



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



#	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



#	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, multifamily	C	P	P	C	P		C(4)	P(8)/C(5)		X							P			Subject to lot or development site area requirements of NMC 15.405.010
Def.	Dwelling, accessory	S	S	S		S		C	C		X							S	S		Chapter 15.445 NMC, Article V
Def.	Dwelling, mixed use						P(9)	P(10)	P(8)/C(5)	P(11)	X	C	C								
Def.	Dwelling, caretaker										X	P	P	P	C					P(12)	Limited to one per lot, and allowed whenever the use requires the on-site residence of such person.
Def.	Dormitory		C	P		P					X							P			
Def.	Home occupation (no more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	X	S(13)	S(13)	S(13)	S(13)	S(13)	S(13)	S	S	S(13)	NMC 15.415.060
Def.	Home occupation (more than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	X	C(13)	C(13)	C(13)	C(13)	C(13)	C(13)	C	C	C(13)	NMC 15.415.060
300	INSTITUTIONAL AND PUBLIC USES																				
310	INSTITUTIONAL CARE AND HOUSING																				
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X							P	P(13)		ORS Chapter 657A
312	Day care	P	P	P	C	P	P	P	P		P	C-P	C-P	C	C	P		P		P(14)	ORS Chapter 657A
Def.	Residential care home (5 or fewer people)	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X							P	P(13)		ORS 197.665
Def.	Residential care facility (6 - 15 people)	C	P	P	C	P		C	C		X							P			ORS 197.665
315	Group care facility (16+ people)	C	C	C		C		C			X							P			
316	Hospital	C	C	C		C		P	P		C							P			
Def.	Prison										X	C	C	C	C						
320	ASSEMBLY																				



#	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-4-1	M-4-C	CF	I	AR	AI	Notes and Special Use Standards
321	Religious institution, place of worship	P	P	P	P	P	P	P	P	P	X		P(29)				C	P			
322	Private club, lodge, meeting hall			C	C			P	P	C	X							P			
330	SCHOOLS																				
330	School, primary or secondary	P	P	P		P					X						C				
331	College	P	P	P		P	P	P	P(15)		P(15)						C	P			
332	Commercial educational services	C	C	C		C	P	P	P		P							C			
340	PARKS AND OPEN SPACES																				
341	Open space	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
342	Park	P	P	P	P	P	P	P	P	P	X				P(16)		P(17)	P			
Def.	Golf course	P	P	P							X						P(17)				
350	PUBLIC SERVICES																				
351	Community services	C	C	C	C	P		P	P	P	P						C	P			
352	Emergency services	P	P	P	P	P	P	P	P	P	X	P	P	P	P	P	P	P	P	P	
Def.	Pound, dog or cat							C	C		C	C	P	P	C	C					
Def.	Cemetery	C	C	C	C	C	C	C	C	C	X	C	C	C	C	C	C	C	C	C	ORS Chapter 97.46
360	TRANSPORTATION																				
Def.	Transportation facilities and improvements	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	
Def.	Transit center							P	P	P	X	P	P	P							
Def.	Parking facility			P		C	C	P	P(18)	C	P	P	P	P		P		P			
Def.	Airport, landing field										X		C	C						P	
Def.	Helipoint, helipad	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	P	



#	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	X	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	X	P	P	P	P	P	P	P	P	P	P	P	X	X	
	Marijuana research certificate	X	X	X	X	X	X	P	P	P	P	P	P	P	P	P	P	P	X	X	

Key:

P: Permitted use

C: Conditional use – Requires a conditional use permit

S: Special use – Use requires a special 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 1 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.

