



Planning Commission Meeting

7PM

Public Safety Building

401 E Third St

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

Email Comments To: Fe.Bates@Newbergoregon.Gov

August 14, 2025

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

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

4. CONSENT CALENDAR

- a. [7/10/2025 Planning Commission Meeting Minutes](#)

5. LEGISLATIVE WORK SESSION

- a. [DCA25-0002: Code Maintenance 2025](#)

6. ITEMS FROM STAFF

- a. **Staff Updates for Planning Commission**

7. ITEMS FROM COMMISSIONERS

8. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

PLANNING COMMISSION WORK SESSION #2
ON MAINTENANCE AMENDMENTS TO NEWBERG MUNICIPAL CODE, TITLE 15
DEVELOPMENT CODE, AND TITLE 12 STREETS AND SIDEWALKS

MEETING DATE: August 14, 2025

FILE NO: DCA25-0002 Development Code Maintenance 2025

APPLICANT: City of Newberg

REQUEST: Receive information and review draft code maintenance amendments prior to conducting a public hearing September 11, 2025.

A. SUMMARY AND BACKGROUND

Annually, the Community Development Department prepares amendments to Newberg Municipal Code (NMC), Title 15 Development Code, and related regulations, to maintain the code's accuracy, predictability, readability, and compliance with applicable state and federal laws. "Code Maintenance" also includes minor policy updates¹ to improve customer service and operational efficiency, consistent with City Council Goals, including 2024-2025 goal to, "Create and maintain a high level of customer service."

On July 10, the Planning Commission conducted a work session on the 2025 Code Maintenance package, beginning with a list of code "concepts" designed to address issues identified by staff through application of the code, customer feedback, and review of state land use legislation and rules. At the July 10 work session, the Planning Commission provided feedback on the scope of the amendments, and requested additional information on some items, which are summarized in Table 1.

B. PROCESS

Amendments to Title 15 (Development Code) of the Newberg Municipal Code (NMC) are processed as a Type IV (Legislative) application and follow the procedures in NMC 15.100.060, including required public hearings before the Planning Commission and City Council. The Planning Commission acting in its land use advisory role to City Council makes a recommendation through adoption of a Resolution. Council then conducts a public hearing and votes to enact an ordinance adopting the code changes if it so decides.

¹ Major policy updates require City Council direction and are typically addressed through the Planning Division Annual Work Program.

Public information about code maintenance amendments is generally limited to public meeting agendas and legislative hearing notices. If a particular topic merits broader public engagement, it should be considered for the Planning Division Work Program.

Key dates for this application (completed items in *italics*):

07/10/2025	<i>Planning Commission Work Session # (Code Concepts)</i>
08/07/2025	<i>Notify State (DLCD) 35 days prior to first hearing</i>
08/14/2025	Planning Commission Work Session #2 (Draft Code)
09/11/2025	Planning Commission Public Hearing
10/06/2025	City Council Study Session
10/20/2025	City Council Public Hearing - First Reading
11/03/2025	City Council Public Hearing – Second Reading, if required

- C. DISCUSSION:** The purpose of the August 14 work session is for the Commission to review draft code language prior to conducting public hearing on September 11. No action will be taken on August 14. Staff will finalize the code amendments and prepare legislative findings for the hearing following the August 14 work session

For reference, the amendments are summarized in Table 1, beginning on page 3 of this memorandum. Exhibit A-1 contains the proposed text changes with staff commentary. A clean copy without commentary will be prepared for the City Council public hearing.

During the Planning Commission's July 10 work session on the code amendments, the Commission requested additional information regarding the following:

- Photo examples of side-loaded garages, as related to NMC 15.326.025 and NMC 15.410.020(A)(3). These are contained in Exhibit B-1.
- Research on Residential Fence Height Standards, as related to NMC 15.410.070(D). This is provided in Exhibit B-2.
- Research on Institutional Accessory Structures in Residential Zones, as related to 15.415.010(C). This is provided in Exhibit B-3.

One code concept discussed on July 10 that staff is not proposing at this time is the update to the landscape plan requirements. Instead, staff recommends updating the landscaping chapter as a separate project. See discussion under *Title 15, Division 15.200 - Land Use Applications*.

- D. STAFF RECOMMENDATION:** Review the code amendments and request any additional background that may be needed for the public hearing.

Table 1: Summary of 2025 Code Maintenance Amendments

Topic (Page)	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 development 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.

Topic (Page)	Newberg Municipal Code	Issue	Code Amendment Concept
Referral to Public Hearing (p 5)	15.100.220(E) and 15.235.030(A)(6)	State law preempts local code. Land Divisions applications cannot be “elevated” to public hearing unless appealed, per ORS 197.195 [Senate Bill 1537, Section 45 (2024)].	Removed (A)(5) and (A)(6) from NMC 15.235.030(A)(6) and NMC 15.100.220(G)
<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.
<i>Landscape Plan Summary Data (Not Included)</i>	<i>15.220.030(B)(4)</i>	<i>Site design review applications often lack summary data demonstrating compliance with minimum landscaping requirements, necessitating manual counting of proposed plantings.</i>	<i>Staff recommends creating a unified landscaping chapter as the existing code contains multiple chapters with conflicting and outdated requirements. This could be added to the Planning Division Work Plan.</i>

Topic (Page)	Newberg Municipal Code	Issue	Code Amendment Concept
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.
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.²</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.

² See SB 964, Sections 8 and 9: <https://olis.oregonlegislature.gov/liz/2025R1/Measures/Overview/SB974>:

Topic (Page)	Newberg Municipal Code	Issue	Code Amendment Concept
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.
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 18-19)	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.
Fences and Walls Combined (p 20)	15.410.070(D)(5)	The code does not address whether the setback exception for fences allows a 6-foot fence to be placed atop a retaining wall where the combined height of the fence and wall measured from ground level would exceed the height limit. This	Amended 15.410.070(D) to limit the combined height of a fence and wall and clarified when a fence is “atop” a wall based on how close it is to the wall. The amendment helps to address situations where there are significant grade differences between streets and uphill lots, or between

Topic (Page)	Newberg Municipal Code	Issue	Code Amendment Concept
		can create conflicts between neighbors and an unattractive “canyon effect” on public ways.	lots. It is based on similar code used by the City of Lake Oswego.
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 III Projects (p 22)	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 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.	Amended 15.430 to exempt from utility undergrounding requirements maintenance work under franchise utility agreements per 12.05.350. Also amended 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	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.

Topic (Page)	Newberg Municipal Code	Issue	Code Amendment Concept
		cases. Staff interprets this to mean signs greater than 20 feet in height are not allowed except for lots greater than 10 acres.	
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.
<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.
<i>Other NMC Titles</i>			
Grade Set and Staking for Sidewalks (p 30)	12.05.020(B)	Code refers to City Engineer, which conflicts with standard operating procedures.	Updated per standard operating procedure.

**PLANNING COMMISSION RESOLUTION 2025-XXXX (DRAFT)**

A RESOLUTION RECOMMENDING CITY COUNCIL AMEND NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE, AND TITLE 12 STREETS AND SIDEWALKS, 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 September 11, 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 __ day of __, 2025.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

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

Exhibit A-1 to Resolution No. 2025-XXX
Draft Code Amendments– File DCA25-0002

DCA25-0002: 2025 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

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

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NMC 15.05 General Provisions

15.05.030 Definitions.

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

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

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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.”

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

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“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.

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“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.*
4. Adjustments.
5. Processing final land division maps and plats.
6. Manufactured homes contributing to development identified elsewhere in this subsection (B) or other additions specifically listed in NMC 15.220.020(A)(1).
7. 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.

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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*;

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

m. Fences and trash enclosures*;

n. Accessory dwelling units*.

2. Type II.

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

3. Type III.

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

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

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

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

[...]

NMC 15.235 Land Divisions

15.235.030 Preliminary plat approval process.

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

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

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

15.235.070 Final plat submission requirements and approval criteria.

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

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

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

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

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

NMC 15.240 PD Planned Unit Development Regulations

15.240.020 General provisions.

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

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

NMC 15.305 Zoning Use Table

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

15.305.020 Zoning use table – Use districts.

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	M-5	CF	I	AR	AI	Notes and Special Use Standards
200	RESIDENTIAL USES																					
Def.	Dwelling, mixed use					<u>P</u>	P(9)	P(10)	P(8)/C(5)	P(11)	X	C	C				P(10)					
Def.	Home occupation (no more than one outside paid employee)	S	S	S(13)	S	S	S(13)	S(13)	S(13)	S(13)	X	S(13)	S(13)	S(13)	S(13)	S(13)		S(13)	S	S	S(13)	NMC 15.445.500
Def.	Home occupation (more than one outside paid employee)	C	C	C(13)	C	C	C(13)	C(13)	C(13)	C(13)	X	C(13)	C(13)	C(13)	C(13)	C(13)		C(13)	C	C	C(13)	NMC 15.445.500
300	INSTITUTIONAL AND PUBLIC USES																					
310	INSTITUTIONAL CARE AND HOUSING																					
Def.	Family child care home	P	P	P(13)	P(13)	P	P(13)	P(13)	P(13)	P(13)	X						P(13)		P	P(13)		ORS Chapter 657 <u>329A</u>
312	Day care	P	P	P	C	P	P	P	P		P	P	P	C	C	P	P		P		P(14)	ORS Chapter 657 <u>329A</u>

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

Notes.

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

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

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

NMC 15.326 Springbrook (SD) District

15.326.025 Springbrook Master Plan Develop Standards Matrix

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

DEVELOPMENT STANDARDS MATRIX

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

[...]

NMC 15.410 Yard Setback Requirements

15.410.020 Front yard setback.

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

1. AR, R-1 and R-2 districts shall have a front yard of not less than 15 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than 10 feet. Said yard shall be landscaped and maintained.
2. R-3 and RP districts shall have a front yard of not less than 12 feet, except that multifamily dwellings with parking to the side or rear shall have a front yard of not less than eight feet. Said yard shall be landscaped and maintained.
3. The vehicle entrance to a garage or carport, whether or not attached to a dwelling, shall be set back at least 20 feet from the nearest property line of the street from which access will be provided, or from the closest shared driveway, as applicable; ~~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 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).
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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 ~~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.

[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.]

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.

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

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.~~

//

5. Combined Fence and Wall.

- a. The combined height of a retaining wall and fence, where the fence is located either on top of or within five ft. of the face of the retaining wall on the upslope side, shall be less than eight ft., as measured from the lower side of the retaining wall.
- b. No fence shall be located either on top of or within five ft. of the face of the retaining wall on the upslope side when either the retaining wall or the fence is located within ten ft. of a public or private street or an access easement which serves more than two lots.
- c. When a fence is located on the top of a retaining wall, the fence shall be of a different class of material than the retaining wall, i.e., if the retaining wall is masonry, the fence must be wood or metal.
- d. Berms, when used in conjunction with fences or walls, shall be included in height determinations.

Staff Comment: The code currently does not address whether the setback exception for fences allows a 6-foot fence to be placed atop a retaining wall where the combined height of the fence and wall measured from ground level would exceed the fence height limit. This can create conflicts between neighbors and an unattractive “canyon effect” on public ways. The draft code amendment is modeled after City of Lake Oswego code ([LOC 50.06.004.2](#)) which have helped to address situations where there are significant grade differences between streets and uphill lots, or between lots. The five-foot separation is consistent with other Newberg standards, such as the definition of main versus accessory buildings, and building code standards that require fire-rated walls when structures are located less than five feet apart. *“(‘‘Accessory building’’ means any detached subordinate building the use of which is incidental, appropriate, and subordinate to that of the main building and separated from the main building by at least five feet. Buildings less than five feet from the main building shall be considered ... attached to the main building.”

5-6. A fence building permit is required when building a wood fence taller than seven feet, masonry or concrete fence or wall taller than four feet, wire-woven or chain linked fence taller than eight feet, fence or wall enclosing a swimming pool, and for other structures as required by the building code.

[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.

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

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

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

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

15.435.140 Private Walkway Design.

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

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

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

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

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

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

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

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

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

NMC 15.445 Special Use Standards

15.445.500 Home Occupation.

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

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

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.]

<p>Staff Comment: Reference to ADA standards is removed from the Title 15 standards as ADA is regulated by the Building code or Engineering Design and Construction Standards. This has caused some confusion and conflict in the past. In its place, an editorial note is added.</p>
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NMC 12.05 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.

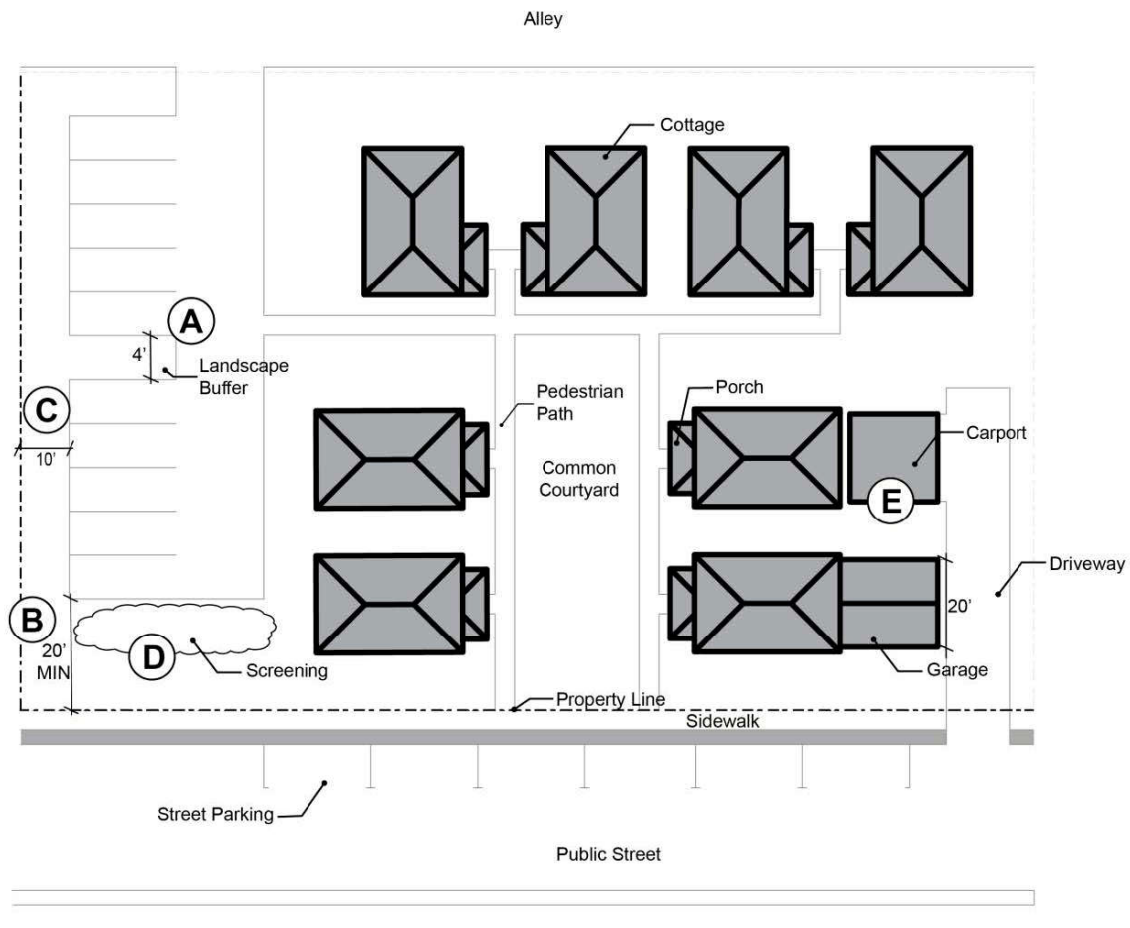
B. It is made the duty of the city engineer to issue permits for public sidewalks in the city ~~and, upon the request of any person to whom a permit has been issued as herein provided and within a reasonable time thereafter, to set the grade and line stakes for the construction of the walk described 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 Comments: Updated to current standard operating procedure.

-END-

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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-XXX
Findings – File DCA25-0002

[Reserved for findings]

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