



City Council

November 3, 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](#)

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- 1. Call to Order**
 - 2. Roll Call**
 - 3. Pledge of Allegiance**
 - 4. [City Manager Report](#)**
 - 4.1. [October Narrative](#)**
 - 5. Public Comments**
 - 6. Combined Work Session with Planning Commission**
 - 6.1. Roll Call of Planning Commission**
 - 6.2. [Curb Tight Sidewalks Cross Sections Discussion](#)**
 - a. [Attachment 1: Keller Memo](#)
 - b. [Attachment 2: Proposed TSP Cross Sections](#)
 - 6.3. Planning Commission Dismissed**
 - 7. Continued Business**
 - 7.1. [Library Surveillance Policy](#)**
 - a. [Exhibit A: Proposed Policy](#)
 - b. [Presentation](#)
 - 8. New Business**
 - 8.1. [Disposal of Surplus Vehicles](#)**
 - a. [Presentation](#)
 - 8.2. [ADA Ramp and Sidewalk Work Contract](#)**
 - a. [Exhibit A: Concrete Solutions Multi-Year Pricing](#)
 - b. [Exhibit B: 3 Year Sidewalk and ADA Subcontractor Agreement](#)
 - 8.3. [Annual Development Code Maintenance](#)**
 - a. [Exhibit A: Ordinance 2025-2940](#)
 - 8.3.a.1. [Exhibit A:1a Annotated](#)
 - 8.3.a.2. [Exhibit A: 1b Clean Copy](#)
 - b. [Exhibit B: Ordinance 2025-2941](#)
 - 8.3.b.1. [Exhibit B: 1a Annotated](#)
 - 8.3.b.2. [Exhibit B: 1b: Clean Copy](#)



- c. [Exhibit C: Planning Commission Resolution 2025-400](#)
- d. [Presentation](#)
- e. [Written Comment- Soppe*](#)

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 3 2025)

Order ☐ Ordinance ☐ Resolution ☐ Motion ☐ Information ☒ Proclamation ☐	
Subject: CM narrative of events for October, 2025	Staff: Will Worthey CM Department: Administration
Work Session ☐ Business Session ☒	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 October of 2025.

Fiscal Impact: All were conventionally budgeted items.

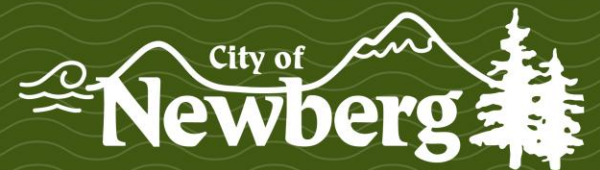
Council Goals:

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 Events for October 2025



Smashing Community Development happenings:

- Daycare expansion at NW Christian Church, design review approval final
- DLCD grant awarded for Housing Capacity Analysis
- Formal solicitation for Senate Bill 1537 UGB Expansion expected Nov 1
- Code maintenance package cleared Planning Commission, on to City Council
- Hayworth/Springbrook Apartments (28 units) previously approved is moving ahead

Community Engagement:

- Volunteer Committee Recruitment continues!
- Helped host the Employee Appreciation lunch – including taking photos!
- Collaborated with Finance to send out an email to water customers about an upcoming change to the email that utility bills come from
- Worked with Engineering staff to promote a community survey about stormwater and water pollution awareness and education

... but there is more!

Community Engagement:

- Teamed up with CM Worthey, GIS Analyst Alan, and the School District to create and promote a survey to gather data that will be used to help estimate incoming student numbers
- Pushed a press release from Public Works about the Water Line Flushing program, which clears built up sediment from pipes
- Hosted the PSU student chapter from the International City/County Manager's Association!
- Designed and printed some fancy new signs from Sign On Signs for our meeting rooms at City Hall

Student ICMA cohort visit & New Meeting Room signage



Newberg Annual Award
Ceremony
2025!



STAFF AWARD CEREMONY 2025!!



CONGRATS: Laymen Award Winner Audrey Smith, Innovator Alan McKeel, and Rookie of the Year Easton Junkin (and the whole team for being brilliant).



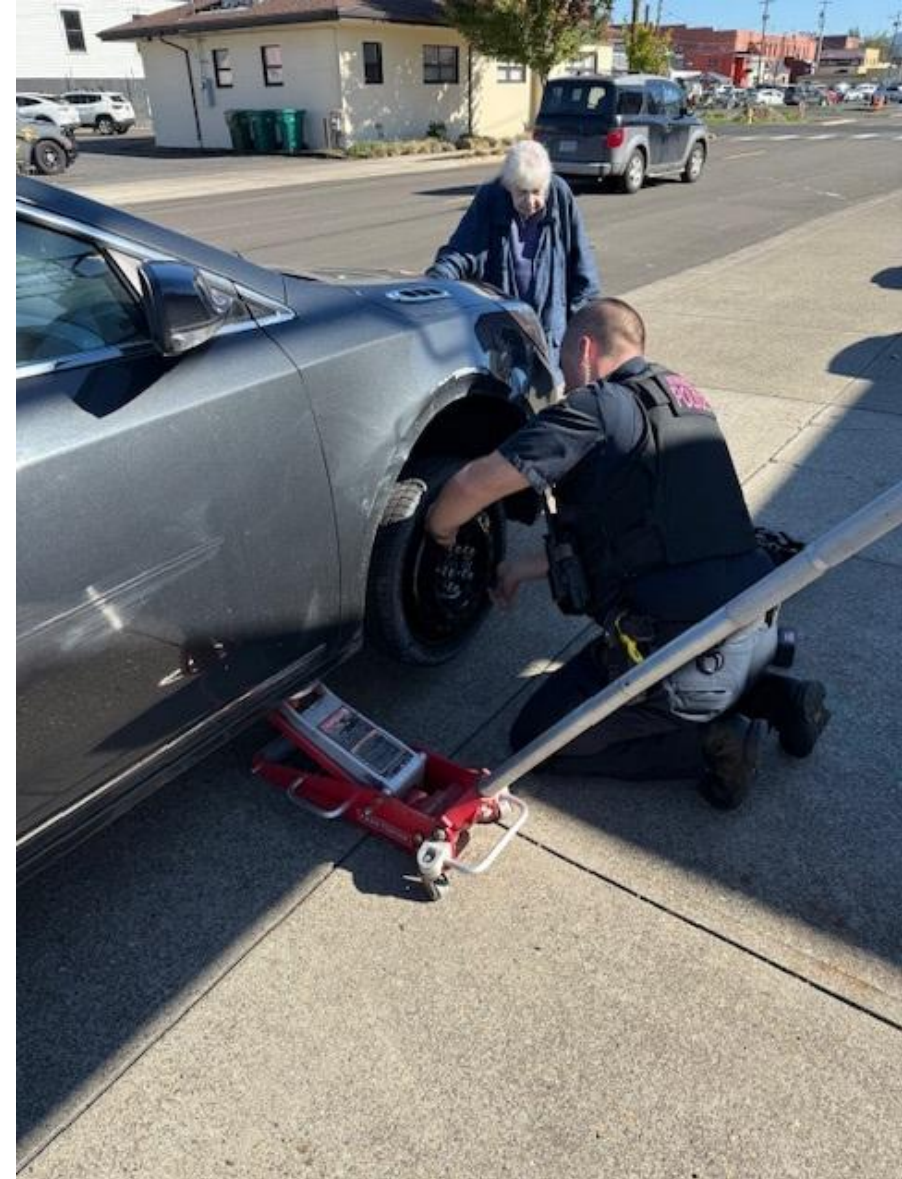
NDPD goings on:

- Providence brought coffee and treats for “Coffee with a Cop”
- Chief and Captain Simmons attended the Downtown Newberg member mixer and did a presentation about Community Policing for local business.



NDPD goings on:

- Officer Fergus helping a Newberg citizen change a tire
- Congratulations to Officer A. Maxfield who graduated from DPSST academy and will finish up his training here at the PD before going solo



Administration – CR office

- Pulled off a very successful Employee Appreciation Event
- Purchased new audience chairs for the Bacon Room
- Finalized the records policy
- Finalized recruitment and onboarded new members for mid-term committee vacancies
- Began annual committee recruitment for terms opening in January
- Finalizing details for the City County Dinner- November 5th!
- Conducted records training for Community Development and Capital Engineering staff

Capital Engineering – woot!

Groundwater Treatment Plant Filter Covers

- Structural fabrication is underway for the steel buildings that will cover the filter basins. Anticipated delivery date for the structures is December
- Final submittal approval is nearly complete for the fabric building that will cover the two contact basins. Anticipated delivery date for the structure is early 2026

More from Capital Engineering – woot!

- A CCTV map is being prepared by Keller for pipes that will be inspected. The city will use the map and prepare a request for bids to complete the CCTV work.
- City staff have made great strides installing, testing and monitoring the city's flow meter equipment in preparation for the flow monitoring efforts that will be conducted during the rainy months of (Jan/Feb).

For the month of October Finance did the following:

- Completed the annual Roads Survey for ODOT
- Discussed and updated the Inclement Weather Timekeeping Policy
- Participated in the Student ICMA Visit from PSU
- Attended Brown and Brown insurance quarterly review
- Continued working with City Recorder on cleaning up the Finance Records Drive
- Had interviews for new Bilingual Finance Clerical Assistant
- Attended the FEMA Training put on by TVF&R
- Court had Tyler Tutoring sessions to help implement some new features for the court software
- Auditors onsite end of October for final fieldwork

HR Report

- HR collaborated with Forensic Detective Sheldon Clay for the 5th Lunch and Learn of the year on cybersecurity.
- HR participated in the quarterly insurance review with city leadership. The city's good work practices continue to improve insurance rates.
- Alison joined the city manager and other department heads for a day with PSU graduate students answering questions about translating academic study to day-to-day work practices.
- Open Enrollment for 2026 medical, dental, vision, life and ltd opened on September 30th and will close on October 24th. The city continues to be able to offer its employees superior benefits for themselves and their dependents.

IT report

- Internet Cutover – November 4: We will be transitioning to our new internet provider, Astound
- CentralSquare Cloud Go-Live – November 12
- The team is preparing for the CentralSquare cloud launch. In the meantime, staff are configuring MDTs, testing internet redundancy, and finalizing network configurations
- PWM New Building: Work is being scheduled to install access control on man doors and overhead doors, set up network connections, and install a 4-sensor camera system
- Avure Virtual Desktop (AVD) Issues: We are continuing to troubleshoot and resolve outstanding AVD issues

But there is more:

- Windows 11 Upgrades: We are meeting with staff individually to transition laptops to Windows 11
- SSPR (Self-Service Password Reset) Project Complete
- The Single Sign-On Password Reset (SSPR) project has been successfully completed.
- Staff can now use the Microsoft Authenticator app to reset their own passwords—no need to contact the IT Helpdesk

Libraryland!

- Front entrance of the library. Waiting on the railings and inspections before we can re-open the front entrance. For now, most people are enjoying the alternative entrance on E. Sheridan Street
- Mr. Will filled in at Storytime on October 22nd when several library staff were at all-day FEMA training, thanks Mr Will! (use the pic Will!) – she made me do it...
- The library received funding from the Austin Family Foundation to purchase books at the Guadalajara Book Fair, sending one person from the library and one person from the school district to select from the largest collection of Spanish materials in the world. Most materials available at the International Book Fair are items we do not otherwise have access to purchase.
- Library staff are gearing up for the all-ages Cozy Reading Program starting next month on November 22nd
- The annual Kids' Craft Sale will be held at the library on Saturday, December 6, 2025.

Mr Will gets to sub
in for storytime!

Helping little ones
with their Lego
blocks after the
event.

Thank goodness for
FEMA training!



Public Works Highlights!

Emergency Management:

- FEMA training Oct. 22nd—24, 2025

PWM Maintenance:

- Sewer Mainline Pipe Cleaned 14,895 Ft = 5.1 Miles Sewer
Mainline Pipe Inspected 5,035 Ft
- Storm Runoff Pipe Cleaned 545 Ft
- Miles of Street Swept 47 miles

More from Maintenance:

• Street Sweeping Debris Removed	30 Cubic Yards
• Total Number of Water Meters	7,661 (2" or larger = 312)
• Water Valves Exercised	44
• Water Meter Service Activities	92
• Fleet/Equipment Service/Repairs	32

PW Operations Highlights: Just some of the WWTP goings on

- Reuse water to Chehalem Glenn Golf Course = 2.905 mg
- Reuse system is shut down for winter, last water was sent on 9/27
- Compost currently closed while we rebuild inventory, anticipated reopening on November 5th, but please call ahead to verify availability.
- Lab staff completed the annual DMR-QA study. DMR-QA stands for “Discharge Monitoring Report – Quality Assurance”. DMR-QA evaluates the analytical ability of laboratories that perform self-monitoring analyses required by their NPDES permit. All the analyses that were performed were within passing ranges.

PW Operations Highlights: Just some of the WWTP goings on

- Screw press 1 gearbox is seized on its shaft!! A new gearbox will be ordered and on site before any further attempts to remove it.
- Maintenance on polymer system for screw press 1
- Completed installation of a new return activated sludge pump in anticipation of our upcoming clarifier stress testing.
- Replaced the conveyor chain in Con 8-04
- Started building the new conveyor chain for Con 8-03
- Replaced failed parts on the lift station controller at Sheridan Lift Station Completed a rebuild on hypo dosing pump 1

PW Operations Highlights: Just some of the WTP goings on

- Wellhouse 3 was moved to enable the abandonment of well 3
- Brine Pump was rebuilt, and a replacement motor has been ordered
- South Settling Basin was cleaned and inspected
- Acid Wash done on the hypochlorite generator
- Backflow device inspections
- Generator service done at the wellfield
- Polymer pumps were serviced
- Gathered quotes for wellfield Scada replacement project (electronic controllers)

PW Maintenance – Concrete work

- PSB (Blaine Street): Completed locates, stump grinding, sidewalk panel removal, and concrete pour-back
- 2024–2025 ADA Projects: Completed
- 2025–2026 ADA Projects: Planning phase underway
- Howard Street: Concrete removed and replaced
- Blaine & 3rd (PSB): Project started
- Oak Knoll & Meridian: Asphalt replacement completed
- E. Fulton Street: Assisted with asphalt pour
- PWM Yard: Concrete crew assisted with tent setup

E. Fulton Street Paving Before & After



Hydrant Meter Repair and Maintenance on 9th & College



Holly Street Water Leak Repair



I saved the most important Public Works Happened until last. It is a bittersweet announcement that I need to share in council tonight.

After serving Newberg for over 45 years in every role from an entry level position to Public Works Director, Russ Thomas has notified the City Manager of his intention to retire effective March 2nd 2026.

I know that many adventures and fun times lie ahead for Russ and Mary Lynn, and I need to say a bit more on the record about this beloved man...

Russ has been a champion of the Newberg community since the first day he showed up for work, setting an example of the city's STRIVE ethics standards in everything he does. Did you know he was instrumental in creating our values?

Russ is quoted on the cover of the city's customer service handbook to remind us all to “***Treat people like they're your own grandparents.***” But its not just Newberg who knows he sterling qualities...

Recently, the American Public Works Association recognized Russ for his legacy of service. “Russ has dedicated his life to public service, beginning with his [enlistment] in the US Navy in 1973, finding his way to the City of Newberg as a laborer in 1979...



... then Russ worked his way up the ladder to his current position as Newberg's Public Works Director."

This was recognized by Oregon APWA Chapter President Tim Blackwood. "Russ' commitment to the Public Works Profession overall and to the Oregon Chapter of APWA, is unparalleled."

Please show your appreciation for my mentor and friend Director Thomas!



So that's it for October happenings!

As you can see, residents' tax dollars have been hard at work as usual, and service matters here.

Questions?

REQUEST FOR COUNCIL ACTION



Date Action Requested: (November 3, 2025)

Order ☐	Ordinance ☐	Resolution ☐	Motion ☐	Information ☒	Proclamation ☐
Subject: Information for a joint work session on alternative cross sections to include curb tight sidewalks.				Staff: Will Worthey and Keller Engineering Staff Department: Capital Engineering	
Work Session ☐ Business Session ☐				Order On Agenda: Continuing Business (top of the agenda)	

Is this item state mandated? Yes ☒ No ☐

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

While no ORS or OAR prevents curb tight sidewalks Oregon DEQ and City design standards require a certain level of treatment prior to discharging storm water to waters of the state. This means that local water treatment must occur on site by some means, see Keller memo for more details.

Recommendation:

This is a discussion item - no recommendation is offered, however, engineering responses to curb tight sidewalks are provided from Keller Engineering by way of **Attachment 1 - Keller memo**. It is the hope of staff that a consensus can be achieved on this issue prior to the planning commission set to occur on Thursday the 13th of November.

Executive Summary:

An agenda request was made to have a joint session of the city council and the planning commission to consider the possibility of curb tight sidewalk cross sections. In an earlier presentation the need for a more flexible set of cross sections was considered. The consensus at that meeting was that they should be considered. For reference purposes the relevant pages from the October 20 session have been provided as **Attachment 2 – Update with TSP Cross Sections**.

Fiscal Impact:

All were conventionally budgeted items to include the TSP update. Having more cross sections opens the door to more road building economy.

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.

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

- Review the capital improvement projects annually.
- Focus on road and sidewalk improvements in Districts 1 & 3.

RE: Keller Engineering response to information on Curb Tight sidewalks

Response:

In regard to the discussion surrounding typical sections having planter strips vs being curb tight, we have provided the following initial thoughts:

First, to address site development and code requirements:

There aren't specific code requirements in ORS that would require planter strips to be installed. However, the most significant challenge that is created with curb-tight construction is how to appropriately handle storm water. Oregon DEQ and City design standards require a certain level of treatment prior to discharging storm water to waters of the state. There are essentially only 2 ways to naturally achieve treatment that are acceptable:

1. Construction of localized treatment in planters.
 - a. feasible for most development projects with short frontages that these typical sections are expected to be applied.
2. Discharge to a regional water quality treatment facility.
 - a. only feasible for new, large projects where facilities can be constructed.
3. Localized planters may be placed behind a curb-tight sidewalk (See example below). However, this creates a significant challenges:
 - o Grading & Constructability - requires the construction of trench drains to covey water through the curb tight walk. It also complicates maintenance for Public Works, since they will have to work across the sidewalk to maintain the planters and maintain trench drains.
 - o Results in unsightly localized treatment on the property-owners side of the sidewalk, which is generally less well-received by the public than having back-of-walk at the Right of Way line.



- To mitigate sidewalk panel damage from root growth, selection of appropriate deep-rooting trees that are not prone to overgrowth in a 5-foot-wide planter strip can effectively keep long-term damage to a minimum.
 - Linear root barriers can also be installed along each side of the planter strip that will force any laterally growing roots to grow down instead of out.

Second, planter strips double as a necessary safety element of the roadway cross-section:

- Planter strips provide a buffer between people walking and vehicles. This width is critical to maintain sidewalk users' sense of safety, and is a fundamental metric measured in a Pedestrian Level of Traffic Stress analysis, and the pedestrian LOS method in the Highway Capacity Manual.
- Planter strips allocate more room in a street cross-section for crosswalk ramps to be developed, reducing steepness of sidewalk ramps and facilitating the design sidewalk landings at the top of sidewalk ramps without encroaching into adjacent properties to meet ADA and PROWAG requirements.
- The planter strip provides a buffer space that effectively serves several uses:
 - Buffer space for a “step-out” zone for people exiting vehicles. This removes a hazard of people opening car doors into people using the sidewalk.
 - Space for street trees that provide shade to users, enhancing the comfort of people walking outside.
 - Space for lighting and street furniture without encroaching on sidewalk widths or property owner Right of Way.
- Broadly, buffers are a critical element of vibrant urban streetscapes

To summarize, there are not ORS code sections restricting sidewalk from being curb tight. However, due to treatment requirements for storm water, it does make curb-tight walk much more complicated to execute, difficult to maintain, potentially unsightly for property owner and is less safe for pedestrians.

Planter strips are an effective means of addressing civil engineering challenges while creating vibrant streetscapes - creating robust community assets.

Trevis Smith

Keller Associates, Inc.

MOBILE 971-287-0759 | OFFICE 971-405-6331

Typical Cross Sections Update

As indicated in an earlier email to council an update to typical cross sections is coming soon.

- This is a sneak peak
- An intro to what typical street sections are
- An examination about why I desired more options
- A review of the existing sections
- This will be presented more completely with technical input after planning commission review
- Its worth noting the design exceptions can often be made to any cross section by an engineer to take account of special circumstances in the field

Typical Cross Sections Update

Typical Cross sections are found in the Transportation System Plan (TSP) one of the major planning documents used by cities in Oregon.

A TSP is a long-range planning document that describes a transportation system and outlines projects, programs, and policies to meet transportation needs now and out to 20 years in the future.

A TSP is required for most Oregon jurisdictions per Oregon Administrative Rule (OAR) 660-012

Typical Cross Sections Update

Typical Cross sections have a few primary uses:

- They lay out the rules that developers would need to follow when constructing our streets.
- They provide engineers with a good starting point in designing a new street.
- They ensure compliance with states rules and regulations.

Typical Cross Sections Update

Why have Newberg City staff sought to add more cross section templates to our TSP?

- May staff including the CM have felt that there were too few options for many street design use cases.
- Elliott Road showed that our current suite of options was not very flexible. The public agreed!!
- Having the right cross section can keep costs down and make a street safer (both things happen when a street is narrower) = right-sizing the street for the location.

By adopting more cross sections we have more ways to build streets = more choice.

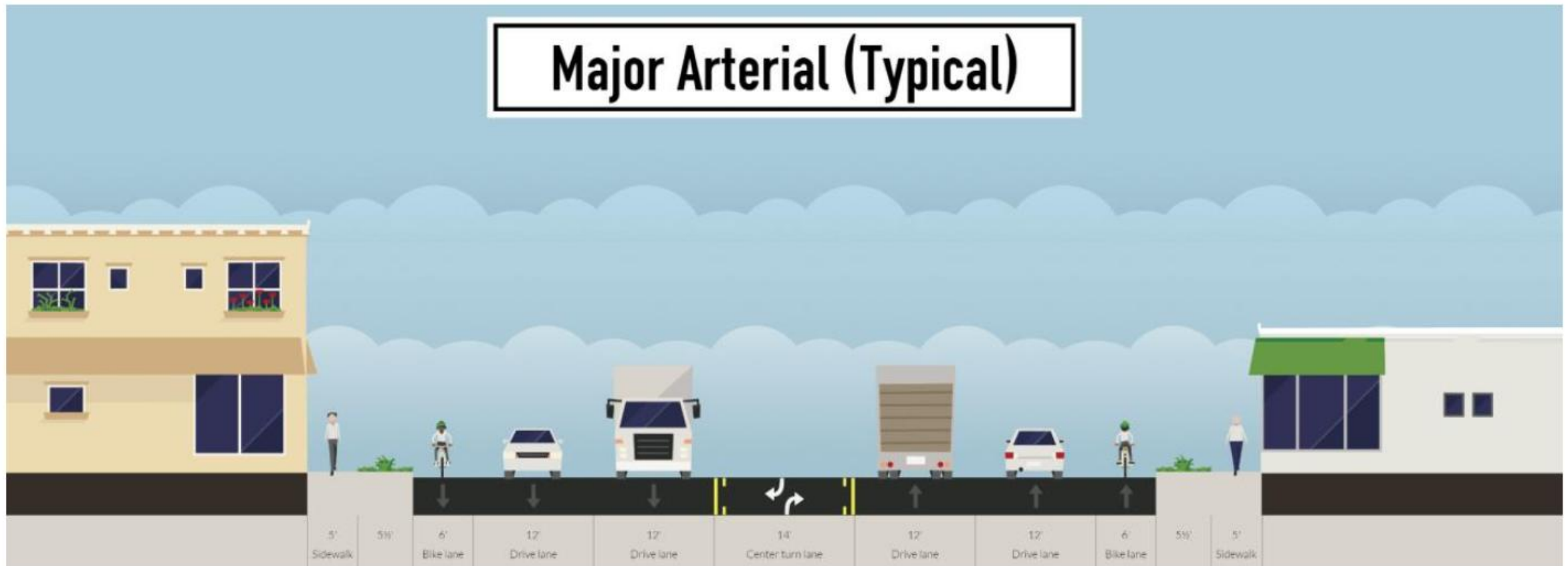


Typical Cross Sections Update

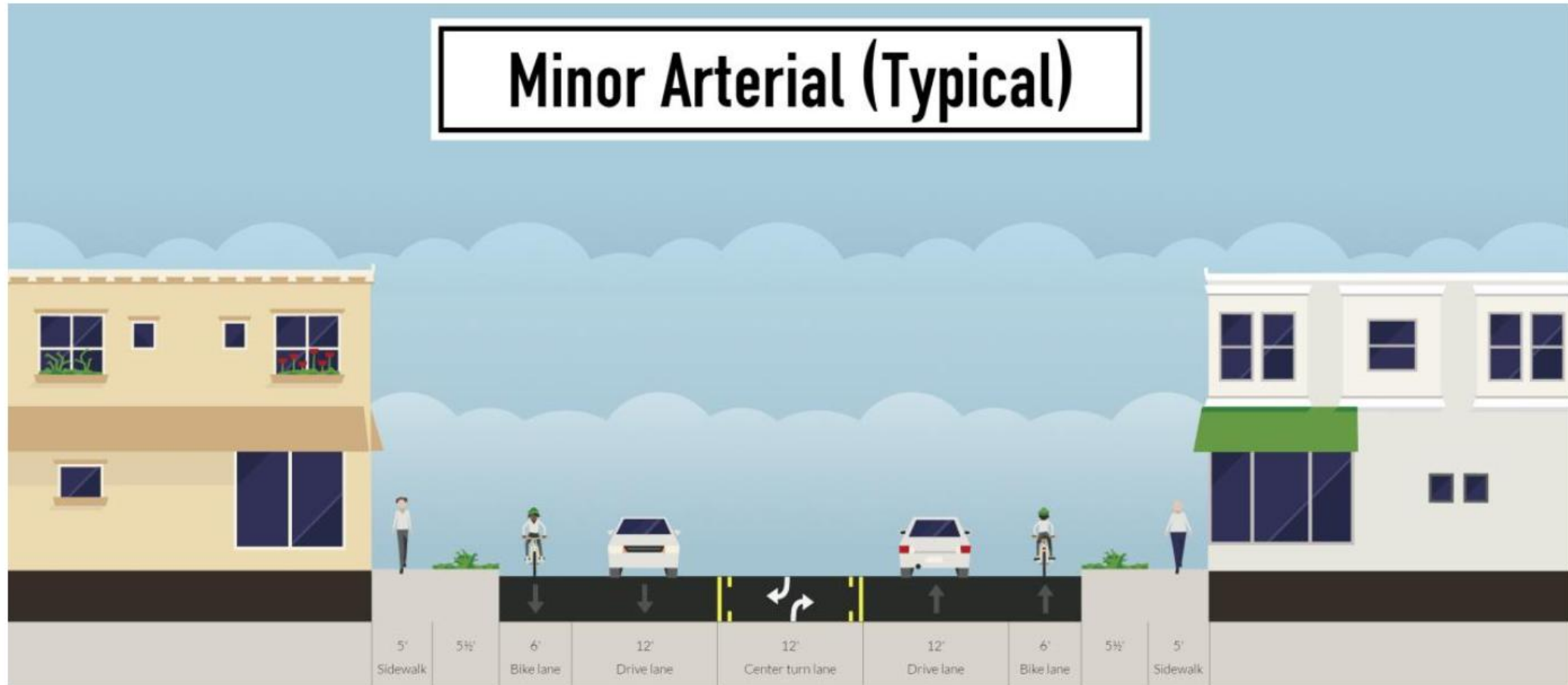
There are common types of street in the TSP - each type would have some typical cross sections to choose from:

Major Arterial	A high-capacity road intended to move significant volumes of local and regional traffic over longer distances
Minor Arterial	A roadway that connects neighborhoods and activity centers to the major arterial road network
Major Collector	A road that gathers considerable amounts of traffic from local streets and channels it to larger arterial roads
Minor Collector	A road designed to gather traffic from local streets and direct it toward larger roads
Local Residential	A street whose primary purpose is to provide access to properties and circulate traffic within local neighborhoods
Local Commercial / Industrial	Primarily for use in Commercial or Industrial settings

Major Arterial – Current (no new sections were required)



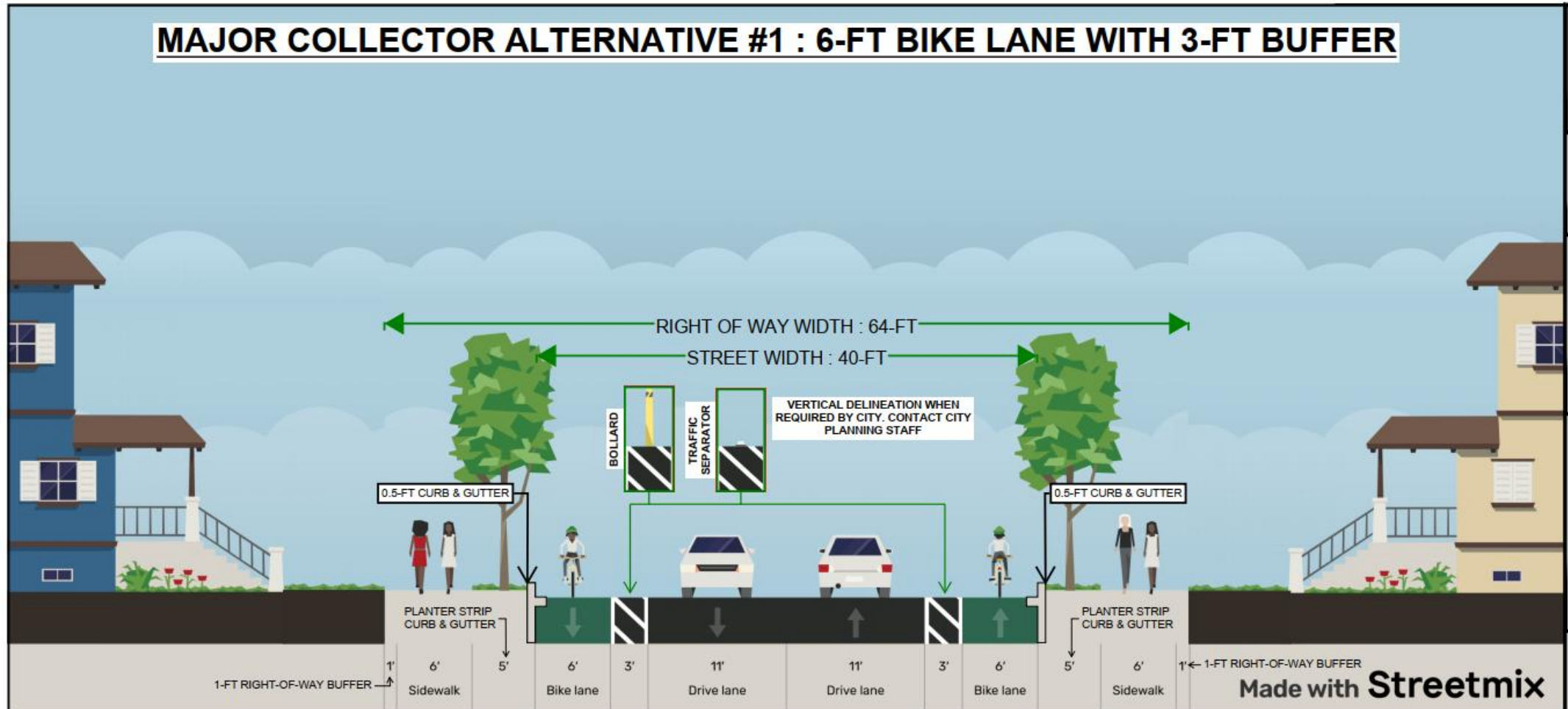
Minor Arterial – Current (no new sections were required)



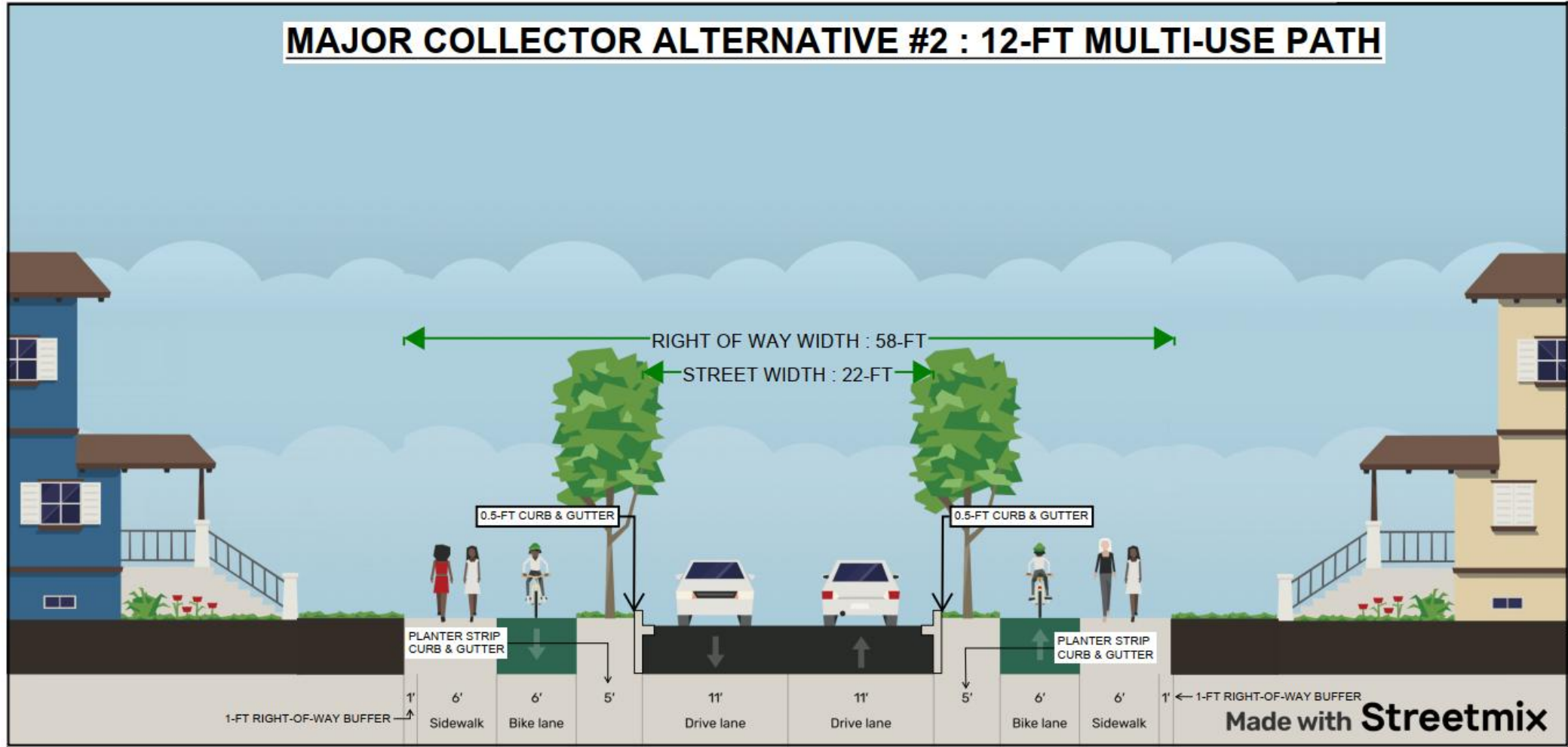
Major Collector - Current



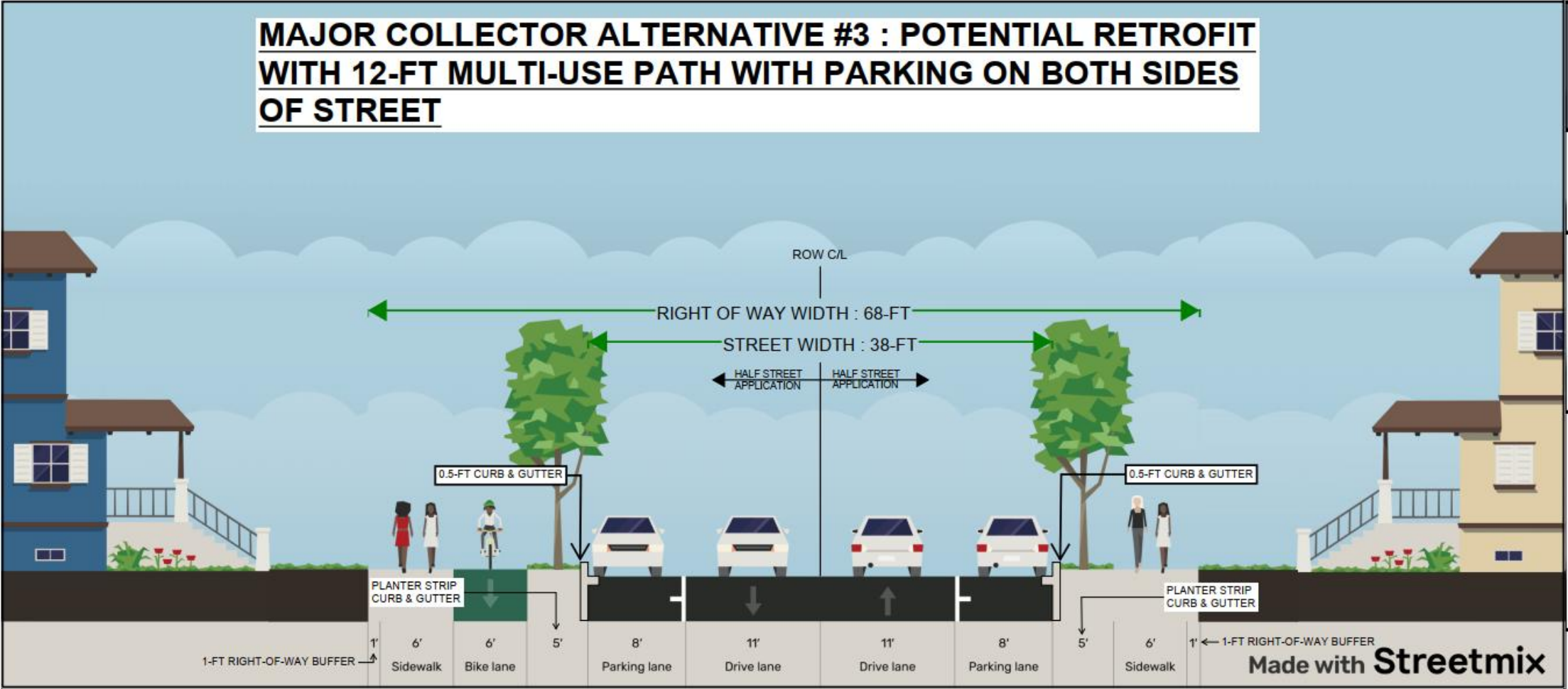
Major Collector New Alternative #1



Major Collector New Alternative #2



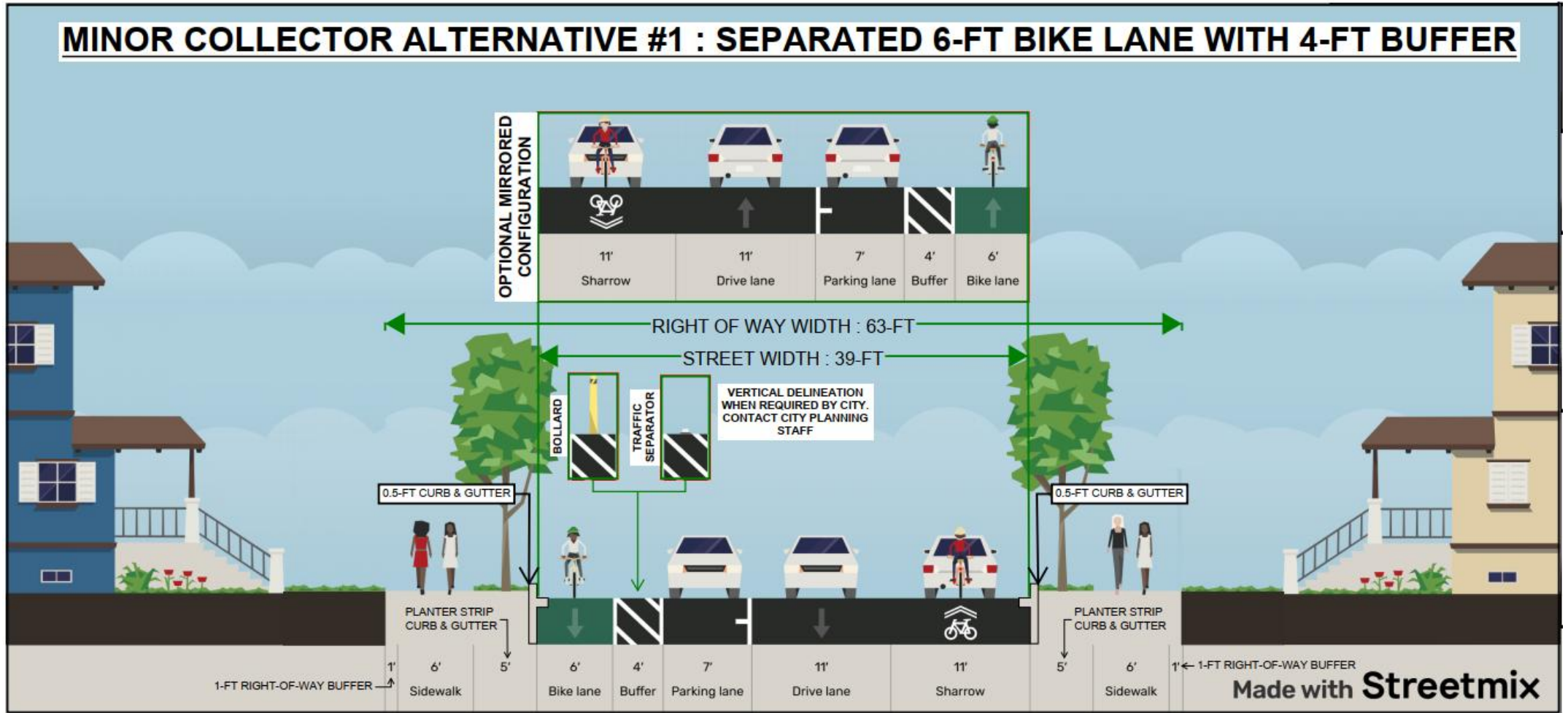
Major Collector New Alternative #3



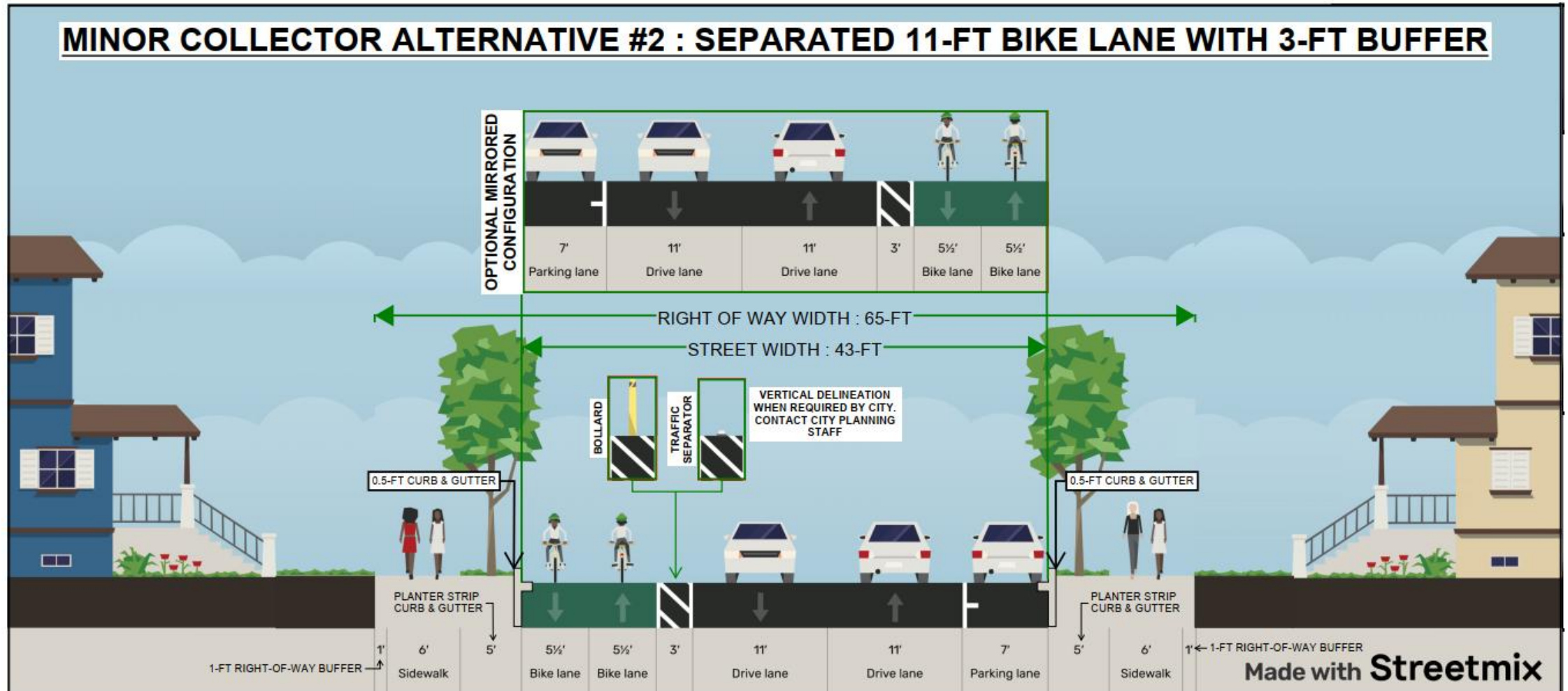
Minor Collector - Current



Minor Collector – New Alternative #1



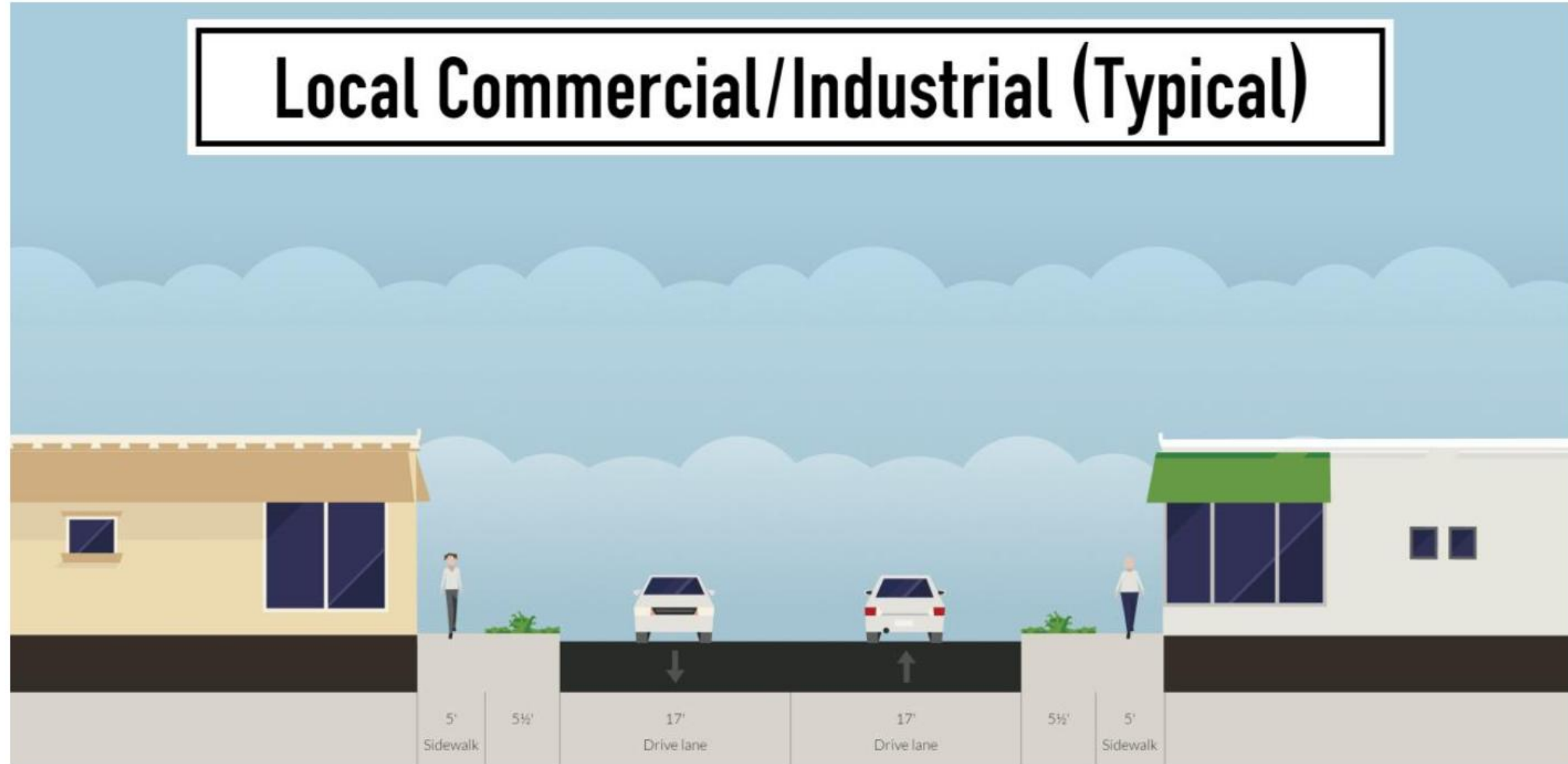
Minor Collector – New Alternative #2



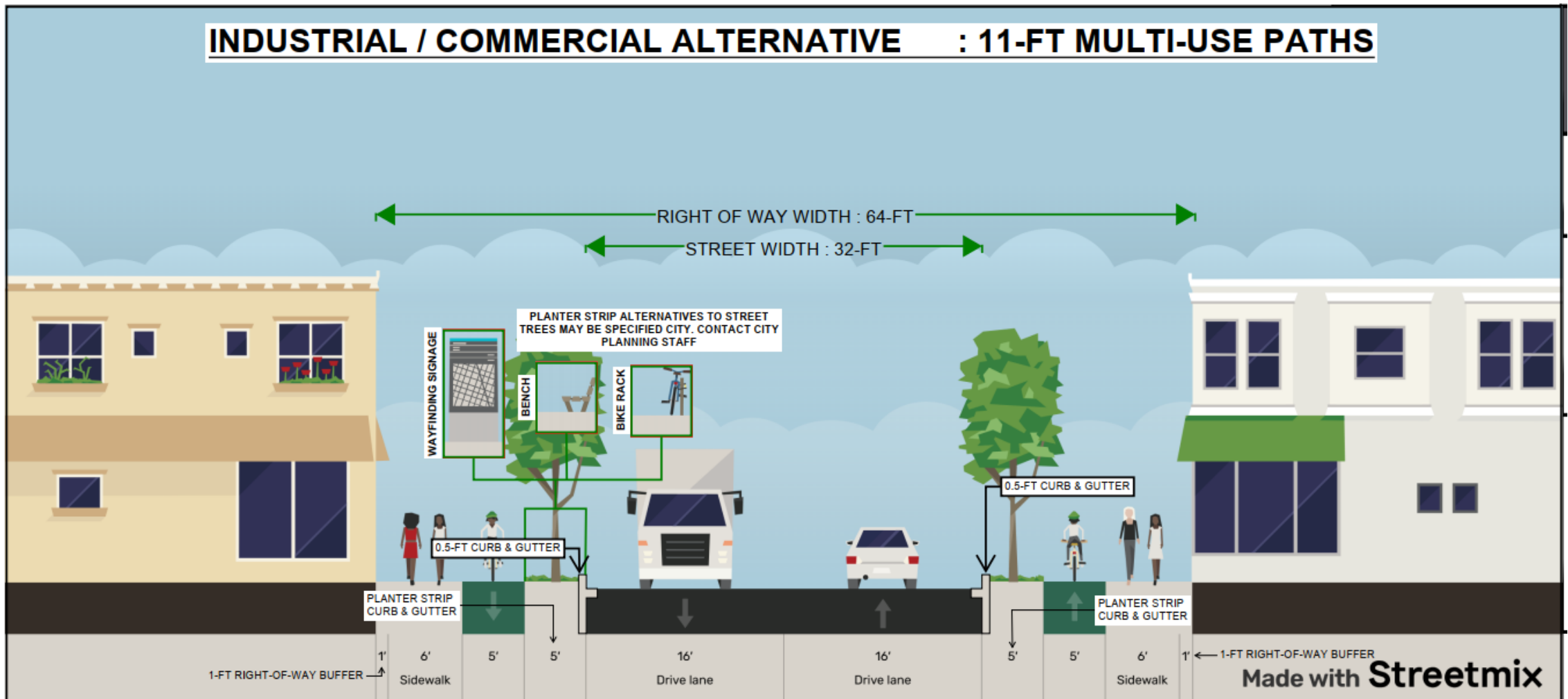
Local Residential – No Changes Required



Commercial / Industrial Original Design



Commercial / Industrial New Alternative



So that's the end of the CM report including statistics for August, with a sneak peak at the new TSP typical cross sections and their intended use.

Questions?

REQUEST FOR COUNCIL ACTION



Date Action Requested: November 3, 2025

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐ Proclamation ☐

No. 2025-3989

Subject: Library Surveillance Policy

Staff: Korie Buerkle
Department: Library

Business Session

Order On Agenda:

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: The Library Director recommends the City Council approve the updated Library Surveillance Policy, reviewed by legal counsel, edited and passed by the Library Advisory Board on October 16, 2025.

Executive Summary: For the last several years the library has worked to install cameras inside and outside the library to deter unsafe behavior. We have followed this with a Library Policy for transparency to the public, and to ensure library staff understand expectations and use around surveillance.

Fiscal Impact: None

Council Goals: This policy speaks to Council Goal 3: “Enhance Community Safety,” as the cameras inside and outside the library deter unsafe behavior. Furthermore this policy provides transparency, Goal 4 of City Council Goals, by sharing expectations and reasoning with the public.



RESOLUTION No. 2025-3989

A Resolution

Recitals:

1. The Newberg Public Library provides library items, resources and programming for the community in a clean and safe space for individuals and families using the library.
2. While the library cameras and notice to the public of the cameras have been in place for many years, this is the first Library Surveillance Policy.
3. The new Library Surveillance Policy, passed by the Library Advisory Board in August 2025, edited and passed again on October 16, 2025, provides more transparency to the public, and ensures library staff understand expectations and use around surveillance.

The City of Newberg Resolves as Follows:

1. To approve the updated Library Surveillance Policy as seen in Exhibit A.

Effective Date of this resolution is the day after the adoption date, which is: November 3, 2025.

Adopted by the City Council of Newberg, Oregon, this 3rd day of November, 2025.

Rachel Thomas, City Recorder

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

Bill Rosacker, Mayor



Surveillance Policy

Authority: Library Advisory Board

History: Adopted by the Newberg Library Board on 10/16/2025, Adopted by the Newberg City Council on 00/00/0000

Purpose

To aid in protecting the safety of individuals and the property of the library, and to deter crime, the Newberg Public Library (the Library) uses video surveillance equipment.

Signs around the Library are posted to alert the public to surveillance.

Surveillance

Video surveillance is limited to areas that do not violate the reasonable expectation of privacy, such as areas of public usage, staff work areas, parking lots, and exterior grounds.

Targeted video surveillance is prohibited if such observation is based on the characteristics and classifications that would be considered discriminatory under local, state, or federal law (e.g., race, gender, sexual orientation, national origin, disability, etc.).

Use of Video

In instances when the Library calls the police or files a police report, the Library will make recorded footage or images available to the local police department.

Camera footage or images will be shared with the City/Library insurance representatives when relevant to an insurance claim investigation without the consultation of legal representation.

Requests for Video

In response to a search warrant, subpoena, or court order delivered to the City by an external entity, the Library Director or library supervisory staff will review and determine eligibility for release in consultation with legal representation.

All requests for disclosure of recorded footage or images, except as stated above for law enforcement or insurance purposes, shall be addressed in accordance with Oregon Public Records Law, and submitted to the City Recorder through the stated process for Public Records Requests.

The City Recorder shall review the requested video or images and determine if they contain any information protected from disclosure under ORS 192.355(23) or any other exemptions from public disclosure. When a request is made to inspect or copy recorded images that are exempt from disclosure under the Oregon Public Records Law, and contain images that are not exempt, the library shall reasonably attempt to redact the exempt images and make the remaining images available for inspection or copying.



Newberg
Public Library

LIBRARY STATS

- Open 42 hours/week
- Averaging over 8,200 library visits/month
- Averaging over 32,800 circulation events/month
- Averaging 2,650 reference questions/month



SURVEILLANCE POLICY

Purpose

To aid in protecting the safety of individuals and the property of the library, and to deter crime, the Newberg Public Library uses video surveillance equipment.

We believe the cameras continue to be successful in discouraging unsafe behaviors around the library. The library continues to work closely with NDPD when issues arise.

Camera footage does not violate the reasonable expectation of privacy. Signs are posted around the library.

The library has many cameras, inside and outside, but for security purposes I will not be sharing the exact number or the scope of views.





Newberg
Public Library

korie.buerkle@newbergoregon.gov

REQUEST FOR COUNCIL ACTION



Date Action Requested:

Order ☐ Ordinance ☐ Resolution ☐ Motion ☐ Information ☒ Proclamation ☐	
Subject: A presentation on current surplus vehicles and equipment and their disposal process. This will allow for council questions and provide staff feedback.	Staff: Russ Thomas Department: Public Works
Business Session	Order On Agenda: New Business

Is this item state mandated? Yes ☐ No ☒

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

Recommendation:

This item is informational only to provide information on the process for the disposal of surplus vehicles and equipment that have been replaced or no longer needed by the city, and the status of surplus or unneeded vehicles and equipment.

Executive Summary:

1. The City of Newberg replaces or disposes of vehicles and equipment to meet the changing needs of the city, maintain their effective and efficient utilization, and reduce operation and maintenance costs. When replaced, or no longer needed, the city manager is authorized by Newberg Municipal Code Title 2.35.270(A) to declare vehicles or equipment as surplus and may be disposed of as per Newberg Municipal Code Titles 2.35.270(B), and Title 3.25.080(G).
2. From March 2020 through May 2023, due to the impact of COVID and the needs of the city, replaced vehicles and equipment were retained, and previously scheduled replacements were either delayed due to national supply chain issues, or were deferred. This created an excess of unused and unneeded vehicles and equipment that would have normally been disposed of upon their replacement or obsolescence. Additionally, deferred replacements were done during the 2024 and 2025 FY's, adding to the number of surplus vehicles and equipment to be disposed of.
3. Due to the number and estimated monetary value of the surplus or obsolete vehicles and equipment that may be recovered by the City of Newberg by their disposal, this information is being provided to the council.

Fiscal Impact:

The estimated monetary value that may be recovered by the disposal and sale of the surplus or obsolete vehicles and equipment is approximately \$290,000.00. The estimated valuations were determined by recent comparable sales, estimations by vehicle and equipment vendors, and valuation estimation services such as Kelly Blue Book. When sold, the recovered funds will be returned to budgetary funds that originally purchased the vehicles or equipment.

Council Goals:

The timely and proper disposal and sale of the surplus and obsolete vehicles and equipment as per the authorized methods and requirements of the Newberg Municipal Code will reduce the costs associated with their continued maintenance and operation. It will ensure the maximum dollar value of the surplus and obsolete vehicles and equipment is recovered and returned to the budgetary funds that purchased them, further reducing the overall costs for the necessary vehicles and equipment to meet the operational needs of the city. This is a key component of **Goal 5: Implement a careful and prudent fiscal policy** and reduces overall cost to provide the vehicles and equipment to meet **Continuous Goal A: Ensure Newberg infrastructure is in good repair and supply.**

Disposal of Surplus Vehicles and Equipment

Authority for declaration and approved disposal methods for surplus city owned personal property. in contained in the Newberg Municipal Code

NMC Title 2.35.270(A)

NMC Title 3.25.080(G)

City-owned personal property can be declared to be unnecessary and surplus to the operation of the city by the city manager.

- Newberg Municipal Code Title 2.35.270(A)

Surplus Disposal Options

- Sale or transfer to another city department or public agency
- Publicly advertised auction to highest bidder
- Publicly advertised invitation to bid
- Liquidation sale through commercial third-party liquidator
- Fixed price sale
- Trade-in with the acquisition of price-based items by competitive bid
- Donation to other governmental organizations or local 501(c)(3) organization.
- Any cost-effective methods for items valued under \$500, where the cost of sale will likely exceed sale proceeds
 - NMC 2.35.270 (B)
 - NMC 3.25.080 (G)

Most commonly used methods

- Publicly advertised auction to highest bidder
- Trade-in with the acquisition of price-based items by competitive bid
- Sale or transfer to another city department or public agency
- Donation to other governmental organizations or local 501(c)(3) organization.

Publicly Advertised Auction

- Pickup trucks
- Cars
- Common Midsize Equipment
- J. Stout Auctions
 - City staff does not have to clean, prepare, or manage auction advertisement, showing, or sale transaction.



Trade In

- Used with larger specialized vehicles or equipment when trade in value or incentives equals or exceeds sale proceeds by other methods



Sale to another public agency

- Used with specialized vehicles or equipment where proceeds will exceed auction or potential trade in value.



Donation to other governmental agency or local 501(c)(3) organization.

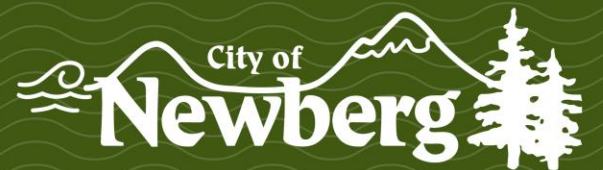
- Value less than \$500
- Cost to sell exceeds value
- Can provide beneficial use to local non-profit serving community



Current Surplus Vehicles and Equipment

Dept.	Vehicle #	Year	Make	Model	Category	Description	Miles / Hrs	Est Value	Source
PWM SEWER	538-13	2013	Freightliner	114SD	Speciality Trucks	Vactor	15,988 mi / 3750 hr	\$ 100,000	Machinery Trader
PWM Multi	925-21	2021	Case	570NEP	Large Equipment	Box Grader	497 hr	\$ 60,000	Machinery Trader
PWM Multi	926-96	1996	Chevy	C3500	Service Truck	Cone Truck (Emergencies)	26,116 mi	\$ 3,000	KBB
PWM Multi	930-04	2004	PJ	TD 1420	Trailer	Excavator Trailer	n/a	\$ 3,000	Google
PD	8323-11	2011	Dodge	Charger	Vehicle	SRO Car	96,811 mi	\$ 5,000	KBB
Fac / Grnds	946-11	2011	Gravely	Pro-Turn 148	Medium Equipment	Zero Turn Mower	1208 hr	\$ 1,000	Google
PWM	1399913	1999	Target	PAC IV	Medium Equipment	Slab Saw	n/a	\$ 300	Staff
PWM	357-12	2012	Elgin	MV3000	Specialtiy Truck	Street Sweeper	56,650 mi	\$ 20,000	Machinery Trader
WWTP	525-00	2000	ONAN	DGBC-4480379	Generator	Generator on Trailer	112 hrs	\$ 5,000	Power Systems Today
WTP			Poly Processing	6600 Gal		Single Wall PE Tank	n/a	\$ 100	Staff
WTP			Poly Processing	6600 Gal		Single Wall PE Tank	n/a	\$ 100	Staff
WTP			Poly Processing	2750 Gal		Single Wall PE Tank	n/a	\$ 100	Staff
PWM	933-96	1996	Ford	F350	Vehicle	Bucket Truck	112,146 mi / 1,498 hr	\$ 10,000	Commercial Truck Trader
PWM	307-00	2000	New Holland	T/S 100	Large Equipment	Boom Mower (blue)	1,970 hr	\$ 20,000	Tractor House
Building	108-16	2016	Chevrolet	C1500 4 x 4	Vehicle	1/2 ton (Bernies New Truck)	53,701 mi	\$ 12,000	KBB
WWTP	409-15	2015	Chevrolet	Silverado	Vehicle	Truck	19,157 mi	\$ 13,000	KBB
WTP	411-17	2017	Chevrolet	Trax	Vehicle	SUV (Carpool)	11,262 mi	\$ 6,000	KBB
PWM SEWER	533-96	1996	International	5yd. Dump	Large Dump Trucks	5yd. Dump (White)	216,533 mi	\$ 20,000	Machinery Trader
PWM SEWER	540-14	2014	Ford	F450	Speciality Trucks	Cues TV Van	15586 mi	\$ 20,000	Commercial Truck Trader
								\$ 298,600	

Questions



REQUEST FOR COUNCIL ACTION



Date Action Requested: (November 3, 2025)

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐ Proclamation ☐

No. 2025-4000

Subject: A resolution authorizing the city Capital Engineering team to enter into a contract to provide extra capacity for sidewalk repairs.

Staff: Will Worthey CM
Department: Capital 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:

State regulations specify that ADA infrastructure be added under a variety of triggers to include adjacent road surface repairs.

Recommendation:

Staff recommends the following resolution action:

“I move that we approve resolution 2025-4000.”

Executive Summary:

In 2024 and 2025 with growing skill and confidence the city has been carrying out more road repairs and the related sidewalk and ADA improvements that go with them. While this has been excellent and has heavily relied upon the new sidewalk crew there have been times when the city has not had sufficient sidewalk building capacity to keep up with all the demands placed upon the team. In these situations, and when time was of the essence, we have continued to run invitation to bid actions to cover the extra work. Each year we only have a small window of opportunity when the roads repair firms can be in town.

These factors added to the increasing effectiveness of NDPD code enforcement points to the ongoing need for occasional contract ADA or flat panel work to supplement the work of the crew. Capital Engineering staff estimate that there may be as many as 60 ramp or sections to be completed before June 1 of 2026.

In order to get the best pricing possible capital engineering staff desires to lock in competitively procured pricing for a multi-year period. This has the added advantage that we will be more agile and able to order services more quickly on demand if the sidewalk crew is unavailable for a certain period due to the pressures of staying ahead of the ADA work triggered by Transportation Utility Fee work.

Fiscal Impact:

It is possible that this additional work may **collectively** rise above \$100,000 from many projects for a given year. Therefore, for public transparency and in line with the purchasing manual Capital Engineering is seeking this authorization in advance of this possible event.

The pricing illustrated in Exhibit A represents a rate approximately 20% below current single bid requests that we have seen fulfilled in 2025 and is an excellent value for the city. Exhibit B illustrates the subcontractor agreement and cites that in the event of an error the contractor will re-do the ramp or sidewalk at no charge to the city.

While the exact amount of work to be ordered cannot be known in advance (due to a variety of factors) the funds would come from the already budgeted Transportation Utility Fee (TUF) appropriation line item.

Council Goals:

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

- Review the capital improvement projects annually.
- Focus on road and sidewalk improvements in Districts 1 & 3.



RESOLUTION NO. 2025-4000

A Resolution to Add Additional Sidewalk Building Capacity Via a Sub-Contractor Agreement to Cover a Three-Year Period of Construction

Recitals:

1. In January of 2025 new council Goals were formulated based upon the previous list.
2. Based upon council goal A the city is focusing heavily on sidewalk and ADA work in districts 1 & 3.
3. Given that there will be times when the sidewalk crew does not have the capacity to keep up with all the work required the city is seeking this additional capacity via a cost-effective sub-contractor arrangement.

The City of Newberg Resolves as Follows:

1. The City of Newberg approves Resolution 2025-4000 to add extra side walk and ADA capacity via a sub-contractor agreement.

Effective Date of this resolution is the day after the adoption date, which is: November 4, 2025.

Adopted by the City Council of Newberg, Oregon, this 3rd day of November, 2025.

Rachel Thomas, City Recorder

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

Bill Rosacker, Mayor

Newberg Sidewalk and ADA 2025-2028

3.D Introductory Letter

Contracting and In field design by;

CONCRETE SOLUTIONS INCORPORATED

1540 NE Alpha Drive

McMinnville, OR 97128

CCB# 98316

Chris Szedlak, President

Telephone (503) 437-2233

Email: c.szedlak@comcast.net

Signature: Chris Szedlak President 10/10/25

Federal Tax Identification Number: 93-1138737

S Corporation filed in State of Oregon

Newberg Sidewalk and ADA 2025-2028

3.E. Experience

Concrete Solutions Incorporated was formed in Yamhill County in 1994. Our specialty in those 30 years has been city curbing, catch basins and wheelchair ramps. We have directly contracted with ODOT to show how ramps can be designed and built in the field. We have done projects up to 188 ramp replacements.

Job Examples;

Project : City of McMinnville 2025 Overlay Cypress Street

Year: 2025

Description: Wheelchair ramp replacement on Cypress and Fulton lane for H and H Paving. Removed and replaced approximately 40 wheelchair ramps. Design-build in place.

Project: City of Lafayette Bridge Street Overlay

Year: 2022

Description: Design build 17 wheelchair ramps and infill sidewalk work for Roy Houlk Construction.

Project: City of Newberg ADA 2024

Year: 2024

Description: Excavation and replacement of wheelchair ramps on South Meridian and College Street. Acting as General Contractor.

Project: City of Dundee 9th Street Improvements

Year: 2023-2024

Description: Approximately a mile of curbing and sidewalk improvements including wheelchair ramps. Form and pour for City of Dundee and General Contractor C&M Construction.

Project: Highway 18 Odot wheelchair ramp replacement (McMinnville)

Year: 2023-2024

Description: Form and pour wheelchair ramps along Highway to meet ODOT standards for Roy Houlk Construction. This included sidewalk work with traffic signal push button use. Approximately 22 ramps including traffic islands.

Project: Dayton Ferry Street Hwy 155 sidewalk improvements

Year: 2022-2023

Description: Sidewalk and wheelchair ramps along ODOT right of way (HWY 155) in Dayton. Form and pour for Haworth Inc.

Bid items:

ITEM	QTY	Unit	Unit Price	Total Amount
Ramp Demo and Prep.	1	LS	2000. ⁰⁰	2000. ⁰⁰
Curb and Gutter	17	LF	69. ⁰⁰	1173. ⁰⁰
Sidewalk	80	SQ FT	20. ⁰⁰	1600. ⁰⁰
Ramp	1	EA	1350. ⁰⁰	1350. ⁰⁰
Dome	1	EA	400. ⁰⁰	400. ⁰⁰
Landscape Curb	10	LF	40. ⁰⁰	400. ⁰⁰
Additional mid-block sidewalk, includes demo/ excavation, forms, rock and concrete	200	SF	30. ⁰⁰	6000. ⁰⁰

TOTAL AMOUNT, 12923.⁰⁰

Yearly Escalation Percentage. 10%

2.B Invitation / Scope of Work

The City of Newberg is seeking a qualified firm capable of rapidly installing ADA ramps with a small number of associated sidewalk panels and install missing mid-block sidewalk. Work will be at various sites within the City of Newberg.

The City will do its best at planning ahead for scheduled work in accordance with the pavement project scope of work for that year. In the event additional work is required by the City, the Contractor will have 4 weeks to begin the work upon receiving notice of said work from the City.

Each area will be a design build in place with the City

Work shall include all removal of existing ramps and or excavation of material, haul off and new ramps and or sidewalk installed per current ADA requirements and all associated work.

INDEPENDENT CONTRACTOR AGREEMENT

This AGREEMENT is made and entered into between, the City of Newberg, hereinafter called the CLIENT, having a principal place of business at: 414 E. First Street, Newberg, Oregon 97132, and Concrete Solutions Incorporated, hereinafter called the CONTRACTOR.

ARTICLE 1. TERM OF CONTRACT

Section 1.01. This agreement will become effective on November 24th 2025 and will continue in effect until December 31st, 2028 unless otherwise extended in writing by the parties.

ARTICLE 2. INDEPENDENT CONTRACTOR STATUS

Section 2.01. Contractor must certify its status as an independent contractor in accordance with Exhibit A. It is the express intention of the parties that Contractor is an independent contractor in all respects and not an employee, agent, joint venture, or partner of the Client. Nothing in this agreement shall be interpreted or construed as creating or establishing the relationship of employer and employee between the Client and Contractor. Contractor understands that as an independent contractor, it will not be eligible to participate in any benefits or privileges that Client provides to its employees. Contractor shall retain the right to perform services for others during the term of this Agreement. Both the parties acknowledge that Contractor is not an employee for state or federal tax purposes. Contractor is solely responsible for the payment, when due, to appropriate taxing authorities of all federal, state, and local taxes, as well as related obligations of any nature, in connection with any payments that Contractor makes or receives under this Agreement. Client will not:

- Withhold FICA (Social Security) from Contractor's payments;
- Make state or federal unemployment insurance contributions on behalf of Contractor;
- Withhold state or federal income tax from payment to Contractor;
- Make disability insurance contributions on behalf of Contractor; or
- Obtain worker's compensation insurance on behalf of Contractor.

ARTICLE 3. SERVICES TO BE PERFORMED BY CONTRACTOR

Section 3.01. Contractor shall perform design build services for ADA ramps and sidewalk at locations determined by the City. No set schedule of work or quantity can be estimated. Any sections that fail to meet current ADA standards including but not limited to PROWAG, ODOT, and the City of Newberg's Design and Construction Standards will be removed and replaced at Contractors expense.

CLIENT EMPLOYEE INTERACTION WITH CONTRACTOR

Section 3.02. All employees of Client who wish to consult with Contractor must have the permission of a Capital Engineering Project Manager of the city of Newberg. All services will be provided within the City of Newberg. Contractor will respond as soon as possible when notified of a required task and will initiate work within four weeks unless this is rendered impractical by weather conditions.

ARTICLE 4. COMPENSATION

Section 4.01. In consideration for the services to be performed by Contractor, Client agrees to pay Contractor per the submitted bid tab in the Invitation to Bid documents. A 10% per year escalation has been found acceptable by Client. The price escalation may be applied at the start of each fiscal year (beginning July 1, 2026).

Date for Payment of Compensation

Section 4.02. Payment is due 30 days after receipt of the invoice.

ARTICLE 5. OBLIGATIONS OF CONTRACTOR **Tools and Instrumentality's**

Section 5.01. Contractor shall have and maintain adequate equipment, personnel and materials to perform the Services for the formation handling concrete and steel elements needed for the creation of sidewalk and ADA infrastructure.

Worker's Compensation

5.02. Contractor agrees to hold harmless and indemnify Client for any and all claims arising out of any injury, disability, or death to Contractor.

ARTICLE 6. OBLIGATIONS OF CLIENT

Cooperation of Client

Section 6.01. Client agrees to comply with all reasonable requests of Contractor necessary to the performance of the Services.

ARTICLE 7. INDEMNITY AND HOLD HARMLESS

Contractor shall agree to defend, indemnify, and hold harmless the City of Newberg and its officers, agents, and employees from, for, and against all liabilities, losses, claims, and costs (including but not limited to attorney fees and expert fees) arising from or relating to Contractor's Performance under this agreement. These liabilities include but are not limited to damages for injury or death or the violation of any statute, ordinance, or regulation. This contractual indemnification provision is in addition to and does not abrogate any common law, statutory liability, or other source of indemnification that may be provided to Client.

ARTICLE 8. TERMINATION OF AGREEMENT

Section 8.01. This agreement shall terminate automatically on the date indicated above unless an extension is mutually agreed upon by both parties or earlier terminated under Section 8.02.

Section 8.02. This Agreement may be terminated as follows unless otherwise specified herein:

- a. Client and Contractor, by mutual written agreement, may terminate this Agreement at any time.
- b. Client, in its sole discretion, may terminate this Agreement for any reason on 30 days' written notice to Contractor.
- c. Either party may terminate this Agreement in the event of a material breach by the other. To be effective, the party seeking termination must give to the other party written notice of the breach and its intent to terminate. If the breaching party fails to cure the breach within 15 days of the date of the notice, the non-breaching party may terminate the Agreement at any time thereafter by giving a written notice of termination.
- d. Notwithstanding Section 8.02(c), Client may terminate this Agreement immediately by written notice to Contractor upon denial, suspension, revocation, or non-renewal of any license, permit, or certificate that Contractor must hold to provide the Services under this Agreement.

ARTICLE 9. COMPLIANCE WITH PUBLIC CONTRACTING CODE AND APPLICABLE LAW

Contractor will comply with all applicable federal, state, and local laws, regulations, codes, and ordinances, including but not limited to the following:

Section 9.01. Contractor may not discriminate against a disadvantaged business enterprise, a minority-owned or women-owned business, an emerging small business certified under ORS 200.055, or a business enterprise that is owned by a service-disabled veteran. Additionally, Contractor must comply with all applicable requirements of federal and state civil-rights law and rehabilitation statutes and must not discriminate based on race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, source of income, or political affiliation in programs, activities, services, benefits, or employment.

Section 9.02. Contractor represents and warrants that Contractor has complied with the applicable tax laws of the State of Oregon or a political subdivision of the State of Oregon (collectively, the "Tax Laws"), including but not limited to ORS 305.620 and ORS Chapters 316, 317, and 318. Contractor covenants that it will continue to comply with the Tax Laws during the term of this Agreement. Contractor's failure to comply with the Tax Laws before the execution of this Agreement or during the term of this Agreement is a default for which Client may terminate this Agreement and seek damages and other relief available under the terms of this Agreement or applicable law.

Section 9.03. Contractor shall:

- a. Make payment promptly, as due, to all persons supplying to such Contractor labor or material for the prosecution of the work provided for under this Agreement;
- b. Pay all contributions or amounts owed to the Industrial Accident Fund by Contractor or any permitted subcontractor that are incurred in the performance of this Agreement;

c. Not permit any lien or claim to be filed or prosecuted against Client on account of any labor or material furnished; and

d. Pay to the Department of Revenue all sums withheld from employees under ORS 316.167.

If Contractor does not promptly pay any claim for labor or service provided to it by any person in connection with this Agreement as the claim becomes due, Client may pay the claim to the person providing the labor or service and charge the amount of the payment against funds due or to become due to Contractor from Client under this Agreement. The payment of a claim in this manner will not relieve Contractor or Contractor's surety, if any, from any obligation with respect to any unpaid claims.

Section 9.04. Contractor shall not employ any person for more than 40 hours in any one week. Hours exceeding 40 hours per week shall be paid at least time and a half pay.

Contractor must comply with ORS 652.220 (addressing the prohibition of discriminatory wage rates based on sex and of employer discrimination against an employee who is a complainant). Compliance is a material element of this Agreement. Failure to comply is a breach that entitles Client to terminate this Agreement for cause. Additionally, Contractor may not prohibit any of Contractor's employees from discussing the employee's wage, salary, benefits, or other compensation with another employee or another person, and Contractor may not retaliate against an employee who does so.

For Contractor's employees subject to Oregon employment laws and as required by ORS 279C.545, any worker employed by Contractor shall be foreclosed from the right to collect for any overtime provided in ORS 279C.540 unless a claim for payment is filed with Contractor within 90 days from the completion of this Agreement,

ARTICLE 10 OWNERSHIP OF WORK

All work products as part of Contractor's performance of this Agreement, shall meet current ADA standards including but not limited to PROWAG, ODOT, and the City of Newberg's Design and Construction Standards. Any documents including background data, as-builts documents, and staff work that is preliminary to final reports, shall be the exclusive property of CLIENT. If any such work products contain intellectual property of Contractor that is or could be protected by federal copyright, patent, or trademark laws, Contractor hereby grants CLIENT a perpetual, royalty-free, fully paid-up, non-exclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use, re-use, in whole or in part, and to authorize others to do so, all such work products. CLIENT shall have no rights in any pre-existing work product of Contractor provided to CLIENT by Contractor in the performance of this Agreement except to copy, use, and re-use any such work product for CLIENT's use only.

If this Agreement is terminated by either party or by default, CLIENT, in addition to any other rights provided by this Agreement, may require Contractor to transfer and deliver such partially completed work products, reports, or other documentation that Contractor has specifically developed or specifically acquired for the performance of this Agreement.

ARTICLE 11 GENERAL TERMS

Section 11.1. Any amendments, consents to, or waivers of the terms of this Agreement shall be in writing and signed by both parties.

Section 11.2. Waiver of any default under this Agreement by Client shall not be deemed to be a waiver of any subsequent default or a modification of the provisions of this Agreement.

Section 11.3. The provisions of this Agreement shall be construed in accordance with the laws of the State of Oregon without regard to conflict of laws principles.

Section 11.4. This Agreement and the attached exhibits constitute the entire agreement between the parties concerning its subject matter. All understandings and agreements between the parties and representations by either party concerning this Agreement are contained in this Agreement.

CONTRACTOR:

Contractor's name:
Concrete Solutions Inc.

By: _____
(Signature)

Chris Szedlak, President

CCB# 98316

Tax ID number: 93-1138737

CLIENT:

Client's name:
City of Newberg

By: _____
(Signature)

Will Worthey, City Manager

EXHIBIT A

CERTIFICATION STATEMENT

NOTE: Contractor Must Complete A OR B below:

A. CONTRACTOR IS A CORPORATION, LIMITED LIABILITY COMPANY, OR PARTNERSHIP

I certify under penalty of perjury that Contractor is a:

- ☐ Corporation
- ☐ Limited Liability Company
- ☐ Partnership authorized to do business in the State of Oregon.

Signature

Title

Date

B. CONTRACTOR IS A SOLE PROPRIETOR WORKING AS AN INDEPENDENT CONTRACTOR

Contractor certifies under penalty of perjury that the following statements are true:

- 1.** If Contractor is providing labor or services under this Agreement for which registration is required under ORS Chapter 701, Contractor has registered as required by law; and
- 2.** If Contractor performed labor or services as an independent contractor last year, Contractor filed federal and state income tax returns last year in the name of the business (or filed a Schedule C in the name of the business as part of a personal income tax return); and
- 3.** Contractor represents to the public that the labor or services that Contractor provides are provided by an independently established business; and
- 4.** All the statements checked below are true.

NOTE: Check all that apply. You must check at least four to establish that you are an independent contractor.

- ☐ A. The labor or services that I perform are primarily carried out at a location that is separate from my residence or are primarily carried out in a specific portion of my residence that is set aside as the location of the business.
- ☐ B. My business telephone listing is separate from my personal residence telephone listing.
- ☐ C. I perform labor or services only under written agreements.
- ☐ D. I assume financial responsibility for defective workmanship or for service not provided by purchasing performance bonds, error and omission insurance, or liability insurance, or by providing warranties relating to the labor or services that I provide.

Contractor Printed Name

Contractor Signature

Title

Date

EXHIBIT B

WORKERS' COMPENSATION EXEMPTION CERTIFICATE

To be used only when Contractor claims to be exempt from workers' compensation coverage requirements. Contractor is exempt from the requirement to obtain workers' compensation insurance under ORS Chapter 656 for the following reason (check the appropriate boxes):

___ **SOLE PROPRIETOR**

- ☐ Contractor is a sole proprietor; and
- ☐ Contractor has no employees; and
- ☐ Contractor will not hire employees to provide the Services.

___ **FOR-PROFIT CORPORATION**

- ☐ Contractor's business is incorporated; and
- ☐ All employees of the corporation are officers or directors and have a substantial ownership interest* in the corporation; and
- ☐ All work will be performed by the officers and directors; Contractor will not hire other employees to provide the Services.

___ **NONPROFIT CORPORATION**

- ☐ Contractor's business is incorporated as a nonprofit corporation; and
- ☐ Contractor has no employees (all work is performed by volunteers); and
- ☐ Contractor will not hire employees to provide the Services.

___ **PARTNERSHIP**

- ☐ Contractor is a partnership; and
- ☐ Contractor has no employees; and
- ☐ All work will be performed by the partners (Contractor will not hire employees to provide the Services; and
- ☐ Contractor is not engaged in work performed in direct connection with the construction, alteration, repair, improvement, moving, or demolition of an improvement to real property or appurtenances to it.**

___ **LIMITED LIABILITY COMPANY**

- ☐ Contractor is a limited liability company; and
- ☐ Contractor has no employees; and
- ☐ All work will be performed by the members of the company (Contractor will not hire employees to provide the Services; and
- ☐ If Contractor has more than one member, Contractor is not engaged in work performed in direct connection with the construction, alteration, repair, improvement, moving, or demolition of an improvement to real property or appurtenances to it.**

*NOTE: Under OAR 436-050-0005, a shareholder has a "substantial ownership" interest if the shareholder owns 10% of the corporation, or if less than 10% is owned, the shareholder has ownership that is at least equal to the average percentage of ownership of all shareholders.

****NOTE:** Under certain circumstances, partnerships and limited liability companies may claim an exemption even when performing construction work. The requirements for this exemption are complicated.

Contractor Printed Name

Contractor Signature

Title

Date

REQUEST FOR COUNCIL ACTION



Date Action Requested: November 3, 2025

Order ☐ Ordinance ☒ Resolution ☐ Motion ☐ Information ☐ Proclamation ☐	
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 ☒ Quasi-Judicial ☐ Administrative ☐ Not Applicable ☐	

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: Conduct a work session on Ordinance Nos. 2025-2940 and 2025-2941, followed by a public hearing November 17, 2025.

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 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, which staff will refer to in Council’s work session. “Clean Copy” versions of these documents are 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,	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
		Section 45 (2024)].	
<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.

TABLE OF CONTENTS

NMC 15.05	General Provisions.....	3
15.05.030	Definitions.....	3
NMC 15.100	Land Use Processes and Procedures.....	4
15.100.020	Type I procedure – Administrative decision.....	4
15.100.220	Additional notice procedures of Type II development applications.....	5
15.220.020	Type I adjustments and approval criteria.....	6
NMC 15.220	Site Design Review.....	7
15.220.020	Site design review applicability.....	7
NMC 15.235	Land Divisions.....	9
15.235.030	Preliminary plat approval process.....	9
15.235.070	Final plat submission requirements and approval criteria.	9
NMC 15.240	PD Planned Unit Development Regulations.....	11
15.240.020	General provisions.	11
NMC 15.305	Zoning Use Table.....	12
NMC 15.326	Springbrook (SD) District.....	14
15.326.025	Springbrook Master Plan Develop Standards Matrix	14
NMC 15.410	Yard Setback Requirements.....	16
NMC 15.415	Building and Site Design Standards	21
15.415.010	Main buildings and uses as accessory buildings.....	21
NMC 15.430	Underground Utility Installation.....	22
15.430.010	Underground utility installation.....	22
NMC 15.435	Signs.....	23
15.435.050	Major Freestanding Signs.	23
NMC 15.440	Off-Street Parking, Bicycle Parking, and Private Walkways	25
15.435.140	Private Walkway Design.....	25
NMC 15.445	Special Use Standards.....	27
15.445.500	Home Occupation.	27
NMC 15.505	Public Improvement Standards.....	28

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).
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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*;

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.

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.

//

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 329A
312	Day care	P	P	P	C	P	P	P	P		P	P	P	C	C	P	P		P		P(14)	ORS Chapter 657 329A

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

//

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).

[...]

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~~ 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 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; ~~or~~

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.

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.~~

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.
- 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.]

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.

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.

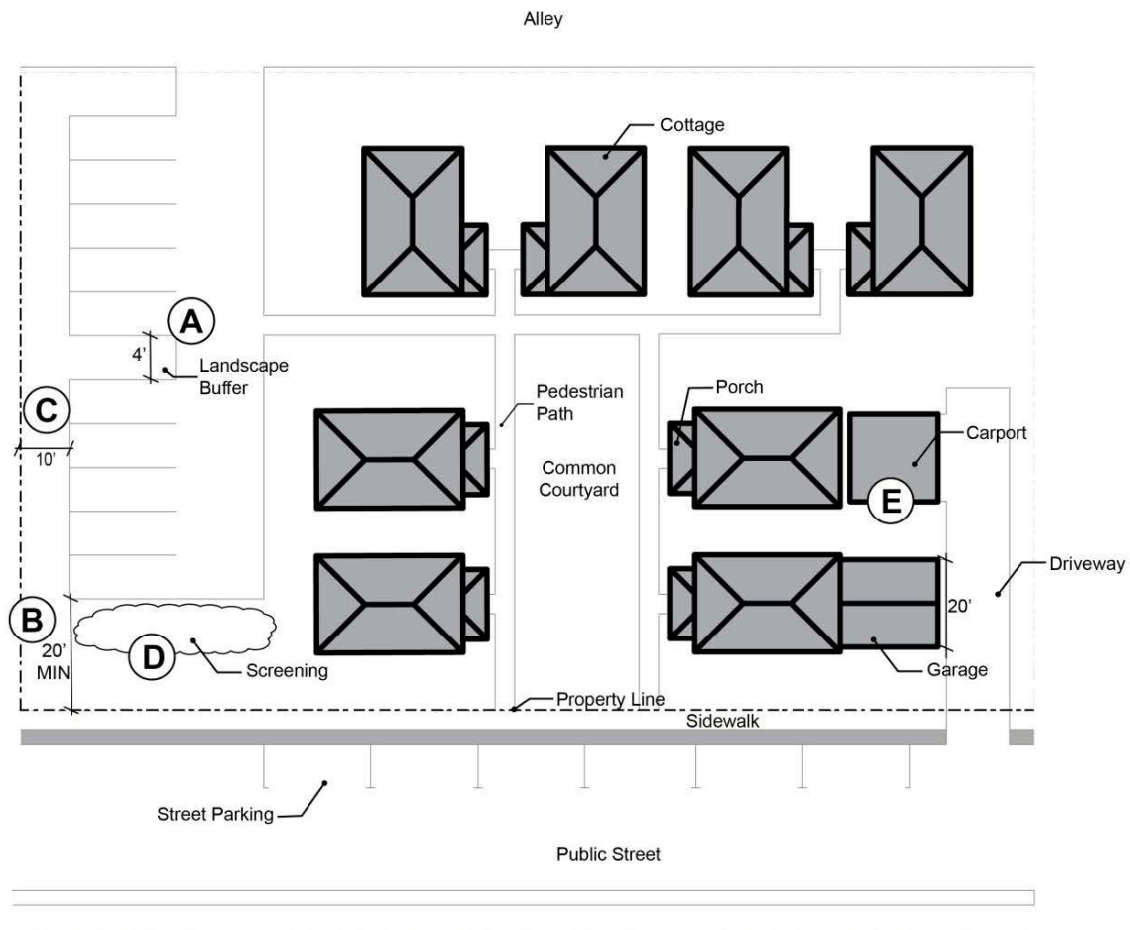
[Editorial Note: Compliance with Americans With Disabilities Act requirements under applicable building codes, and engineering design and construction standards for public improvements, is also required.]

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.
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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.

TABLE OF CONTENTS

NMC 15.05	General Provisions.....	3
15.05.030	Definitions.....	3
NMC 15.100	Land Use Processes and Procedures.....	3
15.100.020	Type I procedure – Administrative decision.....	3
15.100.220	Additional notice procedures of Type II development applications.....	4
15.220.020	Type I adjustments and approval criteria.....	5
NMC 15.220	Site Design Review.....	5
15.220.020	Site design review applicability.....	5
NMC 15.235	Land Divisions.....	7
15.235.030	Preliminary plat approval process.....	7
15.235.070	Final plat submission requirements and approval criteria.	7
NMC 15.240	PD Planned Unit Development Regulations.....	8
15.240.020	General provisions.	8
NMC 15.305	Zoning Use Table.....	8
NMC 15.326	Springbrook (SD) District.....	10
15.326.025	Springbrook Master Plan Develop Standards Matrix	10
NMC 15.410	Yard Setback Requirements.....	12
NMC 15.415	Building and Site Design Standards	15
15.415.010	Main buildings and uses as accessory buildings.....	15
NMC 15.430	Underground Utility Installation.....	15
15.430.010	Underground utility installation.....	15
NMC 15.435	Signs.....	16
15.435.050	Major Freestanding Signs.	16
NMC 15.440	Off-Street Parking, Bicycle Parking, and Private Walkways	18
15.435.140	Private Walkway Design.....	18
NMC 15.445	Special Use Standards.....	19
15.445.500	Home Occupation.	19
NMC 15.505	Public Improvement Standards.....	20

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.

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“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.”

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“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.

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- 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;

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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.

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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.

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 329A
312	Day care	P	P	P	C	P	P	P	P		P	P	P	C	C	P	P		P		P(14)	ORS Chapter 657 329A

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

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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, 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.

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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.

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:

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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. 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.]

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. 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.

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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 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.

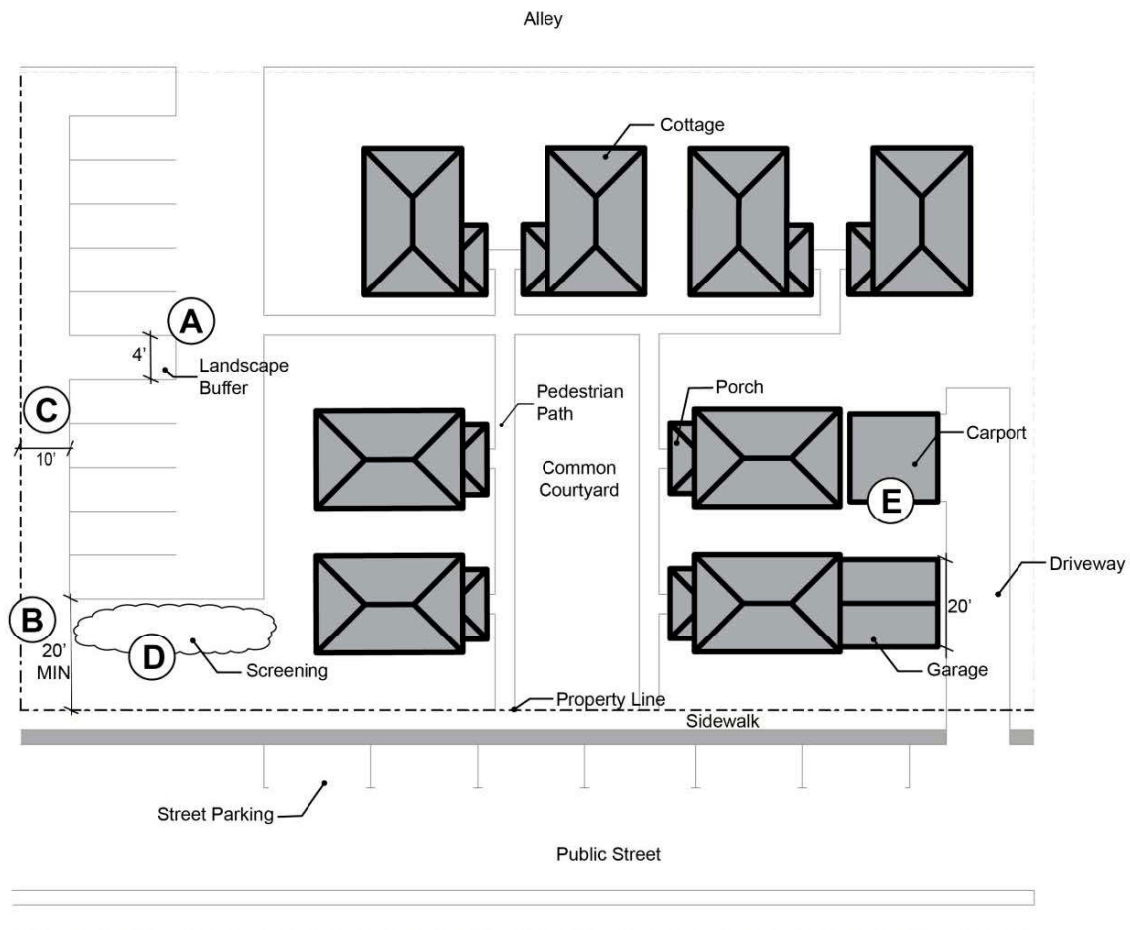
7. The review body may modify these requirements where it finds that topographic, preexisting development, or similar constraints exist.

[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

//

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



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.

TABLE OF CONTENTS

NMC 15.05	General Provisions.....	3
15.05.030	Definitions.....	3
NMC 15.100	Land Use Processes and Procedures.....	4
15.100.020	Type I procedure – Administrative decision.....	4
15.100.220	Additional notice procedures of Type II development applications.....	5
15.220.020	Type I adjustments and approval criteria.....	6
NMC 15.220	Site Design Review.....	7
15.220.020	Site design review applicability.....	7
NMC 15.235	Land Divisions.....	9
15.235.030	Preliminary plat approval process.....	9
15.235.070	Final plat submission requirements and approval criteria.	9
NMC 15.240	PD Planned Unit Development Regulations.....	11
15.240.020	General provisions.	11
NMC 15.305	Zoning Use Table.....	12
NMC 15.326	Springbrook (SD) District.....	14
15.326.025	Springbrook Master Plan Develop Standards Matrix	14
NMC 15.410	Yard Setback Requirements.....	16
NMC 15.415	Building and Site Design Standards	21
15.415.010	Main buildings and uses as accessory buildings.....	21
NMC 15.430	Underground Utility Installation.....	22
15.430.010	Underground utility installation.....	22
NMC 15.435	Signs.....	23
15.435.050	Major Freestanding Signs.	23
NMC 15.440	Off-Street Parking, Bicycle Parking, and Private Walkways	25
15.435.140	Private Walkway Design.....	25
NMC 15.445	Special Use Standards.....	27
15.445.500	Home Occupation.	27
NMC 15.505	Public Improvement Standards.....	28

NMC 15.05 General Provisions

15.05.030 Definitions.

//

“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*;

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.

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.

//

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.

se 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

(#): See notes for limitations

X: Prohibited 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

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

occupation (no more than one outside paid employee)” text is provided for reference. See also, 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.

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 setbacks 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 a public uses
	R-3	10 feet if abutting residential zones	M-1	C-3	Minimum 20 feet
				Does not apply	
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 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 square feet
Standard City lot frontage requirement applies Minimum lot width shall be 32 feet, 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.

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.

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

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.

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.
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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.
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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.]

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.

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.]

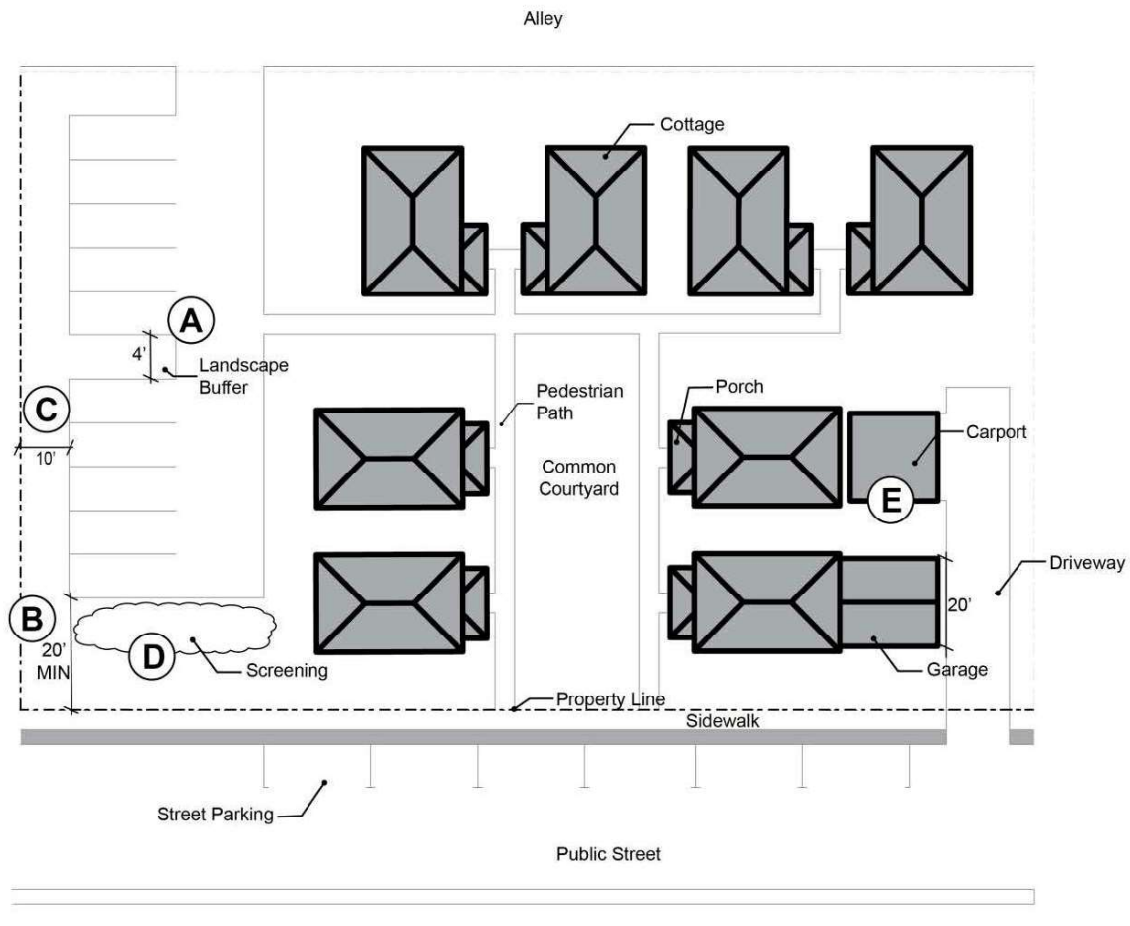
Staff Comment: Reference to ADA standards is removed from the Title 15 standards as ADA is regulated by the Building code or Engineering Design and Construction Standards. This has caused some confusion and conflict in the past. In its place, an editorial note is added.

-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

Exhibit C - 2025 Code Maintenance Package

Planning Commission Resolution 2025-400



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

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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.

TABLE OF CONTENTS

NMC 15.05	General Provisions.....	3
15.05.030	Definitions.....	3
NMC 15.100	Land Use Processes and Procedures.....	4
15.100.020	Type I procedure – Administrative decision.....	4
15.100.220	Additional notice procedures of Type II development applications.....	5
15.220.020	Type I adjustments and approval criteria.....	6
NMC 15.220	Site Design Review.....	7
15.220.020	Site design review applicability.....	7
NMC 15.235	Land Divisions.....	9
15.235.030	Preliminary plat approval process.....	9
15.235.070	Final plat submission requirements and approval criteria.	9
NMC 15.240	PD Planned Unit Development Regulations.....	11
15.240.020	General provisions.	11
NMC 15.305	Zoning Use Table.....	12
NMC 15.326	Springbrook (SD) District.....	14
15.326.025	Springbrook Master Plan Develop Standards Matrix	14
NMC 15.410	Yard Setback Requirements.....	16
NMC 15.415	Building and Site Design Standards	21
15.415.010	Main buildings and uses as accessory buildings.....	21
NMC 15.430	Underground Utility Installation.....	22
15.430.010	Underground utility installation.....	22
NMC 15.435	Signs.....	23
15.435.050	Major Freestanding Signs.	23
NMC 15.440	Off-Street Parking, Bicycle Parking, and Private Walkways	25
15.435.140	Private Walkway Design.....	25
NMC 15.445	Special Use Standards.....	27
15.445.500	Home Occupation.	27
NMC 15.505	Public Improvement Standards.....	28

NMC 15.05 General Provisions

15.05.030 Definitions.

//

“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*;

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.

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.

//

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.

se 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

(#): See notes for limitations

X: Prohibited 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

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

occupation (no more than one outside paid employee)” text is provided for reference. See also, 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.

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 setbacks 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 a public use
	R-3	10 feet if abutting residential zones	M-1	C-3	Minimum 20 feet
				Does not apply	
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 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 square feet
Standard City lot frontage requirement applies Minimum lot width shall be 32 feet, 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.

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

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.

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.~~

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.
- 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.]

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.

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.]

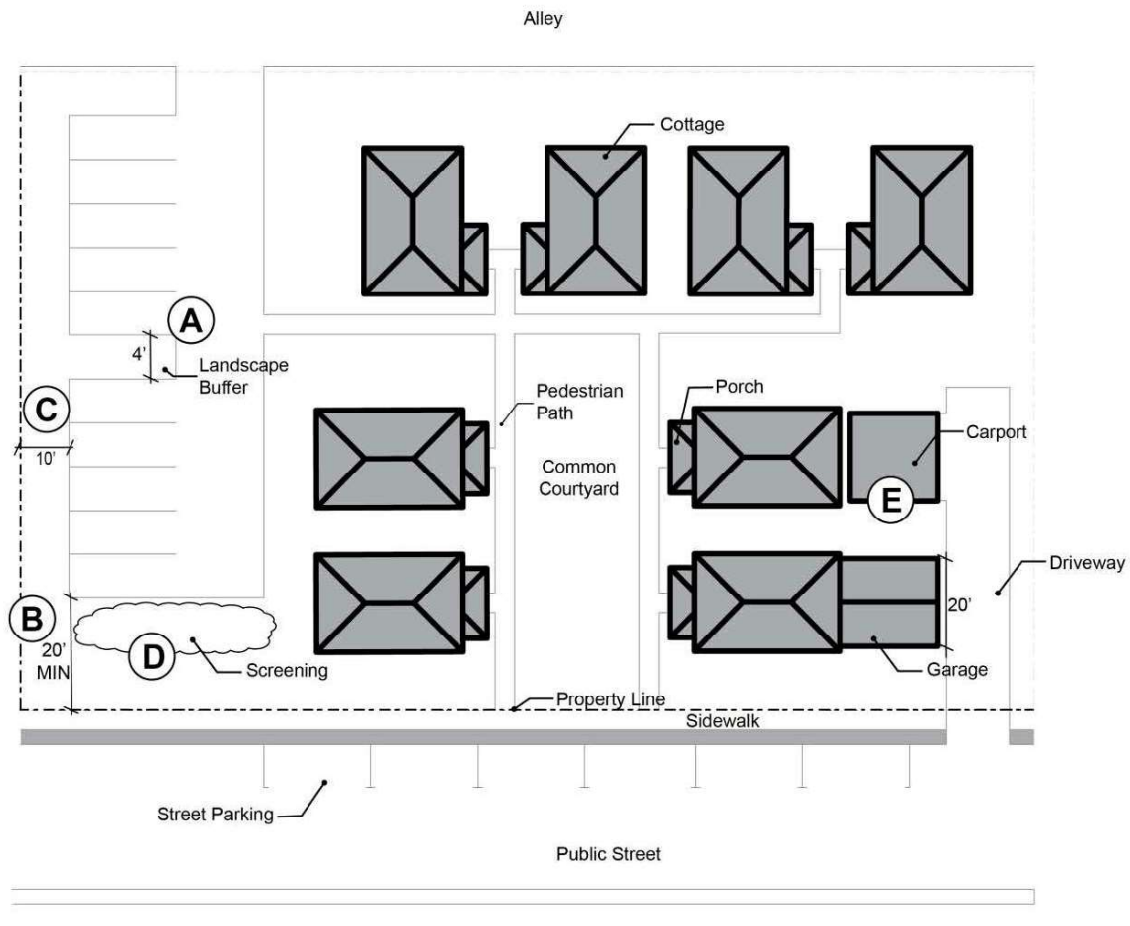
Staff Comment: Reference to ADA standards is removed from the Title 15 standards as ADA is regulated by the Building code or Engineering Design and Construction Standards. This has caused some confusion and conflict in the past. In its place, an editorial note is added.
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-END-

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.

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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

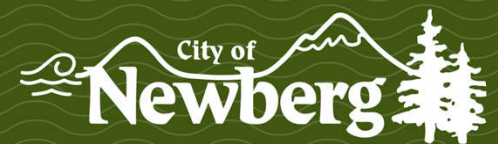
Exhibit B-3 to File DCA25-0002
 Research on Institutional Accessory Structures in Residential Zones
 NMC 15.415.010(C)

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
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Church of Jesus Christ of Latter-day Saints	1212 N Deborah Rd	130,635	260	0.20%	1

Development Code Maintenance 2025

Overview Presentation

Newberg City Council
Monday, November 3, 2025



Purpose

City Council Goal 1: “Create and maintain a high level of customer service”

- Code Maintenance is part of the City of Newberg CDD Customer Service Plan and our commitment to continuous improvement.
- It supports predictability and operational efficiency in the permit process, which helps advance economic development and housing production.
- Code Maintenance also minimizes legal, financial, and other risks through corrections, clarifications, process streamlining, and legal compliance.

Process



Identify issues through application of code and customer input



Apply Code Maintenance Standard Operating Procedure



Planning Commission reviews Code Concepts (Title 15)



Ordinance drafting (Titles 12 and 15)



Legal Notices and Public Hearings

Types of Code Amendments

Corrections, clarifications,
streamlining, other edits – 26 total

Minor policy updates – 8 total

Updates required by Oregon
Planning Statutes – 4 total



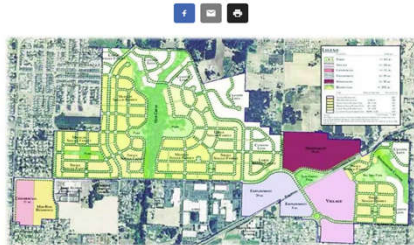
*Newberg Area Habitat for Humanity College Street Homes.
Photo Credit: Branden Andersen, Newsberg*

What is a land use regulation?

Newberg's Mountainview Drive will see construction as subdivision plan moves forward

Published 5:00 am Friday, March 21, 2025

By Gary Allen



City officials announced in mid-March that Mountainview Drive will be widened along the subdivision's footprint from



Implements the
Comprehensive Plan:
Zoning/Uses

Site Development
Standards



Criteria for
Variances,
Adjustments,
Code Exceptions



Administrative
Procedures

1. Permitting for Home Occupations and Signs

Simple Type I Reviews (pp. 4 and 7)	15.100.020 15.220.020(A)(1)(k)	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.
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2. Clarifying Residential Design Standards for PUDs

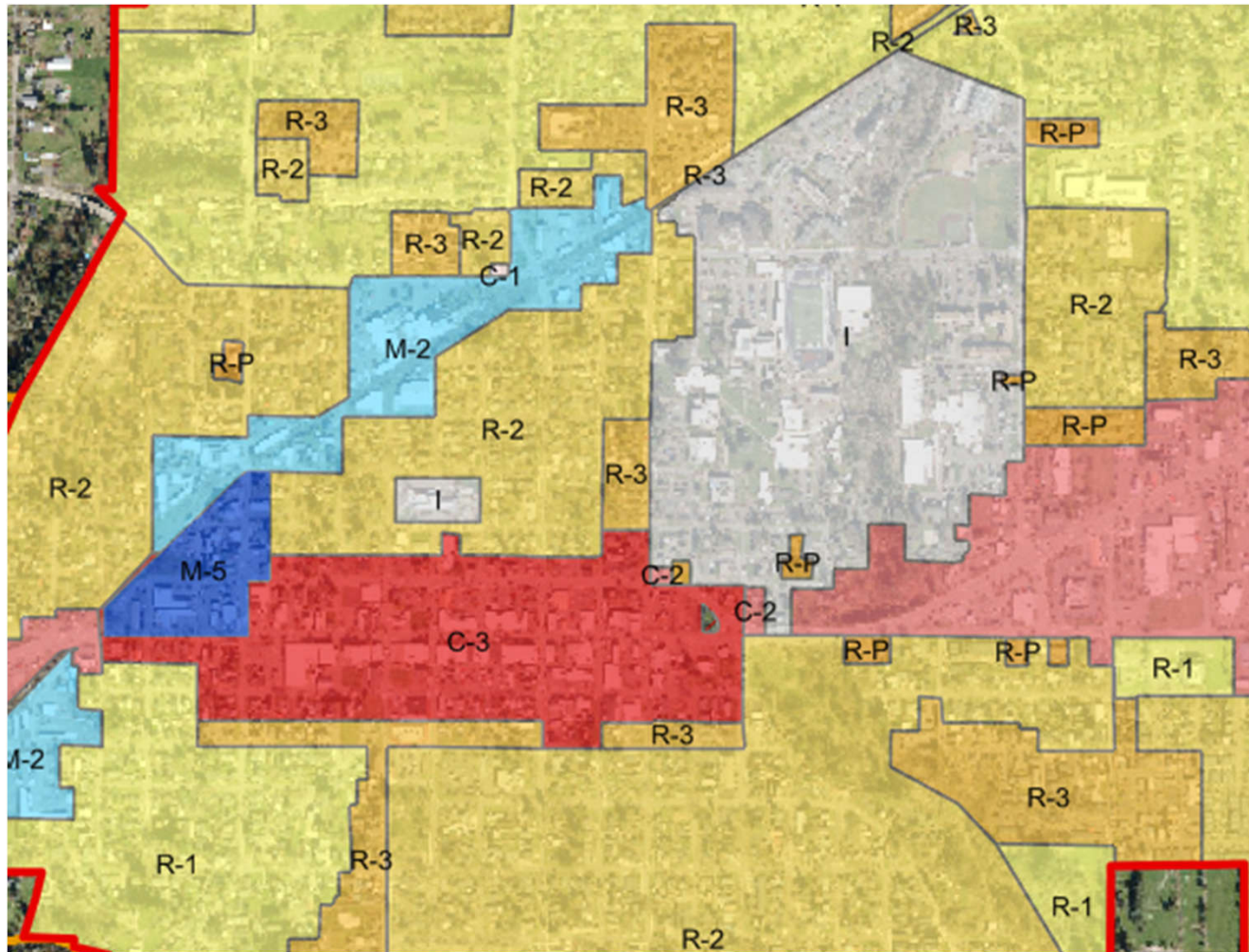
Planned Unit Development Design Standards (p 11)	15.240.020(Q)	Text is unclear on whether design standards in 15.220.060 apply to PUDs that do not contain multi-family development. Past practice is that they do.	Clarified 15.240.020(Q) to state that all PUDs regardless of planned dwelling type must comply with the relevant provisions of 15.220.060. <i>Note: Senate Bill 974 (2025) may affect this provision.</i>
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2. Clarifying Residential Design Standards for PUDs



3. “Mixed-Use” in the Residential-Professional (RP) Zone

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.
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4. Flexibility for Garage Orientation

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.
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Figure 37: Side Loaded Garages



A

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



Garage openings setback less than 20 ft.



Garage opening setback 20 ft. or more

5. Exception to Commercial Zone Maximum Setback

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.
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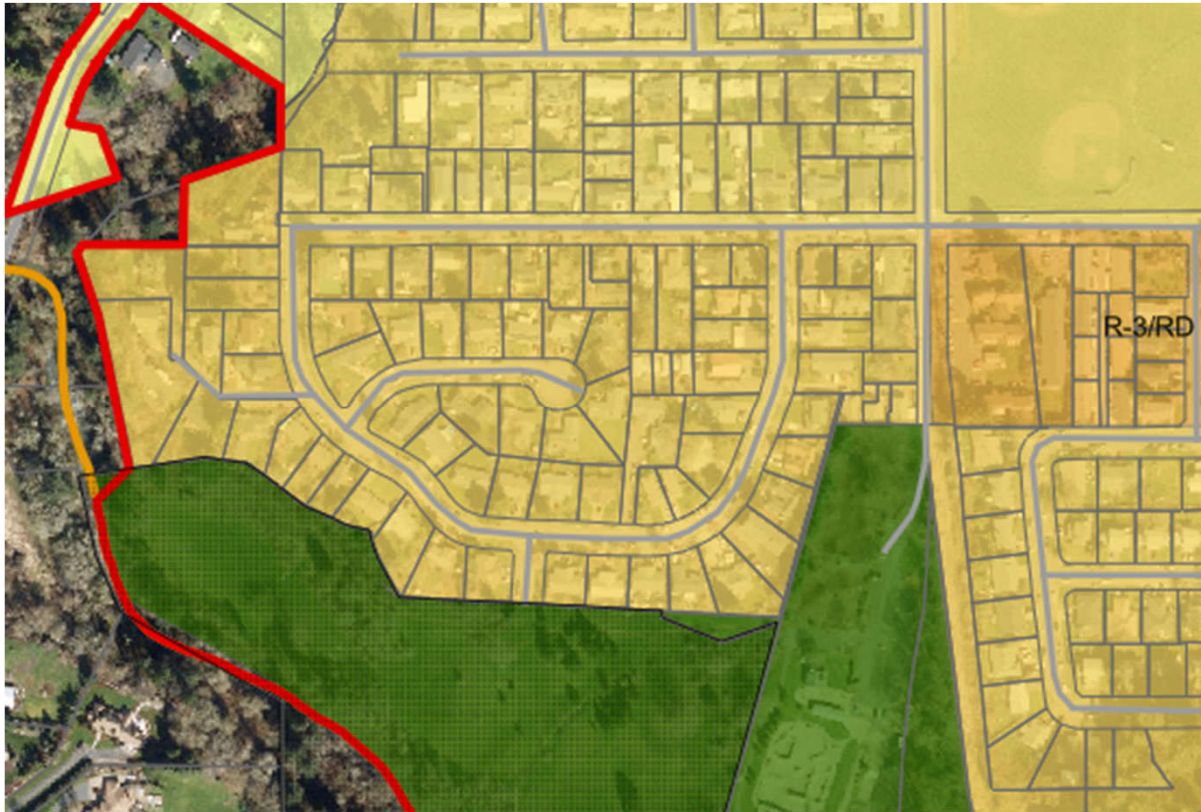
5. Exceptions to Commercial Zone Maximum Setback



6. Interior Yard Setbacks Ommission

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.
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6. Interior Yard Setbacks Ommission



7. Fence Height in Residential Zones

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.
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7. Fence Height in Residential Zones

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
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Beaverton			X	BDC 60.50.20

8. Accessory Structures for Institutional Uses

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 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.
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Research on Institutional Accessory Structures in Residential Zones
NMC 15.415.010(C)

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Changes in State Law

- Oregon Planning Statutes
 - ORS 90.112 and ORS 197.015, definition of household/preempts “family” regulation;
 - ORS 197.195 and ORS 197.015(12), limiting public hearings for housing;
 - ORS 329A, renumbered childcare statutes
- Updates from the 2025 Legislative Session to be scoped separately

Next Steps

1. No action this evening
2. Public Hearing - November 17, 2025
3. Questions?

Rachel Thomas

From: noreply@revize.com
Sent: Monday, October 27, 2025 8:31 PM
To: City Recorder
Subject: New Public Comment

Date = 2025-11-03

Meeting-Body = Newberg City Council

Agenda-Item = 8.3 Annual Development Code Maintenance

Subject-Matter-to-Comment-On =

Name = Robert Soppe

Representing =

Email-Address = [REDACTED]

Phone Number =

Contact-Info-release[] = Yes

Is-this-a-public-hearing[] = Yes

Written-or-Spoken[] = Written

Written-Comment = My comments are repeats of ones made in the past that don't appear to have been addressed.

"15.445.500 Home Occupation

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."

How can there be ANY sign from A. that isn't in conflict with B.? What would be the reason that someone would have a sign at a Home Occupation that didn't indicate that there was a non-dwelling use?

Chapter 15, Appendix A, Figures 21 and 22: are the distances consistent with the NMC 15.440.070? I referenced Appendix A years ago and was told that it was not and that 15.440.070 was the guiding Code. If that is the case, why isn't it being fixed now?

Client IP = 50.109.239.145