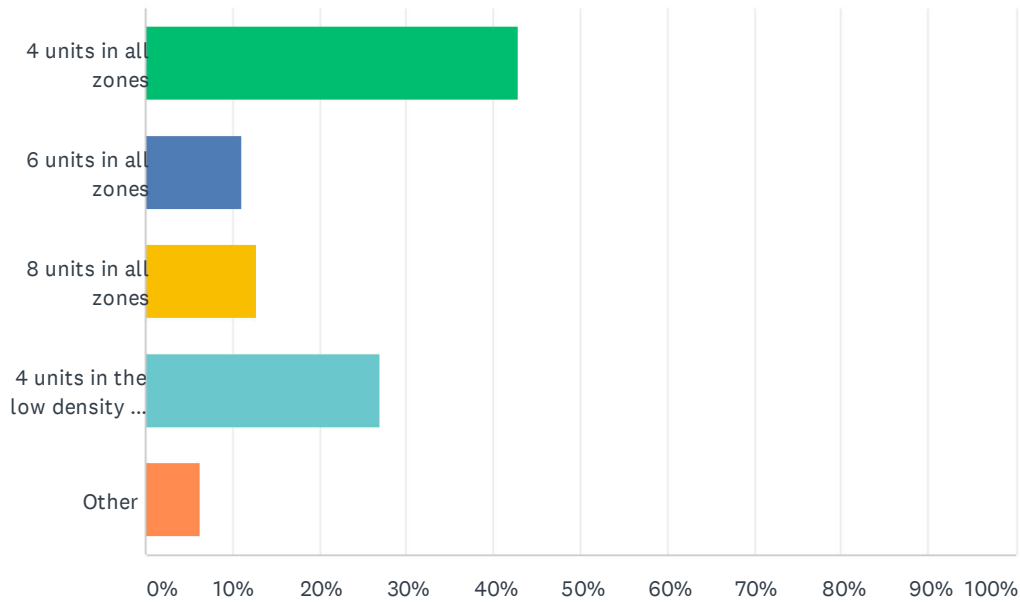
ANSWER CHOICES	RESPONSES	
Do not support	46.97%	31
Support with reservations	25.76%	17
Support	15.15%	10
Strongly support	12.12%	8
Total Respondents: 66		

Newberg Middle Housing - Proposed Code Changes

#	WHY?	DATE
1	It just brings more non affordable housing	3/12/2021 12:21 PM
2	That is almost the size! Ridiculous!!	3/11/2021 6:11 PM
3	We need more off street parking in Newberg.	3/10/2021 2:31 PM
4	It depends on how effective the estimated increase of off-street parking is. If it is found that reducing the distance really doesn't increase off-street parking, then it would be best to keep the 40 foot separation. However, if there is a significant gain in off-street parking, then I am for the change to 22 foot spacing.	3/10/2021 10:27 AM
5	The south side of Newberg has a lack of parking. Reducing spacing will increase parking on the crowded streets.	3/9/2021 7:56 PM
6	Less street parking, more safety risks due to poor visibility	3/6/2021 9:32 AM
7	Real homes	3/5/2021 4:46 PM
8	This will provide more opportunity/flexibility for increasing density and housing	3/5/2021 3:57 PM
9	On street parking is dangerous	3/5/2021 5:23 AM
10	renters typically have more than 1 vehicle, quickly filling on street parking and clogging surrounding streets, increasing accidents also with decreased space and visibility for kids playing/pedestrians. Also becomes too tight for emergency vehicles.	3/4/2021 8:26 PM
11	With more driveways there is less on-street parking, making it more likely that the on-street parking is full. Then pulling out of driveways will have decreased visability.	3/4/2021 2:03 PM
12	I think there is a shortage already for this scenario. Adding more townhouses/condos...means more cars. You and I know that there is never just one car per household.	3/4/2021 10:05 AM
13	Too many cars make for dangerous areas where kids play plus there already isn't enough room for garbage and recycling.	3/4/2021 1:27 AM
14	Depending on the neighborhood it's in. If near parks or places people that are not residents would be frequenting, then street parking is necessary	3/3/2021 1:11 PM
15	Less street parking for residents.	3/3/2021 1:03 PM
16	There needs to be parking but we need to balance it with the need for trees and utilities	3/3/2021 12:35 PM
17	28'	3/3/2021 11:26 AM
18	Over crowding and the pressure to reduce attractive landscaping.	3/1/2021 4:39 PM
19	Reduced spacing seems like it may make these housing-types easier to build and market, but maybe that could also occur with shared driveways. Street trees and the urban tree canopy are also important, but even with the reduced spacing, 22 feet seems like it would allow for a street tree between driveways.	3/1/2021 2:01 PM
20	I like the idea of getting the cars off the street an on to the owners property.	2/27/2021 6:50 AM
21	40ft vs 22ft. I dont like being close to my neighbors	2/26/2021 8:53 AM
22	High a density housing has no place in newberg	2/26/2021 6:38 AM
23	Street trees are a priority. They add beauty, support wildlife, and reduce summer temperatures.	2/25/2021 11:21 PM
24	On-street parking is generally inadequate in Newberg. This will make it worse. "This may also allow for more off-street parking space" doesn't seem correct. It seems that the same amount of off-street parking should be achievable with a single driveway.	2/25/2021 11:10 PM
25	Parking is already an issue and most homes have at least 2 vehicles per family. Garage space is more often used for storage than vehicles.	2/25/2021 3:23 PM

Q6 6. What is the maximum number of units the City should allow in a single townhouse development?

Answered: 63 Skipped: 9



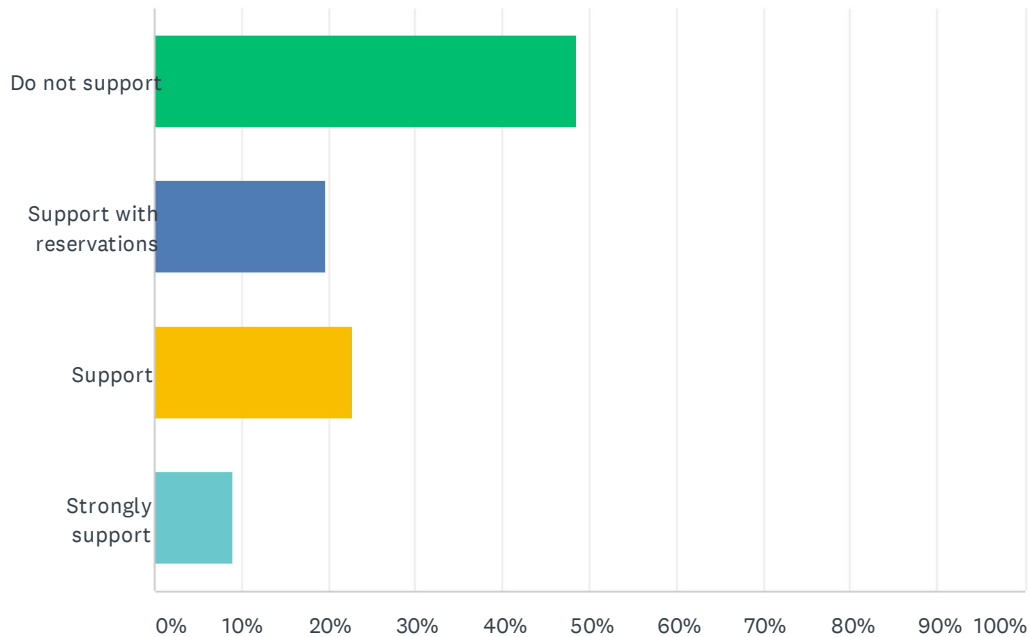
ANSWER CHOICES	RESPONSES	
4 units in all zones	42.86%	27
6 units in all zones	11.11%	7
8 units in all zones	12.70%	8
4 units in the low density R-1 zone and 8 units in the medium and high density R-2, R-3, RP, and AR zones	26.98%	17
Other	6.35%	4
TOTAL		63

Newberg Middle Housing - Proposed Code Changes

#	EXPLAIN:	DATE
1	Four is plenty.	3/11/2021 6:12 PM
2	People don't need to be on top of each other.	3/10/2021 2:35 PM
3	Should not be allowed at all	3/6/2021 8:29 PM
4	Real homes	3/5/2021 4:46 PM
5	The town can't support more density than this with out compromising our quality of life in town. Squeezing people in tight spaces is the opposite of open spaces and freedom this thing town has now	3/5/2021 11:15 AM
6	too much population density placed in any neighborhood creates problems for the neighborhood, growing too fast: multiplied exponentially traffic, noise, kids needing space, conflicts, diminished privacy. People live in less dense areas to avoid these problems, not to have them thrust upon them & be told "live with it".	3/4/2021 8:34 PM
7	4 units in R-1, 6 units in medium R-2, and 8 units in high R-3	3/4/2021 2:09 PM
8	I'm not sure it matters regarding the number of homes. How will Newberg support the raise in population? Water, sewage, traffic congestion, availability for everyday food needs?	3/4/2021 10:08 AM
9	The city needs a greater diversity of housing-types. Allowing up to 8 townhouse units in a single development in all zones will encourage a greater number of units to happen more efficiently.	3/1/2021 2:04 PM
10	4 units in R-1, 6 in all other zones.	2/27/2021 6:52 AM
11	No multiple units in R-1 zones. No more than 4 in any other zone.	2/25/2021 7:52 PM

Q7 7. Do you support increasing the maximum building coverage for townhouses from 40-50% to 60% in all zones?

Answered: 66 Skipped: 6



ANSWER CHOICES	RESPONSES	
Do not support	48.48%	32
Support with reservations	19.70%	13
Support	22.73%	15
Strongly support	9.09%	6
Total Respondents: 66		

Newberg Middle Housing - Proposed Code Changes

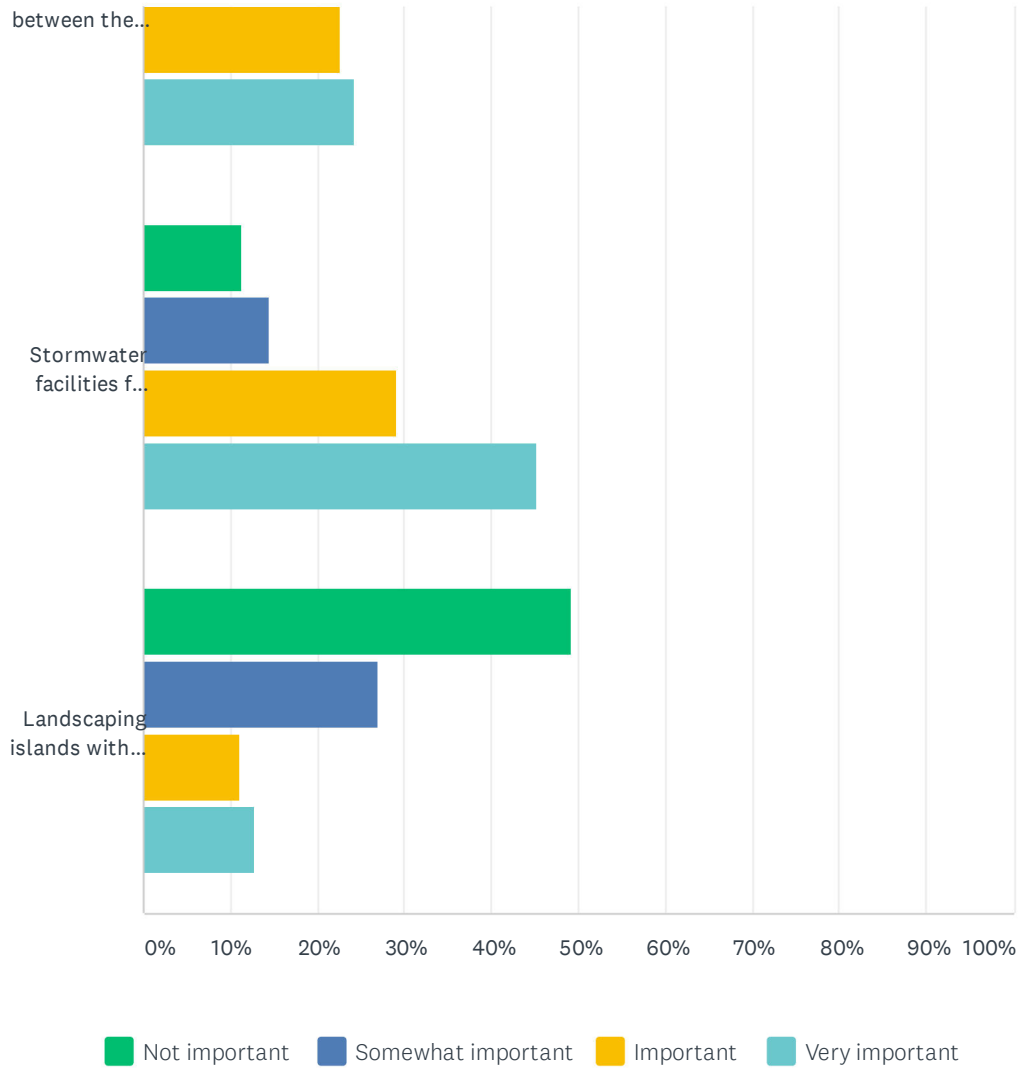
#	WHY?	DATE
1	My home is my biggest investment and I would like to keep it that way. This will lower my property value.	3/11/2021 6:14 PM
2	More room for better use of space for townhouses would be good, however, I wouldn't want the neighborhood to visually be just garages.	3/10/2021 10:31 AM
3	prioirty should be affordable housing. Anything that might cause an increase should be avoided	3/8/2021 2:13 PM
4	Looks like junk	3/6/2021 9:32 AM
5	Real homes	3/5/2021 4:46 PM
6	Having no yard or green spaces and having houses so close together disrupts the quality of life and privacy in our town.	3/5/2021 11:17 AM
7	fire risk is much higher with no side yard setbacks, also making access to back of property very difficult, causing loss of life/property.	3/4/2021 8:37 PM
8	I would keep the 40-50% in R1 low density	3/4/2021 2:11 PM
9	Is this the only choice? Are you building next to a bus zone? What are other countries doing that have outpaced people to properties? Should you be looking at a bigger foot print for apartments/condo buildings that support more people were the garage would cover the bottom floor and keep cars off the street?	3/4/2021 10:12 AM
10	Adequate parking is important	3/3/2021 1:13 PM
11	Not sure I completely understand. It is important to maintain space for patio living and landscaping.	3/1/2021 4:40 PM
12	Allowing 60% coverage doesn't mandate 60% coverage so it increase options and flexibility.	3/1/2021 2:06 PM
13	Let's not become like Portland where small homes are dwarfed and shaded by surrounding new construction. Keep new construction proportional to neighbors	2/25/2021 11:25 PM
14	The claim that an increase in coverage limit may allow for more off-street parking does not seem accurate. Why couldn't that space have been used for off-street parking without the additional coverage?	2/25/2021 11:16 PM
15	Multi-family units in a single lot is a truly horrible idea!	2/25/2021 7:53 PM
16	Quality of life, parking, and other issues for all neighbors will be affected.	2/25/2021 3:24 PM
17	Most people in a townhome don't want to spend their time maintaining a yard	2/25/2021 2:54 PM

Q8 8. How important are each of the following elements in regulating cottage cluster parking areas in residential neighborhoods?

Answered: 63 Skipped: 9



Newberg Middle Housing - Proposed Code Changes



	NOT IMPORTANT	SOMEWHAT IMPORTANT	IMPORTANT	VERY IMPORTANT	TOTAL	WEIGHTED AVERAGE
Setbacks along side property lines	12.70% 8	31.75% 20	20.63% 13	34.92% 22	63	2.78
Landscaping screening along side property lines	12.70% 8	26.98% 17	28.57% 18	31.75% 20	63	2.79
Walls or fencing along side property lines	17.46% 11	23.81% 15	23.81% 15	34.92% 22	63	2.76
Landscape screening between the parking area and the street	22.22% 14	31.75% 20	22.22% 14	23.81% 15	63	2.48
Setbacks between the parking area and the street	20.97% 13	32.26% 20	22.58% 14	24.19% 15	62	2.50
Stormwater facilities for parking areas	11.29% 7	14.52% 9	29.03% 18	45.16% 28	62	3.08
Landscaping islands within the parking area	49.21% 31	26.98% 17	11.11% 7	12.70% 8	63	1.87

Newberg Middle Housing - Proposed Code Changes

#	OTHER (PLEASE SPECIFY)	DATE
1	The detached condos at 601 W. 1st street are a great model!	3/5/2021 5:28 AM
2	street visibility is safety issue for residences, but privacy/protection on sides helps make happy neighbors. I wouldn't want all their water runoff heading into my yard with chemicals & flooding!	3/4/2021 8:41 PM
3	If your targeting an older population, cost sounds high for "cottage cluster" then its important to know the rate of occupancy currently in Newberg for this style of housing and availability rates.	3/4/2021 10:14 AM
4	Require security lighting to prevent hiding places	2/26/2021 5:42 AM
5	How will these shared parking areas be managed? Newberg has a history of private streets violating the original parking agreements and the City has no authority to enforce them.	2/25/2021 11:18 PM
6	Another idea to devalue property and increase crime rates. High density housing is inherently bad.	2/25/2021 7:55 PM

Q9 9. Is there anything else we should consider when proposing regulations for middle housing in the City of Newberg?

Answered: 27 Skipped: 45

Newberg Middle Housing - Proposed Code Changes

#	RESPONSES	DATE
1	I have been a Newberg resident my entire life, it saddens me that this will be allowed in our town and on our properties. I feel that it will lessen our home values and quality of life.	3/11/2021 6:20 PM
2	I am concerned that the city is more concerned about crowded housing than they are for the current residents on the South side of town.	3/9/2021 7:58 PM
3	please consider incentives for builders. No one is building middle housing because there is no incentive. Im very worried about our housing prices going up up up. We cannot stop this by continuing to build single family detached units	3/8/2021 2:15 PM
4	Build more one level nice lots for retired couples. Low income affordable housing looks like junk and brings down the desirability of our town. Look at how nice Sherwood is and then look at layette.	3/6/2021 9:35 AM
5	Be mindful of current residents and new developments and how new development interact. Some of the newer development in town looks completely out of place or mismatched with our surroundings. The extra tall buildings are clogging up the skyline and taking away privacy from long time residents.	3/5/2021 11:22 AM
6	Increasing density is great work to increase affordable housing options, improve traffic/transit flows, and reduce urban sprawl. I don't know where it fits into code but energy efficiency and eco design should be supported and encouraged, too.	3/5/2021 5:32 AM
7	Also be concerned about the attractiveness of development. Metro's density mandates have rendered new developments very unattractive	3/4/2021 8:56 PM
8	Ask permission of surrounding neighbors before approving a builder's plans, listen to them first and keep your citizens happy with you!	3/4/2021 8:43 PM
9	The impact of property values for other single homes in the area	3/4/2021 7:19 PM
10	Is this money before mindfulness? City verses builders? At what capacity are we at and what are projections?	3/4/2021 10:16 AM
11	Yes you should consider that the areas most likely to end up with middle housing do not have roads that are maintained well enough to support the excess traffic. Also If you are going to essentially devalue the neighboring homes will their property tax bill be decreased??	3/4/2021 1:33 AM
12	Don't do it, you can barely support the current standards.	3/3/2021 10:00 PM
13	I feel that the city needs to balance new construction vs upgrading the existing sewer, roads, etc.	3/3/2021 12:53 PM
14	Make sure a portion of homes are set aside throughout for affordable housing programs and FTHB.	3/3/2021 10:35 AM
15	Maintain patios and green spaces, if the green spaces is shared. I would love if walking trails connect to these neighborhoods. More housing per acre is not the primary importance: beauty is very important.	3/1/2021 4:45 PM
16	We need more housing choices that go beyond just single-family and apartments!	3/1/2021 2:09 PM
17	Please strongly consider how the home values of single-family dwellings will be negatively impacted when duplexes and quadruplexes are built to tower over their homes.	2/26/2021 10:36 AM
18	Noise reduction times	2/26/2021 8:56 AM
19	Two parking spots per unit s/b required. Every household has two cars. Street parking of abandoned cars on E. 3rd St. is out of control and creates safety hazards and narrow streets.	2/26/2021 7:44 AM
20	No section 8 housing	2/26/2021 5:43 AM
21	Density creates stress and increases conflict between neighbors.	2/25/2021 11:39 PM
22	Please keep livability and the environment at the top of your priority list.	2/25/2021 11:29 PM
23	Consider the availability of on-street parking when determining the need for off-street parking.	2/25/2021 11:19 PM
24	Stop trying to increase density and ruin our property values!	2/25/2021 7:56 PM

Newberg Middle Housing - Proposed Code Changes

25	Your best efforts regarding parking are insufficient. Most families have 2+ cars and do not use garage space for parking, but for storage. This forces more vehicles onto the roads and in front of other properties, which inconveniences neighbors and makes streets more dangerous for pedestrians, bicyclists, and children. Traffic increases the more dwellings are built and the streets and neighborhoods are not set up for proper ingress/egress. Adjacent property values are lowered the more homes are crammed onto parcels of land.	2/25/2021 3:28 PM
26	We need more middle housing in Newberg, whatever it takes to get it.	2/25/2021 12:54 PM
27	The city needs to consider other elements of development regulations related to infrastructure design in order to truly mitigate construction costs. Items such as rain gardens, street lighting as well as permit fees should be reviewed and considered as to whether they are fulfilling the need for affordable housing or are just perpetuating policies and practices because that is how it has always been done. The development application process can also be streamlined to reduce the cost to the applicant just to prepare it.	2/24/2021 9:32 PM

Q10 Sign up here to receive project updates! Your contact information will not be shared and responses will be reported in aggregate.

Answered: 17 Skipped: 55

ANSWER CHOICES	RESPONSES
Name	100.00% 17
Company	0.00% 0
Address	0.00% 0
Address 2	0.00% 0
City/Town	0.00% 0
State/Province	0.00% 0
ZIP/Postal Code	0.00% 0
Country	0.00% 0
Email Address	100.00% 17
Phone Number	0.00% 0

#	NAME	DATE
1	Susan Williams	3/11/2021 6:20 PM
2	Andrew Schwab	3/10/2021 11:50 AM
3	Jake Austin	3/10/2021 10:32 AM
4	Michelle Morrison	3/5/2021 5:32 AM
5	Brian Bellairs	3/4/2021 8:56 PM
6	Marie	3/4/2021 7:19 PM
7	Candus D Dalesky	3/4/2021 10:16 AM
8	Debbie Foushee	3/4/2021 1:33 AM
9	Scott Diefenbaugh	3/4/2021 1:25 AM
10	Wesley Clark	3/3/2021 12:53 PM
11	Heather Stoneking	3/3/2021 11:06 AM
12	Belinda	3/3/2021 10:35 AM
13	crystal poczynek	3/1/2021 7:01 PM
14	Jane	3/1/2021 4:45 PM
15	Brian Zwingelstein	2/27/2021 6:56 AM
16	Sarah	2/26/2021 10:36 AM
17	Katie Baldwin	2/25/2021 3:28 PM
#	COMPANY	DATE
There are no responses.		

Newberg Middle Housing - Proposed Code Changes

#	ADDRESS	DATE
	There are no responses.	
#	ADDRESS 2	DATE
	There are no responses.	
#	CITY/TOWN	DATE
	There are no responses.	
#	STATE/PROVINCE	DATE
	There are no responses.	
#	ZIP/POSTAL CODE	DATE
	There are no responses.	
#	COUNTRY	DATE
	There are no responses.	
#	EMAIL ADDRESS	DATE
1	scrabblechick83@gmail.com	3/11/2021 6:20 PM
2	beesbuzzin@gmail.com	3/10/2021 11:50 AM
3	jakemaustin87@gmail.com	3/10/2021 10:32 AM
4	morrissonml@comcast.net	3/5/2021 5:32 AM
5	brian@bellairs-gorman.com	3/4/2021 8:56 PM
6	babbie18@aol.com	3/4/2021 7:19 PM
7	Daleskyfamily@gmail.com	3/4/2021 10:16 AM
8	djfoushee@aol.com	3/4/2021 1:33 AM
9	smdief@juno.com	3/4/2021 1:25 AM
10	wesleyeugeneclark@gmail.com	3/3/2021 12:53 PM
11	heather@heatherstoneking.com	3/3/2021 11:06 AM
12	belinda@belindasplace.com	3/3/2021 10:35 AM
13	crystalpoc86@gmail.com	3/1/2021 7:01 PM
14	janesweet0610@gmail.com	3/1/2021 4:45 PM
15	brian.zwingelstein@gmail.com	2/27/2021 6:56 AM
16	Sarahmorace@gmail.com	2/26/2021 10:36 AM
17	katiefrankie@gmail.com	2/25/2021 3:28 PM
#	PHONE NUMBER	DATE
	There are no responses.	

Housing Work Program - City Council Accpted 11-2-20 (Updated 1-17-21)

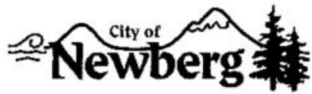
	Jan-June 17	July-Dec 17	Jan-June 18	July-Dec 18	Jan-June 19	July-Dec 19	Jan-June 20	July-Dec 20	Jan-June 21	July-Dec 21	Jan-June 22	July-Dec 22	Jan-June 23	July-Dec 23	Jan-June 24	July-Dec 24	Jan-June 25	Future
R-3 Annexation/Urban Growth Boundary Expansions (Completed)																		
Accessory Dwelling Units (Completed)																		
CDBG Manufactured Home Repair Grant (Completed)																		
Housing Needs Analysis Grant (Completed)																		
Fee-in-lieu Parking Residential Downtown (Completed)																		
HB 2001 (2019) – ADU Parking Requirements (Completed)																		
Residential Use First Floor in C-3 (Completed)																		
HB 4006 (2017) Rent Burdened																		
Annual Trust Fund Notice of Funding Availability																		
Yamhill County Affordable Housing Corporation																		
Yamhill County Housing Solutions																		
Workforce Housing Consortium																		
Establish a Construction Excise Tax (Completed)																		
Adjust timing on payment of SDCs (Completed)																		
Establish vertical housing tax abatement district																		
Evaluate potential for Urban Renewal District																		
Infrastructure Time Based Extension																		
Update Housing Needs Analysis BLI/Population																		
Missing Middle Housing (duplexes in single family zones)																		
Missing Middle Housing (triplexes/quadplexes/cottage clusters/townhomes)																		
Conduct full analysis of land sufficiency within Newberg UGB (EOA/Public-Semi Public)																		
Code Audit Residential Housing Clear and Objective Standards																		
Allow small/tiny homes																		
Recreational Vehicles																		

Housing Work Program - City Council Accpted 11-2-20 (Updated 1-17-21)

	Jan-June 17	July-Dec 17	Jan-June 18	July-Dec 18	Jan-June 19	July-Dec 19	Jan-June 20	July-Dec 20	Jan-June 21	July-Dec 21	Jan-June 22	July-Dec 22	Jan-June 23	July-Dec 23	Jan-June 24	July-Dec 24	Jan-June 25	Future
Car camping																		
Allow sharing of utility lines (sewer and water) for more than one residential unit																		
Lift restriction on second kitchens in a residence to allow for 'in house' ADUs																		
Housing Strategy Implementation Plan																		
Evaluate establishing mandated maximum lot size standards																		
Evaluate establishing minimum density standards																		
Establish an affordable multifamily housing property tax abatement program																		
Housing on Religious Institution Properties																		
HB 2003 – Housing Production Strategy																		
Evaluate expanding density bonuses																		
Reduce complexity, maintenance requirements and cost of storm water treatment																		
Monitor impact of Short Term /Vacation Rentals on residential neighborhoods																		
Decrease time from substantial completion of utilities to final plat approval																		
Reduced / Waived Building Permit fee, Planning fees, or SDCs																		
Construction Excise Tax 5-Year Review																		
General Fund/General Obligation Bonds																		
Housing Ombudsman (Education/Community Awareness)																		
Subsidized Work and Living Spaces																		
Expedited Review and Permitting																		
Public Street Standards																		
Lift building height restrictions outside of downtown																		

Housing Work Program - City Council Accpeted 11-2-20 (Updated 1-17-21)

	Jan-June 17	July-Dec 17	Jan-June 18	July-Dec 18	Jan-June 19	July-Dec 19	Jan-June 20	July-Dec 20	Jan-June 21	July-Dec 21	Jan-June 22	July-Dec 22	Jan-June 23	July-Dec 23	Jan-June 24	July-Dec 24	Jan-June 25	Future
System Development Charge																		
Deferrals/Loans																		
Manufactured Home/Mobile																		
Home Park preservation																		
Limit street lighting																		
requirements for partitions																		
Modify efficiency dwelling unit																		
size for SDC reduction																		
Vest SDC charge at time of land																		
use application																		



PLANNING COMMISSION RESOLUTION 2021-371

A RESOLUTION RECOMMENDING CITY COUNCIL AMEND THE NEWBERG COMPREHENSIVE PLAN, NEWBERG MUNICIPAL CODE, TITLE 15, 15.05.030, 15.100.020, 15.205.050, 15.205.060, 15.220.020, 15.235.040, 15.235.050, 15.240.020, 15.302.032, 15.302.040, 15.303.200, 15.305.020, 15.336.010, 15.336.020, 15.340.020, 15.342.050, 15.342.070, 15.342.100, 15.346.070, 15.3522.050, 15.405.010, 15.405.030, 15.405.040, 15.410.070, 15.415.020, 15.420.010, 15.420.020, 15.440.020, 15.44.060, 15.440.075, 15.505.030, NORTHWEST NEWBERG SPECIFIC PLAN, SPRINGBROOK OAKS SPECIFIC PLAN, AND SPRINGBROOK MASTER PLAN

RECITALS

1. The Oregon Legislature adopted HB 2001 during the 2019 Legislative Session.
2. The Newberg City Council authorized an application to the Department of Land Conservation and Development (DLCD) for a grant to comply with HB 2001 on April 20, 2020.
3. DLCD awarded the City of Newberg a grant on August 27, 2020.
4. The City Council appointed an Ad Hoc Citizens Advisory Committee on August 17, 2020.
5. The Ad Hoc Citizens Advisory Committee met six (6) times in developing comprehensive plan, development code, and Specific Plan and Mater Plan provisions for duplexes.
6. The Planning Commission was briefed four (4) times on the draft duplex code provisions.
7. The City Council and Planning Commission held a joint work session on the duplex code provisions on March 15, 2021.
8. After proper notice, the Newberg Planning Commission opened the hearing on May 13, 2021, considered public testimony and deliberated. They found that the proposed amendments were in the best interests of the City.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed Newberg Comprehensive Plan amendments, Newberg Development Code amendments for NMC, Title 15 Development Code, and the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan amendments.
2. This recommendation is based on the staff report, Exhibit "A" Comprehensive Plan amendments, Exhibit "B" Development Code amendments, Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan amendments (Exhibits "C", "D", and "E") and the Findings in Exhibit "F".

Adopted by the Newberg Planning Commission this 13th day of May, 2021.

ATTEST:



Planning Commission Chair



Planning Commission Secretary

List of Exhibits:

- Exhibit "A". Comprehensive Plan Amendments
- Exhibit "B": Development Code Amendment
- Exhibit "C": Northwest Newberg Specific Plan
- Exhibit "D": Springbrook Oaks Specific Plan
- Exhibit "E": Springbrook Master Plan
- Exhibit "F": Findings

As a paper conservation measure Exhibits "A", "B", "C", "D", "E", and "F" are not attached and can be located in case files CPTA21-0001/DCA21-0002/GEN21- 0004/GEN21-0005/GEN21-0006

Middle Housing Code & Plan Amendments: Duplexes

City Council Public Hearing

CPTA21-0001/DCA21-0002/GEN21-0004/GEN21-
0005/GEN21-0006

June 7, 2021



PROJECT OBJECTIVES

- Expand development opportunities and remove barriers to middle housing options to help address Newberg's housing needs
 - **Duplexes (Part 1)**
 - Triplexes, quadplexes, townhouses and cottage clusters (Part 2)
- Build on the momentum of the Housing Needs Analysis
- Comply with House Bill 2001

PROJECT DEVELOPMENT

- Code Audit
- **Duplex Code Updates**
 - Permit duplexes on all lots where single-family detached dwellings are permitted
 - Adoption by June 2021
- Other Middle Housing Code Updates
 - Separate adoption in Fall 2021



PROJECT ENGAGEMENT

- (Virtual) engagement with public throughout:
 - 6 Citizen Advisory Committee meetings
 - 2 Open House meetings for public
 - 2 online surveys with 100s of responses
- Some common themes:
 - Desire for more housing options that are more affordable
 - But concern about managing parking impacts, scale of units

COMPREHENSIVE PLAN AMENDMENTS

HOUSING POLICY AMENDMENTS

- Add policy explicitly permitting duplexes on all lots where single-family detached dwellings are permitted to fully implement OAR Division 660-046
- Minor clarification to net density calculations

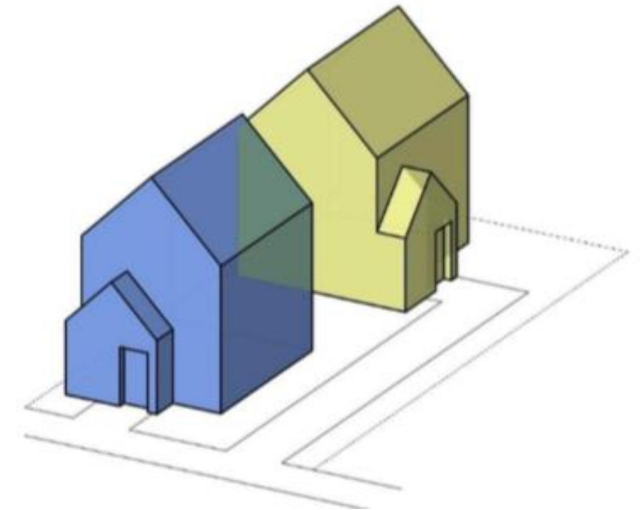
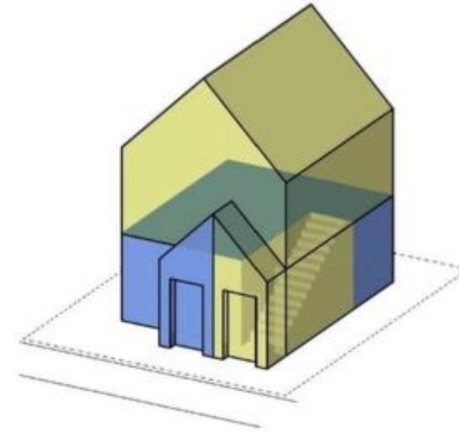
DEVELOPMENT CODE AMENDMENTS

DUPLEX CODE OVERVIEW

- Amend “duplex dwelling” definition to allow attached or detached configurations
- Permit duplexes outright in the R-1, R-2, R-3, RP and AR zones
- Allow duplexes on the same size lots as single-family detached dwellings, and clarify application of density standards
- Apply existing dimensional standards with minor modifications
- Revise parking requirement to one per dwelling unit, expand options for two driveways per lot

DUPLEX DEFINITIONS

- Variety of attached options:
 - Stacked
 - Side-by-Side
 - Breezeway or Garage
- Add detached options:
 - Side by side
 - Front and back



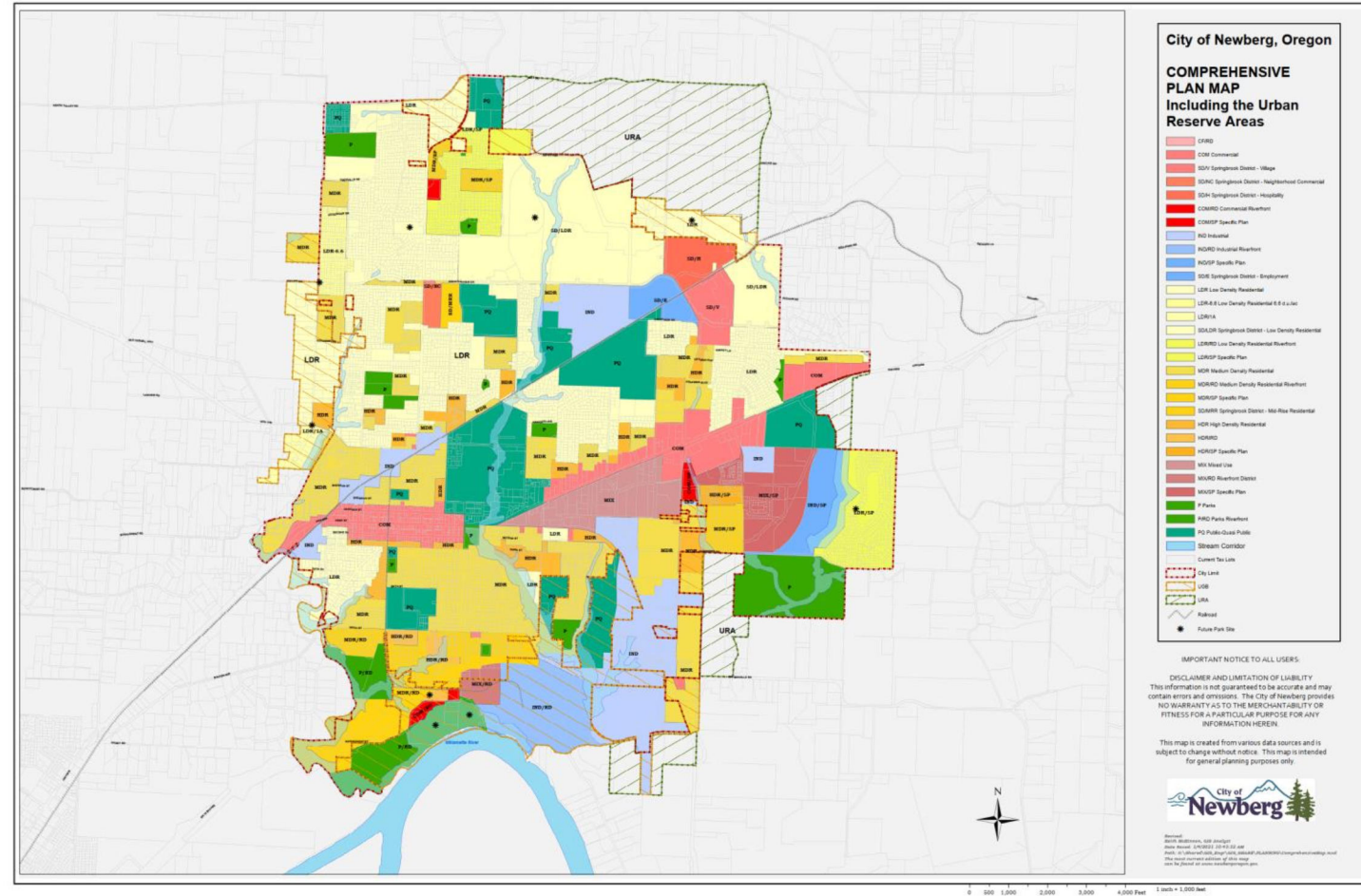
PERMITTING DUPLEXES

- Allow in all residential zones where single-family is permitted (no change)
- Type I review required, same as single-family

	R-1	R-2	R-3	RP	AR
Single-family detached dwelling	Y	Y	Y	Y	Y
Duplex dwelling	Y	Y	Y	Y	Y

APPLICABILITY

- Applies in all residential zones:
 - R-1, R-2, R-3, RP and AR



MINIMUM LOT SIZES

- Reduce minimum lot size for duplexes to match existing minimum lot sizes for single-family
 - Minimum lot size in R-3 reduced from 3,000 to 2,500 SF

	R-1	R-2	R-3	RP	AR
Minimum lot size (square feet): for single-family and duplexes	5,000	3,000	3,000 <u>2,500</u>	3,000	5,000
<i>Previous minimum lot size for duplexes</i>	<i>10,000</i>	<i>6,000</i>	<i>3,000</i>	<i>6,000</i>	<i>10,000</i>

DENSITY TARGETS & STANDARDS

	R-1	R-2	R-3	RP	AR
Density target (dwelling units per gross acre)	4.4	9.0	16.5	N/A	8.8

- No changes to density targets because they are not maximums; City may revisit in long-term
- Where maximum density standards apply (specific plan areas), count duplexes as a single unit for parity with single-family
- Fit duplexes into density scale for PUDs equal to single-family
- Include unit types, overall density with land division applications

DIMENSIONAL STANDARDS

- Dimensional standards applied equally to single-family detached dwellings and duplexes
- Retained existing height and lot coverage standards for R-1 (low-density district)
- Modest increase proposed to height and lot coverage in R-2, RP, AR (medium-density districts)

	R-1	R-2, RP, AR	R-3
Maximum Lot & Parking Coverage (total)	60%	60% <u>70%</u>	70%
Maximum Height	30 feet	30 <u>35</u> feet	45 feet

MINIMUM PARKING STANDARDS

- Change minimum off-street parking requirement to one space per unit, two spaces total per duplex
- Access standards guarantee one driveway per lot and permit two when minimum spacing and other standards can be met
 - Reduce minimum driveway spacing from 40 feet to 22 feet for duplexes
 - Reduce minimum driveway width from 12 feet to 10 feet
 - Allow two driveways on corner lots located on local streets
- Looking to maintain on-street parking options

DUPLEX DRIVEWAY OPTIONS



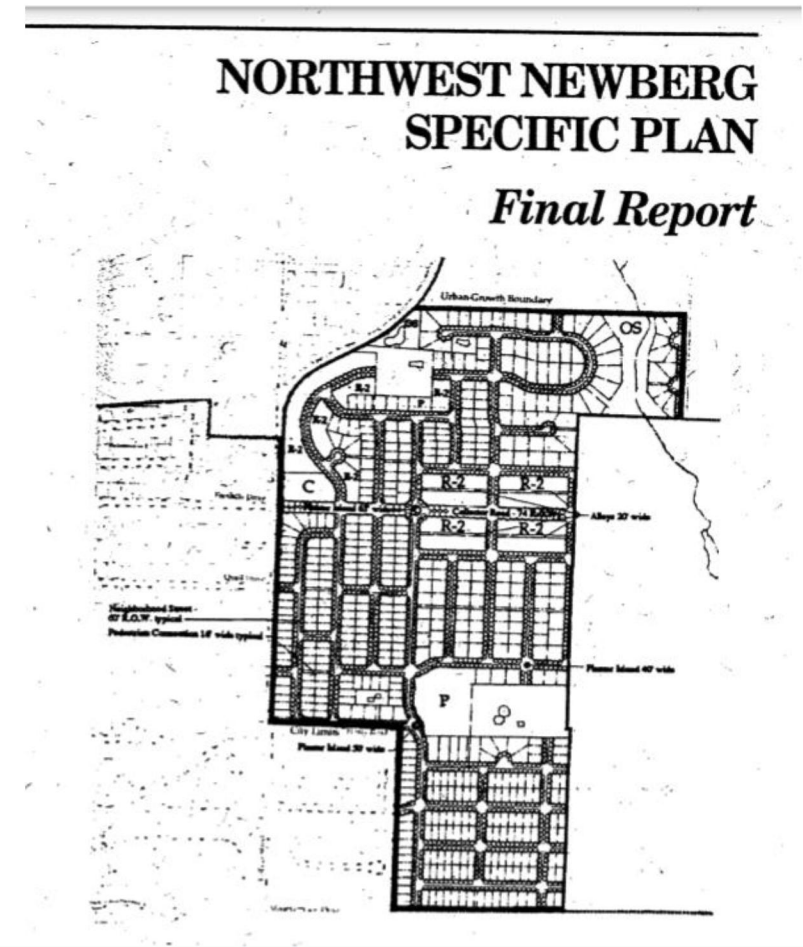
ADDITIONAL STANDARDS

- Clarify that duplex OR a single-family dwelling with ADU permitted: no more than two total dwelling units per lot permitted
- Permit duplexes under same conditions as single-family detached dwellings in the Stream Corridor Overlay
- Allow nonconforming single-family detached dwellings to be converted to duplexes
- Allow duplexes on any nonconforming lots of record where single-family detached dwellings are permitted

MASTER PLAN UPDATES

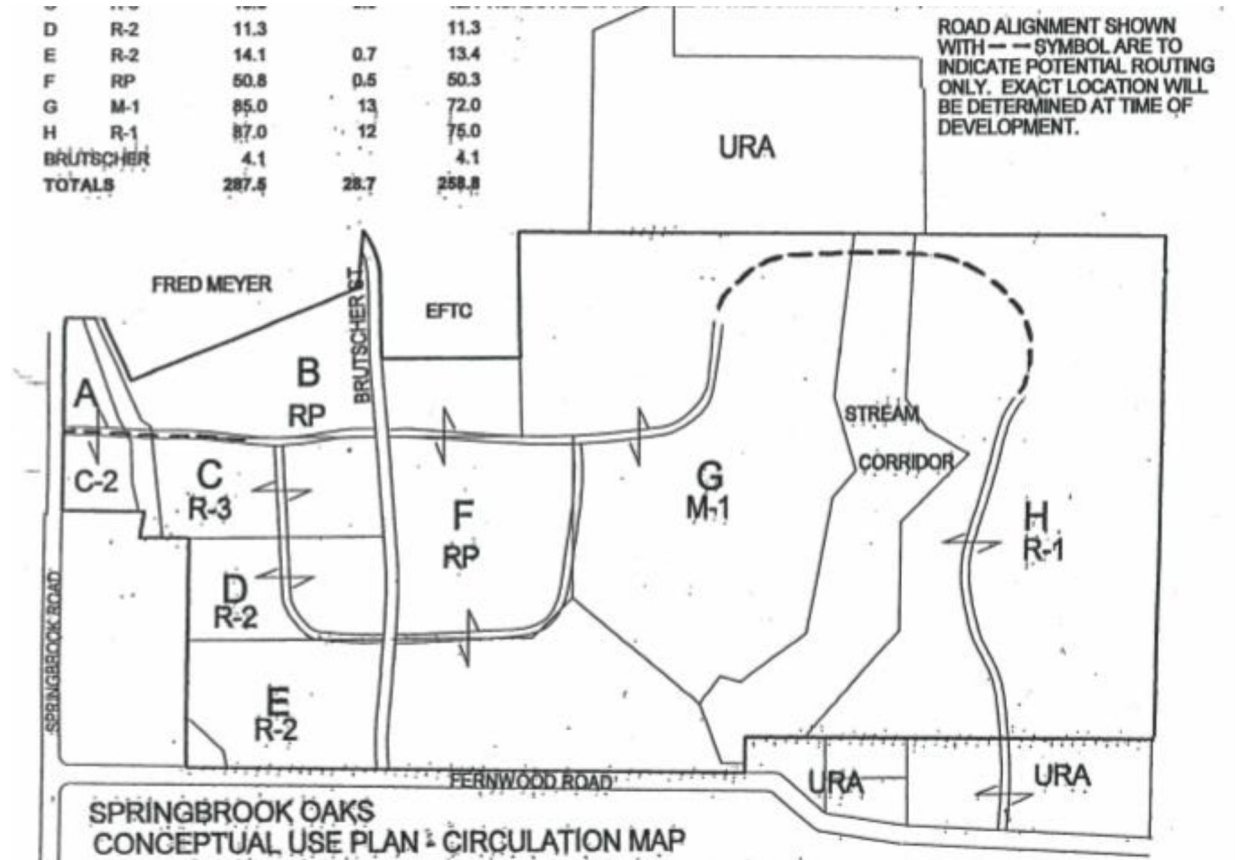
NW NEWBERG PLAN & CODE AMENDMENTS

- Amend specific plan to clarify that all duplexes shall be treated as equivalent of single-family detached dwellings
- Amend code to permit duplexes on the same size lots and under the same standards as single-family detached development



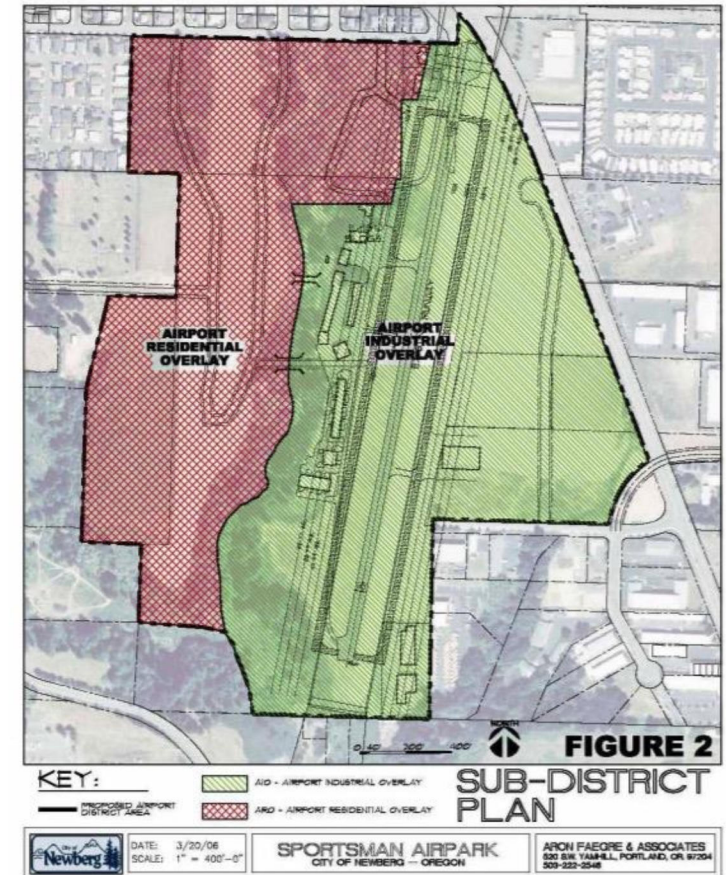
SPRINGBROOK OAKS PLAN & CODE AMENDMENTS

- Amend specific plan to state that duplexes are considered the equivalent to single-family detached dwellings and permitted under the same conditions, including design standards
- Amend code to permit duplexes on the same size lots and exempt duplexes from attached dwelling design standards



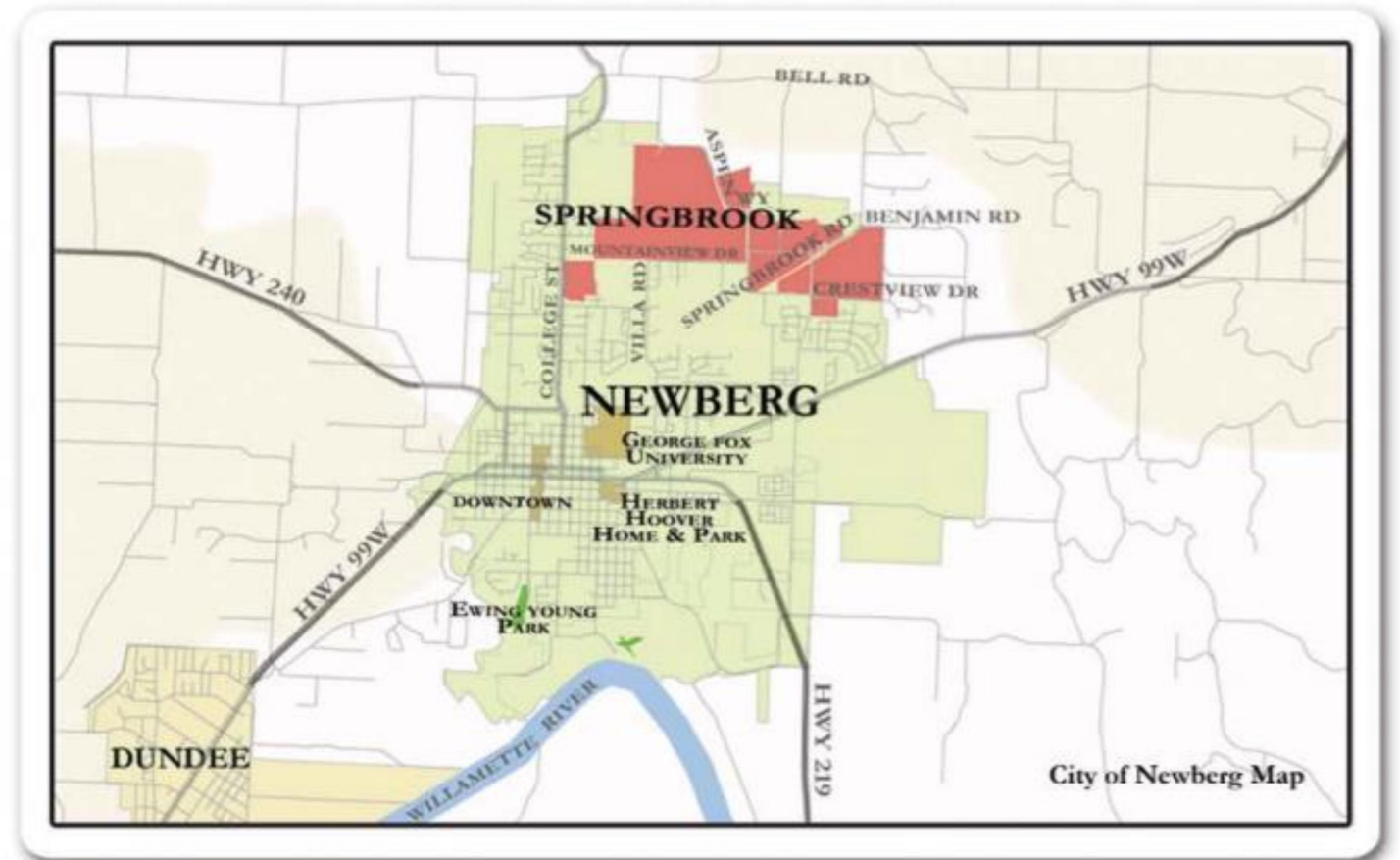
AIRPORT CODE AMENDMENTS

- Amend code to allow duplexes on all lots where single-family detached dwellings are permitted



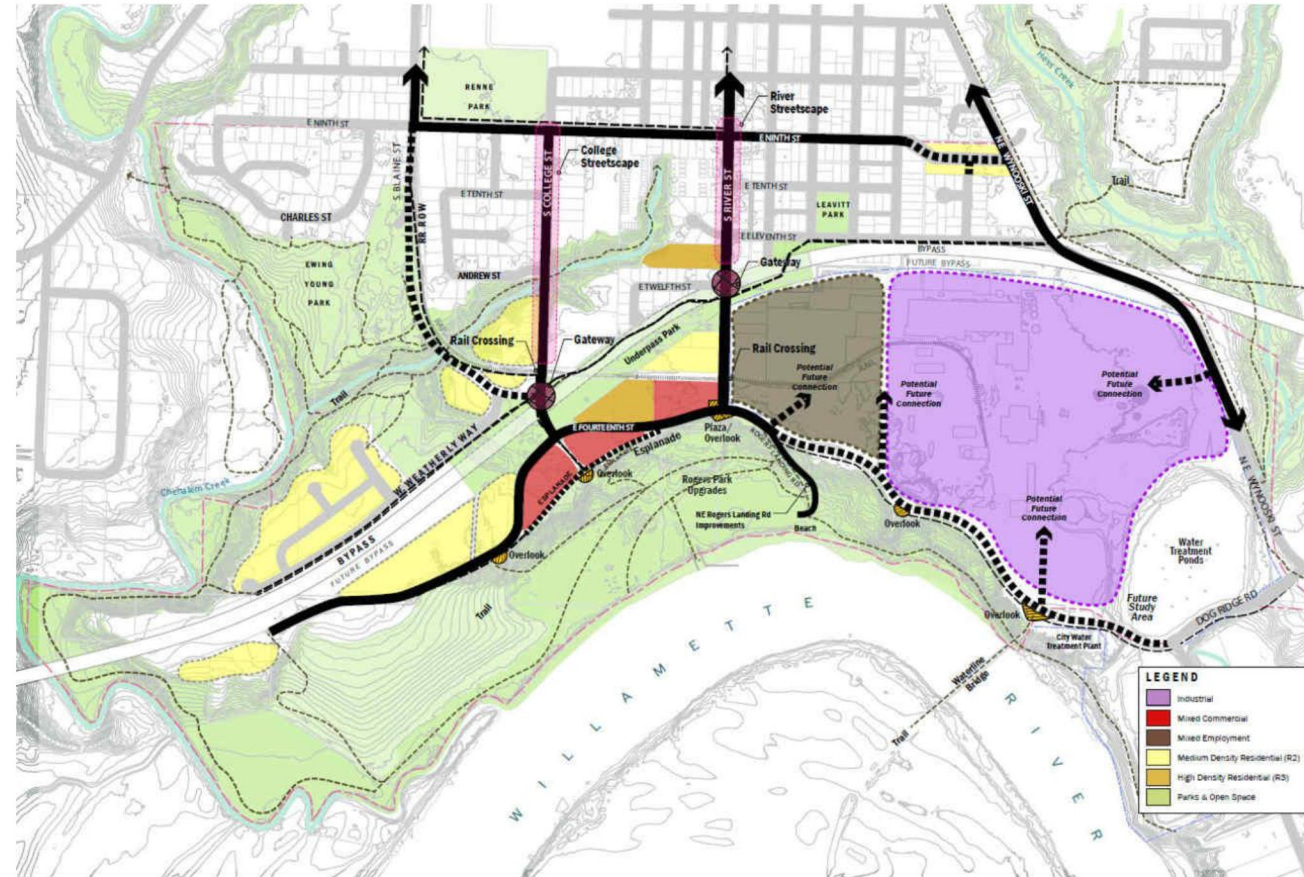
SPRINGBROOK PLAN AMENDMENTS

- Amend plan to add duplexes as permitted use in residential areas



RIVERFRONT CODE AMENDMENTS

- Amend code to apply the same lot sizes and design standards for single-family detached dwellings to duplex dwellings



FINDINGS & RECOMMENDATION

FINDINGS

A. Statewide Planning Goals (the “Goals”)

B. Newberg Comprehensive Plan

C. OAR Chapter 660, Division 46 - Middle Housing in Medium and Large Cities Planning

D. Newberg Municipal Code

15.100.060 Type IV procedure – Legislative

15.100.050 Type III procedure – Quasi-judicial hearing

15.346.050 for Specific Plans

15.326.060 for the Springbrook Master Plan

COMMITTEE/COMMISSION RECOMENDATIONS

Middle Housing Citizens Advisory Committee recommend the Planning Commission and City Council approve the Middle Housing – Duplex regulations.

The Planning Commission and Affordable Housing Commission recommended that City Council adopt the Comprehensive Plan amendment, Development Code amendments, and amendments to the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan.

COMMENTS RECEIVED

- Linda Hanson – Citizens voted to be a low density community
- Joseph Ourada - Written & PC hearing, concerns about property values and parking requirements
- Karla Vargas – Crime & fire safety
- FHCO - Support
- Friends of Yamhill County - Support
- 1000 Friends - Support
- DLCD provided review comments, which are addressed in the final draft through minor clarifications.

RECOMMENDATION

Adopt Ordinance No. 2021-2880, to adopt the Comprehensive Plan amendments, Development Code amendments, and amendments to the Northwest Newberg Specific Plan, Springbrook Oaks Specific Plan, and Springbrook Master Plan

QUESTIONS?

Date: May 27, 2021

Memo to: City of Newberg
Community Development Department
PO Box 970
Newberg, OR 97132

RECEIVED
JUN 03 2021
Initial _____

Memo from: Linda B Hanson
3330 N Meridian St
Newberg, OR 97132-6053

Re: Comments: File No. GEN21-0004
Hearing on Duplex Regulations (HB2001)
Northwest Newberg Specific Plan

My concern is for the high density housing the city is hoping to build in this area. I am opposed to further high and medium density housing being built in the Northwest Newberg Specific Plan. The environmental resources of the community for clean water are already beyond the current capacity of this area. As a city, we need to address water requirements before we add more population in this area. Public transportation is inadequate as well as poorly timed to get the public to their destinations in timely fashion. People do not use public transportation that is inconvenient. This too needs to change before adding high density housing and population into the area. Newberg needs to have adequate water and efficient/effective transportation provided before it considers development into the Northwest Newberg Specific Plan; otherwise it is the "cart before the horse."

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: June 7, 2021

Order ____ No.	Ordinance ____ No.	Resolution <u>XX</u> No. 2021-3741	Motion ____	Information ____
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SUBJECT: Contract with City of Dundee for Police Services

Staff: Interim Police Chief Jeff Kosmicki
Department: Public Safety
File Number:

Business Session

Order on Agenda – New Business

RECOMMENDATION:

Adopt **Resolution No. 2021-3741** approving the Intergovernmental Agreement for the City of Newberg to provide law enforcement services for the City of Dundee

EXECUTIVE SUMMARY:

The original agreement for the City of Newberg to provide police services for the City of Dundee began in 2005. The agreement was determined by the City of Newberg and City of Dundee as the most efficient and cost effective way of providing police services for the City of Dundee. It was another example of the close relationship and historic collaboration between the two cities on issues of mutual benefit and interest.

This Agreement replaces the Amended – 2009 Intergovernmental Agreement for Law Enforcement Services executed pursuant to Newberg Resolution No. 2007-2727 and the Emergency Communications Services Agreement executed pursuant to Newberg Resolution No 2004-2539, respectively.

Newberg law enforcement services include enforcement of criminal law, traffic, or related fields within the legal power of the police Chief and shall be in conformance with the standards generally accepted within the policing profession. When needed, patrol officers and residents of Dundee, will be supported by the Special Investigations Unit and any other teams within the Department. The term of this agreement is five years.

FISCAL IMPACT:

The combined full compensation amount will be \$508,018 for the law enforcement services performed from the effective date to June 30, 2022. The term of this agreement and subsequent renewals will run from the effective date until June 30, 2026. The compensation will increase on July 1 of each fiscal year of the agreement. The increase in compensation will follow the cost of living adjustments agreed to in the Newberg-Dundee Public Safety Association Labor Agreement but may not exceed 5% in a fiscal year.

STRATEGIC ASSESSMENT: Not Applicable



RESOLUTION No. 2021-3741

**A RESOLUTION APPROVING THE INTERGOVERNMENTAL
AGREEMENT FOR CITY OF NEWBERG TO PROVIDE LAW
ENFORCEMENT SERVICES FOR CITY OF DUNDEE**

RECITALS:

1. The City of Newberg has been providing law enforcement services to the City of Dundee since May of 2005.
2. The cities wish to enter into a five (5) year agreement whereby Newberg will continue to provide law enforcement services to Dundee.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The Intergovernmental Agreement for law enforcement services, which is attached as Exhibit "A," is hereby approved and by this reference incorporated into this resolution
2. The Mayor and City Manager or designee are hereby delegated the authority to make further negotiations and amendments to said agreement, and to execute and perform all necessary acts to enter into and carryout the purposes of the Intergovernmental Agreement.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: July 1, 2021.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of June, 2021.

Sue Ryan, City Recorder

ATTEST by the Mayor this _____ day of June 2021.

Rick Rogers, Mayor

Exhibit A – Intergovernmental Agreement

Exhibit “A”
Resolution 2021-3741
AMENDED AND RESTATED
INTERGOVERNMENTAL AGREEMENT
FOR LAW ENFORCEMENT SERVICES

BETWEEN THE CITY OF DUNDEE AND THE CITY OF NEWBERG

THIS AMENDED AND RESTATED INTERGOVERNMENTAL AGREEMENT FOR LAW ENFORCEMENT SERVICES (this “Agreement”) is effective as of July 1st , 2021 (the “Effective Date”), by and between the following municipalities.

City of Dundee
PO Box 220
Dundee, OR 97115
(503) 538-3922

City of Newberg
PO Box 970
Newberg, OR 97132
(503) 538-9421

City of Dundee is hereinafter referred to as “Dundee.”
City of Newberg is hereinafter referred to as “Newberg.”

RECITALS:

1. Dundee is desirous of contracting with Newberg for the performance of the hereinafter-described law enforcement functions within the boundaries of Dundee by Newberg.
2. Newberg has agreed to render such services on the terms and conditions hereinafter set forth.
3. Such contracts are authorized and provided for by the provisions of ORS 190.010.
4. This Agreement replaces that Amended – 2009 Intergovernmental Agreement for Law Enforcement Services executed pursuant to Newberg Resolution No. 2007-2727 and that Emergency Communications Services Agreement executed pursuant to Newberg Resolution No 2004-2539, respectively.
5. The Mayor and City Manager of Newberg will execute the agreement on behalf of Newberg pursuant to their delegated authority in Resolution No. **2021-3741**, which is attached as Exhibit “A.”

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, it is mutually agreed as follows:

1. **Term:** The term of this agreement and subsequent renewals for additional terms is as follows:
 - a. **Present Term** – The term of this agreement shall run from the Effective Date until

Exhibit “A”
Resolution 2021-3741

June 30, 2026 (the “Term”).

- b. Renewal – The terms and conditions of this agreement shall automatically renew for subsequent five (5) year terms unless either party notifies the other party of their intent not to renew or desire to renegotiate the agreement.
- c. Notice of Intent – A notice of intent not to renew or desire to renegotiate must be delivered to the other party at least nine (9) months prior to the expiration of the Term.

2. **Compensation:**

- a. Dundee shall pay to Newberg as full compensation for law enforcement services performed from the Effective Date to June 30, 2022 a lump sum amount equal to \$508,018 (the “Compensation”). After June 30, 2022, the Compensation will be adjusted as described in Section 2(c).
- b. Newberg is entitled to receive directly from the Oregon Office of Emergency Management all Emergency Communications Tax revenues allocated to Dundee. The amounts owed to Newberg under this Section 2.b will be credited towards the Compensation owed. Dundee will pay Newberg the outstanding balance of the Compensation no later than the last day of each fiscal year.
- c. The Compensation will increase on July 1st of each fiscal year, running from July 1 to June 30, during the Term by an amount equal to the product of (i) the Compensation owed in the immediately preceding fiscal year and (ii) the annual July 1st cost of living adjustment percentage identified in the Newberg-Dundee Public Safety Association Labor Agreement with the City of Newberg. If the annual cost of living adjustment is increased multiple times during the course of a fiscal year (for example on July 1st and January 1st), then the Compensation will be increased accordingly at the same time. The total amount of increases in a fiscal year under this Section 2(c) may not exceed 5% of the Compensation owed in the immediately preceding fiscal year.

3. **Newberg Law enforcement services:** Newberg agrees to provide law enforcement services within the corporate limits of Dundee consisting of duties and functions customarily rendered by a city police department. The law enforcement services provided by Newberg shall be comparable to those provided within the corporate limits of Newberg, which will include the following:

- a. Performance of emergency communication services such as responding to service calls requesting law enforcement services within Dundee’s city limits.
- b. Enforcement and investigations involved in the field of public safety, criminal law enforcement, traffic enforcement, or related fields within the legal power of the

Exhibit “A”
Resolution 2021-3741

police chief to so provide. The services shall be provided in conformance with the standards generally accepted within the policing profession.

- c. Enforcement of State Statutes and Dundee Ordinances regarding criminal offenses and driving infractions.
 - d. Assignment of a patrol car to work in Dundee ten (10) hours per day, seven (7) days per week. During all other times there will be random patrol of Dundee in marked police vehicles with law enforcement services provided to Dundee residents at the same level as those provided Newberg residents.
 - e. Submission of a written report to Dundee on or before the 10th day of each month setting forth the number and type of police activities in Dundee for the previous month. The police chief or his designee shall attend any and all meetings concerning policing issues as requested by Dundee.
 - f. Animal control services equivalent to those provided within the City of Newberg, including use of the Newberg Animal Shelter.
4. **Newberg Performance Requirements:** In performing the law enforcement services in Section 3, Newberg will satisfy the following requirements:
- a. Newberg shall use patrol vehicles and uniform patches that identify officers and cars as Newberg and Dundee police.
 - b. Newberg shall make available for the performance of the duties herein properly supervised officers that satisfy the Oregon Department of Public Safety Standards and Training certification requirements (except as to reserve officers/cadets, animal control, and volunteers).
 - c. Newberg will provide the equipment needed for officers to use at the Dundee police substation in Dundee.
5. **Dundee Responsibilities:** Dundee agrees to do the following in return for the law enforcement services furnished by Newberg:
- a. Pay the Compensation to Newberg in accordance with Section 2 above.
 - b. Provide office space, phone, and Internet access in the Dundee City Hall for use as a police substation at no additional charge to Newberg.
 - c. Provide a business phone number, to be answered by Newberg-Dundee police department staff, which will be listed as a Newberg-Dundee Police Department business number for non-emergency phone calls.

Exhibit “A”
Resolution 2021-3741

6. **Personnel:** The handling of the personnel necessary to deliver the services shall be as follows:
- a. The rendition of such service, standards of performance, the discipline of officers, and other matters incident to the performance of such services and control of personnel so employed shall remain solely with Newberg.
 - b. With the exception of police department volunteers, all personnel employed in the performance of such services pursuant to this Agreement shall be Newberg employees, and all persons employed hereunder shall have city pensions, salary, and any status or rights under the provisions of city employment paid for by Newberg.
 - c. Dundee shall not be called upon to assume any liability for the direct payment of any salaries, wages, or other compensation to any Newberg personnel performing services hereunder for Dundee or any liability other than that provided for in this Agreement. Except as otherwise herein specified, Dundee shall not be liable for compensation (including benefits and retirement) or indemnity to any Newberg employee for any injury, or sickness arising out of his or her employment.
7. **Court:** Dundee has and will maintain a Municipal Court. Newberg agrees to cite charges into the court of competent jurisdiction as follows:
- a. Crimes (felonies and misdemeanors) – All charges for felonies and misdemeanors including traffic crimes and any unclassified crimes or other serious violations of the law will be presented to the District Attorney’s Office for Yamhill County for trial in the appropriate court of jurisdiction or cited into Yamhill County Circuit Court.
 - b. Violations including traffic violations – All other charges for violations of the law including traffic violations within the city limits of Dundee will be cited into the Municipal Court of Dundee.
 - c. Concurrent jurisdiction – Nothing in this agreement shall be construed or used to limit the discretion of the police to cite charges into any court of competent jurisdiction.
 - d. Revenue – All revenue paid to Dundee pursuant to the authority of Dundee Municipal Court after appropriate assessments are paid shall be retained by Dundee.
8. **Citizen Police Advisory Forum:** Newberg and Dundee may form a Citizen Police Advisory Forum to meet from time to time for the purpose of (1) discussing various issues concerning law enforcement services in Dundee and Newberg and (2) developing recommendations related to law enforcement services for the police chief. The police chief will be responsible for appointing members to any Citizen Policy Advisory Forum created by Newberg and Dundee, and will ensure that the Forum includes residents of Dundee and Newberg. Forum members will elect from their membership a chair and vice chair. Either the chair or vice chair shall be a Dundee resident.

Exhibit “A”
Resolution 2021-3741

9. **Indemnification:** Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, Newberg agrees to indemnify, save harmless and defend Dundee, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions, and all expenses incidental to the investigation and defense thereof, arising out of or based upon damages or injuries to persons or property resulting from the performance of the law enforcement services by Newberg or its officers, employees, or agents or anyone over which Newberg controls.

Subject to the limits of the Oregon Constitution and the Oregon Tort Claims Act or successor statute, Dundee agrees to indemnify, save harmless and defend Newberg, its officers, elected officials, agents and employees from and against all costs, losses, damages, claims or actions and all expenses incidental to the investigation and defense thereof arising out of or based upon injuries to persons or property caused by the negligent or willful acts of Dundee or its officers, elected officials, employees, agents, or anyone over which Dundee controls.

10. **Termination for Cause:** Either party may terminate this agreement for cause after giving a sixty (60) day, written notice to the other party and stating the reason for termination. If the party receiving the notice of termination corrects the matter within the sixty (60) days, the agreement shall continue. The parties agree to meet and discuss any cause for termination prior to giving notice of termination pursuant to this paragraph.
11. **Notices:** Any notice required to be given by the terms and conditions of this agreement shall be given to the other party either by personal service or registered mail, returned receipt requested to the following persons at the listed address:

City of Newberg	City of Dundee
City Manager Dan Weinheimer and Police Chief Jeff Kosmicki or their successors	City Administrator Rob Daykin or successor
PO Box 970	PO Box 220
Newberg, OR 97132	Dundee, OR 97115

12. **Miscellaneous:** Any amendments or modifications hereto shall be made in writing as approved and signed by Newberg and Dundee.
13. **Entire Agreement:** This Agreement represents the entire and integrated agreement between Newberg and Dundee and supersedes all prior negotiations, representations, or agreements, either written or oral. This Agreement may be amended or modified only by a written amendment signed by Newberg and Dundee.
14. **Counterparts:** This Agreement may be executed in one or more counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument. Signatures transmitted electronically, whether sent via facsimile or as attached

Exhibit “A”
Resolution 2021-3741

files (e.g., .pdf), will be acceptable to bind Newberg and Dundee, respectively, and will not in any way affect the validity of this Agreement. Newberg and Dundee intend to confirm any electronically transmitted signatures by exchanging ink-signed originals, but the failure to do so does not affect this Agreement’s validity in any way.

IN WITNESS WHEREOF, this instrument has been executed in duplicate pursuant to resolutions heretofore duly and legally adopted by each of the parties hereto.

CITY OF NEWBERG

CITY OF DUNDEE

Rick Rogers, Mayor

Date

Don Sundeen, Mayor

Date

ATTEST:

Dan Weinheimer
City Manager

Approved by Resolution No. 2021-3741
Amendment approved by Resolution 2021-3741

Date

Rob Daykin
City Administrator

Approved by Resolution No. 2021-3741
Amendment approved by Resolution 2021-3741

Date

APPROVED AS TO FORM & CONTENT:

James M. Walker
Newberg City Attorney

Date

2021 NEWBERG CITY COUNCIL MEETING INFORMATION

Meeting Date: 6/7/21

Start: 6:00 p.m.

Stop: 8:50 p.m.

Councilors	Roll Call	Consent Calendar Res 3737 Res 3738 Res 3736 Res 3744	State Revenue Sharing Res 3733 Res 3734	Budget Adoption Res 3735	Ordinance 2880 Waiver Findley/Bacon 6-0	Resolution 3741 Dundee Police Contract	NURA Res 2021-02
MCBRIDE	X	Yes	Yes	No	Yes	Yes	Yes
COEFIELD	Absent	Absent	Absent	Absent	Absent	Absent	Absent
YARNELL HOLLAMON	X	Yes	Yes	Yes	Yes	Yes	Yes
MARTINEZ PLANCARTE	X	Yes	Yes	Yes	Yes	Yes	Yes
ROGERS	X	Yes	Yes	Yes	Yes	Yes	Yes
BACON	X	Yes	Yes	Yes	Yes	Yes	Yes
FINDLEY	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: 1 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):		Findley/ Yarnell Hollamon	Findley/McBride	Yarnell Hollamon/ Martinez Plancarte	Findley/McBride	Findley/ Yarnell Hollamon	Rogers/Yarnell Hollamon
Department/ Staff:		ENG	Finance	Finance	CDD	PD	CDD
Changes:		None	None	None	None	None	None
Tabled:		No	No	No	No	No	No

City Recorder [] Workmen's Compensation hours - hours [] Timesheets