



City Council  
February 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: <https://bit.ly/nbgcomment>

[View Slides](#)

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1. Call to Order

2. Roll Call

3. Pledge of Allegiance

4. [City Manager Report](#)

4.1. [January Narrative Report](#)

5. Public Comments

6. Consent Calendar

6.1. [Council Goals 2025](#)

i [Exhibit A: Council Goals 2025](#)

6.2. [Appointment of staff to Yamhill County Affordable Housing Corporation](#)

i [Exhibit A: Bylaws](#)

7. New Business

7.1. Newberg Downtown Coalition Update

7.2. [Annual Development Code Maintenance Package](#)

i [Exhibit A- Ordinance 2933 Draft](#)

ii [Exhibit A-1a Annotated Code Maintenance Amendments](#)

iii [Exhibit A-1b Clean copy Code Maintenance Amendments](#)

iv [Exhibit A-2 Findings](#)

- v [Exhibit B- Res 2025-398](#)
- vi [Exhibit C- Planning Commission Minutes \(Placeholder\)](#)
- vii [Exhibit D- Agency Comments- DLCD](#)
- viii [Exhibit E- Native Plant Guide Linn SWCS 2005](#)
- ix [Exhibit F- Expirations and Extensions Analysis](#)
- x [Exhibit G- Code Maintenance Guide 07-30-2024](#)

### 7.3. [Property Tax Analysis](#)

- i [Presentation](#)

### 7.4. [Capital Improvement Plan Informational Presentation](#)

- i [Presentation](#)

## 8. Council Business

### 8.1. Board, Commission, and Committee Updates

## 9. ADJOURNMENT

### ADA STATEMENT

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

\*Indicates supplementary item

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (February 3, 2025)**

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

**Is this item state mandated?** Yes ☐ No ☒

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

**Recommendation:** NA

**Executive Summary:** The summary of events conducted by city departments in the month of January 2025.

**Fiscal Impact:** All were conventionally budgeted items.

## **Council Goals:**

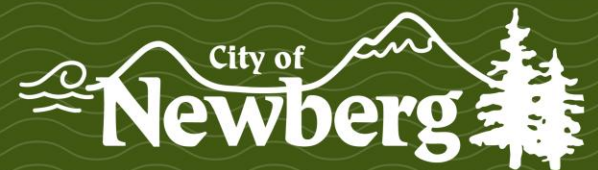
Goal 5: Create and maintain a high level of transparency with our residents in order to build trust.

Effective CM reporting assists with Objective 1:

Expand communication outreach in regard to regular city events and additional involvement with city businesses.

# Newberg CM report

Monthly Events for January 2025



## **Public Works:**

Work orders completed - 30 Days: 1,579 = 56 average per working day

## Emergency Management

- Met with City Recorder & Community Eng. to coordinate between routine PIO and emergency PIO activities - plans, templates etc.
- Met with Grant Coordinator and PWM to identify grant needs to develop a scalable emergency debris management program.
- Outlined priorities for Jan – June 2025

## A Small Selection of Recent PW Maintenance Events:

- Sewer Mainline Pipe Cleaned 7,945 Ft = 1.5 Miles
- Sewer Mainline Pipe Inspected 15,045 Ft = 2.85 Miles
- Miles of Street Swept = 155 miles = Newberg City Hall to Bend City Hall!
- Street Sweeping Debris Removed 43 Cubic Yards (95 full yard debris carts)
- Total Number of Water Meters 7,660 (2" or larger = 311)
- Water Meter Service Activities 89
- Fleet/Equipment Service/Repairs 20

## A Small Selection of Recent PW Operations Tasks

### WWTP:

- December WW Treated = 170.223 MG.
- Average Daily WW treated = 5.5 MG.
- 8.26 inches of rainfall per our weather station at the WWTP.
- Repaired conveyor 8-03 bearing to maintain operation until new parts arrive.
- Replaced failed belt on IPS fan

## A Small Selection of Recent PW Operations Tasks

### WTP:

- December Water production = 54.3 MG
- Average Daily Water Demand = 1.546 MGD
- Completed annual state reports for source water monitoring, polymer usage, backwash pond discharge, and air quality monitoring
- Replaced hypochlorite tank 2 level indicator
- Ordered additional filter media to be added prior to filter cover construction

## Taking down Community Christmas Tree



**Brutscher St Meter  
change-out**



**N Oxford water line repair**



**N River St water line  
repair**



**Investigation for T.U.F. project  
S Center St**



**Beaver Dam Removal Hess  
Creek**

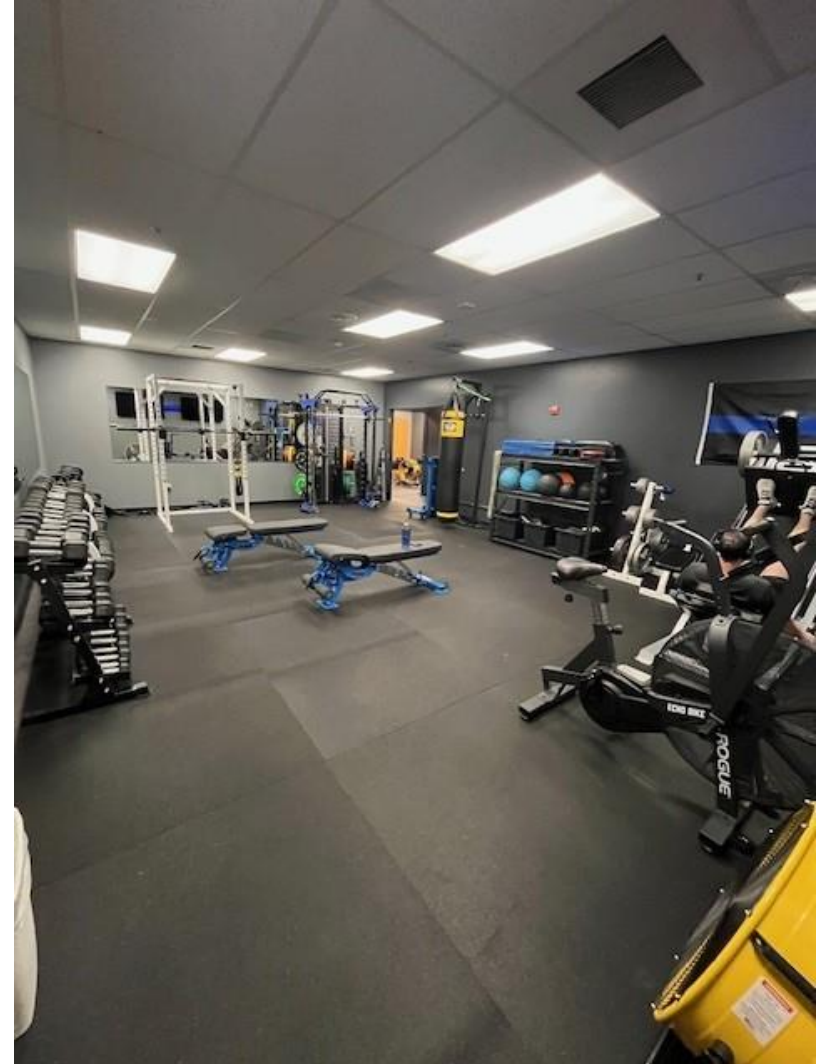


**Debris Removal Near  
WWTP**



## Department News / Accomplishments January 2025

- ARPA Funds helped us expand our gym for our wellness program
- DUI's in December 10



**Finance** has been working on the following in January:

- Supplemental budget (which council saw on January 21<sup>st</sup>)
- Finance and CM had departmental BCR meetings to discuss any changes to their budgets for the next two years
- Finance had a mega budget planning meeting to distribute tasks and get all deadlines in order for the upcoming budget cycle
- Annual previews occurred for Finance staff
- Master Fee Schedule discussions have begun

**Finance**, for the month of December Accounts Payable was \$2,05M

- GPEC Electrical Contractors INC \$321,888.00 (WWTP PLC Replacement)
- HDR Engineering Inc \$183,137.00 (WWTP PLC Replacement)
- Pihl Inc \$164,755.00 (800 Block Wynooski)

Payroll: was at \$1,13M

## Community Development Department

- New Plans Examiner Mariah
- Joined the state's mutual aid program for building permit services
- Stellar Planning Manager Clay Downing has accepted the top post with CPRD.
- Our loss = the community's gain in the parks and rec - Recruitment underway.
- Slowdown in building permits but more housing in the planning pipeline between Colina, Springbrook-Hayes Apartments, and others.

Here a few notable events for **IT** in January:

- Upgrade - Citrix Environment → Windows 11 desktops and began setting up the first Windows 11 test desktops to be deployed to volunteer test users.
- Worked with our vendor to upgrade the training environment of our dispatch software.
- Started investigating alternative thin clients.

Nothing majorly wrong with our current clients, but it's good to stay aware of new developments, and what might be more cost-effective options for the city when we have to renew them.

## Monthly Report from the **City Recorder**:

- Planning first annual retention week.
- Finalizing the new website.
- Records training for several employees.
- Assisted with council strategic planning.
- Prepared for City Hall Open House.

## Library Land Goings On

- Cozy Reading Program concludes with 1,000 participants of all ages
- The Cozy Reading mascot was found 798 times in the library
- Regular programs continue: storytimes, Homeschool Happening, Memory Café, book clubs, LEGOs, Tech classes for Seniors
- The tear-down of the concrete wall on the northside (facing the Cultural Center) begins in order to create a ramp for an accessible exit from the 2<sup>nd</sup> floor in case of emergency – this was a final ARPA project

## HR Events of the Month

- HR held a protected leave training for supervisors
- Participated with Will Worthey in a progressive discipline training for new supervisors
- Onboarded 5 new employees  
(Plans Examiner II, Concrete Finisher I, Utility Tech I, Utility Tech I, Operator I)
- Promoted Mike Grimes to Engineering Tech III

# So that's it for January 2025!

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

Questions?

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: February 3, 2025**

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

No. 2025-3960

Subject: Approval of 2025 Council Goals

Staff: Will Worthey

Department: Administration

Business Session

Order On Agenda: Consent

Hearing Type: N/A

**Is this item state mandated?** Yes ☐ No ☒

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

**Recommendation: Motion to approve the Council Goals for 2025 and repeal Resolution 2023-3891 Council Goals 2023.**

**Executive Summary:** Council met on January 25, 2025 to refine and debate proposed goals. The Council Goals 2025 in Exhibit A of this resolution states the council goals developed on that day. Once adopted, the Council Goals document will undergo graphic design to create a visually appealing document for the public.

**Fiscal Impact:** N/A

**Council Goals:** The development of new Council Goals meets goal 5 of the 2023 City Council Goals to Create and maintain a high level of transparency with our residents in order to build trust.



# RESOLUTION No. 2025-3960

**A Resolution to adopt Council Goals 2025 and repeal Resolution 2023-3891 Council Goals 2023.**

## **Recitals:**

1. Whereas, the Newberg City Council met on January 25, 2025 to discuss and refine possible goals provided in Exhibit “A” to the resolution; and
2. Whereas, Council is desirous of developing a multi- year strategic plan that provides target dates, accountability and responsibility for achieving the Council Goals as well as other City works.

## **The City of Newberg Resolves as Follows:**

1. To adopt Council Goals 2025 as shown in exhibit “A”.
2. To repeal Council Goals 2023 as adopted in Resolution 2023-3891.

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

**Adopted** by the City Council of Newberg, Oregon, this 3 day of February, 2025.

\_\_\_\_\_  
Rachel Thomas, City Recorder

**Attest** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

\_\_\_\_\_  
Bill Rosacker, Mayor

## Project Goals

*These goals are of limited duration or have a set target in time or space.*

### **G1: Continue to create and maintain a high level of customer service.**

O1: Create the departmental customer service standard for each department by July 2026 (v2 of the customer service guidebook).

O2: Continue to streamline the process for issuing building permits (implement Open Gov and other steps).

### **G2: Identify industrial land and attract employers to encourage family wage jobs.**

O1: Make application to bring land into the urban growth boundary to zone for light manufacturing within 5 years.

### **G3: Enhance community safety.**

O1: Work with Newberg School District to provide an additional School Resource Officer (remove after new contract is signed).

O2: Install red light and speed cameras and other speed reduction measures within two years.

### **G4: 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.

O2: Develop new streamlined council rules to institutionalize our administrative enhancements. This will include the following enhancements from the last round of council goals:

- Work sessions prior to each decision item
- Seven-day publication schedule for council packets
- Executive summaries on all council packet items of 100 pages or more
- A more streamlined parliamentary procedure

### **G5: Implement a careful and prudent fiscal policy.**

O1: Begin reducing and eventually eliminate the City's debt in a steady, prudent way without compromising the City's ability to provide essential services and functions.

## 2025 Proposed City Council Goals

O2: Reduce elements of the municipal billing statement.

O3: Ensure that the city has a long-term financial plan that supports its goals and objectives.

O4: As a secondary focus to the maintenance of our existing roads we will explore the concept of converting small sections of gravel streets to modern paving.

O5: Look for ways to fund road repair and to remove the TUF fee from utility bills.

### **G6: Revitalize and beautify the appearance and utility of Newberg's downtown area.**

O1: In partnership with NDC, seek funding sources to implement the main street program.

O2: Work with all stakeholders to explore the creation of a historic designation for the downtown corridor within three years.

### **G7: Preserve the balance between the needs of the tourism industry and preserving the character of our town.**

O1: Implement and codify the new STR rules within one year.

O2: Act as a resource to assist the community in obtaining grants to improve the city.

## Continuous Goals

*These goals are intended to be kept top-of-mind as we create policy and legislation.*

- A.** Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply.
  - A1. Review the capital improvement projects annually.
  - A2. Focus on road and sidewalk improvements in Districts 1 & 3.
- B.** Continue with community policing partnerships (SRO youth-work, anti-addiction classes, citizen's academy and more).
- C.** Look for funding sources to save and prepare for the new water treatment plant.
- D.** Develop ways to help tourism and the wine industry flourish.
- E.** Further strategic planning and growth with local taxing districts.

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: February 3, 2025**

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

No. 2025-3959

Subject: Resolution Appointing the Community Development Director to Serve as the City of Newberg's Representative and Board Member on the Yamhill County Affordable Housing Corporation

Staff: Scot Siegel, Community Development Director  
Department: Community Development

Business Session

Order On Agenda: Consent Calendar

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:**

1. Adopt Resolution No. 2025-3959 appointing Community Development Director Scot Siegel to serve as the City of Newberg representative and Board Member on the Yamhill County Affordable Housing Corporation's (YCAHC) Board of Directors.

**Executive Summary:** Approval of Resolution No. 2025-3959 would transfer existing YCAHC Board Member responsibilities from the Community Development Department's Planning Manager to the Community Development Director.

**Background:** The Yamhill County Affordable Housing Corporation (YCAHC) was created in 2002 and the program continues to assist homeowners to rehabilitate existing housing, educate low-income homeowners, and make additional affordable housing available. YCAHC was the result of prior work associated with the Yamhill County Housing Rehabilitation program and the resulting countywide regional collaborative which began in 1980 with its first Housing Rehabilitation Community Development Block Grant (CDBG) award. The City of Newberg has participated with the collaborative since 1989 when it received its first CDBG award.

Most recently in 2021, the YCAHC worked with the City and Housing Authority of Yamhill County to obtain and deliver a \$500,000 CDBG award that was administratively closed in June 2024 after providing assistance to 30 households and 64 people, 100% of which were low income. This recent CDGB award assisted local residents by providing grants to complete immediate health and safety repairs to their manufactured homes.

It is important that the City of Newberg have a representative on YCAHC Board due to the services and assistance the organization provides to Newberg residents and homeowners, and the City's financial

responsibilities as a recipient of CDBG funds. The YCAHC Board makes all final decisions regarding the expenditures and use of YCAHC funds. A copy of the YCAHC Bylaws is attached as Exhibit A.

**Fiscal Impact:** There is no fiscal impact.

**Council Goals:** This item is related to the following City Council Goals:

***Goal 5. Create and maintain a high level of transparency with our residents in order to build trust.***

Objective 2. Ensure that information shared on agendas and in council meetings shall be clear and have context for the residents

***Goal 6. Implement a careful and prudent fiscal policy.***

Objective 4. Ensure that the city has a long-term financial plan that supports its goals and objectives.

**Contents:**

Resolution No. 2025-3959

Exhibit A. Yamhill County Affordable Housing Corporation Bylaws

# RESOLUTION No. 2025-3959

## **A Resolution Appointing Community Development Director Scot Siegel to Serve As The City of Newberg Representative on the Yamhill County Affordable Housing Corporation's Board of Directors**

### **Recitals:**

1. The Yamhill County Housing Rehabilitation program and the resulting countywide regional collaborative began in 1980 with its first Housing Rehabilitation Community Development Block Grant (CDBG) award. The City of Newberg has participated with the collaborative since 1989 when it received its first CDBG award.
2. The Yamhill County Affordable Housing Corporation was created in 2002 and the program continues to assist homeowners countywide with the grant monies, education, and other assistance from CDBG awards as well as other funding sources when available.
3. The Yamhill County Affordable Housing Corporation Board of Directors makes all final decisions regarding the expenditures and use of funds including, but not limited, CDBG awards.
4. The Newberg Community Development Director has volunteered to serve as a board member, and formal appointment of the City of Newberg's Yamhill County Affordable Housing Corporation board member is requested.

### **The City of Newberg Resolves as Follows:**

1. The City of Newberg continues to support efforts to achieve affordable housing solutions for all of its residents.
2. The City of Newberg supports the efforts of the Yamhill County Affordable Housing Corporation's programs and wishes to continue participating in the regional collaborative as described in its bylaws, referenced and hereby incorporated as Exhibit A.
3. The City Council hereby appoints the Community Development Director, Scot Siegel, as the member of the Yamhill County Affordable Housing Corporation Board of Directors representing the City of Newberg.

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

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

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Rachel Thomas, City Recorder

**Attest** by the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2025.

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Bill Rosacker, Mayor

<p style="text-align: center;">EXHIBIT A FOR RESOLUTION NO. 2025-3959</p>
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**BYLAWS OF THE  
YAMHILL COUNTY  
AFFORDABLE HOUSING CORPORATION  
(Amended June 2, 2004)**

**ARTICLE 1  
NAME AND PURPOSE**

Section 1. The name of the corporation is **YAMHILL COUNTY AFFORDABLE HOUSING CORPORATION** (the "Corporation"), and its duration shall be perpetual.

Section 2. The purposes of the corporation shall be to promote home ownership for low and moderate income citizens by developing, purchasing, selling, conserving and rehabilitating housing located in Yamhill County and the City of Willamina, Oregon, and all related purposes including but not limited to, housing/home ownership counseling, energy conservation programs, safe housing programs, and low income housing repair programs.

**ARTICLE 2  
MEMBERS**

Section 1. This corporation shall have one class of members within the meaning of the Oregon Nonprofit Corporation Act. Membership shall be available to any local governmental jurisdictions, governmental agencies, or commissions operating within Yamhill County which loans or funds to the corporation or otherwise transferred or had transferred for their benefit funds or monies to the corporation in furtherance of the corporation's purposes.

**ARTICLE 3  
BOARD OF DIRECTORS**

Section 1. Powers and Qualifications. The affairs of the corporation shall be managed by the Board of Directors. The board may exercise all powers vested in the corporation by law.

Section 2. Number of Directors. The number of voting directors of the corporation shall be not less than five nor more than twenty-one. One voting director shall be appointed at the Annual Meeting of the members, by each member of the corporation whose appointed director's term has expired. Upon the first annual appointment of directors, the directors shall be divided by lot, or otherwise, into four categories: the first category to serve a term of one year; the second category to serve a term of two years; the third category to serve a term of three years, the fourth category shall serve a term of four years. Each such director shall hold office for the term for which he or she is appointed and until his or her successor shall have been appointed to serve a term of four years, except those appointed to fill a vacancy left by a former director. If and when additional voting memberships in the board are created, the four categories shall be balanced in numbers so far as may be feasible. The Board of Directors

shall have the authority to create such additional ex-officio nonvoting board membership as the Board may from time to time deem desirable.

Section 3. Appointment and Term. At the annual meeting, or by mail ballot if so directed by the Board of Directors, the directors shall be appointed by the membership to hold office until the expiration of the term of the director into which appointed and until his/her or their respective successors are appointed and qualified. No director shall serve more than four consecutive four-year terms. A director appointed to fill a vacancy may serve four consecutive four year terms in addition to the period of time for which he or she was first appointed as provided in Article 3, Section 2.

Section 4. Vacancies. A member shall have power to fill any vacancy occurring in the Board for the Board position appointed by such member. The director appointed to fill a vacancy shall be appointed for the unexpired term of his/her predecessor in office. Any director elected by the Board by reason of an increase in the size of the Board shall stand for election by a majority of all of the members at the next annual members meeting for the remainder of the specified term for such position.

#### **ARTICLE 4** **MEETINGS OF MEMBERS AND BOARD OF DIRECTORS**

Section 1. Annual Meeting. The annual meeting of the Members and Board of Directors shall be held in the month of October.

Section 2. Special Meetings. Special meetings of the Members or Board of Directors may be held at any place and time, whenever called by the President or a majority of the members or directors.

Section 3. Notice of Meetings. Notice of the time and place of any meeting of the Members or Board of Directors shall be required. Notice of the time and place of any special meeting shall be given by the Secretary, or by the person or persons calling the meeting, by mail, telegram, or by personal communication, over the telephone or otherwise, at least three (3) days prior to the date on which the meeting is to be held. Attendance of a director at any meeting shall constitute a waiver of notice of such meeting, except where the director attends a meeting for the purpose of objecting to the transaction of any business because the meeting is not lawfully called or convened. Neither the business to be transacted nor the purpose of any meeting of the Board of Directors need be specified in the notice or any waiver of notice of such meeting.

Section 4. Quorum. A majority of the duly elected voting members of the Board of Directors at the time of the meeting shall constitute a quorum for the transaction of business. At any meeting of the Board of Directors or Members at which a quorum is present, any business may be transacted and the Board may exercise all of its powers.

**ARTICLE 5**  
**ACTIONS BY WRITTEN CONSENT**

Section 1. Any corporate action required or permitted by the Articles of Incorporation, Bylaws, or laws of the State of Oregon to be taken at a meeting of the directors of the corporation may be taken without a meeting if a consent in writing, setting forth the actions to be taken, shall be signed by all of the directors entitled to vote with respect to the subject matter thereof. Such consent shall have the same force and effect as a unanimous vote and may be described as such.

**ARTICLE 6**  
**WAIVER OF NOTICE**

Section 1. Whenever any notice is required to be given to any director of the corporation by the Articles of Incorporation, Bylaws or laws of the State of Oregon, a waiver thereof in writing, signed by the person or persons entitled to such notice, whether before or after the time stated herein, shall be equivalent to the giving of such notice.

**ARTICLE 7**  
**INDEMNIFICATION OF DIRECTORS AND OFFICERS**

Section 1. To the maximum extent allowed by law, the corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative (other than an action by or in the right of the corporation) by reason of the fact that he or she is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise, against expenses (including attorney's fees), judgments, fines and amounts paid in settlement actually and reasonably incurred by him or her in connection with such action, suit or proceeding if he or she acted in good faith.

Section 2. To the maximum extent allowed by law, the corporation shall indemnify any person who was or is a party or is threatened to be made a party to any threatened, pending or completed action or suit by or in the right of the corporation to procure a judgment in its favor by reason of the fact that he or she is or was a director, officer, employee or agent of the corporation, or is or was serving at the request of the corporation as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against expenses (including attorney's fees) actually and reasonably incurred by him or her in connection with the defense or settlement of such action or suit if he or she acted in good faith.

Section 3. To the extent that a director, officer, employee or agent of a corporation has been successful on the merits or otherwise in defense of any action, suit or proceeding referred to in this Article, or in defense of any claim, issue or matter therein, he or she shall be indemnified against expenses (including attorney's fees) actually and reasonably incurred by him or her in connection therewith.

Section 4. The corporation may pay for or reimburse reasonable expenses incurred by a person who is a party or is threatened to be made a party to any threatened, pending or completed action, suit or proceeding, whether civil, criminal, administrative or investigative if such party furnishes the corporation a written affirmation of his or her good faith belief that he or she acted in good faith and in a manner which he or she reasonably believed to be in or not opposed to the best interests of the corporation.

Section 5. A director of the corporation who is a party to a proceeding may apply for indemnification to the court conducting the proceeding or to another court of competent jurisdiction. On receipt of an application, the court, after giving any notice the court considers necessary, may order indemnification if it determines the party is entitled to mandatory indemnification .

Section 6. The indemnification provided by this Article shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any Bylaw, agreement, vote of shareholders, or disinterested directors or otherwise, both as to action in his or her official capacity and as action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

Section 7. The directors of the corporation have the authority on behalf of the corporation to authorize the purchase and maintenance of insurance on behalf of any person who is or was a director, officer, employee or agent of another corporation, or is or was serving at the request of the corporation, as a director, officer, employee or agent of another corporation, partnership, joint venture, trust or other enterprise against any liability asserted against him or her and incurred by him or her in any such capacity or arising out of his or her status as such, whether or not the corporation would have the power to indemnify him or her against such liability under the provisions of this Article.

## **ARTICLE 8**

### **OFFICERS**

Section 1. Officers Enumerated. The officers of the corporation shall be a President, one or more Vice Presidents, a Secretary, a Treasurer, and such other officers and assistant officers as may be deemed necessary by the Board of Directors, each of whom shall be annually elected by the Board of Directors and shall serve until his or her/her successor is duly elected and qualified. Any two or more offices may be held by the same person, except the offices of President and Secretary. A specified rotation of assignment of Directors to designated offices may be established by the Board of Directors. In addition to the powers and duties specified below, the officers shall have powers and perform such duties as the Board of Directors may prescribe. The officers may be bonded in amounts to be established by the Board or the Executive Committee.

Section 2. Selection of Additional Officers. The Board may elect or appoint such other officers, assistant officers and agents as it shall deem necessary or desirable, who shall hold

their offices for such terms and shall have such authority and perform such duties as shall be determined by the Board.

Section 3. Compensation of Officers. The salaries, as well as any other compensation, of all officers and agents of the corporation shall be fixed by the Board of Directors and confirmed by the membership.

Section 4. Tenure. The officers of the corporation shall hold office until their successors are chosen and qualify in their stead. Any officer or agent elected or appointed by the Board of Directors may be removed by the Board of Directors whenever in its judgment the best interests of the corporation will be served thereby, but such removal shall be without prejudice to the rights, if any, of the person so removed. If the office of any of the officers becomes vacant for any reason, the vacancy shall be filled by the Board of Directors.

Section 5. President. The president shall be the chief executive officer of the corporation; the president shall preside at all meetings of the directors; he or she shall supervise management of the business of the corporation, and shall see that all orders and resolutions of the Board are carried into effect. The president shall execute deeds, leases, promissory notes, bonds, mortgages and other contracts or documents requiring a seal, under the seal of the corporation, except where required by law to be otherwise signed and executed and except where the signing and execution thereof shall be expressly delegated by the Board of Directors to some other officer or agent of the corporation.

Section 6. Vice Presidents. In the absence or disability of the president, the vice presidents, in order of their rank as fixed by the Board of Directors, or if not ranked, the vice president designated by the Board of Directors, shall perform the duties and exercise the powers of the president, and each vice president shall perform such other duties as the Board of Directors shall prescribe.

Section 7. Secretary. The secretary shall attend all sessions of the Board of Directors and record the minutes of all proceedings in a book to be kept for that purpose, and shall perform like duties for any committee when required. The secretary shall give, or cause to be given, notice of all meetings, of the Board of Directors, and shall perform such other duties as may be prescribed by the Board of Directors or the president, under whose supervision he or she shall be. He or she shall keep in safe custody the seal of the corporation and, when authorized by the Board, affix the same to any instrument requiring it, and when affixed it shall be attested by his or her signature or by the signature of the treasurer.

Section 8. Treasurer. The treasurer shall have the custody of the corporate funds and securities and shall keep full and accurate accounts of receipts and disbursements in books belonging to the corporation and shall deposit all money and other valuable effects in the name and to the credit of the corporation, in such depositories as may be designated by the Board of Directors. The treasurer shall disburse the funds of the corporation when proper to do so, taking proper vouchers for such disbursements, and shall render to the president and directors, at the regular meetings of the board, or whenever they may require it, an account of all his or her transactions as treasurer and of the financial condition of the corporation. If required by the

Board of Directors, the treasurer shall give the corporation a bond in such sum, and with such surety or sureties as shall be satisfactory to the Board, for the faithful performance of the duties of his or her office, and for the restoration to the corporation, in case of his or her death, resignation, retirement or removal from office of all books, papers, vouchers, money and other property of whatever kind in his or her possession or under his or her control belonging to the corporation.

## **ARTICLE 9**

### **OFFICES**

Section 1. Principal Office. The principal office of the corporation in the State of Oregon shall be located in Yamhill County, Oregon. The corporation may have such other offices, either within or without the State of Oregon, as the Board of Directors may designate or as the business of the corporation may from time to time require.

Section 2. Registered Office. The registered office of the corporation required by the Oregon Business Corporation Act to be maintained in the State of Oregon may be, but need not be, identical with the principal office in the State of Oregon, and the address of the registered office may be changed from time to time by the Board of Directors.

## **ARTICLE 10**

### **POLITICAL ACTIVITIES**

Section 1. Prohibition Against Certain Activities. Notwithstanding any other provision of these Bylaws, this corporation shall not carry on any activities not permitted to be carried on by a corporation exempt from federal income tax under Section 501(c)(3) of the federal Internal Revenue law). Said limitations include, but are not restricted to, the requirement that no part of the net earnings of this corporation shall inure to the benefit of or be distributable to any private individual (except that this corporation shall be authorized and empowered to pay reasonable compensation for services rendered and to make payments and distributions in furtherance of the purposes set forth in these Bylaws); that no part of its activities shall consist of the carrying on of propaganda (including the publishing or distribution of statements) or otherwise attempting to influence legislation; and that it shall not participate in or intervene in any political campaign on behalf of any candidate for public office.

## **ARTICLE 11**

### **GENERAL PROVISIONS**

Section 1. Checks and Notes. All checks, convertible debentures, or demands for money and notes of the corporation shall be signed by such officers or such other person or persons as the Board of Directors may from time to time designate consisting of not less than two persons when the amount of such disbursement shall exceed the sum of Five Hundred Dollars (\$500.00).

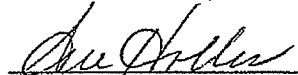
Section 2. Corporate Seal. The Board of Directors shall adopt a corporate seal which shall be circular in form and shall have inscribed thereon the name of the corporation, the state of incorporation, and the words "Corporate Seal". Said seal may be used by causing it, or a facsimile thereof, to be impressed or affixed or in any manner reproduced.

Section 3. Conduct of Meetings. Meetings of the membership and the Board of Directors shall be conducted pursuant to Robert's Rules of Order.

Section 4. Funds Dedicated to Rehabilitation Activities. Funds and Loans received by the corporation which originated as a result of housing rehabilitation revolving loan activities shall remain dedicated for such purposes, and may be utilized by the corporation solely for the conservation and rehabilitation of housing by and for low income citizens living within Yamhill County, Oregon.

Section 5. Amendments. The Bylaws of the corporation may be altered, amended or repealed, and new Bylaws may be adopted, by the affirmative vote of two-thirds (2/3rds) of the members present in person or by proxy at any duly and regularly called regular or special meeting of the Members.

Dated: June 2, 2004.



Sue Hollis, President

f:\law\wrg\Affordable Housing.Yam.Co.12805

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: January 27, 2025**

Order <input type="checkbox"/> Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Motion <input type="checkbox"/> Information <input type="checkbox"/> Proclamation <input type="checkbox"/>	
No. 2025-2933	
Subject: Development Code Maintenance Amendments	Staff: Scot Siegel, Director Department: Community Development File: DCA24-0002
Business Session	Order On Agenda: Work Session
Hearing Type: Legislative <input checked="" type="checkbox"/> Quasi-Judicial <input type="checkbox"/> Administrative <input type="checkbox"/> Not Applicable <input type="checkbox"/>	

**Is this item state mandated?** Yes ☒ No ☒

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

Some but not all items in this proposal address changes in state law. Mandates include Oregon Revised Statutes (ORS), Chapter 222, relating to annexations, ORS 197.797 Local quasi-judicial land use hearings, ORS 227.175 Permit or zone change applications, and ORS 197.307(4) requiring clear and objective standards for housing.

**Recommendation:** The purpose of the work session is to provide background and answer questions about proposed Title 15 Development Code Maintenance Amendments contained in Ordinance 2025-2933 prior to City Council hearing tentatively scheduled for February 18, 2025.

**Executive Summary:** Code Maintenance is a significant project in the Planning Division Work Program and implements City Council’s Goal 1, which is to “Create and maintain a high level of customer service.” It is intended to clarify and improve predictability and efficiency in the permit process through corrections, definitions, formatting changes and revisions to existing regulations to maintain compliance with state and federal law.

Maintenance amendments may also include minor policy changes to improve customer service and operational efficiency. For example, staff have proposed an alternative method for determining minimum parking requirements where existing one-size-fits-all parking requirements are excessive and discourage businesses from locating or expanding in Newberg.

The code amendments in Exhibit A-1a (and A-1b “Clean Copy”) (Ordinance 2025-2933) were identified by staff through application of the development code and customer feedback. The ordinance also addresses changes in state land use laws, including Oregon Revised Statutes (ORS), Chapter 222, relating to annexations, ORS 197.797 Local quasi-judicial land use hearings, ORS 227.175 Permit or zone change applications, and ORS 197.307(4) requiring clear and objective standards for housing.

On January 9, 2025, the Planning Commission conducted a legislative public hearing and recommended City Council approval of the proposed code amendments, as provided by Planning Commission Resolution 2025-398 (Exhibit B). Following the Planning Commission’s decision, on January 22, 2025, staff received written comments from the Oregon Department of Land Conservation and Development recommending a minor revision to a NMC 15.220.330 and NMC 15.235.040(A) pertaining to existing wetland maps used by the Oregon Department of State Lands. (Exhibit D) That clarification has been incorporated into the proposed ordinance.

**Discussion:** For convenience, the code amendments in Exhibit A-1 are indexed in the summary table below (preceding the Ordinance attachment). The page numbering in the table corresponds to “Exhibit A-1a, the “Annotated Code Amendments” document that staff will refer to in your work session. A “Clean Copy” version of the amendments is provided in Exhibit A-1b.

**Fiscal Impact:** The code changes are expected to improve operational efficiency in the land use permitting 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 2025-2930

Exhibit A-1a: Ordinance 2025-2933 Annotated Code Amendments

Exhibit A-1b: Ordinance 2025-2933 Clean Copy Code Amendments

Exhibit A-2: Ordinance 2025-2933 Findings

Exhibit B: Planning Commission Resolution 2024-398

Exhibit C: DRAFT Planning Commission Minutes [Placeholder]

Exhibit D: Agency Comments

Exhibit E. Native Plant Guide (Linn SWCS, 2005)

Exhibit G. Expirations and Extensions Analysis

Exhibit H. Code Maintenance Standard Operating Procedures

**Table 1: NMC 15.100 - Procedures and General Provisions (Part 1 of 5)**

<i>NMC 15.100</i>	<i>Exhibit A-1.a Pages</i>	<i>Topic</i>	<i>Code Maintenance Purpose</i>
15.05.030	4	Definitions	Building code consistency for exempt accessory structures, and clarification of “interior yard”.
15.100.020	5	Type I Procedure for Manufactured Homes	Comply with ORS 197.307(8) for review of manufactured dwellings.
15.100.160	5	Appeals	<p>Clarify appeals of historic resource related decisions reviewed by Historic Preservation Commission.</p> <p>Middle Housing Land Division appeals must be filed within 14 days and follow ORS 197.375.</p> <p>Change “may” to “must” for meeting appeal filing deadlines.</p> <p>Clarify appeals of Type III decisions are reviewed by City Council.</p>
15.100.180	6	Appeal Scope of Review	Clarify initial appeal hearings are new hearings, not limited to evidence on the record.
15.100.250	7	Notice of Type IV Hearing	<p>Add ORS 227.186 (Measure 56) notice requirement for certain land use regulatory changes.</p> <p>Correct DLCD notice requirement per OAR 660-018-0020, amended in 2013 from 45 days to 35 days.</p>
15.100.260	8	Posting and mailing of notices	Simplify the code and improve noticing by using the same 20-day deadline for posting and mailing.

**Table 2: NMC 15.200 - Land Use Applications (Part 2 of 5)**

<i>NMC 15.200</i>	<i>Exhibit A-1a Pages</i>	<i>Topic</i>	<i>Code Maintenance Purpose</i>
15.210.040	9	Code Adjustments	Added procedure for expiration and extension of code adjustments, consistent with other procedures. See also, Expirations and Extensions Analysis in Exhibit C.
15.215.060	9	Variances	Added procedure for expiration and extension of variances, consistent with other procedures. See also, Expirations and Extensions Analysis in Exhibit C.
15.220.020(A)(1)	10	Type I Site Design Review	Code streamlining for improved customer service, and consistency with state middle housing rules.
15.220.020(A)(4)	10	Exemptions to Type I and Type II Process	Clarify internal remodels that do not change or expand use are exempt, for improved customer service.
15.220.020(C)	12	Site Design Review Expiration and Extensions	Extend the SDR Time Limit (expiration) from one year to two years and change extensions from 6 months to 12 months each, and provide vesting options, for improved customer service. See also, Expirations and Extensions Analysis in Exhibit C.
15.220.020(E)	14	Modification to an Approved Design Review	Clarify the criteria and procedures for major modifications, for improved customer service.
15.220.030	14	Wetland Delineations	Clarify that a wetland delineation approved by Oregon Department of State Lands is required for properties on the State Wetlands Inventory, for improved customer service and quality control.
15.220.050	15	Design Review Criteria	Criteria reorganized for ease of use

<b><i>NMC 15.200</i></b>	<b><i>Exhibit A-1a Pages</i></b>	<b><i>Topic</i></b>	<b><i>Code Maintenance Purpose</i></b>
		Reorganization	and consistency with other NMC chapters. No policy changes.
15.225.100(A)	18	Conditional Use Permit Expiration and Extensions	Clarify 1-year expiration for CUPs and change extensions from 6 months to 12 months each for improved customer service and consistency with other permit types.
15.230.030	19	Property Consolidations and Property Line Adjustments	Added procedure for expiration and extension of property consolidations and property line adjustments, consistent with other procedures.
15.235.030(C)	19	Preliminary Plat Approval Extensions	Clarify multiple extensions may be granted, for improved customer service and consistency with other permit types.
15.235.040(A)	20	Land Division General Submission Requirements	Clarify that a wetland delineation approved by Oregon Department of State Lands is required for properties on the State Wetlands Inventory, for improved customer service and quality control.
15.235.050(B)	20	Preliminary Plat for Middle Housing Land Divisions	Correct statute per update in legislative 2023 session.
15.240.020	21	Planned Unit Development Vesting	Add public improvement guarantee to vesting options for improved customer service.
15.242.030	22	Flexible Development Standards Affordable Housing Provision	Allow up to three years for construction of off-site affordable units when using incentive.
15.250.010 – 15.250.100	22	Annexations	Comply with ORS 222 and clarify annexation procedures. Remove citywide election procedure where it conflicts with statutes and make other housekeeping updates.

**Table 3: NMC 15.300 - Zoning Districts (Part 3 of 5)**

<b><i>NMC 15.300</i></b>	<b><i>Exhibit A-1.a Pages</i></b>	<b><i>Topic</i></b>	<b><i>Code Maintenance Purpose</i></b>
15.305	29	Use Table	Update footnote and cross-references.
15.326.020	31	Springbrook District Master Plan	Updated editorial notes to include complete list of ordinance citations.
15.326.025	31	Springbrook District Master Plan Development Standards Matrix	Incorporates development standards matrix into code for user-friendliness and quality control.
15.326.060	36	Springbrook District Master Plan Modifications	Clarifies procedure for modifying master plan. No substantive change.
15.342.040	37	Stream Corridor Overlay (SC) Subdistrict - Mitigation for Type II	Clarify approved list of native plants for mitigating development in stream corridor overlay. See Exhibit B.
15.342.150	37	Vesting of Development Permit in SC Subdistrict and Expiration	Clarify vesting and expiration of permit like other permit types.
15.348.040	38	Institutional Overlay (IO) Subdistrict Designations	Update procedure for IO map amendments to comply with ORS 197.797 Local quasi-judicial land use hearings, and ORS 227.175 Permit or zone change applications, which require a quasi-judicial review, not a Type I review, for zone changes involving one or a small group of properties.
15.352.050(B)	39	Riverfront (RD) Subdistrict Residential Design Standards	Clarify that the garage appearance standard applies to garage doors and not garages in general, consistent with past interpretation for houses built in the Riverfront Subdistrict.

**Table 4: NMC 15.400 - Development Standards (Part 4 of 5)**

<b><i>NMC 15.400</i></b>	<b><i>Exhibit A-1a Pages</i></b>	<b><i>Topic</i></b>	<b><i>Code Maintenance Purpose</i></b>
15.410.070(D)	40	Fences and Walls	Institutional (IO) District added. Clarifies building permit required for certain types of fences and walls.
15.415.060	41	Home Occupations	Deleted/relocated to Special Use Standards, NMC 15.445.500 for readability.
15.440.010	4	Required Off-Street Parking	Improve readability and codify interpretation regarding garages. Existing NMC 15.440.010(F) text is deleted and relocated in NMC 15.440.030 for improved reading. Revised 15.440.010(F) clarifies that residential garage structures may be used to meet required off-street parking space requirements.
15.440.030 15.440.040	43	Parking Spaces Required Parking for Unlisted Uses	Improves readability and codifies interpretations. Columns and footnotes added as needed. Existing parking maximums incorporated into table. Clarifies methodology for rounding fractions. Maintains existing policies.
15.440.045	43	Parking Study Option	Minor policy update to include parking study option for uses that have unique parking needs and do not work with one-size-fits-all standards.
15.44.0070	53	Parking Tables and Diagrams (Minimum Dimensions)	Clarifies the minimum dimensions required for parking spaces, both standard and compact. Standards provided are consistent with those already present in NMC 15.440.070 tables and diagrams.
15.445.010	58	Bed and Breakfast Establishments	Clarify code and remove potential conflict with building code.

<i><b>NMC 15.400</b></i>	<i><b>Exhibit A-1a Pages</b></i>	<i><b>Topic</b></i>	<i><b>Code Maintenance Purpose</b></i>
15.445.500	58	Home Occupations	Standards are relocated from NMC 15.415.060 for ease of use and because requirements are use-based, not design based.

**Table 5: NMC 5 - Business Licensing (Part 5 of 5)**

<i><b>NMC 5.15</b></i>	<i><b>Exhibit A-1a Pages</b></i>	<i><b>Topic</b></i>	<i><b>Code Maintenance Purpose</b></i>
5.15.100	60	Home Occupation	Updates cross-reference. No other changes proposed.

# ORDINANCE No. 2025-2933



**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; AND AMEND TITLE 5 BUSINESS LICENSE REGULATIONS WITH CORRESPONDING CROSS-REFERENCES**

## **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, as approved by City Council on January 16, 2024.
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 Oregon Revised Statutes (ORS), Chapter 222, relating to annexations, ORS 197.797 Local quasi-judicial land use hearings, ORS 227.175 Permit or zone change applications, and ORS 197.307(4) requiring clear and objective standards for housing.
5. The Newberg Planning Commission conducted a duly noticed public hearing on January 9, 2025, and on finding that the proposed amendments are consistent with the Newberg Comprehensive Plan and Oregon Statewide Land Use Goals, adopted Resolution 2025-398 recommending City Council approval of said code amendments.

## **The City of Newberg Ordains as Follows:**

1. Newberg Municipal Code is amended as shown in Exhibits A-1a ("Annotated Amendments") and A-1b ("Clean Copy Amendments").
2. The City Council the Findings contained in Exhibit A-2, and Planning Commission Resolution 2025-398 (Exhibit B).

**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

**Exhibit A-1a**  
Annotated Draft Code Maintenance Amendments  
Monday, January 27, 2025

**DCA24-0002**  
**Draft Code Maintenance Amendments**

**Formatting of amendments:**

1. Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.
2. Backslashes “\” indicate text that is unchanged and has been omitted for brevity.
3. The comments in text boxes summarize the proposed changes and the reasons for them. Comment boxes are to be removed from the final ordinance.

**Exhibit A-1a**  
**Annotated Draft Code Maintenance Amendments**  
**Monday, January 27, 2025**

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**Exhibit A-1a**  
Annotated Draft Code Maintenance Amendments  
Monday, January 27, 2025

**NMC 15.05 GENERAL PROVISIONS**

**Background:** The building code recently changed to allow exempt structures to have a 15-foot height limit instead of a 10-foot height limit. The proposed code amendments reflect the update to be consistent with building code.

**15.05.030 Definitions.**

“**Accessory structure, exempt**” means a structure for which a permit is not required by the applicable building code, and which may or may not be subject to standards of this code. Until amended, this includes, but is not limited to, the following structures accessory to single-family and two-family dwellings:

1. Nonhabitable one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and a height of ~~10~~ 15 feet measured from the finished floor level to the average height of the roof surface.

**Staff Comment:** The change from 10 to 15 feet in height for exempt accessory structures is to have it consistent with building code which recently changed to 15 feet.

2. Prefabricated swimming pools where the pool walls are entirely above grade, excluding barriers subject to building permit requirements.

3. Swings and other playground equipment.

4. Patio and porch covers not over 200 square feet and supported by an exterior building wall.

5. Porches and decks, where the floor or deck is not more than 30 inches above adjacent grade at any point and where in the case of a covered porch, the covered portion of the porch does not come closer than three feet to property lines.

6. Frame-covered nonhabitable accessory buildings not more than 500 square feet in area, one story in height and not closer than three feet to a property line, where the structure is composed of a rigid framework that supports a fabric membrane.

//

**Exhibit A-1a**  
Annotated Draft Code Maintenance Amendments  
Monday, January 27, 2025

**“Yard, interior”** means a yard ~~adjacent to~~ adjoining any lot line(s) which is not a street line, the depth of which yard shall be the horizontal distance measured at right angles to the interior lot line(s) and a line(s) being parallel with said interior lot line(s) (see Appendix A, Figures 5 and 10).

**Staff Comment:** Modified to clarify the relationship between *interior yards* and the presence or absence of a *street line*.

## **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.

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 NMC 15.100.020(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 Comment:** Clarifies that manufactured homes shall be reviewed following procedures that are equivalent to or not more restrictive than those applying to single family dwellings. (ORS 197.307(8))

//

### **15.100.160 Appeal procedures.**

A. Type I. An appeal of a Type I decision by the director ~~may be appealed~~ must be filed within 14 calendar days of the date of the decision by the director. Appeals may be made only by an affected party, Type I (the person or party submitting the application). Appeals of a Type I application are processed as a Type III procedure and proceed to the planning commission,

**Exhibit A-1a**  
Annotated Draft Code Maintenance Amendments  
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except that appeals of Type I applications relating to historic landmarks are reviewed by the historic preservation commission.

B. Type II. An appeal of a Type II decision by the director ~~may be appealed~~ must be filed within 14 calendar days of the date of the decision. Appeals may be made only by an affected party, Type II (the applicant, any party entitled to receive notice of the decision, or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of a Type II application are processed as a Type III procedure and proceed to the planning commission, except that appeals of Type II applications relating to historic landmarks are reviewed by the historic preservation commission.

C. Type II Middle Housing Land Divisions. An appeal of a Type II Middle Housing Land must be filed within 14 calendar days of the date of the decision and is subject to the appeal procedures in ORS 197.375, or as amended.

~~ED.~~ Type III. An appeal of a Type III decision by the planning commission or historic preservation commission may be appealed must be filed within 14 calendar days of the date of ~~that the planning commission's~~ written decision. Appeals may be made only by an affected party. The city council following the Type III procedure shall decide all appeals of Type III decisions. [Ord. 2691 § 2, 2-19-08; Ord. 2451, 12-2-96. Code 2001 § 151.055.]

**Staff Comment:** The above amendments clarify the appeals process (appeals are filed, not “appealed”). Appeals of Type I and II decisions pertaining to historic resources are reviewed by the Historic Preservation Commission, consistent with current practice and Newberg City Charter, Section 2.15.580, Historic Preservation Commission Powers and Duties. Appeals of Middle Housing Land Division decisions follow the same procedure as appeals of expedited land divisions under ORS 197.360 through ORS 197.375. City Council hears all appeals of Type III decisions following the Type III hearing procedure.

**15.100.180 Scope of review.**

A. The initial appeal of a Type I, Type II, or Type III decision shall be a new hearing. Any second appeal to the city council of a Type I or Type II decision shall be a record hearing unless the applicant requests a new hearing and waives the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. Appeal of a Type II decision must be based on the written comments raised prior to the expiration notice comment period pursuant to NMC 15.100.220. ~~Appeal of a Type III decision made by the planning commission must be based on the written or oral testimony and evidence raised in the record of the planning commission.~~

//

**Staff Comment:** This amendment clarifies that the initial hearing on any appeal is conducted as a new hearing, not limited to evidence already in the record, and subsequent hearings (second appeals) to City Council are on the record, resolving a conflict between the first and last sentence of NMC 15.100.180(A)

**Exhibit A-1a**  
Annotated Draft Code Maintenance Amendments  
Monday, January 27, 2025

**15.100.250 Notice procedures for Type IV legislative hearing.**

A. There is no requirement for mailed notice to property owners or posting of property, except when mailed notice to property owners is required under ORS 227.186 Notice to property owners of hearing on certain land use regulatory changes.

B. Notice shall be provided to the Department of Land Conservation and Development as follows:

1. When LCDC Goals Apply. When the city determines that the statewide land conservation and development goals do apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, the proposal shall be forwarded to the Director of the Department of Land Conservation and Development at least 35 45-days before the ~~final~~ first evidentiary hearing on adoption of the amendment or new regulation. The proposal shall contain the text and any supplemental information that the city believes is necessary to inform the director as to the effect of the proposal.

2. When Emergency Circumstances Require Expedited Review. The city may submit an amendment or new regulation to the Director of the Department of Land Conservation and Development with less than 35 45-days’ notice if the city determines that there are emergency circumstances requiring expedited review.

3. When LCDC Goals Do Not Apply. When the city determines that the statewide land conservation and development goals do not apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, notice to the Director of the Department of Land Conservation and Development is not required.

**Staff Comments:** The amendment to subsection A clarifies that property owner noticing is required for some legislative amendments. The amendments to subsection B are for consistency with minimum DLCD noticing requirements.

Existing code requires the City notify DLCD of proposed legislative land use amendments at least 45 days before “final hearing on adoption”. This is more restrictive than State statutes and administrative rules, which require DLCD be notified of such amendments **at least 35 days** prior to the City’s first evidentiary hearing. Updating the city code to align with the minimum State requirement is a minor policy change that staff believes is consistent with City Council goals for customer service, as reducing the noticing time by 10 days allows for a legislative process that is more responsive to community needs. The Oregon Land Conservation and Development Commission amended the OAR 660-018-0020 in 2013, changing the minimum requirement from 45 days to 35 days.

***OAR 660-018-0020***

***Notice of a Proposed Change to a Comprehensive Plan or Land Use Regulation***

*(1) Before a local government adopts a change to an acknowledged comprehensive plan or a land use regulation, unless circumstances described in OAR 660-018-0022 apply, the local government shall submit the proposed change to the department, including the information described in section (2) of this rule. The local government must submit the proposed change to the director at the department’s Salem office at least 35 days before holding the first evidentiary hearing on adoption of the proposed change.*

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**15.100.260 Procedure for posted notice for Type II and III procedures.**

A. Posted Notice Required. Posted notice is required for all Type II and III procedures. The notice shall be posted on the subject property by the applicant.

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F. Standards and Timing, Type II Actions. The applicant shall post the notice at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.

G. Standards and Timing, Type III Actions. The applicant shall post the notice at least ~~10~~ 20 days before the first scheduled hearing. The applicant shall file with the director an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.

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<p><b>Staff Comments:</b> The amendment to G is to match the required mailing date for Type III decisions so that the site is posted at approximately the same time as notices are mailed, not ten days later. Additionally, if the applicant mails and posts on the same day only one affidavit is required instead of two.</p>
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## **15.210 CODE ADJUSTMENTS**

### **15.210.040 Adjustment right must be exercised to be effective.**

An adjustment granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within two years ~~one year~~ from the effective date of the decision. The director may authorize ~~an extensions~~ of the duration of the decision for an additional 12 months each not to exceed five years ~~six months~~ upon written application where necessary to complete substantially the same project for which the adjustment was granted and the applicable code adjustment criteria and zoning of the subject property have not changed. In case such right is not exercised, or extension obtained, the adjustment decision shall be void. Any adjustment granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such adjustment.

**Staff Comment:** Clarifies procedure and adds flexibility for extensions of permits consistent with other procedures.

## **15.215 VARIANCE PROCEDURES**

### **15.215.060 Variance must be exercised to be effective.**

A variance granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director may authorize ~~an extensions~~ of the duration of the decision for an additional 12 months each not to exceed five years ~~six months~~ upon written application where necessary to complete substantially the same project for which the variance was granted and the applicable variance criteria and zoning of the subject property have not changed. In case such right is not exercised, or extension obtained, the variance decision shall be void. Any variance granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such variance.

**Staff Comment:** Clarifies procedure and adds flexibility for extensions of permits consistent with other procedures.

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**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. Amendments include defining more minor remodels as Type I reviews (versus Type II), reducing paperwork for Type I applications, complying with state requirements for processing of Middle Housing applications, and clarifying procedures and adding flexibility for extensions of permits.

## **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 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.

a. Single-family dwellings\*;

b. Duplex dwellings\*;

c. Triplex dwellings\*;

d. Quadplex dwellings\*;

e. Townhouse dwellings\*;

f. Cottage cluster projects;

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

h. Multifamily additions or remodels which do not exceed 1,000 square feet or 10 percent of the in-gross floor area of an existing structure, whichever is greater, and do not add any dwelling units, do not exceed 25 percent of the assessed value of the existing structure, and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;

i. Multifamily additions or remodels that are internal to an existing structure and do not add floor area or dwelling units\*;

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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;

i. Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;

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

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

lm. Fences and trash enclosures\*;

mn. Accessory dwelling units\*.

**Staff Comments:** These amendments allow more types of minor projects to be reviewed through the Type I process based on clear and objective standards. They also provide a more rational thresholds for Type versus Type II reviews. The City has found it difficult to apply “assessed value” criteria to developments with multiple buildings on a lot, because property taxes are assessed for all improvements on each tax lot, not individual buildings. Additionally, assessed value is not a good proxy for regulating land use impacts. By replacing assessed value with “percentage of” and actual increases in developed area, the code can address a wider variety of uses at different scales. For example, industrial uses typically have a larger footprint than many retail uses, but retail may have more employees and generate more traffic “per square foot” than light industry. Similarly, a minor remodel of an older apartment building, for example, adding a community room and HVAC upgrades with exterior changes could reach the 25% assessed value threshold more readily than the same addition to a high-end condominium complex due to the higher cost basis of the condos, even though the land use impacts of the additions would be the same.

The amendments also are intended to comply with OAR 660-046-0215, which requires that “Large Cities [population of 25,000 or greater] must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone.” The standard Type I review is maintained for cottage clusters due to the greater need for coordinating infrastructure for a larger number of dwelling units.

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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. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).
- c. 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. ~~Plumbing and/or mechanical alterations which are completely internal to an existing structure.~~ Remodels that are completely internal to an existing structure and do not substantially change or expand the existing use of the structure.

**Staff Comments:** This amendment is a minor policy change to make the permit process more business friendly. It broadens the exemption from land use review to include all remodels that are completely internal to an existing structure. A land use review would still be required for remodels that change or expand a use due to potential impacts on parking and neighborhood livability.

For example, an internal remodel adding a utility closet or updating HVAC equipment would not require land use review if there is no change of use or expansion of an existing use. By comparison, changing an office use to a salon with plumbing and electrical work would require land use review because of the potential impact on public services, parking, etc.

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C. Site Design Review Time Limit. An approved site design review plan intended to be constructed in a single phase shall be valid for two years ~~one year~~ from the effective date of the ~~notice of final~~ decision. ~~A complete application for public improvement plan review or building permit~~ including all required plans and plan review fees must be submitted ~~acquired~~ within this time period or the design review approval shall terminate. The director under a Type I procedure may grant ~~an extensions~~ for of up to 12 months each not to exceed five years ~~six~~

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~~months~~ if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

1. The land use designation of the property has not been changed since the initial design review approval; and
2. The applicable standards in this code which applied to the project have not changed.

**Staff Comments:** These amendments contain minor policy changes to make the permit process more business friendly by lengthening the period that site design review approvals are valid, from one year to two years. This change is consistent with the current two-year expiration for preliminary land division approvals. The amendments also allow for extensions of the expiration date by 12 months, versus the current 6-month extension, and change vesting from the date of building permit approval (permit “acquired”) to submittal of an application for public improvement plan review or building permit. This change is proposed for improved customer service, because applicants should not be penalized for delays in the permit process that are beyond their control. The amendments also clarify that the director may approve more than one extension over time provided there is no rezoning and no change to any applicable standard.

D. Phased Design Review Approval. If a site plan is approved to be constructed in phases, completion of each phase shall extend the expiration of the original design review approval by 12 months from the date of its expiration. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (C) of this section. The extension of a phase under subsection (C) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the original design review approval more than five years from its original approval date. An applicant with a project containing two or more phases may elect to submit a master site development plan, with the following options:

//

4. The approval(s) granted in this section shall be in effect as follows:

- a. Once a master site development plan has been approved, completion of each phase shall extend the expiration of the original site design review approval by 12 months from the date of its expiration. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (C) of this section. The extension of a phase under subsection (C) of this section shall also extend to any subsequent phases. The total number of extensions shall not extend the original site design review approval by more than five years from its original approval date.

**Staff Comment:** No change is proposed to this subsection. It is included for context. Note the existing 12-month extension period for master site development plans.

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E. Modification to an Approved Design Review. Following design review approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or a major modification.

1. Minor modifications are those which are in substantial compliance with the layout, uses and conditions of the original design review. Generally, the characteristics of the project, such as the layout or size of buildings, number of units, number of parking spaces, landscaping areas, and similar changes, are within five percent of those in the original proposal. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved design review, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original plan. Changes shall meet all development code requirements.
2. Other modifications are major modifications. Major modifications are any proposed changes to elements of the approved plan or conditions of approval not meeting the thresholds in subsection (E)(1) of this section ~~A in the whole application or substantive parts of an application shall be considered a new application.~~ The modified An application for major modification shall be reviewed under the same procedure as the original application. The criteria for approval shall be those for design review.

<b>Staff Comments:</b> This amendment clarifies the criteria and procedures for review of major modifications to design reviews.
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3. All applications for modifications under this provision shall be considered new applications for the purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule.
4. The city council shall establish a fee for modification of approved design review by resolution.

**15.220.030 Site design review requirements.**

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B. Type II or III. The following information is required to be submitted with all Type II or III applications for site design review:

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6. Existing Features and Natural Landscape Including Wetlands. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans. ~~Wetland Delineation Approved by the Department of State Lands (DSL). An approved~~ A wetland delineation approved by the Oregon Department of

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State Lands shall be submitted for any property listed on the ~~National~~ State Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

**Staff Comments:** This amendment clarifies the application requirement for properties containing wetlands and is consistent with the preliminary plat application submission requirements in NMC 15.235.040. Edits in red indicate changes from the Planning Commission recommendation (January 9, 2025) based on comments received from the Oregon Department of Land Conservation and Development on January 23, 2025.

**15.220.050 Criteria for design review.**

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

1. ~~Parking. Parking areas shall meet the requirements of NMC 15.440.010.~~ Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.

2. Setbacks and General Requirements. The proposal shall comply with ~~NMC 15.415.010 through 15.415.060 dealing with height restrictions, public access, residential development standards, and home occupations; and;~~  
~~NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements~~ NMC 15.405.010 through 15.405.050 relating to lot size, lot coverage, and parking coverage requirements; NMC 15.410.010 through 15.410.080 dealing with yard setback, special setback, and vision clearance requirements; and NMC 15.415.010 through 15.415.070 dealing with height restrictions, public access, and residential development standards.

3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

5. ~~Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.~~ Parking. Parking areas shall meet the requirements of NMC 15.440.010.

6. Sufficient Infrastructure. For all triplex dwellings, quadplex dwellings, townhouse dwellings, and cottage cluster developments, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:

- a. Connection to a public wastewater system capable of meeting established service levels.

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- b. Connection to a public water system capable of meeting established service levels.
- c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- d. Storm drainage facilities capable of meeting established service levels for storm drainage.

**Staff Comment:** Criteria for design reviews reviewed under a Type I procedure reorganized for consistency in order of appearance elsewhere in the NMC, specifically NMC Division 15.400, and to reference code sections related to middle housing land divisions that have been added since last revision.

The reference to home occupations is deleted from NMC 15.220.050(A)(2) because home occupations are proposed to be relocated to NMC 15.445 Special Use Standards.

B. Type II or III. The following criteria are required to be met in order to approve a Type II or III design review request:

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~~2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies shall be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.~~ Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

~~3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions, public access, residential development standards, and home occupations; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.~~ Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

~~4. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.~~ Setbacks and General Requirements. The proposal shall comply with NMC 15.405.010 through 15.405.050 relating to lot size, lot coverage, and parking coverage requirements; NMC 15.410.010 through 15.410.080 dealing with yard setback, special setback, and vision clearance requirements; and NMC 15.415.010

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through 15.415.070 dealing with height restrictions, public access, and residential development standards.

5. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

6. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

7. Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies shall be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. New developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

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10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

**Staff Comment:** Criteria for design reviews reviewed under a Type I procedure reorganized for consistency in order of appearance elsewhere in the NMC, specifically NMC Division 15.400, and to reference code sections related to middle housing land divisions that have been added since last revision. The reference to home occupations is deleted from NMC 15.220.050(A)(2) because home occupations are proposed to be relocated to NMC 15.445 Special Use Standards. No change in policy is proposed.

## **NMC 15.225 CONDITIONAL USE PERMITS**

### **15.225.100 Conditional use permit must be exercised to be effective.**

A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder commences. ~~shall be commenced~~ A conditional use permit shall expire if the use authorized thereunder has not commenced or a building permit application including all required plans and plan review fees for the use has not been submitted within one year from the effective date of the conditional use permit decision. The director under a Type I procedure may grant ~~an~~ extensions for up to 12 months each not to exceed three years ~~six months~~ if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

1. The land use designation of the property has not been changed since the initial use permit approval; and

2. The applicable standards in this code which applied to the project have not changed.

B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless prohibited ~~otherwise provided at the time of granting~~ by such permit.

**Staff Comments:** Clarifies the timeframe for approvals and transferability of CUP. Allows extensions of the expiration date by 12 months, compared to 6-months currently, for consistency with other permit procedures. Vesting is clarified to include applying for a building permit. These changes are for improved customer service, as CUPs frequently involve new development or tenant improvements that can take longer to complete.

Note the shorter expiration periods for conditional use permits versus site design reviews and subdivisions (1 year, with extension up to 3 years; versus 2 years, with extension up to 5 years). This is because conditional uses are allowed only where they are found to not have a significant negative impact on surrounding properties, or where impacts can be mitigated with conditions of approval. The longer a conditional use is deferred the more opportunity there can be for land use conflicts to arise, as new neighbors move in or surrounding properties redevelop.

## **CHAPTER 15.230 PROPERTY CONSOLIDATIONS AND PROPERTY LINE ADJUSTMENTS**

### **15.230.030 Expiration and extensions.**

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D. Approvals granted under this chapter shall expire if the documents required by ORS 92 are not recorded with Yamhill County within two years from the effective date of the decision. The director may grant extensions for up to 12 months each not to exceed five years total if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

1. The land use designation of the property has not been changed since the initial use permit approval; and
2. The applicable standards in this code which applied to the project have not changed.

**Staff Comment:** Creates procedure for expiration and extension of property consolidation and property line adjustment approvals by the city where none exists. Aligns timeframes with code provisions for land division and site design review approvals.

## **NMC 15.235 LAND DIVISIONS**

### **15.235.030 Preliminary plat approval process.**

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B. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of two years from the date of approval except for middle housing land divisions which are subject to NMC 15.235.050. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to NMC 15.235.070. Phased subdivisions may be approved, pursuant to subsection (E) of this section, with an overall time frame of not more than two years between preliminary plat approval and final plat approvals or submittal of a complete application for public improvement plan review. In no case shall phased subdivision approval extend for more than five years from the approval date.

C. Extensions. The director through a Type I procedure ~~original approval body~~ may, upon written request by the applicant and payment of the required fee, grant ~~a one-time~~ extensions of the approval period for ~~an additional one year~~ 12 months each not to exceed 5 years total. Extension approval will require written findings to the following criteria:

1. The applicant has submitted written intent to file a final plat within the one-year extension period;

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2. An extension of time will not prevent the lawful development of abutting properties;
3. There have been no substantial changes to the applicable code provisions or public works design and construction standards on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and
4. The extension request is made before expiration of the original approved plan.

**Staff Comments:** These amendments provide flexibility for vesting preliminary plat approval and clarify that the director may approve more than one extension over time provided existing criteria are met; five years aligns with the same period for phasing plans.

**15.235.040 Preliminary plat submission requirements.**

Applications for preliminary plat approval, and middle housing land division preliminary plat approval, shall contain all of the following information:

A. General Submission Requirements.

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5. Wetland Delineation ~~Approved by the Department of State Lands (DSL). An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.~~ A wetland delineation approved by the Oregon Department of State Lands shall be submitted for any property listed on the State Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.

**Staff Comments:** This amendment clarifies the application requirement for properties containing wetlands and is consistent with the site design review requirements in NMC 15.220.030. **Edits in red are per DLCD comments dated January 23, 2025.**

**15.235.050 Preliminary plat approval criteria.**

B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure per NMC 15.100.030(B), shall be based on the following:

1. In addition to subsection (A) of this section, a middle housing land division shall comply with the following:
  - a. A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420(5) ~~197.758(5)~~;

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<b>Staff Comments:</b> Correct statute per update in legislative 2023 session.
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## **NMC 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS**

### **15.240.020 General provisions.**

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D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to submit a complete application for public improvement plan review or building permit including all required plans and plan review fees ~~obtain a building permit including for construction~~ in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

<b>Staff Comments:</b> This amendment is minor policy change that makes the permit process more business friendly. The amendment changes vesting from the date of building permit approval (“obtain” permit) to submittal of an application for public improvement plan review or building permit for consistency with the amendments to other procedures.
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## **NMC 15.242 FLEXIBLE DEVELOPMENT TRACK**

### **15.242.030 Flexible development standards – Affordable housing provision.**

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C. Construction of Off-Site Units. At the planning and building director's discretion, long-term affordable dwellings or market-rate affordable units may be constructed at an alternate location in the city and equal 75 percent of the EADUs of on-site units. The off-site unit may not be used as affordable dwelling points for any other project. If this option is selected, the applicant shall file an agreement with the city stating the election to use the off-site unit as credit for the applicant's project. A property for construction of the off-site units must be secured and platted in a reasonable time frame, as determined at the ~~planning and building~~ director's discretion. The off-site units must be constructed or have building permits issued within three ~~two~~ years of the completion of the principal on-site development.

**Staff Comments:** The above amendment is minor policy change allowing more time to construct affordable housing when the applicant elects to use the flexible development standards option.

## **NMC 15.250 ANNEXATIONS**

**Background:** Existing City code requiring voter-approval of annexations conflicts with ORS 222.127 "Annexation without election notwithstanding contrary city law upon petition of all owners of land." The proposed amendments address the requirement that cities shall not refer annexation requests to a popular vote except under specific circumstances, as follows:

**ORS 222.127** *Annexation without election notwithstanding contrary city law upon petition of all owners of land*

**(1)** *This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.*

**(2)** *Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:*

**(a)** *The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015 (Definitions for ORS chapters 195, 196, 197 and ORS 197A.300 to 197A.325);*

**(b)** *The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;*

**(c)** *At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and*

**(d)** *The proposal conforms to all other requirements of the city's ordinances.*

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**Staff Comment:** In practice, the City would not annex a property that does not meet criteria (a) through (d), so there are no longer occasions where the city refers annexations to the city's electorate. The City may still refer annexation requests to the voters within a territory that is proposed for annexation under state law. The following proposed amendments address the above statute and are intended to clarify other existing city requirements for annexation consistent with state law, the City of Newberg Charter and Comprehensive Plan, and City Council Goals.

**15.250.010 Statement of purpose.**

The city finds that annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg urban growth boundary, and that as such it is an important part of the process of providing timely and orderly urban development. The city also recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services such as wastewater, water, and roads. Policies and procedures adopted in this code are intended to carry out the directives of the citizens of Newberg and the Newberg comprehensive plan, and to ensure that annexation of lands to the city is incorporated into the process of providing a timely and orderly conversion of lands to urban uses. The code provides for annexation elections consistent with state law and the City of Newberg Charter ~~city Charter requirement~~ requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

Cross-reference: See ORS 222.855 for annexation to abate a public danger. Also, see ORS 222.111 for annexation eligibility and ORS 222.010 – 222.750 for annexation procedures.

**15.250.020 Conditions for annexation.**

The following conditions must be met prior to or concurrent with city processing of any annexation request:

- A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.
- B. The subject site must be contiguous to the existing city limits.
- C. The annexation application or legislative proposal must follow one of the statutory annexation procedures contained in ORS 222.

**Staff Comment:** The above amendment clarifies that the City may annex properties under the methods allowed by state law. ORS 222 contains several methods of annexation, including:

- ORS 222.111(5), annexation with referral to the electors of the territory proposed for annexation, except when referral to electors is not required by another method.
- ORS 222.125, annexation by consent of all owners of land and majority of electors residing within the territory to be annexed.
- ORS 222.170, annexation by consent more than half of the owners of land in the territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real

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property in the contiguous territory.

- ORS 222.750, annexation of territory surrounded by city with or without the consent of any owner of real property within the territory or resident in the territory.
- The City also requires annexation as a condition of providing city services except in certain hardship situations as defined by code.

Other annexation procedures relate to boundary changes between cities or service districts, mergers of cities, withdrawal of territories from cities or service districts, annexation of service districts, and health hazard abatement. These procedures are used infrequently, and cities can apply the state statutes directly when needed without adding them to local codes.

//

#### **15.250.040 Quasi-judicial annexation procedures.**

~~All quasi-judicial annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this code and ORS Chapter 222.~~

~~A. Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even-numbered years. Applications for annexation shall be filed with the planning division before 5:00 p.m. on October 1st for a primary ballot election in May and before 5:00 p.m. on April 1st for a general ballot election in November. An applicant may request that the city council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This subsection does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.~~

~~B.~~A. The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the director receives a completed application for annexation, the director shall schedule a recommendation hearing before the planning commission. The planning commission shall make a recommendation to the city council as to whether or not the application meets the criteria contained in NMC 15.250.030. This decision shall be a quasi-judicial determination and not a legislative determination. The planning commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

**Staff Comment:** The above amendment is to comply with ORS 222.127(2).

~~C.~~B. Following the planning commission hearing, the director shall schedule a city council hearing to consider the request. The city council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in NMC 15.250.030. The hearing at the city council shall be considered a new hearing. If new evidence ~~additional testimony~~ is submitted, the city council may, at its own discretion, return the

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application to the planning commission for further review and recommendation. The city council may also deny an application based upon findings that the applicable criteria are not met, or a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, ~~even though the findings support the request, shall be supported by findings of fact in a city council order. specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.~~

~~D. If the city council approves the annexation request, the proposal may, at the city council's sole discretion, be placed before the voters of the city as follows:~~

- ~~1. The biennial primary or general elections which are held in May and November of even-numbered years; or~~
- ~~2. An available special election.~~

~~E. If the city schedules the annexation election for an election other than the biennial primary or general election, the agreement of the applicant or owner of the property must be obtained. All costs associated with placing the matter on the ballot shall be paid for by the applicant or owner of the property being annexed.~~

~~F. The city shall place a notice of the annexation election in a newspaper of general circulation in the city not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of a minimum one-quarter page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.~~

~~G. The city shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than 16 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation. The sign shall be removed by the applicant within 10 days following the election day.~~

~~H. In addition to the regular annexation fee, the applicant shall pay for all of the costs associated with the election, the ad in the newspaper, and posting of the notice. The city shall inform the applicant of the costs necessary for the newspaper ad and property posting and of the deadline for payment of these costs.~~

**Staff Comment:** The above amendments clarify that findings of fact are required for quasi-judicial annexation decisions, including denial, and are to comply with ORS 222.127(2) regarding state preemption of voter approval requirement for annexations.

~~I. C. Should this an annexation ordinance request be approved by city council a majority vote of the electorate of the city at the election date as identified by resolution of the city council, the property shall be annexed and the following events shall occur:~~

- ~~1. The property shall be ordered and declared annexed and withdrawn from the Newberg rural fire protection district.~~
- ~~2. The territory will be changed from a county zone to a city zoning designation as indicated in NMC 15.250.080. The Newberg, Oregon, zoning map shall be amended to indicate this change.~~
- ~~3. The recorder of the city is directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County elections officer, and the assessor of Yamhill County a certified copy of the following documents:~~
  - ~~a. A copy of the approved ordinance.~~

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- b. A map and legal description identifying the location of said territory.
- ~~J. If the city council refers an annexation to the voters at a particular election, and the annexation fails to pass at that election, the applicant may petition the city council to refer the annexation to the voters at a subsequent election, subject to the following:~~
- ~~1. The petition shall include a fee in an amount determined by resolution of the city council. In addition, should the petition be granted, the applicant shall be responsible for all election costs, including the cost of preparing the new annexation measure.~~
  - ~~2. The applicant may only petition the city council once for resubmittal to place the annexation on the ballot in any 12-month period.~~
  - ~~3. The city council shall hold a hearing to consider the petition. The hearing is a legislative hearing. Notice of the hearing shall be published in accordance with NMC 15.100.270.~~
  - ~~4. After hearing the petition, the city council may decide any of the following:~~
    - ~~a. The city council may approve the petition and schedule the annexation for a subsequent election. The annexation may only be placed before the voters once in any 12-month period. The annexation shall be processed according to the procedures in subsections (D) through (I) of this section.~~
    - ~~b. The city council may deny the petition.~~
    - ~~c. If conditions affecting the original criteria for the approval of the annexation by the city council have changed significantly, the city council may require the applicant to resubmit the annexation application for consideration by the city council and to pay a new annexation application fee. The city council also may direct that the resubmitted application be referred to the planning commission for recommendation. If there is a period of more than five years between the city council's original quasi-judicial determination that the annexation meets applicable criteria and the annexation election date, then a new application shall be required.~~
  - ~~5. The city council shall have total discretion in determining the timing of placing an annexation measure before the voters, in requiring the submittal of a new or modified annexation application, or in denying a petition for new election.~~
  - ~~6. Where an annexation has been initiated by the city council, the city council may refer the annexation to a subsequent election upon its own motion.~~

<p><b>Staff Comment:</b> The above amendments are to comply with ORS 222.127(2) regarding state preemption of voter approval requirement for annexations.</p>
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**15.250.050 Application requirements for quasi-judicial annexations.**

Applications for quasi-judicial annexations shall be made on forms provided by the planning division and include the following material:

A. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both ~~to conduct an election~~ within the area to be annexed to initiate an annexation request, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

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**Staff Comment:** The above amendments are to comply with ORS 222.127(2) regarding state preemption of voter approval requirement for annexations.

**15.250.055 Legislative annexations.**

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D. Approval. In approving any legislative annexation, the city council shall follow the applicable procedures of state law and the Newberg Charter. ~~If the city council approves the annexation, where required by state law or city Charter the annexation shall be referred to an election at a date determined by the city council. If the annexation election is not approved, the city council, at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or city Charter, the city council shall by ordinance declare that the territory is annexed to the city.~~

**Staff Comment:** The above amendment is to comply with ORS 222.127(2) regarding state preemption of voter approval requirement for annexations.

**15.250.060 Health hazard annexation.**

~~The city shall annex those~~ Annexation of areas constituting a health hazard shall be processed in accordance with ORS 222.840 through 222.915 the Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. ~~Annexation of areas constituting a health hazard is not subject to voter approval.~~

**Staff Comment:** The above amendment clarifies applicable statutes.

**15.250.070 Island annexation.**

//

D. Annexation of an island shall be by ordinance, subject to approval by the voting majority. The city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the city council finds that a majority of the votes cast in the city and the territory combined favor annexation, the city council, by ordinance, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

**Staff Comment:** No change is proposed to NMC 15.250.070. Under ORS 222.750(8), cities may or may not require an election for any island annexation with annexation approval contingent upon approval by a majority of electors within the island territory. Newberg code mirrors ORS 222.750(8): “If a city charter, ordinance or resolution requires the city to conduct an election in the city, the city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the governing body of the city finds that a majority of the votes cast in the city and the territory combined favor annexation, the governing body, by ordinance or resolution, shall proclaim the annexation approved...”

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**15.250.075 Batch annexation of small properties by consent.**

With the consent of the property owners, the city may process multiple smaller annexations together as a legislative annexation in order to streamline the annexation process and to share the financial cost of the application.

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D. Approval. The city council may approve or deny all or part of the proposed batch annexation. ~~If the city council approves, it shall refer the annexation to an election following the legislative process under NMC 15.250.050.~~

<b>Staff Comment:</b> Comply with ORS 222.127(2) state preemption of voter referral.
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**NMC 15.305 ZONING USE TABLE**

<b>Staff Comments:</b> Amendments to Zoning Use Table begin on next page.
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**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	<b>RESIDENTIAL USES</b>																					
Def.	Dwelling, townhouse	P(2)	P	P(3)		P		C(4)	C(5)		X								P	P(6)		NMC 15.415.050(B); subject to lot or development site area requirements of NMC 15.405.010
Def.	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)	<del>NMC 15.415.060</del> <u>NMC 15.445.500</u>
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)	<del>NMC 15.415.060</del> <u>NMC 15.445.500</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.

//

(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).

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

- “Dwelling, townhouse”: Townhouse dwellings must be on their own individual lot per definition in NMC 15.05.030. Therefore, deletion of reference to Footnote 2 is made because it is not applicable to townhouses.
- “Home occupation (no more than one outside paid employee): Amendments to Notes and Special Use Standards for consistency with relocated home occupation standards.
- Home occupation (more than one outside paid employee): Amendments to Notes and Special Use Standards for consistency with relocated home occupation standards.

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**NMC 15.326 SPRINGBROOK (SD) DISTRICT**

**15.326.020 Adoption of Springbrook master plan.**

Development within this zone shall be governed by a master plan approved and accepted by the city council, which ensures internal compatibility of use activities as well as compatibility with adjacent uses. Development within the Springbrook district shall follow the applicable standards set forth in this chapter, and those standards set forth in the “Development Standards Matrix” in the Springbrook master plan, codified in NMC 15.326.025. [Ord. 2923, 5-20-24, 2915, 7-7-23, Ord. 2889, 12-9-21, Ord. 2880, 6-10-21, Ord. 2678 § 4 (Exh. 6(1)), 9-4-07; Ord. 2619, 5-16-05; Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.426.]

**Staff Comment:** The existing ordinance citations are being updated because the current editorial note is incomplete. In addition, the SD Development Standards Matrix is incorporated into the code, below, making it easier to find and use. Although a code amendment is not required to update editorial notes, these updates are included in the Code Maintenance package for transparency.

- Ordinance 2007-2678: Created the Master Plan and Development Agreement
- Ordinance 2021-2880: Added Duplexes as an allowed use to Low Density and Mid-Rise Residential Districts in the Development Standards Matrix
- Ordinance 2021-2889: Added Triplex, Quadplex and Cottage Clusters to Low Density Residential and Mid-Rise Residential Districts. Added “Attached dwelling units” to Low Density Residential in the Development Standards Matrix
- Ordinance 2023-2915: Amended the zoning of the property at Mountainview/College from Neighborhood Commercial to Mid-Rise Residential as well as modify other elements of the master plan where the Collina at Springbrook Subdivision is including the transportation plan.
- Ordinance 2024-2923: Altered the Development Standards Matrix for Middle Housing Standards.

**15.326.025 Springbrook Master Plan Develop Standards Matrix**

**Staff Comment:** This new section, NMC 15.326.025, beginning on the next page, incorporates the existing Development Standards Matrix of the Springbrook Master Plan within NMC Chapter 15.326 for improved ease of use. The regulations are unchanged.

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<u>15.326.025 - SPRINGBROOK DISRICT DEVELOPMNT STANDARDS MATRIX</u>						
<u>DEVELOPMENT STANDARDS</u>	<u>LOW DENSITY RESIDENTIAL</u>	<u>MID – RISE RESIDENTIAL</u>	<u>NEIGHBORHOOD COMMERCIAL</u>	<u>EMPLOYMENT</u>	<u>VILLAGE</u>	<u>HOSPITALITY</u>
<u>ALLOWED USE*</u>	<ul style="list-style-type: none"><li>❖ <u>Detached Dwelling Units</u></li><li>❖ <u>Duplex Dwellings</u></li><li>❖ <u>Triplex and Quadplex Dwellings</u></li><li>❖ <u>Attached Dwelling Units</u></li><li>❖ <u>Cottage Clusters</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Accessory Dwellings</u></li><li>❖ <u>Home Occupations</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Post Office</u></li><li><u>Museum</u></li><li><u>Community Center</u></li><li><u>Library</u></li><li><u>School</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Church</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Attached Dwelling Units</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Detached Dwelling Units</u></li><li>❖ <u>Duplex Dwellings</u></li><li>❖ <u>Triplex and Quadplex Dwellings</u></li><li>❖ <u>Cottage Clusters</u></li><li>❖ <u>Multi-Family Units</u></li><li>❖ <u>Home Occupations</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Post Office</u></li><li><u>Museum</u></li><li><u>Community Center</u></li><li><u>Library</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Church</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Retail</u></li><li>❖ <u>Restaurants</u></li><li>❖ <u>Office</u></li><li>❖ <u>Medical Clinics</u></li><li>❖ <u>Financial Institutions</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Post Office</u></li><li><u>Office</u></li><li><u>Museum</u></li><li><u>Community Center</u></li><li><u>Library</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Services for local residents, such as laundromat or barber</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Industrial Offices (knowledge- based industries where services are primarily provided outside the community)</u></li><li>❖ <u>Light Industrial</u></li><li>❖ <u>Supporting Retail (directly serving the employment district, such as a deli or printing service)</u></li><li>❖ <u>Day Care</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Retail</u></li><li>❖ <u>Restaurants</u></li><li>❖ <u>Attached Dwelling Units</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Multi-Family Units</u></li><li>❖ <u>Home Occupations</u></li><li>❖ <u>Church</u></li><li>❖ <u>Artist Studios</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Train Depot</u></li><li><u>Community Center</u></li><li><u>Museum</u></li><li><u>Post Office</u></li><li><u>Library</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Financial Institutions</u></li><li>❖ <u>Winery</u></li><li>❖ <u>Medical Clinics</u></li><li>❖ <u>Office</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Hotel</u></li><li>❖ <u>Restaurants</u></li><li>❖ <u>Spa</u></li><li>❖ <u>Meeting Facilities</u></li><li>❖ <u>Detached Dwelling Units, limited to vacation or transitory use or units for employees or caretakers of other uses within the Village or Hospitality areas</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Home Occupations\</u></li><li>❖ <u>Retail</u></li><li>❖ <u>Museum</u></li><li>❖ <u>Artist Studios</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Agricultural Production or Processing</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>
<u>PROHIBITED USE</u>	<u>Home Occupation Signs</u>	<u>Home Occupation signs</u>	<u>Drive throughs, outside storage; temporary storage allowed</u>	<u>Outside storage or processing of materials</u>	<u>Drive throughs, outside storage; temporary storage allowed</u>	=
<u>NEWBERG ZONE DISTRICT MODELED AFTER **</u>	<u>R-1</u>	<u>R-2 and R-3</u>	<u>C-1</u>	<u>M-1, but office is not allowed</u>	<u>C-3</u>	<u>No comparison</u>
<u>BUILDING AND SITE STANDARDS</u>						
<u>BUILDING HEIGHT</u>	<u>R-1</u>	<u>45 feet, limited to three stories</u>	<u>C-1</u>	<u>M-1</u>	<u>C-3</u>	<u>Five stories or 75 feet</u>

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<u>DEVELOPMENT STANDARDS</u>	<u>LOW DENSITY RESIDENTIAL</u>	<u>MID – RISE RESIDENTIAL</u>	<u>NEIGHBORHOOD COMMERCIAL</u>	<u>EMPLOYMENT</u>	<u>VILLAGE</u>	<u>HOSPITALITY</u>
<u>LOT REQUIREMENTS</u>						
<u>FRONT YARD SETBACK</u>	<u>Minimum 15 feet, except minimum 10 feet for porches and similar entry features</u> <u>Minimum 20 feet for garage</u>	<u>R-3</u>	<u>C-1</u>	<u>No minimum</u>	<u>No minimum setback. No maximum setback, if area between building and property line contains public space or landscaping</u>	<u>Minimum 20 feet or equal to height of building, if adjacent to residential uses</u>
<u>INTERIOR YARD SETBACKS</u>	<u>R-1</u>	<u>R-3</u>	<u>10 feet if abutting residential zones</u>	<u>M-1</u>	<u>C-3</u>	<u>Minimum 20 feet</u>
<u>SETBACKS AND YARD RESTRICTIONS AS TO SCHOOLS, CHURCHES, PUBLIC BUILDINGS</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>Does not apply</u>	<u>=</u>
<u>MINIMUM LOT AREA</u>	<u>Minimum 2,900 square feet, except:</u> <u>Minimum 1,500 square feet for attached dwelling units</u> <u>Minimum 4,500 square feet for triplex dwellings</u> <u>Minimum 7,000 square feet for quadplex dwellings and cottage clusters</u>	<u>Minimum 1,800 square feet, except:</u> <u>Minimum 1,500 square feet for attached dwelling units</u> <u>Minimum 4,500 square feet for triplex dwellings</u> <u>Minimum 6,000 square feet for quadplex dwellings and cottage clusters</u>	<u>C-1</u>	<u>M-1</u>	<u>C-3 (Minimum 1,800 square feet)</u>	<u>Minimum 5,000 square feet</u>
<u>MINIMUM LOT DIMENSIONS</u>	<u>The standard City lot frontage requirement applies</u> <u>Minimum lot width shall be 32 feet, except minimum 20 feet for middle housing dwelling units</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>
<u>LOT COVERAGE AND PARKING COVERAGE REQUIREMENTS</u>	<u>(1) Maximum Lot Coverage: 55%, except 60% for attached dwelling units</u> <u>(2) Maximum Parking Lot Coverage: 30%</u> <u>(3) Maximum Combined Lot Parking Lot Coverage: 65%, except 70% for attached dwelling units</u>	<u>(1) Maximum Lot Coverage: 80% if parking is located in an underground structure; otherwise 60%</u> <u>(2) Maximum Parking Lot Coverage: 35%, unless parking is located in an underground structure</u> <u>(3) Maximum Combined Lot Coverage: 80%</u>	<u>Does not apply</u>	<u>Does not apply</u>	<u>Does not apply</u>	<u>Does not apply</u>

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<u>DEVELOPMENT STANDARDS</u>	<u>LOW DENSITY RESIDENTIAL</u>	<u>MID – RISE RESIDENTIAL</u>	<u>NEIGHBORHOOD COMMERCIAL</u>	<u>EMPLOYMENT</u>	<u>VILLAGE</u>	<u>HOSPITALITY</u>
<u>ADDITIONAL DESIGN STANDARDS</u>	***Additional standards apply for middle housing developments	=	<u>Development shall meet the design standards of the C-2 zone, or alternate standards developed in a design standard accepted by the City specific for this area</u> <u>A minimum of 20,000 square feet of retail space shall be developed in this area</u>	=	=	=
<u>LANDSCAPE AND OUTDOOR AREAS</u>						
<u>REQUIRED MINIMUM STANDARDS</u>	<u>Private area requirements based upon use of will apply</u> <u>Area requirements: Min. 15%</u>	<u>Private area requirements based upon use of will apply</u> <u>Area requirements: Min. 15%</u>	<u>Area requirements: Min. 15%</u>	<u>Area requirements: Min. 15%</u>	<u>C-3</u>	<u>Private area requirement based upon use will apply</u> <u>Area requirements: Min. 15%</u>
<u>SIGNS</u>						
<u>EXEMPTIONS</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>
<u>SIGN REQUIREMENTS</u>	<u>Assume R-1 zone for applying standards in these sections</u>	<u>Assume R-3 zone for applying standards in these sections</u>	<u>Assume C-1 zone for applying standards in these sections</u>	<u>Assume “Other Zone” or “All Zone” for applying standards in these sections</u>	<u>Assume C-3 zone for applying standards in these sections</u>	<u>Assume “Other Zone” or “All Zone” for applying standards in these sections</u>
<u>OFF STREET PARKING REQUIREMENTS</u>						
<u>REQUIRED OFF-STREET PARKING</u>	<u>R-1</u>	<u>“Other Zones”</u>	<u>C-1</u>	<u>“Other Zones”</u>	<u>Parking studies will be required to be submitted with each phase of development in the Village District in order to ensure the parking provided is sufficient for the proposed use or uses</u>	<u>“Other Zones”</u>

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<b><u>PARKING SPACES REQUIRED</u></b>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>
<b><u>PARKING REQUIREMENTS FOR USES NOT SPECIFIED</u></b>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>
<p>* <u>Uses not identified herein shall be reviewed and if found to be similar to the allowed uses shall be approved through a Type I process.</u></p> <p>** <u>When the model zone requirement applies, the zone is listed in the table, otherwise an alternative standard is stated.</u></p> <p>*** <u>Middle Housing development standards within the Springbrook District west of Hess Creek:</u></p> <p>1. <u>Quadplex dwellings may be constructed as attached or detached dwellings.</u></p> <p>2. <u>Entry Orientation. At least one main entrance for each duplex, triplex, or quadplex structure must meet the standards. Any detached structure with more than 50 percent of its street facing facade separated from the street property line by a dwelling is exempt from meeting these standards.</u></p> <p>a. <u>The entrance must be within eight feet of the longest street-facing wall of the dwelling unit; and minimum of 50 percent of units must be oriented to the common courtyard.</u></p> <p>b. <u>The entrance must either:</u></p> <p>i. <u>Face the street;</u></p> <p>ii. <u>Be at an angle of up to 45 degrees from the street; or</u></p> <p>iii. <u>Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or</u></p> <p>iv. <u>Open onto a porch. The porch must:</u></p> <p><u>(A) Be at least 25 square feet in area; and</u></p> <p><u>(B) Have at least one entrance facing the street or have a roof.</u></p> <p>3. <u>Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street</u></p> <p>4. <u>Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards of this section.</u></p> <p>a. <u>The garage or off-street parking area is separated from the street property line by a dwelling; or</u></p> <p>b. <u>The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.</u></p> <p>5. <u>Driveway separation for quadplex and duplex lots may be reduced to 22 feet.</u></p> <p>6. <u>Shared driveways for middle housing may be provided within an access easement 24 feet wide with a 16-foot paved surface.</u></p>						

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**15.326.060 Modifications to the master plan.**

A. The following modifications to the master plan shall follow the Type I administrative procedure identified in NMC 15.100.020:

1. Land use district boundary modifications prior to development within that phase of no more than one acre that adjust a boundary no more than 50 feet.

B. The following modifications to the master plan shall follow a Type II procedure identified in NMC 15.100.030:

1. Land use district boundary modifications prior to development within that phase greater than one acre and less than five acres that adjust a boundary no more than 100 feet.

2. Modifications to the “Trip Cap” established with approval of the master plan.

C. The following modifications to the master plan shall follow a Type III procedure identified in NMC 15.100.050 and be processed pursuant to OAR Chapter 660, Division 18, Post-Acknowledgement Amendments. In approving such modifications, the planning commission must find the modification conforms to the applicable comprehensive plan policies and statewide planning goals:

1. Modifications other than those noted above.
2. Modifications to the Springbrook district boundary.

**Staff Comment:** This amendment clarifies changes to the Springbrook District Master Plan processed as a Type III review follow the same procedure as other quasi-judicial comprehensive plan and land use regulatory amendments.

Prior interpretations have been inconsistent with respect to the State’s “Post-Acknowledgement Plan Amendment (PAPA)” noticing of Springbrook Master Plan (MP) amendments. For the amendments processed in 2023 the City provided a PAPA notice for the zone map change only, even though the package of amendments transmitted to the Oregon Department of Land Conservation and Development contained both zone map and development code amendments and all were reviewed and approved by City Council in ordinance form.

In practice, the master plan operates like an overlay zone, and as such, any amendment to the master plan that is subject to the Type III procedure in NMC 15.326.060.C must be noticed in the same manner as any quasi-judicial comprehensive plan or land use regulation amendment under OAR 660, Division 18. However, minor master plan modifications processed respectively under NMC 15.326.060.A or NMC 15.326.060.B (Ministerial or Limited Land Use decision) are not land use regulatory amendments because they are Ministerial or Limited Land Use decisions under city code and ORS 197.195.

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**NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT**

**15.342.090 Mitigation requirements for Type II activities.**

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B. Replanting shall be required using a combination of trees, shrubs and grass. Species shall be selected from the designated Newberg native plant list, “Guide for Using Willamette Valley Native Plants Along Your Stream” (Linn Soil and Water Conservation District, June 2005), or as approved by the director, except that ash species (Fraxinus spp.) and other species that are susceptible to invasive species including emerald ash borer (Agrilus planipennis) are prohibited.

Planting shall be as follows:

1. At least eight species of plants shall be used.
2. At least two species must be trees and two species must be shrubs.
3. No more than 50 percent of any seed mix used can be grass.
4. A minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.
5. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code.
6. Existing vegetation that can be saved and replanted is encouraged, although not required.

**Staff Comment:** Clarify official list of approved plants for mitigating development in the Stream Corridor Overlay (SC) Subdistrict.

**15.342.150 Permit approval must be exercised to be effective**

An approval for development in the Stream Corridor Overlay (SC) Subdistrict shall be valid for two years from the effective date of the decision. A complete application for public improvement plan review or building permit including all required plans and plan review fees must be submitted within this time period or the approval shall terminate. The director under a Type I procedure may grant extensions for up to 12 months each not to exceed five years if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

A. The land use designation of the property has not been changed since the initial design review approval; and

B. The applicable standards in this code which applied to the project have not changed.

**Staff Comment:** New NMC section added to clarify the approval, expiration, and extension timeframes associated with land use approvals for Chapter 15.342 Stream Corridor Overlay (SC) Subdistrict. Timeframe mirrors those found in other land use application including those for conditional use permits and site design review.

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**NMC 15.348 INSTITUTIONAL OVERLAY (IO) SUBDISTRICT**

**15.348.040 Procedures.**

A. Designation of Overlay Boundary. The IO subdistrict boundary is defined by the institution in cooperation with the city, based on the institution's needs and acceptable areas for expansion. To amend an established boundary the institution will be required to submit a comprehensive plan amendment in accordance with established city procedures.

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~~C. Conversion of Properties from IO Subdistrict to I Institutional District.~~

~~1. When the institution purchases property that is contiguous to the existing institutional district boundary, those properties can convert to the institutional district designation when the following applies:~~

~~a. The property contains or will be converted to an institutional use; and~~

~~b. The property is adjacent to the existing institutional boundary; and~~

~~c. The property meets either of the following locational factors:~~

~~i. In areas west of Hess Creek, more than 80 percent of the block is owned by the institution.~~

~~ii. The subject site is 100 percent owned by the institution and bounded on three sides by the institution; or when the subject site and abutting parcels on two sides of the site are owned by the institution and the third side of the site abuts the IO zone boundary.~~

~~2. When properties are eligible for conversion to the institutional district subject to the conditions in subsection (C)(1) of this section, the institution will be required to submit the following information to the director for administrative Type I review and approval:~~

~~a. Submit a title report showing ownership of the property by the institution.~~

~~b. Provide a map and legal description showing where the property is located.~~

~~c. Provide information and a description of how the institution meets the requirements of subsection (C)(1) of this section.~~

~~3. With approval of the zone map amendment by the director for property conversion from the IO subdistrict to the institutional district, the city shall update the zoning map to reflect the change.~~

<p><b>Staff Comment:</b> Remove IO map amendments to comply with ORS 197.797 Local quasi-judicial land use hearings, and ORS 227.175 Permit or zone change applications, which require a quasi-judicial review, not a Type I review, for zone changes involving one or a small group of properties. The procedures already exist elsewhere for zone changes.</p>
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**NMC 15.352 RIVERFRONT (RD) OVERLAY SUBDISTRICT**

**15.352.050 Residential design standards.**

In addition to the development standards of the base zone and the design standards in NMC 15.415.050, the following standards shall apply:

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**B. Standards for Primary Entrances, Garage Doors and Parking in Residential Zones.**

1. Residential Entrances. All residential structures shall have a pedestrian entrance facing a street.

~~1.2.~~ Garage Location. ~~All residential structures shall have a pedestrian entrance facing the street.~~ When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

- a. The garage door, or doors if more than one door on same building elevation, must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.

**Staff Comment:** Clarify that the garage appearance standard applies to garage doors and not garages in general, consistent with past interpretation for houses built in the Riverfront Subdistrict.

- b. The front of the garage can be no closer to the front lot line than the front facade of the primary structure.

- c. Individual garage doors may be no more than 90 square feet in area for a single-car garage or 180 square feet in area for a two-car garage.

- d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

~~2.3.~~ Surface parking areas shall be located behind or to the side of residential structures.

3.4. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials.

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**NMC 15.405 LOT REQUIREMENTS**

**15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**

**D. Fences and Walls.**

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

2. In any commercial, industrial, institutional, or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.

4. The requirements of vision clearance shall apply to the placement of fences.

5. A fence building permit is required when building a wood fence taller than 7 feet, masonry or concrete fence or wall taller than 4 feet, woven wire or chain linked fence taller than 8 feet, fence or wall enclosing a swimming pool, and for other structures as required by the building code.

<b>Staff Comment:</b> Adds an exception for Institutional (I) District and clarifies building permits required for certain types of fences and walls.
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## **NMC 15.415 BUILDING AND SITE DESIGN STANDARDS**

### **15.415.060 Home occupation.**

Home occupations shall be processed as a Type I procedure. 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.
- 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. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.540.]

**Penalty:** See NMC 15.05.120.

**Staff Comment:** The home occupations standards are relocated to Special Use Standards, NMC 15.445.500, for ease of use and because the standards are use-based, not design based. Cross-references in NMC 15.220 Site Design Review, NMC 15.305 Zoning Use Table, and NMC 5.15 Temporary Sales are amended for consistency.

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**NMC 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS**

**15.440.010 Required off-street parking.**

A. Off-street parking shall be provided on the lot or development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the lot or development site or within 400 feet of the lot or development site which the parking is required to serve. All required parking must be under the same ownership as the lot or development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the lot or development site.

~~1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.~~

B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.

~~1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.~~

C. Off-street parking is not required in the C-3 or M-5 district, except for:

1. Dwelling units meeting the requirements noted in NMC 15.305.020.

2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.

~~3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.~~

D. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses. ~~For maximum number of off-street parking spaces refer to subsection (F) of this section.~~

E. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

F. Residential garages meeting the requirements of NMC 15.440.075 shall be counted towards required off-street parking spaces for residential uses. ~~Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:~~

~~1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces;  
or~~

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2. ~~One and one-half spaces for uses fronting no street with adjacent on-street parking; or~~
3. ~~A factor determined according to a parking analysis.~~

**Staff Comment:** Existing NMC 15.440.010(F) text is deleted and relocated in NMC 15.440.030 for improved reading. Revised 15.440.010(F) clarifies that residential garage structures may be used to meet required off-street parking space requirements.

**15.440.030 Parking spaces required.**

A. The minimum number of parking spaces required and maximum number of parking spaces allowed shall be calculated pursuant to Table 15.440.030(A) or with a parking study pursuant to NMC 15.440.045.

1. In calculations of the minimum number of required parking spaces that result in a fraction, the minimum number shall be rounded down for any fraction that is less than half of a whole number and rounded up for any fraction that is equal to or greater than a half of a whole number.

2. In calculations of the maximum number of required parking spaces that result in a fraction, the maximum number allowed shall be rounded up for any fraction of a whole number.

B. In any zoning district the maximum parking spaces allowed shall be regulated by the use type in Table 15.440.030(A) except when determined with a parking study pursuant to NMC 15.440.045.

C. There is no parking minimum or maximum where parking is the sole use of a lot and such parking is not provided to meet the parking requirement of any other use.

**Staff Comment:** The parking code sections are restructured for clarity. Content is relocated from 15.440.010(F) to this section and parking minimums and maximums are consolidated into one table. Parking study option added for situations where the parking table and existing code adjustments procedures do not address unique parking needs. Currently, a “parking analysis” option exists only for determining the maximum number of allowed parking spaces.

**15.440.040 Parking requirements for uses not specified.**

The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. ~~Such determination shall be based upon the requirements for the most comparable building or use specified herein, or with a parking study through the Type II procedure pursuant to NMC 15.440.045.~~

**15.440.045 Parking study option.**

Required parking spaces may be determined with a parking study approved by the director through a Type II procedure as an alternative to complying with the minimum and maximum number of parking spaces in Table 15.440.030(A). If the applicant elects to use a parking study, the parking study shall comply with the following:

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A. The total number of parking spaces required shall equal the number of spaces determined to be necessary to accommodate the typical daily parking demand generated by the business or development use(s). "Typical daily parking demand" means the number of parking spaces required during the hours for the normal operation of the use or uses. The parking study shall be conducted by a registered traffic engineer or other qualified professional as determined by the director.

B. The parking study shall consider relevant references, guides, and factors that aid in the average peak parking demand determination. Such references, guides, and factors may include, but are not limited to:

a. The factors and considerations recommended by the Institute of Traffic Engineers (ITE) Industry Standards or comparable source approved by the director.

b. Availability and projected use of alternative transportation modes such as car share services, carpooling, bicycle, pedestrian, transit, and other modes.

c. Parking demands at similar types of facilities, in similar types of locations, either within the city or elsewhere.

C. Notwithstanding any other provision of this code to the contrary, the minimum number of parking spaces determined to be necessary pursuant to this subsection shall not be eligible for reduction using code adjustments or other parking discounts and modifiers in this code.

D. Parking studies approved under this section are not transferable to other locations or uses.

**Staff Comment:** The above "Parking Study" option if adopted provides flexibility for modifying parking minimums and maximums where the one-size-fits-all standards in Table 15.440.030(A) do not reflect actual parking needs or demand for in particular circumstances. If the Planning Commission concurs, the parking study provision will be added to DCA 24-0002.

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

Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
<b><u>Residential Types</u></b>				
Dwelling, multifamily and multiple single-family dwellings on a single lot				
Studio or one-bedroom unit	1 per dwelling unit	<u>1.2</u>	<u>1.5</u>	<u>Per dwelling unit</u>
Two-bedroom unit	1.5 per dwelling unit	<u>1.8</u>	<u>2.25</u>	<u>Per dwelling unit</u>
Three- and four-bedroom unit	2 per dwelling unit	<u>2.4</u>	<u>3</u>	<u>Per dwelling unit</u>
Five- or more bedroom unit	0.75 spaces per bedroom	<u>0.9</u>	<u>1.13</u>	<u>Spaces per bedroom</u>
<b><u>Parking Requirement Modifiers for Multifamily Residential Developments</u></b>				
• Unassigned spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.			
• Visitor spaces	If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.			
• On-street parking credit	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.			

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Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
• Available transit service	At the review body’s discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.			
<u>Dwelling</u> , Commercial neighborhood district (C-1)	<del>1 for each dwelling</del>	<u>See Dwelling types, below</u>	<u>See Dwelling types, below</u>	<u>For each dwelling unit</u>
Dwelling, single-family	<del>2 for each dwelling unit on a single lot</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit on a single lot</u>
Dwelling, duplex	<del>1 for each dwelling unit</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, triplex	<del>1 for each dwelling unit</del>  Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, quadplex	<del>1 for each dwelling unit</del>  Except that conversion of a detached single-family dwelling to a quadplex dwelling shall not be subject to this requirement	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, townhouse	<del>1 for each dwelling unit</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>

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		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
Dwelling, cottage	<del>1 for each dwelling unit</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, Live/Work	1	<u>1.2</u>	<u>1.5</u>	<u>For each dwelling unit</u>
Fraternities, sororities, cooperatives and dormitories	<del>1 for each three occupants for which sleeping facilities are provided</del>	<u>1.2</u>	<u>1.5</u>	<u>For each three occupants for which sleeping facilities are provided</u>
Hotels, motels, motor hotels, etc.	<del>1 for each guest room</del>	<u>1.2</u>	<u>1.5</u>	<u>For each guest room</u>
Rooming or boarding houses	<del>1 for each guest room</del>	<u>1.2</u>	<u>1.5</u>	<u>For each guest room</u>
Special needs housing	<del>1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces per 3 beds or actual parking needs as demonstrated through a parking analysis.</u>
<b>Institutional Types</b>				
Churches, clubs, lodges	<del>1 for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained—in main auditorium (sanctuary or place of worship)</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained—in main auditorium (sanctuary or place of worship)</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
Continuing care retirement community not including nursing care	<del>1 space per living unit</del>	<u>1.2</u>	<u>1.5</u>	<u>Space per living unit</u>
Day care facility	<del>1 space per employee plus 1 space per 10 children/adults</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces per employee</u>
	<u>1</u>	<u>1.2</u>	<u>1.5</u>	<u>Plus spaces per 10 children/adults</u>
Family child care homes	No off-street parking other than for the required dwelling. <u>Maximum number of spaces allowed is the same as the maximum number allowed for the required dwelling, if any.</u>			
Hospitals (including accessory retail wholly contained within a hospital building)	<del>2 spaces for each 1,000 gross sq. ft.</del>	<u>2.4</u>	<u>3</u>	<u>Spaces for each 1,000 gross sq. ft.</u>
Libraries, museums, art galleries	<del>1 for each 250 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 250 sq. ft. of gross floor area</u>
Medical/dental offices and laboratories	<del>3.5 spaces for each 1,000 gross sq. ft.</del>	<u>4.2</u>	<u>5.25</u>	<u>Spaces for each 1,000 gross sq. ft.</u>
Nursing homes, homes for the aged, group care homes, asylums, etc.	<del>1 for each 3 beds</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 3 beds</u>
<u>Schools, Colleges – “commuter” type</u>	<u>Colleges – “commuter” type, 1 for every full-time equivalent student</u>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every full-time</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
	(plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)			<u>equivalent student</u>  <u>Plus half of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>
<u>Schools, Colleges – “resident” type</u>	<u>Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 0.5 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 3 full-time equivalent students</u>  <u>Plus half of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>
<u>Schools, Elementary or junior high</u>	<u>Elementary or junior high, 1-1/2 1.5 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area</u>	<u>1.8</u>	<u>2.25</u>	<u>spaces for each teaching station</u>  <u>Plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area</u>
<u>Schools, High schools</u>	<u>High schools, 1-1/2 1.5 for each teaching station, plus 8 for every classroom, or 1 for every 28 sq. ft. of</u>	<u>1.8</u>	<u>2.25</u>	<u>spaces for each teaching station.</u>  <u>Plus 8 for every classroom, or 1</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
	<del>seating area where there are no fixed seats in an auditorium or assembly area</del>			<del>for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area</del>
<del>Schools, Colleges — commercial or business</del>	<del>Colleges — commercial or business, 1 for every 3 classroom seats (plus 1/2 0.5 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 3 classroom seats.</u>  <u>Plus half of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>
Welfare or correctional institutions	1 for each 5 beds	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 5 beds</u>
<b>Commercial Types</b>				
Barber and beauty shops	1 for each 75 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 75 sq. ft. of gross floor area</u>
Bowling alleys	6 for each bowling lane	<u>7.2</u>	<u>9</u>	<u>Spaces for each bowling lane</u>
Establishments or enterprises of a recreational or an entertainment nature:				
Establishments for the sale and consumption on the premises of food and beverages with a drive-up window	1 for each 75 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 75 sq. ft. of gross floor area</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
Establishments for the sale and consumption on the premises of food and beverages without a drive-up window	<del>1 for each 100 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 100 sq. ft. of gross floor area</u>
Participating type, e.g., skating rinks, dance halls	<del>1 for each 75 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 75 sq. ft. of gross floor area</u>
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	<del>1 parking space for each 4 seats</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 4 seats</u>
Office buildings, business and professional offices	<del>1 for every 400 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 400 sq. ft. of gross floor area</u>
Pharmacies	<del>1 for each 150 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 150 sq. ft. of gross floor area</u>
Retail establishments, except as otherwise specified herein	<del>1 for each 300 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 300 sq. ft. of gross floor area</u>
Retail stores handling bulky merchandise, household	<del>1 for each 600 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 600 sq. ft. of gross floor area</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
furniture, or appliance repair				
<b>Industrial Types</b>				
Except as specifically mentioned herein, industrial uses listed as permitted in the M districts: M-1, M-2, M-3, M-4, and M-5	<del>1 for each 500 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 500 sq. ft. of gross floor area</u>
Aircraft storage hangars up to 3,600 sq. ft. each enclosed hangar area	None (parking occurs in hangar)	<u>None (parking shall occur in hangar)</u>		<u>=</u>
Aircraft storage hangars over 3,600 sq. ft. each enclosed hangar area	<del>1 for every 700 sq. ft. of hangar area over 3,600 sq. ft.</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 700 sq. ft. of hangar area over 3,600 sq. ft.</u>
Aircraft hangars intended for repair and maintenance operations	<del>1 for each 5,000 sq. ft. of hangar, plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area</del> <u>1</u> <u>1</u>	<u>1.2</u> <u>1.2</u> <u>1.2</u>	<u>1.5</u> <u>1.5</u> <u>1.5</u>	<u>Spaces for each 5,000 sq. ft. of hangar</u>  <u>Plus spaces for each 500 sq. ft. of shop area,</u>  <u>Plus spaces for each 400 sq. ft. of office area</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
Laboratories and research facilities	1 for each 300 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 300 sq. ft. of gross floor area</u>
Machinery or equipment	1 for each 400 sq. ft. of gross sales floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 400 sq. ft. of gross sales floor area</u>
Wholesale and storage operations	1 for each 700 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 700 sq. ft. of gross floor area</u>

**Staff Comment:** Revisions to the table found in 15.440.030 relocates and distributes policy information previously found in 15.440.010(F) for improved clarity and to make calculation of parking space requirements easier for users. Content is relocated from 15.440.010(F) to this section in order to consolidate parking calculations for minimum number of parking spaces required and maximum allowable number of parking spaces within a single code section.

Notes:

\* “1-E” refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

\*\* “3.-G(1)” refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

\*\*\* May be calculated by a factor determined according to a parking analysis.

**15.440.070 Parking tables and diagrams.**

A. Minimum Dimensions for Parking Spaces.

1. A standard parking space is no less than 18 feet by 9 feet in size.

2. A compact parking space is no less than 16 feet by 8 feet in size.

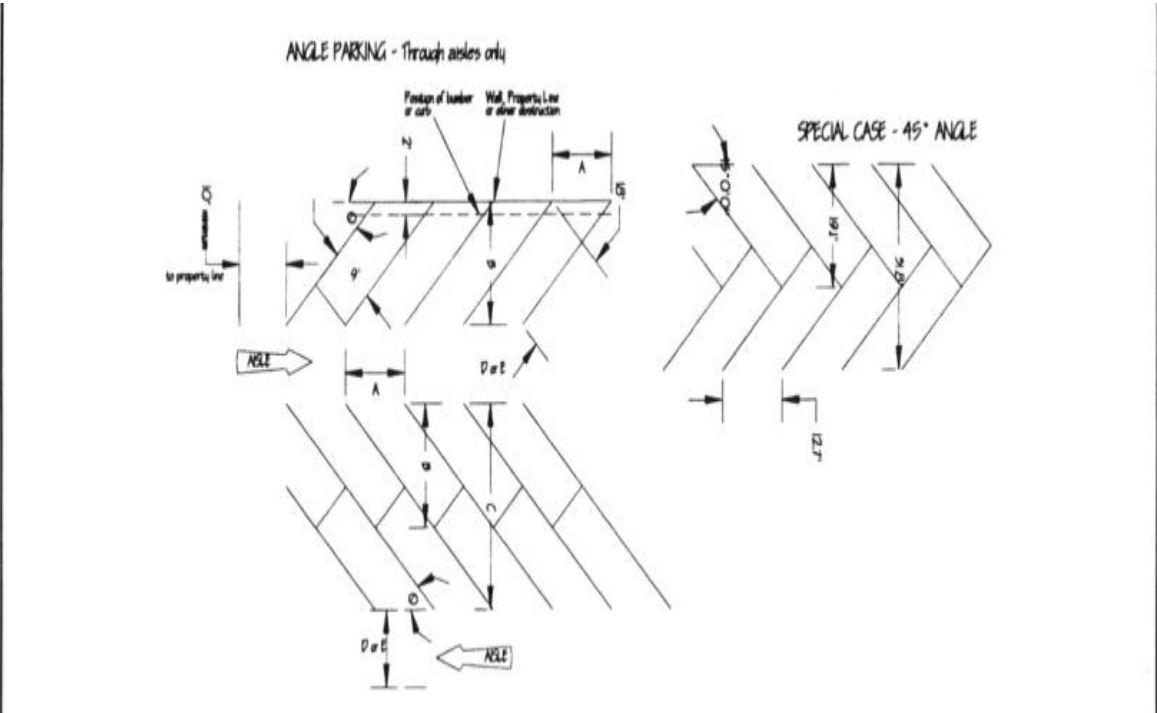
All angle parking and dimensioning requirements are referenced in NMC 15.440.070(B)

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B. The following tables provide the minimum dimensions of public or private parking areas:

**Staff Comment:** Clarifies the minimum dimensions required for parking spaces, both standard and compact. Standards provided are consistent with those already present in NMC 15.440.070 tables and diagrams.

**Diagram 1**



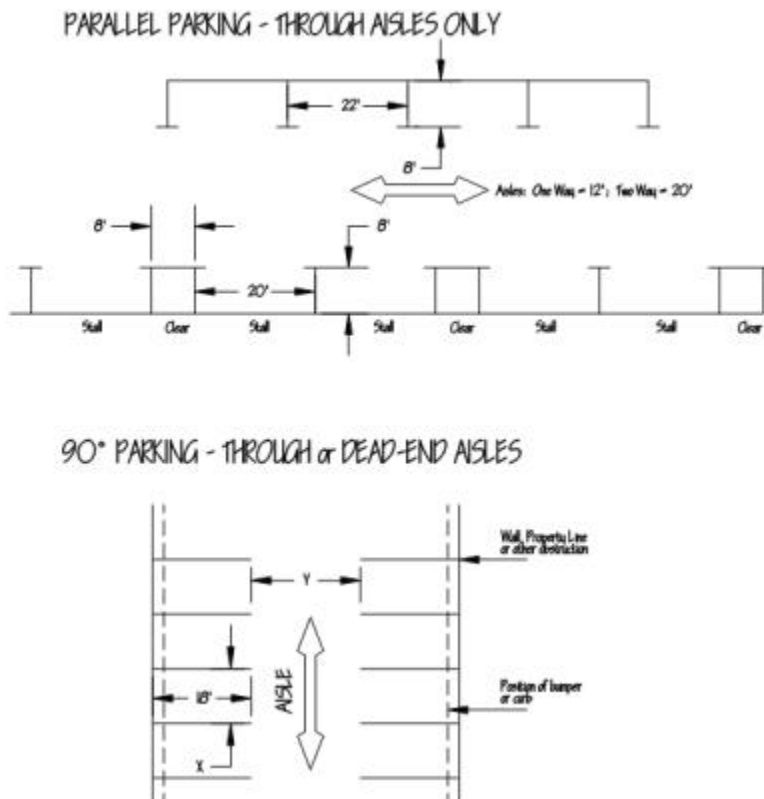
**Table of Dimensions (In Feet)**

Basic Stall			Back to Back	Aisles	
Angle — °	A	B	C	D (One-Way)	E (Two-Way)
30°	18	16.8	25.8	12	20
38°	14.6	18.2	29.3	12	20

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Basic Stall			Back to Back	Aisles	
Angle – °	A	B	C	D (One-Way)	E (Two-Way)
45°	12.7	19.1	31.8	12	20
52°	11.4	19.7	33.9	13	20
55°	11	19.9	34.6	14	20
60°	10.4	20.1	35.7	15	20
70°	9.6	20	36.9	18	20
80°	9.1	19.3	37	20	20

**Diagram 2**



Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).

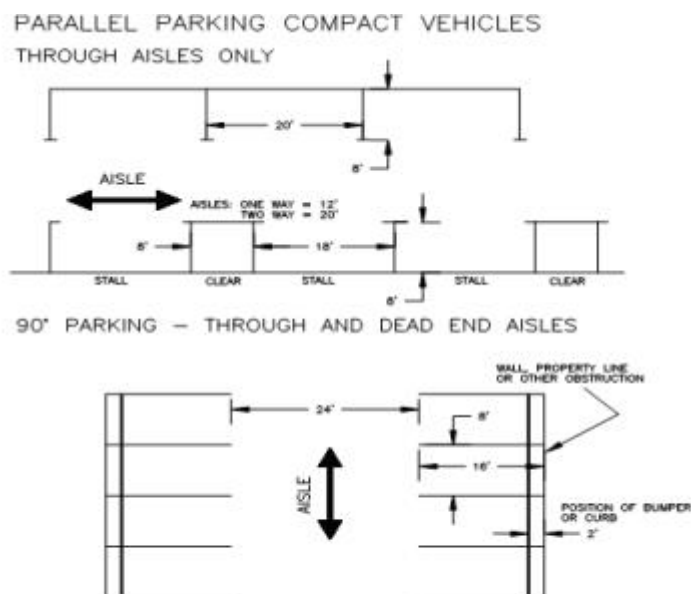
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2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the community development department at 537-1210.

**Table of Dimensions (In Feet)**

Stall Width with Corresponding Aisle Width						
Stall Width = X	9	9.5	10	10.5	11	12
Aisle Width = Y	24	24	22	22	20	20

**Diagram 3**



Notes:

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1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.

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**NMC 15.445 SPECIAL USE STANDARDS**

**15.445.010 Bed and breakfast establishments.**

Bed and breakfast establishments shall comply with the following conditions:

A. The structure used for a bed and breakfast establishment shall be designed for and occupied as a single-family residence. The structure shall maintain the characteristics of a single-family residence.

B. All residences used for bed and breakfast establishments shall be applicant occupied.

C. A minimum of one off-street parking space shall be provided for every two permitted guest sleeping rooms. In addition, parking standards normally required for single-family residences will apply.

D. The duration of each guest's stay at the bed and breakfast establishment shall be limited to no more than seven consecutive days and no more than 15 days within a 30-day period.

~~E. Bed and breakfast establishments located in other than single-story buildings shall provide permanent or portable fire escape systems from the upper floor(s) in a manner acceptable to the Newberg fire department.~~

~~F. E.~~ All bed and breakfast establishments shall conform to the requirements of the current edition of the Oregon Structural Specialty Code and Oregon Fire Code. [Ord. 2451, 12-2-96. Code 2001 § 151.630.]

**Penalty:** See NMC 15.05.120.

**Staff Comment:** After conversations with Jason Arn at TVFR and Jared, current Letter E is not needed. It is covered by current letter F that says the establishments shall conform to the Oregon Structural Specialty Code and Oregon Fire Code.

**15.445.500 Home occupation.**

Home occupations shall be processed as a Type I procedure. 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.

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.

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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.

**Penalty:** See NMC 15.05.120.

**Staff Comment:** The home occupations standards are relocated from NMC 15.415.060 for ease of use and because the standards are use-based, not design based. Cross-references in NMC 15.220 Site Design Review, NMC 15.305 Zoning Use Table, NMC 5.15 Temporary Sales is also being updated. There is no change to the current home occupation standards.

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**TITLE 5 BUSINESS LICENSES AND REGULATIONS**

**CH. 5.15 TEMPORARY SALES**

**5.15.100 Exemptions for temporary merchants.**

The following temporary merchants do not require a license and are exempt from the application requirements contained within NMC 5.15.110(B), but must meet the standards under NMC 5.15.110(A). Residential garage and estate sales are regulated under ~~NMC 15.415.060~~ NMC 15.450.500, home occupation standards.

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**Staff Comments:** Amendment for cross-referencing consistency only, due to relocation of home occupation standards within Title 15.

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**DCA24-0002**  
**Draft Code Maintenance Amendments**

**Formatting of amendments:**

1. Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.
2. Backslashes “\\” indicate text that is unchanged and has been omitted for brevity.

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**NMC 15.05 GENERAL PROVISIONS**

**15.05.030 Definitions.**

“**Accessory structure, exempt**” means a structure for which a permit is not required by the applicable building code, and which may or may not be subject to standards of this code. Until amended, this includes, but is not limited to, the following structures accessory to single-family and two-family dwellings:

1. Nonhabitable one-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 200 square feet and a height of ~~10~~ 15 feet measured from the finished floor level to the average height of the roof surface.
2. Prefabricated swimming pools where the pool walls are entirely above grade, excluding barriers subject to building permit requirements.
3. Swings and other playground equipment.
4. Patio and porch covers not over 200 square feet and supported by an exterior building wall.
5. Porches and decks, where the floor or deck is not more than 30 inches above adjacent grade at any point and where in the case of a covered porch, the covered portion of the porch does not come closer than three feet to property lines.
6. Frame-covered nonhabitable accessory buildings not more than 500 square feet in area, one story in height and not closer than three feet to a property line, where the structure is composed of a rigid framework that supports a fabric membrane.

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“**Yard, interior**” means a yard ~~adjacent to~~ adjoining any lot line(s) which is not a street line, the depth of which yard shall be the horizontal distance measured at right angles to the interior lot line(s) and a line(s) being parallel with said interior lot line(s) (see Appendix A, Figures 5 and 10).

**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.

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

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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 NMC 15.100.020(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.

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**15.100.160 Appeal procedures.**

A. Type I. An appeal of a Type I decision by the director ~~may be appealed~~ must be filed within 14 calendar days of the date of the decision by the director. Appeals may be made only by an affected party, Type I (the person or party submitting the application). Appeals of a Type I application are processed as a Type III procedure and proceed to the planning commission, except that appeals of Type I applications relating to historic landmarks are reviewed by the historic preservation commission.

B. Type II. An appeal of a Type II decision by the director ~~may be appealed~~ must be filed within 14 calendar days of the date of the decision. Appeals may be made only by an affected party, Type II (the applicant, any party entitled to receive notice of the decision, or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of a Type II application are processed as a Type III procedure and proceed to the planning commission, except that appeals of Type II applications relating to historic landmarks are reviewed by the historic preservation commission.

C. Type II Middle Housing Land Divisions. An appeal of a Type II Middle Housing Land must be filed within 14 calendar days of the date of the decision and is subject to the appeal procedures in ORS 197.375, or as amended.

ED. Type III. An appeal of a Type III decision by the planning commission or historic preservation commission ~~may be appealed~~ must be filed within 14 calendar days of the date of that the planning commission's written decision. Appeals may be made only by an affected party. The city council following the Type III procedure shall decide all appeals of Type III decisions. [Ord. 2691 § 2, 2-19-08; Ord. 2451, 12-2-96. Code 2001 § 151.055.]

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**15.100.180 Scope of review.**

A. The initial appeal of a Type I, Type II, or Type III decision shall be a new hearing. Any second appeal to the city council of a Type I or Type II decision shall be a record hearing unless the applicant requests a new hearing and waives the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. Appeal of a Type II decision must be based on the written comments raised prior to the expiration notice comment period pursuant to NMC 15.100.220. ~~Appeal of a Type III decision made by the planning commission must be based on the written or oral testimony and evidence raised in the record of the planning commission.~~

//

**15.100.250 Notice procedures for Type IV legislative hearing.**

A. There is no requirement for mailed notice to property owners or posting of property, except when mailed notice to property owners is required under ORS 227.186 Notice to property owners of hearing on certain land use regulatory changes.

B. Notice shall be provided to the Department of Land Conservation and Development as follows:

1. When LCDC Goals Apply. When the city determines that the statewide land conservation and development goals do apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, the proposal shall be forwarded to the Director of the Department of Land Conservation and Development at least 35 45-days before the ~~final~~ first evidentiary hearing on adoption of the amendment or new regulation. The proposal shall contain the text and any supplemental information that the city believes is necessary to inform the director as to the effect of the proposal.
2. When Emergency Circumstances Require Expedited Review. The city may submit an amendment or new regulation to the Director of the Department of Land Conservation and Development with less than 35 45-days' notice if the city determines that there are emergency circumstances requiring expedited review.
3. When LCDC Goals Do Not Apply. When the city determines that the statewide land conservation and development goals do not apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, notice to the Director of the Department of Land Conservation and Development is not required.

**15.100.260 Procedure for posted notice for Type II and III procedures.**

A. Posted Notice Required. Posted notice is required for all Type II and III procedures. The notice shall be posted on the subject property by the applicant.

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F. Standards and Timing, Type II Actions. The applicant shall post the notice at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.

G. Standards and Timing, Type III Actions. The applicant shall post the notice at least ~~40~~ 20 days before the first scheduled hearing. The applicant shall file with the director an affidavit of posting as identified in subsection (B) of this section within two business days after notice is posted.

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## **15.210 CODE ADJUSTMENTS**

### **15.210.040 Adjustment right must be exercised to be effective.**

An adjustment granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within two years ~~one year~~ from the effective date of the decision. The director may authorize ~~an extensions~~ of the duration of the decision for an additional 12 months each not to exceed five years ~~six months~~ upon written application where necessary to complete substantially the same project for which the adjustment was granted and the applicable code adjustment criteria and zoning of the subject property have not changed. In case such right is not exercised, or extension obtained, the adjustment decision shall be void. Any adjustment granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such adjustment.

## **15.215 VARIANCE PROCEDURES**

### **15.215.060 Variance must be exercised to be effective.**

A variance granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director may authorize ~~an extensions~~ of the duration of the decision for an additional 12 months each not to exceed five years ~~six months~~ upon written application where necessary to complete substantially the same project for which the variance was granted and the applicable variance criteria and zoning of the subject property have not changed. In case such right is not exercised, or extension obtained, the variance decision shall be void. Any variance granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless otherwise provided at the time of granting such variance.

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**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 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.

- a. Single-family dwellings\*;
- b. Duplex dwellings\*;
- c. Triplex dwellings\*;
- d. Quadplex dwellings\*;
- e. Townhouse dwellings\*;
- f. Cottage cluster projects;

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

h. Multifamily additions or remodels which do not exceed 1,000 square feet or 10 percent of the in-gross floor area of an existing structure, whichever is greater, and do not add any dwelling units, do not exceed 25 percent of the assessed value of the existing structure, and do not add any new units, or new construction incidental to the main use on an existing developed site which does not exceed 1,000 square feet in gross floor area and does not add any new units;

i. Multifamily additions or remodels that are internal to an existing structure and do not add floor area or dwelling units\*;

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;

i. ~~Institutional, commercial or industrial interior remodels which do not exceed 25 percent of the assessed valuation of the existing structure;~~

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

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

~~lm.~~ lm. Fences and trash enclosures\*;

~~mn.~~ mn. Accessory dwelling units\*.

**Staff Comments:** These amendments allow more types of minor projects to be reviewed through the Type I process based on clear and objective standards. They also provide a more rational thresholds for Type versus Type II reviews. The City has found it difficult to apply “assessed value” criteria to developments with multiple buildings on a lot, because property taxes are assessed for all improvements on each tax lot, not individual buildings. Additionally, assessed value is not a good proxy for regulating land use impacts. By replacing assessed value with “percentage of” and actual increases in developed area, the code can address a wider variety of uses at different scales. For example, industrial uses typically have a larger footprint than many retail uses, but retail may have more employees and generate more traffic “per square foot” than light industry. Similarly, a minor remodel of an older apartment building, for example, adding a community room and HVAC upgrades with exterior changes could reach the 25% assessed value threshold more readily than the same addition to a high-end condominium complex due to the higher cost basis of the condos, even though the land use impacts of the additions would be the same.

The amendments also are intended to comply with OAR 660-046-0215, which requires that “Large Cities [population of 25,000 or greater] must apply the same approval process to Middle Housing as detached single-family dwellings in the same zone.” The standard Type I review is maintained for cottage clusters due to the greater need for coordinating infrastructure for a larger number of 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.

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- b. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).
- c. 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. ~~Plumbing and/or mechanical alterations which are completely internal to an existing structure.~~ Remodels that are completely internal to an existing structure and do not substantially change or expand the existing use of the structure.

//

C. Site Design Review Time Limit. An approved site design review plan intended to be constructed in a single phase shall be valid for two years ~~one year~~ from the effective date of the ~~notice of final~~ decision. ~~A~~ A complete application for public improvement plan review or building permit including all required plans and plan review fees must be submitted ~~acquired~~ within this time period or the design review approval shall terminate. The director under a Type I procedure may grant ~~an extensions for~~ of up to 12 months each not to exceed five years ~~six months~~ if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

- 1. The land use designation of the property has not been changed since the initial design review approval; and
- 2. The applicable standards in this code which applied to the project have not changed.

D. Phased Design Review Approval. If a site plan is approved to be constructed in phases, completion of each phase shall extend the expiration of the original design review approval by 12 months from the date of its expiration. Prior to the expiration of each phase, the applicant may apply for an extension to the phase which is about to expire through subsection (C) of this section. The extension of a phase under subsection (C) of this section shall also extend any subsequent phases. The total number of extensions shall not extend the original design review approval more than five years from its original approval date. An applicant with a project containing two or more phases may elect to submit a master site development plan, with the following options:

//

E. Modification to an Approved Design Review. Following design review approval, an applicant may make modifications to the plan consistent with the following procedures. The director will determine whether the proposed modification is a minor or a major modification.

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1. Minor modifications are those which are in substantial compliance with the layout, uses and conditions of the original design review. Generally, the characteristics of the project, such as the layout or size of buildings, number of units, number of parking spaces, landscaping areas, and similar changes, are within five percent of those in the original proposal. The director may approve a minor modification under a Type I procedure upon finding that the modification is substantially consistent with the approved design review, is consistent with the provisions of this code and the conditions of approval, and does not have substantially greater impacts on surrounding properties than the original plan. Changes shall meet all development code requirements.

2. Other modifications are major modifications. Major modifications are any proposed changes to elements of the approved plan or conditions of approval not meeting the thresholds in subsection (E)(1) of this section-A in the whole application or substantive parts of an application shall be considered a new application. The modified An application for major modification shall be reviewed under the same procedure as the original application. The criteria for approval shall be those for design review.

3. All applications for modifications under this provision shall be considered new applications for the purposes of the 120-day time limit for processing applications in accordance with NMC 15.100.100 and state statutes. The applicant shall acknowledge in writing that this is a new application for purposes of the 120-day rule.

4. The city council shall establish a fee for modification of approved design review by resolution.

**15.220.030 Site design review requirements.**

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B. Type II or III. The following information is required to be submitted with all Type II or III applications for site design review:

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6. Existing Features and Natural Landscape Including Wetlands. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans. A wetland delineation approved by the Oregon Department of State Lands shall be submitted for any property listed on the State Wetlands Inventory or that is located within the city's mapped stream corridor.

**15.220.050 Criteria for design review.**

A. Type I. The following criteria are required to be met in order to approve a Type I design review request:

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1. ~~Parking. Parking areas shall meet the requirements of NMC 15.440.010.~~ Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.

2. Setbacks and General Requirements. The proposal shall comply with ~~NMC 15.415.010 through 15.415.060 dealing with height restrictions, public access, residential development standards, and home occupations; and;~~  
~~NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements~~ NMC 15.405.010 through 15.405.050 relating to lot size, lot coverage, and parking coverage requirements; NMC 15.410.010 through 15.410.080 dealing with yard setback, special setback, and vision clearance requirements; and NMC 15.415.010 through 15.415.070 dealing with height restrictions, public access, and residential development standards.

3. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

4. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

5. ~~Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020.~~ Parking. Parking areas shall meet the requirements of NMC 15.440.010.

6. Sufficient Infrastructure. For all triplex dwellings, quadplex dwellings, townhouse dwellings, and cottage cluster developments, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:

- a. Connection to a public wastewater system capable of meeting established service levels.
- b. Connection to a public water system capable of meeting established service levels.
- c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.
- d. Storm drainage facilities capable of meeting established service levels for storm drainage.

B. Type II or III. The following criteria are required to be met in order to approve a Type II or III design review request:

//

~~2. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies shall be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide on-site circulation without using the public streets as part of the parking lot circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public~~

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~~streets with a minimum impact on the functioning of the public street.~~ Zoning District Compliance. The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed.

3. ~~Setbacks and General Requirements.~~ The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions, public access, residential development standards, and home occupations; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

4. ~~Landscaping Requirements.~~ The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening. Setbacks and General Requirements. The proposal shall comply with NMC 15.405.010 through 15.405.050 relating to lot size, lot coverage, and parking coverage requirements; NMC 15.410.010 through 15.410.080 dealing with yard setback, special setback, and vision clearance requirements; and NMC 15.415.010 through 15.415.070 dealing with height restrictions, public access, and residential development standards.

5. ~~Signs.~~ Signs shall comply with NMC 15.435.010 et seq. dealing with signs. Landscaping Requirements. The proposal shall comply with NMC 15.420.010 dealing with landscape requirements and landscape screening.

6. ~~Manufactured Dwelling, Mobile Home and RV Parks.~~ Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section. Signs. Signs shall comply with NMC 15.435.010 et seq. dealing with signs.

7. ~~Zoning District Compliance.~~ The proposed use shall be listed as a permitted or conditionally permitted use in the zoning district in which it is located as found in NMC 15.305.010 through 15.336.020. Through this site review process, the director may make a determination that a use is determined to be similar to those listed in the applicable zoning district, if it is not already specifically listed. In this case, the director shall make a finding that the use shall not have any different or more detrimental effects upon the adjoining neighborhood area than those specifically listed. Parking and On-Site Circulation. Parking areas shall meet the requirements of NMC 15.440.010. Parking studies shall be required to determine if adequate parking and circulation are provided for uses not specifically identified in NMC 15.440.010. Provisions shall be made to provide on-site circulation without using the public streets as part of the parking lot

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circulation pattern. Parking areas shall be designed so that vehicles can efficiently enter and exit the public streets with a minimum impact on the functioning of the public street.

~~8. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060. Manufactured Dwelling, Mobile Home and RV Parks. Manufactured dwelling and mobile home parks shall also comply with the standards listed in NMC 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170 in addition to the other criteria listed in this section.~~

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements. New developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director.

## **NMC 15.225 CONDITIONAL USE PERMITS**

### **15.225.100 Conditional use permit must be exercised to be effective.**

A. A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder ~~commences. shall be commenced~~ A conditional use permit shall expire if the use authorized thereunder has not commenced or a building permit application including all required plans and plan review fees for the use has not been submitted within one year from the effective date of the conditional use permit decision. The director under a Type I procedure may grant ~~an extensions~~ for up to 12 months each not to exceed three years ~~six months~~ if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

1. The land use designation of the property has not been changed since the initial use permit approval; and
2. The applicable standards in this code which applied to the project have not changed.

B. In case such right is not exercised, or extension obtained, the conditional use permit decision shall be void. Any conditional use permit granted pursuant to this code is transferable to subsequent owners or contract purchasers of the property unless prohibited ~~otherwise provided at the time of granting~~ by such permit.

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**CHAPTER 15.230 PROPERTY CONSOLIDATIONS AND PROPERTY LINE  
ADJUSTMENTS**

**15.230.030 Expiration and extensions.**

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D. Approvals granted under this chapter shall expire if the documents required by ORS 92 are not recorded with Yamhill County within two years from the effective date of the decision. The director may grant extensions for up to 12 months each not to exceed five years total if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

1. The land use designation of the property has not been changed since the initial use permit approval; and
2. The applicable standards in this code which applied to the project have not changed.

**NMC 15.235 LAND DIVISIONS**

**15.235.030 Preliminary plat approval process.**

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B. Preliminary Plat Approval Period. Preliminary plat approval shall be effective for a period of two years from the date of approval except for middle housing land divisions which are subject to NMC 15.235.050. The preliminary plat shall lapse if a final plat has not been submitted or other assurance provided, pursuant to NMC 15.235.070. Phased subdivisions may be approved, pursuant to subsection (E) of this section, with an overall time frame of not more than two years between preliminary plat approval and final plat approvals or submittal of a complete application for public improvement plan review. In no case shall phased subdivision approval extend for more than five years from the approval date.

C. Extensions. The director through a Type I procedure ~~original approval body~~ may, upon written request by the applicant and payment of the required fee, ~~grant a one-time extensions~~ of the approval period for ~~an additional one-year~~ 12 months each not to exceed 5 years total. Extension approval will require written findings to the following criteria:

1. The applicant has submitted written intent to file a final plat within the one-year extension period;
2. An extension of time will not prevent the lawful development of abutting properties;
3. There have been no substantial changes to the applicable code provisions or public works design and construction standards on which the approval was based. If such changes have occurred, a new preliminary plat application shall be required; and

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4. The extension request is made before expiration of the original approved plan.

**15.235.040 Preliminary plat submission requirements.**

Applications for preliminary plat approval, and middle housing land division preliminary plat approval, shall contain all of the following information:

A. General Submission Requirements.

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5. Wetland Delineation Approved by the Department of State Lands (DSL). ~~An approved wetland delineation shall be submitted for any property listed in the National Wetlands Inventory (NWI) or that is located within the city's mapped stream corridor.~~ A wetland delineation approved by the Oregon Department of State Lands shall be submitted for any property listed on the State Wetlands Inventory or that is located within the city's mapped stream corridor.

**15.235.050 Preliminary plat approval criteria.**

B. Middle Housing Land Division Criteria. The decision to approve a middle housing land division, processed as either a Type II or Type III procedure per NMC 15.100.030(B), shall be based on the following:

1. In addition to subsection (A) of this section, a middle housing land division shall comply with the following:

a. A proposal for development of middle housing in compliance with the Oregon Residential Specialty Code and land use regulations applicable to the original lot or parcel allowed under ORS 197A.420(5) ~~197.758(5)~~;

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**NMC 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS**

**15.240.020 General provisions.**

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D. Lapse of Approval. If the applicant fails to submit material required for consideration at the next step in accordance with the schedule approved at the previous step or, in the absence of a specified schedule, within one year of such approval, the application as approved at the previous step expires. If the applicant fails to submit a complete application for public improvement plan review or building permit including all required plans and plan review

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~~fees obtain a building permit including for construction~~ in accordance with the schedule as previously approved, or in the absence of a specified schedule, within three years of a preliminary plan approval, preliminary and final plan approvals expire. Prior to expiration of plan approval at any step, the hearing authority responsible for approval may, if requested, extend or modify the schedule, providing it is not detrimental to the public interest or contrary to the findings and provisions specified herein for planned unit developments. Unless the preliminary plan hearing authority provides to the contrary, expiration of final plan approval of any phase automatically renders all phases void that are not yet finally approved or upon which construction has not begun.

E. Resubmittal Following Expiration. Upon expiration of preliminary or final plan approval, a new application and fee must be submitted prior to reconsideration. Reconsideration shall be subject to the same procedures as an original application.

## **NMC 15.242 FLEXIBLE DEVELOPMENT TRACK**

### **15.242.030 Flexible development standards – Affordable housing provision.**

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C. Construction of Off-Site Units. At the planning and building director's discretion, long-term affordable dwellings or market-rate affordable units may be constructed at an alternate location in the city and equal 75 percent of the EADUs of on-site units. The off-site unit may not be used as affordable dwelling points for any other project. If this option is selected, the applicant shall file an agreement with the city stating the election to use the off-site unit as credit for the applicant's project. A property for construction of the off-site units must be secured and platted in a reasonable time frame, as determined at the ~~planning and building~~ director's discretion. The off-site units must be constructed or have building permits issued within ~~three~~ two years of the completion of the principal on-site development.

## **NMC 15.250 ANNEXATIONS**

### **15.250.010 Statement of purpose.**

The city finds that annexation is the first step to converting future urbanizable lands to urbanizable land within the Newberg urban growth boundary, and that as such it is an important part of the process of providing timely and orderly urban development. The city also recognizes that the development of lands at an urban density must include the provision of an adequate level of required urban services such as wastewater, water, and roads. Policies and procedures adopted in this code are intended to carry out the directives of the citizens of Newberg and the Newberg comprehensive plan, and to ensure that annexation of lands to the city is incorporated into the process of providing a timely and orderly conversion of lands to urban uses. The code provides for annexation elections consistent with state law and the City of Newberg Charter ~~city Charter requirement requires~~ that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

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Cross-reference: See ORS 222.855 for annexation to abate a public danger. Also, see ORS 222.111 for annexation eligibility and ORS 222.010 – 222.750 for annexation procedures.

**15.250.020 Conditions for annexation.**

The following conditions must be met prior to or concurrent with city processing of any annexation request:

A. The subject site must be located within the Newberg urban growth boundary or Newberg urban reserve areas.

B. The subject site must be contiguous to the existing city limits.

C. The annexation application or legislative proposal must follow one of the statutory annexation procedures contained in ORS 222.

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**15.250.040 Quasi-judicial annexation procedures.**

~~All quasi-judicial annexation requests approved by the city council shall be referred to the voters in accordance with the requirements of this code and ORS Chapter 222.~~

~~A. Annexation elections are normally scheduled for the biennial primary or general elections which are held in May and November of even-numbered years. Applications for annexation shall be filed with the planning division before 5:00 p.m. on October 1st for a primary ballot election in May and before 5:00 p.m. on April 1st for a general ballot election in November. An applicant may request that the city council schedule an annexation ballot measure for a special election date. Applications proposed for review at a special election must be filed with the city eight months prior to the proposed special election date. Filing of an annexation application and having the application deemed complete does not obligate the city to place the annexation question before the voters at any particular election. This subsection does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.~~

~~B.~~A. The application shall be processed in accordance with the Type III processing procedures outlined in this code. Once the director receives a completed application for annexation, the director shall schedule a recommendation hearing before the planning commission. The planning commission shall make a recommendation to the city council as to whether or not the application meets the criteria contained in NMC 15.250.030. This decision shall be a quasi-judicial determination and not a legislative determination. The planning commission may also recommend denial of an application based upon a legislative perception of the request even though the findings support and would allow annexation. A decision to recommend denial of an annexation, even though the findings support the request, shall be specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.

~~C.~~B. Following the planning commission hearing, the director shall schedule a city council hearing to consider the request. The city council shall conduct a quasi-judicial hearing and determine whether or not the application meets the criteria contained in NMC 15.250.030. The hearing at the city council shall be considered a new hearing. If new

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~~evidence additional testimony~~ is submitted, the city council may, at its own discretion, return the application to the planning commission for further review and recommendation. The city council may also deny an application based upon findings that the applicable criteria are not met, or a legislative perception of the request even though the findings support and would allow annexation. A decision to deny an annexation, ~~even though the findings support the request, shall be supported by findings of fact in a city council order, specifically stated in the record and noted as a legislative recommendation separate and apart from the quasi-judicial recommendation.~~

~~D. If the city council approves the annexation request, the proposal may, at the city council's sole discretion, be placed before the voters of the city as follows:~~

~~1. The biennial primary or general elections which are held in May and November of even-numbered years; or~~

~~2. An available special election.~~

~~E. If the city schedules the annexation election for an election other than the biennial primary or general election, the agreement of the applicant or owner of the property must be obtained. All costs associated with placing the matter on the ballot shall be paid for by the applicant or owner of the property being annexed.~~

~~F. The city shall place a notice of the annexation election in a newspaper of general circulation in the city not more than 30 days nor less than 20 days prior to the date of the election. Such notice shall take the form of a minimum one-quarter page layout, which includes a map of the property to be annexed and unbiased information regarding the annexation.~~

~~G. The city shall cause the property under consideration for annexation to be posted with a minimum of one sign not less than 16 square feet in size. The sign shall provide notice of the annexation election, a map of the subject property, and unbiased information regarding the annexation. The sign shall be removed by the applicant within 10 days following the election day.~~

~~H. In addition to the regular annexation fee, the applicant shall pay for all of the costs associated with the election, the ad in the newspaper, and posting of the notice. The city shall inform the applicant of the costs necessary for the newspaper ad and property posting and of the deadline for payment of these costs.~~

~~I. C. Should this an annexation ordinance request be approved by city council a majority vote of the electorate of the city at the election date as identified by resolution of the city council, the property shall be annexed and the following events shall occur:~~

~~1. The property shall be ordered and declared annexed and withdrawn from the Newberg rural fire protection district.~~

~~2. The territory will be changed from a county zone to a city zoning designation as indicated in NMC 15.250.080. The Newberg, Oregon, zoning map shall be amended to indicate this change.~~

~~3. The recorder of the city is directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County elections officer, and the assessor of Yamhill County a certified copy of the following documents:~~

~~a. A copy of the approved ordinance.~~

~~b. A map and legal description identifying the location of said territory.~~

~~J. If the city council refers an annexation to the voters at a particular election, and the annexation fails to pass at that election, the applicant may petition the city council to refer the annexation to~~

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~~the voters at a subsequent election, subject to the following:~~

- ~~1. The petition shall include a fee in an amount determined by resolution of the city council. In addition, should the petition be granted, the applicant shall be responsible for all election costs, including the cost of preparing the new annexation measure.~~
- ~~2. The applicant may only petition the city council once for resubmittal to place the annexation on the ballot in any 12-month period.~~
- ~~3. The city council shall hold a hearing to consider the petition. The hearing is a legislative hearing. Notice of the hearing shall be published in accordance with NMC 15.100.270.~~
- ~~4. After hearing the petition, the city council may decide any of the following:~~
  - ~~a. The city council may approve the petition and schedule the annexation for a subsequent election. The annexation may only be placed before the voters once in any 12-month period. The annexation shall be processed according to the procedures in subsections (D) through (I) of this section.~~
  - ~~b. The city council may deny the petition.~~
  - ~~c. If conditions affecting the original criteria for the approval of the annexation by the city council have changed significantly, the city council may require the applicant to resubmit the annexation application for consideration by the city council and to pay a new annexation application fee. The city council also may direct that the resubmitted application be referred to the planning commission for recommendation. If there is a period of more than five years between the city council's original quasi-judicial determination that the annexation meets applicable criteria and the annexation election date, then a new application shall be required.~~
- ~~5. The city council shall have total discretion in determining the timing of placing an annexation measure before the voters, in requiring the submittal of a new or modified annexation application, or in denying a petition for new election.~~
- ~~6. Where an annexation has been initiated by the city council, the city council may refer the annexation to a subsequent election upon its own motion.~~

**15.250.050 Application requirements for quasi-judicial annexations.**

Applications for quasi-judicial annexations shall be made on forms provided by the planning division and include the following material:

- A. Written consent to the annexation signed by the requisite number of affected property owners, electors, or both ~~to conduct an election within the area to be annexed~~ to initiate an annexation request, as provided by state law. The consent shall include a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

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**15.250.055 Legislative annexations.**

//

D. Approval. In approving any legislative annexation, the city council shall follow the applicable procedures of state law and the Newberg Charter. ~~If the city council approves the annexation, where required by state law or city Charter the annexation shall be referred to an election at a date determined by the city council. If the annexation election is not approved, the city council,~~

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~~at its discretion, may refer the proposal to a future election with any modifications it determines are appropriate. If an election is not required by state law or city Charter, the city council shall by ordinance declare that the territory is annexed to the city.~~

**15.250.060 Health hazard annexation.**

~~The city shall annex those Annexation of areas constituting a health hazard shall be processed in accordance with ORS 222.840 through 222.915 the Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. Annexation of areas constituting a health hazard is not subject to voter approval.~~

**15.250.070 Island annexation.**

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D. Annexation of an island shall be by ordinance, subject to approval by the voting majority. The city shall allow electors, if any, in the territory proposed to be annexed to vote in the election on the question of annexation. If the city council finds that a majority of the votes cast in the city and the territory combined favor annexation, the city council, by ordinance, shall proclaim the annexation approved. The proclamation shall contain a legal description of each territory annexed.

**15.250.075 Batch annexation of small properties by consent.**

With the consent of the property owners, the city may process multiple smaller annexations together as a legislative annexation in order to streamline the annexation process and to share the financial cost of the application.

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D. Approval. The city council may approve or deny all or part of the proposed batch annexation. ~~If the city council approves, it shall refer the annexation to an election following the legislative process under NMC 15.250.050.~~

**NMC 15.305 ZONING USE TABLE**

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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, townhouse	P(2)	P	P(3)		P		C(4)	C(5)		X								P	P(6)		NMC 15.415.050(B); subject to lot or development site area requirements of NMC 15.405.010
Def.	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)	<del>NMC 15.415.060</del> <u>NMC 15.445.500</u>
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)	<del>NMC 15.415.060</del> <u>NMC 15.445.500</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.

//

(2) Limited to one per lot as a permitted use. More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).

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**NMC 15.326 SPRINGBROOK (SD) DISTRICT**

**15.326.020 Adoption of Springbrook master plan.**

Development within this zone shall be governed by a master plan approved and accepted by the city council, which ensures internal compatibility of use activities as well as compatibility with adjacent uses. Development within the Springbrook district shall follow the applicable standards set forth in this chapter, and those standards set forth in the “Development Standards Matrix” in the Springbrook master plan, codified in NMC 15.326.025. [Ord. 2923, 5-20-24, 2915, 7-7-23, Ord. 2889, 12-9-21, Ord. 2880, 6-10-21, Ord. 2678 § 4 (Exh. 6(1)), 9-4-07; Ord. 2619, 5-16-05; Ord. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.426.]

**15.326.025 Springbrook Master Plan Develop Standards Matrix**

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15.326.025 - SPRINGBROOK DISRICT DEVELOPMNT STANDARDS MATRIX						
<u>DEVELOPMENT STANDARDS</u>	<u>LOW DENSITY RESIDENTIAL</u>	<u>MID – RISE RESIDENTIAL</u>	<u>NEIGHBORHOOD COMMERCIAL</u>	<u>EMPLOYMENT</u>	<u>VILLAGE</u>	<u>HOSPITALITY</u>
<u>ALLOWED USE*</u>	<ul style="list-style-type: none"><li>❖ <u>Detached Dwelling Units</u></li><li>❖ <u>Duplex Dwellings</u></li><li>❖ <u>Triplex and Quadplex Dwellings</u></li><li>❖ <u>Attached Dwelling Units</u></li><li>❖ <u>Cottage Clusters</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Accessory Dwellings</u></li><li>❖ <u>Home Occupations</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Post Office</u></li><li><u>Museum</u></li><li><u>Community Center</u></li><li><u>Library</u></li><li><u>School</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Church</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Attached Dwelling Units</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Detached Dwelling Units</u></li><li>❖ <u>Duplex Dwellings</u></li><li>❖ <u>Triplex and Quadplex Dwellings</u></li><li>❖ <u>Cottage Clusters</u></li><li>❖ <u>Multi-Family Units</u></li><li>❖ <u>Home Occupations</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Post Office</u></li><li><u>Museum</u></li><li><u>Community Center</u></li><li><u>Library</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Church</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Retail</u></li><li>❖ <u>Restaurants</u></li><li>❖ <u>Office</u></li><li>❖ <u>Medical Clinics</u></li><li>❖ <u>Financial Institutions</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Post Office</u></li><li><u>Office</u></li><li><u>Museum</u></li><li><u>Community Center</u></li><li><u>Library</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Services for local residents, such as laundromat or barber</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Industrial Offices (knowledge- based industries where services are primarily provided outside the community)</u></li><li>❖ <u>Light Industrial</u></li><li>❖ <u>Supporting Retail (directly serving the employment district, such as a deli or printing service)</u></li><li>❖ <u>Day Care</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Retail</u></li><li>❖ <u>Restaurants</u></li><li>❖ <u>Attached Dwelling Units</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Multi-Family Units</u></li><li>❖ <u>Home Occupations</u></li><li>❖ <u>Church</u></li><li>❖ <u>Artist Studios</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Agriculture</u></li><li>❖ <u>Civic Uses:</u><ul style="list-style-type: none"><li><u>Train Depot</u></li><li><u>Community Center</u></li><li><u>Museum</u></li><li><u>Post Office</u></li><li><u>Library</u></li></ul></li><li>❖ <u>Day Care</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Financial Institutions</u></li><li>❖ <u>Winery</u></li><li>❖ <u>Medical Clinics</u></li><li>❖ <u>Office</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>	<ul style="list-style-type: none"><li>❖ <u>Hotel</u></li><li>❖ <u>Restaurants</u></li><li>❖ <u>Spa</u></li><li>❖ <u>Meeting Facilities</u></li><li>❖ <u>Detached Dwelling Units, limited to vacation or transitory use or units for employees or caretakers of other uses within the Village or Hospitality areas</u></li><li>❖ <u>Manufactured Home</u></li><li>❖ <u>Home Occupations\</u></li><li>❖ <u>Retail</u></li><li>❖ <u>Museum</u></li><li>❖ <u>Artist Studios</u></li><li>❖ <u>Group Care Facilities</u></li><li>❖ <u>Agricultural Production or Processing</u></li><li>❖ <u>Passive or Active Use Parks</u></li><li>❖ <u>Transportation facilities and improvements and utility services</u></li><li>❖ <u>Any other building or use determined to be similar to uses listed in this District</u></li></ul>
<u>PROHIBITED USE</u>	<u>Home Occupation Signs</u>	<u>Home Occupation signs</u>	<u>Drive throughs, outside storage; temporary storage allowed</u>	<u>Outside storage or processing of materials</u>	<u>Drive throughs, outside storage; temporary storage allowed</u>	=
<u>NEWBERG ZONE DISTRICT MODELED AFTER **</u>	<u>R-1</u>	<u>R-2 and R-3</u>	<u>C-1</u>	<u>M-1, but office is not allowed</u>	<u>C-3</u>	<u>No comparison</u>
<u>BUILDING AND SITE STANDARDS</u>						
<u>BUILDING HEIGHT</u>	<u>R-1</u>	<u>45 feet, limited to three stories</u>	<u>C-1</u>	<u>M-1</u>	<u>C-3</u>	<u>Five stories or 75 feet</u>

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<u>DEVELOPMENT STANDARDS</u>	<u>LOW DENSITY RESIDENTIAL</u>	<u>MID – RISE RESIDENTIAL</u>	<u>NEIGHBORHOOD COMMERCIAL</u>	<u>EMPLOYMENT</u>	<u>VILLAGE</u>	<u>HOSPITALITY</u>
<u>LOT REQUIREMENTS</u>						
<u>FRONT YARD SETBACK</u>	<u>Minimum 15 feet, except minimum 10 feet for porches and similar entry features</u> <u>Minimum 20 feet for garage</u>	<u>R-3</u>	<u>C-1</u>	<u>No minimum</u>	<u>No minimum setback. No maximum setback, if area between building and property line contains public space or landscaping</u>	<u>Minimum 20 feet or equal to height of building, if adjacent to residential uses</u>
<u>INTERIOR YARD SETBACKS</u>	<u>R-1</u>	<u>R-3</u>	<u>10 feet if abutting residential zones</u>	<u>M-1</u>	<u>C-3</u>	<u>Minimum 20 feet</u>
<u>SETBACKS AND YARD RESTRICTIONS AS TO SCHOOLS, CHURCHES, PUBLIC BUILDINGS</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>Does not apply</u>	<u>=</u>
<u>MINIMUM LOT AREA</u>	<u>Minimum 2,900 square feet, except:</u> <u>Minimum 1,500 square feet for attached dwelling units</u> <u>Minimum 4,500 square feet for triplex dwellings</u> <u>Minimum 7,000 square feet for quadplex dwellings and cottage clusters</u>	<u>Minimum 1,800 square feet, except:</u> <u>Minimum 1,500 square feet for attached dwelling units</u> <u>Minimum 4,500 square feet for triplex dwellings</u> <u>Minimum 6,000 square feet for quadplex dwellings and cottage clusters</u>	<u>C-1</u>	<u>M-1</u>	<u>C-3 (Minimum 1,800 square feet)</u>	<u>Minimum 5,000 square feet</u>
<u>MINIMUM LOT DIMENSIONS</u>	<u>The standard City lot frontage requirement applies</u> <u>Minimum lot width shall be 32 feet, except minimum 20 feet for middle housing dwelling units</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>	<u>The standard City lot frontage requirement applies</u>
<u>LOT COVERAGE AND PARKING COVERAGE REQUIREMENTS</u>	<u>(1) Maximum Lot Coverage: 55%, except 60% for attached dwelling units</u> <u>(2) Maximum Parking Lot Coverage: 30%</u> <u>(3) Maximum Combined Lot Parking Lot Coverage: 65%, except 70% for attached dwelling units</u>	<u>(1) Maximum Lot Coverage: 80% if parking is located in an underground structure; otherwise 60%</u> <u>(2) Maximum Parking Lot Coverage: 35%, unless parking is located in an underground structure</u> <u>(3) Maximum Combined Lot Coverage: 80%</u>	<u>Does not apply</u>	<u>Does not apply</u>	<u>Does not apply</u>	<u>Does not apply</u>

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<u>DEVELOPMENT STANDARDS</u>	<u>LOW DENSITY RESIDENTIAL</u>	<u>MID – RISE RESIDENTIAL</u>	<u>NEIGHBORHOOD COMMERCIAL</u>	<u>EMPLOYMENT</u>	<u>VILLAGE</u>	<u>HOSPITALITY</u>
<u>ADDITIONAL DESIGN STANDARDS</u>	***Additional standards apply for middle housing developments	=	<u>Development shall meet the design standards of the C-2 zone, or alternate standards developed in a design standard accepted by the City specific for this area</u> <u>A minimum of 20,000 square feet of retail space shall be developed in this area</u>	=	=	=
<u>LANDSCAPE AND OUTDOOR AREAS</u>						
<u>REQUIRED MINIMUM STANDARDS</u>	<u>Private area requirements based upon use of will apply</u> <u>Area requirements: Min. 15%</u>	<u>Private area requirements based upon use of will apply</u> <u>Area requirements: Min. 15%</u>	<u>Area requirements: Min. 15%</u>	<u>Area requirements: Min. 15%</u>	<u>C-3</u>	<u>Private area requirement based upon use will apply</u> <u>Area requirements: Min. 15%</u>
<u>SIGNS</u>						
<u>EXEMPTIONS</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>	<u>Landscape Monument Signs, as indicated on the <i>Gateway Features Plan</i> and <i>Gateway Features Concepts</i> are exempt from this standard</u>
<u>SIGN REQUIREMENTS</u>	<u>Assume R-1 zone for applying standards in these sections</u>	<u>Assume R-3 zone for applying standards in these sections</u>	<u>Assume C-1 zone for applying standards in these sections</u>	<u>Assume “Other Zone” or “All Zone” for applying standards in these sections</u>	<u>Assume C-3 zone for applying standards in these sections</u>	<u>Assume “Other Zone” or “All Zone” for applying standards in these sections</u>
<u>OFF STREET PARKING REQUIREMENTS</u>						
<u>REQUIRED OFF-STREET PARKING</u>	<u>R-1</u>	<u>“Other Zones”</u>	<u>C-1</u>	<u>“Other Zones”</u>	<u>Parking studies will be required to be submitted with each phase of development in the Village District in order to ensure the parking provided is sufficient for the proposed use or uses</u>	<u>“Other Zones”</u>

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<b><u>PARKING SPACES REQUIRED</u></b>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>	<u>Requirements based on use apply</u>
<b><u>PARKING REQUIREMENTS FOR USES NOT SPECIFIED</u></b>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>	<u>Uses not listed in table determined through Type I procedure</u>
<p>* <u>Uses not identified herein shall be reviewed and if found to be similar to the allowed uses shall be approved through a Type I process.</u></p> <p>** <u>When the model zone requirement applies, the zone is listed in the table, otherwise an alternative standard is stated.</u></p> <p>*** <u>Middle Housing development standards within the Springbrook District west of Hess Creek:</u></p> <p>1. <u>Quadplex dwellings may be constructed as attached or detached dwellings.</u></p> <p>2. <u>Entry Orientation. At least one main entrance for each duplex, triplex, or quadplex structure must meet the standards. Any detached structure with more than 50 percent of its street facing facade separated from the street property line by a dwelling is exempt from meeting these standards.</u></p> <p>a. <u>The entrance must be within eight feet of the longest street-facing wall of the dwelling unit; and minimum of 50 percent of units must be oriented to the common courtyard.</u></p> <p>b. <u>The entrance must either:</u></p> <p>i. <u>Face the street;</u></p> <p>ii. <u>Be at an angle of up to 45 degrees from the street; or</u></p> <p>iii. <u>Face a common open space that is adjacent to the street and is abutted by dwellings on at least two sides; or</u></p> <p>iv. <u>Open onto a porch. The porch must:</u></p> <p><u>(A) Be at least 25 square feet in area; and</u></p> <p><u>(B) Have at least one entrance facing the street or have a roof.</u></p> <p>3. <u>Windows. A minimum of 15 percent of the area of all street-facing facades must include windows or entrance doors. Facades separated from the street</u></p> <p>4. <u>Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards of this section.</u></p> <p>a. <u>The garage or off-street parking area is separated from the street property line by a dwelling; or</u></p> <p>b. <u>The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.</u></p> <p>5. <u>Driveway separation for quadplex and duplex lots may be reduced to 22 feet.</u></p> <p>6. <u>Shared driveways for middle housing may be provided within an access easement 24 feet wide with a 16-foot paved surface.</u></p>						

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**15.326.060 Modifications to the master plan.**

A. The following modifications to the master plan shall follow the Type I administrative procedure identified in NMC 15.100.020:

1. Land use district boundary modifications prior to development within that phase of no more than one acre that adjust a boundary no more than 50 feet.

B. The following modifications to the master plan shall follow a Type II procedure identified in NMC 15.100.030:

1. Land use district boundary modifications prior to development within that phase greater than one acre and less than five acres that adjust a boundary no more than 100 feet.
2. Modifications to the “Trip Cap” established with approval of the master plan.

C. The following modifications to the master plan shall follow a Type III procedure identified in NMC 15.100.050 and be processed pursuant to OAR Chapter 660, Division 18, Post-Acknowledgement Amendments. In approving such modifications, the planning commission must find the modification conforms to the applicable comprehensive plan policies and statewide planning goals:

1. Modifications other than those noted above.
2. Modifications to the Springbrook district boundary.

**NMC 15.342 STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT**

**15.342.090 Mitigation requirements for Type II activities.**

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B. Replanting shall be required using a combination of trees, shrubs and grass. Species shall be selected from the designated Newberg native plant list, “Guide for Using Willamette Valley Native Plants Along Your Stream” (Linn Soil and Water Conservation District, June 2005), or as approved by the director, except that ash species (Fraxinus spp.) and other species that are susceptible to invasive species including emerald ash borer (Agrilus planipennis) are prohibited.

Planting shall be as follows:

1. At least eight species of plants shall be used.
2. At least two species must be trees and two species must be shrubs.
3. No more than 50 percent of any seed mix used can be grass.
4. A minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.
5. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code.
6. Existing vegetation that can be saved and replanted is encouraged, although not required.

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**15.342.150 Permit approval must be exercised to be effective**

An approval for development in the Stream Corridor Overlay (SC) Subdistrict shall be valid for two years from the effective date of the decision. A complete application for public improvement plan review or building permit including all required plans and plan review fees must be submitted within this time period or the approval shall terminate. The director under a Type I procedure may grant extensions for up to 12 months each not to exceed five years if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

A. The land use designation of the property has not been changed since the initial design review approval; and

B. The applicable standards in this code which applied to the project have not changed.

**NMC 15.348 INSTITUTIONAL OVERLAY (IO) SUBDISTRICT**

**15.348.040 Procedures.**

A. Designation of Overlay Boundary. The IO subdistrict boundary is defined by the institution in cooperation with the city, based on the institution's needs and acceptable areas for expansion. To amend an established boundary the institution will be required to submit a comprehensive plan amendment in accordance with established city procedures.

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~~C. Conversion of Properties from IO Subdistrict to I Institutional District.~~

~~1. When the institution purchases property that is contiguous to the existing institutional district boundary, those properties can convert to the institutional district designation when the following applies:~~

~~a. The property contains or will be converted to an institutional use; and~~

~~b. The property is adjacent to the existing institutional boundary; and~~

~~c. The property meets either of the following locational factors:~~

~~i. In areas west of Hess Creek, more than 80 percent of the block is owned by the institution.~~

~~ii. The subject site is 100 percent owned by the institution and bounded on three sides by the institution; or when the subject site and abutting parcels on two sides of the site are owned by the institution and the third side of the site abuts the IO zone boundary.~~

~~2. When properties are eligible for conversion to the institutional district subject to the conditions in subsection (C)(1) of this section, the institution will be required to submit the following information to the director for administrative Type I review and approval:~~

~~a. Submit a title report showing ownership of the property by the institution.~~

~~b. Provide a map and legal description showing where the property is located.~~

~~c. Provide information and a description of how the institution meets the requirements of subsection (C)(1) of this section.~~

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~~3. With approval of the zone map amendment by the director for property conversion from the IO subdistrict to the institutional district, the city shall update the zoning map to reflect the change.~~

**NMC 15.352 RIVERFRONT (RD) OVERLAY SUBDISTRICT**

**15.352.050 Residential design standards.**

In addition to the development standards of the base zone and the design standards in NMC 15.415.050, the following standards shall apply:

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**B. Standards for Primary Entrances, Garage Doors and Parking in Residential Zones.**

1. Residential Entrances. All residential structures shall have a pedestrian entrance facing a street.

~~1.2.~~ Garage Location. ~~All residential structures shall have a pedestrian entrance facing the street.~~ When parking is provided in a garage attached to the primary structure, and garage doors face a street, the following standards must be met:

a. The garage door, or doors if more than one door on same building elevation, must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.

b. The front of the garage can be no closer to the front lot line than the front facade of the primary structure.

c. Individual garage doors may be no more than 90 square feet in area for a single-car garage or 180 square feet in area for a two-car garage.

d. There may be no more than two individual garage doors located side by side without being separated by a space not less than 20 feet.

2.3. Surface parking areas shall be located behind or to the side of residential structures.

~~3.4.~~ If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials.

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**NMC 15.405 LOT REQUIREMENTS**

**15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.**

**D. Fences and Walls.**

1. In the residential district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed six feet in height. Located or maintained within the required interior yards. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of a six-foot fence on the property line. In no case may a fence extend into the clear vision zone as defined in NMC 15.410.060.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

2. In any commercial, industrial, institutional, or mixed employment district, a fence or wall shall be permitted to be placed at the property line or within a yard setback as follows:

a. Not to exceed eight feet in height. Located or maintained in any interior yard except where the requirements of vision clearance apply. For purposes of fencing only, lots that are corner lots or through lots may select one of the street frontages as a front yard and all other yards shall be considered as interior yards, allowing the placement of an eight-foot fence on the property line.

b. Not to exceed four feet in height. Located or maintained within all other front yards.

3. If chain link (wire-woven) fences are used, they are manufactured of corrosion-proof materials of at least 11-1/2 gauge.

4. The requirements of vision clearance shall apply to the placement of fences.

5. A fence building permit is required when building a wood fence taller than 7 feet, masonry or concrete fence or wall taller than 4 feet, woven wire or chain linked fence taller than 8 feet, fence or wall enclosing a swimming pool, and for other structures as required by the building code.

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**NMC 15.415 BUILDING AND SITE DESIGN STANDARDS**

**~~15.415.060 Home occupation.~~**

~~Home occupations shall be processed as a Type I procedure. 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.~~
- ~~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. 2499, 11-2-98; Ord. 2451, 12-2-96. Code 2001 § 151.540.]~~

**~~Penalty:~~** See NMC 15.05.120.

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**NMC 15.440 OFF-STREET PARKING, BICYCLE PARKING, AND PRIVATE WALKWAYS**

**15.440.010 Required off-street parking.**

A. Off-street parking shall be provided on the lot or development site for all R-1, C-1, M-1, M-2 and M-3 zones. In all other zones, the required parking shall be on the lot or development site or within 400 feet of the lot or development site which the parking is required to serve. All required parking must be under the same ownership as the lot or development site served except through special covenant agreements as approved by the city attorney, which bind the parking to the lot or development site.

~~1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.~~

B. Off-street parking is required pursuant to NMC 15.440.030 in the C-2 district.

~~1. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.~~

C. Off-street parking is not required in the C-3 or M-5 district, except for:

1. Dwelling units meeting the requirements noted in NMC 15.305.020.

2. New development which is either immediately adjacent to a residential district or separated by nothing but an alley.

~~3. In cases where the applicant is proposing off-street parking, refer to subsection (F) of this section for the maximum number of parking spaces.~~

D. Within the C-4 district, the minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses. ~~For maximum number of off-street parking spaces refer to subsection (F) of this section.~~

E. All commercial, office, or industrial developments that have more than 20 off-street parking spaces and that have designated employee parking must provide at least one preferential carpool/vanpool parking space. The preferential carpool/vanpool parking space(s) must be located close to a building entrance.

F. Residential garages meeting the requirements of NMC 15.440.075 shall be counted towards required off-street parking spaces for residential uses. ~~Maximum Number of Off-Street Automobile Parking Spaces. The maximum number of off-street automobile parking spaces allowed per site equals the minimum number of required spaces, pursuant to NMC 15.440.030, multiplied by a factor of:~~

~~1. One and one-fifth spaces for uses fronting a street with adjacent on-street parking spaces;  
or~~

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- ~~2. One and one-half spaces for uses fronting no street with adjacent on-street parking; or~~
- ~~3. A factor determined according to a parking analysis.~~

**15.440.030 Parking spaces required.**

A. The minimum number of parking spaces required and maximum number of parking spaces allowed shall be calculated pursuant to Table 15.440.030(A) or with a parking study pursuant to NMC 15.440.045.

1. In calculations of the minimum number of required parking spaces that result in a fraction, the minimum number shall be rounded down for any fraction that is less than half of a whole number and rounded up for any fraction that is equal to or greater than a half of a whole number.

2. In calculations of the maximum number of required parking spaces that result in a fraction, the maximum number allowed shall be rounded up for any fraction of a whole number.

B. In any zoning district the maximum parking spaces allowed shall be regulated by the use type in Table 15.440.030(A) except when determined with a parking study pursuant to NMC 15.440.045.

C. There is no parking minimum or maximum where parking is the sole use of a lot and such parking is not provided to meet the parking requirement of any other use.

**15.440.040 Parking requirements for uses not specified.**

The parking space requirements for buildings and uses not set forth herein shall be determined by the director through a Type I procedure. ~~Such determination shall be based upon the requirements for the most comparable building or use specified herein, or with a parking study through the Type II procedure pursuant to NMC 15.440.045.~~

**15.440.045 Parking study option.**

Required parking spaces may be determined with a parking study approved by the director through a Type II procedure as an alternative to complying with the minimum and maximum number of parking spaces in Table 15.440.030(A). If the applicant elects to use a parking study, the parking study shall comply with the following:

A. The total number of parking spaces required shall equal the number of spaces determined to be necessary to accommodate the typical daily parking demand generated by the business or development use(s). "Typical daily parking demand" means the number of parking spaces required during the hours for the normal operation of the use or uses. The parking study shall be conducted by a registered traffic engineer or other qualified professional as determined by the director.

B. The parking study shall consider relevant references, guides, and factors that aid in the average peak parking demand determination. Such references, guides, and factors may include, but are not limited to:

a. The factors and considerations recommended by the Institute of Traffic Engineers (ITE) Industry Standards or comparable source approved by the director.

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b. Availability and projected use of alternative transportation modes such as car share services, carpooling, bicycle, pedestrian, transit, and other modes.

c. Parking demands at similar types of facilities, in similar types of locations, either within the city or elsewhere.

C. Notwithstanding any other provision of this code to the contrary, the minimum number of parking spaces determined to be necessary pursuant to this subsection shall not be eligible for reduction using code adjustments or other parking discounts and modifiers in this code.

D. Parking studies approved under this section are not transferable to other locations or uses.

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

Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
<b>Residential Types</b>				
Dwelling, multifamily and multiple single-family dwellings on a single lot				
Studio or one-bedroom unit	<del>1 per dwelling unit</del>	<u>1.2</u>	<u>1.5</u>	<u>Per dwelling unit</u>
Two-bedroom unit	<del>1.5 per dwelling unit</del>	<u>1.8</u>	<u>2.25</u>	<u>Per dwelling unit</u>
Three- and four-bedroom unit	<del>2 per dwelling unit</del>	<u>2.4</u>	<u>3</u>	<u>Per dwelling unit</u>
Five- or more bedroom unit	<del>0.75 spaces per bedroom</del>	<u>0.9</u>	<u>1.13</u>	<u>Spaces per bedroom</u>
<b><u>Parking Requirement Modifiers for Multifamily Residential Developments</u></b>				
• Unassigned spaces	If a development is required to have more than 10 spaces on a lot, then it must provide some unassigned spaces. At least 15 percent of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the director.			
• Visitor spaces	If a development is required to have more than 10 spaces on a lot, then it must provide at least 0.2 visitor spaces per dwelling unit.			

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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	
<ul style="list-style-type: none"><li>• On-street parking credit</li><li>• Available transit service</li></ul>	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all city standards, and cannot be counted if they could be removed by planned future street widening or a bike lane on the street.  At the review body’s discretion, affordable housing projects may reduce the required off-street parking by 10 percent if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.			
<u>Dwelling</u> , Commercial neighborhood district (C-1)	<del>1 for each dwelling</del>	<u>See Dwelling types, below</u>	<u>See Dwelling types, below</u>	<u>For each dwelling unit</u>
Dwelling, single-family	<del>2 for each dwelling unit on a single lot</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit on a single lot</u>
Dwelling, duplex	<del>1 for each dwelling unit</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, triplex	<del>1 for each dwelling unit</del>  Except that conversion of a detached single-family dwelling to a triplex dwelling shall not be subject to this requirement	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, quadplex	<del>1 for each dwelling unit</del>  Except that conversion of a detached single-family dwelling to a	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
	quadplex dwelling shall not be subject to this requirement			
Dwelling, townhouse	<del>1 for each dwelling unit</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, cottage	<del>1 for each dwelling unit</del>	<u>None</u>	<u>None</u>	<u>For each dwelling unit</u>
Dwelling, Live/Work	1	<u>1.2</u>	<u>1.5</u>	<u>For each dwelling unit</u>
Fraternities, sororities, cooperatives and dormitories	<del>1 for each three occupants for which sleeping facilities are provided</del>	<u>1.2</u>	<u>1.5</u>	<u>For each three occupants for which sleeping facilities are provided</u>
Hotels, motels, motor hotels, etc.	<del>1 for each guest room</del>	<u>1.2</u>	<u>1.5</u>	<u>For each guest room</u>
Rooming or boarding houses	<del>1 for each guest room</del>	<u>1.2</u>	<u>1.5</u>	<u>For each guest room</u>
Special needs housing	<del>1 space per 3 beds or actual parking needs as demonstrated through a parking analysis.</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces per 3 beds or actual parking needs as demonstrated through a parking analysis.</u>
<b>Institutional Types</b>				
Churches, clubs, lodges	<del>1 for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained—in main auditorium (sanctuary or place of worship)</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 4 fixed seats or every 8 feet of bench length or every 28 sq. ft. where no permanent seats or benches are maintained—in</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
				<u>main auditorium (sanctuary or place of worship)</u>
Continuing care retirement community not including nursing care	<del>1 space per living unit</del>	<u>1.2</u>	<u>1.5</u>	<u>Space per living unit</u>
Day care facility	<del>1 space per employee plus 1 space per 10 children/adults</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces per employee</u>
	<u>1</u>	<u>1.2</u>	<u>1.5</u>	<u>Plus spaces per 10 children/adults</u>
Family child care homes	No off-street parking other than for the required dwelling. <u>Maximum number of spaces allowed is the same as the maximum number allowed for the required dwelling, if any.</u>			
Hospitals (including accessory retail wholly contained within a hospital building)	<del>2 spaces for each 1,000 gross sq. ft.</del>	<u>2.4</u>	<u>3</u>	<u>Spaces for each 1,000 gross sq. ft.</u>
Libraries, museums, art galleries	<del>1 for each 250 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 250 sq. ft. of gross floor area</u>
Medical/dental offices and laboratories	<del>3.5 spaces for each 1,000 gross sq. ft.</del>	<u>4.2</u>	<u>5.25</u>	<u>Spaces for each 1,000 gross sq. ft.</u>
Nursing homes, homes for the aged, group care homes, asylums, etc.	<del>1 for each 3 beds</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 3 beds</u>

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Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
<u>Schools, Colleges – “commuter” type</u>	<u>Colleges – “commuter” type, 1 for every full-time equivalent student (plus 1/2 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every full-time equivalent student</u>  <u>Plus half of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>
<u>Schools, Colleges – “resident” type</u>	<u>Colleges – “resident” type, 1 for every 3 full-time equivalent students (plus 1/2 0.5 of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 3 full-time equivalent students</u>  <u>Plus half of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>
<u>Schools, Elementary or junior high</u>	<u>Elementary or junior high, 1-1/2 1.5 for each teaching station plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area</u>	<u>1.8</u>	<u>2.25</u>	<u>spaces for each teaching station</u>  <u>Plus 4 for every classroom, or 1 for every 42 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area</u>
<u>Schools, High schools</u>	<u>High schools, 1-1/2 1.5 for each teaching station, plus 8 for every classroom, or 1 for</u>	<u>1.8</u>	<u>2.25</u>	<u>spaces for each teaching station.</u>

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Use	Minimum Parking Spaces Required	<u><b>Maximum Parking Spaces Allowed***</b></u>		<u><b>Rate and Units</b></u>
		<u><i>Uses fronting a street with abutting on-street parking</i></u>	<u><i>Uses fronting no street with abutting on-street parking</i></u>	
	every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area			Plus 8 for every classroom, or 1 for every 28 sq. ft. of seating area where there are no fixed seats in an auditorium or assembly area
<u>Schools, Colleges – commercial or business</u>	<u>Colleges – commercial or business, 1 for every 3 classroom seats (plus 1/2 0.5 of the requirements for accessory buildings, i.e., 1. E* and 3. G(1)**)</u>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 3 classroom seats.</u>  <u>Plus half of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</u>
Welfare or correctional institutions	1 for each 5 beds	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 5 beds</u>
<b>Commercial Types</b>				
Barber and beauty shops	1 for each 75 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 75 sq. ft. of gross floor area</u>
Bowling alleys	6 for each bowling lane	<u>7.2</u>	<u>9</u>	<u>Spaces for each bowling lane</u>
Establishments or enterprises of a recreational or an entertainment nature:				
Establishments for the sale and consumption on the premises of food and beverages with a drive-up window	1 for each 75 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 75 sq. ft. of gross floor area</u>

**Exhibit A-1b**  
Clean Copy Draft Code Maintenance Amendments  
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Use	Minimum Parking Spaces Required	<u><b>Maximum Parking Spaces Allowed***</b></u>		<u><b>Rate and Units</b></u>
		<u><i>Uses fronting a street with abutting on-street parking</i></u>	<u><i>Uses fronting no street with abutting on-street parking</i></u>	
Establishments for the sale and consumption on the premises of food and beverages without a drive-up window	1 for each 100 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 100 sq. ft. of gross floor area</u>
Participating type, e.g., skating rinks, dance halls	1 for each 75 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 75 sq. ft. of gross floor area</u>
Spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly	1 parking space for each 4 seats	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 4 seats</u>
Office buildings, business and professional offices	1 for every 400 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 400 sq. ft. of gross floor area</u>
Pharmacies	1 for each 150 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 150 sq. ft. of gross floor area</u>
Retail establishments, except as otherwise specified herein	1 for each 300 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 300 sq. ft. of gross floor area</u>
Retail stores handling bulky merchandise, household	1 for each 600 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 600 sq. ft. of gross floor area</u>

**Exhibit A-1b**  
Clean Copy Draft Code Maintenance Amendments  
Monday, January 27, 2025

Use	Minimum Parking Spaces Required	<u>Maximum Parking Spaces Allowed***</u>		<u>Rate and Units</u>
		<u>Uses fronting a street with abutting on-street parking</u>	<u>Uses fronting no street with abutting on-street parking</u>	
furniture, or appliance repair				
<b>Industrial Types</b>				
Except as specifically mentioned herein, industrial uses listed as permitted in the M districts: M-1, M-2, M-3, M-4, and M-5	<del>1 for each 500 sq. ft. of gross floor area</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 500 sq. ft. of gross floor area</u>
Aircraft storage hangars up to 3,600 sq. ft. each enclosed hangar area	None (parking occurs in hangar)	<u>None (parking shall occur in hangar)</u>		=
Aircraft storage hangars over 3,600 sq. ft. each enclosed hangar area	<del>1 for every 700 sq. ft. of hangar area over 3,600 sq. ft.</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every 700 sq. ft. of hangar area over 3,600 sq. ft.</u>
Aircraft hangars intended for repair and maintenance operations	<del>1 for each 5,000 sq. ft. of hangar, plus 1 for each 500 sq. ft. of shop area, plus 1 for each 400 sq. ft. of office area</del> <u>1</u> <u>1</u>	<u>1.2</u> <u>1.2</u> <u>1.2</u>	<u>1.5</u> <u>1.5</u> <u>1.5</u>	<u>Spaces for each 5,000 sq. ft. of hangar</u>  <u>Plus spaces for each 500 sq. ft. of shop area,</u>  <u>Plus spaces for each 400 sq. ft. of office area</u>

**Exhibit A-1b**  
Clean Copy Draft Code Maintenance Amendments  
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Use	Minimum Parking Spaces Required	<u><b>Maximum Parking Spaces Allowed***</b></u>		<u><b>Rate and Units</b></u>
		<u><i>Uses fronting a street with abutting on-street parking</i></u>	<u><i>Uses fronting no street with abutting on-street parking</i></u>	
Laboratories and research facilities	1 for each 300 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 300 sq. ft. of gross floor area</u>
Machinery or equipment	1 for each 400 sq. ft. of gross sales floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 400 sq. ft. of gross sales floor area</u>
Wholesale and storage operations	1 for each 700 sq. ft. of gross floor area	<u>1.2</u>	<u>1.5</u>	<u>Spaces for each 700 sq. ft. of gross floor area</u>

Notes:

\* “1-E” refers to fraternities, sororities, cooperatives and dormitories that require one parking space for each three occupants for whom sleeping facilities are provided.

\*\* “3.-G(1)” refers to establishments or enterprises of a recreational or an entertainment nature (spectator type, e.g., auditoriums, assembly halls, theaters, stadiums, places of public assembly) that require one parking space for each four seats.

\*\*\* May be calculated by a factor determined according to a parking analysis.

**15.440.070 Parking tables and diagrams.**

A. Minimum Dimensions for Parking Spaces.

1. A standard parking space is no less than 18 feet by 9 feet in size.

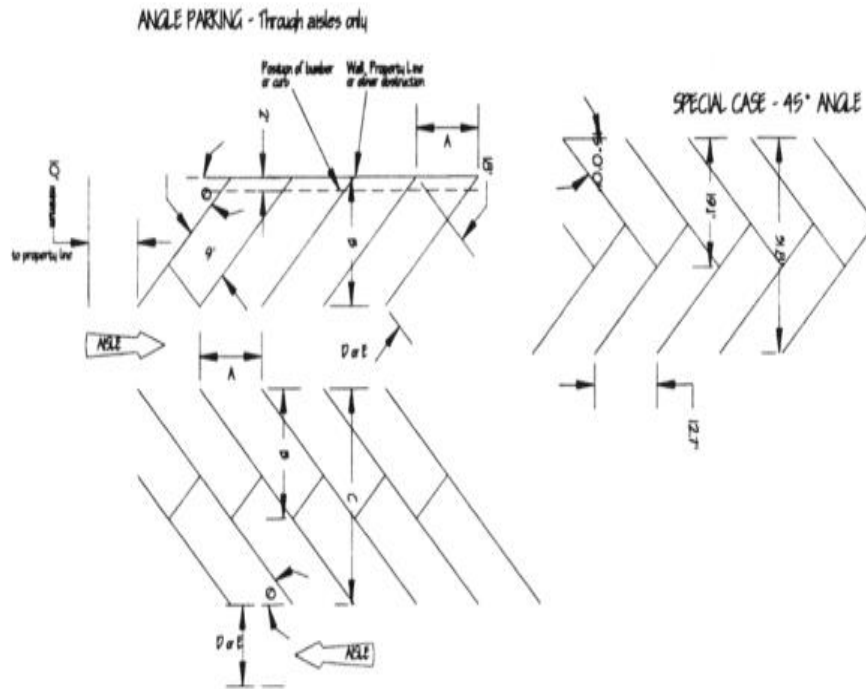
2. A compact parking space is no less than 16 feet by 8 feet in size.

All angle parking and dimensioning requirements are referenced in NMC 15.440.070(B)

B. The following tables provide the minimum dimensions of public or private parking areas:

**Exhibit A-1b**  
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**Diagram 1**

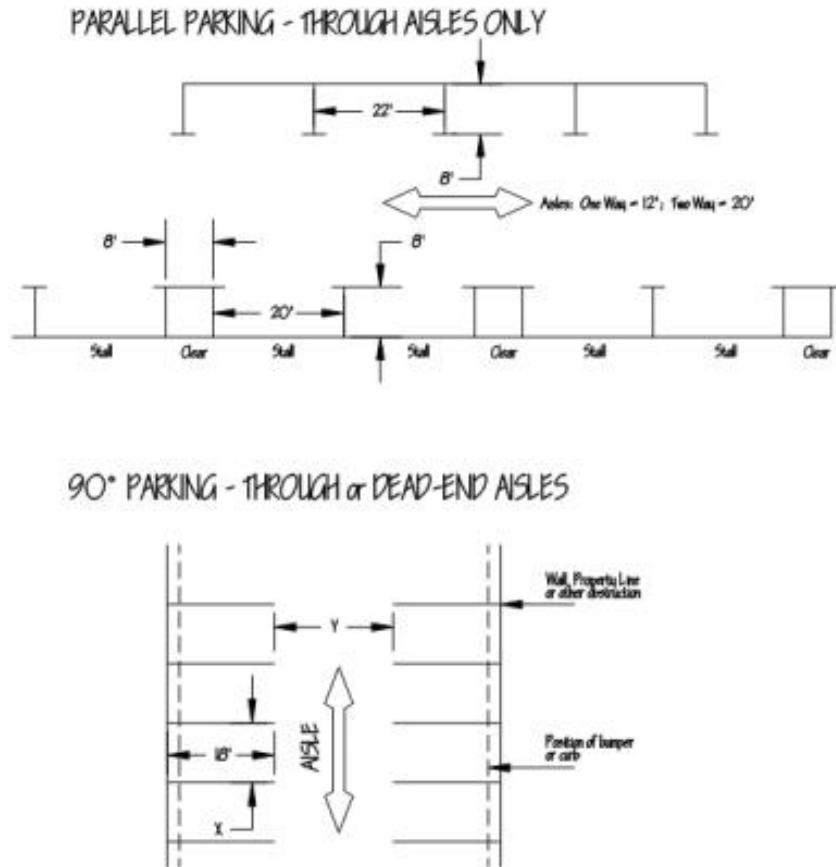


**Table of Dimensions (In Feet)**

Basic Stall			Back to Back	Aisles	
Angle - °	A	B	C	D (One-Way)	E (Two-Way)
30°	18	16.8	25.8	12	20
38°	14.6	18.2	29.3	12	20
45°	12.7	19.1	31.8	12	20
52°	11.4	19.7	33.9	13	20
55°	11	19.9	34.6	14	20
60°	10.4	20.1	35.7	15	20
70°	9.6	20	36.9	18	20
80°	9.1	19.3	37	20	20

**Exhibit A-1b**  
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**Diagram 2**



Notes:

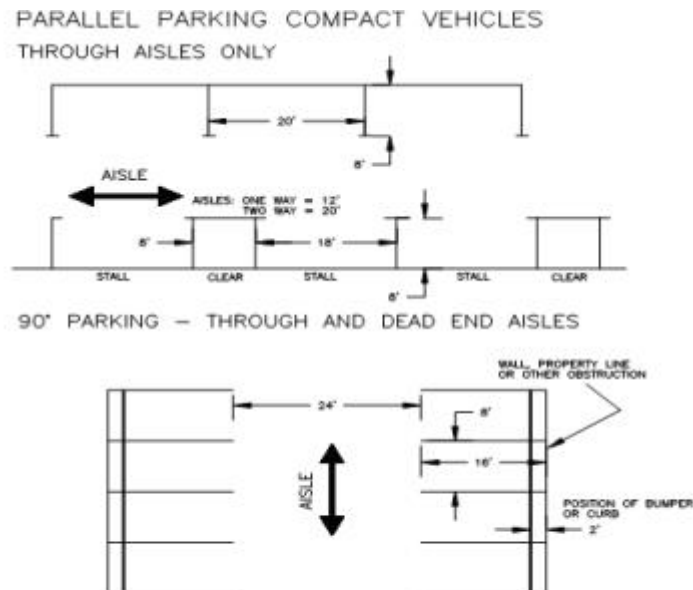
1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the community development department at 537-1210.

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**Table of Dimensions (In Feet)**

Stall Width with Corresponding Aisle Width						
Stall Width = X	9	9.5	10	10.5	11	12
Aisle Width = Y	24	24	22	22	20	20

**Diagram 3**



Notes:

1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required standards. For further information or advice, contact the planning department.

**Exhibit A-1b**  
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**NMC 15.445 SPECIAL USE STANDARDS**

**15.445.010 Bed and breakfast establishments.**

Bed and breakfast establishments shall comply with the following conditions:

A. The structure used for a bed and breakfast establishment shall be designed for and occupied as a single-family residence. The structure shall maintain the characteristics of a single-family residence.

B. All residences used for bed and breakfast establishments shall be applicant occupied.

C. A minimum of one off-street parking space shall be provided for every two permitted guest sleeping rooms. In addition, parking standards normally required for single-family residences will apply.

D. The duration of each guest's stay at the bed and breakfast establishment shall be limited to no more than seven consecutive days and no more than 15 days within a 30-day period.

~~E. Bed and breakfast establishments located in other than single-story buildings shall provide permanent or portable fire escape systems from the upper floor(s) in a manner acceptable to the Newberg fire department.~~

F. E. All bed and breakfast establishments shall conform to the requirements of the current edition of the Oregon Structural Specialty Code and Oregon Fire Code. [Ord. 2451, 12-2-96. Code 2001 § 151.630.]

**Penalty:** See NMC 15.05.120.

**15.445.500 Home occupation.**

Home occupations shall be processed as a Type I procedure. 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.

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.

**Penalty:** See NMC 15.05.120.

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**TITLE 5 BUSINESS LICENSES AND REGULATIONS**

**CH. 5.15 TEMPORARY SALES**

**5.15.100 Exemptions for temporary merchants.**

The following temporary merchants do not require a license and are exempt from the application requirements contained within NMC 5.15.110(B), but must meet the standards under NMC 5.15.110(A). Residential garage and estate sales are regulated under ~~NMC 15.415.060~~ NMC 15.450.500, home occupation standards.

//

**Exhibit A-2 to Ordinance No. 2933**  
**Development Code Maintenance Amendments**  
**Findings – File DCA24-0002**

## 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:

11/14/2024	Planning Commission Work Session (complete)
12/05/2024	DLCD 45-day notice prior to first hearing (complete)
12/12/2024	Planning Commission Continued Work Session (complete)
01/09/2025	Planning Commission Public Hearing
02/02/2025	City Council Work Session
02/17/2025	City Council Public Hearing - First Reading
03/17/2025	City Council Public Hearing – Second Reading

The Goal is met.

Exhibit A-2 to Ordinance No. 2933  
Development Code Maintenance Amendments  
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**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 expiration and extension periods for land use permits, and alternative methods of calculating required parking (parking study method), 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 diminish protection of any Goal 5 resource. The one amendment that does relate to Goal 5 is a requirement for site design review and land division applications in wetland areas to provide a wetland delineation approved by the Oregon Department of State Lands when a site contains wetlands mapped on the Oregon State Wetlands Inventory, based on written comment from the Oregon Department of Land Conservation and Development and consistent with existing application requirements.

This Goal is met.

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Development Code Maintenance Amendments  
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***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 business development. For example, by providing a parking study option as an alternative to the numerical parking standards table, the code amendments support more efficient use of land for economic development.

The Goal is met.

Exhibit A-2 to Ordinance No. 2933  
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***GOAL 10: HOUSING***

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

**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 for annexations and process improvements that should help facilitate housing production. For example, by providing consistent permit expiration dates and opportunities for permit extensions, the code amendments support housing production. None of the amendments affect the supply of land for housing or residential land uses, and several changes improve code clarity, consistent with state requirements for clear and objective housing standards in ORS 197.307(4) Needed housing policy.

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 and correcting the code, including updates to comply with state land use laws and process improvements that should help business development. For example, by providing consistent permit expiration dates and opportunities for permit extensions, the code amendments support timely, orderly, and efficient development of infrastructure to support urban growth.

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 parking standards in a new table, and by providing a parking study option as an alternative to the numerical parking standards table, the code amendments support

Exhibit A-2 to Ordinance No. 2933  
Development Code Maintenance Amendments  
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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:** The proposed amendments to the City's annexation procedures are intended to comply with current state law and will ensure the efficient use of the land within the existing Urban Growth Boundary for the projected population and employment opportunities within the City.

This Goal is met.

***GOAL 15: WILLAMETTE RIVER GREENWAY***

*To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.*

**Finding:** The proposed amendments do not alter any area or regulations within the boundaries of the Willamette River Greenway. The amendment requiring applications for site design review to provide a wetland delineation approved by the Oregon Department of State Lands is consistent with other existing application requirements for land divisions.

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.*

Exhibit A-2 to Ordinance No. 2933  
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- 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.*

Exhibit A-2 to Ordinance No. 2933  
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*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. Specifically, the proposed code clarifications and process improvements are consistent with local economic development objectives.

#### ***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.

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***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



### *PLANNING COMMISSION RESOLUTION 2025-398*

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**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; AND AMEND TITLE 5 BUSINESS LICENSE REGULATIONS WITH CORRESPONDING CROSS-REFERENCES**

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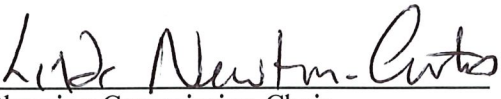
### **RECITALS**

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, as approved by City Council on January 16, 2024.
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 Oregon Revised Statutes (ORS), Chapter 222, relating to annexations, ORS 197.797 Local quasi-judicial land use hearings, ORS 227.175 Permit or zone change applications, and ORS 197.307(4) requiring clear and objective standards for housing.
5. Code Maintenance amendments do not involve significant policy changes.
6. The Newberg Planning Commission conducted a duly noticed public hearing on January 9, 2025, and found that the proposed amendments are consistent with the Newberg Comprehensive Plan and Oregon Statewide Land Use Goals, and in the best interests of Newberg.

### **The Newberg Planning Commission resolves as follows:**

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed amendments to NMC Title 15 Development Code.
2. This recommendation is based on the January 9, 2025, Planning Commission Staff Report, the proposed code amendment text in Exhibit A-1, the Findings in Exhibit A-2, and all other exhibits attached hereto.

Adopted by the Newberg Planning Commission this 9<sup>th</sup> day of January 2025.

  
\_\_\_\_\_  
Planning Commission Chair

ATTEST:  
  
\_\_\_\_\_  
Planning Commission Secretary

List of Exhibits:

- A-1 Development Code Maintenance Amendments
- A-2 Findings
- B. Native Plant Guide (Linn SWCS, 2005)
- C. Expirations and Extensions Analysis
- D. Code Maintenance Standard Operating Procedures

Ordinance 2025-2933

Code Maintenance

Exhibit C – Planning Commission Minutes [Placeholder for minutes when drafted]

## Scot Siegel

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**From:** Clay Downing  
**Sent:** Thursday, January 23, 2025 4:43 PM  
**To:** Scot Siegel  
**Cc:** Ahrens, Melissa (DLCD)  
**Subject:** FW: Newberg PAPA 007-24, Local File DCA24-0002

Good afternoon Scot,

The below comment was received from DCLD regarding File No. DCA24-0002, our Code Maintenance Package.

Best,

Clay Downing, AICP | *Planning Manager*  
**City of Newberg** | Community Development Department  
**Direct:** 503-554-7728 | **Main Office:** 503-537-1240 | **Cell:** 971-281-9695  
**Pronouns:** he/him

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**From:** AHRENS Melissa \* DLCD <Melissa.AHRENS@dlcd.oregon.gov>  
**Sent:** Thursday, January 23, 2025 12:33 PM  
**To:** Clay Downing <Clay.Downing@newbergoregon.gov>  
**Subject:** Newberg PAPA 007-24, Local File DCA24-0002

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Hi Clay,

Hope you have been well since we last caught up. I am playing catch up on some PAPAs and wanted to pass along a comment on this one that we received from Amanda Punton, our Goal 5 specialist at DLCD. Specifically, the proposed change to 15.220.030 (screenshot below), speaks of the National Wetlands Inventory. This language is probably carried over from the existing code? It should say "a wetland delineation approved by Oregon Department of State Lands is required for properties on the State Wetlands Inventory". The language could be improved more by saying "properties that include wetlands shown on the State Wetlands Inventory". DSL has added a predominately hydric soil layer to the SWI, if it fits within the bounds of maintenance edits, the city should

consider referring to the SWI data, such that occurrence of predominately hydric soils on a property will also trigger the requirement for a delineation. For additional detail, we suggest also checking with Jevra Brown at DSL. Please feel free to let me know if you would like her contact information. Our housing staff are still reviewing the proposal and I will circle back with any comments they have, however, per my review the changes look fairly minor. Feel free to reach out with any Q in the meantime. It looks like the final hearing is noted in March so hopefully we aren't getting you these comments too late. Thanks!

Melissa

Draft Code Maintenance Amendments  
Exhibit A-1 Part 2. Land Use Applications -

NMC 15.200.docx

Wednesday, November 6, 2024

6. Existing Features and Natural Landscape Including Wetlands. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans. A wetland delineation approved by Oregon Department of State Lands (DSL) shall be submitted for any property listed in the National Wetlands Inventory (NWI), within a stream corridor overlay, or containing unmapped wetlands as determined by the Oregon Department of State Lands or Army Corps of Engineers.

**Staff Comments:** This amendment clarifies the application requirement for properties containing wetlands and is consistent with the preliminary plat application submission requirements in NMC 15.235.040.



**Melissa Ahrens**

Mid-Willamette Valley Regional Representative  
Oregon Department of Land Conservation and Development  
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Cell: 503-779-9821 | Main: 503-373-0050  
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A black and white photograph of a dense field of tall, thin grasses. The grasses are slender and upright, with numerous small, dark seed heads or flower clusters at the top of the stems. The background is a light, hazy sky. The overall texture is busy and natural.

# **Guide for Using Willamette Valley Native Plants Along Your Stream**

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## ***Why Use Native Plants?***

Native plants are an important part of the local natural ecosystem. They provide a critical link for insects, birds, and other species that have evolved together. Native plants can also provide a variety of benefits such as:

- ◆ **streambank stabilization:** roots from native plants help hold soil and slow erosion.
- ◆ **easy care and water conservation:** native plants are adapted to the local soil types; they thrive in the Willamette Valley climate of high rainfall in winter and low rainfall in summer, if grown in the correct location.
- ◆ **beautiful landscaping:** many of the native plants have attractive flowers, foliage, winter twigs, fall color, and produce a unique landscape.
- ◆ **food and cover for wildlife:** migrating birds, waterfowl, and threatened and endangered species use the plants for food and cover. Fish feed on the aquatic organisms that consume leaves and twigs dropped in the water.
- ◆ **pollution filtration:** surrounding land uses can contribute pollution such as sediment and soil, human and animal waste, and toxics such as oil and car exhaust fumes, to a stream. A buffer strip of native plants can reduce the impact of surrounding land uses on the stream.

Many, if not all, of these objectives can also be accomplished with careful selection of nonnative plants. The use of native species is a conservative approach to ecosystem restoration and enhancement.

## ***Who Should Use This Guide?***

This introductory guide is intended for novices who want basic information on natural landscaping, streambank stabilization, and landscaping for wildlife habitat using native plants.

This brochure provides a step by step, easy to use guide to planting Willamette Valley natives along your streambank. Species which are not native, are not found frequently, or are not easily propagated are not covered in this guide. For more detailed information on native plant propagation and identification, please refer to the references at the end of the brochure.

If you have any questions regarding techniques, plant materials, etc., please contact your local Soil and Water Conservation District or the US Department of Agriculture's Natural Resources Conservation Service. The phone number can be found in the government pages of your local phonebook. Available support includes planning projects, plant selection and availability, and more.

## Overview and History

The vegetation of the Willamette Valley has been extensively altered. So what did it look like before the settlers arrived? The journals of the pioneers who came to the Valley in the mid-nineteenth century described broad prairies bordered by thick, wide forests along the rivers. In those floodplains, river channels meandered; changing course during the winter high water and creating sloughs, swales, and marshes -- some of which dried out by the end of summer. Dense forests of cottonwood, alder, willow, ash, maple, and fir growing along these riparian corridors were as much as three to six miles wide. On the higher benches within the corridors were fir, oak and Ponderosa pine. The level prairies above the floodplains were also wet during the winter, because of the high water table, clay soils, and abundant rainfall. These were vegetated with grasses and herbaceous plants which could also survive the summer's dry, cracked soil. On the low hills around the valley floor were stands of oak trees surrounded by grasslands.



The pioneers' journals also described the abundant clouds of smoke that filled the Willamette Valley in late summer as a result of the extensive fires set by the Kalapuyan Indians, who had occupied the valley for thousands of years. The Kalapuyans used the annual burning to control the growth of underbrush and trees, which made it easier to hunt, and to improve growing conditions for edible plants such as camas, which were major food sources.



The local plant communities were altered by the first known human inhabitants.

The pioneers continued altering the vegetation by cutting the forests to build their homes and towns and plowing the prairies to grow the crops that were their own, familiar, major food sources. They also halted the annual burning, allowing the underbrush and woodlands to grow.

Throughout much of the 1900's, the damming and channelization of streams and

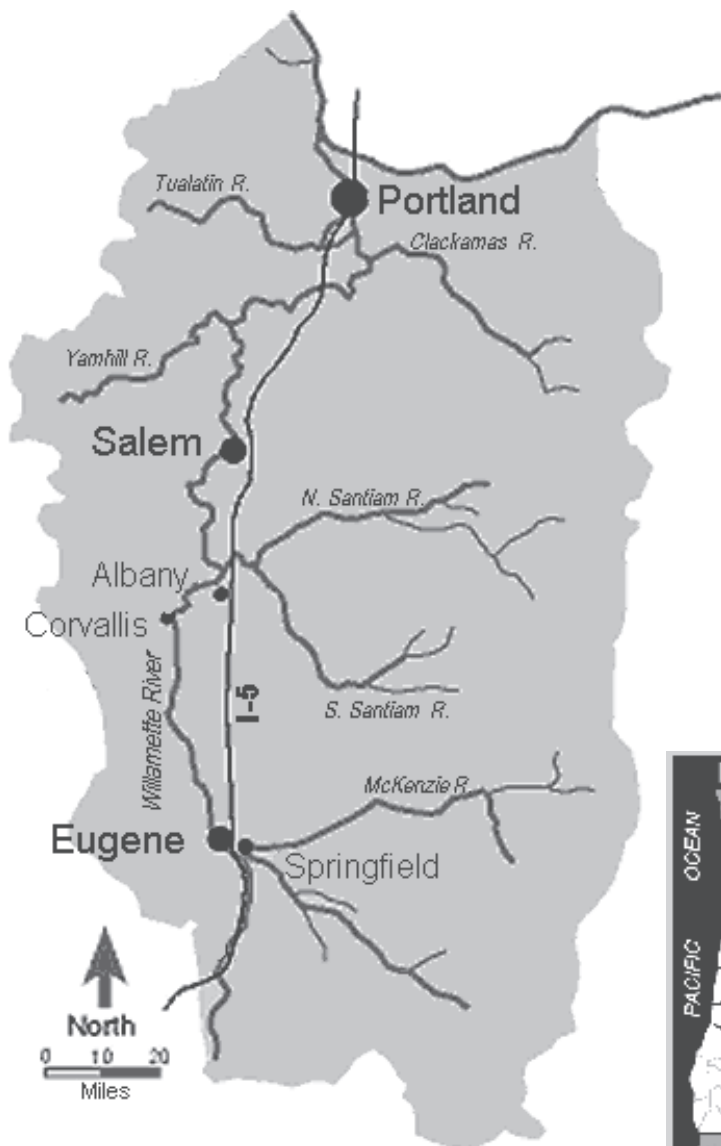
rivers and the installation of drain tiles and ditches on the wet prairies reduced -- and in places eliminated -- the natural winter flooding, meandering, and ponding of water.

Farming, grazing, roadbuilding, logging, flood control, and urbanization have all contributed to the extensive alteration of the Willamette Valley's vegetation. Although the valley could still be described as predominantly broad plains bordered by woods, most of the original plant communities are gone. Native plant habitat is greatly reduced, and introduced exotics can quickly take over any disturbed ground that is not farmed, paved, or populated. Many places that seem to be natural have actually been altered, and many plants that look wild are really introduced species.

Although much of the Willamette Valley vegetation has been altered, there are a few places where local, native plant communities can be examined to gather ideas and inspiration. The following public and private lands contain some areas where native streamside plant communities remain intact:

- Adair Park in Benton County
- Deepwood Estate in Salem
- Delbert Hunter Arboretum and Botanic Garden, Dallas
- Fern Ridge in Veneta
- Finley National Wildlife Refuge, south of Corvallis
- Helmick Park near Monmouth
- Jackson-Frazier Wetlands in Corvallis
- Minto Brown Park in Salem
- Willamette Mission State Park north of Salem
- Simpson Park in Albany
- Smith Bybee Lakes in Portland
- Tadena Landing Trail and Bowman Park in North Albany
- Tyee Vineyard's nature trail, near Monroe (private land)
- Waterloo County Park, near Lebanon
- Willamette Greenway parks, including the one on Riverside Drive between Albany and Corvallis
- Willow Creek in Eugene (privately owned by The Nature Conservancy, but is open to the public)
- Oxbow Regional Park in Troutdale
- John Inskeep Environmental Learning Center in Oregon City
- Forest Park in Portland
- Tryon Creek State Park in Portland
- Tualatin Hills Nature Park in Beaverton
- Jackson Bottom Wetlands Preserve in Hillsboro
- Audubon Society of Portland Sanctuary
- Oaks Bottom Wildlife Refuge in Portland
- Beggars-tick Wildlife Refuge in Portland
- Sauvie Island Wildlife Area in Portland
- Smith and Bybee Wetlands Natural Area in Portland
- Berry Botanical Garden in Portland
- Leach Botanical Garden in Portland
- Marquam Nature Park in Portland

# ***The Willamette Valley***



*Courtesy of the Lane Council of Governments*



*Courtesy of the Army Corps of Engineers*

## ***Site Planning:***

- ❖ Map your proposed planting site; buildings, paths and drives, utilities, year-round water, seasonal water, soil type, location and extent of streambank failure (if any), wind direction, existing trees and vegetation, neighboring properties, signs of wildlife, etc.
- ❖ Observe your site over time; note seasonal patterns of sun and shade, drainage, and wind.
- ❖ Identify plant distribution on the site; invasive species may need to be removed or controlled, desired species could be used to propagate additional plants (transplanted).
- ❖ Consider access to water and methods of irrigation for newly-established plants, protection from animals, and weed control.
- ❖ Plan a time-line for realization of the planting project, considering optimum planting times, plant availability and costs, requirements for soil cultivation or excavation, and the required permits.
- ❖ Select plant species that “fit” the proposed planting site in their requirements for sunlight, soil type, drainage, and moisture.
- ❖ Determine the stability of the streambank at the proposed site and determine if planting is enough to stabilize the bank. Select plants with soil-binding abilities as needed.
- ❖ Contact local agencies that provide technical assistance for guidance, advice, and permits.
- ❖ Obtain permits for soil excavation and removal, spraying, or vegetation removal or planting as required by laws. Please check with city, county, state and federal agencies for regulations.
- ❖ Research habitat-improvement financing options. Call the local Natural Resources Conservation Service in the phone book government pages.
- ❖ Notice location of powerlines and avoid planting trees near them or plant only low-growing (under 25 feet at maturity) trees adjacent to power lines.
- ❖ Be aware of underground power line safety. Call your local “One call underground locating” number found in the phone directory before you dig.

# Site Preparation

## Streambank Stability

To increase your chance of success with a streambank vegetative planting, you need to address bank stability and existing vegetation.

Adding plants along your streambank can aid in preventing soil erosion. However, if the bank is too unstable, planting may not be enough to stabilize and protect the streambanks.

Signs of an unstable bank include:

- Chunks of soil or sod falling into creek
- Unvegetated or eroded slopes
- Steep, irregular, vertical banks

When these occur, other stabilization measures may be necessary. Mechanical engineering and soil bioengineering measures can be taken to reduce the chances of streambank failures. Additionally, any land uses that could contribute to streambank instability; such as grazing, mowing, or cropping; should be evaluated and possibly eliminated. Stabilizing the bank by deflecting water through engineering means or altering land use practices may be enough to allow vegetation to become established.

To increase the stability of the planting site, you can smooth out irregularities that may cause localized erosion. The bank should be sloped so that for every two feet or more of horizontal distance

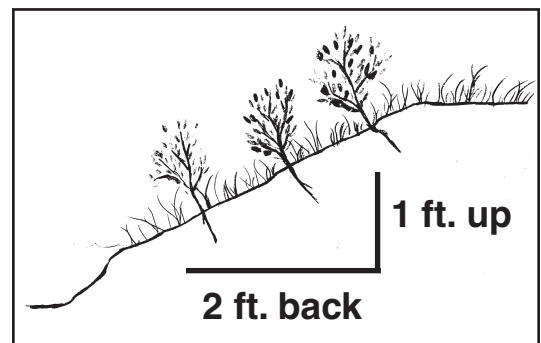
from the stream there is only one foot of vertical rise. Your project should end at two stable points on the bank, i.e. areas that are not eroding and have vegetative protection.

**NOTE:** If you intend to fill or remove soil on a project, you must apply for a joint permit from the Oregon Division of State Lands and the U.S. Army Corps of Engineers. Also contact your county's land use planning, zoning, or management agency.

## Working With Existing Vegetation

Ideally, you want to keep as much of the existing, native, non-invasive vegetation as possible to get a jump-start on streambank recovery.

Certain types of existing vegetation will probably out compete anything you plant for water, nutrients and light. Too much competition from existing plants will reduce the success of your plantings. (See **Invasive non-native plant species** on page 11)



Cross-section of streambank after sloping

*(Site Preparation continued)*

Whether planting grasses, shrubs, or trees, look for any competition that may exist. Invading weeds can be removed by mechanical, hand, or chemical means. Limiting the use of chemicals is preferable because of potential contamination of nearby water sources. Spraying chemicals may also be illegal close to waterways. Call your local County Extension agent for more information. Also, some counties have land use regulations for riparian areas, so contact your county land use planning, zoning or land management before removing vegetation.

## ***Buffers and Riparian Corridors***

Grasses, trees and shrubs along a streambank, lake, or pond are called buffers, and can protect the waterbody from nearby land uses. Streamside plantings of trees, shrubs, and grasses can intercept contaminants from both surface water and groundwater before they reach a stream and help restore damaged streams.

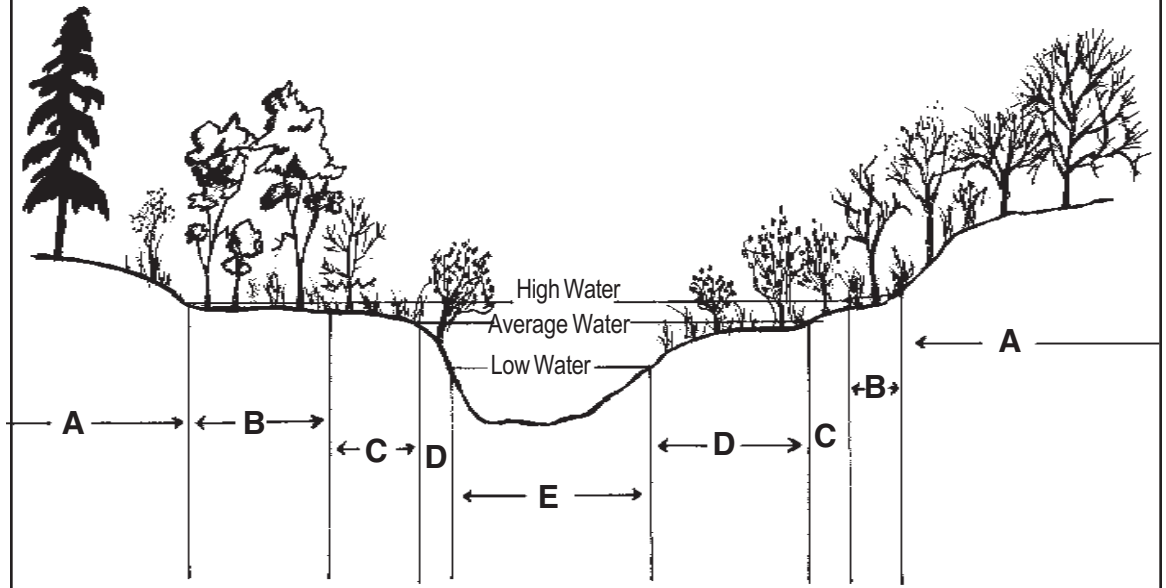
Buffers assist with conservation by slowing water runoff, trapping sediment and enhancing water infiltration in the buffer itself. They also trap fertilizers, pesticides, bacteria, pathogens, and heavy metals. They offer a natural habitat for wildlife, and improve fish habitat. All of these benefits add up to make buffers a visible demonstration of your own personal commitment to common-sense conservation.

Different buffer widths are recommended for different protection purposes. These are general distances and may change as new research becomes available. Under the Forestry Practices Act which is administered by the Oregon Department of Forestry, the recommended buffer width is 20 to 100 feet on either side of the stream. The Natural Resources Conservation Service recommends a minimum of 30 feet on either side. These buffer widths are recommended in order to protect water quality from logging, for maximum stream shading, for filtering pollutants, stabilizing the bank, and providing wildlife habitat. Good upland practices, such as erosion control and pasture management, are also necessary to maintain the health of the land and water.

## ***Planting Location***

Choose plants that are suited for site conditions: soil, shade and water. The diagram on the next page illustrates moisture zones along a creek and describes the planting zones. Refer to the ***Recommended Plants*** section (pages 12 - 20) for information on the zone in which plants will grow best. Clump plants or space them at irregular distances apart so that planting does not look like a grid.

## ***Streamside Vegetation Zones***



### ***Zone Descriptions:***

**Zone A -- uplands**

**Zone B -- temporarily flooded:** underwater only during periods of flooding

**Zone C -- seasonally flooded:** underwater during an average winter

**Zone D -- intermittently exposed:** exposed during summer low water

**Zone E -- permanently flooded:** streambed

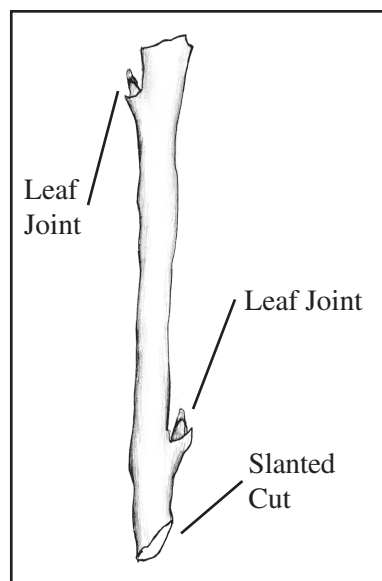
*Source: Fish and Wildlife Service, US Department of the Interior. Dec. 1979. Classification of Wetlands and Deepwater Habitats of the United States.*

# ***Planting and Propagation Techniques***

Propagation techniques are described in detail below. This guidebook suggests only relatively easy plant propagation techniques for each plant. These are general guidelines and will not work in all cases. To determine which technique works for the plants you are interested in, please see the plant descriptions on the following pages. Buying rooted seedlings from a local nursery is the easiest of all methods, although locally adapted species may not be available. Given lead time, nurseries can grow stock or obtain cuttings if they do not carry the species you want. Proper instructions for planting and care can be obtained from the nursery. You might find sources of plants on your own property. Do not collect elsewhere without permission and permits. For information on sources of native plants, see page 23. For details on more difficult plant propagation techniques, please see the references at the end of this guidebook.

## **1) Rooted plants (bare-rooted, ball and burlap, or containerized):**

There are a wide variety of rooted stock available from commercial nurseries. Bare rooted plants are rooted seedlings or cuttings where most of the soil has been removed. Containerized plants are usually potted. Ball and burlap is usually native soil left intact around the root and held together with burlap. It is best to plant in fall, winter, or early spring. For specific methods on planting each type, check with the nursery where you obtained the plant and the references at the end of this publication.



Hardwood Cutting or Live Stake

**2) Hardwood cutting:** Harvest and plant hardwood cuttings as early as possible in the fall or winter or early spring when plant has dropped its leaves (when plant is dormant) for a better chance of survival. Cut the tip of a branch back until it is at least 1/4 to 1/2 inch in diameter. Use one to two year old wood. The age of the wood is easy to tell from the number of growth rings on the cutting. For some species it is necessary to use cuttings only from the previous years growth (older wood is less likely to root). Cut branch into pieces 12 to 24 inches long, being sure to keep at least two leaf joints. The bottom cut should be just below a leaf joint and slanted. If desired, use rooting hormone on slanted end. Bury cuttings in well drained soil with two thirds of cutting below ground. Protect your cuttings from frost. Use rebar or long metal stake to make holes in the bank to plant cuttings.

**3) Live stakes:** A live stake is a large hardwood cutting sturdy enough to hold down erosion control mats and bundles of branches. Plant live stakes as early as possible in the fall or winter for a better chance of survival. During the cold and wet season, cut a stem approximately 1/2" to 2 1/2" thick (often two to five year old wood) and 2 1/2 to 3 feet long. (See diagram of live stake) For willows, the larger diameter of the stem you use, the better. Be sure to plant the stake with the buds pointing up and the wider end in the ground. To plant, tap the stakes into the ground and be careful to avoid damaging the top of the stake. It may be necessary in harder ground to start the planting hole with a pipe.

**4) Softwood cuttings:** From soft, new spring growth, cut a 4 to 5 inch long cutting just below a leaf and remove all leaves but the top two. Clip off the top end. Dip the cut end into liquid rooting hormone and stick it into rooting medium (sand or perlite and less than 25% peat moss). Water daily and thoroughly. Keep humidity up by making a miniature greenhouse with a clear plastic—ventilate daily. Transplant growing cutting into its own pot until it is time to plant in final destination.

**5) Layering:** Layering is the process of inducing stems and branches to root while still attached to the parent plant. Use a low-growing branch that can be bent down to the ground. For woody species, make a slanting cut on the underside of the branch about 12 inches from the tip and just below a joint (DO NOT cut all the way through); keep cut open with a pebble or peg. Use a wire loop to secure the cut part of the branch in a hole about 2 to 4 inches deep. Fill the hole with good soil or soil mix and put a brick or stone on top to ensure the branch stays in the ground. Protect with a mulch in winter. When new growth shows, dig down to check root growth; and if they have grown, completely cut away from the parent and transplant.

**6) Divisions of root, bulbs, rhizomes or tubers\*:** Done in autumn or early spring. To divide deciduous and semi-deciduous perennials, cut foliage back to about 4 inches from the ground. With evergreen perennials, leave all young, healthy foliage, but remove all dead leaves. Find natural divisions and cut or break them apart and plant.

**7) Rooted sucker\*:** a shoot that grows from the roots of a parent plant. Dig it up and plant in new location.

**8) Seeds:** Each plant seed requires different growing conditions. Check with a local nursery or any source from the list at the back of this book to learn how to successfully sprout and grow seeds. Consider the use of erosion control fabrics and mulches to prevent the seed from washing away and to keep the soil moist for seed germination.

\* NOT A SUGGESTED METHOD FOR COLLECTING WILD PLANTS, except from locations such as construction sites, or on your own property.

## Site Maintenance

Even though your plants are natives, they will still need some attention until they are successfully established. You will most likely need to water them during the first summer after they are planted (water deeply rather than frequently) to help them form root systems. You may need to control plants that compete for water and nutrients and protect plants from animals that eat their leaves or bark. Some suggested methods of animal protection are tubing, repellents, netting, fencing, or trapping and baiting.

If topsoil is intact, you do not need to add new soil, fertilizers, or soil enrichers before planting or to fertilize after planting. If a plant fails to thrive after its first year, you may find it will be happier in a different location. However, if your bank is eroded and has little or no topsoil, the remaining subsoils should be amended with topsoil low in weed seeds where plant is planted. Some local topsoil amendment has soil organisms required for improving growth, health and vigor. These organisms improve nitrogen and moisture uptake, and help prevent disease. Slow release or organic fertilizer in the planting hole might be necessary if topsoil has eroded away. Recommended organic fertilizers include composted manure and/or vegetation.

## Invasive Non-Native Plant Species

We recommend that you do **NOT** plant these species in or near streams or wetlands due to their aggressive growth habit and competitiveness. They can take over and dominate native plant species.

- Purple Loosestrife (*Lythrum salicaria*)
- Scotch Broom (*Cytisus scoparius*)
- Tall Fescue (*Festuca arundinacea*)
- Ivy (*Hedera helix* and *Hedera species*)
- Himalyan Blackberry (*Rubus discolor*)
- English Holly (*Ilex aquifolium*)
- Reed Canary Grass (*Phalaris arundinacea*)\*
- Yellow Water Iris (*Iris pseudacorus*)
- St. John's Wort (*Hypericum perforatum*)
- Ryegrasses (*Lolium perenne*, *multiflorum*)
- Bird's Foot Trefoil (*Lotus corniculatus*)
- English Laurel (*Prunus laurocerasus*)
- Periwinkles (*Vinca minor*, *V. major*)
- Bamboo species (*several genera*)
- Japanese Knotweed (*Polygonium cuspidatum*, *P. sachilense*)
- Evergreen Blackberry (*Rubus laciniatus*)
- White poplar (*Populus alba*)
- Non-native Bentgrasses (*Agrostis tenuis*, *palustris*, *alba*, *stolonifera*, *capillaris*, *castellana*, *gigantea*)
- English Hawthorn (*Crataegus monogyra*)

\* Invasive, possibly native

# Recommended Plants

The following pages describe the some of the main trees, shrubs, herbaceous plants, flowers, grasses, sedges, and rushes recommended for stream side planting. **This guide does not cover all the recommended species; only the most common plants which are easily propagated. Local nurseries and experts can suggest additional plants which are native and easy to grow.** Seedlings and rooted stock of all the recommended species are commercially available. The symbols indicate which of the species recommended in this guide have the most value for bank stabilization and wildlife, and the amount of sun or shade in which the plant grows best. The zone refers to the area along the stream bank to which the plant is most adapted (see diagram on page 8). Please note that the scientific names change due to new genetic research. For an updated list of names see the National PLANTS Database at <http://plants.usda.gov>

## Trees

### Big Leaf Maple



(*Acer macrophyllum*)

**Zone a, b**

40' - 100' tall. 2 - 4' diameter trunk. In clusters it is a tall, straight tree. In the open, it usually forms several large branches within the first 15 feet in a dense round, spreading crown. Good browse for black tailed and mule deer. Seeds are food source for mice, wood rats, squirrels, chipmunks, and some birds. Host to mosses, lichens, and ferns. Fast growing.

Prefers moist, well drained soils.

Propagate from seed.

branches for most of height with a narrow open crown. In the open, branches start about halfway up the trunk. Important browse for deer and elk and important resting habitat for large birds.

Grows in moist sites along streams. Grows fast and will sprout from stump.

Propagate from hardwood cuttings, live stakes, seed.

### Black Cottonwood



(*Populus trichocarpa*, *P. balsamifera* ssp. *trichocarpa*)

**Zone a, b, c**

100' - 200' tall. 3' - 6' diameter. In dense clusters, the trunk is long and clear of

### Legend



Bank Stabilization



Sun



Partial Sun



Shade



Wildlife

## Oregon Ash

(*Fraxinus latifolia*)



Zone b, c, d

40' - 80' tall. 1' - 2.5' diameter. When it grows in dense clusters, its shape is long, with a clean, narrow trunk and short crown; in the open it is short, with a thick trunk and wide, rounded crown. Abundant seed producer.

Grows in moist to wet soils near streams.

Propagate from seed.

## Oregon Crabapple

(*Malus fusca*, *Pyrus fusca*)



Zone b, c, d

Large shrubs or small trees grow up to 40' tall and 10" - 18" diameter with stiff, low branching, multiple trunks. Fruit eaten by birds. Indians used to soak fruit in water in order to eat them.

Grows in moist sites near streams.

Propagate from seed, layering.

## Oregon White Oak

(*Quercus garryana*)



Zone a, b

40 - 80' tall. 2 - 3' diameter with a short, thick trunk and a broad, round-topped crown of heavy, gnarled limbs. In the open, trees have a very regular, spherical shape that looks trimmed. Foliage rich in protein. Heavy seeder and vigorous sprouter, but delicate. Can withstand both flooding and drought.

Grows in dry to moist, well-drained soils. Forms pure stands.

Propagate from acorns.

## Ponderosa Pine

(*Pinus ponderosa*)



Zone a, b

(There is a Willamette Valley variety)

125 - 180' tall. 3 - 6' diameter with a tall, open canopy. Seeds are an important food source to all the seed eaters in the forest.

Commonly found on dry, sandy, or gravelly soils, but valley pine grows in seasonally wet places.

Propagate from seed.

## Red Alder

(*Alnus rubra*)



Zone a, b, c

30' - 120' tall. 1 - 3' diameter, slender tree with abundant leaves, but airy look. Relatively short lived (50 years). Inhibits growth of soil fungus that causes heart rot in Douglas-fir. Symbiotic relationship with nitrogen fixing bacteria (adds nitrogen to soil). Provides wildlife food and nest sites. Fast growing.

Mountain slopes, foot hills.

Propagate from seed.

## Western Red Cedar

(*Thuja plicata*)



Zone a, b, c

150' - 200' tall. 3 - 10' diameter. Pyramid shaped tree with straight trunk and branches nearly to the ground. Branches curve downward, then turn up at the ends. Essentially absent from the Willamette Valley south of Clackamas County.

Prefers stream banks, moist flats, forested swamps.

Propagate from seed, layering, softwood or hardwood cuttings.

## White Alder

(*Alnus rhombifolia*)



Zone b, c

40' - 80' tall. 1' - 2' diameter with multiple trunks. Grows quickly and lives around 100 yrs. max. Symbiotic relationship with nitrogen fixing bacteria.

Prefers moist areas and stream banks along the valley floor.

Propagate from seed.

## Willows

(*Salix*)



Zone b, c, d

**Sitka** (*sitchensis*)

**Pacific** (*lasiandra*)

**Scouler** (*scouleriana*)\*

**Northwest** (*sessilifolia*)

**Piper** (*piperi*, *hookeriana*)

Forms thickets. 10' - 40' depending on species and soil. Grows quickly and has a short life span. Erosion control, good browse. Grouse and quail feed on buds.

Grow in moist, well-drained soil, sun.

Propagate from live stakes, hard or softwood cuttings, seed, layering.

\* Scouler willow is more drought and shade tolerant than other willows and does not tolerate standing water (see Cooke, Page 72).

### Legend



Bank Stabilization



Sun



Partial Sun



Shade



Wildlife

## Shrubs

### Black Hawthorn



(*Crataegus douglasii*, *C. suksdorfii*)

Zone b, c

Deciduous 10' - 30' tree or shrub, often thicket forming. White flowers and black berries. Provides food and shelter for birds.

Propagate from seed.

### Cascara (buckthorn, chittam bark)



(*Rhamnus purshiana*)

Zone a, b

Deciduous 10' - 35' tree. Small black berries eaten by wildlife. Bark used as a laxative. Often grows with conifers on moist, well-drained soils.

Propagate from seed.

### Hazelnut



(*Corylus cornuta* var. *californica*) Zone a, b

Deciduous 20' - 30' shrub or tree often in dense clumps and understory of forests. Nuts are relished by wildlife.

Intolerant of saturated soil.

Propagate from nuts, layering.

### Indian Plum/Osoberry



(*Oemleria cerasiformis*)

Zone a, b, c

Deciduous 5' - 16' shrub that blooms in February and produces edible berries in June.

Prefers well drained soils.

Propagate from seed and hardwood cuttings.

## Mock Orange



(*Philadelphus lewisii*)

**Zone a, b**

Deciduous 5' - 10' multi-stemmed shrub. Ornamental white flowers attract bees and butterflies.

Propagate from hardwood cuttings, seed.

## Nootka Rose



(*Rosa nootkana*)

**Zone a, b, c**

Deciduous thorny bush to 6'. Pink flowers provide nectar for insects. Fruit eaten by birds and small mammals; deer and elk browse foliage. Provides wildlife cover.

Propagate from seed, live stakes, hardwood cuttings.

## Ocean Spray



(*Holodiscus discolor*)

**Zone a, b**

Deciduous multi-stemmed shrub to 15' provides wildlife cover, nectar, and browse.

Intolerant to saturated soils; very drought tolerant.

Propagate from seed, hardwood cuttings.

## Oregon Grape (tall)



(*Berberis aquifolium*)

**Zone a, b**

**Oregon Grape** (*Berberis nervosa* also called *Mahonia nervosa*)

Evergreen multi-stemmed shrub with holly-like leaves, yellow flowers, and dark blue berries. Tall variety 5' to 10'; low variety to 2'. Both spread from underground stems.

Fruit and nectar provide wildlife food.

The low variety tolerates full shade.

Propagate from seed, rooted suckers.

## Pacific Ninebark



(*Physocarpus capitatus*)

**Zone b, c**

Deciduous multi-stemmed shrub 6' to 13' provides cover and food for wildlife.

Prefers streambanks.

Propagate from hardwood or softwood cuttings, live stakes, seed.

## Red Elderberry



(*Sambucus racemosa* ssp. *pubens* var. *arborescens* formerly *S. racemosa* var. *arborescens*)

**Zone a, b, c**

Deciduous multi-stemmed shrub to 20' provides nectar, berries, and browse for wildlife.

Grows in clearings and on stream banks.

Propagate from hardwood cuttings, live stakes, layering, seed.

## Red-osier Dogwood



(*Cornus sericea* ssp. *occidentalis*, *Conus stolonifera* var. *occidentalis*)

**Zone b, c, d**

Deciduous multi-stemmed shrub to 15'. Provides cover, browse, and berries for wildlife.

Grows on streambanks and tolerates seasonal flooding.

Propagate by seeds, hardwood cuttings, live stakes, layering.

## Salmonberry



**Zone b, c**

(*Rubus spectabilis*)

Deciduous rapidly growing shrub, 3' to 10' in moist places. Best used in foothills of Coast and Cascade Ranges. Provides wildlife cover, nectar, berries, and forage.

Propagate from hardwood cuttings, rooted suckers, live stakes, seed.

## Pacific Serviceberry



**Zone a, b**

(*Amelanchier alnifolia*, var *semiintegrifolia*)

Deciduous multi-stemmed shrub 10' - 25' grows in well drained soils, often forming thickets. Provides cover, browse, and berries for wildlife. Berries edible by humans, too.

Propagate from seed, layering.

## Snowberry



**Zone a, b, c**

(*Symphoricarpos albus* var. *laevigatus*)

Deciduous 2' - 6' shrub spreads by rhizomes, often forms thickets. Provides cover, browse and white berries for wildlife.

Propagate from hardwood cuttings, seeds, rooted suckers.

## Douglas Spiraea

### (Hardhack, Steeplebush)



**Zone b, c, d**

(*Spiraea douglasii* var. *menziesii* and var. *douglasii*)

Deciduous wetland shrub, sometimes invasive in its preferred habitats. Provides cover for animals and nectar for insects.

Propagated from hardwood cuttings, seeds, divisions, rooted suckers.

## Vine Maple



**Zone a, b**

(*Acer circinatum*)

Deciduous small tree (to 25') or tangle of vine-like branches, depending on habitat. Common forest understory plant provides seeds, nectar, browse, and cover for wildlife.

Propagate by layering or from fresh seeds (sow immediately).

### Legend



Bank Stabilization



Sun



Partial Sun



Shade



Wildlife

## ***Herbaceous Plants and Flowers***

### **American Speedwell**



**Zone c**

(*Veronica americana*)

Perennial, to 1' tall. Blue flowers in clusters.

Grows in moist ground; shallow water of marshes; wet, sandy soil of gravelly streams.

Propagate from seeds or rhizome.

### **Common Camas**



**Zone b, c**

(*Camassia quamash*)

Perennial, up to 1.5' tall.

Moist to wet prairies, important food source for Native Americans.

Propagate from seed, bulbs.

### **Leichtlin's Camas**



**Zone b, c**

(*C. leichtlinii*)

Moist to wet prairies, important food source for Native Americans. (Be aware that there is also a poisonous white flowered camas, known as death camas)

Propagate from seed, bulbs.

### **Cow Parsnip**



**Zone a, b**

(*Heracleum lanatum*)

Perennial/biennial. Up to 8' tall. White flowers.

Grows in streambanks, wet meadows.

Propagate from fresh seeds or seedling.

### **Hall's Aster**



**Zone a, b**

(*Aster hallii*)

Perennial/annual. Up to 2' tall. White flower.

Wet meadows, shrub swamps, forested wetlands, rocky streambanks.

Propagate from seeds or division of rootcrown.

### **Hedge Nettle**



**Zone a, b**

(*Stachys cooleyae*)

Perennial, up to 4' tall. Red to purple flowers.

Grows in swampy, marshy woods, lake shores, streambanks.

Propagate from seeds, seedlings, division.

### **Large-leaf Lupine**



**Zone a, b**

(*Lupinus polyphyllus*)

Perennial. 2 - 4' tall. Spike of pea-like white to blue flowers.

Grows on streambanks, wet meadows.

Propagate from seeds (steeped in hot water).

### **Northwest Cinquefoil**



**Zone a, b**

(*Potentilla gracilis*)

Perennial. Up to 2' tall. Yellow flowers.

Wet meadows, streambanks.

Propagate from seeds, divisions or seedlings.

### **Piggy-back Plant**



**Zone a, b**

(*Tolmiea menziesii*)

Perennial, up to 2' tall.

Wet woodlands, streambanks.

Propagate from seeds, plantlets, or rootstalk.

## Seep-spring Monkey Flower

(*Mimulus guttatus*) **Zone b, c**

Annual/perennial. Up to 2' tall. Yellow flowers similar to snap dragons.

Habitat is wet meadow, marshes, springs, ponds, streambanks.

Propagate from seeds (easy to germinate) or seedlings.

## Stinging Nettle

(*Urtica dioica*) **Zone a, b**

Up to 6' tall. Clusters of greenish flowers hang below leaves. Hairs of this plant sting bare skin.

Swampy/marshy/lakeshore/streambank.

Propagate from seed.

## Water Parsley

(*Oenanthe sarmentosa*) **Zone c, d, e**  
(in water less than 1.5 feet deep)

Perennial, up to 1.5' tall. White flowers.

Swamps, wet meadows, marshes, along the banks of slow-moving streams, wooded wetlands.

Propagate from seeds or seedlings.

### Legend



Bank Stabilization



Sun



Partial Sun



Shade



Wildlife

## Grasses

### American Sloughgrass

(*Beckmannia syzigachne*) **Zone b, c**

Grows 5' tall and produces many seeds for wildlife. Annual or short-lived perennial (2-3 years).

Grows in seasonal wetlands, pond shores, marshes, shallow water. Rapid growth and establishment.

Propagate from seed.

### Columbia Brome

(*Bromis vulgaris*) **Zone a**

Grows 1.5 to 3.5' tall. One of the most shade tolerant native perennial bunchgrasses.

Excellent for understory soil protection in denser thickets and under trees. Needs well drained soils. Moist to dry banks in shade or open wood.

Propagate from seed.

### Roemer's Fescue

(*Festuca roemerii*)

**Zone a, b**

1.5 - 2' tall. Long-lived perennial bunchgrass.

Loamy, sandy or gravelly soils, grows in shade or sun and tolerates acidic soils. Requires good drainage.

Propagate from seed.

## Short-awned Foxtail



(*Alopecurus aequalis* var. *aequalis*) **Zone b, c, d**

(Similar species: *A. geniculatus*) 1.5' tall.

Grows in shallow standing (or slow moving) water. Prefers mostly open areas, not often in shade.

Propagate from seed or layering.

## Western Mannagrass



(*Glyceria occidentalis*)

**Zone c, d**

1.5' -5' tall. Perennial that spreads by rhizomes. Good cover and seed source for many birds and waterfowl. Preferred forage for small mammals and deer.

Grows in shallow standing or slowly moving water, or permanently moist ground.

Propagate from seed or rhizome cuttings.

## Tufted Hairgrass



(*Deschampsia cespitosa*)

**Zone b, c**

Erect, perennial, bunchgrass from 1.5' - 6' tall grows in dense hummocks. Provides food and shelter for small animals.

Tolerates light grazing. Grow in full sun, no year round flooding. Tolerant of clay soils that are saturated in winter, but not flooded.

Propagate from seed or division of mature clumps or “tufts.”

## Sedges and Rushes

**Propagating Sedges** - Most sedges are easily propagated. Sedges can be grown from seed sown in the fall, either on-site (or in trays and allowed to overwinter), or in a greenhouse. Rhizome cuttings can be used, but only from appropriate salvage sites. Special seed treatments, such as seed coat removal, may be needed to enhance germination.

## Dense Sedge



(*Carex densa*)

**Zone b, c**

1' - 3.5' tall.

Grows at low elevations, floodplains, seasonal wetlands, and wet prairies. Scattered around the edges of pools, in shallow marshes and ditches.

## Dewey Sedge



(*Carex deweyana*)

**Zone a**

8" -3.5' tall.

Grows in mostly upland. Grows on hummocks, along stream banks, and in moist woodlands or forest openings, from valley floors up to near the timberline.

## One-sided Sedge



(*Carex unilateralis*)

**Zone b, c**

1' -3.5' tall.

Grows in moist or wet places at low elevations.

## Saw-beak Sedge, Prickly Sedge

(*Carex stipata*)

Zone b, c

1' - 3.5' tall.

Grows in disturbed wet meadows and ditches in lowland to mid-mountain elevations.

## Slough Sedge

(*Carex obnupta*)

Zone b, c

2' - 5' tall perennial. Forms rhizomes. Excellent understory species for erosion control.

Grows in seasonally saturated areas. Wet, shallowly inundated woods, meadows, roadside ditches, lake shores, bogs, marshes, and river banks.

## Creeping Spikerush

(*Eleocharis palustris*)

Zone d, e

(in water less than 1.5 feet deep)

Up to 3' tall. Spreads by rhizomes. Seed is food for geese and ducks.

Grows in shallow, permanently flooded or semi-permanently saturated soils.

Propagate from seeds and division of rhizomes.

## Dagger-leaf rush

(*Juncus ensifolius*)

Zone c, d

0.5' - 2' tall.

Moist sites, but not primarily around standing water. Occurs from sea level to mid mountain meadows.

## Hardstem Bulrush, Tule

(*Scirpus acutus*)

Zone d, e

(in water less than 3 ft. deep and slow moving)

3.5' - 10' tall and are used by birds for nesting material and nest sites. Provides food for water birds, cover for fish, shelter for small mammals and amphibians, and nesting habitat for the western grebe.

Lakeshores, emergent marshes, freshwater marshes, mud substrates; tolerates water up to 3 feet deep. Associated with cattails and yellow pond-lily. Stems help reduce shoreline erosion from wave action.

Propagate from seed or rhizome cuttings, salvaging clumps, or dividing salvaged plants.

## Small-fruited Bulrush

(*Scirpus microcarpus*)

Zone d, e

(in water less than 1.5 feet deep)

2' - 5' tall and provides cover for birds and small mammals.

Found on wet to inundated, nitrogen-rich soils. Disturbed sites. Wetlands, roadside ditches, and wet clearings. Tolerates shade.

Propagate from rhizome cuttings or seed.

### Legend



Bank Stabilization



Sun



Partial Sun



Shade



Wildlife

# List of Recommended Plants

## Trees

**Big Leaf Maple** (*Acer macrophyllum*)  
**Black Cottonwood** (*Populus trichocarpa*, *P. balsamifera* ssp. *trichocarpa*)  
**Oregon Ash** (*Fraxinus latifolia*)  
**Oregon Crabapple** (*Malus fusca*, *Pyrus fusca*)  
**Oregon White Oak** (*Quercus garryana*)  
**Ponderosa Pine** (*Pinus ponderosa*)  
**Red Alder** (*Alnus rubra*)  
**Western Red Cedar** (*Thuja plicata*)  
**White Alder** (*Alnus rhombifolia*)  
**Willows** (*Salix*)  
    **Sitka** (*sitchensis*), **Pacific** (*lasianдра*), **Scouler** (*scouleriana*), **Northwest** (*sessilifolia*), **Piper** (*piperi*, *hookeriana*)

## Shrubs

**Black Hawthorn** (*Crataegus douglasii*, *C. suksdorfii*)  
**Cascara** (**Buckthorn**, **Chittam Bark**) (*Rhamnus purshiana*)  
**Hazelnut** (*Corylus cornuta* var. *californica*)  
**Indian Plum/Osberry** (*Oemleria cerasiformis*)  
**Mock Orange** (*Philadelphus lewisii*)  
**Nootka Rose** (*Rosa nootkana*)  
**Ocean Spray** (*Holodiscus discolor*)  
**Oregon Grape** (tall) (*Berberis aquifolium*)  
**Oregon Grape** (*Berberis nervosa* also called *Mahonia nervosa*)  
**Pacific Ninebark** (*Physocarpus capitatus*)  
**Red Elderberry** (*Sambucus racemosa* ssp. *pubens* var. *arborescens* formerly *S. racemosa* var. *arborescens*)  
**Red-osier Dogwood** (*Cornus sericea* ssp. *occidentalis*, *Conus stolonifera* var. *occidentalis*)  
**Salmonberry** (*Rubus spectabilis*)  
**Pacific Serviceberry** (*Amelanchier alnifolia*, var. *semiintegrifolia*)  
**Snowberry** (*Symphoricarpos albus* var. *laevigatus*)

**Douglas Spirea** (**Hardhack**, **Steeplebush**) (*Spirea douglasii* var. *menziesii* and var. *douglasii*)  
**Vine Maple** (*Acer circinatum*)

## Herbaceous Plants and Flowers

**American Speedwell** (*Veronica americana*)  
**Common Camas** (*Camassia quamash*)  
**Leichtlin's Camas** (*C. leichtlinii*)  
**Cow Parsnip** (*Heracleum lanatum*)  
**Hall's Aster** (*Aster hallii*)  
**Hedge Nettle** (*Stachys cooleyae*)  
**Large-leaf Lupine** (*Lupinus polyphyllus*)  
**Northwest Cinquefoil** (*Potentilla gracilis*)  
**Piggy-back Plant** (*Tolmiea menziesii*)  
**Seep-spring Monkey Flower** (*Mimulus guttatus*)  
**Stinging Nettle** (*Urtica dioica*)  
**Water Parsley** (*Oenanthe sarmentosa*)

## Grasses

**American Sloughgrass** (*Beckmannia syzigachne*).  
**Columbia Brome** (*Bromis vulgaris*)  
**Roemer's Fescue** (*Festuca idahoensis* var. *roemeri*)  
**Short-awned Foxtail** (*Alopecurus aequalis* var. *aequalis*)  
**Western Mannagrass** (*Glyceria occidentalis*)  
**Tufted Hairgrass** (*Deschampsia cespitosa*)

## Sedges and Rushes

**Dense Sedge** (*Carex densa*)  
**Dewey Sedge** (*Carex deweyana*)  
**One-sided Sedge** (*Carex unilateralis*)  
**Saw-beak Sedge, Prickly Sedge** (*Carex stipata*)  
**Slough Sedge** (*Carex obnupta*)  
**Creeping Spikerush** (*Eleocharis palustris*)  
**Dagger-leaf Rush** (*Juncus ensifolius*)  
**Hardstem Bulrush, Tule** (*Scirpus acutus*)  
**Small-fruited Bulrush** (*Scirpus microcarpus*)

# ***Glossary***

***Buffer:*** A vegetated area of grass, shrubs or trees designed to (1) capture and filter runoff and sediment from surrounding land uses, (2) stabilize the streambank, (3) provide shade to stream, and (4) provide food and shelter to fish and wildlife.

***Exotic:*** Introduced, non-native plants.

***Floodplain:*** The flat area of land adjacent to a stream affected by floods.

***Hydric Soils:*** Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the rooting zone of plants. Often found in wetlands.

***Intermittently Exposed:*** Exposed during summer low water.

***Intermittent Stream:*** A stream that does not flow continuously throughout the year.

***Invasive Vegetation:*** Aggressive, competitive types of plants that will often overwhelm and out-compete other varieties and will dominate an area.

***Native:*** Originating naturally in a particular geographic region.

***Perennial:*** A plant that has more than one growing season.

***Rhizome:*** An underground stem that spreads by creeping; may be long and slender or thick and fleshy.

***Riparian Zone:*** The vegetated area adjacent to a stream or any other waterbody. Its width varies according to the nature of the stream valley.

***Seasonally Flooded:*** Underwater during an average winter.

***Soil Bioengineering:*** The use of live, woody vegetation to increase slope stability.

***Swale:*** A low lying, wet stretch of land.

***Temporarily Flooded:*** An area which is under water only during periods of flooding.

***Toe:*** The bottom of a slope or bank.

***Upland:*** The area that is not usually affected by standing or moving water.

***Watershed:*** The area that contributes water runoff to a stream.

***Wetland:*** An area of land that is saturated at least part of the year by water. Usually found in depressions, low-lying areas or along floodplain or coastal areas.

# ***Plant Material Sources***

## **Oregon Association of Nurseries:**

**Phone:** 1-800-342-6401    **Website:** <http://www.nurseryguide.com>

Contact your local **Soil and Water Conservation District** for information about native plant sales in your area.

## ***Agencies/Contacts***

**Soil and Water Conservation Districts:** To locate your local SWCD, look in the yellow pages, call the Oregon Department of Agriculture (Salem) (503) 986-4700 or on the web at <http://www.oacd.org>.

**Call for:** Technical assistance, cost share assistance, information on current conservation work in your area, assistance with projects.

**Watershed Councils:** To locate your local watershed council, see <http://oregon.gov/OWEB> or call the Oregon Watershed Enhancement Board at (503) 986-0178.

**Call for:** Information on current conservation work in your area, assistance with projects, help with natural resource concerns, and information on watershed conditions.

**Natural Resources Conservation Service:** Look in the federal section of the blue pages in the front of your local phone book. Your local Natural Resources Conservation Service office is listed under the Department of Agriculture, or on the web at [www.or.nrcs.usda.gov](http://www.or.nrcs.usda.gov).

**Call for:** Technical assistance, information on funding programs for projects and conservation easements.

## **Oregon State Univ. Extension Service**

An office is located in each county, serviced by an Extension Agent; additional resources are available at the University.

**Web page:** <http://extension.oregonstate.edu>

**Call For:** Information on soils, plant establishment, and other related subjects.

**Division of State Lands:** 775 Summer Street NE, Suite 100, Salem, OR 97301-1279

**Phone:** 503-378-3805

**Web page:** [www.oregonstatelands.us](http://www.oregonstatelands.us)

**Call for:** State removal/fill law.

## **Oregon Department of Fish and Wildlife:**

3406 Cherry Avenue NE, Salem, OR 97303

**Phone:** 503-947-6000 or 1-800-720-ODFW

**Web page:** [www.dfw.state.or.us](http://www.dfw.state.or.us)

**Call for:** Fish and wildlife habitat programs.

## **Oregon Water Resources Department:**

725 Summer Street NE, Suite A,  
Salem, OR 97301-1271

**Phone:** 503-986-0900

**Web page:** [www.wrd.state.or.us](http://www.wrd.state.or.us)

**Call For:** Water rights permits and information.

## **U.S. Army Corps of Engineers, Portland District:**

PO Box 2946, Portland, OR 97208-2946

**Phone:** 503-808-5150

**Web page:** [www.nwp.usace.army.mil](http://www.nwp.usace.army.mil)

**Call for:** Removal/fill law.

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## Exhibit C - Expirations and Extensions Analysis

Source: Wayne Hayson, Pioneer Design Group  
Prepared: 07/04/2024 for Case #MIMD124-0008

Jurisdiction	Initial Approval Period	No. of Extensions Allowed	Length of Extension Allowed	Approval Period + Initial Extension	Commencement	Required Findings
Newberg	1 year	Unspecified	6 months	1 ½-years	Building permit issued & commenced construction	Land use designation has not changed; & applicable standards which applied to the project have not changed
Section 15.220.020 & 15.225.100	...An approved site design review plan intended to be constructed in a single phase shall be valid for one year from the date of the notice of final decision. A building permit must be acquired within this time period or the design review approval shall terminate. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing ...A conditional use permit granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within one year from the effective date of the decision. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing.....					
Dundee	1 year	One	1 year	2 years	Building permit submittal	No changes to the applicable code provisions. If there have been changes and subject plan does not comply with those changes, extension shall not be granted
Section 17.402.070	A. Approval Period. Site development review approvals shall be effective for a period of one year from the date of approval. The approval shall lapse if: 1. A public improvement plan or building permit application for the project has not been submitted within one year of approval; .....B. Extension. The city planning official, upon written request by the applicant, shall grant one written extension of the approval period not to exceed one year; provided, that the applicant demonstrates: .....					
Salem	2 years	Two	2 years	4 years	Building permit issuance	No changes to standards & criteria used to approve application; or no changes to standards & criteria that would require modification of the original approval.

**TECHNICAL  
MEMORANDUM**

**Exhibit A – Jurisdiction Analysis**

Sections 300.850(a) & (b), Table 300-3	...Unless a different period of time is established in the UDC or in the decision, all approvals of land use actions shall expire automatically upon the dates set forth in Table 300-3 unless one of the following has occurred:.....no exercise of the rights granted under the land use action shall be deemed to have commenced until a building permit has been issued. (b) (1) Whenever the decision requires exercise of approval rights or satisfaction of conditions of approval within a particular period of time, the approval period may be extended for the times set forth in Table 300-3 through filing an application for extension prior to the expiration date.					
<b>Sherwood</b>	2 Years	Unspecified	1 year	3 years	Substantial construction	Written request showing adequate cause for such extension
Section 16.82.020.E.	.....authorization of a conditional use shall be void after two (2) years or such lesser time as the approval may specify .....The Hearing Authority may extend authorization for an additional period, not to exceed one (1) year, upon a written request from the applicant.....					
<b>Tigard</b>	3 years	One	2 Years	5 Years	Submit & pay for applicable development permits	Good faith effort to utilize approval; and if applicable, update TIS or sensitive lands report
Sections 18.020.050 & 18.745.030	...For an approval requiring any kind of development permit, the development must: i. Submit and pay for all applicable development permits, excluding trade permits, within three years of the effective date of a conditional use....A. An approved land use application is eligible for one extension....D. If an extension is approved, the expiration date for the original approval is extended an additional 2 years from the effective date.....					
<b>Tualatin</b>	2-years	Unspecified	2-years	4-years	Building permit issued & commenced construction	Written request
Section 33.040.(8)	(a).....a conditional use permit automatically is null and void two years after the effective date upon which it was granted, unless the applicant, or successor in interest, has done one of the following within two years of the effective date of the conditional use permit.....(c)..... The Planning Commission may grant or deny the extension of time, provided the extension of time does not exceed two years.					
<b>Washington County</b>	4 years	One	2 years	6 years	Commenced Development (physical alteration of land or use)	Written request
Sections 201-4 & 201-5	.....Except as outlined below under Section 201-4.2 or as otherwise specifically provided in this Code, a development permit shall expire automatically four years from the date of issuance unless.....The development has commenced as provided in Section 201-6.....An extension may be granted for a maximum of two years from the original date of expiration except as provided in Section 427-5.8. Subsequent extensions may not be granted.					
<b>McMinnville</b>	1 year, or within 1 year of date specified on development schedule approved with the	NA	NA	2 years +	Commenced construction	NA

**Exhibit A – Jurisdiction Analysis**

**TECHNICAL  
MEMORANDUM**

	conditional use					
<i>Section 17.74.060</i>	<i>B. Each conditional use permit issued after the effective date of this ordinance codified in this section shall be terminated if: 1. Construction or remodeling for the conditional use as approved has not been started within one year of the date specified on a development schedule approved with the conditional use, or in case no such development schedule was approved, within one year of the effective date of approval; 2. Construction once commenced does not substantially progress for a one-year period; 3. After completion of the construction or remodeling, the approved use as authorized by the permit lapses for any one-year period.</i>					
<b>Yamhill County</b>	2 years	Unspecified	1 year	3 years	Completion or substantial construction	Written request demonstrating good cause for the delay
<i>Section 1202.05</i>	<i>D. A conditional use approval involving construction shall be null and void two (2) years from the date of final approval unless completion or substantial construction has taken place...The Director may extend the conditional use permit for an additional period not to exceed one (1) year upon receipt of a written request from the applicant...</i>					
<b>North Plains</b>	1 year	Unspecified	1 year	2 years	Completion or substantial construction	No significant changes to the applicable standards
<i>Section 155.010</i>	<i>(A) Except as otherwise provided in this chapter, approval of an application or permit is void after one year or such lesser time as the approval may specify unless substantial construction has taken place or the proposed use has occurred. Approval of a partition, subdivision or PUD is void after two years, or such lesser time as the approval may specify, unless substantial construction has taken place or the proposed use has occurred.</i>					
<b>Cornelius</b>	2 years	NA	NA	2 Years +	Building permit issued & substantial construction	NA
<i>Section 18.105.030</i>	<i>(F) Time Limit on Approvals. A conditional use permit shall become void two years after the date of final approval or after such time less than two years as may be specified as a condition of approval unless prior to that time a building permit has been issued for the project and substantial construction has taken place.</i>					
<b>Forest Grove</b>	2 years	Two	1 year	4 years	Substantial construction	Extension must not violate any provisions of Code or amendments
<i>Section 17.1.130</i>	<i>F. All land use permits, with the exception of a subdivision or a planned development, shall expire two years from the date of issuance unless: 1. Substantial construction or operation of the development has begun within that time and has continued toward final completion; 2. Development is proceeding in accordance with an approved phasing plan; or 3. A written extension is granted by the Director under the Type I review process.</i>					
<b>Beaverton</b>	2 years	Two	2 years	4 years	Construction or establishment of use within the specified time period	Not practicable to commence development; & no change in circumstances or applicable regulations or Statutes likely to necessitate modification

**Exhibit A – Jurisdiction Analysis**

<i>Section 50.90.1</i>	<i>Except as otherwise specifically provided in a specific decision or in this Code, a final decision made pursuant to this Chapter shall expire automatically on the following schedule unless the approval is enacted either through construction or establishment of use within the specified time period. . Two (2) years from the effective date of decision: Conditional Use (Section 40.15.15.4.)</i>					
<b>Hillsboro</b>	2 years	Two	2 years	4 years	Substantial construction	Not practicable to commence development; & no change in circumstances or applicable regulations or Statutes likely to necessitate modification
<i>Section 12.70.140</i>	<i><u>A.</u> Unless a different period of time is established within the Decision, or under subsection <u>D</u> below, a land use action or permit granted pursuant to this subchapter expires and becomes void automatically as provided under Table 12.70.140-1 unless one of the following circumstances has occurred: 1. With the exception of a land use decision that includes a preliminary plat, substantial construction has begun in compliance with the land use action, permit approval, or Zoning Review approval; or 2. The approved land use has begun and is continuing operation in compliance with any applicable conditions of approval; or 4. A first or second extension application has been filed pursuant to Section 12.70.150; or</i>					

**Community Development Department**  
**Code Maintenance Standard Operating Procedures**  
**Updated 07/30/2024**

## **Introduction**

High-functioning local government planning departments perform routine maintenance of the codes, standards, and procedures they are responsible for administering. “Code Maintenance” should be proactive, strategic, and appropriately resourced to implement the comprehensive plan and carry out the policy priorities of the governing body. This work must also be balanced with existing workloads.

Codes need not be overhauled or replaced frequently, nor should they be. But they do need to be maintained; like computer hard drives, automobiles, and other systems, codes break down without routine maintenance. Think about what would happen if you did not update your computer operating system from time to time, or if you waited too long to replace your car’s oil or battery.

## **The Why’s**

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

Code Maintenance corrects and clarifies existing standards and procedures, ensures compliance with new mandates, makes regulations more readable, and in general results in a more efficient permit process while supporting quality control. From a Community Development perspective, Code Maintenance considers the interconnections between different functional areas of local government with a focus on positive community outcomes. For example, by reconciling conflicts between the Development Code, Building Code, Engineering standards (streets, sidewalks, utilities, surface water, etc.), Community Development can help streamline the permit process and improve customer service.

## **Types of Code Maintenance**

For purposes of this guide, there are generally five types of code maintenance amendments: Corrections, Clarifications, Restructuring, Compliance, and “Minor Policy” changes, as outlined below. By using the following rubric and the table with examples, below, staff can discern the type of code maintenance that is needed, or whether an amendment is a major policy change.

### **1. Corrections**

- Scrivener’s errors
- Typographical errors
- Syntax
- Cross references, ordinance citations, etc.

# Code Maintenance Guide

## 2. Clarifications

- Codification (when ordinances are not already codified)
- Interpretations (these are policy-neutral)
- Other clarifications
- Definitions

## 3. Restructuring/Streamlining

- New code drafting conventions (e.g., replacing state law boilerplate with cross references)
- Unification/Relocation (e.g., consolidation of procedures, standards, or definitions, etc.)

## 4. Compliance (Legal Sufficiency)

- Federal
  - First Amendment (Speech, Fair Housing, etc.)
  - Fifth and Fourteenth Amendments (Takings)
  - Code of Federal Regulations, Agency Rules, etc. (including FCC, FEMA, EPA)
- State
  - ORS and OAR
  - LUBA
  - Opt-in programs, may or may not require code maintenance (SHPO CLG, Enterprise Zone, etc.)

## 5. Minor Policy (*Code follows Policy*). Minor code amendments implementing specific direction may be considered Maintenance, provided the changes are solidly grounded in the:

- Comprehensive Plan or TSP
- Other Adopted City Plan
- City Council Goal or Objective, with explicit direction on the need for code change
- Ad Hoc Committee recommendation, with clear City Council direction

## Where do we draw the line between Maintenance and Major Policy Changes?

Major policy changes are not “maintenance”. However, maintenance may include minor policy changes, as discussed above. These are typically narrow in scope and easily addressed with existing staff resources. Minor policy amendments require minimal investment of stakeholders’ time; they do not require standing up a new Ad Hoc committee, for example. They are also typically guided by existing adopted city plans, state or federal mandates, City Council goals, or Ad Hoc Committee recommendations, as directed by City Council.

See Table 1 for examples of each of the above types of code maintenance amendments.

## A Comment on Project Management

As with other planning projects, effective code maintenance requires good project management. This includes establishing the project team (project manager, task leads, reviewers, etc.) and a clear scope of work that is linked to specific goals and outcomes. This may include alignment with certain policy

## Code Maintenance Guide

objectives, mandates, or operational needs, among other outcomes. The full scope should consist of a work plan, schedule, and budget, including assigned personnel, funding, and procurement of any outside services, as applicable. There are many types of project management tools that can be used. The most important are those that facilitate communication among team members, and with stakeholders; tracking of project tasks and deliverables with timelines; quality control; and financial controls.

## Code Maintenance Guide

**Table 1. Code Maintenance Examples**

<b>Model</b>	<b>Examples</b>	<b>Staff Resources</b>	<b>Internal Stakeholders Engagement</b>	<b>External Stakeholders Engagement</b>	<b>Project Duration<sup>1</sup></b>	<b>Resources</b>	<b>Risks</b>
<b>Corrections</b>	Title 15 – Typographical corrections	Low	Legal, as needed	As needed	4-6 months	Low	<b>Low</b> , so long as corrections are fact-based
<b>Clarifications</b>	Design Applicability- How to determine existing value basis	Medium	Legal, as needed	County Assessor	4-6 months	Low-Medium	<b>Medium</b> , due to potential for scope creep
<b>Streamlining or Restructuring</b>	Move Use Table footnotes to standards	Medium	Building, Engineering, Legal, as needed	Chamber, Home Builders, NDC, others, as needed	6-10 months, depending on policy issues and conflicts	Medium-High	<b>Medium</b> , due to potential for scope creep
<b>Legal Sufficiency</b>	35-day DLCD Notice (NMC 15.100.250, OAR 660-018-0020); Childcare in M-1, M-2	Low	Legal, as needed	DLCD	4-6 months	Low	<b>Low</b> , good models exist
<b>Policy-Minor<sup>2</sup></b>	Title 15 amendments for Childcare – Parking	Medium	Engineering, as needed	Chamber, major employers, owners, Yamhill County, COG, caregivers, and other partners	6-10 months	Medium	<b>Medium-Low</b> , City Council direction; risk of scope creep

<sup>1</sup> Duration assumes staff capacity to complete work. Do not assign, or provide contingency staffing plan, when capacity is lacking or uncertain.

<sup>2</sup> Major Policy changes are not Maintenance.

## Code Maintenance Guide

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: February 3, 2025**

Order <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Resolution <input type="checkbox"/>	Motion <input type="checkbox"/>	Information <input checked="" type="checkbox"/>	Proclamation <input type="checkbox"/>
Subject: <b>Property Tax Analysis Discussion</b>				Staff: <b>Kady Strode</b> Department: <b>Finance</b>	
Work Session <input type="checkbox"/> Business Session <input checked="" type="checkbox"/>				Order On Agenda: <b>New Business</b>	

**Is this item state mandated?** Yes ☐ No ☒

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

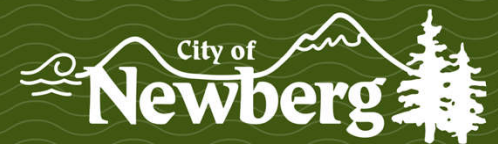
**Recommendation:** Staff is looking for guidance on whether or not to build the allowable 3% property tax increase into the upcoming biennial budget for FY 25-27.

**Executive Summary:** Due to the November 2017 Special Election, City Council is left with the decision to increase the assessed rate by 3% each year until the City reaches its maximum assessed rate of \$4.3827 per \$1,000. The decision point is determined through the budget process when the budget is approved by the budget committee, then again when Council adopts the City budget. This is a discussion only as to whether or not the 3% increase should be built into the biennial budget one or both years, or none at all.

**Fiscal Impact:** Assuming only 3% growth in assessed value each year, not increasing the assessed rate by 3% in FY 2025-26 and FY 2026-27 would result in approximately \$724,841 of property tax revenue loss for the City. This would be a savings of approximately \$19 per year for the average homeowner in Newberg.

**Council Goals:** This aligns with Council Goal 6 – Implement a careful and prudent fiscal policy.

# Property Tax Analysis Discussion



# **Property Taxes in Newberg are Unique**

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Newberg's Maximum Assessed Rate:

\$4.3827 per \$1,000

Current Property Tax Rate Assessed in FY 24-25:

\$2.9852 per \$1,000

Due to the November 2017 Special Election, City Council is left with the decision each year to decide whether to increase the assessed rate by 3% each year until we are back at the maximum assessed rate



Total Assessed Value**	2,542,292,977.00
Tax Rate for FY 24-25	0.0029852
Imposed Taxes 24-25	7,589,252.99
Assessed Value 25-26	2,618,561,766.31
Tax Rate if no increase	0.0029852
Imposed Taxes 25-26	7,816,930.58
Assessed Value 26-27	2,697,118,619.30
Tax Rate if no increase	0.0029852
Imposed Taxes 26-27	8,051,438.50
Assessed Value 25-26	2,618,561,766.31
Tax Rate if 3% Allowed	0.0030748
Imposed Taxes 25-26	8,051,438.50
<b>Difference in 25-26</b>	<b>234,507.92</b>
Assessed Value 26-27	2,697,118,619.30
Tax Rate if 3% Allowed	0.0031670
Imposed Taxes 26-27	8,541,771.11
<b>Difference in 26-27</b>	<b>490,332.60</b>
<b>Total Difference</b>	<b>\$ 724,840.52</b>

### Assumptions:

*3% Growth in Assessed Value Only Each Year*

*Average Newberg homeowner will expect to save \$19 per year if the rate is not increased*

# Property Tax Revenue Forecast

**General  
Fund  
Revenues  
as of  
12/31/24**

	<b>Budget</b>	<b>Actual</b>	<b>Projection</b>	<b>Over (Under)</b>
Beginning Fund Balance	5,164,363.00	5,132,263.00	5,132,263.00	(32,100.00)
Property Taxes	7,157,474.00	6,926,452.00	7,466,452.00	308,978.00
Franchise Fees	1,908,824.00	123,005.00	1,908,824.00	-
Community Development	462,000.00	230,593.00	462,000.00	-
State Shared Revenues	919,348.00	274,571.00	850,000.00	(69,348.00)
Local Marijuana Tax	169,800.00	73,438.00	146,876.00	(22,924.00)
Dundee PD Contract	587,959.00	342,976.00	587,959.00	-
School District SRO Contract	265,000.00	-	-	(265,000.00)
Forensic Services	35,000.00	22,625.00	35,000.00	-
Planning/Subdivision Fees	100,000.00	169,670.00	276,799.00	176,799.00
CCRLS Reimbursement	160,571.00	40,143.00	160,571.00	-
Traffic Fines	450,000.00	283,772.00	499,000.00	49,000.00
Traffic School	45,000.00	44,986.00	93,000.00	48,000.00
Photo Red Light	250,000.00	-	-	(250,000.00)
Opioids Settlement	82,000.00	82,533.00	82,533.00	533.00
Interest Earned	203,000.00	92,031.00	184,062.00	(18,938.00)
Sale of Assets	245,000.00	-	-	(245,000.00)
Internal Revenue - Franchise Fees	1,446,087.00	771,744.00	1,446,087.00	-
Transfer In - Transient Lodging Tax	1,114,783.00	345,018.00	965,018.00	(149,765.00)
Grants	78,000.00	102,654.00	117,654.00	39,654.00
Other	153,465.00	69,499.00	134,499.00	(18,966.00)
				-
<b>Total General Fund Revenues</b>	<b>\$ 20,997,674.00</b>	<b>\$ 15,127,973.00</b>	<b>\$ 20,548,597.00</b>	<b>\$ (449,077.00)</b>

**General Fund  
Expenditures  
as of  
12/31/24**

	Budget	Actual	Projection	Over (Under)
General Government	324,552.00	163,303.00	294,552.00	(30,000.00)
Municipal Court	541,363.00	266,949.00	533,898.00	(7,465.00)
Police	10,358,142.00	5,085,412.00	9,801,085.00	(557,057.00)
Communications	1,466,593.00	746,419.00	1,395,774.00	(70,819.00)
Library	2,586,509.00	1,320,151.00	2,547,738.00	(38,771.00)
Planning	1,624,767.00	583,681.00	1,136,127.00	(488,640.00)
Transfers	372,575.00	-	372,575.00	-
Contingency	3,723,173.00	-	-	(3,723,173.00)
<b>Total General Fund Expenditures</b>	<b>\$ 20,997,674.00</b>	<b>\$ 8,165,915.00</b>	<b>\$ 16,081,749.00</b>	<b>\$ (4,915,925.00)</b>
<b>Estimated Ending Fund Balance</b>			<b>\$ 4,466,848.00</b>	

# Average Revenue Increases

Property Taxes	3-6%
Franchise Fees	5-7%
Community Development	Varies
State Shared Revenues	1-5%
Local Marijuana Tax	1-5%
Dundee PD Contract	5%
Planning/Subdivision Fees	Varies
CCRLS Reimbursement	Varies
Traffic Fines	Varies
Traffic School	Varies
Opioids Settlement	Varies
Interest Earned	Varies
Internal Revenue - Franchise Fees	7%
Transfer In - Transient Lodging Tax	Varies
Grants	Varies

# Debt Reduction Plan Update



## Debt Reduction Update

Debt Reduction Item	Planned for this FY		Amount Received This FY	
School District SRO Contract	\$	265,000	\$	-
Red Light Cameras		250,000		-
Sale of Property		245,000		-
Total	\$	760,000	\$	-

### Plus: Existing Sinking Fund:

SRO Contract from FY 24		265,000		265,000
Starting Balance placed by City		15,000		15,000

### Total Anticipated Sinking Fund

Balance at FY 25	\$	1,040,000.00	\$	280,000.00
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## Debt Reduction Update Cont.

Principal Balance Owed on Communication Tower Debt	\$	1,392,882
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Current Sinking Fund Balance	280,000
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SRO Contract TBD	200,000
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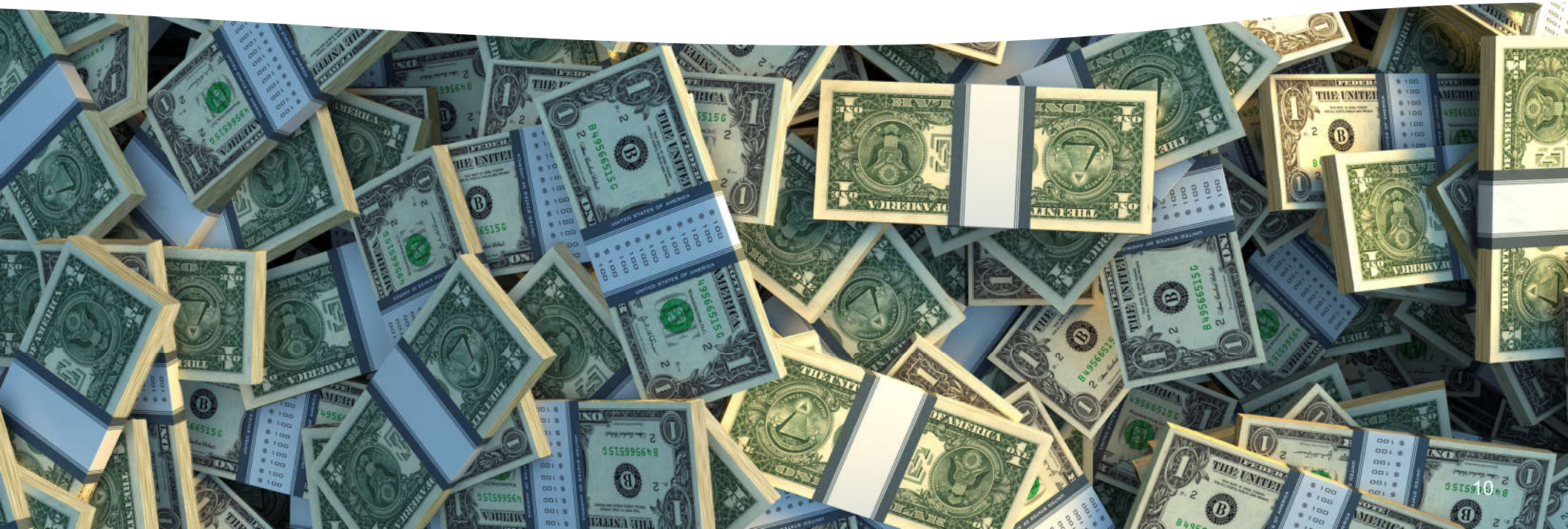
Butler Property Sale TBD	500,000
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Red Light Cameras TBD	250,000
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Property Sale TBD	200,000
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<b>Total</b>	<b>\$</b>	<b>1,430,000</b>
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# Unavoidable Costs



# Pension Rate Increases

## ***PERS***

	Current Rates	FY 25-27 Rates	% Change
Tier I/II	22.87%	28.53%	5.66%
OPSRP	15.83%	21.39%	5.56%
Police and Fire	20.62%	26.66%	6.04%

## ***NERPS***

Current Rates	FY 25-27 Rates	% Change
57.07%	61.80%	4.73%

Pension spikes will cost Oregon public employers \$1.8B in the next biennium: 'It will be more intense before it gets less'

<b>Fiscal Impact for Biennium</b>	<b>\$</b>	<b>1,599,545.00</b>
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## Health Insurance Rate Increases

2026	10-15%	Anticipated
2025	9%	
2024	5%	
2023	0%	
2022	0%	
2021	4%	

<b>Fiscal Impact for Biennium</b>	<b>\$ 936,165</b>	<b>-</b>	<b>\$ 1,139,090</b>
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# **Average Employee Cost Increase**

COLA	3 - 4%
Health Insurance	10 - 15%
PERS	5.5 - 6.0%
NERPS	4.73%

<b>Average Employee Cost Increase</b>	<b>9%</b>
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# Upcoming Budget Items



	FY 25-26		FY 26-27		BY Total
Recruitment Cost	\$	70,000	\$	-	\$ 70,000
Class and Comp Study				60,000	60,000
HR Manager		-		219,754	219,754
2nd HR Generalist		-		72,737	72,737
<b>Total HR Budget Increase</b>	<b>\$</b>	<b>70,000</b>	<b>\$</b>	<b>352,491</b>	<b>\$ 422,491</b>

\*Assuming HR Manager to start July 1, 2026

\*\*Assuming 2<sup>nd</sup> HR Generalist to start January 1, 2027

# Future HR Costs

City	Title	Monthly Low	Monthly High	Population
West Linn	Human Resources Manager	\$ 95,300.11	\$ 130,167.56	27420
Tualatin	Human Resources Director	\$ 129,764.98	\$ 164,402.16	27914
Wilsonville	Human Resources Manager	\$ 99,342.64	\$ 134,088.00	27414
Forest Grove	Human Resources Director	\$ 120,048.00	\$ 153,204.00	26828
Happy Valley	Human Resources Director	Not posted	137,304 Current	26689
Sherwood	Human Resources Manager	\$ 101,691.00	\$ 128,948.00	20222
Sherwood	Human Resources Director	\$ 138,882.00	\$ 181,389.00	20222
Canby	Human Resources Director	\$ 103,224.00	\$ 137,100.00	18979





# Police Succession Planning

Average NDPD Officer has 16 Years of Experience (20% has more than 25 years)

Expecting **1/3** of the NDPD police force to retire within the next 5-6 years

Takes an Entry Level Police Officer approximately 18-24 months to fill a role on the patrol schedule

City is working on developing a succession plan to essentially “hire ahead” over the next two biennia in order to have enough fully trained officers to cover patrol shifts when the retirements occur



# **Potential Cuts If No Property Tax Increase**



Debt Reduction Plan will no longer be feasible



1.0 FTE Entry Level Police Officer – potential add for BY 25-27



0.75 FTE Code Enforcement Officer – potential add for BY 25-27



1.0 FTE 2<sup>nd</sup> HR Generalist – potential add for BY 25-27



Portion of the landscaping contract

**Lake Oswego School District signals budget cuts next school year**

Due to the estimated State School Fund and rising PERS costs, the district business office anticipates a \$12 million shortfall

Coos County facing \$3.5 million budget shortfall for 2024-25

**Portland faces \$100M+ budget deficit, prepares for service cuts**

**Salem faces grim financial future with forecasted \$18 million budget shortfall next year**

**ODOT warns of \$354M budget shortfall, 1k job cuts without funding**

Marion County facing cuts to balance FY 2025 budget

**WASHINGTON COUNTY**

**Beaverton, facing \$10M shortfall, considers job cuts**

**\$40M deficit forces Portland Public Schools to consider deep cuts and job losses**

Hillsboro School District weighing budget cut options

**City of Eugene faces continuing budget shortfall of \$11 million to \$15 million**

**Budget blues for McMinnville: Staffing and workloads emerge as major issues at city hearings**

**Multnomah County heading towards \$21 million shortfall next year, officials say**

West Linn-Wilsonville School District anticipates \$15 million in budget cuts for 2025-26 school year

# How Should the City Proceed?



Continue with Debt  
Reduction Plan to  
Remove an Item from  
the Municipal Billing  
Statement

This will  
require both  
property tax  
increases



Cancel the Debt  
Reduction Plan

Forego the  
property tax  
increase in the  
second year of  
the biennium  
(FY26-27)

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (February 3, 2025)**

Order <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Resolution <input type="checkbox"/>	Motion <input type="checkbox"/>	Information <input checked="" type="checkbox"/>	Proclamation <input type="checkbox"/>
<b>Subject:</b>  A presentation of the Capital Improvement Program (CIP) items that will appear in the city biennial budget. This will allow for council questions and provide staff feedback.				<b>Staff:</b> Administration, Engineering, and Public Works  <b>Department:</b> Several, the CM will be leading the presentation.	
Work Session <input type="checkbox"/> Business Session <input type="checkbox"/>				Order On Agenda:	

**Is this item state mandated?** Yes ☐ No ☒

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

NA

## **Recommendation:**

This item is informational only although it provides an opportunity for council to review all of the Capital Improvements that are proposed to occur over the next two to four years. In response to council requests to restrain costs and rates as much as humanly possible the only CIP items presented are ones that are critical or of extreme long-term significance.

## **Executive Summary:**

A primary way that the city pays for CIP projects is by using a portion of our rates to build infrastructure like pipes, new roads, lift stations etc.

The cost of these on rates is partially offset by using System Development Charge funds. Typically (and based upon the size of the expansion of the new infrastructure) SDC eligibility will cover between 20% and 50% of a given infrastructure project.

Oregon cities need to build new infrastructure to avoid falling into disrepair.

Oregon cities face costs that escalate over time so deferring construction always makes it more expensive later.

Oregon cities face state mandates that must be followed that force them to build some classes of CIP infrastructure against their will. For example, covering the water basins at the water plant.

In response to the objectives of council all lower priority capital improvements in the masterplan were removed from this CIP planning and CIP list. Everything on this list is critical or needful in the medium term.

Our staff does not have the capacity (and in some cases the expertise) to build this infrastructure in house. The city of Newberg has a maintenance division but (other than sidewalks) no construction division. It would be more expensive to hire a construction division comprised of ten or more FTEs than hiring experts / crews for short term engagements.

Significantly the cost projections listed here are all estimates they might go up or down depending upon results of design work and other technical investigations. Only by launching each project can the actual cost be correctly known, usually with the assistance of Keller Engineering.

As a result of this last point, it is important to note that each of these projects will return to council once the costs are better known for an approval resolution. This list is the fruit of our new CIP creation process initiated in the summer of 2024 after Engineering was reorganized.

Lastly the new engineering structure and our relationship with Keller engineering has and will give us better cost controls once these costs are scoped more fully.

**Fiscal Impact:**

As listed in the PowerPoint the costs of these projects range from a few hundreds of thousands of dollars up to \$15 - \$16M for the oxidation ditch project. During the presentation the likely cost of each project will be described.

**Council Goals:**

While council goals are currently in flux it is believed that this goal will still be in effect:

**G3:** Ensure Newberg infrastructure (roads, water, city employees) is in good repair and supply.

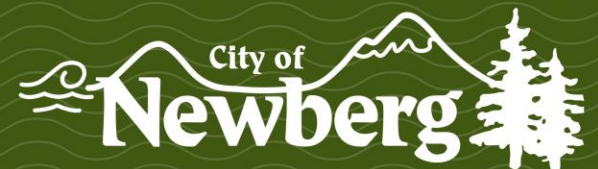
**O1:** Regularly review the capital improvement projects (annually).

# Capital Improvement Program

2025 – 27 Biennium

2025 – 2029 Planning Period

3 February 2025



# Capital Improvement Program Overview

## **Objectives of this process:**

1. Determine highest priority capital improvement projects (CIPs) within each fund (water, wastewater, storm, and transportation)
2. Update anticipated costs for priority projects. Costs based on previous reports or studies and cost-indexed to current dollars with contingency added.
3. Evaluate projects in terms of anticipated fund revenues and available SDC balances and determine which projects should move forward in biennium planning period.
4. Gain CIP review board consensus approval of all projects in biennium planning period.

# Multi-Funded Projects

## Public Works Maintenance Yard

### Multi-funded project

#### Scope:

- Continued Public Works maintenance yard improvements. The following improvements have been completed: landscaping, security fencing, and fueling station



<https://www.newbergoregon.gov/maintenance/page/contact-public-works-maintenance>

#### Project Rationale:

- Public works has outgrown existing facility and requires additional space to perform responsibilities. Work being done in-house to minimize costs

**Cost:** \$684,000 (total), \$342,000 per biennium

- \$114,000 per biennium per wastewater, stormwater, and water funds
- SDC Eligibility: 20.1% (wastewater fund only)

# Wastewater Projects

# Inflow & Infiltration (I&I) Projects

### Scope:

- Reduce inflow and infiltration throughout wastewater collection system by rehabilitation or replacement projects

### Project rationale:

- Increase WWTP capacity to treat additional wastewater.
- Improve expected lifespan of valuable wastewater infrastructure

**Cost:** \$2,000,000 / \$1M each biennium

- SDC Eligibility: 50%



# Inflow & Infiltration Report

### **Scope:**

- Prepare updated I&I report to replace 2015 version
- Account for and assess I&I improvements since previous report

### **Project Rationale:**

- I&I reduction projects have been completed following the 2015 report. An updated plan is necessary to determine the status of I&I in the system and determine where to focus upcoming I&I reduction efforts

**Cost:** \$342,000 (BY25/27)

- SDC Eligibility: 0%

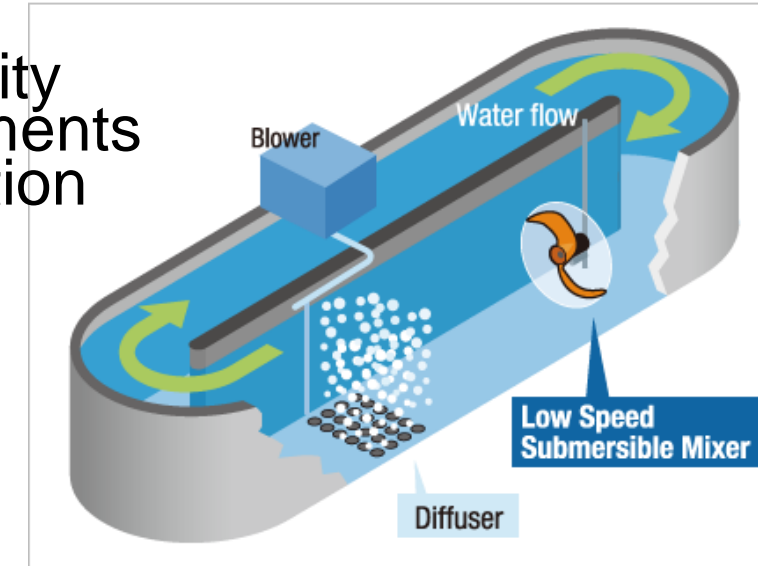
## Oxidation Ditch Expansion

### Scope:

- Increase capacity of Wastewater Treatment Plant through 3<sup>rd</sup> oxidation ditch and associated improvements
- Study is currently underway to evaluate remaining capacity of WWTP and solids handling
- Study will provide recommendations for preferred capacity expansion project scope and timing of needed improvements along with updated cost estimate. Design and construction will follow in next phase of project

### Project Rationale:

- 2018 Wastewater Master Plan identified oxidation ditch expansion project as priority 2 to increase capacity and redundancy
- Letter from DEQ on 2 May 2024 indicated that current WWTP is close to exceeding design capacity for wet weather flows



[https://www.shinmaywa.co.jp/english/products/pump/introduction/sm\\_sme/sm-rcrd.html](https://www.shinmaywa.co.jp/english/products/pump/introduction/sm_sme/sm-rcrd.html)

## Oxidation Ditch Expansion (continued)

### Budgeted towards project (two BYs massive project):

Paid for via **rates** (cash in hand):

\$11,263,158 (total);

\$5,567,394 (BY25/27),

\$5,695,764 (BY27/29).

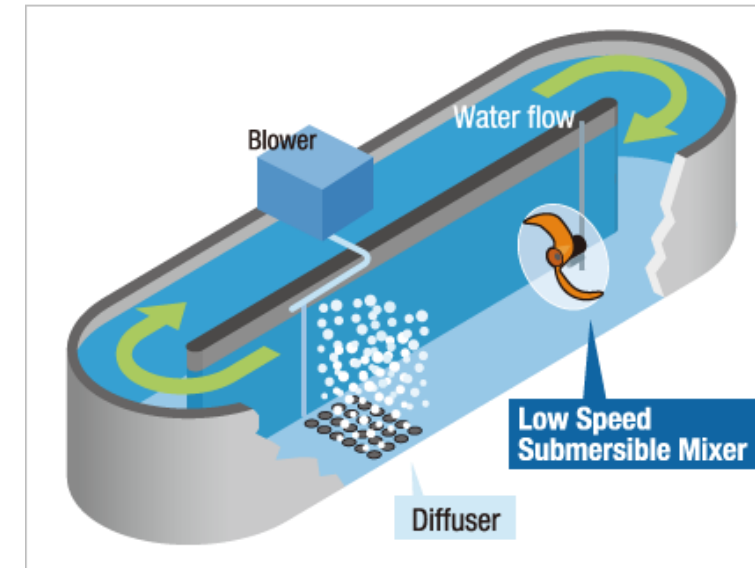
Paid for via **SDCs** (cash in hand):

\$3,000,000 (BY25/27)

\$3,000,000 (BY27/29)

SDC Eligibility: 22.1% \*

\* soon subject to positive change via council action can be 70%



[https://www.shinmaywa.co.jp/english/products/pump/introduction/sm\\_sme/sm-rerd.html](https://www.shinmaywa.co.jp/english/products/pump/introduction/sm_sme/sm-rerd.html)

## Annual Pipe/System Replacement

### Scope:

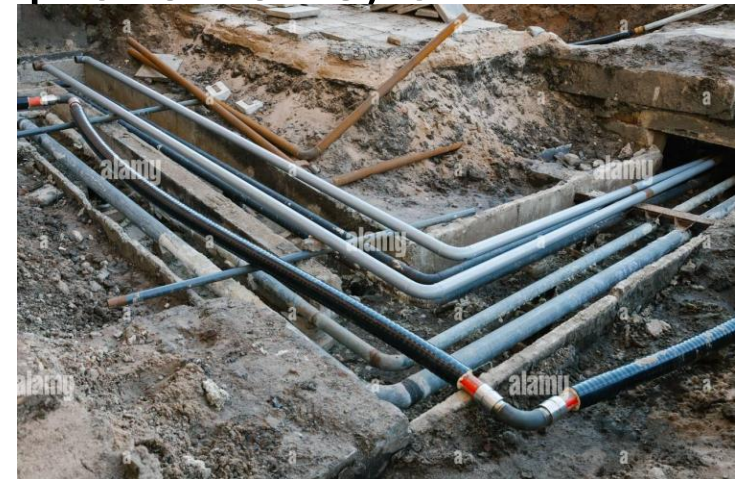
- Provide dedicated budget for replacement of collection system piping and structures which have degraded

### Project Rationale:

- Allocated funds for projects which can be completed at opportune times (i.e. concurrent with transportation project or utility improvements) or when priority need is identified
- Allows us to be smart and agile

**Cost:** \$600,000 (total); \$300K each biennium

- SDC Eligibility: none



# Water Projects

## House Bill (HB) 2001 Program

### Scope:

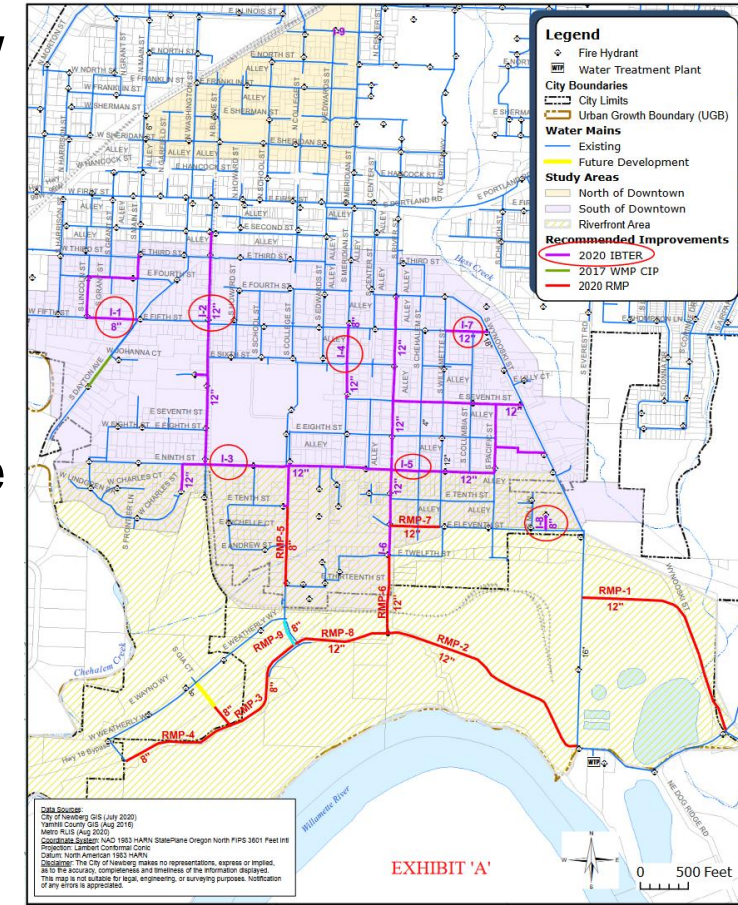
- Upsize various pipe segments to increase system fire flow capacity
- Overall program broken into seven project segments over approximately four years
- Design currently underway for all project segments

### Rationale:

- HB 2001 requires cities to address identified infrastructure deficiencies to support greater housing density
- Identified improvements need to be completed by July 2029 per extension agreement

**Cost:** Varies by project; \$4,800,000 (total), \$2,800,000 (BY25/27), \$2,000,000 (BY27/29)

- SDC Eligibility: Varies; ~32% (BY25/27), ~25%(BY27/29)



2021 Water Master Plan Update

## Annual Pipe Replacement

### Scope:

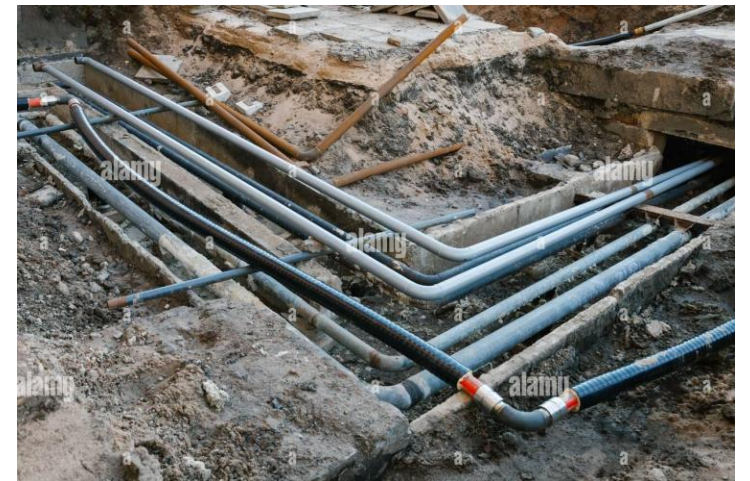
- Replace/repair components of the distribution piping which have degraded

### Project Rationale:

- Allocated funds for projects which can be completed at opportune times (i.e. concurrent with transportation project or utility improvements) or when priority need is identified
- Allows us to be smart and agile

**Cost:** \$600,000 (total); \$300K each biennium

- SDC Eligibility: none



## Main Street Improvements – Sheridan to Franklin

### Scope:

- Replace ~500 LF of existing 4" water pipe with 8"

### Project Rationale:

- Continual leaks and maintenance issues observed by Public Works and pipe is undersized for distribution system

### Cost: \$500,000 (FY25/27)

- **SDC Eligibility:** Not evaluated
- Detailed cost estimate has not been prepared yet





# Stormwater Projects

## West Franklin Storm

### Scope:

- Keller 2024 study identified Alternative 2 as preferred option.
- Install 1,200 LF of 15" storm drain within existing ROW. Redirect stormwater west on Franklin St and south on Lincoln St.

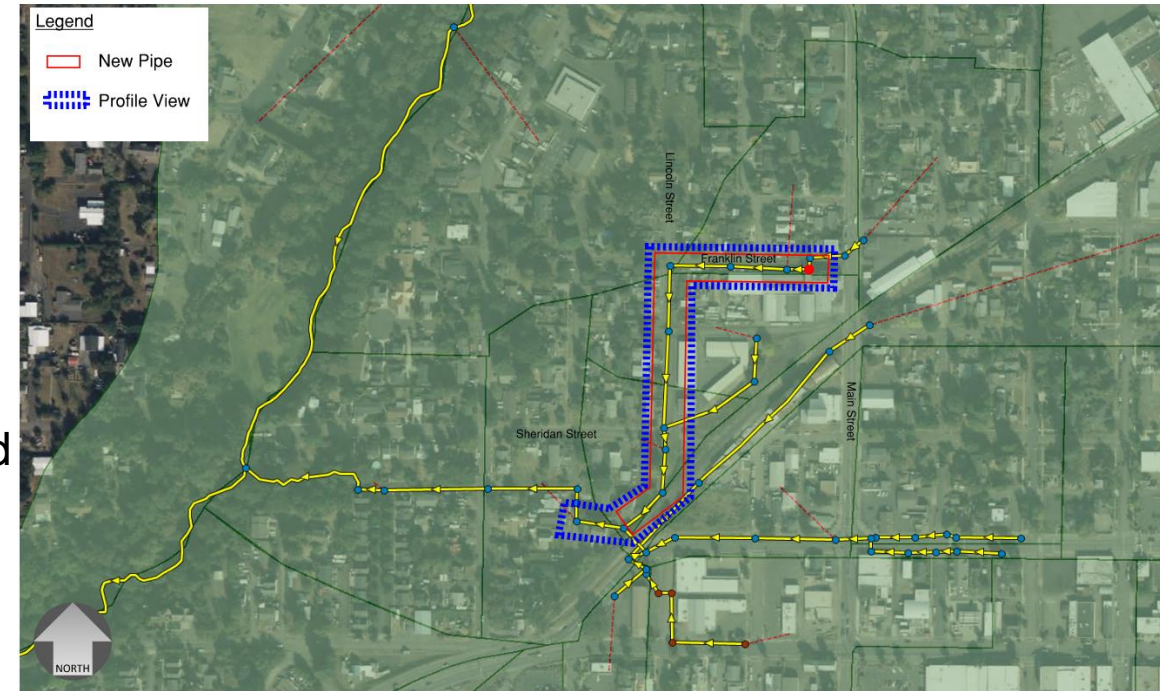
### Project Rationale:

- Address significant stormwater flooding near intersection of W Franklin and N Main.
- Route stormwater from an existing undersized/damaged pipe that is under a building.

**Cost:** \$400,000 (FY25/27) (supplements current FY budget of \$750,000 towards design/construction)

- **SDC Eligibility:** None.

Exhibit 4: Alternative 2 - 15-inch Plan View



20 February 2024 Keller Memorandum RE: Newberg W Franklin Stormwater Improvements

APPENDIX A

# Annual Pipe Replacement

### Scope:

- Replace sections of the collection system which have degraded.

### Project Rationale:

- Allocated funds for projects which can be completed at opportune times (i.e. transportation project, utility improvements) or when priority need is identified.
- Allows us to be smart and agile.

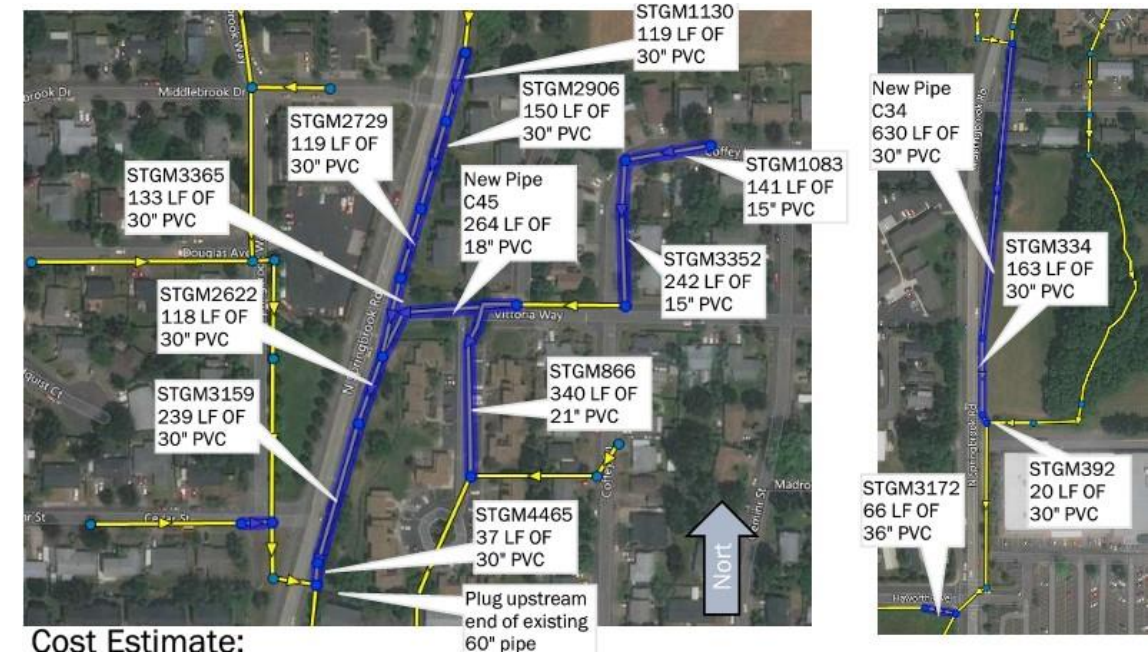
**Cost:** \$600,000 (total); \$300K each biennium

- SDC Eligibility: none



## N Springbrook Rd Storm

- **Scope:**
  - Initial study will confirm needed improvements and overall project cost.
  - Anticipate upsize of ~ 3,100 LF of 8"/12" undersized storm pipe to 30".
- **Project Rationale:**
  - Significant flooding occurs in this area during heavy precipitation events.
- **Cost:** \$650,000 initially allocated to design and construction, \$250,000 (BY25/27), \$400,000 (BY27/29)
  - SDC Eligibility: 25%



# Stormwater Master Plan Update

- **Scope:**
  - Update 2021 master plan to update model, assess current and future system conditions, and identify needed infrastructure improvements through planning period.
  - Current FY provides budget for Phase 1 of update (data collection, flow monitoring, identification of problem areas)
- **Project Rationale:**
  - MP update required every 5-years per *NMC 13.20.030 Drainage Master Plan*
- **Cost:** \$350,000 to complete update (BY25/27)
  - SDC Eligibility: 50%



<https://fullcirclewater.com/can-happen-discharge-storm-drain/>

# Transportation Projects

# Transportation System Plan Update

### **Scope:**

- Update transportation system plan to include new information, assessment of current conditions, and identify infrastructure improvement needs.
- Keeping masterplans up to date keeps us compliant and avoids missing out on Federal and other grants.

### **Project Rationale:**

- TSP should be periodically updated, typically between 5 and 10 years from previous master plan. Most recent TSP completed in 2016.
- TSP contains a very limited and inflexible list of cross sections.

### **Cost: \$300,000 (BY27/29)**

- SDC Eligibility: 50%

## River Street (in concert with NURA)

### Scope:

- The NURA / City partnership will seek to re-build River Street. A two-phase approach will be carried out to allow for Mill site action to occur.
- Cost over-run risk will be mitigated by this approach.
- The Northern section will be rebuilt first.
- Look at all concepts to contain cost.

### Project Rationale:

- Approved first steps for NURA / NURA CAC.
- The city can secure a bond for up to \$6.7M and match the bond with SDC cash reserves (due to other projects we would want to contain this >\$6M).

### Cost: Perhaps \$10M over (BY25/27 and BY27/29)

- SDC Eligibility: varies AVE 50%