



**City Council**

**February 18, 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. [Year End Statistical Report 2024](#)**

**5. Public Comments**

**6. Continued Business**

**6.1. [Ordinance 2025-2933: Amending Newberg Municipal Code Title 15](#)**

**[Development](#)**

**i [Exhibit A: Ordinance 2933](#)**

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

**[Amendments](#)**

**iii [Exhibit A- 1b: Clean Copy of Code Maintenance](#)**

**[Amendments](#)**

**iv [Exhibit A-2: Findings](#)**

**v [Exhibit B: Planning Commission Resolution 2025-398](#)**

- vi [Exhibit C: Planning Commission Minutes 01-08-2025 Draft](#)
- vii [Exhibit D: Agency Comments- DLCD](#)
- viii [Exhibit E: Native Plant Guide Linn SWCR 2005](#)
- ix [Exhibit F: Expirations and Extensions Analysis](#)
- x [Exhibit G: Code Maintenance Guide 07-30-2024](#)
- xi [Exhibit H: Institutional Overlay Map](#)

## **7. New Business**

### **7.1. [Ex Parte Contact Training](#)**

### **7.2. [Newberg Urban Design Verification Study- ODOT](#)**

### **7.3. [Taste Newberg Contract Renewal](#)**

#### **i [Exhibit A: Taste Newberg Contract](#)**

### **7.4. [Potential Transfer of TVF&R Station 20](#)**

#### **i [Attachment 1: Station 20 Purchase Request](#)**

#### **ii [Attachment 2: IGA TVF&R Equitable Division of Assets](#)**

## **8. Council Business**

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

#### **i [Traffic Safety Commission Update](#)**

##### **1 [Attachment 1: Active Issues Log 2025-0106](#)**

##### **2 [Attachment 2: Active Issues Log Draft](#)**

## **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 18, 2024)**

Order <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Resolution <input type="checkbox"/>	Motion <input type="checkbox"/>	Information <input checked="" type="checkbox"/>	Proclamation <input type="checkbox"/>
Subject: CM statistics for all of 2024				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 December of 2024, and therefore for the entire year of 2024 in summary.

The CM will review conclusions based upon three years of data.

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

**Council Goals:**

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

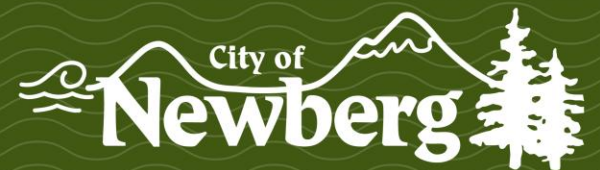
G1: Continue to create and maintain a high level of customer service.

Effective CM reporting assists with both of these goals.



# Newberg CM report

Monthly Statistics to the end of December 2024



# **Planning:** combined planning decisions of all sorts\*: 4

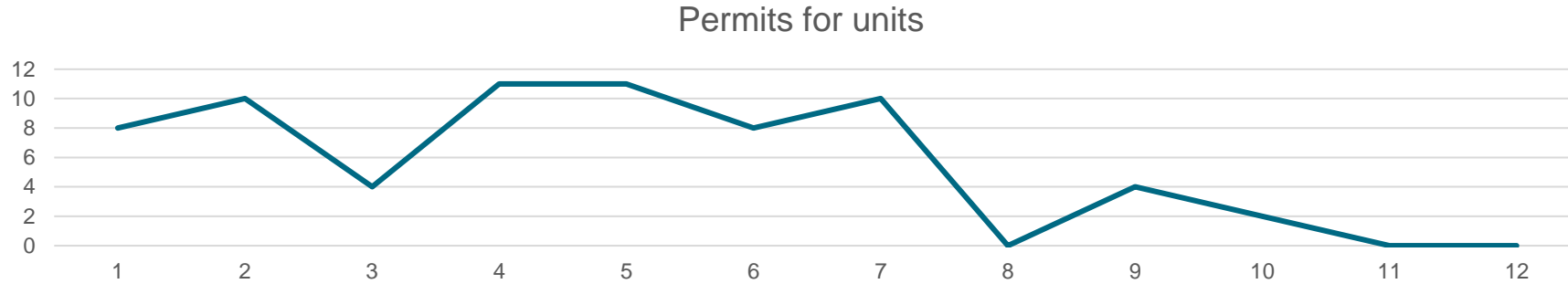
**Average  
2022**

**11.67**



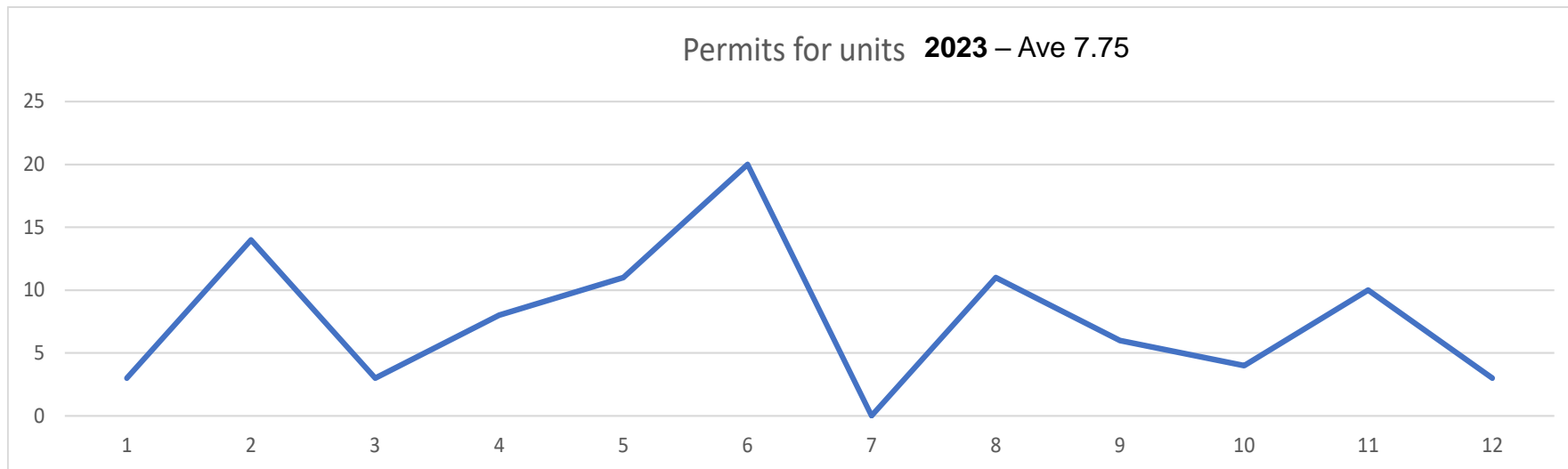
\* Combined from the Director, Planning Commission and Council

## Planning: building permits for housing units: Nil



Average  
2022

15



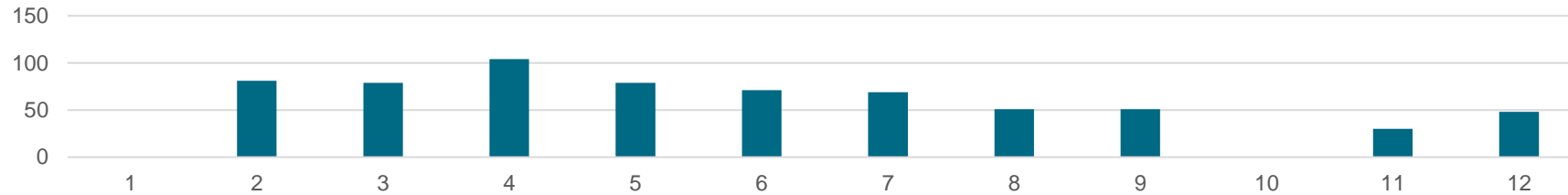


## Planning: building permits other types: 48

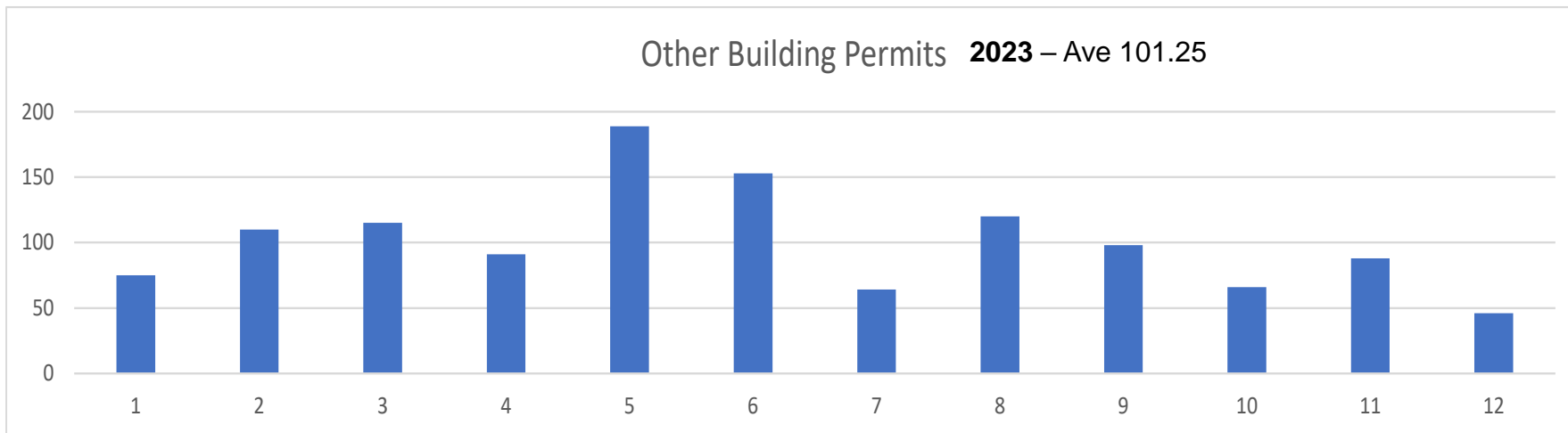
**Average  
2022**

**122**

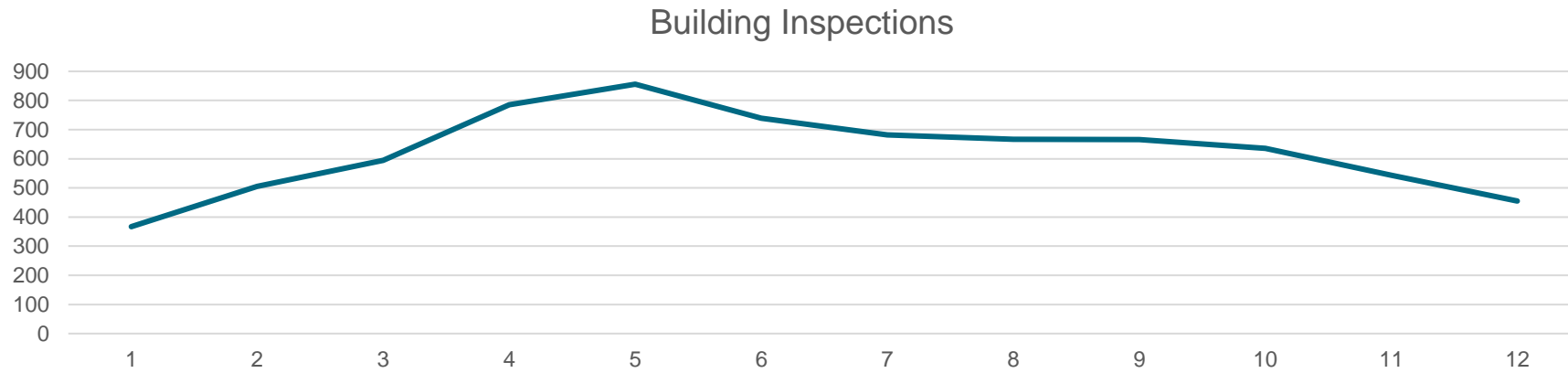
Other Building Permits



Other Building Permits **2023 – Ave 101.25**

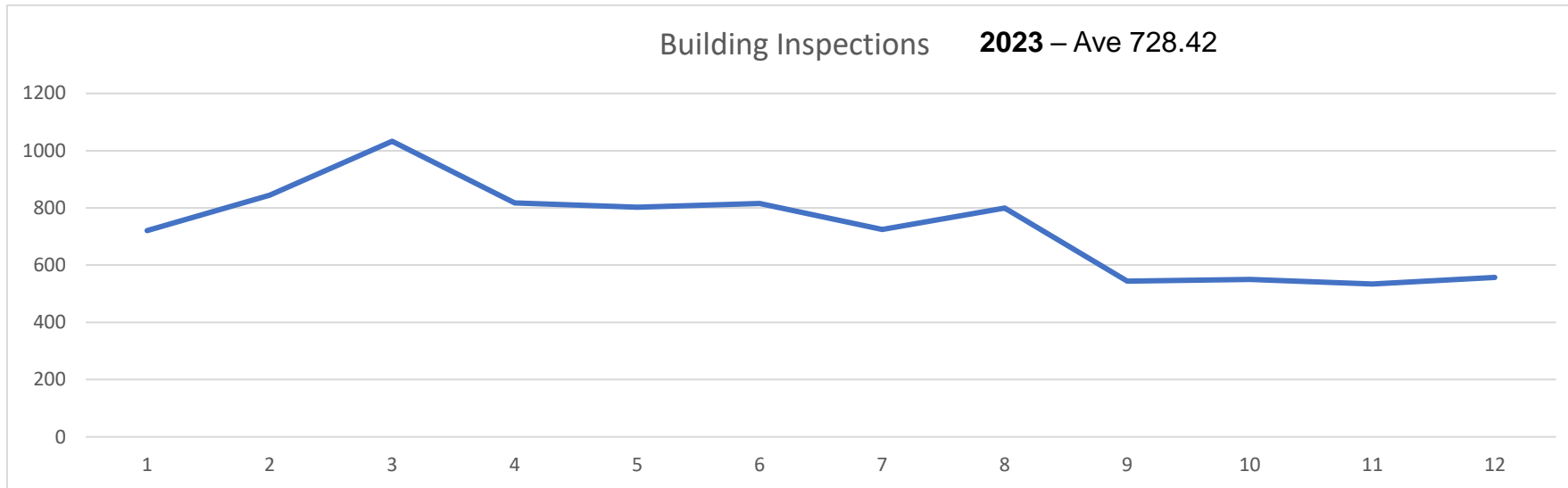


## Planning: building inspections: 455



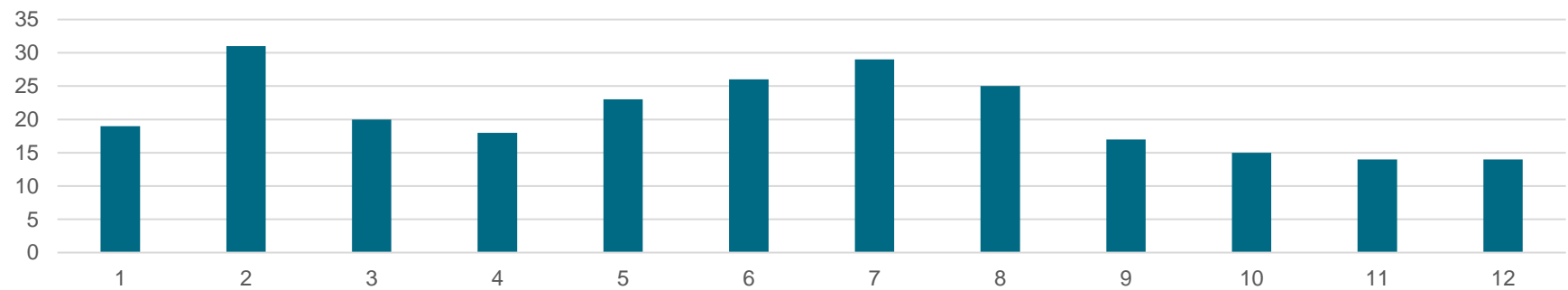
**Average  
2022**

**691**



# Community Engagement: submission forms through website: 14

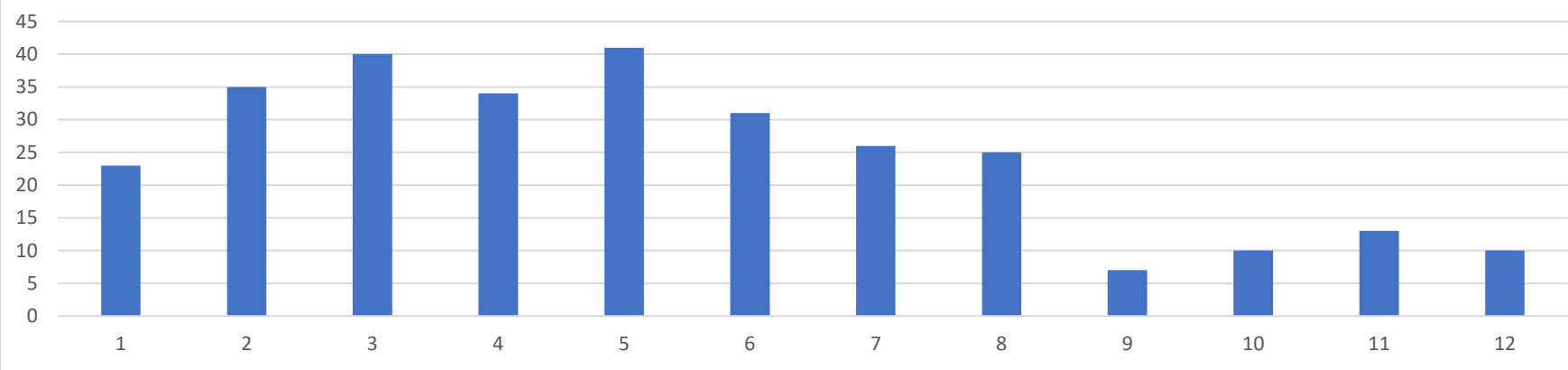
Web site postings we responded to



Average  
2022

23

Web site postings we responded to 2023 – Ave 24.58

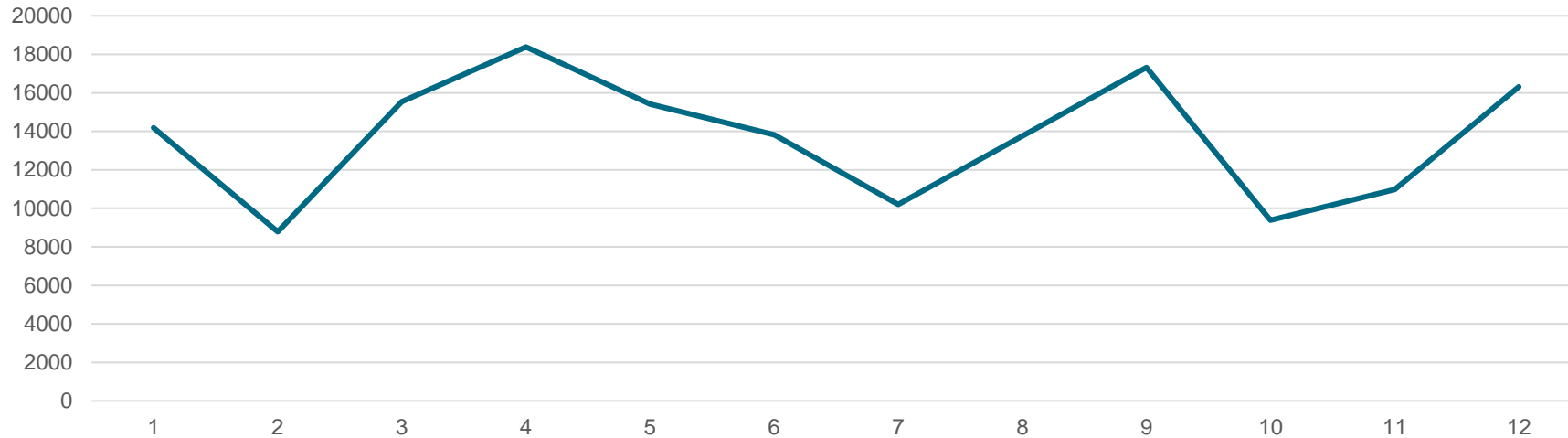


## Community Engagement: social media engagement: 16,318

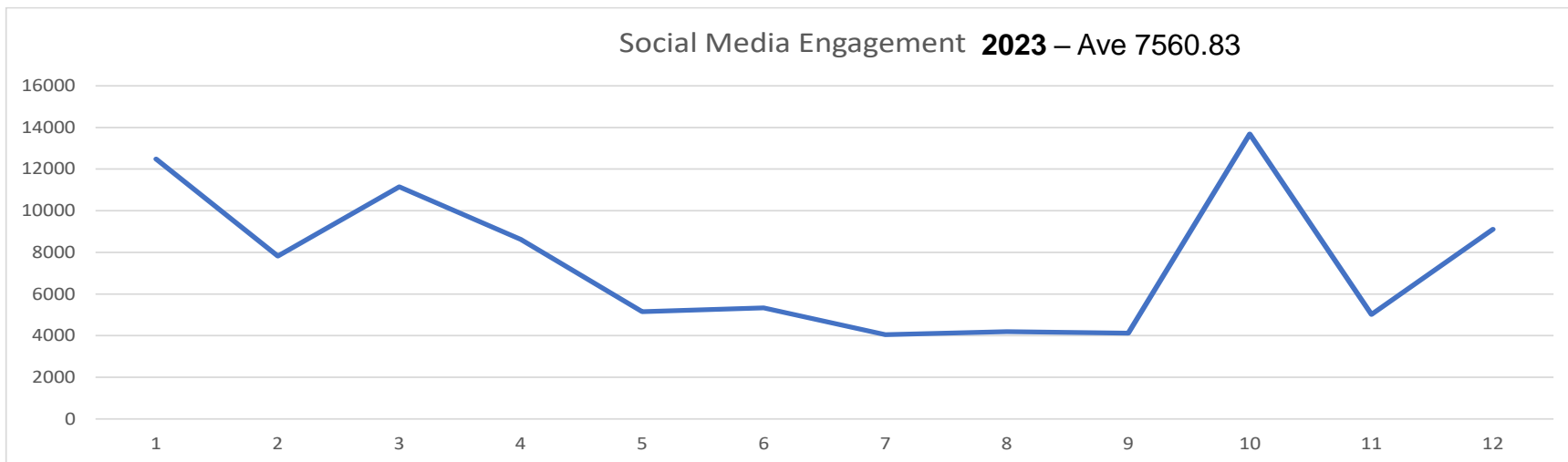
**Average  
2022**

**7942.5**

Social Media Engagement

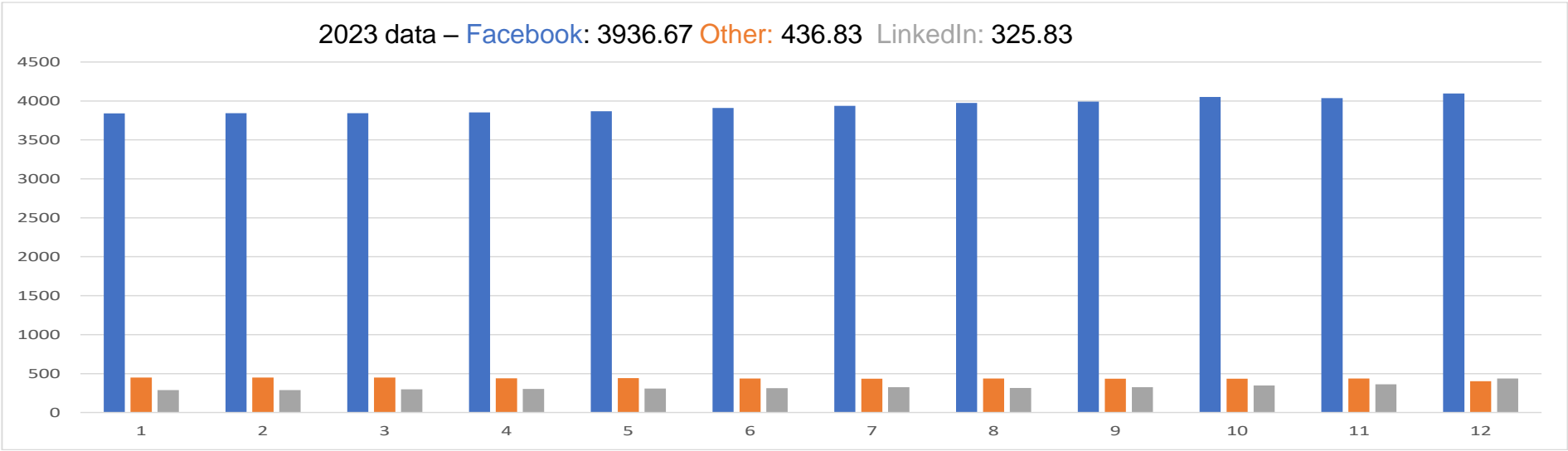
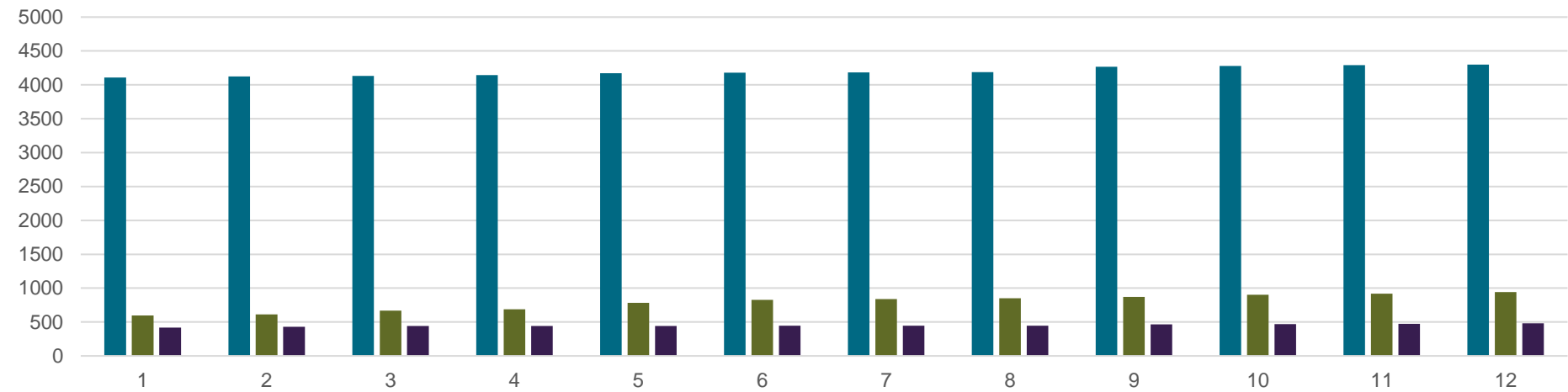


Social Media Engagement **2023** – Ave 7560.83



# Community Engagement: Socials Facebook 4,299, Other 941, LinkedIn 480

Facebook, Other, and LinkedIn



Average 2022

Facebook 3746

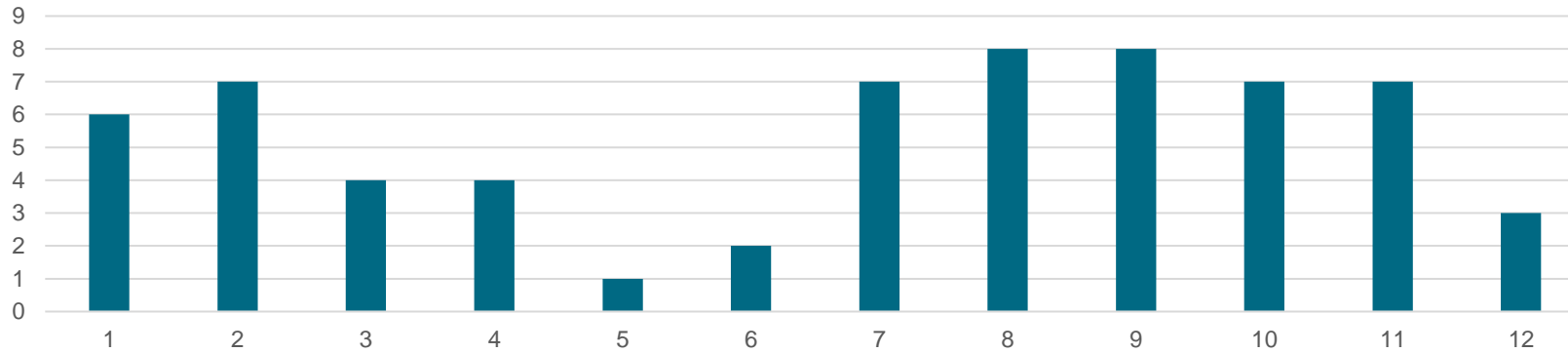
Twitter 415

LinkedIn 253.6



## City Recorder: Public Records Requests: 3

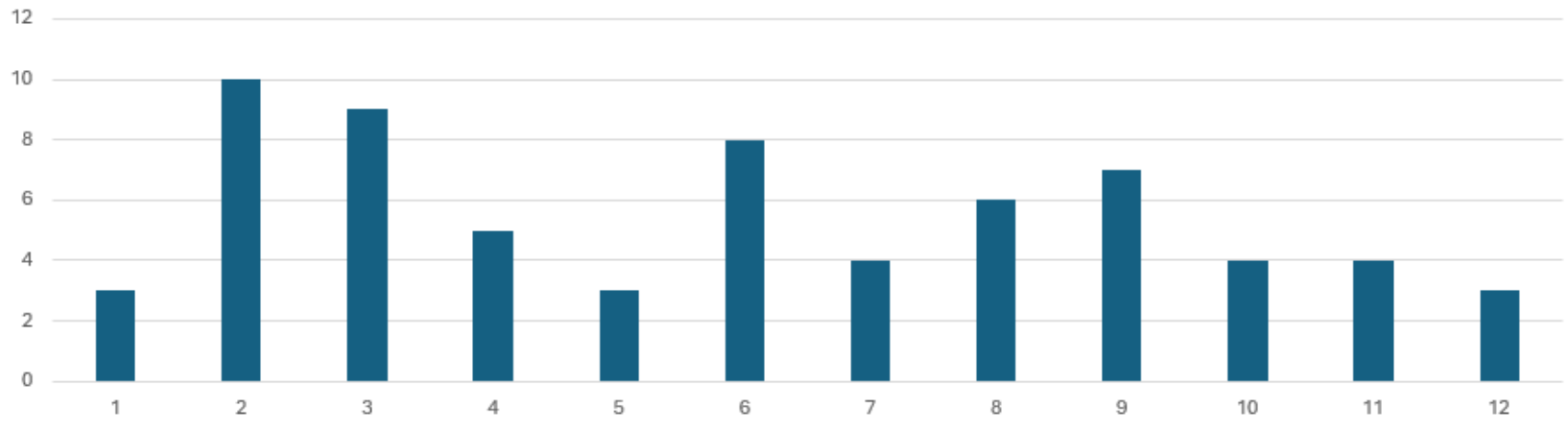
Public Information Requests



**Average  
2022**

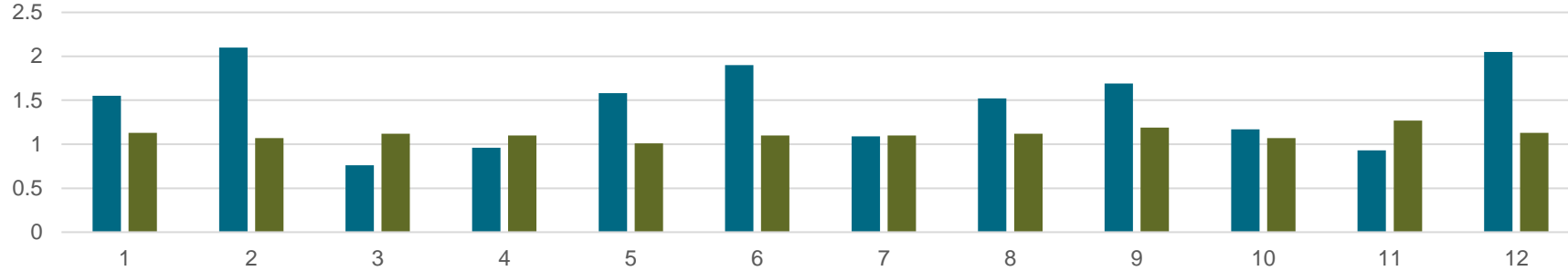
**4.5**

2023 Data, PRR Ave. 5.5



## Finance: \$2.05 M of payments to accounts payable & \$1.13 M of payroll

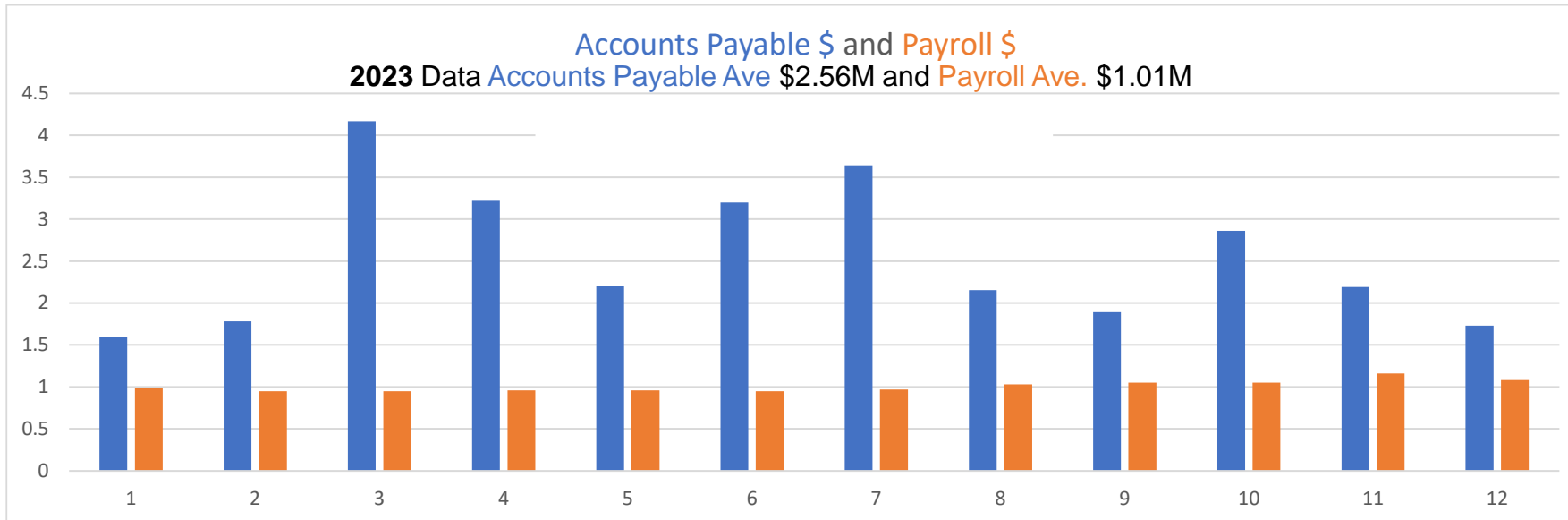
Accounts Payable \$ and Payroll \$



**Average  
2022**

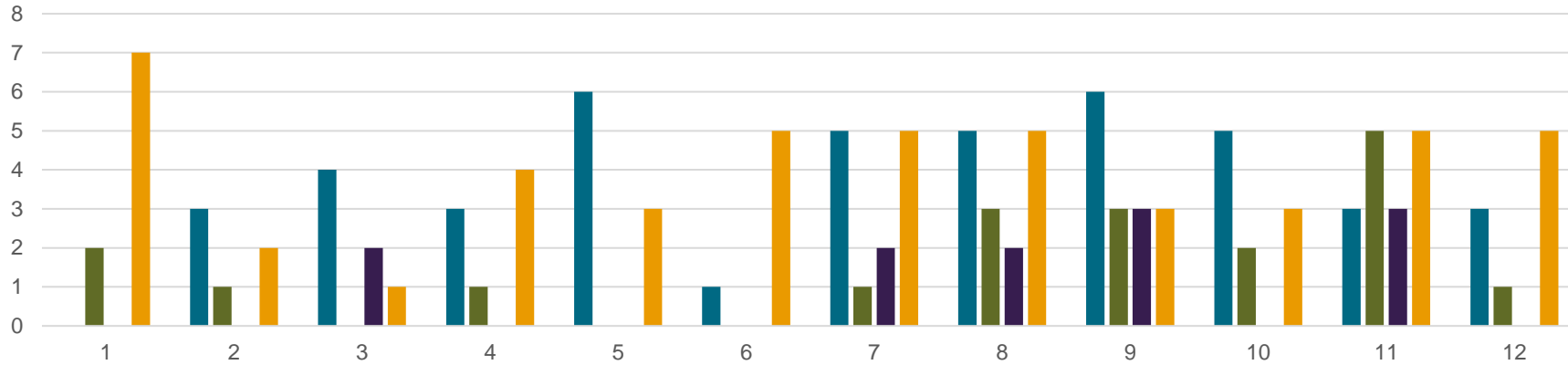
**AP**  
**\$1.75 M**  
**Payroll**  
**\$0.93 M**

2023 Data Accounts Payable Ave \$2.56M and Payroll Ave. \$1.01M



**HR activity:** Recruitments advertised - 3 Hires: 1 Separations: 0,  
FMLA / ADA / OFLA / workers comp claims: 5

Recruitments, Hires, Separations, Claims



**Average  
2022**

**Recruitments**

**5.6**

**Hires**

**1.9**

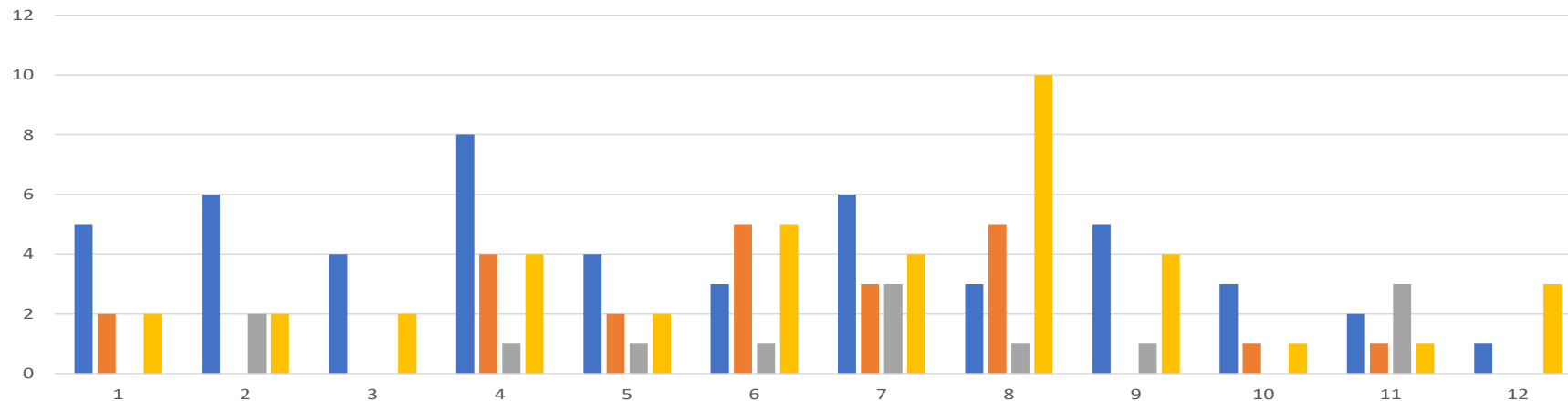
**Separations**

**1.6**

**Claims**

**2.6**

2023 Data, Recruitments Ave 4.17, Hires Ave 1.92, Separations Ave 1.08, Claims Ave 3.33



# IT resolved 251 service tickets for the city.

Average  
2022  
**203.4**

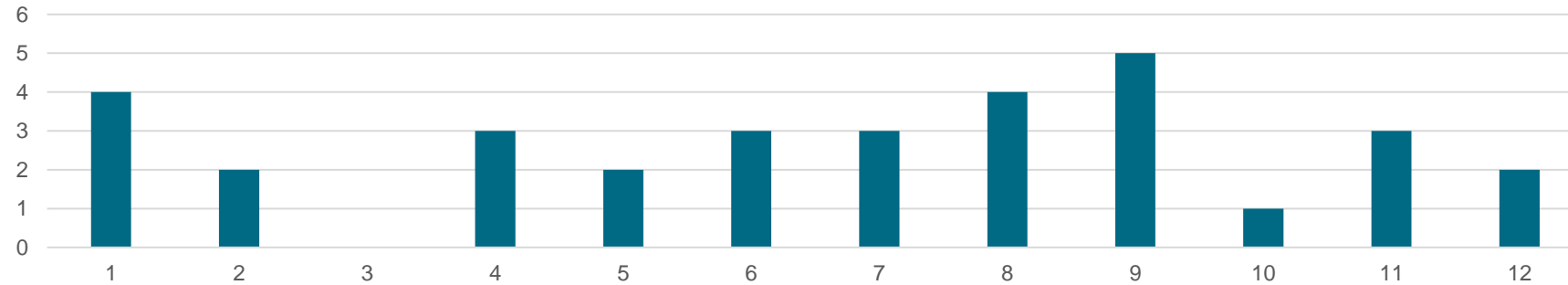


## IT responded to 2 after hours on-call events.

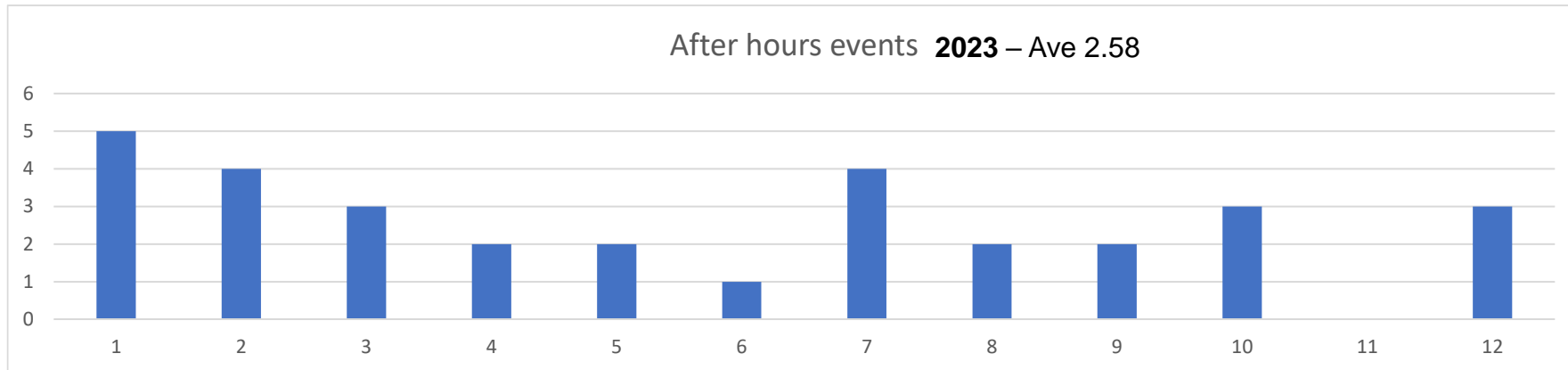
**Average  
2022**

**3.6**

After hours events

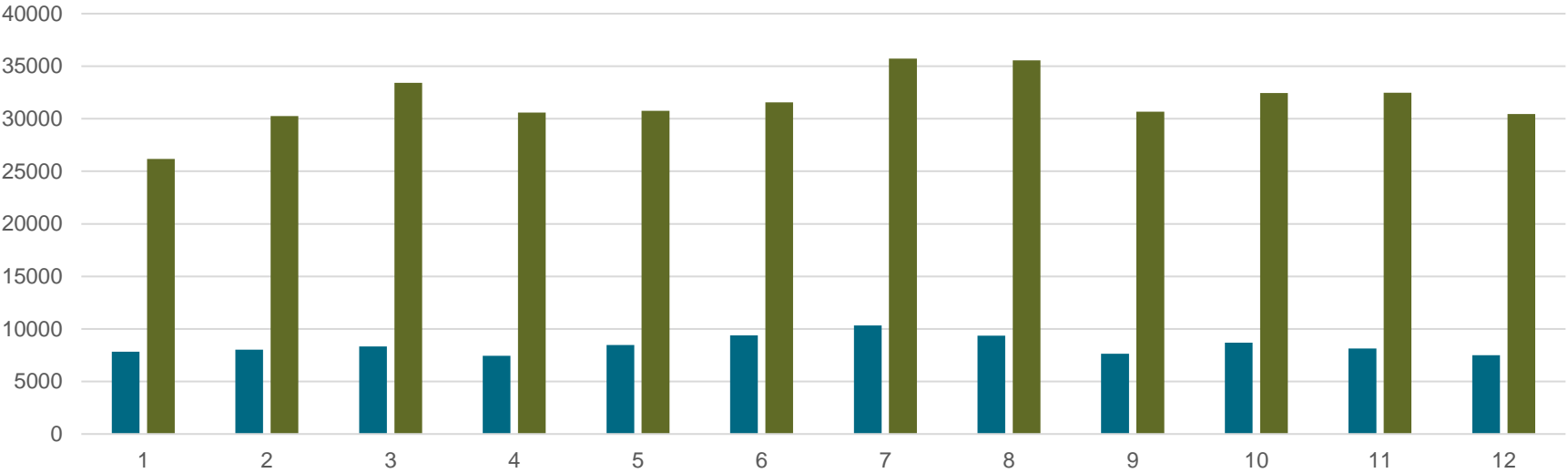


After hours events **2023** – Ave 2.58



# Library Activity: Door count 7,487, Circulation events 30,437

Door Count, Circulation Events

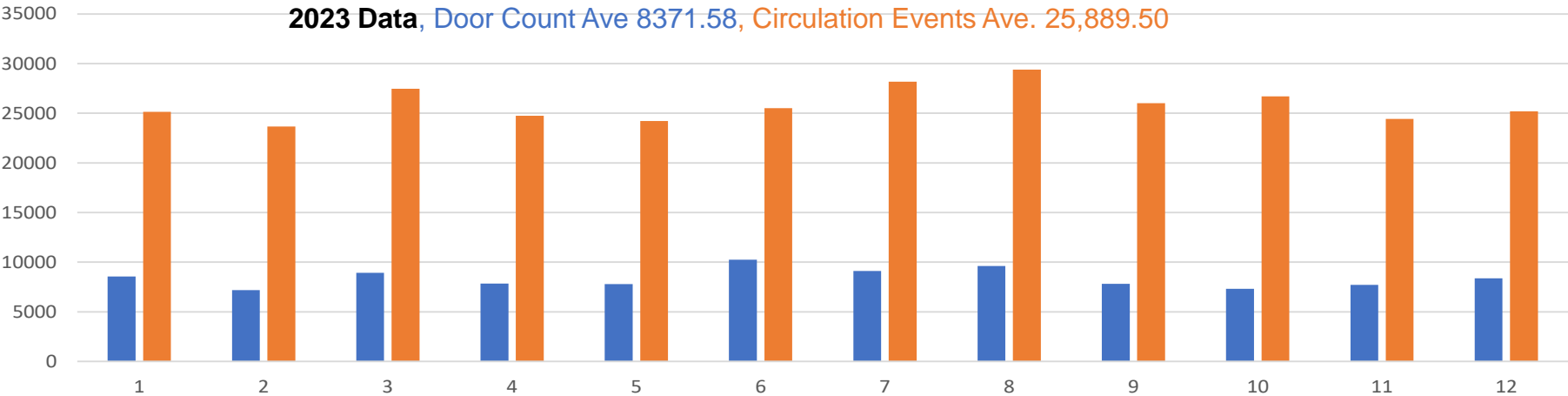


**Average  
2022**

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

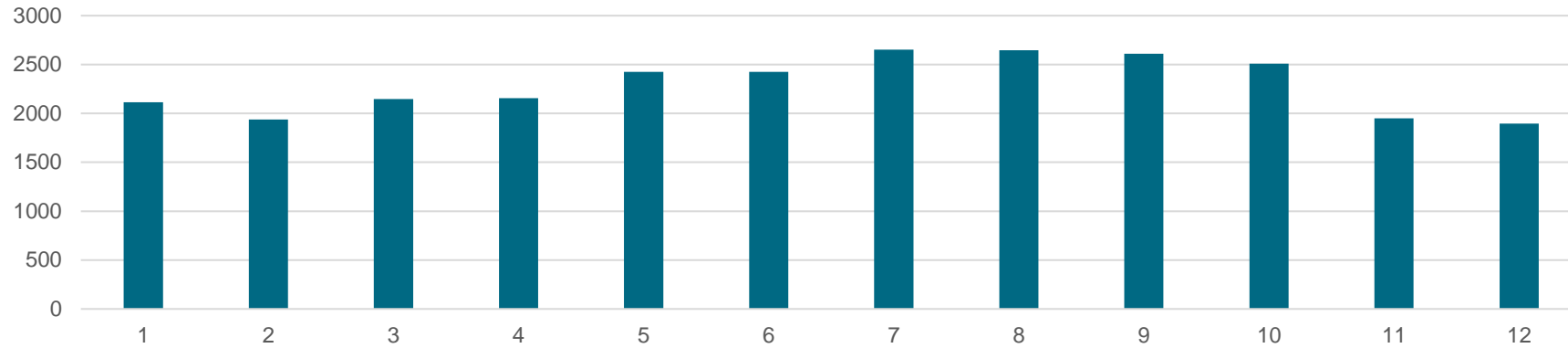
Door Count, Circulation Events

**2023 Data**, Door Count Ave 8371.58, Circulation Events Ave. 25,889.50



## Public Safety: 1,896 – calls for service

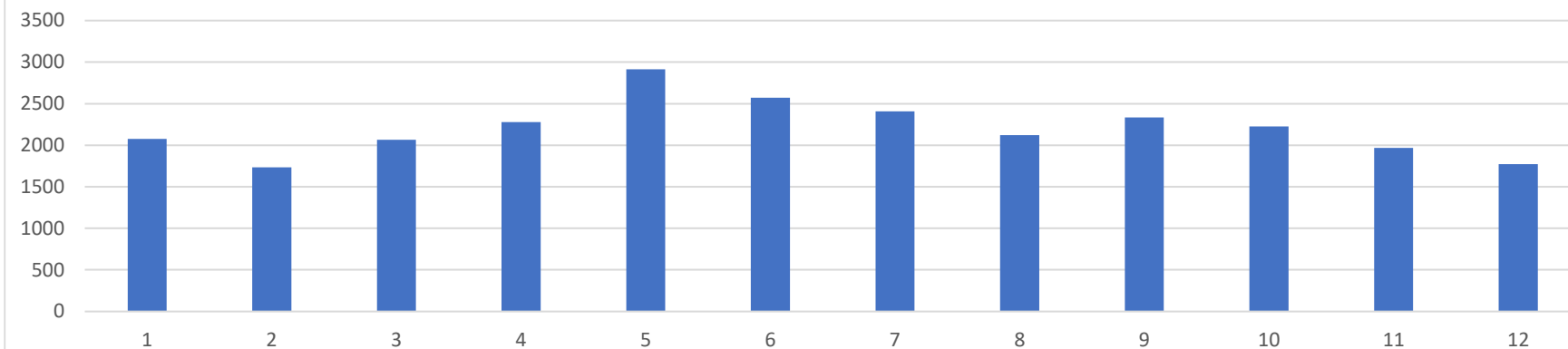
Calls for service



**Average  
2022**

**2065**

Calls for service **2023** – Ave 2205.67

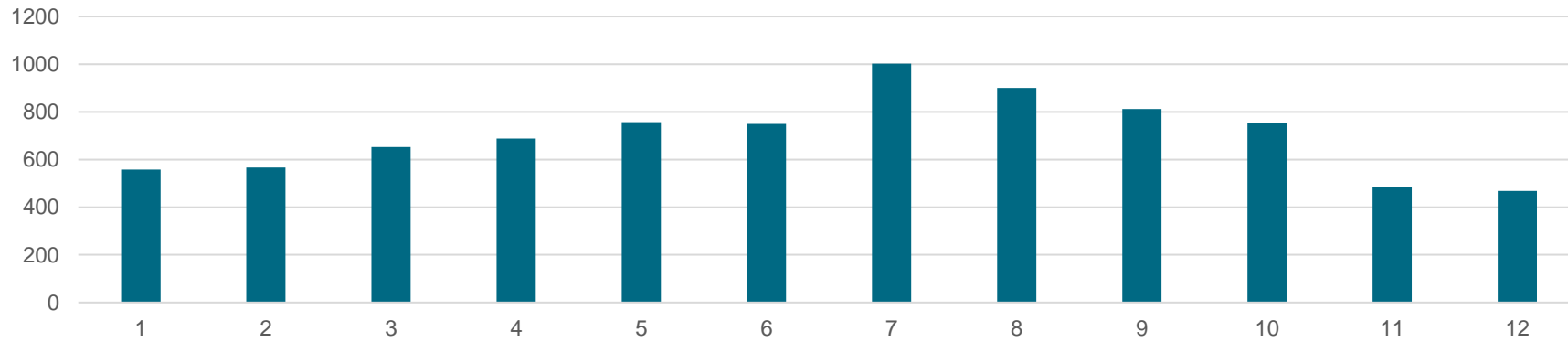


## Public Safety: 468 – traffic stops

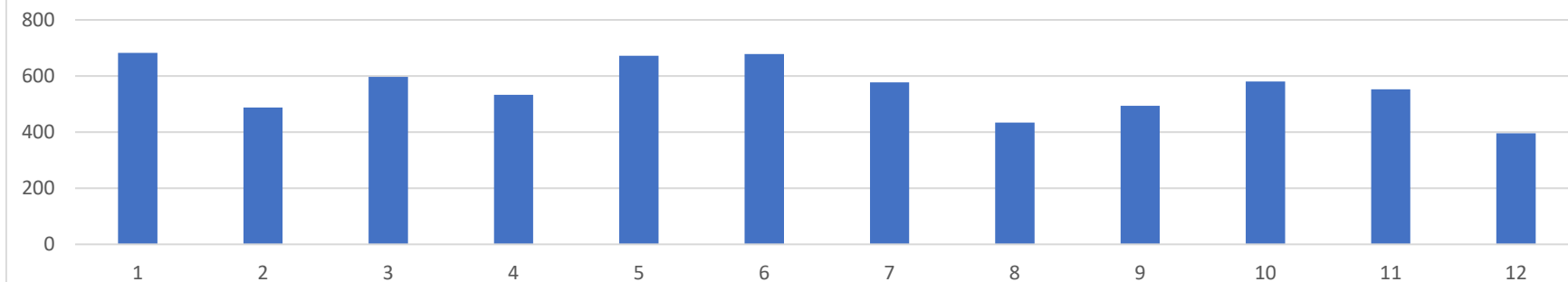
**Average  
2022**

**561**

Traffic Stops



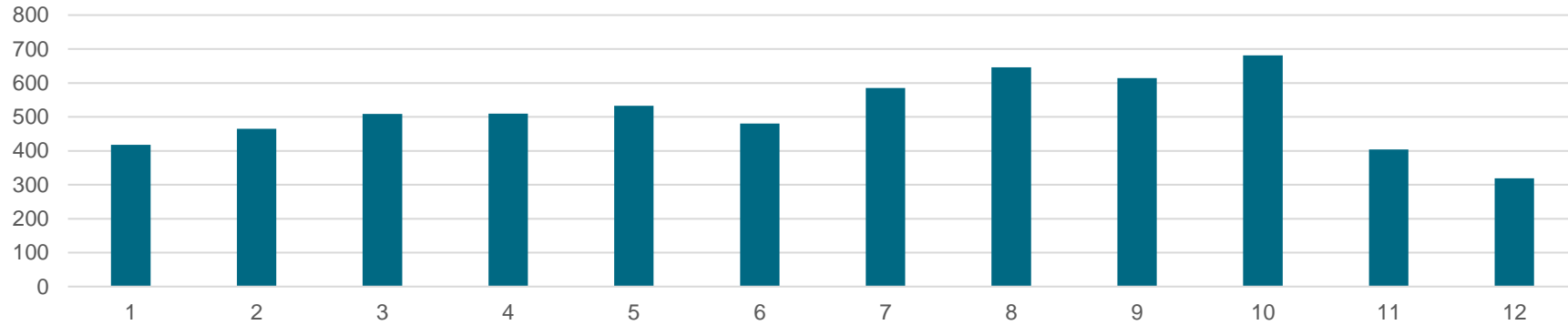
Traffic Stops **2023** – Ave 557.33





## Public Safety: 319 – citations & warnings

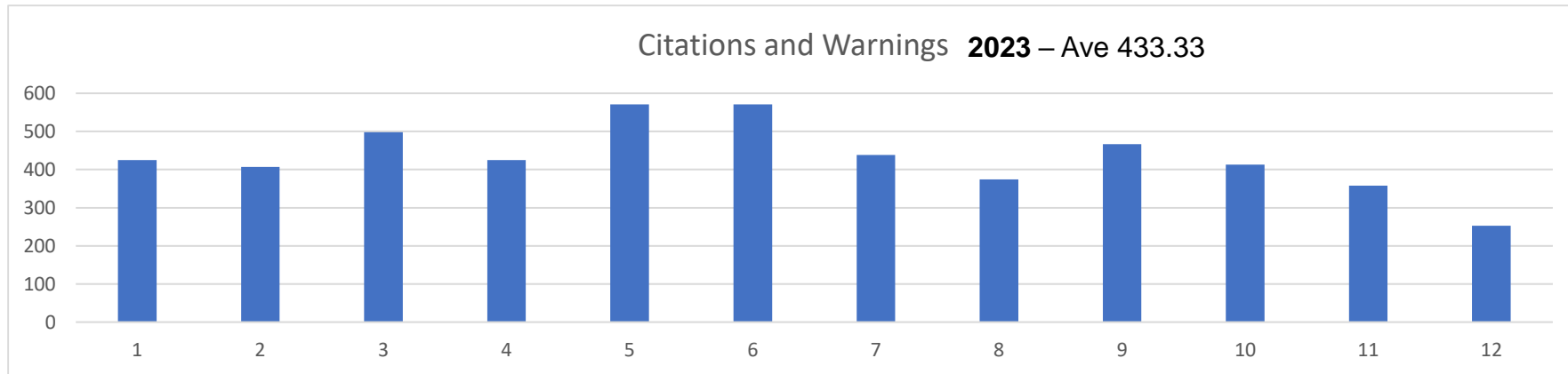
Citations and Warnings



**Average  
2022**

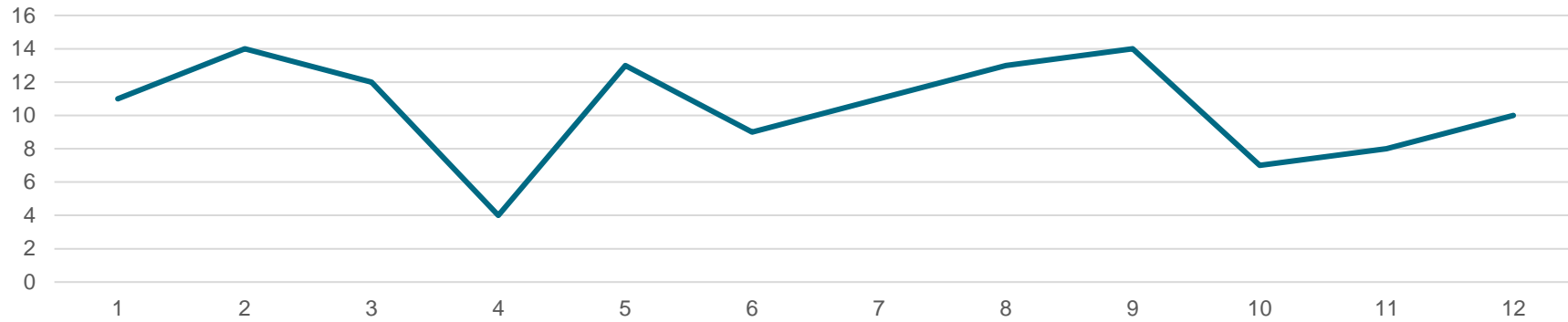
**428**

Citations and Warnings **2023 – Ave 433.33**



## Public Safety: 10 – DUI's

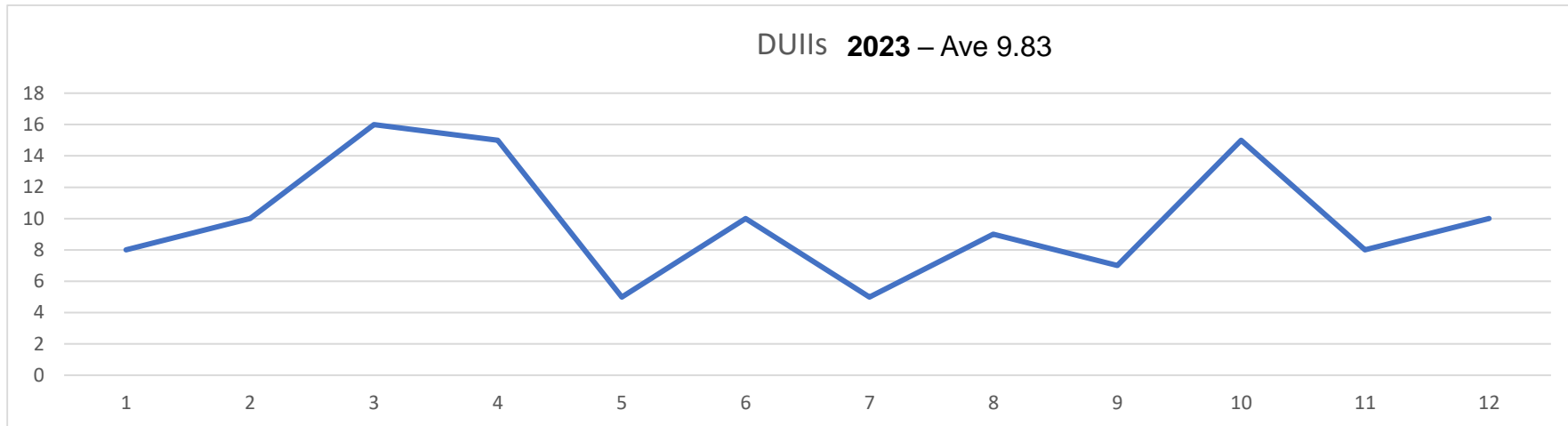
DUIs



**Average  
2022**

**12.1**

DUIs **2023** – Ave 9.83



# Dispatch: 779 “911” calls & 2,524 non-emergency calls

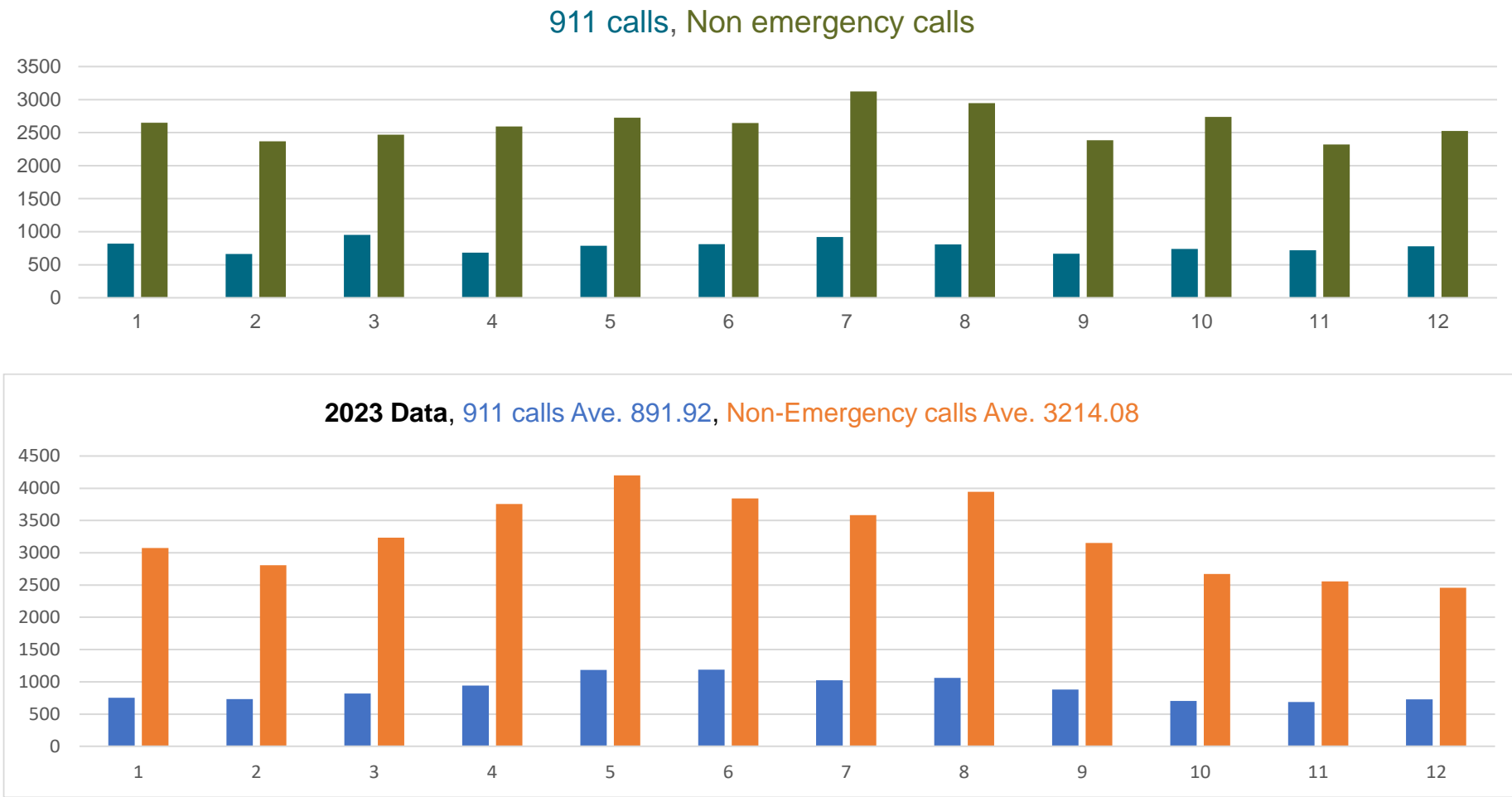
Average  
2022

911 Calls

817

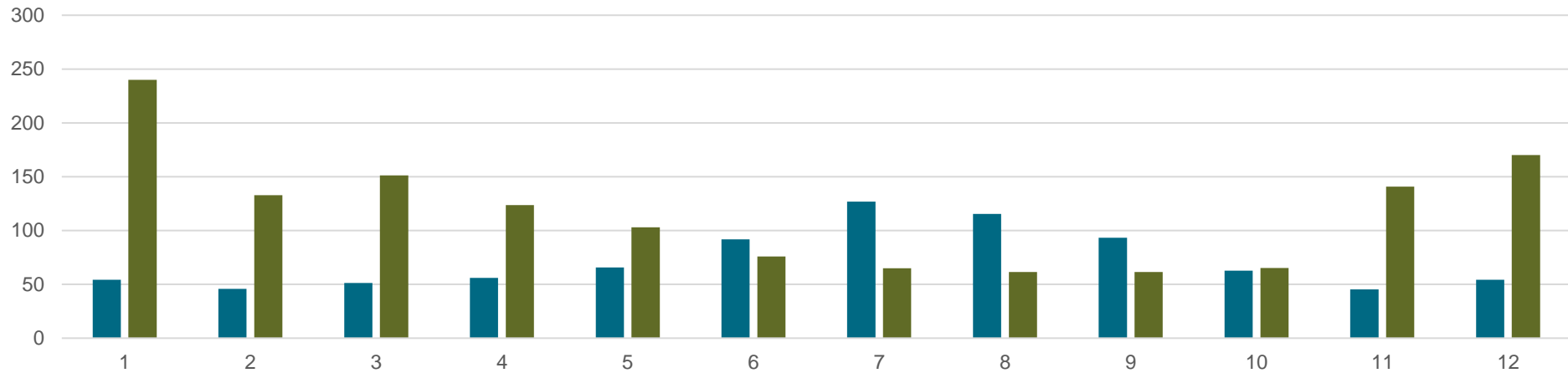
Non-Emergency  
Calls

3436



# Public Works: water production was 54.3 million gallons, & 170.22 million gallons (MG) were treated

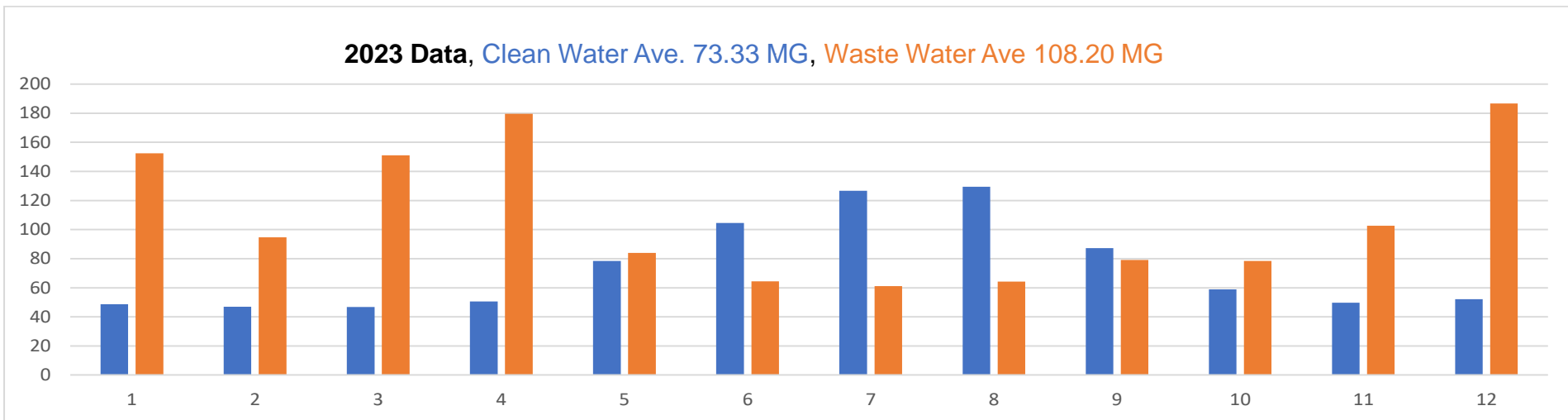
Clean water, Waste Water



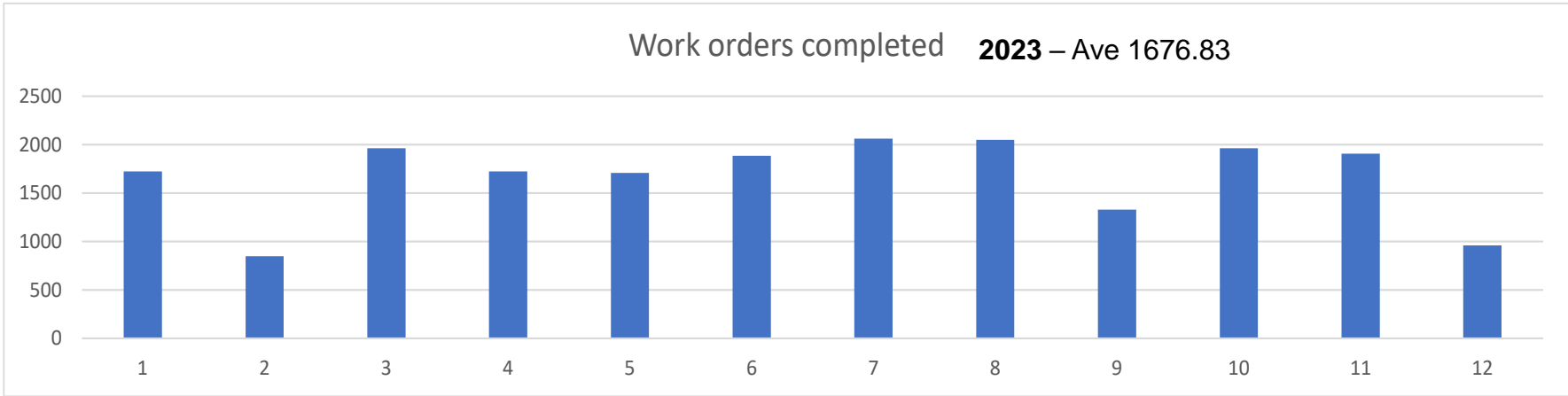
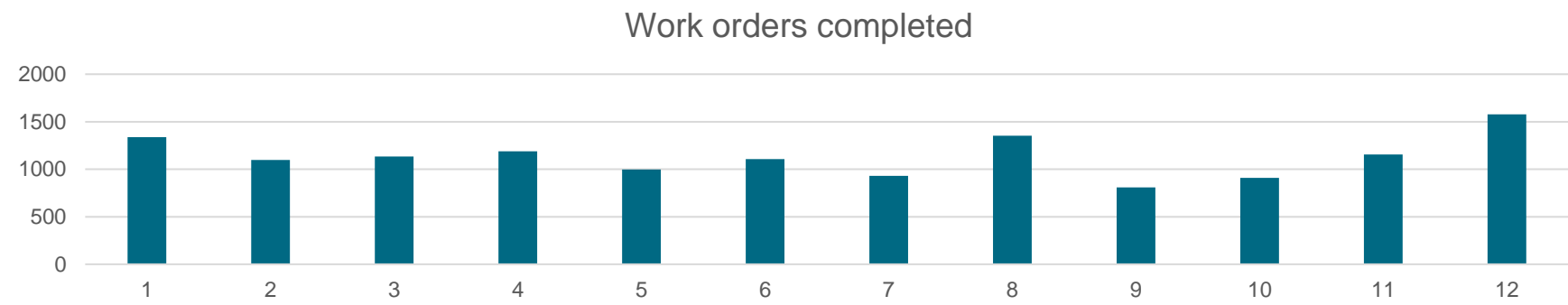
**Average  
2022**

**Clean Water  
69.45 MG**

**Waste Water  
105.46 MG**



# Public Works: 1,579 work orders completed



**Average  
2022**

**1452.6**

# So that's the totals to the end of December 2024!

For the first time in 12 years the city has a handle on its trends over an extended period of time.

Questions?

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: February 18, 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:**

Conduct a public hearing and move to approve 2025-2933. Council may consider motions to: 1) read the ordinance by title only, and 2) waive the second reading.

**Executive Summary:** Code Maintenance is a significant project in the Planning Division Work Program and implements City Council’s Goal 1, to “Create and maintain a high level of customer service.” It is intended to 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 the mandates listed above.

On January 9, 2025, the Planning Commission conducted a legislative public hearing and recommended City Council approve 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 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. City Council conducted a work session on the proposed ordinance February 3, 2025.

**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, 01/09/2025

Exhibit D: Agency Comments

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

Exhibit F. Expirations and Extensions Analysis

Exhibit G. Code Maintenance Standard Operating Procedures

Exhibit H. Institutional Overlay (IO) Map



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

<i><b>NMC 15.100</b></i>	<i><b>Exhibit A-1.a Pages</b></i>	<i><b>Topic</b></i>	<i><b>Code Maintenance Purpose</b></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



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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.
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.

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**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.

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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).

**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,

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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)

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**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.

//

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.

//

<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.

//

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.
--

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.**

//

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

//

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.

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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.

**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.

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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.

**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.**

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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.

**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:

S: Special use – Use requires a special use permit

(#): 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> <u>Post Office</u> <u>Museum</u> <u>Community Center</u> <u>Library</u> <u>School</u></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> <u>Post Office</u> <u>Museum</u> <u>Community Center</u> <u>Library</u></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> <u>Post Office</u> <u>Office</u> <u>Museum</u> <u>Community Center</u> <u>Library</u></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> <u>Train Depot</u> <u>Community Center</u> <u>Museum</u> <u>Post Office</u> <u>Library</u></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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<u>PARKING SPACES REQUIRED</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>	<u>Requirements based on use apply</u>
<u>PARKING REQUIREMENTS FOR USES NOT SPECIFIED</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>	<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.**

//

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.

//

~~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.~~

**Staff Comment:** 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.

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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:

//

**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.

<p><b>Staff Comment:</b> 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.</p>
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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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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>	
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>
Schools, <u>Colleges – “commuter” type</u>	<del>Colleges – “commuter” type, 1 for every full-time equivalent student</del>	<u>1.2</u>	<u>1.5</u>	<u>Spaces for every full-time</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>	
	(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>	<del>1.2</del>	<del>1.5</del>	<del>Spaces for every 3 classroom seats.  Plus half of the requirements for accessory buildings, i.e., 1.-E* and 3.-G(1)**)</del>
<del>Welfare or correctional institutions</del>	<del>1 for each 5 beds</del>	<del>1.2</del>	<del>1.5</del>	<del>Spaces for each 5 beds</del>
<b>Commercial Types</b>				
<del>Barber and beauty shops</del>	<del>1 for each 75 sq. ft. of gross floor area</del>	<del>1.2</del>	<del>1.5</del>	<del>Spaces for each 75 sq. ft. of gross floor area</del>
<del>Bowling alleys</del>	<del>6 for each bowling lane</del>	<del>7.2</del>	<del>9</del>	<del>Spaces for each bowling lane</del>
<del>Establishments or enterprises of a recreational or an entertainment nature:</del>				
<del>Establishments for the sale and consumption on the premises of food and beverages with a drive-up window</del>	<del>1 for each 75 sq. ft. of gross floor area</del>	<del>1.2</del>	<del>1.5</del>	<del>Spaces for each 75 sq. ft. of gross floor area</del>

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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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		<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.

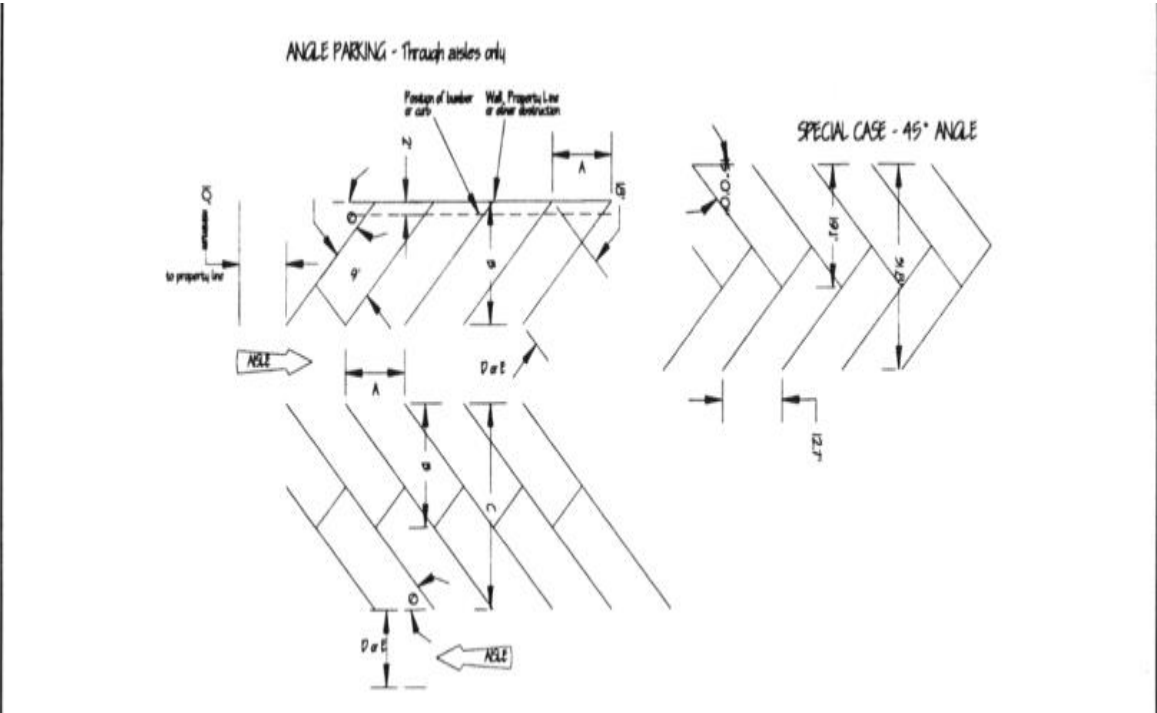
All angle parking and dimensioning requirements are referenced in NMC 15.440.070(B)

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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**



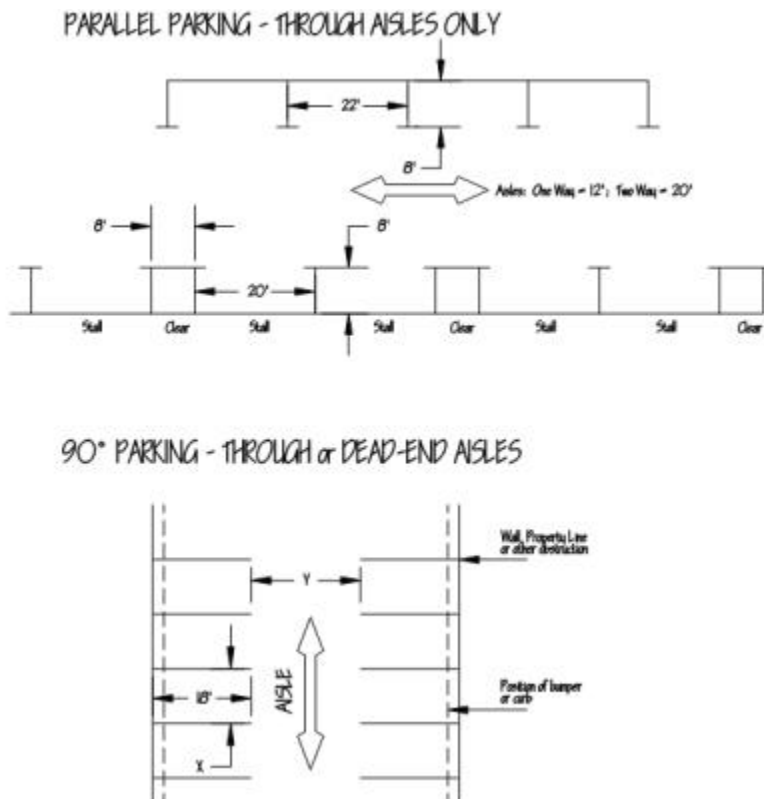
**Table of Dimensions (In Feet)**

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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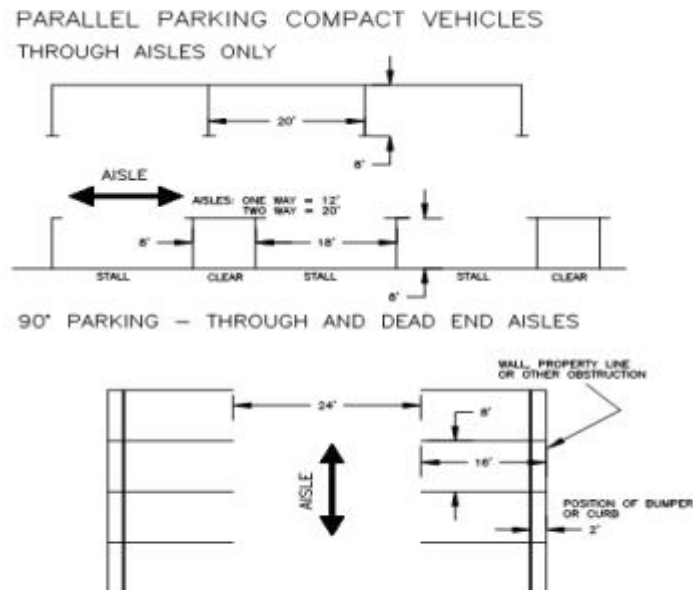
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2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical situations to illustrate the required 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.

//

<b>Staff Comments:</b> 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.

//

“**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.

//

**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.

//

## **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.**

//

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

//

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.**

//

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.**

//

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.

//

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)~~;

//

**NMC 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS**

**15.240.020 General provisions.**

//

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.

//

**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.**

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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,~~



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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.

//

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.

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(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>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>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:

//

**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><u>Residential Types</u></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	<u>No off-street parking other than for the required dwelling. 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>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>	
	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>	<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><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>

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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	1 for each 500 sq. ft. of gross floor area	<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	1 for every 700 sq. ft. of hangar area over 3,600 sq. ft.	<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	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  <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>

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.

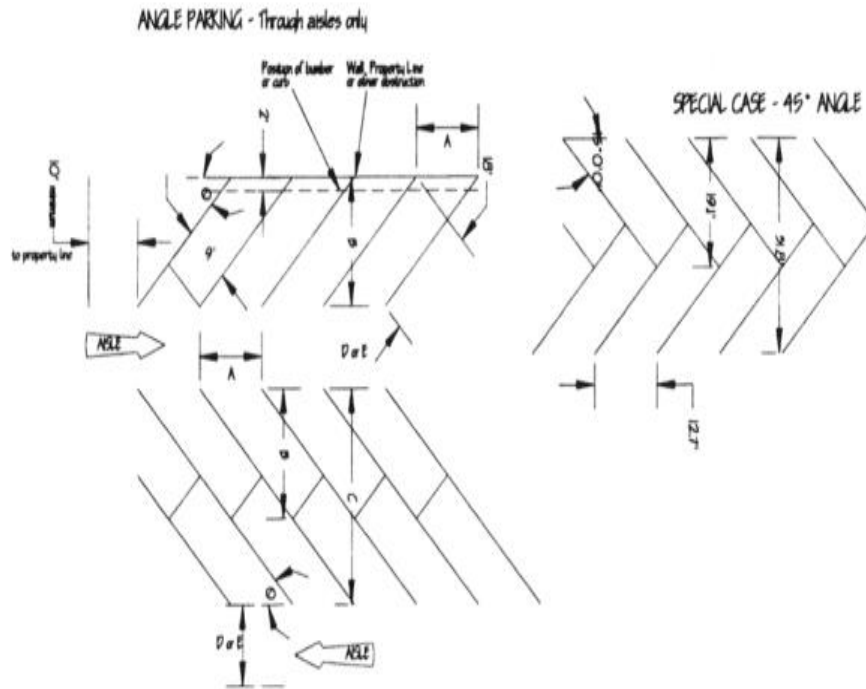
2. A compact parking space is no less than 16 feet by 8 feet in size.

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:

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**Diagram 1**



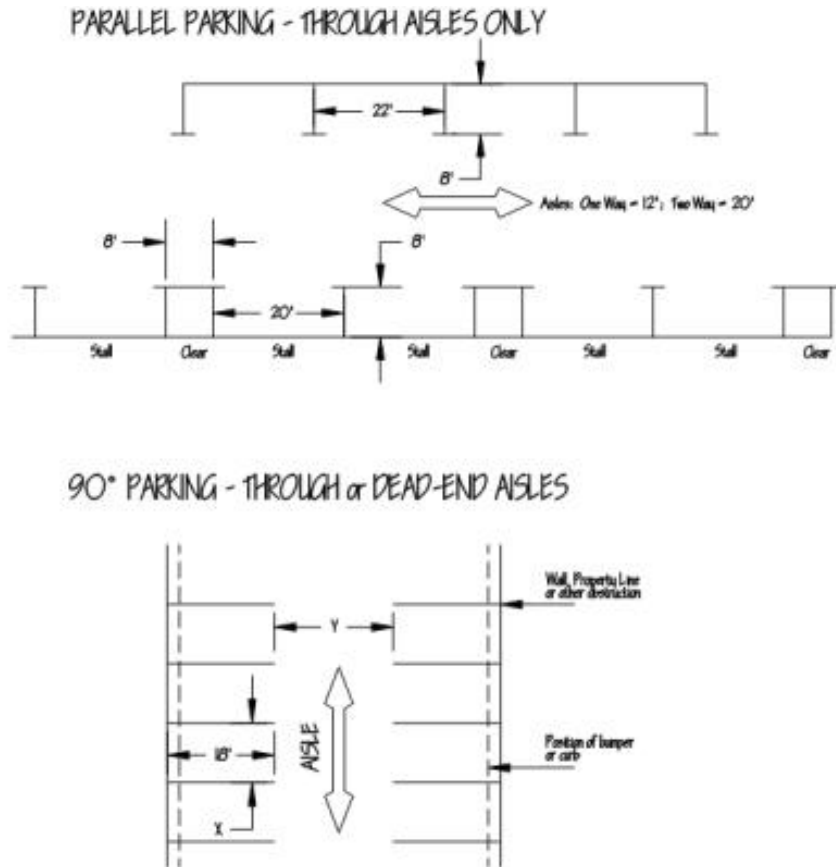
**Table of Dimensions (In Feet)**

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



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**Diagram 2**



Notes:

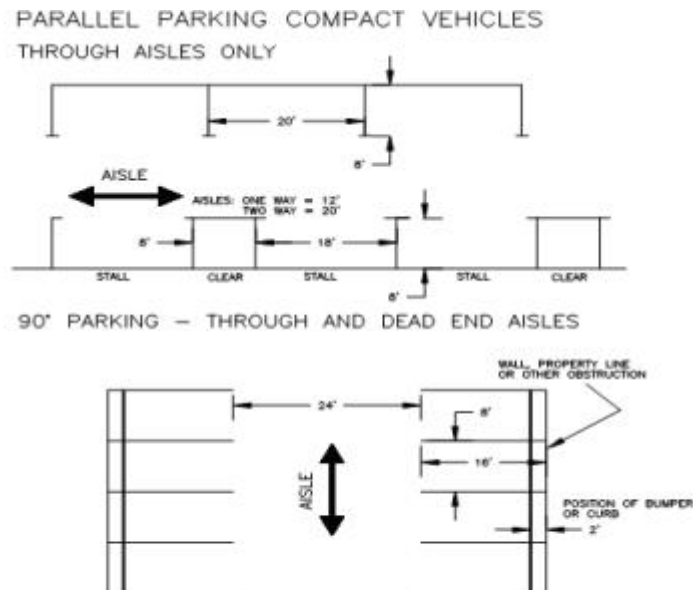
1. Bumpers must be installed where paved areas abut street right-of-way (except at driveways).
2. No stalls shall be such that cars must back over the property line to enter or leave stall.
3. Stalls must be clearly marked and the markings must be maintained in good condition.
4. The sketches show typical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

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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.

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**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  
Findings – File DCA24-0002

**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.

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

***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  
Development Code Maintenance Amendments  
Findings – File DCA24-0002

***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  
Findings – File DCA24-0002

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.

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

**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  
Development Code Maintenance Amendments  
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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  
Development Code Maintenance Amendments  
Findings – File DCA24-0002

*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.

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

***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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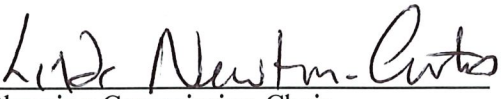
### **RECITALS**

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





## **Planning Commission Meeting**

**January 9, 2024**

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### **CALL MEETING TO ORDER**

Meeting called to order at 7:00 p.m.

### **ROLL CALL**

Commissioners Present:

Jason Dale  
Linda Newton-Curtis (Chair)  
Layne Quinn (Vice Chair)  
Mathew Mansfield  
Randy Rickert  
Jose Villalpando  
Kriss Wright

Commissioners Absent:

Elise Steffen (Student)

City Council Representative:

Jeri Torgesen

Staff Present:

Planning Manager: Clay Downing  
Assistant Planner: Leanne Wagener  
Associate Planner: Jeremiah Cromie  
Community Development Director: Scot Siegel  
Administrative Assistant: Fé Bates

### **INTRODUCTION OF NEW COMMISSIONERS**

### **ELECTION OF NEW CHAIR AND VICE CHAIR**

Chair Dale asked Vice Chair Linda Newton-Curtis if she would like to step up to Chair as since the standing custom has been for the Vice Chair to become the Chair, Commissioner Newton-Curtis accepted.

Commissioner Wright Nominated Linda Newton-Curtis as Chair of the Planning Commission, seconded by Commissioner Rickert.

Voice Vote: Unanimous YES

Commissioner Wright asked if Layne Quinn would except the position of Vice Chair, and Commissioner Quinn accepted.

---

Commissioner Wright Nominated Layne Quinn as Vice Chair of the Planning Commission, seconded by Commissioner Dale.  
Voice Vote: Unanimous YES

### **PUBLIC COMMENTS**

None

### **CONSENT CALENDAR**

#### **Approve December 12 Minutes**

Action: Approve the minutes from December 12, 2024  
Motion: Commissioner Griffiths  
Second: Commissioner Rickert  
Voice Vote: Unanimous Yes

### **QUASI-JUDICIAL PUBLIC HEARINGS**

#### **CUP24-0007: Conditional Use Permit to use a single-family dwelling as a vacation rental at 315 W Lindgren Dr.**

Assistant Planner Wagener presented the Staff report to the Planning Commission and answered Commissioners questions about it.

Chair opened the floor Public Testimony:

PROPONENT: Applicant *Rick & Susan DeMatei* testified to the Commissioners in regard to their application and answered questions from Planning Commissioners.

Chair Closed the Public Testimony and asked for final comments from Staff:

Staff recommended approval of CUP24-0007 a conditional use permit to use a single-family dwelling as a vacation rental home at 315 W Lindgren Dr.

Chair Opened the floor for Planning Commissioners' deliberation:

After discussion the Planning Commission chose to:

Action: Approve CUP24-0007 as a vacation rental home at 315 W Lindgren Dr.  
Motion: Commissioner Wright  
Second: Commissioner Quinn  
Roll Call Vote: 7 YES ;    NO ; 1 Absent ;    Abstained

#### **CUP24-0008: Conditional Use Permit to use a single-family dwelling as a vacation rental at 510 N School St.**

Assistant Planner Wagener presented the Staff report to the Planning Commission and answered Commissioners questions about it.

---

Chair opened the floor Public Testimony:

There was no public testimony.

Chair Closed the Public Testimony and asked for final comments from Staff:

Staff recommended approval of CUP24-0008 a conditional use permit to use a single-family dwelling as a vacation rental home at 510 N School St.

Chair Opened the floor for Planning Commissioners' deliberation:

Commissioner Write asked questions that needed to be answered by the applicant who was not present. Commission asked Staff if they could continue the hearing to the next meeting so the applicant could respond to the concerns. After discussion the Planning Commission chose to:

Action: Approve CUP24-0008 as a vacation rental home at 510 N School St.

Motion: Commissioner Wright

Second: Commissioner Dale

Roll Call Vote: 6 YES ; 1 NO; 1 Absent ;    Abstained

**CUP24-0004/DR224-0006/MISC124-0018: Conditional Use, Design Review & Stream Corridor Overlay Permit to Develop the West Branch Apartment Development on the corner of Hayes and Springbrook.**

Associate Planner Cromie presented the Staff report to the Planning Commission and answered Commissioners questions about it.

Chair opened the floor Public Testimony:

PROPONENT: Applicant *DMKS LLC representative AKS* testified to the Commissioners in regard to the application and answered questions from Planning Commissioners.

OPPONENT: Commissioners heard testimony against the project regarding the effects it will have on the neighboring Grange Hall and the effect the additional light will have on the Drive-In; from:

Staras Gibson, Stephen Brunner, Zach Pelz, Sonia French, Brandon Slyter

Commissioners asked the applicant back up to ask some clarifying questions that were brought up from the testimony.

Chair Closed the Public Testimony and asked for final comments from Staff:

Staff recommended approval of CUP24-0004/DR224-0006/MISC124-0018: Conditional Use, Design Review & Stream Corridor Overlay Permit to Develop the West Branch Apartment Development on the corner of Hayes and Springbrook.

Chair Opened the floor for Planning Commissioners' deliberation:

After discussion and questions with staff the Planning Commission chose to:

Action: Approve CUP24-0004/DR224-0006/MISC124-0018 for a 96-unit Multifamily development

Motion: Commissioner Quinn

---

Second: Commissioner Dale  
Roll Call Vote: 4 YES ; 3 NO; 1 Absent ;    Abstained

## **LEGISLATIVE PUBLIC HEARINGS**

### **CA24-0002: Code Maintenance Package**

Community Development Director Siegel presented the staff report to the Planning Commission and answered Commissioners questions about it.

Chair opened the floor Public Testimony: NONE

Chair Closed the Public Testimony and asked for final comments from Staff:

Staff Recommends approving RES2025-398 which recommends City Council adopt the Code Amendments which clarify regulations and brings the code into compliance with State Land Use Requirements.

Chair Opened the floor for Planning Commissioners deliberation:

Commissioners agreed that the proposed changes to the code is beneficial for the City.

Action: Recommend adopting RES2025-398 as written by Staff.

Motion: Commissioner Wright

Second: Commissioner Mansfield

Roll Call Vote: 7 YES ;    NO; 1 Absent ;    Abstained

## **ITEMS FROM STAFF**

Planning Manager Clay Downing informed the Commission of the anticipated schedule for the next Planning Commission meeting.

Associate Planner Cromie informed the Commission that the Craft Industrial District was approved by the City Council and if no appeals are submitted it will go in effect February 7<sup>th</sup>.

## **ITEMS FROM COMMISSIONERS**

## **ADJOURNMENT**

Meeting adjourned at 10:26 p.m.

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Attest:

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Planning Commission Chair

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Fé Bates, Planning Commission Secretary

DRAFT

## Scot Siegel

---

**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

This email originated from outside the City of Newberg's organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

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  
635 Capitol Street NE, Suite 150 | Salem, OR 97301-2540  
Cell: 503-779-9821 | Main: 503-373-0050  
[melissa.ahrens@dlcd.oregon.gov](mailto:melissa.ahrens@dlcd.oregon.gov) | [www.oregon.gov/LCD](http://www.oregon.gov/LCD)



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 their tips. The background is a light, hazy sky, suggesting an open field or meadow. The overall texture is intricate due to the overlapping blades and seed heads.

# **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

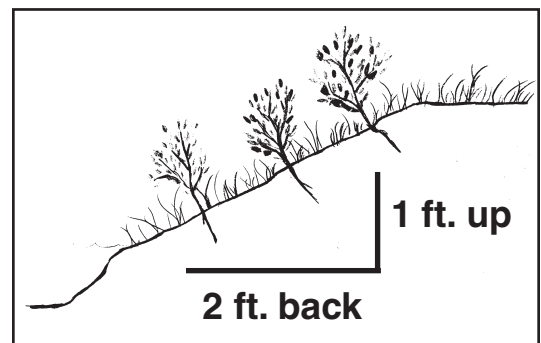
from the stream there is only one foot of vertical rise. Your project should end at two stable points on the bank, i.e. areas that are not eroding and have vegetative protection.

**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.

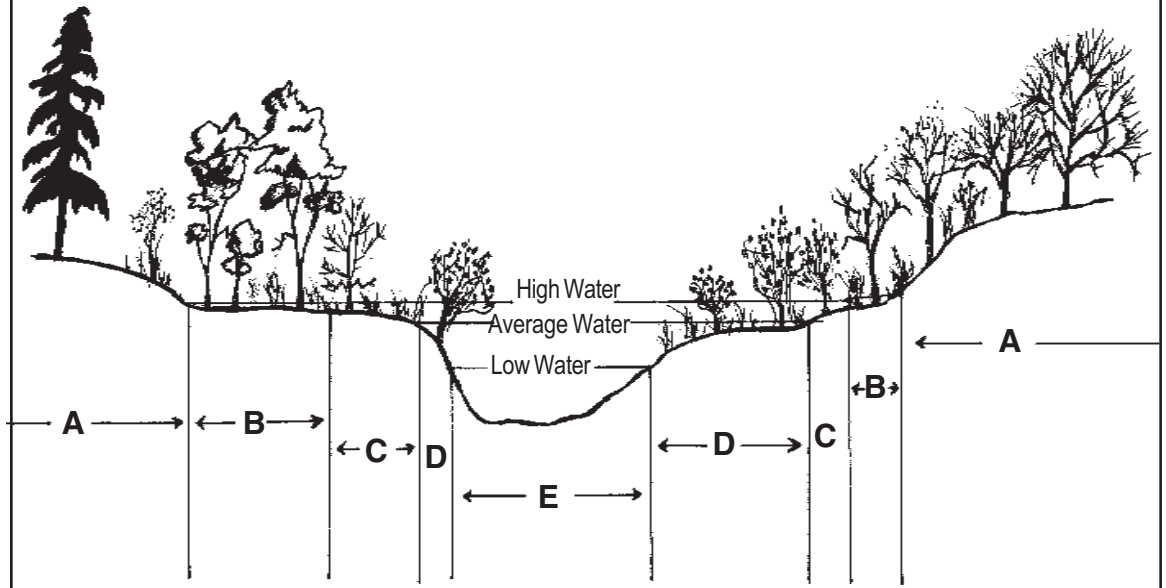
Different buffer widths are recommended for different protection purposes. These are general distances and may change as new research becomes available. Under the Forestry Practices Act which is administered by the Oregon Department of Forestry, the recommended buffer width is 20 to 100 feet on either 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

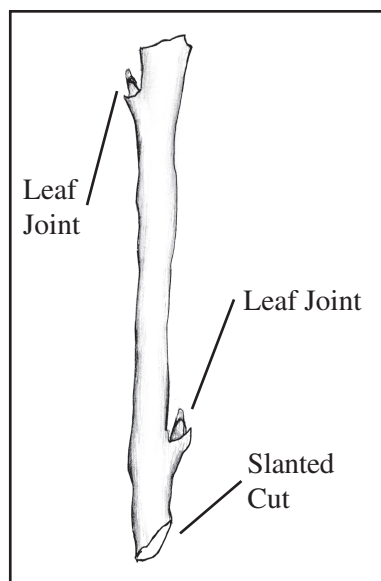
*Source: Fish and Wildlife Service, US Department of the Interior. Dec. 1979. Classification of Wetlands and Deepwater Habitats of the United States.*

# ***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 (*Polygonum cuspidatum*, *P. sacchilense*)
- Evergreen Blackberry (*Rubus laciniatus*)
- White poplar (*Populus alba*)
- Non-native Bentgrasses (*Agrostis tenuis*, *palustris*, *alba*, *stolonifera*, *capillaris*, *castellana*, *gigantea*)
- English Hawthorn (*Crataegus monogyna*)

\* 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



Zone b, c

(*Alnus rhombifolia*)

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



Zone b, c, d

(*Salix*)

**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**



(*Veronica americana*)

**Zone c**

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**



(*Camassia quamash*)

**Zone b, c**

Perennial, up to 1.5' tall.

Moist to wet prairies, important food source for Native Americans.

Propagate from seed, bulbs.

### **Leichtlin's Camas**



(*C. leichtlinii*)

**Zone b, c**

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**



(*Heracleum lanatum*)

**Zone a, b**

Perennial/biennial. Up to 8' tall. White flowers.

Grows in streambanks, wet meadows.

Propagate from fresh seeds or seedling.

### **Hall's Aster**



(*Aster hallii*)

**Zone a, b**

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**



(*Stachys cooleyae*)

**Zone a, b**

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**



(*Lupinus polyphyllus*)

**Zone a, b**

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**



(*Potentilla gracilis*)

**Zone a, b**

Perennial. Up to 2' tall. Yellow flowers.

Wet meadows, streambanks.

Propagate from seeds, divisions or seedlings.

### **Piggy-back Plant**



(*Tolmiea menziesii*)

**Zone a, b**

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. *roemerii*)  
**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 F - 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>					

## EXHIBIT G

### 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**

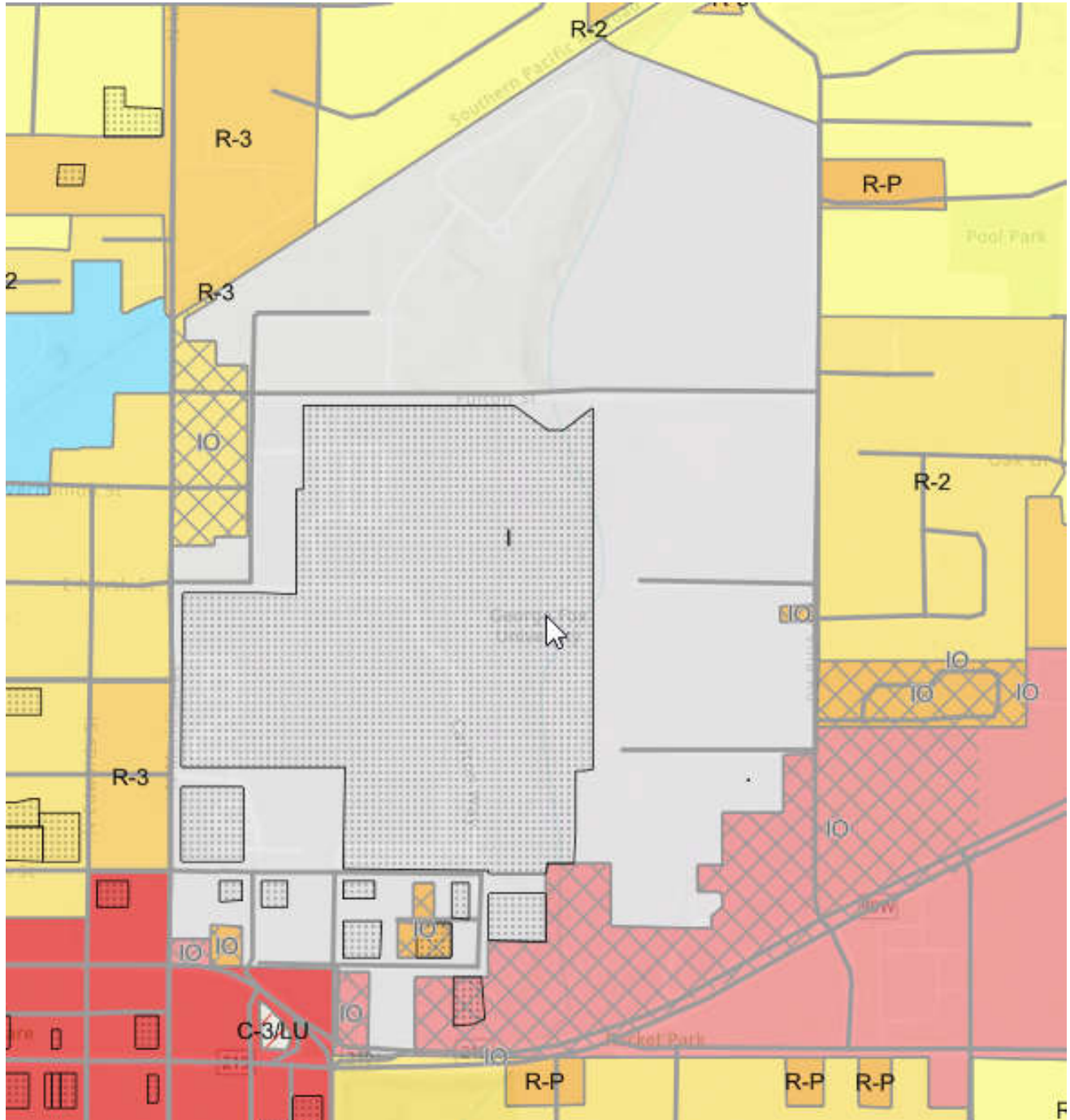
<b>Model</b>	<b>Examples</b>	<b>Staff Resources</b>	<b>Internal Stakeholders Engagement</b>	<b>External Stakeholders Engagement</b>	<b>Project Duration<sup>1</sup></b>	<b>Resources</b>	<b>Risks</b>
<b>Corrections</b>	Title 15 – Typographical corrections	Low	Legal, as needed	As needed	4-6 months	Low	<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.

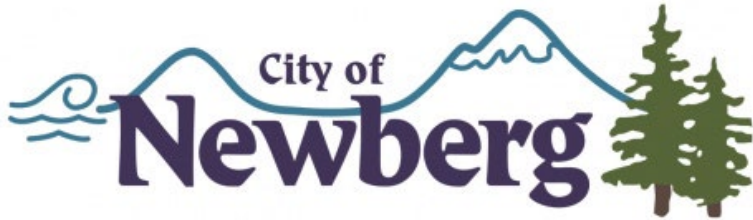
<sup>2</sup> Major Policy changes are not Maintenance.

## Code Maintenance Guide

**EXHIBIT H**  
**DCA24-0002 - CODE MAINTENANCE AMENDMENTS**  
**EXISTING INSTITUTIONAL OVERLAY**



XXXX = Institutional Overlay (IO)



# Ex Parte Contact

*James Walker, City Attorney*

*Souvanny Miller, City Attorney's Office*

*For Newberg City Council*

*February 2025*

# Types of Decisions

## Legislative

- Enact regulations
- Generally applicable
- Have the force of law
- Ex. Ordinance amending permitted uses under zoning code

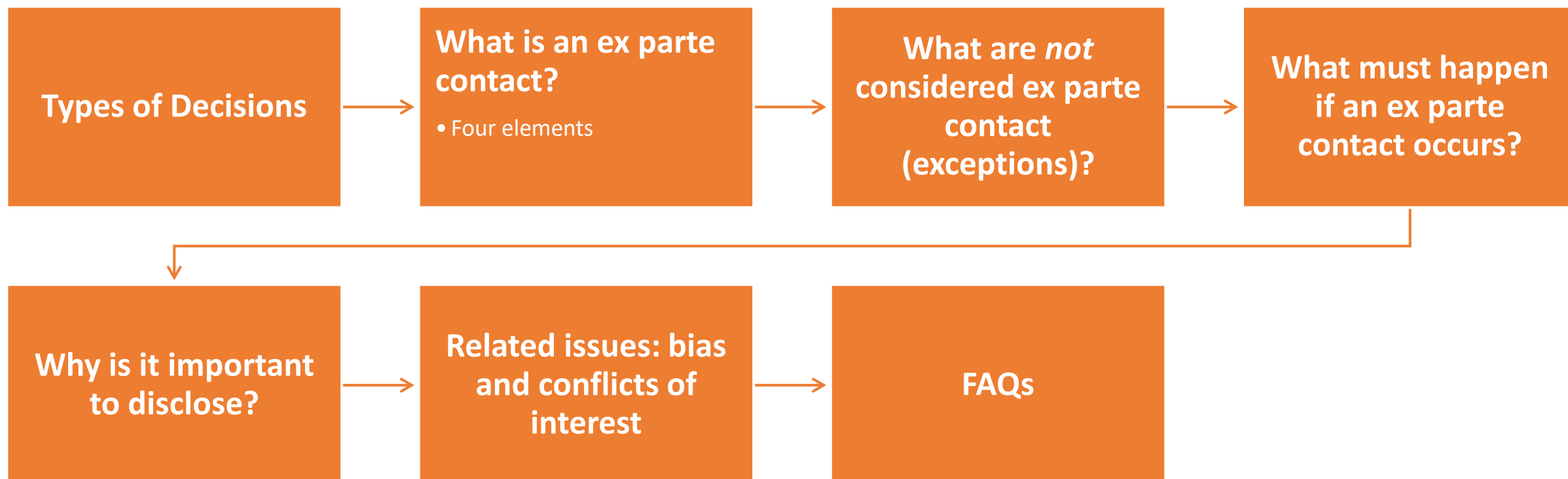
## Quasi-Judicial

- Apply pre-existing regulations
- To specific facts
- Requires interpretation, judgment, or application of subjective criteria
- Ex. Hearing on land use application (applying specific criteria to evidence submitted by applicant)

## Ministerial

- Apply pre-existing regulations
- To specific facts
- NO discretion or subjective standards
- Ex. Employment contracts

# Ex Parte Contacts Roadmap





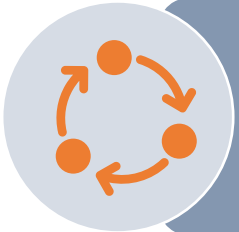
# What Is an Ex Parte Contact?



A communication



Made to a member of a hearings body



Outside of the hearings process



About facts relevant to an application or about an application that will be or is before the hearings officer or body

# 1. Communication



**Verbal**



**Written**



**Newspaper  
articles and TV  
programs**



**Social Media**



**Site Visits**



**Individual site visits**

Information-gathering or  
developing an impression  
Not technically a  
communication but should  
be disclosed



**Group site visits**

Should be scheduled and  
treated as part of the  
hearing (party and public  
observation and  
participation required)

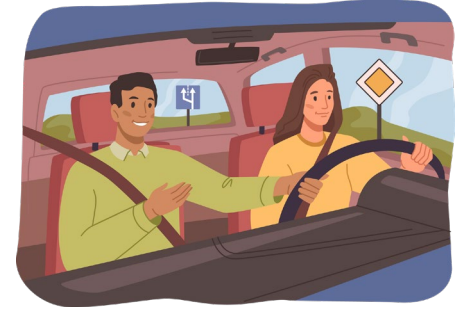
# Communication Examples



Person in support of a pending application approaches you at the grocery store to give their opinion



You read an online article from a local news outlet opposing a particular application



You drive by the proposed development site on your way home from work (a close call, but decision-makers may disclose this)

## 2. Made to a Member of a Hearings Body



- Communication is made to a member of a hearings body
- Council Members are members of a hearings body when the City Council is acting in its **quasi-judicial function**
- **Quasi-Judicial Hearing**
  - Land use is the most common example
  - Such decisions are referred to as "quasi-judicial" because the local government is judging whether an applicant has submitted sufficient evidence to demonstrate compliance with the applicable criteria, and such determination to a contested-case style proceeding.

### 3. Outside of the Hearings Process

- Only applies to communications outside of the hearings process
- Hearings process includes:
  - Testimony, evidence, argument presented at a hearing
  - Information in the record
  - Conversations with staff (though be careful about other public meetings requirements)
- Can happen even after the record and the hearing are closed

## 4. About a Pending Application or Facts Relevant to an Application

- Communication is about a pending application
  - Any commission or committee whose decision the City Council will review and have final approval in a **quasi-judicial hearing**
  - All stages of the review (e.g. pre-application, planning commission)
- Communication is about facts relevant to an application

# What are *not* considered ex parte contacts?

- Communications with staff
  - Applicant's or public's communications with staff
  - Council's communications with staff
    - (Public meetings and quorum rules still apply)
  - **Exception:** Staff cannot serve as a conduit for ex parte contact
- Communications with the public regarding *legislative* matters
- Communications that are *part of the hearings process*
  - Example: Article is presented as evidence for the Council's review in a hearing, you may review it

# If an ex parte contact occurs, what is required?

- **Must disclose** the ex parte contact *at earliest possible time*
  - Most often, this is the **beginning of the first hearing**
    - Hearing process will include a time at the outset for each decision-maker to disclose whether or not they have had ex parte contacts
  - Disclosing the substance and contents is important
  - Who (including stakeholders and participants, applicant, opponents, proponents, media)
- All parties to the hearing have an opportunity for rebuttal
  - Applicant
  - Opponents
  - Proponents



# Why is it important to disclose?

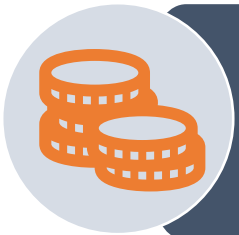
- It's the law—ORS 227.180(3).
- Purposes of this (and rules on bias and conflict of interest):
  - Identify the correct facts
  - Make all facts gathered outside hearing process subject to rebuttal
  - Ensure that all sides and participants' positions are fully considered in final decision
  - Ensure that the decision is made fairly, based on **the criteria, evidence, and testimony.**



# Why is it important to disclose?



Legal challenges and remand.



Expensive to defend.



Risk of reopening the process.

# Related Issues: Bias, Conflict of Interest

- Bias
  - Bias due to an ex parte contact may be cured through disclosure
  - Other forms of bias may require recusal
- Conflict of Interest
  - Actual – you or a relative (or any associated business) **would** financially benefit or be harmed by the decision. You **must disclose** and **recuse yourself**.
  - Potential – you or a relative (or any associated business) **could** financially benefit or be harmed by the decision. You **must disclose** and **may recuse yourself**.

# FAQs re Ex Parte Contacts

The City Council reached a decision at the hearing, but the final order is not yet drafted. May I have ex parte contact now?

I am recused from a particular decision. May I have ex parte contact?

What if I had contacts with the applicant or opponents before the project was in an application form?

What if I had contacts with the applicant or opponents before I was on the City Council?

# Thank You



**James Walker**

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503.205.2353



**Souvanny Miller**

souvanny.miller@millernash.com  
503.205.2363





# Newberg Urban Design Verification Study: Propelling Past Planning Forward

Newberg City Council  
February 18, 2025



# Today's Agenda

- Study overview
- Previous planning work overview
- Downtown solutions overview
- E 1<sup>st</sup> St (OR 219) solutions overview
- Next steps

# What's an Urban Design Verification (UDV) Study?

---

- A small refinement plan for a segment of state highway
- Implement local goals as they relate to state highways
- Identify lower cost, implementable solutions for all travel modes
- Gauge community support for *specific* solutions
- Look for opportunities to leverage other projects or find grants

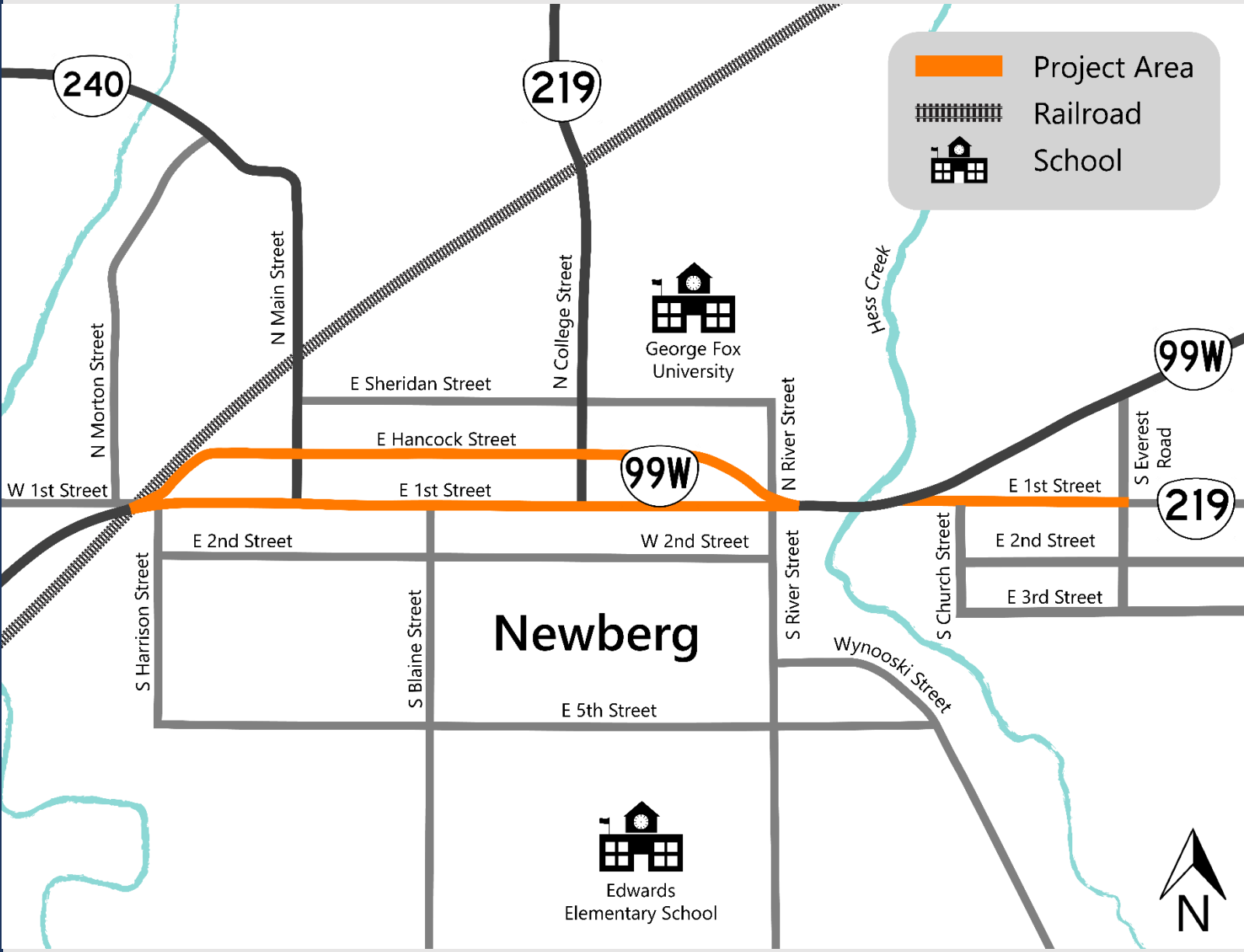


# Why a Newberg UDV?

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- ADA project coming to Newberg– leverage opportunity!
- Advance objectives of Newberg TSP, Downtown Plan, Parking Plan
- Increase safety and comfort for all users, including people driving, walking, cycling, taking the bus, or driving a freight vehicle
- Capitalize on funding available NOW for some improvements
- Refine locally-adopted planning concepts and meet ODOT standards

# UDV Study Area



# Newberg Objectives for OR 99W

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## Newberg TSP

- Project S07: remove one travel lane in each direction from Hancock and 1<sup>st</sup> after completion of Phase 1 Bypass in coordination with ODOT

## Newberg Downtown Improvement Plan

- Four transportation strategies identified; Strategy #3 is “implementation of partial road diet on Hancock and First”

## Newberg Parking Study

- Found downtown parking supply generally sufficient, new management recommendations, pedestrian crossings/safety recommendations

## “Alternate Mobility Standards”

- Adopted special standards for congestion at key intersection in Newberg

# Newberg Downtown Improvement Plan (2017)

Figure 20: Proposed First Street Permanent Street Design

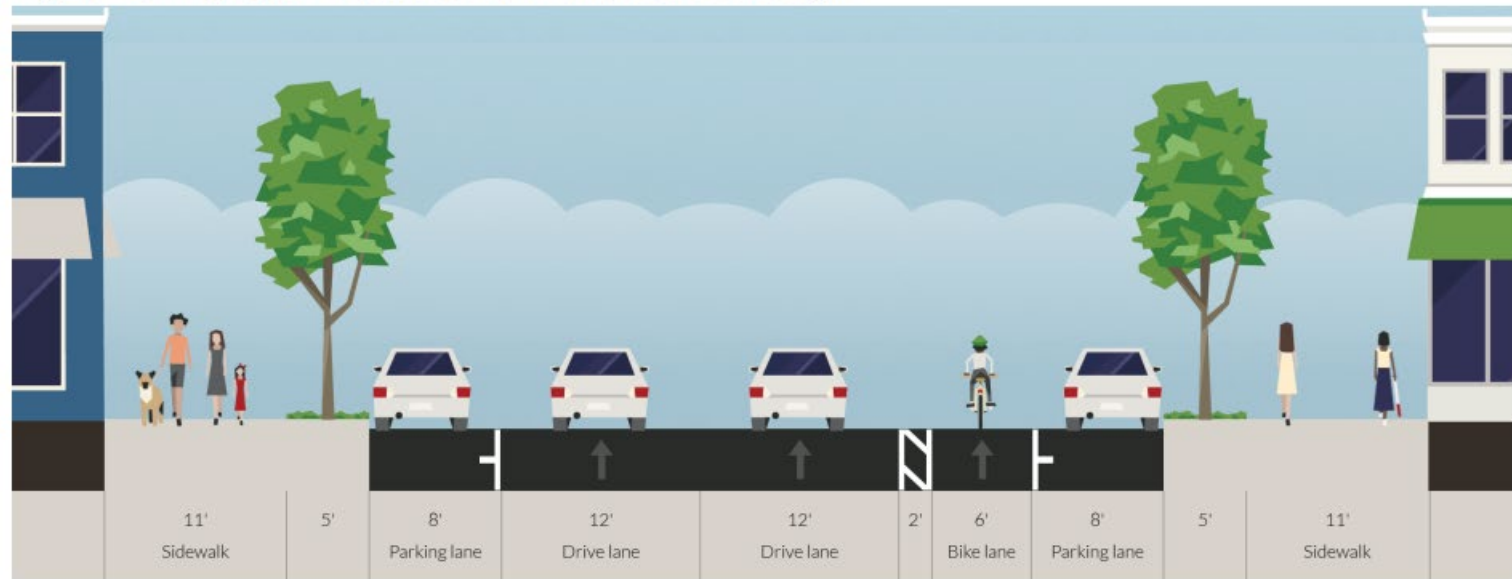
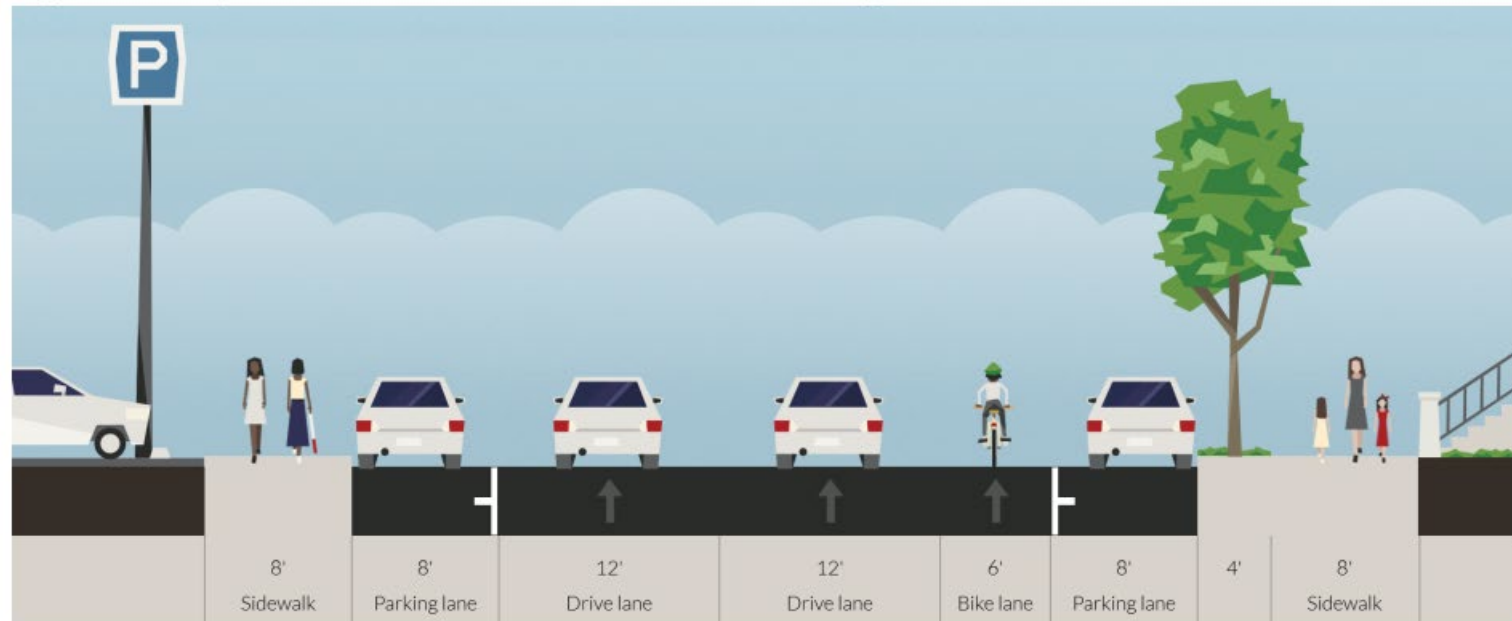


Figure 21: Proposed Hancock Street Permanent Street Design



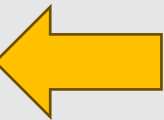


# Alternatives Evaluation

## Goals:

- Honor local plans
- Meet ODOT design and traffic standards
- Improve safety and comfort for all users
- Identify lower-cost improvements if possible

Hancock/1 <sup>st</sup> Alternatives	Benefits/Impacts	Align with Local Objectives/State Standards?
Keep current lane configuration, reduce lane widths	<ul style="list-style-type: none"> <li>• Increase space for people cycling</li> <li>• Some effect on vehicle speeds</li> </ul>	<ul style="list-style-type: none"> <li>• Likely would meet traffic standards</li> <li>• Would not improve cycling facilities to ODOT standard</li> <li>• Minimal benefits to all-user safety</li> </ul>
Convert to two-way streets	Previously evaluated in Downtown Plan; cost-prohibitive and complex	Unlikely to meet traffic standards
Reduce travel lanes to two in each direction thru downtown	<ul style="list-style-type: none"> <li>• Increase space for people cycling</li> <li>• Fewer travel lanes to cross for peds</li> <li>• Reduction in vehicle speeds</li> <li>• Modest impacts to traffic</li> </ul>	<ul style="list-style-type: none"> <li>• Likely meets traffic standards</li> <li>• Addresses desires expressed in TSP, Downtown Plan, Parking Plan</li> <li>• Maximizes all-user safety</li> </ul>
“No build” (do nothing)	<ul style="list-style-type: none"> <li>• No user safety/comfort benefits</li> <li>• Continued safety concerns</li> </ul>	Does not address local plans and ODOT policy/standards





# Consultant Team Recommendation

---

- Advance consideration of a lane reconfiguration on Hancock and 1<sup>st</sup>, in alignment prior planning and community desires
  - Would best address ODOT design standards
  - Phase 1 bypass reduced traffic on OR 99W in line with expectations
- Implementation flexibility: initial low-cost “paint and post”, long term construction project
- No impacts to parking supply downtown. Potential for short-term increase in parking

## E Hancock Street

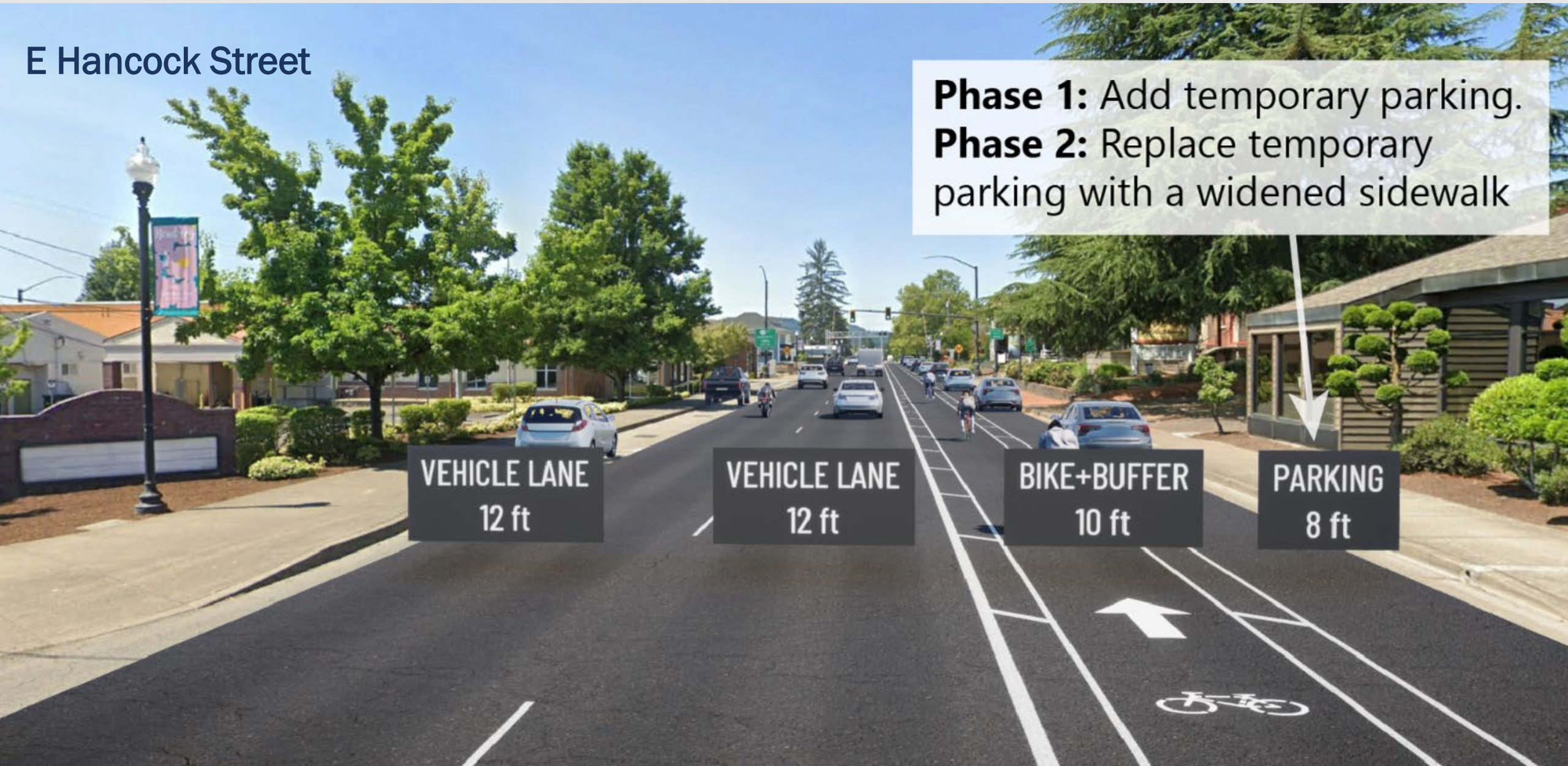
**Phase 1:** Add temporary parking.  
**Phase 2:** Replace temporary parking with a widened sidewalk

VEHICLE LANE  
12 ft

VEHICLE LANE  
12 ft

BIKE+BUFFER  
10 ft

PARKING  
8 ft





# E Hancock Street Crossing Improvement





# E 1<sup>st</sup> Street



VEHICLE LANE  
12 ft

VEHICLE LANE  
12 ft

PARKING  
10 ft

BIKE+BUFFER  
14 ft



## E 1<sup>st</sup> Street Crossing Improvement



# What we heard

- Over 70 comments
- Majority thought improvement concepts for Hancock/1<sup>st</sup> were headed in right direction
- Strong support for slower traffic in downtown and wider sidewalks
- Some concerned about impacts to traffic, particularly at College Street intersection





# Reconfiguration: Implementation



- Lower cost – “paint and posts”
  - Can “try it out” before paving it
- Permanent – in concrete
- Funding for permanent improvements not identified
- Temporary improvements could be implemented sooner
  - Maintenance implications need to be worked out



# Reconfiguration: Final Thoughts

- Traffic analysis – reconfiguration will likely meet traffic standards
- Phase 1 – can implement sooner
- Maintenance





# OR 219/E 1<sup>st</sup> Street Crossing Concepts

# What we heard

- Over 140 comments!
- Focused on OR 219/E 1<sup>st</sup> Street concepts
- Top theme = crossing safety
- Most comments = Everest Rd crossing
- About 70% said they drive daily in study area
- About 25% said they walk daily in study area

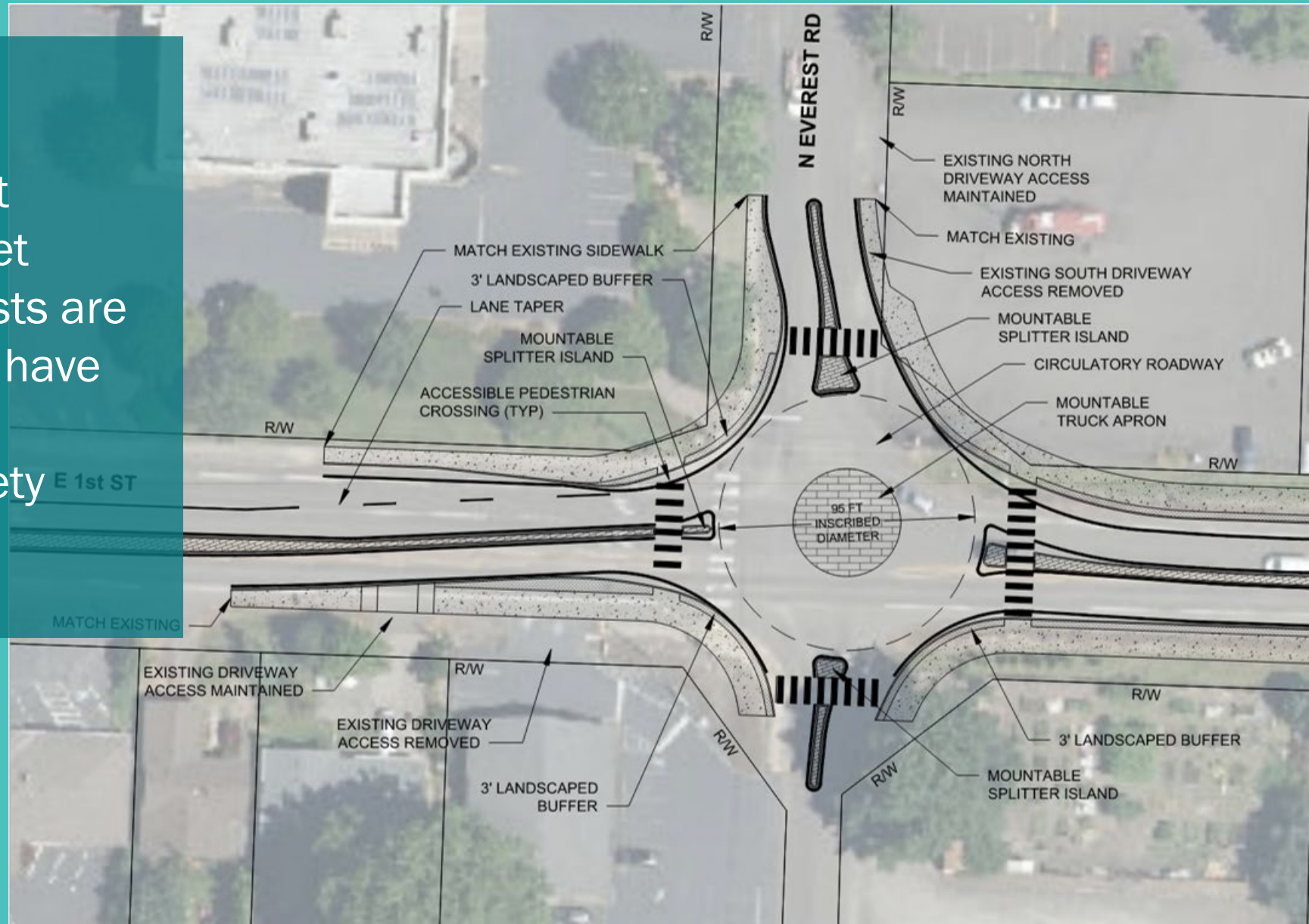




# Everest Rd & E 1<sup>st</sup> Street

## Longer-term:

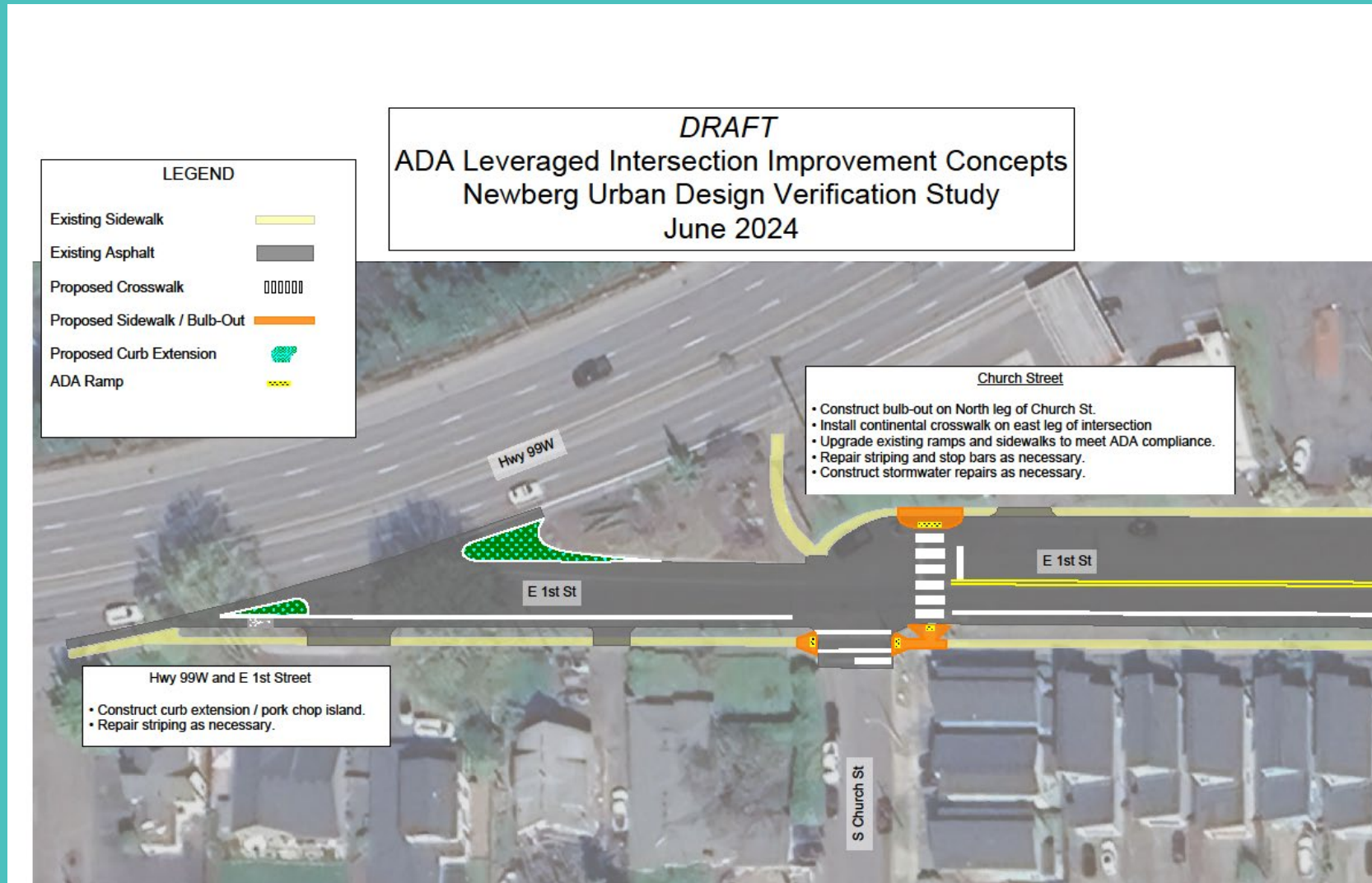
- Intersection analysis recommended roundabout
- Signal warrants are not met
- Signal and roundabout costs are similar, roundabout would have lower operating cost
- Roundabout improves safety compared to signal



# Church & E 1<sup>st</sup> Street

## Near-term:

- Curb extensions calm turning traffic.
- Enhanced crossing at Church St.

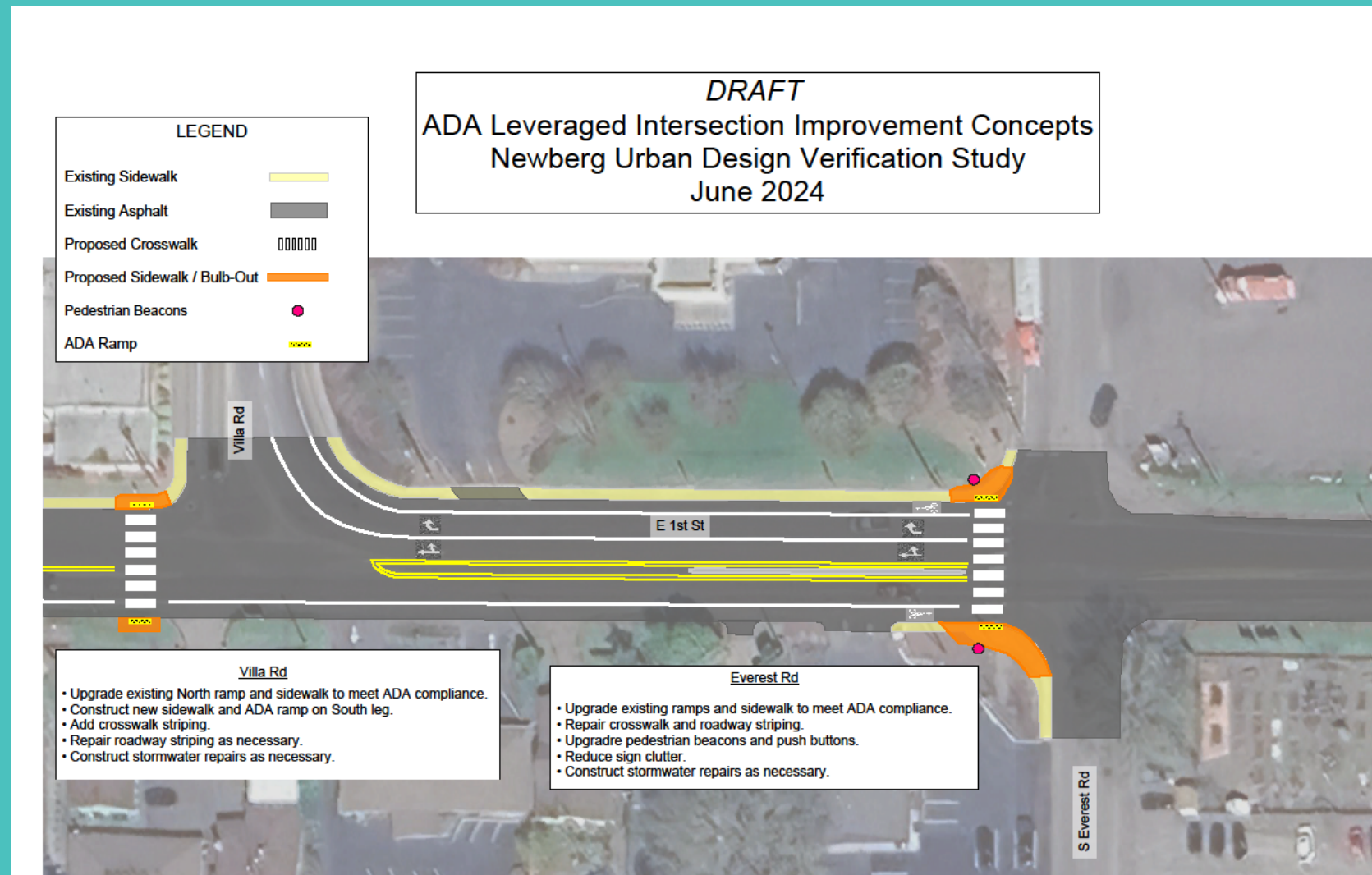




# Villa Rd & Everest

## Near-term:

- Add marked crossing on west leg of Villa.
- Update near-term improvements at Everest:
  - Update flashers
  - Reduce sign clutter
  - Update ADA ramps
  - Update signs on flasher poles



# Next Steps

- Newberg City Council feedback
- Mobility Advisory Committee feedback
- Add OR 219 crossings funding into ADA project
- Final UDV report
- Identify funding for reconfiguration implementation



# Questions?

**Jenna Berman**

ODOT Region 2



971-719-6024



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**Ryan Farncomb**

Parametrix



503-416-6868



RFarncomb@parametrix.com



# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (February 18, 2025)**

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐

No. 2025-3962

Subject:

A Resolution awarding the Contract for destination tourism marketing services to Visit Newberg DBA Taste Newberg via the special procurement method.

Business Session

Hearing Type: Administrative

Staff: Will Worthey CM

Department: Administration

File No.

Order On Agenda:

## Recommendation:

Staff recommends awarding the contract renewal for destination marketing services to Visit Newberg DBA Taste Newberg as a special procurement per ORS 279B.085 and the City's Purchasing Policy and Procedures ("Purchasing Manual") Section 12.2.

Contract Review Board

**ORS 279B.085** and the Purchasing Manual Section 12.2 outline the process for approval of special solicitation methods and exemptions. Exhibit "A" to Resolution No. 2022-3843 are the findings that support the City Council's decision acting as the Contract Review Board.

## Executive Summary:

At this time no other local entity exists with the skills or the ability to carry out the work of destination tourism marketing on behalf of the City of Newberg. Taste Newberg has an established track record of success in this field. By awarding the contract for an additional period of six years, the Taste Newberg and Chamber Visitor center contracts will continue to have the same performance period. This will create an efficient and rational procurement pattern as their services are complementary.

## Fiscal Impact:

In line with the legal framework of Oregon law (**HB 2267**) a portion of Transient Lodging Taxes must be used for the Tourism economy while a portion may be used for general funds. In the case of the City of Newberg the tourism promotion portion is set to 35.0667% of Transient Lodging Taxes paid out on a quarterly basis. These taxes are paid out on a quarterly basis (November, February, May and August). Since this portion of the TLT funds must by law be spent on growing the tourism economy this arrangement will greatly benefit the City of Newberg as Visit Newberg dba Taste Newberg will continue its work in the sector and as a result bring additional general fund dollars into our public coffers.

**Strategic Assessment:**

The relationship with Visit Newberg dba Taste Newberg is excellent. Continuing this relationship with the only entity capable of carrying out this mission is to the benefit of the city and especially its tourism economy.

# RESOLUTION No. 2025-3962

**A Resolution awarding the Contract for destination tourism marketing services to Visit Newberg DBA Taste Newberg via the sole source method.**

## **Recitals:**

1. Whereas, in 2003, the Oregon Legislature passed **HB 2267** adding guideline to the use of Transient Lodging Taxes; and
2. Whereas, the city codified these Transient Tourism Tax arrangements via **Ordinance No.1976-1835A** and as amended by **Ordinance No. 1989-2262, 1996-2433, 1997-2476, and 2014-2771**; and
3. Whereas, the only local entity capable of successfully carrying out tourism promotion work via the legally established portion of Transient Lodging Tax income; and
4. Whereas, only Visit Newberg can provide this service due to its local market intelligence and specialization.
5. Whereas, the correct public notifications have been made per the Purchasing Manual Section 12.2; and
6. The City Council desires to renew the Visit Newberg contract dba Taste Newberg for a period of six years.

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

1. To continue our relationship with Visit Newberg dba Taste Newberg for a period of six years.
2. To award this contract as a special procurement per ORS 279B.085 and the Purchasing Manual Section 12.2.

**Effective Date** of this resolution is the day after the adoption date, which is: February 19, 2025.

**Adopted** by the City Council of Newberg, Oregon, this 18th day of February 2025.

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

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

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



**Exhibit “A” to Resolution No. 2025-3962**  
**Findings of Fact for Exemption**

The City Council is the Contract Review Board (Board) pursuant to **NMC 3.25.030**. The City Council in its authority as the Board grants an exemption from the normal solicitation process and approves entering into an agreement with the Visit Newberg dba Taste Newberg based on the following Findings of Fact:

Process for approval of special solicitation methods and exemptions in line with **ORS 279B.085 and the Purchasing Manual Section 12.2**.

- A. Authority of City Council. In its capacity as contract review board for the city, the city council, upon its own initiative, or upon request of the purchasing manager, may create special selection, evaluation and award procedures for, or may exempt from competition, the award of a specific contract or class of contracts as provided in this section.

***Finding:** The City Manager, who oversees the Taste Newberg contract, has requested the exemption from competition.*

- B. Basis for Approval. The approval of a special solicitation method or exemption from competition must be based upon a record before the city council that contains the following:

1. The nature of the contract or class of contracts for which the special solicitation or exemption is requested;

***Finding:** The contract would be for an agreement between the City of Newberg and Visit Newberg dba Taste Newberg. Visit Newberg dba Taste Newberg will provide tourism marketing services utilizing transient lodging tax proceeds collected by the City for tourism marketing promotion as defined by Oregon Revised Statute (ORS) 320.300(6), (7), (8), and (10). Visit Newberg dba Taste Newberg is a non-profit organization in compliance with ORS 320.300(8).*

2. The estimated contract price or cost of the project, if relevant;

***Finding:** The estimated contract price is variable based upon the total amount of TLT revenue collected. For the last year this amount was budgeted at approximately \$450,000 paid out in quarterly disbursements.*

3. Findings to support the substantial cost savings, enhancement in quality or performance or other public benefit anticipated by the proposed selection method or exemption from competitive solicitation;

***Finding:** Visit Newberg dba Taste Newberg has provided services for over six years under contract with the City. Visit Newberg dba Taste Newberg has established protocols and processes to provide these services and has staffing and resources to operate the required functions.*

*This is in the form of an arrangement in which the City furnishes partial funding through the transient lodging tax.*

4. Findings to support the reason that approval of the request would be unlikely to encourage favoritism or diminish competition for the public contract or class of public contracts, or would otherwise substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements that would otherwise be applicable under these regulations;

**Finding:** *Entering into an agreement with the Visit Newberg dba Taste Newberg is unlikely to encourage favoritism or diminish competition because Oregon Revised Statutes (ORS 320.300(8)) defines what a tourism promotion agency includes. Specifically, a tourism promotion agency is:*

- i) an incorporated non-profit organization or governmental unit that is responsible for the tourism promotion of a destination on a year-round basis,*
- ii) a non-profit entity that manages tourism-related economic development plans, programs, and projects, and*
- iii) a regional or statewide association that represents entities that rely on tourism-related business for more than 50 percent of their total income*

*The City of Newberg has worked under contract with the Visit Newberg dba Taste Newberg for over six years to perform the tourism marketing functions.*

*There are no other stated non-profit organizations within the area that provide the level of services the City desires to provide tourism marketing services for Newberg. Nor do any other local entities have the capability to do so. Visit Newberg dba Taste Newberg is in a unique situation as it has relationships with the businesses that operate tourist industries within the city and surrounding areas, which are the destinations for our visiting tourists.*

*With The Visit Newberg dba Taste Newberg award, this exemption would be unlikely to encourage favoritism in the awarding of public contracts.*

*The awarding of the agreement would substantially promote the public interest in a manner that could not practicably be realized by complying with the solicitation requirements, such as a Request for Proposals. This is because Taste Newberg possesses a local footprint and access to intelligence information on the local market that could not be matched by an outside bidder. Additionally Visit Newberg has established relationships with other destination marketing organizations such as Visit Oregon that would be hard to recreate.*

5. A description of the proposed contracting procedure to be employed; and

**Finding:** *The contract would be made via direct award to Visit Newberg dba Taste Newberg. Visit Newberg dba Taste Newberg is a non-profit organization. The contract would be for six years to allow this contract to continue to synchronize with the Chehalem Valley Chamber of Commerce visitor center contract.*

6. The estimated date by which it would be necessary to sign the contract(s).

In making a determination regarding a special selection method, the city council may consider the type, cost, amount of the contract or class of contracts, number of persons available to make offers, and such other factors as it may deem appropriate.

***Finding:*** *The estimated date to sign the contract with the Visit Newberg dba Taste Newberg is March 17, 2025.*

C. Notice and Protest Period.

1. The City will give public notice of the City Council's approval of this special procurement in the same manner as public notice of competitive sealed bids under ORS 279B.055(4). The public notice will describe the services to be acquired through the special procurement, identify the prospective contractor, and include the date and time when, and place where, protests of the special procurement must be filed.

In accordance with ORS 279B.085 and Section 12.2 of the Purchasing Manual, the City will give affected persons seven days from the notice of the City Council's approval of this special procurement to protest the special procurement. Protests must be made in accordance with ORS 279B.400 and OAR 137-047-0700.

***Finding:*** *A public hearing was held on February 18, 2025, the exemption will be noticed in the Newberg Graphic on March 5, 2025. The notice period will be for seven (7) days. If no challenge is received the contract award will occur on March 17, 2025 and the contract will initiate on July 1, 2025.*

Conclusion

*Based on the above Findings of Fact and in consideration of the long-term, ongoing relationship, the Council authorizes the City to enter into the agreement with Visit Newberg dba Taste Newberg to provide tourism marketing services. This agreement has been reached through direct negotiations with Visit Newberg dba Taste Newberg. The process is exempt from the normal public contracting process. This exemption applies only to this particular agreement.*

**Exhibit “A” to Resolution No. 2025-3962**  
**AGREEMENT BETWEEN CITY OF NEWBERG,**  
**OREGON AND VISIT NEWBERG, dba TASTE NEWBERG**  
**FOR TOURISM PROMOTION SERVICES**

**RECITALS:**

This Agreement is between the City of Newberg, an Oregon municipal corporation, (City) and Visit Newberg, dba Taste Newberg (Contractor), an Oregon nonprofit corporation. The City wishes to enter this Agreement with the Contractor for tourism promotion services for the City.

The Contractor is willing to provide the tourism promotion services the City desires. The City will compensate the Contractor with a portion of the Transient Lodging Taxes the City assesses pursuant to Oregon State law and Ordinance No.1976-1835A and as amended by Ordinance No. 1989-2262, 1996-2433, 1997-2476, and 2014-2771.

WHEREAS, In October 2016 the City and a City Transient Lodging Tax Ad Hoc Committee (Committee) began assessing how to improve tourism promotion through the use of Transient Lodging Tax proceeds; and

WHEREAS, the City, at the behest of the Committee, identified a granting program; and

WHEREAS, it was determined that the granting did not serve the full purpose of what the parties desired; and

WHEREAS, the parties agreed to hold, starting in December 2018 by Resolution No. 2018-3436, and not disperse the proceeds that the City collects that would be devoted to tourism promotion until such time as the parties had fully decided how to move forward; and

WHEREAS, the formation of Visit Newberg, dba Taste Newberg is the culmination of that work; and

WHEREAS, Contractor’s leadership was substantially the members of the Committee; and

WHEREAS, The relationship with the Contractor was renewed in 2023 by resolution No. 2022-3874; and

WHEREAS, The City desires the successful relationship between Contractor to continue;

NOW THEREFORE, the parties hereby agree as follows:

## 1. Definitions:

a. "tourism promotion" means any of the following activities:

- I. advertising, publicizing, or distributing information for the purpose of attracting and welcoming tourists
- II. conducting strategic planning and research necessary to stimulate future tourism development
- III. operating tourism promotion agencies, and
- IV. marketing special events and festivals designed to attract tourists. ORS 320.300(7).

b. "tourism" means economic activity resulting from tourists (ORS 320.300(6)).

c. "tourist" means a person who, for business, pleasure, recreation, or participation in events related to the arts, heritage, or culture, travels from the community in which that person is a resident to a different community that is separate, distinct from, and unrelated to the person's community of residence and that trip:

- I. requires the person to travel more than 50 miles from the community of residence, or
- II. includes an overnight stay (ORS 320.300(10)).

d. "tourism promotion agency" includes:

- I. an incorporated non-profit organization or governmental unit that is responsible for the tourism promotion of a destination on a year-round basis,
- II. a non-profit entity that manages tourism-related economic development plans, programs, and projects, and
- III. a regional or statewide association that represents entities that rely on tourism-related business for more than 50 percent of their total income (ORS 320.300(8)).

## 2. Contractor's Services:

In exchange for the payment provided in Section 3, Contractor will provide the following tourism promotion services to the City:

a. **Tourism Promotion Activities:** The Contractor will provide functions, activities, programs, web and digital marketing, create literature (develop, arrange for printing, and distribution), advertising, staff, supplies, equipment, and support to promote the Newberg area as a destination for tourists and visitors. The Contractor will coordinate its activities, as appropriate, with other organizations such as

the Chehalem Valley Chamber of Commerce and the Newberg Downtown Coalition and other visitor promotion entities. The Contractor will additionally play a leading part in the creation of a strategic tourism plan during the term of this agreement with the details to be agreed later.

b. Administrative and management functions:

The Contractor will provide day to-day management activities including planning and acquisition of services, equipment, supplies, and facilities to fulfill the Annual Business and Marketing Plan (the Plan) for Contractor. The Contractor will be responsible for maintaining capable and competent staff, including management staff. The Contractor's Executive Director or designee will attend any City Council meetings as requested by the City Council or City Staff to provide updates, information, or other data on Contractor's plans and services.

3. Contract provisions:

a. Funding model. Once the Agreement is fully executed and an acceptable certificate of insurance has been provided to the City, the City will provide Contractor with funding in the amount of 35.0667% of the Transient Lodging Taxes paid out on a quarterly basis (November, February, May and August) minus the City's total monthly expenditures paid to the Chehalem Valley Chamber of Commerce for the Visitor Center contract during the given quarter (the "Contract Price"), which shall be \$11,250 per quarter.

b. Contract duration. This contract will be effective for six years from July 1, 2025, until June 30, 2031, providing the reporting requirements have been met. There is no automatic renewal of this agreement, and it terminates on June 30, 2031, unless re-established by a new separate agreement prior to that date.

4. Reporting requirements:

a. Marketing plans.

No later than May 1, 2026, the Contractor will prepare and submit an update to the current marketing plan to the City Council as part of the term of service. The Plan will contain a general description of the services the Contractor will continue to provide during the contract period, as well as a proposed budgets for the 2026-27 and 2027-28 fiscal years, respectively.

No later than May 1, 2028, the Contractor will prepare and submit another update to the current marketing plan to the City Council as part of the term of service. The Plan will contain a general description of the services the Contractor will continue to provide during the contract period, as well as a proposed budgets for the 2028-29 and 2029-30 fiscal years, respectively.

No later than February 1, 2031, the Contractor will prepare and submit a performance period ending retrospective analysis of its successes in growing the tourism industry with statistical evidence to the City Council as part of the term of service.

b. Performance goals. Each marketing plan update will identify activities and performance goals. The Contractor will be fully responsible for the implementation of services and programs and the City will not control the day-to-day activities and operations of Contractor and its employees and agents.

c. Financial forecasting. The City will provide assistance in TLT revenue forecasting to help the Contractor develop its plans. The City may also provide general suggestions regarding the funding of various services or programs.

d. Written progress reports and presentations:

The Contractor will prepare and submit to the City Council six written progress reports during the years of service (set to occur in October 2025, October 2026, October 2027, October 2028, October 2029, October 2030). These reports will cover the status of the current Plan, including the budget. The reports will be delivered in the form of a formal presentation by contractor to Council. The City Council may request that a representative of the Contractor attend a City Council meeting to provide further information and to answer any questions at any time during the contract term.

5. Administrative Costs:

The Contractor's administrative and management costs, including but not limited to personnel, rent, financial management services, internal budgeting and accounting, purchasing, insurance, maintenance, supervision, legal services, printing, and any other costs will be at the cost and discretion of the Contractor.

6. Assets:

a. General provisions. The Contractor is an independent entity and will be responsible for acquiring and maintaining real and personal property related to the provision of services under this Agreement. The Contractor will own all real and personal property acquired by it. On termination of this Agreement, the Contractor will transfer any intellectual property or promotional materials associated with the provision of services under this Agreement to the City at no cost.

b. Risk of Loss and Insurance. The Contractor bears the risk of loss of all its property (as described in Section 6). The Contractor, at its own expense, will procure and maintain general liability insurance to protect the Contractor from claims that may arise out of or result from the services provided under this Agreement. Prior to funding of this Agreement, the Contractor will provide proof that it has acquired this insurance. The insurance will be in an amount per occurrence at least equal to the City's tort claims liability limits under the Oregon Tort Claims Act with a \$1,000,000 aggregate. The policy will name the City, its officers, agents, and employees as additional insureds. The Contractor and any of its subcontractors will maintain in full force and effect Worker's Compensation insurance and Employer Liability insurance in compliance with Oregon State law. The Contractor will be responsible for all deductibles, self-insurance retentions, and self-insurance costs for the insurance required under this section. The Contractor will notify the City thirty days prior to any material change in the Contractor's insurance, or, if that is not possible, immediately upon the Contractor receiving notice of a change.

#### 7. Review / Audit:

The financial books of Contractor will be audited or reviewed annually by an independent accountancy firm. The Finance Director of the City must be notified of Contractor's choice of accountancy firm. The accountant will make a written report of the review/audit to the Board of Directors which will then submit a copy of the report to the Newberg City Council. The audit or review will be completed as soon as practical after June 30, of each odd numbered performance year.

#### 8. Records and Accounting:

The Contractor will maintain records and accounts that will allow the City to assure that all funds paid for the performance of this Agreement are properly accounted for. Within 72 hours of a written request by the City, the Contractor will make records relating to income and expenditures available for review and audit by the City. The City will have the right during the term of this Agreement, or within 180 days after the expiration or termination of this Agreement, to audit the Contractor's records



for the period of two years prior to the audit. The audit may be undertaken by a qualified person or entity selected by the City. The Contractor agrees that it will provide financial records to the City every month. These records will include, at minimum, a balance sheet and income and expense reports. The Contractor will maintain these financial records for at least six years after the expiration of this Agreement.

#### 9. Term:

This Agreement will be in effect on July 1, 2025. It will remain in effect until June 30, 2031, unless terminated earlier under the provisions of Section 10 (default or material breach) or Section 21 (assignment without approval).

#### 10. Default and Breach:

Either party may terminate this Agreement in the event of a default or material breach by the other party. The notifying party must provide written notice to the other party specifying how the other party is not in compliance with the terms of this Agreement. The non-complying party will have thirty days after receipt of a notice of noncompliance to cure the issue(s). Should the correction(s) not be made during this thirty-day period, this Agreement may be terminated, at the discretion of the notifying party, unless the correction(s) cannot be made within thirty days. If the non-compliance cannot be corrected within thirty days, the non-complying party must, at minimum, begin corrective action within thirty days and proceed with due diligence until the correction is completed. This Agreement may be terminated, at the discretion of the notifying party, if the non-complying party either fails to begin to take corrective action within thirty days or fails or ceases to use due diligence to continue with the corrective action.

#### 11. Equal Opportunity:

The Contractor agrees that it will not discriminate against any employee or applicant for employment on the basis of race, age, color, sex, religion, ancestry, national origin, sexual orientation, gender identity, genetic information, or disability and will take any affirmative action necessary to ensure that all employees and applicants are treated equally. The Contractor and its employees will not, in the performance of this Agreement, knowingly discriminate against any customer, potential customer, patron, or other person on the bases listed above in this section and will provide services to all persons equally.

#### 12. Contractor Indemnification:

The Contractor will defend, protect, indemnify, and hold harmless the City, its officers, agents, and employees from and against any and all claims, losses, damages, injuries, or liability including claims for misapplication of contributions or other funds, state or federal anti-trust violations, personal injury or death, damage to property, liability arising out of the use of materials, concepts, or processes protected by intellectual property rights, and the liens of workmen and material men, regardless how these were caused, if they arose directly or indirectly from the performance of this Agreement by the Contractor, unless caused by the negligence or willful misconduct of the City. The Contractor is not an officer, employee, or agent of the City under ORS 30.285 or 30.287.16.

#### 13. Licenses and Taxes:

The Contractor will be responsible for the acquisition and maintenance of all licenses and permits to carry on the Contractor's business.

#### 14. Independent Contractor:

The Contractor is an independent contractor. The parties intend that an independent contractor relationship will be created by this Agreement. Conduct and control of the work will be the responsibility of the Contractor. The Contractor will not be considered an agent or employee of the City for any purpose, and the employees of the Contractor are neither employees of the City nor are they entitled to any of the benefits that the City provides for its employees.

#### 15. No Third-Party Beneficiaries:

The City and the Contractor are the only parties to this Agreement and are the only parties entitled to enforce its terms. Nothing in this Agreement gives, is intended to give, or will be construed to give or provide any benefit or right, whether directly, indirectly, or otherwise, to third persons unless the third persons are identified by name in this Agreement and expressly described as intended beneficiaries of the terms of this Agreement.

#### 16. Authority:

As specified in Section 14, the Contractor is an independent contractor in the performance of this Agreement. The Contractor will comply with all laws regarding unemployment insurance, disability insurance, and worker's compensation. The Contractor will have no authorization, express or implied,

to bind the City to any agreement, settlement, liability, or understanding, and agrees not to perform any acts as an agent of the City.

17. Grant of License:

The City hereby grants an unlimited (other than by the term of this Agreement) license to Contractor to use the term "Newberg" for all purposes associated with this Agreement. It is contemplated that the Contractor will explore partnerships with other geographic and / or marketing organizations.

18. Access to data:

The City will share with the Contractor its non-exempt data regarding overnight stays in Newberg's lodging in compliance with Oregon Public Records Law (ORS Chapter 192), and other data that may be useful in financial forecasting.

19. Notice:

Any notice or notices provided for in this Agreement or by law which must be given or served on either party will be given or served by personal service, certified mail (return receipt requested, postage prepaid), or by e-mail or facsimile followed by certified mailing of the original, in a pre-addressed, stamped envelope, addressed to: City of Newberg, Will Worthey, City Manager, PO Box 970, Newberg, OR 97132 and/or Visit Newberg, dba Taste Newberg, Executive Director, 210 N Blaine Street, Newberg, OR 97132.

20. Assignment:

Neither party may assign, subcontract, or otherwise transfer any rights and responsibilities under this Agreement except upon the written consent of the other party. If any assignment is made, both the assigning party and the assignee will be bound by the terms of this Agreement. Any assignment without the prior written consent of the non-assigning party is void and unenforceable. The City may terminate the Agreement if an assignment is attempted without the prior written consent of the City.

21. Amendments:

This Agreement may be amended only by written agreement signed by both parties.

22. Laws of Oregon:

This Agreement will be governed by the laws of the State of Oregon, both as to the interpretation and performance, and the venue will be Yamhill County.

23. Waiver:

The City's failure to enforce a provision of this Agreement will not constitute a continuing waiver, will not constitute a relinquishment of the City's right to performance in the future, and will not operate as a waiver of the City's right to enforce any other provision of this Agreement.

24. Merger:

This Agreement constitutes the entire agreement between the parties. There are no understandings, agreements, or representations regarding this Agreement, whether oral or written, that are not specified in this Agreement. This contract is entered into by the City of Newberg and the current Board of Directors of Visit Newberg, dba Taste Newberg.

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Denis Lewis (President)

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Date

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Leigh Jensen (Secretary)

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Will Worthey (City Manager)

# REQUEST FOR COUNCIL ACTION



**Date Action Requested: (February 18, 2025)**

Order <input type="checkbox"/>	Ordinance <input type="checkbox"/>	Resolution <input type="checkbox"/>	Motion <input checked="" type="checkbox"/>	Information <input type="checkbox"/>	Proclamation <input type="checkbox"/>
Subject:  A motion to direct the city attorney to work on the transfer of station 20 to TVF&R to allow for a complete re-build.  Business Session				Staff: Will Worthey CM Department: Administration  Order On Agenda: Council Business	

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

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

NA

## **Recommendation:**

After a round of discussions with TVF&R (and a pre-application meeting with city planning staff), TVF&R has proposed that the city transfer the existing station 20 structure and property to enable them to conduct a complete tear down and re-build at the site. See attachment 1. Staff recommends that we agree to this proposal and work towards this objective so as to secure the benefits of a new station in Newberg.

***A possible motion could be:***

*“I move that we accept the proposal from TVF&R to transfer station 20 to facilitate their complete re-build of the structure and direct the City Attorney to initiate the process to do so”.*

## **Executive Summary:**

The CM and Police Chief met with the PIO and station chief of station 20 to discuss the possible re-build of station 20 to modern standards. While the city does not have a fiscal stake in this action, staff believes it is in the best interest of the city to have the facility still located in town rather than at some distant location. The TVF&R representatives stated that it would be highly unusual to put \$14 -15M into a new building that they would not own.

Prior to this meeting the CM reviewed the current IGA with TVF&R with the building division to see if the terms contained allowed for such a radical change to the existing structure. The city building official and staff opined that the IGA allows for such an action with no council consent required. Essentially no approval from the city is required for TVF&R to do this action.

The possibility of transferring the existing structure to TVF&R was discussed at the meeting. The CM indicated that the city would need a small sum of money to cover the administrative cost of making a transfer and floated the idea of \$50,000 as sufficient for the legal and planning costs.

From the perspective of TVF&R they would prefer to put the money into a building that they will own rather than one they will need to give up in 91 years.

Staff believes that we should agree to this arrangement because:

- The residents get a new modern fire station
- Due to the current IGA we have ***no bargaining position*** to seek a market value based solution
- Some of this small sum of money can go towards debt reduction, and we are now very short on time to achieve this council goal
- In the real world the building and land ***has no market value*** to us because they have sole control of it for the next 91 years

TVF&R has made it clear to us they are aware that they do not need to pay us anything or obtain our permission to do a tear-down / re-build (see highlighted portion of attachment 2), but this offer seems to them to be a reasonable one to help with the administrative costs of a building transfer. They feel that the transfer of this asset is common sense prior to such a massive infrastructure investment.

Lastly this will enable the city to obtain the most modern fire fighting facility possible with the best response time for our residents, with no impact on our general fund.

**Fiscal Impact:**

This will bring in a small amount of unbudgeted revenue (\$50,000) to cover administrative costs. Some may be available for sinking fund purposes.

**Council Goals:**

This is compatible with Goal 3: Enhance community safety as this will ensure the fastest response time possible for fire and medical emergencies.

This also helps to a small degree with Goal 5: Implement a careful and prudent fiscal policy, Objective 1: 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.

February 7, 2025

Will Worthey, City Manager  
City of Newberg  
414 E First Street  
Newberg, OR 97132

Dear Mr. Worthey,

We value our ongoing partnership with the City of Newberg and remain committed to providing exceptional service to the community. We are eager to take the next step in ensuring we can meet the city's growing demands by rebuilding Station 20.

In 2018, an Intergovernmental Agreement (IGA) was signed by representatives of the City of Newberg and TVF&R. This agreement outlined the transfer of assets from the City of Newberg to TVF&R and established a 99-year user agreement for TVF&R's use of Station 20. Discussions at the time of the signing envisioned the possibility of TVF&R relocating to another site in the future; however, after thorough analysis, Station 20 remains the optimal location for efficient emergency response throughout Newberg and surrounding areas.

For several reasons, including aging infrastructure, lack of seismic stability, the inability to house all necessary apparatus, and safety concerns, a complete rebuild of Station 20 is essential. Additionally, the current facility lacks equitable accommodations for male and female staff. Addressing these concerns through a rebuild will allow TVF&R to better serve Newberg residents for years.

Given that a rebuild of this capital asset was likely not the intention of the 99-year user agreement, TVF&R proposes terminating the IGA and transferring Station 20 and the corresponding lot to TVF&R for a fee of \$50,000 to help offset administrative or other associated costs of the city (e.g., staff time, lot line adjustment). We believe this proposal represents the best path forward, ensuring we can continue to meet the community's emergency response needs. We appreciate your consideration of this request and look forward to discussing it further.

Thank you for your ongoing partnership and dedication to the residents of Newberg.

Sincerely,



Deric Weiss  
Fire Chief

## **INTERGOVERNMENTAL AGREEMENT REGARDING EQUITABLE DIVISION OF ASSETS**

THIS INTERGOVERNMENTAL AGREEMENT ("IGA") is made effective March 27, 2018, by and between Tualatin Valley Fire & Rescue ("TVF&R") and the City of Newberg ("City") (together the "Parties") pursuant to ORS 190.010 to 190.110.

### **RECITALS**

- A. The City and TVF&R entered into an Intergovernmental Agreement effective March 1, 2016 providing for the functional consolidation of fire and emergency services, and subcontracting the Newberg Ambulance Service Area to TVF&R;
- B. During the term of the functional consolidation, the Parties explored the feasibility and cost-benefit of annexation of the City's territory to TVF&R;
- C. On July 17, 2017, the City adopted Resolution No. 2017-3393, which proposed annexation of the City's territory to TVF&R, subject to a vote of its electorate on the issue of annexation, which was subsequently approved by the voters;
- D. By Resolution No. 2017-04, TVF&R approved the annexation subject to the affirmative vote of the voters within Newberg, and, inter alia, subject to the conveyance and turnover of all fire and emergency response assets, e.g. fire stations, equipment and apparatus, of the City to TVR&R;
- E. The Parties execute this IGA to address the equitable division and disposition of the City's two fire stations, i.e. Stations 20 and 21, and the fire and emergency response assets owned by the City; and
- F. As part of the equitable division of assets, the Parties also desire to allocate the proceeds from the sale of certain apparatus referenced above to go towards the betterment of the 9-1-1 system.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the Parties mutually agree as follows:

### **AGREEMENT**

1. Transfer of Station 21 Ownership. The Parties agree that the City will, for no additional consideration, relinquish title, pursuant to ORS 271.330, of Station 21, located at 3100 Middlebrook Dr., Newberg, Oregon, to TVF&R, by good and sufficient deed subject to: easements, restrictions and reservations of record, including the right of reverter pursuant to ORS 271.330(1) set forth in the deed to the City; reservation of necessary public easements and rights of way; and provided the property be used for a public purpose by TVF&R for not less than 20 years.

2. Transfer of Apparatus and Fire Equipment. With the exception of the assets listed as surplus that are set forth on the attached Exhibit A, the City will transfer all fire and emergency



apparatus owned by the City to TVF&R by title where appropriate, or by bill of sale, without cost. This includes all fire and emergency apparatus and equipment located at City Fire Stations 20 and 21, or otherwise stored by the City for fire and emergency response use. It is also noted that the City received two federal grants to purchase radios being transferred under this agreement, subject to the grant terms and conditions. Therefore, TVF&R will assume all obligations of the City under both the FEMA Assistance to Firefighters Program Agreement Number EMW-2014-FO-04348 and the Homeland Security Grant (SHSG 15-241).

3. Right of Use for Station 20. City grants TVF&R the exclusive right to use Station 20, located at 414 E 2<sup>nd</sup> St., Newberg, Oregon and its related buildings, (the “Premises”) subject to the following terms:

A. Premises is located upon a portion of a large, single parcel which includes the Newberg Public Safety Building (“PSB”). Public utilities including, but not limited to, water, wastewater, stormwater, and communications lie above or under the Premises. The City shall have the right to access for maintenance of such utilities at all times.

B. Portions of the PSB are accessed through the parking area adjacent to Station 20. The City shall have the ability to use such access and parking as necessary to its operation in cooperation and coordination with TVF&R, and neither Party shall unreasonably interfere with the other party’s operations.

C. TVF&R shall provide its own internet connection and information technology support to the Premises during the term of this Agreement.

D. The term of the agreement is for so long as TVF&R deems it appropriate and necessary to use Station 20 for the provision of fire and emergency station services to the City, but for no other purpose. Pursuant to ORS 271.310(1), and notwithstanding any other provision of this IGA, TVF&R’s right to use Station 20 shall expire 99 years from July 1, 2018. TVF&R may terminate its right of use at any time, with all rights then reverting to the City. The Premises shall revert to the City “AS IS.”

E. During TVF&R’s use, the City shall have no rights to access, use or otherwise occupy the Premises, except as set forth above in Sections 3.A. and 3.B., and as set forth below in Section 3.I.

F. City staff shall surrender all access keys to TVF&R.

G. During the term of this Agreement, TVF&R shall bear all costs for insurance, construction, building operation, repair and maintenance, and all utilities for the Premises, including exterior grounds.

H. TVF&R may make modifications to the Premises it deems necessary and appropriate for the operation of the fire and emergency station services it deems necessary and appropriate without requiring consent from the City; however, this provision shall not exempt TVF&R from any land use, building, permitting, or other generally applicable regulations.

I. The Parties shall share equally in the cost of operation, maintenance, and repair of the emergency diesel generator (or its successor) that provides service to both Station 20 and the PSB.

4. Sale of Certain Apparatus. The Parties have agreed that TVF&R will use its best efforts, from April 1, 2018 through June 30, 2019, to sell the assets listed on Exhibit A as surplus, and distribute the net proceeds from sale to the City. The City agrees that it will reinvest all such proceeds in the public safety radio system servicing the City, including, but not limited to, investing in the construction of a tower for Washington County Consolidated Communications Agency to improve fire and emergency dispatch services for the City's residents. Should any additional, miscellaneous capitalized equipment which previously belonged to the City be considered surplus and sold by TVF&R prior to June 20, 2019, the net proceeds will be used for construction of the radio system tower in Newberg.

5. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the Parties shall indemnify and defend the other and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.

6. Resolution of Disputes. In the event of a dispute arising out of or relating to this Agreement, either Party may immediately refer the matter to the senior management of the Parties. If the City manager and TVF&R Chief are not able to resolve the dispute, the Parties will submit the matter to mediation, each Party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the Parties may agree to resolve it through arbitration, or may utilize any other legal process or remedy allowed by law

7. Governing Law. The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon. Venue for all disputes and litigation shall be in Yamhill County, Oregon.

8. Amendments. This IGA may be amended at any time with the written consent of all Parties.

9. Severability. If any covenant or provision of this IGA is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.

10. Execution in Counterparts. This IGA may be executed in any number of counterparts, each of which may be executed by any one of the Parties, and all such counterparts shall constitute an agreement. Counterparts of executed signature pages may be attached to any one or more counterparts of this IGA. To facilitate execution of this IGA, the Parties may execute by electronically conveyed counterparts of the signature pages.

IN WITNESS WHEREOF, each party has caused this IGA to be executed by its duly authorized representative effective on the date first mentioned above.

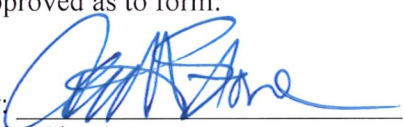
The City of Newberg, a political sub-division of the State of Oregon

TUALATIN VALLEY FIRE & RESUCE DISTICT, a rural fire protection district organized under ORS 478

By:   
Title: City Manager  
Date: 9/17/18

By: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By Authority of Resolution 2018-3481

Approved as to form:  
By:   
Title: City Attorney

## EXHIBIT A

Unit Number	Year & Make	Lic./Vin. No.	NFD Number
5-636	1996 Chevy PU	E197799/ 1GCGK29FOTE154047	UT-21
5-538	2000 Chevy Tahoe	E212631/ 1GNEK13T6YJ163745	C-20R
5-425	1995 GMC Ambulance	E196303/ 1GDJK34F8SE549588	M-213
5-433	2005 Ford Ambulance	E232259/ 1FDXE45P55HB30471	M-212
5-122	1991 Ford L9000 Pumper	N305723/ 1FDYK90L2MVA38524	E-203
5-149	2012 Pierce Transport / Fire Pumper	E258655 / 4P1VC01D1CA013040	E-20
5-226	2000 Ladder Truck/Central States	E236794/ 4Z3ZESEB6XRG02476	TR-20

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- F. As part of the equitable division of assets, the Parties also desire to allocate the proceeds from the sale of certain apparatus referenced above to go towards the betterment of the 9-1-1 system.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, the Parties mutually agree as follows:

### AGREEMENT

1. Transfer of Station 21 Ownership. The Parties agree that the City will, for no additional consideration, relinquish title, pursuant to ORS 271.330, of Station 21, located at 3100 Middlebrook Dr., Newberg, Oregon, to TVF&R, by good and sufficient deed subject to: easements, restrictions and reservations of record, including the right of reverter pursuant to ORS 271.330(1) set forth in the deed to the City; reservation of necessary public easements and rights of way; and provided the property be used for a public purpose by TVF&R for not less than 20 years.

2. Transfer of Apparatus and Fire Equipment. With the exception of the assets listed as surplus that are set forth on the attached Exhibit A, the City will transfer all fire and emergency

apparatus owned by the City to TVF&R by title where appropriate, or by bill of sale, without cost. This includes all fire and emergency apparatus and equipment located at City Fire Stations 20 and 21, or otherwise stored by the City for fire and emergency response use. It is also noted that the City received two federal grants to purchase radios being transferred under this agreement, subject to the grant terms and conditions. Therefore, TVF&R will assume all obligations of the City under both the FEMA Assistance to Firefighters Program Agreement Number EMW-2014-FO-04348 and the Homeland Security Grant (SHSG 15-241).

3. Right of Use for Station 20. City grants TVF&R the exclusive right to use Station 20, located at 414 E 2<sup>nd</sup> St., Newberg, Oregon and its related buildings, (the "Premises") subject to the following terms:

A. Premises is located upon a portion of a large, single parcel which includes the Newberg Public Safety Building ("PSB"). Public utilities including, but not limited to, water, wastewater, stormwater, and communications lie above or under the Premises. The City shall have the right to access for maintenance of such utilities at all times.

B. Portions of the PSB are accessed through the parking area adjacent to Station 20. The City shall have the ability to use such access and parking as necessary to its operation in cooperation and coordination with TVF&R, and neither Party shall unreasonably interfere with the other party's operations.

C. TVF&R shall provide its own internet connection and information technology support to the Premises during the term of this Agreement.

D. The term of the agreement is for so long as TVF&R deems it appropriate and necessary to use Station 20 for the provision of fire and emergency station services to the City, but for no other purpose. Pursuant to ORS 271.310(1), and notwithstanding any other provision of this IGA, TVF&R's right to use Station 20 shall expire 99 years from July 1, 2018. TVF&R may terminate its right of use at any time, with all rights then reverting to the City. The Premises shall revert to the City "AS IS."

E. During TVF&R's use, the City shall have no rights to access, use or otherwise occupy the Premises, except as set forth above in Sections 3.A. and 3.B., and as set forth below in Section 3.I.

F. City staff shall surrender all access keys to TVF&R.

G. During the term of this Agreement, TVF&R shall bear all costs for insurance, construction, building operation, repair and maintenance, and all utilities for the Premises, including exterior grounds.

H. TVF&R may make modifications to the Premises it deems necessary and appropriate for the operation of the fire and emergency station services it deems necessary and appropriate without requiring consent from the City; however, this provision shall not exempt TVF&R from any land use, building, permitting, or other generally applicable regulations.

1. The Parties shall share equally in the cost of operation, maintenance, and repair of the emergency diesel generator (or its successor) that provides service to both Station 20 and the PSB.

4. Sale of Certain Apparatus. The Parties have agreed that TVF&R will use its best efforts, from April 1, 2018 through June 30, 2019, to sell the assets listed on Exhibit A as surplus, and distribute the net proceeds from sale to the City. The City agrees that it will reinvest all such proceeds in the public safety radio system servicing the City, including, but not limited to, investing in the construction of a tower for Washington County Consolidated Communications Agency to improve fire and emergency dispatch services for the City's residents. Should any additional, miscellaneous capitalized equipment which previously belonged to the City be considered surplus and sold by TVF&R prior to June 20, 2019, the net proceeds will be used for construction of the radio system tower in Newberg.

5. Indemnification. Within the limits of the Oregon Tort Claims Act, codified at ORS 30.260 through 30.300, each of the Parties shall indemnify and defend the other and their officers, employees, agents, and representatives from and against all claims, demands, penalties, and causes of action of any kind or character relating to or arising from this Agreement (including the cost of defense thereof, including attorney fees) in favor of any person on account of personal injury, death, damage to property, or violation of law, which arises out of, or results from, the negligent or other legally culpable acts or omissions of the indemnitor, its employees, agents, contractors or representatives.

6. Resolution of Disputes. In the event of a dispute arising out of or relating to this Agreement, either Party may immediately refer the matter to the senior management of the Parties. If the City manager and TVF&R Chief are not able to resolve the dispute, the Parties will submit the matter to mediation, each Party paying its own costs and sharing equally in common costs. In the event the dispute is not resolved in mediation, the Parties may agree to resolve it through arbitration, or may utilize any other legal process or remedy allowed by law.

7. Governing Law. The laws of the State of Oregon will govern this Agreement and the Parties will submit to the jurisdiction of the courts of the State of Oregon. Venue for all disputes and litigation shall be in Yamhill County, Oregon.


8. Amendments. This IGA may be amended at any time with the written consent of all Parties.

9. Severability. If any covenant or provision of this IGA is adjudged void, such adjudication will not affect the validity, obligation, or performance of any other covenant or provision which in itself is valid if such remainder would then continue to conform with the terms and requirements of applicable law and the intent of this Agreement.

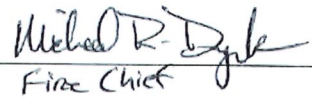
10. Execution in Counterparts. This IGA may be executed in any number of counterparts, each of which may be executed by any one of the Parties, and all such counterparts shall constitute an agreement. Counterparts of executed signature pages may be attached to any one or more counterparts of this IGA. To facilitate execution of this IGA, the Parties may execute by electronically conveyed counterparts of the signature pages.

IN WITNESS WHEREOF, each party has caused this IGA to be executed by its duly authorized representative effective on the date first mentioned above.

The City of Newberg, a political sub-  
division of the State of Oregon

By:   
Title: City Manager  
Date: 9/17/18

TUALATIN VALLEY FIRE & RESUCE  
DISTICT, a rural fire protection district  
organized under ORS 478

By:   
Title: Fire Chief  
Date: 9/12/18

By Authority of Resolution 2018-3481

Approved as to form:

By:   
Title: City Attorney



# EXHIBIT A

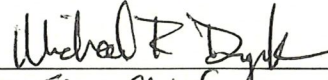
Unit Number	Year & Make	Lic./Vin. No.	NFD Number
5-636	1996 Chevy PU	E197799/ 1GCGK29FOTE154047	UT-21
5-538	2000 Chevy Tahoe	E212631/ 1GNEK13T6YJ163745	C-20R
5-425	1995 GMC Ambulance	E196303/ 1GDJK34F8SE549588	M-213
5-433	2005 Ford Ambulance	E232259/ 1FDXE45P55HB30471	M-212
5-122	1991 Ford L9000 Pumper	N305723/ 1FDYK90L2MVA38524	E-203
5-149	2012 Pierce Transport / Fire Pumper	E258655 / 4P1VC01D1CA013040	E-20
5-226	2000 Ladder Truck/Central States	E236794/ 4Z3ZESEB6XRG02476	TR-20

IN WITNESS WHEREOF, each party has caused this IGA to be executed by its duly authorized representative effective on the date first mentioned above.

The City of Newberg, a political sub-  
division of the State of Oregon


By:   
Title: City Manager  
Date: 9/7/18

TUALATIN VALLEY FIRE & RESUCE  
DISTICT, a rural fire protection district  
organized under ORS 478

By:   
Title: Fire Chief  
Date: 9/12/18

By Authority of Resolution 2018-3481

Approved as to form:

By:   
Title: City Attorney

RECEIVED  
DEC 27 2018  
BY: SR  
from TV&R



## Traffic Safety Commission

City Engineer's Office  
Tel: 503.537.1273  
www.newbergoregon.gov

Color	Jurisdiction	General Location Street/Highway	Comment
	ODOT	College / OR 219	Various concerns along College/OR219 have been relayed to ODOT since 2017. A request has been submitted to Ask ODOT asking for a specific contact within ODOT that these concerns can be directed to identify options to address these concerns. This request has resulted in a meeting being scheduled between ODOT representatives and city staff on 1/15/2025.
	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below. <a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a>
	City	Various	Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
6/24/2022	<a href="#">2022-004</a>	Complaint about pedestrian safety at College & First Street.	This is an ODOT facility. ODOT Traffic responded. Without completely rebuilding the signal there is not much they can do at this time.	No Further Action Taken	NA		Ped Crossing	College / OR219	First / OR219 / 99W	ODOT - OR219 and 99W
9/11/2023	<a href="#">2023-016</a>	N College St & E Foothills Dr Newberg  I often have issues crossing the street here because cars are zooming by in both directions. This might be because of the speed drop and increase in the respective directions, but it often feels unsafe crossing from one side of E Foothills Dr to the other. Also, there have been multiple times where children are trying to cross the street, sometimes after being dropped off by their school bus, and are ignored by drivers and almost hit. Recent, I was driving down from Bell Rd. towards E Foothills Dr. I was making a left turn onto E. Foothills Dr. and a young boy was crossing at the crosswalk. I stopped, but a car going straight flew past me nearly hitting the young boy in the cross walk. I had to honk at the young boy to stop walking because the car was not stopping. A flashing sign or pedestrian lights for the cross walk could help with safety in the area.	Submitted by See-Click Fix  N College Street is owned by ODOT. This complaint has been submitted to ODOT.	No Further Action Taken	9/11/2023		Ped Crossing	College / OR219	Foothills	ODOT - OR219
1/9/2017	<a href="#">2017-001</a>	There is a significant safety problem at this intersection that persists when drivers don't follow the "Right Turn Only" sign.	Received. Area of ODOT jurisdiction.	No Further Action Taken			Traffic	College / OR219	Sheridan	ODOT - OR219
1/14/2019	<a href="#">2019-002</a>	Resident spoke at the January 2019 TSC meeting expressing concerns with crashes on College Street at Sheridan. Resident believes problem is cars going east not seeing oncoming traffic to go left or straight due to backed up traffic from the light at College and Hwy 99.	Looking into issues. College is ODOT jurisdiction. Per request at TSC meeting NDPD provided summary of crashes reported in 2018. Full reports for the 2018 crashes requested from NDPD. Reports received and being reviewed. ODOT crash data for 2013 through 2017 and 2008 through 2012 have also been obtained and being reviewed. ODOT has also been contacted to review this. ODOT states that the Sheridan Street intersection was first identified as a top 10% SPIS (Safety Priority Index System) site in 2017. ODOT Region 2 is currently in the process of doing a desk investigation of all Region 2 SPIS sites Since this is a first time SPIS site, ODOT has also stated that a field investigation is intended for late August/early September to finalize their recommendations. ODOT has been requested to keep us apprised of the status and results of their investigation. No additional information from ODOT as of 1/02/2020.	No Further Action Taken	5/20/2019, 7/15/2019, 01/03/2020		Traffic - Crashes	College / OR219	Sheridan	ODOT - OR219



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Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
9/6/2023	2023-015	Resident reached out a second time about HY 219 and Villa road. She witnessed another pedestrain vehicle incident and suggested that she wasn't sure that the pedestrain survived the collision.	I verified with the City Engineer who we should be talking to in ODOT for traffic safety concerns along ODOT facilities. He directed me to Jena Berman. Jenna said that she has been looking at this intersection quite a bit and that there is currently a scope of work under development for a transportation study for this intersection. There is funding available and project delivery could be as early as 2027.  Ongoing/Passed onto ODOT 9/11/2023	No Further Action Taken	9/11/2023		Ped Crossing	First / OR 219	Villa	ODOT - OR219
10/9/2017	2017-016	Question regarding timing for installation of traffic signal at Everest and E. First St. Concerns with increased traffic at this intersection related to improvements on 219 associated with the Bypass.	Notified that, per the IGA between the City and ODOT, ODOT is to install the signal within 3 years. ODOT has been requested to begin counts for the warrant analysis. ODOT's January 2019 Newberg/Dundee Bypass Quarterly update states that an updated signal warrant analysis determined that the OR219 @ Everest intersection does not meet any traffic control signal warrants. ODOT contacted about possible interim improvements such as changing the ped crossing to include an rectangular rapid flashing beacon. ODOT indicated that if funding could be identified this could be considered. Other interim ideas expressed by resident include; 1) If space allows, stripe Everest at HWY 219 to create right turn lanes, 2) Install larger sign at Everest/Second intersection recommending Church Street as an alternate route.	No Further Action Taken	4/11/2019, 7/15/2019		Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
11/3/2023	2023-018	Sarget Brian Hagen provided information about an incident along 1st street and Everest	Information regarding the incident has been provided to the ODOT rep preparing a study for this intersection complex. Jenna.BERMAN@odot.oregon.gov	No Further Action Taken			Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
3/6/2024	2024-003	Resident expressed concerns with the intersection of First Street (HWY 219) and Everest and proposed a roundabout be installed.	Highway 219 is under ODOT jurisdiction. The resident was directed to ODOT rep, ODOT rep preparing a study for this intersection. The ODOT rep responded with approximate costs and requirements, including right-of-way acquisitions, for a typical ODOT roundabout (\$5million) and the general process that would be required. The city has no funding for any improvements to state facilities.	No Further Action Taken	3/15/2024		Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
11/3/2023	2023-017	Resident provided information about an incident along 1st street (HWY 219) and Everest.	e-mail and photo from resident has been provided to the ODOT rep preparing a study for this intersection complex. Jenna.BERMAN@odot.oregon.gov	No Further Action Taken			Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
9/4/2022	2022-006	Complaints about speed at OR219 near First Street. - Several neighbors all made the same complaint.	This is an ODOT facility. ODOT Traffic responded. They offered up some lower impact options - widening the stop bar and installing a bike lane. These would be to help make the road look narrower. The work ODOT offered has been completed.	No Further Action Taken	NA		Speed	First / OR219	Portland Rd / 99W	ODOT - OR219 and 99W
5/13/2020	2020-003	Resident requested a crosswalk at E First Street and OR 219.	She was directed to ODOT. ODOT responded. No further action at this time. Staff will be reminding ODOT to have traffic counts taken in the fall to determine if signal warrants are met.	No Further Action Taken	6/3/2020		Ped Crossing	First / OR219	Portland Rd / 99W to Everest	ODOT - OR219



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5/10/2019	2019-010	Resident expressed concern with cars intending to make right turns from E Illinois (WB) onto N Main (NB) are passing cars on the right that are waiting to make left turns from E Illinois (WB) onto N Main (SB), often without out stopping.	Informed resident about the future intersection study (FY 20/21)	Ongoing	5/10/2019		Traffic	Illinois	N Main	ODOT - OR 240 and City
10/28/2024	2024-16	Resident provided public comment at the TSC meeting regarding concerns with the the Illinois/N Main/ Highway 240 intersection included multiple difficulties when travelling through the intersection. These included vehicles entering and then blocking the intersection when waiting to turn. Believes that the addition of signs or markings noting not to block the intersection would help address the concerns.	A previous planned project had been cancelled due to the lack of road funds and that the City Manager had indicated that he expects this intersection to be addressed in the future.	Ongoing	12/6/2024		Traffic	N Main / Highway 240	Illinois	ODOT - OR 240and City
9/3/2022	2022-005	Request for a painted crosswalk at Fernwood & Brutscher	Traffic counts will need to be taken to determine if it is warranted.	Ongoing, Traffic Count/Study Needed			Ped Crossing	Fernwood	Brutscher	
5/16/2023	2023-008	Is there a plan for a crosswalk and sidewalk entrances on the corner of Brutscher and Fernwood? Entrance of the Gettman loop trail by PCC has continues pedestrian traffic. Dozens per day cross Fernwood at that corner without any indication to drivers of that popular crossing. As it stands now folks are crossing a drainage ditch and mindfully crossing Fernwood in order to enter the Gettman loop trail. A few painted lines and a sign at the very least would be beneficial.	Responded to inquiry to let them know that the issue has been logged in the TSC log. Traffic counts will need to be taken to determine if it is warranted.	Ongoing, Traffic Count/Study Needed	5/16/2023		Ped Crossing	Fernwood	Brutscher	
2/13/2023	2023-003	Traffic Safety Issue E 3rd St & S Meridian St Newberg, OR, 97132, USA A stop sign at this 4 way intersection would be/should be placed. There are cars commonly speeding by, accidents occurring and pedestrians nearly getting hit. This road is only two blocks from 99 and gets a lot of traffic.	Made through See Chick Fix.  <b>*Should be noted that stopsigns are NOT a safe or effective means of slowing down traffic.</b>  Traffic counts would need to be taken to determine if stop signs warranted.	Ongoing, Traffic Count/Study Needed	2/23/2023		Ped Crossing	Third	Meridian	
7/17/2023	2023-011	E 3rd St & Meridian  A stop sign at this 4 way intersection would be/should be placed. There are cars commonly speeding by, accidents occurring and pedestrians nearly getting hit. This road is only two blocks from 99 and gets a lot of traffic	Submitted by See-Click Fix.  <b>*Should be noted that stopsigns are NOT a safe or effective means of slowing down traffic.</b>  Traffic counts would need to be taken to determine if stop signs warranted.	Ongoing, Traffic Count/Study Needed			Ped Crossing	Third	Meridian	
12/6/2024	2024-19	Resident expressed concern with lack of stops signs at many intersections on the south side of town. Specific areas of concern are E Third at S Center and E Third at S Meridian.	Installation of stop signs are to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage.  There are many areas of Newberg where intersections do not have stops signs in either direction. Most if not all of these do not meet the warrants for a stop sign. Looking into issue.  Traffic counts needed to see where stop signs are warranted.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	E Third at S Center	E Third at S Meridian	



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	City	Various	Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

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2/8/2023	<a href="#">2023-002</a>	<p>They could start by making the north bound speed limit sign more visible. The speed limit is 45 coming from the highway, dropping to 25 as you get to Wynooski. There is one sign before you get to Wynooski. There's another on Wynooski, but it's completely hidden by trees. I'd never want to take out trees, so another sign in a more visible spot would help.</p> <p>A stop sign at 7th and Wynooski should slow things down a lot. The problem is it's a long open stretch and cars just build up speed with nothing to stop them. Making them stop at 7th should make a big difference.</p> <p>It depends on the time of day. At some times there's so little traffic on Wynooski it could be considered a non-problem, even though most of those cars are speeding. I was walking the dogs yesterday, not many cars, but most of them were going too fast, some had to be going 40 mph or more.</p> <p>Some sections have no sidewalk or inadequate sidewalks, so speeding poses a particular danger to pedestrians. Walking on the curve just before Wynooski becomes 4th is alarming because there's only a tiny sliver of grass verge between the sidewalk and the road, and cars come barreling around the curve.</p> <p>The morning rush hour time really sees an increase in speeds. We've also got some young folks in the neighborhood who use Wynooski for racing.</p> <p>Very little enforcement to speak of and virtually none in the evenings.</p>	<p><b>*Should be noted that stop signs are NOT a safe or effective means of slowing down traffic.</b></p> <p>Radar trailers have recently been deployed on Wynooski.</p> <p>Further research and investigation is needed to confirm issues and identify options.</p>	Ongoing, Traffic Count/Study Needed	2/8/2023, 7/01/2024, 12/6/2024		Pedestrian Infrastructure, Speed	Wynooski		Yamhill County - south of E Seventh
5/23/2023	<a href="#">2023-009</a>	This is an uncontrolled intersection feeding into GFU. We see a lot of on-street parking during school hours, University events, and Cultural Center events. Many visitors don't realize this is an uncontrolled intersection so speed through to get from College to Meridian (or vice versa). If there IS oncoming traffic, many people don't know the rules for uncontrolled intersections. The biggest issue is people often don't even slow down to look and we have a lot of pedestrian traffic from students and local events in addition to the traffic. For the last few years the best thing has been the awful condition of the road, which makes it uncomfortable to speed, to be honest. I doubt stop signs are the answer, but possibly yield signs or speed bumps would help	<p>East Sherman Street and North Edwards Street Intersection—all between College Street and Meridan Street. Responded to inquiry to let them know that the issue has been logged in the TSC log.</p> <p>This location is anticipated to be revived in the fall when GFU is in session. Traffic counts would need to be taken to determine if stop signs warranted.</p>	Ongoing, Traffic Count/Study Needed	5/23/2023, 7/01/2024		Ped Crossing	Sherman	Edwards	
8/26/2024	2024-007	Resident on N Meridian near GFU expressed concerns with parking, traffic, speeding and pedestrian safety at intersections.	Multiple issues to be looked into.	Ongoing, Traffic Count/Study Needed	8/26/2024		Parking, Traffic, Speed, Ped Crossing	Meridian	Near GFU	
8/13/2024	2024-006	Resident at S Donna Drive and E Kennedy Drive inquired about having a stop sign installed at this intersection.	Installation of a stop sign is to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage. Looking into issue.	Ongoing, Traffic Count/Study Needed	8/19/2024		Stop Sign	Donna Drive	Kennedy Drive	



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	City	Various	Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

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9/27/2024	2024-12	Resident submitted a Traffic Safety Issue Report form providing observations of a pedestrian safety issue at the intersection of N Villa Road and E Haworth Avenue. Also described issues of westbound cars on Haworth waiting for extended periods of time to turn south onto Villa.	Multiple issues to be looked into. Missing sidewalks on the east side of Villa south of the intersection appear to be contributing to the issues and concerns.  Traffic counts needed to see if the addition of stop signs is warranted.	Ongoing, Traffic Count/Study Needed	9/30/2024, 12/6/2024		Ped Crossing	Villa	Haworth	
10/28/2024	2024-17	Resident provided public comment at the TSC meeting regarding concerns with the Haworth at Villa intersection. Concerns included visibility issues at this tee intersection, the lack of stop signs on N Villa at this location, amount of pedestrian traffic at this location in the vicinity of George Fox University and CPRD's Aquatic and Fitness Center, and increased traffic anticipated from new development at north of E Mountainview Drive at N Villa Road. Believes that the addition of stop signs to make the intersection an all-way stop would help address the concerns.	Multiple issues to be looked into. Missing sidewalks on the east side of Villa south of the intersection appear to be contributing to the issues and concerns.  Traffic counts needed to see if the addition of stop signs is warranted.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	Villa	Haworth	
10/14/2024	2024-14	Resident expressed concerns with the lack of stop signs at intersections near E Seventh Street.	Installation of stop signs are to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	E Seventh		
11/14/2024	2024-18	Resident on Eighth Street expressed concern with speeding on Eighth and the lack of stop signs in the area.	Resident has expressed intent to submit a Stop Sign Request form. Installation of stop signs are to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage.  There are many areas of Newberg where intersections do not have stop signs in either direction. Most if not all of these do not meet the warrants for a stop sign. Looking into issue.  Traffic counts needed to see where stop signs are warranted.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	Eighth		
6/4/2024	2024-005	Resident on Elliott Road at Rewood Court concerned with parking continually at the corner in front of a mail box.	Traffic Safety Issue Report Form Received. Looking into the issues for options. Staff has prepared a Limited Traffic Decision memo to designate area of "No Parking" per code.	In Progress	7/1/2024, 1/6/2025		Parking	Elliott Road	Redwood Court	
9/25/2024	2024-11	Resident expressed concern with speeding on N Morris Street. Requested installation of speed limit sign.	Resident informed of Traffic Issue Report forms available on the TSC webpage. Looking into issue.	Ongoing	9/25/2024		Speed	Morris		
10/4/2024	2024-13	Resident on Willakenzie has expressed concerns with speeding and lack of speed limit signs along Willakenzie and Jory in the Crestview Crossing development.	Looking into Issues. Speed limit signs are likely to be warranted with development of the adjacent Crestview Green development to the east.	Ongoing	12/6/2024		Speed	Willakenzie/ Crestview	Jory/ Crestview	
10/17/2024	2024-15	Resident asked about how to have portions of Edgewood Drive near Burlingtom Drive designated as "No Parking" areas.	Need more information from resident on specific areas of concern. Looking into issues and working with resident. Waiting for response from resident.	Ongoing	12/6/2024, 1/6/2025		Parking	Edgewood	Burlington	
12/10/2024	2024-20	Resident expressed concern with vehicles parking in the bike lanes on E Hayes Street west of N Brutscher Street.	Informed resident that NDPD would be asked to look at area for additional patrols for parking enforcement. Requested NDPD look at area of concern for additional patrols for parking enforcement.	No Further Action Taken	12/11/2024		Parking	E Hayes	N Brutscher	





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	ODOT	College / OR 219	Various concerns along College/OR219 have been relayed to ODOT since 2017. A request has been submitted to Ask ODOT asking for a specific contact within ODOT that these concerns can be directed to identify options to address these concerns. This request has resulted in a meeting being scheduled between ODOT representatives and city staff on 1/15/2025.
	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below.
	City	Resident expressed concern Various	<a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a> Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

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10/13/2016	<a href="#">2016-001</a>	Everest Street - No Parking Canyon Ridge Apartments	This road is a County Road. The County Engineer is looking into this. Update - The County is unable to install no parking signs but would like the City to take jurisdiction of the roadway. The County Counsel and City Attorney are speaking.	Resolved		Completed	Parking	Everest		Yamhill County - south of E Second
12/2/2016	<a href="#">2016-002</a>	Stop Sign request at Sitka & Cherry to slow traffic	Waiting for further information from resident.	Resolved		Completed	Stop Sign	Sitka	Cherry	
12/5/2016	<a href="#">2016-003</a>	Concern about the amount of traffic on Meridian due to new construction(21 new homes being built), residents, and Veritas School. The amount of traffic seems to have doubled and the speeds in which the vehicles are traveling down the road are dangerous.	Speed trailer was placed and it was determined that speeding is not an issue.	Resolved		Completed	Traffic and Speed	Meridian		
1/18/2017	<a href="#">2017-002</a>	Tyres Gardens Apartments No Parking Zone Request (Haworth)	Received - Same issue as Everest Street	Resolved		Completed	Parking	Haworth		
3/17/2017	<a href="#">2017-003</a>	Mid-Block Crossing on Fulton - additional visibility needed	Received - TSC17-001 - Traffic Safety Commission moved to work with Friendsview in installing the mid-block crossing.	Resolved		Completed	Ped Crossing	Fulton		
4/6/2017	<a href="#">2017-004</a>	Removal of yellow curb/no parking on Villa Road	Received - TSC17-002 - TSC approved removal of paint except for 25' on either side of driveways - PWM will take care of. Paint removed as of 6/28/18.	Resolved		Completed	Parking	Villa		
5/12/2017	<a href="#">2017-005</a>	Signs on Springbrook for no trucks going north	Called back but haven't connected yet. - No response	Resolved		Completed	Trucks	Springbrook		
6/19/2017	<a href="#">2017-006</a>	Speeding on Mountainview	Called back but haven't connected yet. - No response	Resolved		Completed	Speed	Mountainview		
7/31/2017	<a href="#">2017-007</a>	Concern about stop sign at 6th and River	Looking into issues, including bike and pedestrian travel, crosswalk markings MUTCD guidelines etc. to see if a 4-way stop is warranted. Connected with other concern regarding increased traffic along 6th by Edwards Elementary. Issue specific traffic count data has been obtained and is being reviewed.	Resolved	1/4/2019, 7/15/2019, 10/7/2019	Completed	Stop sign	River	6th	
8/6/2017	<a href="#">2017-008</a>	Parking along both sides of Red Oak Street - near stop sign	TSC17-004, 10/09/17 TSC Discussion Results: TSC passed motion to paint this section of Red Oak yellow. PWM has been notified of this request for curb painting to designate as No Parking. Curb painting to occur when weather permits.	Resolved		Completed	Parking	Red Oak		
8/11/2017	<a href="#">2017-009</a>	Rework Neighborhood Traffic Patterns on Park, Aldersgate, etc.	TSC17-003, 10/09/17 TSC Discussion Results: Additional research and review is needed. Looking into issues and process for asking ODOT to consider a cross walk at the intersection of College with Sierra Vista. ODOT not inclined to consider marked cross walk at this location until	Resolved		Completed	Traffic	Park	Aldersgate	



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	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below.
	City	Resident expressed concern Various	<a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a> Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

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9/13/2017	<a href="#">2017-010</a>	Speeding on Zimri Drive near The Allison	Chief requested increased enforcement and mobile traffic speed radar be deployed	Resolved		Completed	Speed	Zimri		
9/16/2017	<a href="#">2017-011</a>	Speeding on Wynooki, big trucks on Wynooki	CM is preparing a response, Chief has indicated that we will do speed counts once the construction is complete. Radar Trailer deployed at Wynooki/11th NB - 25 MPH Speed Limit -Results: Avg Speed of 25 MPH, 85th Percentile Speed of 28 MPH.	Resolved		Completed	Trucks	Wynooki		Yamhill County - south of E Seventh
9/28/2017	<a href="#">2017-012</a>	Parking directly adjacent to Restore driveways on Meridian causing a sight distance issue.	PWM will paint 25' on either side of the driveway per OVC.	Resolved		Completed	Parking	Meridian		
10/5/2017	<a href="#">2017-013</a>	Requested curb in in front of 701 E. 3rd St. to be painted for no parking.	Per results of 10/09/2017 TSC meeting, determined OK to paint curb yellow. CE allowed Saunders to paint the curb themselves.	Resolved		Completed	Parking	3rd		
10/5/2017	<a href="#">2017-014</a>	Question regarding how to request some curbs painted yellow.	Directed to send request with description of locations via email to: TrafficSafety@newbergoregon.gov.	Resolved		Completed	Parking			
11/3/2017	<a href="#">2017-018</a>	Questions regarding process for requesting marked crosswalks in vicinity of GFU as part of a potential multi-year class project.	Directed to various resources including City codes, standards, master plans, GIS maps and ODOT Traffic Manual. Request for TSC review expected once desired marked crosswalk locations are identified by the class project.	Resolved		Completed	Ped Crossing	Meridian		
11/3/2017	<a href="#">2017-019</a>	Concern with pedestrian crossing at intersection of Springbrook and Middlebrook. Incident observed where SB traffic stopped for child and NB traffic did not.	Called back and reviewed location. Incident occurred the Friday prior to the fall time change. Reviewing issues and existing conditions (lighting, signage etc.) Appears that lighting improvements might help with visibility in low light conditions. Similar incidents have not been reported.	Resolved	5/20/2019, 7/15/2019	Completed	Ped Crossing	Springbrook	Middlebrook	
11/9/2017	<a href="#">2017-020</a>	Concern with speeding in along Sitka and in surrounding area (Haworth, Villa, Fulton). Also concern with pedestrian crossing at Villa and Haworth.	Looking into issues. Coordinating with Police Department for setup of radar trailer. Have left follow up message with resident to provide status update.	Resolved		Completed	Speed	Sitka	Haworth	
11/14/2017	<a href="#">2017-022</a>	Email from Steve Olson. One commenter at the PC hearing for the Chehalem Pointe Apartments (Park at Villa) stated concern that traffic from the apartment project would lead to too many people using Alderessgate Lane to avoid traffic on Villa	Looking into issues. Further review expected after the apartment project is built. Apartment project complete, so far concerns appear to be related to parking on Parking Lane. From field investigations it appears that drivers have not fully adjusted to the widened road and parking.	Resolved		Completed	Traffic	Park	Villa	
12/8/2017	<a href="#">2017-023</a>	Concerns with speeding on NE Chehalem Dr. and increased traffic from new home development, primarily between Mountainview and Foothills. Has contacted City and County in past. Increased patrols and speed trailer have temporarily hindered speeding observed.	Looking into issues, including jurisdiction. NE Chehalem Dr has been confirmed as a county road. Encouraged contacting the Yamhill County Road Improvement Advisory Committee. Future street improvements on west side of roadway expected to help with traffic calming.	Resolved		Completed	Traffic and Speed	Chehalem		Yamhill County
1/22/2018	<a href="#">2018-001</a>	Requested curb between driveways for 612 and 616 Little Oak Street to be painted for no parking.	Looking into issues. This neighborhood has a series of similar locations with spacing between driveways not sufficient to provide on street parking. Looking at possible locations for "No Parking" signage rather than multiple locations of yellow curb painting. Resident contacted with	Resolved	4/1/2019, 7/15/2019	Completed	Parking	Little Oak		



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	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below. <a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a>
	City	Resident expressed concern Various	Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
1/25/2018	<a href="#">2018-002</a>	Concerns with access in and out of their driveway. Requested "No Parking" signage on the west side of Thorne opposite of their driveway.	Looking into issues. As-built drawings of the roadway indicate a curb to curb width of 28-feet. The NMC allows parking on both sides of a 28-foot wide limited residential street. Comments requested from TVF&R regarding any emergency vehicle access concerns - only concern is if	Resolved		Completed	Parking	Thorne		
3/1/2018	<a href="#">2018-003</a>	Concerns with increased traffic near Edwards Elementary for student dropoffs/pickups on Eighth and Sixth. Has observed increase in traffic not stopping for pedestrians in crosswalks, vehicles parking in no parking areas impeding sight distances.	Looking into issues. Intend to obtain traffic counts to see if 4-way stop warranted. Counts obtained - review progressing with Edwards Elementary 6th St. traffic concerns. Draft memo of findings and recommendations prepared and in review with engineering staff. TSC-18-004 Memo prepared with Limited Traffic Decision by the City Engineer to modify signage at the intersection.	Resolved		Completed	Traffic and Ped Crossing	8th	6th	
3/8/2018	<a href="#">2018-004</a>	Concern with Fourth Street at S College Street. Stop sign for Fourth St. WB traffic has signage allowing right turn onto S College Street without stopping. S College SB traffic does not have a stop sign. Stop signs for Fourth Street EB traffic and S College Street NB traffic do not have signage warning drivers that Fourth St. WB traffic is allowed to turn right without stopping and that S College SB traffic does not stop.	Looking into issues. Intend to obtain traffic counts to see if 4-way stop warranted. Counts obtained - review progressing with Edwards Elementary 6th St. traffic concerns. Draft memo of findings and recommendations prepared and in review with engineering staff. TSC-18-004 Memo prepared with Limited Traffic Decision by the City Engineer to modify signage at the intersection.	Resolved		Completed	Stop Sign	4th	College	
3/22/2018	<a href="#">2018-005</a>	Concern with the unmarked crosswalk extending from a midblock ADA curb ramp on the north/west side of Springbrook to the ADA curb ramp on the south/east side of Springbrook at Wilsonville Road.	Location is ODOT jurisdiction. Concern sent on to ODOT bypass Assistant PM. Received additional call regarding this issue. Concern is mostly related to drivers being unaware of this crosswalk location. Sent this concern on to ODOT asking if ODOT has any plans for additional	Resolved	1/11/2019, 4/1/19	Completed	Ped Crossing	Springbrook OR 18	Wilsonville	ODOT - OR 18
4/24/2018	<a href="#">2018-006</a>	Concern raised by resident regarding a parked trailer on Pinehurst left in same location for extended period.	NDPD notified and requested review for any enforcement action.	Resolved		Completed	Parking	Pinehurst		
6/8/2018	<a href="#">2018-007</a>	Resident raised concern regarding traffic patterns at Grant and Second Street during drop off and pickup hours at the Red Bucket Preschool, 200 Grant Street	Looking into issues. Intend further review once school starts. It appears that some tree limbs might be impeding westbound sight distance. Have requested more information on specific concerns. No response to request for more details of concern.	Resolved	1/4/2019, 4/1/2019	Completed	Traffic	Grant	2nd	
6/18/2018	<a href="#">2018-008</a>	NDPD officer forwarded question from resident about possibility of having crosswalks painted (marked) at intersections of Meridian with Sheridan, Sherman, Franklin and North in the vicinity of GFU.	Informed NDPD officer that the question of having marked crosswalks at some or all of these locations has been raised before. Issues to resolve include avoiding a congestion of marked crosswalks.	Resolved		Completed	Ped Crossing	Sheridan	Sherman	
7/9/2018	<a href="#">2018-012</a>	Planning Commission received written comments for file No. CPMA 18-0002/ZMA 18-0001, 1109 S River Street Comp Plan and Zoning amendments. 1) Concern with stop sign on River and not on Sixth at intersection of River St. and Sixth St. Suggests having stop signs on Sixth rather than River or making it a 4-way stop.	Comments discussed at 7/12/18 Planning Commission meeting. Connected with other concern regarding increased traffic along 6th by Edwards Elementary. Looking into issues, including bike and pedestrian travel, crosswalk markings MUTCD guidelines	Resolved	7/15/2019, 01/03/2020, 6/3/2020; 7/30/20; 9/29/2020	Completed	Stop Sign	River	Sixth	
8/14/2018	<a href="#">2018-014</a>	TVFR Deputy Fire Marshal forwarded concern from one of TVFR's crews about access to Werth Blvd. south of the roundabout at Hayes St/ Providence Dr. The issue is when cars are parked along the curb south of the roundabout.	Looking into issues. Coordinating field meeting with Deputy Fire Marshal and TVFR crew to review concerns. Have spoken with Marquis Newberg, they have taken some steps to educate their staff and clients to not park along the frontage within the area of concern. Will	Resolved	1/4/2019, 4/1/2019, 7/15/2019	Completed	Parking	Werth	Hayes/ Providence	
8/14/2018	<a href="#">2018-013</a>	TVFR Deputy Fire Marshal forwarded concern from citizen about access to 401 S Everest. south of 3rd St., The issue is when cars are parked along the street.	Looking into issues. Coordinating field meeting with Deputy Fire Marshal and TVFR crew to review access. This section of S Everest is a county road. After further review with TVFR and the City Engineer no further action by the city for this issue on the county road has been	Resolved		Completed	Parking	Everest		Yamhill County - south of E Second
8/20/2018	<a href="#">2018-015</a>	Citizen has expressed concern regarding no stop signs for either direction at the intersection of Morris and Natalie. Says cars coming both ways typically do not slow down.	Looking into issues. Referred citizen to the Stop Sign Policy on the TSC page of the City website.	Resolved		Completed	Stop Sign	Morris	Natalie	



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8/20/2018	<a href="#">2018-016</a>	Citizen has expressed concern regarding - Crosswalk near Main and Foothills: Citizen noted that drivers often run the stop sign. There is a crosswalk for the school. Requested that light up crosswalk signs be installed.	Looking into issues. A preliminary field investigation identified that signage locations may not meet current standards. Further review found existing signage as meeting current standards. Will continue to monitor and work with school for education flyer/program to remind	Resolved	4/1/2019, 7/15/2019	Completed	Ped Crossing	Main	Foothills	
9/7/2018	<a href="#">2018-017</a>	Citizen raised concern regarding southbound cars/trucks parked on Villa Rd at Fulton too near the new stop sign.	Looking into issues. Previous determination following installation of the new stop signs on Villa at Fulton was to monitor this intersection. After review with the Public Works Maintenance Superintendent, it was determined that the existing yellow curb painting did not extend far	Resolved		Completed	Parking	Villa	Fulton	
9/17/2018	<a href="#">2018-0018</a>	Citizen raised concern regarding on street parking at the intersection of Burlington and Foothills when car(s) parked between driveway and curb return across from a mailbox.	Looking into issues. The citizen has been informed of the parking change request policy and provided a link to the policy form.	Resolved		Completed	Parking	Burlington	Foothills	
9/26/2018	<a href="#">2018-019</a>	Citizen has requested stop on E Eighth Street due to speeding.	Looking into issues. Citizen has been asked for additional information to confirm location of concern. No response as of 1/04/2019.	Resolved	10/5/2018, 01/04/2019	Completed	Speed	Eighth		
10/1/2018	<a href="#">2018-020</a>	Citizen has expressed concern with the three-way intersection of Mountainview and Villa and asked if the city would consider making that intersection a 3 way stop.	Looking into issues. Improvements to this intersection are identified in the TSP and Springbrook Master Plans as the responsibility of development north of the intersection. The citizen has been informed of the stop sign policy and provided a link to the policy form.	Resolved		Completed	Traffic	Villa	Mountainview	
10/17/2018	<a href="#">2018-021</a>	Citizen has expressed concern with the intersection of Edgewood and Center. Has observed close calls related to drivers not slowing down through the intersection.	Looking into issues. This is an uncontrolled intersection of two local roads. The citizen has been informed of the stop sign policy and provided a link to the policy form.	Resolved		Completed	Speed	Edgewood	Center	
11/19/2018	<a href="#">2018-023</a>	Citizen concerned with lack of stop signs at intersection of Natalie Drive at Morris Street.	Looking into issues. Referred citizen to the Stop Sign Policy on the TSC page of the City website.	Resolved		Completed	Stop Sign	Natalie	Morris	
11/19/2018	<a href="#">2018-022</a>	Citizen has expressed a concern with speeds along N Springbrook between Haworth and the roundabout (E Crestview Drive). Believes speed should be 25 MPH from 99W to Middlebrook.	Looking into concern. NDPD will be placing a radar trailer in the area of concern. Citizen informed that speed zones are set by ODOT. Citizen also informed that we are planning to review speed zones throughout the city. Radar Trailer Results: Speed Limit 35 MPH, Ave. Speed 32	Resolved	1/11/2019, 4/1/2019	Completed	Speed	Springbrook	Haworth	
11/27/2018	<a href="#">2018-024</a>	Citizen requested a marked crosswalk across 99W to connect existing curb ramps at E First Street (Hwy 99W) and S Center Street.	Informed citizen that HWY 99W is in ODOT jurisdiction and that ODOT is generally not inclined to install marked crosswalks at locations such as this. There are signalized intersections, with marked crosswalks within 250 east and west of the subject location. ODOT notified of the	Resolved		Completed	Ped Crossing	Center	99W	ODOT - 99W
12/10/2018	<a href="#">2018-026</a>	Citizen has expressed concern with sight distances at the driveway (drive thru exit) at the Dairy Queen at 404 W First St and has suggested a "no parking" zone is needed to the left and right of the drive thru exit on S Harrison St.	Looking into issues. The citizen has been informed of the parking change request policy and provided a link to the policy form.	Resolved		Completed	Parking	W First	DQ Driveway at 404 W First	
12/28/2018	<a href="#">2018-028</a>	Citizen has and has asked about signage with City ordinance/code language to deter people from sleeping in cars in the area of 215 S Church Street.	Looking into issues. Citizen has been working with NDPD and Code Enforcement. Not sure this is a TSC item. Review of the NMC has not identified any language to use on signage to achieve the desired result. Citizen will continue to work with NDPD and Code Enforcement.	Resolved		Completed	Parking - Sleeping in Cars	Church St		



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1/3/2019	<a href="#">2019-001</a>	NDPD has received complaint that large vehicles (buses and trucks) are experiencing difficulties making southbound turns from Fulton onto Villa when vehicles are parked on the west side of Villa close to the intersection with Villa.	Looking into issues. Previous determination following installation of the new stop signs on Villa at Fulton was to monitor this intersection. Field reviews and follow up discussions indicate additional curb painting on southwest corner should resolve the issue. A Limited Traffic Decision	Resolved	1/4/2019, 3/11/2019, 7/10/19	Completed				
1/30/2019	<a href="#">2019-003</a>	Waste Management has expressed concern with their trucks getting through Sheridan and Sherman Streets between College and Meridian Streets. When cars are parked on both sides of the street the available travel lane is reduced to only allow minimal clearance between the trucks and parked cars.	Looking into issues. This segment of Sheridan identified as being 24-feet wide with Sherman being 28-feet wide. Staff Memo to TSC prepared recommending TSC hold a public hearing to review options to address parking and access issues. TSC has requested a hearing at a future TSC	Resolved	4/1/2019, 7/15/2019, 10/7/2019, 01/03/2020, 6/30/2020, 7/20/2020	Completed				
2/11/2019	<a href="#">2019-004</a>	Resident has indicated a sight distance concern at the Dartmouth Street intersection with College Street (HWY 219).	Looking into issues. College is ODOT jurisdiction. Have requested a discussion with the resident to obtain more details to aid in providing this concern to ODOT. Met with resident and passed concern regarding vegetation restricting sight lines to Code Enforcement.	Resolved		Completed	Sight Distance	Dartmouth	HWY 219	ODOT - OR 219
2/15/2019	<a href="#">2019-006</a>	The Oak Meadows HOA Board has requested reflectors on street curbing on the median and curb retruns on Brucher at the entrance to the Oak Meadows development.	Looking into issues. Coordinating with Public Works Maintenance for reflector type and location. Maintenance has installed reflectors at the request of the City Engineer.	Resolved		Completed				
2/28/2019	<a href="#">2019-007</a>	The Crater Elementary Safety Committee has requested assistance with research for upgraded school zone traffic solutions. Traffic not always complying with stop signs, marked crosswalks, the school zone speed limit.	Looking into issues. A preliminary field investigation identified that signage locations may not meet current standards. Further review found existing signage as meeting current standards. Will continue to monitor and work with school for education flyer/program to remind	Resolved	5/20/2019, 10/7/2019, 01/03/2020	Completed				
3/13/2019	<a href="#">2019-008</a>	A resident has expressed concerns about parking and bikes on E Illinois Street.	Have asked resident for additional details to clarify concerns. No response as of 5/20/19	Resolved	4/1/2019, 10/7/2019	Completed				
4/8/2019	<a href="#">2019-009</a>	Representative of a number of business and property owners along Debrah Road south of HWY 99W has proposed some changes to address their traffic concerns for this area. These include: 1) Paint the curb along the car wash site and Burger King as a no parking zone, 2) Place no stopping, standing, parking or other interruptions to traffic flow, 3) Remove vegetation near the power pole on the	Looking into issues. Items 1 and 2 need further clarification of the proposed no parking zone limits and location of the proposed no stopping, standing or parking signage. Item 2 also needs further discussion with adjacent property owners regarding potential impacts of	Resolved	7/15/2019, 10/7/2019, 01/03/2020	Completed	Traffic and Parking	Debrah	99W	ODOT - 99W
5/30/2019	<a href="#">2019-011</a>	Resident expressed concern with parking violations in the area of Doris, Donna, Lair, Sam Parrett, and Corinne Drives.	Looking into issues. Working with NDPD on enforcement and education.	Resolved	10/3/2019, 01/03/2020	Completed				
8/21/2019	<a href="#">2019-012</a>	Resident expressed concern school crosswalk at the corner of Sunset Drive and Morris Street. The crosswalk is at the corner of a Cul-de-sac intersection with the two streets. The primary concern is with a vehicle parked adjacent to the corner, that it can obscure the vision of students in the marked crosswalk by vehicles traveling southbound on Morris Street, and turning right onto Sunset Drive.	Looking into issues. Provided resident with link to the TSC webpage and Parking Change Request Policy form.	Resolved	10/3/2019, 01/03/2020	Completed				
8/30/2019	<a href="#">2019-013</a>	Resident provided observations and concern with parking along Park Lane. Primary concern is with cars parked on north side close to the intersection with Trestle View Court, a private drive.	Looking into issues. Provided resident with link to the TSC webpage and Parking Change Request Policy form. NDPD requested to review issue for enforcement options and observations. Waste Management also provided information for concern with their trucks accessing Trestle	Resolved	10/7/2019, 01/03/2020	Completed				
9/6/2019	<a href="#">2019-015</a>	Resident expressed concern with intersection of W First Street with W Second Way at the intersection with Old Highway 99W. Primary concerns are with WB cars on W First through stop sign and cars on Second Way, with no stop sign, travelling fast and not paying attention to pedestrians.	Looking into issues. Provided resident with link to the TSC webpage and Stop Sign request form.	Resolved	10/3/2019, 01/03/2020	Completed				



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	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below.
	City	Resident expressed concern Various	<a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a> Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

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9/17/2019	<a href="#">2019-016</a>	Resident expressed need for "Deer Crossing" warning sign on E Mountainview Drive between Alice Way and Esther Street.	Looking into issues. Provided resident with link to the TSC webpage and the Traffic Safety Issue Report form with a request for additional details.	Resolved	10/3/2019, 01/03/2020	Completed				
9/18/2019	<a href="#">2019-017</a>	Residents expressed concern with parking on E Columbia Drive in vicinity of N Page Court/N Page Drive restricting visibility for exiting N Page Court/N Page Drive.	Looking into issues. NDPD asked to review area for enforcement actions.	Resolved	10/3/2019, 01/03/2020	Completed				
9/26/2019	<a href="#">2019-018</a>	Representative of First Student submitted request to review parking at Deborah Street and Haworth, concerned that cars are parking too close to intersection.	Looking into issues. NDPD asked to review area for enforcement actions.	Resolved	10/7/2019, 01/03/2020	Completed				
9/26/2019	<a href="#">2019-019</a>	Representative of First Student submitted request for "No Parking" curb painting on E Eighth Street east of the east driveway to Edwards Elementary.	Looking into issues. This will be addressed as a part of the SRTS planning process. Ongoing SRTS on hold - waiting for school to start again to evaluate bus operations. SRTS planning process was not restarted by ODOT and grant expired. No additional information or resources available.	Resolved	10/7/2019, 01/03/2020, 06/03/2020, 7/30/2020	Completed				
10/1/2019	<a href="#">2019-020</a>	Resident expressed concern with vehicles speeding on E Ninth in area of Meridian and not stopping for pedestrians in the marked crosswalk at Meridian.	Looking into issues. NDPD asked to review area for enforcement actions.	Resolved	10/7/2019, 01/03/2020	Completed				
10/2/2019	<a href="#">2019-021</a>	Resident submitted a Traffic Safety Issue Report form providing observations of a pedestrian safety issue at S Blaine Street and E Sixth Street.	Looking into issues. This area to be looked at as part of the SRTS Project Identification Program in spring 2020. Issue was addressed with the New routes to school additions of a crosswalk and in street crossing signs in 2022.	Resolved	10/7/2019, 01/03/2020	Completed				
10/17/2019	<a href="#">2019-022</a>	Resident has expressed concerns regarding the width, vegetation, utility poles, road side ditches and lack of sidewalks along Sierra Vista between N College Street and N Meridian Street.	Looking into issues. Code Enforcement asked to review the area for enforcement actions. Vegetation was cut back. Other things being considered include evaluation of existing street lighting and potentially striping to delineate travel lanes. This street is anticipated to be reviewed for improvement in the future.	Resolved	1/3/2020, 6/3/2020	Completed		Sierra Vista	College to Meridian	
10/30/2019	<a href="#">2019-023</a>	Business owner expressed concerns with illegal u-turns in the area of S Springbrook Road and NE Wilsonville Road - asked for additional NDPD patrols in area.	Notified NDPD of request for additional patrols.	Resolved	1/3/2020	Completed				
11/3/2019	<a href="#">2019-024</a>	Resident expressed concern with lighting at the marked crosswalk at N College Street (HWY219) and Foothills Drive.	Looking into issues. Informed resident that N College (HWY 219) is ODOT jurisdiction. A field review of the site identified that at least one street light at that location was not working. PGE has repaired the lights.	Resolved	1/3/2020	Completed	Ped Crossing	Foothills	HWY 219	ODOT - OR 219
11/13/2019	<a href="#">2019-025</a>	Resident expressed concerns with pedestrian safety at the intersection of N Springbrook Road and Haworth Avenue.	Informed resident that the 2016 City of Newberg Transportation System identified a project at this intersection that includes a traffic signal and that this traffic signal is included in the City's 2019-2024 Capital Improvement Program.	Resolved	1/3/2020	Completed	Ped Crossing	Springbrook	Haworth	
11/15/2019	<a href="#">2019-026</a>	Resident expressed concerns with the N-S marked crosswalk on E Mountainview Drive at Villa Road. Requested crosswalk warning system be installed.	Looking into issues. Informed resident that the 2016 City of Newberg Transportation System identified a developer led project at this intersection that includes a traffic signal. This project is to be included with development of properties along the north side of E Mountainview Drive.	Resolved	1/3/2020	Completed	Ped Crossing			



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12/7/2019	<a href="#">2019-027</a>	Resident expressed concern with vehicles speeding on S Blaine Street in the area of Memorial Park.	Notified NDPD of concern with request to review the area. NDPD also placed a radar trailer in the area.	Resolved	1/3/2020	Completed				
4/9/2020	<a href="#">2020-002</a>	Resident requested a painted crosswalk across Hayes at Oak Hollow Drive.	Looking into the issues. Signage installed	Resolved	6/3/2020; 9/29/2020; 12/28/2020	Completed				
5/19/2020	<a href="#">2020-004</a>	Resident requested an crosswalk and ramp immediately across from the Professional Center driveway on Villa Road.	Looking into this issue. Mid-block crossing not warranted at this location.	Resolved	6/3/2020	Completed				
5/24/2020	<a href="#">2020-005</a>	Resident expressed concerns about the sight distance at the intersection of North Valley and Chehalem Drive due to the trees installed with the subdivision.	Staff reviewed the intersection. There is a tree to the east of the intersection that will be removed to increase the sight distance. Another concern noted is the sight distance to the west due to an overabundance of blackberry bushes and the grade change of the road.	Resolved	6/3/2020; 7/30/2020	Completed				
8/31/2020	<a href="#">2020-006</a>	Resident sent an email believing a stop sign was necessary on 2nd Street at Harrison.	An email was sent noting the stop sign policy and the need for neighborhood agreement. The resident requested his email be sent onto the TSC. It is attached.	Resolved	9/29/2020	Completed				
9/29/2020	<a href="#">2020-008</a>	Resident requested yellow paint on West First Street.	An email was sent on 10/2/2020 noting the parking change policy and the need for neighbor agreement.	Resolved	10/2/2020; 12/28/2020	Completed				
10/1/2020	<a href="#">2020-009</a>	Resident requested a marked crosswalk on Main Street, additional lighting and to address the path into Jaquith Park.	Working with CPRD on the path, the existing street light will be replaced with an LED light in the next couple of months. A marked crosswalk is not warranted at this location. Staff is following up.	Resolved		Completed	Ped Crossing	Main	At Jaquith Park	
1/12/2021	<a href="#">2021-001</a>	Fence at Park & Villa	In the hands of Code Enforcement	Resolved		Completed				
4/1/2021	<a href="#">2021-002</a>	Stop sign request at Crater Ln & Edgewood to slow traffic	Email sent back for more information and to fill out petition. Traffic Speeds show no consistent speeding. No further action at this time. No new information or request has been received.	Resolved	NA	Completed				
4/22/2021	<a href="#">2021-003</a>	Speeding on Wynoski, possibility of stop sign at Wynoski & 7th	Email sent back for more information and to fill out petition; requested the installation of a the radar trailer on Wynoski. Average speed 26 mph, 85th Percentile speed of 29 mph. No speeding issue found. Completed.	Resolved	NA	Completed				
7/2/2021	<a href="#">2021-004</a>	Speeding on The Greens Avenue - asked about the possibility of lowering the speed limit to 20 mph	NDPD notified and requested the radar trailer be placed to determine data. Data shows Ave Speed of 22 mph, 85th Percentile of 25 mph. No speeding issue found. Completed.	Resolved	NA	Completed				





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7/22/2021	<a href="#">2021-005</a>	Resident requested speed singing be installed on Taylor Drive	Staff reviewed the location. There are currently no speed limit signs. Policy on when and where to install?Speed limit sign installed. Complete.	Resolved	NA	Completed				
8/9/2021	<a href="#">2021-006</a>	Speeding on Dayton Avenue	Staff waiting to meet with property owners. Average speed 20 mph, 85th Percentile speed of 24 mph. No speeding issue found. Completed.	Resolved	NA	Completed		Dayton Avenue		
8/9/2021	<a href="#">2021-007</a>	Potential Parking Issue on 11th Court	Concerns were raised about the potential parking issue on 11th Court when the Flats at River apartments were complete. They requested a resident parking only pass. Staff indicated that program doesn't exist. No new information or request has been received.	Resolved	NA	Completed				
8/29/2021	<a href="#">2021-008</a>	Driving over the median on Fernwood Road	Vehicles are making a left turn from Fernwood into the apartment complex by driving over the landscaped median. The request is for something larger to stop this movement.	Resolved	NA	Completed				
10/5/2021	<a href="#">2021-009</a>	Speeding concern on E Fernwood east of N Brutscher	NDPD has been notified of concerns. NDPD has received additional information and will increase patrols in this area.	Resolved		Completed				
10/6/2021	<a href="#">2021-010</a>	Aquarius and Springbrook Sight Distance	Looking into issues. Code Enforcement asked to review the area for enforcement actions. Code Enforcement did not identify any obstructions within the vision clearance triangle defined in the City's code.	Resolved		Completed				
12/1/2021	<a href="#">2021-013</a>	Difficult to see cars coming at the intersection of E Columbia and N College.	N College (HWY 219) at E Columbia is under ODOT jurisdiction. No new information or requests have been received.	Resolved		Completed				
12/9/2021	<a href="#">2021-014</a>	Speeding Issues on E Illinois	NDPD has been notified of concerns and requested to include this area for deployment of a radar trailer and for additional patrols.	Resolved		Completed				
1/3/2022	<a href="#">2022-001</a>	Complaint about visibility at Villa Road and Mountainview Drive. The request was for the installation of a pedestrian crossing system.	The installation of a pedestrian crossing system is outside of the City's budget. Stage one will be to install a street light on the north side of Mountainview to see if that helps with the visibility. Light was installed. Completed.	Resolved		Completed				
3/16/2022	<a href="#">2022-002</a>	Complaint about lack of crosswalks on College Street - in particular near CS Lewis	This is an ODOT facility. ODOT Responded, that they will not install a crosswalk.	Resolved		Completed				
5/18/2022	<a href="#">2022-003</a>	Stop sign request	Request granted - limited decision issued. TSC to affirm decision.	Resolved	NA	Completed				





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	City	Resident expressed concern Various	Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

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9/12/2022	<a href="#">2022-007</a>	Request for yellow paint on Brutscher near Marquis	After investigation several vehicles were parked within ADA ramps, driveway wings and too close to driveways. Additional yellow paint was installed per Vehicle Code.	Resolved	2/8/2023	Completed				
11/22/2022	<a href="#">2022-008</a>	Speeding concerns on Mountainview near Buckley Park.	NDPD has been notified of concerns. City will look at other opportunities in the area.  A Speed Radar trailer was posted from Mid december to 1/8/2023. The 85th percentile speed was not outside the	Resolved	2/8/2023	Completed				
12/14/2022	<a href="#">2022-009</a>	Request for a Deer Crossing Sign	The request was made to install a deer crossing sign on Mountainview near Hess Creek. The signs have been ordered. Work will be completed once they arrive.	Resolved	2/8/2023	Completed				
2/6/2023	<a href="#">2023-001</a>	I work for PPM Technologies @ 500 E Illinois St and we have an issue when cars and trucks need to park on the street in front of the business. When the cars and trucks park near the entrance/exit it obstructs the view of the drivers exiting the parking lot. We would like to paint the curb yellow on either side of the exit or we would like to put up traffic mirrors so that exiting vehicles can see traffic coming in	Contacted 11/9/2023 to ask about installing the no parking signs.Request for Paint or No Parking signage submitted to Maintenance by Sarah Wilson 11/2023. Signs Installed February 2024.	Resolved	4/1/2024	Completed				
3/9/2023	<a href="#">2023-004</a>	Employee of newberg highschool called to discuss the possibility of adding marked crosswalks for the pedestrain crossings for the N/S pathways at Douglas Ave and N Emery Street.	I confirmed with the caller the street intersection she was talking about. 3-9-2023  I emailed caller my fact-finding investigation into the newberg marked crosswalks memo and the MUTCD.	Resolved	4/11/2023	Completed				
4/10/2023	<a href="#">2023-005</a>	Neal B wrote: Request No Parking on the east side of Villa Road north of Fulton Street for a distance that allows visibility to turn onto Villa from Fulton. There is a very short distance to get onto the street at the four way stop and it is dangerous if there is no visibility of traffic headed south on Villa. Many emergency vehicles use this	Request for Paint or No Parking signage submitted to Maintenance by Sarah Wilson 11/2023.	Resolved		Completed				
4/12/2023	<a href="#">2023-006</a>	Numerous potholes along College growing in size and severity at numerous intersections. Potholes are causing vehicles to move into other lane to avoid if there is no oncoming traffic or drive through unavoidably if there is oncoming traffic. Large enough to damage vehicles.	See-Click-Fix  N. College Street (Hwy 219) is under ODOT jurisdiction and maintenance responsibility. This has been forwarded to the local ODOT District Maintenance Supervisor. Thank	Resolved	4/13/2023	Completed				
4/19/2023	<a href="#">2023-007</a>	Concern brought by Resident on Taylor Drive Terrace and Crater Elementary.  Resident contacted the police and she was then directed to me. The police did set up a speed radar trailer and it was active on 4/18/2023.	I contacted resident and confirmed with her that the speed radar trailer was in a good location to capture her concerns. She said that the location was fine. She believes that it might not get the highest speeds as she observes drivers hitting max speed at Morris, which is	Resolved	4/24/2023 6/15/2023	Completed				
6/15/2023	<a href="#">2023-010</a>	Residents on Legacy drive which backs onto Chehalem provided concerns with the speed of the traffic has really got out of control. The speed limit is 25 and rarely does anyone abide by this. Often we hear people accelerating and racing down the street. Something really needs to be done to slow down traffic on this road.	Residents were provided the following.  8/31/2023 Responded back to resident with the speed data from the radar study. The radar trailers were placed	Resolved	9/11/2023	Completed				
7/20/2023	<a href="#">2023-012</a>	E 1st St & N Main St Newberg, OR, 97132, USA The signal for traffic to go straight or right through the intersection at Main Street and 1st is extremely short. One car can get through the light before it changes. This is causing a safety issue	Submitted by See-Click Fix  Passed onto ODOT 9/11/2023 AskODOT@odot.oregon.gov	Resolved	9/11/2023	Completed	Traffic Signal	First / 99W	Main / OR240	ODOT - 99W and OR240
7/24/2023	<a href="#">2023-013</a>	Stop sign at this intersection is covered by trees. I observed on July 16 a car proceed through the intersection without stopping. Likely due to the stop sign not being visible. This is a high pedestrian area near two schools.	Submitted by See-Click Fix  Sent to Maintenance 7/24/2023	Resolved	7/24/2023	Completed	Stop Sign	NA	NA	



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9/1/2023	<a href="#">2023-014</a>	Resident called to report a safety and visibility issues on Renfro way and Mission. There is a crosswalk there that is used by the elderly and children in the neighborhood but parked cars right next to the ADA crosswalk block visibility for both drivers and pedestrians. There is a firehydrant close to this location. The proposal is to paint the curb yellow from the crosswalk to the firehydrant.	Research on Ramp and intersection painting. Request to be maid to Maintenance for painting this area	Resolved	9/20/2023	Completed				
1/22/2024	<a href="#">2024-001</a>	Resident expressed concern with street lighting along E Fourteenth Street and NE Waterfront Street near the Riverrun Phase 3 development.	Although within the city limits of Newberg, E Fourteenth Street and NE Waterfront Street are among several streets that are still under the jurisdiction of Yamhill County. Street lights within the Riverrun Phase 3 development are owned and maintained by PGE.	Resolved	1/30/2024	Completed				
10/13/2017	<a href="#">2017-017</a>	Concern with parking along north side of Park Lane west of Villa when apartment project completed on south side of Park. Asked if north side of park lane could remain no parking.	Looking into concern. With the new development, parking on both sides of Park is required per TSP. Waiting for the apartment project's Public Improvement plan submittal and review to determine if any segments along Park should be identified as no parking. Review of Public Improvement plans did not identify areas to mark as No Parking at this time. Will review conditions after the new development is completed and occupied. Apartment project complete.From field investigations it appears that drivers have not fully adjusted to the widened road and parking. Will continue to monitor. Engineering staff is working on a Limited Decision memo to have yellow center line striping installed in coordination with a pavement preservation crack and slurry seal project planned for Park Lane in spring/summer 2020.	Limited Decision Issued 6/5/2020 - TSC didn't agree. Tabled for now.	7/15/2019, 01/03/2020, 6/3/2020, 7/30/2020	Completed	Parking	Park	West of Villa	
2/14/2019	<a href="#">2019-005</a>	Resident has asked to consider adding marked crosswalks on Meridian in front GFU.	Informed resident that this is similar to other requests received previously. Issues to resolve include avoiding a congestion of marked crosswalks. Potential locations identified as Sherman or North. Consultant's recommendation was forwarded onto GFU personnel.	Limited Decision Issued	4/1/2019, 7/15/2019, 01/03/2020, 6/3/2020, 7/30/2020;	Completed	Ped Crossing	Meridian	Sheridan to North	
8/30/2019	<a href="#">2019-014</a>	Residents have provided observations and concerns with parking along the north side of Park Lane.	Looking into concern. With the new development, parking on both sides of Park is required per TSP. NDPD have reviewed the area for enforcement activities. From field investigations it appears that drivers have not fully adjusted to the widened road and parking. Will continue to monitor. Engineering staff is working on a Limited Decision memo to have yellow center line striping installed in coordination with a pavement preservation crack and slurry seal project planned for Park Lane in spring/summer 2020.	Limited Decision Issued 6/5/2020 - TSC didn't agree. Tabled for now.	10/7/2019, 01/03/2020, 6/3/2020, 7/30/2020	Completed	Parking	Park	West of Villa	
3/15/2020	<a href="#">2020-001</a>	Resident requested no parking be painted at the SW corner of the intersection of Park Lane and Villa Road.	Looking into issues. Working with NDPD on enforcement and education.	Limited Decision Issued	6/3/2020; 12/28/2020	Completed	Parking	Park	Villa	
9/16/2020	<a href="#">2020-007</a>	Resident requested yellow paint on Park Lane.	This is a part of the larger Park Lane discussion.	Limited Decision Issued 6/5/2020 - TSC didn't agree. Tabled for now.	9/29/2020	Completed		Park	West of Villa	



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4/23/2024	2024-004	Resident of E Lilly Ct. concerned with parking continually at the corner, and in front of a mail box. Resident stated that numerous interventions by the NDPD have not resolved the issue. Desires the area to be designated as "NO PARKING".	Informed resident of the Parking Change Request Policy form and the Traffic Safety Issue Report form available on the Traffic Safety Commission webpage. Received a Traffic Safety Issue Report form and looking into the issues for options. Staff prepared memo for request to designate area of "No Parking" per code. Limited Traffic Decision TSC 24-001 Issued on 9/24/2024 to delineate "no parking" areas within 20-feet of unmarked crosswalks at the intersection of Lily Court and Wynooski Street. Notice of decision mailed to property owners within 300 feet of the location per NMC 2.15.410(A)(1).  No Parking signs being installed by PW Maintenance.	Limited Traffic Decision TSC 24-001 Issued.	4/25/2024, 7/01/2024, 9/25/2024, 12/6/2024	Completed	Parking	E Lilly Court	S Wynooski	
9/24/2024	2024-010	Resident expressed concern with visibility for pedestrian crossings at the intersection of S Meridian and E Ninth Street. Resident	Review of the intersection identified that existing yellow curb painting delineating "no parking" areas in the area of marked and unmarked crosswalks had faded. Coordinated with NDPD for enforcement of no parking areas at this intersection and with Public Works Maintenance for the addition of no parking signs to aid delineation of no parking areas at this intersection.	No Further Action Taken	9/26/2024	Completed	Ped Crossing	Meridian	Ninth	
8/30/2024	2024-008	Resident expressed concerns parking on Barbaras Way.	Resident informed of the Parking Change Request Policy form and the Traffic Safety Issue Report form available on the Traffic Safety Commission webpage	No Further Action Taken	8/30/2024	Completed	Parking	Barbaras Way		
9/9/2024	2024-009	Resident requested information on how to request stop signs for the intersection of Lynn Drive and Crater Lane.	Installation of a stop sign is to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage. Informed resident of the Stop Sign Request form within the stop sign policy packet.	No Further Action Taken	9/13/2024	Completed	Stop Sign	Lynne Drive	Crater Lane	
2/26/2024	2024-002	Resident expressed concerns with speeding along Dayton Avenue and proposed speed bumps to address speeding.	Requested NDPD to include the area of S Dayton between W Fifth Street and Chehalem Creek for deployment of a radar trailer to collect speed data and for additional patrols.  In March 2024 a radar trailer was set up along Dayton Avenue between Johanna Court and the City Limits. The radar trailer location was chosen to avoid registering speeds of people within the higher speed limit area outside of the City Limits. The radar trailer survey results indicated an average speed of 27 MPH with an 85th percentile speed of 31 MPH.  NDPD reported that while there are some outliers, there does not appear to be an obvious pattern of excessive speeding here and are not aware of any crashes reported for this stretch of Dayton Avenue.  With this area being one of the street that residents are routinely concerned about this area is in the NDPD regular rotation of hot spots for traffic officers.	No Further Action Taken	2/27/2024, 7/01/2024	Completed	Speed	Dayton Ave		



## Traffic Safety Commission

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	ODOT	College / OR 219	Various concerns along College/OR219 have been relayed to ODOT since 2017. A request has been submitted to Ask ODOT asking for a specific contact within ODOT that these concerns can be directed to identify options to address these concerns. This request has resulted in a meeting being scheduled between ODOT representatives and city staff on 1/15/2025.
	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below.
	City	Resident expressed concern Various	<a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a> Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
11/6/2023	2023-019	Speeding issues reported on Dayton Ave. Resident is concerned about general neighborhood safety. Resident has requested speed bumps if possible. TSC staff liaison directed them to the traffic calming policy on the city website.  Sarah, Thank you again for your time today. This is the overall review of my concern in which we spoke about today. My family and I have lived on S Dayton Avenue for the last 3 years. Our home is towards the edge of the city limits. The road out of city limits has a decent decline as it heads downhill to the bridge over Chehalem Creek. For the past few years I have noticed more often the amount of speeding vehicles going past our house. This is a 25 mph zone and I would guess there are vehicles and motorcycles easily traveling at 50 to 60 mph either coming in from the higher limit outside the city and up the hill or speeding up to be out of the city and flying down the hill. The police departments speed detecting unit was placed there 2 plus years ago however I think the amount of speeders and the speeds have greatly increased since then. I would love to see large speedbumps or an added stop sign at the top of the hill just past the creek perhaps. I realize added patrol may be helpful however there is not really any areas for patrol to park and radar. My biggest concern aside from driving safely is the number of younger children living directly off this part of Dayton Avenue. It saddens me when things change only after a tragedy. Anything I can do to help be part of the solution I am more than happy to help. Please let me know what I can do.  Thank you for considering my request,	TSC staff liaison to request speed radar trailers out on Dayton Ave. The resident may come into the January 2024 TSC meeting to bring awareness to issue. Request for Radar trailers along Dayton Ave sent 11/6/2023.  In March 2024 a radar trailer was set up along Dayton Avenue between Johanna Court and the City Limits. The radar trailer location was chosen to avoid registering speeds of people within the higher speed limit area outside of the City Limits. The radar trailer survey results indicated an average speed of 27 MPH with an 85th percentile speed of 31 MPH.  NDPD reported that while there are some outliers, there does not appear to be an obvious pattern of excessive speeding here and are not aware of any crashes reported for this stretch of Dayton Avenue.  With this area being one of the street that residents are routinely concerned about this area is in the NDPD regular rotation of hot spots for traffic officers.	No Further Action Taken	7/1/2024	Completed	Speed	Dayton Ave		
10/11/2021	2021-012	Abandoned Vehicles - brought forth to the TSC	Council asked for information from PD and Engineering. TSC could make a recommendation to the Council on	No Further Action Taken	9/29/2023	Completed	Abandoned Vehicles			
10/11/2021	2021-011	Abandoned Vehicles - brought by TSC	Requested input from CA. TSC could make a recommendation to the Council on changes to the NMC on this issue.  White paper completed by TSC 7/24/23. To be brought before City manager 11/23.	No Further Action Taken	9/29/2023	Completed	Abandoned Vehicles			
12/21/2018	2018-027	Citizen has expressed concern with location of speed transition from 25 to 45 on Wynooski near the bypass. Also feels speed limit on Wynooski should be reduced.	Looking into issues. Citizen has been informed that south of E Seventh Street, Wynooski is a county road and that speed zones are set by ODOT. Citizen also informed that we are planning to review speed zones throughout the city.	No Further Action Taken		Completed	Speed	Wynooski	Near OR 18 Bypass	Yamhill County - south of E Seventh



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Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
12/7/2018	2018-025	Citizen has expressed concern with vehicles parked on both sides of Villa Road between 99W and Haworth. Citizen described experiencing difficulties passing another vehicle travelling in the opposite direction.	Concern related to the general discussion of parking in this section of Villa Road. Informed citizen of these past discussions and the GFU parking presentation at the October TSC meeting. Citizen also directed to the TSC webpage and the parking change request policy form.	No Further Action Taken		Completed	Parking	Villa	99W to Haworth	ODOT - 99W
7/9/2018	2018-009	Planning Commission received written comments for file No. CPMA 18-0002/ZMA 18-0001, 1109 S River Street Comp Plan and Zoning amendments. 2) Concern with intersection of River St and 99W. Suggests turns lanes need to be longer to reduce congestion.	Comments discussed at 7/12/18 Planning Commission meeting. Intersection with state highway under ODOT jurisdiction.	No Further Action Taken		Completed	Turn Lanes	River	99W	ODOT - 99W and River at 99W
7/9/2018	2018-010	Planning Commission received written comments for file No. CPMA 18-0002/ZMA 18-0001, 1109 S River Street Comp Plan and Zoning amendments. 3) Concern with wait time at signal for WB turn lane off of 99W to River St. Suggests adjusting light to reduce wait time for left turn lane.	Comments discussed at 7/12/18 Planning Commission meeting. Intersection with state highway, including signal timing under ODOT jurisdiction.	No Further Action Taken		Completed	Signal Timing	River	99W	ODOT - 99W and River at 99W
7/9/2018	2018-011	Planning Commission received written comments for file No. CPMA 18-0002/ZMA 18-0001, 1109 S River Street Comp Plan and Zoning amendments. 4) Concern with condition and width of River St.	Comments discussed at 7/12/18 Planning Commission meeting. River St improvement to major collector standards between First St. and Rogers Landing is identified as an aspirational project in the City's Transportation System Plan (TSP). The City's Riverfront Master Plan update process will also be looking at River St.	No Further Action Taken		Completed	River Street width and condition.	River	99W	ODOT - 99W and River at 99W
10/5/2017	2017-015	Concerns and questions regarding: speeding, signage, engine braking noise violations along Illinois St. near City limits.	Looking into issues including coordination with ODOT. Intends to attend future TSC meeting. Associated with concern raised by other residents. Provided resident with information from ODOT regarding process to request unmuffled engine braking signage. Coordinated with NNDP for setup of radar trailer and speed/noise enforcement.	No Further Action Taken		Completed	Traffic and Speed	Illinois / OR 240	Main	ODOT - OR 240
11/13/2017	2017-021	Concern with speeding and noise on Illinois St near City limits. Requested speed survey.	Looking into issues, including coordination with ODOT for requesting installation of No Engine Braking signage. Associated with concern raised by Randy Higley. Provided Randy with information from ODOT regarding process to request unmuffled engine braking signage. Coordinated with NNDP for setup of radar trailer and speed/noise enforcement.	No Further Action Taken		Completed	Traffic and Speed	Illinois / OR 240	Main	ODOT - OR 240



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	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below.
	City	Resident expressed concern Various	<a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a> Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
6/24/2022	2022-004	Complaint about pedestrian safety at College & First Street.  Updated ODOT description of the issue. From response received through AskODOT, 1/2/2025:  I'll first speak on the pedestrian safety concerns you mentioned at the OR-219 and E 1st St intersection. The pedestrian safety concern you specified is the turning movement conflicting with pedestrians crossing. This intersection is one that has been on ODOT's radar for several years and one we continue to monitor for the vehicle turning to pedestrian crossing conflict. The intersection was included in the recent project that made signal improvements to several signalized intersections in Newberg. The project intended to install a signal head with a left turn arrow, which would also display a red arrow when the pedestrian walk sign was activated. This improvement would have separated the southbound left turning vehicles from pedestrians within the crosswalk. Unfortunately, it was determined through structural analysis that the existing signal span wires are over capacity for loads and no changes could be made. ODOT has tried to obtain funding to replace the traffic signal in other funding cycles. However, ODOT has limited funding and there are other locations in Region 2 with safety needs that have been prioritized. This signal will continue to be reviewed by our staff each funding cycle.	This is an ODOT facility. ODOT Traffic responded. Without completely rebuilding the signal there is not much they can do at this time.  See updated description of the issue provided by ODOT through the response received from AskODOT.	No Further Action Taken	NA, 1/15/2025		Ped Crossing	College / OR219	First / OR219 / 99W	ODOT - OR219 and 99W
9/11/2023	2023-016	N College St & E Foothills Dr Newberg  I often have issues crossing the street here because cars are zooming by in both directions. This might be because of the speed drop and increase in the respective directions, but it often feels unsafe crossing from one side of E Foothills Dr to the other. Also, there have been multiple times where children are trying to cross the street, sometimes after being dropped off by their school bus, and are ignored by drivers and almost hit. Recent, I was driving down from Bell Rd. towards E Foothills Dr. I was making a left turn onto E. Foothills Dr. and a young boy was crossing at the crosswalk. I stopped, but a car going straight flew past me nearly hitting the young boy in the cross walk. I had to honk at the young boy to stop walking because the car was not stopping. A flashing sign or pedestrian lights for the cross walk could help with safety in the area.	Submitted by See-Click Fix  N College Street is owned by ODOT. This complaint has been submitted to ODOT.  Updated ODOT description of the issue. From response received through AskODOT, 1/2/2025:  Regarding the request for flashing pedestrian signs, I'll mention that ODOT has established a process for evaluating and approving crosswalk treatments on state highways at uncontrolled locations. The evaluation study and approval process are outlined in ODOT's Traffic Manual. For the existing marked crosswalk at the Foothills Dr intersection, the recommended crosswalk treatments are what are considered visibility enhancements, such as lighting that meets ODOT lighting standards, continental crosswalk markings and parking restrictions at the crosswalk. In addition to these treatments, a median refuge island and rectangular rapid flashing beacons are also listed as treatments that can be installed at this crosswalk to improve pedestrian safety. If city staff would like to further discuss crosswalk improvements at this intersection, please feel free to contact me directly.	No Further Action Taken	9/11/2023, 1/15/2025		Ped Crossing	College / OR219	Foothills	ODOT - OR219



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Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
1/9/2017	2017-001	There is a significant safety problem at this intersection that persists when drivers don't follow the "Right Turn Only" sign.	Received. Area of ODOT jurisdiction.  Updated ODOT description of the issue. From response received through AskODOT, 1/2/2025:  As for the OR-219 and Sheridan St intersection, this location is one that our investigation staff has reviewed through our Safety Priority Index System (SPIS) investigations. Most recently, the OR-219 and Sheridan St intersection was a top 15% SPIS site in the 2021 SPIS report, which was based off crashes from the three previous calendar years. The 2021 SPIS investigation noted that the city was considering restricting the west approach of Sheridan St to right in and right out only, but our investigation staff isn't aware if this treatment was determined to be feasible. Based off our 2022 SPIS report and recent reported crash data, this intersection is no longer a top 15% SPIS site and crashes began to decrease in 2022. Although crashes have decreased, our traffic staff would be available to discuss any ongoing traffic issues residents and city staff are encountering.	No Further Action Taken			Traffic	College / OR219	Sheridan	ODOT - OR219
1/14/2019	2019-002	Resident spoke at the January 2019 TSC meeting expressing concerns with crashes on College Street at Sheridan. Resident believes problem is cars going east not seeing oncoming traffic to go left or straight due to backed up traffic from the light at College and Hwy 99.	Looking into issues. College is ODOT jurisdiction. Per request at TSC meeting NDPD provided summary of crashes reported in 2018. Full reports for the 2018 crashes requested from NDPD. Reports received and being reviewed. ODOT crash data for 2013 through 2017 and 2008 through 2012 have also been obtained and being reviewed. ODOT has also been contacted to review this. ODOT states that the Sheridan Street intersection was first identified as a top 10% SPIS (Safety Priority Index System) site in 2017. ODOT Region 2 is currently in the process of doing a desk investigation of all Region 2 SPIS sites Since this is a first time SPIS site, ODOT has also stated that a field investigation is intended for late August/early September to finalize their recommendations. ODOT has been requested to keep us appraised of the status and results of their investigation. No additional information from ODOT as of 1/02/2020.	No Further Action Taken	5/20/2019, 7/15/2019, 01/03/2020		Traffic - Crashes	College / OR219	Sheridan	ODOT - OR219





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	City	Resident expressed concern Various	<a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a> Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
9/6/2023	2023-015	Resident reached out a second time about HY 219 and Villa road. She witnessed another pedestrain vehicle incident and suggested that she wasn't sure that the pedestrain survived the collision.	I verified with the City Engineer who we should be talking to in ODOT for traffic safety concerns along ODOT facilities. He directed me to Jenna Berman. Jenna said that she has been looking at this intersection quite a bit and that there is currently a scope of work under development for a transportation study for this intersection. There is funding available and project delivery could be as early as 2027.  Ongoing/Passed onto ODOT 9/11/2023	No Further Action Taken	9/11/2023		Ped Crossing	First / OR 219	Villa	ODOT - OR219
10/9/2017	2017-016	Question regarding timing for installation of traffic signal at Everest and E. First St. Concerns with increased traffic at this intersection related to improvements on 219 associated with the Bypass.	Notified that, per the IGA between the City and ODOT, ODOT is to install the signal within 3 years. ODOT has been requested to begin counts for the warrant analysis. ODOT's January 2019 Newberg/Dundee Bypass Quarterly update states that an updated signal warrant analysis determined that the OR219 @ Everest intersection does not meet any traffic control signal warrants. ODOT contacted about possible interim improvements such as changing the ped crossing to include an rectangular rapid flashing beacon. ODOT indicated that if funding could be identified this could be considered. Other interim ideas expressed by resident include; 1) if space allows, stripe Everest at HWY 219 to create right turn lanes, 2) Install larger sign at Everest/Second intersection recommending Church Street as an alternate route.	No Further Action Taken	4/1/2019, 7/15/2019		Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
11/3/2023	2023-018	Sarget Brian Hagen provided information about an incident along 1st street and Everest	Information regarding the incident has been provided to the ODOT rep preparing a study for this intersection complex. Jenna.BERMAN@odot.oregon.gov	No Further Action Taken			Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
3/6/2024	2024-003	Resident expressed concerns with the intersection of First Street (HWY 219) and Everest and proposed a roundabout be installed.	Highway 219 is under ODOT jurisdiction. The resident was directed to ODOT rep. ODOT rep preparing a study for this intersection. The ODOT rep responded with approximate costs and requirements, including right-of-way acquisitions, for a typical ODOT roundabout (\$5million) and the general process that would be required. The city has no funding for any improvements to state facilities.	No Further Action Taken	3/15/2024		Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
11/3/2023	2023-017	Resident provided information about an incident along 1st street (HWY 219) and Everest.	e-mail and photo from resident has been provided to the ODOT rep preparing a study for this intersection complex. Jenna.BERMAN@odot.oregon.gov	No Further Action Taken			Traffic / Ped Crossing	First / OR219	Everest	ODOT - OR219
9/4/2022	2022-006	Complaints about speed at OR219 near First Street. - Several neighbors all made the same complaint.	This is an ODOT facility. ODOT Traffic responded. They offered up some lower impact options - widening the stop bar and installing a bike lane. These would be to help make the road look narrower. The work ODOT offered has been completed.	No Further Action Taken	NA		Speed	First / OR219	Portland Rd / 99W	ODOT - OR219 and 99W
5/13/2020	2020-003	Resident requested a crosswalk at E First Street and OR 219.	She was directed to ODOT. ODOT responded. No further action at this time. Staff will be reminding ODOT to have traffic counts taken in the fall to determine if signal warrants are met.	No Further Action Taken	6/3/2020		Ped Crossing	First / OR219	Portland Rd / 99W to Everest	ODOT - OR219





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5/10/2019	2019-010	Resident expressed concern with cars intending to make right turns from E Illinois (WB) onto N Main (NB) are passing cars on the right that are waiting to make left turns from E Illinois (WB) onto N Main (SB), often without out stopping.	Informed resident about the future intersection study (FY 20/21)	Ongoing	5/10/2019		Traffic	Illinois	N Main	ODOT - OR 240 and City
10/28/2024	2024-16	Resident provided public comment at the TSC meeting regarding concerns with the the Illinois/N Main/ Highway 240 intersection included multiple difficulties when travelling through the intersection. These included vehicles entering and then blocking the intersection when waiting to turn. Believes that the addition of signs or markings noting not to block the intersection would help address the concerns.	A previous planned project had been cancelled due to the lack of road funds and that the City Manager had indicated that he expects this intersection to be addressed in the future.	Ongoing	12/6/2024		Traffic	N Main / Highway 240	Illinois	ODOT - OR 240and City
9/3/2022	2022-005	Request for a painted crosswalk at Fernwood & Brutscher	Traffic counts will need to be taken to determine if it is warranted.	Ongoing, Traffic Count/Study Needed			Ped Crossing	Fernwood	Brutscher	
5/16/2023	2023-008	Is there a plan for a crosswalk and sidewalk entrances on the corner of Brutscher and Fernwood? Entrance of the Gettman loop trail by PCC has continues pedestrian traffic. Dozens per day cross Fernwood at that corner without any indication to drivers of that popular crossing. As it stands now folks are crossing a drainage ditch and mindfully crossing Fernwood in order to enter the Gettman loop trail. A few painted lines and a sign at the very least would be beneficial.	Responded to inquiry to let them know that the issue has been logged in the TSC log. Traffic counts will need to be taken to determine if it is warranted.	Ongoing, Traffic Count/Study Needed	5/16/2023		Ped Crossing	Fernwood	Brutscher	
2/13/2023	2023-003	Traffic Safety Issue E 3rd St & S Meridian St Newberg, OR, 97132, USA A stop sign at this 4 way intersection would be/should be placed. There are cars commonly speeding by, accidents occurring and pedestrians nearly getting hit. This road is only two blocks from 99 and gets a lot of traffic.	Made through See Chick Fix.  <b>*Should be noted that stopsigns are NOT a safe or effective means of slowing down traffic.</b>  Traffic counts would need to be taken to determine if stop signs warranted.	Ongoing, Traffic Count/Study Needed	2/23/2023		Ped Crossing	Third	Meridian	
7/17/2023	2023-011	E 3rd St & Meridian  A stop sign at this 4 way intersection would be/should be placed. There are cars commonly speeding by, accidents occurring and pedestrians nearly getting hit. This road is only two blocks from 99 and gets a lot of traffic	Submitted by See-Click Fix.  <b>*Should be noted that stopsigns are NOT a safe or effective means of slowing down traffic.</b>  Traffic counts would need to be taken to determine if stop signs warranted.	Ongoing, Traffic Count/Study Needed			Ped Crossing	Third	Meridian	
12/6/2024	2024-19	Resident expressed concern with lack of stops signs at many intersections on the south side of town. Specific areas of concern are E Third at S Center and E Third at S Meridian.	Installation of stop signs are to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage.  There are many areas of Newberg where intersections do not have stops signs in either direction. Most if not all of these do not meet the warrants for a stop sign. Looking into issue.  Traffic counts needed to see where stop signs are warranted.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	E Third at S Center	E Third at S Meridian	



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	City	Resident expressed concern Various	Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
2/8/2023	2023-002	They could start by making the north bound speed limit sign more visible. The speed limit is 45 coming from the highway, dropping to 25 as you get to Wynooski. There is one sign before you get to Wynooski. There's another on Wynooski, but it's completely hidden by trees. I'd never want to take out trees, so another sign in a more visible spot would help.  A stop sign at 7th and Wynooski should slow things down a lot. The problem is it's a long open stretch and cars just build up speed with nothing to stop them. Making them stop at 7th should make a big difference.  It depends on the time of day. At some times there's so little traffic on Wynooski it could be considered a non-problem, even though most of those cars are speeding. I was walking the dogs yesterday, not many cars, but most of them were going too fast, some had to be going 40 mph or more.  Some sections have no sidewalk or inadequate sidewalks, so speeding poses a particular danger to pedestrians. Walking on the curve just before Wynooski becomes 4th is alarming because there's only a tiny sliver of grass verge between the sidewalk and the road, and cars come barreling around the curve. The morning rush hour time really sees an increase in speeds. We've also got some young folks in the neighborhood who use Wynooski for racing.  Very little enforcement to speak of and virtually none in the evenings.	<b>*Should be noted that stop signs are NOT a safe or effective means of slowing down traffic.</b>  Radar trailers have recently been deployed on Wynooski.  Further research and investigation is needed to confirm issues and identify options.	Ongoing, Traffic Count/Study Needed	2/8/2023, 7/01/2024, 12/6/2024		Pedestrian Infrastructure, Speed	Wynooski		Yamhill County - south of E Seventh
5/23/2023	2023-009	This is an uncontrolled intersection feeding into GFU. We see a lot of on-street parking during school hours, University events, and Cultural Center events. Many visitors don't realize this is an uncontrolled intersection so speed through to get from College to Meridian (or vice versa). If there IS oncoming traffic, many people don't know the rules for uncontrolled intersections. The biggest issue is people often don't even slow down to look and we have a lot of pedestrian traffic from students and local events in addition to the traffic. For the last few years the best thing has been the awful condition of the road, which makes it uncomfortable to speed, to be honest. I doubt stop signs are the answer, but possibly yield signs or speed bumps would help	East Sherman Street and North Edwards Street Intersection—all between College Street and Meridian Street. Responded to inquiry to let them know that the issue has been logged in the TSC log.  This location is anticipated to be revived in the fall when GFU is in session. Traffic counts would need to be taken to determine if stop signs warranted.	Ongoing, Traffic Count/Study Needed	5/23/2023, 7/01/2024		Ped Crossing	Sherman	Edwards	
8/26/2024	2024-007	Resident on N Meridian near GFU expressed concerns with parking, traffic, speeding and pedestrian safety at intersections.	Multiple issues to be looked into.	Ongoing, Traffic Count/Study Needed	8/26/2024		Parking, Traffic, Speed, Ped Crossing	Meridian	Near GFU	
8/13/2024	2024-006	Resident at S Donna Drive and E Kennedy Drive inquired about having a stop sign installed at this intersection.	Installation of a stop sign is to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage. Looking into issue.	Ongoing, Traffic Count/Study Needed	8/19/2024		Stop Sign	Donna Drive	Kennedy Drive	



## Traffic Safety Commission

City Engineer's Office  
Tel: 503.537.1273  
www.newbergoregon.gov




Color	Jurisdiction	General Location Street/Highway	Comment
	ODOT	College / OR 219	Various concerns along College/OR219 have been relayed to ODOT since 2017. A request has been submitted to Ask ODOT asking for a specific contact within ODOT that these concerns can be directed to identify options to address these concerns. This request has resulted in a meeting being scheduled between ODOT representatives and city staff on 1/15/2025.
	ODOT	First / OR 219	The current ODOT Newberg Urban Verification Study Project includes recommended improvements that have been requested to be incorporated into the ODOT Newberg ADA Curb Ramp Project. See links to ODOT projects below.
	City	Resident expressed concern Various	<a href="#">ODOT Newberg Urban</a> <a href="#">ODOT Newberg ADA Curb Ramp</a> Traffic Counts and/or other Study needed to confirm issues and identify options. Staff is working with the City Engineer and the City Manager for assignment of additional resources to look into and address these items.

Date Received	TSC Issue Number (Date-Number)	Issue Description	Comments	Status	Updated	Filter	Issue/ Concern/ Request Type	Location 1	Location 2	Jurisdiction (if not City)
9/27/2024	2024-12	Resident submitted a Traffic Safety Issue Report form providing observations of a pedestrian safety issue at the intersection of N Villa Road and E Haworth Avenue. Also described issues of westbound cars on Haworth waiting for extended periods of time to turn south onto Villa.	Multiple issues to be looked into. Missing sidewalks on the east side of Villa south of the intersection appear to be contributing to the issues and concerns.  Traffic counts needed to see if the addition of stop signs is warranted.	Ongoing, Traffic Count/Study Needed	9/30/2024, 12/6/2024		Ped Crossing	Villa	Haworth	
10/28/2024	2024-17	Resident provided public comment at the TSC meeting regarding concerns with the Haworth at Villa intersection. Concerns included visibility issues at this tee intersection, the lack of stop signs on N Villa at this location, amount of pedestrian traffic at this location in the vicinity of George Fox University and CPRD's Aquatic and Fitness Center, and increased traffic anticipated from new development at north of E Mountainview Drive at N Villa Road. Believes that the addition of stop signs to make the intersection an all-way stop would help address the concerns.	Multiple issues to be looked into. Missing sidewalks on the east side of Villa south of the intersection appear to be contributing to the issues and concerns.  Traffic counts needed to see if the addition of stop signs is warranted.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	Villa	Haworth	
10/14/2024	2024-14	Resident expressed concerns with the lack of stop signs at intersections near E Seventh Street.	Installation of stop signs are to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	E Seventh		
11/14/2024	2024-18	Resident on Eighth Street expressed concern with speeding on Eighth and the lack of stop signs in the area.	Resident has expressed intent to submit a Stop Sign Request form. Installation of stop signs are to be consistent with the stop sign policy within the stop sign policy packet available on the TSC webpage.	Ongoing, Traffic Count/Study Needed	12/6/2024		Stop Sign	Eighth		
6/4/2024	2024-005	Resident on Elliott Road at Rewood Court concerned with parking continually at the corner in front of a mail box.	There are many areas of Newberg where intersections do Traffic Safety Issue Report Form Received. Looking into the issues for options. Staff has prepared a Limited Traffic Decision memo to designate area of "No Parking" per code.	Limited Traffic Decision Issued.	7/1/2024, 1/6/2025, 2/7/2025		Parking	Elliott Road	Redwood Court	
9/25/2024	2024-11	Resident expressed concern with speeding on N Morris Street. Requested installation of speed limit sign.	Resident informed of Traffic Issue Report forms available on the TSC webpage. Looking into issue.	Ongoing	9/25/2024		Speed	Morris		
10/4/2024	2024-13	Resident on Willakenzie has expressed concerns with speeding and lack of speed limit signs along Willakenzie and Jory in the Crestview Crossing development.	Looking into Issues. Speed limit signs are likely to be warranted with development of the adjacent Crestview Green development to the east.	Ongoing	12/6/2024		Speed	Willakenzie/ Crestview	Jory/ Crestview	
10/17/2024	2024-15	Resident asked about how to have portions of Edgewood Drive near Burlington Drive designated as "No Parking" areas.	Need more information from resident on specific areas of concern. Looking into issues and working with resident. Waiting for response from resident.	Ongoing	12/6/2024, 1/6/2025		Parking	Edgewood	Burlington	
12/10/2024	2024-20	Resident expressed concern with vehicles parking in the bike lanes on E Hayes Street west of N Brutscher Street.	Informed resident that NDPD would be asked to look at area for additional patrols for parking enforcement. Requested NDPD look at area of concern for additional patrols for parking enforcement.	No Further Action Taken	12/11/2024		Parking	E Hayes	N Brutscher	
1/8/2025	2025-01	Residents have expressed concerns to the mayor regarding crosswalk danger and people running stop signs. It has been suggested that crosswalk signals on the west and north legs of the intersection be installed to address this issue.	Need coordination with City Manager and City Engineer for assignment of resources to investigate concerns and potential options besides the traffic signal project 109 identified in the Transportation System Plan.	Received	1/8/2025		Ped Crossing	E Haworth	N Sprinbrook	



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2/3/2025	2025-002	Resident expressed that speeding is a persistent issue along Dayton Avenue. Resident has asked if speed bumps are not an option, could the city install permanent speed monitoring signs?  This concern is related to TSC Issue Numbers: 2024-002, 2023-019, 2021-006.  Past radar trailer survey results in 2021 and 2024 have not indicated an excessive average speed nor an 85th percentile speed that would result in enforcement action.  NDPD reported that while there are some outliers, there does not appear to be an obvious pattern of excessive speeding here and are not aware of any crashes reported for this stretch of Dayton Avenue.  With this area being one of the streets that residents are routinely concerned about this area is in the NDPD regular rotation of hot spots for traffic officers.	This request has been provided to the City Manager and City Engineer for assignment of resources to investigate possibility of installing the requested permanent speed monitoring signs.	Received	2/7/2025		Speed	Dayton		
2/4/2025	2025-003	Resident expressed concern with the intersection of N Villa at E Haworth and why it is not a three-way stop.  This concern is related to TSC Issue Numbers: 2024-17 and 2024-12.	Need coordination with City Manager and City Engineer for assignment of resources to investigate possibility of making this a three-way stop intersection.	Received	2/7/2025		Stop Sign	Villa	Haworth	