



Planning Commission Meeting

7PM

Public Safety Building

401 E Third St

Hybrid: Instructions To Join Electronically At www.Newbergoregon.Gov

Email Comments To: Fe.Bates@Newbergoregon.Gov

July 11, 2024

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

(5-minute maximum per person - for items not on the agenda)

4. CONSENT CALENDAR

- a. [5/1/2024 Planning Commission Meeting Minutes](#)
- b. [5/9/2024 Planning Commission Meeting Minutes](#)

5. QUASI-JUDICIAL PUBLIC HEARINGS

(complete registration form to give testimony - 5-minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

- a. **CUP23-0019: Conditional use permit to use a single-family dwelling as a vacation rental home at 215 N School Street.**

[CUP23-0019 PC Staff Report.pdf](#)

[Attachment 1. Application Materials.pdf](#)

[Attachment 2. Agency Comments.pdf](#)

6. LEGISLATIVE PUBLIC HEARINGS

(complete registration form to give testimony - 5-minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

- a. **DCA23-0002: Daycare Code Amendments (Legislative):** Consider code amendments related to allowing daycares as permitted uses in light industrial zones, reducing parking requirements and defining play structures and where they can be placed.

[DCA23-0002 Daycare Amendments Staff Report.pdf](#)

[Planning Commission Resolution 2024-394.pdf](#)

[Exhibit A. Development Code Amendments to PC Resolution 2024-394.pdf](#)

[Exhibit B. Findings to Development Code Amendments PC Resolution 2024-394.pdf](#)

[Attachment 1. City Council Minutes.pdf](#)

[Attachment 2. Childcare in Newberg Presentation.pdf](#)

[Attachment 3. Daycare Barriers Memo.pdf](#)

[Attachment 4. Other Cities Childcare Parking Survey.pdf](#)

[Attachment 5. Combined Agency Comments.pdf](#)

- b. DCA24-0001: Sign Code Amendments (Legislative):** Consider code amendments related to the sign code by updating definitions of free standing and portable signs as well as updating regulations regarding signs in the Right-of-Way

[DCA24-0001 Staff Report.pdf](#)

[Planning Commission Resolution 2024-395.pdf](#)

[Exhibit A. Proposed Code Amendments for Signs to PC Resolution 2024-395.pdf](#)

[Exhibit B. Findings for Code Amendments PC Resolution 2024-395.pdf](#)

[Attachment 1. 2024 Planning Division Work Plan.pdf](#)

[Attachment 2. Proposed sign code language changes e-mail Code Enforcement 4-18-24.pdf](#)

[Attachment 3. Agency Comments.pdf](#)

7. ITEMS FROM STAFF

- a. [Anticipated Schedule of Planning Commission Activities](#)
- b. [Staff Updates for Planning Commission](#)

8. ITEMS FROM COMMISSIONERS

9. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the Community Development Department Office Assistant II of any special physical or language accommodations you may need as far in advance of the meeting as possible as and no later than 48 business hours prior to the meeting. To request these arrangements, please contact the Office Assistant at (503) 537-1240. For TTY services please dial 711.

**City of Newberg
Planning Commission Meeting
May 1, 2024**

Meeting called to order at 7:00 p.m.

Commissioners Present:

Jason Dale
Layne Quinn
Kriss Wright
Abby Seits
Michael Griffiths
Linda Newton-Curtis

Staff Present:

Planning Manager Clay Downing
Associate Planner Jeremiah Cromie
Administrative Assistant Fê Bates
Senior Engineer Brett Musaick

PUBLIC COMMENTS

None

QUASI JUDICIAL PUBLIC HEARINGS

Consider a Resolution to recommend approval of the Collina at Springbrook Subdivision Phasing Plan and Amendments to the Springbrook Master Plan Development Matrix (File No. MIMD323-0003/MISC323-0001) to City Council

Jeremiah Cromie presented proposed amendments to the Springbrook Master Plan's housing lot sizes, driveway separation, and some clerical fixes.

Glenn Southerland from AKS Engineering & Forestry presented to the Commission detailing some of the amendments to the plans. The new application does not include any more homes than the original ±403 homes proposed in the previous approval.

Commissioners discussed the 20-foot frontage for middle housing dwelling units.

Resolution 2024-393: Resolution to recommend approval of the Collina at Springbrook Subdivision Phasing Plan and Amendments to the Springbrook Master Plan Development Matrix (File No. MIMD323-0003/MISC323-0001)

Action:

Recommend the phasing and denying the creation of a minimum 20-foot frontage for middle housing dwelling units, deny 20-foot driveway separation

Motion: Commissioner Kriss Wright

Second: N/A

Vote: N/A

Action:

Approve recommending the resolution to the City Council as stated in the Staff report

Motion: Commissioner Michael Griffiths

Second: Commissioner Linda Newton-Curtis

Vote: 5 Yes, 1 No (Wright)

ITEMS FROM STAFF

City Planning Manager Clay Downing talked about the City Hall Historic Landmark Review and the Enterprise Zone Designation.

ITEMS FROM COMMISSIONERS

None

ADJOURNMENT

Meeting adjourned at 7:38 p.m.

ATTEST: Name of Staff Liaison, Title

Newberg Planning Commission, Chair

**City of Newberg
Planning Commission Meeting
May 9, 2024**

Meeting called to order at 7:00 p.m.

Commissioners Present:

Jason Dale (Chair)
Layne Quinn (Vice Chair)
Kriss Wright
Abby Seits (Student)
Michael Griffiths
Linda Newton-Curtis

Staff Present:

Planning Manager Clay Downing
Assistant Planner James Dingwall
Administrative Assistant Fê Bates
Senior Engineer Brett Musaick

PUBLIC COMMENTS

None

CONSENT CALENDAR

Approve April 11, 2024 Minutes

Action: Approve the minutes from 4/11/24
Motion: Commissioner Michael Griffiths
Second: Commissioner Kriss Wright
Vote: Unanimous Yes

QUASI-JUDICIAL PUBLIC HEARINGS

Continued Hearing for request to annex 918 S Wynooski Street (File No. ANX23-0001)

Commissioners briefly discussed the annexation of 918 S Wynooski Street and said it's fairly straightforward.

Resolution 2024-392: Resolution to recommend approval of the planning project ANX23-0001 - Annexation of 918 S Wynooski Street

Action:

Recommend City Council approve ANX23-0001 - Annexation of 918 S Wynooski Street

Motion: Commissioner Kriss Wright

Second: Commissioner Layne Quinn

Vote: Unanimous Yes

ITEMS FROM STAFF

City Planning Manager Clay Downing discussed available city funds that were awarded to local organizations, as well as an analysis of the city's sequential urban growth boundary process. He also addressed upcoming code updates, that was deferred during staff turnover.

Downing also said Jose Villalpando was appointed as planning commissioner and will be joining the next commission meeting.

ITEMS FROM COMMISSIONERS

None

ADJOURNMENT

Meeting adjourned at 7:19 p.m.

Name of Staff Liaison, Title

ATTEST:

Newberg Planning Commission, Chair

PLANNING COMMISSION STAFF REPORT
VACATION RENTAL CONDITIONAL USE PERMIT
215 N SCHOOL STREET

HEARING DATE: July 11, 2024

FILE NO: CUP23-0019

REQUEST: Conditional use permit approval to use a single-family dwelling as a vacation rental home

LOCATION: 215 N School Street

TAX LOT: R3219AA 03300

APPLICANT: Teresa Drevdahl

OWNER: Teresa and Dale Drevdahl

ZONE: R-2 (Medium Density Residential)

PLAN DISTRICT: MDR (Medium Density Residential)

ATTACHMENTS:

Planning Commission Order 2024-05 with:
Exhibit A: Findings
Exhibit B: Conditions of Approval

Attachment 1: Application Materials
Attachment 2: Agency Comments

A. DESCRIPTION OF APPLICATION:

Teresa Drevdahl (Applicant) is requesting Conditional Use Permit (CUP) approval to use an existing three-bedroom single family dwelling as a vacation rental at 215 N School Street. The Applicant has submitted a Change of Use building permit (Permit No. NSTR24-0079) to increase the number of permitted bedrooms to five (5) upon inspection by the Building Official. According to the application materials (Attachment 1), the home is the Applicant's primary residence and is proposed to be used as a vacation rental home for 6-8 weeks during the summer. It is anticipated that the dwelling will be owner-occupied for at least 10 months per year. The Applicant has stated that there will be two off-street parking spaces in the driveway for use by short-term rental tenants. The subject property is located in the Medium Density Residential (R-2) zoning district. Attachment 1 contains the submitted application materials and Attachment 2 contains agency comments.

B. LOCATION: 215 N School Street

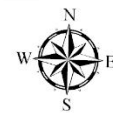
Aerial Map



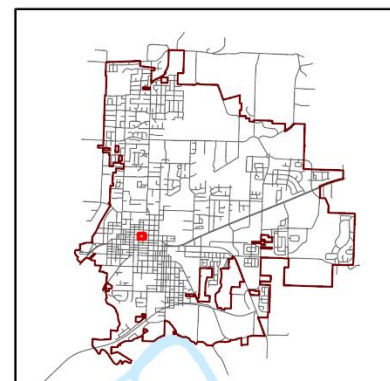
215 N School Street

Subject Property

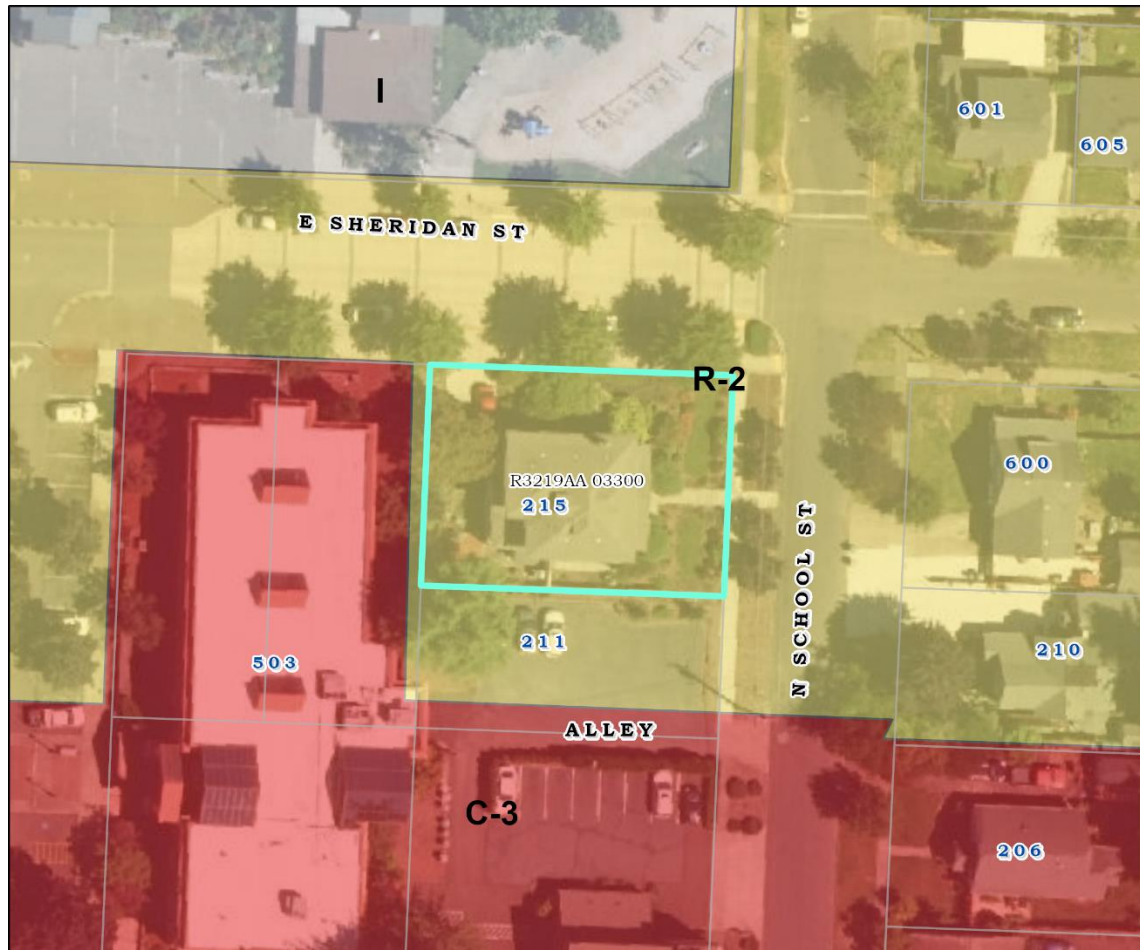
Taxlots



0 50 100 Feet



Zoning Map



215 N School Street - Zoning

Subject Property

Taxlots

ZONING

C-3 Central Business District

R-2 Medium Density Residential

I Institutional



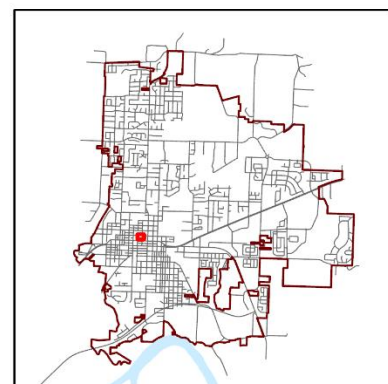
IMPORTANT NOTICE TO ALL USERS:

DISCLAIMER AND LIMITATION OF LIABILITY
This information is not guaranteed to be accurate and may contain errors and omissions. The City of Newberg provides NO WARRANTY AS TO THE MERCHANTABILITY OR FITNESS FOR THE ARTICULARY PURPOSE FOR ANY INFORMATION HEREIN.

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This map is intended for general planning purposes only.
Date Exported: 7/1/2024 2:10 PM



0 50 100 Feet

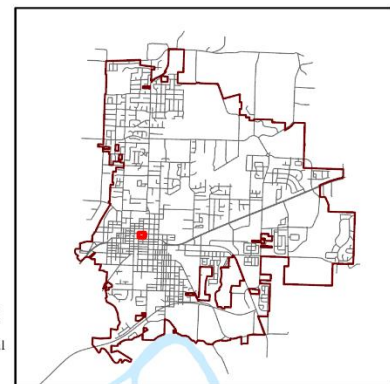
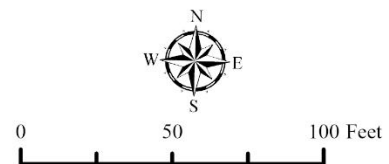


Public Utility Map



215 N School Street - Utilities

- | | | |
|------------------|----------------------|-------------------------------|
| Subject Property | Storm CleanOut | Water Meter |
| Taxlots | Active Storm Inlet | Water Valves |
| Sewer Manholes | Collector Storm Pipe | CITY OF NEWBERG, Potable Main |
| Sewer Laterals | Collector Storm Pipe | Hydrant Lateral |
| Gravity Main | Storm Pipe - Pvt | Service Lateral |



C. SITE INFORMATION:

1. Location: 215 N School Street
2. Total Lot Size: 6,187 square feet
3. Topography: Flat
4. Current Land Uses: Single-family residential
5. Natural Features: Residential landscaping
6. Adjacent Land Uses:
 - a. North: Institutional
 - b. South: Single-family residential
 - c. East: Single-family residential
 - d. West: Institutional
7. Adjacent Zoning:
 - a. North: I (Institutional)
 - b. South: R-2 (Medium Density Residential)
 - c. East: R-2 (Medium Density Residential)
 - d. West: C-3 (Central Business District)
8. Access and Transportation: Access to the vacation rental will occur via E Sheridan Street. This section is classified as a Local Residential Street in the City's Transportation System Plan.
9. Utilities:

Water: The City's GIS identifies an eight-inch water main located east of the subject property in N School Street which provides service to the property through a .75-inch service lateral.

Wastewater: The City's GIS identifies an eight-inch wastewater main located east of the subject property in E Chandler Drive and connected to an eight-inch wastewater main in N Chase Street which provides service to the property through an existing service lateral.

Stormwater: The City's GIS identifies one storm inlets and a storm pipe north of the property in E Sheridan Street.

Overhead Lines: The property is served by overhead power lines. Any new overhead utility connections to the property must be undergrounded. See Newberg Municipal Code (NMC) 15.430.010 for exception provisions.

- D. PROCESS:** This CUP request is a Type III application and follows the procedures in NMC Section Code 15.100.050. The Planning Commission will hold a quasi-judicial public hearing on the application. The Commission will make a decision on the application based on the criteria listed in the attached findings. The Planning Commission's decision is final unless appealed. Important dates related to this application are as follows:

- 12/5/2023: The Community Development Director deemed the application complete.
- 1/5/24: The Applicant extended the 60-day and 120-day decision limit pursuant to NMC 15.100.140 and ORS 222.178 by 60 days to June 2, 2024, to allow time to provide additional information.
- 5/8/24: The Applicant extended the 60-day and 120-day decision limit pursuant to NMC 15.100.140 and ORS 222.178 by 60 days to August 1, 2024, to allow time to provide additional information.
- 6/11/24: The Applicant mailed notice to the property owners within 500 feet of the site.
- 6/11/24: The Applicant posted notice on the site.
- 6/27/24: The *Newberg Graphic* published notice of the Planning Commission hearing and notice was posted in four public places.
- 7/11/23: The Planning Commission will hold a quasi-judicial public hearing to consider the application.

- E. AGENCY COMMENTS:** On June 7, 2024, the application was routed to several public agencies and City departments for review and comment. Comments and recommendations from City departments have been incorporated into the findings and conditions of approval. As of the writing of this report, the City received the following responses from the following referral agencies which are also provided in Attachment 2:

1. Building Official: Reviewed, no conflict.
2. City Manager: Reviewed, no conflict.

3. Community Development Director: Reviewed, no conflict.
4. Engineering: Reviewed, no conflict.
5. Newberg Dundee Police Department: Reviewed, no conflict.
6. Portland General Electric: Reviewed, no conflict.
7. Public Works Director: Reviewed, no conflict.
8. Public Works Maintenance: Reviewed, no conflict.
9. Public Works: Wastewater Treatment Plan: Reviewed, no conflict.
10. Public Works: Water Superintendent: Reviewed, no conflict.

F. PUBLIC COMMENTS: As of the writing of this report, the City has received no public comments related to this proposal.

G. ANALYSIS: The proposed vacation rental will be compatible with the surrounding residential uses and neighborhood based on the proposed use, size, operating characteristics, and scope. The characteristics of a vacation rental are not dissimilar from other rented and owned dwellings. The maximum occupancy is regulated by the number of bedrooms – two guests per bedroom. The Applicant originally submitted a request for a 5-bedroom vacation rental home with a maximum occupancy of 10 guests. However, the Yamhill County Assessor’s data indicates that the structure has three bedrooms. The Applicant has submitted a Change of Use building permit (Permit No. NSTR24-0079) to increase the number of permitted bedrooms from three (3) to five (5), which will be verified by inspection of the Building Official prior to permit approval. The application materials indicate that two (2) off-street parking spaces will be available in the driveway for use by vacation rental guests. Refuse collection will be collected on Wednesdays.

H. PRELIMINARY STAFF RECOMMENDATION: The preliminary staff recommendation is made in the absence of public hearing testimony and may be modified after the close of the public hearing. At the time this report was drafted, staff recommends the following motion:

Move to adopt Planning Commission Order 2024-05, which approves the requested conditional use permit with the attached conditions of approval in Exhibit “B”.



PLANNING COMMISSION ORDER 2024-05

**AN ORDER APPROVING CONDITIONAL USE PERMIT CUP23-0019 FOR A
VACATION RENTAL HOME AT 215 N SCHOOL STREET, YAMHILL COUNTY
TAX LOT R3219AA 03300.**

RECITALS

1. Teresa Drevdahl applied for a conditional use permit for a vacation rental home at 215 N School Street, Yamhill County Tax Lot R3219AA 03300.
2. After proper notice, the Newberg Planning Commission held a public hearing on July 11, 2024, to consider the application. The Commission considered testimony and deliberated.
3. The Newberg Planning Commission finds that the application meets the applicable Newberg Municipal Code criteria as shown in the findings in Exhibit "A".

The Newberg Planning Commission orders as follows:

1. Conditional Use Permit Application CUP23-0019 is hereby approved. Exhibit "B" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit "A" are hereby adopted. Exhibit "A" is hereby adopted and by this reference incorporated.
3. This Order shall be effective on July 30, 2024, unless appealed prior to this date.
4. This Order shall expire one year after the effective date above if the applicant does not commence use of the home as a vacation rental unless an extension is granted per Newberg Development Code 15.225.100.

Adopted by the Newberg Planning Commission this 11th day of July 2024.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

Exhibit "A": Findings

Exhibit "B": Conditions of Approval

<p style="text-align: center;">Exhibit “A” to Planning Commission Order 2024-05 Findings – File CUP23-0019 Vacation Rental at 215 N School Street</p>

Formatting notes: The Newberg Municipal Code (NMC) criteria are written in ***italic bold*** font and the findings are written in regular font. The NMC criteria will be presented first, followed by the findings of fact. Finding of fact with underlined font indicate subsequent inclusion in Exhibit “B” Conditions of Approval.

Applicable Criteria for Conditional Use Permits (NMC Section 15.225.060)

15.225.060 General Conditional Use Permit Criteria – Type III

A conditional use permit may be granted through a Type III procedure only if the proposal conforms to all the following criteria:

- A. The location, size, design and operating characteristics of the proposed development are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density; to the availability of public facilities and utilities; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.***

Finding: The vacation rental would occur in an existing three-bedroom, single-family dwelling located in downtown Newberg. The Applicant originally submitted a request for a 5-bedroom vacation rental home with a maximum occupancy of 10 guests. However, the Yamhill County Assessor’s data indicated that the structure had three bedrooms. The Applicant submitted a Change of Use building permit to establish a higher number of bedrooms (Permit No. NSTR24-0068). Upon inspection by the Building Official and approval of a Change of Use Permit, the conditional use approval may be increased to a higher number of bedrooms meeting applicable code requirements. Weekly refuse collection is in place for the property and the applicant materials (Attachment 1) indicate that collection occurs on Monday. The subject property will provide two off-street parking spaces in the driveway.

The proposed vacation rental use is similar to other residential uses in design and operating characteristics. The home has three bedrooms and is therefore eligible to host a maximum of six (6) occupants. Upon inspection approval by the Building Official and approval of a Change of Use Permit, the maximum number of occupants may be higher, no greater than two (2) per the approved number of bedrooms. The subject property is located in the Medium Density Residential (R-2) zoning district and is abutted on the east and south by properties in the R-2 zoning district, on the north by property in the Institutional (I) zoning district, and to the west by properties in the Central Business District (C-3) zoning district.

Because the size, design and operating characteristics of a vacation rental home are similar to residential use of the existing single-family residence, the use is compatible with the surrounding residential neighborhood and would effectively function no differently than the existing residential uses in the surrounding area.

This criterion is met.

B. The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

Finding: The subject property is located in downtown Newberg, in close proximity to the Chehalem Cultural Center, George Fox University, and the downtown business district, which provides convenient and functional access to living, working, shopping, and civic amenities.

Because the operating characteristics of a vacation rental home are similar in size and scope to a long-term rental (longer than 30-days) or owner-occupied dwelling, a vacation rental home is a compatible use with other residential uses and a functional living environment.

This criterion is met.

C. The proposed development will be consistent with this code.

Finding: The vacation rental standards are addressed in findings below. If the proposed project complies with the standards of Article VII. Vacation Rentals (NMC Chapter 15.445.300-350) the application will be consistent with code requirements.

Applicable Criteria for Vacation Rental Homes (NMC 15.445.300 Special Use Standards, Article VII. Vacation Rental Homes)

15.445.310 Where allowed.

***Vacation rental homes are permitted in areas shown on Chapter 15.305 NMC.
The vacation rental home must be a structure approved for occupancy as a single-family dwelling unit.***

Finding: The subject property is zoned R-2. The table below is an excerpt from NMC Chapter 15.305, which states that vacation rental homes are permitted as a conditional use in the R-2 zoning district. The owner has applied for a conditional use permit for the proposed vacation rental home. The structure was previously approved for occupancy as a single-family dwelling unit.

<u>Use</u>	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3
<u>Vacation rental home</u>	C	C	S	S	S	S(13)	S(13)	S(13)

Because vacation rental homes are permitted in the R-2 zoning district as a conditional use and the subject property possesses a single-family dwelling located in the R-2 zoning district, the use is permitted pursuant to approval of a conditional use permit.

This criterion is met.

15.445.320 Registration required.

Prior to use or advertising for use of a dwelling as a vacation rental home, the owner or operator shall register the vacation rental home with the city on forms provided by the director. The registration shall include such information required by the director, including the name and contact information for the owner, operator and a local contact.

Finding: According to NMC Chapter 3.10, agents and operators must register for and pay a Transient Lodging Tax for occupancy activities within the City of Newberg which are less than 30 successive calendar days. According to NMC Chapter 5.05, businesses that operate within the City are required to obtain and hold a business license. Because vacation rental homes are characterized as commercial uses involved in occupancy activities which are less than 30 successive calendar days, operators are required to comply with requirements identified in NMC Chapters 3.10 and 5.05 relating to Transient Lodging Tax and business licenses.

As required by NMC 15.445.320 and other code provisions, prior to the use of the home as a vacation rental the Owner or Applicant will be required to register the vacation rental home with the City, will be required to pay the transient lodging tax, and will be required to obtain a Business License. This criterion will be met with the adherence to the aforementioned condition of approval.

15.445.330 Standards.

- A. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.***
- B. The applicant shall provide for regular refuse collection.***
- C. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people.***
- D. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy.***

Finding: The Applicant has requested to operate a vacation rental property.

The application materials (Attachment 1) originally submitted a request for a 5-bedroom vacation rental home with a maximum occupancy of 10 guests. However, the Yamhill County Assessor's data indicated that the structure had three bedrooms. The Applicant submitted a Change of Use building permit to establish a higher number of bedrooms (NSTR24-0068). Upon inspection and approval by the Building Official for an increase in the number of bedrooms, the maximum occupancy allowed by the conditional use approval may be increased to a higher

number no greater than two (2) occupants per bedrooms. If such an increase in the number of bedrooms is approved by the Building Official and will be utilized for the vacation rental home, the Applicant shall notify the Planning Division of the change in bedroom count. The application materials also indicate that two off-street parking spaces are provided on the north side of the property. The parking spaces are located on the driveway providing access off of E Sheridan Street. Refuse collection is provided on Monday mornings, and the Applicant has indicated that they do not own an RV and have no plans of offering RV accommodation as part of the vacation rental offering. Because the standards relate to continued operation of the vacation rental, the Applicant shall ensure that the vacation rental will:

- A. Provide two off-street parking spaces in the driveway at the subject property.
- B. Maintain weekly refuse collection.
- C. Offer a vacation rental in an existing single-family home with a maximum occupancy of two vacation rental guests per bedroom, a maximum of six (6) occupants.
- D. Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during rental occupancy.

These criteria are met with the adherence to the aforementioned conditions of approval.

15.445.340 Registration posting.

The applicant shall post the vacation rental home registration within the dwelling adjacent to the front door. At a minimum, the posting will contain the following information:

- A. The name of the operator and a telephone number where the operator may be reached.***
- B. The telephone number for the police department.***
- C. The maximum number of occupants permitted to stay in the dwelling.***
- D. The standards for the rental occupancy.***
- E. The solid waste collection day.***

Finding: The Applicant has acknowledged the requirements listed in NMC Section 15.445.340 and has stated that they will comply with these requirements. Because the Applicant has stated that they will comply with the requirements, prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the Applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental.

Operator Name: Teresa Drevdahl

Operator Phone Number: 503-490-1175

Rental Management Company and Contact: TBD

Rental Management Company Phone Number: TBD

In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: Six (6)

Trash Pick-Up Day: Monday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
- The Applicant shall provide for regular refuse collection.
- The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of six (6) people.
- The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter during the rental occupancy.

Because the Applicant has indicated an interest in an increased bedroom count and is actively submitted an application to the Building Division to obtain approval of an increased bedroom count, Following inspection and approval by the Building Official, the posting shall be updated to reflect the maximum number of occupants, which shall be up to two (2) occupants per bedroom.

The requirements of NMC Section 15.445.040 will be met with adherence to the aforementioned conditions of approval.

15.445.350 Complaints and revocation of registration.

If the city receives two or more written complaints within a one-year period regarding a vacation rental home occupancy, and the issues have not been resolved through the code enforcement officer, the city manager may schedule a hearing to consider revoking the vacation rental home registration. The hearing may be conducted by the city manager, or other such hearings officer as the city manager may appoint for this purpose. The city manager shall notify the owner and operator of the hearing, those submitting written complaints, and may invite others to submit testimony at the hearing. After hearing the facts, the city manager may do any of the following:

A. Revoke the registration for noncompliance with the standards in this section. If this permit is revoked, the premises may not be used as a vacation rental home for a period of two years, or a period of lesser time as determined by the hearings officer.

B. Impose additional conditions necessary to fulfill the purpose of this section.

C. Establish a probationary period to monitor compliance.

D. Dismiss the complaint.

E. Refer the matter to the code enforcement officer for citation in

municipal court or other appropriate jurisdiction.

The hearings officer's decision may be appealed to the planning commission by the applicant, owner, or person filing the written complaint within 14 calendar days of the date of the decision in the manner provided in NMC 15.100.170.

Finding: The City will follow the procedures listed above in the event complaints are received about the vacation rental home. The Applicant's narrative acknowledges Section 15.445.050 complaints and revocation of registration. The Applicant has indicated they understand the potential for an approval to be revoked if the requirements for operating a vacation rental are not adhered to.

CONCLUSION:

Based on the above-mentioned findings, the application meets the required criteria within the Newberg Municipal Code, subject to completion of and adherence to the attached conditions of approval in Exhibit "B".

**Exhibit “B” to Planning Commission Order 2024-05
Conditions of Approval – File CUP23-0019
Vacation Rental Home at 215 N School Street**

THE FOLLOWING MUST BE ACCOMPLISHED PRIOR TO USE AS A VACATION RENTAL AND ADHERED TO IN ORDER TO CONTINUE THE USE OF A VACATION RENTAL:

1. **Transient Lodging Tax and Business License:** Prior to the use of the home as a vacation rental the Owner or Applicant will be required to register the vacation rental home with the City, will be required to pay the transient lodging tax, and will be required to obtain a Business License.
2. **Parking:** Provide two off-street parking spaces in the driveway at the subject property.
3. **Refuse Collection:** Maintain weekly refuse collection.
4. **Maximum Occupancy:** Offer a vacation rental in an existing single-family home with a maximum occupancy of two vacation rental guests per bedroom, a maximum of six (6) occupants.
 - a. Upon inspection and approval by the Building Official for an increase in the number of bedrooms, the maximum occupancy allowed by the conditional use approval may be increased to a higher number no greater than two (2) occupants per bedrooms. If such an increase in the number of bedrooms is approved by the Building Official and will be utilized for the vacation rental home, the Applicant shall notify the Planning Division of the change in bedroom count.
5. **Temporary Occupancy Limits:** Guest contracts shall not allow recreational vehicles, trailers, tents, or temporary shelters during rental occupancy.
6. **Posting:** Prior to the use of the home as a vacation rental and during the use of the home as a vacation rental, the Applicant is required to post the required information for NMC 15.445.040(A-E) by the front door of the vacation rental.
 - a. Operator Name: Teresa Drevdahl

Operator Phone Number: 503-490-1175

Rental Management Company and Contact: TBD

Rental Management Company Phone Number: TBD

In the event of an emergency, call: 911 | Non-Emergency Police #: (503) 538-8321

Max Number of Guests: Six (6)

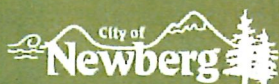
Trash Pick-Up Day: Monday

City of Newberg Vacation Rental Standards:

- Each vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants.
 - The Applicant shall provide for regular refuse collection.
 - The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of fourteen (14) people.
 - The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent, or temporary shelter during the rental occupancy.
- b. Following inspection and approval by the Building Official, the posting shall be updated to reflect the maximum number of occupants, which shall be up to two (2) occupants per bedroom.

CUP23-0019

Attachment 1: Application Materials



TYPE III APPLICATION (QUASI-JUDICIAL REVIEW)

File #: CUP23-0019

TYPES – PLEASE CHECK ONE:

- | | |
|-----------------------------------------------------------------------|------------------------------------------------------------|
| <input type="checkbox"/> Annexation | <input checked="" type="checkbox"/> Conditional Use Permit |
| <input type="checkbox"/> Comprehensive Plan Amendment (site specific) | <input type="checkbox"/> Type III Major Modification |
| <input type="checkbox"/> Zoning Amendment (site specific) | <input type="checkbox"/> Planned Unit Development |
| <input type="checkbox"/> Historic Landmark Modification/alteration | <input type="checkbox"/> Other: (Explain) _____ |

APPLICANT INFORMATION:

APPLICANT: Teresa Drevdahl
ADDRESS: 215 N. School St. CITY: Newberg STATE: OR ZIP: 97132
EMAIL ADDRESS: daleandteresa@gmail.com PHONE: 503-490-1175 MOBILE: 503-490-1175
OWNER (if different from above): Dale & Teresa Drevdahl PHONE: 503-490-1175
ADDRESS: 215 N School CITY: Newberg STATE: OR ZIP: 97132
ENGINEER/SURVEYOR: N/A CONTACT: _____
EMAIL ADDRESS: _____ PHONE: _____ MOBILE: _____

GENERAL INFORMATION:

PROJECT LOCATION: 215 N. School St. PROJECT VALUATION: \$ _____
PROJECT DESCRIPTION/USE: Vacation Rental
MAP/TAX LOT NO. (i.e. 3200AB-400): R3219AA-03300 SITE SIZE: _____ SQ. FT. ☐ ACRE ☐
COMP PLAN DESIGNATION: R-2 CURRENT ZONING: _____
CURRENT USE: Detached single family home TOPOGRAPHY: _____
SURROUNDING USES: _____
NORTH: Cultural Center SOUTH: library employee public parking
EAST: detached single family/vacation rental WEST: library

ATTACHED PROJECT CRITERIA AND REQUIREMENTS (check all that is included)

General Checklist: ☒ Fees ☒ Public Notice Information ☒ Current Title Report ☒ Written Criteria Response ☒ Owner Signature
☒ 2 -Hard copies of full Application Packet ☐ 1 -Digital Copy of Full Application Packet

For detailed checklists, applicable criteria for the written criteria response, and number of copies per application type, turn to:

Annexation	p. 11
Comprehensive Plan / Zoning Map Amendment (site specific)	p. 18
Conditional Use Permit	p. 22
Short Term Rental	p. 26
Historic Landmark Modification/Alteration	p. 37
Planned Unit Development	p. 41

The Application Packet can be submitted to Planning@newbergoregon.gov or at 414 E First St., Newberg OR. 97132
2 physical copies must be mailed or brought into the Community Development Department

Tentative plans must substantially conform to all standards, regulations, and procedures officially adopted by the City of Newberg. All owners must sign the application or submit letters of consent.
Incomplete or missing information may delay the approval process.

The above statements and information herein contained are in all respects true, complete, and correct to the best of my knowledge and belief.

Applicant Signature

Date

Teresa Drevdahl

Print Name

Owner Signature

Date

Dale J Drevdahl

Print Name

NEWBERG PERMIT CENTER FEE SCHEDULE

Effective Date:
April 1, 2023

5% TECHNOLOGY FEE WILL BE ADDED TO TOTAL FEES (Resolution No. 2016-3268)

PRE-APPLICATION REVIEW	\$100
TYPE I (ADMINISTRATIVE REVIEW)	
OTHER: ANY TYPE I ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$202
HOME OCCUPATION BUSINESS LICENSE REVIEW	\$202
ADU DESIGN REVIEW	\$202
COTTAGE CLUSTER DESIGN REVIEW	\$404
PROPERTY CONSOLIDATION	\$202
CODE ADJUSTMENT	\$505
* DESIGN REVIEW (DUPLEX OR COM. /IND. MINOR ADDITION REVIEW	0.3% OF PROJECT VALUE, \$505 MINIMUM
MINOR MODIFICATION OR EXTENSION OF TYPE I DECISION	\$202
MAJOR MODIFICATION OF TYPE I DECISION	50% OF ORIGINAL FEE
* PARTITION FINAL PLAT	\$1,015 + \$88 PER PARCEL
PROPERTY LINE ADJUSTMENT	\$1,015
SIGN REVIEW	\$89 + \$1.00 PER SQ. FT. OF SIGN FACE
* SUBDIVISION, PUD, OR CONDOMINIUM FINAL PLAT	\$2,034 + \$88 PER LOT OR UNIT
HISTORIC LANDMARK MINOR ALTERATION/DEMOLITION	\$0
TYPE II (LAND USE DECISION)	
OTHER-ANY TYPE II ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$1,015
MINOR MODIFICATION OR EXTENSION OF TYPE II DECISION	\$202
MAJOR MODIFICATION OF TYPE II DECISION	50% OF ORIGINAL FEE
* DESIGN REVIEW (INCLUDING MOBILE/MANUFACTURED HOME PARKS)	0.6% OF TOTAL PROJECT COST, \$1,015 MINIMUM
* PARTITION PRELIMINARY PLAT	\$1,015 + \$88 PER PARCEL
* SUBDIVISION PRELIMINARY PLAT	\$2,034 + \$88 PER LOT
VARIANCE	\$1,015
TYPE III (QUASI-JUDICIAL REVIEW)	
OTHER-ANY TYPE III ACTION NOT SPECIFICALLY LISTED IN THIS SECTION	\$2,155
ANNEXATION	\$2,833 + \$270 PER ACRE
COMPREHENSIVE PLAN AMENDMENT (SITE SPECIFIC)	\$2,655
CONDITIONAL USE PERMIT	\$2,155
MINOR MODIFICATION OR EXTENSION OF TYPE III DECISION	\$202
MAJOR MODIFICATION OF TYPE III DECISION	50% OF ORIGINAL FEE
HISTORIC LANDMARK ESTABLISHMENT OR MODIFICATION	\$0
HISTORIC LANDMARK ELIMINATION	\$2,471
* SUBDIVISION PRELIMINARY PLAT	\$2,034 + \$88 PER LOT
* PLANNED UNIT DEVELOPMENT	\$4,304 + \$88 PER LOT
ZONING AMENDMENT (SITE SPECIFIC)	\$2,684
TYPE IV (LEGISLATIVE AMENDMENTS)	
COMPREHENSIVE PLAN TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$3,053
DEVELOPMENT CODE TEXT AMENDMENT OR LARGE SCALE MAP REVISION	\$3,053
APPEALS	
TYPE I OR II APPEAL TO PLANNING COMMISSION	\$582
TYPE I OR II APPEAL TO CITY COUNCIL	\$1,055
TYPE III APPEAL TO CITY COUNCIL	\$1,239
TYPE I ADJUSTMENTS OR TYPE II VARIANCES (That are not designed to regulate the physical characteristics of a use permitted outright)	\$326
EXHIBITOR LICENSE FEE APPEAL TO THE CITY COUNCIL	50% OF EXHIBITOR LICENSE FEE
OTHER FEES	
TECHNOLOGY FEE (This fee will be added to all Planning, Engineering and Building Fees, does not apply to SDC fees)	5% OF TOTAL
TREES IN PUBLIC RIGHT-OF-WAY REMOVAL PERMIT	\$10.50
EXPEDITED LAND DIVISION	\$7,563 + \$88 PER LOT OR UNIT
URBAN GROWTH BOUNDARY AMENDMENT	\$4,833
VACATION OF PUBLIC RIGHT-OF-WAY	\$2,005
FEE-IN-LIEU OF PARKING PROGRAM	\$16,231 PER VEHICLE SPACE
VERTICAL HOUSING DEVELOPMENT ZONE FEES	\$600 CERTIFICATION & APPLICATION FEE
	\$400 ANNUAL MONITORING FEE
BIKE RACK COST SHARING PROGRAM	\$100 PER RACK
LICENSE FEES	
GENERAL BUSINESS	\$50
HOME OCCUPATION	\$25
PEDDLER/SOLICITOR/STREET VENDOR	NO FEE (GENERAL BUSINESS LICENSE FEE ONLY)
EXHIBITOR	\$148
TEMPORARY MERCHANT	\$120/45 DAYS OR \$401/PERPETUAL
* ADDITIONAL LAND USE REVIEW FEES – ENGINEERING DEPARTMENT	
PLANNING REVIEW, PARTITION, SUBDIVISION & PUD'S (TYPE II/III APPLICATIONS).....	\$329.90 FIRST 19 LOTS + \$14.66 PER LOT OVER 19
FINAL PLAT REVIEW: PARTITION & SUBDIVISION	\$329.90 + \$8.29 PER LOT OR PARCEL
DEVELOPMENT REVIEW FOR PUBLIC IMPROVEMENTS ON COMMERCIAL, INDUSTRIAL, INSTITUTIONAL ZONES, & MULTIFAMILY DEVELOPMENTS	
	\$461.37 1ST ACRE + \$263.54 PER ADDITIONAL ACRES



FILE #: _____

COMMUNITY DEVELOPMENT
PLANNING DIVISION
(503) 537-1240
planning@newbergoregon.gov

VACATION RENTALS CRITERIA FORM

NOTE TO APPLICANTS - PROVIDE THIS INFORMATION WITH A TYPE II or TYPE III LAND USE APPLICATION AND A BUSINESS LICENSE APPLICATION.

For questions on this form, please contact the Planning Division at 503-537-1240 or email: planning@newbergoregon.gov.

SITE INFORMATION:

Address: <u>215 N. School</u>	
Applicant Name: <u>Teresa Drevdan</u>	
Mailing Address: <u>215 N. School</u>	Newberg, State/Zip: <u>OR 97132</u>
Phone: <u>503-490-1175</u>	Email: <u>daleandteresa@earthlink.net</u>
This is a single-family house: <input type="checkbox"/> Yes <input type="checkbox"/> No House Type: _____	

FUTURE REQUIREMENTS:

Initial to commit to meeting these requirements if the vacation rental application is approved.

TD

I/we will register and pay the transient lodging tax each year.

TD

I/we will post the vacation rental home registration that contains the information listed in the Development Code in [15.445.340](#).

TD

I/we understand the complaint process and revocation of registration listed in the Development Code in [15.445.350](#).

GENERAL INFORMATION:

Provide a brief description of your proposed vacation rental including how it will be rented out.

The home located at 215 N. School is myself and my husband's primary residence, we absolutely love the historic character and prime location of our home, located just one block from Historic Downtown Newberg, it is directly behind the library and across the street from the Cultural Center.

Our plan is to offer it as a vacation rental on airbnb and VRBO 6-8 wks during the summer. This will not be a year-round fulltime Vacation Rental, as it will be Owner Occupied at least 10 months per year.

VACATION RENTALS CRITERIA:

Provide a brief response to the criteria listed below from the Newberg Development Code in [15.445.330](#).

1. The vacation rental home shall provide a minimum of two parking spaces on the site that are available for use of the rental occupants. Please state where those parking spaces will be located.

The parking spaces are located on the north/back side of property.

2. The applicant shall provide for regular refuse collection. Please state the location and collection day.

215 N. School/rear-north side, collection is Monday AM.

3. The vacation rental home may not be occupied by more than two rental occupants per bedroom, up to a maximum of 15 people. Please state how you'll meet this criterion.

I have 5 bedroom spaces and will be able to house up to 10 guests.

4. The premises of the vacation rental home may not include any occupied recreational vehicle, trailer, tent or temporary shelter during the rental occupancy. Please state how you'll meet this criterion.

I currently don't have an RV/tent and have no plans of getting any for the future or offering it as part of the Vacation Rental

CONDITIONAL USE CRITERIA:

Provide a brief response to the criteria listed below from the Newberg Development Code in [15.225.060](#).

1. The location, size, design and operating characteristics of the vacation rental are such that it can be made reasonably compatible with and have minimal impact on the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the use.

The location and home are perfect for use as a vacation rental as our direct neighbors are (shared fences) library & library employee parking. The home is large and has many historic features, there are 2 dedicated parking spaces at the back of property. there will be no negative traffic to the neighborhood.

2. The proposed vacation rental will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

The home's character and location is perfectly located directly behind library, and situated beside library employee parking, across the street from cultural center and a 2 minute walk to downtown Newberg. Most of the neighboring homes across the street are full time Vacation Rentals.

Other/Continued Response Section:

**COMMUNITY DEVELOPMENT
PLANNING DIVISION**
(503) 537-1240
planning@newbergoregon.gov

FILE #: _____

BED & BREAKFAST CRITERIA FORM

NOTE TO APPLICANTS - PROVIDE THIS INFORMATION WITH A TYPE II or TYPE III LAND USE APPLICATION AND A BUSINESS LICENSE APPLICATION.

For questions on this form, please contact the Planning Division at 503-537-1240 or email: planning@newbergoregon.gov.

SITE INFORMATION:

Address:	
Applicant Name:	
Mailing Address:	State/Zip:
Phone:	Email:
This is a single-family house: <input type="checkbox"/> Yes <input type="checkbox"/> No House Type: _____	
The applicant continues to occupy the property while renting : <input type="checkbox"/> Yes <input type="checkbox"/> No	

FUTURE REQUIREMENTS:

Initial to commit to meeting these requirements if the bed and breakfast application is approved.

_____ I/we will register and pay the transient lodging tax each year.

_____ The bed and breakfast establishment conforms to the requirements of the current edition of the Oregon Structural Specialty Code and Oregon Fire Code.

_____ The duration of each guest's stay shall be limited to no more than seven (7) consecutive days and no more than 15 days with a 30-day period.

GENERAL INFORMATION:

Provide a brief description of your proposed bed and breakfast including how it will be rented out.



Project Statement

I am applying for a permit for a vacation rental at 215 N. School Newberg OR. 97132. The home is my primary residence and I plan on living in the home myself at least 10 months per year, and doing vacation rental with it for 6-8 weeks per year. I will be the only Employee.

The property sits directly behind the library and across the street from the cultural center and one block from Historic Downtown Newberg, it will not have any impact on traffic, odor or noise problems.

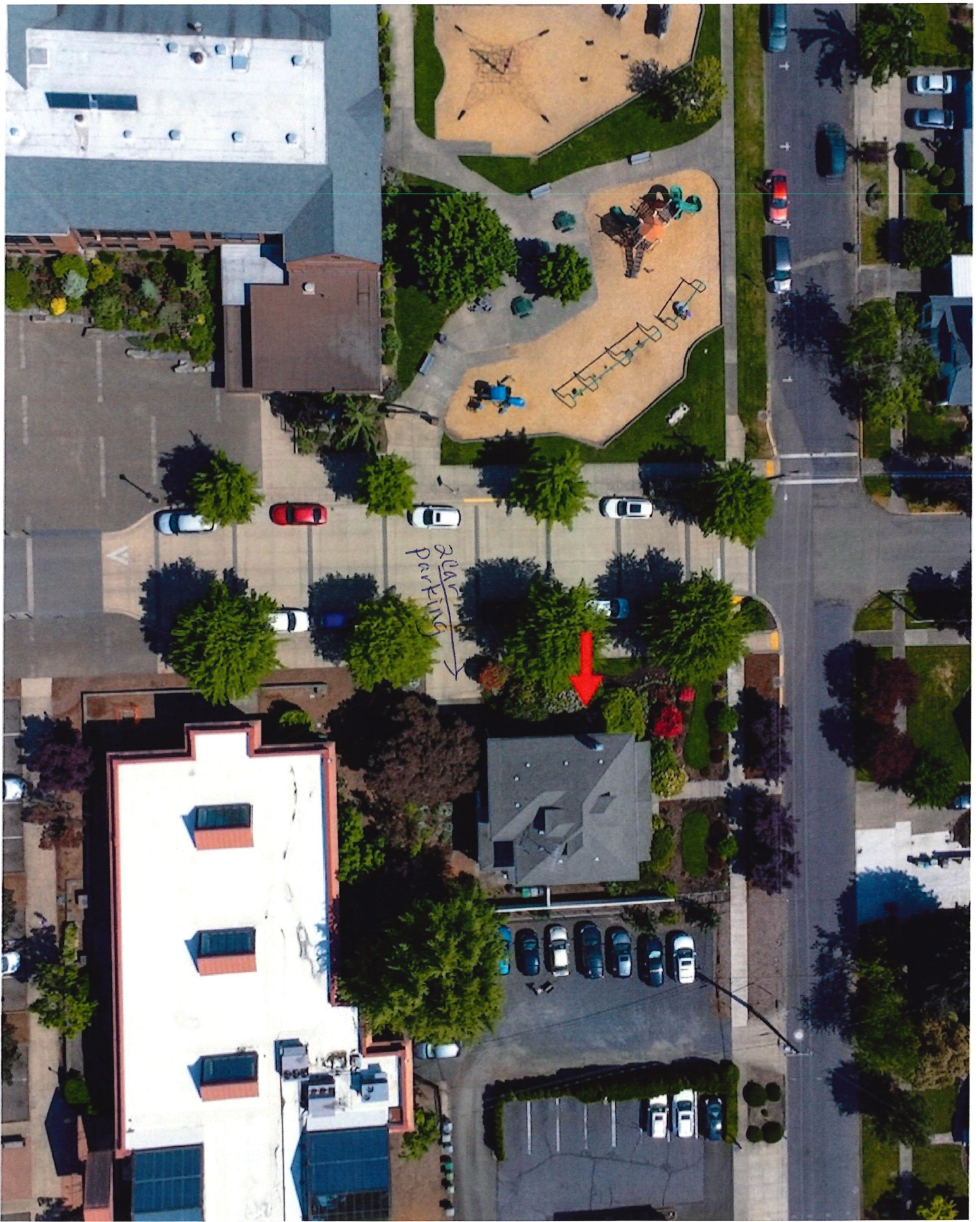
I will advertise on Airbnb & VRBO

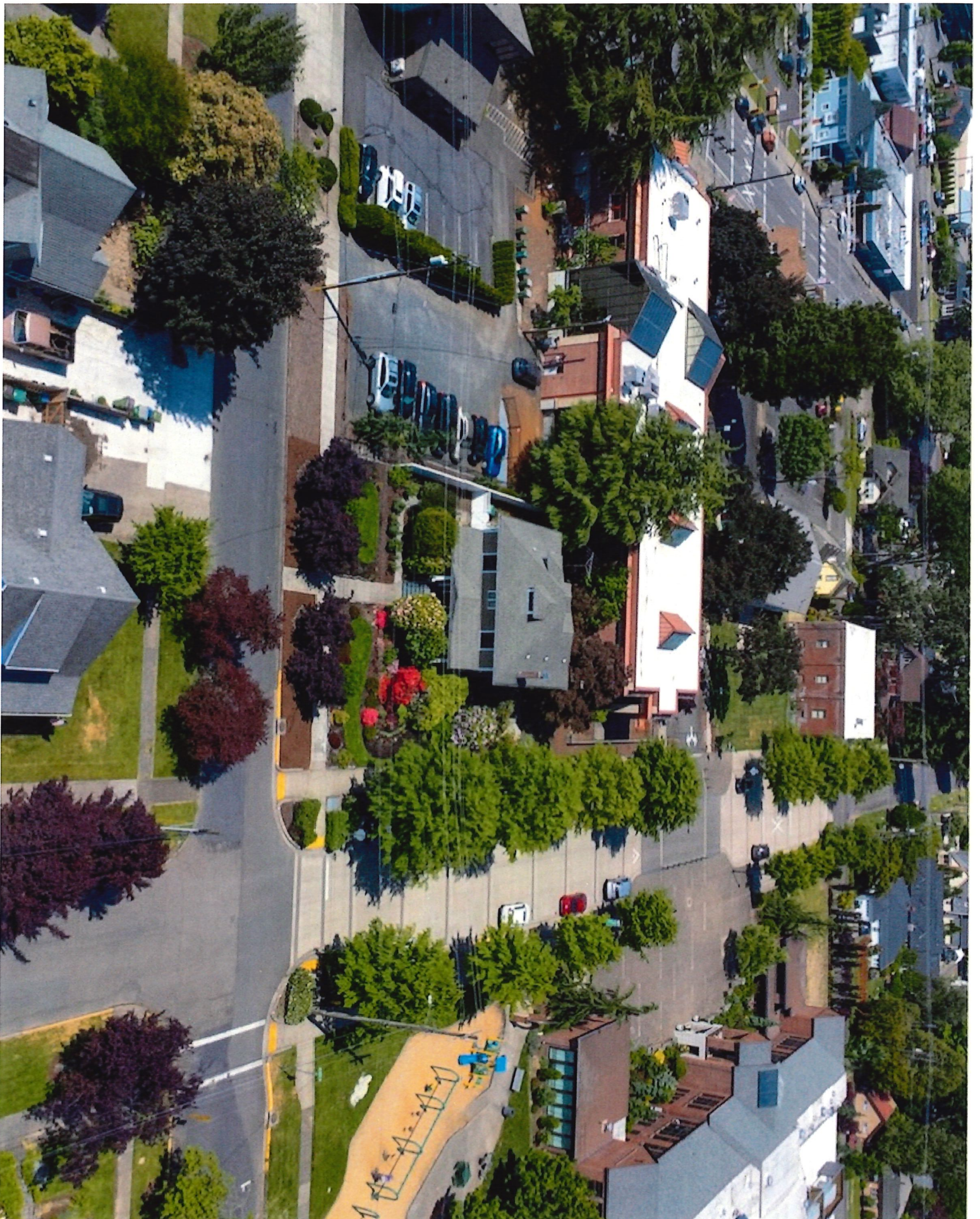
Thanks for Your
Consideration
R. D. Dwyer

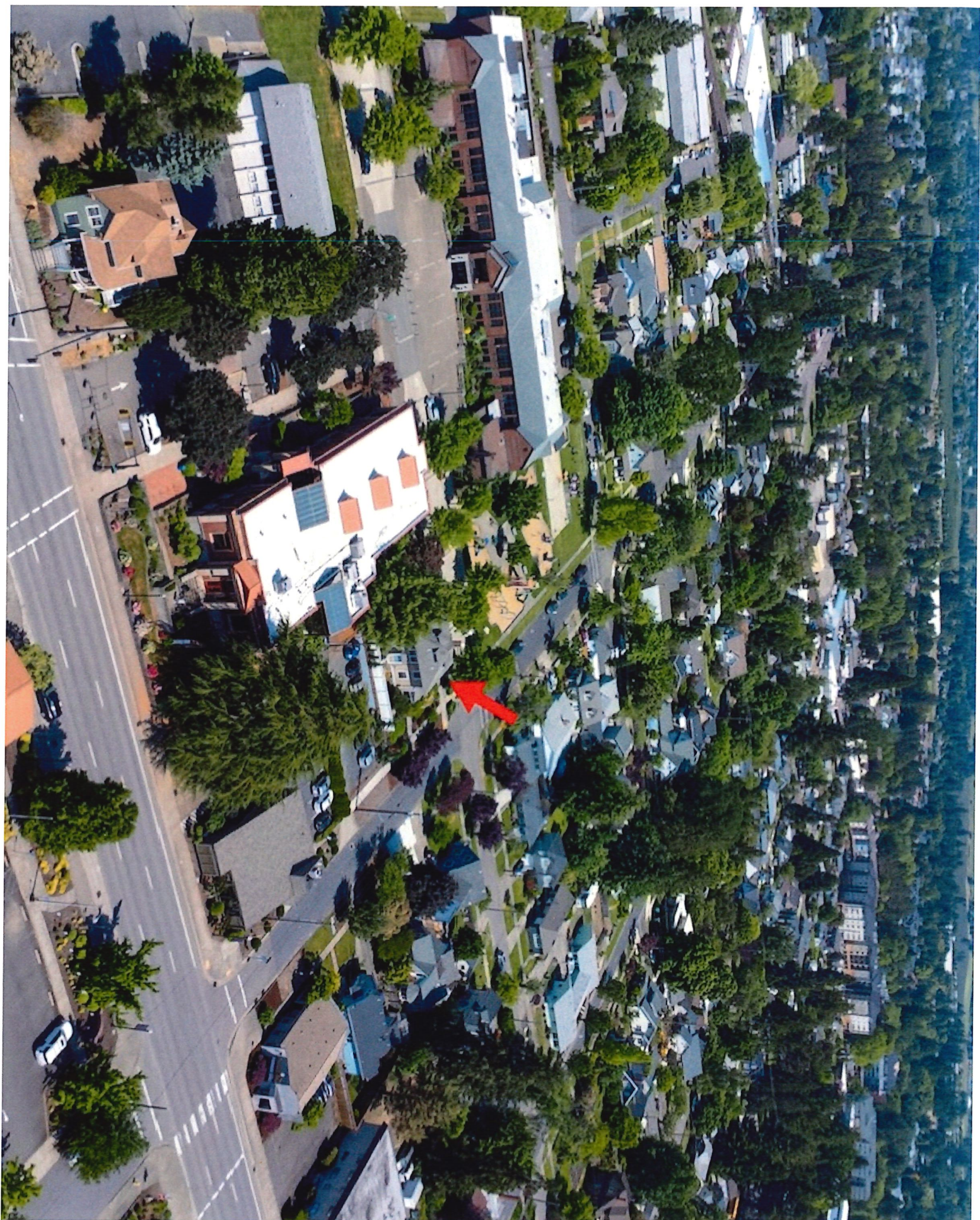


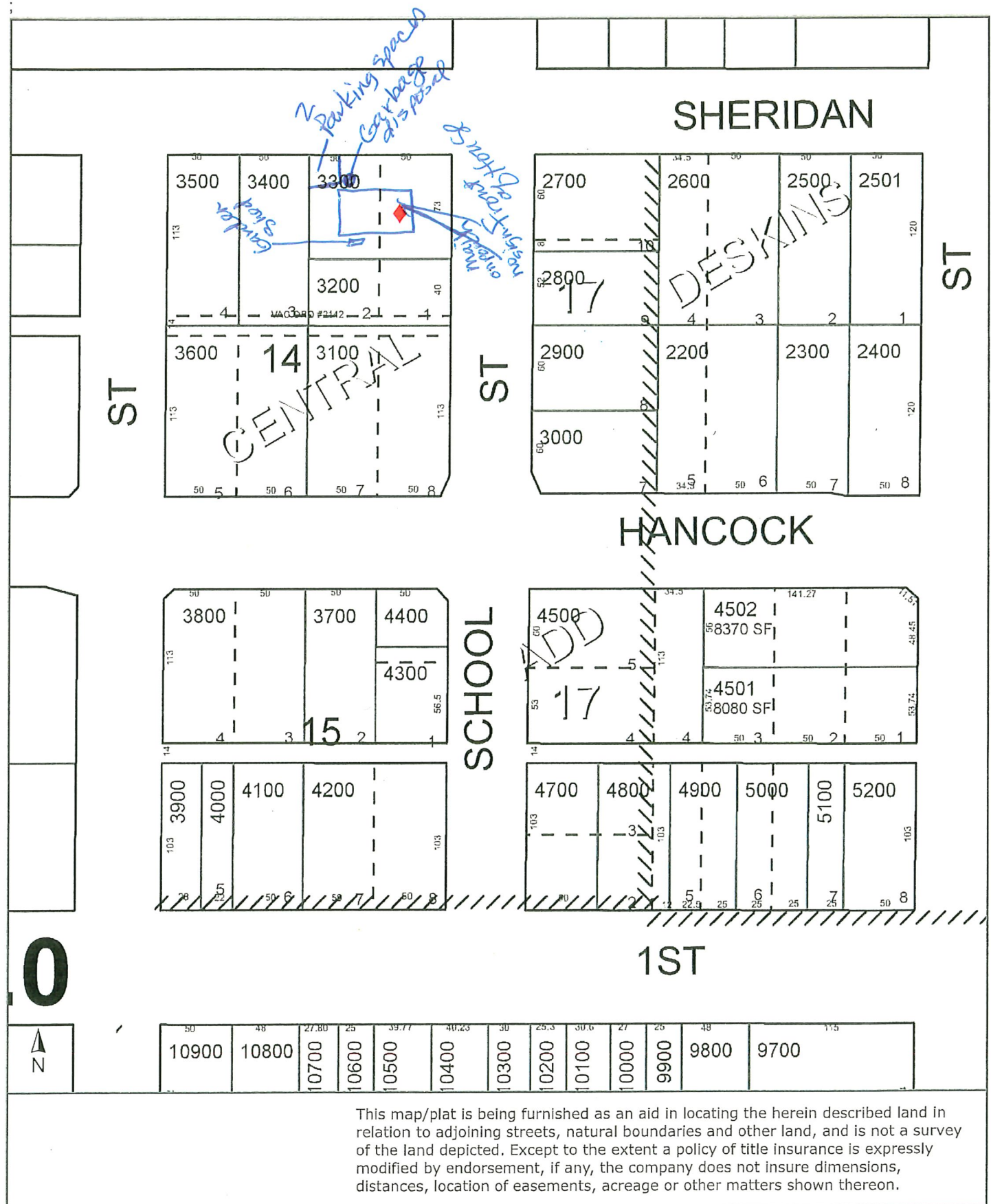


Mail











1455 SW Broadway, Suite 1450
(503)646-4444

OWNERSHIP AND ENCUMBRANCES REPORT WITH GENERAL INDEX LIENS
Informational Report of Ownership and Monetary and Non-Monetary Encumbrances

To ("Customer"): Teresa and Dale Drevdahl
215 N School Street
Newberg, OR 97132

Customer Ref.: _____
Order No.: 471823128322
Effective Date: October 3, 2023 at 08:00 AM
Charge: \$300.00

The information contained in this report is furnished by Ticor Title Company of Oregon (the "Company") as a real property information service based on the records and indices maintained by the Company for the county identified below. THIS IS NOT TITLE INSURANCE OR A PRELIMINARY TITLE REPORT FOR, OR COMMITMENT FOR, TITLE INSURANCE. No examination has been made of the title to the herein described property, other than as specifically set forth herein. Liability for any loss arising from errors and/or omissions is limited to the lesser of the charge or the actual loss, and the Company will have no greater liability by reason of this report. THIS REPORT IS SUBJECT TO THE LIMITATIONS OF LIABILITY STATED BELOW, WHICH LIMITATIONS OF LIABILITY ARE A PART OF THIS REPORT.

THIS REPORT INCLUDES MONETARY AND NON-MONETARY ENCUMBRANCES.

Part One - Ownership and Property Description

Owner. [The apparent vested owner](#) of property ("the Property") as of the Effective Date is:

Teresa Drevdahl and Dale Drevdahl, as tenants by the entirety

Premises. The Property is:

(a) Street Address:

215 N School Street, Newberg, OR 97132

(b) Legal Description:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Part Two - Encumbrances

Encumbrances. As of the Effective Date, the Property appears subject to the following monetary and non-monetary encumbrances of record, not necessarily listed in order of priority, including liens specific to the subject property and general index liens (liens that are not property specific but affect any real property of the named person in the same county):

EXCEPTIONS

1. Unpaid Property Taxes are as follows:

Fiscal Year: 2023-2024
Amount: \$4,812.67, plus interest, if any
Levy Code: 29.0
Account No.: [48399](#)
Map No.: R3219AA 03300

2. City Liens, if any, in favor of the City of Newberg.
3. Please be advised that our search did not disclose any open Deeds of Trust of record.
4. A judgment, for the amount shown below, and any other amounts due:

Amount: \$3,032.88
Debtor: Dale J. Drevdahl and Teresa K. Drevdahl
Creditor: Metropolitan Agencies, Inc.
Date entered: October 25, 2023
County: Yamhill
Court: Circuit
Case No.: 23SC24734

Note: This map/plat is being furnished as an aid in locating the herein described Land in relation to adjoining streets, natural boundaries and other land. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the Company does not insure dimensions, distances or acreage shown thereon.

End of Reported Information

There will be additional charges for additional information or copies. For questions or additional requests, contact:

Deborah Clark
5035353743
deborah.clark@titlegroup.fntg.com

Ticor Title Company of Oregon
1455 SW Broadway, Suite 1450
Portland, OR 97201

EXHIBIT "A"
[Legal Description](#)

For APN/Parcel ID(s): 48399

For Tax Map ID(s): R3219AA03300

The North 70 feet of Lots 1 and 2, Block 14, CENTRAL ADDITION, in the City of Newberg, County of Yamhill, State of Oregon.

LIMITATIONS OF LIABILITY

"CUSTOMER" REFERS TO THE RECIPIENT OF THIS REPORT.

CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES THAT IT IS EXTREMELY DIFFICULT, IF NOT IMPOSSIBLE, TO DETERMINE THE EXTENT OF LOSS WHICH COULD ARISE FROM ERRORS OR OMISSIONS IN, OR THE COMPANY'S NEGLIGENCE IN PRODUCING, THE REQUESTED REPORT, HEREIN "THE REPORT." CUSTOMER RECOGNIZES THAT THE FEE CHARGED IS NOMINAL IN RELATION TO THE POTENTIAL LIABILITY WHICH COULD ARISE FROM SUCH ERRORS OR OMISSIONS OR NEGLIGENCE. THEREFORE, CUSTOMER UNDERSTANDS THAT THE COMPANY IS NOT WILLING TO PROCEED IN THE PREPARATION AND ISSUANCE OF THE REPORT UNLESS THE COMPANY'S LIABILITY IS STRICTLY LIMITED. CUSTOMER AGREES WITH THE PROPRIETY OF SUCH LIMITATION AND AGREES TO BE BOUND BY ITS TERMS

THE LIMITATIONS ARE AS FOLLOWS AND THE LIMITATIONS WILL SURVIVE THE CONTRACT:

ONLY MATTERS IDENTIFIED IN THIS REPORT AS THE SUBJECT OF THE REPORT ARE WITHIN ITS SCOPE. ALL OTHER MATTERS ARE OUTSIDE THE SCOPE OF THE REPORT.

CUSTOMER AGREES, AS PART OF THE CONSIDERATION FOR THE ISSUANCE OF THE REPORT AND TO THE FULLEST EXTENT PERMITTED BY LAW, TO LIMIT THE LIABILITY OF THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS FOR ANY AND ALL CLAIMS, LIABILITIES, CAUSES OF ACTION, LOSSES, COSTS, DAMAGES AND EXPENSES OF ANY NATURE WHATSOEVER, INCLUDING ATTORNEY'S FEES, HOWEVER ALLEGED OR ARISING, INCLUDING BUT NOT LIMITED TO THOSE ARISING FROM BREACH OF CONTRACT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF WARRANTY, EQUITY, THE COMMON LAW, STATUTE OR ANY OTHER THEORY OF RECOVERY, OR FROM ANY PERSON'S USE, MISUSE, OR INABILITY TO USE THE REPORT OR ANY OF THE MATERIALS CONTAINED THEREIN OR PRODUCED, **SO THAT THE TOTAL AGGREGATE LIABILITY OF THE COMPANY AND ITS AGENTS, SUBSIDIARIES, AFFILIATES, EMPLOYEES, AND SUBCONTRACTORS SHALL NOT IN ANY EVENT EXCEED THE COMPANY'S TOTAL FEE FOR THE REPORT.**

CUSTOMER AGREES THAT THE FOREGOING LIMITATION ON LIABILITY IS A TERM MATERIAL TO THE PRICE THE CUSTOMER IS PAYING, WHICH PRICE IS LOWER THAN WOULD OTHERWISE BE OFFERED TO THE CUSTOMER WITHOUT SAID TERM. CUSTOMER RECOGNIZES THAT THE COMPANY WOULD NOT ISSUE THE REPORT BUT FOR THIS CUSTOMER AGREEMENT, AS PART OF THE CONSIDERATION GIVEN FOR THE REPORT, TO THE FOREGOING LIMITATION OF LIABILITY AND THAT ANY SUCH LIABILITY IS CONDITIONED AND PREDICATED UPON THE FULL AND TIMELY PAYMENT OF THE COMPANY'S INVOICE FOR THE REPORT.

THE REPORT IS LIMITED IN SCOPE AND IS NOT AN ABSTRACT OF TITLE, TITLE OPINION, PRELIMINARY TITLE REPORT, TITLE REPORT, COMMITMENT TO ISSUE TITLE INSURANCE, OR A TITLE POLICY, AND SHOULD NOT BE RELIED UPON AS SUCH. THE REPORT DOES NOT PROVIDE OR OFFER ANY TITLE INSURANCE, LIABILITY COVERAGE OR ERRORS AND OMISSIONS COVERAGE. THE REPORT IS NOT TO BE RELIED UPON AS A REPRESENTATION OF THE STATUS OF TITLE TO THE PROPERTY. THE COMPANY MAKES NO REPRESENTATIONS AS TO THE REPORT'S ACCURACY, DISCLAIMS ANY WARRANTY AS TO THE REPORT, ASSUMES NO DUTIES TO CUSTOMER, DOES NOT INTEND FOR CUSTOMER TO RELY ON THE REPORT, AND ASSUMES NO LIABILITY FOR ANY LOSS OCCURRING BY REASON OF RELIANCE ON THE REPORT OR OTHERWISE.

IF CUSTOMER (A) HAS OR WILL HAVE AN INSURABLE INTEREST IN THE SUBJECT REAL PROPERTY, (B) DOES NOT WISH TO LIMIT LIABILITY AS STATED HEREIN AND (C) DESIRES THAT ADDITIONAL LIABILITY BE ASSUMED BY THE COMPANY, THEN CUSTOMER MAY REQUEST AND PURCHASE A POLICY OF TITLE INSURANCE, A BINDER, OR A COMMITMENT TO ISSUE A POLICY OF TITLE INSURANCE. NO ASSURANCE IS GIVEN AS TO THE INSURABILITY OF THE TITLE OR STATUS OF TITLE. CUSTOMER EXPRESSLY AGREES AND ACKNOWLEDGES IT HAS AN INDEPENDENT DUTY TO ENSURE AND/OR RESEARCH THE ACCURACY OF ANY INFORMATION OBTAINED FROM THE COMPANY OR ANY PRODUCT OR SERVICE PURCHASED.

NO THIRD PARTY IS PERMITTED TO USE OR RELY UPON THE INFORMATION SET FORTH IN THE REPORT, AND NO LIABILITY TO ANY THIRD PARTY IS UNDERTAKEN BY THE COMPANY.

CUSTOMER AGREES THAT, TO THE FULLEST EXTENT PERMITTED BY LAW, IN NO EVENT WILL THE COMPANY, ITS LICENSORS, AGENTS, SUPPLIERS, RESELLERS, SERVICE PROVIDERS, CONTENT PROVIDERS, AND ALL OTHER SUBSCRIBERS OR SUPPLIERS, SUBSIDIARIES, AFFILIATES, EMPLOYEES AND SUBCONTRACTORS BE LIABLE FOR CONSEQUENTIAL, INCIDENTAL, INDIRECT, PUNITIVE, EXEMPLARY, OR SPECIAL DAMAGES, OR LOSS OF PROFITS, REVENUE, INCOME, SAVINGS, DATA, BUSINESS, OPPORTUNITY, OR GOODWILL, PAIN AND SUFFERING, EMOTIONAL DISTRESS, NON-OPERATION OR INCREASED EXPENSE OF OPERATION, BUSINESS INTERRUPTION OR DELAY, COST OF CAPITAL, OR COST OF REPLACEMENT PRODUCTS OR SERVICES, REGARDLESS OF WHETHER SUCH LIABILITY IS BASED ON BREACH OF CONTRACT, TORT, NEGLIGENCE, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE, STRICT LIABILITY, BREACH OF WARRANTIES, FAILURE OF ESSENTIAL PURPOSE, OR OTHERWISE AND WHETHER CAUSED BY NEGLIGENCE, ERRORS, OMISSIONS, STRICT LIABILITY, BREACH OF CONTRACT, BREACH OF WARRANTY, THE COMPANY'S OWN FAULT AND/OR NEGLIGENCE OR ANY OTHER CAUSE WHATSOEVER, AND EVEN IF THE COMPANY HAS BEEN ADVISED OF THE LIKELIHOOD OF SUCH DAMAGES OR KNEW OR SHOULD HAVE KNOWN OF THE POSSIBILITY FOR SUCH DAMAGES.

END OF THE LIMITATIONS OF LIABILITY

RECORDING REQUESTED BY:



115 N College St., Ste 2
Newberg, OR 97132

AFTER RECORDING RETURN TO:

Order No.: 471823127098-MJH
Teresa Drevdahl and Dale Drevdahl
215 N School Street
Newberg, OR 97132-2717

SEND TAX STATEMENTS TO:

Teresa Drevdahl and Dale Drevdahl
215 N School Street
Newberg, OR 97132-2717

APN/Parcel ID(s): 48399
Tax/Map ID(s): R3219AA 03300

215 N School Street, Newberg, OR 97132-2717

Yamhill County Official Records	202308533
DMR-DDMR	
Stn=1036 DAVISM	09/15/2023 09:16:01 AM
2Pgs \$10.00 \$11.00 \$5.00 \$60.00	\$86.00

I, Keri Hinton, County Clerk for Yamhill County, Oregon, certify that the instrument identified herein was recorded in the Clerk records.

Keri Hinton - County Clerk

SPACE ABOVE THIS LINE FOR RECORDER'S USE

STATUTORY WARRANTY DEED

Sharon K. Bowman, trustee of the Bowman Family Trust, dated May 2, 2003, as to an undivided 50% interest and Sharon K. Bowman, trustee of the Bowman Disclaimer Trust, dated May 6, 2010, as to an undivided 50% interest., Grantor, conveys and warrants to Teresa Drevdahl and Dale Drevdahl, as tenants by the entirety, Grantee, the following described real property, free and clear of encumbrances except as specifically set forth below, situated in the County of Yamhill, State of Oregon:

The North 70 feet of Lots 1 and 2, Block 14, CENTRAL ADDITION, in the City of Newberg, County of Yamhill, State of Oregon.

THE TRUE AND ACTUAL CONSIDERATION FOR THIS CONVEYANCE IS FIVE HUNDRED SEVENTY-FIVE THOUSAND AND NO/100 DOLLARS (\$575,000.00). (See ORS 93.030).

Subject to:

Property taxes in an undetermined amount, which are a lien but not yet payable, including any assessments collected with taxes to be levied for the fiscal year 2023-2024.

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.

TICOR TITLE-471823127098

STATUTORY WARRANTY DEED

(continued)

IN WITNESS WHEREOF, the undersigned have executed this document on the date(s) set forth below.

Dated: 9/13/23

Bowman Family Trust, dated May 2, 2003

BY: Sharon K. Bowman, Trustee
Sharon K. Bowman
Trustee

Bowman Disclaimer Trust, dated May 6, 2010

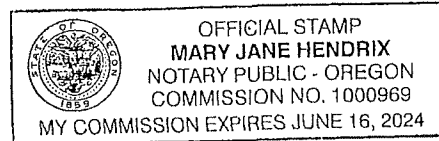
BY: Sharon K. Bowman, Trustee
Sharon K. Bowman
Trustee

State of OR
County of Yamhill

This instrument was acknowledged before me on Sept. 13, 2023 by Sharon K. Bowman as Trustee of the Bowman Family Trust, dated May 2, 2003, as to an undivided 50% interest.

Mary J. Hendrix
Notary Public - State of Oregon

My Commission Expires: 6/16/2024

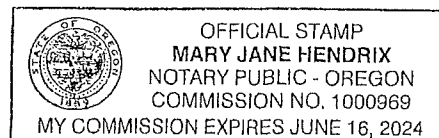


State of OR
County of Yamhill

This instrument was acknowledged before me on Sept. 13, 2023 by Sharon K. Bowman as Trustee of the Bowman Disclaimer Trust, Trust dated May 6, 2010, as to an undivided 50% interest.

Mary J. Hendrix
Notary Public - State of Oregon

My Commission Expires: 6/16/2024



**CITY OF NEWBERG
SAMPLE POSTED NOTICE**

Land Use Notice

FILE # (insert the file number assigned to you at the time of application)

PROPOSAL: *Vacation Rental*

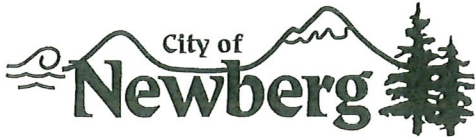
FOR FURTHER INFORMATION, CONTACT:

City of Newberg
Community Development Department
414 E First Street
Phone: 503-537-1240

3'

2'

Notice must be white with black letters, and must be landscape orientation, as shown above.
The notice must be lettered using block printing or a "sans-serif" font, such as Arial.



Community Development Department

P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132
503-537-1240. Fax 503-537-1272 www.newbergoregon.gov

NOTICE OF PLANNING COMMISSION HEARING ON A CONDITIONAL USE PERMIT – VACATION RENTAL

A property owner in your neighborhood submitted an application to the City of Newberg for a conditional use permit to use their home as a short-term vacation rental. The Newberg Planning Commission will hold a hearing on *(insert date)* at 7 p.m. at the Newberg Public Safety Building, 401 E Third Street, Newberg OR, to evaluate the proposal. You are invited to take part in the City's review of this project by sending in your written comments or by testifying before the Planning Commission. For more details about giving comments, please see the back of this sheet.

This application would allow for the approval of a conditional use to for a Vacation Rental that will be *"Applying for license to run a vacation rental for 2 months per year in my primary residence. I will manage it myself and use air bnb as advertising. There are 2 off street parking spaces on the back (north) up to 10 occupants"*

APPLICANT:

(name) *Teresa Drevdahl*

TELEPHONE:

(number) *503-490-1175*

PROPERTY OWNER:

(name) *Teresa Drevdahl*

LOCATION:

(site address) *215 N. School*

TAX LOT NUMBER:

(Yamhill County Tax Map and Lot Number) *R3219AA-03300*

Insert site map with the project location highlighted as shown on the adjacent sample map.





TICOR TITLE COMPANY

This map/plot is being furnished as an aid in locating the herein described land in relation to adjoining streets, natural boundaries and other land, and is not a survey of the land depicted. Except to the extent a policy of title insurance is expressly modified by endorsement, if any, the company does not insure dimensions, distances, location of easements, acreage or other matters shown thereon.

382286
R3219AA04501
STEVENS MARK & LORIE (DBA)
19155 NE HERRING LN
NEWBERG OR 97132

45506
R3218DD09300
MEGAN MARKEL
406 N BLAINE ST
NEWBERG OR 97132

45533
R3218DD09400
BELLINGAR ENTERPRISES LLC
24055 NE NORTH VALLEY RD
NEWBERG OR 97132

45551
R3218DD09500
LLP PROPERTIES LLC
PO BOX 1060
NEWBERG OR 97132

45659
R3218DD09900
CHARLES DITTMAN
410 N HOWARD ST
NEWBERG OR 97132

45695
R3218DD10000
FRANCIS ENTERPRISES INC
2950 CRATER LN
NEWBERG OR 97132

45711
R3218DD10100
FRANCIS ENTERPRISES INC
ATTN: BRIAN FRANCIS
NEWBERG OR 97132

45720
R3218DD10200
MARCIA ARTAJO
PO BOX 3236
NEWBERG OR 97132

45739
R3218DD10300
ROGER GENTRY
515 E SHERMAN ST
NEWBERG OR 97132

45748
R3218DD10400
SCHOOL STREET LLC
411 N SCHOOL ST
NEWBERG OR 97132

45775
R3218DD10700
AMY MACY
406 N SCHOOL ST
NEWBERG OR 97132

45784
R3218DD10800
COLLEEN MCCOMBS
8150 SW 191ST PL
BEAVERTON OR 97007

45793
R3218DD10900
DAVID MEHLER
402 N SCHOOL ST
NEWBERG OR 97132

45800
R3218DD11000
MARTIN CHLUMAK
400 N SCHOOL ST
NEWBERG OR 97132

45819
R3218DD11100
ANTONIO RUSSO
403 N COLLEGE ST
NEWBERG OR 97132

45828
R3218DD11200
ANTONIO RUSSO
403 N COLLEGE ST
NEWBERG OR 97132

46284
R3218DD14200
LINDA M NEWTON-CURTIS
314 N COLLEGE ST
NEWBERG OR 97132

46293
R3218DD14300
ROBERT CANEDAY
310 N COLLEGE ST
NEWBERG OR 97132

46300
R3218DD14400
ROBERT SOPPE
709 E SHERIDAN ST
NEWBERG OR 97132

46355
R3218DD14600
SEAN GANN
315 N COLLEGE ST
NEWBERG OR 97132

46373
R3218DD14700
RACHAEL KUBIK
610 E SHERMAN ST
NEWBERG OR 97132

46391
R3218DD14800
KATHLEEN HOLMAN
PO BOX 845
NEWBERG OR

46408
R3218DD14900
FOX TRUSTEE FOR
20805 NE HIGHWAY 240
NEWBERG OR 97132

46710
R3218DD14901
CONRADO PEREDA
PO BOX 382
NEWBERG OR 97132

46729
R3218DD15000
LON L PETERS
495 NW GREENLEAF RD
PORTLAND OR 97229

46738
R3218DD15100
MATTEW FOSKET
306 N SCHOOL ST
NEWBERG OR 97132

46747
R3218DD15200
AMID 601 LLC
1632 NW WILD RYE CIR
BEND OR 97703

46756
R3218DD15300
AMID 605 LLC
1632 NW WILD RYE CIR
BEND OR 97703

46765
R3218DD15400
C PETERSEN RENTALS LLC
1818 N PAGE CT
NEWBERG OR 97132

46774
R3218DD15500
ADAM LONG
611 E SHERIDAN ST
NEWBERG OR 97132

46783
R3218DD15600
LARRY HINDMAN
301 N COLLEGE ST
NEWBERG OR 97132

46854
R3218DD16300
TIMOTHY ASSAD
315 E SHERIDAN ST
NEWBERG OR 97132

47684
R3219AB00300
LLP PROPERTIES LLC
PO BOX 1060
NEWBERG OR 97132

47826
R3219AB00600
CHEHALEM PARK & RECREATION
DISTRICT
125 S ELLIOTT RD
NEWBERG OR 97132

47862
R3219AB00900
NOAH JOHN CLAIR LLC
215 N BLAINE ST
NEWBERG OR 97132

48175
R3219AA01900
JOHN PAXMAN
700 E SHERIDAN ST
NEWBERG OR 97132

48228
R3219AA02200
JAMES CAIN
27775 NW WILLIAMS CANYON RD
GASTON OR 97119

48308
R3219AA02500
GARY ALLEN
614 E SHERIDAN ST
NEWBERG OR 97132

48344
R3219AA02800
MARY CLARK
210 N SCHOOL ST
NEWBERG OR 97132

48371
R3219AA03100
FINANCE NORTHWEST LLC
2071 WOODHILL ST NW
SALEM OR 97304

46792
R3218DD15700
CHEHALEM PARK & RECREATION
DISTRICT
535 NE 5TH ST
MCMINNVILLE OR 97128

47611
R3219AB00100
WILLAMETTE EDUCATION
SERVICE DISTRICT
2045 SW HIGHWAY 18
MCMINNVILLE OR 97128

47700
R3219AB00400
NEWBERG CITY OF
414 E FIRST
NEWBERG OR 97132

47844
R3219AB00700
NEWBERG MASONIC TEMPLE
ASSN
PO BOX 101
NEWBERG OR 97132

47880
R3219AB01000
ZEYES REAL ESTATE LLC
1100 N MAIN AVE
SAN ANTONIO TX 78231

48184
R3219AA02000
DEGAJE LLC
708 E SHERIDAN ST
NEWBERG OR 97132

48255
R3219AA02300
JAMES CAIN
27775 NW WILLIAMS CANYON RD
GASTON OR 97119

48326
R3219AA02600
ANDREW WHITE
610 E SHERIDAN ST
NEWBERG OR 97132

48353
R3219AA02900
TATE 2018 FAMILY TRUST
206 N SCHOOL ST
NEWBERG OR 97132

48380
R3219AA03200
NEWBERG CITY OF
PO BOX 970
NEWBERG OR 97132

46809
R3218DD15800
PETER J FARR
314 E SHERMAN ST
NEWBERG OR 97132

47648
R3219AB00200
NEWBERG CITY OF
414 E FIRST ST
NEWBERG OR 97132

47719
R3219AB00500
NEWBERG CITY OF
414 E FIRST
NEWBERG OR 97132

47853
R3219AB00800
LLP PROPERTIES LLC
PO BOX 1060
NEWBERG OR 97132

48157
R3219AA01800
MICHAEL PENDER
708 E SHERIDAN ST
NEWBERG OR 97132

48200
R3219AA02100
FRANCIS ENTERPRISES INC
ATTN: BRIAN FRANCIS
NEWBERG OR 97132

48273
R3219AA02400
SALMON LLC
606 CORINNE DR
NEWBERG OR 97132

48335
R3219AA02700
JOHN HYNES
600 E SHERIDAN ST
NEWBERG OR 97132

48362
R3219AA03000
GMB INVESTORS LLC
1118 NORTHSHORE RD
LAKE OSWEGO OR 97034

48406
R3219AA03400
NEWBERG CITY OF
414 E 1ST ST
NEWBERG OR 97132

48415
R3219AA03500
NEWBERG CITY OF
414 E 1ST ST
NEWBERG OR 97132

48442
R3219AA03800
EAGLE NEWSPAPERS INC
PO BOX 12008
SALEM OR 97309

48479
R3219AA04100
LOUIE FAMILY TRUST
3268 SE SHERMAN ST
PORTLAND OR 97214

48503
R3219AA04400
EAGLE NEWSPAPERS INC
PO BOX 12008
SALEM OR 97309

48709
R3219AA04800
CORRIGAN DANIEL O TRUSTEE
FOR
1833 NW ST ANDREWS DR
MCMINNVILLE OR 97128

48736
R3219AA05100
WALA PROPERTIES LLC
4695 RAYBELL RD NE
ST PAUL OR 97137

488644
R3219AA02501
MATT MEYER
1600 E 2ND ST
NEWBERG OR 97132

49682
R3219AB07800
OREGON FIRST COMMUNITY
CREDIT UNION
ATTN: ACCOUNTS PAYABLE
COQUILLE OR 97423

49744
R3219AB08100
USA
535 NE 5TH ST
MCMINNVILLE OR 97128

48424
R3219AA03600
NEWBERG PUBLIC LIBRARY
503 E HANCOCK ST
NEWBERG OR 97132

48451
R3219AA03900
YAMHILL DEVELOPMENT CORP
ATTN: PASSMORE
PORTLAND OR 97217

48488
R3219AA04200
NEWBERG PROPERTIES LLC
515 E 1ST ST
NEWBERG OR 97132

48512
R3219AA04500
FIRST INTERSTATE BANK
PO BOX 2609
CARLSBAD CA 92018

48718
R3219AA04900
PCH PROPERTIES LLC
311 N MERIDIAN ST
NEWBERG OR 97132

48745
R3219AA05200
NEWBERG CITY OF
414 E FIRST ST
NEWBERG OR 97132

49655
R3219AB07600
TYLER FRANK
689 NW 12TH ST
MCMINNVILLE OR 97128

49717
R3219AB07900
OREGON FIRST COMMUNITY
CREDIT UNION
ATTN: ACCOUNTS PAYABLE
COQUILLE OR 97423

558964
R3219AA04502
SLPD PROPERTIES LLC
115 N COLLEGE ST STE 3
NEWBERG OR 97132

48433
R3219AA03700
EAGLE NEWSPAPERS INC
PO BOX 12008
SALEM OR 97309

48460
R3219AA04000
SCOTT RIPPLE
503 E 1ST ST
NEWBERG OR 97132

48497
R3219AA04300
EAGLE NEWSPAPERS INC
PO BOX 12008
SALEM OR 97309

48683
R3219AA04700
FIRST INTERSTATE BANK
ATTN: THOMSON PROPERTY TAX
SERVICES
CARLSBAD CA 92018

48727
R3219AA05000
VICENTE GONZALEZ
23501 NE SUNNYCREST RD
NEWBERG OR

48754
R3219AA05400
FIRST FEDERAL SAVINGS & LOAN
ASSOC
PO BOX 239
MCMINNVILLE OR 97128

49673
R3219AB07700
RONALD JANSSEN
629 NW 19TH ST
MCMINNVILLE OR 97128

49735
R3219AB08000
NEWBERG CITY OF
ATTN: CITY HALL / FINANCE DEPT
NEWBERG OR 97132

CUP23-0019

Attachment 2: Agency Comments



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 20, 2024
Please refer questions and comments to: James Dingwall

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Dale & Teresa Drevdahl
REQUEST: Short Term Vacation Rental
SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

BROOKS BATEMAN

Reviewed By:

Date:

BUILDING

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:

☐ Reviewed, no conflict.

☐ Reviewed; recommend denial for the following reasons:

☐ Require additional information to review. (Please list information required)

☐ Meeting requested.

☐ Comments. (Attach additional pages as needed)

Reviewed By:

Date:

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Digitally signed by W E Worthey
DN: cn=City of Newberg, cn=W E Worthey, E=will.worthey@newbergoregon.gov
Reason: I have reviewed this document
Location: your signing location here
Date: 2024.06.07 12:18:21-0700
Foxit PhantomPDF Version: 10.1.12

6/7/24

Reviewed By:

Date:

Will Worthey CM

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Brett Musick

Digitally signed by Brett Musick
DN: CN=Brett Musick, E=brett.musick@newbergoregon.gov
Reason: I have reviewed this document
Location: your signing location here
Date: 2024.06.10 15:26:32-07'00'
Foxit PhantomPDF Version: 10.1.10

6/10/24

Reviewed By:

Date:

CON PW Engineering

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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REQUEST: Short Term Vacation Rental
SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:

- ☒ Reviewed, no conflict.
- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)

S.EGGIMAN

Reviewed By:

PGE

Organization:

6/10/24

Date:

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LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:

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- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)


Reviewed By:

Newberg-Dundee Police Department

Organization:

06/07/2024

Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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REQUEST: Short Term Vacation Rental
SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:

☐ Reviewed, no conflict.

☐ Reviewed; recommend denial for the following reasons:

☐ Require additional information to review. (Please list information required)

☐ Meeting requested.

☐ Comments. (Attach additional pages as needed)

Reviewed By:

Date:

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Dale & Teresa Drevdahl
REQUEST: Short Term Vacation Rental
SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:

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- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)



Reviewed By:

6/10/24

Date:

Maintenance Superintendent

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: Dale & Teresa Drevdahl
REQUEST: Short Term Vacation Rental
SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

April Catan

Digitally signed by April Catan
DN: cn=US, ou=Operations, o=City of Newberg, cn=April Catan,
E=april.catan@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2024.06.10 09:02:25-07'00'
Post-PhantomPDF Version: 10.1.10

6/10/24

Reviewed By:

Date:

City of Newberg

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Please refer questions and comments to: James Dingwall

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APPLICANT: Dale & Teresa Drevdahl
REQUEST: Short Term Vacation Rental
SITE ADDRESS: 215 N School St
LOCATION:
TAX LOT: R3219AA 03300
FILE NO: CUP23-0019
ZONE: R-2 (Medium Density Res)
HEARING DATE: 7/11/2024

Project Information is Attached:

- ☒ Reviewed, no conflict.
- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)



Reviewed By:

6/7/24

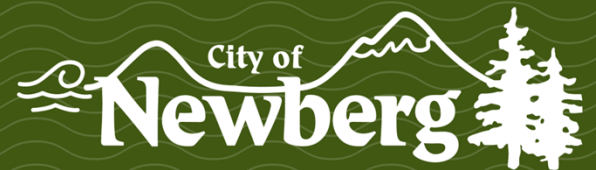
Date:

City of Newberg - Operations
Organization:

Vacation Rental 215 N School Street

Conditional Use Permit CUP23-0019

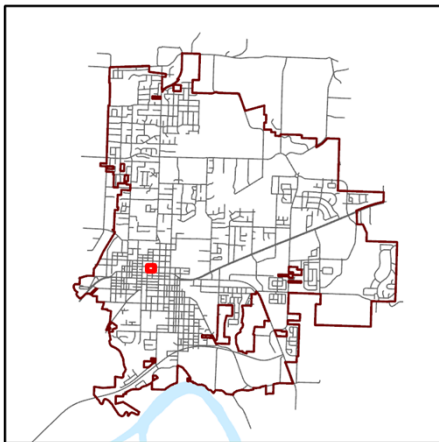
Planning Commission Public Hearing July 11, 2024



Background

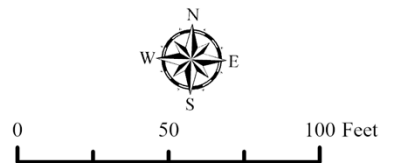
- **Applicant:** Teresa Drevdahl
- **Owner:** Teresa and Dale Drevdahl
- **Request:** CUP approval for using an existing single-family dwelling as a vacation rental.
- **Location:** 215 N School Street
- **Tax Lot:** R3219AA 03300
- **Zoning:** R-2 (Medium Density Residential)
- **Applicable Criteria:**
 - 15.225.060 Conditional Use Permit Criteria – Type III
 - 15.445.300–15.445.350 Vacation Rental Homes

3841 N Shelly Court R-1 (Low Density Residential)



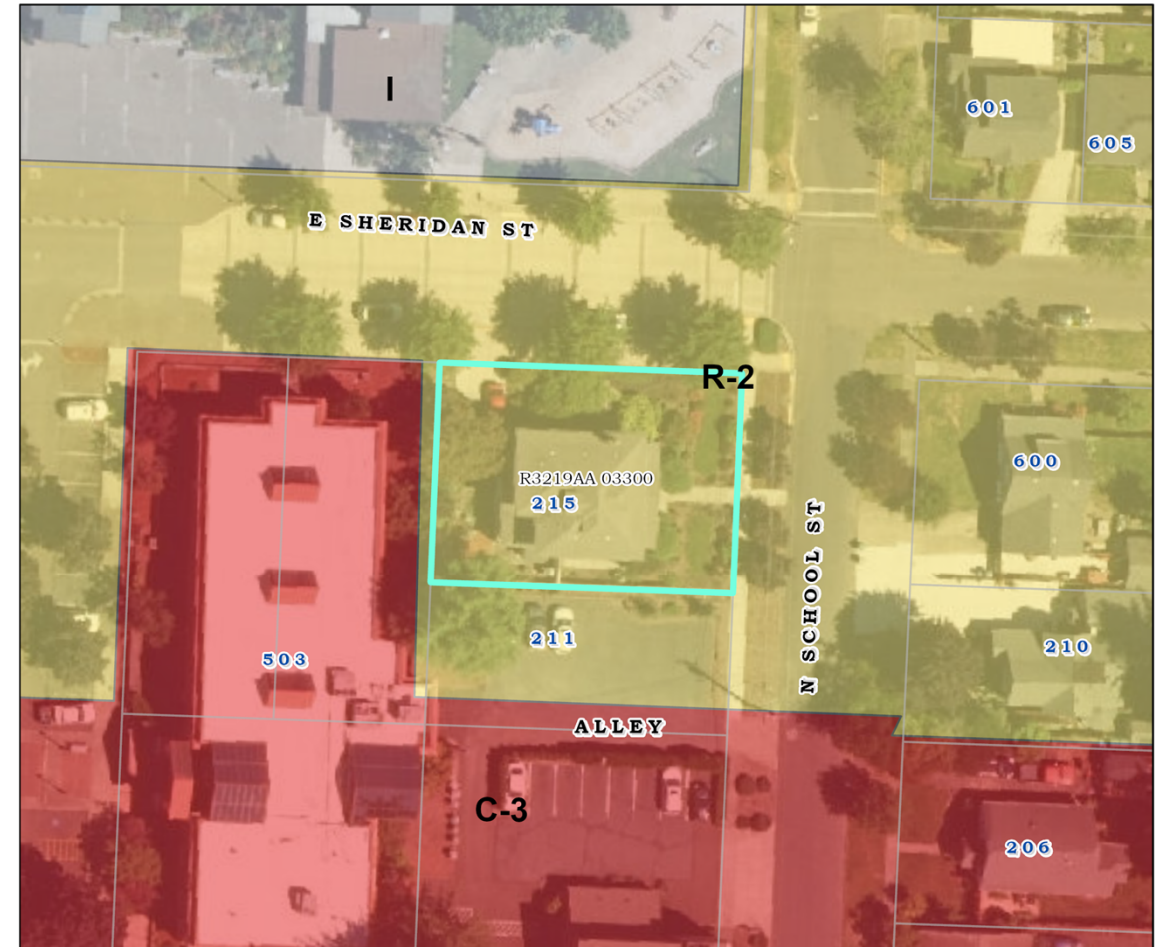
215 N School Street

- Subject Property
- Taxlots



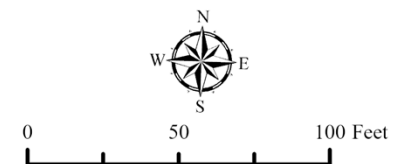
ZONING

- C-3 Central Business District
- R-2 Medium Density Residential
- I Institutional

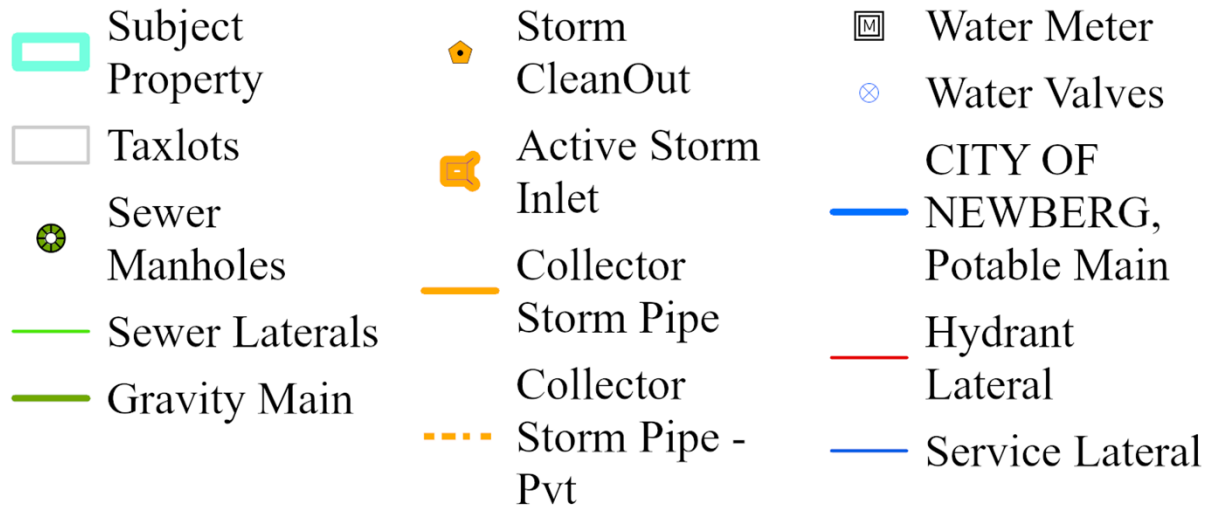


215 N School Street - Zoning

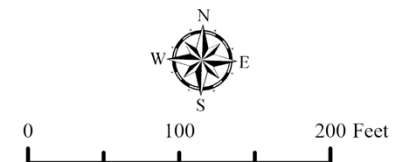
- Subject Property
- Taxlots



Site Utilities Map



215 N School Street - Utilities



15.225.060 (A)

Location, size, design, and operating characteristics are reasonably compatible with the surrounding neighborhood and will have minimal impacts on livability or appropriate development of abutting properties...

- Located in an existing single-family home with three bedrooms.
 - *Applicant submitted Change of Use permit to 5 bedrooms, pending Building Official inspection.*
- Two off-street parking spaces located in the driveway.
- This use is compatible with other residential uses, as it is similar in size and scope to regular rented or owned dwellings.

15.225.060 (B)

The location, design, and site planning of the proposed development will provide a convenient and functional living, working, shopping or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

- The subject property is located in downtown Newberg in close proximity to the Chehalem Cultural Center, George Fox University, and downtown business district.
- The proposed use is similar in size and scope to a long-term rental (longer than 30-days) or owner-occupied dwelling.

15.225.060 (C)

The proposed development will be consistent with this code.

- This use is compatible with other residential uses, as it is similar in size and scope to regular rented or owned dwellings.
- The proposed use is consistent with applicable criteria including those in NMC Section 15.225.060 and NMC Chapter 15.445 (Article VII. Vacation Rental Homes)



Applicable Criteria |15.445.300 | Vacation Rentals

15.445.310. Vacation rental must be single-family dwelling

215 N School Street is an existing single-family dwelling in the R-2 (Medium Density Residential) zoning district.

15.445.320. Be registered with City/Transient Lodging Tax

The owner will register with the City and pay required transient lodging tax.

15.445.330. Standards

A minimum of 2 off-street parking spaces will be provided in the driveway. The proposed project would have a maximum occupancy of 6 guests (2 per bedroom) – *pending Building Official inspection*. Weekly waste collection will occur. The premises will not include RVs, tents, or other temporary shelters during rental occupancy.

15.445.340. Posting

Contact info for owner and rental management company, Police, VR standards, max occupancy, weekly garbage pick-up day will be posted next to the front door.

Staff Recommendation

Staff recommends that the Commission “move to adopt Planning Commission Order 2024-05 with conditions, approving conditional use permit CUP23-0019 for a vacation rental home at 215 N School Street, Yamhill County Tax Lot R3219AA 03300.”

PLANNING COMMISSION STAFF REPORT
AMENDING THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE,
SECTIONS 15.05.030, 15.305.020, 15.410.070, and 15.440.030

FILE NO: DCA23-0002

REQUEST: A Resolution recommending City Council amend the Newberg Municipal Code, Title 15 Development Code, 15.05.030, 15.305.030, 15.410.070, and 15.440.030 related to daycare facilities and play structures.

APPLICANT: City of Newberg

HEARING DATE: July 11, 2024

ATTACHMENTS:

Resolution No. 2024-394 with:

Exhibit "A": Development Code Amendments
Exhibit "B": Findings

1. Newberg City Council Minutes from November 20, 2023
2. Newberg City Council "Childcare in Newberg" Presentation from November 20, 2023
3. Memorandum Regarding Barriers to Daycare Operations
4. Other Cities Daycare Parking Survey
5. Agency Comments
6. Public Comments

- A. **SUMMARY:** The proposed amendments to Newberg Municipal Code, Title 15 Development Code, would amend Sections 15.05.030, 15.305.020, 15.410.070, and 15.440.030 to remove unnecessary regulatory obstacles to the establishment and operation of daycare facilities and play structures.
- B. **BACKGROUND:** On November 20, 2023, the Newberg City Council considered challenges faced by local employers and households in finding childcare, including barriers to establishing new daycare operations in Newberg. Attachments 1 and 2 provide meeting minutes related those deliberations as well as the “Childcare in Newberg” presentation provided by Councilor Olson. In March 2024, City staff completed initial review of those barriers and provided a memorandum (Attachment 3) recommending strategies to remedy identified barriers. The memorandum, which was shared with City Counselors and an interested parties list, cited excessive land use regulations as one of the many barriers to establishing daycare operations in Newberg. However, the memorandum also noted that only some of the identified barriers were within the city government’s span of control. The community discussion and initial research led to prioritization of Development Code reforms to provide additional childcare by easing regulations for daycare operators in the 2024 Planning Division Work Plan. Based on the findings related to childcare barriers, the City is proposing to amend portions of the Development Code to comply with state law and make it easier for new daycare uses to operate within the City, as follows:
1. Allow daycare facilities to be a *permitted use* in Limited and Light Industrial Zones (M-1 and M-2 districts) instead of a *conditional use* which will also bring the City into compliance with state law pursuant to HB3109 (2021).
 2. Decrease the amount of required parking for new daycare facilities by going to an employee and child ratio (1 per employee plus 1 per 5 children) rather than the current building size ratio of 5 spaces per 1,000 square feet of gross floor area.
 3. Create a definition for play structures and allow them within 3 feet of a property line.
- C. **PROCESS:** A Development Code Amendment is a legislative action which follows Type IV procedures pursuant to Newberg Municipal Code 15.100.060. The Planning Commission will hold a legislative public hearing on the application. The Commission will make a recommendation to the Newberg City Council. Following the Planning Commission’s recommendation, the Newberg City Council will hold a legislative public hearing to consider the matter. Important dates related to this application are as follows:
- a. 11/20/23: The Newberg City Council directed staff to evaluate barriers to childcare within the City’s span of control.
 - b. 1/16/24: The Newberg City Council approved the 2024 Planning Division Work Plan which identified childcare updates as a Critical Project.
 - c. 3/18/24 Planning staff distributed a memorandum to City Councilors and an interested parties list regarding initial findings related to childcare and daycare barriers in the

City of Newberg.

- d. 6/06/24 Planning staff published a Post-Acknowledgement Plan Amendment (PAPA) notice with the Department of Land Conservation and Development.
- e. 6/27/24: Planning staff placed notice of public hearing on Newberg's website and posted notice in four public buildings.
- f. 6/27/24: The *Newberg Graphic* published notice of the hearing.
- g. 7/11/24: The Planning Commission held a public hearing, took public testimony, and deliberated on the proposed amendments.

D. STAFF/AGENCY COMMENTS: As of the writing of this report, the City has received the following comments on the proposal (Attachment 5).

- 1. City Manager – No Conflict
- 2. Portland General Electric – No conflict
- 3. Public Works Maintenance – No Conflict
- 4. Public Works Regulatory Compliance – No conflict
- 5. Public Works Operations – No conflict
- 6. Engineering Division – No conflict
- 7. Police Department – No conflict
- 8. Waster Management – No conflict
- 9. Community Development Director – No conflict
- 10. Building Official – Had comments related to daycare building standards

E. PUBLIC COMMENTS: As of the writing of this report, the City has not received any public comments.

F. DISCUSSION: The proposed Development Code Amendment will address barriers that hinder new commercial daycare uses from opening in Newberg and create a negative impact on the availability of childcare services. The City is proposing changes that will make it easier for new daycares to operate through compliance with state law, reducing parking requirements, and allowing play structures in portions of required yard setback areas. The City will keep the current regulations regarding lighting and safety because these are believed to be important for all residents and visitors, including the City's smallest ones.

Terms and Definitions

The Newberg Municipal Code (NMC) includes the following key definitions and categories related to this topic include:

- “Family child care home” means a registered or certified family child care home under the laws of the State of Oregon. A registered family child care home generally provides care for a maximum of 10 children in the family living quarters of the provider's home. A certified family care home is located in a building constructed as a single-family dwelling and has a certificate to

care for a maximum of 16 children at any one time. *NMC 15.05.030*

Definitions

- “Day care category” means a use category under Chapter 15.303 NMC that includes the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation. It also may include care or supervision of an adult during part of the 24 hours of the day where lodging is not provided. *NMC 15.05.030 Definitions*
- Day Care Use Category
 - A. Characteristics. This category includes the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation. It also may include care or supervision of an adult during part of the 24 hours of the day where lodging is not provided.
 - B. Accessory Uses. Play areas.
 - C. Examples. Preschools, adult day care centers.
 - D. Exclusions.
 1. Family child care homes.
 2. Child care which does not require state registration or certification, such as babysitting.
 3. Accessory day care that is provided primarily for the children of workers at the site is considered an accessory use.
 4. Schools, primary or secondary.
 5. Residential care homes and residential care facilities

NMC 15.303.312 Day care category

Analysis of Proposed Amendment

Allowing daycare facilities as a permitted use in Newberg’s limited and light industrial zones will bring the City into compliance with Oregon House Bill 3109 (2021), now codified as ORS329A.440.49(a), that requires all cities to have childcare facilities as an outright permitted use in light industrial districts.

The proposed parking reduction is based on data collected from surveying other nearby cities (as seen in Attachment 4). These cities typically require parking based on the number of daycare employees and children present, rather than square footage. Newberg also requires more parking than all the cities surveyed. Most spaces will only be temporarily used while parents or caretakers conduct drop off and pick up within a certain timeframe, typically staying on-site for approximately 15 minutes. By requiring more parking than is necessary, the current code discourages daycare establishments, which must also comply with numerous state regulations, including those requiring a minimum floor area, numbers of caregivers, and outdoor play areas.

There is currently nothing in the Development Code regarding play structures (i.e. swing sets, jungle gyms, sandboxes) and where they can be placed within the City

whether for daycare operations or residences. The proposed play structures amendment addresses that problem by adding a definition for “Play Structure” and modifying the minimum setbacks requirements for play structures.

F. PRELIMINARY STAFF RECOMMENDATION:

The preliminary staff recommendation is made in the absence of public hearing testimony and may be modified subsequent to the close of the public hearing. Staff recommends that the Planning Commission does the following:

1. *Consider the staff report, public testimony, and the findings.*
2. *Deliberate.*
3. *Make a motion to adopt Resolution No. 2024-394, which recommends that City Council adopt the Development Code Amendments.*





PLANNING COMMISSION RESOLUTION 2024-394

A RESOLUTION RECOMMENDING THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE, SECTIONS 15.05.030, 15.305.020, 15.410.070, AND 15.440.030 RELATED TO DAYCARE FACILITIES AND PLAY STRUCTURES

RECITALS

1. On November 20, 2023, the Newberg City Council directed the Community Development Department to evaluate barriers to the provision of childcare that are within control of the City.
2. On January 16, 2024, the Newberg City Council approved the 2024 Planning Division Work Plan including childcare updates as a Critical Project.
3. On March 18, 2024, staff shared a memorandum with City Councilors and interested parties which provided initial findings regarding childcare barriers and opportunities for further action by the City of Newberg that including code amendments.
4. On June 6, 2024, staff published a Post-Acknowledgement Plan Amendment (PAPA) notice with the Department of Land Conservation and Development (DLCD).
5. On July 11, 2024, after proper notice, the Newberg Planning Commission opened a public hearing, considered public testimony, deliberated, found that the proposed amendments were in the best interests of the City of Newberg.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed Newberg Municipal Code amendments for Title 15 Development Code.
2. This recommendation is based on the staff report, Exhibit “A” Development Code Amendment language and Findings in Exhibit “B”.
3. Exhibits “A” and “B” are incorporated by reference.

Adopted by the Newberg Planning Commission this 11th day of July 2024.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:



Exhibit “A”. Development Code Amendments
Exhibit “B”: Findings



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

Section 1. Newberg Development Code, 15.05.030 shall be amended to read for the following definitions:

Section 2. Section 15.305.020 is amended to read as follows:

[illegible]

#	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, single-family detached	P(2)	P	P(3)		P		C(4)	C(5)		X							P	P(6)		Subject to lot or development site area requirements of NMC 15.405.010
Def.	Dwelling, townhouse	P(2)	P	P(3)		P		C(4)	C(5)		X							P	P(6)		NMC 15.415.050(B); subject to lot or development site area requirements of NMC 15.405.010
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 lot or development site area requirements of NMC 15.405.010
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, duplex	P(2)	P	P	C	P		C(4)	P(8)/C(5)		X							P	P(6)		Subject to lot or development site area requirements of NMC 15.405.010
Def.	Dwelling, triplex	P	P	P		P												P	P(6)		NMC 15.415.050(A); subject to lot or development site area requirements of NMC 15.405.010
Def.	Dwelling, quadplex	P	P	P		P												P	P(6)		NMC 15.415.050(A); subject to lot or development site area requirements of NMC 15.405.010
Def.	Cottage cluster project	P	P	P		P												P	P(6)		NMC 15.415.050(C); subject to lot or development site area requirements of NMC 15.405.010



[illegible]

[illegible]

[illegible]

#	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
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)	
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

[illegible]

#	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	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 single-family, duplex, triplex or quadplex dwelling, or up to four townhouses 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. 2889 § 2 (Exh. B § 14), 12-6-21; Ord. 2880 § 2 (Exh. B § 16), 6-7-21; 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 3. Section 15.410.070 is amended to read as follows:

Yard exceptions and permitted intrusions into required yard setbacks.

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, 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. 2889 § 2 (Exh. B § 31), 12-6-21; Ord. 2880 § 2 (Exh. B § 40), 6-7-21; 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.]

H. Play structures may intrude into the required front yard by no more than five feet and into the required interior yard by no more than two feet; provided that such intrusions are no closer than three feet from any interior lot line and 10 feet from any front lot line.

Penalty: See NMC 15.05.120.

Section 4. Section 15.440.030 is amended to read as follows:

Parking spaces required.

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

Use	Minimum Parking Spaces Required
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • 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.
<ul style="list-style-type: none"> • 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	2 for each dwelling unit on a single lot
Dwelling, duplex	1 for each dwelling unit
Dwelling, triplex	1 for each dwelling unit

Use	Minimum Parking Spaces Required
	Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement
Dwelling, quadplex	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
Dwelling, townhouse	1 for each dwelling unit
Dwelling, cottage	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
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. <u>1 space per employee plus 1 space per 10 children/adults cared for.</u>
<u>Family child care homes</u>	<u>No off-street parking other than for the required dwelling.</u>
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

Use	Minimum Parking Spaces Required
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

Use	Minimum Parking Spaces Required
Office buildings, business and professional offices	1 for every 400 sq. ft. of gross floor area
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. 2889 § 2 (Exh. B § 37), 12-6-21; Ord. 2880 § 2 (Exh. B § 45), 6-7-21; 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.

APPLICABLE CRITERIA

A. FINDINGS FOR 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: Councilor Olson engaged with daycare stakeholders and listened to the problems they had which she later shared with City Council. On November 20, 2023, during a public meeting, City Council discussed the issue and directed staff to investigate opportunities for reducing barriers to daycare operations which were negatively impacting the availability of childcare. A memorandum (Attachment 3) regarding the issues was sent to City Councilors and relevant stakeholders in March 2024. There will be at least one public hearing with the Planning Commission and one public hearing with City Council where the anyone in the public can submit comments.

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 amendments to allow the daycare use in the light industrial zones in Newberg will bring the City’s regulations into compliance with HB3209 (2021) now codified as ORS 329A.440.4(a), which provides an actual factual basis. Further, daycares have a fair amount of turnover relating to drop off and pickup activities, and are not long term parking stays as illustrated by other jurisdictions’ required off-street parking requirements for daycares. The alternatives considered are

- To leave the code as is which would not be in compliance with state law and not opening up opportunities for new daycares to serve the childcare needs locally, or

- To amend the City regulations in a way that brings local code into compliance with state law while regulatory reducing barriers to daycare operations

The proposed code amendment is an implementation measure which is consistent with the City's acknowledged Comprehensive Plan as addressed in the findings for the Comprehensive Plan.

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. The proposal is for lands inside the Newberg Urban Growth Boundary.

GOAL 4: FOREST LANDS

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

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest resource lands. The proposal is for lands inside 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.

For designated historic resources, all locally designated historic resources that require review per Chapter 15.344 HISTORIC LANDMARKS (H) SUBDISTRICT for exterior modifications and construction on historic sites.

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.

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.

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 proposed changes would allow daycares as an outright permitted use in the light industrial districts of Newberg (M-1 and M-2) while reducing the parking requirements. The proposed amendment will act as an incentive for new daycare facilities to locate within Newberg and may lead to the provision of additional childcare services which supports creation and retention of family wage jobs within the community.



The Goal is met.

GOAL 10: HOUSING

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

Finding: The proposed amendments do not change anything related to housing.

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: Existing public facilities and services will be used for daycares within industrial zones (M-1 and M-2) that were already allowed in those zones (M-1 and M-2) as a conditional use. The amendment will modify parking requirements by reducing the off-street parking requirements. The reduced off-street parking requirements are anticipated to result in the creation of less impervious surface during future development of daycare facilities which reduce the demand for additional stormwater facilities that the City would otherwise be required to manage.

The Goal is met.

GOAL 12: TRANSPORTATION

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

Finding: The City of Newberg's adopted Transportation System Plan has been acknowledged by DLCD. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. There are no proposed modifications to the transportation system with the adoption of the daycare updates regarding industrial zoning or reduced off-street parking requirements. The proposed amendments do not significantly affect any transportation facility or change the functional classification of any street.

The Goal is met.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The proposed amendment does not change the way in which energy will be utilized.



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 with the demands for childcare through a reduction in the regulatory barriers of daycare operations.

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 proposed amendment does not alter any area or regulations within the boundaries of the Willamette River Greenway.

This Goal is not applicable.

B. FINDINGS FOR THE NEWBERG COMPREHENSIVE PLAN – 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: Councilor Olson engaged with daycare stakeholders and listened to the problems they had which she later shared with City Council. On November 20, 2023, during a public meeting, City Council discussed the issue and directed staff to investigate opportunities for reducing barriers to daycare operations which were negatively impacting the availability of childcare. A memorandum (Attachment 3) regarding the issues was sent to City Councilors and relevant



stakeholders in March 2024. There will be at least one public hearing with the Planning Commission and one public hearing with City Council where the anyone in the public can submit comments.

The amendments are considered a legislative action subject to the City's Type IV procedures pursuant to NMC 15.100, which requires public notification and public hearings before the Planning Commission makes a recommendation to the City Council, and the City Council makes a final decision on the proposed amendment. 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 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: The City meets this goal by having an acknowledged comprehensive plan that follows state goals and by following implementation procedures pursuant to NMC 15.100.

The Goal is met.

C. AGRICULTURAL LANDS

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

Finding: The proposed amendment does not change any land use designation and does not create any new uses in any zoning district.

This Goal is not applicable.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: The proposed amendment does not change any land use designation and does not create any new uses in any zoning district.

This Goal is not applicable.



E. AIR, WATER, AND LAND RESOURCE QUALITY

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

POLICIES

1. Development shall not exceed the carrying capacity of the air, water or land resource base.
2. Water quality in the Willamette River and tributary streams shall be protected.
3. As public sanitary sewer systems become available, all development shall connect to the public system. To encourage economic development, the City may permit subsurface sewerage disposal where the system meets State and County requirements and where unique circumstances exist.
4. The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.
5. New industry should be located in area which minimize the impacts upon the air, water, and land resources base, as well as upon surrounding land uses.
6. The City will cooperate with State and Federal agencies which regulate environmental quality and shall adhere to the standards established by these agencies in the issuance of any permits or approvals given by the City. This policy is intended to cover discharges and emissions which may impair air, water or land quality or exceed the established standards for noise or other emissions.
7. The threat of excessive noise will be considered when reviewing land use requests. In addition, and new commercial and industrial developments shall conform to DEQ noise pollution standards.
8. The City will continue to support soil conservation measures designed to prevent unnecessary losses through excavation, stripping, erosion, and sedimentation.
9. The City will seek abatement of the aesthetic degradation of the environment resulting from blighted neighborhoods, indiscriminate waste disposal, offensive outdoor storage.
10. The City shall promote community cleanup programs.
11. The City will continue to encourage and support the three R's of recycling (re-use, reduction, and recycling)

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. Any permit submittal will be required to meet state requirements regarding emissions and noise as well as local ordinances, as applicable.

The Goal and Policies are 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.

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.

POLICY 3. Historic Resources Policies

- a. The continued preservation of Newberg's designated historic sites and structures shall be encouraged.
- d. The City will encourage the re-use of historic structures such as the establishment of bed and breakfast operations, specialty shops, restaurants and professional offices.

Finding: The proposed amendment will not negatively impact open space or historic 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 State Goal 5.

The Goals and Policy are met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

1. General Policies
 - a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential



methods may include, but are not limited to, land use controls and capital improvement programs.

- b. The City shall encourage economic expansions consistent with local needs
- c. The City will encourage creation the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
- d. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor
- e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.
- f. The City shall participate with local and regional groups to coordinate economic planning.
- g. The City shall encourage business and industry to locate within the Newberg City limits.
- h. Yamhill County history, products and activities should be promoted.
- i. The City shall encourage tourist-related activities and services such as motor inns, restaurants, parks and recreation facilities, a visitor center, conference and seminar activities.
- j. A mixed-use river-oriented commercial area should be encourage to be developed near the Willamette River.
- k. The City shall promote Newberg as a tourist destination location.
- l. The City shall promote the expansion of local viticulture and wine productions as a method for increasing tourism.

Finding: The proposed amendments for daycare uses will give incentives for new daycares to locate in Newberg and increase the availability of childcare in the community. Additional childcare availability will support a more diverse and stable economic base that can in turn attract other businesses that provide family wage jobs.

The Goal and Policies are 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 proposed amendments do not change anything related to housing.

The Goal is not applicable.



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: The proposed amendment would reduce the required parking spaces for daycare operations. Reduced parking requirements may result in retention of the natural environment and a reduction in impermeable surfaces during future development which would enhance visual character and support the livability of Newberg.

The Goals are met.

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's adopted Transportation System Plan has been acknowledged by DLCD. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. There are no proposed modifications to the transportation system with the adoption of the daycare updates regarding industrial zoning or reduced off-street parking requirements. The proposed amendments do not significantly affect any transportation facility or change the functional classification of any street.

The proposed amendments reduce parking requirements which may reduce less reliance on the automobile and encourage use of multi-modal transportation.

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: Existing public facilities and services will be used for daycares within industrial zones (M-1 and M-2) which are already allowed as a conditional use. The amendment will modify parking requirements by reducing off-street parking requirements. The reduced off-street parking requirement are anticipated to result in the creation of less impervious surfaces during future development of daycare facilities which reduces the demand for additional stormwater facilities that the City would otherwise be required to manage.

The Goal is met.

M. ENERGY

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

Finding: The proposed amendment does not change the way in which energy will be utilized.

The Goal is not applicable.

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 is within City Limits and will not create any new growth or transition from rural to urban land uses.

The Goals are met.



**ATTACHMENT 1. NEWBERG CITY COUNCIL MINUTES FROM NOVEMBER 20,
2023**

Newberg Planning Commission, File No. DCA23-0002



**City of Newberg
City Council Minutes
November 20, 2023
Hybrid meeting format**

BUSINESS SESSION –

Meeting called to order at 6:00 p.m.

Councilors Present: Mayor Bill Rosacker, Councilors Elise Yarnell Hollamon, Molly Olson, Mike McBride, Robyn Wheatley, and Peggy Kilburg

Councilors Absent: Derek Carmon

Staff Present: City Engineer Lance Calvert, City Emergency Coordinator Karen Tarmichael, City Attorney James Walker, City Manager Will Worthey, Sergeant Eric Roning, Sergeant Nathan Jones, Finance Director Kady Strode, IT Manager Ian Rodriguez, Planning Manager Clay Downing, Library Director Korie Burkle, City Recorder Rachel Thomas, Gabriella McMahan, Project Specialist Alison Seiler, Assistant Planner James Dingwall, Senior Engineer Paul Chiu, Regulatory Compliance Officer April Catan

PROCLAMATIONS

Small Business Saturday Proclamation

RCA Small Business Saturday Proclamation.docx

Mayor Rosacker read the proclamation and declared Saturday, November 25, 2023 Small Business Saturday. Residents were encouraged to support small businesses.

CITY MANAGER’S REPORT

Month CM statistics - SEP.pdf

CM Worthey reported on the statistics for the month of September 2023.

PUBLIC COMMENTS

Newberg Affordable Housing Commission Public Comment Jim Talt.docx

Public Comment 11-20-23 Rogers.pdf

Public Comments were addressed immediately following Item 9.A Elliott Road Improvement Project Change Order.

Jim Talt said he had previously sent the above attached public comment to the Newberg Affordable Housing Commission (NAHC) to CM Worthey. Mr. Talt stated that the Housing Authority of Yamhill County (HAYC) had been managing Newberg’s Manufactured Home Grant program for the last 18 months and the program was winding down after helping more than 40 homeowners but leaving over 50 homeowners on the application list and others who did not apply due to a clause that prevented helping anyone in a home built before 1978. Jim Talt proposed that the Council give CM Worthey the authority to explore extending the Manufactured Home Grant program using Construction Excise Tax (CET) funds and removing the clause excluding homes built before 1978. There was an opinion that CET funds could not be used to

expand the grant program, but the Newberg Municipal Code Section 3.60.90 Use of Funds Paragraph D said, “The City may fund affordable housing programs in accordance with Section 9 Chapter 59 Oregon Laws 2016 including but not limited to rent buydowns and subsidies, downpayment assistance, and foreclosure prevention assistance.” The language “but not limited to” gave the Council discretion to make additional choices for the use of CET funds. Newberg’s manufactured home parks were arguably the largest single source of affordable housing in Newberg. The NAHC housing program matrix had a goal to preserve manufactured homes which was in line with Mr. Talt’s proposal to use CET funds to repair and preserve manufactured homes. Mr. Talt believed that Newberg and the HAYC could collaborate to make a new contract with cost savings for both parties, thereby helping Newberg’s manufactured home owners. The current program was winding down but was still operational and could be funded through CET funds.

The Council addressed Item 10.A A Potential CET Project at this time.

REPORTS AND PRESENTATIONS

Scoping the Childcare Issue

Childcare in Newberg Dec 2023.pptx

Councilor Olson presented a PowerPoint slide on work that had been done by Staff on the issue of providing childcare in Newberg. Interviews were held with employers and organizations that provided childcare to identify issues around childcare in Newberg. The State, County, and City all had laws regarding childcare. Public Schools, churches, and homes were also in the business of childcare. The availability of affordable childcare, especially for infants, was a challenge. Code and zoning changes could make it easier to open childcare businesses in Newberg. There was no adequate, affordable daycare available in Newberg. Families were driving to other nearby communities to get childcare. Employers saw childcare availability as the number one issue in employee retention and productivity. The Council was requested to focus Staff time on removing barriers to those opening daycare facilities in Newberg.

CM Worthey encouraged Councilors to consider taking a methodical approach and working on one issue at a time rather than creating a package to try to deal with everything at once.

The Council and Staff discussed:

- The issues and possible solutions available to the City had not been sorted by priority. Possible solutions included creating a more customer-service-oriented planning process, going from paper to electronic, aligning City Code with State Code, adjusting zoning to not require a conditional use permit in areas where other cities were not requiring them, and reducing the excessive parking requirements. System Development Charges (SDC) which had been cost prohibitive were already in the process of being reduced. Staff could be directed come back to Council to present more solutions.
- As an employer, how could the City better support Staff with childcare options?
- Removing barriers to childcare availability in Newberg would support City Staff and residents.
- CM Worthey stated that Staff could potentially receive a group rate discount going through certain childcare service providers.
- Planning Manager Downing stated he had enough information to prioritize a list of solutions if Staff was directed to do so. The Planning Department would come back within a month or two with a prioritized list of projects to share with the Council, which could include work on solutions for childcare in Newberg.

The Council directed Staff to prepare possible solutions for affordable childcare availability in Newberg.

2023 Emergency Operations Plan Presentation

Newberg EOP Base.docx

Emergency Operations Plan update2023 - final.pdf

City Emergency Coordinator Tarmichael gave a PowerPoint slideshow sharing updates to the Emergency Operations Plan (EOP) which provided guidelines on how to mitigate, prepare for, respond to, and recover from emergencies or disasters. The EOP was updated in response to Council Goal 4 to enhance community safety as well as having been identified by City Department Heads as a priority in 2022. The current EOP was a “one size fits all” design that was adopted in 2013 and included language regarding the Newberg Fire Department which no longer existed. When the Fire Department was discontinued, the City lost the Staff member who had been over emergency planning and training. The current EOP did not address urban wildfires, health pandemics, cyber security risks, droughts and other weather conditions. Work on the new EOP began in April 2022 using a hybrid mix of the plan provided by the consultant and customized information regarding Newberg capabilities and resources. The framework was scalable, compatible with partner agencies, and followed the Incident Command System (ICS) structure which would provide flexibility for future revisions.

CM Worthey stated the old EOP was based on linear responses to specific disasters and the new EOP would operate more like a toolkit to build an appropriate response to any situation.

The new EOP would fit the required Federal Emergency Management Agency (FEMA) standards, comply with State and Federal regulations, provide clarity around roles, responsibilities, and limitations, include clear appendixes and procedures, and use simplified language. The EOP would be a living document which would require regular attention. As Emergency Coordinator, CEC Tarmichael would update the EOP and appendixes regularly to keep the information current. The EOP was not a continuity plan and did not address how the City would continue paying bills and doing business during an emergency.

The EOP would need to be exercised and tested to ensure it was sufficient. CM Worthey warned that some of the planned emergency training exercises may be orchestrated and rolled out with little notice and may feel very real and unexpected.

CEC Tarmichael encouraged Councilors to read the EOP, view the online videos and guidebook, attend training exercises, encourage constituents to be prepared to survive for 72 hours in an emergency, and to sign up for Everbridge and National Weather Service alerts to stay informed and facilitate being able to warn others in the case of an emergency.

CM Worthey stated that a key feature of the new EOP was the flexibility to use the resources found in the appendices to construct a custom plan for any given situation within the framework of the base plan.

The Natural Hazard Plan had assessed the City’s ability to respond to varying levels of emergencies and coded the levels of risk in the framework of the EOP. Yamhill County Emergency Management (YCEM) and Tualatin Valley Fire and Rescue (TVF&R) collaborated on

the EOP to make sure the assessed levels of risk and language used would be compatible with their policies for emergency response.

CM Worthey stated that a high-level incident that would trigger a FEMA response would be considered a higher risk level because it would initiate a statewide response.

Vacation Rental Home and Short-Term Rental Update

RCA 11-06-23 CC GEN23-0007.pdf

Attachment 1. Vacation Rental Home and STR White Paper.pdf

PM Downing and Assistant Planner Dingwall presented the update on vacation rentals and short-term rentals. The Staff recommendation was to receive and file the updated research, receive and file the vacation rental home and short-term rental white paper, and provide direction to Staff on future actions related to vacation and short-term rentals. The white paper contained background information, trends, existing conditions in Newberg, public comments received, and sample policy approaches based on policies used by other jurisdictions. Recent activities included a meeting of the Short-Term Rental Ad Hoc Committee and a review of the white paper by the Planning Commission.

PM Downing shared the background on the activities of the City Council, Planning Commission, and Short-Term Rental Ad Hoc Committee regarding short-term rentals, discussed the existing requirements and criteria to get a conditional use permit for a short-term rental in Newberg, and noted the current restrictions and limitations. Numbers of vacation rental applications have continually increased over the last few years.

PM Downing shared data regarding vacation rentals taken from information provided in permit applications, business license applications, and Transient Lodging Tax (TLT) payments which indicated a total of 74 operating vacation rentals in Newberg as of August 2023, with only 57 paying TLT, 42 with City permits, and 18 with a business license. Only 12 vacation rentals were operating under full compliance. It was hard to tell which operators were not in full compliance because some vacation rentals were grandfathered in when regulations were instated in 2013.

PM Downing shared a map showing the locations of vacation rentals in Newberg which were clustered toward the downtown area, maps of the zoning districts and associated review process types and discussed charts categorizing the concerns expressed in public comments regarding vacation rentals with major concerns being parking, safety, traffic increases, noise, livability, social cohesion, and housing availability. The Police were requested to report back regarding the numbers of different types of complaints they received about vacation rentals. Sergeant Roning had written a letter stating vacation rentals were not significantly associated with higher rates of crime or complaints and there had only been fourteen complaints called in regarding eight of the vacation rental properties in a twelve-month period with some complaints about dogs, or behavioral health issues. Currently, there were no connections between the vacation rental permitting process, paying TLT, and enforcement regarding complaints, but connecting those processes could increase compliance.

PM Downing discussed the current types of review procedures and what activities would fall under which type of review procedure according to the Code.

PM Downing discussed possible regulatory approaches including policies determining how to bring non-conforming vacation rentals into compliance through grandfathering or amortization, and regulating vacation rentals by concentration, operations, compliance, or enforcement in the case of complaints or violations. AP Dingwall noted that no single regulation would address all of the issues, and that nearby jurisdictions layered multiple regulatory elements to manage vacation rentals.

PM Downing read the Planning Commission's list of recommendations for the City Council:

1. The City Council and Planning Commission engage in a joint work session to investigate and consider regulatory approaches for vacation rentals.
2. Consider enhanced enforcement of permitting and TLT activities for improved compliance.
3. Consider enhanced monitoring of violations and complaints associated with vacation rentals.
4. Discuss the need for a regulation based on a density cap.
5. Discuss the amortization of non-compliant operators similar to the policy used in Lincoln City.

Mayor Rosacker noted he had attended several Short-Term Rental Ad Hoc Committee meetings and the committee was running smoothly. He looked forward to further collaboration with the committee and the Planning Commission. Mayor Rosacker called for a five-minute break.

Pretreatment Code Changes

Pretreatment Code Changes.pptx

Regulatory Compliance Officer Catan gave a PowerPoint presentation on the pretreatment-related Code changes. RCO Catan worked at the Wastewater Treatment Plant in Regulatory Compliance. The City was required by the Department of Environmental Quality (DEQ) to have and report on a pre-treatment program which was occasionally audited. The most recent DEQ findings required the City to revise and add some Code changes.

RCO Catan explained that pretreatment was a process undertaken by businesses to remove hazards before draining used water into the sewer lines to address issues such as oil, grease, chemicals, or a high pH in the water. Pretreatment protected sanitary sewer lines from caustic chemicals that could corrode the pipes, and also protected the Willamette River, City employees, the public, and the quality of biosolid compost and recycled water.

RCO Catan discussed proposed changes to the Code including revised or added definitions related to pretreatment to match federal language, and an addition to the Newberg Municipal Code regarding pH range limitations for wastewater.

RCO Catan stated that businesses in town were regularly checked for pretreatment compliance and that all restaurants were required to have a device to pretreat the water. Councilor McBride requested a report be brought back to the Council in the future regarding levels of compliance with wastewater standards in Newberg without disclosing names of businesses.

RCO Catan stated that the numbers in the pH range limitations were determined by Environmental Protection Agency (EPA) studies.

Water Treatment Plant Closeout Presentation

Newberg GWTP Project Closeout Presentation.pdf

Conсор Engineers Chris Manning and Brian Ginter gave a PowerPoint presentation on the Groundwater Treatment Plant (GWTP). The main purposes of the GWTP project were to respond to the State requirement to cover the basins and filters at the existing plant, update the plant to current standards, address seismic resilience, the aging facility, and operational issues.

Mr. Manning went over the layout of the GWTP facility with the design 30% complete. The design had developed into a more comprehensive facility for staffing purposes as well as to add more resiliency and redundancy to the treatment process. The number of filters had increased, and new treatment processes were added to replace existing processes which used undesirable chemicals.

Mr. Manning shared a comparison of the original concept for the GWTP and the current 30% designed GWTP facility and detailed what had changed which resulted in an increase in cost from \$21.7 million to just under \$43 million.

Mr. Ginter stated the original design concept for the GWTP had been coordinated with City Staff with the intention to replace the plant with a plant of similar capacity. Over time the design evolved with input from Staff to a more long-term facility with higher capacity, increased operational efficiency, and improved safety features. The cost estimate for the original design concept of the GWTP was given two and a half years ago and since that time inflation has increased significantly. The cost estimate for the 30% designed GWTP facility was given this year.

Mr. Manning stated the existing water treatment plant had been there for 70 years, and the designers had increased the size of the GWTP building design and the scope of the support space provided with the intention of creating a facility that could serve for 70 years into the future. The additional 10,000 sq ft provided an additional 2,000 sq ft of staff support space, 8,000 sq ft for expanded water treatment operations, and a control room which had not been included in the original design and had been requested by Staff.

The 30% designed GWTP facility included a large conference room and four bathrooms. CM Worthey had not been aware of the inclusion of those rooms in the design and stated that previous Staff members had not shared any information regarding the decisions to expand the facility design. CM Worthey committed to asking for more detailed information from Department Heads in the future rather than leaving matters up to trust.

Mr. Manning noted that the design process was not linear and significant changes were often made between 30% and 60% of design completion. Even without the conference room and other extra rooms the budget still would have gone far over the estimate. Other major factors impacting the cost were soil improvements, running a sanitary sewer line, adding a new storm sewer, and site prep for the future Bluff Road frontage. The soil conditions at the existing water treatment plant site were worse than soil at the GWTP site. The soil conditions at GWTP site were not known when the City planned the location of the GWTP. The next steps in the design process would include evaluating other potential sites.

Mr. Manning noted that the intention had been to save money and several cost saving opportunities had been identified including reuse of the existing backwash storage pond and

pump station, building the backwash recycle tank in a future phase, and reuse of the existing backup generator.

Mr. Manning shared a graph of the Mortensen construction cost index showing the inflationary impacts to construction in different cities over the past few years. Specialty construction and construction using specialized equipment had been impacted by inflation more than typical construction. Future increases in inflation were included in the construction cost estimates as inflation rates were anticipated to increase over the timeframe of the GWTP project. Consor had worked with the City and with a Construction Manager/General Contractor (CMGC) to decrease costs of the GWTP by creating a smaller, more efficient design. The existing water treatment plant was built in the 1950s and had been through at least eight substantial renovations. The new design was forward-thinking and left extra space available for future expansion.

Mr. Manning stated Consor was working with City Engineer Calvert to closeout the GWTP project and cancel all permitting work that had been done on the GWTP project. All organizations that had been involved, including financing and State regulation agencies, had been notified of the GWTP project closeout. Consor would work to tie up loose ends in the design to ensure the design had as much value to the City as possible with the inclusion of value engineering options and geotechnical reports so that if or when the City was ready to move forward with the GWTP the City could build off of the work that had already been done on the design.

CM Worthey stated that if the information were packaged up nicely, in eight years when the City was ready to begin the project it was likely that things would have changed significantly enough that the City would have to start from scratch again. Mr. Ginter confirmed that there would be some lost efficiency and it would not be like starting from 30% design completion, but there were certain elements and reports that would still be relevant and usable as a starting point. Mr. Manning stated there was significant work put into the design and the design could be built on at a future point.

The work already done on the GWTP design by Consor may cost the City around \$800,000.

Councilor McBride was in favor of looking for a more convenient location for the GWTP and finding out who would be able to assess and make a recommendation for a new location.

CM Worthey stated that his direction to Staff was to contain any remaining residual costs. The City would need to have less debt on the books to get more financing to build a new GWTP.

Mr. Manning stated that there had been discussion about finding other sites, and that Consor or City Staff could work on finding a new site for the GWTP. The City would still need to comply with DEQ requirements to cover the water basins at the existing water treatment plant by 2027 so the plant would not be considered a surface water treatment plant. The work needed to make the existing water treatment plant seismically resilient had triggered the initial exploration into building the new GWTP. Due to sizable costs at the current proposed GWTP site, the next step in building the GWTP would be to evaluate alternative sites and alternative financing options.

CONSENT CALENDAR

Resolution 2023-3911 – A Resolution approving the contract with JH Kelly to perform the Public Safety Building and Server Room HVAC replacement and upgrade for \$265,574.89
Resolution 2023-3911 HVAC Replacement and Upgrades.docx

Exhibit A Server and PSB HVAC.pdf

Resolution 2023-3909 – A Resolution repealing Resolution 2013-3102 to replace the 2013 Emergency Operations Plan (EOP) with the 2023 version

Exhibit A Newberg eop base plan 2023.docx

Resolution 2023-3909 A Resolution to Repeal and Replace the Current Emergency Operations Plan.docx

Action: To approve the Consent Calendar: Resolution 2023-3911 and Resolution 2023-3909

Motion: Councilor Yarnell Hollamon

Second: Councilor Olson

Vote: 6 Yes 0 No 0 Abstain 1 Absent (Carmon)

CONTINUED BUSINESS

Resolution 2023-3910 – A Resolution authorizing the City Manager to execute a change order to closeout the Elliott Road Improvement Project in the amount of \$638,434

Exhibit A ElliottRdPj ChgOrder 10.pdf

Res 2023-3910 ElliottRdPj-Project Update and Closeout 002.pdf

CM Worthey stated that the presentation would explain how the Elliott Rd improvement project had gone over budget due to some oversights.

City Engineer Calvert and Senior Engineer Chiu presented on the change order to closeout the Elliott Rd improvement project. CE Calvert stated he was optimistic that there were ways to overcome the challenges to building the GWTP, and acknowledged the Elliott Rd project was a large and difficult project for a community of this size to try to complete. Kittleson & Associates, the lead design engineering firm on the project, would give a more detailed presentation on the project to the Council on December 4th to help determine the next steps and share ways to recover some of the funding. Several change orders had been made to the project resulting in a total estimated cost of \$6,961,000. Council action was required to make the final payment to The Saunders Company for work already completed on the Elliott Rd project.

CE Calvert noted the utilities in the project area were often unmarked, poorly marked, or mislocated, which complicated the process for the contractors and added costs to the project. The Elliot Rd project timeframe overlapped with the Newberg High School project which required Elliot Rd to remain open to through traffic during construction. The original plan had been to close Elliott Rd during construction and keeping it open had incurred the additional cost of providing traffic control for an extended period of time. Adjacent property owner coordination created extra costs for landscaping, detail work on matching elevations and adjusting grades, and retaining wall additions to meet property owner needs. CE Calvert stated in his experience projects did not typically go so far over budget.

Senior Engineer Chiu stated The Saunders Company had a very talented superintendent on the project who mentioned that in his experience this project had been the worst situation he had ever seen as far as underground utility markings and locations. SE Chiu detailed some of

the major difficulties that were experienced with regard to locating underground utilities for the Elliott Rd project.

CE Calvert stated that for unknown reasons the utility companies did not seem to have a solid knowledge of their infrastructure in the Elliott Rd area. Utility location would be a priority during the early stages of future projects to avoid running into problems later. Sonar equipment could be used to locate underground with more reliability.

Action:	To approve Resolution 2023-3910 authorizing the City Manager to execute a change order to closeout the Elliot Rd improvement project in the amount of \$638,434
Motion:	Councilor Olson
Second:	Councilor McBride
Vote:	6 Yes 0 No 0 Abstain 1 Absent (Carmon)

The Council addressed Item 6 Public Comments at this time.

NEW BUSINESS

A potential Construction Excise Tax (CET) project
RCA INFORMATION A Potential CET Project.docx
HAYC Manufactured Home Grant Proposal info ITEM 12b.docx

This Item was addressed immediately following Item 6 Public Comments.

CM Worthey stated the City had a current CET balance of \$1.57 million to be used for allowed purposes. CM Worthey gave the breakdown of the current distribution of CET funds and stated that 35% of the CET funds could be used to fund developer incentives and affordable housing programs for a current total of \$549,500. Staff recommended exploring the idea of using the CET funds for the Manufactured Home Grant program and having it continue under the authority of the NAHC, although there may be some legal hurdles. The CET funds for developer incentives could not be used, but the CET funds allocated to affordable housing programs could be used to fund the Manufactured Home Grant program if the City determined the Mobile Home Grants made the cost of housing affordable versus simply making the housing units habitable, and if the City could identify a method of evaluating eligibility connected to affordable housing. If the City were to agree that the contracting agency would give the applicant a certain number of months of free rent, and in exchange the Applicants did the repairs to bring the property into usable condition, this could create a way to prove the program promoted affordability. The Council could direct Staff to explore these ideas.

Mayor Rosacker noted it would be easy to prove the manufactured homes fell within the appropriate income range.

City Attorney Walker stated the two authorities the City was navigating were the ordinance shared by Mr. Talt, and the State statute that sets up the CET. The main question was what constituted an affordable housing program. The language also specifically stated the requirement of having an 80% median family income paired with a 30% rental expense to be eligible for affordable housing programs, so a process to determine eligibility would be necessary. CA Walker reiterated it would be necessary to show that the program was creating affordable

housing and not just improving the properties. The existing programs provided rent buydowns, downpayment assistance, and foreclosure avoidance which directly impacted the cost of the housing itself. Home improvements such as a ramp installation or improving stairs or heating conditions may not have a direct impact on the cost of the housing, though arguably home improvements may be tied to housing costs indirectly. The City would need to feel comfortable with justifying the situation if a challenge was raised.

Mayor Rosacker stated that in many cases if home repairs were not done, homeowners were in jeopardy of being unable to continue living in the home with the alternative being to pay more rent somewhere else.

CA Walker agreed that was the argument the City would rely on along with Mr. Talt's point about the language, "but not limited to" but the challenge was there was nothing specified by statute or ordinance

Councilor Kilburg stated the Newberg Municipal Code Section 3.60.030 B. Residential Improvements referenced Oregon Statute 3.20.1953 which referenced Oregon Laws 2016 Chapter 59 Section 9 3C mentioned 35% of CET funding was available for programs related to affordable housing, and in paragraph 4 it stated the remaining 50% of received CET funds could be used to fund City or County housing programs and did not mention "affordable" housing.

CA Walker would need to review the references provided by Councilor Kilburg.

Councilor Olson noted that when Council tried to spend CET funds in June it was mentioned that the NAHC was supposed to provide a list of community improvement opportunities. Councilor Olson recommended contacting the NAHC and discussing all the options before deciding how to spend CET funds.

Mayor Rosacker stated Staff could be directed to research the item and bring it back through the NAHC.

Councilor Olson noted that because the NAHC had not been meeting there may be other funding that had not been allocated yet.

Mayor Rosacker confirmed the NAHC was actively meeting.

Councilor Yarnell Hollamon supported the proposal as presented by CM Worthey and hoped to hear an update on the activities of the NAHC.

Councilor Kilburg planned to collaborate with CA Walker to review the legal language to see what was possible and seek simplicity. CA Walker agreed to look for authority under those laws with Council approval.

Councilor Kilburg stated that the last time the NAHC came before the Council they had only received two applications and it was unlikely that they had any pending applications.

Mayor Rosacker stated the NAHC would meet in December to allocate their three sources of funding to various projects, and he hoped to see the CET funds used on a project that made a real difference to affordable housing.

CM Worthey noted Staff could work on this project idea and if the NAHC had other ideas they could be presented to the Council at the same time.

Jim Talt thanked Councilor Kilburg for reading the legal language found in Oregon Laws 2016 Chapter 59 Section 9 and stated she hit on the two main operative paragraphs noting the availability of CET funds for affordable housing projects which were left undefined. Newberg Code said that the CET payout split between 15%, 35%, and 50% only applied to taxes collected from residential programs, where funds collected from commercial, industrial, or mixed-use work was not subject to the payout schedule.

Mayor Rosacker asked if the collected CET money had been tracked as to whether it had come from residential or commercial developments. CM Worthey was unaware if the sources of the funds had been tracked.

COUNCIL BUSINESS

None

ADJOURNMENT

Meeting adjourned at 8:30 pm.

ATTEST



Bill Rosacker, Mayor



City Recorder, Rachel Thomas

**ATTACHMENT 2. NEWBERG CITY COUNCIL “CHILDCARE IN NEWBERG”
PRESENTATION FROM NOVEMBER 20, 2023**

Newberg Planning Commission, File No. DCA23-0002



Childcare in Newberg

November 2023



Investigating childcare in Newberg

- Childcare Background Material Available
 - Yamhill County Child Care Task Force Findings & Recommendations March 2, 2023
 - Regional Solutions and Early Learning Division Childcare Workgroup Exec Summary Jan 2020
- Interviews were held with the following individuals
 - CPRD: Jim McMaster Board member, Erin Harrington CARE
 - DCI/Project Oasis: Tim Murphy, VP of Business Operations, Jessica Scott, :Little Bird Day Care Centers owner
 - Newberg Dundee School District: Dr Stephen Phillips Superintendent, Jillian Felizarta, Director of Teaching and Learning
 - adec: Mariah Robbins- VP of People & Operations, Jordan Beanblossom Corporate Communication & Outreach Manager
 - GFU: Vicki Piersall, CFO, Shawn Daley VP Chief Strategy Officer
 - NW Christian Church: Brianna Watt
 - Mia Escuelita: Sarah Crozier
 - SEDCOR: Abisha Stone – concerning available childcare providers
- The questions asked were:
 - What issues do you see around childcare in Newberg? What barriers do you see from the city? Would you be willing to participate in an ad hoc committee to work to resolve the issues?

Interested Parties in solving the issues

State County City

Government

K-12 Schools CPRD Centers Churches Homebased

Providers

Availability On-Site Affordable

Employers

Full Time Pre/Post School Affordability

Families' Needs

Interview learnings – why

- Government
 - SDCs are too high in Newberg to remodel or build new
 - The process of getting from pre-app to permits is unfriendly and prolonged. No help here attitude. Need a guide.
 - The process is paper not electronic.
 - City code for home business employee limit contradicts State student parent ratio requirements.
 - Zoning – conditional use for light industrial – remove limitations for all but heavy industrial to allow onsite daycares.
 - Parking requirements are excessive for a drop-off/pick-up business
 - Traffic study costs are very expensive
 - Lighting and sidewalk upgrades are costly
 - Inconsistent regulation between city and county and ODOT
 - Families are not familiar with state programs that they are eligible for, programs have waiting lists
- Costs
 - Cost to open a center (100+ children capacity) would require a 15 year ROI...impossible
 - Outdoor space and playground equipment are expensive – space requirements set by state.
 - It takes 2-6 months to get a new daycare full and running covering costs.
 - Infant care is a loss leader for preschool – impossible to cover costs with mandated staffing and facilities – modifying existing buildings is often not possible due to plumbing required.
 - Transporting kids from school to after school – can we eliminate with full after school programs at schools
 - Multiple employers would build on site care and leave half for non-employee use, would subsidize care costs for employees who wanted that benefit.
 - Perception that free care is substandard/not regulated/does not cover before school or last until 6pm – still very needed.
- Staffing
 - Finding and keeping qualified people is a constant issue. (pay is \$16-25/hour)
 - Burnout is an issue – causing home care to close and turnover in centers/schools
 - GFU and High School are potential sources of care givers who are learning

Problem Statement & Request

- There is not adequate, affordable daycare available in Newberg.
 - Families are driving to other cities to get care.
 - Employers see this as a retention and productivity issue.
 - Daycare providers have chosen not to open in Newberg due to high costs and difficulty in getting a site open compared to neighboring cities.
- Request to council
 - Request staff time to focus on Government issues that are within our control in order to remove barriers to those opening day care in Newberg.

Interest in ad hoc committee participation

State

County

City

Government: County Commissioner, City Councilor

K-12 Schools
Dr Phillips

CPRD
Erin Harrington

Centers
Jessica Scott

Churches
Brianna Watt

Homebased
Sarah Crozier

Providers

Availability

On-Site

Affordable

Employers: Adec – Jordan Beanblossom. DCI – Tim Murphy, GFU- Sean Daley

Full Time

Pre/Post School

Affordability

Families' Needs: Grade school parent organizations, call for city volunteers

**ATTACHMENT 3. MEMORANDUM REGARDING BARRIERS TO DAYCARE
OPERATIONS**

Newberg Planning Commission, File No. DCA23-0002



MEMORANDUM

TO: City Councilors, Interested Parties

FROM: Jeremiah Cromie, Associate Planner, Community Development Department

SUBJECT: Initial Findings Related to Reducing Barriers to Daycare Operations in Newberg

DATE: March 18, 2024

On November 20, 2023, Councilor Olson gave a presentation to the Newberg City Council on childcare issues in Newberg and barriers to the creation of new daycare operations in Newberg. The Council directed staff to work on issues related to daycares that are within the City's control as a local government.

Staff investigated several items mentioned as being ripe for breaking down the barriers. After initial review of the current development code and permit processes, it appears that limited changes within the City's control are available to reduce some of these existing barriers to daycare operations, and as discussed in this memo, some of these changes have already been adopted or are in progress.

The most tangible opportunities for development code changes that would reduce barriers to childcare are a **reduction in parking requirements**, and code amendments **allowing childcare in light industrial zones** consistent with state law.¹

Key Issues and Recommendations

The following summarizes the key issues identified by Councilor Olson and others, and staff's initial findings and recommendations:

1. System Development Charges (SDC) are too high.

On February 20, 2024, the Newberg City Council adopted a System Development Charge (SDC) reform package that exempts development of childcare facilities. This should reduce fees associated with daycare operations and have a significant impact on development costs.

This barrier is eliminated.

2. Process of getting from pre-app to permits is unfriendly and prolonged.

¹ Specifically, ORS 329A.440.4(a) requires that, "A child care center is a permitted use in all areas zoned for commercial or industrial use, except areas specifically designated by the local government for heavy industrial use."

City Council approved the 2024 Planning Division Work Plan which includes the *Customer Service and Development Standards Update* as a Critical Project scheduled to occur in the near future. The City Council also recently adopted a Customer Service Policy (Resolution 2024-3918). Pursuant to this policy, the Community Development Department is developing customer service metrics and is reviewing the development code for opportunities to streamline application procedures and standards. The goal is to improve the permit application process for all applicants, including daycare operators.

This barrier is expected to be reduced as the Community Development Department proceeds with Customer Service and Development Standards Update.

3. The process is paper and not electronic.

As of February 2024, the Community Development Department’s application process can be done completely electronically. The Paper application submittals are no longer required by the Planning or Building Divisions.

This barrier has been eliminated.

4. City code limiting employees for home businesses contradicts State student to child-care provider ratio requirements.

City staff conducted a review of existing code and found that a prior interpretation that family home daycares are home occupations was **incorrect**. The development code has a specific definition for “Family Child Care Homes” and it is a permitted use in the zoning use table (see Appendix A for details) rather than a special use that requires a home occupation permit. This “Family Child Care Home” use meets current state requirements and does not require a home occupation permit that limits the number of employees. This use is permitted outright in all residential districts in existing single-family dwellings.

This barrier has been eliminated.

5. Zoning – conditional use for light industrial – remove limitations for all but heavy industrial to allow onsite childcare.

Staff believes this is a two-prong issue, with the first being the need to remove restrictions on new commercial daycares in industrial areas as required by state law, and the second being the recommendation to allow onsite daycares on the employer’s site as an accessory use. The City’s existing code includes five different industrial zoning districts, each with a different purpose and allowing differing uses and development standards. The table below provides each zoning district’s purpose as well the current permitting process required for a commercial daycare operation in that district:

Zoning District	Purpose of Zoning District	Daycare Use Category Requirement by Zoning District
Limited Industrial (M-1)	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	Conditional Use

Zoning District	Purpose of Zoning District	Daycare Use Category Requirement by Zoning District
	appropriate to locations near highways and arterials and nonmanufacturing areas.	
Light Industrial (M-2)	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.	Conditional Use
Heavy Industrial (M-3)	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.	Conditional Use
Large Lot Industrial (M-4)	The M-4 industrial employment district is divided into two subdistricts: the <i>industrial employment subdistrict</i> and the <i>industrial commercial subdistrict</i> . 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.”	Conditional Use in the Employment Subdistrict (M-4-I) Permitted Use in Commercial Subdistrict (M-4-C)
Mixed Employment (M-E)	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.	Permitted Use

The State Legislature passed HB3109 in 2021 (now codified as ORS 329A.440.4(a)), which requires that childcare centers must be permitted in all areas zoned for commercial or industrial use except that a local government may restrict childcare in areas designated for heavy industrial use. State law also requires that local governments may not impose land use regulations on childcare in an area zoned for industrial use that are more restrictive than those imposed for other uses in the same area.

Staff concludes based on HB3109 that M-1 (Limited Industrial District) and M-2 (Light Industrial District) should be amended to allow commercial daycare as an outright permitted use rather than a conditional use. The M-1 and M-2 zones make up most of the industrial land in Newberg.

Additionally, existing code already allows on-site daycares as an accessory use as long as it is primarily provided for the children of workers at the site. Such an accessory use does not require special permitting from the City’s Planning Division. However, an accessory daycare operation would still be required to meet Building Code requirements for such an activity.

Portions of this barrier are eliminated through the ability of businesses to locate daycare operations on-site as accessory uses, but further code amendments are necessary to eliminate the barrier altogether.

6. Parking requirements are excessive for a drop-off/pick-up childcare business

Parking requirements for new daycare facilities currently require five (5) off-street parking spaces per 1,000 gross square feet (Newberg Municipal Code (NMC) 15.440.030). This requirement does not apply to family home daycares or accessory on-site daycares for employers. Staff are researching this topic further but believes the requirement may be high in comparison to nearby jurisdictions which appear to require off-street parking quantities based on the capacity for staff and children on-site. Another issue which may require evaluation is whether city requirements for drop-off and pick-up circulation are more restrictive than those required for licensing of childcare by the State of Oregon.

This barrier is currently being investigated and researched more thoroughly. Staff anticipates that a proposed code amendment for the parking requirements of daycare facilities will come before the Planning Commissions and City Council in the future.

7. Traffic Study costs are expensive.

Traffic Study costs are not particularly in the control of local government except in determining whether they are required or not. Traffic studies are currently required for any Type II or Type III development application (including commercial daycares) that generates in excess of 40 trips per p.m. peak hour. The Community Development Director may waive this where there is a previous traffic study for the site, such as for an existing commercial center, church or school, or if the proposed use would not cause any intersection to have a poor level of service.

This barrier is unlikely to go away for large commercial daycares but depending on the location of the project, it may be possible to waive the traffic study requirement in certain circumstances. Daycare facilities often have their traffic coming and going at peak hours (7-9am and 4-6pm) to drop off and pick up kids which may necessitate the need for a traffic study.

8. Lighting and sidewalk upgrades are costly.

Lighting and sidewalk upgrades, when needed, may be costly but are important safety measures that apply to most new development/redevelopment projects. They make sure all people are safe including when walking or picking up kids at night. The City currently requires:

- Sidewalk upgrades for any project valued at over \$30,000 (NMC 12.05.090), and
- Lighting upgrades on site as part of any new commercial use including day cares in a Type I or Type II review (NMC 15.425.020).

Following initial review of this barrier, staff does not support waiving infrastructure improvements associated with increased safety where daycares may operate in the future.

9. Inconsistent regulation between city, county and ODOT.

Additional details regarding the specific inconsistencies experienced by prospective daycare operators would help staff better understand this issue. Regulation from the County or ODOT for a project in the city will likely only occur if the proposed facility is on or next to one of their roads. Staff would



typically coordinate with Yamhill County and ODOT during the pre-application process or in design review when a development affects one of their roadways. We support other coordination between entities as appropriate.

Additional information is required to understand the extent to which the barrier impacts prospective daycare operations.

10. Families are not familiar with state programs that they are eligible for, programs have waiting lists.

Unless further information is provided, this appears to be a communication issue with state programs that the City may not have control over. However, City staff can potentially create a webpage or other resources to direct people to the state programs and related contacts. Local groups like the Newberg Downtown Coalition and Chehalem Valley Chamber of Commerce can help direct local businesses to this information as well.

The City has limited influence over this barrier. This barrier may be overcome with better communication and direction to the state programs.

Appendix A: Relevant City Code Sections Related to Day Care

Contents

City Definitions (NMC 15.05.030):	6
Use Categories (NMC 15.303):	6
Zoning Use Table (NMC 15.305):	7
Off-Street Parking Required (NMC 15.440.030)	7
Permits and Certificates Regarding Sidewalks (NMC 12.05.090):	7
Exterior Lighting Requirements (NMC 15.425.020)	8

City Definitions (NMC 15.05.030):

“Day care category” means a use category under Chapter 15.303 NMC that includes the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation. It also may include care or supervision of an adult during part of the 24 hours of the day where lodging is not provided.

“Family child care home” means a registered or certified family child care home under the laws of the State of Oregon. A registered family child care home generally provides care for a maximum of 10 children in the family living quarters of the provider’s home. A certified family care home is located in a building constructed as a single-family dwelling and has a certificate to care for a maximum of 16 children at any one time.

Use Categories (NMC 15.303):

15.303.312 Day care category.

A. Characteristics. This category includes the care, supervision and guidance on a regular basis of a child, unaccompanied by a parent, guardian or custodian, during a part of the 24 hours of the day, with or without compensation. It also may include care or supervision of an adult during part of the 24 hours of the day where lodging is not provided.

B. Accessory Uses. Play areas.

C. Examples. Preschools, adult day care centers.

D. Exclusions.

1. Family child care homes.

2. Child care which does not require state registration or certification, such as babysitting.



3. Accessory day care that is provided primarily for the children of workers at the site is considered an accessory use.
4. Schools, primary or secondary.
5. Residential care homes and residential care facilities. [Ord. 2763 § 1 (Exh. A § 5), 9-16-13.]

Zoning Use Table (NMC 15.305)

#	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
300	INSTITUTIONAL AND PUBLIC USES																				
310	INSTITUTIONAL CARE AND HOUSING																				
Def.	<u>Family child care home</u>	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X							P	P(13)		ORS Chapter 657A
312	<u>Day care</u>	P	P	P	C	P	P	P	P		P	C	C	C	C	P		P		P(14)	ORS Chapter 657A

Off-Street Parking Required (NMC 15.440.030)

Institutional Types	
Churches, clubs, <u>lodges</u>	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 <u>place of worship</u>)
<u>Continuing care retirement community</u> not including nursing care	1 space per living unit
<u>Day care</u> facility	5 spaces per each 1,000 gross sq. ft.
<u>Hospitals</u> (including accessory retail wholly contained within a <u>hospital</u> building)	2 spaces for each 1,000 gross sq. ft.

Permits and Certificates Regarding Sidewalks (NMC 12.05.090)

A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is \$30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:

1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.
2. Dedicate right-of-way in accordance with the city transportation plan.

B. The city engineer may issue a permit and certificate allowing noncompliance with the provisions of subsection (A) of this section to the owner, builder or contractor when, in the city engineer's opinion, the construction of a sidewalk is impractical for one or more of the following reasons:

1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.
2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.
3. Topography or contours make the construction of a sidewalk impractical.
4. The noncompliance provided in subsection (B)(1) of this section shall be temporary and shall cease to exist when grades are established for sidewalks by the public works department or when public utilities or street paving have been constructed. The permit shall indicate the reason for its issuance.

C. If the owner, builder or contractor considers any of the requirements impractical for any reason, they may appeal the decision to the planning commission.

D. If a sidewalk is not constructed within the time required by this section, then the city may construct it for the full street frontage in front of the property and proceed with the construction, assessment and collection of costs as provided for in NMC 12.05.070. [Ord. 2048, 3-2-81; Ord. 1857, 5-2-77; Ord. 929, 7-2-40. Code 2001 § 96.09.]

Exterior Lighting Requirements (NMC 15.425.020)

A. Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.
2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.
3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.

B. Exemptions. The following uses shall be exempt from the provisions of this section:

1. Public street and airport lighting.
2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.

ATTACHMENT 4. PARKING SURVEY
Newberg Planning Commission, File No. DCA23-0002



City	Parking Requirement (Commercial Daycares)
Newberg	5 per 1,000 sq. ft. gross floor area
McMinnville	One space per on-site employee, and a designated pick-up and drop-off zone for two vehicles which can be on-street parking if it is not immediately adjacent to another use.
Woodburn	2 per caregiver
Sherwood	None
Canby	1 per employee
Dundee	2 per classroom (Based on preschool nursery/kindergarten)
Tualatin	2 per employee
Keizer	1 per up to 12 children, 2 for more than 12
Mollala	1 per 400 sq. ft. of floor area
North Plains	1 per employee plus 1 per 5 students
Forest Grove	2 per classroom
West Linn	1 per employee plus 1 per 1,000 sq. ft.
Moses Lake, WA	1 per employee plus 1 per 10 children or adults
Ellensburg, WA	1 per employee plus 1 temporary loading parking per each 8 full-day equivalent children
Maple Valley, WA	1 per employee plus 1 space for every five children, plus on-site loading and unloading areas
Roseburg	2 for the first 16 children plus one additional space for every 12 children thereafter, along with off-street loading and unloading area
Oregon City	2 per 1,000 square feet of net leasable area (3 maximum). Based on preschool nursery/kindergarten
Redmond, OR	1 space per employee; designated pick up area required
Lake Oswego	2.5 spaces per 1,000 sq. ft. gross floor area
Tigard	<u>MAX</u> : 2.7 per 1,000 sq. ft. of gross floor area
Albany, OR	<u>MAX</u> : 1 per employee + 1 per 10 persons being cared for
Medford, OR	None, <u>MAX</u> : 1.1 spaces per teacher/employee on the largest shift, plus 1 space per 5 students
Bend, OR	None, <u>MAX</u> : 1 per 200 square feet
Gresham	1 per classroom (<u>MAX</u> : 2 spaces per classroom)
Burns, OR	1 per employee plus 1 per 5 children
Battle Ground, WA	2 per employee



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024

Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Daycare Facility Standards
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA23-0002
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:

- ☒ Reviewed, no conflict.
- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)

Scot Siegel

Digitally signed by Scot Siegel
DN: cn=US, ou=Community Development, o=City of Newberg, cn=Scot Siegel,
e=scot.siegel@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2024.06.28 16:59:08-07'00'
Post-PhantomPDF Version: 10.1.12

Reviewed By:

Date:

Organization:



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- ☐ Comments. (Attach additional pages as needed)

Digitally signed by W E Worthey
DN: cn=City of Newberg, cn=W E Worthey, e=will.worthey@newbergoregon.gov
Reason: I have reviewed this document
Location: your signing location here
Date: 2024.06.16 17:47:23-0700
Foxit PhantomPDF Version: 10.1.12

6/16/24

Reviewed By:

Date:

Will Worthey CM

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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- ☐ Comments. (Attach additional pages as needed)

Brett Musick
Digitally signed by Brett Musick
DN: CN=Brett Musick, E=brett.musick@newbergoregon.gov
Reason: I have reviewed this document
Location: your signing location here
Date: 2024.06.25 13:23:37-07'00'
Foxit PhantomPDF Version: 10.1.10

6/25/24

Reviewed By:

Date:

CON PW Engineering

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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REQUEST: Development Code Update: Daycare Facility Standards
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- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)

S.EGGIMAN

Reviewed By:

6/19/2024

Date:

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Please refer questions and comments to: Jeremiah Cromie

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APPLICANT: N/A
REQUEST: Development Code Update: Daycare Facility Standards
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☐ Meeting requested.
☐ Comments. (Attach additional pages as needed)


Reviewed By:

6-19-24
Date:


Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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APPLICANT: N/A
REQUEST: Development Code Update: Daycare Facility Standards
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA23-0002
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Reviewed By:

6/17/24

Date:

Maintenance Superintendent

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Daycare Facility Standards
SITE ADDRESS: N/A
LOCATION: N/A
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- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)

April Catan

Digitally signed by April Catan
DN: cn=US, ou=Operations, o=City of Newberg, cn=April Catan,
E=april.catan@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2024.06.17 16:20:14-07'00'
Post PhantomPDF Version: 10.1.10

6/17/24

Reviewed By:

Date:

City of Newberg - Ops

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Please refer questions and comments to: Jeremiah Cromie

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REQUEST: Development Code Update: Daycare Facility Standards
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TAX LOT: N/A
FILE NO: DCA23-0002
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Reviewed By:

6/17/24

Date:

City of Newberg - Operations

Organization:

Fe Bates

From: Brown, Jason <JBrown2@wm.com>
Sent: Wednesday, June 19, 2024 7:27 AM
To: Fe Bates
Cc: Jeremiah Cromie; Wille, Jason
Subject: RE: 3- City of Newberg Referral Requests: DR124-224-0004/ADJC24-0003 & DCA23-0002 & DCA24-0001

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.

Fe, WM does not have any issues with all three.

Thank you

From: Fe Bates <Fe.Bates@newbergoregon.gov>
Sent: Friday, June 14, 2024 3:58 PM
Cc: Fe Bates <Fe.Bates@newbergoregon.gov>; Jeremiah Cromie <Jeremiah.Cromie@newbergoregon.gov>
Subject: [EXTERNAL] 3- City of Newberg Referral Requests: DR124-224-0004/ADJC24-0003 & DCA23-0002 & DCA24-0001

Good Day,

There are 3 separate Referral for review linked in this email, to alleviate confusion additional information about each project has been added to the email in addition to the linked Referral. Referral Comments for all 3 must be emailed back no later than **June 28, 2024** to Planning@newbergoregon.gov.

(DR224-0004/ADJC24-0003 HeadStart Expansion)

[Referral- DR224-0004\0026ADJC24-0003.pdf](#)

This project is separate from the code amendments but is for a design review and code adjustment: An expansion for Head Start here in Newberg at 2813 E Crestview Drive. They are wanting to build a new 2,100 sq. ft. building and new playground area. They also submitted a code adjustment application to keep the existing parking (26 spaces) rather than having to add additional parking spaces (the current gravel spaces will be paved and marked).

Webpage: <https://www.newbergoregon.gov/planning/page/dr224-0004adjc24-0003-head-start-newberg-expansion>

DCA23-0002 Daycare Code Amendments

 [Referral-DCA23-0002.pdf](#)

The proposed code amendments would do the following:

1. Make commercial daycare uses a permitted use in all light industrial zones (M-1 and M-2) to comply with current state law (they currently require a conditional use permit)
2. Reduce the parking requirements for new daycare facilities by transitioning from a current ratio of 5 per 1,000 square feet of gross floor area to having a ratio based on the number of employees and number of children/people cared for (currently proposed to be 1 per employee plus 1 per 10 children/people cared for)
3. Add a definition of play structures and where they can be located on property (proposed to be allowed within 3 feet from interior property lines and 10 feet from front lot lines) on most properties

(Draft Staff Report File has all documents (bookmarked) but also included code amendment language as well as memo – first 3 attachments).

Webpage: <https://www.newbergoregon.gov/planning/page/dca23-0002-daycare-facilities-updates>

DCA24-0001 Sign Code Maintenance Amendments

 [Referral -DCA24-0001.pdf](#)

The proposed code amendments would do the following:

1. Update definitions of free standing and portable signs to make it clear which one is being used.
2. Update Resolute Highways language
3. Update sign standards in the Right-of-Way (ROW) downtown that include the following:
 - a. How written permission is given with the sign
 - b. Getting rid of specific hours signs are allowed in Right-of-Way (Still will not be allowed in Right-Of-Way when business is closed).

(Draft Staff Report File has all documents (bookmarked) but also included code amendment language -last 2 attachments).

Webpage: <https://www.newbergoregon.gov/planning/page/dca24-0001-sign-code-amendment>

Please reach out if you have any questions.

Thank you,

Thank you,

Please let us know how you feel about our services by filling out this [City Services Customer Satisfaction Survey](#).

Fé Bates

Community Development

Administrative Assistant

City of Newberg

City Hall: 503-537-1240

Direct: 503-554-7788

OUR OFFICE HAS TEMPORARILY MOVED TO THE WASTE WATER TREATMENT PLANT AT: 2301 NE WYNOOSKI RD.

We will be open to the Public for any Permitting or Planning needs from 8:30 to 3:30; Monday- Friday



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024
Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Daycare Facility Standards
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA23-0002
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:

- ☐ Reviewed, no conflict.
☐ Reviewed; recommend denial for the following reasons:
☐ Require additional information to review. (Please list information required)
☐ Meeting requested.
☒ Comments. (Attach additional pages as needed)

TSROOKS BATZMAN

Reviewed By:

6-21-24

Date:

BUILDING
Organization:

SEE ATTACHED BUILDING CODE REQUIREMENTS
ATTACHED IS ONLY THE STARTING POINT. SQUARE FOOTAGE AND
OCCUPANT LOAD CAN REQUIRE MANY MORE CODE REQUIREMENTS

310.4.1 Care facilities within a dwelling.

A care facility located within a detached one- or two-family dwelling or townhouse and having five or fewer persons receiving care shall be permitted to be constructed in accordance with the Residential Code provided that Section 420.12 is met and accessibility is provided in accordance with Section 1103.2.12 for newly constructed facilities and Section 3403.4 for existing facilities.

310.4.2 Licensed child care within a dwelling.

A registered or certified family child care facility, as defined in ORS 329A, located within a dwelling shall be classified as a Group R-3 occupancy. Where located within a one- or two-family dwelling or townhouse the care facility shall be permitted to be constructed in accordance with the Residential Code provided that Section 420.12 is met and accessibility is provided in accordance with Section 1103.2.12 for newly constructed facilities and Section 3403.4 for existing facilities.

310.4.3 Licensed adult foster care within a dwelling.

Adult foster homes, as defined in ORS 443.705, located within a dwelling shall be classified as Group R-3 and shall be permitted to be constructed in accordance with the Residential Code provided that an automatic sprinkler system is installed in accordance with Section 903.3.1.3 and accessibility is provided in accordance with the applicable provisions of Chapter 11 for the function served.

Adult foster homes and residential training homes within detached one-family dwellings. Adult foster homes as defined in ORS 443.705 and residential training homes as defined in ORS 443.400 licensed for five or fewer individuals prior to July 1, 2024, shall not require the installation of an automatic fire sprinkler system under application of the State building code. See the enrolled Senate Bill 1548 [2022] at [Oregonlegislature.gov](https://legislature.oregon.gov/for-more-details) for more details.

305.2 Group E, day care facilities.

This group includes buildings and structures or portions thereof occupied by more than five children older than 2½ years of age who receive educational, supervision or personal care services for fewer than 24 hours per day.

305.2.1 Within places of religious worship.

Rooms and spaces within places of religious worship providing such day care during religious functions shall be classified as part of the primary occupancy.

305.2.2 Five or fewer children.

A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.

305.2.3 Five or fewer children in a dwelling unit.

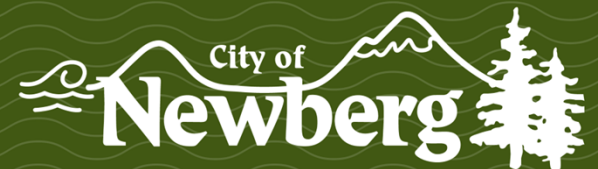
- > A facility such as the above located within a dwelling unit and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy. Where located within a detached one- or two-family dwelling or townhouse, the facility shall be permitted to be constructed in accordance with the Residential Code, provided that Section 420.12 is met, and accessibility is provided in accordance with Section 1103.2.12 for newly constructed facilities and Section 3403.4 for existing facilities.
- >

Daycare Code Amendments

Planning Commission Legislative Public Hearing

File DCA23-0002

July 11, 2024



Background

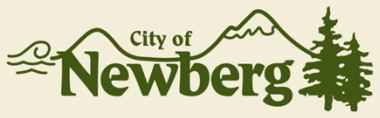
- Councilor Member Olson presented on daycare barriers at the November 20, 2023 Council meeting
- City Council approved the Planning Division's Work Plan that included childcare updates as a critical project at their January 16, 2024 meeting
- Staff conducted a review of the barriers previously presented and shared results in a memo given to Councilor Olson and interested parties

Proposal

- Daycares would be permitted outright in light industrial zones (currently requires CUP) to comply with State Law (Oregon House Bill 3109 from 2021)
- Reduce Parking Requirements for Daycare
- Add definition of play structures and where they can be located

15.305.020. 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
300	INSTITUTIONAL AND PUBLIC USES																				
310	INSTITUTIONAL CARE AND HOUSING																				
Def.	Family <u>child care</u> home	P	P	<u>P(13)</u>	<u>P(13)</u>	P	<u>P(13)</u>	<u>P(13)</u>	<u>P(13)</u>	<u>P(13)</u>	X							P	<u>P(13)</u>		ORS Chapter 657A
312	Day care	P	P	P	C	P	P	P	P		P	C-P	C-P	C	C	P		P		<u>P(14)</u>	ORS Chapter 657A



Code Language Changes

15.05.030 (Definitions)

- **“Play Structure”** means swing sets, slides, playhouses, jungle gyms, sandboxes or other similar structures intended specifically for outdoor recreational activity for persons but not including dwellings, garages, carports, accessory structures, or sheds.

15.410.070

Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

H. Play structures may intrude into the required front yard by no more than five feet and into the required interior yard by no more than two feet; provided that such intrusions are no closer than three feet from any interior lot line and 10 feet from any front lot line.



Code Language Changes

15.440.030 (Off-street parking requirements)

Day care facility	5 spaces per each 1,000 gross sq. ft. <u>1 space per employee plus 1 space per 10 children/adults cared for</u>
Family child care homes	<u>No off-street parking other than for the required dwelling</u>

- A. Statewide Planning Goals (the “Goals”)
- B. Newberg Comprehensive Plan
- C. Newberg Municipal Code
 - 15.100.060 Type IV procedure – Legislative



Recommendation

Adopt Resolution No. 2024-394, which recommends that City Council adopt the Development Code amendments

PLANNING COMMISSION STAFF REPORT
AMENDING THE NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE,
15.05.030, and 15.435.110

FILE NO: DCA24-0001

REQUEST: Approve a resolution recommending the Newberg City Council amend the Newberg Municipal Code, Title 15 Development Code, including Sections 15.05.030 and 15.435.110 relating to signs

APPLICANT: City of Newberg

HEARING DATE: July 11, 2024

ATTACHMENTS:

Resolution No. 2024-395 with:

Exhibit "A": Proposed Newberg Municipal Code Amendments

Exhibit "B": Findings

1. 2024 Planning Division Work Plan
2. Request for Code Amendment from Code Enforcement
3. Staff/Agency Comments

A. SUMMARY

The proposed amendment would amend the Newberg Municipal Code, Title 15 Development Code. Specifically, the proposed legislative changes in NMC Sections 15.05.030 and 15.435.110 relating to the sign code would address an existing inconsistency in local regulations pertaining to definitions and use of “Minor Free Standing” signs and “Portable” signs which have caused citizen complaints and enforcement problems resulting in frequent action by the City’s Code Compliance personnel to deal with the regulatory inconsistency.

B. BACKGROUND

Over the last few years, Newberg residents and city staff have experienced difficulties with city code relating to “portable” and “free standing” signs, due to the seemingly unnecessary intricacies and redundant language of the Development Code’s sign regulations.

The proposed Development Code amendments would:

1. Delineate clearly between a “portable” and “free standing” signs.
2. Remove time restrictions on portable signs as they appear unnecessary and involve significant workload by the Police Department for code compliance.

The proposed amendments are part of the Community Development Department’s 2024 Planning Division Work Plan (Attachment 1). Specifically, the amendments are associated with the “Director’s Interpretations and Code Maintenance” project which was identified as one of the Planning Division’s *Significant Projects* within the Work Plan.

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

- | | |
|----------|------------------------------------------------------------------------------------------------------------------------------------|
| 1/16/24: | The Newberg City Council approved the 2024 Planning Division Work Plan which identified code maintenance as a significant project. |
| 4/18/24 | The Newberg-Dundee Police Department submitted a code maintenance request to the Community Development Department |

6/6/2024	Planning staff published a Post-Acknowledgement Plan Amendment (PAPA) notice with the Department of Land Conservation and Development.
6/14/2024	The proposed code amendments were referred to internal and external agencies.
6/27/24:	Planning staff placed notice on Newberg's website and posted notice in four public buildings. <i>The Newberg Graphic</i> published notice of the hearing.
7/11/2024:	The Planning Commission held a public hearing, took public testimony, and deliberated on the proposal.

D. STAFF/AGENCY COMMENTS

As of the writing of this report, the City has received the following comments on the proposal (Attachment 2).

1. Public Works Maintenance – No conflict
2. Public Works Regulatory Compliance – No conflict
3. City Manager – No conflict
4. Waste Management – No conflict
5. Public Works Water Operations – No conflict
6. Portland General Electric – No conflict
7. Building Official – No conflict
8. Engineering Division – No conflict
9. Police Department – No conflict

E. PUBLIC COMMENTS

As of the writing of this report, the City has not received any public comments.

F. DISCUSSION

The proposed Development Code Amendment addresses inconsistencies in the sign code definitions related to “minor free standing” and “Portable” signs in 15.435.030 as staff is sometimes unable to differentiate between the two, which leads to residents’ dissatisfaction and creates administrative burden. The proposed amendments regulate the placement and size of these signs, not their content or messaging, consistent with state and federal constitutional protections on speech.

G. PRELIMINARY STAFF RECOMMENDATION:

The preliminary staff recommendation is made in the absence of public hearing testimony and may be modified subsequent to the close of the public hearing. Staff recommends that the Planning Commission does the following:

1. *Consider the staff report, public testimony, and the findings.*
2. *Deliberate.*
3. *Make a motion to adopt Resolution No. 2024-395, which recommends that City Council adopt the Development Code Amendments as proposed.*



PLANNING COMMISSION RESOLUTION 2024-395

A RESOLUTION RECOMMENDING CITY COUNCIL AMEND THE NEWBERG COMPREHENSIVE PLAN, NEWBERG MUNICIPAL CODE, TITLE 15, 15.05.030, 15.435.030, RELATED TO SIGNS

RECITALS

1. The Newberg City Council approved the Planning Division's Work Plan at their January 16, 2024 meeting that included an item for code maintenance projects.
2. The Department of Land Conservation and Development (DLCD) was notified of the proposed amendments on June 6, 2024.
3. After proper notice, the Newberg Planning Commission opened the hearing on July 11, 2024, 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 Municipal Code amendments for Title 15 Development Code, Sections 15.05.030 and 15.435.030 relating to signs.
2. This recommendation is based on the staff report, Exhibit "A" Newberg Municipal Code Amendment language and Findings in Exhibit "B".

Adopted by the Newberg Planning Commission this 11th day of July 2024.

ATTEST:

Planning Commission Chair

Planning Commission
Secretary

List of Exhibits:

Exhibit "A": Proposed Newberg Municipal Code Amendments
Exhibit "B": Findings

Exhibit “A” to Planning Commission Resolution No. 2024-395 Development Code Amendment – File DCA24-0001

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

The Newberg Municipal Code shall be amended as follows:

Section 1. Newberg Municipal Code, 15.05.030 shall be amended to read for the following definitions:

“Sign, freestanding” means any sign supported by structures or supports that are anchored or inserted in the ground and that are independent from any other building or structure.

Freestanding signs are of two types:

1. Minor Freestanding. A freestanding sign that is less than or equal to six square feet in area (three square feet in residential zones) and three feet in height.
2. Major Freestanding. All other freestanding signs.

“Sign, portable” means any sign not ~~permanently~~ inserted in or attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs connected to A- or T-frames; menu and sandwich board signs; umbrellas, balloons, flags, or banners containing signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said sign is permanently affixed to the vehicle and said vehicle is licensed for movement on public streets.

Section 2. Section 15.435.110 is amended to read as follows:

15.435.110 Signs within the public right-of-way.

A. Public signs are allowed in the public right-of-way as allowed by the governmental agency responsible for the right-of-way.

B. Temporary and/or portable signs for other than traffic control and motorist advisories are not allowed within state highway right-of-way administered by the Oregon Department of Transportation except on ~~resolved~~ resolute highways. In 2015, the ~~resolved~~ resolute highways in Newberg were: on First Street from Harrison Street to River Street, on Main Street from First Street to Illinois Street, and on College Street from First Street to Vermilion Street. On a ~~resolved~~ resolute highway, the city manages the portion of the right-of-way behind the curb and can permit portable signs on the sidewalk. Portable and/or temporary signs are not allowed by ODOT on Hancock Street except within the College Street or Main Street rights-of-way.

Portable and/or temporary signs are not allowed within county road right-of-way administered by Yamhill County.

C. For lots in the C-3 and C-4 zones, the two allowed portable signs per street frontage may be located, without permit, in the public right-of-way fronting that lot except as stated in subsection (B) of this section, provided they meet the following standards:

1. The signs may not be less than two feet nor more than four feet high. The signs must also conform to NMC 15.410.060 if they are within the clear vision zone.
2. The signs may not be located within the vehicular path.
3. If located on a sidewalk, the signs must leave a clear access path at least five feet wide measured horizontally across the main part of the sidewalk and may not be located on an ADA ramp.
4. If the signs are located adjacent to a striped on-street parking area, the signs must be located adjacent to the stripe.
5. The signs may not be located within three feet of a fire hydrant.
6. The sign owner must have the signs removed during hours when the business being advertised is closed. ~~In addition, signs must not be present between the hours of 2:00 a.m. and 5:00 a.m.~~
7. The person placing the signs in the right-of-way must obtain written permission from the owner, or their designee, of the property abutting the right-of-way for any sign, other than a public sign, that is placed within that right-of-way fronting the property owner's lot. The written permission must be presentable to code enforcement or their designee promptly upon request. ~~attached to the sign, and may be attached to the inside surface of an A-frame sign.~~
8. If more signs than are allowed by this code are located in the right-of-way fronting one lot, all signs may be forfeited as per subsection (F) of this section.
9. Portable and/or temporary signs are not allowed by ODOT on sidewalks along Hancock Street except within the College Street and Main Street rights-of-way.

D. For lots in other zones, two portable signs per street frontage may be allowed in the public right-of-way except as stated in subsection (B) of this section, provided:

1. The standards of subsection (C) of this section shall be met with the exception of subsection (C)(6) of this section.
2. ~~Signs may be displayed only during the following hours:~~

~~Monday: 6:00 a.m. to 10:00
p.m.~~

Tuesday:	6:00 a.m. to 10:00 p.m.
Wednesday:	6:00 a.m. to 10:00 p.m.
Thursday:	6:00 a.m. to midnight
Friday:	24 hours
Saturday:	24 hours
Sunday:	Midnight to 10:00 p.m.

~~In addition, n~~No sign may be displayed for more than four consecutive days.

~~3.~~ 2. Any sign installed or placed in the public right-of-way within these zones not in conformance with subsection (C)(7) of this section shall be forfeited to the owner of the property abutting the right-of-way and is subject to confiscation by said owner.

~~4.~~ 3. Portable and/or temporary signs are not allowed in the right-of-way along Highway 99W, Highway 240 or Highway 219 except as noted in subsection (B) of this section.

E. No other signs shall be placed within the public right-of-way except as specifically permitted by this code.

F. Any sign installed or placed in the public right-of-way, except in conformance with the requirements of this code, shall be forfeited to the city and subject to confiscation by city employees. In addition to other remedies hereunder, the city shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of such sign. Identifying information on the sign shall be prima facie evidence that the individual or entity so identified is the violator. [Ord. 2897 § 1 (Exh. A § 4), 6-21-22; Ord. 2782 § 1 (Exh. A), 9-8-15; Ord. 2706 § 1 (Exh. A(2)), 10-6-08; Ord. 2564, 4-15-02; Ord. 2499, 11-2-98. Code 2001 § 151.600.]

Penalty: See NMC 15.05.120.

Exhibit “B” FINDINGS FOR SIGN CODE UPDATE RELATED COMPREHENSIVE PLAN AND STATEWIDE PLANNING GOALS

A. FINDINGS FOR 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 of Newberg has an acknowledged Comprehensive Plan and typically relies on procedures within the Newberg Municipal Code (NMC) for processing of land use applications. The proposed modifications comply NMC procedures for legislative actions, including requirements for both public noticing and meetings. There will be at least one public hearing with the Planning Commission and one with City Council where the anyone in the public can submit comments.

The amendments are subject to the Type IV legislative process pursuant to NMC Chapter 15.100, 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 legislative changes will address an existing inconsistency in the Newberg Municipal Code regarding the definitions and provisions of “Minor Free Standing” signs and “Portable” signs that have caused complaints and problems resulting in frequent action by the City’s Code Compliance personnel to deal with the inconsistency. The alternative to the proposed legislative change is to not change the code (No Change Alternative) which would maintain inconsistent language and lack of clarify resulting in regulations that are not fully enforceable. The proposed legislative changes are preferable (Preferred Alternative) because the NMC amendment is consistent with Newberg’s Comprehensive Plan, improves clarity of

language for administrators and the public, and results in a clearer interpretation of allowable sign usage.

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. The proposal is for lands inside the Newberg Urban Growth Boundary.

The Goal is not applicable.

GOAL 4: FOREST LANDS

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

Finding: Not applicable because the proposal does not propose any land use regulation changes to forest resource lands. The proposal is for lands inside the Newberg Urban Growth Boundary.

The Goal is not applicable.

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.

For the preservation of designated historic resources identified in Newberg's Historic Resources Inventory, procedures and applicable criteria for historic resources are reviewed pursuant to Chapter 15.344 Historic Landmarks (H) Subdistrict for landmark designation, exterior modifications, destruction and relocation, delisting, and general administration.

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.

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.

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 proposed changes will make clearer rules regarding sign code and what can be done that will be vital to the welfare of the citizens of Newberg. Because the proposed changes will not affect the variety of economic activities to people or businesses in Newberg, the proposed amendment will not have a negative impact on economic development.

The Goal is met.

GOAL 10: HOUSING

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

Finding: The proposed amendments do not change anything related to housing.

This Goal is not applicable.

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: No public facilities are changing with the proposed amendments to the sign code.

This Goal is not applicable.

GOAL 12: TRANSPORTATION

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

Finding: The updated sign plan does not create or reduce or amend anything related to the transportation system.

This Goal is not applicable.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The proposed amendment does not change the way in which energy will be utilized.

This Goal is not applicable

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

This Goal is not applicable

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 proposed amendment does not alter any area or regulations within the boundaries of the Willamette River Greenway.

This Goal is not applicable.

B. FINDINGS FOR Newberg Comprehensive Plan 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 of Newberg has an acknowledged Comprehensive Plan and typically relies on procedures within the NMC for processing of land use applications. The proposed modifications comply NMC procedures for legislative actions, including requirements for both public noticing

and meetings. There will be at least one public hearing with the Planning Commission and one with City Council where the anyone in the public can submit comments.

The amendments are subject to the Type IV legislative process pursuant to NMC Chapter 15.100, 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: The City meets this goal by having a comprehensive plan that follows state goals. The proposed legislative changes will address an existing inconsistency in the Newberg Municipal Code regarding the definitions and provisions of “Minor Free Standing” signs and “Portable” signs that have caused complaints and problems resulting in frequent action by the City’s Code Compliance personnel to deal with the inconsistency. The alternative to the proposed legislative change is to not change the code (No Change Alternative) which would maintain inconsistent language and lack of clarify resulting in regulations that are not fully enforceable. The proposed legislative changes are preferable (Preferred Alternative) because the NMC amendment is consistent with Newberg’s Comprehensive Plan, improves clarity of language for administrators and the public, and results in a clearer interpretation of allowable sign usage.

The Goal is met.

C. AGRICULTURAL LANDS

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

Finding: The proposed amendment does not change any land use designation and does not create any new uses in any zoning district.

This Goal is not applicable.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: The proposed amendment does not change any land use designation and does not create any new uses in any zoning district.

This Goal is not applicable.

E. AIR, WATER, AND LAND RESOURCE QUALITY

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

POLICIES

1. Development shall not exceed the carrying capacity of the air, water or land resource base.
2. Water quality in the Willamette River and tributary streams shall be protected.
3. As public sanitary sewer systems become available, all development shall connect to the public system. To encourage economic development, the City may permit subsurface sewerage disposal where the system meets State and County requirements and where unique circumstances exist.
4. The Newberg airshed shall be protected from excessive pollution levels resulting from urbanization.
5. New industry should be located in area which minimize the impacts upon the air, water, and land resources base, as well as upon surrounding land uses.
6. The City will cooperate with State and Federal agencies which regulate environmental quality and shall adhere to the standards established by these agencies in the issuance of any permits or approvals given by the City. This policy is intended to cover discharges and emissions which may impair air, water or land quality or exceed the established standards for noise or other emissions.
7. The threat of excessive noise will be considered when reviewing land use requests. In addition, and new commercial and industrial developments shall conform to DEQ noise pollution standards.
8. The City will continue to support soil conservation measures designed to prevent unnecessary losses through excavation, stripping, erosion, and sedimentation.
9. The City will seek abatement of the aesthetic degradation of the environment resulting from blighted neighborhoods, indiscriminate waste disposal, offensive outdoor storage.
10. The City shall promote community cleanup programs.
11. The City will continue to encourage and support the three R's of recycling (re-use, reduction, and recycling)

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. Any permit submittal will be required to meet state requirements regarding noise and help to make the rules clearer to have sign code that could help prevent blighted neighborhoods.
This Goal and Policies are.

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 or policies.

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.

[...]

POLICY: 3. Historic Resources Policies

- a. The continued preservation of Newberg's designated historic sites and structures shall be encouraged.

[...]

- d. The City will encourage the re-use of historic structures such as the establishment of bed and breakfast operations, specialty shops, restaurants and professional offices.

[...]

Finding: The proposed amendment will not negatively impact open space or historic resources because the amendments do not change protections that already exist in the NMC, 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 State Goal 5. For preservation of designated historic resources identified in Newberg's Historic Resources Inventory, procedures and applicable criteria for historic resources are reviewed pursuant to Chapter 15.344 Historic Landmarks (H) Subdistrict for landmark designation, exterior modifications, destruction and relocation, delisting, and general administration.

The Goals and Policies are met.

H. THE ECONOMY

GOAL: To develop a diverse and stable economic base.

1. General Policies

- a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs.
- b. The City shall encourage economic expansions consistent with local needs

- c. The City will encourage creation the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.
- d. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor
- e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.
- f. The City shall participate with local and regional groups to coordinate economic planning.
- g. The City shall encourage business and industry to locate within the Newberg City limits.
- h. Yamhill County history, products and activities should be promoted.
- i. The City shall encourage tourist-related activities and services such as motor inns, restaurants, parks and recreation facilities, a visitor center, conference and seminar activities.
- j. A mixed-use river-oriented commercial area should be encourage to be developed near the Willamette River.
- k. The City shall promote Newberg as a tourist destination location.
- l. The City shall promote the expansion of local viticulture and wine productions as a method for increasing tourism.

Finding: The proposed changes will make clearer rules regarding sign code and what can be done that will be vital to the welfare of the citizens of Newberg. It is speculated that the proposed amendments could help promote tourism and reduce confusion around allowable signs so that multiple signs do not congest pedestrian walkways in the City. Because the proposed changes will not affect the variety of economic activities to people or businesses in Newberg, the proposed amendment will not have a negative impact on economic development. The Goal and Policies are 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 proposed amendments do not change anything related to housing. This 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: The proposed amendment will clean up language in a way expected to maintain and improve the visual character of the City by clarifying allowable signs and where multiple signs are not allowed to clutter sidewalks and create visual obstructions without owner permission. The Goals are met.

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 proposed amendment will not affect any of the transportation systems in Newberg. However, it is anticipate that the proposed code amendment will clarify language regarding what is currently allowed and result in a reduction in redundant and prohibited use of signs in the the public right-of-way.

This 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: Public facilities are not required or related to this amendment.

This Goal is not applicable.

M. ENERGY

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

Finding: The proposed amendment does not change the way in which energy will be utilized.
This Goal is met.

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 is within City Limits and will not create any new growth or transition from rural to urban land uses.
This Goal are met.

Attachment 1: 2024 Planning Division Work Plan

2024 Planning Division Work Plan

Part 1. Work Plan Table

2023 Council Goals	G1. Create and maintain a high level of customer service	G2. Identify industrial land and attract employers to encourage family wage jobs	G3. Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply	G4. Enhance Community Safety	G5. Create and maintain a high level of transparency with our residents in order to build trust	G6. Implement a careful and prudent fiscal policy	G7. Increase land availability for housing
Critical Projects							
Customer Service and Standards Update	X				X		
Amending Urban Growth Boundary		X					X
Vacation Rentals Update				X	X		
Childcare Updates		X					
CET Funding Process - Affordable Housing							X
Significant Projects							
Update requirements related to HOA's and stormwater facilities management			X	X		X	
Update and Compliance with HB3395 (2023) – Housing Items	X				X		X

2023 Council Goals	G1. Create and maintain a high level of customer service	G2. Identify industrial land and attract employers to encourage family wage jobs	G3. Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply	G4. Enhance Community Safety	G5. Create and maintain a high level of transparency with our residents in order to build trust	G6. Implement a careful and prudent fiscal policy	G7. Increase land availability for housing
Director's interpretations and code maintenance	X				X		
Review \$30,000 threshold for public improvements (i.e. sidewalks)	X				X		
West End Mill District Comp Plan/Zone Change		X					
Small Cell Sites						X	
Commercial Conversions to Residential (HB2984)							X
Enterprise Zone Renewal		X					
Other Projects							
Comprehensive Plan Update	X	X			X		X
Street Tree and Planter Strips Update			X	X			

2023 Council Goals	G1. Create and maintain a high level of customer service	G2. Identify industrial land and attract employers to encourage family wage jobs	G3. Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply	G4. Enhance Community Safety	G5. Create and maintain a high level of transparency with our residents in order to build trust	G6. Implement a careful and prudent fiscal policy	G7. Increase land availability for housing
	Airport Overlay Updates to Comply with US Code (CFR Part 77)			X			
	Historic Preservation Commission Projects 5-year work program						

Critical Projects

- **Customer Service and Development Standards Update** – Create customer service metrics and complete review of code for application procedures and standards including when full site design review is required rather than just doing a simultaneous review during a building permit.
Status: *0% Not Started*
Source: *City Staff*
Required Staff Time: *Medium*
- **Urban Growth Boundary (UGB) Expansion** – Work on sequential UGB expansion to help bring lands into the City of Newberg’s UGB for future industrial and residential uses in a timely fashion.
Status: *20% Council Initiated UGB Sequential Process on December 4, 2023*
Source: *City Council*
Required Staff Time: *High*
- **Vacation Rentals Update** – Review short-term rentals and code in Newberg and potentially update vacation rental review criteria and standards.
Status: *10% Issue paper was presented to Council and Ad-Hoc Committee was formed. No formal amendments have been initiated by Council.*
Source: *City Council*
Required Staff Time: *High*
- **Childcare Updates** – Look into allowing on-site daycares for employers, evaluate parking requirements for new daycares, possible allowance of daycares in light industrial districts without a conditional use permit, and making sure development code lines up with state standards for daycares and in-home childcare.
Status: *10% Update was initiated by City Council on November 20, 2023*
Source: *City Council*
Required Staff Time: *Medium*

- **CET Funding Process -Affordable Housing** – Facilitate the Notice of Funding Availability (NOFA) and award process for affordable housing projects.
Status: 20% Notice of Funding Availability scheduled Winter/Spring 2024
Source: City Council
Required Staff Time: Medium

Significant Projects

- **Requirements related to HOA's and Stormwater Facilities** – Update code so that Home Owner Associations (HOA's) can't disband and that HOA's are responsible for stormwater facilities management leaving less ownership and responsibility for future stormwater tracts for the city.
Status: 0% Not Started
Source: City Maintenance Staff
Required Staff Time: Medium
- **Update Code for Compliance with HB3395 (2023)** – Review and update code so that it matches up and is compliant with state code coming from HB3395 including residential use of commercial lands, residential approval procedures, emergency shelter siting, subdivisions for affordable housing and single-room occupancies.
Status: 0% Not Started
Source: State Mandate/City Staff
Required Staff Time: Medium
- **Director's Interpretations Updates and Code Maintenance** – Update the development code to codify the Director's interpretations through the years and correct minor errors.
Status: 0% Not Started
Source: City Staff
Required Staff Time: Medium

- **Review of \$30,000 threshold for Public Improvements** – Review \$30,000 threshold for requiring public improvements (i.e. sidewalks) as part of remodels and building construction considering inflation in the past 5 years. Potentially tie threshold dollar number to CPI data.
Status: *0% Not Started*
Source: *City Staff*
Required Staff Time: *Medium*
- **Downtown West End Mill (Craft Industrial) M-5 Zoning District** – Create a new “craft industrial” district on the west end of downtown adding additional industrial uses while still allowing all downtown commercial uses to still be permitted. Status: *80% Project has gone through review and transportation impact report has been done. Just hearings at Planning Commission and City Council would still be required.*
Source: *Downtown Improvement Plan*
Required Staff Time: *Medium*
- **Small Cell Sites** – Look into allowing small cell sites in the City Right-of-Way (ROW) and how to regulate them. This could potentially produce an opportunity for the city to gain revenue if allowed to lease locations on poles/etc. in the ROW.
Status: *60% Project has been initiated and proposed amendments have been made and submitted to DLCD. It is currently still being reviewed by the legal team that staff is aware of.*
Source: *City Council*
Required Staff Time: *Medium*
- **HB2984 (2023) Commercial Conversions to Residential for Affordable Housing** – Update code to be compliant with state law regarding commercial buildings being allowed to convert to residential uses for affordable housing.
Status: *0% Not Started*
Source: *State Mandate/City Staff*
Required Staff Time: *Medium*
- **Enterprise Zone Renewal** – Update and keep current Newberg’s enterprise zone to help attract living wage jobs.
Status: *10% Update started*

Source: City Staff
Required Staff Time: Low

Other Projects

- **Comprehensive Plan Update** – Update Newberg’s Comprehensive Plan which has only had minor amendments since the 1990’s and guides the overall planning direction of the city.
Status: 0% Not Started
Source: City Staff
Required Staff Time: High
- **Street Tree and Planter Strip Update** – Research and update best practices for planter strips and allowed required street trees to help prevent utility conflicts and sidewalk uplift in the future.
Status: 0% Not Started
Source: City Staff
Required Staff Time: High
- **Airport Code Update** – Update code to comply with current FAA standards.
Status: 0% Not Started
Source: City Staff
Required Staff Time: Medium
- **Historic Preservation Projects** – Help the Historic Preservation Commission with their 5-year work program including historic building façade restoration research.
Status: 15% Some items have been accomplished such as mapping project with George Fox
Source: City Staff
Required Staff Time: Medium

Attachment 2: Request for Code Amendment from Code Enforcement

From: [Eric Ronning](#)
Sent: Thursday, April 18, 2024 11:50 AM
To: [Scot Siegel](#); [Clay Downing](#)
Cc: [Will Worthey](#); [Neal Winter](#)
Subject: Proposed sign code language changes
Attachments: Proposed Sign Code Changes.docx

Good morning gentlemen,

Over the last few years we have experienced troubles with some definitions, seemingly unnecessary intricacies and redundant language in the sign code. These issues revolve primarily around the definitions of "Portable" and "Free Standing" signs. The language and time restrictions surrounding portable signs is also cumbersome and appears unnecessary.

Currently the language used to define both Minor Free Standing and Portable signs in code section 15.435.030 and elsewhere is very similar and is not wholly sufficient to differentiate the terms clearly from one another. In light of this it is arguable, and has been argued by several, that the terms can be considered interchangeable. This has generated many tedious and tiresome complaints. In light of the similar definitions, language used in 15.435.060 addressing the use of minor freestanding signs in residential zones and limiting their size to 3 square feet may appear to be contradicted by the language in 15.435.490 that allows portable signs in residential zones to be 6 square feet.

In an effort to simplify the code and make definitions more clear, I have attached a word document showing the changes Code Enforcement would like to have made to avoid issues in the future. I hope you will look at these and get back to me with your thoughts at your earliest convenience. While considering these changes you may also want to review all of section 15.435 to see if you see any additional changes that should be made elsewhere.

I look forward to hearing back from you soon.

Many thanks.

Eric Ronning
Administrative Sergeant
Code Compliance Supervisor
Newberg-Dundee Police Department
City of Newberg
Direct: 503-537-1226



Attachment 3: Staff/Agency Comments



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024

Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Scot Siegel

Digitally signed by Scot Siegel
DN: cn=US, ou=Community Development, o=City of Newberg, cn=Scot Siegel,
email=scot.siegel@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2024.06.28 16:59:30-0700
Four PhantomPDF Version: 10.1.12

Reviewed By:

Date:

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Please refer questions and comments to: Jeremiah Cromie

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REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:

- ☒ Reviewed, no conflict.
- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)

Digitally signed by W E Worthey
DN: O=City of Newberg, CN=W E Worthey, E=will.worthey@newbergoregon.gov
Reason: I have reviewed this document
Location: your signing location here
Date: 2024.06.16 17:49:49-07'00'
Foxit PhantomPDF Version: 10.1.12

6/16/24

Reviewed By:

Date:

Will Worthey CM

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

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Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Brett Musick

Digitally signed by Brett Musick
DN: CN=Brett Musick, E=brett.musick@newbergoregon.gov
Reason: I have reviewed this document
Location: your signing location here
Date: 2024.06.25 13:25:35-0700
Foxit PhantomPDF Version: 10.1.10

6/25/24

Reviewed By:

Date:

CON PW Engineering

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024

Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

S.EGGIMAN

Reviewed By:

PGE

Organization:

6/19/2024

Date:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024
Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:

- ☒ Reviewed, no conflict.
☐ Reviewed; recommend denial for the following reasons:
☐ Require additional information to review. (Please list information required)
☐ Meeting requested.
☐ Comments. (Attach additional pages as needed)


Reviewed By:

6-19-24
Date:

Newberg-Dundee Police
Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024

Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Reviewed By:

6/17/24

Date:

Maintenance Superintendent

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024

Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:

- ☒ Reviewed, no conflict.
- ☐ Reviewed; recommend denial for the following reasons:
- ☐ Require additional information to review. (Please list information required)
- ☐ Meeting requested.
- ☐ Comments. (Attach additional pages as needed)

April Catan

Digitally signed by April Catan
DN: cn=US, ou=Operations, o=City of Newberg, cn=April Catan,
email=april.catan@newbergoregon.gov
Reason: I am the author of this document
Location: your signing location here
Date: 2024.06.18 07:41:55-0700
Font: PhantomPDF Version: 10.1.10

6/18/24

Reviewed By:

Date:

City of Newberg - Ops

Organization:



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024

Please refer questions and comments to: Jeremiah Cromie

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:



Reviewed, no conflict.



Reviewed; recommend denial for the following reasons:



Require additional information to review. (Please list information required)



Meeting requested.



Comments. (Attach additional pages as needed)

Reviewed By:

6/17/24

Date:

City of Newberg - Operations

Organization:

Fe Bates

From: Brown, Jason <JBrown2@wm.com>
Sent: Wednesday, June 19, 2024 7:27 AM
To: Fe Bates
Cc: Jeremiah Cromie; Wille, Jason
Subject: RE: 3- City of Newberg Referral Requests: DR124-224-0004/ADJC24-0003 & DCA23-0002 & DCA24-0001

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.

Fe, WM does not have any issues with all three.

Thank you

From: Fe Bates <Fe.Bates@newbergoregon.gov>
Sent: Friday, June 14, 2024 3:58 PM
Cc: Fe Bates <Fe.Bates@newbergoregon.gov>; Jeremiah Cromie <Jeremiah.Cromie@newbergoregon.gov>
Subject: [EXTERNAL] 3- City of Newberg Referral Requests: DR124-224-0004/ADJC24-0003 & DCA23-0002 & DCA24-0001

Good Day,

There are 3 separate Referral for review linked in this email, to alleviate confusion additional information about each project has been added to the email in addition to the linked Referral. Referral Comments for all 3 must be emailed back no later than **June 28, 2024** to Planning@newbergoregon.gov.

(DR224-0004/ADJC24-0003 HeadStart Expansion)

[Referral- DR224-0004\u0026ADJC24-0003.pdf](#)

This project is separate from the code amendments but is for a design review and code adjustment: An expansion for Head Start here in Newberg at 2813 E Crestview Drive. They are wanting to build a new 2,100 sq. ft. building and new playground area. They also submitted a code adjustment application to keep the existing parking (26 spaces) rather than having to add additional parking spaces (the current gravel spaces will be paved and marked).

Webpage: <https://www.newbergoregon.gov/planning/page/dr224-0004adjc24-0003-head-start-newberg-expansion>

DCA23-0002 Daycare Code Amendments

 [Referral-DCA23-0002.pdf](#)

The proposed code amendments would do the following:

1. Make commercial daycare uses a permitted use in all light industrial zones (M-1 and M-2) to comply with current state law (they currently require a conditional use permit)
2. Reduce the parking requirements for new daycare facilities by transitioning from a current ratio of 5 per 1,000 square feet of gross floor area to having a ratio based on the number of employees and number of children/people cared for (currently proposed to be 1 per employee plus 1 per 10 children/people cared for)
3. Add a definition of play structures and where they can be located on property (proposed to be allowed within 3 feet from interior property lines and 10 feet from front lot lines) on most properties

(Draft Staff Report File has all documents (bookmarked) but also included code amendment language as well as memo – first 3 attachments).

Webpage: <https://www.newbergoregon.gov/planning/page/dca23-0002-daycare-facilities-updates>

DCA24-0001 Sign Code Maintenance Amendments

 [Referral-DCA24-0001.pdf](#)

The proposed code amendments would do the following:

1. Update definitions of free standing and portable signs to make it clear which one is being used.
2. Update Resolute Highways language
3. Update sign standards in the Right-of-Way (ROW) downtown that include the following:
 - a. How written permission is given with the sign
 - b. Getting rid of specific hours signs are allowed in Right-of-Way (Still will not be allowed in Right-Of-Way when business is closed).

(Draft Staff Report File has all documents (bookmarked) but also included code amendment language -last 2 attachments).

Webpage: <https://www.newbergoregon.gov/planning/page/dca24-0001-sign-code-amendment>

Please reach out if you have any questions.

Thank you,

Thank you,

Please let us know how you feel about our services by filling out this [City Services Customer Satisfaction Survey](#).

Fé Bates

Community Development

Administrative Assistant

City of Newberg

City Hall: 503-537-1240

Direct: 503-554-7788

OUR OFFICE HAS TEMPORARILY MOVED TO THE WASTE WATER TREATMENT PLANT AT: 2301 NE WYNOOSKI RD.

We will be open to the Public for any Permitting or Planning needs from 8:30 to 3:30, Monday- Friday



COMMUNITY DEVELOPMENT LAND USE APPLICATION REFERRAL

The enclosed material has been referred to you for your information and comment. Any comments you wish to make should be returned to the Community Development Department prior to: June 28, 2024
Please refer questions and comments to: Jeremiah Cronin

NOTE: Full size plans are available at the Community Development Department Office.

APPLICANT: N/A
REQUEST: Development Code Update: Sign Code Amendment
SITE ADDRESS: N/A
LOCATION: N/A
TAX LOT: N/A
FILE NO: DCA24-0001
ZONE: N/A
HEARING DATE: July 11, 2024

Project Information is Attached:

- ☒ Reviewed, no conflict.
☐ Reviewed; recommend denial for the following reasons:
☐ Require additional information to review. (Please list information required)
☐ Meeting requested.
☐ Comments. (Attach additional pages as needed)

R. ROOKE BATIMAN

Reviewed By:

6/21/24

Date:

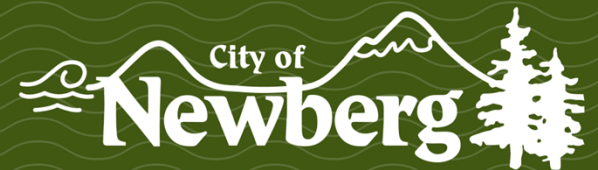
BULLDOG
Organization:

Sign Code Maintenance

Planning Commission Legislative Public Hearing

File DCA24-0001

July 11, 2024



Background

- Code Enforcement Staff asked staff to bring code amendments to fix an issue in the field regarding the difference between portable and minor free standing signs as well as clean up some language regarding time restrictions around portable signs.



Proposal

- Update the definitions of both portable and minor free standing signs
- Get rid of unnecessary language regarding time restrictions with portable signs. Portable signs still would not be allowed to be put out while the business is closed.
- Update how permission is given and how code enforcement verifies for portable signs
- Other clerical fixes

Code Language Changes

15.05.030.

- “**Sign, freestanding**” means any sign supported by structures or supports that are anchored or inserted in the ground and that are independent from any other building or structure. Freestanding signs are of two types:
 1. Minor Freestanding. A freestanding sign that is less than or equal to six square feet in area (three square feet in residential zones) and three feet in height.
 2. Major Freestanding. All other freestanding signs.
- “**Sign, portable**” means any sign not ~~permanently~~ inserted in or attached to the ground or other permanent structure, or a sign designed to be transported, including, but not limited to: signs designed to be transported by means of wheels; signs connected to A- or T-frames; menu and sandwich board signs; umbrellas, balloons, flags, or banners containing signs; and signs attached to or painted on vehicles parked and visible from the public right-of-way, unless said sign is permanently affixed to the vehicle and said vehicle is licensed for movement on public streets.



Code Language Changes

15.435.110

- A. Public signs are allowed in the public right-of-way as allowed by the governmental agency responsible for the right-of-way.
- B. Temporary and/or portable signs for other than traffic control and motorist advisories are not allowed within state highway right-of-way administered by the Oregon Department of Transportation except on ~~resolved~~ resolute highways. In 2015, the ~~resolved~~ resolute highways in Newberg were: on First Street from Harrison Street to River Street, on Main Street from First Street to Illinois Street, and on College Street from First Street to Vermilion Street. On a ~~resolved~~ resolute highway, the city manages the portion of the right-of-way behind the curb and can permit portable signs on the sidewalk. Portable and/or temporary signs are not allowed by ODOT on Hancock Street except within the College Street or Main Street rights-of-way.

15.435.110

C. For lots in the C-3 and C-4 zones, the two allowed portable signs per street frontage may be located, without permit, in the public right-of-way fronting that lot except as stated in subsection (B) of this section, provided they meet the following standards:

- 6. The sign owner must have the signs removed during hours when the business being advertised is closed. ~~In addition, signs must not be present between the hours of 2:00 a.m. and 5:00 a.m.~~
- 7. The person placing the signs in the right-of-way must obtain written permission from the owner, or their designee, of the property abutting the right-of-way for any sign, other than a public sign, that is placed within that right-of-way fronting the property owner's lot. The written permission must be presentable to code enforcement or their designee promptly upon request. ~~attached to the sign, and may be attached to the inside surface of an A-frame sign.~~

Code Language Changes

15.435.110

D. For lots in other zones, two portable signs per street frontage may be allowed in the public right-of-way except as stated in subsection (B) of this section, provided:

1. The standards of subsection (C) of this section shall be met with the exception of subsection (C)(6) of this section.

~~2. Signs may be displayed only during the following hours:~~

Monday:	6:00 a.m. to 10:00 p.m.
Tuesday:	6:00 a.m. to 10:00 p.m.
Wednesday:	6:00 a.m. to 10:00 p.m.
Thursday:	6:00 a.m. to midnight
Friday:	24 hours
Saturday:	24 hours
Sunday:	Midnight to 10:00 p.m.

~~In addition, n~~No sign may be displayed for more than four consecutive days.

- A. Statewide Planning Goals (the “Goals”)
- B. Newberg Comprehensive Plan
- C. Newberg Municipal Code
 - 15.100.060 Type IV procedure – Legislative

Recommendation

Adopt Resolution No. 2024-395, which recommends that City Council adopt the Development Code amendments

MEMORANDUM

TO: Newberg Planning Commission
FROM: Clay Downing, AICP, Planning Manager
SUBJECT: Anticipated Schedule of Planning Commission Activities
DATE: July 2, 2024

To assist the Planning Commission in gauging activities for FY 23/24 below is a preliminary schedule of activities.

August 8, 2024

- CUP24-0001 Vacation Rental 300 W Fourth ST

September 12, 2024

- DCA19-0008/CPMA19-0002/ZMA19-0002 Craft Industrial Comprehensive Plan & Zoning Amendment

October 10, 2024

- DCA24-0002 Code Maintenance Package (Work Session)

November 14, 2024

- DCA24-0002 Code Maintenance Package (Hearing)

December 12, 2024

- TBD

There are additional activities the Community Development Department may bring forward to the Planning Commission for consideration for land use cases. Staff is also looking at various updates and cleanup actions to the Development Code and other projects such as:

1. DCA24-0003 Vacation Rental Home Regulations Update
2. Development Code Amendment – Small Cell Site Facilities – Legislative Hearing
3. Development Code Amendment – Institutional Zone & Overlay Regulations – Legislative Hearing (Tentative)
4. Other Items from the Planning Division's 2024 Work Program
 - a. Customer Service and Development Standards Update
 - b. Items related to the Sequential Urban Growth Boundary Project

- c. Update requirements related to HOA's and stormwater facilities management
 - d. Code updates for compliance with statewide regulations including HB3395 (2023) and Commercial Conversions to Residential (HB2984)
 - e. Street Tree and Planter Strips Update
 - f. HB2006 Rent Burdened Housing Workshop
5. Other Items from Prior Discussion with the Planning Commission
- a. Appendix A revisions roadway cross-sections
 - b. Tentative – Military Banner Sign Regulations – Legislative
 - c. Annexation criteria
 - d. Stream Corridor Adjustment process
 - e. Urban Forestry program
 - f. Fences in Industrial zones
 - g. C-3 zone – reduce front yard landscaping from 10 feet to 5 feet
 - h. Industrial outdoor storage
 - i. Downtown sign point system
 - j. Roof top mechanical unit screening
 - k. Historic review process
 - l. Zoning Use Table
 - m. Undergrounding utilities
 - n. Driveway width
 - o. Home occupations
 - p. 15.405.030(B) – “The creation” ~~development~~ of lots under 15,000 sf.....
 - q. 15.302.010 – add R-4 to the list
 - r. Replace parking diagrams in 15.440.070 for readability
 - s. Replace airport overlay diagrams in back of Dev. Code for readability
 - t. Temporary Merchant standards
 - u. Food Carts
 - v. ADUs in industrial zones

MEMORANDUM

TO: Newberg Planning Commission
FROM: Clay Downing, Planning Manager
SUBJECT: Staff updates for Planning Commission
DATE: July 2, 2024

The following updates are provided to keep the Planning Commission aware of ongoing activities within the Community Development Department and other departments that have occurred since the Planning Commission's most recent meeting.

Planning Commissioner Input Requested for Staff Report Streamlining and Restructuring

The Community Development Department is working on a series of initiatives aimed at improving customer service outcomes which are tentatively scheduled to be presented to the City Council on July 15th. Amongst these initiatives, the Planning Division will evaluate possible changes the way that it structure and creates staff reports for the various projects that it evaluated.

Staff are interested in input from the Planning Commissioners related to staff reports and materials reviewed by the Commission. The objective is to make the materials reviewed by the Planning Commission and the public more informative, effective, and user friendly. To that end, if Commissioners have suggestions for changes to the structure, layout, or other aspects of how materials are shared – please send recommendations to clay.downing@newbergoregon.gov so they can be considered. Additionally, staff plan to request the involvement of one to three commissioners as part of this effort alongside local stakeholders and staff. More details will be shared during the *Staff Update* portion of the upcoming Planning Commission meeting.

City Council Reviews Affordable Housing Applications for Funding

City staff are continuing to work through the FY23-24 Notice of Funding Availability process for both the Newberg Affordable Housing Trust and Construction Excise Tax Funds.

Newberg Affordable Housing Trust Fund (NAHTF)

On July 3, 2024, the Newberg City Council received an application for funding from the NAHTF. The application was accompanied by a recommendation from the Affordable Housing Commission to approve the full funding of the Newberg Area Habitat for Humanity request for \$28,580 from the NAHTF's Time-Sensitive Grant Program.

Construction Excise Tax (CET) Fund

On July 15, 2024, the Newberg City Council will receive a applications for funding from the CET Fund. The agenda item includes a approve the full funding of the Housing Authority of Yamhill County request for \$262,500 from the Construction Excise Tax

Fund and that the remaining funds for the active round of funding be award to the proposal from Catholic Charities of Oregon, Edlen & Company, and Community Wellness Collective in partnership with Providence.

The CET Fund has approximately \$314,782 available for Round 1 funding. Pending additional direction from City Council, \$1,000,000 is expected to be made available for Round 2 funding of one or more “legacy” projects pending. It is unknown when a Notice of Funding Availability will be released for the next round of CET-related funding.

Newberg Sequential UGB Project Update: Planning Division Addresses Task 1 of Work Plan with Newberg City Council in May and June

The Community Development Department continues to move forward in tasks associated with the Newberg Sequential UGB Project. Task 1 (Land Analysis Adoption) of the work program includes is schedule to include adoption of Housing Needs Analysis (HNA), Economic Opportunities Analysis (EOA), and Public/Semi-Public Lands Analysis (PSP).

On May 20 and June 3, 2024, staff presented land analysis documents to City Council for adoption. The City Council discussed a variety of issues including alternatives to proceeding with the project as currently planned. At the June 3rd meeting, City Council directed staff to reach out to the Department of Land Conservation and Development to affirm available alternatives including the possibility of proceeding with a project which only adopts the EOA and focuses on an Urban Growth Boundary amendment focused on addressing deficiencies in available employment lands.

Additional information related to this project is available online at <https://www.newbergoregon.gov/planning/page/newberg-sequential-ugb-project>.

Newberg Code Maintenance Updates Are Coming

In the coming year, the Planning Commission can expect to see one or more “Code Maintenance” related projects for review. Local government planning departments perform routine maintenance of the codes, standards, and procedures they are responsible for administering. “Code Maintenance” should be proactive, strategic, and appropriately resourced to implement the comprehensive plan and carry out the policy priorities of the governing body. This work must also be balanced with existing workloads. In the coming year and beyond, Commissioners can expect these Code Maintenance related items to address corrections, clarifications, restructuring and streamlining of language, compliance issues for legal sufficiency, and minor policy changes. The first of these issues is tentatively expected to include minor changes related to the City’s daycare facilities and standards as well as clarifications related to the sign code which were tentatively scheduled for September 2024.

According to Community Development Director Siegel:

Codes need not be overhauled or replaced frequently, nor should they be. But they do need to be maintained, like computer hard drives, automobiles, and other systems that

will break down without routine maintenance. Think about what would happen if you did not update your computer operating system from time to time, or if you waited too long to replace your car's oil or battery.

Local governments must address changes in legal, policy, and customer service requirements. For planning departments, this includes changes in state statutes, administrative rules and case law, as well as constitutional issues. Planning must also ensure that codes are consistent with local policies while guiding community planning efforts that often result in new policies. Additionally, planning must respond to changes in the construction industry and best practices in local government.

Planning Division Work Plan and Progress Reports Available Online

The Planning Division maintains a Work Plan based on the City of Newberg's goals and needs in order to prioritize work on projects related to the City's highest needs. The Work Plan is divided into three parts including:

- [Planning Division Work Plan: Part 1 2024 Work Plan Table \(January 2024\)](#), which depicts the assigned Work Plan projects and their relationship(s) with City Council Goals.
- [Planning Division Work Plan: Part 2. Work Plan Project Descriptions and Status \(January 2024\)](#), which describes the Work Plan projects and their statuses when the Work Plan was approved by the Newberg City Council.
- [Planning Division Work Plan: Part 3. Work Plan Progress Dashboard \(June 2024\)](#), which provides the status, assign date, percent (%) of work completed, and a Gantt chart depicting progress to date.

The projects in the Work Plan include long-range planning, current planning, and program administration which are divided into categories:

- **Critical Projects** are those most important to the City Council and which merit prioritization of the Community Development Department's staff time and other resources.
- **Significant Projects** are those that have value and are important to the city which would be next in line for work efforts when staff and resources are available.
- **Other Projects** are those that are important but require significant staff time and resources, are not time-sensitive, or may not have a direct relationship to City Council goals.

Work Plan materials are available online at newbergoregon.gov/planning.