

PLANNING COMMISSION AGENDA
March 10, 2011
7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

- I. ROLL CALL**
- II. OPEN MEETING**
- III. CONSENT CALENDAR** (items are considered routine and are not discussed unless requested by the commissioners)
 - 1. Approval of February 10, 2011 Planning Commission Meeting Minutes
- IV. COMMUNICATIONS FROM THE FLOOR** (5 minute maximum per person)
 - 1. For items not listed on the agenda
- V. WORKSHOPS:** Recommendations from the Affordable Housing Action Committee
 - 1. Manufactured homes workshop
 - 2. Annexation standards workshop
- VI. ITEMS FROM STAFF**
 - 1. Update on Council items
 - 2. Other reports, letters, or correspondence
 - 3. Next Planning Commission Meeting: April 14, 2011
- VII. ITEMS FROM COMMISSIONERS**
- VIII. ADJOURN**

FOR QUESTIONS PLEASE STOP BY, OR CALL 503-537-1240, PLANNING & BUILDING DEPT. - P.O. BOX 970 - 414 E. 1ST STREET

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

In order to accommodate persons with physical impairments, please notify the City Recorder's office of any special physical accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact the city recorder at (503) 537-1283. For TTY service please call (503) 554-7793.

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PLANNING COMMISSION MINUTES
Thursday, February 10, 2011
7:00 p.m. Regular Meeting
Newberg Public Safety Building
401 E. Third Street

THE FOLLOWING MINUTES WERE TRANSCRIBED FROM THE AUDIO RECORDING.
TO BE APPROVED AT THE MARCH 10, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Members

Present: Philip Smith, Chair Thomas Barnes, Vice-Chair Gary Bliss
 Art Smith Cathy Stuhr Lon Wall Kale Rogers, Student PC

Members

Absent: Allyn Edwards (excused)

Staff

Present: Barton Brierley, Building & Planning Director Steve Olson, Associate Planner
 Luke Pelz, Assistant Planner

Others

Present: Mike Teatro, Mike Gougler, Warren Parrish, Terry Cole (ODOT), Bill Ciz (Parametrix), Shelley Holley (Parametrix)

II. OPEN MEETING:

Chair Smith opened the meeting and asked for the roll call.

III. CONSENT CALENDAR:

1. Approval of January 13, 2010 Planning Commission Meeting Minutes

<p>MOTION #1: Stuhr/Barnes to approve the minutes from the Planning Commission meeting of January 13, 2010. (7 Yes/0 No) Motion carried.</p>

IV. COMMUNICATIONS FROM THE FLOOR:

Chair Smith offered an opportunity for non-agenda items to be brought forth. None appeared.

V. LEGISLATIVE PUBLIC HEARING:

1. **APPLICANT: City of Newberg**
REQUEST: Newberg-Dundee Bypass Comprehensive Plan amendment. Consider Comprehensive Plan and Development Code amendments to reflect the Tier 2 bypass alignment. The proposed amendments would amend certain Comprehensive Plan policies, reduce the boundaries of the Bypass Interchange Overlay, and amend the Transportation System Plan maps.
RESOLUTION NO.: 2011-287
File no. CPTA4-10-001

Chair Smith opened the public hearing and made statements about the hearing procedure. He asked if there were any conflicts of interest or abstentions; none appeared.

Mr. Luke Pelz, Assistant Planner, introduced the Oregon Department of Transportation (ODOT) representatives present this evening for questions and presented the staff report and recommendation for adoption (see official meeting packet for full report).

Commissioner Cathy Stuhr first stated that Exhibit C, giving details of the exchange was a little hard to figure out and she asked if there was a way to provide more detail when it goes to City Council. Staff stated there are maps available that are more detailed. She also found discrepancies within Exhibit A regarding references to the approximate area of overlay from interchange; most refer to a quarter ($\frac{1}{4}$) of a mile, but she found a reference to a half ($\frac{1}{2}$) of a mile on page 33 of the Planning Commission (PC) packet.

Mr. Barton Brierley, Planning and Building Director, said it may refer to a quarter ($\frac{1}{4}$) mile inside the Urban Growth Boundary (UGB) and a half ($\frac{1}{2}$) mile outside of the UGB. ODOT staff continued by stating their original intentions were to have a large enough area to do management planning by creating a half ($\frac{1}{2}$) mile of overlay boundaries in rural areas and only a quarter ($\frac{1}{4}$) mile in city limits. As they have gone back through everything, they realized they did not need as much area, which is why it is shrinking. The primary function was just for notification purposes with additional restrictions around Hwy 219 of commercial uses in industrial zones that will remain intact; he did not recall any industrial land at the east Newberg interchange for that to apply to. When ODOT does come back, prior to construction to adjust plans and complete them, and depending on phasing, the overlay boundaries will become the interchange area management boundaries. This may account for the discrepancy, or it could just be a typographical error that staff can review.

Commissioner Stuhr also questioned the proposed change to narrow the width of the Bypass corridor at the top of page 20 top of page, item C. She wondered if the width should be more specifically addressed since it is not unknown what the width will be.

Chair Smith asked about the new sentence added to page 19, item C(1) “The Industrial Commercial Sub-district of the M-4 District shall not be applied within the boundaries of the BI Overlay”. He asked staff to show what that land is and what is not going to be done there.

Mr. Brierley said the M-4 district is large lot industrial zoning and it is intended for a future industrial area which includes a commercial component to serve that industrial district. The City did not want this area to be right at that interchange, but farther away. He said this map is incorrect and the interchange overlay should stop where the future industrial area will be.

Chair Smith said that one of the biggest changes endorsed by the PC was the idea that the bypass should go low if possible; he asked why this has been abandoned. An ODOT representative explained they looked at the environmental impact statement in south Newberg and in the area between SP Newsprint and the Chehalem Creek; the below grade alternative was twice as expensive as going over College Street and River Street. Going below College Street and the railroad at the current grade was twice the cost and there were unknown ground water issues on top of going up over the bank of the Willamette River, which quickly slopes down. The preferred alternative was to go over the existing streets, and it was left at the current location.

Chair Smith asked what the greatest drawback is of going higher. ODOT replied visual aesthetics and noise impacts to the surrounding neighborhoods were the greatest drawbacks, for which sound walls have been proposed for mitigation.

Chair Smith opened the hearing to public testimony.

Mr. Mike Teatro had three questions as a resident of The Greens Subdivision (in segment seven), as he is currently undecided. He asked about the noise impact and how much additional noise can be expected, how much the particulate air pollutant levels are expected to rise, and aside from the 192 million dollars in place what are the anticipated additional funding that have been proposed to possibly be floated by bond to complete.

ODOT said the Draft Environmental Impact Statement (DEIS) estimates impacts and mitigation and where noise walls will be based on the evaluation of the Environmental Impact Statement (EIS). They are redoing the noise modeling, which may expand mitigation and walls in some areas, but they cannot predict now where they will be expanding except there will be some lengthening in segment seven. The EIS section on air quality analysis would require a more detailed assessment if this were inside a larger metro area, however, they did not see air quality issues with the bypass because from a qualitative standpoint all traffic currently goes through downtown Newberg already. Traffic coming from the east entering Newberg does a 50/50 split, so there will be the same number of vehicles traveling in different directions, moving more easily through the community and at higher speeds, which typically lowers vehicle emissions; so emissions should improve. The total costs of the project end to end is estimated from 750 million dollars to 880 million dollars with construction costs in 2015 dollars and right-of-way costs in 2013 dollars; so a little less than 25% is funded by the 192 million dollars already in place.

Commissioner Stuhr added the EIS is a great resource for questions like these, which is available on compact disc (CD) at the library and at Newberg City Hall as well as on the website at www.newbergdundeebypass.com.

Mr. Mike Gougler requested taking more time to consider certain items he will address in testimony. He submitted a written version of what he would be reading from to be included in the record: Has ODOT provided Newberg its “reasonably likely” determination in the form of a written statement; has ODOT provided a detailed map and explanation of how local roads will be affected by the alignment of the bypass, specifically near interchanges; is there a study of how “significant affects” of annexation of URA lands will affect the geographic and economic ability to add these lands to the City; are costs to mitigate “significant affects” of annexing lands under and around the property of the School District acquired for new high school possible to determine; and how will the effort to create industrial land south of Newberg be affected by the requested modification of Newberg’s Comprehensive Plan (see official meeting record for a copy of the full letter).

Commissioner Gary Bliss spoke about the present capacity of the Springbrook Road and Hwy 99W intersection and how this can become an issue with the Fred Meyer proposal, what is being developed around The Allison, and what is left of the properties that Mr. Gougler is involved in. Although the development plan and land use zoning is established, even if not specifically, he asked if this has this been factored into the 30% capacity left at that intersection.

Mr. Gougler replied the 30% capacity has already been exceeded. There is no such thing as a pre-approved variance; the decision is made at the plan check when the City has the authority and obligation to determine if that particular development is of significant affect. But, this is not in the best interest of the City or for ODOT and unless there is some overriding reason presented this amendment should be delayed to allow time for

careful planning and negotiation regarding broken interchanges and the intended industrial area because there will be roads that may not function as designed.

Chair Smith asked if giving an appropriate definition to “significant affect” will solve the problem.

Mr. Gougler replied it would not because the City needs to start with reviewing what they want to see happen in their urban area and what the consequences of an industrial park will be, not to mention the plans for annexation around the high school and then figure out how the transportation plans works with those goals because there will be things that are not in compliance with the term “significant affect”. It may mean having different speeds in those areas, but all of these things need to be addressed by experts from the City and from ODOT.

Mr. Warren Parrish asked if a realistic scale was being used on the drawings and if the interchange proposal at Hwy 219 was really that far north of the river. Staff replied it was and the proposal is just south of the airport and just north of the wastewater treatment plant. Mr. Parrish wondered about the 300 to 400 thousand dollars spent on the riverfront plan to bring tourism to Newberg with kayaking and river shops; he asked if that money was just disposed of now. Staff replied the riverfront plan is still in affect and the proposal here allows for access across the bypass for College Street and River Street as well as the railroad; the commercial area is also still a potential. The bypass will go over the railroad tracks and streets as an elevated road or bridge as far north as 11th Street where it would angle out. Mr. Parrish asked how this can be built and still allow for the enjoyment of those using the river with noise and lights and such.

ODOT could not speak to the affect of visual impacts on kayaking experiences on the Willamette River and said the decibel range from traffic would not exceed levels requiring mitigation; there is also not any visual mitigation planned for that side of the bypass at this point in time.

Commissioner Lon Wall spoke farther on the planning process for the river front, and the conviction that the bypass needed to be below grade as a necessity for the river front area, so it is difficult to hear that alternative is dead and gone now.

Staff presented the final report (see official meeting packet for full report) and added a response to the issue of reasonably likely improvements. The transportation planning rule tries to match planned land uses and planned transportation improvements, so if there are upgrades in the land use, there are corresponding upgrades in the transportation facilities. The “reasonably likely” standard applies to amendments to standards in the comprehensive plan or land use regulations, so in the case of development on a site already zoned for that use the requirement does not apply; if it is already planned it would not trigger that rule. If there is no bypass, then 99W will become very congested, that is why they are planning the bypass to provide capacity. In order to get ODOT to say the bypass is a “reasonably likely facility” they need a record of decision by federal law saying they can build this and it is reasonably likely they will get funded in the next twenty years. In order to get that record of decision and furnish that letter, these amendments need to be adopted first.

Chair Smith summarized that the significant affect rule applies to comprehensive plan or land use regulation changes then, not the individual development.

ODOT added that with the current situation, these amendments recognize the bypass and recognize the conditions that determine if the entire project or portions of it are reasonably likely so future development can be determined.

Chair Smith recessed before deliberations for five minutes. When the audio recording began again some deliberations were missed. Staff has summarized some of the deliberations below from notes taken at the meeting.

Staff noted that the recommendation to approve was amended to include the text changes pointed out on page 20, regarding the bypass width being consistent with the Record of Decision, page 33, changing ½ mile to ¼ mile, and with the 219 interchange map in Exhibit B, moving the southern edge north as discussed.

A written comment was submitted by Joseph Churella, and accepted into the record. Staff read the comment into the record: Mr. Churella is opposed to the bypass location, as it will ruin the view of the golf course from his home.

Commissioner Stuhr said that she had some concern that ODOT seemed to hold all the cards. How would Mr. Gougler's concerns about the TPR affect future URA/UGB plans?

Commissioner Wall stated that if there is nothing odd or surprising in the resolution then we need to pass it to move the process along. The amendments seem straightforward; is there something in this proposal the Planning Commission should be surprised by or concerned about?

Commissioner Art Smith noted that there are decades of history behind the bypass, but at some point action has to occur. We don't have the option of choosing a regional bypass, and we do need to keep the process moving.

Commissioner Bliss noted that the bypass only solves local issues, not state issues. Still, as the TPR doesn't affect development of properties under existing zoning, this process should be moved along.

Commissioner Barnes read the three proposed amendments on page 11 and says the document does what it was asked to do, so he recommends approval.

Student Commissioner Kale Rogers addressed page 17, section R regarding affordable housing. He was bothered that a lot of the houses affected and displaced by this are affordable housing and with a deficit of 50% or more for next twenty years that is a margin we have to make up; so he asked why have a route that is taking away more affordable housing when more is needed.

Chair Smith replied this finding is what spurred the City to create the affordable housing task force. Federal law said this EIS study has to be conducted and if this much affordable housing is being taken, then it needs to be replaced at the same level. Staff agreed with this and spoke of part of the EIS addressing housing and how much would be displaced; all were factors in considering this alignment as well as the previous alternatives. This needs to be looked at very seriously as do all the things that the Affordable Housing Committee is working on.

Student Commissioner Rogers also felt the word "encourage" is used frequently in the document, but it should be changed to a better word considering these are for items that have to be done, so why not change to "will" do rather than "will be encouraged" to do.

MOTION #2: Barnes/Art Smith to approve **Resolution 2011-287** recommending that the City Council adopt amendments to the Comprehensive Plan and Development Code to reflect the Tier 2 Bypass alignment of the Newberg-Dundee Bypass Corridor with the three changes discussed.

Commissioner Wall asked staff if there was anything in this report that was unexpected. Staff replied there were a number of questions with the previous draft that were answered in this one and some things like the expectation of looking at the below grade alternative, where this document says it is not feasible. This document also says what the local street alignments are, which was questioned last time.

Commissioner Stuhr asked if down the road when the City is adding to the urban area and some conceptual agreements are come to regarding mobility and nothing has been done with the bypass and a property wants to develop, are we saying that they can be held up unless ODOT says that it is reasonably likely the bypass will be built. Staff replied that this is correct, that ODOT essentially holds all the cards because the only other alternative is for the City to say it will build and pay for this out of their pockets. That is not likely going to happen, so whoever holds the funding to build the bypass holds the cards.

Terry Cole from ODOT added they have statutory responsibility to manage, operate, and maintain any state facility, but this is not effective unless the City is a partner because they rely on development conditions being established by the City and do not have a direct mechanism for controlling this. He spoke of the need to start transportation plan updates where we are looking at a future of only a portion of bypass being built and adjustments need to be made. He spoke of developing alternative transportation standards for problem intersections, and explained what their expectations will be for items to be “reasonably likely” within the planning horizons. He said these amendments move us forward for more clarity.

VOTE #2: To approve **Resolution 2011-287**. (6 Yes/0 No/1 Absent [Edwards]) Motion carried.

VIII. ITEMS FROM STAFF:

Mr. Brierley gave updates on the Fred Meyer LUBA hearing, which was held this morning; a decision is expected on March 14, 2011. City Council is still working on the Meridian Street zone change with requests for staff to return with an order to approve with conditions as discussed at the February 22, 2011, meeting.

The next Planning Commission Meeting is scheduled on Thursday, March 10, 2011.

IX. ITEMS FROM COMMISSIONERS:

None.

X. ADJOURN:

Chair Tri adjourned the meeting.

Approved by the Planning Commission on this 10th day of March, 2011.

AYES:

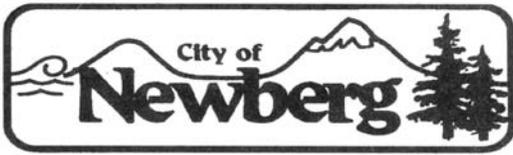
NO:

ABSENT:

ABSTAIN:

Planning Recording Secretary

Planning Commission Chair



MEMORANDUM

Date: March 3, 2011
To: Newberg Planning Commission
From: Barton Brierley, AICP
RE: Manufactured Dwelling Rules

Purpose of Workshop. At your March 10, 2011 meeting, you will be having a workshop on manufactured dwelling regulations. The purpose of the workshop is to familiarize the Planning Commission with the recommendations from the Affordable Housing Action Committee on this topic, and additional related changes proposed by staff. The Planning Commission is not expected to take any action on this item at this meeting; we will schedule a public hearing at a later date. However, any comments or suggestions in anticipation of that hearing would be encouraged.

Purpose of Amendments. The amendments proposed have two purposes:

Purpose 1: Implement the Affordable Housing Action Plan strategy to facilitate new areas devoted to manufacture housing. Manufactured housing provides a good source of affordable housing for many households, both old and young, couples, singles and families. About 10 percent of Newberg housing is manufactured dwellings. However, few new areas of manufactured housing are being created, and in fact some manufactured housing is being lost due to the right-of-way acquisition for the bypass.

The proposal would create a new R-4 manufactured housing zone. The impetus for this amendment comes from Action 4.2F of the Affordable Housing Action Plan, which states:

Action 4.2F: Create new R-4 zone for manufactured home subdivisions. A new R-4 zone should be created that would allow manufactured home subdivisions and parks as the sole permitted use. Properties being zoned R-4 should be eligible for the expedited annexation process described above.

The Affordable Housing Action Committee reviewed this action and proposed draft language for a new R-4 zone. The proposal would create the R-4 zone, but does not apply it to any land at this time.

Purpose 2: Bring Newberg's manufacturing housing codes up to date with state law and current industry practices. While Newberg's manufacturing housing rules have been tweaked over the years, many of the rules are still outdated. Some of the language has not changed since 1968, though practices have changed substantially since then. In addition, there have been amendments

to state law controlling local zoning for manufactured housing, and Newberg has yet to update its code to match these requirements.

The main amendments would do the following:

- Adopt the state definitions for manufactured housing
- Reorganize some sections, for example to clearly separate regulations for recreational vehicles and manufactured homes.
- Resolve a few inconsistencies, such as clearly determining the procedure type for some approvals.
- Implement clear and objective standards for placement of manufactured dwellings as required by state law.
- Allow recreational vehicles in manufactured dwelling parks and RV parks with no residency time limits as required by state law.

While the amendments attempt to make few changes in policy except as required, there are some policy issues that inevitably arise, including:

1. Should we continue to require that homes in manufactured home subdivisions be owner occupied? This is the current standard, but it is very difficult to enforce.
2. Should we be clear that modular homes (home built to standard building code requirements, just built offsite), are allowed anywhere site built homes are allowed? The current code clearly allows them in R-1 and R-2 zones, but it ambiguous as to other zones.
3. Should we repeal mobile home park licensing requirement? The standards were developed in 1968, and require each park owner to display a license on site. This has not been practiced for many years.
4. Should we repeal the restriction against parking RVs in the front yard setback? While this has been law for many years, there are hundreds of current violations, and many lots lack practical alternatives for parking.

Attachments

Manufactured Housing Amendment Draft – March 3, 2011
Illustrated definitions
Excerpts from ORS 197
Excerpts from ORS 446

MANUFACTURED DWELLINGS AMENDMENT

Draft March 3, 2011

SECTION 1. THE DEFINITIONS IN NMC 15.05.030 SHALL BE MODIFIED AS FOLLOWS:

“Accessway” means a drive or roadway which provides vehicular access within a ~~mobile home park development~~.

Automobile Sales. See “motor vehicle, ~~manufactured mobile~~ home, and recreational vehicles sales area.”

~~“Manufactured dwelling” means a residential trailer, mobile home or manufactured home.~~

~~“Manufactured dwelling” does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.~~

~~“Manufactured dwelling park” means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Manufactured dwelling park” does not include a manufactured home subdivision.~~

~~“Mobile dwelling space” means a plot of ground within a manufactured dwelling park designed for the accommodation of one manufactured home.~~

~~“Manufactured home subdivision” means a subdivision where the use of lots is limited to one manufactured home per lot or uses accessory to the homes or the subdivision.~~

“Manufactured home” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.

~~“Manufactured home park” means any place where four or more manufactured homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to offer space free in connection with securing the trade or patronage of such person.~~

“Mobile home” means ~~a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction. A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A manufactured relocatable living unit.~~

~~“Mobile home~~Manufactured structure accessory building or structure” means: any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and specifically includes but is not limited to cabanas, ramadas, storage sheds, garages, awnings, carports, decks, steps, and ramps.

~~1. Any awning, portable, demountable or permanent cabana, ramada, carport, porch, skirting or steps established for use of the occupant of the mobile home and which is designed or intended to be attached to and which depend, in whole or in part, upon the mobile home for structural support.~~

~~2. Prefabricated and site-built mobile home accessory buildings and structures not dependent in whole or in part upon the mobile home for structural support.~~

~~“Mobile home park” means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. “Mobile home park” does not include a manufactured home subdivision. Any place where four or more mobile homes are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to offer space free in connection with securing the trade or patronage of such person.~~

“Mobile home space” means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

“Modular home” means a dwelling meeting ~~Uniform Building Code~~the Oregon Residential Special Code standards and constructed and inspected prior to installation on a preformed foundation. Modular homes are not constructed with attached wheels and are not intended for moving on the highway without a special trailer. “Modular home” is treated the same as a site built dwelling for purposes of the Development Code.

“Motor vehicle, ~~mobile-manufactured~~ home and recreational vehicles sales area” means a lot used for display, sale or rental of any new or used motor vehicles, ~~mobile-manufactured~~ homes or recreational vehicles, where no repair work is done except minor, incidental repairs of motor vehicles, ~~mobile-manufactured~~ homes or recreational vehicles to be displayed, sold or rented for use off of the premises.

“Recreational structure” means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the State of Oregon.

“Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the State of Oregon. ~~means a vacation trailer or other unit with or without motive power which is designed for human occupancy and to be used temporarily for recreational or emergency purposes and has a floor space of less than 220 square feet, excluding built-in equipment such as wardrobes, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms.~~The unit shall be

identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction.

“Recreational vehicle park” or “RV park”

1. Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

a. The renting of space and related facilities for a charge or fee; or
b. The provision of space for free in connection with securing the patronage of a person.

2. Does not mean:

a. An area designated only for picnicking or overnight camping; or
b. A manufactured dwelling park or mobile home park

~~means a parcel or parcels of land upon which two or more recreational vehicle spaces are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreational purposes.~~

“Recreational vehicle space” means a plot of ground within a recreational vehicle park intended for the accommodation of either a recreational vehicle, tent, or other individual camping unit on a temporary basis.

“Residential trailer” means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

Type II Procedure. These actions shall be decided by the director. Type II actions shall include, but not be limited to, future street plans, site design review, partitions, subdivisions, variances, and manufactured dwelling and mobile home parks.

SECTION 2. NEWBERG MUNICIPAL CODE SECTION 15.100.030, TYPE II PROCEDURE – EXCEPT SUBDIVISIONS, SHALL BE AMENDED AS FOLLOWS

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

1. Site design review.
2. Variances.
3. Manufactured home-dwelling parks and mobile home parks.
4. Partitions consisting of three or less new lots.

SECTION 3. NEWBERG MUNICIPAL CODE SECTION 15.220.050(B)(6), CRITERIA FOR DESIGN REVIEW (TYPE II PROCESS), SHALL BE AMENDED AS FOLLOWS

6. Manufactured Home, Mobile Home and RV Parks. Manufactured home and mobile home, ~~and recreational vehicle~~ parks shall also comply with the standards listed in 15.445.075 through 14.445.100 in addition to the other clear and objective criteria listed in this section. RV Parks also shall comply with NMC 15.445.17015.445.050 et seq. in addition to the other criteria listed in this section.

SECTION 4. NEWBERG MUNICIPAL CODE CHAPTER 15.304.030(H), PERMITTED BUILDINGS AND USES (IN THE R-1 DISTRICT) SHALL BE AMENDED AS FOLLOWS:

H. Manufactured homes on individual lots provided the homes meet the development standards set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

SECTION 5. NEWBERG MUNICIPAL CODE SECTION 151.306.020 K-L, PERMITTED BUILDINGS AND USES IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT, SHALL BE AMENDED AS FOLLOWS

K. ~~Manufactured dwelling parks, mobile home parks, and manufactured home subdivisions subject to terms and conditions set forth in NMC 15.445.075 through 15.445.160.~~

~~_____ L. Manufactured homes, subject to the following:~~

~~1. Manufactured homes on individual lots, provided the homes meet the development standards set forth in NMC 15.445.~~020050~~ through 15.445.~~070040~~.~~

~~2. Manufactured homes within mobile home parks and manufactured mobile home subdivisions subject to the terms and conditions set forth in NMC 15.445.~~075050~~ through 15.445.~~170~~.~~

~~_____ L. Mobile home parks and mobile home subdivisions subject to terms and conditions set forth in NMC 15.445.050 through 15.445.1~~

SECTION 6. NEWBERG MUNICIPAL CODE CHAPTER 15.308.020(L), PERMITTED BUILDINGS AND USES (IN THE R-3 DISTRICT) SHALL BE AMENDED AS FOLLOWS:

L. Manufactured homes on individual lots created prior to November 17, 1992. New manufactured ~~dwellingshomes~~ on individual lots will only be permitted through the planned unit development process. The homes must meet the development standards set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

SECTION 7. THE FOLLOWING SHALL BE ADDED AS NEWBERG MUNICIPAL CODE CHAPTER 15.309:

Chapter 15.309

R-4 MANUFACTURED DWELLING DISTRICT

15.309.010 Description and purpose.

~~_____ A. The purpose of this land use designation is to provide locations reserved for manufactured homes, manufactured dwelling parks, mobile home parks, manufactured home subdivisions, and related uses.~~

~~_____ B. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 dwellings per acre. The R-4 District is intended to be consistent with the "Medium Density Residential" or "High Density Residential" designation of the comprehensive plan.~~

15.308.020 Permitted buildings and uses.

~~In the R-4 Manufactured Dwelling District the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:~~

~~_____ A. Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and NMC 15.309.030.~~

~~_____ B. Group care homes within existing dwellings or manufactured dwellings.~~

~~_____ C. Home occupations using existing dwellings or manufactured dwellings.~~

~~_____ D. Manufactured homes on individual lots (one per lot). The homes are not subject to the development standards set forth in NMC 15.445.020 through 15.445.040.~~

- E. Manufactured home subdivisions, including manufactured homes (one per lot) within the subdivision.
- F. Manufactured dwelling parks.
- G. Mobile home parks.
- H. Open space.
- I. Private and public parks, playgrounds.
- J. Parking areas.
- K. Public or private parking garages.
- L. Transportation facilities and improvements.
- M. Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

15.309.030 BUILDINGS AND USES PERMITTED CONDITIONALLY.

In addition to the buildings and uses permitted conditionally, listed in NMC 15.309.020, the Planning Commission may grant a conditional use permit for any of the following buildings and uses in accordance with a Type III procedure:

- A. Churches.
- B. Community centers.
- C. Day nurseries.
- D. Duplexes.
- E. Group care facilities.
- F. Multiple-family dwellings.
- G. Planned unit developments.
- H. Private clubs, lodges and meeting halls.
- I. Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure or utility pole more than 18 feet. Top hat antenna installations are prohibited.
- J. Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

SECTION 8. NEWBERG MUNICIPAL CODE CHAPTER 15.310.020(M), PERMITTED BUILDINGS AND USES (IN THE RP DISTRICT) SHALL BE AMENDED AS FOLLOWS:

M. Manufactured homes on individual lots, provided the homes meet the development standards as set forth in NMC 15.445.~~050020~~ through 15.445.~~070040~~.

SECTION 9. NEWBERG MUNICIPAL CODE CHAPTER 15.352.050(A), RESIDENTIAL DESIGN STANDARDS (IN THE RIVERFRONT DISTRICT) SHALL BE AMENDED AS FOLLOWS:

- A. Single-Family Dwellings.
 - 1. For single-family dwellings, including manufactured ~~dwellings-homes~~ on individual lots, at least two of the following design features must be provided on the street-facing facade:
 - a. Covered front porch at least six feet in width and length.
 - b. Eaves (minimum 12-inch overhang).
 - c. Bay or bow windows.

- d. Dormers.
 - e. Window shutters.
 - f. Cupolas.
 - g. Horizontal lap siding.
2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

SECTION 10. NMC 151.445.020 – 151.445.170 shall be amended as follows:

~~Article III. Mobile Homes – Mobile Home Subdivisions – RV Parks~~ **Article II. Manufactured Dwellings**

15.445.050010 Description and purpose.

The regulations contained in this article are intended to provide a suitable living environment for residents of mobile home parks, manufactured dwelling parks, and manufactured mobile home subdivisions and set forth development standards that will be compatible with adjacent land uses.

15.445.060020 Applicability.

It is the policy of the city to conform its regulations to federal and state laws and regulations, and this article are a supplement to federal and state statutes, rules and regulations governing the manufacture and installation of ~~mobile homes~~manufactured dwelling and ~~mobile home~~manufactured dwelling accessory structures, and the design and development of mobile home parks, manufactured dwelling parks, and manufactured mobile home subdivisions. Nothing herein contained shall be construed to supersede or replace federal or state statutes, rules or regulations with respect to, but not limited to, park and ~~mobile-manufactured dwelling~~home setbacks, coverage, minimum play area, patio requirements, street and walkway design and lighting, accessory buildings and structures, skirting, tie down, plumbing, electrical, fire safety, sanitation, certification and inspection requirements.

15.445.070030 Permitted locations.

Unless otherwise provided herein, upon compliance with applicable regulations and processes, ~~mobile homes for dwelling purposes~~manufactured dwellings only shall be permitted:

- A. In ~~licensed and~~ approved mobile home parks or manufactured dwelling parks.
- B. As manufactured homes ~~in~~ approved manufactured~~mobile~~ home subdivisions.
- C. As manufactured homes on individual lots, where such homes meet the requirements of

15.445.020 through 15.445.040.

D. In newly annexed areas on individual lots not meeting the standards of 15.445.05020 through 15.445.070040 not located in a mobile home park, manufactured dwelling park, or manufactured mobile home subdivisions, ~~provided:~~

- ~~(1) The owner records the occupancy of the lot by the mobile home with the Director; and~~
- ~~(2) There is no change in residents subsequent to annexation; and~~
- ~~(3) The owner’s use of the lot for mobile home occupancy is not discontinued for a period of more than six months.~~

~~(D) In newly annexed areas in mobile home parks, provided:~~

- ~~(1) Within 90 days of annexation the owner or Director of the park submits to the Director an application for a license, a plot plan, and such additional related information as may be required by the Director; and~~
- ~~(2) Within 120 days of annexation a written agreement is executed between the Director and park owner or Director specifying the modifications that will be accomplished to provide that compliance to a degree satisfactory to the Director with current statutes, rules and regulations.~~

~~(E) In newly annexed areas on individual lots in mobile home subdivisions, provided the owner records each lot occupancy with the Director.~~

~~(F) Outside mobile home parks or mobile home subdivisions, provided, however, a mobile home may not be used for sleeping or living purposes for a period of time in excess of 14 days.~~

~~E. On a private lot for a period of not more than six months, during construction of a new home situated on the same lot. Before the expiration of this time the applicant may petition the director for a six month extension of this deadline if home construction is underway but not yet completed. The applicant shall post a bond or deposit of \$1,000.00 with the director. Upon the removal of the manufactured dwelling from the premises, the director will return the bond or deposit. If, at the end of six months, the manufactured dwelling has not been removed, the bond or deposit will be forfeited, and the city will use this for the removal of the manufactured dwelling from the property. Before the manufactured dwelling is used, the applicant shall connect it to the city water and sewer systems with proper permits and inspections.~~

~~GF.~~ As general offices in commercial or industrial districts for a period of not more than 18 consecutive months, provided:

1. The director finds that such use will be reasonably compatible with and have minimal impact on uses on abutting property and in the surrounding neighborhood and grants approval based thereon; and

2. Within six months from the date approval is granted on application for a building permit for a permanent structure or the permit is filed with the director. Failure to submit the application within the specified time will terminate the approval.

~~GH.~~ For temporary construction office use on the premises of new constructions until the construction is completed.

~~H.~~ As permanent living quarters for a night watchman or caretaker in commercial or industrial districts upon a finding by the director that such use will be reasonably compatible with and have minimal impact on uses on abutting property and in the surrounding neighborhood, is required for property security and issues a permit therefor.

~~Article II. Manufactured Homes on Individual Lots~~

~~15.445.05020~~ Manufactured Homes on Individual Lots - Purpose.

Manufactured homes are allowed on individual lots in all residential areas. These development standards will allow manufactured homes to be intermixed with traditional "stick built" housing while assuring that they are compatible with and contribute to the scale and harmony of their neighborhood.

~~15.445.030060~~ Manufactured Homes on Individual Lots - Uses.

These regulations allow manufactured homes on individual lots as a permitted use in all residential zones.

~~15.445.040070~~ Manufactured homes on individual lots -- Development standards.

Manufactured homes and manufactured home duplexes on individual lots in all residential districts shall meet the following minimum standards:

A. Each manufactured home which provides only one residential dwelling unit shall enclose a space of not less than 1,000 square feet. Manufactured homes which provide two residential dwelling units (duplex) shall enclose a combined space of not less than 1,800 square feet. Each individual dwelling unit must be multi-sectional.

B. Each manufactured home shall be placed on an excavated and back filled foundation and enclosed on the perimeter such that the chassis shall be located not more than 12 inches above grade and any axles or other transportation mechanisms shall be removed.

C. Each manufactured home shall have a roof slope no less than three feet in height for every 12 feet in width.

D. Each manufactured home shall have exterior siding and roofing which in color, material, and appearance is the same as at least three other dwellings within 500 feet of the property or similar to the exterior siding and roofing material commonly used on "stick built" residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the Director.

E. All manufactured homes shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building codes defined in O.R.S. 455.010.

F. All dwelling units shall have a carport or garage constructed of like materials. A garage shall be provided where such is consistent with the predominant construction of immediately surrounding dwellings at least 50 percent to the dwellings on abutting lots or lots directly across the street have garages.

G. Manufactured homes shall not be located immediately adjacent to, have a common property line with, or be separated only by a street from historic resources listed on the Final Inventory of Historic Resources in the comprehensive plan.

15.445.140-075 Mobile home and manufactured home dwelling parks – General provisions.

A. Minimum area. Five acres.

B. Maximum area of lots or spaces. 150 or distinct neighborhoods with a maximum of 100 spaces each.

C. Maximum density. Shall not exceed the permitted density of the district.

D. Perimeter treatment. Except as required for vision clearance, the outer perimeter of each park shall be improved with:

1. A masonry wall not less than four feet not more than six feet in height shall be built around the perimeter of the park. Acceptable materials include brick, split-face concrete block, and concrete block with a stucco finish. Other types of exposed masonry may be used subject to review and approval of the director;

2. In addition to subsection (D)(1), adjacent to public streets, a landscape planter that is at least ten feet in depth (this shall be in addition to the width of any required sidewalk). This landscaped area shall be dedicated as part of the public street.

E. Perimeter setbacks. As measured from the property line, a minimum setback of 15 feet shall be provided for all homes and accessory structures along a public street. A minimum of five feet shall be provided for all other property lines. Projections as allowed under NMC 15.410.070 shall apply to these setbacks.

15.445.080 Mobile home and manufactured home dwelling parks -- Application and processing—Type I.

An application for a mobile home park or the enlargement of an existing mobile home or manufactured dwelling park shall be processed under the Type I procedure under the site design review process under Chapter 15.220 NMC, subject to the following provisions:

A. The services of an architect, a landscape architect and an engineer, all licensed to practice in Oregon, shall be employed in the preparation and execution of all plans. Upon proof by the

applicant that the scope of the proposal does not require the services of an architect, the director may waive that requirement.

B. In the event of denial, applications may be resubmitted within one year of the denial, provided the director finds the denial was based on internal (on-site) factors and now plans have been submitted which are sufficiently modified to warrant consideration by the city.

C. An enlargement of a mobile home park or manufactured dwelling park site or an increase in the number of mobile home or manufactured dwelling spaces shall be subject to the provisions of this code regulating new mobile home or manufactured dwelling parks.

15.445.090 Limiting mobile home parks and manufactured dwelling parks to mobile home park or manufactured dwelling park uses.

Manufactured dwelling parks may contain one manufactured dwelling or one recreational vehicle on each manufactured dwelling space, and accessory uses to the manufactured dwelling park. Mobile home parks may contain one manufactured structure on each mobile home park space, and accessory uses to the mobile home park. Except as set forth in this code, no building or land within the boundary of a mobile home or manufactured dwelling park shall be used for any other purpose. Mobile home and manufactured dwelling parks shall conform to plans as approved by the city and the state.

15.445.100 Mobile Home and manufactured dwelling parks -- Maintenance

Mobile home parks and manufactured dwelling parks shall be maintained to continue to be in compliance with the applicable provisions of this code and state codes.

15.445.100 LICENSE OF MOBILE HOME PARK.

~~(A) — *Transfer of license.* If a transfer of license for a mobile home park under the provisions of this code is desired, an application for transfer shall be filed with the Director. The application shall contain the name and address of the present licensee, the applicant and the location of the park. Before the transfer of license is approved, the application shall be signed by the Director, certifying that the mobile home park conforms to all city regulations governing mobile home parks. Upon receipt of the application, the Director shall issue a new license to be valid until January 1 next following.~~

~~(B) — *Display of license.* Any required mobile home park license shall be displayed in a conspicuous place on the mobile home park premises.~~

~~(C) — *Revocation of license.*~~

~~———— (1) The City Council may revoke any license to maintain and operate a trailer park if either of the following conditions occur:~~

~~———— (a) The certificate of sanitation for the park is revoked.~~

~~———— (b) The park does not conform to the provisions of this code and other ordinances of the city or requirements of the state relative thereto.~~

~~———— (2) Prior to revocation of a license, the licensee shall be given notice of a hearing before the City Council, at which time the revocation will be considered. The notice shall be before the hearing. For the purpose of the notice, the name and address that appears on the application for license or transfer of license shall be used.~~

~~———— (3) If the license is revoked, the City Council may later authorize issuance of the license after the owner of the park has obtained a certificate of sanitation and conforms to the provisions of this code.~~

15.445.110 APPLICATION FOR LICENSE TO OPERATE.

~~———— A. ——— No person shall maintain or operate a mobile home park within the city without compliance to this code and applicable state requirements.————~~

~~B. All mobile home parks within the Newberg city limits must have a Director or representative who can be contacted. The mobile home park director or representative's name, address and telephone number for where they can be reached between the hours of 8:00 a.m. to 5:00 p.m., must remain current, on file within the Director. It shall be the responsibility of the Director or representative to notify the Director of any change in address.~~

~~C. No building on land within the boundaries of a mobile home park area shall be used for any purpose except for the uses permitted by this code.~~

~~D. The application for a license to operate a new mobile home park or to expand an existing park shall be accompanied by ten copies of the plot plan for the proposed park. The plan shall be drawn on a sheet of 18 x 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet, and shall show the following information:~~

- ~~1. Proposed name of the mobile home park or trailer park.~~
- ~~2. Name and address of applicant.~~
- ~~3. Name and address of the owner.~~
- ~~4. Name and address of the contractor.~~
- ~~5. Name and address of the engineer.~~
- ~~6. Scale and Northpoint of the plan.~~
- ~~7. Vicinity map showing relationship of the mobile home park to adjacent properties.~~
- ~~8. Boundaries and dimensions of the mobile home park.~~
- ~~9. Location and dimensions of the mobile home space.~~
- ~~10. Location of existing and proposed buildings.~~
- ~~11. Location and width of access roads.~~
- ~~12. Location and access to utilities, including fire hydrants.~~
- ~~13. Location and width of walkways.~~
- ~~14. Location of recreation areas and buildings.~~
- ~~15. Location and type of fencing or screening.~~
- ~~16. Location of telephone service for the park.~~
- ~~17. Enlarged plot plan of a typical mobile home space showing location of the stand, patio, storage space, parking, sidewalk and utility connections.~~
- ~~18. Plans and specifications must be stamped and signed by a registered engineer.~~
- ~~19. Plans and specifications must be approved and signed by the city prior to issuing any permit for construction in the mobile home park.~~

~~E. When the Director have approved the completed mobile home park, as indicated by their final inspection, and upon issuance of a certificate of sanitation by the delegated authority, the city shall issue a license to the applicant.~~

15.445.150 ~~Mobile home~~ Manufactured home subdivisions – General provisions **TYPE III.**

A. Intent. It is the intent of this section to provide manufactured home mobile home owners with an alternative to renting space in a manufactured dwelling park or mobile home park; ~~provided the opportunity for smaller groupings of mobile homes in areas where available land does not permit park developments of an adequate size to be financially feasible;~~ establish standards for permanent installation of mobile-manufactured homes in subdivisions ~~which are intended primarily for resident owners;~~ and establish certain design features enabling mobile-manufactured homes to blend with conventional housing.

- B. Minimum number of lots. Eighteen.
- C. Minimum size. Five acres per subdivision.

D. Dwelling types permitted. ~~Mobile homes which are used as permanent residences and comply with the National Mobile Home Construction and Safety Standards. Manufactured homes that comply with federal manufactured housing construction and safety standards regulations in effect at the time of construction are permitted. Mobile homes, recreational vehicles and residential trailers are not permitted.~~

E. Perimeter treatment.

1. Boundary screening shall not be required; however, each ~~mobile home~~manufactured home shall be:

a. Equipped with skirting which in design, color, and texture ~~appears to be an integral part of the adjacent~~matches the exterior wall of the ~~mobile~~manufactured home; and

b. Covered by a roof pitched at a minimum slope of two inches in 12 inches, which is finished in non-reflective paint or permanently covered with non-reflective material.

2. When screening is installed, the director may require each owner-occupant in the subdivision to execute a homeowner's association agreement or record protective covenants which have been approved by the city, and provides for its permanent maintenance.

F. Occupied area surface treatment. Unless in conflict with state laws and regulations, all areas covered by ~~manufactured home mobile homes~~manufactured home and accessory buildings shall be paved with asphalt or concrete, or covered with permanently contained crushed rock.

~~G. Mobile home and accessory building support and tie-down. Mobile and accessory building foundations shall be of sufficient strength to support the required live loads and actual dead loads imposed by the mobile home and any attached or supported structure based on accepted engineering design standards. Foundations, tie-downs, or other supports shall be provided to withstand the specified horizontal up-lift and overturning wind forces on the mobile home and any attached or supported structure based on accepted engineering design standards.~~

GH. Code conformance. Manufactured Mobile homes in manufactured mobile-home subdivisions must conform in all respects to local, state and federal requirements in effect at the time of their installation.

~~H. Ownership. Lots shall be owner-occupied, except that an owner-occupant may own one additional lot in the same subdivision for rental purposes. This provision shall be made a part of and a condition or covenant of resident ownership in the subdivision.~~

I. Removal. If a manufactured mobile-home is removed from its foundation and not replaced by another home within 30 days, the owner of the lot shall immediately thereafter remove the foundation, additions, and accessory structures, and disconnect and secure all utilities.

15.445.160 ~~Mobile home~~Manufactured home subdivisions -- Application and processing.

Land divisions for ~~mobile home~~manufactured home subdivisions shall be subject to the provisions of this code to the same degree and in the same manner as conventional residential subdivisions.

Article III. Recreational Vehicles

15.445.~~120-165~~ Limiting travel trailers and mobile homes Allowable use of recreational vehicles.

~~No vacation trailer, motor home or pickup camper off of its vehicle shall be parked at the curb of any city street for more than 48 hours. No person shall maintain an occupied travel trailer or mobile home~~recreational vehicle at any location other than a mobile home park, manufactured dwelling park or recreational vehicle park licensed under the provisions of the state and this code, except as follows:

A. Temporary use.

1. Bona fide ~~vacation trailers and pickup campers~~recreational vehicles may be used by visitors of the residents, and shall be allowed on lots in residence areas for a period of time not to exceed 14 days.

2. ~~Vacation trailers (equipped with bath) or mobile homes~~Recreational vehicles may be used for a residence on a private lot for a period of not more than six months, during construction of a new home situated on the same lot. A bond or ~~check deposit~~ of \$500.00 shall be posted with the ~~City Recorder~~director; and upon the removal of the ~~trailer or mobile home~~recreational vehicle from the premises, the ~~deposit~~check or bond will be returned. If, at the end of six months, the ~~trailer or mobile home~~recreational vehicle has not been removed, the bond or ~~deposit~~check will be forfeited, and the city will use this for the removal of the ~~trailer or mobile home~~recreational vehicle from the property. Before ~~the trailer or mobile home~~recreational vehicle is used, it will be connected to the city water and sewer systems and passed on by the city plumbing inspector. A temporary permit must be obtained from the director and displayed on the ~~trailer or mobile home~~recreational vehicle.

3. ~~Travel trailers or mobile homes~~Recreational vehicles placed where specifically authorized by any other ordinance of the city.

B. Residential use.

~~(1) Prior to the occupancy of any mobile home upon real property in the City of Newberg, Yamhill County, in accordance with the provisions of this code, the property owner shall secure an installation permit from the Building Inspector of the city.~~

~~(2) The Building Inspector of the City of Newberg, prior to occupancy of a mobile home or house trailer, shall inspect such mobile home to determine if such occupancy for permanent living quarters complies with all the laws, provisions, ordinances and regulations of the State of Oregon and the City of Newberg relating to the use and occupancy of the mobile homes.~~

~~(3) Upon issuance of an installation permit for the installation of the mobile home, a permit indicating approval of the mobile home and its installation shall be placed by the Building Inspector in the unit so as to be visible from the street or road, unless otherwise screened from view.~~

~~(4) Said mobile home shall have continuous noncombustible skirting around its perimeter.~~

~~(5) All plumbing facilities outside of trailers for occupied mobile homes shall be designed, constructed and maintained in accordance with rules and regulations as set forth in the Plumbing Code for the City of Newberg and the State of Oregon. No plumbing or sewage disposal system repair, alteration, renovation or installation covered by the Plumbing Code shall be begun until a plumbing permit shall have first been obtained by the person, firm or corporation which is to perform the work.~~

~~(6) Nothing within these regulations shall be construed to allow a travel trailer as a permanent dwelling.~~

~~(7) Mobile Homes may be placed where specifically authorized by any other ordinance of the city.~~

~~15.445.130 Prohibited occupancy of recreational vehicles.~~

~~A. No owner or person in charge of premises within the city shall occupy or allow the occupancy of a recreational vehicle upon the premises as permanent living quarters or beyond the time limits described in subsection A of this section, unless the recreational vehicle is placed on a manufactured dwelling park space, mobile home park space, or recreational vehicle park space.~~

~~BC. Parking and storage. No recreational vehicle shall be parked at the curb of any city street for more than 48 hours. Nothing contained herein shall prevent the parking of an unoccupied recreational vehicle not in daily use on the owner's property, except, the vehicle may not be parked in the required front yard setback for more than 48 hours.~~

~~15.445.170 Recreational vehicle parks – General provisions—Type III procedure.~~

RV parks shall require a conditional use permit in accordance with Chapter 14.225 NMC, and shall be processed using a Type III procedure.

- A. Site development plan. A site plan shall be submitted which conforms with the site development plan standards listed in NMC 15.220.030.
- B. Development standards.
 - 1. Park density. Maximum density shall not exceed 25 spaces per acre.
 - 2. Space size. Each recreational vehicle space shall be at least 1,000 square feet in size.
 - 3. Setbacks. No recreational vehicle space or park structure shall be located within 25 feet of a property line. When abutting a residential district, the setback shall be 50 feet.
 - 4. Roadways. Roadways shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas. The roadway widths shall be as follows:
 - a. A one-way roadway shall be a minimum of 12 feet in width, posted "no parking - fire lane."
 - b. A two-lane road shall be a minimum of 20 feet wide, posted "no parking - fire lane."
 - 5. Parking. One parking space shall be provided at each recreational vehicle space. The parking space shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas.
 - 6. Common facilities. The park shall provide toilets, lavatories, and showers in accordance to the Oregon Revised Statutes.
 - 7. Perimeter treatment. In addition to other landscaping improvements required by this code, the park shall screen all areas, other than entrances and landscaped street frontages, with the following:
 - a. A sight-obscuring fence or wall six feet in height; or
 - b. A maintained landscape hedge that will mature within three years and reach at least six feet in height; or
 - c. A combination of subsections (B)(7)(a) and (b) of this section.
- C. Miscellaneous provisions.
 - 1. Length of stay. ~~The length of use shall be limited to no more than three months during any 12 month period.~~ To remain in the park for more than 30 days, a recreational vehicle shall be equipped with plumbing facilities and shall be connected with the water and sewer systems of the park.
 - 2. Accessory uses. Accessory commercial operations shall cater only to the residents of the park. Such operations shall present no visible evidence from any street of their commercial character which would attract customers from outside the park.



Residential Vehicle

“Recreational vehicle” means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the State of Oregon. The unit shall be identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction.



Residential Trailer

A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes **and that was constructed before January 1, 1962.**



Mobile Home

A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes **and that was constructed between January 1, 1962, and June 15, 1976.**



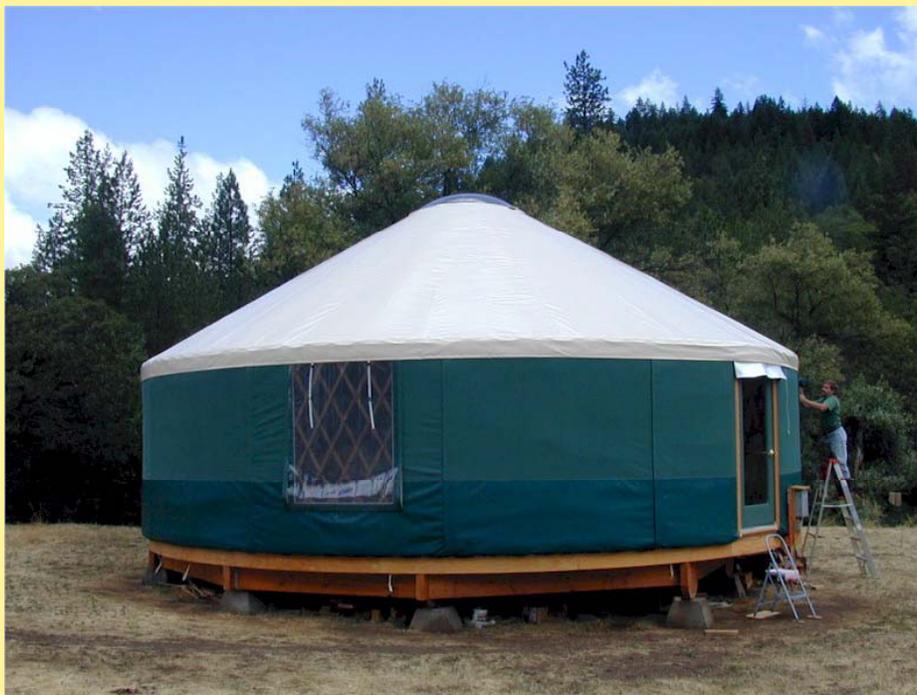
Manufactured Home

A structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards regulations in effect at the time of construction.



Modular Home

“Modular home” means a dwelling meeting the Oregon Residential Special Code standards and constructed and inspected prior to installation on a preformed foundation. Modular homes are not constructed with attached wheels and are not intended for moving on the highway without a special trailer. “Modular home” is treated the same as a site built dwelling for purposes of the Development Code.



Recreational Structure

A structure designed to be used temporarily for human occupancy for recreational, seasonal, or emergency purposes such as a camping cabin or a yurt

Manufactured Dwelling

- A residential trailer, mobile home, or manufactured home



Manufactured Structure

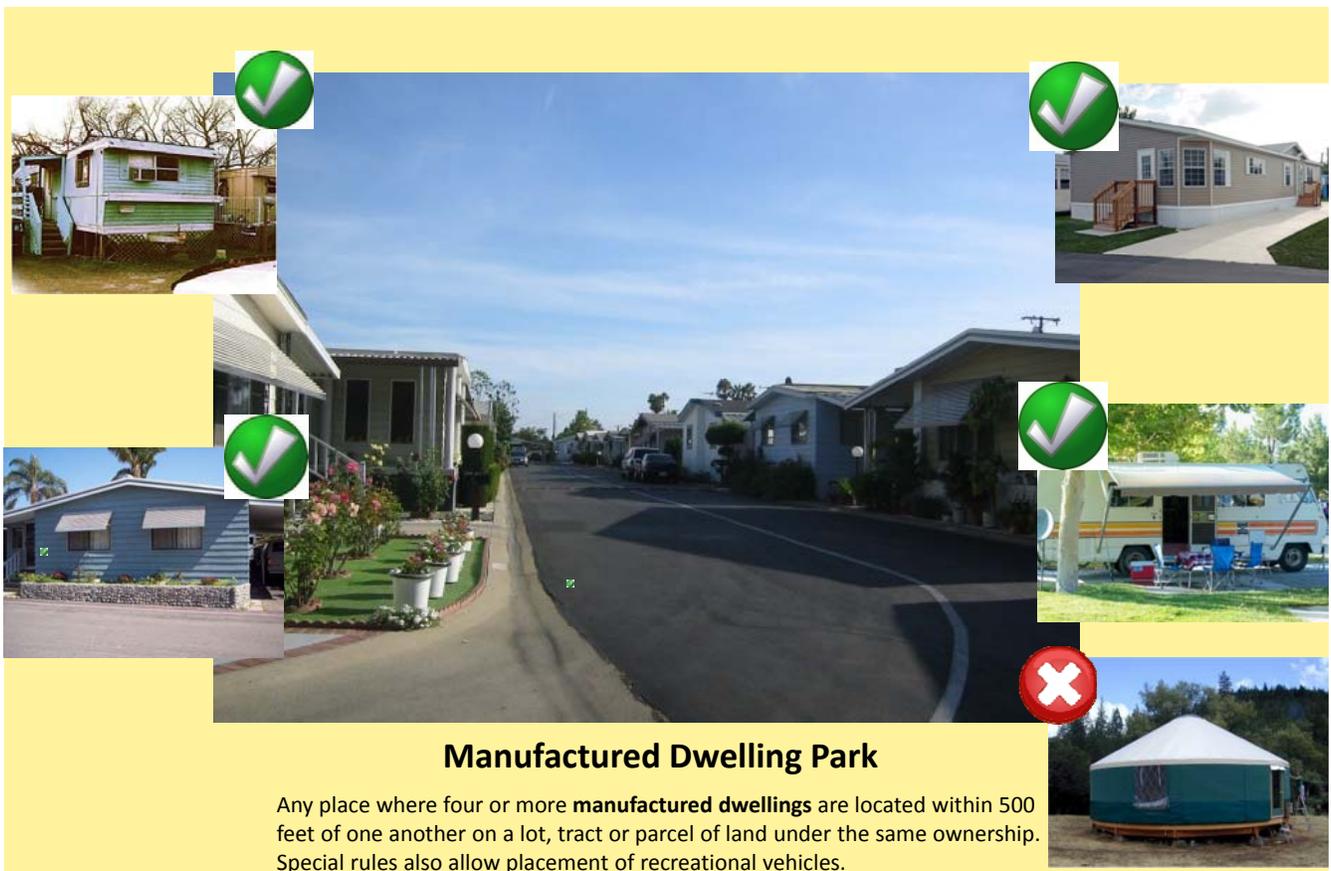
- A Recreational Vehicle, Manufactured Dwelling, or Recreational Structure





Mobile Home Park

Any place where four or more **manufactured structures** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership



Manufactured Dwelling Park

Any place where four or more **manufactured dwellings** are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership. Special rules also allow placement of recreational vehicles.



Manufactured Home Subdivision

“Manufactured home subdivision” means a subdivision where the use of lots is limited to one manufactured home per lot or uses accessory to the homes or the subdivision.



Recreational Vehicle Park

A place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership

197.303 “Needed housing” defined. (1) As used in ORS 197.307, until the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” means housing types determined to meet the need shown for housing within an urban growth boundary at particular price ranges and rent levels. On and after the beginning of the first periodic review of a local government’s acknowledged comprehensive plan, “needed housing” also means:

- (a) Housing that includes, but is not limited to, attached and detached single-family housing and multiple family housing for both owner and renter occupancy;
 - (b) Government assisted housing;
 - (c) Mobile home or manufactured dwelling parks as provided in ORS 197.475 to 197.490; and
 - (d) Manufactured homes on individual lots planned and zoned for single-family residential use that are in addition to lots within designated manufactured dwelling subdivisions.
- (2) Subsection (1)(a) and (d) of this section shall not apply to:
- (a) A city with a population of less than 2,500.
 - (b) A county with a population of less than 15,000.
- (3) A local government may take an exception to subsection (1) of this section in the same manner that an exception may be taken under the goals. [1981 c.884 §6; 1983 c.795 §2; 1989 c.380 §1]

197.304 Lane County accommodation of needed housing. (1) Notwithstanding an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions to the contrary, a city within Lane County that has a population of 50,000 or more within its boundaries shall meet its obligation under ORS 197.295 to 197.314 separately from any other city within Lane County. The city shall, separately from any other city:

- (a) Establish an urban growth boundary, consistent with the jurisdictional area of responsibility specified in the acknowledged comprehensive plan; and
 - (b) Demonstrate, as required by ORS 197.296, that its comprehensive plan provides sufficient buildable lands within an urban growth boundary established pursuant to statewide planning goals to accommodate estimated housing needs for 20 years.
- (2) Except as provided in subsection (1) of this section, this section does not alter or affect an intergovernmental agreement pursuant to ORS 190.003 to 190.130 or acknowledged comprehensive plan provisions adopted by Lane County or local governments in Lane County. [2007 c.650 §2]

197.305 [1973 c.80 §52; 1977 c.664 §23; repealed by 1979 c.772 §26]

197.307 Effect of need for certain housing in urban growth areas; approval standards for certain residential development; placement standards for approval of manufactured dwellings. (1) The availability of affordable, decent, safe and sanitary housing opportunities for persons of lower, middle and fixed income, including housing for farmworkers, is a matter of statewide concern.

- (2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.
- (3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.
- (b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.
- (c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.
- (d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.
- (e) The provisions of this subsection shall not apply to applications or permits for residential development in historic areas designated for protection under a land use planning goal protecting historic areas.

(4) Subsection (3) of this section shall not be construed as an infringement on a local government's prerogative to:

- (a) Set approval standards under which a particular housing type is permitted outright;
- (b) Impose special conditions upon approval of a specific development proposal; or
- (c) Establish approval procedures.

(5) A jurisdiction may adopt any or all of the following placement standards, or any less restrictive standard, for the approval of manufactured homes located outside mobile home parks:

(a) The manufactured home shall be multisectional and enclose a space of not less than 1,000 square feet.

(b) The manufactured home shall be placed on an excavated and back-filled foundation and enclosed at the perimeter such that the manufactured home is located not more than 12 inches above grade.

(c) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(d) The manufactured home shall have exterior siding and roofing which in color, material and appearance is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or which is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(e) The manufactured home shall be certified by the manufacturer to have an exterior thermal envelope meeting performance standards which reduce levels equivalent to the performance standards required of single-family dwellings constructed under the state building code as defined in ORS 455.010.

(f) The manufactured home shall have a garage or carport constructed of like materials. A jurisdiction may require an attached or detached garage in lieu of a carport where such is consistent with the predominant construction of immediately surrounding dwellings.

(g) In addition to the provisions in paragraphs (a) to (f) of this subsection, a city or county may subject a manufactured home and the lot upon which it is sited to any development standard, architectural requirement and minimum size requirement to which a conventional single-family residential dwelling on the same lot would be subject.

(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay. [1981 c.884 §5; 1983 c.795 §3; 1989 c.380 §2; 1989 c.964 §6; 1993 c.184 §3; 1997 c.733 §2; 1999 c.357 §1; 2001 c.613 §2]

197.309 Local ordinances or approval conditions may not effectively establish housing sale price or designate class of purchasers; exception. (1) Except as provided in subsection (2) of this section, a city, county or metropolitan service district may not adopt a land use regulation or functional plan provision, or impose as a condition for approving a permit under ORS 215.427 or 227.178, a requirement that has the effect of establishing the sales price for a housing unit or residential building lot or parcel, or that requires a housing unit or residential building lot or parcel to be designated for sale to any particular class or group of purchasers.

(2) This section does not limit the authority of a city, county or metropolitan service district to:

(a) Adopt or enforce a land use regulation, functional plan provision or condition of approval creating or implementing an incentive, contract commitment, density bonus or other voluntary regulation, provision or condition designed to increase the supply of moderate or lower cost housing units; or

(b) Enter into an affordable housing covenant as provided in ORS 456.270 to 456.295. [1999 c.848 §2; 2007 c.691 §8]

197.310 [1973 c.80 §53; 1977 c.664 §24; repealed by 1979 c.772 §26]

197.312 Limitation on city and county authority to prohibit certain kinds of housing, including farmworker housing; real estate sales office. (1) A city or county may not by charter prohibit from all residential zones attached or detached single-family housing, multifamily housing for both owner and renter occupancy or manufactured homes. A city or county may not by charter prohibit government assisted housing or impose additional approval standards on government assisted housing that are not applied to similar but unassisted housing.

(2) A city or county may not impose any approval standards, special conditions or procedures on farmworker housing that are not clear and objective or have the effect, either in themselves or cumulatively, of discouraging farmworker housing through unreasonable cost or delay or by discriminating against such housing.

(3)(a) A single-family dwelling for a farmworker and the farmworker's immediate family is a permitted use in any residential or commercial zone that allows single-family dwellings as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of a single-family dwelling for a farmworker and the farmworker's immediate family in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other single-family

dwellings in the same zone.

(4)(a) Multifamily housing for farmworkers and farmworkers' immediate families is a permitted use in any residential or commercial zone that allows multifamily housing generally as a permitted use.

(b) A city or county may not impose a zoning requirement on the establishment and maintenance of multifamily housing for farmworkers and farmworkers' immediate families in a residential or commercial zone described in paragraph (a) of this subsection that is more restrictive than a zoning requirement imposed on other multifamily housing in the same zone.

(5) A city or county may not prohibit a property owner or developer from maintaining a real estate sales office in a subdivision or planned community containing more than 50 lots or dwelling units for the sale of lots or dwelling units that remain available for sale to the public. [1983 c.795 §5; 1989 c.964 §7; 2001 c.437 §1; 2001 c.613 §3]

197.313 Interpretation of ORS 197.312. Nothing in ORS 197.312 or in the amendments to ORS 197.295, 197.303, 197.307 by sections 1, 2 and 3, chapter 795, Oregon Laws 1983, shall be construed to require a city or county to contribute to the financing, administration or sponsorship of government assisted housing. [1983 c.795 §6]

197.314 Required siting of manufactured homes; minimum lot size; approval standards. (1) Notwithstanding ORS 197.296, 197.298, 197.299, 197.301, 197.302, 197.303, 197.307, 197.312 and 197.313, within urban growth boundaries each city and county shall amend its comprehensive plan and land use regulations for all land zoned for single-family residential uses to allow for siting of manufactured homes as defined in ORS 446.003. A local government may only subject the siting of a manufactured home allowed under this section to regulation as set forth in ORS 197.307 (5).

(2) Cities and counties shall adopt and amend comprehensive plans and land use regulations under subsection (1) of this section according to the provisions of ORS 197.610 to 197.650.

(3) Subsection (1) of this section does not apply to any area designated in an acknowledged comprehensive plan or land use regulation as a historic district or residential land immediately adjacent to a historic landmark.

(4) Manufactured homes on individual lots zoned for single-family residential use in subsection (1) of this section shall be in addition to manufactured homes on lots within designated manufactured dwelling subdivisions.

(5) Within any residential zone inside an urban growth boundary where a manufactured dwelling park is otherwise allowed, a city or county shall not adopt, by charter or ordinance, a minimum lot size for a manufactured dwelling park that is larger than one acre.

(6) A city or county may adopt the following standards for the approval of manufactured homes located in manufactured dwelling parks that are smaller than three acres:

(a) The manufactured home shall have a pitched roof, except that no standard shall require a slope of greater than a nominal three feet in height for each 12 feet in width.

(b) The manufactured home shall have exterior siding and roofing that, in color, material and appearance, is similar to the exterior siding and roofing material commonly used on residential dwellings within the community or that is comparable to the predominant materials used on surrounding dwellings as determined by the local permit approval authority.

(7) This section shall not be construed as abrogating a recorded restrictive covenant. [1993 c.184 §2; 1997 c.295 §1; 1999 c.348 §7; 2005 c.22 §139]

197.315 [1973 c.80 §54; 1977 c.664 §25; repealed by 1979 c.772 §26]

MOBILE HOME, MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARKS

197.475 Policy. The Legislative Assembly declares that it is the policy of this state to provide for mobile home or manufactured dwelling parks within all urban growth boundaries to allow persons and families a choice of residential settings. [1987 c.785 §3; 1989 c.648 §53]

197.480 Planning for parks; procedures; inventory. (1) Each city and county governing body shall provide, in accordance with urban growth management agreements, for mobile home or manufactured dwelling parks as an allowed use, by July 1, 1990, or by the next periodic review after January 1, 1988, whichever comes first:

(a) By zoning ordinance and by comprehensive plan designation on buildable lands within urban growth boundaries; and

(b) In areas planned and zoned for a residential density of six to 12 units per acre sufficient to accommodate the need established pursuant to subsections (2) and (3) of this section.

(2) A city or county shall establish a projection of need for mobile home or manufactured dwelling parks based on:

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

(d) An inventory of mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development.

(3) The inventory required by subsection (2)(d) and subsection (4) of this section shall establish the need for areas to be planned and zoned to accommodate the potential displacement of the inventoried mobile home or manufactured dwelling parks.

(4) Notwithstanding the provisions of subsection (1) of this section, a city or county within a metropolitan service district, established pursuant to ORS chapter 268, shall inventory the mobile home or manufactured dwelling parks sited in areas planned and zoned or generally used for commercial, industrial or high density residential development no later than two years from September 27, 1987.

(5)(a) A city or county may establish clear and objective criteria and standards for the placement and design of mobile home or manufactured dwelling parks.

(b) If a city or county requires a hearing before approval of a mobile home or manufactured dwelling park, application of the criteria and standards adopted pursuant to paragraph (a) of this subsection shall be the sole issue to be determined at the hearing.

(c) No criteria or standards established under paragraph (a) of this subsection shall be adopted which would preclude the development of mobile home or manufactured dwelling parks within the intent of ORS 197.295 and 197.475 to 197.490. [1987 c.785 §4; 1989 c.648 §54]

197.485 Prohibition on restrictions of manufactured dwelling. (1) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, in a mobile home or manufactured dwelling park in a zone with a residential density of eight to 12 units per acre.

(2) A jurisdiction may not prohibit placement of a manufactured dwelling, due solely to its age, on a buildable lot or parcel located outside urban growth boundaries or on a space in a mobile home or manufactured dwelling park, if the manufactured dwelling is being relocated due to the closure of a mobile home or manufactured dwelling park or a portion of a mobile home or manufactured dwelling park.

(3) A jurisdiction may impose reasonable safety and inspection requirements for homes that were not constructed in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 U.S.C. 5403). [1987 c.785 §5; 1989 c.648 §55; 2005 c.22 §143; 2005 c.826 §12; 2007 c.906 §10]

197.490 Restriction on establishment of park. (1) Except as provided by ORS 446.105, a mobile home or manufactured dwelling park shall not be established on land, within an urban growth boundary, which is planned or zoned for commercial or industrial use.

(2) Notwithstanding the provisions of subsection (1) of this section, if no other access is available, access to a mobile home or manufactured dwelling park may be provided through a commercial or industrial zone. [1987 c.785 §6; 1989 c.648 §56]

197.492 Definitions for ORS 197.492 and 197.493. As used in this section and ORS 197.493:

(1) "Manufactured dwelling park," "mobile home park" and "recreational vehicle" have the meaning given those terms in ORS 446.003.

(2) "Recreational vehicle park":

(a) Means a place where two or more recreational vehicles are located within 500 feet of one another on a lot, tract or parcel of land under common ownership and having as its primary purpose:

- (A) The renting of space and related facilities for a charge or fee; or
- (B) The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

- (A) An area designated only for picnicking or overnight camping; or
- (B) A manufactured dwelling park or mobile home park. [2005 c.619 §11]

Note: 197.492 and 197.493 were enacted into law by the Legislative Assembly but were not added to or made a part of ORS chapter 197 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

197.493 Placement and occupancy of recreational vehicle. (1) A state agency or local government may not prohibit the placement or occupancy of a recreational vehicle, or impose any limit on the length of occupancy of a recreational vehicle, solely on the grounds that the occupancy is in a recreational vehicle, if the recreational vehicle is:

- (a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;
- (b) Occupied as a residential dwelling; and
- (c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

(2) Subsection (1) of this section does not limit the authority of a state agency or local government to impose other special conditions on the placement or occupancy of a recreational vehicle. [2005 c.619 §12]

Note: See note under 197.492.

MOBILE HOME AND MANUFACTURED DWELLING PARKS

446.003 Definitions for ORS 446.003 to 446.200 and 446.225 to 446.285 and ORS chapters 195, 196, 197, 215 and 227. As used in ORS 446.003 to 446.200 and 446.225 to 446.285, and for the purposes of ORS chapters 195, 196, 197, 215 and 227, the following definitions apply, unless the context requires otherwise, or unless administration and enforcement by the State of Oregon under the existing or revised National Manufactured Housing Construction and Safety Standards Act would be adversely affected, and except as provided in ORS 446.265:

(1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services.

(2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured structure.

(b) "Alteration" does not include:

(A) Minor repairs with approved component parts;

(B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;

(C) Adjustment and maintenance of equipment; or

(D) Replacement of equipment or accessories in kind.

(3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.

(4) "Board" means the Residential and Manufactured Structures Board.

(5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.

(6) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.

(7) "Conversion" or "to convert" means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.

(8) "Dealer" means any person engaged in selling or distributing manufactured structures or equipment, or both, primarily to persons who in good faith purchase or lease manufactured structures or equipment, or both, for purposes other than resale.

(9) "Department" means the Department of Consumer and Business Services.

(10) "Director" means the Director of the Department of Consumer and Business Services.

(11) "Distributor" means any person engaged in selling and distributing manufactured structures or equipment for resale.

(12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.

(13) "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).

(14) "Fire Marshal" means the State Fire Marshal.

(15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.

(16) "Insignia of compliance" means:

(a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or

(b) For all other manufactured structures, the insignia issued by this state indicating compliance with state law.

(17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.

(18) "Installation" in relation to:

(a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.

(b) Siting means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.

(19) "Installer" means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects licensed under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

(20) "Listed" means equipment or materials included in a list, published by an organization concerned with product evaluation acceptable to the department that maintains periodic inspection of production of listed equipment or materials, and whose listing states either that the equipment or materials meets appropriate standards or has been tested and found suitable in a specified manner.

(21) "Lot" means any space, area or tract of land, or portion of a manufactured dwelling park, mobile home park or recreation park that is designated or used for occupancy by one manufactured structure.

(22)(a) "Manufactured dwelling" means a residential trailer, mobile home or manufactured home.

(b) "Manufactured dwelling" does not include any building or structure constructed to conform to the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code adopted pursuant to ORS 455.100 to 455.450 and 455.610 to 455.630 or any unit identified as a recreational vehicle by the manufacturer.

(23) "Manufactured dwelling park" means any place where four or more manufactured dwellings are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent or lease space or keep space for rent or lease to any person for a charge or fee paid or to be paid for the rental or lease or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Manufactured dwelling park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the local government unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

(24)(a) "Manufactured home," except as provided in paragraph (b) of this subsection, means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed in accordance with federal manufactured housing construction and safety standards and regulations in effect at the time of construction.

(b) For purposes of implementing any contract pertaining to manufactured homes between the department and the federal government, "manufactured home" has the meaning given the term in the contract.

(25)(a) "Manufactured structure" means a recreational vehicle, manufactured dwelling or recreational structure.

(b) "Manufactured structure" does not include any building or structure regulated under the State of Oregon Structural Specialty Code or the Low-Rise Residential Dwelling Code.

(26) "Manufacturer" means any person engaged in manufacturing, building, rebuilding, altering, converting or assembling manufactured structures or equipment.

(27) "Manufacturing" means the building, rebuilding, altering or converting of manufactured structures that bear or are required to bear an Oregon insignia of compliance.

(28) "Minimum safety standards" means the plumbing, mechanical, electrical, thermal, fire and life safety, structural and transportation standards prescribed by rules adopted by the director.

(29) "Mobile home" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed between January 1, 1962, and June 15, 1976, and met the construction requirements of Oregon mobile home law in effect at the time of construction.

(30) "Mobile home park" means any place where four or more manufactured structures are located within 500 feet of one another on a lot, tract or parcel of land under the same ownership, the primary purpose of which is to rent space or keep space for rent to any person for a charge or fee paid or to be paid for the rental or use of facilities or to offer space free in connection with securing the trade or patronage of such person. "Mobile home park" does not include a lot or lots located within a subdivision being rented or leased for occupancy by no more than one manufactured dwelling per lot if the subdivision was approved by the municipality unit having jurisdiction under an ordinance adopted pursuant to ORS 92.010 to 92.192.

(31) "Municipality" means a city, county or other unit of local government otherwise authorized by law to enact codes.

(32) "Recreational structure" means a campground structure with or without plumbing, heating or cooking facilities intended to be used by any particular occupant on a limited-time basis for recreational, seasonal, emergency or transitional housing purposes and may include yurts, cabins, fabric structures or similar structures as further defined, by rule, by the director.

(33) "Recreational vehicle" means a vehicle with or without motive power, that is designed for human occupancy and to be used temporarily for recreational, seasonal or emergency purposes and as further defined, by rule, by the director.

(34) "Residential trailer" means a structure constructed for movement on the public highways that has sleeping, cooking and plumbing facilities, that is intended for human occupancy, that is being used for residential purposes and that was constructed before January 1, 1962.

(35) "Sale" means rent, lease, sale or exchange.

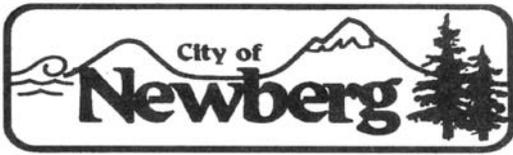
(36) "Skirting" means a weather resistant material used to enclose the space below the manufactured structure.

(37) “Tiedown” means any device designed to anchor a manufactured structure securely to the ground.

(38) “Transitional housing accommodations” means accommodations described under ORS 446.265.

(39) “Utilities” means the water, sewer, gas or electric services provided on a lot for a manufactured structure. [1975 c.546 §10 (enacted in lieu of 446.002 and 446.004); 1979 c.884 §1; 1983 c.707 §1; 1987 c.274 §1; 1987 c.414 §21; 1989 c.527 §1; 1989 c.648 §§1,1a; 1989 c.683 §1; 1989 c.919 §6b; 1991 c.226 §1; 1991 c.844 §21; 1993 c.744 §47; 1995 c.251 §1; 1997 c.205 §1; 1999 c.758 §7; 2003 c.675 §6; 2005 c.22 §313; 2009 c.259 §25; 2009 c.567 §28]

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MEMORANDUM

Date: March 3, 2011
To: Newberg Planning Commission
From: Barton Brierley, AICP
RE: Proposed Batch Annexation Ordinance Workshop

Purpose of Workshop

At your March 10, 2011 meeting, you will be having a workshop on proposed changes to Newberg's annexation ordinances. The purpose of the workshop is to familiarize the Planning Commission with the recommendations from the Affordable Housing Action Committee on this topic. The Planning Commission is not expected to take any action on this item at this meeting; we will schedule a public hearing at a later date. However, any comments or suggestions in anticipation of that hearing would be encouraged.

Summary of Annexation Proposal

The Affordable Housing Action Committee has recommended changes to the annexation process. The proposal would allow small annexations to be grouped and processed together. The proposal would set one time every two years where property owners could request to be included in the "batch." Only groups of properties less than three buildable acres would be eligible except as approved by the City Council, and only properties where no comprehensive plan amendment also is requested. Staff would collect the applications up to a certain date, then send the full batch to the City Council for one hearing. If the City Council approves, the batch then would be sent to the May primary ballot under one measure.

The proposal also establishes a separate process for city initiated annexations, such as for island annexations or triple-majority annexations, that do not fit the typical property owner initiated application process. The island annexation process is modified to conform to recent changes in state law.

Relationship to Affordable Housing Action Plan

The proposal relates to Action 4.2.E. of the Affordable Housing Action Plan

Action 4.2E: Create an expedited annexation process for affordable housing projects.
One barrier to affordable housing projects is the time, expense, process, and uncertainty of the City's annexation process. The City could streamline this process, such as by allowing

annexation of specified affordable housing projects without being subjected to a public vote under certain conditions. In these cases, the provision of affordable housing would need to be guaranteed through a development agreement or other method. Modifications to the public vote requirement would require an amendment to the Newberg Charter.

Attachments:

Annexation Ordinance Draft 3/3/2011
Newberg Charter provisions for annexation
Summary of state annexation processes

Development Code Annexation Procedure Amendments

Draft 3/3/11

Note: Existing text is shown in regular font

Deleted text is shown in ~~strikeout~~

Added text is shown in double-underline

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 sewer, 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 insure 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 City Charter requires that, unless otherwise mandated by state law, annexation may only be approved by a majority of those voting.

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.

15.250.030 Quasi-judicial annexation criteria.

Quasi-judicial annexations applications are those filed pursuant to the application of property owners and exclude legislative annexations. The following criteria shall apply to all quasi-judicial annexation requests:

A. The proposed use for the site complies with the Newberg comprehensive plan and with the designation on the Newberg comprehensive plan map. If a redesignation of the plan map is requested concurrent with annexation, the uses allowed under the proposed designation must comply with the Newberg comprehensive plan.

B. An adequate level of urban services must be available, or made available, within three years time of annexation, except as noted in division (E) below. An adequate level of urban services shall be defined as:

1. Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses. Where construction of the road is not deemed necessary within the three year time period, the city shall note requirements such as dedication of right-of-way, waiver of remonstrance against assessment for road improvement costs, or participation in other traffic improvement costs, for application at the appropriate level of the planning process. The city shall also consider public costs for improvement and the ability of the city to provide for those costs.

C. Findings documenting the availability of police, fire, parks, and school facilities and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

D. The burden for providing the findings for divisions (A), (B) and (C) of this section is placed upon the applicant.

E. The city council may annex properties where urban services are not and cannot practically be made available within the three year time frame noted in division (B) above, but where annexation is needed to address a health hazard, to annex an island, to address sewer or water connection issues for existing development, to address specific legal or contract issues, to annex property where the timing and provision of adequate services in relation to development is or will be addressed through legislatively adopted specific area plans or similar plans, or to address similar situations. In these cases, absent a specific legal or contractual constraint, the Council shall apply an interim zone, such as a limited-use overlay, that would limit development of the property until such time as the services become available.

15.250.040 Quasi-judicial ~~A~~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 O.R.S. 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 1 for a primary ballot election in May and before 5:00 p.m. on April 1 for a general ballot election in November. An applicant may request that the 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 division does not obligate the city to process an annexation application within any time frame not required by ordinance or state statute.

B. 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, he/she 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 § 151.262. 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. 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 § 151.262. The hearing at the city council shall be considered a new hearing. If additional testimony is submitted, the 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 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 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 ten 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. Should this annexation request be approved by 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 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 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 11-month period. The annexation shall be processed according to the procedures in subsections (D) through (I) of this section.

b. The 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 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 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 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 council may refer the annexation to a subsequent election upon its own motion.

15.250.050 Application requirements for quasi-judicial annexations.

Applications for a quasi-judicial annexation 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, 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 O.R.S. Chapter 195 and 197.

B. Legal description of the property to be annexed and a boundary survey certified by a registered engineer or surveyor.

C. Vicinity map and map of the area to be annexed including adjacent city territory.

D. General land use plan indicating types and intensities of proposed development, transportation corridors (including pedestrian and vehicular corridors), watercourses, significant natural features, open space, significant stands of mature trees, wildlife travel corridors, and adjoining development.

E. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area, and community will be enhanced.

F. Annexation fees, as set by city council resolution.

G. Statement outlining method and source of financing to provide additional public facilities.

H. Comprehensive narrative of potential positive and negative physical, aesthetic, and related social effects of the proposed development on the community as a whole and on the smaller sub-community or neighborhood of which it will become a part and proposed actions to mitigate such effects.

I. Concurrent with application for annexation, the property may be assigned one of the following methods for development plan review:

- A. A planned unit development approved through a Type III procedure.
- B. A development agreement approved by the city council.
- C. A contract annexation as provided for in the state statutes. Development plans must be approved and an annexation contract must be signed by the city council in order to use the contract annexation process.

15.250.055 Legislative annexations.

A. Purpose. Legislative annexations are those annexations that are initiated by the City of Newberg. Legislative annexations include health hazard annexations, island annexations, batch annexations, and other annexations initiated by the City Council.

B. Process. Legislative annexations shall be processed as a Type IV legislative action, except as noted. The annexation request shall be reviewed directly by the city council. A planning commission hearing shall be required only if a comprehensive plan amendment is involved or city council refers the matter to the planning commission for a recommendation.

C. Notice. The director shall provide notice of hearings:

1. To the owner of the site proposed for annexation.

2. To owners of property within 500 feet of the entire site for which the application is made. The list shall be compiled from the most recent property tax assessment roll.

3. To the Department of Land Conservation and Development per NMC 15.100.250.

4. Within a newspaper of general circulation within the city at least ten days prior to the first public hearing on the action per NMC 15.100.270.

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.

15.250.060 Health hazard annexation.

The city shall annex those areas constituting a health hazard in accordance with Oregon Revised Statutes, taking into consideration the ability of the city to provide necessary services. Annexation of areas constituting a health hazard are not subject to voter approval.

15.250.070 Island annexation.

The following policies are adopted for island annexations:

A. The city shall attempt to not create islands of unincorporated territory within the corporate limits of the city. If such an island is created, the city council may set a time for a public hearing for the purpose of determining if the annexation should be submitted to the voters. The hearing shall be conducted in accordance with the policies and procedures contained in this code.

B. Written notice to property owners will be made prior to annexation to allow for property owner responses. Failure to receive notice shall not in any way invalidate the annexation procedure that may be subsequently undertaken by the city.

C. The island annexation shall follow the procedures required under ORS 222.750.

~~CD.~~ 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.

E. For property that is zoned for, and in, residential use when annexation is initiated by the city under this section, the city shall specify an effective date for the annexation that is at least three years and not more than 10 years after the date the city proclaims the annexation approved. The city recorder shall:

1. Cause notice of the delayed annexation to be recorded by the county clerk of the county in which any part of the territory subject to delayed annexation is located within 60 days after the city proclaims the annexation approved; and

2. Notify the county clerk not sooner than 120 days and not later than 90 days before the annexation takes effect.

3. Notwithstanding subsection (D) of this section, property that is subject to delayed annexation becomes part of the city immediately upon transfer of ownership.

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.

A. Eligibility. Properties are eligible for batch annexation if:

1. The total area of each contiguous territory to be annexed does not exceed three buildable acres, unless the city council moves to allow consideration of a larger territory prior to the hearing.

2. Property owners shall file a consent and request to annex with the city on forms provided by the director.

3. The zoning map designation complies with the comprehensive plan map designation. If a comprehensive plan map change is proposed the request shall follow the process described in NMC 15.250.060 (B).

B. Process. Batch annexations shall be processed as follows:

1. The deadline to file a request shall be November 1 prior to a May primary election in even number years.

2. Property owners shall submit a consent to annex form provided by the city and a request to be part of a batch annexation. The request shall include a legal description of the property and a title report or proof of ownership, and a waiver a waiver stating that the owner will not file any demand against the city under Measure 49, approved November 6, 2007, that amended O.R.S. Chapter 195 and 197.

3. The director shall collect the requests. If two or more eligible requests are submitted by November 1, the director shall initiate the batch annexation and schedule the item for a city council hearing. If fewer than two requests are submitted, the director shall extend the deadline to May 1 of the even numbered year to allow consideration prior to the general election in November. If multiple requests are not submitted by the May 1 deadline, the requests shall be deferred until multiple requests are received by the next deadline.

4. The city council may initiate a batch annexation at times other than those specified above.

C. Criteria for a batch annexation.

For each property, an adequate level of urban services is or can be made available within three years, including.

1. Municipal sanitary sewer and water service meeting the requirements enumerated in the Newberg comprehensive plan for provision of these services.

2. Roads with an adequate design capacity for the proposed use and projected future uses.

3. Police, fire, parks, and school facilities and services.

D. Approval. The 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 15.250.060.

15.250.080 Comprehensive plan and zoning designations.

A. The comprehensive plan map designation of the property at the time of annexation shall be used as a criterion to determine whether or not the proposed request complies with the Newberg comprehensive plan. A redesignation of the comprehensive plan map may be requested concurrent with annexation. The proposed redesignation shall then be used to determine compliance with the Newberg comprehensive plan.

B. Upon annexation, the area annexed shall be automatically zoned to the corresponding land use zoning classification which implements the Newberg comprehensive plan map designation. The corresponding designations are shown in the table below. The procedures and criteria of § 15.302.030 shall not be required.

Comprehensive Plan Classification	Appropriate Zoning Classification
OS	Any zoning classification
LDR	R-1
MDR	R-2, <u>R-4</u>
HDR	R-3, <u>R-4</u>
COM	C-1, C-2, or C-3 as determined by the Director
MIX	C-2, M-1, or M-2 as determined by the Director
IND	M-1, M-2, M-3, M-4 or AI
PQ	Any zoning classification
P/PP	<u>CF</u> Any zoning classification

C. If a zoning classification is requested by the applicant for other than that described in division (B) of this section, the criteria of NMC 15.302.030 shall apply. This application shall be submitted concurrently with the annexation application.

D. In the event that the annexation request is denied, the zone change request shall also be denied.

15.250.090 Coordination.

Annexation requests shall be coordinated with affected public and private agencies, including, but not limited to, Yamhill County, Chehalem Park and Recreation District, Newberg School District, Northwest Natural Gas, Portland General Electric, and, where appropriate, various state

agencies. Coordination shall be made by referral of annexation request to these bodies sufficiently in advance of final city action to allow for reviews and recommendations to be incorporated into the city records.

15.250.100 Annexation of non-conforming uses.

When a non-conforming use, as described in NMC 15.205.010 through 15.205.100, is annexed into the city, the applicant shall provide a schedule for the removal of the non-conforming use for the planning commission and city council. Legal non-conforming residential uses are allowed to remain indefinitely. At time of approval of the annexation, the city council may add conditions to ensure the removal of the non-conforming use during a reasonable time period. The time period may vary from one year to 10 years at the discretion of the city council.

CHAPTER I
REVISION CLAUSE; NAME AND BOUNDARIES

Section 1. Revision Clause.

The sections of the Charter have been revised as hereafter indicated.

Section 2. Title.

This charter may be referred to as the 2006 Newberg Charter.

Section 3. Name.

The City of Newberg, Oregon, continues as a municipal corporation with the name City of Newberg.

Section 4. Boundaries.

The city includes all territory within its boundaries as they now exist or are legally modified. Unless mandated by state law, annexation, delayed or otherwise, to the City of Newberg, may only be approved by a majority of the voters. The city will maintain as a public record an accurate and current description of the boundaries.

Oregon Annexation Methods

Annexations during incorporation proceedings are prohibited until a petition to incorporate is rejected by the county, or voters reject the incorporation

