



City Council

November 17, 2025

6pm

Newberg Public Safety Building 401 E. Third Street

Denise Bacon Community Room

Online: <https://us06web.zoom.us/j/89536547180>

[Public Comment Registration](#)

[View Slides](#)

-
1. **Call to Order**
 2. **Roll Call**
 3. **Pledge of Allegiance**
 4. **[City Manager Report](#)**
 - 4.1. [September Statistics](#)
 5. **Public Comments**
 - 5.1. [Written Comment](#)
 6. **Presentations**
 - 6.1. [Portland Community College-Newberg Center Presentation](#)
 7. **Consent Calendar**
 - 7.1. [Wastewater Lateral Sealing](#)
 - a. [Exhibit A: Capital Improvement Agreement](#)
 8. **Continued Business**
 - 8.1. [Annual Development Code Maintenance](#)
 - a. [Exhibit A: Ordinance 2025-2940](#)
 - b. [Exhibit A-1a: Annotated](#)
 - c. [Exhibit A-1b: Clean Copy](#)
 - d. [Exhibit B: Ordinance 2025-2941](#)
 - e. [Exhibit B-1a: Annotated](#)
 - f. [Exhibit B-1b: Clean Copy](#)
 - g. [Exhibit C: Planning Commission Resolution 2025-400](#)
 - h. [Presentation](#)
 9. **New Business**
 - 9.1. [AI Policy](#)
 - a. [Appropriate Use of AI Policy](#)
 - b. [Presentation](#)
- Adjournment**



ADA Statement: Contact the City Recorder's Office for physical or language accommodation at least 2 business days before the meeting. Call (503) 537-1283 or email cityrecorder@newbergoregon.gov. For TTY services please dial 711.

*Indicates supplementary item

REQUEST FOR COUNCIL ACTION



Date Action Requested: (November 17, 2025)

Order <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Resolution <input type="checkbox"/>	Motion <input type="checkbox"/>	Information <input checked="" type="checkbox"/>	Proclamation <input type="checkbox"/>
Subject: CM statistics for September 2025			Staff: Will Worthey CM Department: Administration		
Work Session <input type="checkbox"/>			Business Session <input checked="" type="checkbox"/>		
			Order On Agenda: CM report		

Is this item state mandated? Yes No

If yes, please cite the state house bill or order that necessitated this action: NA

Recommendation: NA

Executive Summary: The summary of events conducted by city departments in September of 2025.

Fiscal Impact: All were conventionally budgeted items.

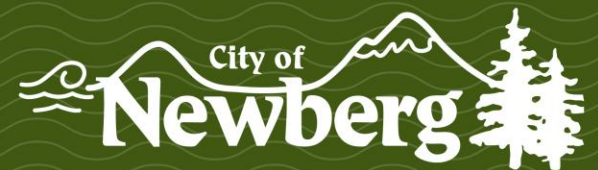
Council Goals:

Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.

O1: Expand communication outreach in regard to regular city events and additional involvement with city businesses by the end of 2026.

Newberg CM report

Monthly Statistics to the end of September 2025



Planning: combined planning decisions of all sorts*: 5

**Average
2022**
11.67



**Average
2023**
11.75

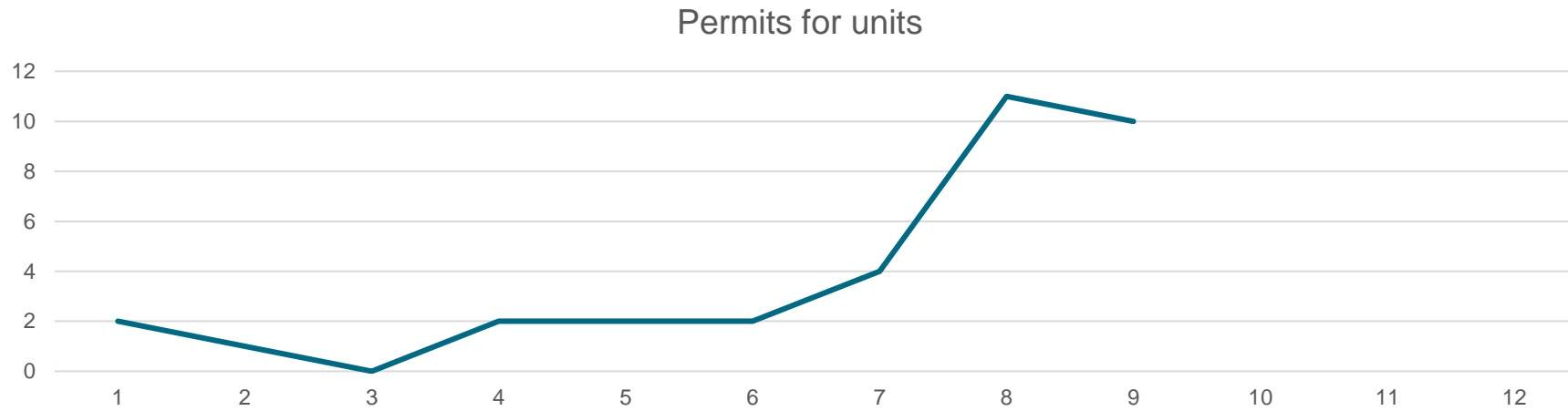


* Combined from the Director, Planning Commission and Council

Planning: building permits for housing units: 10

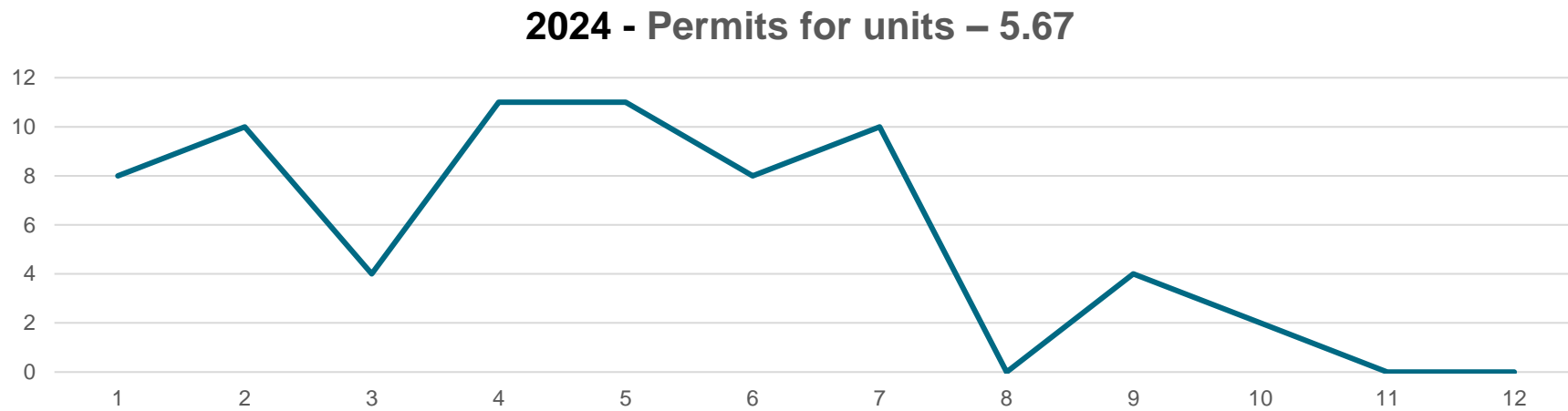
**Average
2022**

15



**Average
2023**

7.75

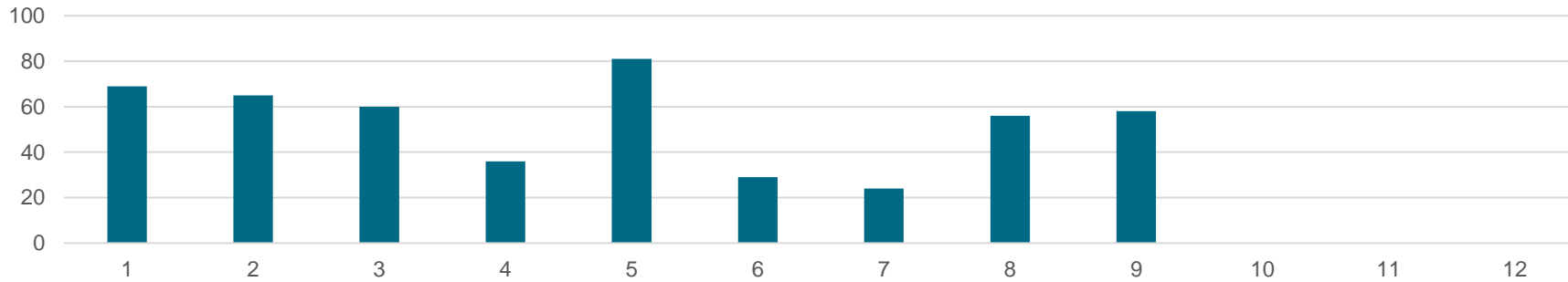


Planning: building permits other types: 58

**Average
2022**

122

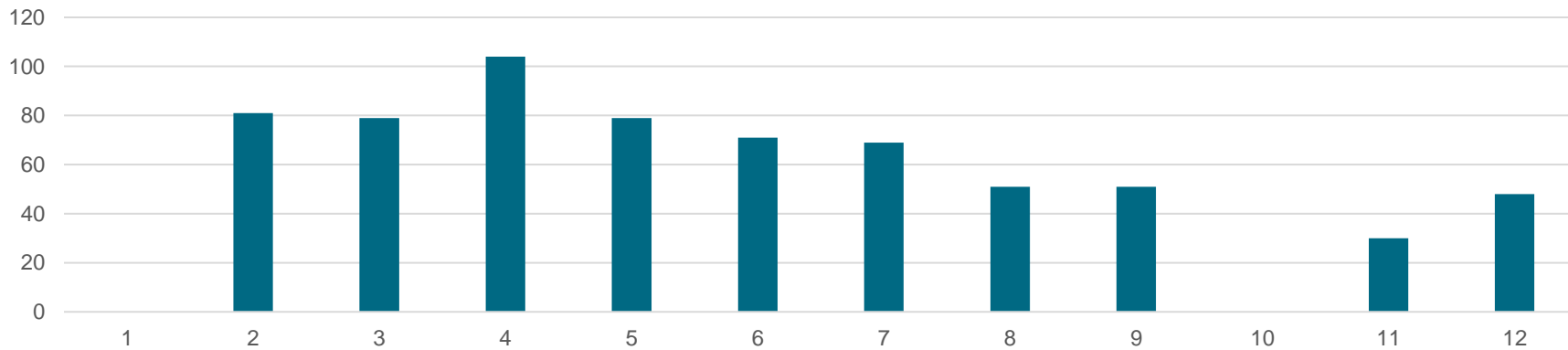
Other Building Permits



**Average
2023**

101

2024 - Other Building Permits – 55.25



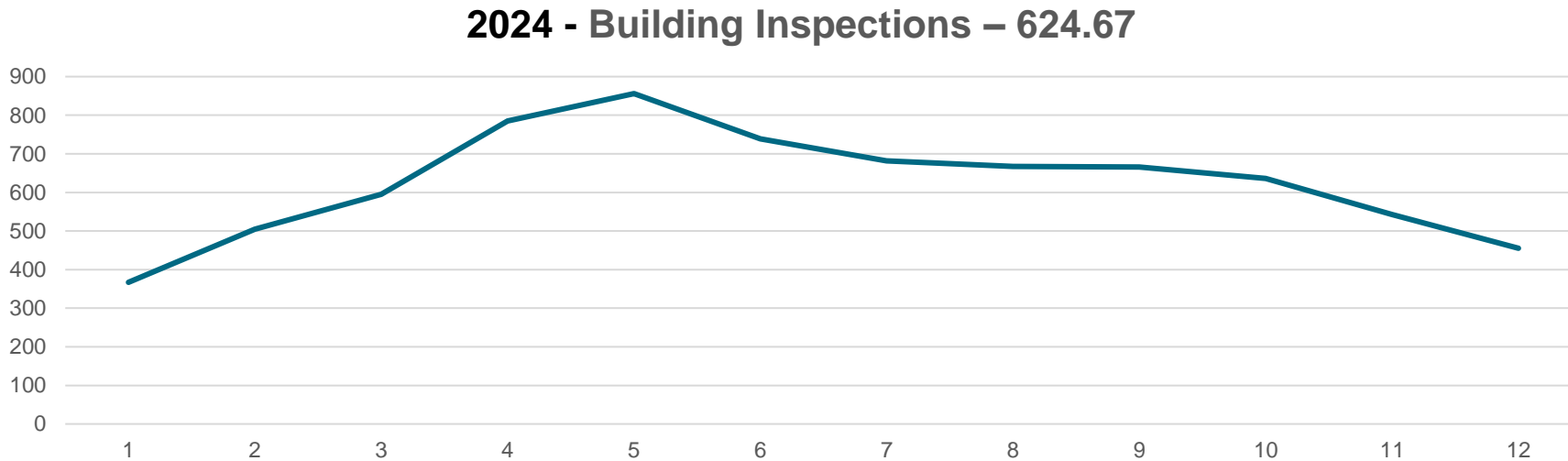
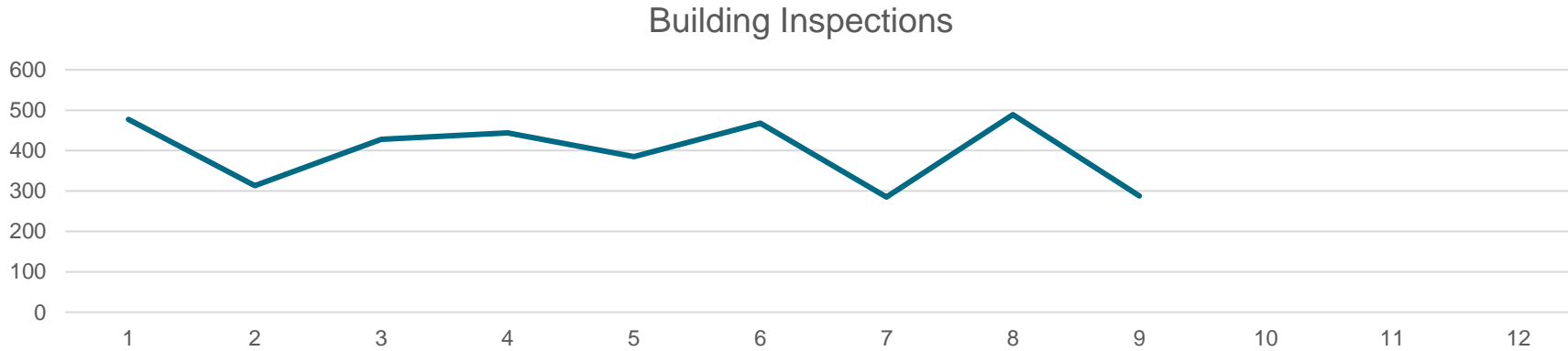
Planning: building inspections: 288

**Average
2022**

691

**Average
2023**

728



Community Engagement: submission forms through website: 19

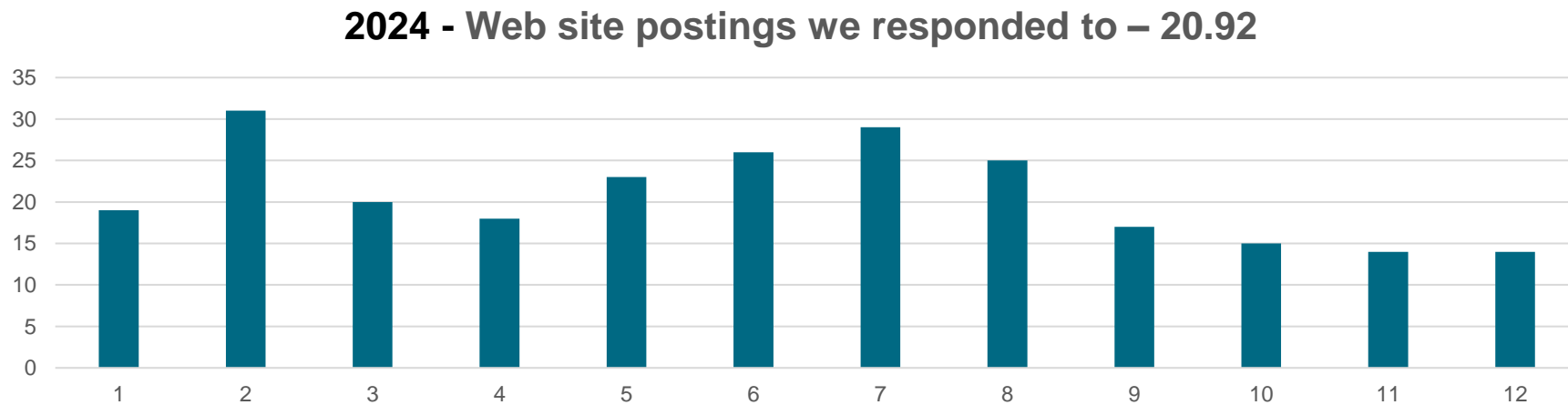
**Average
2022**

23



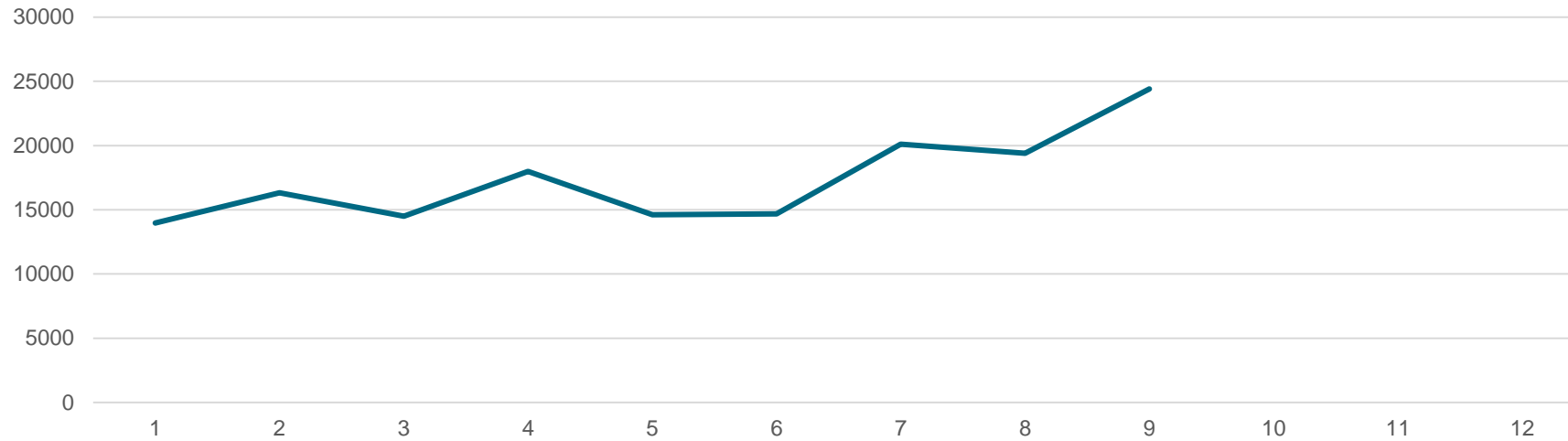
**Average
2023**

24.58

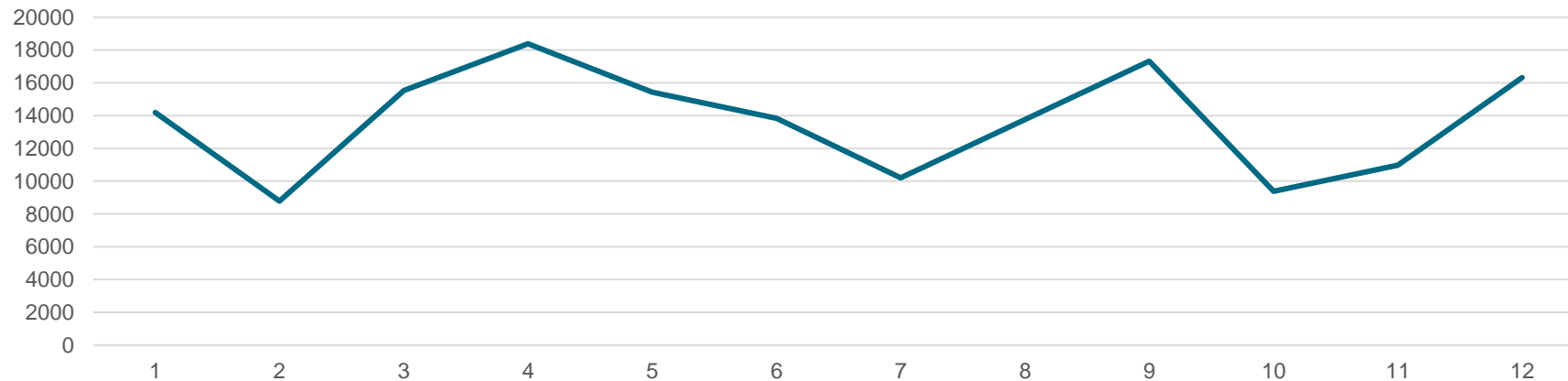


Community Engagement: social media engagement: 24,410

Social Media Engagement



2024 - Social Media Engagement – 13672.92



**Average
2022**

7942.5

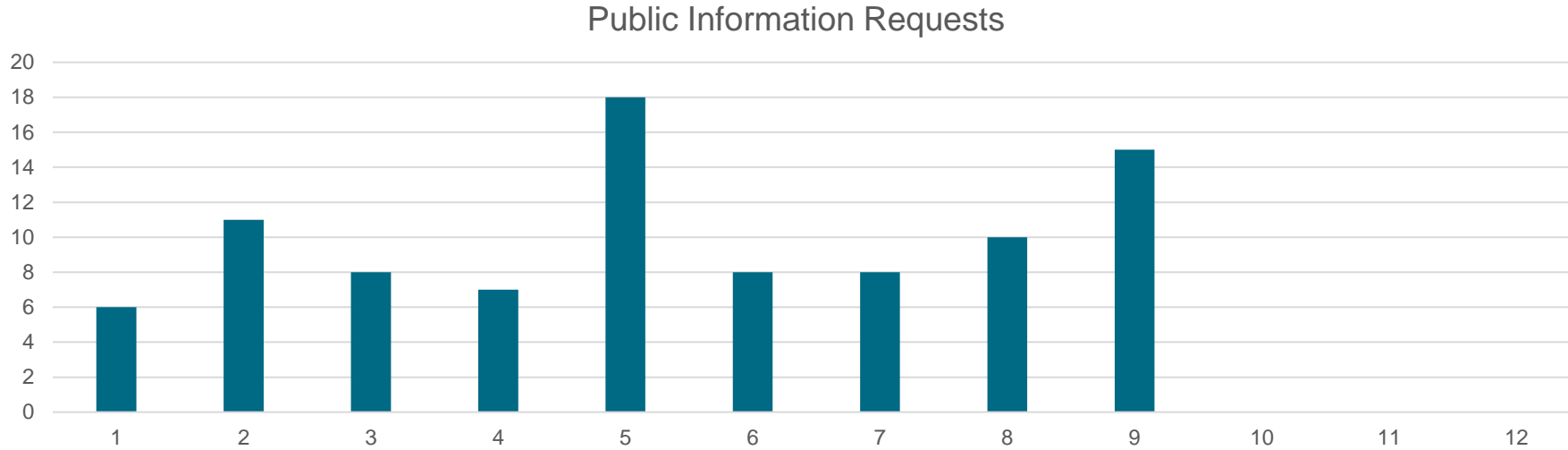
**Average
2023**

7560.8

City Recorder: Public Records Requests: 15

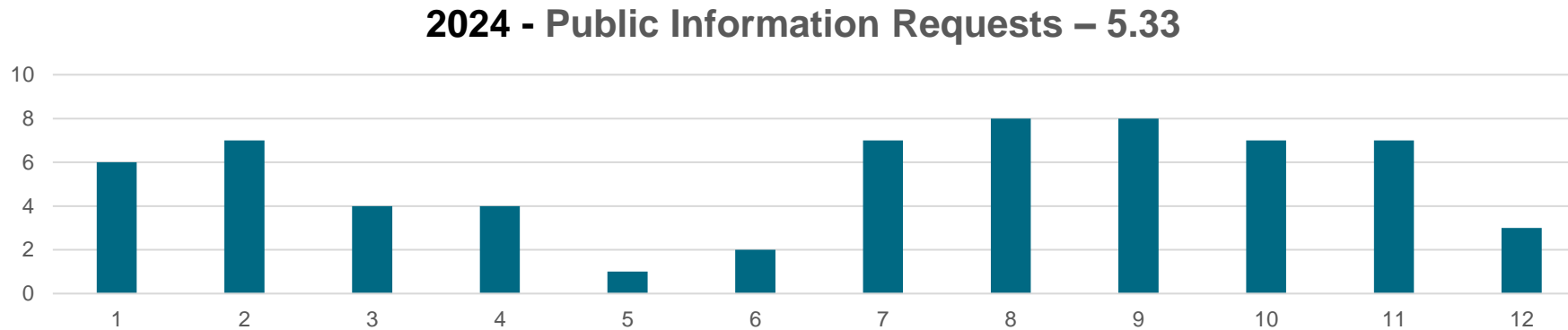
**Average
2022**

4.5



**Average
2023**

5.5



Finance: \$2.3 M of payments to accounts payable & \$1.1 M of payroll

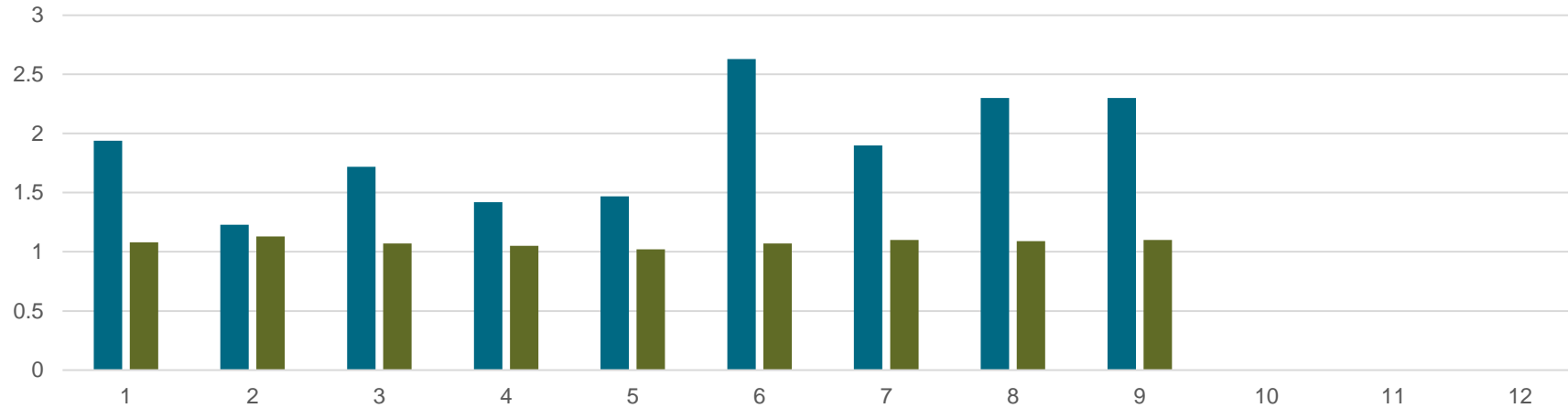
**Average
2022**

**AP
\$1.75 M
Payroll
\$0.93 M**

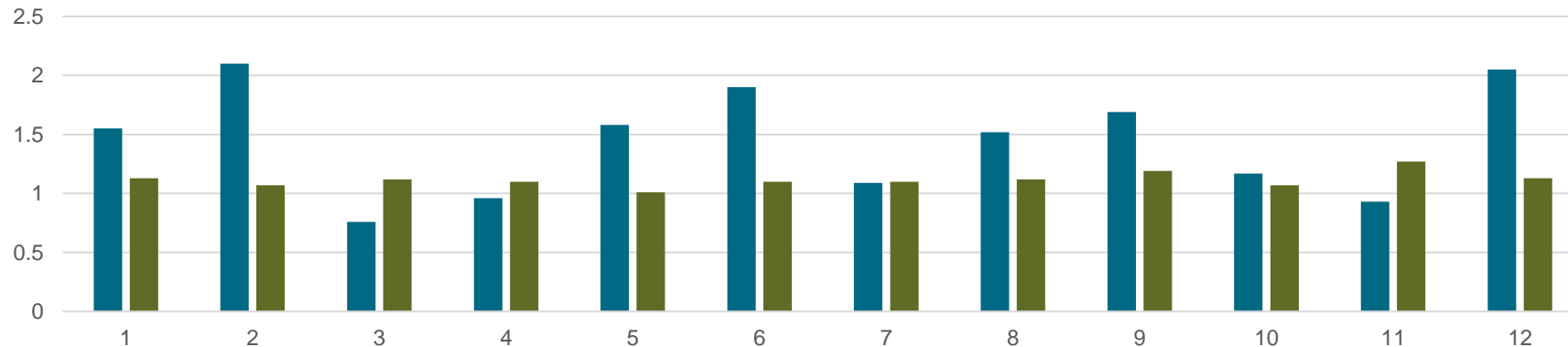
**Average
2023**

**AP
\$2.56 M
Payroll
\$1.01 M**

Accounts Payable \$ and Payroll \$

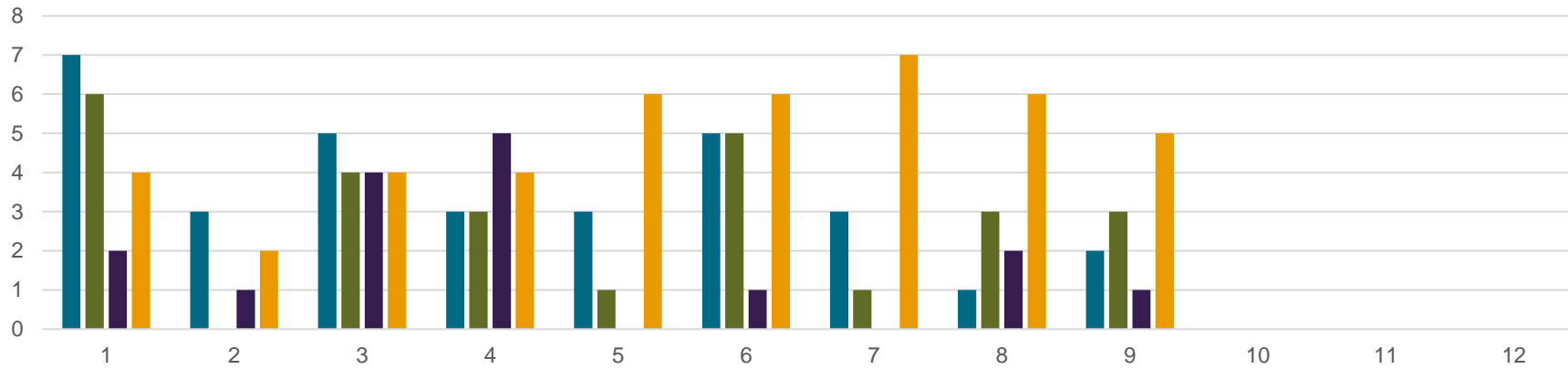


2024 - Accounts Payable \$1.44 and Payroll \$1.12



HR: Recruitments advertised - 2 Hires: 3 Separations: 1, FMLA / ADA / OFLA / workers comp claims: 5

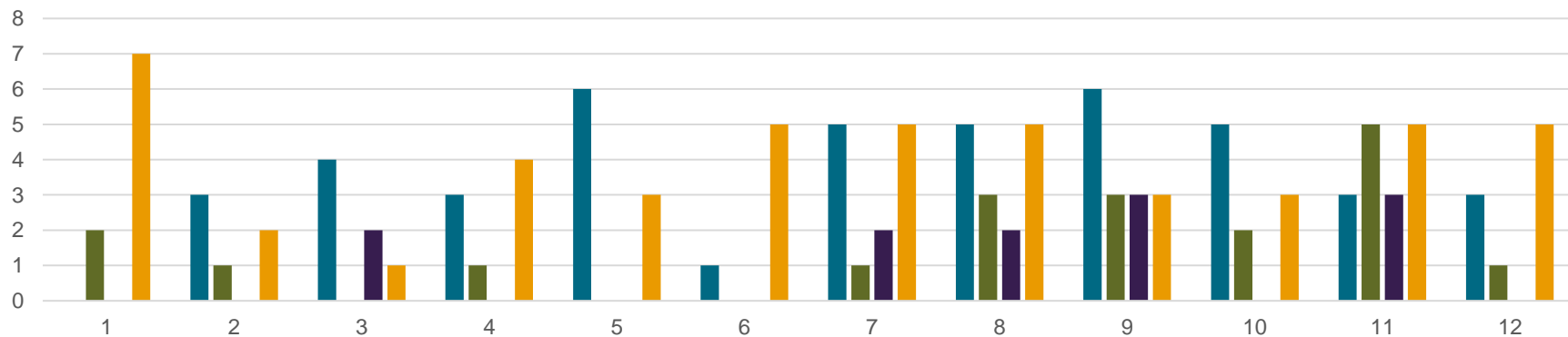
Recruitments, Hires, Separations, Claims



Average 2023

Recruitments 4.17
Hires 1.92
Separations 1.08
Claims 3.33

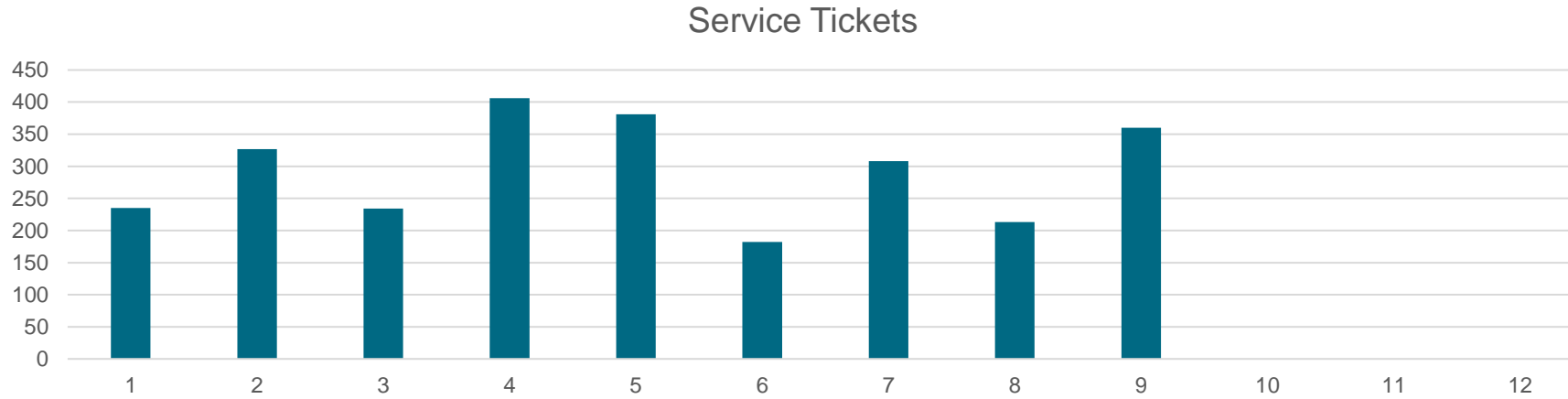
2024 – Recruitments 3.67, Hires 1.58, Separations 1.00, Claims 4.00



IT resolved 360 service tickets for the city.

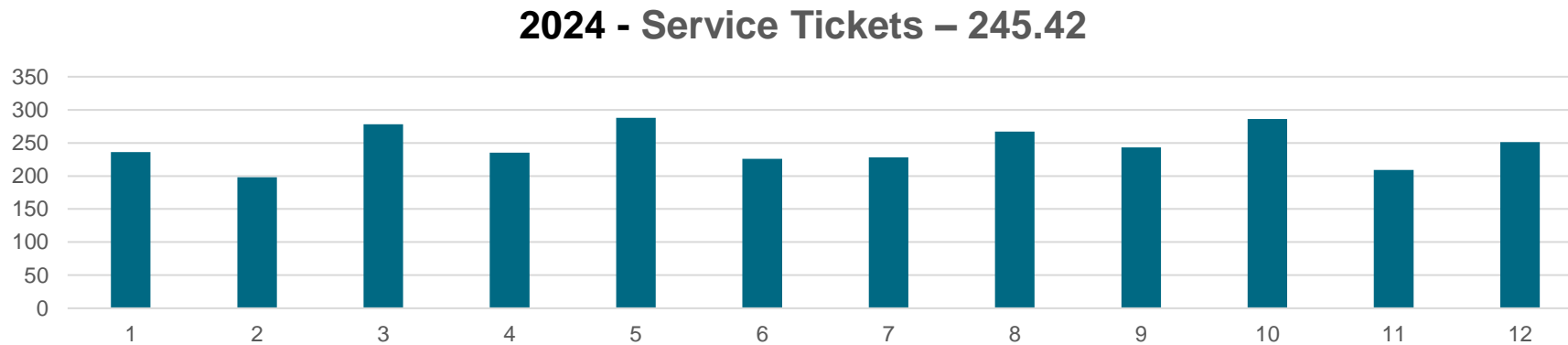
**Average
2022**

203.4



**Average
2023**

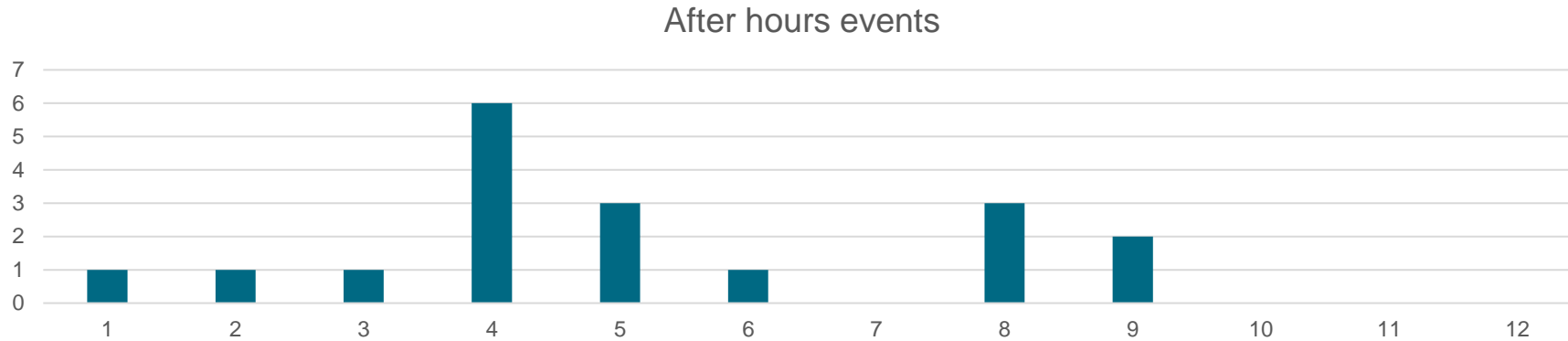
232.3



IT responded to 2 after hours on-call events.

**Average
2022**

3.6



**Average
2023**

2.58

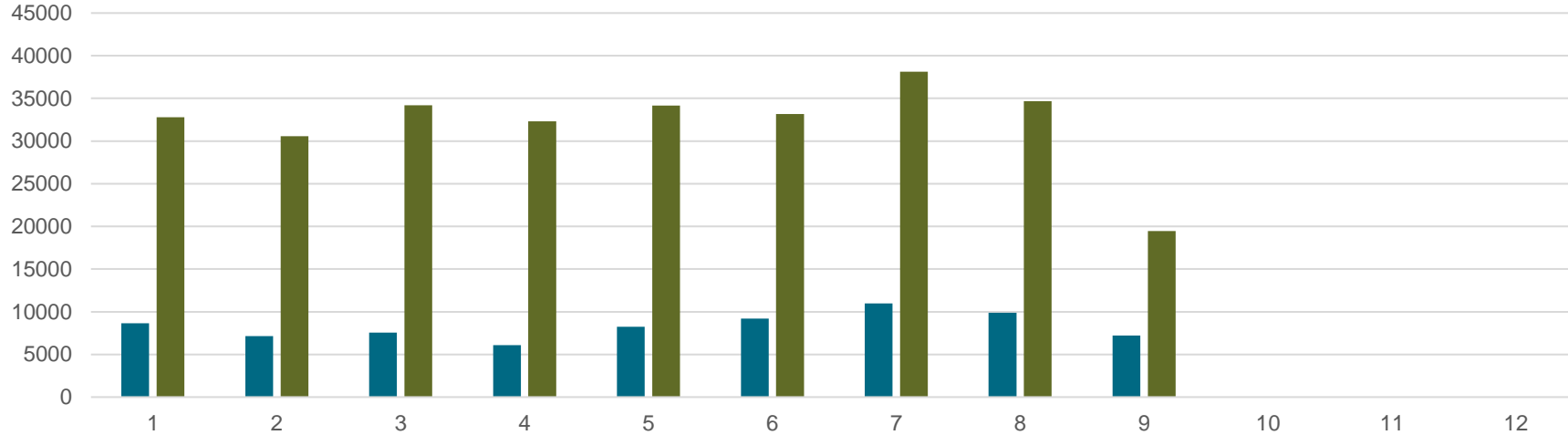


Library Activity: Door count 7,200, Circulation events 19,460

**Average
2022**

**Door Count
7108
Circulation
Events
23,418**

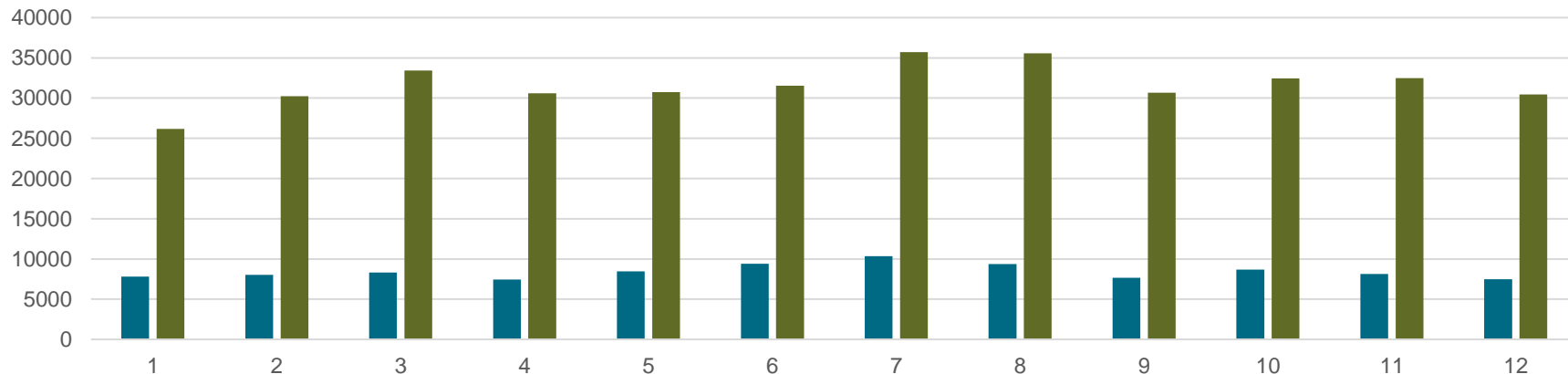
Door Count, Circulation Events



**Average
2023**

**Door Count
8372
Circulation
Events
25,889**

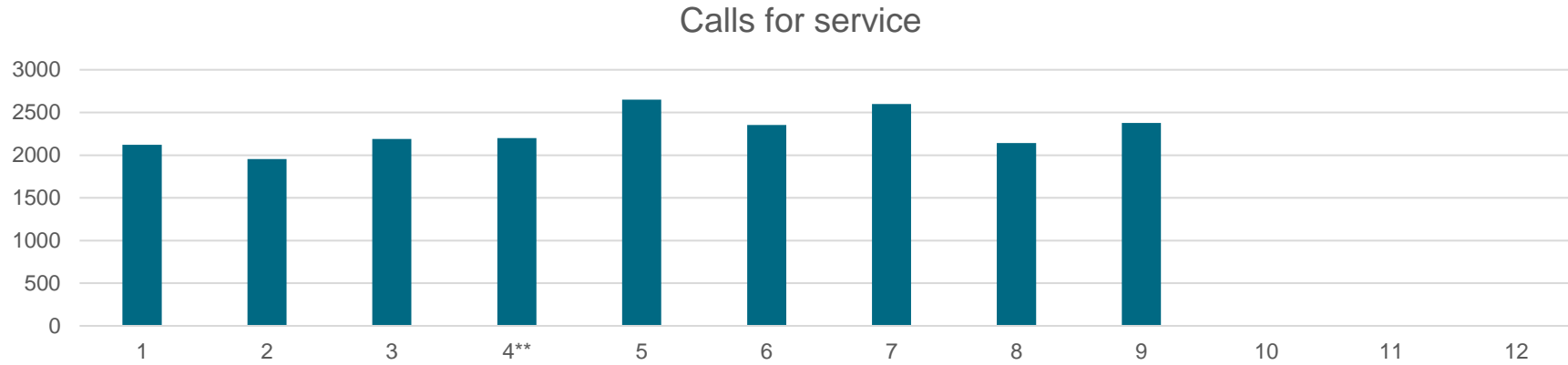
2024 - Door Count 8426.17, Circulation Events 31668.58



Public Safety: 2,377 – calls for service

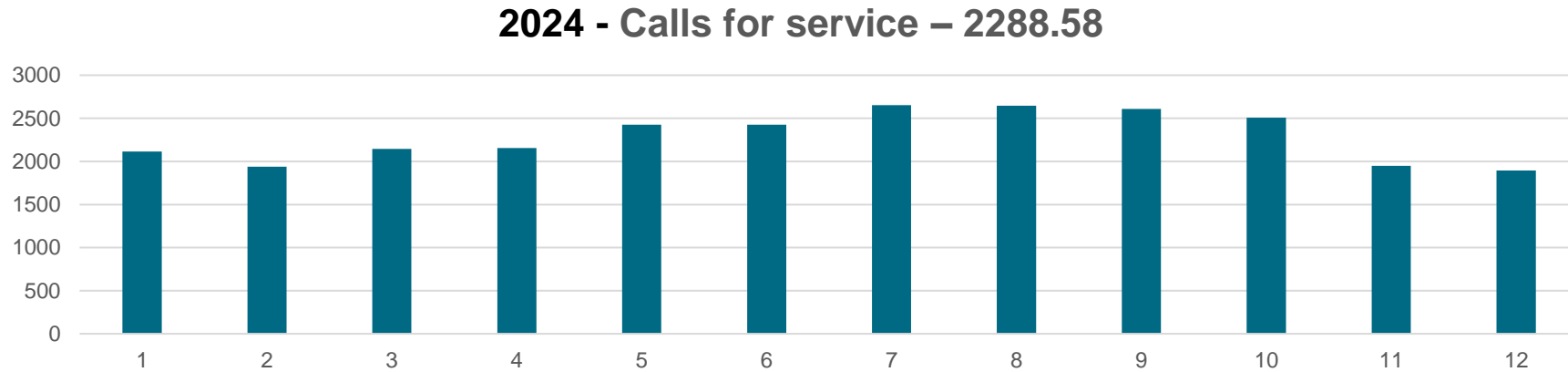
**Average
2022**

2065



**Average
2023**

2206



Public Safety: 723 – traffic stops

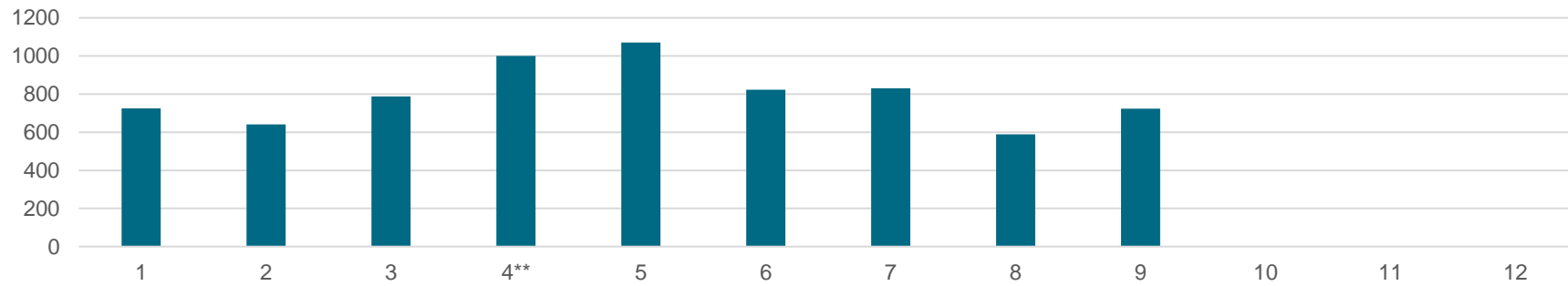
**Average
2022**

561

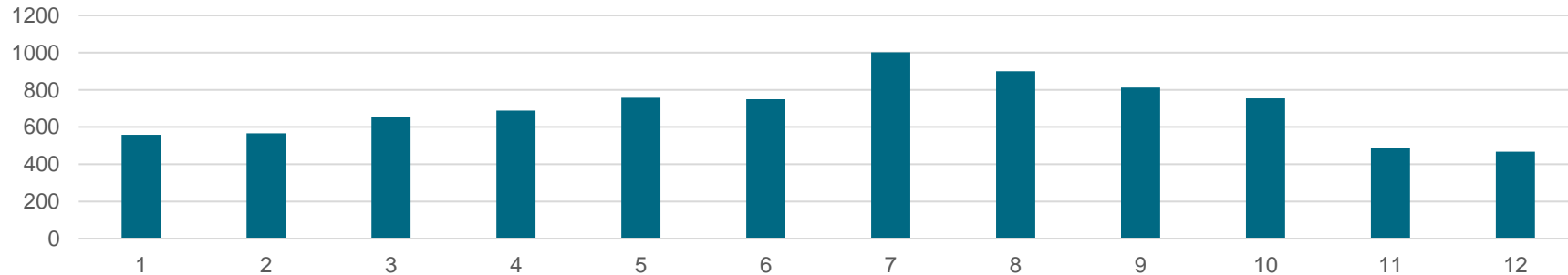
**Average
2023**

557

Traffic Stops



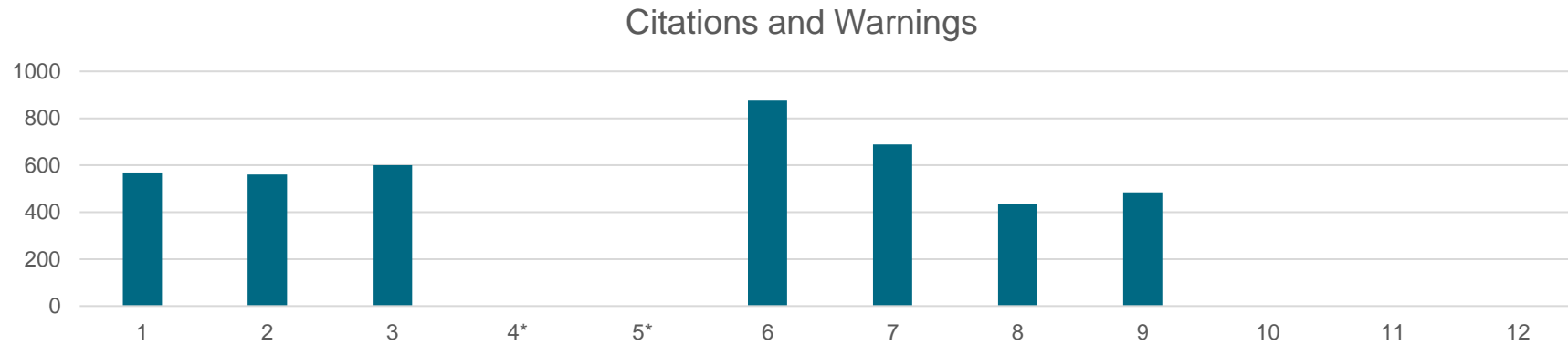
2024 - Traffic Stops – 699.42



Public Safety: 485 – citations & warnings

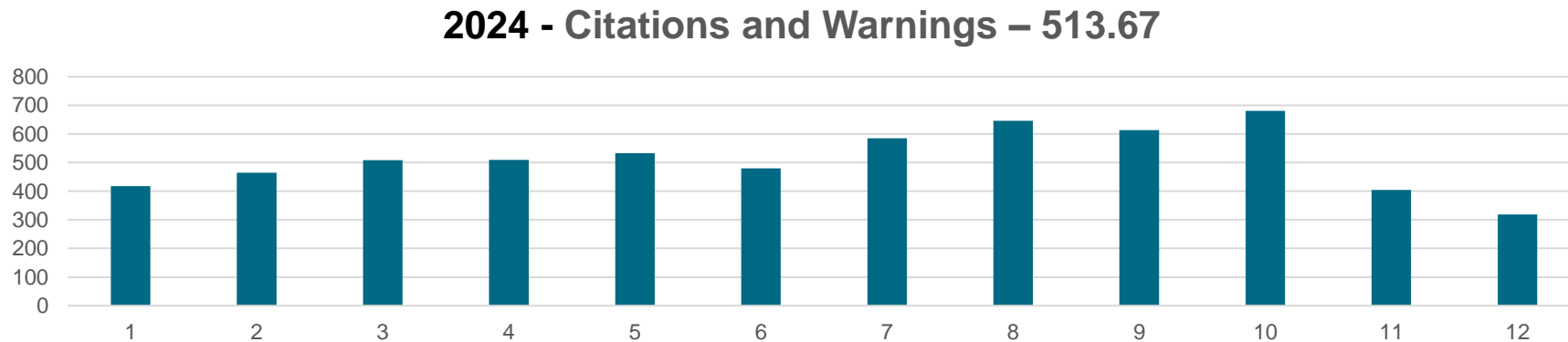
**Average
2022**

428



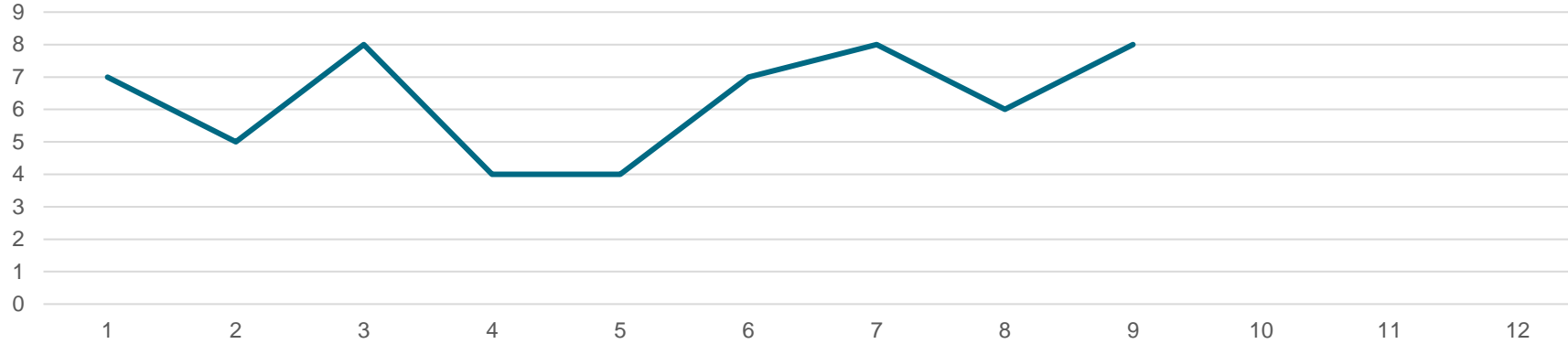
**Average
2023**

433



Public Safety: 8 – DUII's

DUIIs



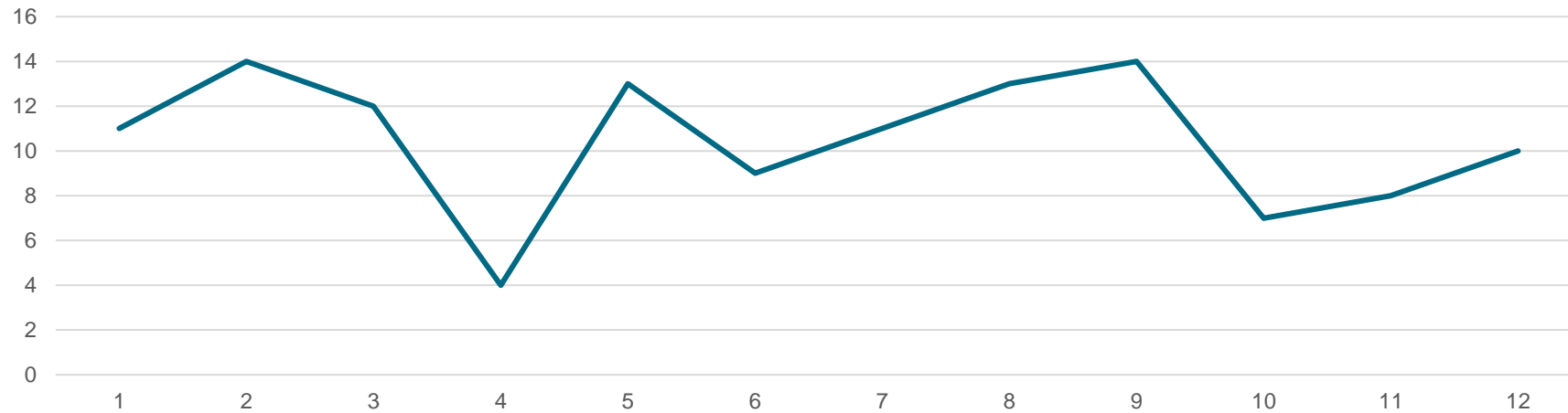
**Average
2022**

12.1

**Average
2023**

9.83

2024 – DUIIs – 10.50



Dispatch: 828 “911” calls & 3,142 non-emergency calls

Average 2022

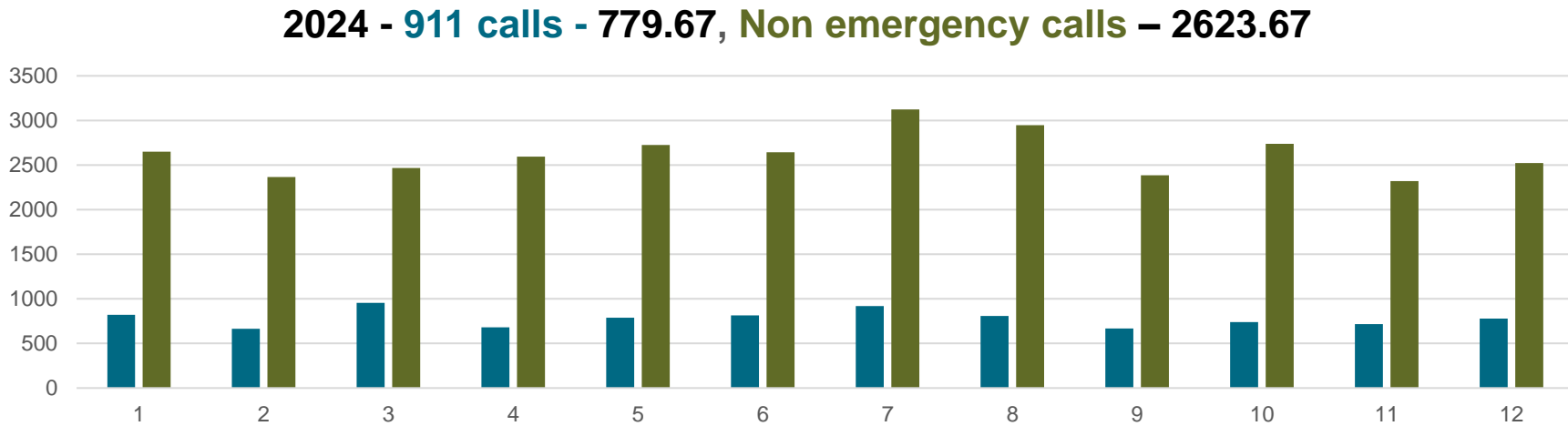
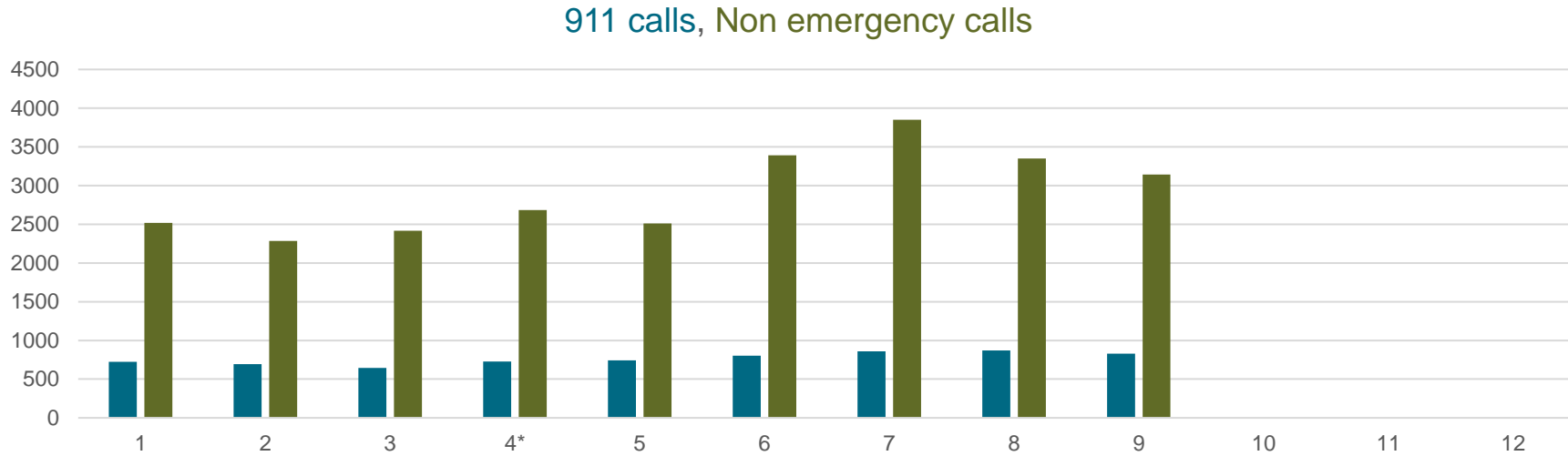
911 Calls
817

Non-Emergency Calls
3436

Average 2023

911 Calls
892

Non-Emergency Calls
3214



Public Works: water production was 92.9 million gallons,
& 64.7 million gallons (MG) were treated

**Average
2022**

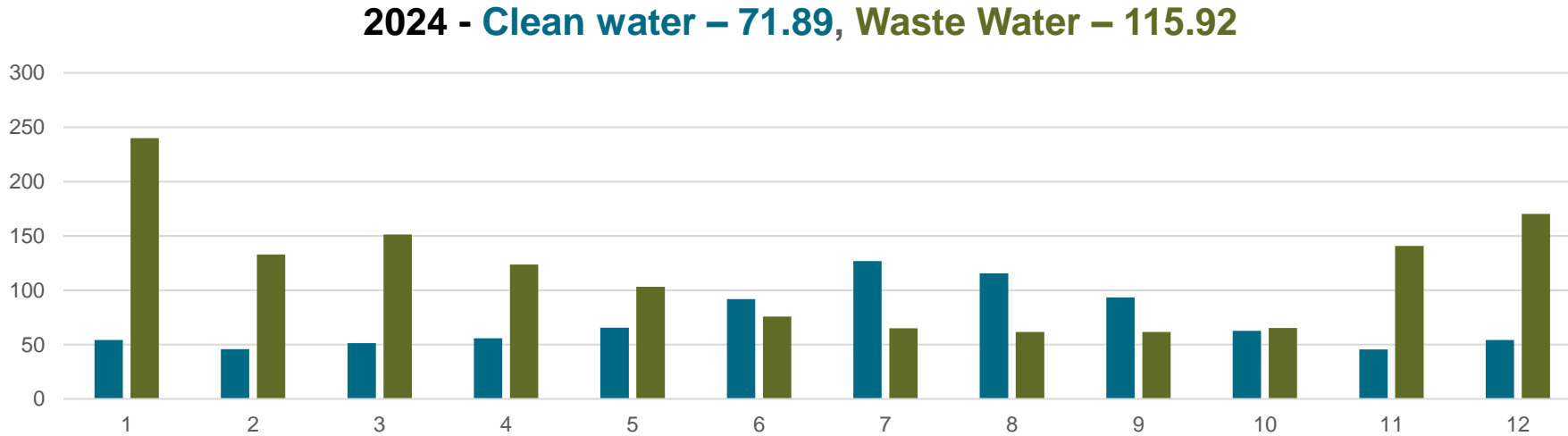
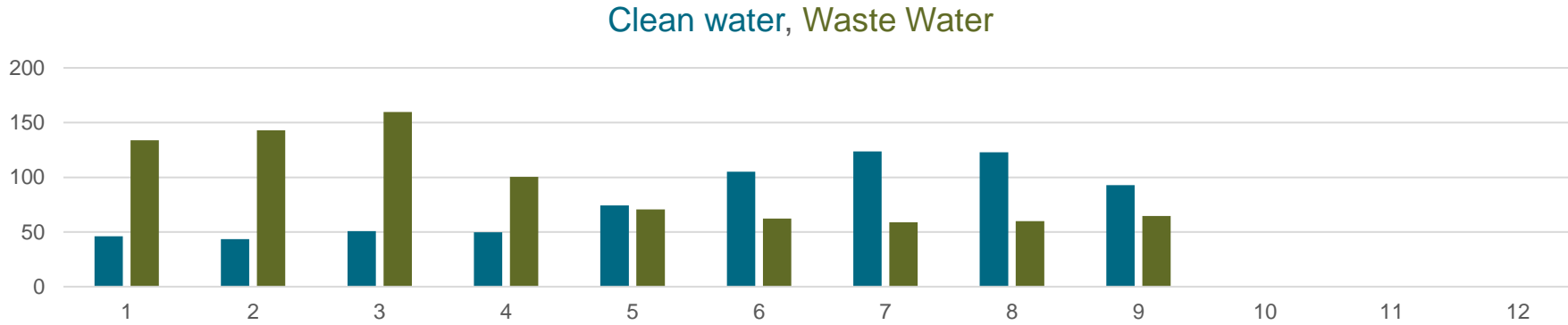
**Clean Water
69.45 MG**

**Waste Water
105.46 MG**

**Average
2023**

**Clean Water
73.33 MG**

**Waste Water
108.20 MG**



Public Works: 965 work orders completed

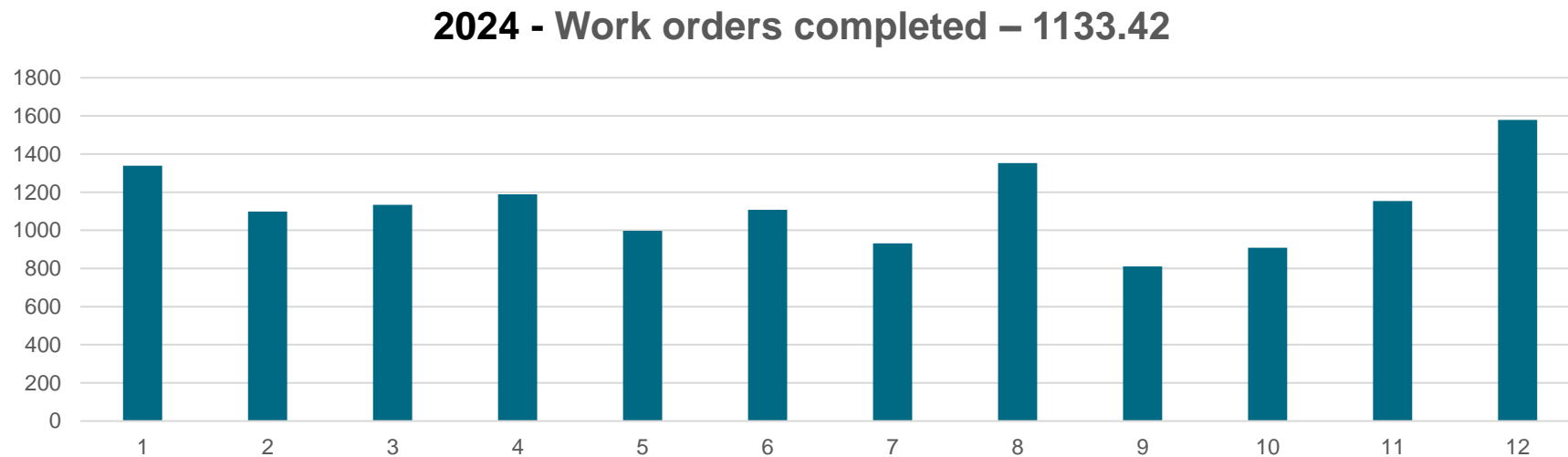
**Average
2022**

1452.6



**Average
2023**

1677



So that's the totals to the end of September

This month saw the highest social media engagement ever and the second highest PRR level. The circ numbers were very low due to the library ramp work closure.

Questions?

PCC Newberg Center

A New Beginning



Dr. Adrien Bennings

PCC President

Dr. Karen Sanders

Asst. Assoc. VP | Academic & Career Pathways

Alfredo Moreno

Community Relations Manager



Committed to the Chehalem Valley

Serving Newberg, Dundee, Sherwood, and beyond



PCC Newberg Center Quick Facts

- Funded by 2008 bond
- Grand opening: October 2011
- 13,500 sq. ft. LEED Platinum building on 16 acres
- The first net-zero higher education building in Oregon
- 4 classrooms, computer lab, event space, staff workspaces



Revitalization



MGT Needs Assessment (June 2024)

MGT Consulting Key Recommendations:



- Explore offerings that cater to **more mature student** demographic
- **Align educational programs** more closely with job market demands
- Adaptation of current academic offerings to stay aligned with evolving market conditions and **fill gaps in advanced manufacturing, digital skills, and healthcare.**
- **Expand programs in health services,** information technology, and environmental science to meet future job market demands.
- Increase **active collaboration** with local businesses, government agencies, and nonprofits to enhance program relevance and effectiveness.



Vision

To establish the PCC Newberg Center as a focused educational & workforce development hub, while enhancing community partnerships.



2025 Key Strategies

- **Internal Prioritization:** PCC Newberg Center Strategy Committee
- **Academic Shift:** From transfer programming to career technical education with a focus on healthcare & manufacturing
- **Local Partnerships:** Expand and deepen partnerships with area educational, community, and government organizations, while forging mutually beneficial connections between local industry and PCC programs



Newberg Center Strategy Committee

Educational and Workforce Development Programs

Jennifer Ernst (VP of Academic Affairs)...**Karen Sanders** (Assistant Assoc. VP for Academic & Career Pathways)...**Gerardo Cifuentes** (Dean of Public Service, Education, & Social Sciences)...**Janeen Hull** (Dean of Healthcare & Emergency Professions)....**Courtney Gaynor** (Dean of Partnerships)

Community, Industry, and Government Partnerships

Sage Learn (Exec. Director of College Relations)...**Kristi Wilson** (Workforce Relations Director)...**Alyson Kraus** (Government Relations Sr. Manager)...**Alfredo Moreno** (Community Relations Manager)

College Operations and Student Success

Dina Farrell (VP of Finance & Business Service & CFO)...**Vicky Lopez Sanchez** (VP of Student Affairs)...**Josh Peters McBride** (Assoc. VP of College Operations)...**Brad Ortman** (Director of Facilities Management)...**Rebecca Ocken** (Director of Planning & Capital Construction)



2025 Fall Term Programming

Foundational Skills

- English for Speakers of Other Languages: 4 levels
- Beginning Computer Skills (non-credit)

Noncredit Professional Workshops

- Retirement Planning
- Project Management

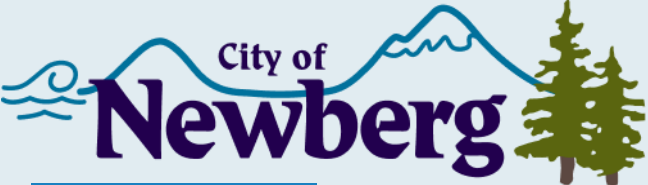
Healthcare Courses (credit & non-credit)

- Discover Healthcare: Health careers workshop
- Introduction to Today's Careers: Healthcare (credit)
- Personal Nutrition & Nutrition of Healthcare Careers
- Medical Terminology (online / non-credit course)
- American Heart Association: CPR & First Aid
- Mental Health First Aid: Adult (in Spanish)

Total Enrollment: 197



Expanding & Deepening Partnerships



Fall 2025 Open House



What's Next?



Stay Connected with PCC

Alfredo Moreno

Community Relations Manager
alfredo.moreno1@pcc.edu

Karen Sanders

Asst. Assoc. VP | Academic & Career Pathways
ksanders@pcc.edu

Sage Learn

Executive Director | College Relations
sage.learn@pcc.edu



Ongoing Feedback Welcomed

- Who else should we be working with?
- Where should we be promoting our upcoming programs?
- How can we work with you to help the PCC Newberg Center and City of Newberg thrive?



Questions/Comments?



REQUEST FOR COUNCIL ACTION



Date Action Requested: November 17th, 2025

Order Ordinance Resolution Motion Information Proclamation

No. 2025-4001

Subject: A resolution authorizing the city Capitol Engineering team to enter into a contract to provide services to seal wastewater laterals for reducing inflow and infiltration

Staff: Brian Kershaw
Department: Capitol Engineering

Business Session

Order On Agenda: Consent

Hearing Type: Administrative

Is this item state mandated? Yes No

If yes, please cite the state house bill or order that necessitated this action:

Recommendation:

Staff recommends the following resolution action: Motion to approve Resolution 2025-4001 A resolution authorizing the city Capitol Engineering team to enter into a contract to provide services to seal wastewater laterals for reducing inflow and infiltration

Executive Summary:

As part of the proposed Capital Improvement projects that were brought to Council on February 3rd, 2025, the Inflow and Infiltration (I&I) reductions were part of the proposed improvements. I&I is where ground water enters the wastewater system through leaks. This project will seal 110 wastewater laterals by sealing the connection point with the main wastewater line and continue the sealing up the lateral above the ground water table. Reducing the I&I will assist with the WWTP capacity, unnecessary treatment costs and improve the lifespan of our valuable wastewater infrastructure. Using a cured in place liner for sealing the wastewater lines reduces the impact on residents allowing for quicker turn around and not having to tear up the streets with conventional excavation.

Fiscal Impact: This project was solicited and bids were opened on October 21st 2025 with Iron Horse LLC being the lowest responsive bidder at \$894,500.00. The fund will come from the already budgeted Wastewater I&I fund.

Council Goals:

Continuous Goal A –Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply.



RESOLUTION No. 2025-4001

A Resolution

A resolution authorizing the city Capitol Engineering team to enter into a contract to provide services to seal wastewater laterals for reducing inflow and infiltration

Recitals:

1. Council goal A the city is focused on keeping Newberg infrastructure in good repair.
2. I&I reduction will increase WWTP capacity, improve lifespan of valuable infrastructure and reduce costs from unnecessarily treating groundwater.
3. This project was solicited and bids were opened on October 21st 2025 with Iron Horse LLC being the lowest responsive bidder at \$894,500.00.

The City of Newberg Resolves as Follows:

1. To enter into a contact with Iron Horse LLC to provide services to seal wastewater laterals for reducing inflow and infiltration.

Effective Date of this resolution is the day after the adoption date, which is: November 18, 2025.

Adopted by the City Council of Newberg, Oregon, this 17 day of November, 2025.

Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of November, 2025.

Bill Rosacker, Mayor

EXHIBIT B

SCHEDULE OF PRICES

Wastewater Laterals Repair Project					
Item No.	Items of Work and Materials	Unit	Quantity	Unit Price	Total Amount
1	Mobilization	LS	1	\$ <u>80,000</u>	\$ <u>80,000</u>
2	One-Piece Main and Lateral Connection Rehabilitation	EA	110	\$ <u>4,200</u>	\$ <u>462,000</u>
3	Rehabilitate Lateral Pipe, 5-feet plus from sewer main	LF	1,650	\$ <u>170</u>	\$ <u>280,500</u>
4	Trenchless Cleanout Install and Lateral Lining	EA	20	\$ <u>3,600</u>	\$ <u>72,000</u>
Total for Wastewater Laterals Repair Project Bid Items:					\$ <u>894,500.00</u>

Any estimate of the quantities of work to be done and set forth by the City under unit price bids is approximate and is given only as a basis of calculation for comparison of bids and award of the Contract. The City does not warrant that the actual amount of work will correspond to any quantity of work as shown or estimated. Payment will be made at unit prices under a contract only for work actually performed or materials actually furnished according to actual measurement. Bidders must include in their bid prices the entire cost of each item of work set forth in the bid, and when, in the opinion of the City, the prices in any bid are obviously unbalanced, such bid may be rejected. The unit prices for the various bid items shall be full compensation for all things of whatsoever nature required for the complete incorporation of the item into the work the same as though the item were to read "In Place."

CAPITAL IMPROVEMENT PROJECT AGREEMENT

[Wastewater Laterals Repair Project]

This Capital Improvement Project Agreement (this "Agreement") is made and entered into on the last date set forth below (the "Effective Date"), by and between the City of Newberg, 414 E. First Street, Newberg, Oregon 97132, hereinafter called "OWNER" and

Iron Horse LLC hereinafter called "CONTRACTOR."

IT IS AGREED:

First: Contractor shall fully execute the Work described in, and comply with the requirements of, the Contract Documents for:

Wastewater Laterals Repair Project

(Official Title of the Project)

Second: Owner shall pay to Contractor, at the times and in the manner provided by under the Contract, the total sum of:

Eight hundred ninety four thousand five hundred dollars
(The basic contract price in words)

(and figures) \$894,500.00 in current funds for the Work (the "Contract Price"), which is subject to increase or decrease as the quantities named in the bid are changed as provided in the Contract.

Third: The date of commencement of the Work shall be upon issuance of Notice to Proceed. The Substantial Completion Time and the Contract Time shall be measured from the date of commencement. Contractor shall achieve Substantial Completion of the entire Work no later than May 31, 2026, with Final Completion no later than June 30th, 2026.

Fourth: For each progress payment made before Substantial Completion of the Work, Owner may withhold the following percentage amount, as retainage, from the payment otherwise due: 5%.

Fifth: The Contract Documents, which are made a part of this Agreement by actual attachment or by reference, are as follows and, along with this Agreement, form the entire and integrated agreement between Owner and Contractor for construction of the Project (the "Contract"):

1. Owner's Invitation to Bid and all attachments;
2. Exhibits to this Agreement;
3. The Aggregate Specifications for the Project;
5. The City of Newberg Public Works Design and Construction Standards, current edition, unless specified otherwise in the contract documents;
6. The City of Newberg General Requirements; and
7. The bid of Contractor that was submitted on 10/21/2025

The Contract represents the entire and integrated agreement between the parties hereto and supersedes prior negotiations, representations, or agreements, either written or oral. The Contract may be amended or modified only by a Modification.

Sixth: All notices, communications, invoices, or payments required or permitted under this Agreement to be sent to a particular party must be sent to the following address of that party:

To Owner:

To Contractor: Iron Horse LLC

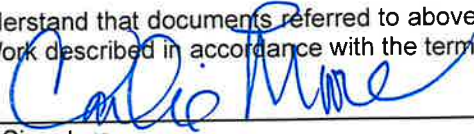
PO Box 1472
Fairview, OR 97024

CONTRACTOR DATA, CERTIFICATION, AND SIGNATURE:

Name (please print): Carlie Moore Title: Managing member
 Company Name: Iron Horse LLC
 Address: PO Box 1472, Fairview, OR 97024
 Social Security #: N/A CCB#: 213253
 Federal Tax ID #: 35-2577031 State Tax ID #: 35-2577031
 Citizenship: Nonresident alien Yes No
 Business Designation (check one): Individual Sole Proprietorship
 Corporation Limited Liability Company
 Partnership Joint Venture

The above information must be provided prior to contract approval. Payment information will be reported to the Internal Revenue Service (IRS) under the name and taxpayer ID number provided above. (See IRS 1099 for additional instructions regarding taxpayer ID numbers.) Information not matching IRS records could subject you to thirty-one percent (31%) backup withholding.

I, the undersigned, understand that documents referred to above are an integral part of this Contract and agree to perform the Work described in accordance with the terms and conditions of the Contract.

Signed by Contractor:  11/4/25
 Signature Date
Carlie Moore
 Print Name

NOTICE TO CONTRACTOR: This Contract does not bind the City of Newberg unless and until it has been approved by the City Attorney or Designee and executed by the City Manager or Designee.

CITY OF NEWBERG SIGNATURE

Reviewed: _____ Date _____
 Project Manager

Reviewed: _____ Date _____
 City Engineer

Approved: _____ Date _____
 City Manager or Designee

EXHIBIT B

CONTRACT RETAINAGE PREFERENCE

The City exercises its right to not withhold retainage on this project. However, the City may also begin withholding retainage at any time depending on certain situations. When retainage is held the percentage of retainage withheld by the City will be five percent (5%). Please refer to the current edition of the Oregon Standard Specifications for Construction ([Oregon Department of Transportation : Standard Specifications : Doing Business : State of Oregon](#)) regarding retainage on public projects. Retainage is specified under Section 00195.50 Progress Payments and Retained Amounts that reads as follow:

Section 00195.50 (b) Retainage- The Agency reserves the right in its sole discretion to not withhold retainage from progress payments or to begin withholding retainage at any time. If the Agency withholds retainage from progress payments, the amount to be retained from progress payments will be 2.5% of the value of Work accomplished and will be retained in one of the forms specified in Subsection (c) below. If the Agency determines that satisfactory progress is not being made on the Work, the Agency may withhold up to 5% of the value of Work accomplished from subsequent progress payments. No retainage will be withheld from Work performed as Force Account Work, escalation/de-escalation, bonuses, or other items decided by the Agency. As provided in 00170.65(b)(3) in addition to any retainage, a withholding of 25% of amounts earned will be withheld and released according to ORS 279C.845 when the Contractor fails to file the certified statements required in ORS 279C.845, FHWA Form 1273, and 00170.65.

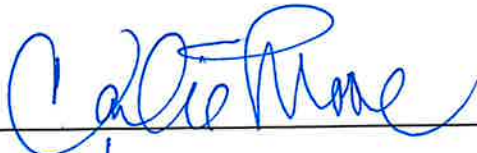
According to Oregon Revised Statute (ORS) 279C.560, contractors may earn interest on public contract retention monies or may choose alternatives to retention itself. For contracts with a price of more than \$500,000, amounts withheld as retainage must be placed in an interest-bearing escrow account according to ORS 279C.570(2). Contractor must choose one of the following methods of handling retention:

1. [Use following sentence if contract price will exceed \$500,000, and delete bracketed sentence below: Owner will hold all retention in an interest-bearing escrow account.] [Use following sentence if contract price is \$500,000 or less, and delete bracketed sentence above: Owner will hold all retention in the City of Newberg's bank account bearing the average monthly interest rate from the Oregon Local Government Investment Pool.]
2. Contractor will deposit securities that are negotiable by Owner with a bank or trust company, to be held in lieu of any retention. The face value of these negotiable properties will equal or exceed the anticipated total amount of retention if option 1 is chosen. This deposit must be made before any progress payments will be made on the Contract.

*Please inquire about Administrative Fee charges.

The choice shall remain in effect for the life of the Project, unless otherwise approved by Owner. Please indicate your choice by marking one of the boxes above, and have an authorized representative sign below.

Signed



Date

11/4/25

REQUEST FOR COUNCIL ACTION



Date Action Requested: November 17, 2025

Order <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/> Proclamation <input type="checkbox"/>	
Ordinance Nos. 2025-2940 and 2025-2941	
Subject: Code Maintenance Amendments Title 12 Streets and Sidewalks Title 15 Development Code	Staff: Scot Siegel, Jeremiah Cromie, Brett Musick Department: Community Development File: DCA25-0002
Business Session	Order On Agenda: Work Session
Hearing Type: Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Administrative <input type="checkbox"/> Not Applicable <input type="checkbox"/>	

Is this item state mandated? Yes No

Ordinances 2025-2940 and 2025-2941, respectively, amend Newberg Municipal Code, Title 15 Development Code, and Title 12 Streets and Sidewalks. Ordinance 2025-2940, in part, addresses recent changes in state law, including the following Oregon Revised Statutes (ORS):

- ORS 90.112 and ORS 197.015, definition of household for purposes of housing, and preemption of regulations defining family;
- ORS 197.195, limiting referral to public hearing for housing;
- ORS 197.015(12)(a)(B) limiting public hearings for housing;
- ORS 329A, relating to childcare, renumbered in 2013.

The proposed ordinances do not address bills approved during the 2025 Oregon legislative session. Some of the bills approved in 2025 do not become effective or operational until later or have requirements pending state rulemaking by the Land Conservation and Development Commission. Staff are reviewing the bills and tracking rulemaking processes through the League of Oregon Cities. In the meantime, any state law that becomes effective and operational before the city has incorporated it into its code may be applied directly without amending the code.

Recommendation: Move to adopt Ordinance Nos. 2025-2940 and 2025-2941 by title only, and waive second reading.

Executive Summary: Code Maintenance is a significant project priority on the Planning Division Work Program and implements City Council’s Goal 1, to “Create and maintain a high level of customer service.” It is intended to improve predictability and efficiency in the permit process through corrections, clarifications, formatting changes, and code revisions that implement Newberg’s comprehensive plan and maintain compliance with state and federal laws. Code maintenance may also include minor policy changes to improve customer service and operational efficiency in the permit process.

The proposed ordinances, No. 2025-2940 and No. 2025-2941, respectively, amend Title 15 Development Code and Title 12 Streets and Sidewalks. The code amendments were identified by staff through application of the regulations and customer feedback. The ordinances also address changes in state land use laws as summarized above and detailed in Tables 1 and 2, beginning on page 3 of this memorandum.

On November 3, 2025, Council held a work session and received one public comment on the draft amendments. The comment on home occupation sign regulations is addressed in the revised ordinance (Attachment A-1a, page 27). Previously, on October 9, 2025, the Newberg Planning Commission conducted a legislative public hearing and recommended City Council approval of the proposed amendments to Title 15, as provided by Planning Commission Resolution 2025-400 (Exhibit C). The Planning Commission resolution does not include the Title 12 amendments because they are non-land use regulations that pertain to construction of sidewalks.

Discussion: The proposed amendments to Title 15 and Title 12, respectively, are contained in Exhibits A-1 and B-1 and summarized in Tables 1 and 2, beginning on page 3. The page numbering in the tables corresponds to the “Annotated” version of Exhibits A-1a and B-1a. “Clean Copy” versions of these documents for codification are in Exhibits A-1b and B-1b.

The following summarizes the public review process, which is limited to planning commission work sessions and hearings, because code maintenance does not include major policy changes other than those required by changes in state law:

07/10/2025	Planning Commission Work Session #1 (Code Concepts)
08/07/2025	Notify State (DLCD) 35 days prior to first hearing
08/14/2025	Planning Commission Work Session #2 (Draft Code)
10/09/2025	Planning Commission Public Hearing
11/03/2025	City Council Study Session
11/17/2025	City Council Public Hearing - First Reading
12/01/2025	City Council Public Hearing – Second Reading, if required

Fiscal Impact: The code changes are expected to improve operational efficiency in the land use permit process. There is no other anticipated fiscal impact.

Council Goal: Goal 1: Create and maintain a high level of customer service.

Contents:

Exhibit A: Ordinance 2025-2940
Exhibit A-1a: Ordinance 2025-2940 Annotated Title 15 Code Amendments
Exhibit A-1b: Ordinance 2025-2940 Clean Copy Title 15 Code Amendments
Exhibit A-2: Ordinance 2025-2933 Land Use Findings
Exhibit B: Ordinance 2025-2941
Exhibit B-1a: Ordinance 2025-2941 Annotated Title 12 Code Amendment
Exhibit B-1b: Ordinance 2025-2941 Clean Copy Title 12 Code Amendments
Exhibit C: Planning Commission Resolution 2025-400

Table 1: Code Maintenance Amendments – Title 15 Development Code (Ord. 2025-2940)

Topic (Page # Exhibit A-1a)	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.100 – Definitions and Procedures</i>			
Definition of Family (p 3)	15.05.030	State law preempts local code. Definition of Family referencing “one or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons” does not comply with state law (ORS 90.112 and ORS 197.015)	Changed definition of family in 15.05.030 to: "Any number of individuals living together regardless of familial or non-familial relationship."
Height (p 3)	15.05.030	Height limitations apply to all structures but the definition of height is limited to buildings.	Clarified height definition as it applies to fences and other non-building structures.
Cottage Size (p 3)	15.05.030	Definition of Cottage Cluster limits cottage footprint to, “less than 900 square feet”, but the standard in NMC 15.415.050 states “cannot exceed 900 feet”.	Changed definition in 15.05.030 to "not more than 900 square feet"
Mixed Use Dwellings (p 3)	15.05.030	The definition of “Dwelling, mixed use” is unclear regarding uses within the same building.	Clarified that a mixed-use dwelling is a dwelling with another non-residential main use within the same building. See also, amendments to NMC 15.415.010(B) and NMC 15.305.020.
Simple Type I Reviews (p 4)	15.100.020	Review of home occupations and sign permits is currently Type I but the review is straightforward and typically combined with review of building permit or business license, as applicable.	Amended 15.100.020 to be consistent with the existing site design review procedure for signs in NMC 15.220.020(A)(1) and streamlined reviews of home occupations by not requiring a separate Type I land use application and fee in addition to the business license review which also checks for zoning compliance.
Referral to Public Hearing (p 5)	15.100.220(E) and 15.235.030(A)(6)	State law preempts local code. Land Divisions applications cannot be “elevated” to public hearing unless appealed, per ORS 197.195 [Senate Bill 1537, Section 45 (2024)].	Removed (A)(5) and (A)(6) from NMC 15.235.030(A)(6) and NMC 15.100.220(G)

Topic (Page # Exhibit A-1a)	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.200 - Land Use Applications</i>			
Code Adjustment for Lot Coverage (p 6)	15.220.020(A) and 15.220.020(1)(c)	The code is unclear on whether code adjustment can increase allowed parking coverage like the lot coverage adjustment (limited to 2%). The situations that give rise to the need for one may warrant the other too.	Changed 15.210.020(A) to: "Yard Setback Dimension, Lot Area, Percentage of Lot Coverage <u>and Parking Coverage</u> , Lot Dimensions". Change A(1)(c) to: "Percentage of Lot Coverage <u>and Parking Coverage</u> ..."
Sign Permit Application (p 7)	15.220.020(A)(1)(k) 15.100.020	Separate Type I land use application is required for signs, though sign permit application is reviewed for compliance with sign code at the same time as it is reviewed for building permit.	Made sign permit application a simple Type I review by not requiring a separate land use application. Added asterisk to end of 15.220.020(A)(1)(k) for simple Type I review. See also, 15.100.020.
Multifamily Design Review – Type II (p 8)	15.220.020(A)(3)(a)	State law preempts local code. The City cannot require Type III (Quasi-Judicial) review for multifamily developments except where the applicant requests a variance or a conditional use permit is required. Type II (Limited Land Use) review is required for multifamily uses in the R-2, R-P, C-4 zones, per ORS 197.015(12)(a)(B).	Removed “Multifamily dwellings in the R-2, RP or C-4 zone” from the list of Type III reviews in 15.220.020(A)(3)(a), defaulting to Type II for housing that is permitted outright in these zones.
Land Division application referral to public hearing (p 9)	15.235.030(A)(6) and 15.100.220(G)	State law preempts local code. Land Divisions applications cannot be “elevated” to public hearing unless appealed, per ORS 197.195 [Senate Bill 1537, Section 45 (2024)].	Removed (A)(5) and (A)(6) from NMC 15.235.030(A)(6) and NMC 15.100.220(G).
Substantial Completion and Bonding of Public Improvements; Early Issuance of Building (pp 8-10)	15.235.070(A)(7)	Bond reference in 15.235.070(A)(7) does not align with 15.235.060 and current practice for Public Improvement Plan closeout prior to the final plat without the project complying with 15.235.060.	Edited to be consistent with current practice and 15.235.060.

Topic (Page # Exhibit A-1a)	Newberg Municipal Code	Issue	Code Amendment Concept
Planned Unit Development Design Standards (p 11)	15.240.020(Q)	Text is unclear on whether design standards in 15.220.060 apply to PUDs that do not contain multi-family development. Past practice is that they do.	Clarified 15.240.020(Q) to state that all PUDs regardless of planned dwelling type must comply with the relevant provisions of 15.220.060. <i>Note: Senate Bill 974 (2025) may affect this provision.1</i>
<i>Title 15, Division 15.300 – Zoning Districts</i>			
Child Care Statute (pp 12-13)	15.305.020 (child-care use notes)	Notes refer to statutes in ORS 657A which were renumbered in 2013.	Changed reference in 15.305.020 to ORS 329A.
Mixed-Use Dwellings in the RP Zone (p 13)	15.305.020 15.415.010(B) 15.05.030 - Definition of Mixed-Use Dwelling	The code does not allow “mixed-use dwellings” in the RP Zone (15.305.020), which is at odds with the zone’s purpose: “The RP residential-professional district provides for a desirable mixing of residential land uses with medical and local business office uses in possible close proximity to adjacent residential areas.”	Added Mixed-Use Dwelling as an allowed use to R-P district (15.305.020) and amended the definition in 15.05.030 to specify that both the residential use and non-residential use are in the same building rather separate buildings. The RP Zone already allows more than one main use if not in the same building and the change does not affect allowed uses in other zones.
Garage Entrance Orientation and Setback (pp 14-16)	15.326.025 and 15.410.020(A)(3); Exhibit A (Graphics)	Need to clarify the Garage Setback for houses with side-loaded garages served by shared private drives in the Springbrook District.	Clarified 15.326.025 and 15.410.020(A)(3) so that garage entrances are to be setback 20 feet from the roadway or drive they take access from (street, private street, or shared driveway easement). Graphic added to Exhibit A.
<i>Title 15, Division 15.400 – Development Standards</i>			
Maximum Setback Exceptions in C-1, C-2, C3 (pp 16-17)	15.410.020(B)	The Maximum Front Yard Setbacks often conflicts with existing development patterns particularly with properties fronting Highway 99. Applying for a variance currently is the only remedy.	Revised 15.410.020(B) to provide an exception to the maximum setback, where an existing building, public utility easement, lot dimensions, topography, or similar site condition makes compliance infeasible.

1 See SB 964, Sections 8 and 9: <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB974>:

Topic (Page # Exhibit A-1a)	Newberg Municipal Code	Issue	Code Amendment Concept
Interior Setback for Lots Abutting Institutional or Community Facilities, and Lots Abutting Unincorporated Lands (pp 17-18)	15.410.030(B)(1) and (C)	Code does not say what the setback is from interior lot lines that abut an Institutional Zone or Community Facilities Zone, or that abut unincorporated properties. The presumption is that a greater setback applies where dissimilar uses abut one another but the code is unclear.	Clarified that interior yards of not less than 10 feet are required for development in C-1 or C-2 when an interior lot line is common with property zoned residential, institutional, or community facilities. For lots in any zone that abut an unincorporated property, the minimum setback is 5 feet for residential developments and 10 feet for nonresidential developments.
Fence Height (pp 18-20)	15.410.070(D)	The code limits residential fences to 6 feet in height, and the Building Code exempts from permits any fence 7 feet or less in height. A 6-foot fence is often not adequate for privacy. Fence height is measured differently between the two codes, as well.	Updated the Residential Zones fence height maximum, from 6 ft. to 7 ft., and edited other text for clarity. The 7-foot standard aligns with building code and matches other jurisdictions (McMinnville and Woodburn) but is less than the 8-foot standard that some cities allow for residential uses. See attached comparison table.
Accessory Buildings for Institutional Uses in Residential Zones (p 21)	15.415.010(C)	Current code limits institutional uses in residential zones to 2 accessory buildings which can be inadequate for schools, parks and church uses. These uses sometimes require multiple structures for grounds maintenance equipment, greenhouses, athletic facilities, workshops and similar operational needs. Based on a review of selected institutional uses in residential zones (attached), the number of accessory structures ranges from 1-9, with average lot coverage by these structures typically less than 1%.	Amended to allow more than two accessory structures provided current standards are met, including 25-foot setback, height limit 16 feet in R-1, R-3, AR, and R-P zones, except up to 800 square feet of an accessory building may have a height of up to 24 feet, and at least 15 percent of the site must be landscaped. Together, these standards should mitigate any concerns from having more than two institutional accessory structures on a site in these zones.
Utility Undergrounding Exception for Maintenance Work; and Type	15.430.010	The existing standards for undergrounding of utilities do not address work for utility pole relocations or new poles required for maintenance. This is work by	Amended 15.430 to exempt from utility undergrounding requirements maintenance work under franchise utility agreements per 12.05.350. Also amended

Topic (Page # Exhibit A-1a)	Newberg Municipal Code	Issue	Code Amendment Concept
III Projects (p 22)		a utility company that is separate from a development project and is subject to franchise utility agreements with the City, per NMC 12.05.350.	clarify Type III projects may be subject to the underground requirement, including developments requiring approval of conditional use permit, planned unit development, etc.
Signs >20 feet in Height (pp 23-24)	15.435.050(C)	Code lacks standards for signs greater than 20 feet in height. It could be interpreted that they only must meet the minimum setback for buildings which would put them closer to the property line than signs less than 20 feet in height in most cases. Staff interprets this to mean signs greater than 20 feet in height are not allowed except for lots greater than 10 acres.	Amended 15.435.050(C) to clarify signs greater than 20 feet in height are prohibited except on lots that are at least 10 acres in size in zones other than residential, C-1, and I, and that meet specific setback and street frontage standards, per existing code.
Parking Table Reference to Multiple Single-Family Dwellings On a Lot (p 25)	15.440.030	The Parking Table refers to “Dwelling, multifamily and <i>multiple single-family dwellings on a single lot</i> ”, which is no longer valid. These would be a detached Duplex, Triplex, Quadplex or Cottage Cluster, depending on the number of dwelling units.	Amended Residential portion of Parking Table in 15.440.030 to delete "and multiple single-family dwellings on a single lot".
Americans With Disabilities Act References in Development Code (pp 25-26; 28-29)	15.435.140 15.505.030	Title 15 references Americans With Disabilities Act (ADA), which is regulated by the Building Code and Engineering Design and Construction Standards. This has caused conflicts. Title 15 requires public improvements and per State land use rules, and the ADA is a federal law with rules ensuring buildings and sites are accessible to persons with disabilities.	Amended two sections to delete ADA standard and replaced with Editor Notes.
Home Occupations >1 Outside Employee (pp 27 and 13)	15.445.500 Special Use Standards for Home Occupations 15.305.020 (Zoning Use Table); and	The Zoning Use Table allows home occupations with more than one outside employee on premises with a Conditional Use Permit, but Special Use Standards say no more than one outside employee is permitted.	Amended code to clarify that more than one outside employee on premises may be permitted with a Conditional Use Permit. Text in 15.445.500 Special Use Standards and 15.305.020 Zoning Use Table are now consistent.

Topic (Page # Exhibit A-1a)	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.500 – Development Standards</i>			
Public Walkway Easement and Paved Surface (p 28-29)	15.505.030(O)(4)	15.505.030(O)(4) conflicts with 15.505.030(S).	Revised (O)(4) to refer to (S) for easement width and paved surface width requirements and replaced ADA standard in (S) with Ed Note.

Table 2: Code Maintenance Amendments – Title 12 Streets and Sidewalks (Ord. 2025-2941)

Topic (Page # Exhibit B-1a)	Newberg Municipal Code	Issue	Code Amendment Concept
Grade Set and Staking for Sidewalks (p 1)	12.05.020(B)	Code refers to City Engineer, which conflicts with standard operating procedures.	Updated per standard operating procedure.

ORDINANCE NO. 2025-2940



AN ORDINANCE AMENDING NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE, TO CLARIFY REGULATIONS, COMPLY WITH STATE LAND USE REQUIREMENTS, AND IMPROVE CUSTOMER SERVICE IN THE PERMIT PROCESS

Recitals:

1. Code Maintenance is part of the Community Development Department’s continuous improvement efforts and is a significant project priority on the Planning Division Work Program.
2. Code Maintenance implements City Council’s Goal to, “Create and maintain a high level of customer service,” including code amendments that improve predictability in the permit process.
3. The proposed code amendments were identified by staff through use and application of the code, customer feedback, and industry best practices.
4. The proposal addresses changes in state land use laws, including ORS 90.112 and ORS 197.015, definition of household for purposes of housing, and preemption of regulations defining family; ORS 197.195, limiting referral to public hearing for housing; ORS 197.015(12)(a)(B) limiting public hearings for housing; and ORS 329A, relating to childcare, which was renumbered in 2013.
5. The Newberg Planning Commission conducted two duly noticed public work sessions on July 10, 2025, and August 14, 2025, and one public hearing on October 9, 2025, to review the proposal and accept public comment.
6. On finding the proposed amendments are consistent with the Newberg Comprehensive Plan and Oregon Statewide Land Use Goals, the Planning Commission adopted Resolution 2025-400 recommending City Council approval of the code amendments.

The City of Newberg Ordains as Follows:

1. Newberg Municipal Code, Title 15, is amended as shown in Exhibits A-1a (“Annotated Amendments”) and A-1b (“Clean Copy Amendments”).
2. City Council adopts the Planning Commission Findings contained Resolution 2025-400 (Exhibit C).

Effective Date of this ordinance is 30 days after the adoption date, which is: _____, 2025.
Adopted by the City Council of Newberg, Oregon, this _____ day of _____, 2025, by the
following votes: **AYE:** **NAY:** **ABSTAIN:**

Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of _____, 2025.

Bill Rosacker, Mayor

City Council Ordinance
2025-2940
Exhibit A-1a

2025 Code Maintenance
Package

Title 15 Amendments (Annotated)

DCA25-0002: 2025 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

- Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.
- Backslashes “\” indicate text that is unchanged and has been omitted for brevity.
- Ellipses [...] indicate the text continues but is not edited beyond this point.
- The comments in text boxes summarize the proposed changes and the reasons for them.

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NMC 15.05 General Provisions

15.05.030 Definitions.

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“**Building height**” (**“height”**) means the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof, or for fences, retaining walls, and other structures to the highest point of the structure. See Appendix A, Figures 23 and 24.

Staff Comment: Clarifies “height” applies to structures other than buildings. See also, amendment to NMC 15.410.070(D) relating to height of fences and walls.

//

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

Staff Comment: Corrects inconsistency with NMC 15.415.050 which states cottages cannot exceed 900 square feet, a difference of one square foot.

//

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

Staff Comment: This clarifies that a mixed-use dwelling comprises a dwelling and another main use (one that is not a residential or accessory use) within the same building. Other definitions address two main uses on the same lot that are not within the same building. See also, amendments to NMC 15.415.010(B) and NMC 15.305.020.

//

“**Family**” means ~~(1) one or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit or (2) one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons,~~ any number of individuals regardless of familial or non-familial relationship who live together in one dwelling unit.

Staff Comment: This to comply with ORS 90.112 and ORS 197.015. “A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015 (Definitions for ORS chapters 195, 196, 197 and 197A), for any residential dwelling unit, as defined in ORS 90.100 (Definitions), if the restriction is based on the familial or nonfamilial relationships among any occupants.” (ORS 90.112)

NMC 15.100 Land Use Processes and Procedures

15.100.020 Type I procedure – Administrative decision.

A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant. There are two subcategories of Type I actions. Except as otherwise required by this code, actions indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit or business license unless no such permit is required. All other actions listed in this subsection require a Type I land use application which must be approved before building permits or a business license may be issued for the project or use.

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

1. Design review permits for single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouses, cottage cluster projects, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).

2. Home occupation permits.*

3. Signs, not in conjunction with a new development or major remodel and not including original art murals reviewed under NMC 15.435.130.*

4. Original art murals reviewed under NMC 15.435.130.

54. Adjustments.

65. Processing final land division maps and plats.

76. Manufactured homes contributing to development identified elsewhere in this subsection (B) or other additions specifically listed in NMC 15.220.020(A)(1).

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

Staff Comments: This amendment makes the general procedures section consistent with existing site design review procedures for signs in NMC 15.220.020(A)(1) and streamlines and reduces the cost of permitting for home occupations.

15.100.220 Additional notice procedures of Type II development applications

In addition to the requirements of NMC 15.100.210, mailed notice for development actions shall also contain the following:

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
- F. Briefly summarize the local decision-making process.
- ~~G. Type II notice for subdivisions shall also include a description of how an interested party may request a public hearing before the planning commission.~~

Staff Comments: This is a change to comply with state law. Land division applications cannot be “elevated” to public hearing unless appealed, per ORS 197.195, as amended by Senate Bill 1537, Section 45 (2024). See also, amendment to NMC 15.235.030(A)(6).

15.220.020 Type I adjustments and approval criteria.

Background: The following amendments include minor policy changes and clarifications to streamline the permit process and improve customer service for more types of minor projects and decisions, consistent with state law, the Comprehensive Plan, and Council Goals. These also address compliance with state law.

The director may authorize adjustments from the following requirements through a Type I procedure subject to the following:

A. Yard Setback Dimensions, Lot Area, Percentage of Lot Coverage, Parking Coverage, and Lot Dimensions.

1. The director may approve adjustments to:

a. Setbacks/Street Trees. Maximum adjustment of 25 percent of the dimensional standards for front yard setback requirements and the spacing of street trees.

b. Lot Area. Maximum adjustment of five percent of the lot area required, A lot area except that an adjustment shall not be granted, ~~thereby~~ if it would allowing a greater number of dwelling units than that permitted without the adjustment.

c. ~~Percentage of Lot Coverage and Parking Coverage.~~ Maximum adjustment of two percent more than the standard ~~permitted for all land uses~~, except the maximum parking area coverage for uses in the R-3 districts may be increased by up to 50 percent.

d. Lot Dimensions. Maximum of 10 percent of the required lot dimensions or frontages.

Staff Comments: The code amendment clarifies that code adjustments can be applied to parking coverage outside of the R-3 district, which appears to be the intent. Situations that justify minor increases in lot coverage also apply to parking adjustments, and the applicable standards for these adjustments (preservation of natural features; adequate light, air, and privacy; and emergency access, etc.) ensure that they do not negatively impact neighbors.

NMC 15.220 Site Design Review

15.220.020 Site design review applicability.

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

1. Type I. There are two subcategories of Type I site design review. Except as otherwise required by this code, uses listed in this subsection and indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit when such permit is required. All other uses listed in this subsection require a Type I land use application which must be approved before building permits may be issued for the project.

//

g. Institutional, commercial or industrial building additions which do not exceed 1,000 square feet or 10 percent of the gross floor area of an existing structure, whichever is greater, except as required by this code;

//

j. New construction of any type that is accessory to an existing use on a developed site, does not add more than 1,000 square feet to an improved portion of the lot, or 10 percent of the gross floor area of an existing structure, whichever is greater, and does not add dwelling units;

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

<p>Staff Comments: Current practices is to review sign permits with a building permit to ensure code compliance, not a separate design review. Other subsections that are unmodified, above and below, are provided for context.</p>

l. Parking area modifications, including new paving, landscaping, lighting, restriping that adds, reduces, or reconfigures a parking space or drive aisle, or regrading of an existing multifamily, institutional, commercial or industrial parking lot. Does not include restriping, sealing, and similar maintenance and repair;

m. Fences and trash enclosures*;

n. Accessory dwelling units*.

2. Type II.

- a. Any new development or remodel which is not specifically identified within subsection (A)(1) or (A)(3) of this section.
- b. Telecommunications facilities.

3. Type III.

- ~~a. Multifamily dwellings in the R-2, RP or C-4 zone not meeting the objective process requirements of NMC 15.220.060.~~
- ~~b. a. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).~~
- e. b. Multifamily dwellings in the C-3 zone along Hancock Street (conditional use permit also required).

Staff Comments: State law preempts local code. The City cannot require a Type III review for multifamily uses except where the applicant requests a discretionary review or a variance or conditional use permit is required. (ORS 197.015(12)(a)(B))

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

- a. Replacement of an existing item such as a roof, floor, door, window or siding.
- b. Remodels that are completely internal to an existing structure and do not substantially change or expand the existing use of the structure.

[...]

NMC 15.235 Land Divisions

15.235.030 Preliminary plat approval process.

A. Review of Preliminary Plat. All preliminary plats are subject to the approval criteria in NMC 15.235.050. Preliminary plats shall be processed using the Type II procedure under Chapter 15.100 NMC, except that subdivisions with any of the following conditions present shall be processed using the Type III procedure under Chapter 15.100 NMC:

1. The land is not fully within the city limits or urban growth boundary;
2. The land contains Goal 5 resources which are mapped and designated in the comprehensive plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas and natural resources;
3. The proposed land division does not comply with the minimum street connectivity standards identified in NMC 15.505.030;
4. The proposed land division does not provide enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted in the zoning designation for the site;
5. The applicant requests, in writing and at the time of application, that the proposal be referred to the planning commission for a decision, ~~or~~
6. ~~A written request for the application to be heard by the planning commission is submitted by a member of the public during the 14-day public comment period provided for in NMC 15.100.200 et seq.~~

Staff Comments This is a change to comply with state law. Land division applications cannot be “elevated” to public hearing unless appealed, per ORS 197.195, as amended by Senate Bill 1537, Section 45 (2024). See also, amendment to NMC 15.235.030(A)(6).

15.235.070 Final plat submission requirements and approval criteria.

Final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

A. Submission Requirements. The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.

2. Written response to any conditions of approval assigned to the land division describing how conditions of approval have been met.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedications, easements, or other documents.
5. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner's association, including but not limited to a draft homeowner's association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
6. Copies of any required maintenance agreements for common property.
- ~~7. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.~~
- ~~8~~7. Any other item required by the city to meet the conditions of approval assigned to the land division, including documentation of closeout of the Public Improvement Permit for any required public infrastructure improvements.

B. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

Staff Comments: Bond reference in 15.235.070(A)(7) does not align with 15.235.060 and current practice for the Public Improvement Permit closeout prior to the final plat. All required public infrastructure improvements are required to be fully complete prior to final plat approval. Section 15.235.060(B) addresses early issuance of residential building permits prior to final plat when certain criteria is met.

NMC 15.240 PD Planned Unit Development Regulations

15.240.020 General provisions.

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Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. For non-multifamily developments only the provisions that apply must be addressed. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

Staff Comments: Text is unclear of whether design standards in 15.220.060 apply to PUDS that do not contain multi-family development. Past practice is that they do. This to provide clarification that regardless of planned building type, they must comply with the relevant provisions of 15.220.060

NMC 15.305 Zoning Use Table

Staff Comments: Amendments to Zoning Use Table begin on next page.

15.305.020 Zoning use table – Use districts.

#	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	M-5	CF	I	AR	AI	Notes and Special Use Standards	
200	RESIDENTIAL USES																						
Def.	Dwelling, mixed use					<u>P</u>	P(9)	P(10)	P(8)/C(5)	P(11)	X	C	C				P(10)						
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 15.445.500	
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 15.445.500	
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(13)		P	P(13)		ORS Chapter 657 <u>329A</u>	
312	Day care	P	P	P	C	P	P	P	P		P	P	P	C	C	P	P		P		P(14)	ORS Chapter 657 <u>329A</u>	

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.

(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

Staff Comments for Zoning Use Table: For the following revisions,

- Mixed Use Dwelling added as a permitted use in RP district. The purpose of the RP district is to provide for a desirable mixing of residential land uses with medical and local business offices. The omission of mixed use dwelling from the RP zone is in conflict with the purpose of the zone. See also, amendment to NMC 15.05.030 Definition of Dwelling, Mixed Use.
- Family child care and day care uses updated to have correct state law reference to ORS 329A.
- The existing “Home occupation (no more than one outside paid employee)” text is provided for reference. See also, proposed amendment to NMC 15.445.500 Special Use Standards for Home Occupations for consistency with the Use Table.

NMC 15.326 Springbrook (SD) District

15.326.025 Springbrook Master Plan Develop Standards Matrix

Staff Comment: The only amendments to the Springbrook District standards are to clarify the garage setback standard as it applies to garages that receive access from a shared drive. See also, the amendment to NMC 15.410.020(A). Table begins on next page.

DEVELOPMENT STANDARDS MATRIX

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DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID – RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
LOT REQUIREMENTS						
FRONT YARD SETBACK	Minimum 15 feet, except minimum 10 feet for porches and similar entry features. Minimum 20 feet for garage <u>subject to standards of NMC 15.410.020(A).</u>	R-3 <u>Minimum 20 feet for garage subject to standards of NMC 15.410.020(A)</u>	C-1	No minimum	No minimum setback. No maximum setback, if area between building and property line contains public space or landscaping	Minimum 20 feet or equal to height of building, if adjacent to residential uses
INTERIOR YARD SETBACKS	R-1	R-3	10 feet if abutting residential zones	M-1	C-3	Minimum 20 feet
SETBACKS AND YARD RESTRICTIONS AS TO SCHOOLS, CHURCHES, PUBLIC BUILDINGS					Does not apply	
MINIMUM LOT AREA	Minimum 2,900 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for triplex dwellings Minimum 7,000 square feet for quadplex dwellings and cottage clusters	Minimum 1,800 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for triplex dwellings Minimum 6,000 square feet for quadplex dwellings and cottage clusters	C-1	M-1	C-3 (Minimum 1,800 square feet)	Minimum 5,000 square feet
MINIMUM LOT DIMENSIONS	The standard City lot frontage requirement applies Minimum lot width shall be 32 feet, except minimum 20 feet for middle housing dwelling units	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies

[...]

NMC 15.410 Yard Setback Requirements

15.410.020 Front yard setback.

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

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.
2. R-3 and RP districts shall have a front yard of not less than 12 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than eight feet. Said yard shall be landscaped and maintained.
3. The vehicle entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street from which access will be provided, or from the closest shared driveway, as applicable. ~~H~~However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only. Where a garage is placed less than 20 feet from an abutting street property line under this standard, a minimum of 10 percent of the surface area of the street-facing façade of that garage must include windows or entrance doors to avoid the appearance of blank walls (See Appendix A, Figure 37).

[...]

Staff Comment: The amendments clarify the garage setback standard as it applies to garages that receive access from a shared drive and add a design standard to avoid the appearance of a blank garage wall close to the street. For a garage that is 24 feet deep with a ceiling height of 8 feet, the surface area of the corresponding side wall would be approximately 192 square feet, of which 10% or 19 square feet would be comprised of windows. The design and placement of windows is flexible to maintain a garage’s functionality for parking and storage.

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet except as allowed by 15.410.020(B)(5). A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.
2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10

feet except as allowed by 15.410.020(B)(5). A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99W when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet except as allowed by 15.410.020(B)(5). In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

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

5. The maximum front yard setbacks in NMC 15.410.020(B) do not apply where an existing building, public utility easement, lot dimensions, topography, or similar site constraint beyond the applicant's control make compliance with the standard infeasible.

Staff Comment: The amendments address situations where it is not possible to comply with the maximum front yard setback due to existing development patterns or other site constraints. This is a frequent issue with commercially zoned properties adjacent to Highway 99W. Currently, a variance is the only remedy and the City consistently approves such variances.

\\

15.410.030 Interior yard setback.

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.
2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.
3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.
4. All lots with new multifamily dwellings shall have interior yards of not less than eight feet adjacent to lot lines shared with existing single-family dwellings. All other multifamily dwellings shall meet the provisions of subsection (A)(1) of this section.

B. Commercial.

1. All lots or development sites in the C-1 and C-2 districts have no interior yards required where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, institutional, or community facilities, interior yards of not less than 10 feet shall be required opposite the residential ~~districts~~ institutional or community facilities district.
2. All lots or development sites in the C-3 district shall have no interior yard requirements.
3. All lots or development sites in the C-4 district will comply with the interior yard requirements described in NMC 15.352.040(E).

C. Industrial and Mixed Employment. All lots or development sites in the AI, M-1, M-2, M-3, M-4, M-5, and M-E districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, institutional, or community facilities, interior yards of not less than 10 feet shall be required opposite the residential, institutional, or community facilities districts.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district.

E. Where an interior lot line abuts a lot that is not within the city limits of Newberg, the minimum interior yard setback is 5 feet for residential developments and 10 feet for nonresidential developments.

Staff Comment: The amendments address the lack of an interior setback standard for lots that abut institutional or community facilities zones, or unincorporated lands (county zoning).

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:

//

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. Interior Yards. Not to exceed ~~six-seven~~ feet in height. ~~Located or maintained~~ within the required interior yards. ~~For purposes of fencing only,~~ On lots that are corner lots or through lots, the property owner may select ~~selects~~ one of the street frontages as the ~~as-is a~~ front yard for purposes of fence height regulation, 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.

Staff Comment: Updated to 7 feet to match nominal building code exemption which changed from 6 feet to 7 feet in 2023. The standard also promotes privacy and good neighbor relations while reflecting industry standards among peer cities. See attached table comparing Newberg’s and other cities’ standards.

b. Front Yards. Not to exceed four feet in height. See also NMC 410.070.a for fence height on corner lots and through lots. ~~Not to exceed four feet in height. Located or maintained within all other front yards.~~

Staff Comment: Clarifies text and adds cross-reference to updated “height” definition.

2. In any commercial, industrial, institutional, community facilities, 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. Interior Yards. Not to exceed eight feet in height within the required interior yards. On lots that are corner lots or through lots, the property owner may select selects one of the street frontages as the as-is a front yard for purposes of fence height regulation, and all other yards shall be considered as interior yards. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060. Note that NMC 15.05.030 defines height is measured from grade, while height for purposes of building code applicability is measured from the bottom of the structure including footings or foundation.

Staff Comment: Updated language for consistency with subsection 1 without changing the 8-foot height limitation.

b. Front Yards. Not to exceed four feet in height. See also NMC 410.070.a for fence height on corner lots and through lots.

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.~~

//

Staff Comment: Clarifies text for consistency with subsection 1 without changing the 4-foot height limitation.

[Editor Note: NMC 15.05.030 defines height is measured from grade, while height for purposes of building code applicability is measured from the bottom of the structure including footings or foundation.]

NMC 15.415 Building and Site Design Standards

15.415.010 Main buildings and uses as accessory buildings

- A. Hereinafter, any building which is the only building on a lot is a main building.
- B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.
- C. In any residential district, there shall be no more than two accessory buildings on any lot or development site except that institutional uses may have more than two accessory buildings provided the 25-foot yard setback of NMC 15.410.030(D) and NMC 15.410.040 and other applicable standards are met.

Staff Comment: Current code limits institutional uses in residential zones to 2 accessory buildings which can be inadequate for schools, parks and church uses. These uses sometimes require multiple structures for grounds maintenance equipment, greenhouses, athletic facilities, workshops and similar operational needs. Based on a review of selected institutional uses in residential zones (attached), the number of accessory structures ranges from 0-9, with average lot coverage by these structures typically less than 1%.

The code currently requires a 25-foot setback for schools, churches, and public, semi-public, and institutional uses in residential zones. Additionally, accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except up to 800 square feet of an accessory building may have a height of up to 24 feet. (NMC 15.415.020(A)(4)) At least 15 percent of the site must be landscaped. Together, these standards should mitigate any concerns from having more than two institutional accessory structures on a site in these zones.

NMC 15.430 Underground Utility Installation

15.430.010 Underground utility installation

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, new poles and other facilities required for maintenance under franchise utility agreements, and high-capacity electric lines operating at 50,000 volts or above.

B. Existing utility lines shall be placed underground when any of the following occur:

1. They are relocated, unless required as maintenance subject to a franchise utility agreement;

2. When an addition or remodel requiring a Type II or Type III approval design review is proposed;

3. When a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

1. The cost of undergrounding the utility is extraordinarily expensive.

2. There are physical factors that make undergrounding extraordinarily difficult.

3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.

Staff Comment: The existing standards and exceptions for required undergrounding of utilities do not address work for utility pole relocations or new poles as required for maintenance. This is work by a utility company that is separate from a development project and is subject to a franchise utility agreement with the city per NMC 12.05.350. Subsection 'B' also omits projects that are subject to Type III review, including those that require conditional use permits or Planned Unit Development approvals, which should be included.

NMC 15.435 Signs

15.435.050 Major Freestanding Signs.

A. Number.

1. Residential, I, and CF Zones. One major freestanding sign is allowed on each street frontage, plus one sign for each full 600 feet of street frontage. Only one sign on each street frontage may be an animated sign.
2. Other Zones. Not more than one major freestanding sign shall be located on any one street frontage.

B. Size.

1. Residential Zones. No major freestanding sign shall be larger than 0.2 square feet per foot of street frontage, up to a maximum of 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single-family dwelling or duplex.
2. C-1 and I Zones. No major freestanding sign shall be larger than one-half square foot per foot of street frontage, up to a maximum of 100 square feet. At least 12 square feet of signage will be allowed.
3. Other Zones. No major freestanding sign shall be larger than one square foot per foot of street frontage, up to a maximum of 100 square feet. At least 40 square feet of signage will be allowed. For any lot at least 10 acres in size with at least 200 feet of frontage on a street, the one sign on that street may be up to 200 square feet total size.

C. Height and Setbacks. Freestanding signs regulated by this section are not subject to the setback requirements of NMC 15.410.010 through 15.410.070 or the projecting building features requirements of said sections. Height and setbacks of freestanding signs shall conform to the following height limitations and other requirements:

1. C-3 Zone. No major freestanding signs shall be allowed greater than six feet in height.
2. Other Zones.
 - a. A sign up to three feet in height is not required to be set back from any property line.
 - b. A sign taller than three feet and up to six feet shall be set back at least five feet from any property line.

c. A sign taller than six feet and up to eight feet shall be set back at least 10 feet from any front property line and five feet from any interior property line.

d. A sign taller than eight feet and up to 15 feet shall be set back at least 15 feet from any front property line and five feet from any interior property line.

e. A sign taller than 15 feet and up to 20 feet shall be set back at least 20 feet from the front property line and five feet from any interior property line.

f. A sign taller than 20 feet is not permitted except as provided by NMC 15.435.050(C)(2)(g).

~~f.g.~~ A sign on a lot that is at least 10 acres in size in a zone other than residential, C-1, or I and that has at least 200 feet of frontage on a street may be up to 30 feet high, provided it is set back at least 20 feet from the front property line and at least 10 feet from any interior property line.

<p>Staff Comment: Current code omits setback standards for signs between 20-30 feet in height suggesting that they are not allowed except as provided in former subsection “f”. For reference, 30 feet is about the height of a 2½ story house.</p>
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NMC 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways

Table 15.440.030(A) Minimum Parking Spaces Required and Maximum Parking Spaces Allowed by Use

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		Uses fronting a street with abutting on-street parking	Uses fronting no street with abutting on-street parking	
Residential Types				
Dwelling, multifamily and multiple single-family dwellings on a single lot				
Studio or one-bedroom unit	1	1.2	1.5	Per dwelling unit
Two-bedroom unit	1.5	1.8	2.25	Per dwelling unit
Three- and four-bedroom units	2	2.4	3	Per dwelling unit
Five- or more bedroom unit	0.75	0.9	1.13	Spaces per bedroom

Staff Comment: “Multiple single-family dwellings on a lot” are not a type of use anymore. They are now classified as units of middle housing (duplex, triplex, quadplex, cottage cluster).

15.435.140 Private Walkway Design.

~~A. All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.~~

AB. Required private walkways shall be a minimum of four feet wide.

BC. Required private walkways shall be constructed of portland cement concrete or brick.

CD. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.

DE. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.

EF. The review body may require on-site walks to connect to development on adjoining sites.

FG. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.3.]

[Editorial Note: Compliance with Americans With Disabilities Act requirements under applicable building codes, and engineering design and construction standards for public improvements, is also required.]

Staff Comment: Reference to ADA standards is removed from the Title 15 standards as ADA is regulated by the Building code or Engineering Design and Construction Standards. This has caused some confusion and conflict in the past. In its place, an editorial note is added.

NMC 15.445 Special Use Standards

15.445.500 Home Occupation.

Home occupations shall be processed as a Type I procedure pursuant to 15.100.020. Home occupation uses shall comply with the following standards:

~~A. Signs shall comply with the standards of NMC 15.435.010 et seq.~~

~~BA.~~ There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.

~~CB.~~ The building retains the characteristics of a residence.

~~DC.~~ There is no outside storage of materials, parts, tools, supplies, or other items related to the use as a home occupation, other than nursery plants.

~~ED.~~ No more than one outside paid employee shall be permitted to work at the residence at any given time. A home occupation with more than one outside employee requires approval of a conditional use permit pursuant to NMC 15.305.020.

~~FE.~~ The use does not destroy the residential character of the neighborhood.

~~GE.~~ All work being performed at the site is done within the confines of a building and no noise, odor, dust, smoke or other evidence of the home occupation permeates beyond the confines of the property.

~~HG.~~ The home occupation is incidental to the use of the building and site for residential purposes.

~~HH.~~ The work does not involve the use of hazardous substances or materials which might create a fire hazard or danger to the environment or neighboring properties, including but not limited to gasoline, paint, oxygen/acetylene tanks, or other flammable or hazardous materials. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25.]

<p>Staff Comment: The conditional use edits are for consistency with the zoning use table which allows home occupations to have more than one outside employee with a conditional use permit.</p>
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NMC 15.505 Public Improvement Standards

15.505.030 Street Standards

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O. Platting Standards for Blocks.

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4. Public Pedestrian Walkways and Bicycle Access. The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. ~~A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards).~~ Public walkways shall meet the requirements of NMC 15.505.030(S).

Design features should be considered that allow access to emergency vehicles but that restrict access to non-emergency motorized vehicles.

Staff Comment: The above amendment is to have consistency in code regarding the requirements in public walkways.

//

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.

3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.

~~4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.~~

~~5.4.~~ Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.

~~6.5.~~ The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

~~7.6.~~ Lighting may be required for public walkways in excess of 250 feet in length.

~~8.7.~~ The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

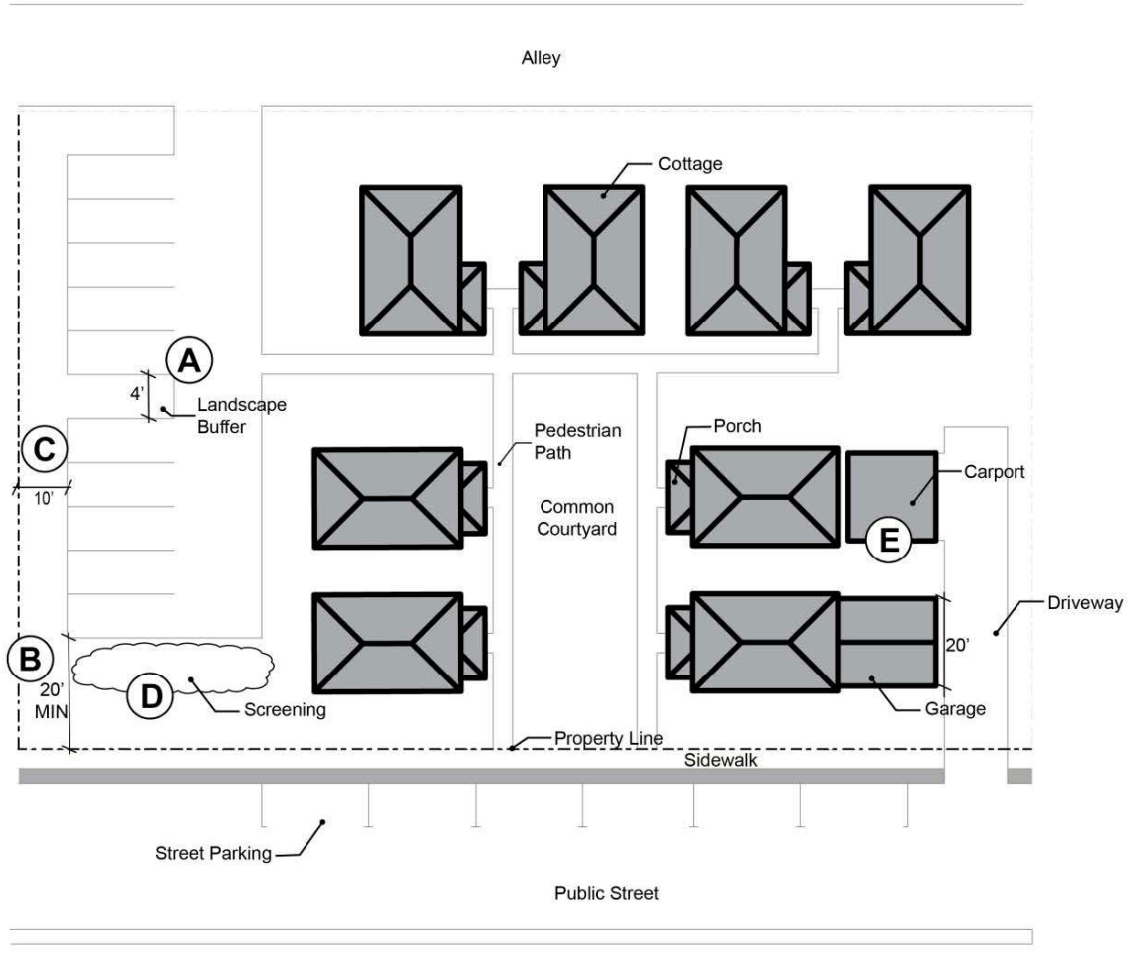
[Editorial Note: Compliance with Americans With Disabilities Act requirements under applicable building codes, and engineering design and construction standards for public improvements, is also required.]

<p>Staff Comment: Reference to ADA standards is removed from the Title 15 standards as ADA is regulated by the Building code or Engineering Design and Construction Standards. This has caused some confusion and conflict in the past. In its place, an editorial note is added.</p>
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Appendix A: Figures

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Figure 36: Cottage Cluster Orientation and Common Courtyard Standard



- (A)** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- (B)** No parking or vehicle area within 20 feet from street property line (except alley).
- (C)** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- (D)** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- (E)** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Figure 37: Side Loaded Garages



A

10% of Street Facing Façade must include windows and doors.

City Council Ordinance 2025-2940
Exhibit A-1b

2025 Code Maintenance Package
Title 15 Amendments (Clean Copy)

DCA25-0002: 2025 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

- This draft is a “clean copy” with all track changes and commentary removed.
- For reference, see track changes and commentary in Exhibit A-1a.

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NMC 15.05 General Provisions

15.05.030 Definitions.

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“**Building height**” (“**height**”) means the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof, or for fences, retaining walls, and other structures to the highest point of the structure. See Appendix A, Figures 23 and 24.

//

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

//

“**Dwelling, mixed use**” means a dwelling on a lot that has separate nonresidential uses within the same building such as an apartment provided on a second floor of a commercial building.

“**Mixed-use dwelling**” excludes a caretaker dwelling.

//

“**Family**” means any number of individuals regardless of familial or non-familial relationship who live together in one dwelling unit.

NMC 15.100 Land Use Processes and Procedures

15.100.020 Type I procedure – Administrative decision.

A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant. There are two subcategories of Type I actions. Except as otherwise required by this code, actions indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit or business license unless no such permit is required. All other actions listed in this subsection require a Type I land use application which must be approved before building permits or a business license may be issued for the project or use.

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

1. Design review permits for single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouses, cottage cluster projects, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).
2. Home occupation permits.*
3. Signs, not in conjunction with a new development or major remodel and not including original art murals reviewed under NMC 15.435.130.*
4. Original art murals reviewed under NMC 15.435.130.
5. Adjustments.
6. Processing final land division maps and plats.
7. Manufactured homes contributing to development identified elsewhere in this subsection (B) or other additions specifically listed in NMC 15.220.020(A)(1).
8. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

15.100.220 Additional notice procedures of Type II development applications

In addition to the requirements of NMC 15.100.210, mailed notice for development actions shall also contain the following:

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
- F. Briefly summarize the local decision-making process.

15.220.020 Type I adjustments and approval criteria.

The director may authorize adjustments from the following requirements through a Type I procedure subject to the following:

A. Yard Setback Dimensions, Lot Area, Percentage of Lot Coverage, Parking Coverage, and Lot Dimensions.

1. The director may approve adjustments to:

- a. Setbacks/Street Trees. Maximum adjustment of 25 percent of the dimensional standards for front yard setback requirements and the spacing of street trees.
- b. Lot Area. Maximum adjustment of five percent of the lot area required, except that an adjustment shall not be granted if it would allow a greater number of dwelling units than that permitted without the adjustment.
- c. Lot Coverage and Parking Coverage. Maximum adjustment of two percent more than the standard except the maximum parking area coverage for uses in the R-3 districts may be increased by up to 50 percent.
- d. Lot Dimensions. Maximum of 10 percent of the required lot dimensions or frontages.

NMC 15.220 Site Design Review

15.220.020 Site design review applicability.

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

1. Type I. There are two subcategories of Type I site design review. Except as otherwise required by this code, uses listed in this subsection and indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit when such permit is required. All other uses listed in this subsection require a Type I land use application which must be approved before building permits may be issued for the project.

//

g. Institutional, commercial or industrial building additions which do not exceed 1,000 square feet or 10 percent of the gross floor area of an existing structure, whichever is greater, except as required by this code;

//

j. New construction of any type that is accessory to an existing use on a developed site, does not add more than 1,000 square feet to an improved portion of the lot, or 10 percent of the gross floor area of an existing structure, whichever is greater, and does not add dwelling units;

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

l. Parking area modifications, including new paving, landscaping, lighting, restriping that adds, reduces, or reconfigures a parking space or drive aisle, or regrading of an existing multifamily, institutional, commercial or industrial parking lot. Does not include restriping, sealing, and similar maintenance and repair;

m. Fences and trash enclosures*;

n. Accessory dwelling units*.

2. Type II.

a. Any new development or remodel which is not specifically identified within subsection (A)(1) or (A)(3) of this section.

b. Telecommunications facilities.

3. Type III.

a. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).

b. Multifamily dwellings in the C-3 zone along Hancock Street (conditional use permit also required).

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

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

b. Remodels that are completely internal to an existing structure and do not substantially change or expand the existing use of the structure.

[...]

NMC 15.235 Land Divisions

15.235.030 Preliminary plat approval process.

A. Review of Preliminary Plat. All preliminary plats are subject to the approval criteria in NMC 15.235.050. Preliminary plats shall be processed using the Type II procedure under Chapter 15.100 NMC, except that subdivisions with any of the following conditions present shall be processed using the Type III procedure under Chapter 15.100 NMC:

1. The land is not fully within the city limits or urban growth boundary;
2. The land contains Goal 5 resources which are mapped and designated in the comprehensive plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas and natural resources;
3. The proposed land division does not comply with the minimum street connectivity standards identified in NMC 15.505.030;
4. The proposed land division does not provide enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted in the zoning designation for the site;
5. The applicant requests, in writing and at the time of application, that the proposal be referred to the planning commission for a decision.

15.235.070 Final plat submission requirements and approval criteria.

Final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

A. Submission Requirements. The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.
2. Written response to any conditions of approval assigned to the land division describing how conditions of approval have been met.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedications, easements, or other documents.

5. Copies of all homeowner’s agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner’s association, including but not limited to a draft homeowner’s association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.

6. Copies of any required maintenance agreements for common property.

7. Any other item required by the city to meet the conditions of approval assigned to the land division, including documentation of closeout of the Public Improvement Permit for any required public infrastructure improvements.

B. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

NMC 15.240 PD Planned Unit Development Regulations

15.240.020 General provisions.

//

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. For non-multifamily developments only the provisions that apply must be addressed. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

NMC 15.305 Zoning Use Table

15.305.020 Zoning use table – Use districts.

#	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	M-5	CF	I	AR	AI	Notes and Special Use Standards	
200	RESIDENTIAL USES																						
Def.	Dwelling, mixed use					<u>P</u>	P(9)	P(10)	P(8)/C(5)	P(11)	X	C	C				P(10)						
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 15.445.500	
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 15.445.500	
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(13)		P	P(13)		ORS Chapter 657 <u>329A</u>	
312	Day care	P	P	P	C	P	P	P	P		P	P	P	C	C	P	P		P		P(14)	ORS Chapter 657 <u>329A</u>	

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.

(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

Staff Comments for Zoning Use Table: For the following revisions,

- Mixed Use Dwelling added as a permitted use in RP district. The purpose of the RP district is to provide for a desirable mixing of residential land uses with medical and local business offices. The omission of mixed use dwelling from the RP zone is in conflict with the purpose of the zone. See also, amendment to NMC 15.05.030 Definition of Dwelling, Mixed Use.
- Family child care and day care uses updated to have correct state law reference to ORS 329A.
- The existing “Home occupation (no more than one outside paid employee)” text is provided for reference. See also, proposed amendment to NMC 15.445.500 Special Use Standards for Home Occupations for consistency with the Use Table.

NMC 15.326 Springbrook (SD) District

15.326.025 Springbrook Master Plan Develop Standards Matrix

DEVELOPMENT STANDARDS MATRIX

//

DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID – RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
LOT REQUIREMENTS						
FRONT YARD SETBACK	Minimum 15 feet, except minimum 10 feet for porches and similar entry features. Minimum 20 feet for garage <u>subject to standards of NMC 15.410.020(A).</u>	R-3 <u>Minimum 20 feet for garage subject to standards of NMC 15.410.020(A)</u>	C-1	No minimum	No minimum setback. No maximum setback, if area between building and property line contains public space or landscaping	Minimum 20 feet or equal to height of building, if adjacent to residential uses
INTERIOR YARD SETBACKS	R-1	R-3	10 feet if abutting residential zones	M-1	C-3	Minimum 20 feet
SETBACKS AND YARD RESTRICTIONS AS TO SCHOOLS, CHURCHES, PUBLIC BUILDINGS					Does not apply	
MINIMUM LOT AREA	Minimum 2,900 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for triplex dwellings Minimum 7,000 square feet for quadplex dwellings and cottage clusters	Minimum 1,800 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for triplex dwellings Minimum 6,000 square feet for quadplex dwellings and cottage clusters	C-1	M-1	C-3 (Minimum 1,800 square feet)	Minimum 5,000 square feet
MINIMUM LOT DIMENSIONS	The standard City lot frontage requirement applies Minimum lot width shall be 32 feet, except minimum 20 feet for middle housing dwelling units	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies

[...]

NMC 15.410 Yard Setback Requirements

15.410.020 Front yard setback.

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

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.
2. R-3 and RP districts shall have a front yard of not less than 12 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than eight feet. Said yard shall be landscaped and maintained.
3. The vehicle entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street from which access will be provided, or from the closest shared driveway, as applicable, however, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only. Where a garage is placed less than 20 feet from an abutting street property line under this standard, a minimum of 10 percent of the surface area of the street-facing façade of that garage must include windows or entrance doors to avoid the appearance of blank walls (See Appendix A, Figure 37).

[...]

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet except as allowed by 15.410.020(B)(5). A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.
2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet except as allowed by 15.410.020(B)(5). A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99W when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet except as allowed by 15.410.020(B)(5). In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

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

5. The maximum front yard setbacks in NMC 15.410.020(B) do not apply where an existing building, public utility easement, lot dimensions, topography, or similar site constraint beyond the applicant's control make compliance with the standard infeasible.

\\

15.410.030 Interior yard setback.

A. Residential.

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

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

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

4. All lots with new multifamily dwellings shall have interior yards of not less than eight feet adjacent to lot lines shared with existing single-family dwellings. All other multifamily dwellings shall meet the provisions of subsection (A)(1) of this section.

B. Commercial.

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

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

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

C. Industrial and Mixed Employment. All lots or development sites in the AI, M-1, M-2, M-3, M-4, M-5, and M-E districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said

districts are common with property zoned residentially, institutional, or community facilities, interior yards of not less than 10 feet shall be required opposite the residential, institutional, or community facilities districts.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district.

E. Where an interior lot line abuts a lot that is not within the city limits of Newberg, the minimum interior yard setback is 5 feet for residential developments and 10 feet for nonresidential developments.

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:

//

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. Interior Yards. Not to exceed seven feet in height within the required interior yards. On lots that are corner lots or through lots, the property owner ~~may select~~ selects one of the street frontages as the ~~as-is a~~-front yard for purposes of fence height regulation, and all other yards shall be considered as interior yards. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.

b. Front Yards. Not to exceed four feet in height. See also NMC 410.070.a for fence height on corner lots and through lots.

2. In any commercial, industrial, institutional, community facilities, 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. Interior Yards. Not to exceed eight feet in height within the required interior yards. On lots that are corner lots or through lots, the property owner ~~may select~~ selects one of the street frontages as the ~~as-is a~~-front yard for purposes of fence height regulation, and all other yards shall be considered as interior yards. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060. Note that NMC 15.05.030 defines height is measured from grade, while height for purposes of building code applicability is measured from the bottom of the structure including footings or foundation.

b. Front Yards. Not to exceed four feet in height. See also NMC 410.070.a for fence height on corner lots and through lots.

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[Editor Note: NMC 15.05.030 defines height is measured from grade, while height for purposes of building code applicability is measured from the bottom of the structure including footings or foundation.]

NMC 15.415 Building and Site Design Standards

15.415.010 Main buildings and uses as accessory buildings

- A. Hereinafter, any building which is the only building on a lot is a main building.
- B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.
- C. In any residential district, there shall be no more than two accessory buildings on any lot or development site except that institutional uses may have more than two accessory buildings provided the 25-foot yard setback of NMC 15.410.030(D) and NMC 15.410.040 and other applicable standards are met.

NMC 15.430 Underground Utility Installation

15.430.010 Underground utility installation

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, new poles and other facilities required for maintenance under franchise utility agreements, and high-capacity electric lines operating at 50,000 volts or above.

B. Existing utility lines shall be placed underground when any of the following occur:

- 1. They are relocated, unless required as maintenance subject to a franchise utility agreement;
- 2. When an addition or remodel requiring a Type II or Type III approval is proposed;
- 3. When a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

- 1. The cost of undergrounding the utility is extraordinarily expensive.

2. There are physical factors that make undergrounding extraordinarily difficult.
3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.

NMC 15.435 Signs

15.435.050 Major Freestanding Signs.

A. Number.

1. Residential, I, and CF Zones. One major freestanding sign is allowed on each street frontage, plus one sign for each full 600 feet of street frontage. Only one sign on each street frontage may be an animated sign.
2. Other Zones. Not more than one major freestanding sign shall be located on any one street frontage.

B. Size.

1. Residential Zones. No major freestanding sign shall be larger than 0.2 square feet per foot of street frontage, up to a maximum of 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single-family dwelling or duplex.
2. C-1 and I Zones. No major freestanding sign shall be larger than one-half square foot per foot of street frontage, up to a maximum of 100 square feet. At least 12 square feet of signage will be allowed.
3. Other Zones. No major freestanding sign shall be larger than one square foot per foot of street frontage, up to a maximum of 100 square feet. At least 40 square feet of signage will be allowed. For any lot at least 10 acres in size with at least 200 feet of frontage on a street, the one sign on that street may be up to 200 square feet total size.

C. Height and Setbacks. Freestanding signs regulated by this section are not subject to the setback requirements of NMC 15.410.010 through 15.410.070 or the projecting building features requirements of said sections. Height and setbacks of freestanding signs shall conform to the following height limitations and other requirements:

1. C-3 Zone. No major freestanding signs shall be allowed greater than six feet in height.
2. Other Zones.

- a. A sign up to three feet in height is not required to be set back from any property line.
- b. A sign taller than three feet and up to six feet shall be set back at least five feet from any property line.
- c. A sign taller than six feet and up to eight feet shall be set back at least 10 feet from any front property line and five feet from any interior property line.
- d. A sign taller than eight feet and up to 15 feet shall be set back at least 15 feet from any front property line and five feet from any interior property line.
- e. A sign taller than 15 feet and up to 20 feet shall be set back at least 20 feet from the front property line and five feet from any interior property line.
- f. A sign taller than 20 feet is not permitted except as provided by NMC 15.435.050(C)(2)(g).
- g. A sign on a lot that is at least 10 acres in size in a zone other than residential, C-1, or I and that has at least 200 feet of frontage on a street may be up to 30 feet high, provided it is set back at least 20 feet from the front property line and at least 10 feet from any interior property line.

NMC 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways

Table 15.440.030(A) Minimum Parking Spaces Required and Maximum Parking Spaces Allowed by Use

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		Uses fronting a street with abutting on-street parking	Uses fronting no street with abutting on-street parking	
Residential Types				
Dwelling, multifamily				
Studio or one-bedroom unit	1	1.2	1.5	Per dwelling unit
Two-bedroom unit	1.5	1.8	2.25	Per dwelling unit
Three- and four-bedroom units	2	2.4	3	Per dwelling unit
Five- or more bedroom unit	0.75	0.9	1.13	Spaces per bedroom

15.435.140 Private Walkway Design.

- A. Required private walkways shall be a minimum of four feet wide.
- B. Required private walkways shall be constructed of portland cement concrete or brick.
- C. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.
- D. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.
- E. The review body may require on-site walks to connect to development on adjoining sites.
- F. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards.

NMC 15.445 Special Use Standards

15.445.500 Home Occupation.

Home occupations shall be processed as a Type I procedure pursuant to 15.100.020. Home occupation uses shall comply with the following standards:

- A. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
- B. The building retains the characteristics of a residence.
- C. There is no outside storage of materials, parts, tools, supplies, or other items related to the use as a home occupation, other than nursery plants.
- D. No more than one outside paid employee shall be permitted to work at the residence at any given time. A home occupation with more than one outside employee requires approval of a conditional use permit pursuant to NMC 15.305.020.
- E. The use does not destroy the residential character of the neighborhood.
- F. All work being performed at the site is done within the confines of a building and no noise, odor, dust, smoke or other evidence of the home occupation permeates beyond the confines of the property.
- G. The home occupation is incidental to the use of the building and site for residential purposes.
- H. The work does not involve the use of hazardous substances or materials which might create a fire hazard or danger to the environment or neighboring properties, including but not limited to gasoline, paint, oxygen/acetylene tanks, or other flammable or hazardous materials. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25.]

NMC 15.505 Public Improvement Standards

15.505.030 Street Standards

\

O. Platting Standards for Blocks.

//

4. Public Pedestrian Walkways and Bicycle Access. The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. Public walkways shall meet the requirements of NMC 15.505.030(S).

Design features should be considered that allow access to emergency vehicles but that restrict access to non-emergency motorized vehicles.

//

S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.

3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.

4. Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.

5. The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

6. Lighting may be required for public walkways in excess of 250 feet in length.

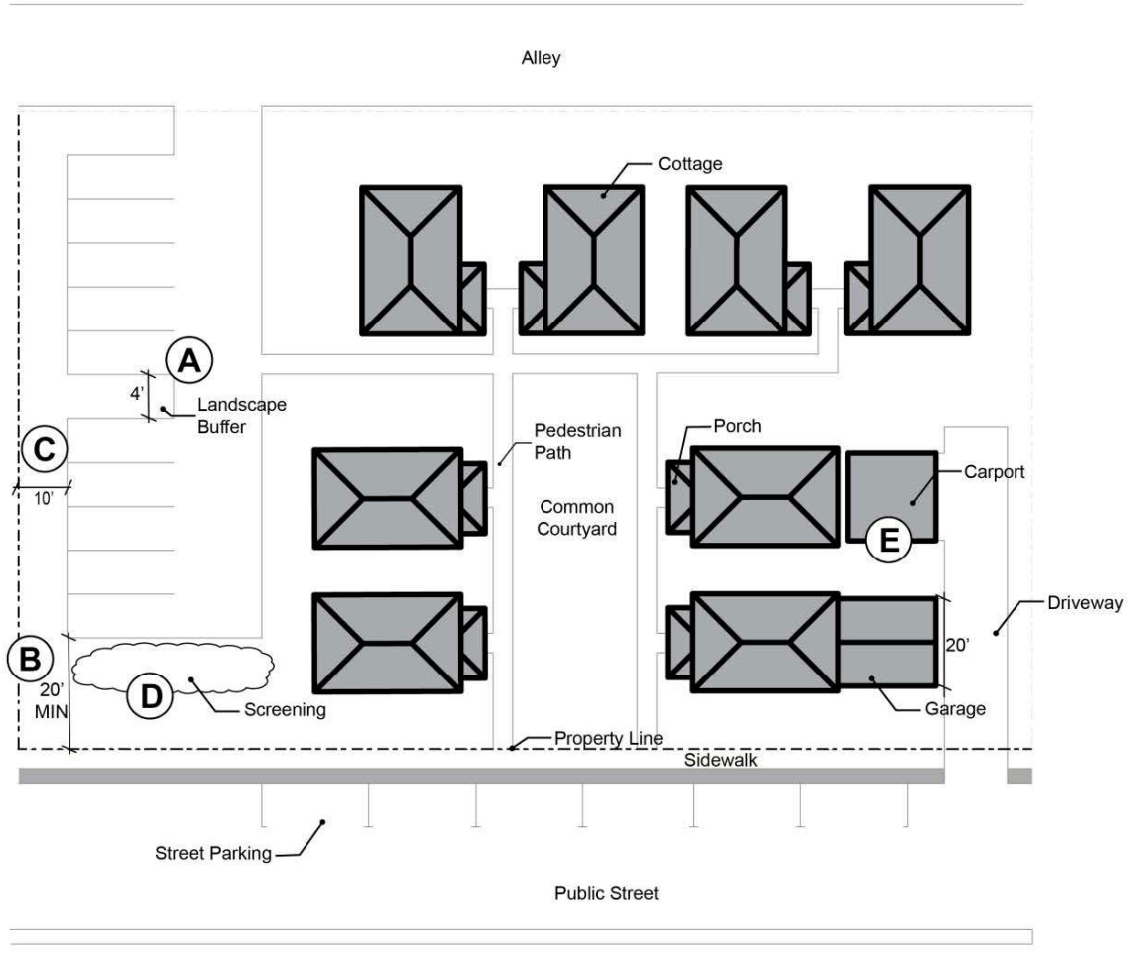
7. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

[Editorial Note: Compliance with Americans With Disabilities Act requirements under applicable building codes, and engineering design and construction standards for public improvements, is also required.]

Appendix A: Figures

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Figure 36: Cottage Cluster Orientation and Common Courtyard Standard



- A** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- B** No parking or vehicle area within 20 feet from street property line (except alley).
- C** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- D** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- E** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Figure 37: Side Loaded Garages



A

10% of Street Facing Façade must include windows and doors.

ORDINANCE No. 2025-2941



AN ORDINANCE AMENDING NEWBERG MUNICIPAL CODE, TITLE 12 STREETS AND SIDEWALKS TO CLARIFY PROCEDURES FOR GRADE SET AND STAKING OF SIDEWALKS

Recitals:

1. Code Maintenance is part of the Community Development Department’s continuous improvement efforts and is a significant project priority.
2. Code Maintenance implements City Council’s Goal to, “Create and maintain a high level of customer service,” including code amendments that improve predictability in the permit process.
3. The proposed code amendments were identified by staff through use and application of the code, customer feedback, and industry best practices.
4. The proposed amendments reflect standard operating procedures and support coordination between development review engineering and capital projects.

The City of Newberg Ordains as Follows:

1. Newberg Municipal Code, Title 12, is amended as shown in Exhibits B-1a (“Annotated Amendments”) and B-1b (“Clean Copy Amendments”).

Effective Date of this ordinance is 30 days after the adoption date, which is: _____, 2025.

Adopted by the City Council of Newberg, Oregon, this _____ day of _____, 2025, by the following votes: **AYE:** **NAY:** **ABSTAIN:**

Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of _____, 2025.

Bill Rosacker, Mayor

City Council Ordinance
2025-2941
Exhibit B-1a

2025 Code Maintenance
Package

Title 12 Amendments (Annotated)

DCA25-0002: 2025 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

- Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.
 - The comments in text boxes summarize the proposed changes and the reasons for them.
-

NMC12.05 Streets and Sidewalks

12.05.020 Permits.

A. Any person who may desire to construct or is required by the city engineer to construct any sidewalk or curb upon public property in the city shall, before commencing work, apply to the city engineer for a permit; and such application shall specify the property along which such walk or curb is to be laid, the name of the person for whom same is to be constructed, by whom the same is to be done, and the time within which same is to be completed.

B. It is made the duty of the city engineer to issue permits for public sidewalks in the city. ~~and, upon the request of any person to whom a permit has been issued as herein provided and within a reasonable time thereafter, to set the grade and line stakes for the construction of the walk described in said permit, and to explain fully to such applicant the meaning and intent of such stakes.~~ No person shall construct or cause to be constructed any walk or curb in the city without such permit. ~~until such grade and line stakes have been set.~~

Staff Comment: Updated to match current operating procedure.

-END-

City Council Ordinance
2025-2941
Exhibit B-1b

2025 Code Maintenance
Package

Title 12 Amendments (Clean Copy)

DCA25-0002: 2025 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

- This draft is a “clean copy” with all track changes and commentary removed.
 - For reference, see track changes and commentary in Exhibit B-1a.
-

NMC12.05 Streets and Sidewalks

12.05.020 Permits.

A. Any person who may desire to construct or is required by the city engineer to construct any sidewalk or curb upon public property in the city shall, before commencing work, apply to the city engineer for a permit; and such application shall specify the property along which such walk or curb is to be laid, the name of the person for whom same is to be constructed, by whom the same is to be done, and the time within which same is to be completed.

B. It is made the duty of the city engineer to issue permits for public sidewalks in the city. No person shall construct or cause to be constructed any walk or curb in the city without such permit.

-END-

Exhibit C - 2025 Code Maintenance Package

Planning Commission Resolution 2025-400



A RESOLUTION RECOMMENDING CITY COUNCIL AMEND NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE, TO CLARIFY REGULATIONS, COMPLY WITH STATE LAND USE REQUIREMENTS, AND IMPROVE CUSTOMER SERVICE IN THE PERMIT PROCESS

RECITALS

1. Code Maintenance is part of the Community Development Department’s continuous improvement efforts and is a “Significant Project” priority on the 2025 Planning Division Work Program.
2. Code Maintenance implements City Council’s Goal to, “Create and maintain a high level of customer service”, including improving predictability in the permit process.
3. The proposed code amendments were identified by staff through use and application of the code and customer feedback.
4. Code Maintenance amendments do not involve significant policy changes.
5. The Newberg Planning Commission conducted a duly noticed public hearing on October 9, 2025, considered public testimony, deliberated, and found the proposed amendments to be consistent with the Newberg Comprehensive Plan and Oregon Statewide Land Use Goals, and 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 amendments to NMC Title 15 Development Code and Title 12 Streets and Sidewalks as contained in Exhibit A-1, attached hereto.
2. The Planning Commission adopts the Findings in Exhibit A-2, attached hereto.

Adopted by the Newberg Planning Commission this 9th day of October 2025.

Linda

Newton-Curtis

Digitally signed by Linda
Newton-Curtis
Date: 2025.10.14
09:38:35 -07'00'

Planning Commission Chair

ATTEST:



Planning Commission Secretary

List of Exhibits:

- A-1 Development Code Amendments
- A-2 Findings

**Exhibit A-1 to Resolution No. 2025-400
Development Code Amendments – File DCA25-0002**

[divider page intentionally blank]

DCA25-0002: 2025 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

- Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.
- Backslashes “\” indicate text that is unchanged and has been omitted for brevity.
- Ellipses [...] indicate the text continues but is not edited beyond this point.
- The comments in text boxes summarize the proposed changes and the reasons for them.

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NMC 15.05 General Provisions

15.05.030 Definitions.

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“**Building height**” (**“height”**) means the vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof, or for fences, retaining walls, and other structures to the highest point of the structure. See Appendix A, Figures 23 and 24.

Staff Comment: Clarifies “height” applies to structures other than buildings. See also, amendment to NMC 15.410.070(D) relating to height of fences and walls.

//

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

Staff Comment: Corrects inconsistency with NMC 15.415.050 which states cottages cannot exceed 900 square feet, a difference of one square foot.

//

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

Staff Comment: This clarifies that a mixed-use dwelling comprises a dwelling and another main use (one that is not a residential or accessory use) within the same building. Other definitions address two main uses on the same lot that are not within the same building. See also, amendments to NMC 15.415.010(B) and NMC 15.305.020.

//

“**Family**” means ~~(1) one or more persons related by blood, marriage, domestic partnership, legal adoption or guardianship, plus not more than five additional persons, who live together in one dwelling unit or (2) one or more handicapped persons as defined in the Fair Housing Amendments Act of 1988, plus not more than five additional persons,~~ any number of individuals regardless of familial or non-familial relationship who live together in one dwelling unit.

Staff Comment: This to comply with ORS 90.112 and ORS 197.015. “A maximum occupancy limit may not be established or enforced by any local government, as defined in ORS 197.015 (Definitions for ORS chapters 195, 196, 197 and 197A), for any residential dwelling unit, as defined in ORS 90.100 (Definitions), if the restriction is based on the familial or nonfamilial relationships among any occupants.” (ORS 90.112)

NMC 15.100 Land Use Processes and Procedures

15.100.020 Type I procedure – Administrative decision.

A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant. There are two subcategories of Type I actions. Except as otherwise required by this code, actions indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit or business license unless no such permit is required. All other actions listed in this subsection require a Type I land use application which must be approved before building permits or a business license may be issued for the project or use.

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

1. Design review permits for single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouses, cottage cluster projects, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1).
2. Home occupation permits.*
3. Signs, not in conjunction with a new development or major remodel and not including original art murals reviewed under NMC 15.435.130.*
4. Original art murals reviewed under NMC 15.435.130.
54. Adjustments.
65. Processing final land division maps and plats.
76. Manufactured homes contributing to development identified elsewhere in this subsection (B) or other additions specifically listed in NMC 15.220.020(A)(1).
87. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

Staff Comments: This amendment makes the general procedures section consistent with existing site design review procedures for signs in NMC 15.220.020(A)(1) and streamlines and reduces the cost of permitting for home occupations.

15.100.220 Additional notice procedures of Type II development applications

In addition to the requirements of NMC 15.100.210, mailed notice for development actions shall also contain the following:

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
- F. Briefly summarize the local decision-making process.
- ~~G. Type II notice for subdivisions shall also include a description of how an interested party may request a public hearing before the planning commission.~~

Staff Comments: This is a change to comply with state law. Land division applications cannot be “elevated” to public hearing unless appealed, per ORS 197.195, as amended by Senate Bill 1537, Section 45 (2024). See also, amendment to NMC 15.235.030(A)(6).

15.220.020 Type I adjustments and approval criteria.

Background: The following amendments include minor policy changes and clarifications to streamline the permit process and improve customer service for more types of minor projects and decisions, consistent with state law, the Comprehensive Plan, and Council Goals. These also address compliance with state law.

The director may authorize adjustments from the following requirements through a Type I procedure subject to the following:

A. Yard Setback Dimensions, Lot Area, Percentage of Lot Coverage, Parking Coverage, and Lot Dimensions.

1. The director may approve adjustments to:

a. Setbacks/Street Trees. Maximum adjustment of 25 percent of the dimensional standards for front yard setback requirements and the spacing of street trees.

b. Lot Area. Maximum adjustment of five percent of the lot area required. A lot area except that an adjustment shall not be granted, ~~thereby~~ if it would allowing a greater number of dwelling units than that permitted without the adjustment.

c. ~~Percentage of Lot Coverage and Parking Coverage~~. Maximum adjustment of two percent more than the standard ~~permitted for all land uses~~, except the maximum parking area coverage for uses in the R-3 districts may be increased by up to 50 percent.

d. Lot Dimensions. Maximum of 10 percent of the required lot dimensions or frontages.

Staff Comments: The code amendment clarifies that code adjustments can be applied to parking coverage outside of the R-3 district, which appears to be the intent. Situations that justify minor increases in lot coverage also apply to parking adjustments, and the applicable standards for these adjustments (preservation of natural features; adequate light, air, and privacy; and emergency access, etc.) ensure that they do not negatively impact neighbors.

NMC 15.220 Site Design Review

15.220.020 Site design review applicability.

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

1. Type I. There are two subcategories of Type I site design review. Except as otherwise required by this code, uses listed in this subsection and indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit when such permit is required. All other uses listed in this subsection require a Type I land use application which must be approved before building permits may be issued for the project.

//

g. Institutional, commercial or industrial building additions which do not exceed 1,000 square feet or 10 percent of the gross floor area of an existing structure, whichever is greater, except as required by this code;

//

j. New construction of any type that is accessory to an existing use on a developed site, does not add more than 1,000 square feet to an improved portion of the lot, or 10 percent of the gross floor area of an existing structure, whichever is greater, and does not add dwelling units;

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

<p>Staff Comments: Current practices is to review sign permits with a building permit to ensure code compliance, not a separate design review. Other subsections that are unmodified, above and below, are provided for context.</p>

l. Parking area modifications, including new paving, landscaping, lighting, restriping that adds, reduces, or reconfigures a parking space or drive aisle, or regrading of an existing multifamily, institutional, commercial or industrial parking lot. Does not include restriping, sealing, and similar maintenance and repair;

m. Fences and trash enclosures*;

n. Accessory dwelling units*.

2. Type II.

- a. Any new development or remodel which is not specifically identified within subsection (A)(1) or (A)(3) of this section.
- b. Telecommunications facilities.

3. Type III.

- ~~a. Multifamily dwellings in the R-2, RP or C-4 zone not meeting the objective process requirements of NMC 15.220.060.~~
- ~~b. a. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).~~
- e. b. Multifamily dwellings in the C-3 zone along Hancock Street (conditional use permit also required).

<p>Staff Comments: State law preempts local code. The City cannot require a Type III review for multifamily uses except where the applicant requests a discretionary review or a variance or conditional use permit is required. (ORS 197.015(12)(a)(B))</p>

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

- a. Replacement of an existing item such as a roof, floor, door, window or siding.
- b. Remodels that are completely internal to an existing structure and do not substantially change or expand the existing use of the structure.

[...]

NMC 15.235 Land Divisions

15.235.030 Preliminary plat approval process.

A. Review of Preliminary Plat. All preliminary plats are subject to the approval criteria in NMC 15.235.050. Preliminary plats shall be processed using the Type II procedure under Chapter 15.100 NMC, except that subdivisions with any of the following conditions present shall be processed using the Type III procedure under Chapter 15.100 NMC:

1. The land is not fully within the city limits or urban growth boundary;
2. The land contains Goal 5 resources which are mapped and designated in the comprehensive plan and land use regulations. These resources include but are not limited to open spaces, scenic and historic areas and natural resources;
3. The proposed land division does not comply with the minimum street connectivity standards identified in NMC 15.505.030;
4. The proposed land division does not provide enough lots or parcels to allow building residential units at 80 percent or more of the maximum net density permitted in the zoning designation for the site;
5. The applicant requests, in writing and at the time of application, that the proposal be referred to the planning commission for a decision; or
- ~~6. A written request for the application to be heard by the planning commission is submitted by a member of the public during the 14-day public comment period provided for in NMC 15.100.200 et seq.~~

Staff Comments This is a change to comply with state law. Land division applications cannot be “elevated” to public hearing unless appealed, per ORS 197.195, as amended by Senate Bill 1537, Section 45 (2024). See also, amendment to NMC 15.235.030(A)(6).

15.235.070 Final plat submission requirements and approval criteria.

Final plats require review and approval by the director prior to recording with Yamhill County. The final plat submission requirements, approval criteria, and procedure are as follows:

A. Submission Requirements. The applicant shall submit the final plat within two years, or as otherwise provided for in NMC 15.235.030. The format of the plat shall conform to ORS Chapter 92. The final plat application shall include the following items:

1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary paper copies of the plat are acceptable for review at the time of final plat application.

2. Written response to any conditions of approval assigned to the land division describing how conditions of approval have been met.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedications, easements, or other documents.
5. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner's association, including but not limited to a draft homeowner's association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
6. Copies of any required maintenance agreements for common property.
- ~~7. A bond, as approved by the city engineer, for public infrastructure improvements, if the improvements are not substantially complete prior to the final plat.~~
- §7. Any other item required by the city to meet the conditions of approval assigned to the land division, including documentation of closeout of the Public Improvement Permit for any required public infrastructure improvements.

B. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval.

<p>Staff Comments: Bond reference in 15.235.070(A)(7) does not align with 15.235.060 and current practice for the Public Improvement Permit closeout prior to the final plat. All required public infrastructure improvements are required to be fully complete prior to final plat approval. Section 15.235.060(B) addresses early issuance of residential building permits prior to final plat when certain criteria is met.</p>

NMC 15.240 PD Planned Unit Development Regulations

15.240.020 General provisions.

//

Q. Design Standards. The proposed development shall meet the design requirements for multifamily residential projects identified in NMC 15.220.060. For non-multifamily developments only the provisions that apply must be addressed. A minimum of 40 percent of the required points shall be obtained in each of the design categories.

<p>Staff Comments: Text is unclear of whether design standards in 15.220.060 apply to PUDS that do not contain multi-family development. Past practice is that they do. This to provide clarification that regardless of planned building type, they must comply with the relevant provisions of 15.220.060</p>
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NMC 15.305 Zoning Use Table

Staff Comments: Amendments to Zoning Use Table begin on next page.

Use districts.

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	M-5	CF	I	AR	AI	Notes and Special Use Standards
RESIDENTIAL USES																					
Dwelling, mixed use					<u>P</u>	P(9)	P(10)	P(8)/C(5)	P(11)	X	C	C				P(10)					
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 15.445.50
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 15.445.50
INSTITUTIONAL AND PUBLIC USES																					
INSTITUTIONAL CARE AND HOUSING																					
Family child care home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X						P(13)		P	P(13)		ORS Chapter 6329A
Day care	P	P	P	C	P	P	P	P		P	P	P	C	C	P	P		P		P(14)	ORS Chapter 6329A

S: Special use – Use requires a special use permit

X: Prohibited use

(#): See notes for limitations

Additional use

units only. New dwelling units may not be created for this use unless the dwelling unit would otherwise be allowed

g Use Table: For the following revisions,

added as a permitted use in RP district. The purpose of the RP district is to provide for a desirable land uses with medical and local business offices. The omission of mixed use dwelling from the RP with the purpose of the zone. See also, amendment to NMC 15.05.030 Definition of Dwelling, Mixed

Day care uses updated to have correct state law reference to ORS 329A.

Home occupation (no more than one outside paid employee)” text is provided for reference. See also, amendment to NMC 15.445.500 Special Use Standards for Home Occupations for consistency with the Use Table

NMC 15.326 Springbrook (SD) District

15.326.025 Springbrook Master Plan Develop Standards Matrix

<p>Staff Comment: The only amendments to the Springbrook District standards are to clarify the garage setback standard as it applies to garages that receive access from a shared drive. See also, the amendment to NMC 15.410.020(A). Table begins on next page.</p>
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SPRINGBROOK DISTRICT DEVELOPMENT STANDARDS MATRIX

DENSITY RESIDENTIAL	MID – RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
Minimum 15 feet, except minimum setback for porches and similar entry uses. Minimum 20 feet for duplexes subject to standards of NMC 0.020(A).	R-3 Minimum 20 feet for garage subject to standards of NMC 15.410.020(A).	C-1	No minimum	No minimum setback. No maximum setback, if area between building and property line contains public space or landscaping	Minimum 20 feet of building, if area contains uses
	R-3	10 feet if abutting residential zones	M-1	C-3 Does not apply	Minimum 20 feet
Minimum 2,900 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for duplex dwellings Minimum 7,000 square feet for duplex dwellings and cottage clusters	Minimum 1,800 square feet, except: Minimum 1,500 square feet for attached dwelling units Minimum 4,500 square feet for triplex dwellings Minimum 6,000 square feet for quadplex dwellings and cottage clusters	C-1	M-1	C-3 (Minimum 1,800 square feet)	Minimum 5,000
Standard City lot frontage requirement applies Minimum lot width shall be 32 feet, but minimum 20 feet for middle row dwelling units	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies	The standard City lot frontage requirement applies

NMC 15.410 Yard Setback Requirements

15.410.020 Front yard setback.

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

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.
2. R-3 and RP districts shall have a front yard of not less than 12 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than eight feet. Said yard shall be landscaped and maintained.
3. The vehicle entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street from which access will be provided, or from the closest shared driveway, as applicable. However, the foregoing setback requirement shall not apply where the garage or carport will be provided with access to an alley only. Where a garage is placed less than 20 feet from an abutting street property line under this standard, a minimum of 10 percent of the surface area of the street-facing façade of that garage must include windows or entrance doors to avoid the appearance of blank walls (See Appendix A, Figure 37).

[...]

Staff Comment: The amendments clarify the garage setback standard as it applies to garages that receive access from a shared drive and add a design standard to avoid the appearance of a blank garage wall close to the street. For a garage that is 24 feet deep with a ceiling height of 8 feet, the surface area of the corresponding side wall would be approximately 192 square feet, of which 10% or 19 square feet would be comprised of windows. The design and placement of windows is flexible to maintain a garage's functionality for parking and storage.

B. Commercial.

1. All lots or development sites in the C-1 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-1 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10 feet except as allowed by 15.410.020(B)(5). A greater front yard setback is allowed for C-1 zoned property having frontage on E. Portland Road or Highway 99 W. when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. Said yard shall be landscaped and maintained.
2. All lots or development sites in the C-2 district shall have a front yard of not less than 10 feet. There shall be no minimum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. The maximum front yard setback for C-2 zoned property that has frontage on E. Portland Road or Highway 99 W. shall be no greater than 10

feet except as allowed by 15.410.020(B)(5). A greater front yard setback is allowed for C-2 zoned property having frontage on E. Portland Road or Highway 99W when a plaza or other pedestrian amenity is provided; however, said front yard setback should be the minimum setback needed to accommodate a pedestrian amenity. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

3. All lots or development sites in the C-3 district shall have no minimum front yard requirements. The maximum allowable front yard shall be 20 feet except as allowed by 15.410.020(B)(5). In the case of a through lot with two front yards, at least one front yard must meet the maximum setback requirement. In the case of three or more front yards, at least two front yards must meet the maximum setback requirements. No parking shall be allowed in said yard. Said yard shall be landscaped and maintained.

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

5. The maximum front yard setbacks in NMC 15.410.020(B) do not apply where an existing building, public utility easement, lot dimensions, topography, or similar site constraint beyond the applicant's control make compliance with the standard infeasible.

<p>Staff Comment: The amendments address situations where it is not possible to comply with the maximum front yard setback due to existing development patterns or other site constraints. This is a frequent issue with commercially zoned properties adjacent to Highway 99W. Currently, a variance is the only remedy and the City consistently approves such variances.</p>
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15.410.030 Interior yard setback.

A. Residential.

1. All lots or development sites in the AR, R-1, R-2 and R-3 districts shall have interior yards of not less than five feet, except that where a utility easement is recorded adjacent to a side lot line, there shall be a side yard no less than the width of the easement.
2. All lots or development sites in the RP district shall have interior yards of not less than eight feet.
3. All lots with townhouse dwellings shall have no minimum interior yard setback where units are attached.
4. All lots with new multifamily dwellings shall have interior yards of not less than eight feet adjacent to lot lines shared with existing single-family dwellings. All other multifamily dwellings shall meet the provisions of subsection (A)(1) of this section.

B. Commercial.

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

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

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

C. Industrial and Mixed Employment. All lots or development sites in the AI, M-1, M-2, M-3, M-4, M-5, and M-E districts shall have no interior yards where said lots or development sites abut property lines of commercially or industrially zoned property. When interior lot lines of said districts are common with property zoned residentially, institutional, or community facilities, interior yards of not less than 10 feet shall be required opposite the residential, institutional, or community facilities districts.

D. Institutional and Community Facility. All lots or development sites in the I and CF district shall have interior yards of not less than 10 feet, except outdoor activity facilities, such as pools, basketball courts, tennis courts, or baseball diamonds, including any accessory structures and uses, shall have an interior yard setback of 25 feet when abutting a residential district.

E. Where an interior lot line abuts a lot that is not within the city limits of Newberg, the minimum interior yard setback is 5 feet for residential developments and 10 feet for nonresidential developments.

Staff Comment: The amendments address the lack of an interior setback standard for lots that abut institutional or community facilities zones, or unincorporated lands (county zoning).
--

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:

//

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. Interior Yards. Not to exceed ~~six-seven~~ seven feet in height. ~~Located or maintained~~ within the required interior yards. ~~For purposes of fencing only, On~~ lots that are corner lots or through lots, the property owner may select selects one of the street frontages ~~as the as-is a-front yard for purposes of fence height regulation,~~ 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.

Staff Comment: Updated to 7 feet to match nominal building code exemption which changed from 6 feet to 7 feet in 2023. The standard also promotes privacy and good neighbor relations while reflecting industry standards among peer cities. See attached table comparing Newberg’s and other cities’ standards.

b. Front Yards. Not to exceed four feet in height. See also NMC 410.070.a for fence height on corner lots and through lots. ~~Not to exceed four feet in height. Located or maintained within all other front yards.~~

Staff Comment: Clarifies text and adds cross-reference to updated “height” definition.

2. In any commercial, industrial, institutional, community facilities, 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. Interior Yards. Not to exceed eight feet in height within the required interior yards. On lots that are corner lots or through lots, the property owner may select selects one of the street frontages as the as-is a front yard for purposes of fence height regulation, and all other yards shall be considered as interior yards. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060. Note that NMC 15.05.030 defines height is measured from grade, while height for purposes of building code applicability is measured from the bottom of the structure including footings or foundation.

Staff Comment: Updated language for consistency with subsection 1 without changing the 8-foot height limitation.

b. Front Yards. Not to exceed four feet in height. See also NMC 410.070.a for fence height on corner lots and through lots.

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.~~

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Staff Comment: Clarifies text for consistency with subsection 1 without changing the 4-foot height limitation.

Resolution 2025-400 - Exhibit A-1

2025 Code Maintenance Amendments | PC Approved 10-09-2025

[Editor Note: NMC 15.05.030 defines height is measured from grade, while height for purposes of building code applicability is measured from the bottom of the structure including footings or foundation.]

NMC 15.415 Building and Site Design Standards

15.415.010 Main buildings and uses as accessory buildings

- A. Hereinafter, any building which is the only building on a lot is a main building.
- B. In any residential district except RP, there shall be only one main use per lot or development site; provided, that home occupations shall be allowed where permitted.
- C. In any residential district, there shall be no more than two accessory buildings on any lot or development site except that institutional uses may have more than two accessory buildings provided the 25-foot yard setback of NMC 15.410.030(D) and NMC 15.410.040 and other applicable standards are met.

Staff Comment: Current code limits institutional uses in residential zones to 2 accessory buildings which can be inadequate for schools, parks and church uses. These uses sometimes require multiple structures for grounds maintenance equipment, greenhouses, athletic facilities, workshops and similar operational needs. Based on a review of selected institutional uses in residential zones (attached), the number of accessory structures ranges from 0-9, with average lot coverage by these structures typically less than 1%.

The code currently requires a 25-foot setback for schools, churches, and public, semi-public, and institutional uses in residential zones. Additionally, accessory buildings in the R-1, R-2, R-3, AR, and RP districts are limited to 16 feet in height, except up to 800 square feet of an accessory building may have a height of up to 24 feet. (NMC 15.415.020(A)(4)) At least 15 percent of the site must be landscaped. Together, these standards should mitigate any concerns from having more than two institutional accessory structures on a site in these zones.

NMC 15.430 Underground Utility Installation

15.430.010 Underground utility installation

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, new poles and other facilities required for maintenance under franchise utility agreements, and high-capacity electric lines operating at 50,000 volts or above.

B. Existing utility lines shall be placed underground when any of the following occur:

1. ~~They~~ They are relocated, unless required as maintenance subject to a franchise utility agreement;

2. ~~or~~ ~~When~~ When an addition or remodel requiring a Type II or Type III approval design review is proposed; ~~or~~

3. ~~When~~ When a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

1. The cost of undergrounding the utility is extraordinarily expensive.
2. There are physical factors that make undergrounding extraordinarily difficult.
3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed.

Staff Comment: The existing standards and exceptions for required undergrounding of utilities do not address work for utility pole relocations or new poles as required for maintenance. This is work by a utility company that is separate from a development project and is subject to a franchise utility agreement with the city per NMC 12.05.350. Subsection 'B' also omits projects that are subject to Type III review, including those that require conditional use permits or Planned Unit Development approvals, which should be included.

NMC 15.435 Signs

15.435.050 Major Freestanding Signs.

A. Number.

1. Residential, I, and CF Zones. One major freestanding sign is allowed on each street frontage, plus one sign for each full 600 feet of street frontage. Only one sign on each street frontage may be an animated sign.
2. Other Zones. Not more than one major freestanding sign shall be located on any one street frontage.

B. Size.

1. Residential Zones. No major freestanding sign shall be larger than 0.2 square feet per foot of street frontage, up to a maximum of 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single-family dwelling or duplex.
2. C-1 and I Zones. No major freestanding sign shall be larger than one-half square foot per foot of street frontage, up to a maximum of 100 square feet. At least 12 square feet of signage will be allowed.
3. Other Zones. No major freestanding sign shall be larger than one square foot per foot of street frontage, up to a maximum of 100 square feet. At least 40 square feet of signage will be allowed. For any lot at least 10 acres in size with at least 200 feet of frontage on a street, the one sign on that street may be up to 200 square feet total size.

C. Height and Setbacks. Freestanding signs regulated by this section are not subject to the setback requirements of NMC 15.410.010 through 15.410.070 or the projecting building features requirements of said sections. Height and setbacks of freestanding signs shall conform to the following height limitations and other requirements:

1. C-3 Zone. No major freestanding signs shall be allowed greater than six feet in height.
2. Other Zones.
 - a. A sign up to three feet in height is not required to be set back from any property line.
 - b. A sign taller than three feet and up to six feet shall be set back at least five feet from any property line.

c. A sign taller than six feet and up to eight feet shall be set back at least 10 feet from any front property line and five feet from any interior property line.

d. A sign taller than eight feet and up to 15 feet shall be set back at least 15 feet from any front property line and five feet from any interior property line.

e. A sign taller than 15 feet and up to 20 feet shall be set back at least 20 feet from the front property line and five feet from any interior property line.

f. A sign taller than 20 feet is not permitted except as provided by NMC 15.435.050(C)(2)(g).

~~f. g.~~ A sign on a lot that is at least 10 acres in size in a zone other than residential, C-1, or I and that has at least 200 feet of frontage on a street may be up to 30 feet high, provided it is set back at least 20 feet from the front property line and at least 10 feet from any interior property line.

Staff Comment: Current code omits setback standards for signs between 20-30 feet in height suggesting that they are not allowed except as provided in former subsection “f”. For reference, 30 feet is about the height of a 2½ story house.

NMC 15.440 Off-Street Parking, Bicycle Parking, and Private Walkways

Table 15.440.030(A) Minimum Parking Spaces Required and Maximum Parking Spaces Allowed by Use

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		Uses fronting a street with abutting on-street parking	Uses fronting no street with abutting on-street parking	
Residential Types				
Dwelling, multifamily and multiple single-family dwellings on a single lot				
Studio or one-bedroom unit	1	1.2	1.5	Per dwelling unit
Two-bedroom unit	1.5	1.8	2.25	Per dwelling unit
Three- and four-bedroom units	2	2.4	3	Per dwelling unit
Five- or more bedroom unit	0.75	0.9	1.13	Spaces per bedroom

Staff Comment: “Multiple single-family dwellings on a lot” are not a type of use anymore. They are now classified as units of middle housing (duplex, triplex, quadplex, cottage cluster).

15.435.140 Private Walkway Design.

~~A.~~ All required private walkways shall meet the applicable building code and Americans with Disabilities Act requirements.

B. Required private walkways shall be a minimum of four feet wide.

C. Required private walkways shall be constructed of portland cement concrete or brick.

D. Crosswalks crossing service drives shall, at a minimum, be painted on the asphalt or clearly marked with contrasting paving materials or humps/raised crossings. If painted striping is used, it should consist of thermoplastic striping or similar type of durable application.

E. At a minimum, required private walkways shall connect each main pedestrian building entrance to each abutting public street and to each other.

F. The review body may require on-site walks to connect to development on adjoining sites.

FG. The review body may modify these requirements where, in its opinion, the development provides adequate on-site pedestrian circulation, or where lot dimensions, existing building layout, or topography preclude compliance with these standards. [Ord. 2619, 5-16-05; Ord. 2513, 8-2-99. Code 2001 § 151.620.3.]

[Editorial Note: Compliance with Americans With Disabilities Act requirements under applicable building codes, and engineering design and construction standards for public improvements, is also required.]

Staff Comment: Reference to ADA standards is removed from the Title 15 standards as ADA is regulated by the Building code or Engineering Design and Construction Standards. This has caused some confusion and conflict in the past. In its place, an editorial note is added.

NMC 15.445 Special Use Standards

15.445.500 Home Occupation.

Home occupations shall be processed as a Type I procedure pursuant to 15.100.020. Home occupation uses shall comply with the following standards:

- A. Signs shall comply with the standards of NMC 15.435.010 et seq.
- B. There is no display that will indicate from the exterior that the building is used in whole or in part for any purpose other than a dwelling.
- C. The building retains the characteristics of a residence.
- D. There is no outside storage of materials, parts, tools, supplies, or other items related to the use as a home occupation, other than nursery plants.
- E. No more than one outside paid employee shall be permitted to work at the residence at any given time. A home occupation with more than one outside employee requires approval of a conditional use permit pursuant to NMC 15.305.020.
- F. The use does not destroy the residential character of the neighborhood.
- G. All work being performed at the site is done within the confines of a building and no noise, odor, dust, smoke or other evidence of the home occupation permeates beyond the confines of the property.
- H. The home occupation is incidental to the use of the building and site for residential purposes.
- I. The work does not involve the use of hazardous substances or materials which might create a fire hazard or danger to the environment or neighboring properties, including but not limited to gasoline, paint, oxygen/acetylene tanks, or other flammable or hazardous materials. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25.]

<p>Staff Comment: The conditional use edits are for consistency with the zoning use table which allows home occupations to have more than one outside employee with a conditional use permit.</p>
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NMC 15.505 Public Improvement Standards

15.505.030 Street Standards

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O. Platting Standards for Blocks.

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4. Public Pedestrian Walkways and Bicycle Access. The approval authority in approving a land use application with conditions may require a developer to provide an access way where the creation of a street consistent with street spacing standards is infeasible and the creation of a cul-de-sac or dead-end street is unavoidable. A public walkway provides a connection through a block that is longer than established standards or connects the end of the street to another right-of-way or a public access easement. A public walkway shall be contained within a public right-of-way or public access easement, as required by the city. ~~A public walkway shall be a minimum of 10 feet wide and shall provide a minimum six-foot-wide paved surface or other all-weather surface approved by the city (see subsection (S) of this section for public walkway standards).~~ Public walkways shall meet the requirements of NMC 15.505.030(S).

Design features should be considered that allow access to emergency vehicles but that restrict access to non-emergency motorized vehicles.

Staff Comment: The above amendment is to have consistency in code regarding the requirements in public walkways.

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S. Public Walkways.

1. Projects subject to Type II design review, partition, or subdivision approval may be required to provide public walkways where necessary for public safety and convenience, or where necessary to meet the standards of this code. Public walkways are meant to connect cul-de-sacs to adjacent areas, to pass through oddly shaped or unusually long blocks, to provide for networks of public paths according to adopted plans, or to provide access to schools, parks or other community destinations or public areas. Where practical, public walkway easements and locations may also be used to accommodate public utilities.

2. Public walkways shall be located within a public access easement that is a minimum of 15 feet in width.

3. A walk strip, not less than 10 feet in width, shall be paved in the center of all public walkway easements. Such paving shall conform to specifications in the Newberg public works design and construction standards.

~~4. Public walkways shall be designed to meet the Americans with Disabilities Act requirements.~~

~~5.4.~~ Public walkways connecting one right-of-way to another shall be designed to provide as short and straight of a route as practical.

~~6.5.~~ The developer of the public walkway may be required to provide a homeowners' association or similar entity to maintain the public walkway and associated improvements.

~~7.6.~~ Lighting may be required for public walkways in excess of 250 feet in length.

~~8.7.~~ The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

[Editorial Note: Compliance with Americans With Disabilities Act requirements under applicable building codes, and engineering design and construction standards for public improvements, is also required.]

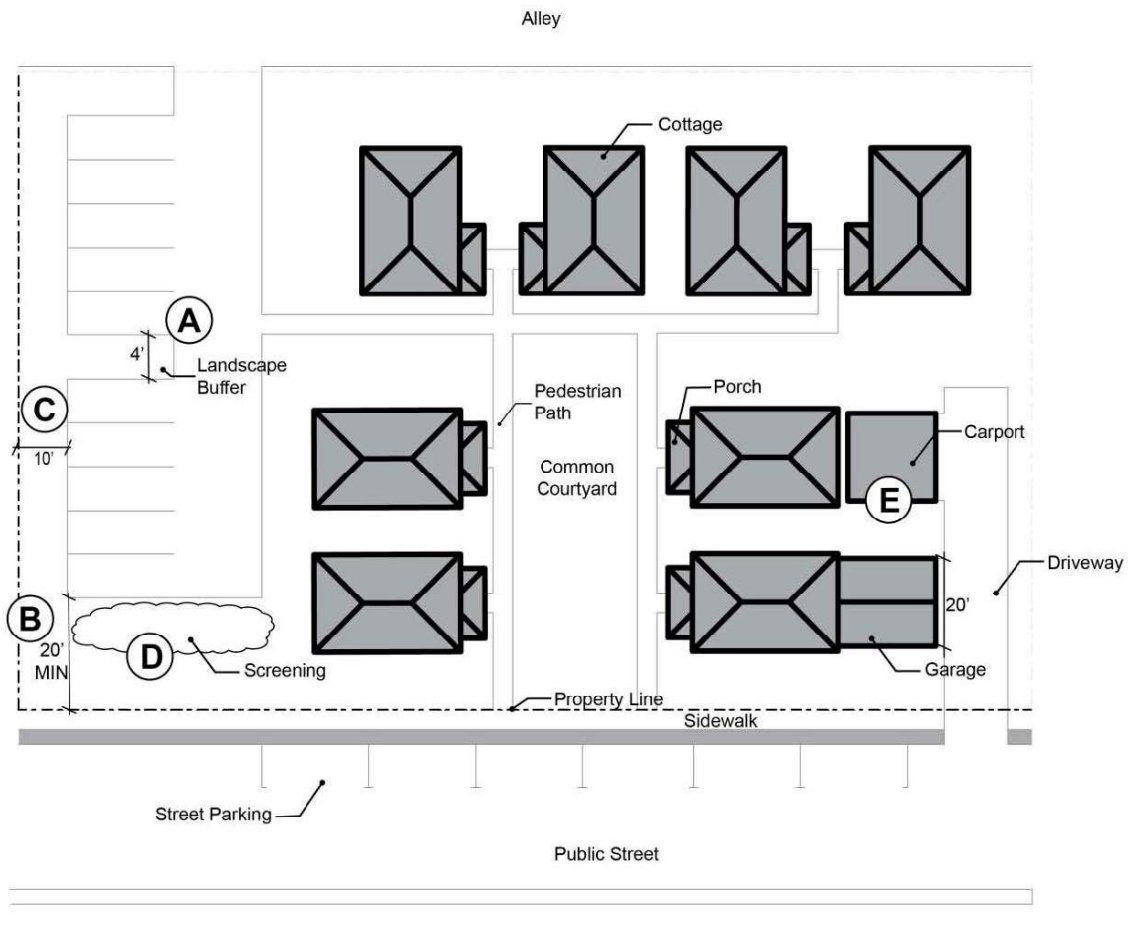
<p>Staff Comment: Reference to ADA standards is removed from the Title 15 standards as ADA is regulated by the Building code or Engineering Design and Construction Standards. This has caused some confusion and conflict in the past. In its place, an editorial note is added.</p>
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-END-

Appendix A: Figures

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Figure 36: Cottage Cluster Orientation and Common Courtyard Standard



- A** Parking allowed in clusters of up to 5 spaces. Clusters separated by minimum 4 feet of landscaping.
- B** No parking or vehicle area within 20 feet from street property line (except alley).
- C** No parking within 10 feet from other property lines (except alley). Driveways and drive aisles permitted within 10 feet.
- D** Screening required between clustered parking areas or parking structures and public streets or common courtyards.
- E** Garages and carports must not abut common courtyards. Garage doors for individual garages must not exceed 20 feet in width.

Figure 37: Side Loaded Garages



A

10% of Street Facing Façade must include windows and doors.

Exhibit A-2 to Resolution No. 2025-400
Findings – File DCA25-0002

A. Statewide Planning 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: Amendments to Title 15 (Development Code) of the Newberg Municipal Code (NMC) are typically processed as a Type IV (Legislative) application and follow the procedures in NMC 15.100.060. The Planning Commission will hold a public hearing on the application and make a recommendation to the Newberg City Council. Following the Planning Commission review, City Council will hold its own legislative public hearing to consider the amendments.

Because the proposal is limited to maintenance amendments, public outreach is limited to required noticing of public hearings. Key dates for this application follow (*tentative*):

07/10/2025	Planning Commission Work Session # (Code Concepts)
08/07/2025	Notify State (DLCD) 35 days prior to first hearing
08/14/2025	Planning Commission Work Session #2 (Draft Code)
10/09/2025	Planning Commission Public Hearing
11/03/2025	<i>City Council Study Session</i>
11/17/2025	<i>City Council Public Hearing - First Reading</i>
12/01/2025	<i>City Council Public Hearing – Second Reading, if required</i>

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 code maintenance amendments are based on use and application of the development code and feedback from staff and development applicants. The Planning Commission considered alternatives discussed during the two public work sessions. These alternatives included alternative standards and procedures for issues relating to fences, accessory structures, and garage orientation and setbacks, among others, consistent with comprehensive plan economic development policies. The Goal is met.

GOAL 3: AGRICULTURAL LANDS

GOAL 4: FOREST LANDS

Finding: Goals 3 and 4 are not applicable because the development code applies to lands inside the Newberg City Limits and lands within the Urban Growth Boundary that the City may annex pursuant to its comprehensive plan and Goal 14 (Urbanization).

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

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

Finding: The proposed amendments do not modify any land use regulation related to Goal 5. This Goal does not apply.

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, and this proposal does not modify them. 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 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 amendments focus on improving the permit process by clarifying and correcting the code, including updates to comply with state land use laws and process improvements that should help with housing production and economic development. For example, commercial infill developments were routinely required to receive variances to the maximum street setback standard due to conflicts with existing buildings and easements. The proposed code adds an exception to the setback to address these situations without a variance, saving time and costs in the permit process. Another example is the code amendment clarifying the procedure for permitting home occupations. This Goal is met.

GOAL 10: HOUSING

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

Finding: The proposed amendments support production of needed housing by bringing city code into compliance with HB 1537 (2024) with respect to limited land use decisions. None of the amendments affect the city’s supply of land for housing or residential land uses, however. The Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

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

Finding: The proposed amendments focus on improving the permit process by clarifying the code, including for example standards requiring undergrounding of utilities and exceptions thereto. The proposal meets the Goal.

GOAL 12: TRANSPORTATION

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

Finding: The City of Newberg’s adopted Transportation System Plan (2016) 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 or transportation standards with the adoption of the proposed amendments. The proposed amendments do not significantly affect any transportation facility or change the functional classification of any street and therefore comply with OAR 660-012-0060 (Transportation Planning Rule). By clarifying existing private walkway standards with respect to Americans With Disabilities Act requirements, the code amendments support transportation efficient development consistent with OAR 660-012-0045 (Transportation Planning Rule). In conclusion, the amendments comply with Goal 12, and the provisions of OAR 660-012-0045 and 660-012-0060 Transportation Planning Rule.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The proposed amendments do not affect energy demands, though by providing alternative methods of calculating required parking, the amendments support transportation efficiency and energy conservation. This Goal is met.

GOAL 14: URBANIZATION

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

Finding: This goal does not apply. No code change is proposed to the City's annexation or urban growth boundary requirements or procedures.

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: This goal does not apply. The proposed amendments do not alter any area or regulations within the boundaries of the Willamette River Greenway. This Goal is met.

B. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

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

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 1, as discussed in Part A.

B. LAND USE PLANNING

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

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 2, as discussed in Part A.

C. AGRICULTURAL LANDS

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

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: These Goals are not applicable for the same reasons that State Goals 3 and 4 are not applicable, as discussed in Part A.

E. AIR, WATER, AND LAND RESOURCE QUALITY

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

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 6, as discussed in Part A.

F. AREAS SUBJECT TO NATURAL HAZARDS

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

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 7, as discussed in Part A.

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

GOALS:

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

Finding: These Goals and related policies are met for the same reasons the proposal meets State Goal 5, as discussed in Part A.

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: This Goal and its policies are met for the same reasons the proposal meets State Goal 9, as discussed in Part A.

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: By clarifying and correcting the code and making other updates to comply with state land use laws, the proposal facilitates well planned growth that maintains Newberg's natural beauty, visual character, and livability. These 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: Where the above goals may apply, each goal and its policies are met for the same reasons the proposal meets State Goals 9 and 12, as discussed in Part A.

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: This Goal and its policies are met for the same reasons the proposal meets State Goal 11, as discussed in Part A.

M. ENERGY

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

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 13, as discussed in Part A.

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: These Goals and any relevant policies are met for the same reasons the proposal meets State Goal 14, as discussed in Part A.

#

Exhibit B-1 to File DCA25-0002
Photo Examples of Side-Loaded Garages
NMC 15.326.025 and NMC 15.410.020(A)(3)



Garage openings setback less than 20 ft.



Garage opening setback 20 ft. or more



Exhibit B-2 to File DCA25-0002
Residential Fence Height Standards Examples
NMC 15.410.070(D)

Fence Height Allowance in Cities' Residential Zones

City	Fence Height Allowed in Interior Yard Setbacks			Source Code
	6 Feet	7 Feet	8 Feet	
Newberg	X			NMC 15.410.070(D)(1)(a)
Tigard			X	TDC 18.210.030
McMinnville		X		MMC 8.10.210
Woodburn		X		Woodburn Zoning Ordinance 2.06.02
Forest Grove	X			FDC 17.7.040
Lake Oswego	X			LOC 50.06.004(2)(b)
Keizer			X	KDC 2.312.10
Salem			X	SDC 800.050
Wilsonville	X			WMC 4.113.07
Canby	X			CMO 16.08.110(A)
Sherwood	X			SMC 16.58.020(C)
Beaverton			X	BDC 60.50.20

Exhibit B-3 to File DCA25-0002
 Research on Institutional Accessory Structures in Residential Zones
 NMC 15.415.010(C)

Site (Name)	Address	Lot or Site Development Total Area (sq. ft.)	Approx. Square Footage of Accessory Structures	Percentage of Lot Accessory Structures Area	Number of "Accessory" Structures
CS Lewis School	1605 N College St	341,209	1,211	0.35%	6
Northside Community Church	1800 N Hoskins St	322,040	332	0.10%	3
First United Methodist	1205 N Deborah Rd	215,386	867	0.40%	2
Newberg High School/Mt View Middle School	2400 E Douglas/2015 N Emery Dr	3,017,500	12,186	0.40%	9
Family Life Church	502 St Paul Hwy (219)	232,122	746	0.32%	3
Grace Baptist Church	1619 E Second Street (Hwy 319)	125,498	514	0.41%	2
Chehalem Valley Middle School/Antonia Crater Elem.	403 W Foothills/203 W Foothills	734,152	1,809	0.25%	1
Church of Jesus Christ of Latter-day Saints	1212 N Deborah Rd	130,635	260	0.20%	1

REQUEST FOR COUNCIL ACTION



Order Ordinance Resolution Motion Information Proclamation

No. 2025-4002

Subject: Appropriate Use of Artificial Intelligence Systems Policy

Staff: Emily Salsbury
Department: Admin

Business Session

Order On Agenda:

Hearing Type: Administrative

Date Action Requested: November 17, 2025

Is this item state mandated? Yes No

If yes, please cite the state house bill or order that necessitated this action:

Recommendation: Motion to approve Resolution 2025-0000 to enact a new policy (Exhibit A) guiding the appropriate use of artificial intelligence (AI) systems in city operations.

Executive Summary: The City of Newberg recognizes the potential productivity benefits of Artificial Intelligence (AI). This policy defines key terms and offers guidance to City employees and affiliates on the responsible use of AI systems, promoting community support while protecting against risks such as data breaches and the exposure of personally identifiable information (PII). This policy will be reviewed and updated as necessary to reflect evolving technologies and best practices.

This document dictates which AI systems may be used and which members of city staff are covered under this policy. It provides general expectations for use, as well as specific guidelines for internal/private use in city operations and for public/external use in city communications.

A summary of the policy guidelines:

General Expectations

- AI is a support tool, not a replacement for human judgment or accountability.
- Supervisors must ensure staff understand and follow the policy.
- Employees are personally responsible for any work produced with the help of AI.

Closed-System AI Tools (Internal Use, Example: Video analysis of sewer pipes, road condition diagnostics, flagging potential fraud in financial documents)

- Permitted for internal tasks like data analysis and reporting.
- Supervisor approval is required before use.
- All data must remain confidential and comply with privacy and security standards.

Open AI Tools (External/Public Use, Example: Large Language Models like ChatGPT, Grammarly, Document summary generation tools)

- Allowed for proofreading and editing public-facing content (e.g., newsletters, social media).
- Employees must be able to explain their work and are accountable for the final product.

- Human review and approval are mandatory before publishing.
- Sensitive or non-public data (including PII) must not be entered into open AI tools.

Fiscal Impact: This resolution will have no direct fiscal impact.

Council Goals: This resolution directly impacts Council Goal 4, relating to transparency and building trust with Newberg’s community. For a small team relative to the size of Newberg’s population, generative AI tools can improve efficiency and reduce strain, allowing staff more time to work toward council goals. Conversely, lack of oversight and editing when using gen AI tools can degrade trust in government communication and has the potential for unintentional spread of incorrect information. This policy aims to ensure that excellent customer service standards are upheld.



RESOLUTION No. 2025-4002

A Resolution enacting a new policy providing guidelines for the appropriate use of artificial intelligence (AI) systems in city operations.

Recitals:

1. The use of artificial intelligence (AI) systems is saturating every sector, including local government. The City of Newberg does not currently have a policy regulating the use of these systems.
2. To provide guidance to employees and partners of the City of Newberg on the use of AI systems, this policy outlines best practices regarding specific AI systems and use cases.

The City of Newberg Resolves as Follows:

1. City Council approves the new AI use policy (Exhibit A) as presented.

Effective Date of this resolution is the day after the adoption date, which is: _____, 2025.

Adopted by the City Council of Newberg, Oregon, this _____ day of _____, 2025.

Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of _____, 2025.

Bill Rosacker, Mayor

Appropriate Use of Artificial Intelligence Systems

Purpose

The City of Newberg recognizes the potential productivity benefits of Artificial Intelligence (AI). This policy provides guidance for City employees and affiliates to responsibly use AI systems in ways that support the community, while safeguarding against risks such as data breaches or exposure of personally identifiable information (PII). This policy will be reviewed and updated as necessary to reflect evolving technologies and best practices.

Scope

This policy applies to all City of Newberg employees, volunteers, interns, contractors, consultants, and third-party personnel working on behalf of the City.

Definitions

A. Closed-System AI Tools

Closed-system AI tools are artificial intelligence platforms that operate within a secure, controlled environment. These tools are typically hosted on internal servers or within private, enterprise-level environments where data access, storage, and processing are limited to authorized users and systems. Examples include AI systems developed in-house, hosted on-premises, or accessed through government-approved or vendor-managed secure platforms. These tools do not send data to external, public servers and are generally compliant with internal data governance and security policies.

Examples:

- On-premise data analysis tools with AI capabilities
- Secure chatbots or virtual assistants developed for internal use
- AI tools included in enterprise software suites with managed data environments (e.g., Microsoft Copilot in a government-licensed tenant)
- Centerline AI – NDPD automated police report drafting platform

B. Open-System AI Tools

Open-system AI tools are publicly available artificial intelligence services that operate via cloud-based platforms. These tools are accessible over the internet and typically involve data being transmitted to and processed by third-party servers outside the organization's direct control. While often powerful and easy to use, open AI systems raise additional considerations around data privacy, security, and oversight.

Examples:

- ChatGPT (public version)
- Grammarly
- Google Gemini
- AI features in social media platforms or design software (e.g., Canva, Adobe Express)

Sources:

- [Bipartisan Policy Center](#)
- [Gallagher](#)
- [Wikipedia: Open-source artificial intelligence](#)
- [LinkedIn Article](#)

Policy

A. General Expectations

- Use of AI should complement—not replace—human judgment and accountability.
- Supervisors are responsible for ensuring staff understand and comply with this policy.
- Any employee using AI to complement their work will be held personally responsible for the product.

B. Closed-System AI Tools – Internal/Private Use

- Staff may use closed-system AI tools (e.g., tools hosted internally or through secure platforms) for internal data gathering, analysis, and reporting purposes.
- All use of closed AI systems must be reviewed and approved by a supervisor prior to implementation.
- Data used with closed AI systems must remain confidential and comply with applicable data privacy and security standards.

C. Open AI Tools – External/Public Use

- Staff may use open AI tools (e.g., ChatGPT, Grammarly, etc.) to assist in proofreading and editing content intended for public release, such as newsletters, social media posts, reports, and other communications.
- Employees should always be able to explain the process and intent behind their work and will be held responsible for the work they produce, with or without using AI as a tool.
- Final content must always be reviewed, edited as needed, and approved by a human prior to publication or distribution.
- Staff **must not** input data not intended for public consumption or personally identifiable information (PII) into open AI tools.

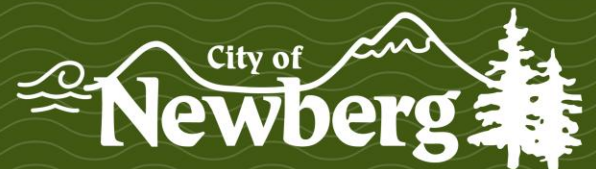
Violations

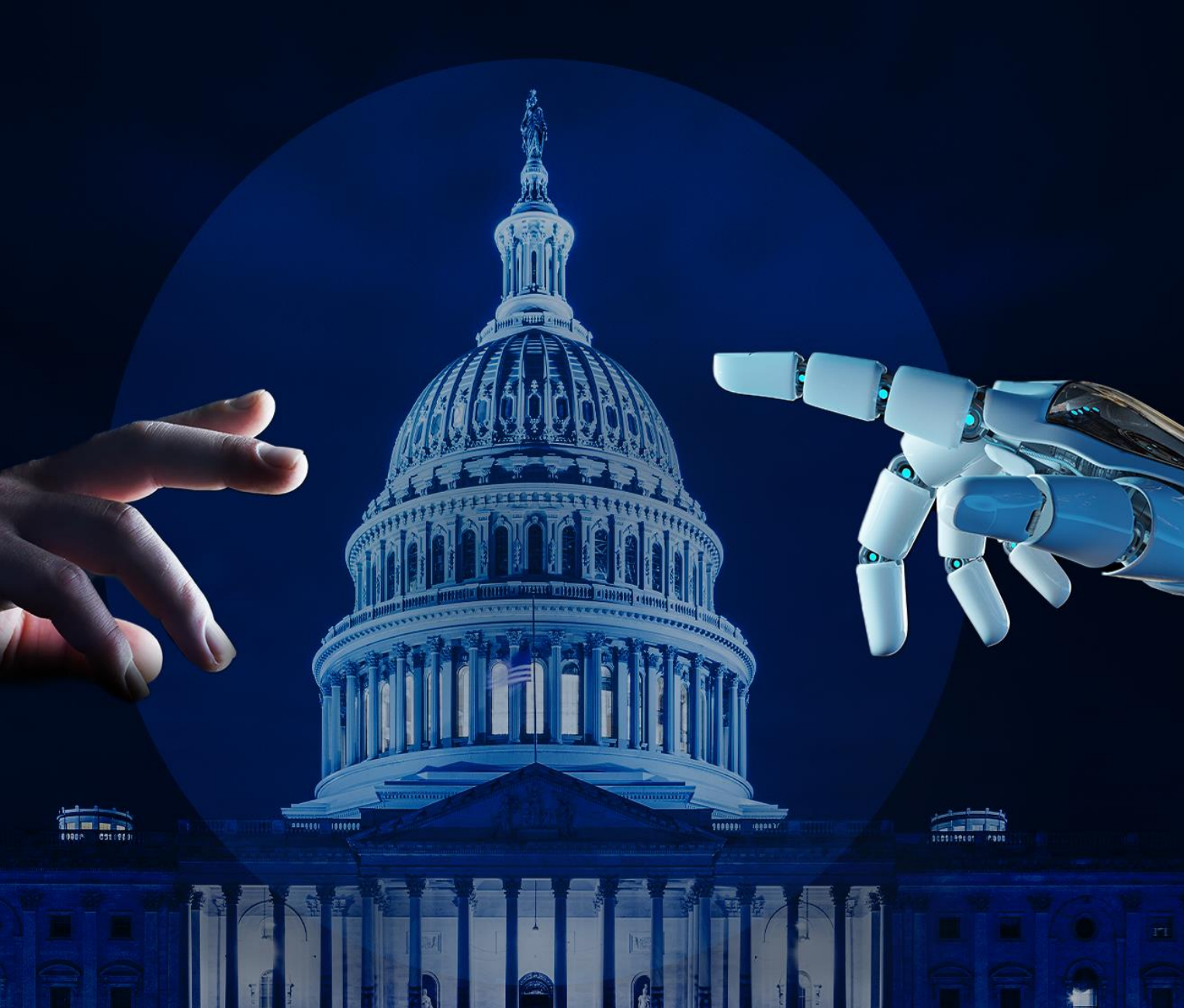
Employees are expected to follow this policy at all times. Knowingly violating it—or helping someone else do so—is a violation of City policy. Employees who do not comply may face disciplinary action, up to and including termination. If a violation also breaks federal, state, or local laws, legal prosecution may apply.

Appropriate Use of AI Policy

Resolution 2025-4002

Emily Salsbury, Interim Public Information Officer





Background

- AI systems are becoming more prevalent every day
- Government behind the curve on most IT innovations – need to make sure tech actually works before using it
- Wait-and-see position, but proactive, not reactive

What We Did



FORMED A TASK FORCE OF
CITY STAFF



CONSULTED OTHER CITIES
TO LEARN CURRENT
APPROACHES



DRAFTED A POLICY THAT
WOULD WORK FOR
NEWBERG

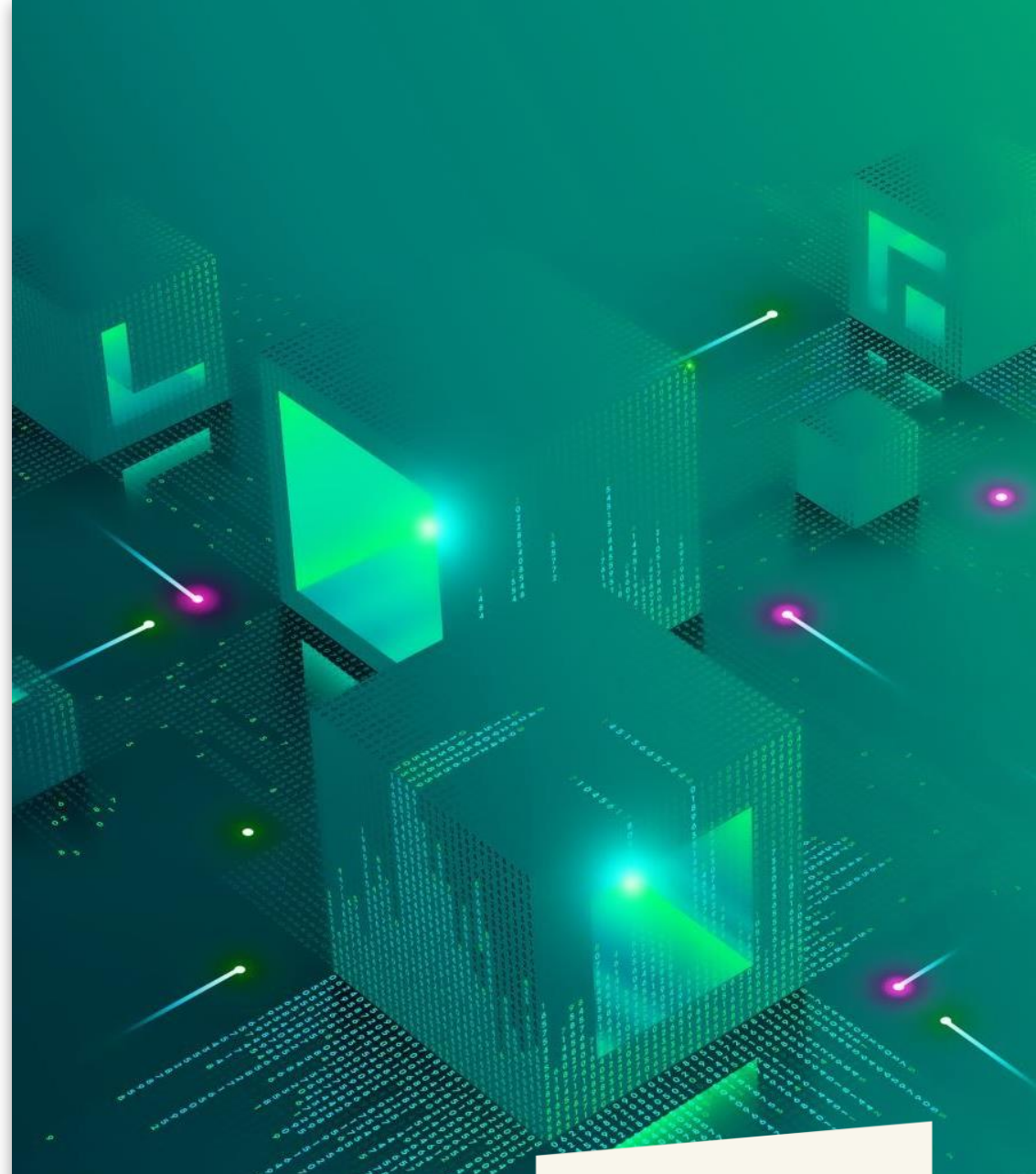


REVIEW AND APPROVAL
BY NEWBERG
DEPARTMENT LEADERSHIP

AI 101

- **Closed-AI Systems**

- Secure, controlled environment
- Only authorized users and systems can access
- Examples: **Data analysis tools**, AI tools included in enterprise software suites with managed data environments (e.g., **Microsoft Copilot in a government-licensed tenant**), **Secure chatbots or virtual assistants** developed for internal use



AI 101

- **Open-AI Systems**

- Publicly-available and operate on cloud-based platforms
- Internet-based, data transmitted and processed by third-party servers outside our organization's direct control
- Powerful and easy to use, but raise concerns about data privacy, security, and oversight
- Examples: Chat GPT, Grammarly, Google Gemini, AI features in social media platforms or design software (Adobe, Canva)



Why it matters

Customer Service

- AI tools can be used to augment the communication skills of staff, but it can also open more opportunities for error or distributing incorrect info

Transparency

- We need to be able to explain and justify our decisions in order to maintain trust with our residents

Access

- Use of Open-AI systems introduces a risk of machine induced bias based on the content that the systems are trained on. We need to ensure that fairness for everyone is a high priority.

Questions?

This policy will return for Council approval 12/1/2025