



Planning Commission Meeting

6:30PM

HYBRID MEETING

In-Person at the Public Safety Building

401 E Third St, Newberg OR.97132

Join Via Zoom: <https://us06web.zoom.us/j/89536547180>

Want to make a Public Comment at the Meeting: [Click HERE to Register](#)

October 8, 2026

1. CALL MEETING TO ORDER

2. ROLL CALL

3. PUBLIC COMMENTS

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

4. CONSENT CALENDAR

- a. [9/10/2026 Planning Commission Meeting Minutes](#)

5. LEGISLATIVE PUBLIC HEARINGS

(complete registration form to give testimony - 5-minute maximum per person except for principals, unless otherwise set by majority motion of the Planning Commission).

DCA-26-0001: 2026 Code Maintenance Hearing

- i. [Staff Report.pdf](#)
- ii. [Planning Commission Resolution 2026-402.pdf](#)
- iii. [Planning Commission Resolution 2026-402 Exhibit A-1 Code Amendments.pdf](#)
- iv. [Planning Commission Resolution 2026-402 Exhibit A-2 Findings.pdf](#)

[10-5-26 Supplemental Memo DCA-26-0001 \(10-8-26 PC Hearing\) w_ attachments.pdf](#)

6. ITEMS FROM STAFF

- a. **Anticipated Schedule of Planning Commission Activities**
- b. **Staff Updates for Planning Commission**

7. ITEMS FROM COMMISSIONERS

8. ADJOURNMENT



Planning Commission Meeting Minutes

HYBRID MEETING

6:30

Public Safety Building

401 E Third St, Newberg OR.97132

SEPTEMBER 10,2026

1. CALL MEETING TO ORDER

The Planning Commission Meeting of September 10, 2026 was called to order at 6:30 PM at the Public Safety Building, 401 E Third St, Newberg, Oregon.

2. ROLL CALL

Commissioners Present:

Kriss Wright (Chair)
Mathew Mansfield
Randy Rickert-*via Zoom*
Tanya Bitz- *via Zoom*
Abby Seits (Student Commissioner)

Commissioners Absent:

Linda Newton-Curtis
Jason Dale
Jose Villalpando (Vise Chair)

City Council Representative:

Jeri Turgesen

Staff Present:

Community Development Director: Scot Siegel
Associate Planner: Jeremiah Cromie
Senior Engineer: Brett Musick
Administrative Assistant/Secretary: Fé Bates

3. PUBLIC COMMENTS

No public comments were received in person or via Zoom.

4. CONSENT CALENDAR

8/13/2026 Planning Commission Meeting Minutes

Planning Commission Secretary Fé noted a correction to the August 13, 2026 minutes, which had incorrectly listed a staff member as present when he was not. The minutes were presented for approval as corrected.

Motion to approve the Planning Commission Meeting Minutes of August 13, 2026 was made by Planning Commissioner Mathew Mansfield and seconded by Planning Commissioner Rand Rickert. The motion was carried by unanimous voice vote.

Ayes:

Commissioner Rickert, Commissioner Wright, Commissioner Mansfield, Commissioner Bitz, Commissioner Seits.

Nays:

None.

Absent:

Commissioner Newton-Curtis, Commissioner Dale, Commissioner Villalpando

5. CONTINUED BUSINESS

Approval and Adoption of Revised Planning Commission Guidelines

The revised Planning Commission Guidelines, including Exhibit "A," were presented for adoption.

Motion to approve and adopt the revised Planning Commission Guidelines for 2026 and beyond, including Exhibit "A," was made by Commissioner Matthew Mansfield and seconded by Commissioner Randy Rickert. The motion carried by voice vote:

Ayes:

Commissioner Rickert, Commissioner Wright, Commissioner Mansfield, Commissioner Bitz, Commissioner Seits.

Nays:

None.

Absent:

Commissioner Newton-Curtis, Commissioner Dale, Commissioner Villalpando

2026 Code Maintenance Concept; DCA26-0001 SR Code Maintenance Language Review

Chair Wright opened the work session for DCA26-0001. Community Development Director Scot Siegel introduced Associate Planner Jeremiah Cromie, who participated remotely due to illness, along with Senior Engineer Brett Musick, who was present in the room.

Associate Planner Cromie guided the Commission through the draft code amendments, highlighting the following items:

Tribal Notifications: Language was updated to require tribal notification only when a land use application involves ground disturbance requiring public notice. The city is awaiting an updated list from the Land Conservation Indian Services.

Appeal Procedures: State law now significantly limits appeal procedures for projects under 20 units, restricting notification to a 100-foot radius and limiting appeal rights primarily to the applicant. The amendments also clarify that staff will be responsible for sending appeal notices, consistent with past practice.

Mailing Notice Requirements: In response to prior Commission feedback, amendments add the land use case file number to mailed notices and confirm that notices must be sent via USPS first class mail.

Single Room Occupancy (SRO): State law requires SRO standards to be adopted by January 1, 2027. The amendments establish that SRO developments of 4 to 6 units are processed under Type 1 procedures (building permit), while developments of more than 6 units require Type 2 site design review, consistent with how conventional multifamily development is treated. Parking is set at a 0.67-space-per-unit ratio for developments over 6 units, per state requirement. Director Siegel confirmed that SROs in zones where multifamily required a conditional use permit would not allow SROs exceeding 6 units. Chair Wright inquired about the airport approach zone measurement methodology; Director Siegel and Associate Planner Cromie confirmed the applicable measurement standard is defined in code section 15.05.0.030.

Design Review Exemptions: To reduce unnecessary process burdens, amendments provide that a change of use not requiring additional parking or substantial alteration to a building or site may be exempt from formal design review,

subject to director's discretion. Commissioner Mansfield expressed support for streamlining the process to reduce burden on both the city and applicants.

Parking Lot Landscaping Buffer Adjustment: A code adjustment process was introduced allowing commercial and industrial properties to encroach into the required front yard landscaping buffer for parking, provided that at least 50 percent of the required frontage buffer remains landscaped. All vision clearance and sight distance standards must still be met.

Minimum Development Site Density: Amendments clarify that the minimum density standard applies only when a development site of more than 15,000 square feet is to be subdivided, partitioned, or developed with more than one dwelling unit. A single family home on a legal lot of record in a higher-density zone is not required to subdivide or build at higher density. Director Scot Siegel characterized this as a minor but legally significant policy issue arising from a real-life annexation inquiry.

Off-Street Parking in Required Front Yard: The amendments allow required off-street parking to be located within the required residential front yard using the service drive (driveway), provided it is at least 20 feet deep, 9 feet wide, and does not exceed 50 percent of the required front yard area. This is intended to facilitate accessory dwelling unit (ADU) conversions and assist older properties with constrained parking configurations. Commissioner Rickert asked whether this standard would also apply to new construction; Associate Planner Cromie confirmed it would apply to all development, though Director Siegel noted new construction would need to set the building back at least 20 feet to utilize this provision.

Joint Use Parking Facilities: Existing code required a recorded covenant for shared parking arrangements. The amendment allows shared parking between property owners to be formalized through a private agreement filed with the Community Development Department, rather than requiring a recorded deed restriction. Director Siegel noted this approach is more business-friendly and consistent with how other code compliance obligations are handled, placing the risk of agreement dissolution on the participating property owners.

ADU Size Calculation: Amendments establish that ADU size relative to the primary dwelling will be calculated using Yamhill County Assessor data, with an alternative option of submitted floor plans. Senior Engineer Musick also noted the alternative of treating ADU development as a duplex, which removes the size limitation but eliminates the ability to use either unit as a short-term rental.

Existing Private Streets: Senior Engineer Musick presented an amendment addressing situations where the paved width of a private street easement does not meet the standard 20-foot minimum required for fire access. The amendment requires new development to match existing conditions where applicable and provides a code basis for addressing such nonconforming situations going forward.

Water Meter Sharing: Senior Engineer Musick presented amendments clarifying that each water meter is intended to serve a single lot or dwelling unit under single ownership, in order to prevent complications arising when shared-meter properties change ownership. Commissioner Rickert raised concerns about nonpayment and service interruption risks to uninvolved parties; Senior Engineer Musick acknowledged these risks and confirmed the amendment is intended to prevent such situations from arising in new development.

Airport Industrial District – Caretaker/Security Officer Residence: Amendments update the code to allow one caretaker or security officer residence per hangar unit, rather than per parcel, to accommodate condominiumized hangar ownership structures such as those at the Sportsman's Airpark. Director Siegel noted that these units are not classified as conventional dwellings and are not eligible for short-term rental use. It was noted that Commissioner Jason Dale, who was absent, would likely have recused himself from this item. Associate Planner Cromie noted that most of the Sportsman's Airpark is not currently within city limits.

No formal action was taken. The formal public hearing on DCA26-0001 is tentatively scheduled for the October 8, 2026 Planning Commission meeting.

7. ITEMS FROM STAFF

Anticipated Schedule of Planning Commission Activities

Director Siegel confirmed that the formal hearing on the 2026 Code Maintenance Amendments (DCA26-0001) is scheduled for the next regular meeting.

Staff Updates for Planning Commission

Planning Commission Secretary Fé advised Commissioners whose terms expire in December 2026 to reapply if they wish to continue serving and encouraged any commissioner uncertain of their term status to contact her directly. Chair Wright acknowledged that three seats would be up for reappointment.

8. ITEMS FROM COMMISSIONERS

No items were raised by commissioners.

9. ADJOURNMENT

Chair Wright adjourned The September 10, 2026 Planning Commission Meeting: 7:23pm

These minutes are submitted as a true and accurate record of the proceedings.

Attested by:

Kris Wright, Planning Commission Chair, City of Newberg

Fé Bates, Planning Commission Secretary, City of Newberg

PLANNING COMMISSION PUBLIC HEARING
ON NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE,
MAINTENANCE AMENDMENTS

MEETING DATE: October 8, 2026

FILE NO: DCA26-0001 Development Code Maintenance 2026

APPLICANT: City of Newberg

SUBJECT: Legislative Public Hearing

A. STAFF RECOMMENDATION: Conduct a Legislative Public Hearing and move to adopt Resolution 2026-402.

B. SUMMARY AND BACKGROUND

Annually, the Community Development Department prepares amendments to Newberg Municipal Code (NMC), Title 15 Development Code, and related regulations, to maintain the code's accuracy, predictability, readability, and compliance with applicable state and federal laws. "Code Maintenance" also includes minor policy updates¹ to improve customer service and operational efficiency, consistent with City Council Goals, including 2026 Goal F, "Continue to create and maintain a high level of customer service."

The proposed amendments contained in Exhibit A-1 are designed to address issues identified by staff through application of the code, customer feedback, and review of state land use legislation and rules. The Planning Commission previously conducted work sessions on the draft amendments, August 13 and September 10, 2026.

C. PROCESS

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

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

Public information about this code maintenance project included public meeting agendas, legislative hearing notices, the City website, and email distribution to other public agencies, service providers, newspapers and local business partners such as the chamber of commerce. If a particular topic merits broader public engagement, it may be referred to the Planning Division Work Program for separate processing.

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

08/13/2026	<i>Planning Commission Work Session # (Code Concepts)</i>
09/02/2026	<i>Notify State (DLCD) 35 days prior to first hearing</i>
09/10/2026	<i>Planning Commission Work Session #2 (Draft Code)</i>
9/24/2026	<i>Legislative Referral for Comments Sent Out</i>
10/08/2026	Planning Commission Public Hearing
11/02/2026	City Council Study Session
11/16/2026	City Council Public Hearing - First Reading
12/07/2026	City Council Public Hearing – Second Reading, if required

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

Table 1: Summary of 2026 Code Maintenance Amendments

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
<i>Title 15, Division 15.100 – Definitions & Land Use Processes and Procedures</i>			
Airport Approach Safety Zone (p 4 Exhibit A-1)	15.05.030	Current code does not match federal code	Changed definition to 5,000 instead of 3,000 feet for horizontal distance to match FAA requirements
Type I procedures for development (p 5 Exhibit A-1)	15.100.020	Does not state that Type I Design Reviews for single family-quadplexes go straight to building permit (this was an oversight in 2025 code maintenance). This will line up with 15.220.020 (Site design review applicability) as well.	Updated to say that most design review permits for single-family to quadplexes go straight to building permit. Cottage clusters will still require Type I design review still.
Tribal Notifications (p 7 Exhibit A-1)	15.100.120	Notifications must be provided to tribes per OAR 660-023-0210 for land use decisions that involve ground disturbance and require public noticing (Effective Jan. 1, 2027)	Updated our agency referral list to include tribes as provided by the Legislative Commission on Indian Services for Newberg.
Appeal Procedures (pp 8-10, 17 Exhibit A-1)	15.100.160 & 15.100.275	Per state law, effective July 1, 2026, only certain applications can be appealed by parties other than the applicant. This includes most developments of less than 20 units. See Exhibit B-1 for a matrix summarizing changes in state law. Currently, it is also unclear who mails appeal notices.	Updated to state that only the applicant can appeal certain housing applications. See Matrix in Exhibit B-1 summarizing changes in state law. Updated noticing requirement so that the City (not applicant) mails appeal notices to affected parties.

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
Noticing Updates (pp 10-17 Exhibit A-1)	15.100.210	Per state law, effective July 1, 2026, notices for residential applications of fewer than 20 units are limited to a 100 foot radius (current code is 500 feet for all). Notices for upzoning existing residential land is also limited to 100 feet. See Exhibit B-1 for a matrix summarizing changes in state law. There was also concern over how mailed notices were being sent out by applicant's and the code was not clear.	Changed noticing requirements for projects of less than 20 residential units, and applications to upzone existing residentially zoned land to 100 feet. See Exhibit B-1 for a matrix summarizing changes in state law. Clarified that USPS first class mail is required for all land use notices, and that notices are to be delivered in plain envelopes with no other markings other than case file number, and names/addresses as well as postage
<i>Title 15, Division 15.200 - Land Use Applications</i>			
Non-Conforming Signs (p 18 Exhibit A-1)	15.205.100	Code requires nonconforming signs to be brought into conformance with current standards when there is a change of copy, which is excessive and may conflict with constitutional protections.	Clarified code requiring conformity to current sign standards only when the height, dimensions, materials or location of an existing sign change.
Variance Expiration Timeline (p 19 Exhibit A-1)	15.215.060	Variance approvals expire before other approvals that may be part of the same project. Different timelines for the same project create confusion and inefficiencies for applicants and staff	Changed the expiration of variances to align with other permit approvals and 2 years in cases where no other land use project.
Single Room Occupancies (SRO) (pp 4, 20, 23-33,38-41,44-46, 48, 54-55 Exhibit A-1)	15.05.030, 15.220.020, 15.305.020, 15.326.025 15.346.070 15.405.010 15.440.030	HB 2138 (2025) and HB 3395 (2023) require cities to allow single room occupancies (SRO's) in residential zones by January 1, 2027. SROs contain multiple dwelling units that share common cooking facilities. They may share other facilities, as well.	Added SRO's to use tables, definitions, lot sizes, parking requirements and site design review procedures.

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
Design Review Exemptions (pp 20-21 Exhibit A-1)	15.220.020(4)	The land use approval process for changes of use (new tenant moves into an existing building) are unclear and overly burdensome.	Exempted from land use review changes of use that do not substantially alter a building exterior or site, and do not require additional parking. Also exempt minor exterior alterations triggered by a change of use when the alteration is required to meet building code or fire and life safety requirements (i.e. hood vent or fire department connection).
Sufficient Infrastructure Design Review Criteria (p 21-23 Exhibit A-1)	15.220.050(A)(6) and (B)(9)	Although this section requires developments to have sufficient infrastructure and utilities, it does not reference the code sections applicable that is consistent with code format elsewhere.	Updated to reference public improvement standards of NMC 15.505 (Public Improvements) for clarity and legal sufficiency.
Code Adjustment Process for Landscaping Buffer and Parking (p 18-19 Exhibit A-1)	15.210.020	There is no code adjustment process for required landscaping buffer between street and parking area which can create constraints on the lot with certain configurations	Established code adjustment process for the landscape buffer between a street lot line and a parking area to be no less than 10 feet and at least 50% of street frontages still meet full buffering requirements. The concept this can be seen in Exhibit B-2.
Middle Housing Land Division Updates (pp 34-38, 47, 49, 51 Exhibit A-1)	15.235.050(B) 15.240.060 15.346.080 15.405.050 15.410.080 15.415.070	Under state law, middle housing land divisions are not subject to minimum lot size and most other lot standards.	Updated NMC 15.235.050(B) to current middle housing land division requirements of ORS 92.031. Removed middle housing land division criteria pertaining to lot size and setbacks elsewhere in code. (Note that the original parcel still must meet all requirements)
Final Plat Submission Timeline (p 37 Exhibit A-1)	15.235.070	Applicants frequently submit final plat applications long before public improvements are substantially complete when the city cannot approve them. This creates confusion and administrative inefficiencies.	Updated to state that final plats will not be deemed complete until substantial completion has been achieved. Also updated to say preliminary electronic copies are acceptable for review, which is standard practice now.
<i>Title 15, Division 15.300 – Zoning Districts</i>			

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
Manufactured Housing Update (pp 40, 58-60 Exhibit A-1)	15.305.020 & 15.445.070	Under state law, the City cannot apply more restrictive standards to manufactured homes than apply to stick-built single-family homes (HB 2347 (2025))	Removed “manufactured home on individual lot” from the zoning use table, as they are classified as single-family dwellings, and removed the manufactured dwelling development standards. Manufactured homes can be used as dwellings where dwellings are permitted as any part of a development (i.e as a single family house, duplex, triplex etc.).
Fixed Seating Footnote (p 40 Exhibit A-1)	15.305.020 Footnote 29	In some industrial zones the code requires that churches and other houses of worship have seating that can be easily removed to allow these spaces to be converted to industrial uses. This is overly restrictive and may conflict with the land use provisions of the Religious Land Use and Institutionalized Persons Act of 2000 (RLUIPA), 42 U.S.C. §§ 2000cc, et seq., which is to protect individuals, houses of worship, and other religious institutions from discrimination in zoning laws.	Removed restriction on “fixed seating” in footnote 29 in industrial zones as it is overly restrictive.
<i>Title 15, Division 15.400 – Development Standards (starts on next page)</i>			
<i>Title 15, Division 15.400 – Development Standards</i>			
Development Site Minimum Density (p 49 Exhibit A-1)	15.405.010(B)(3) and (4)	Minimum density for large development sites in the R-2, AR and RP zones is not clear and may conflict with regulatory takings law.	Revised and clarified to exempt minimum density standards for the development of one single family dwelling and its accessory uses on a legal lot of record.

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
Parking and landscaping location for industrial sites (pp 18-19, 50 Exhibit A-1)	15.410.070(E)(3) and 15.420.010(B)(3)(b)	NMC 15.410.070 (E)(3) states that parking can be in any required yard, however this contradicts NMC 15.420.010(B)(3)(b) which requires a landscape strip of at least 10 feet, or the width of required yard if greater, for the front yard, and 5 feet for interior yards.	Amended 15.410.070(E)(3) to reference and be subordinate to 15.420.010(B)(3)(b). Amended Code Adjustments in NMC 15.210.020 to include a landscape buffering adjustment assuming at least 10 foot buffer is maintained and 50% of frontages still have the required buffering. Exhibit B-2 shows this concept.
Cottage Cluster Community Buildings (p 51-52 Exhibit A-1)	15.415.050(C)(9)	Cottage cluster developments may have a community building though it is not clear if these buildings are regulated as accessory structures. (Other code sections limit the number of accessory structures on a lot.)	Amended 15.415.050(C)(9) to state that cottage cluster community buildings as permitted under 15.415.050(C)(6) are not accessory structures.
Major Freestanding Number of Signs and Height Update (p 52-54 Exhibit A-1)	15.435.050(A) & 15.435.050(C)	Some zones are limited to one freestanding sign per street frontage. Exceptions to this rule are in residential, institutional and community facilities zones where one additional sign is allowed for each full 600 feet of street frontage. Large campuses in other zones that may have multiple driveways, are not allowed multiple signs, including necessary wayfinding signs. Height for major free-standing signs is not clear. Although it has been common practice to include structural supports in the height calculations, this is not spelled out in code.	Updated 15.435.050(A) so that all zones can have 1 major free-standing sign plus one sign for each full 600 feet of street frontage (note that maximum size of sign is not proposed to be changed). Updated 15.435.050(C) to explicitly state that sign framework/posts are included in height calculation. Exhibit B-3 shows how sign height would be measured.
<i>Title 15, Division 15.400 – Development Standards (cont.)</i>			

Topic	Newberg Municipal Code	Issue	Code Amendment Concept
Off-street parking location allowances (p 57 Exhibit A-1)	15.05.030 & 15.440.060(G)	The requirement for off-street parking can be met on a driveway within a required front yard only if the driveway leads to an improved parking space located outside the front yard (most of the time this is the garage). This works well for new development but can be overly restrictive for remodels of existing dwellings including adding an ADU or more living space. The code does not allow it even though they still may have the required parking spaces in their driveway.	Amended code to allow the requirement for off-street parking to be met on an improved driveway within a front yard provided the parking meets dimensional standards and at least 50% of the required front yard area is landscaped (not paved). This concept can be seen in Exhibit B-4
Joint use parking facilities (p 55-56 Exhibit A-1)	15.440.050(B)	Joint use of parking facilities is currently allowed but difficult to implement with existing developments. The code requires the owner of the parking to record a covenant assuring the parking area is available to the other development in perpetuity, which can be overly burdensome and a barrier to economic development.	Added language in NMC 15.440.050(B) regarding flexibility in parking agreements and what assurances are necessary when shared parking is proposed for existing uses including not in perpetuity and always having to be recorded.
ADU Primary Unit Measurement (p 61 Exhibit A-1)	15.445.260(B)(2)	It was unclear of how the 50 percent of the size of the primary unit was supposed to be calculated for and ADU	Updated to use assessor data for the gross floor area of the living area of the primary unit and not to include garages in the calculation. The director may also accept a current floor plan with floor area calculation prepared by a qualified professional.
Existing Private Streets (p 61-62 Exhibit A-1)	15.505.030(P)	Existing private streets are not addressed on how they are to be improved with new development	Established minimum standards for private streets when new development occurs adjacent to such streets.
<i>Other NMC Titles</i>			
Water Meter Sharing (p 62 Exhibit A-1)	13.15	Current code does not address shared water meters which are not allowed for more than one property.	Revised to add clarity that shared water meters are not allowed under separate ownership or parcels.



A RESOLUTION RECOMMENDING CITY COUNCIL AMEND NEWBERG MUNICIPAL CODE, TITLE 15 DEVELOPMENT CODE, TO CLARIFY REGULATIONS, COMPLY WITH STATE LAND USE REQUIREMENTS, AND IMPROVE CUSTOMER SERVICE IN THE PERMIT PROCESS

RECITALS

1. Code Maintenance is part of the Community Development Department's continuous improvement efforts and is a "Significant Project" priority on the 2025 Planning Division Work Program.
2. Code Maintenance implements City Council's Goal to, "Continue to create and maintain a high level of customer service", including improving predictability in the permit process.
3. The proposed code amendments were identified by staff through use and application of the code and customer feedback.
4. Code Maintenance amendments do not involve significant policy changes.
5. The Newberg Planning Commission conducted a duly noticed public hearing on October 8, 2026, considered public testimony, deliberated, and found the proposed amendments to be consistent with the Newberg Comprehensive Plan and Oregon Statewide Land Use Goals, and in the best interests of the City.

The Newberg Planning Commission resolves as follows:

1. The Planning Commission of the City of Newberg recommends the City Council adopt the proposed amendments to NMC Title 15 Development Code and Title 13 Utilities as contained in Exhibit A-1, attached hereto.
2. The Planning Commission adopts the Findings in Exhibit A-2, attached hereto.

Adopted by the Newberg Planning Commission this 8th day of October 2026.

ATTEST:

Planning Commission Chair

Planning Commission Secretary

List of Exhibits:

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

Exhibit A-1 to Resolution No. 2026-402
Development Code Amendments – File DCA26-0001

DCA26-0001: 2026 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

- Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.
- Forward Slashes “/” indicate text that is unchanged and has been omitted for brevity.
- The comments in text boxes summarize the proposed changes and the reasons for them.

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Planning Commission Resolution 2026-402 – Exhibit A-1

PC Resolution 2026-402 Exhibit A-1 DCA26-

0001 Code Amendments Annotated

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Planning Commission Resolution 2026-402 – Exhibit A-1

PC Resolution 2026-402 Exhibit A-1 DCA26-

0001 Code Amendments Annotated

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NMC 15.05 GENERAL PROVISIONS

15.05.030 Definitions.

//

“**Airport imaginary surfaces**” means those imaginary areas in space defined below. Any object extending above these imaginary surfaces is an obstruction. The imaginary areas in space are defined by:

1. **Airport Approach Safety Zone.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface except as noted on Airport Overlay Map A (see Appendix B, Map 2). The inner edge of the approach surface is the same width as the primary surface and extends to a width of 1,250 feet for a utility runway having only visual approaches, and 1,500 feet for a runway other than a utility runway having only visual approaches. The airport approach surface extends for a horizontal distance of ~~3,000~~ 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

“**Service drive**” means a vehicular access which provides ingress and egress from a driveway approach to an improved parking space(s). A service drive is either a “**private street**” or a “**private drive**” as defined in this code. A service drive may contain an improved parking space(s).

[...]

Staff Comment: Airport updated to match FAA current requirements under 14 CFR 77.19(d)(2). Service drive definition updated for consistency with the update to 15.440.060(G)(2).

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“**Single room occupancy**” means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

Staff comment: To comply with HB 2138 (2025) requiring cities to allow single room occupancies, effective January 1, 2027. Definition is state definition.

NMC 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.020 Type I procedure – Administrative decision.

A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant. There are two subcategories of Type I actions. Except as otherwise required by this code, actions indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit or business license unless no such permit is required. All other actions listed in this subsection require a Type I land use application which must be approved before building permits or a business license may be issued for the project or use.

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

1. Design review permits for single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouses, ~~cottage cluster projects~~, single room occupancies with four to six units, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1)*.

2. Cottage Cluster Projects.

23. Home occupation permits.*

34. Signs, not in conjunction with a new development or major remodel and not including original art murals reviewed under NMC 15.435.130.*

45. Original art murals reviewed under NMC 15.435.130.

56. Adjustments.

67. Processing final land division maps and plats.

78. Manufactured homes contributing to development identified elsewhere in this subsection (B) or other additions specifically listed in NMC 15.220.020(A)(1).

89. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

15.100.030 Type II procedure.

A. Type II development actions shall be decided by the director.

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

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1. Site design review.
2. Multifamily dwellings in the R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4 or I zone meeting the objective process requirements of NMC 15.220.060.
3. Multifamily dwellings in the R-3, AR, C-3 (except along Hancock Street), or I zone not meeting the objective process requirements of NMC 15.220.060.
4. Single Room Occupancy developments with over six units
- ~~45.~~ Variances.
- ~~56.~~ Manufactured dwelling parks and mobile home parks.
- ~~67.~~ Partitions, including middle housing land divisions.
- ~~78.~~ Subdivisions, including middle housing land divisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

Staff Comment: Updated to clearly state that most dwelling units go straight to building permit instead of requiring full design review to match NMC 15.220.020. Cottage clusters still require full design review. This is a correction to the 2025 code maintenance package and also adds in single-room occupancies.

- C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.
- D. The director shall make a decision based on the information presented and shall issue a development permit if the applicant has complied with all of the relevant requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.
- E. Appeals may be made by an affected party, Type II, in accordance with NMC 15.100.160 et seq. All Type II development action appeals shall be heard and decided by the planning commission.
- F. If the director's decision is appealed as provided in subsection (E) of this section, the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in NMC 15.100.050.
- G. The decision of the planning commission on any appeal may be further appealed to the city council by an affected party, Type III, in accordance with NMC 15.100.160 et seq. and shall be a

review of the record supplemented by written or oral arguments relevant to the record presented by the parties.

H. An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure.

15.100.120 Referral of development permit applications.

Within five working days of ~~deeming~~ ~~accepting~~ an application complete, the director shall do the following:

A. On Type I procedures, the director is only required to make referrals to the extent necessary to make a decision on the development permit.

B. On Type II and Type III procedures, the director shall transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including ODOT, Tribes listed by the Legislative Commission on Indian Services (LCIS) for Newberg, and others responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 calendar days to comment. The referral agency or city department is presumed to have no comments if comments are not received within the specified time period. The director shall grant an extension only if the application involves unusual circumstances. Any extension shall only be for a maximum of 15 additional days.

C. On Type IV procedures, the director shall provide referrals to ODOT, Tribes listed by the Legislative Commission on Indian Services (LCIS) for Newberg, and other agencies in compliance with state law and as otherwise determined by the city. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.043.]

Cross-reference: See Chapter 197 of Title 19 ORS pertaining to comprehensive land use planning coordination.

Staff Comment: Updated to clearly state tribes are among the agencies notified to comply with updated states rules that go into effect January 1, 2027 (OAR 660-023-0210). The Legislative Commission on Indian Services (LCIS) will provide a list to the City by the end of the year of tribes that requested to be contacted for Newberg Area development.

Article III. Appeals

15.100.160 Appeal procedures.

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

B. Type II. An appeal of a Type II decision by the director must be filed within 14 calendar days of the date of the decision.

~~1. Appeals may be made only by an affected party, Type II (the applicant, any party entitled to receive notice of the decision, or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of a Type II application are processed as a Type III procedure and proceed to the planning commission, except that appeals of Type II applications relating to historic landmarks are reviewed by the historic preservation commission.~~

1.Type II decisions may be appealed by any affected party except that appeal rights relating to housing application decisions have been restricted by the Oregon Legislature. As required by Oregon House Bill 4037 (2026), only the applicant may appeal an application for housing approved pursuant to ORS 197A.400(5). Affected parties for non-housing applications include the applicant, any party entitled to receive notice of the decision, and any party providing written comments on the application within 14 calendar days prior to the date of the decision.

The following Type II decisions are examples of housing applications that are processed pursuant to ORS197A.400(5):

- a. Site Design Review applications for housing except for applications that are contingent upon approval of a zone change, conditional use permit, or variance.
- b. Residential land division applications, including expedited and middle housing land divisions, except for applications that are contingent upon approval of a zone change, conditional use permit, or variance.

Appeals of a Type II application are processed as a Type III procedure and proceed to the planning commission, except that appeals of Type II applications relating to historic landmarks are reviewed by the historic preservation commission.

Staff Comment: As required by HB 4037(2026), under ORS 197A.400(1) and (5)(c), there is no right to appeal for parties other than applicant when a housing application meets the criteria in subsection 1 of the statute (clear and objective standards). Type II Middle housing land divisions moved up to B(1)(b).

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

~~D.~~ Type III. An appeal of a Type III decision by the planning commission or historic preservation commission must be filed within 14 calendar days of the date of that commission's written decision. Appeals may be made only by an affected party. The city council following the Type III procedure shall decide all appeals of Type III decisions. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2691 § 2, 2-19-08; Ord. 2451, 12-2-96. Code 2001 § 151.055.]

15.100.170 Notice of appeal – Type I, II and III.

A. An appeal for Type I, II, and III decisions shall include an identification of the decision sought to be reviewed, the date of the decision and shall be accompanied by a notice of appeal form provided by the planning and building department. The notice of appeal shall be completed by the appellant ~~applicant~~ and shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision.
2. A statement of the interest of the person seeking review and that they were a party to the initial proceedings.
3. A detailed statement of the specific grounds on which the appeal is filed.

B. Notice shall be filed with the community development department together with the filing fee and deposit for transcript costs. [Ord. 2451, 12-2-96. Code 2001 § 151.056.]

15.100.180 Scope of review.

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

B. Type III actions that require an ordinance or city council order to be adopted in order to become effective shall be reviewed by the city council as a new hearing. The city council shall receive the recommendation from the planning commission to the city council on these actions. The action will not be considered final for the purpose of appeals, until a final decision is rendered by the city council.

C. The record shall include:

1. A factual report prepared by the director.

2. All exhibits, material, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review.

3. The minutes of the hearing and a detailed summary of the evidence.

D. For a record hearing on a second appeal of a Type I or Type II decision, no new testimony or evidence may be presented. Written argument will be allowed only from parties who testified at the prior evidentiary hearings. Written argument must be limited to evidence already in the record. No oral argument will be allowed at the city council level. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2691 § 1, 2-19-08; Ord. 2590, 11-6-03; Ord. 2451, 12-2-96. Code 2001 § 151.057.]

15.100.190 Review body decision on appeal of a Type I, II or III.

A. Upon review, the review body may by order affirm, reverse, or modify in whole or in part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of a hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.

B. The review body shall render its decision no later than 45 days after the filing of the request for review and shall file that decision with the director within 10 days after it is rendered.

C. A party aggrieved by the final determination may appeal the decision to the Land Use Board of Appeals.

Article IV. Notice

15.100.200 Compliance required.

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [Ord. 2451, 12-2-96. Code 2001 § 151.070.]

15.100.210 Mailed notice.

Mailed notice shall be provided as follows:

A. Type I Actions. No public notice is required.

B. Type II and Type III Actions. ~~The applicant shall provide public notice to~~ Except for appeal hearing notices, which the City mails, notices of Type II and Type III applications shall be provided by the applicant as follows:

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1. Notify ~~the~~ the owner of the site for which the application is made; the owner of a public use airport when required by ORS 215.416 or 227.175; the City of Newberg; and owners of property as follows:

~~2. 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. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.~~

~~3. To the owner of a public use airport, subject to the provisions of ORS 215.416 or 227.175~~

a. For residential land division and site design review applications for 20 or fewer residential units that are not contingent upon approval of a conditional use permit, notify property owners within a 100 foot radius of all property lines of the subject property or properties, as required by Oregon House Bill 4037 (2026), ORS 197A.400(5).

b. For residential zone change applications that change the zoning to a higher density residential classification, notify property owners within a 100 foot radius of all property lines of the subject property or properties, as required by Oregon Senate Bill 974 (2025), ORS 197A.146(5).

c. For residential development variance applications, notify property owners within a 100 foot radius of all property lines of the subject property or properties, as required by Oregon Senate Bill 974 (2025), ORS 197A.146(5)

d. For all other development, including mixed use, notify property owners within a 500 foot radius of all property lines of the subject property or properties.

2. The mailing list for notices shall be compiled from the most recent property tax assessment roll.

3. Notices shall be delivered in plain envelopes that contain only the sender and recipient addresses, land use case file number(s), and postage with no other markings.

4. For purposes of review, this requirement is met when the applicant provides an affidavit or other certification that such notice was mailed via USPS First Class or personally delivered.

5. The applicant shall mail the notice for Type II actions by USPS first class mail at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of mailing within two business days after notice is mailed.

6. The applicant shall mail the notice for Type III actions by USPS first class mail at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing within two business days after notice is mailed.

Staff Comment: These amendments are to comply with HB4037 (2026), and Senate Bill 974 (2025), which limit noticing of adjacent property owners for certain residential projects, specify City mailing of public hearing notices, and improve quality control on notices mailed by applicants. Requires first class mailing to avoid delays due to bulk mailing. Other standards added to address perception that notices were junk mail due to “business/promotional” envelopes being used.

C. The director may request that the applicant provide notice to people other than those required in this section if the director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the director believes may be affected by the decision.

D. The director shall provide the applicant with the following information regarding the mailing of notice:

1. The latest date by which the notice must be mailed;
2. An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and
3. A sample notice.

E. The notice of a Type II and Type III development application shall be reasonably calculated to give actual notice and shall:

1. Set forth the street address or other easily understood geographical reference to the subject property;
2. List, by commonly used citation, the applicable criteria for the decision;
3. Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;
4. Explain the nature of the application and the proposed use or uses which could be authorized;
5. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.

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F. Prior to mailing or posting any notice required by this code, the applicant shall submit a copy of the notice to the director.

~~G. The applicant shall mail the notice for Type II actions at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.~~

~~H. The applicant shall mail the notice for Type III actions at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.~~

Staff Comment: Deleted sections here were moved above to 15.210(B)(5) and (6) for clarity on mailing notifications

G.I. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. An affidavit of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the affidavit.

H.J. Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

1. Postponement of a decision until the mailing requirements have been met; or
2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
3. The entire process being invalidated; or
4. Denial of the application. [Ord. 2581, 7-7-03; Ord. 2451, 12-2-96. Code 2001 § 151.071.]

15.100.220 Additional notice procedures of Type II development applications.

In addition to the requirements of NMC 15.100.210, mailed notice for development actions shall also contain the following:

A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;

- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
- F. Briefly summarize the local decision-making process. [Ord. 2940 § 1 (Exhs. A-1a, A-1b), 11-17-25; Ord. 2451, 12-2-96. Code 2001 § 151.072.]

15.100.230 Additional notice procedures for Type III quasi-judicial hearing.

In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following:

- A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;
- B. State the date, time and location of the hearing;
- C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;
- D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;
- E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. [Ord. 2451, 12-2-96. Code 2001 § 151.073.]

15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.

In addition to notice requirements in NMC 15.100.210 and 15.100.230, annexations are required to be published each week for two consecutive weeks prior to the day of the first new hearing before the city council, in a newspaper of general circulation in the city, and shall also be noticed by posting notice of the hearing in four public places in the city for a like period. [Ord. 2451, 12-2-96. Code 2001 § 151.074.]

15.100.250 Notice procedures for Type IV legislative hearing.

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

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

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

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

3. When LCDC Goals Do Not Apply. When the city determines that the statewide land conservation and development goals do not apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, notice to the Director of the Department of Land Conservation and Development is not required. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2451, 12-2-96. Code 2001 § 151.075.]

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

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

B. Notice Information Provided by City. The director shall provide the applicant with the following information regarding the posting of notice:

1. The number of notices required;

2. The latest date by which the notice must be posted;

3. An affidavit of posting (to be signed and returned) certifying that the notice was posted on site, acknowledging that a failure to post the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to post will result in the automatic postponement of a decision on the application; and

4. A sample notice.

C. Submission of Notice. Prior to posting any notice required by this section, the applicant shall submit a copy of the notice to the director for review.

D. Size, Number and Location Requirements. A waterproof notice which measures a minimum of two feet by three feet shall be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction of 600 feet. If possible, notices shall be posted within 10 feet of a street lot line and shall be visible to pedestrians and motorists in clear view from a public right-of-way. Notices shall not be posted in a public right-of-way or on trees.

E. Contents of Notice. The posted notice shall only contain the following information: planning action number, brief description of the proposal, phone number and address for contact at the Newberg planning and building department.

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

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

H. Removal of Notice. The applicant shall not remove the notice before the final decision. All posted notice shall be removed by the applicant within 10 days following the date of the final decision on the request.

I. Failure to Post Notice. The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:

1. Postponement of a decision until the mailing requirements have been met; or
2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
3. The entire process being invalidated; or
4. Denial of the application. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2451, 12-2-96. Code 2001 § 151.076.]

15.100.270 Procedure for published notice on Type III and Type IV procedures.

A. Notice shall be provided within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action.

B. The notice shall reasonably describe:

1. Type III Proceedings. The proposed development permit request, location, file number, the name and phone number of a local government contact person and the location where information may be examined.

2. Type IV Proceedings. The nature of the proposed final action of an amendment to the Newberg comprehensive plan, code or new land use regulation.

C. The notice shall include a statement that all interested persons may appear and provide testimony and that only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.

D. The notice shall state the place, date and time of the hearing.

E. See NMC 15.100.240 for Type III notice for annexations. [Ord. 2451, 12-2-96. Code 2001 § 151.077.]

15.100.275 Notice Procedure for Appeals

A. New Hearings.

City staff shall send a mailed notice of an appeal hearing that is a new hearing no later than 15 business days prior to the hearing date. The notice of appeal shall be sent to the applicant, any party entitled to receive the notice of decision, and anyone that provided written comment on the application prior to the date of decision.

B. Record Hearing

City staff shall send mailed notice of an appeal hearing to the applicant and parties of record from any prior hearing on the application.

Staff Comment: Notice procedures for appeals are currently unclear. Staff has done it the last few times, and this is to make it clear that city staff will send out the appeal notices and who will receive them.
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NMC 15.205 NONCONFORMING USES AND BUILDINGS

NMC 15.205.100 Nonconforming signs.

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E. Sign Modifications. Signs not in compliance with the provisions of this code, when replaced, relocated, modified or altered, shall be brought into compliance with this code. For purposes of this section, a modification or alteration shall not include the following:

1. Maintenance and repairs such as cleaning, painting, refacing, replacing damaged portions of the sign, or similar activities that do not involve a change to the height, dimensions, materials, or location of the sign-in copy except as otherwise allowed by this section.

2. A change of a panel on a sign ~~for three or more tenants~~ designed to have removable panels which does not change the height, dimensions, materials, or location of the sign, except as otherwise allowed by this section.

3. A modification ~~to any part of the existing cabinet and/or face of the sign that reduces the degree of nonconformity to the provisions of this code that results in a reduction in size and/or height of the sign and that does not involve a change in copy.~~

Staff comment: Currently, the code requires that nonconforming signs be brought into conformance when there is a change of copy, which is excessive and may conflict with constitutional protections. The above amendments are intended to clarify when full conformity with the code is required.

NMC 15.210 CODE ADJUSTMENTS

15.210.020 Type I adjustments and approval criteria

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A. Yard Setback Dimensions, Lot Area, Percentage of Lot Coverage, Parking Coverage, and Lot Dimensions.

1. The director may approve adjustments to:

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e. Required setback landscape buffering between parking areas and service drives and lot lines adjacent to streets. A reduction in buffering may be granted to provide space for required parking and service drives or to preserve existing trees elsewhere on the site. No less than 10 feet of

landscape buffering must be provided, and at least 50 percent of the applicable street frontages must meet the full required buffering.

Staff comment: This resolves a conflict in the code between NMC 15.410.070(E)(3) allowing parking areas, parking spaces, or parking buildings to be located in any required yard, and NMC 15.420.010(B)(3)(b) requiring a landscape buffer between property lines adjacent to a street and parking areas or service drives. The proposed code adjustment provides the ability for limited reductions in buffering if site conditions require, provided at least 50% of the applicable frontages meet the full standard, providing substantial compliance with the buffering requirement. In no cases shall less than 10 feet of buffering be allowed.

NMC 15.215 VARIANCE PROCEDURES

15.215.060 Variance must be exercised to be effective.

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

A. A variance granted under this title collectively with all other land use approvals granted with the variance shall be effective only when the exercise of the right granted thereunder has commenced. A variance shall expire at the same time the other land use approvals granted with the variance expire. Any extensions granted for these other land use approvals shall extend the duration of the variance approval by the same amount of time, provided the extension is necessary to complete substantially the same project for which the variance was granted and the applicable variance criteria and zoning of the subject property have not changed.

B. All other variances granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within two years from the effective date of the decision. The director may authorize extensions of the duration of the decision for an additional 12 months each not to exceed five years upon written application where necessary to complete substantially the same project for which the variance was granted and the applicable variance criteria and zoning of the subject property have not changed.

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

Staff comment: This is to address the timelines of concurrent projects like design review that have a longer timeline (i.e. 2 years). This ensures the project has the same overall deadline rather

than different timelines for various portions of the project. This helps with construction loans and other timing issues.

NMC 15.220 SITE DESIGN REVIEW

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15.220.020 Site design review applicability.

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

1. Type I. There are two subcategories of Type I site design review. Except as otherwise required by this code, uses listed in this subsection and indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit when such permit is required. All other uses listed in this subsection require a Type I land use application which must be approved before building permits may be issued for the project.

//

n. Accessory dwelling units*;

o. Single room occupancy developments with four to six units*;

//

2. Type II.

a. Any new development or remodel which is not specifically identified within subsection (A)(1) ~~or~~ (A)(3) or (A)(4) of this section.

b. Telecommunications facilities.

//

Staff comment: To comply with HB 2138 (2025) and HB 3395 (2023) requiring cities to allow single room occupancies, effective January 1, 2027. More than 6 units for SRO would fall into Type II consistent with multi-family. The addition to A(4) is to reference the exemptions section.

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

a. Replacement of an existing item such as a roof, floor, door, window or siding.

b. Remodels that are completely internal to an existing structure ~~and do not substantially change or expand the existing use of the structure.~~

c. Change of use that does not require additional parking or result in a substantial alteration to the site or exterior of a building.

d. Minor exterior alterations that the director deems necessary to comply with the building code or a fire and life safety requirement are exempt.

Staff comment: The code currently requires Changes of Use to be reviewed through a Type II Design Review, but the review is unnecessary where the change does not involve new development or any alteration to the site or building exterior.

15.220.050 Criteria for design review.

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

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

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

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

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

5. Parking. Parking areas shall meet the requirements of NMC 15.440.010.

6. Sufficient Infrastructure shall be provided to comply with the requirements of NMC 15.505 Public Improvement Standards. ~~For all triplex dwellings, quadplex dwellings, townhouse dwellings, and cottage cluster developments, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:~~

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

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~~b. Connection to a public water system capable of meeting established service levels.~~

~~c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.~~

~~d. Storm drainage facilities capable of meeting established service levels for storm drainage.~~

Staff comment: This is updated for legal sufficiency. The language “work with” is not a standard.

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

1. Design Compatibility. The proposed design review request incorporates an architectural design which is the same as existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

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

3. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

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

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

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

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

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

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements including compliance with NMC 15.505 Public Improvement Standards. New developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

10. Traffic Study Improvements. If a traffic study is required under NMC 15.220.030(B)(14), improvements identified in the traffic study shall be implemented as required by the director.

Staff comment: This is updated for actual code language used in criteria design review to be consistent with other sections.

15.220.060 Additional requirements for multifamily and more than six (6) single room occupancy residential projects.

The purpose of this section is to ensure that multifamily residential containing five or more units and single room occupancy developments containing more than six (6) units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development.

A. Review Process. Two review processes are available for review of multifamily and more than six (6) single room occupancy residential developments: objective and discretionary.

An applicant may choose which process to use. The objective process uses clear and objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more subjective in nature and are intended to provide

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the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

As part of the discretionary site design review process, an applicant for a new multifamily or single room occupancy development with more than six (6) unit residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for smaller multifamily projects with five to eight units and at least 20 points are required for multifamily projects with nine or more units. ~~For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).~~

A project may be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines for one application. ~~Pursuant to Chapters 15.100 and 15.220 NMC:~~

~~1. A Type II review is required for:~~

~~a. Projects in zones R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4, and I following the objective process.~~

~~b. Projects in zones R-3, AR, C-3 (except along Hancock Street), and I following the discretionary process.~~

~~2. A Type III site design review is required for:~~

~~a. Projects in zones R-2, RP and C-4 following the discretionary process.~~

~~b. Projects in zones R-1, R-4, C-2, C-3 (Hancock Street) (conditional use permit also required).~~

B. Design Guidelines and Standards. Applicable guidelines and standards for multi-unit and congregate housing are located in Table 15.220.060(B). These standards should not be interpreted as requiring a specific architectural style.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
Site Design Elements		
1. Private and Shared Recreation Areas	Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of <u>open space</u> areas which can be consolidated into children's play areas, gardens, and/or dog-walking areas (three points).	a. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors. b. Individual and Shared Areas. In addition to the private <u>open space</u> identified above, usable outdoor recreation space shall be provided for the individual and/or shared <u>use</u> of residents and their guests in any multifamily or <u>single room occupancy residential development with more than 6 units</u>, as follows: i. One- or two-bedroom units: 200 square feet per unit. ii. Three- or more bedroom units: 300 square feet per unit. iii. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed and shall be a minimum of 18 square feet per <u>dwelling unit</u>.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

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2. Site Vegetation	Preserve existing natural features, including topography, water features, and/or native vegetation (three points).	The proposal shall adhere to the landscaping standards in Chapter 15.420 NMC.
3. Building Setbacks	<u>Use</u> the front setback to build a street edge by orienting building(s) toward the street with a relatively shallow front yard (12 to 15 feet for two-story buildings) to create a more “pedestrian-friendly” environment (three points).	The proposal shall adhere to the base zone standard for building setbacks listed in Chapter 15.410 NMC.
4. Vehicle Parking	Place parking lots to the sides and/or back of projects so that front yard areas can be used for landscaping and other “pedestrian-friendly” amenities (three points).	Parking for the development shall comply with the following: a. On-site surface parking areas, garages, and vehicle maneuvering areas shall not be located directly between the facade of a primary building(s) and an abutting street right-of-way. b. Parking located to the side of a dwelling structure shall be limited to 50% of the linear frontage of the site. Drive aisles without adjacent parking spaces do not count as parking areas for purposes of this standard.
5. Multiple Building Groupings	Create “outdoor” rooms in larger projects by grouping buildings to create well-defined outdoor spaces (two points).	Adhere to the design standards in Private and Shared Recreation Areas, above.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

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6. Landscaping	Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and <u>use</u> of native species (two points).	The proposal shall adhere to the landscaping standards in Chapter <u>15.420</u> NMC.
7. Parking Vegetation Buffer	<u>Landscape</u> at the edges of parking <u>lots</u> to minimize visual impacts upon the <u>street</u> and surrounding properties (two points).	Parking design and <u>landscape</u> shall adhere to the standards in Chapters <u>15.440</u> and <u>15.420</u> NMC.
8. <u>Street</u> Trees	<u>Use</u> street trees and vegetative screens at the front property line to soften visual impacts from the <u>street</u> and provide shade (one point).	The proposal shall adhere to the <u>street</u> trees and landscaping amenities in public rights-of-way standards in NMC <u>15.420.020</u> . On-site landscaping shall adhere to the standards in Chapter <u>15.420</u> NMC.
9. Outdoor Furnishings	<u>Use</u> site furnishings to enhance <u>open space</u> . Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).	User amenities—such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pool—may be placed in outdoor shared recreation areas.
10. Fencing	Keep fences neighborly by keeping them low, placing them back from the <u>sidewalk</u> , and using compatible <u>building</u> materials (one point).	The proposal shall adhere to the fence height standards in NMC <u>15.410.070</u> (D).
11. Entrance <u>Building</u> Materials	<u>Use</u> entry accents such as distinctive <u>building</u> or paving materials to mark major entries to multifamily <u>buildings</u> or to individual units (one point).	<u>Building</u> entrances shall be emphasized through the <u>use</u> of recesses, projections, corner entries, or <u>landscape</u> treatments.

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Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
12. Outdoor Lighting	<u>Use</u> appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing <u>glare</u> in nearby <u>buildings</u> (one point).	a. <u>Uses</u> on the site shall be illuminated as follows: (1) Parking and loading areas: 0.5 footcandle minimum. (2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles. (3) <u>Building</u> entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles. b. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site <u>abuts</u> a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle. This standard applies to adjacent properties across a public <u>right-of-way</u> . c. Developments shall <u>use</u> full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.
<u>Building</u> Design Elements		

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
1. <u>Building</u> Orientation and Entrances	Orient <u>buildings</u> toward the <u>street</u> . For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the <u>street</u> . In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the <u>street</u> rather than be oriented toward the interior (three points).	a. The primary <u>building</u> entry, or entries, for ground-floor units shall face the <u>street</u> right-of-way or a central common <u>open space</u> . Secondary entries may face parking <u>lots</u> or other interior site areas. b. For sites not on an <u>arterial</u> street, at least 50% of a site's <u>street</u> frontage, excluding <u>driveways</u> , shall be occupied by <u>buildings</u> that are located no further than 10 feet from the required setback line. c. For sites on an <u>arterial</u> street, at least 50% of a site's <u>street</u> frontage, excluding <u>driveways</u> , shall be occupied by <u>buildings</u> that are located no further than 20 feet from the required setback line.
2. <u>Building Height</u>	Respect the scale and patterns of nearby <u>buildings</u> by reflecting the architectural styles, <u>building</u> details, materials, and scale of existing <u>buildings</u> (three points).	The proposal shall adhere to the base zone standard for <u>building height</u> listed in NMC <u>15.415.020</u> .

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Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
3. <u>Building</u> Articulation	Break up large <u>buildings</u> into bays by varying planes at least every 50 feet (three points).	a. Street-facing <u>building</u> facades shall be divided into wall planes. The wall plane on the exterior of each <u>dwelling unit</u> shall be articulated by doing one or more of the following: (1) Incorporating elements such as porches, balconies, or decks into the wall plane. (2) Recessing the <u>building</u> a minimum of 2 feet deep x 6 feet long. (3) Extending an architectural bay at least 2 feet from the primary street-facing facade. b. To avoid long, monotonous, uninterrupted walls, <u>buildings</u> shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 foot of horizontal variation shall be used at intervals of 40 feet or less along the <u>building's</u> primary facade on the ground-floor level.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
4. <u>Building</u> Facade Design	Provide variation in repeated units of large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and <u>building</u> materials and form, either alone or in combination, can be used to create this variety (three points).	a. Windows and the glass portion(s) of doors with glazing shall occupy a minimum of 25% of the total street-facing facade. b. <u>Buildings</u> shall have a distinct base and top. The base of the <u>building</u> (ground-floor level) shall be considered from <u>grade</u> to 12 feet above <u>grade</u>. The base shall be visually distinguished from the top of the <u>building</u> by any of the following physical transitions: a change in brick pattern, a change in surface or siding materials, a change in color, or a change in the size or orientation of window types. c. Blank, windowless walls in excess of 750 square feet are prohibited when facing a public <u>street</u>, unless required by the <u>Building</u> Code. In instances where a blank wall exceeds 750 square feet, it shall be articulated (see <u>Building</u> Articulation, above) or landscaping shall be planted in front of it that will grow to cover 50% of the wall withing 3 years of planting. d. Garage doors shall be painted to match the color or color palette used on the rest of the <u>buildings</u>.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
5. <u>Building</u> Materials	<u>Use</u> some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).	The following <u>building</u> materials are prohibited on street-facing <u>building</u> facades and shall not collectively be used on more than 35% of any other <u>building</u> facade: (1) Vinyl PVC siding; (2) T-111 plywood; (3) Exterior insulation finishing (EIFS); (4) Corrugated metal; (5) Unfinished or untextured concrete or concrete <u>block</u> ; (6) Spandrel glass; (7) Sheet pressboard.
6. Architectural Elements	Incorporate architectural elements of one of the <u>city's</u> historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the <u>city's</u> cultural identity. Typical design elements which should be considered include, but are not limited to, “crippled hip” roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).	The <u>applicant</u> is encouraged to incorporate elements of one of the <u>city's</u> historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the <u>city's</u> cultural identity.
7. <u>Carports</u> and Garages	Keep garages and <u>carports</u> secondary to the <u>building</u> by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the <u>street</u> (two points).	a. On-site garages or <u>carports</u> shall not be located directly between the facade of a primary building(s) and an abutting <u>street</u> right-of-way. b. All garages or <u>carports</u> that are part of the same <u>structure</u> that contains <u>dwelling units</u> shall be located at least 4 feet behind the front <u>building</u> facade.

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Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
8. Front Porches	Provide a front porch at every main entry as this is both compatible with the <u>city's</u> historic <u>building</u> pattern and helps to create an attractive, “pedestrian-friendly” streetscape (two points).	Provide a front porch or patio for at least one main entry.
9. Roofs	<u>Use</u> sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).	Where a sloped roof is proposed, the sloped roof shall be at a pitch of 3:12 or steeper.

Staff comment: Updated the additional multi-family standards to also include when more than 6 SRO units are being proposed that they have to meet the additional standards

NMC 15.235 LAND DIVISIONS

15.235.050 Preliminary plat approval process.

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;
4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;
7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

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

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

a. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;

b. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;

c. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;

d. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;

e. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and

f. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

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

~~bh.~~ Separate utilities for each dwelling unit;

~~ej.~~ Proposed easements necessary for each dwelling unit on the plan for:

i. Locating, accessing, replacing and servicing all utilities;

ii. Pedestrian access from each dwelling unit to a private or public road;

iii. Any common use areas or shared building elements;

iv. Any dedicated driveways or parking; and

v. Any dedicated common area;

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~~dk.~~ Exactly one dwelling unit on each resulting lot or parcel, except for lots containing
~~, parcels or tracts used as common areas an existing detached single-unit dwelling and~~
accessory dwelling unit, or an existing duplex, as allowed under ORS 197A.420 (4).
Dwellings are not permitted on parcels or tracts designated as common areas;

~~el.~~ Evidence demonstrating how buildings or structures on a resulting lot or parcel will
comply with applicable building code provisions relating to new property lines;

~~fm.~~ Notwithstanding the creation of new lots or parcels,
how structures or buildings located on the newly created lots or parcels will comply with
the Oregon Residential Specialty Code;

~~gn.~~ Conditions may be added to the approval of a tentative plan for a middle housing land
division to:

i. Prohibit the further division of the resulting lots or parcels.

ii. Require that a notation appear on the final plat indicating that the approval was
given under this section;

~~h2.~~ In reviewing an application for a middle housing land division, the city shall:

~~ia.~~ Apply the procedures ~~under ORS 197.360 to 197.380.~~ applicable to an expedited land
division under ORS 197A.140, if requested by the applicant and without regard to the
criteria in ORS 197A.142(1)

~~ib.~~ Require street frontage improvements where a resulting lot or parcel abuts
the street consistent with land use regulations implementing ORS ~~197.758~~ 197A.420.

~~ic.~~ May not subject an application to approval criteria except as provided in this section,
including that a lot or parcel require driveways, vehicle access, parking or minimum or
maximum street frontage.

~~id.~~ May not subject the application to procedures, ordinances or regulations adopted
under ORS 92.044 or 92.046 that are inconsistent with this section or
~~ORS 197.360 to 197.380.,~~ only if requested by the applicant under ORS 197A.140.

~~ve.~~ ~~May a~~ Allow the submission of an application for a middle housing land division at
the same time as the submission of an application for building permits for the middle
housing.

~~vf.~~ May require the dedication of right-of-way if the original parcel did not previously
provide a dedication.

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~~vii. The type of middle housing developed on the original parcel is not altered by a middle housing land division.~~

~~viii. Notwithstanding ORS 197.312(5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.~~

~~ix.g. The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.~~

~~x. Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.~~

C. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations.

Staff comment: Updated to be consistent with current state statute of ORS 92.031. Also just copied applicable sections of normal subdivisions/partitions to MHL D section for easier clarity for applicant's and staff.

NMC 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS

~~15.240.060 — Middle housing land divisions~~

~~Middle housing land divisions proposed as part of a planned unit development shall follow the lot requirements set forth in NMC 15.405.050 and 15.410.080.~~

Staff comment: Middle housing land divisions are not subject to minimum lot size requirements and the original parcel must meet all standards as seen in NMC 15.235(B)(1)(a).

15.235.070 Final plat submission requirements and approval criteria.²

Final plats require review and approval by the director prior to recording with Yamhill County. Final plat applications for developments that include public infrastructure improvements will not be deemed complete until construction of all required public improvements have achieved at least substantial completion or the director determines substantial completion is imminent. The final plat submission requirements, approval criteria, and procedure are as follows:

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

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1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary ~~paper~~ electronic copies of the plat are acceptable for review at the time of final plat application.
2. Written response to any conditions of approval assigned to the land division describing how conditions of approval have been met.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedications, easements, or other documents.
5. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner's association, including but not limited to a draft homeowner's association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
6. Copies of any required maintenance agreements for common property.
7. Any other item required by the city to meet the conditions of approval assigned to the land division, including documentation of closeout of the public improvement permit for any required public infrastructure improvements.

B. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval. [Ord. 2940 § 1 (Exhs. A-1a, A-1b), 11-17-25; Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

NMC 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS

//

~~15.240.060 Middle housing land divisions.~~

~~Middle housing land divisions proposed as part of a planned unit development shall follow the lot requirements set forth in NMC 15.405.050 and 15.410.080.~~

NMC 15.303 USE CATEGORIES

15.303.200 Residential Uses

The following residential uses are defined in NMC 15.05.030:

//

T. Single room occupancy.

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Staff Comments: Adds single use occupancy use category to comply with HB 2138 (2025) and HB 3395(2023) requiring cities to allow single room occupancies, effective January 1, 2027.

NMC 15.305 ZONING USE TABLE

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

15.305.020 Zoning use table – Use districts.

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	M-5	CF	I	AR	AI	Notes and Special Use Standards
//																						
200	RESIDENTIAL USES																					
<u>Def.</u>	<u>Single room occupancy (4-6 Units)</u>	<u>P(2)</u>	<u>P</u>	<u>P(3)</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>X</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P</u>	<u>P(6)</u>	<u>=</u>		<u>Subject to lot or development site area requirements of NMC 15.405.010</u>
<u>Def.</u>	<u>Single room occupancy (More than 6 units)</u>	<u>=</u>	<u>P</u>	<u>P(3)</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>P(8)</u>	<u>=</u>	<u>X</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>=</u>	<u>P(8)</u>	<u>=</u>	<u>P</u>	<u>=</u>	<u>=</u>	<u>Subject to lot or development site area requirements of NMC 15.405.010</u>
<u>Def.</u>	<u>Manufactured home on individual lot</u>	<u>S(2)</u>	<u>S</u>	<u>S(3)</u>	<u>P(7)</u>	<u>S</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>X</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>-</u>	<u>P(6)</u>	<u>-</u>	<u>NMC 15.445.050 — 15.445.070; subject to lot or development site area requirements of NMC 15.405.010</u>

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

Notes.

//

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

(3) Permitted on individual lots created prior to November 17, 1992. Homes or single room occupancies on individual lots created on or after November 17, 1992, will only be permitted through the planned unit development process.

//

(6) One single-family, duplex, triplex or quadplex dwelling, single room occupancy development, or up to four townhouses or cottage dwellings per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter [15.336](#) NMC.

(7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.

(8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 or M-5 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.

//

(29) Permitted provided the structure is designed for easy conversion to industrial use, ~~including not having fixed seating.~~

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

- Adds single use occupancy use category to comply with HB 2138 (2025) and HB 3395(2023) requiring cities to allow single room occupancies, effective January 1, 2027.
- Footnote 2 currently applies to the Single-Family use category. The reference to “more than one per lot” is removed because more than one single-family dwelling unit on a lot would be considered a detached form of middle housing (e.g., duplex).
- Deleted reference to manufactured dwelling on individual lot as there is no longer a difference in how manufactured versus stick built homes on individual lots may be regulated by local zoning and development codes, as required by HB 2347(2025). The same is true for middle housing construction. Updated NMC 15.445 to reflect this.
- Footnote 29 updated to remove note about fixed seating as it can be fairly easily removed. Also of note, building code requires fixed seating for churches if no sprinklers.

15.326.025 Springbrook Master Plan Develop Standards Matrix

Staff Comment: The only amendments to the Springbrook District standards are to add the required single room occupancies

DEVELOPMENT STANDARDS MATRIX						
DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID – RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
LOT REQUIREMENTS						
ALLOWED USE*	• Detached Dwelling Units • Duplex Dwellings • Triplex and Quadplex Dwellings • Attached Dwelling Units • Cottage Clusters • Manufactured Home • Accessory Dwellings • <u>Single room occupancies (4-6 units)</u>	• Attached Dwelling Units • Manufactured Home • Detached Dwelling Units • Duplex Dwellings • Triplex and Quadplex Dwellings • Cottage Clusters • Multifamily Units • <u>Single room occupancies (more than 6 units)</u>	• Retail • Restaurants • Office • Medical Clinics • Financial Institutions • Agriculture • Civic Uses: - Post Office - Museum - Community Center - Library	• Industrial Offices (knowledge-based industries where services are primarily provided outside the community) • Light Industrial • Supporting Retail (directly serving the employment district, such as a deli or printing service) • Day Care • Agriculture • Transportation facilities and improvements and utility services	• Retail • Restaurants • Attached Dwelling Units • Manufactured Home • Multifamily Units • Home Occupations • Church • <u>Single room occupancies (more than 6 units)</u>	• Hotel • Restaurant • Spa • Meeting Facilities • Detached Dwelling Units, limited to vacation or transitory use or units for employees or caretakers of other uses within the village or hospitality areas • Manufactured Home • Home Occupations

	• Home Occupations • Passive or Active Use Parks • Agriculture • Civic Uses: Post Office Museum Community Center Library School • Day Care • Group Care Facilities • Church • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district	• Home Occupations • Passive or Active Use Parks • Agriculture • Civic Uses: Post Office Museum Community Center Library • Day Care • Group Care Facilities • Church • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district	Day Care • Group Care Facilities • Transportation facilities and improvements and utility services • Services for local residents, such as laundromat or barber • Any other building or use determined to be similar to uses listed in this District		• Artist Studios • Passive or Active Use Parks • Agriculture • Civic Uses: Train Depot Post Office Museum Community Center Library • Day Care • Group Care Facilities • Financial Institutions • Winery • Medical Clinics • Office • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district	• Retail • Museum • Artist Studios • Group Care Facilities • Agricultural Production or Processing • Passive or Active Use Parks • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district
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NMC 15.332 AIRPORT INDUSTRIAL (AI) DISTRICT

15.332.020 Permitted buildings and uses.

A. In the AI airport industrial district, the following buildings and uses are permitted as hereinafter specifically provided.

B. The buildings and uses are subject to the general provisions and exceptions set forth in this code:

//

22. One residence per hangar with a floor of area of not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for occupancy by the owner of the hangar or an airport hangar caretaker or security officer on each separate parcel.

Staff comment: The amendment clarifies that one residence is permitted with each hangar regardless of ownership (fee simple or condominium) and that occupancy must be related to the airport use. This does not permit vacation rental homes at the airport because vacation rentals are only allowed in single family dwellings which are not permitted in the Airport Industrial District.

NMC 15.346 SPECIFIC PLAN (SP) SUBDISTRICT

15.346.070 Specific plan development standards.

Development standards for specific plans are listed below. The standards shall be utilized in conjunction with the specific plan adopted as an exhibit to the SP overlay subdistrict. This section is intended to be amended as new specific plans are adopted.

A. The Northwest Newberg Specific Plan.

\\

6. Residential Density. Residential density is governed by the SP overlay subdistrict. The maximum allowed density is set by the number of lots depicted on the land use plan, Figure 6 of the northwest Newberg specific plan. Additional standards follow:

a. Minimum Lot Size.

i. Single-family detached dwellings, duplex dwellings, ~~or~~ triplex dwellings, or single room occupancies with 4-6 units: 5,000 square feet.

ii. Townhouse dwellings: 1,500 square feet.

iii. Quadplex dwellings or cottage cluster projects: 7,000 square feet.

b. Maximum Lot Coverage.

i. R-1-SP zone: 40 percent (including garage).

ii. R-2-SP zone: 60 percent (including garage).

c. Maximum Density.

i. LDR districts: set by the specific plan (averages 4.4 dwellings per acre).

ii. MDR districts: 8.8 dwellings per acre.

iii. For the purpose of calculating compliance with the maximum density standard, single-family detached and duplex dwellings count as a single dwelling.

iv. Triplex dwellings, quadplex dwellings, townhouse dwellings, single room occupancies with 4-6 units, and cottage cluster projects shall be exempt from the maximum density calculation and shall be subject only to the minimum lot sizes in subsection (A)(6)(a) of this section.

//

B. Springbrook Oaks Specific Plan.

//

8. Residential Density. Residential density is governed by the SP overlay subdistrict.

a. The following development standards shall be applied to Springbrook Oaks for single-family detached dwellings and duplex dwellings (please refer to Graphic VI for map of development areas A through H of the Springbrook Oaks specific plan). See Appendix A, Figure 20. These standards shall supersede any density or density transfer standards established in the development code.

Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
A	C-2	5,000	NA	NA
B ^{4, 5}	RP	1,500*	1,500*	21.8* ¹
C ^{4, 5}	R-3	2,500*	2,500*	13.1*
D ^{4, 5}	R-2	3,750*	3,750	8.8
E ^{4, 5}	R-2	5,000	5,000*	6.6*

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Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
F-1 ^{4, 5}	RP	1,500*	1,500*	21.8*
F-2 ^{4, 5}	RP	1,500*	None* ²	None* ²
F-3 ^{4, 5}	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H ^{4, 5}	R-1	5,000*	10,000* ³	3.3*

* Different than the standards established elsewhere in the development code. Residential land use only permitted on F-1 area for Yamhill County tax lot 3216-02026.

¹ Up to 100 percent of the land zoned RP within area B may be developed for residential use.

² There is no limit on the number of dwelling units allowed in area F-2.

³ Average lot area per dwelling in any one subdivision.

⁴ Duplex dwellings are exempt from minimum lot area per dwelling unit. Duplex dwellings count as a single dwelling for the purpose of calculating compliance with the maximum density.

⁵ Triplex dwellings, quadplex dwellings, townhouse dwellings, multifamily dwellings, single room occupancies, and cottage cluster projects are permitted on lots meeting the applicable minimum lot areas for the dwelling type in the corresponding zone per NMC 15.405.010(A), and are exempt from the development standards in this table.

Staff Comment: The only amendments to the Specific Plans were to add in the single room occupancies.

~~15.346.080 Middle housing land divisions.~~

~~Middle housing land divisions proposed in either the northwest Newberg specific plan or Springbrook Oaks specific plan areas shall follow the lot requirements set forth in this chapter.~~

Staff comment: Middle housing land divisions are not subject to minimum lot size requirements under ORS 92.031, and the original parcel must meet all standards as seen in NMC 15.346.070 as seen above and NMC 15.405.010
--

NMC 15.405 LOT REQUIREMENTS

15.405.010 Minimum and maximum lot area.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family	Minimum lot area for duplex dwelling	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse	Minimum lot area for cottage cluster	Minimum lot area per dwelling unit for multifamily	<u>Minimum lot area for single room occupancy (4-6 Units)</u>	<u>Minimum lot area per single room occupancy unit (More than 6 units)</u>
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review	<u>5,000 SF</u>	<u> </u>
R-2	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF	<u>3,000 SF</u>	<u>1,000 SF</u>
R-3	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF	<u>2,500 SF</u>	<u>500 SF</u>
R-P	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF	<u>3,000 SF</u>	<u>1,000 SF</u>
AR	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	—	<u>5,000 SF</u>	<u> </u>

2. In the AI, C-1, C-2, C-3, and M-5 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.
3. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.
4. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.
5. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

B. Maximum Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.
2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.
3. In the R-2, AR and R-P districts, when a development site of more than 15,000 square feet of area is to be subdivided, partitioned, or developed with more than one primary dwelling unit on a lot, the average size of the subject lot or lots shall not exceed 5,000 square feet per dwelling unit. For purposes of this subsection, when more than one contiguous lot is under the same ownership it shall be considered a single development site. ~~lots or development sites in excess of 15,000 square feet used for single family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.~~
4. In the R-3 district, when a development site of more than 15,000 square feet of area is to be subdivided, partitioned, or developed with more than one primary dwelling unit on a lot, the average size of the subject lot or lots shall not exceed 2,500 square feet per dwelling unit. For purposes of this subsection, when more than one contiguous lot is under the same ownership it shall be considered a single development site. ~~lots or development sites in excess of 15,000 square feet used for multiple single family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.~~

Staff Comment: To clarify when development needs to meet the minimum density for large development sites. This exempts from the minimum density standard the development of one single family dwelling and its accessory uses on an existing legal lot of record to avoid takings.
--

~~15.405.050 Middle housing land divisions.~~

~~Applications for middle housing land divisions shall follow the lot requirements set forth in this chapter.~~

NMC 15.410 YARD SETBACK REQUIREMENTS

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

\\

E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.
2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
 - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse dwelling on a single lot.
 - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
 - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
 - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.
3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030) subject to the landscaping requirements of NMC 15.420.010(B)(3). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).
4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

Staff Comment: This is to fix an inconsistency in the code regarding landscaping requirements being more stringent but not reflected here. Code adjustments are also proposed for landscaping buffers as seen in amendments to NMC 15.210.020.

//

15.410.080 — ~~Middle housing land divisions~~

~~Applications for middle housing land divisions shall follow the yard setback requirements set forth in this chapter.~~

NMC 15.415 BUILDING AND SITE DESIGN STANDARDS

//

15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.

A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:

//

3. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (A)(2)(3)(a) and (b) of this section.

a. The garage or off-street parking area is separated from the street property line by a dwelling; or

b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.

Staff Comment: This is just a cleanup to cite correct reference.

//

C. Where permitted, cottage cluster projects are subject to the following provisions:

//

6. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting

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rooms, guest housing, exercise rooms, day care, or community eating areas.

~~Community buildings must meet the following standards:~~

~~a. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.~~

//

9. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area. Cottage cluster community buildings are not considered accessory structures.

Staff Comment: Updated to clarify that community buildings for cottage clusters are not accessory structures and remove the language about dwelling unit for community buildings on Tracts that would conflict with changes to Middle housing land divisions in NMC 15.235.050(B)(1)(k)

~~15.415.070 Middle housing land divisions.~~

~~Applications for middle housing land divisions shall follow the building and site design standards set forth in this chapter~~

Staff Comment: Middle housing land divisions must only have the original “parent” lot meet all the standards, not subdivided ones. This is still expressed in NMC 15.235

NMC 15.435 SIGNS

15.435.050 Major freestanding signs.

A. Number.

1. ~~Residential, I, and CF~~ All Zones. One major freestanding sign is allowed on each street frontage, plus one sign for each full 600 feet of street frontage. Only one sign on each street frontage may be an animated sign.

2. ~~Other Zones. Not more than one major freestanding sign shall be located on any one street frontage.~~

Staff Comment: The allowance of one additional freestanding sign for each 600 feet of frontage is to accommodate large campus properties that have multiple entrances with a need for additional signage (i.e. A-DEC). There are fewer than five properties currently that are not residential, institutional (I) or community facilities (CF) Zones that have more than 600 feet of frontage. This also does not eliminate the 100 square feet maximum for signs in these other zones.

//

C. Height and Setbacks. Freestanding signs regulated by this section are not subject to the setback requirements of NMC 15.410.010 through 15.410.070 or the projecting building features requirements of said sections. Height and setbacks of freestanding signs shall conform to the following height limitations and other requirements:

1. C-3 Zone. No major freestanding signs shall be allowed greater than six feet in height.

2. Other Zones.

a. A sign up to three feet in height is not required to be set back from any property line.

b. A sign taller than three feet and up to six feet shall be set back at least five feet from any property line.

c. A sign taller than six feet and up to eight feet shall be set back at least 10 feet from any front property line and five feet from any interior property line.

d. A sign taller than eight feet and up to 15 feet shall be set back at least 15 feet from any front property line and five feet from any interior property line.

e. A sign taller than 15 feet and up to 20 feet shall be set back at least 20 feet from the front property line and five feet from any interior property line.

f. A sign taller than 20 feet is not permitted except as provided by subsection (C)(2)(g) of this section.

g. A sign on a lot that is at least 10 acres in size in a zone other than residential, C-1, or I and that has at least 200 feet of frontage on a street may be up to 30 feet high, provided it is set back at least 20 feet from the front property line and at least 10 feet from any interior property line.

3. Height Measurement

a. The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign.

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The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

Staff Comment: Clarification on how sign height is measured to ensure posts/other framework is included in the height calculation. This has been standard practice at the City.

Penalty: See NMC 15.05.120.

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

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15.440.030 Parking Spaces Required

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

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		Uses fronting a street with abutting on- street parking	Uses fronting no street with abutting on-street parking	
Residential Types				
//				
Studio or one-bedroom unit	1	1.2	1.5	Per dwelling unit
Two-bedroom unit	1.5	1.8	2.25	Per dwelling unit
Three- and four-bedroom units	2	2.4	3	Per dwelling unit
Five- or more bedroom unit	0.75	0.9	1.13	Spaces per bedroom
<u>Single room occupancy development with four to six units</u>	<u>2</u>	<u>None</u>	<u>None</u>	<u>Per development</u>
<u>Single room occupancy development with more than six units</u>	<u>0.67</u>	<u>None</u>	<u>None</u>	<u>Per SRO Unit</u>

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

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		Uses fronting a street with abutting on- street parking	Uses fronting no street with abutting on-street parking	
//				
Parking Requirement Modifiers for Multifamily Residential Developments <u>and for Single Room Occupancy Developments with more than six units</u>				

Staff comment: To comply with HB 2138 (2025) regulating parking requirements for single room occupancies, effective January 1, 2027. 4-6 SRO units are to match single family requirements for parking per the bill.

More than 6 SRO units matches the total of 3-bedroom multifamily units which has 2 required spaces divided by the 3 SRO units as the state requires a 3:1 ratio for the SROs to a multifamily unit. In this case 2 spaces divided by 3 for the .67 per SRO unit.

15.440.050 Joint use of parking facilities and ~~Common facilities for mixed uses~~

//

B. Joint Uses of Parking Facilities. The director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility; provided, that:

1. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
2. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking.
3. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the city attorney as to form and content. ~~Such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.~~

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a. For required parking associated with an existing development, such instrument, when approved as conforming to the provisions of the ordinance, shall be filed with the director.

b. For required parking associated with a new development, the director may require that such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.

Staff comment: To provide flexibility in allowing parking agreements when a proposed use is not associated with new development and the owners do not want to encumber the property with a deed restriction.

15.440.060 Parking area and service drive improvements.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

C. All parking areas, except those required in conjunction with a single-family detached, duplex, triplex, quadplex, single room occupancies, ~~or~~ townhouse dwelling, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

D. All parking areas, including service drives, except those required in conjunction with single-family detached, duplex, triplex, quadplex, single room occupancies, ~~or~~ townhouse dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. Single-family detached, duplex, triplex, quadplex, single room occupancies and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

2. Single-family detached, duplex, triplex, quadplex, single room occupancies and townhouse dwellings: parking is authorized in a front yard on a service drive provided that the service drive is at least 20 feet deep and 9 feet wide. The service drive may not take up more than 50% of the required front yard area.

Staff Comment: Currently residential uses can't use their driveway to count towards the off-street parking requirement unless they are going to an improved parking space outside the front yard (this is almost a garage). If wanting to do a garage conversion, they would not be able to currently, due to current parking standards in most cases. G(2) is added so that it can count towards the parking and the 50% was added to prevent the entire front yard from becoming a parking area.

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

~~I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.~~

Staff Comment: Tandem parking has been allowed for developments under 15.440.060(G)(1). This is just a cleanup to language to prevent any confusion.

~~J.~~ Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

Penalty: See NMC 15.05.120.

NMC 15.445 SPECIAL USE STANDARDS

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15.445.030 Permitted locations.

Unless otherwise provided herein, upon compliance with applicable regulations and processes, manufactured dwellings only shall be permitted:

A. In approved mobile home parks or manufactured dwelling parks.

B. As manufactured homes in approved manufactured home subdivisions.

C. As manufactured homes on individual lots, ~~where such homes meet the requirements of NMC 15.445.050 through 15.445.070.~~ including placement as a single dwelling, duplex, triplex, quadplex, single room occupancy, cottage or accessory dwelling.

~~D. In newly annexed areas or within manufactured dwelling districts on individual lots not meeting the standards of NMC 15.445.050 through 15.445.070 not located in a mobile home park, manufactured dwelling park, or manufactured home subdivision.~~

ED. 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 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.

EE. 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 on this compatibility; 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.

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

HG. 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 the director issues a permit. [Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.657. Formerly 15.445.070.]

~~15.445.050 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. [Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.640. Formerly 15.445.020.]~~

~~15.445.060 Manufactured homes on individual lots—Uses.~~

~~These regulations allow manufactured homes on individual lots as a permitted use in all residential zones, including placement as a duplex, triplex, quadplex, cottage or accessory dwelling. [Ord. 2889 § 2 (Exh. B § 41), 12-6-21; Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.641. Formerly 15.445.030.]~~

~~15.445.070 Manufactured homes on individual lots—Development standards.~~

~~Manufactured homes 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. Each individual dwelling unit must be multisectional.~~

~~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 ORS 455.010.~~

~~F. All dwelling units shall have a carport or garage constructed of like materials. A garage shall be provided where at least 50 percent of the dwellings on abutting lots, including lots directly across the street, have garages.~~

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~~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.~~

~~H. Manufactured homes placed as a duplex, triplex, quadplex, cottage or accessory dwelling shall be exempt from subsections (A) and (F) of this section. [Ord. 2889 § 2 (Exh. B § 42), 12-6-21; Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.642. Formerly 15.445.040.]~~

Staff Comment: City is preempted by state law (HB2347 (2025)/ORS197.478) from having different development standards for manufactured homes than single family homes when placed on individual lots. Standards for manufactured home parks remain in NMC 15.445.

15.445.075 Mobile home and manufactured dwelling parks – General provisions.

A. Minimum area: ~~five~~ one acres.

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

~~C.~~ B. Maximum density shall not exceed the permitted density of the district.

~~D.~~ C. 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 and 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) of this section, adjacent to public streets, a landscape planter that is at least 10 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.~~ D. 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

Penalty: See NMC 15.05.120.

Staff Comment: Update for compliance with ORS 197A.432 which does not allow a minimum lot size for a manufactured dwelling park larger than one acre

15.445.260 Development standards.

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B. Limitations. An accessory dwelling unit is permitted, providing there is compliance with all of the following standards:

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2. The maximum floor area for an accessory dwelling unit may not exceed equals 50 percent of the size gross floor area of the living area of the primary unit, up to a maximum of 1,000 square feet. Living area does not include attached or detached garages, and shall be determined based on Yamhill County Assessor property detail data, or the director may approve an alternate living area calculation based on submitted floor plans.

Staff Comment: To clarify that the size of the accessory dwelling shall be based on the living area of the primary unit and provide a consistent data source for living area calculations.

15.445.270 Approval.

To obtain approval to create an accessory dwelling unit, the applicant must demonstrate compliance with all of the requirements of NMC 15.445.260. The application shall be processed as a Type I procedure as regulated by NMC 15.100.130020.

Staff Comment: To fix incorrect code reference

NMC 15.505 PUBLIC IMPROVEMENT STANDARDS

15.505.030 Street standards

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P. Private Streets.

1. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).
2. Existing private streets, except those created as allowed by NMC 15.240.020(L)(2). When development occurs on a lot abutting a substandard portion of an existing residential private street, the private street frontage shall be improved to comply with and match:
 - a. The existing paved roadway width, or a minimum paved roadway width of 20-

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feet, whichever is greater, except a minimum width of 26-feet may be required to meet applicable fire access and public safety requirements as identified by the fire marshal.

- i. Where it is demonstrated that compliance with subsection (P)(2)(a) is not feasible due to topographic or other constraints recognized by the city engineer, private street improvements are to be of sufficient width and construction to satisfy transportation and fire access requirements as identified by the city engineer and fire marshal.

Staff Comment: The above amendment is to address any existing unimproved private streets and define when frontage improvements are required on existing underdeveloped private streets, for example those that lack full pavement width.

TITLE 13 PUBLIC UTILITIES AND SERVICES

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13.15.030 Water connections.

A. The city council shall, as it deems necessary, establish and adopt by resolution rules and regulations regarding connection to the city water system, permits affecting the connection, and fees, rates and charges relating to connection and the general provision of water service.

B. Every applicant for water service from the city which shall require a new tap or connection with a water main or pipeline of the city water system shall, before the connection is made, pay the appropriate water connection fee as established by the city council; subject, however, to such contracts as the city council may authorize in connection with any subdivisions, annexations, industrial establishments and similar developments.

1. Independent Water Services. Every dwelling and/or building under separate ownership shall have an independent water service connection and water meter. Additionally, each parcel under separate ownership shall be served by an individual water service lateral and water meter.

C. City and Contractor Action – Applicant to Pay Cost of Connection.

1. Where the water connection is proposed to be used, the city shall excavate and tap the main or city pipeline, furnish and install the corporation cock, all necessary pipe and fittings to the meter, including the city shutoff, meter and meter box, charging the applicant, in addition to the water systems development charge, the city's actual labor, materials, equipment and administrative overhead.

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2. An approved contractor may make the connection to and following standard specifications to the city main or pipeline using approved materials, installation practices and following standard specifications under the supervision of city personnel. In addition to the water systems development charge, the applicant shall be charged for the city's actual cost of labor, materials supplied and administrative overhead, if an approved contractor installs the water service connection.

3. The applicant shall pay the estimated cost of the water connection at the time application is made for a building permit. Any additional cost over the estimate shall be paid upon completion of the connection and any excess shall be promptly refunded to the applicant.

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Staff Comments: Updated to clarify the number, type and ownership of buildings, dwellings and lots allowed to be served by a single meter.

Exhibit A-2 to Resolution No. 2026-402
Findings – File DCA26-0001

A. Statewide Planning Goals

GOAL 1: CITIZEN INVOLVEMENT

To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.

Finding: Amendments to Title 15 (Development Code) of the Newberg Municipal Code (NMC) are typically processed as a Type IV (Legislative) application and follow the procedures in NMC 15.100.060. The Planning Commission will hold a public hearing on the application and make a recommendation to the Newberg City Council. Following the Planning Commission review, City Council will hold its own legislative public hearing to consider the amendments.

Public information about this code maintenance project included public meeting agendas, legislative hearing notices, the City website, and email distribution to other public agencies, service providers, newspapers and local business partners such as the chamber of commerce. If a particular topic merits broader public engagement, it may be referred to the Planning Division Work Program for separate processing.

Key dates for this application follow (completed items in *italics*) -note that other dates are tentative:

08/13/2026	<i>Planning Commission Work Session # (Code Concepts)</i>
09/02/2026	<i>Notify State (DLCD) 35 days prior to first hearing</i>
09/10/2026	<i>Planning Commission Work Session #2 (Draft Code)</i>
9/24/2026	<i>Legislative Referral for Comments Sent Out</i>
10/08/2026	Planning Commission Public Hearing
11/02/2026	City Council Study Session
11/16/2026	City Council Public Hearing - First Reading
12/07/2026	City Council Public Hearing – Second Reading, if required

The Goal is met.

GOAL 2: LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This Goal requires that land use decisions 1) have an adequate factual base, 2) that alternatives have been considered, and 3) that implementation measures are consistent with and adequate to carry out comprehensive plan policies and designations. The proposed code maintenance amendments are based on use and application of the development code and feedback from staff and development applicants. The Planning Commission considered alternatives discussed during the two public work sessions. These alternatives included alternative standards and procedures for issues relating to parking, noticing requirements, existing private streets, among others, consistent with comprehensive plan economic development policies. The Goal is met.

GOAL 3: AGRICULTURAL LANDS

GOAL 4: FOREST LANDS

Finding: Goals 3 and 4 are not applicable because the development code applies to lands inside the Newberg City Limits and lands within the Urban Growth Boundary that the City may annex pursuant to its comprehensive plan and Goal 14 (Urbanization).

GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: The proposed amendments modify land use regulation related to Goal 5 in notifying tribes of ground disturbance on publicly noticed land use applications in accordance with OAR 660-023-0210. This Goal is met.

GOAL 6: AIR, WATER AND LAND RESOURCES QUALITY

To maintain and improve the quality of the air, water and land resources of the state.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. Protections are already in place for air, water, and land resource quality, and this proposal does not modify them. This Goal is met.

GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's natural hazards requirements such as flood plain or landslide areas. This Goal is met.

GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Newberg has an acknowledged Comprehensive Plan that complies with this goal. This proposal does not modify the City's recreational goals and policies. This Goal is met.

GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Finding: The proposed amendments focus on improving the permit process by clarifying and correcting the code, including updates to comply with state land use laws and process improvements that should help with housing production and economic development. For example, changes of use could be subject to full design review when there were minor alterations that did not affect the site and requirements. The proposed code adds an exception to the design review process, saving time and costs in the permit process. Another example is the code amendment clarifying the procedure for manufactured homes and adding single-room occupancies to the code as another housing option as well. One other item, is an alternative option of where the off-street required parking can be calculated from in the required front yard. This Goal is met.

GOAL 10: HOUSING

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

Finding: The proposed amendments support production of needed housing by bringing city code into compliance with HB 2138 (2025) and HB 3395 (2023) with respect to single room occupancies. The amendments also comply with manufacturing housing updates under HB2347 (2025) and noticing requirements HB4037 (2026). None of the amendments affect the city's supply of land for housing or residential land uses. The Goal is met.

GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The proposed amendments focus on improving the permit process by clarifying the code, including what public improvements are required as part of the site design review process. The proposal meets the Goal.

GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: The City of Newberg's adopted Transportation System Plan (2016) has been acknowledged by DLCD. The transportation system is planned to accommodate the population growth of the community for a 20-year planning period. There are no proposed modifications to the transportation system or transportation standards with the adoption of the proposed amendments. The proposed amendments do not significantly affect any transportation facility or change the functional classification of any street and therefore comply with OAR 660-012-0060 (Transportation Planning Rule). By clarifying rules around existing private streets when development occurs, the code amendments support transportation efficient development consistent with OAR 660-012-0045 (Transportation Planning Rule). In conclusion, the amendments comply with Goal 12, and the provisions of OAR 660-012-0045 and 660-012-0060 Transportation Planning Rule.

GOAL 13: ENERGY CONSERVATION

To conserve energy.

Finding: The proposed amendments do not affect energy demands. This Goal is not applicable.

GOAL 14: URBANIZATION

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: This goal does not apply. No code change is proposed to the City's annexation or urban growth boundary requirements or procedures.

GOAL 15: WILLAMETTE RIVER GREENWAY

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

Finding: This goal does not apply. The proposed amendments do not alter any area or regulations within the boundaries of the Willamette River Greenway. This Goal is met.

B. Newberg Comprehensive Plan

II. GOALS AND POLICIES

A. CITIZEN INVOLVEMENT

GOAL: To maintain a Citizen Involvement Program that offers citizens the opportunity for involvement in all phases of the planning process.

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 1, as discussed in Part A.

B. LAND USE PLANNING

GOAL: To maintain an on-going land use planning program to implement statewide and local goals. The program shall be consistent with natural and cultural resources and needs.

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 2, as discussed in Part A.

C. AGRICULTURAL LANDS

GOAL: To provide for the orderly and efficient transition from rural to urban land uses.

D. WOODED AREAS

GOAL: To retain and protect wooded areas.

Finding: These Goals are not applicable for the same reasons that State Goals 3 and 4 are not applicable, as discussed in Part A.

E. AIR, WATER, AND LAND RESOURCE QUALITY

GOAL: To maintain and, where feasible, enhance the air, water and land resource qualities within the community.

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 6, as discussed in Part A.

F. AREAS SUBJECT TO NATURAL HAZARDS

GOAL: To protect life and property from flooding and other natural hazards.

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 7, as discussed in Part A.

G. OPEN SPACE, SCENIC, NATURAL, HISTORIC AND RECREATIONAL RESOURCES

GOALS:

- 1. To ensure that adequate land shall be retained in permanent open space use and that natural, scenic and historic resources are protected.*
- 2. To provide adequate recreational resources and opportunities for the citizens of the community and visitors.*
- 3. To protect, conserve, enhance and maintain the Willamette River Greenway.*

Finding: These Goals and related policies are met for the same reasons the proposal meets State Goal 5, as discussed in Part A.

H. THE ECONOMY

GOAL: *To develop a diverse and stable economic base.*

1. General Policies

- a. In order to increase the percentage of persons who live in Newberg and work in Newberg, the City shall encourage a diverse and stable economic base. Potential methods may include, but are not limited to, land use controls and capital improvement programs.*
- b. The City shall encourage economic expansions consistent with local needs*
- c. The City will encourage creation the creation of a diversified employment base, the strengthening of trade centers and the attraction of both capital and labor intensive enterprises.*
- d. Newberg will encourage the development of industries which represent the most efficient use of existing resources including land, air, water, energy and labor*
- e. Economic expansion shall not exceed the carrying capacity of the air, water or land resource quality of the planning area.*
- f. The City shall participate with local and regional groups to coordinate economic planning.*
- g. The City shall encourage business and industry to locate within the Newberg City limits.*
- h. Yamhill County history, products and activities should be promoted.*
- i. The City shall encourage tourist-related activities and services such as motor inns, restaurants, parks and recreation facilities, a visitor center, conference and seminar activities.*
- j. A mixed-use river-oriented commercial area should be encourage to be developed near the Willamette River.*
- k. The City shall promote Newberg as a tourist destination location.*
- l. The City shall promote the expansion of local viticulture and wine productions as a method for increasing tourism.*

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 9, as discussed in Part A.

J. URBAN DESIGN

GOAL 1: To maintain and improve the natural beauty and visual character of the City.

GOAL 2: To develop and maintain the physical context needed to support the livability and unique character of Newberg.

Finding: By clarifying and correcting the code and making other updates to comply with state land use laws, the proposal facilitates well planned growth that maintains Newberg's natural beauty, visual character, and livability. These Goals are met.

K. TRANSPORTATION

GOAL 1: Establish cooperative agreements to address transportation based planning, development, operation and maintenance.

GOAL 2: Establish consistent policies which require concurrent consideration of transportation/land use system impacts.

GOAL 3: Promote reliance on multiple modes of transportation and reduce reliance on the automobile.

GOAL 4: Minimize the impact of regional traffic on the local transportation system.

GOAL 5: Maximize pedestrian, bicycle and other non-motorized travel throughout the City.

GOAL 6: Provide effective levels of non-auto oriented support facilities (e.g. bus shelters, bicycle racks, etc.).

GOAL 8: Maintain and enhance the City's image, character and quality of life.

GOAL 9: Create effective circulation and access for the local transportation system.

GOAL 10: Maintain the viability of existing rail, water and air transportation systems.

GOAL 11: Establish fair and equitable distribution of transportation improvement costs.

GOAL 12: Minimize the negative impact of a Highway 99 bypass on the Newberg community.

GOAL 13: Utilize the Yamhill County Transit Authority (YCTA) Transit Development Plan (TDP) as a Guidance Document.

GOAL 14: Coordinate with Yamhill County Transit Area.

GOAL 15: Implement Transit-Supportive Improvements.

Finding: Where the above goals may apply, each goal and its policies are met for the same reasons the proposal meets State Goals 9 and 12, as discussed in Part A.

L. PUBLIC FACILITIES AND SERVICES

GOAL: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Finding: This Goal and its policies are met for the same reasons the proposal meets State Goal 11, as discussed in Part A.

M. ENERGY

GOAL: To conserve energy through efficient land use patterns and energy- related policies and ordinances.

Finding: The proposed code amendment to the off-street parking requirement location can help to create more efficient sites by not require parking to go well beyond the required front yard to count the front yard as part of the off-street parking spaces. This goal is met.

N. URBANIZATION

GOALS:

- 1. To provide for the orderly and efficient transition from rural to urban land uses.*
- 2. To maintain Newberg's identity as a community which is separate from the Portland Metropolitan area.*
- 3. To create a quality living environment through a balanced growth of urban and cultural activities.*

Finding: These Goals and any relevant policies are met for the same reasons the proposal meets State Goal 14, as discussed in Part A.

#

MEMORANDUM

TO: Newberg Planning Commission

FROM: Jeremiah Cromie, Associate Planner

SUBJECT: Supplemental Materials – DLCD Comments, Staff Responses and Amended Proposed Code Amendments

DATE: October 5, 2026

Staff received comments from the Oregon Department of Land Conservation and Development (DLCD) on October 2nd in regards to certain proposed code maintenance amendment language in DCA26-0001. Staff have prepared responses to their comments as well as a suggested amended version of Exhibit A-1 for the Middle Housing Land Division Criteria (pages 34-36) based on the comments

Please review this correspondence and add to your meeting packet.

Attachments:

1. DLCD October 2nd, 2026 Comments
2. Staff Response to DLCD Comments
3. Amended Exhibit A-1 Code Amendments



Newberg PAPA for DCA26-0001 - HAPO comments

From MARQUARDT Ryan * DLCD <Ryan.MARQUARDT@dlcd.oregon.gov>

Date Fri 10/2/2026 1:59 PM

To Jeremiah Cromie <Jeremiah.Cromie@newbergoregon.gov>; Scot Siegel <Scot.Siegel@newbergoregon.gov>

Cc AHRENS Melissa * DLCD <Melissa.Ahrens@dlcd.oregon.gov>; REID Kelly * DLCD <Kelly.Reid@dlcd.oregon.gov>

Hello Jerimiah and Scot,

Thanks for providing the city's proposed amendments for review. I've read the amendments and have the following notes on housing laws for the city's consideration. Apologies for these being somewhat brief/shorthand. I'm available to discuss these notes further if there are questions, as well as to hear further explanation from city staff if I've misread the amendments or am missing regulatory context from elsewhere in the city's land use regulations.

- Page 8 - Applying HB 4037 limits to ELDs (and MHLDs processed as ELDs) covers many of the 197A.140; be aware of the unique properties of the review process in 197A.140 and make sure this are reflected in the code (e.g. not allowing other parties to intervene, notice of decision only to applicant)
- Page 15 – be aware that procedural limitations of ORS 197A.400(5) would not allow posted notice for type II or III applications that are subject to review under ORS 197A.400(1) [15.100.260] (understood that this is existing code not proposed for amendment)
- Page 23- 15.220.060 – not a compliance issue, but be aware that HB 2138 rulemaking includes “Establishing parameters on unreasonable cost or delay for siting and design standards for accessory dwelling units and single room occupancies under standards allowed under ORS 197A.425 and 197A.430”. That rulemaking may affect allowable siting and design standards for SROs.
- Page 35 - Compliance with ORS 92.031; make sure standard in these section do not run afoul of 92.031(3)(c) - “May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.” The text of these amendments appear to introduce review standards beyond what statute allows.
 - Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards; [15.235.050.B.1.a]
 - The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications [15.235.050.B.1.c]

Ryan Marquardt, AICP

Housing Planner | Housing Accountability and Production Office

Pronouns: He/Him

Oregon Department of Land Conservation and Development

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The Housing Accountability and Production Office is a joint office between the Department of Land Conservation and Development (DLCD) and the Department of Consumer and Business Services' Building Codes Division (BCD).



Staff Responses to DLCD Comments

The quotes below are direct quotes from the DLCD comment e-mail:

- *“Page 8 - Applying HB 4037 limits to ELDs (and MHLDs processed as ELDs) covers many of the 197A.140; be aware of the unique properties of the review process in 197A.140 and make sure this are reflected in the code (e.g. not allowing other parties to intervene, notice of decision only to applicant)”*

Staff Response: The City intends to apply ORS 197A.140 as amended by HB4037 (2026) directly as it concerns expedited land divisions (ELDs) until after the forthcoming legislative session, at which time we will re-evaluate the need to adopt implementing code.

- *“Page 15 – be aware that procedural limitations of ORS 197A.400(5) would not allow posted notice for type II or III applications that are subject to review under ORS 197A.400(1) [15.100.260] (understood that this is existing code not proposed for amendment)”*

Staff Response: The City is not editing this code section and under ORS 197A.400(5), it does not state that the City must not allow for posting notice of the application within 100 feet.

- *“Page 23- 15.220.060 – not a compliance issue, but be aware that HB 2138 rulemaking includes “Establishing parameters on unreasonable cost or delay for siting and design standards for accessory dwelling units and single room occupancies under standards allowed under ORS 197A.425 and 197A.430”. That rulemaking may affect allowable siting and design standards for SROs.”*

Staff Response: DLCD states that this is not a compliance issue and therefore is not an issue to staff at this time. Single-room occupancies with 4-6 units are treated the same as single-family homes. Only above 6 single-room occupancies will have design standards, but there are clear and objective standards for those that would not cause “unreasonable cost or delay”.

- *“Page 35 - Compliance with ORS 92.031; make sure standard in these section do not run afoul of 92.031(3)(c) - “May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.” The text of these amendments appear to introduce review standards beyond what statute allows.*
 - *Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards; [15.235.050.B.1.a]*
 - *The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications [15.235.050.B.1.c]”*

Staff Response: Staff have concerns about adequate infrastructure and fire protection regarding middle housing developments including those involving middle housing land divisions. We are also aware of conflicting statutory language in recent state legislation. However, based on the current statute, staff recommend requiring compliance with ORS 92.031 for middle housing land divisions, and we will review and condition middle housing as appropriately for adequate infrastructure under the separate utilities for each dwelling unit consistent with the statutes. Staff have updated the language regarding middle housing land divisions in NMC 15.235.050(B) in the amended version of the code amendments to reflect this.

Staff recommend adopting the Amended Version of Exhibit A-1 of Planning Commission Resolution 2026-402 as seen in Attachment 3 to this supplemental memo.

DCA26-0001: 2026 Code Maintenance Package

Draft Code Maintenance Amendments

Formatting of amendments:

- Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.
- Forward Slashes “/” indicate text that is unchanged and has been omitted for brevity.
- The comments in text boxes summarize the proposed changes and the reasons for them.

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NMC 15.05 GENERAL PROVISIONS

15.05.030 Definitions.

//

“**Airport imaginary surfaces**” means those imaginary areas in space defined below. Any object extending above these imaginary surfaces is an obstruction. The imaginary areas in space are defined by:

1. **Airport Approach Safety Zone.** A surface longitudinally centered on the extended runway centerline and extending outward and upward from each end of the primary surface except as noted on Airport Overlay Map A (see Appendix B, Map 2). The inner edge of the approach surface is the same width as the primary surface and extends to a width of 1,250 feet for a utility runway having only visual approaches, and 1,500 feet for a runway other than a utility runway having only visual approaches. The airport approach surface extends for a horizontal distance of ~~3,000~~ 5,000 feet at a slope of 20 feet outward for each foot upward (20:1) for all utility and visual runways.

“**Service drive**” means a vehicular access which provides ingress and egress from a driveway approach to an improved parking space(s). A service drive is either a “**private street**” or a “**private drive**” as defined in this code. A service drive may contain an improved parking space(s).

[...]

Staff Comment: Airport updated to match FAA current requirements under 14 CFR 77.19(d)(2). Service drive definition updated for consistency with the update to 15.440.060(G)(2).

//

“**Single room occupancy**” means a residential development with no fewer than four attached or detached units that are independently rented and lockable and provide living and sleeping space for the exclusive use of an occupant, but require that the occupant share sanitary or food preparation facilities with other units in the occupancy.

Staff comment: To comply with HB 2138 (2025) requiring cities to allow single room occupancies, effective January 1, 2027. Definition is state definition.

NMC 15.100 LAND USE PROCESSES AND PROCEDURES

15.100.020 Type I procedure – Administrative decision.

A. Type I development actions shall be decided by the director without public notice or public hearing. Notice of a decision shall be provided to the applicant. There are two subcategories of Type I actions. Except as otherwise required by this code, actions indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit or business license unless no such permit is required. All other actions listed in this subsection require a Type I land use application which must be approved before building permits or a business license may be issued for the project or use.

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

1. Design review permits for single-family dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouses, ~~cottage cluster projects~~, single room occupancies with four to six units, additions, accessory dwelling units, accessory structures, or other additions specifically listed in NMC 15.220.020(A)(1)*.

2. Cottage Cluster Projects.

23. Home occupation permits.*

34. Signs, not in conjunction with a new development or major remodel and not including original art murals reviewed under NMC 15.435.130.*

45. Original art murals reviewed under NMC 15.435.130.

56. Adjustments.

67. Processing final land division maps and plats.

78. Manufactured homes contributing to development identified elsewhere in this subsection (B) or other additions specifically listed in NMC 15.220.020(A)(1).

89. Determining compliance with the conditions of approval for a land use action processed under a Type II or Type III procedure.

15.100.030 Type II procedure.

A. Type II development actions shall be decided by the director.

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

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1. Site design review.
2. Multifamily dwellings in the R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4 or I zone meeting the objective process requirements of NMC 15.220.060.
3. Multifamily dwellings in the R-3, AR, C-3 (except along Hancock Street), or I zone not meeting the objective process requirements of NMC 15.220.060.
4. Single Room Occupancy developments with over six units
- ~~45.~~ Variances.
- ~~56.~~ Manufactured dwelling parks and mobile home parks.
- ~~67.~~ Partitions, including middle housing land divisions.
- ~~78.~~ Subdivisions, including middle housing land divisions, except for subdivisions with certain conditions requiring them to be processed using the Type III process, pursuant to NMC 15.235.030(A).

Staff Comment: Updated to clearly state that most dwelling units go straight to building permit instead of requiring full design review to match NMC 15.220.020. Cottage clusters still require full design review. This is a correction to the 2025 code maintenance package and also adds in single-room occupancies.

- C. The applicant shall provide notice pursuant to the requirements of NMC 15.100.200 et seq.
- D. The director shall make a decision based on the information presented and shall issue a development permit if the applicant has complied with all of the relevant requirements of this code. The director may add conditions to the permit to ensure compliance with all requirements of this code.
- E. Appeals may be made by an affected party, Type II, in accordance with NMC 15.100.160 et seq. All Type II development action appeals shall be heard and decided by the planning commission.
- F. If the director's decision is appealed as provided in subsection (E) of this section, the hearing shall be conducted pursuant to the Type III quasi-judicial hearing procedures as identified in NMC 15.100.050.
- G. The decision of the planning commission on any appeal may be further appealed to the city council by an affected party, Type III, in accordance with NMC 15.100.160 et seq. and shall be a

review of the record supplemented by written or oral arguments relevant to the record presented by the parties.

H. An applicant shall have the option to request at the time the development permit application is submitted that the proposal be reviewed under the Type III procedure.

15.100.120 Referral of development permit applications.

Within five working days of ~~deeming~~ ~~accepting~~ an application complete, the director shall do the following:

A. On Type I procedures, the director is only required to make referrals to the extent necessary to make a decision on the development permit.

B. On Type II and Type III procedures, the director shall transmit a copy of the application, or appropriate parts of the application, to each affected agency and city department for review and comment, including ODOT, Tribes listed by the Legislative Commission on Indian Services (LCIS) for Newberg, and others responsible for determining compliance with state and federal requirements. The affected agencies and city departments shall have 15 calendar days to comment. The referral agency or city department is presumed to have no comments if comments are not received within the specified time period. The director shall grant an extension only if the application involves unusual circumstances. Any extension shall only be for a maximum of 15 additional days.

C. On Type IV procedures, the director shall provide referrals to ODOT, Tribes listed by the Legislative Commission on Indian Services (LCIS) for Newberg, and other agencies in compliance with state law and as otherwise determined by the city. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.043.]

Cross-reference: See Chapter 197 of Title 19 ORS pertaining to comprehensive land use planning coordination.

Staff Comment: Updated to clearly state tribes are among the agencies notified to comply with updated states rules that go into effect January 1, 2027 (OAR 660-023-0210). The Legislative Commission on Indian Services (LCIS) will provide a list to the City by the end of the year of tribes that requested to be contacted for Newberg Area development.

Article III. Appeals

15.100.160 Appeal procedures.

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

B. Type II. An appeal of a Type II decision by the director must be filed within 14 calendar days of the date of the decision.

~~1. Appeals may be made only by an affected party, Type II (the applicant, any party entitled to receive notice of the decision, or anyone providing written comments within 14 calendar days prior to the date of the decision). Appeals of a Type II application are processed as a Type III procedure and proceed to the planning commission, except that appeals of Type II applications relating to historic landmarks are reviewed by the historic preservation commission.~~

1.Type II decisions may be appealed by any affected party except that appeal rights relating to housing application decisions have been restricted by the Oregon Legislature. As required by Oregon House Bill 4037 (2026), only the applicant may appeal an application for housing approved pursuant to ORS 197A.400(5). Affected parties for non-housing applications include the applicant, any party entitled to receive notice of the decision, and any party providing written comments on the application within 14 calendar days prior to the date of the decision.

The following Type II decisions are examples of housing applications that are processed pursuant to ORS197A.400(5):

- a. Site Design Review applications for housing except for applications that are contingent upon approval of a zone change, conditional use permit, or variance.
- b. Residential land division applications, including expedited and middle housing land divisions, except for applications that are contingent upon approval of a zone change, conditional use permit, or variance.

Appeals of a Type II application are processed as a Type III procedure and proceed to the planning commission, except that appeals of Type II applications relating to historic landmarks are reviewed by the historic preservation commission.

Staff Comment: As required by HB 4037(2026), under ORS 197A.400(1) and (5)(c), there is no right to appeal for parties other than applicant when a housing application meets the criteria in subsection 1 of the statute (clear and objective standards). Type II Middle housing land divisions moved up to B(1)(b).

Additional requirements such as not allowing other parties to intervene and notice of decision only to the applicant amended under HB4037 (2026) and ORS 197A.140 are not part of this

amendment package. The City intends to apply ORS 197A.140 as amended HB4037 (2026) as it concerns expedited land divisions until after the forthcoming legislative session, at which time we will re-evaluate the need to adopt implementing code.

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

~~D.~~ Type III. An appeal of a Type III decision by the planning commission or historic preservation commission must be filed within 14 calendar days of the date of that commission's written decision. Appeals may be made only by an affected party. The city council following the Type III procedure shall decide all appeals of Type III decisions. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2691 § 2, 2-19-08; Ord. 2451, 12-2-96. Code 2001 § 151.055.]

15.100.170 Notice of appeal – Type I, II and III.

A. An appeal for Type I, II, and III decisions shall include an identification of the decision sought to be reviewed, the date of the decision and shall be accompanied by a notice of appeal form provided by the planning and building department. The notice of appeal shall be completed by the appellant ~~applicant~~ and shall contain:

1. An identification of the decision sought to be reviewed, including the date of the decision.
2. A statement of the interest of the person seeking review and that they were a party to the initial proceedings.
3. A detailed statement of the specific grounds on which the appeal is filed.

B. Notice shall be filed with the community development department together with the filing fee and deposit for transcript costs. [Ord. 2451, 12-2-96. Code 2001 § 151.056.]

15.100.180 Scope of review.

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

B. Type III actions that require an ordinance or city council order to be adopted in order to become effective shall be reviewed by the city council as a new hearing. The city council shall receive the recommendation from the planning commission to the city council on these actions.

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The action will not be considered final for the purpose of appeals, until a final decision is rendered by the city council.

C. The record shall include:

1. A factual report prepared by the director.
2. All exhibits, material, pleadings, memoranda, stipulations, and motions submitted by any party and reviewed or considered in reaching the decision under review.
3. The minutes of the hearing and a detailed summary of the evidence.

D. For a record hearing on a second appeal of a Type I or Type II decision, no new testimony or evidence may be presented. Written argument will be allowed only from parties who testified at the prior evidentiary hearings. Written argument must be limited to evidence already in the record. No oral argument will be allowed at the city council level. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2691 § 1, 2-19-08; Ord. 2590, 11-6-03; Ord. 2451, 12-2-96. Code 2001 § 151.057.]

15.100.190 Review body decision on appeal of a Type I, II or III.

A. Upon review, the review body may by order affirm, reverse, or modify in whole or in part a determination or requirement of the decision that is under review. When the review body modifies or renders a decision that reverses a decision of a hearing body, the review body, in its order, shall set forth its findings and state its reasons for taking the action encompassed in the order. When the review body elects to remand the matter to the hearing body for further consideration, it shall include a statement explaining the error that materially affected the outcome of the original decision and the action necessary to rectify it.

B. The review body shall render its decision no later than 45 days after the filing of the request for review and shall file that decision with the director within 10 days after it is rendered.

C. A party aggrieved by the final determination may appeal the decision to the Land Use Board of Appeals.

Article IV. Notice

15.100.200 Compliance required.

Notice on all Type I through Type IV actions, including appeals, shall be conducted in accordance with this article. [Ord. 2451, 12-2-96. Code 2001 § 151.070.]

15.100.210 Mailed notice.

Mailed notice shall be provided as follows:

A. Type I Actions. No public notice is required.

B. Type II and Type III Actions. ~~The applicant shall provide public notice to~~ Except for appeal hearing notices, which the City mails, notices of Type II and Type III applications shall be provided by the applicant as follows:

1. ~~Notify the owner of the site for which the application is made; the owner of a public use airport when required by ORS 215.416 or 227.175; the City of Newberg; and owners of property as follows:~~

2. ~~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. For purposes of review, this requirement shall be deemed met when the applicant can provide an affidavit or other certification that such notice was deposited in the mail or personally delivered.~~

3. ~~To the owner of a public use airport, subject to the provisions of ORS 215.416 or 227.175~~

a. For residential land division and site design review applications for 20 or fewer residential units that are not contingent upon approval of a conditional use permit, notify property owners within a 100 foot radius of all property lines of the subject property or properties, as required by Oregon House Bill 4037 (2026), ORS 197A.400(5).

b. For residential zone change applications that change the zoning to a higher density residential classification, notify property owners within a 100 foot radius of all property lines of the subject property or properties, as required by Oregon Senate Bill 974 (2025), ORS 197A.146(5).

c. For residential development variance applications, notify property owners within a 100 foot radius of all property lines of the subject property or properties, as required by Oregon Senate Bill 974 (2025), ORS 197A.146(5)

d. For all other development, including mixed use, notify property owners within a 500 foot radius of all property lines of the subject property or properties.

2. The mailing list for notices shall be compiled from the most recent property tax assessment roll.

3. Notices shall be delivered in plain envelopes that contain only the sender and recipient addresses, land use case file number(s), and postage with no other markings.

4. For purposes of review, this requirement is met when the applicant provides an affidavit or other certification that such notice was mailed via USPS First Class or personally delivered.

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5. The applicant shall mail the notice for Type II actions by USPS first class mail at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of mailing within two business days after notice is mailed.

6. The applicant shall mail the notice for Type III actions by USPS first class mail at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing within two business days after notice is mailed.

Staff Comment: These amendments are to comply with HB4037 (2026), and Senate Bill 974 (2025), which limit noticing of adjacent property owners for certain residential projects, specify City mailing of public hearing notices, and improve quality control on notices mailed by applicants. Requires first class mailing to avoid delays due to bulk mailing. Other standards added to address perception that notices were junk mail due to “business/promotional” envelopes being used.

C. The director may request that the applicant provide notice to people other than those required in this section if the director believes they are affected or otherwise represent an interest that may be affected by the proposed development. This includes, but is not limited to, neighborhood associations, other governmental agencies, or other parties the director believes may be affected by the decision.

D. The director shall provide the applicant with the following information regarding the mailing of notice:

1. The latest date by which the notice must be mailed;
2. An affidavit of mailing (to be signed and returned) certifying that the notice was mailed, acknowledging that a failure to mail the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to mail will result in the automatic postponement of a decision on the application; and
3. A sample notice.

E. The notice of a Type II and Type III development application shall be reasonably calculated to give actual notice and shall:

1. Set forth the street address or other easily understood geographical reference to the subject property;
2. List, by commonly used citation, the applicable criteria for the decision;

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3. Include the name and phone number of a local government contact person, the telephone number where additional information may be obtained and where information may be examined;

4. Explain the nature of the application and the proposed use or uses which could be authorized;

5. State that a copy of the application, all documents and evidence relied upon by the applicant and applicable criteria are available for inspection at no cost and will be provided at a reasonable cost.

F. Prior to mailing or posting any notice required by this code, the applicant shall submit a copy of the notice to the director.

~~G. The applicant shall mail the notice for Type II actions at least 14 days before a decision is rendered. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.~~

~~H. The applicant shall mail the notice for Type III actions at least 20 days before the first new hearing, or if two or more new hearings are allowed, 10 days before the first new hearing. The applicant shall file with the director an affidavit of mailing as identified in subsection (D) of this section within two business days after notice is mailed.~~

Staff Comment: Deleted sections here were moved above to 15.210(B)(5) and (6) for clarity on mailing notifications

G.I. All public notices shall be deemed to have been provided or received upon the date the notice is deposited in the mail or personally delivered, whichever occurs first. The failure of a property owner to receive notice shall not invalidate an action if a good faith attempt was made to notify all persons entitled to notice. An affidavit of mailing issued by the person conducting the mailing shall be conclusive evidence of a good faith attempt to contact all persons listed in the affidavit.

H.J. Failure to mail the notice and affirm that the mailing was completed in conformance with the code shall result in:

1. Postponement of a decision until the mailing requirements have been met; or
2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or
3. The entire process being invalidated; or

4. Denial of the application. [Ord. 2581, 7-7-03; Ord. 2451, 12-2-96. Code 2001 § 151.071.]

15.100.220 Additional notice procedures of Type II development applications.

In addition to the requirements of NMC 15.100.210, mailed notice for development actions shall also contain the following:

- A. Provide a 14-day period from the date of mailing for the submission of written comments prior to the decision;
- B. State that issues that may provide a basis for appeal must be raised in writing during the comment period;
- C. State that issues must be raised with sufficient specificity to enable the local government to respond to the issue;
- D. State the place, date and time that comments are due;
- E. State that notice of the decision, including an explanation of appeal rights, will be provided to any person who submits comments under subsection (A) of this section;
- F. Briefly summarize the local decision-making process. [Ord. 2940 § 1 (Exhs. A-1a, A-1b), 11-17-25; Ord. 2451, 12-2-96. Code 2001 § 151.072.]

15.100.230 Additional notice procedures for Type III quasi-judicial hearing.

In addition to the requirements of NMC 15.100.210, mailed notice for Type III development actions shall also contain the following:

- A. State that an issue which may be the basis for an appeal to the Land Use Board of Appeals shall be raised not later than the close of the record at or following the final new hearing on the proposal before the city. Such issues shall be raised with sufficient specificity so as to afford the hearing body and the parties an adequate opportunity to respond to each issue;
- B. State the date, time and location of the hearing;
- C. State that the failure of an issue to be raised in a hearing, in person or by letter, or failure to provide sufficient specificity to afford the hearing body an opportunity to respond to the issue may preclude appeal to the Land Use Board of Appeals on that issue;
- D. State that a copy of the staff report will be available for inspection at no cost at least seven calendar days prior to the hearing and will be provided at reasonable cost;
- E. Include a general explanation of the requirements for submission of testimony and the procedure for conduct of hearings. [Ord. 2451, 12-2-96. Code 2001 § 151.073.]

15.100.240 Additional notice for Type III quasi-judicial hearing for annexations.

In addition to notice requirements in NMC 15.100.210 and 15.100.230, annexations are required to be published each week for two consecutive weeks prior to the day of the first new hearing before the city council, in a newspaper of general circulation in the city, and shall also be noticed by posting notice of the hearing in four public places in the city for a like period.

[Ord. 2451, 12-2-96. Code 2001 § 151.074.]

15.100.250 Notice procedures for Type IV legislative hearing.

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

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

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

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

3. When LCDC Goals Do Not Apply. When the city determines that the statewide land conservation and development goals do not apply to a proposal to amend the Newberg comprehensive plan, this code, or adoption of a new land use regulation, notice to the Director of the Department of Land Conservation and Development is not required.
[Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2451, 12-2-96. Code 2001 § 151.075.]

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

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

B. Notice Information Provided by City. The director shall provide the applicant with the following information regarding the posting of notice:

1. The number of notices required;

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2. The latest date by which the notice must be posted;
3. An affidavit of posting (to be signed and returned) certifying that the notice was posted on site, acknowledging that a failure to post the notice in a timely manner constitutes an agreement by the applicant to defer the 120-day process limit and acknowledging that failure to post will result in the automatic postponement of a decision on the application; and
4. A sample notice.

C. Submission of Notice. Prior to posting any notice required by this section, the applicant shall submit a copy of the notice to the director for review.

D. Size, Number and Location Requirements. A waterproof notice which measures a minimum of two feet by three feet shall be placed on each frontage of the site. If a frontage is over 600 feet long, a notice is required for each 600 feet, or fraction of 600 feet. If possible, notices shall be posted within 10 feet of a street lot line and shall be visible to pedestrians and motorists in clear view from a public right-of-way. Notices shall not be posted in a public right-of-way or on trees.

E. Contents of Notice. The posted notice shall only contain the following information: planning action number, brief description of the proposal, phone number and address for contact at the Newberg planning and building department.

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

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

H. Removal of Notice. The applicant shall not remove the notice before the final decision. All posted notice shall be removed by the applicant within 10 days following the date of the final decision on the request.

I. Failure to Post Notice. The failure of the posted notice to remain on the property shall not invalidate the proceedings. Failure by the applicant to post a notice and affirm that the posting was completed in conformance with the code shall result in:

1. Postponement of a decision until the mailing requirements have been met; or
2. Postponement of the hearing to the next regularly scheduled meeting or to such other meeting as may be available for the hearing; or

3. The entire process being invalidated; or

4. Denial of the application. [Ord. 2933 § 1 (Exhs. A-1a, A-1b), 2-18-25; Ord. 2451, 12-2-96. Code 2001 § 151.076.]

15.100.270 Procedure for published notice on Type III and Type IV procedures.

A. Notice shall be provided within a newspaper of general circulation within the city at least 10 days prior to the first public hearing on the action.

B. The notice shall reasonably describe:

1. Type III Proceedings. The proposed development permit request, location, file number, the name and phone number of a local government contact person and the location where information may be examined.

2. Type IV Proceedings. The nature of the proposed final action of an amendment to the Newberg comprehensive plan, code or new land use regulation.

C. The notice shall include a statement that all interested persons may appear and provide testimony and that only those persons who participate either orally or in writing in the hearing proceedings leading to the adoption of the action may appeal the decision.

D. The notice shall state the place, date and time of the hearing.

E. See NMC 15.100.240 for Type III notice for annexations. [Ord. 2451, 12-2-96. Code 2001 § 151.077.]

15.100.275 Notice Procedure for Appeals

A. New Hearings.

City staff shall send a mailed notice of an appeal hearing that is a new hearing no later than 15 business days prior to the hearing date. The notice of appeal shall be sent to the applicant, any party entitled to receive the notice of decision, and anyone that provided written comment on the application prior to the date of decision.

B. Record Hearing

City staff shall send mailed notice of an appeal hearing to the applicant and parties of record from any prior hearing on the application.

Staff Comment: Notice procedures for appeals are currently unclear. Staff has done it the last few times, and this is to make it clear that city staff will send out the appeal notices and who will receive them.

NMC 15.205 NONCONFORMING USES AND BUILDINGS

NMC 15.205.100 Nonconforming signs.

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E. Sign Modifications. Signs not in compliance with the provisions of this code, when replaced, relocated, modified or altered, shall be brought into compliance with this code. For purposes of this section, a modification or alteration shall not include the following:

1. Maintenance and repairs such as cleaning, painting, refacing, replacing damaged portions of the sign, or similar activities that do not involve a change to the height, dimensions, materials, or location of the sign in copy except as otherwise allowed by this section.
2. A change of a panel on a sign ~~for three or more tenants~~ designed to have removable panels which does not change the height, dimensions, materials, or location of the sign, except as otherwise allowed by this section.
3. A modification ~~to any part of the existing cabinet and/or face of the sign that reduces the degree of nonconformity to the provisions of this code that results in a reduction in size and/or height of the sign and that does not involve a change in copy.~~

Staff comment: Currently, the code requires that nonconforming signs be brought into conformance when there is a change of copy, which is excessive and may conflict with constitutional protections. The above amendments are intended to clarify when full conformity with the code is required.

NMC 15.210 CODE ADJUSTMENTS

15.210.020 Type I adjustments and approval criteria

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A. Yard Setback Dimensions, Lot Area, Percentage of Lot Coverage, Parking Coverage, and Lot Dimensions.

1. The director may approve adjustments to:

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e. Required setback landscape buffering between parking areas and service drives and lot lines adjacent to streets. A reduction in buffering may be granted to provide space for required parking and service drives or to preserve existing trees elsewhere on the site. No less than 10 feet of landscape buffering must be provided, and at least 50 percent of the applicable street frontages must meet the full required buffering.

Staff comment: This resolves a conflict in the code between NMC 15.410.070(E)(3) allowing parking areas, parking spaces, or parking buildings to be located in any required yard, and NMC 15.420.010(B)(3)(b) requiring a landscape buffer between property lines adjacent to a street and parking areas or service drives. The proposed code adjustment provides the ability for limited reductions in buffering if site conditions require, provided at least 50% of the applicable frontages meet the full standard, providing substantial compliance with the buffering requirement. In no cases shall less than 10 feet of buffering be allowed.

NMC 15.215 VARIANCE PROCEDURES

15.215.060 Variance must be exercised to be effective.

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

A. A variance granted under this title collectively with all other land use approvals granted with the variance shall be effective only when the exercise of the right granted thereunder has commenced. A variance shall expire at the same time the other land use approvals granted with the variance expire. Any extensions granted for these other land use approvals shall extend the duration of the variance approval by the same amount of time, provided the extension is necessary to complete substantially the same project for which the variance was granted and the applicable variance criteria and zoning of the subject property have not changed.

B. All other variances granted under this code shall be effective only when the exercise of the right granted thereunder shall be commenced within two years from the effective date of the decision. The director may authorize extensions of the duration of the decision for an additional 12 months each not to exceed five years upon written application where necessary to complete substantially the same project for which the variance was granted and the applicable variance criteria and zoning of the subject property have not changed.

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

Staff comment: This is to address the timelines of concurrent projects like design review that have a longer timeline (i.e. 2 years). This ensures the project has the same overall deadline rather than different timelines for various portions of the project. This helps with construction loans and other timing issues.

NMC 15.220 SITE DESIGN REVIEW

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15.220.020 Site design review applicability.

A. Applicability of Requirements. Site design review shall be required prior to issuance of building permits or commencement of work for all improvements noted below. Site design review permits shall be processed as either Type I or Type II, as noted below.

1. Type I. There are two subcategories of Type I site design review. Except as otherwise required by this code, uses listed in this subsection and indicated with an asterisk (*) do not require a land use application and are processed concurrently with any application for a building permit when such permit is required. All other uses listed in this subsection require a Type I land use application which must be approved before building permits may be issued for the project.

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n. Accessory dwelling units*;

o. Single room occupancy developments with four to six units*;

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2. Type II.

a. Any new development or remodel which is not specifically identified within subsection (A)(1) ~~or~~ (A)(3) or (A)(4) of this section.

b. Telecommunications facilities.

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Staff comment: To comply with HB 2138 (2025) and HB 3395 (2023) requiring cities to allow single room occupancies, effective January 1, 2027. More than 6 units for SRO would fall into Type II consistent with multi-family. The addition to A(4) is to reference the exemptions section.

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

a. Replacement of an existing item such as a roof, floor, door, window or siding.

b. Remodels that are completely internal to an existing structure ~~and do not substantially change or expand the existing use of the structure.~~

c. Change of use that does not require additional parking or result in a substantial alteration to the site or exterior of a building.

d. Minor exterior alterations that the director deems necessary to comply with the building code or a fire and life safety requirement are exempt.

Staff comment: The code currently requires Changes of Use to be reviewed through a Type II Design Review, but the review is unnecessary where the change does not involve new development or any alteration to the site or building exterior.

15.220.050 Criteria for design review.

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

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

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

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

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

5. Parking. Parking areas shall meet the requirements of NMC 15.440.010.

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6. Sufficient Infrastructure shall be provided to comply with the requirements of NMC 15.505 Public Improvement Standards. ~~For all triplex dwellings, quadplex dwellings, townhouse dwellings, and cottage cluster developments, the city shall work with the applicant to ensure that sufficient infrastructure will be provided, or can be provided, to include:~~

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

~~b. Connection to a public water system capable of meeting established service levels.~~

~~c. Access via public or private streets meeting adopted emergency vehicle access standards to a city's public street system.~~

~~d. Storm drainage facilities capable of meeting established service levels for storm drainage.~~

Staff comment: This is updated for legal sufficiency. The language “work with” is not a standard.
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B. Type II or III. The following criteria are required to be met in order to approve a Type II or III design review request:

1. Design Compatibility. The proposed design review request incorporates an architectural design which is the same as existing or proposed uses and structures in the surrounding area. This shall include, but not be limited to, building architecture, materials, colors, roof design, landscape design, and signage.

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

3. Subdistrict Compliance. Properties located within subdistricts shall comply with the provisions of those subdistricts located in NMC 15.340.010 through 15.348.060.

4. Setbacks and General Requirements. The proposal shall comply with NMC 15.405.010 through 15.405.050 relating to lot size, lot coverage, and parking coverage requirements; NMC 15.410.010 through 15.410.080 dealing with yard setback,

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special setback, and vision clearance requirements; and

NMC 15.415.010 through 15.415.070 dealing with height restrictions, public access, and residential development standards.

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

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

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

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

9. Alternative Circulation, Roadway Frontage Improvements and Utility Improvements including compliance with NMC 15.505 Public Improvement Standards. New developments shall provide for access for vehicles and pedestrians to adjacent properties which are currently developed or will be developed in the future. This may be accomplished through the provision of local public streets or private access and utility easements. At the time of development of a parcel, provisions shall be made to develop the adjacent street frontage in accordance with city street standards and the standards contained in the transportation plan. At the discretion of the city, these improvements may be deferred through use of a deferred improvement agreement or other form of security.

10. Traffic Study Improvements. If a traffic study is required under NMC 15.220.030(B)(14), improvements identified in the traffic study shall be implemented as required by the director.

Staff comment: This is updated for actual code language used in criteria design review to be consistent with other sections.
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15.220.060 Additional requirements for multifamily and more than six (6) single room occupancy residential projects.

The purpose of this section is to ensure that multifamily residential containing five or more units and single room occupancy developments containing more than six (6) units meet minimum standards for good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development.

A. Review Process. Two review processes are available for review of multifamily and more than six (6) single room occupancy residential developments: objective and discretionary.

An applicant may choose which process to use. The objective process uses clear and objective standards that do not require the use of discretionary decision-making. The discretionary process uses design guidelines that are more subjective in nature and are intended to provide the applicant with more design flexibility. Regardless of the review process, the applicant must demonstrate how the applicable standards or guidelines are being met.

As part of the discretionary site design review process, an applicant for a new multifamily or single room occupancy development with more than six (6) unit residential project must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. At least 14 points are required for smaller multifamily projects with five to eight units and at least 20 points are required for multifamily projects with nine or more units. ~~For more information and illustrations of each element, refer to the Newberg Residential Development Design Guidelines (July 1997).~~

A project may be reviewed using only one of the two review processes. For example, a project may not use some of the objective standards and some of the discretionary guidelines for one application. ~~Pursuant to Chapters 15.100 and 15.220 NMC:~~

~~1. A Type II review is required for:~~

~~a. Projects in zones R-2, R-3, RP, AR, C-3 (except along Hancock Street), C-4, and I following the objective process.~~

~~b. Projects in zones R-3, AR, C-3 (except along Hancock Street), and I following the discretionary process.~~

~~2. A Type III site design review is required for:~~

~~a. Projects in zones R-2, RP and C-4 following the discretionary process.~~

~~b. Projects in zones R-1, R-4, C-2, C-3 (Hancock Street) (conditional use permit also required).~~

B. Design Guidelines and Standards. Applicable guidelines and standards for multi-unit and congregate housing are located in Table 15.220.060(B). These standards should not be interpreted as requiring a specific architectural style.

Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
Site Design Elements		
1. Private and Shared Recreation Areas	Consolidate green space to increase visual impact and functional utility. This applies to larger projects which collectively have a significant amount of <u>open space</u> areas which can be consolidated into children's play areas, gardens, and/or dog-walking areas (three points).	a. Private Areas. Each ground-level living unit in a residential development subject to a design review plan approval shall have an accessible outdoor private space of not less than 48 square feet in area. The area shall be enclosed, screened or otherwise designed to provide increased privacy for unit residents, their guests and neighbors. b. Individual and Shared Areas. In addition to the private <u>open space</u> identified above, usable outdoor recreation space shall be provided for the individual and/or shared <u>use</u> of residents and their guests in any multifamily or <u>single room occupancy residential development with more than 6 units</u>, as follows: i. One- or two-bedroom units: 200 square feet per unit. ii. Three- or more bedroom units: 300 square feet per unit. iii. Storage areas are required in residential developments. Convenient areas shall be provided in residential developments for the storage of articles such as bicycles, barbecues, luggage, outdoor furniture, and the like. These shall be entirely enclosed and shall be a minimum of 18 square feet per <u>dwelling unit</u>.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
2. Site Vegetation	Preserve existing natural features, including topography, water features, and/or native vegetation (three points).	The proposal shall adhere to the landscaping standards in Chapter <u>15.420</u> NMC.
3. <u>Building</u> Setbacks	<u>Use</u> the front setback to build a <u>street</u> edge by orienting building(s) toward the <u>street</u> with a relatively shallow <u>front yard</u> (12 to 15 feet for two-story <u>buildings</u>) to create a more “pedestrian-friendly” environment (three points).	The proposal shall adhere to the base zone standard for <u>building</u> setbacks listed in Chapter <u>15.410</u> NMC.
4. Vehicle Parking	Place parking <u>lots</u> to the sides and/or back of projects so that <u>front yard</u> areas can be used for landscaping and other “pedestrian-friendly” amenities (three points).	Parking for the development shall comply with the following: a. On-site surface parking areas, garages, and vehicle maneuvering areas shall not be located directly between the facade of a primary building(s) and an abutting <u>street</u> right-of-way. b. Parking located to the side of a <u>dwelling</u> structure shall be limited to 50% of the linear frontage of the site. Drive aisles without adjacent <u>parking spaces</u> do not count as parking areas for purposes of this standard.
5. Multiple <u>Building</u> Groupings	Create “outdoor” rooms in larger projects by grouping <u>buildings</u> to create well-defined outdoor spaces (two points).	Adhere to the design standards in Private and Shared Recreation Areas, above.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
6. Landscaping	Provide good-quality landscaping. Provide coordinated site landscaping sufficient to give the site its own distinctive character, including the preservation of existing landscaping and <u>use</u> of native species (two points).	The proposal shall adhere to the landscaping standards in Chapter <u>15.420</u> NMC.
7. Parking Vegetation Buffer	<u>Landscape</u> at the edges of parking <u>lots</u> to minimize visual impacts upon the <u>street</u> and surrounding properties (two points).	Parking design and <u>landscape</u> shall adhere to the standards in Chapters <u>15.440</u> and <u>15.420</u> NMC.
8. <u>Street</u> Trees	<u>Use</u> street trees and vegetative screens at the front property line to soften visual impacts from the <u>street</u> and provide shade (one point).	The proposal shall adhere to the <u>street</u> trees and landscaping amenities in public rights-of-way standards in NMC <u>15.420.020</u> . On-site landscaping shall adhere to the standards in Chapter <u>15.420</u> NMC.
9. Outdoor Furnishings	<u>Use</u> site furnishings to enhance <u>open space</u> . Provide communal amenities such as benches, playground equipment, and fountains to enhance the outdoor environment (one point).	User amenities—such as tables, benches, trees, shrubs, planter boxes, garden plots, drinking fountains, spas, or pool—may be placed in outdoor shared recreation areas.
10. Fencing	Keep fences neighborly by keeping them low, placing them back from the <u>sidewalk</u> , and using compatible <u>building</u> materials (one point).	The proposal shall adhere to the fence height standards in NMC <u>15.410.070(D)</u> .
11. Entrance <u>Building</u> Materials	<u>Use</u> entry accents such as distinctive <u>building</u> or paving materials to mark major entries to multifamily <u>buildings</u> or to individual units (one point).	<u>Building</u> entrances shall be emphasized through the <u>use</u> of recesses, projections, corner entries, or <u>landscape</u> treatments.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
12. Outdoor Lighting	<u>Use</u> appropriate outdoor lighting which enhances the nighttime safety and security of pedestrians without causing <u>glare</u> in nearby <u>buildings</u> (one point).	a. <u>Uses</u> on the site shall be illuminated as follows: (1) Parking and loading areas: 0.5 footcandle minimum. (2) Walkways: 0.5 footcandle minimum and average of 1.5 footcandles. (3) <u>Building</u> entrances: 1 footcandle minimum with an average of 3.5 footcandles, except that secondary entrances may have an average of 2.0 footcandles. b. Maximum illumination at the property line shall not exceed 0.5 footcandles. However, where a site <u>abuts</u> a nonresidential district, maximum illumination at the property line shall not exceed 1 footcandle. This standard applies to adjacent properties across a public <u>right-of-way</u>. c. Developments shall <u>use</u> full cut-off lighting fixtures to avoid off-site lighting, night sky pollution, and shining lights into residential units.
<u>Building</u> Design Elements		

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
1. <u>Building</u> Orientation and Entrances	Orient <u>buildings</u> toward the <u>street</u> . For attached single-family and smaller multifamily projects, this means orienting individual entries and porches to the <u>street</u> . In larger projects with internal circulation and grounds, this means that at least 10 percent of the units should have main entries which face the <u>street</u> rather than be oriented toward the interior (three points).	a. The primary <u>building</u> entry, or entries, for ground-floor units shall face the <u>street</u> right-of-way or a central common <u>open space</u> . Secondary entries may face parking <u>lots</u> or other interior site areas. b. For sites not on an <u>arterial</u> street, at least 50% of a site's <u>street</u> frontage, excluding <u>driveways</u> , shall be occupied by <u>buildings</u> that are located no further than 10 feet from the required setback line. c. For sites on an <u>arterial</u> street, at least 50% of a site's <u>street</u> frontage, excluding <u>driveways</u> , shall be occupied by <u>buildings</u> that are located no further than 20 feet from the required setback line.
2. <u>Building Height</u>	Respect the scale and patterns of nearby <u>buildings</u> by reflecting the architectural styles, <u>building</u> details, materials, and scale of existing <u>buildings</u> (three points).	The proposal shall adhere to the base zone standard for <u>building height</u> listed in NMC <u>15.415.020</u> .

Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
3. <u>Building</u> Articulation	Break up large <u>buildings</u> into bays by varying planes at least every 50 feet (three points).	a. Street-facing <u>building</u> facades shall be divided into wall planes. The wall plane on the exterior of each <u>dwelling unit</u> shall be articulated by doing one or more of the following: (1) Incorporating elements such as porches, balconies, or decks into the wall plane. (2) Recessing the <u>building</u> a minimum of 2 feet deep x 6 feet long. (3) Extending an architectural bay at least 2 feet from the primary street-facing facade. b. To avoid long, monotonous, uninterrupted walls, <u>buildings</u> shall incorporate exterior wall off-sets, projections and/or recesses. At least 1 foot of horizontal variation shall be used at intervals of 40 feet or less along the <u>building's</u> primary facade on the ground-floor level.

Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
4. <u>Building</u> Facade Design	Provide variation in repeated units of large multifamily projects so that these projects have recognizable identities. Elements such as color; porches, balconies, and windows; railings; and <u>building</u> materials and form, either alone or in combination, can be used to create this variety (three points).	a. Windows and the glass portion(s) of doors with glazing shall occupy a minimum of 25% of the total street-facing facade. b. <u>Buildings</u> shall have a distinct base and top. The base of the <u>building</u> (ground-floor level) shall be considered from <u>grade</u> to 12 feet above <u>grade</u>. The base shall be visually distinguished from the top of the <u>building</u> by any of the following physical transitions: a change in brick pattern, a change in surface or siding materials, a change in color, or a change in the size or orientation of window types. c. Blank, windowless walls in excess of 750 square feet are prohibited when facing a public <u>street</u>, unless required by the <u>Building</u> Code. In instances where a blank wall exceeds 750 square feet, it shall be articulated (see <u>Building</u> Articulation, above) or landscaping shall be planted in front of it that will grow to cover 50% of the wall within 3 years of planting. d. Garage doors shall be painted to match the color or color palette used on the rest of the <u>buildings</u>.

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Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 dwelling units must obtain 14 points, projects with 9 or more dwelling units must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
5. Building Materials	<u>Use</u> some or all of the following materials in new buildings: wood or wood-like siding applied horizontally or vertically as board and batten; shingles, as roofing, or on upper portions of exterior walls and gable ends; brick at the base of walls and chimneys; wood or wood-like sash windows; and wood or wood-like trim (one point for each material described above).	The following building materials are prohibited on street-facing building facades and shall not collectively be used on more than 35% of any other building facade: (1) Vinyl PVC siding; (2) T-111 plywood; (3) Exterior insulation finishing (EIFS); (4) Corrugated metal; (5) Unfinished or untextured concrete or concrete block ; (6) Spandrel glass; (7) Sheet pressboard.
6. Architectural Elements	Incorporate architectural elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity. Typical design elements which should be considered include, but are not limited to, “crippled hip” roofs, Palladian-style windows, roof eave brackets, dormer windows, and decorative trim boards (two points).	The applicant is encouraged to incorporate elements of one of the city's historical styles (Queen Anne, Dutch colonial revival, colonial revival, or bungalow style) into the design to reinforce the city's cultural identity.
7. Carports and Garages	Keep garages and carports secondary to the building by placing them to the side or back of units and/or using architectural designs, materials, and landscaping to buffer visual impacts from the street (two points).	a. On-site garages or carports shall not be located directly between the facade of a primary building(s) and an abutting street right-of-way. b. All garages or carports that are part of the same structure that contains dwelling units shall be located at least 4 feet behind the front building facade.

Table 15.220.060(B): Multifamily and Single Room Occupancy Residential Design Guidelines and Standards

Design Element	Design Guideline (Discretionary Process) Projects with 5 – 8 <u>dwelling units</u> must obtain 14 points, projects with 9 or more <u>dwelling units</u> must obtain 20 points.	Design Standard (Objective Process) All standards must be met.
8. Front Porches	Provide a front porch at every main entry as this is both compatible with the <u>city's</u> historic <u>building</u> pattern and helps to create an attractive, “pedestrian-friendly” streetscape (two points).	Provide a front porch or patio for at least one main entry.
9. Roofs	<u>Use</u> sloped roofs at a pitch of 3:12 or steeper. Gable and hip roof forms are preferable (two points).	Where a sloped roof is proposed, the sloped roof shall be at a pitch of 3:12 or steeper.

Staff comment: Updated the additional multi-family standards to also include when more than 6 SRO units are being proposed that they have to meet the additional standards

NMC 15.235 LAND DIVISIONS

15.235.050 Preliminary plat approval process.

A. Approval Criteria. By means of a Type II procedure for a partition, or a Type II or III procedure for a subdivision per NMC 15.235.030(A), the applicable review body shall approve, approve with conditions, or deny an application for a preliminary plat. The decision shall be based on findings of compliance with all of the following approval criteria:

1. The land division application shall conform to the requirements of this chapter;
2. All proposed lots, blocks, and proposed land uses shall conform to the applicable provisions of NMC Division 15.400, Development Standards;
3. Access to individual lots, and public improvements necessary to serve the development, including but not limited to water, wastewater, stormwater, and streets, shall conform to Division 15.500 NMC, Public Improvement Standards;
4. The proposed plat name is not already recorded for another subdivision, and satisfies the provisions of ORS Chapter 92;
5. The proposed streets, utilities, and stormwater facilities are adequate to serve the proposed development at adopted level of service standards, conform to the City of Newberg adopted master plans and applicable Newberg public works design and construction standards, and allow for transitions to existing and potential future development on adjacent lands. The preliminary plat shall identify all proposed public improvements and dedications;
6. All proposed private common areas and improvements, if any, are identified on the preliminary plat and maintenance of such areas is assured through the appropriate legal instrument;
7. Evidence that any required state and federal permits, as applicable, have been obtained or can reasonably be obtained prior to development; and
8. Evidence that improvements or conditions required by the city, road authority, Yamhill County, special districts, utilities, and/or other service providers, as applicable to the project, have been or can be met.

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

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

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

b. Separate utilities for each dwelling unit;

c. Proposed easements necessary for each dwelling unit on the plan for:

i. Locating, accessing, replacing and servicing all utilities;

ii. Pedestrian access from each dwelling unit to a private or public road;

iii. Any common use areas or shared building elements;

iv. Any dedicated driveways or parking; and

v. Any dedicated common area;

d. Exactly one dwelling unit on each resulting lot or parcel, except for lots containing, parcels or tracts used as common areas an existing detached single-unit dwelling and accessory dwelling unit, or an existing duplex, as allowed under ORS 197A.420 (4). Dwellings are not permitted on parcels or tracts designated as common areas;

e. Evidence demonstrating how buildings or structures on a resulting lot or parcel will comply with applicable building code provisions relating to new property lines;

f. Notwithstanding the creation of new lots or parcels, how structures or buildings located on the newly created lots or parcels will comply with the Oregon Residential Specialty Code;

g. Conditions may be added to the approval of a tentative plan for a middle housing land division to:

i. Prohibit the further division of the resulting lots or parcels.

ii. Require that a notation appear on the final plat indicating that the approval was given under this section;

h2. In reviewing an application for a middle housing land division, the city shall:

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~~ia.~~ Apply the procedures under ORS 197.360 to 197.380, applicable to an expedited land division under ORS 197A.140, if requested by the applicant and without regard to the criteria in ORS 197A.142(1)

~~ib.~~ Require street frontage improvements where a resulting lot or parcel abuts the street consistent with land use regulations implementing ORS 197.758 197A.420.

~~ic.~~ May not subject an application to approval criteria except as provided in this section, including that a lot or parcel require driveways, vehicle access, parking or minimum or maximum street frontage.

~~id.~~ May not subject the application to procedures, ordinances or regulations adopted under ORS 92.044 or 92.046 that are inconsistent with this section or ORS 197.360 to 197.380, only if requested by the applicant under ORS 197A.140.

~~ie.~~ May aAllow the submission of an application for a middle housing land division at the same time as the submission of an application for building permits for the middle housing.

~~if.~~ May require the dedication of right-of-way if the original parcel did not previously provide a dedication.

~~ii.~~ The type of middle housing developed on the original parcel is not altered by a middle housing land division.

~~iii.~~ Notwithstanding ORS 197.312(5), a city or county is not required to allow an accessory dwelling unit on a lot or parcel resulting from a middle housing land division.

~~ig.~~ The tentative approval of a middle housing land division is void if and only if a final subdivision or partition plat is not approved within three years of the tentative approval.

~~x.~~ Nothing in this section or ORS 197.360 to 197.380 prohibits a city or county from requiring a final plat before issuing building permits.

C. Conditions of Approval. The city may attach such conditions as are necessary to carry out provisions of this code, and other applicable ordinances and regulations.

Staff comment: Updated to be consistent with current state statute of ORS 92.031 and Middle Housing Land Divisions that must be requested by the applicant to be an expedited land division. Clarification on existing houses/ADU's/duplexes as part of a middle housing land division.

NMC 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS

~~15.240.060 — Middle housing land divisions~~

~~Middle housing land divisions proposed as part of a planned unit development shall follow the lot requirements set forth in NMC 15.405.050 and 15.410.080.~~

Staff comment: Middle housing land divisions are not subject to minimum lot size requirements and the original parcel must meet all standards as seen in NMC 15.235(B)(1)(a).

15.235.070 Final plat submission requirements and approval criteria.²

Final plats require review and approval by the director prior to recording with Yamhill County. Final plat applications for developments that include public infrastructure improvements will not be deemed complete until construction of all required public improvements have achieved at least substantial completion or the director determines substantial completion is imminent. The final plat submission requirements, approval criteria, and procedure are as follows:

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

1. One original and one identical copy of the final plat for signature. The plat copies shall be printed on mylar, and must meet the requirements of the county recorder and county surveyor. The plat must contain a signature block for approval by the city recorder and community development director, in addition to other required signature blocks for county approval. Preliminary ~~paper~~ electronic copies of the plat are acceptable for review at the time of final plat application.
2. Written response to any conditions of approval assigned to the land division describing how conditions of approval have been met.
3. A title report for the property, current within six months of the final plat application date.
4. Copies of any required dedications, easements, or other documents.
5. Copies of all homeowner's agreements, codes, covenants, and restrictions, or other bylaws, as applicable. This shall include documentation of the formation of a homeowner's association, including but not limited to a draft homeowner's association agreement regarding the maintenance of planter strips adjacent to the rear yard of proposed through lots.
6. Copies of any required maintenance agreements for common property.
7. Any other item required by the city to meet the conditions of approval assigned to the land division, including documentation of closeout of the public improvement permit for any required public infrastructure improvements.

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B. Approval Process and Criteria. By means of a Type I procedure, the director shall review and approve, or deny, the final plat application based on findings of compliance or noncompliance with the preliminary plat conditions of approval. [Ord. 2940 § 1 (Exhs. A-1a, A-1b), 11-17-25; Ord. 2813 § 1 (Exh. A § 7), 9-5-17.]

NMC 15.240 PD PLANNED UNIT DEVELOPMENT REGULATIONS

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~~15.240.060 Middle housing land divisions.~~

~~Middle housing land divisions proposed as part of a planned unit development shall follow the lot requirements set forth in NMC 15.405.050 and 15.410.080.~~

NMC 15.303 USE CATEGORIES

15.303.200 Residential Uses

The following residential uses are defined in NMC 15.05.030:

//

T. Single room occupancy.

Staff Comments: Adds single use occupancy use category to comply with HB 2138 (2025) and HB 3395(2023) requiring cities to allow single room occupancies, effective January 1, 2027.

NMC 15.305 ZONING USE TABLE

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

15.305.020 Zoning use table – Use districts.

#	Use	R-1	R-2	R-3	R-4	RP	C-1	C-2	C-3	C-4	M-E	M-1	M-2	M-3	M-4-I	M-4-C	M-5	CF	I	AR	AI	Notes and Special Use Standards
//																						
200	RESIDENTIAL USES																					
Def.	Single room occupancy (4-6 Units)	P(2)	P	P(3)	=	P	=	=	=	=	X	=	=	=	=	=	=	=	P	P(6)	=	Subject to lot or development site area requirements of NMC 15.405.010
Def.	Single room occupancy (More than 6 units)	=	P	P(3)	=	P	=	=	P(8)	=	X	=	=	=	=	=	P(8)	=	P	=	=	Subject to lot or development site area requirements of NMC 15.405.010
Def.	Manufactured home on individual lot	S(2)	S	S(3)	P(7)	S	-	-	-	-	X	-	-	-	-	-	-	-	-	P(6)	-	NMC 15.445.050 — 15.445.070; subject to lot or development site area requirements of NMC 15.405.010

Key:

P: Permitted use

S: Special use – Use requires a special use permit

C: Conditional use – Requires a conditional use permit

X: Prohibited use

(#): See notes for limitations

- Notes.
- //
- (2) Limited to one per lot as a permitted use. ~~More than one per lot allowed only through a conditional use permit or planned unit development, subject to density limits of NMC 15.405.010(B).~~
- (3) Permitted on individual lots created prior to November 17, 1992. Homes or single room occupancies on individual lots created on or after November 17, 1992, will only be permitted through the planned unit development process.
- //
- (6) One single-family, duplex, triplex or quadplex dwelling, single room occupancy development, or up to four townhouses or cottage dwellings per lot with the addition of a tie-down or hangar for an airplane. At a minimum, a paved tie-down or hangar shall be provided on the property, or the property shall include permanent rights to a private hangar within the subdivision. See Chapter [15.336](#) NMC.
- (7) The homes are not subject to the development standards set forth in NMC 15.445.050 through 15.445.070.
- (8) The units must be located on the same lots as another use permitted or conditionally permitted in the C-3 or M-5 zone and may not occupy the first floor storefront area (the portion of the building closest to the primary street), except on E/W Second Street where dwelling units are permitted to occupy the first floor of a building. There shall be no density limitation. Private parking areas or garages are not required for dwelling units located within buildings in existence prior to and including June 30, 1999. Parking shall be provided for all new dwelling units within any building constructed after June 30, 1999, in private parking areas or garages on the basis of one parking space for each dwelling unit.
- //
- (29) Permitted provided the structure is designed for easy conversion to industrial use, ~~including not having fixed seating.~~

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

- Adds single use occupancy use category to comply with HB 2138 (2025) and HB 3395(2023) requiring cities to allow single room occupancies, effective January 1, 2027.
- Footnote 2 currently applies to the Single-Family use category. The reference to “more than one per lot” is removed because more than one single-family dwelling unit on a lot would be considered a detached form of middle housing (e.g., duplex).
- Deleted reference to manufactured dwelling on individual lot as there is no longer a difference in how manufactured versus stick built homes on individual lots may be regulated by local zoning and development codes, as required by HB 2347(2025). The same is true for middle housing construction. Updated NMC 15.445 to reflect this.
- Footnote 29 updated to remove note about fixed seating as it can be fairly easily removed. Also of note, building code requires fixed seating for churches if no sprinklers.

15.326.025 Springbrook Master Plan Develop Standards Matrix

Staff Comment: The only amendments to the Springbrook District standards are to add the required single room occupancies

DEVELOPMENT STANDARDS MATRIX						
DEVELOPMENT STANDARDS	LOW DENSITY RESIDENTIAL	MID – RISE RESIDENTIAL	NEIGHBORHOOD COMMERCIAL	EMPLOYMENT	VILLAGE	HOSPITALITY
LOT REQUIREMENTS						
ALLOWED USE*	• Detached Dwelling Units • Duplex Dwellings • Triplex and Quadplex Dwellings • Attached Dwelling Units • Cottage Clusters • Manufactured Home • Accessory Dwellings • <u>Single room occupancies (4-6 units)</u>	• Attached Dwelling Units • Manufactured Home • Detached Dwelling Units • Duplex Dwellings • Triplex and Quadplex Dwellings • Cottage Clusters • Multifamily Units • <u>Single room occupancies (more than 6 units)</u>	• Retail • Restaurants • Office • Medical Clinics • Financial Institutions • Agriculture • Civic Uses: Post Office • Museum • Community Center • Library	• Industrial Offices (knowledge-based industries where services are primarily provided outside the community) • Light Industrial • Supporting Retail (directly serving the employment district, such as a deli or printing service) • Day Care • Agriculture • Transportation facilities and improvements and utility services	• Retail • Restaurants • Attached Dwelling Units • Manufactured Home • Multifamily Units • Home Occupations • Church • <u>Single room occupancies (more than 6 units)</u>	• Hotel • Restaurant • Spa • Meeting Facilities • Detached Dwelling Units, limited to vacation or transitory use or units for employees or caretakers of other uses within the village or hospitality areas • Manufactured Home • Home Occupations

	• Home Occupations • Passive or Active Use Parks • Agriculture • Civic Uses: Post Office Museum Community Center Library School • Day Care • Group Care Facilities • Church • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district	• Home Occupations • Passive or Active Use Parks • Agriculture • Civic Uses: Post Office Museum Community Center Library • Day Care • Group Care Facilities • Church • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district	Day Care • Group Care Facilities • Transportation facilities and improvements and utility services • Services for local residents, such as laundromat or barber • Any other building or use determined to be similar to uses listed in this District		• Artist Studios • Passive or Active Use Parks • Agriculture • Civic Uses: Train Depot Post Office Museum Community Center Library • Day Care • Group Care Facilities • Financial Institutions • Winery • Medical Clinics • Office • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district	• Retail • Museum • Artist Studios • Group Care Facilities • Agricultural Production or Processing • Passive or Active Use Parks • Transportation facilities and improvements and utility services • Any other building or use determined to be similar to uses listed in this district
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NMC 15.332 AIRPORT INDUSTRIAL (AI) DISTRICT

15.332.020 Permitted buildings and uses.

A. In the AI airport industrial district, the following buildings and uses are permitted as hereinafter specifically provided.

B. The buildings and uses are subject to the general provisions and exceptions set forth in this code:

//

22. One residence per hangar with a floor of area of not more than 40 percent of the area of the hangar floor, up to a maximum of 1,500 square feet, for occupancy by the owner of the hangar or an airport hangar caretaker or security officer on each separate parcel.

Staff comment: The amendment clarifies that one residence is permitted with each hangar regardless of ownership (fee simple or condominium) and that occupancy must be related to the airport use. This does not permit vacation rental homes at the airport because vacation rentals are only allowed in single family dwellings which are not permitted in the Airport Industrial District.

NMC 15.346 SPECIFIC PLAN (SP) SUBDISTRICT

15.346.070 Specific plan development standards.

Development standards for specific plans are listed below. The standards shall be utilized in conjunction with the specific plan adopted as an exhibit to the SP overlay subdistrict. This section is intended to be amended as new specific plans are adopted.

A. The Northwest Newberg Specific Plan.

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6. Residential Density. Residential density is governed by the SP overlay subdistrict. The maximum allowed density is set by the number of lots depicted on the land use plan, Figure 6 of the northwest Newberg specific plan. Additional standards follow:

a. Minimum Lot Size.

i. Single-family detached dwellings, duplex dwellings, ~~or triplex dwellings,~~ or single room occupancies with 4-6 units: 5,000 square feet.

ii. Townhouse dwellings: 1,500 square feet.

iii. Quadplex dwellings or cottage cluster projects: 7,000 square feet.

b. Maximum Lot Coverage.

i. R-1-SP zone: 40 percent (including garage).

ii. R-2-SP zone: 60 percent (including garage).

c. Maximum Density.

i. LDR districts: set by the specific plan (averages 4.4 dwellings per acre).

ii. MDR districts: 8.8 dwellings per acre.

iii. For the purpose of calculating compliance with the maximum density standard, single-family detached and duplex dwellings count as a single dwelling.

iv. Triplex dwellings, quadplex dwellings, townhouse dwellings, single room occupancies with 4-6 units, and cottage cluster projects shall be exempt from the maximum density calculation and shall be subject only to the minimum lot sizes in subsection (A)(6)(a) of this section.

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B. Springbrook Oaks Specific Plan.

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8. Residential Density. Residential density is governed by the SP overlay subdistrict.

a. The following development standards shall be applied to Springbrook Oaks for single-family detached dwellings and duplex dwellings (please refer to Graphic VI for map of development areas A through H of the Springbrook Oaks specific plan). See Appendix A, Figure 20. These standards shall supersede any density or density transfer standards established in the development code.

Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
A	C-2	5,000	NA	NA
B ^{4, 5}	RP	1,500*	1,500*	21.8* ¹
C ^{4, 5}	R-3	2,500*	2,500*	13.1*
D ^{4, 5}	R-2	3,750*	3,750	8.8
E ^{4, 5}	R-2	5,000	5,000*	6.6*

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Area	Zone	Minimum Lot Size (Square Feet)	Minimum Lot Area per Dwelling Unit (Square Feet)	Maximum Density (Dwelling Units per Acre)
F-1 ^{4, 5}	RP	1,500*	1,500*	21.8*
F-2 ^{4, 5}	RP	1,500*	None* ²	None* ²
F-3 ^{4, 5}	RP	1,500*	1,500*	21.8*
G	M-1	20,000	NA	NA
H ^{4, 5}	R-1	5,000*	10,000* ³	3.3*

* Different than the standards established elsewhere in the development code. Residential land use only permitted on F-1 area for Yamhill County tax lot 3216-02026.

¹ Up to 100 percent of the land zoned RP within area B may be developed for residential use.

² There is no limit on the number of dwelling units allowed in area F-2.

³ Average lot area per dwelling in any one subdivision.

⁴ Duplex dwellings are exempt from minimum lot area per dwelling unit. Duplex dwellings count as a single dwelling for the purpose of calculating compliance with the maximum density.

⁵ Triplex dwellings, quadplex dwellings, townhouse dwellings, multifamily dwellings, single room occupancies, and cottage cluster projects are permitted on lots meeting the applicable minimum lot areas for the dwelling type in the corresponding zone per NMC 15.405.010(A), and are exempt from the development standards in this table.

Staff Comment: The only amendments to the Specific Plans were to add in the single room occupancies.

~~15.346.080 Middle housing land divisions.~~

~~Middle housing land divisions proposed in either the northwest Newberg specific plan or Springbrook Oaks specific plan areas shall follow the lot requirements set forth in this chapter.~~

Staff comment: Middle housing land divisions are not subject to minimum lot size requirements under ORS 92.031, and the original parcel must meet all standards as seen in NMC 15.346.070 as seen above and NMC 15.405.010
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NMC 15.405 LOT REQUIREMENTS

15.405.010 Minimum and maximum lot area.

A. In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code:

1. In the R-1, R-2, R-3, R-P and AR districts, the following minimum lot area standards apply:

Zone	Minimum lot area for single family	Minimum lot area for duplex dwelling	Minimum lot area for triplex dwelling	Minimum lot area for quadplex dwelling	Minimum lot area for townhouse	Minimum lot area for cottage cluster	Minimum lot area per dwelling unit for multifamily	<u>Minimum lot area for single room occupancy (4-6 Units)</u>	<u>Minimum lot area per single room occupancy unit (More than 6 units)</u>
R-1	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	Per conditional use review	<u>5,000 SF</u>	<u> </u>
R-2	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF	<u>3,000 SF</u>	<u>1,000 SF</u>
R-3	2,500 SF	2,500 SF	4,500 SF	6,000 SF	1,500 SF	6,000 SF	1,500 SF	<u>2,500 SF</u>	<u>500 SF</u>
R-P	3,000 SF	3,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	3,000 SF	<u>3,000 SF</u>	<u>1,000 SF</u>
AR	5,000 SF	5,000 SF	5,000 SF	7,000 SF	1,500 SF	7,000 SF	—	<u>5,000 SF</u>	<u> </u>

2. In the AI, C-1, C-2, C-3, and M-5 districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a subdistrict.
3. In the M-1, M-2, M-3, and M-E districts, each lot or development site shall have a minimum area of 20,000 square feet.
4. Institutional districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.
5. Within the commercial and mixed employment district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

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B. Maximum Lot or Development Site Area per Dwelling Unit.

1. In the R-1 district, the average size of lots in a subdivision intended for single-family development shall not exceed 10,000 square feet.
2. In the R-2 and R-P districts, the average size of lots in a subdivision intended for single-family development shall not exceed 5,000 square feet.
3. In the R-2, AR and R-P districts, when a development site of more than 15,000 square feet of area is to be subdivided, partitioned, or developed with more than one primary dwelling unit on a lot, the average size of the subject lot or lots shall not exceed 5,000 square feet per dwelling unit. For purposes of this subsection, when more than one contiguous lot is under the same ownership it shall be considered a single development site. ~~lots or development sites in excess of 15,000 square feet used for single family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 5,000 square feet lot area.~~
4. In the R-3 district, when a development site of more than 15,000 square feet of area is to be subdivided, partitioned, or developed with more than one primary dwelling unit on a lot, the average size of the subject lot or lots shall not exceed 2,500 square feet per dwelling unit. For purposes of this subsection, when more than one contiguous lot is under the same ownership it shall be considered a single development site. ~~lots or development sites in excess of 15,000 square feet used for multiple single family, duplex, triplex, quadplex, multifamily dwellings or cottage cluster projects shall be developed at a minimum of one dwelling per 2,500 square feet lot area.~~

Staff Comment: To clarify when development needs to meet the minimum density for large development sites. This exempts from the minimum density standard the development of one single family dwelling and its accessory uses on an existing legal lot of record to avoid takings.
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~~15.405.050 Middle housing land divisions.~~

~~Applications for middle housing land divisions shall follow the lot requirements set forth in this chapter.~~

NMC 15.410 YARD SETBACK REQUIREMENTS

15.410.070 Yard exceptions and permitted intrusions into required yard setbacks.

The following intrusions may project into required yards to the extent and under the conditions and limitations indicated:

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E. Parking and Service Drives (Also Refer to NMC 15.440.010 through 15.440.080).

1. In any district, service drives or accessways providing ingress and egress shall be permitted, together with any appropriate traffic control devices in any required yard.
2. In any residential district, public or private parking areas and parking spaces shall not be permitted in any required yard except as provided herein:
 - a. Required parking spaces shall be permitted on service drives in the required front yard in conjunction with any single-family detached dwelling, duplex dwelling, triplex dwelling, quadplex dwelling, or townhouse dwelling on a single lot.
 - b. Recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are restricted to parking in the front yard setback for not more than 48 hours; and recreational vehicles, boat trailers, camperettes and all other vehicles not in daily use are permitted to be located in the required interior yards.
 - c. Public or private parking areas, parking spaces or any building or portion of any building intended for parking which have been identified as a use permitted in any residential district shall be permitted in any interior yard that abuts an alley, provided said parking areas, structures or spaces shall comply with NMC 15.440.070, Parking tables and diagrams (Diagrams 1 through 3).
 - d. Public or private parking areas, service drives or parking spaces which have been identified as a use permitted in any residential district shall be permitted in interior yards; provided, that said parking areas, service drives or parking spaces shall comply with other requirements of this code.
3. In any commercial or industrial district, except C-1, C-4, M-1, and M-E, public or private parking areas or parking spaces shall be permitted in any required yard (see NMC 15.410.030) subject to the landscaping requirements of NMC 15.420.010(B)(3). Parking requirements in the C-4 district and the M-E district within the riverfront overlay subdistrict are described in NMC 15.352.040(H).
4. In the I district, public or private parking areas or parking spaces may be no closer to a front property line than 20 feet, and no closer to an interior property line than five feet.

Staff Comment: This is to fix an inconsistency in the code regarding landscaping requirements being more stringent but not reflected here. Code adjustments are also proposed for landscaping buffers as seen in amendments to NMC 15.210.020.

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15.410.080 — ~~Middle housing land divisions~~

~~Applications for middle housing land divisions shall follow the yard setback requirements set forth in this chapter.~~

NMC 15.415 BUILDING AND SITE DESIGN STANDARDS

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15.415.050 Rules and exceptions governing triplex and quadplex dwellings, townhouse dwellings and cottage cluster projects.

A. Where permitted, triplex dwellings and quadplex dwellings are subject to the following provisions:

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3. Garages and Off-Street Parking Areas. Garages and off-street parking areas shall not be located between a building and a public street (other than an alley), except in compliance with the standards in subsections (A)(2)(3)(a) and (b) of this section.

a. The garage or off-street parking area is separated from the street property line by a dwelling; or

b. The combined width of all garages and outdoor on-site parking and maneuvering areas does not exceed a total of 50 percent of the street frontage.

Staff Comment: This is just a cleanup to cite correct reference.

//

C. Where permitted, cottage cluster projects are subject to the following provisions:

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6. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting

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rooms, guest housing, exercise rooms, day care, or community eating areas.

~~Community buildings must meet the following standards:~~

~~a. A community building that meets the development code's definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.~~

//

9. Accessory Structures. Accessory structures must not exceed 400 square feet in floor area. Cottage cluster community buildings are not considered accessory structures.

Staff Comment: Updated to clarify that community buildings for cottage clusters are not accessory structures and remove the language about dwelling unit for community buildings on Tracts that would conflict with changes to Middle housing land divisions in NMC 15.235.050(B)(1)(k)

~~15.415.070 Middle housing land divisions.~~

~~Applications for middle housing land divisions shall follow the building and site design standards set forth in this chapter~~

Staff Comment: Middle housing land divisions must only have the original “parent” lot meet all the standards, not subdivided ones. This is still expressed in NMC 15.235

NMC 15.435 SIGNS

15.435.050 Major freestanding signs.

A. Number.

1. ~~Residential, I, and CF~~ All Zones. One major freestanding sign is allowed on each street frontage, plus one sign for each full 600 feet of street frontage. Only one sign on each street frontage may be an animated sign.

2. ~~Other Zones. Not more than one major freestanding sign shall be located on any one street frontage.~~

Staff Comment: The allowance of one additional freestanding sign for each 600 feet of frontage is to accommodate large campus properties that have multiple entrances with a need for additional signage (i.e. A-DEC). There are fewer than five properties currently that are not residential, institutional (I) or community facilities (CF) Zones that have more than 600 feet of frontage. This also does not eliminate the 100 square feet maximum for signs in these other zones.

//

C. Height and Setbacks. Freestanding signs regulated by this section are not subject to the setback requirements of NMC 15.410.010 through 15.410.070 or the projecting building features requirements of said sections. Height and setbacks of freestanding signs shall conform to the following height limitations and other requirements:

1. C-3 Zone. No major freestanding signs shall be allowed greater than six feet in height.

2. Other Zones.

a. A sign up to three feet in height is not required to be set back from any property line.

b. A sign taller than three feet and up to six feet shall be set back at least five feet from any property line.

c. A sign taller than six feet and up to eight feet shall be set back at least 10 feet from any front property line and five feet from any interior property line.

d. A sign taller than eight feet and up to 15 feet shall be set back at least 15 feet from any front property line and five feet from any interior property line.

e. A sign taller than 15 feet and up to 20 feet shall be set back at least 20 feet from the front property line and five feet from any interior property line.

f. A sign taller than 20 feet is not permitted except as provided by subsection (C)(2)(g) of this section.

g. A sign on a lot that is at least 10 acres in size in a zone other than residential, C-1, or I and that has at least 200 feet of frontage on a street may be up to 30 feet high, provided it is set back at least 20 feet from the front property line and at least 10 feet from any interior property line.

3. Height Measurement

a. The height of a freestanding sign shall be computed as the distance from the base of the sign at finished grade to the top of the highest attached component of the sign.

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The height of any monument sign base or other structure erected to support or adorn the sign is measured as part of the sign height. If a sign is located on a mound, berm, or other raised area for the sole purpose of increasing the height of the sign, the height of the mound, berm, or other raised area shall be included in the height of the sign.

Staff Comment: Clarification on how sign height is measured to ensure posts/other framework is included in the height calculation. This has been standard practice at the City.

Penalty: See NMC 15.05.120.

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

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15.440.030 Parking Spaces Required

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

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		Uses fronting a street with abutting on- street parking	Uses fronting no street with abutting on-street parking	
Residential Types				
//				
Studio or one-bedroom unit	1	1.2	1.5	Per dwelling unit
Two-bedroom unit	1.5	1.8	2.25	Per dwelling unit
Three- and four-bedroom units	2	2.4	3	Per dwelling unit
Five- or more bedroom unit	0.75	0.9	1.13	Spaces per bedroom
<u>Single room occupancy development with four to six units</u>	<u>2</u>	<u>None</u>	<u>None</u>	<u>Per development</u>
<u>Single room occupancy development with more than six units</u>	<u>0.67</u>	<u>None</u>	<u>None</u>	<u>Per SRO Unit</u>

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

Use	Minimum Parking Spaces Required	Maximum Parking Spaces Allowed***		Rate and Units
		Uses fronting a street with abutting on- street parking	Uses fronting no street with abutting on-street parking	
//				
Parking Requirement Modifiers for Multifamily Residential Developments <u>and for Single Room Occupancy Developments with more than six units</u>				

Staff comment: To comply with HB 2138 (2025) regulating parking requirements for single room occupancies, effective January 1, 2027. 4-6 SRO units are to match single family requirements for parking per the bill.

More than 6 SRO units matches the total of 3-bedroom multifamily units which has 2 required spaces divided by the 3 SRO units as the state requires a 3:1 ratio for the SROs to a multifamily unit. In this case 2 spaces divided by 3 for the .67 per SRO unit.

15.440.050 Joint use of parking facilities and ~~Common facilities for mixed uses~~

//

B. Joint Uses of Parking Facilities. The director may, upon application, authorize the joint use of parking facilities required by said uses and any other parking facility; provided, that:

1. The applicant shows that there is no substantial conflict in the principal operating hours of the building or use for which the joint use of parking facilities is proposed.
2. The parking facility for which joint use is proposed is no further than 400 feet from the building or use required to have provided parking.
3. The parties concerned in the joint use of off-street parking facilities shall evidence agreement for such joint use by a legal instrument approved by the city attorney as to form and content. ~~Such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.~~

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a. For required parking associated with an existing development, such instrument, when approved as conforming to the provisions of the ordinance, shall be filed with the director.

b. For required parking associated with a new development, the director may require that such instrument, when approved as conforming to the provisions of the ordinance, shall be recorded in the office of the county recorder and copies of the instrument filed with the director.

Staff comment: To provide flexibility in allowing parking agreements when a proposed use is not associated with new development and the owners do not want to encumber the property with a deed restriction.

15.440.060 Parking area and service drive improvements.

All public or private parking areas, outdoor vehicle sales areas, and service drives shall be improved according to the following:

A. All parking areas and service drives shall have surfacing of asphaltic concrete or Portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain stormwater over the public sidewalk or onto any abutting public or private property.

B. All parking areas shall be designed not to encroach on public streets, alleys, and other rights-of-way. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.

C. All parking areas, except those required in conjunction with a single-family detached, duplex, triplex, quadplex, single room occupancies, ~~or~~ townhouse dwelling, or cottage cluster project, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.

D. All parking areas, including service drives, except those required in conjunction with single-family detached, duplex, triplex, quadplex, single room occupancies, ~~or~~ townhouse dwellings or cottage cluster projects, shall be screened in accordance with NMC 15.420.010(B).

E. Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.

F. All service drives and parking spaces shall be substantially marked and comply with NMC 15.440.070.

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G. Parking areas for residential uses shall not be located in a required front yard, except as follows:

1. Single-family detached, duplex, triplex, quadplex, single room occupancies and townhouse dwellings: parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.

2. Single-family detached, duplex, triplex, quadplex, single room occupancies and townhouse dwellings: parking is authorized in a front yard on a service drive provided that the service drive is at least 20 feet deep and 9 feet wide. The service drive may not take up more than 50% of the required front yard area.

Staff Comment: Currently residential uses can't use their driveway to count towards the off-street parking requirement unless they are going to an improved parking space outside the front yard (this is almost a garage). If wanting to do a garage conversion, they would not be able to currently, due to current parking standards in most cases. G(2) is added so that it can count towards the parking and the 50% was added to prevent the entire front yard from becoming a parking area.

H. A reduction in size of the parking stall may be allowed for up to a maximum of 30 percent of the total number of spaces to allow for compact cars. For high turnover uses, such as convenience stores or fast-food restaurants, at the discretion of the director, all stalls will be required to be full-sized.

~~I. Affordable housing projects may use a tandem parking design, subject to approval of the community development director.~~

Staff Comment: Tandem parking has been allowed for developments under 15.440.060(G)(1). This is just a cleanup to language to prevent any confusion.

~~J.~~ Portions of off-street parking areas may be developed or redeveloped for transit-related facilities and uses such as transit shelters or park-and-ride lots, subject to meeting all other applicable standards, including retaining the required minimum number of parking spaces.

Penalty: See NMC 15.05.120.

NMC 15.445 SPECIAL USE STANDARDS

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15.445.030 Permitted locations.

Unless otherwise provided herein, upon compliance with applicable regulations and processes, manufactured dwellings only shall be permitted:

A. In approved mobile home parks or manufactured dwelling parks.

B. As manufactured homes in approved manufactured home subdivisions.

C. As manufactured homes on individual lots, ~~where such homes meet the requirements of NMC 15.445.050 through 15.445.070.~~ including placement as a single dwelling, duplex, triplex, quadplex, single room occupancy, cottage or accessory dwelling.

~~D. In newly annexed areas or within manufactured dwelling districts on individual lots not meeting the standards of NMC 15.445.050 through 15.445.070 not located in a mobile home park, manufactured dwelling park, or manufactured home subdivision.~~

ED. 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 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.

FE. 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 on this compatibility; 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.

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

HG. 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 the director issues a permit. [Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.657. Formerly 15.445.070.]

~~15.445.050 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. [Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.640. Formerly 15.445.020.]~~

~~15.445.060 Manufactured homes on individual lots—Uses.~~

~~These regulations allow manufactured homes on individual lots as a permitted use in all residential zones, including placement as a duplex, triplex, quadplex, cottage or accessory dwelling. [Ord. 2889 § 2 (Exh. B § 41), 12-6-21; Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.641. Formerly 15.445.030.]~~

~~15.445.070 Manufactured homes on individual lots—Development standards.~~

~~Manufactured homes 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. Each individual dwelling unit must be multisectional.~~

~~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 ORS 455.010.~~

~~F. All dwelling units shall have a carport or garage constructed of like materials. A garage shall be provided where at least 50 percent of the dwellings on abutting lots, including lots directly across the street, have garages.~~

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~~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.~~

~~H. Manufactured homes placed as a duplex, triplex, quadplex, cottage or accessory dwelling shall be exempt from subsections (A) and (F) of this section. [Ord. 2889 § 2 (Exh. B § 42), 12-6-21; Ord. 2747 § 1 (Exh. A § 13), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.642. Formerly 15.445.040.]~~

Staff Comment: City is preempted by state law (HB2347 (2025)/ORS197.478) from having different development standards for manufactured homes than single family homes when placed on individual lots. Standards for manufactured home parks remain in NMC 15.445.

15.445.075 Mobile home and manufactured dwelling parks – General provisions.

A. Minimum area: ~~five~~ one acres.

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

~~C.~~ B. Maximum density shall not exceed the permitted density of the district.

~~D.~~ C. 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 and 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) of this section, adjacent to public streets, a landscape planter that is at least 10 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.~~ D. 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

Penalty: See NMC 15.05.120.

Staff Comment: Update for compliance with ORS 197A.432 which does not allow a minimum lot size for a manufactured dwelling park larger than one acre

15.445.260 Development standards.

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B. Limitations. An accessory dwelling unit is permitted, providing there is compliance with all of the following standards:

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2. The maximum floor area for an accessory dwelling unit may not exceed equals 50 percent of the size gross floor area of the living area of the primary unit, up to a maximum of 1,000 square feet. Living area does not include attached or detached garages, and shall be determined based on Yamhill County Assessor property detail data, or the director may approve an alternate living area calculation based on submitted floor plans.

Staff Comment: To clarify that the size of the accessory dwelling shall be based on the living area of the primary unit and provide a consistent data source for living area calculations.

15.445.270 Approval.

To obtain approval to create an accessory dwelling unit, the applicant must demonstrate compliance with all of the requirements of NMC 15.445.260. The application shall be processed as a Type I procedure as regulated by NMC 15.100.130020.

Staff Comment: To fix incorrect code reference

NMC 15.505 PUBLIC IMPROVEMENT STANDARDS

15.505.030 Street standards

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P. Private Streets.

1. New private streets, as defined in NMC 15.05.030, shall not be created, except as allowed by NMC 15.240.020(L)(2).
2. Existing private streets, except those created as allowed by NMC 15.240.020(L)(2). When development occurs on a lot abutting a substandard portion of an existing residential private street, the private street frontage shall be improved to comply with and match:
 - a. The existing paved roadway width, or a minimum paved roadway width of 20-

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feet, whichever is greater, except a minimum width of 26-feet may be required to meet applicable fire access and public safety requirements as identified by the fire marshal.

- i. Where it is demonstrated that compliance with subsection (P)(2)(a) is not feasible due to topographic or other constraints recognized by the city engineer, private street improvements are to be of sufficient width and construction to satisfy transportation and fire access requirements as identified by the city engineer and fire marshal.

Staff Comment: The above amendment is to address any existing unimproved private streets and define when frontage improvements are required on existing underdeveloped private streets, for example those that lack full pavement width.

TITLE 13 PUBLIC UTILITIES AND SERVICES

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13.15.030 Water connections.

A. The city council shall, as it deems necessary, establish and adopt by resolution rules and regulations regarding connection to the city water system, permits affecting the connection, and fees, rates and charges relating to connection and the general provision of water service.

B. Every applicant for water service from the city which shall require a new tap or connection with a water main or pipeline of the city water system shall, before the connection is made, pay the appropriate water connection fee as established by the city council; subject, however, to such contracts as the city council may authorize in connection with any subdivisions, annexations, industrial establishments and similar developments.

1. Independent Water Services. Every dwelling and/or building under separate ownership shall have an independent water service connection and water meter. Additionally, each parcel under separate ownership shall be served by an individual water service lateral and water meter.

C. City and Contractor Action – Applicant to Pay Cost of Connection.

1. Where the water connection is proposed to be used, the city shall excavate and tap the main or city pipeline, furnish and install the corporation cock, all necessary pipe and fittings to the meter, including the city shutoff, meter and meter box, charging the applicant, in addition to the water systems development charge, the city's actual labor, materials, equipment and administrative overhead.

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2. An approved contractor may make the connection to and following standard specifications to the city main or pipeline using approved materials, installation practices and following standard specifications under the supervision of city personnel. In addition to the water systems development charge, the applicant shall be charged for the city's actual cost of labor, materials supplied and administrative overhead, if an approved contractor installs the water service connection.

3. The applicant shall pay the estimated cost of the water connection at the time application is made for a building permit. Any additional cost over the estimate shall be paid upon completion of the connection and any excess shall be promptly refunded to the applicant.

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Staff Comments: Updated to clarify the number, type and ownership of buildings, dwellings and lots allowed to be served by a single meter.
