City Council
May 4th, 2026
6pm
Newberg Public Safety Building 401 E. Third Street
Denise Bacon Community Room
Online: https://us06web.zoom.us/j/89536547180
Public Comment Registration

View Slides

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1. **Call to Order**
2. **Roll Call**
3. **Pledge of Allegiance**
4. **City Manager Narrative Report on April**
    a. Presentation
5. **Public Comments**
6. **Continued Business**
    6.1. SB 1537 One-Time Urban Growth Boundary Expansion
        a. Exhibit A: SB 1537 Newberg Demonstration of Need
        b. Exhibit B: Draft Solicitation
        c. Presentation
7. **New Business**
    7.1. De-annexation Item
        a. Attachment 1: Applicant Narrative and Materials
        b. Attachment 2: Maps and Figures
        c. Attachment 3: Ordinance No. 2006-2651
        d. Attachment 4: Pre25-0004 Pre-application notes
        e. Presentation
    7.2. Right of Way and Street Closure Ordinance
        a. Attachment 1: Draft ROW Street Closure Edits
        b. Presentation
    7.3. Poysdorf Travel Diplomatic Mission Declaration
        a. Presentation
8. **Public Hearing**
    8.1. Elections Deadline Code Change
        a. Exhibit A: Clean Copy of Proposed Changes to NMC 2.05.060
        b. Exhibit B: Redline Version of Proposed Changes to NMC 2.05.060
9. **Council Business**

9.1. River Street Ad-Hoc Committee Member Appointment

9.2. Council Rules Amendment

a. Attachment 1: Council Rules Proposed Changes-Clean Copy

b. Attachment 2: Council Rules Proposed Changes-Redline Version

Adjournment

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

*****Indicates supplementary item

REQUEST FOR COUNCIL ACTION

Date Action Requested: (May 4, 2026)

Order ☐ Ordinance ☐ Resolution ☐ Motion ☐ Information ☒ Proclamation ☐	
Subject: CM narrative for March 2026 events	Staff: Will Worthey CM Department: Administration
Work Session ☐ Business Session ☒	Order On Agenda: CM report

Is this item state mandated? Yes ☐ No ☒

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

Recommendation: NA

Executive Summary: The summary of events conducted by city departments in March of 2026.

Fiscal Impact: All were conventionally budgeted items.

Council Goals:
Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.
O1: Expand communication outreach in regard to regular city events and additional involvement with city businesses by the end of 2026.

Newberg CM report

Monthly Events for April 2026

Capital Engineering

- Cedar Mill is near substantial completion of the water plant covers with only punch list items left to finish
- For the River Street project: pre-design efforts have been paused while additional public engagement efforts are being made, including the recent formation of an ad-hoc committee to assist and guide the design process
- Inflow and Infiltration Lateral Repair Project - the work, starting with the installation of a few necessary clean outs, will begin in May

Finance

- Working on the supplemental budget (in front of Council in June) to get ready for the second year of the biennium
- Attended PERS meeting on our expiring PERS Bond
- Began work on the Master Fee Schedule update (in front of Council in May for info-only session)
- Attended Tyler Connect Conference
- Met with City Manager and Waste Management on future contract discussions

City Recorder

- Engaging in training and preparation for upcoming election
- Onboarding for new committee members and development of the River Street Ad-Hoc Committee
- Onboarding our new Emergency Manager!
- In-depth organization of payroll and retirement records
- Received an $11,000 grant for the Historic Preservation Commission to conduct an inventory of midcentury properties

Community Development

- Hess Creek Preserve Ph 2 Design Review Issued. Likely to see construction start on trails and bridges this summer around Hess Creek
- One-time UGB bills, HB4035 and HB4082, passed by legislature and signed by governor
- Pre-App held for potential apartment complex on SE corner of Springbrook and Fernwood Rd
- Crestview Green Final Plat (Subdivision east of Crestview Crossing) was approved by City. This includes the Jory St/Benjamin Rd Connection. Applicant has not yet recorded the final plat as of 4/17/26

IT - Event

- IT has been working with HR to replace our 2 vacant positions. So far, we have selected Cory Malain, who will start on April 29th as an IT System Administrator. Cory brings 21 years of experience working for municipal IT departments
- IT is working with NDPD to setup our 9-1-1 center to start dispatching for Hubbard Police
- Spike in help tickets related to an anti-virus program not playing well with our virtual desktops

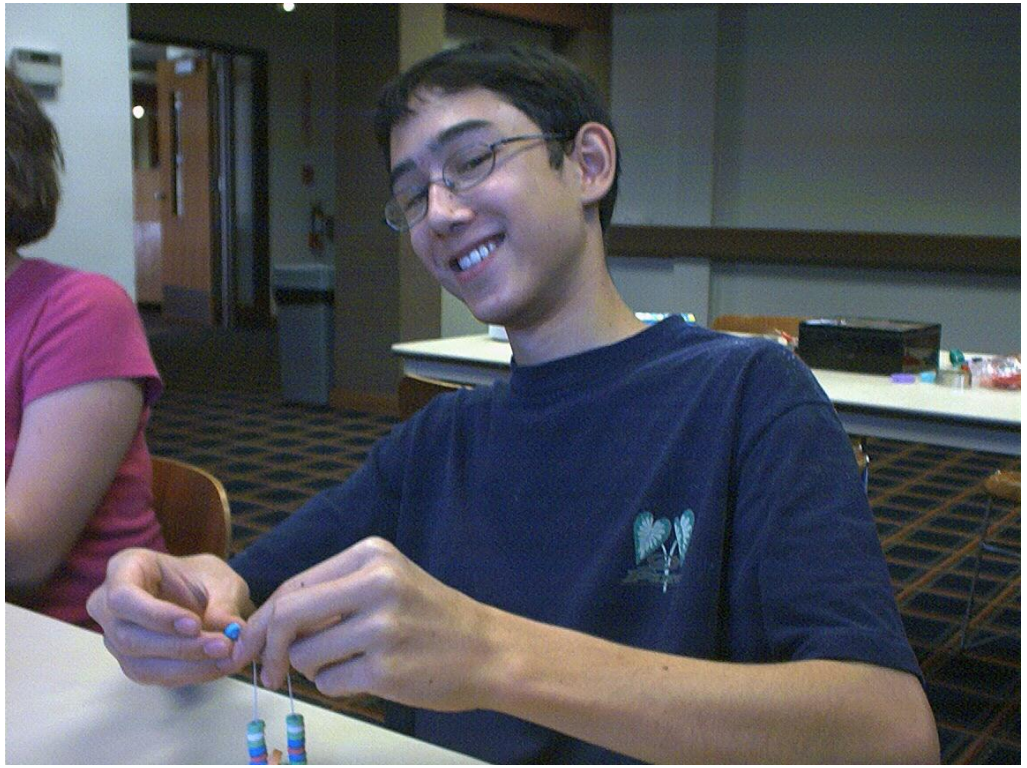
Library Land

- The Teen Service Club for summer volunteers in grades 6-12 is getting started for this summer. We value the help of our teens, especially during our busiest time of year!
- The Homeschool Family Book Club has been going strong this school year. The last book club until the fall is in May, reading “My Father’s Dragon.” Sign-up at the Children’s Desk
- Library staff are busy attending all the elementary school Literacy Nights to promote the library and the Summer Reading Program

Library Land

- Each month the library staffs “Tech Help” in partnership with the Chehalem Senior Center. This is a great opportunity to learn basic technology with 1:1 help.
- The Beverly Cleary Children’s Choice Award winner this year is “Giant Squid: Pick Your Path,” by Amy Seto Forrester and Andy Cho Musser. These siblings grew up visiting the Newberg Public Library every week!

Library Land pics: Andy as a teen at a Newberg Library event, and Amy & Andy at a publishing event with their book.



Public Works - Specific tasks:

- Flushed 15,000 Feet of Water Main
- Replaced 248 Water Meters
- Videoed over 14,980 LF of Sewer main
- Conducted many Sewer main repairs and lateral services
- Completed 1330 work orders in March

Public Works (Continued)

Watermain Service line break in April 21, 10:30 PM

A general contractor, Loy Clark Construction, was performing excavation in the South bound lane of Main Street between Hancock and 1st Street for NWN gas. They damaged City's 1-inch water service and broke the Corp stop at the mainline.

This required our crews to respond and perform emergency repairs of the mainline and the water service until approximately 4:00 AM April 22, 2026.

Public Works (Continued) - Watermain Service Line break
April 21, 10:30 PM

Public Works (Continued) – Sewer and Lateral repairs

Here is the report for HR!

- HR collaborated with CM Will Worthey to put on the second Lunch and Learn of the year
- HR completed two protected leave trainings for supervisors
- Brown and Brown quarterly meeting to review our insurance position which continues to be positive

April was busy in the world of Community Engagement!

- Project planning for upcoming Web Content Accessibility updates on the city website, social media, and any digital content
- Coordination for community events: America 250 celebration and gearing up for Newberg Old Fashioned Festival in July
- Produced flyers and assisted with public noticing for two major Public Works projects: Water Valve Replacement on Edwards/First St and I&I Repairs on Aquarius/Vittoria

More Community Engagement

Rolled up our sleeves and helped at an Arbor Day celebration hosted by CPRD – Will and Emily planted eight trees!

NDPD

- Detective Siqueiros did a drone demonstration at 2 elementary schools for the STEAM nights
- One young girl missed the demonstration and Detective Siqueiros made a special trip back, showing up the next day to do another drone demonstration just for her
- Officer M. Anderson graduates on Friday, April 24th from DPSST Academy. She will be with the Field Training Officer for several months before moving on to solo duty

Detective Siqueiros' drone demonstration!

So that's it for this month!

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

Questions?

REQUEST FOR COUNCIL ACTION

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐ Proclamation ☐	
Subject: Resolution No. 2026-4023 SB 1537 UGB "One-Time" Expansion Solicitation	Staff: James Dingwall Department: Community Development
Business Session	Order On Agenda: Continued Business
Hearing Type: Legislative ☐ Quasi-Judicial ☐ Administrative ☐ Not Applicable ☒	

Date Action Requested: May 4, 2026

Is this item state mandated? Yes ☐ No ☒
If yes, please cite the state house bill or order that necessitated this action: N/A

Recommendation: Approve Resolution No. 2026-4023 directing staff to conduct public notice for a formal solicitation for SB 1537 "one-time" Urban Growth Boundary (UGB) expansion sites and establishing associated fees. Provide direction on the solicitation.

Executive Summary: On October 6, 2025 the City Council directed staff to conduct a formal solicitation for the SB 1537 (2024) "One-time" UGB expansion. In preparation to issue the solicitation, staff identified potential eligibility issues regarding the City's demonstration of need for land, based on the Department of Land Conservation and Development's (DLCD) prior interpretation of "developed land" in UGB expansions for residential purposes in the last 20 years. On January 30, 2026, as requested by Director Siegel and staff from other jurisdictions, DLCD issued an updated interpretation that rural residential lands brought inside the UGB in the last 20 years (even if not developed further) will be considered developed for purposes of the one-time UGB expansion allowed under SB 1537, clarifying and replacing conflicting interpretations the agency had provided previously. More than 75 percent of previous UGB expansions since 2006 are either zoned with Rural Residential Yamhill County Zoning classifications or are developed (see Exhibit A), qualifying Newberg for the demonstration of need for land.

The "one-time" UGB amendment process was also updated in the 2026 legislative session through HB 4035 (2026). The legislation increased the maximum UGB expansion size from 100 acres to 150 acres and clarified that the 150 acres is of "net buildable acres", which was to account for other expansion area requirements such as recreation or commercial uses, in addition to the residential development.

SB 1537 (2024) provides minimum requirements for the City's solicitation of site applications. (Cities also have flexibility to add proposal submission requirements to those described below.). Before a city may select a site for inclusion in the UGB, it must provide public notice that includes:

- the city's intention to select a site for inclusion within the UGB;

- each basis under which the city has determined that it qualifies to include a site under SB 1537; and
- a deadline for submission of applications under SB 1537 that is at least 45 days following the date of the notice.

A copy of the notice will also be sent to Yamhill County, each special district providing urban services within the City's UGB, and the Department of Land Conservation and Development.

SB 1537 requires that following the deadline for submission applications, the City shall review the applications filed for compliance with the bill (and now HB 4035, as well), that any completed application in compliance provided notice to any residents of the proposed site area who were not signatories to the application, and provide opportunities for public participation in selecting a site. The process for public participation is required to include at least the following:

- a public comment period;
- one meeting of the city's planning commission or city council at which public testimony is considered, or one open house; and
- notice on the city's website or published in a paper of record at least 14 days before the public meetings or open house; and
- consult with, request information from, and provide the opportunity for written comment from the owners of the site, county, any special districts providing urban services to the site, and any public or private utilities serving the site.

Beyond these requirements, the City may include additional review processes or proposal requirements in the solicitation and selection process.

Land Swap Alternative

On July 7, 2025, City Council also received a presentation on the potential de-annexation of property in southwest Newberg and utilizing a separate provision in SB 1537 (2024) that would allow a "land swap" of UGB area. If Council intends to use SB 1537 procedures, it must choose between the "one-time" UGB expansion and "land-swap" as the bill only allows the City to utilize one UGB expansion pathway. The City is not required to select a site submitted for the "one-time" UGB expansion and may re-issue a solicitation at a later date if no sites are selected that meet the Council's goals. The one-time procedures expire in 2033, though the City's eligibility may end sooner as discussed below.

SB 1537 Process

Senate Bill 48 (2025) provided some clarifications to SB 1537 (2024), including that cities are vested in their eligibility to use the provisions of SB 1537 (2024) on the date they provide public notice of a solicitation under the bill. If City Council did not select a site and chose to issue a new solicitation the City would have to reestablish its eligibility as of the date of the new solicitation. Staff have determined that based on the timing of previous UGB expansions for residential use in Newberg, the City is eligible until early 2027.

Staff recommend the following solicitation process, with the schedule for Step 2 to be refined following Site Selection:

	SB 1537 (2024) Solicitation Step	Tentative Timing
Step 1	Public Notice	June 1, 2026
	Solicitation Applications Due	July 31, 2026
	City Review of Submitted Applications *(completeness and compliance)*	August 2026
	Site Selection	September – October 2026
	Public Comment Period	September 2026
	City Council Work Session	September 2026
	City Council Public Hearing *(site selection by resolution)*	October 2026
	Applicant required to apply for Comp Plan & UGB Amendment within 1 year. Consider requiring an annexation agreement.	
Step 2	Concept Plan Refinement Open House City Council Work Session	Fall/Winter 2026
	Concept Plan Adoption *(fees due after site selection)* *(Comprehensive Plan Amendment, UGB Amendment – with NUAMC)*	Winter 2026/ Spring 2027
	DLCD Approval	*Within 21 days of adoption*

Applications will be required to include (see the draft application requirements in Exhibit B):

- **Site eligibility** – demonstrating how the site meets the SB 1537 (2024) eligibility requirements.
- **Application requirements** – must be completed for each property owner or group of property owners proposing a UGB amendment, include a written narrative demonstrating how the proposal meets the requirements, conceptual level maps or diagrams, specification of the lots or parcels

subject to the application, and owner authorization forms with each owner's signed consent to annexation of the properties if the site is added to the UGB.

- **Conceptual Plan** – For proposed sites larger than 15 net acres, a concept plan is required that includes information on land use (including residential units and the general location of proposed zoning designations, areas to be used for recreation, open space, or public uses, and any commercial areas), a transportation network, compliance with Statewide Land Use Planning Goals, provision of urban services (SB 48 (2025) clarified the assurances required to demonstrate serviceability), and housing affordability.
    - For smaller additions of less than 15 net acres, a conceptual plan is not required to be adopted into the Comprehensive Plan if the city has entered into enforceable and recordable agreements with each landowner to ensure the site will comply with the SB 1537 (2024) housing affordability requirements. A binding agreement to ensure the site will be served with all necessary urban services is also required.

Fiscal Impact: Staff time will be required to facilitate the solicitation and review of site applications. If a site is selected, staff time will be required to review a concept plan, if required, and process the UGB expansion application. These costs will be mitigated by requiring the successful proposer to bear the full cost of preparing and implementing their concept plan and any land use applications that may be required.

Staff time will be required for the concept plan refinement and adoption processes, including necessary Comprehensive Plan text and maps amendments for any site larger than 15 acres. Therefore, staff proposes identifying a "SB 1537" fee in the resolution adopted to select a site based on the existing land use planning fees due prior to beginning the concept plan refinement. The fee would be broken into a portion for the refinement process and portion for the adoption process. If an applicant did not submit applications for the Comprehensive Plan and UGB amendment, only the adoption portion would be refunded.

Staff proposes the following fees associated with the SB 1537 review:

- Site submittal: $214 (established Miscellaneous Type I fee)

- Selected site refinement: $5,275 (based on Urban Grown Boundary Amendment fee, not refundable)
- Selected site adoption: $3,311 (based on Comprehensive Plan Text amendment fee, refundable if site withdraws or does not submit application materials within one year of selection)

When the site is annexed following the SB 1537 (2024) process, the City's established annexation land use planning fees would apply. In 2025, this fee is $3,010 plus $286 per acre.

Council Goals: This item relates to:

Goal 4. Implement a careful and prudent fiscal policy.

Objective 3. Ensure that the city has a long-term financial plan that supports its goals and objectives.

Continuous Goal E. Further strategic planning and growth with local taxing districts.

Attachments:

- Resolution No. 2026-4023
- Exhibit A. SB 1537 - City of Newberg Demonstration of Need
- Exhibit B. Draft SB 1537 Solicitation Application

Resolution No. 2026-4023

A RESOLUTION DIRECTING STAFF TO ISSUE A FORMAL SOLICITATION FOR THE SB 1537 (2024) "ONE-TIME" URBAN GROWTH BOUNDARY AMENDMENT PROCESS

Recitals:

1. Whereas Oregon Senate Bill 1537 (2024), Oregon Senate Bill 48 (2025), and Oregon House Bill 4035 (2026) provide for a one-time site addition to an urban growth boundary for residential purposes for cities outside of the Portland Metropolitan Service District.

2. Whereas Oregon Senate Bill 48 (2025) provides that the evaluation of the demonstrations of need required under Section 52, chapter 110, Oregon Laws 2024 must be based on the evidence, data, and factors as of the time a public notice is issued under Section 53(1), chapter 110, Oregon Laws 2024.

3. Whereas the City of Newberg meets a need for additional land under Section 52(1)(b)(A), chapter 110, Oregon Laws 2024 based on the factor that within urban growth boundary expansion areas for residential use adopted by the City over the previous 20 years, 93 percent (greater than 75 percent) of the lands are developed with incorporated urban or unincorporated rural residential development and zoning designations (Exhibit A).

4. Whereas the Department of Land Conservation and Development has determined that rural residential lands brought inside the Urban Growth Boundary in the last 20 years, even if not developed further, are considered developed for purposes of the one-time Urban Growth Boundary expansions allowed under Oregon Senate Bill 1537 (2024).

5. Whereas the City of Newberg demonstrates a need for affordable housing under Section 52(2)(b), chapter 110, Oregon Laws 2024 based on the factors that 31.8 (greater than 25 percent of households) in the City are severely rent burdened as indicated in 2024 American Community Survey Five-Year Estimate Data published by the United States Census Bureau (Exhibit A).

The City of Newberg Resolves as Follows:

1. The Community Development Director shall provide public notice of the City's intention to select a site for inclusion within the City's Urban Growth Boundary and issue a formal solicitation under Section 53, chapter 110, Oregon Laws 2024.

2. Establishing submittal fee for a solicitation application of $214 plus the technology fee established in Resolution No. 2016-3268.

3. Establishing a "SB 1537 Amendment" fee to be comprised of a "site refinement" fee of $5,275 and an "adoption" fee of $3,311 due at the time of a site selection resolution plus the technology fee established in Resolution No. 2016-3268. If the selected site is withdrawn or no application for a Comprehensive Plan and Urban Growth Boundary amendment is made within one year of site selection, the "adoption" fee shall be refunded.

4. Exhibit A is hereby adopted and by this reference incorporated.

Effective Date of this resolution is the day after the adoption date, which is: May 5, 2026.
Adopted by the City Council of Newberg, Oregon, this Fourth day of May, 2026.

_____
Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of _____, 2026.

_____
Bill Rosacker, Mayor

Resolution 2026-4023 Exhibit A

SB 1537 – City of Newberg Demonstration of Need

The 'one-time" Urban Growth Boundary (UGB) Expansion allowed by SB 1537 requires a demonstration of need for additional land and affordable housing based on the following factors (SB 1537 (2023) §52, SB 49 (2025) §5, HB 4035 (2026)):

(1) *The city has demonstrated a need for additional land based on the following factors:*

a.

A. In the previous 20 years there have been no urban growth boundary expansions for residential use adopted by a city or by Metro in a location adjacent to the City; and

B. The city does not have within the existing urban ground boundary a tract that:

i. Is larger than 20 net buildable acres;

ii. Contains no permanent buildings;

iii. Is not adjacent to improved public utilities that are suitable for immediate connection at the property line;

iv. Has not received final approval of any land use entitlements, development approvals, subdivision plats, site plans or building permits; and

v. Consists of one or more lots or parcels with or without common ownership and that abut each other or are separated by only a street or road; ***or***

b. Within urban growth boundary expansion areas for residential use adopted over the previous 20 years, or by Metro in locations adjacent to the city, 75 percent of the lands either:

A. Are developed; or

B. Have an acknowledged comprehensive plan with land use designations in preparation for annexation and have a public facilities plan and associated financing plan.

(2) The city has demonstrated a need for affordable housing, based on:

a. Having a greater percentage of severely cost-burdened households that the average for this state based on the most recent American Community Survey five-year estimate data from the United States Census Bureau; or

b. At least 25 percent of the renter households in the city being severely rent burdened as indicated under the most American Community Survey five-year estimate data from the United States Census Bureau.

(3) ***The evaluation of the demonstrations required under this section and the evaluation of criteria based on the evidence, data and factors as of the time a public notice is issued under the section 51 (1) chapter 110, Oregon Laws 2024.***

Newberg qualifies under the demonstration of need for affordable housing (2)(b). The 2024 American Community Survey five-year estimate data from the United States Census Bureau indicates that **31.8 percent** of Newberg households spend more than 50 percent of income on rent.

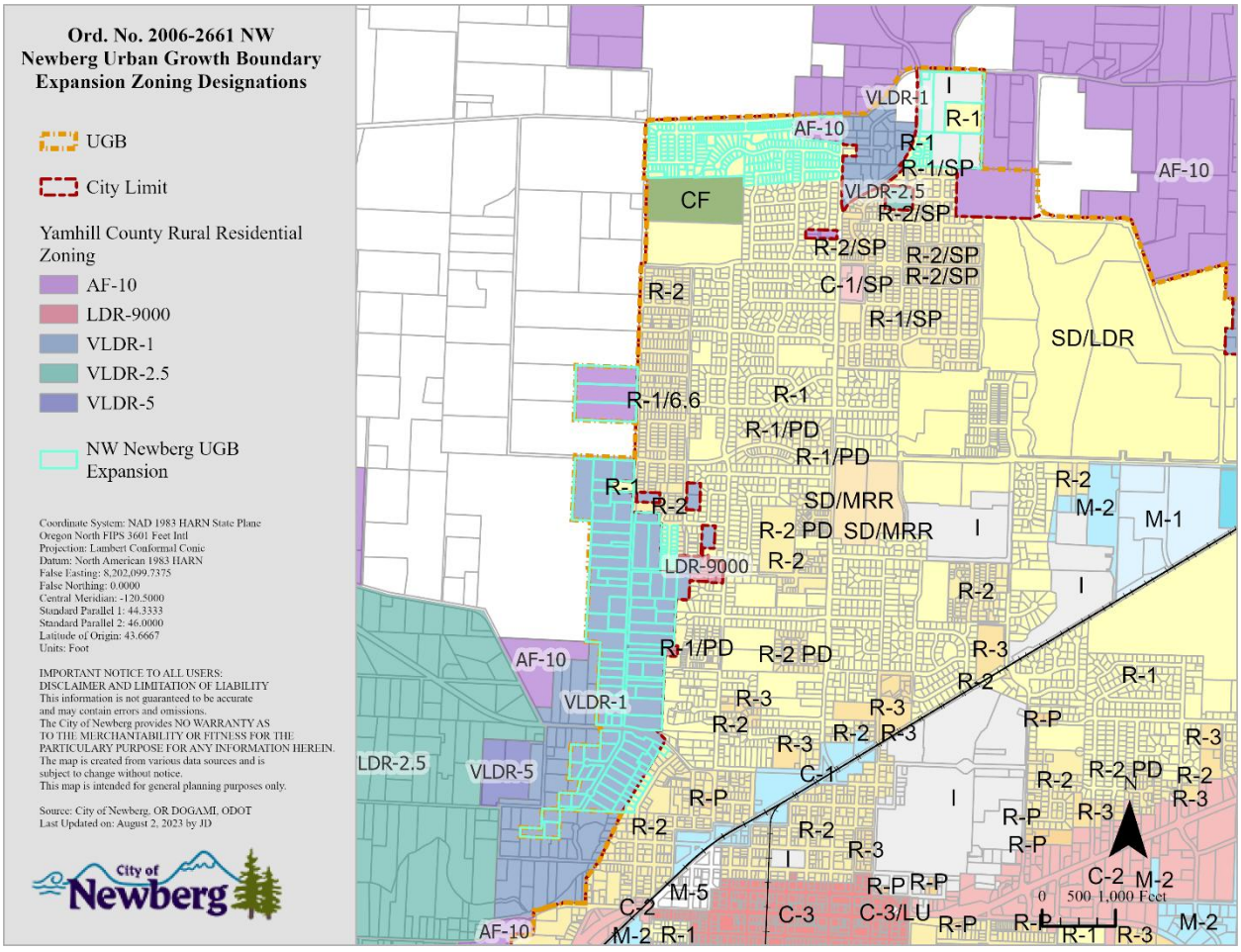
Between 2005 and 2025, Newberg has adopted five urban growth boundary amendments for residential use (see Table 1) and must qualify under the demonstration of need for additional land (1)(b)(A) or (B).

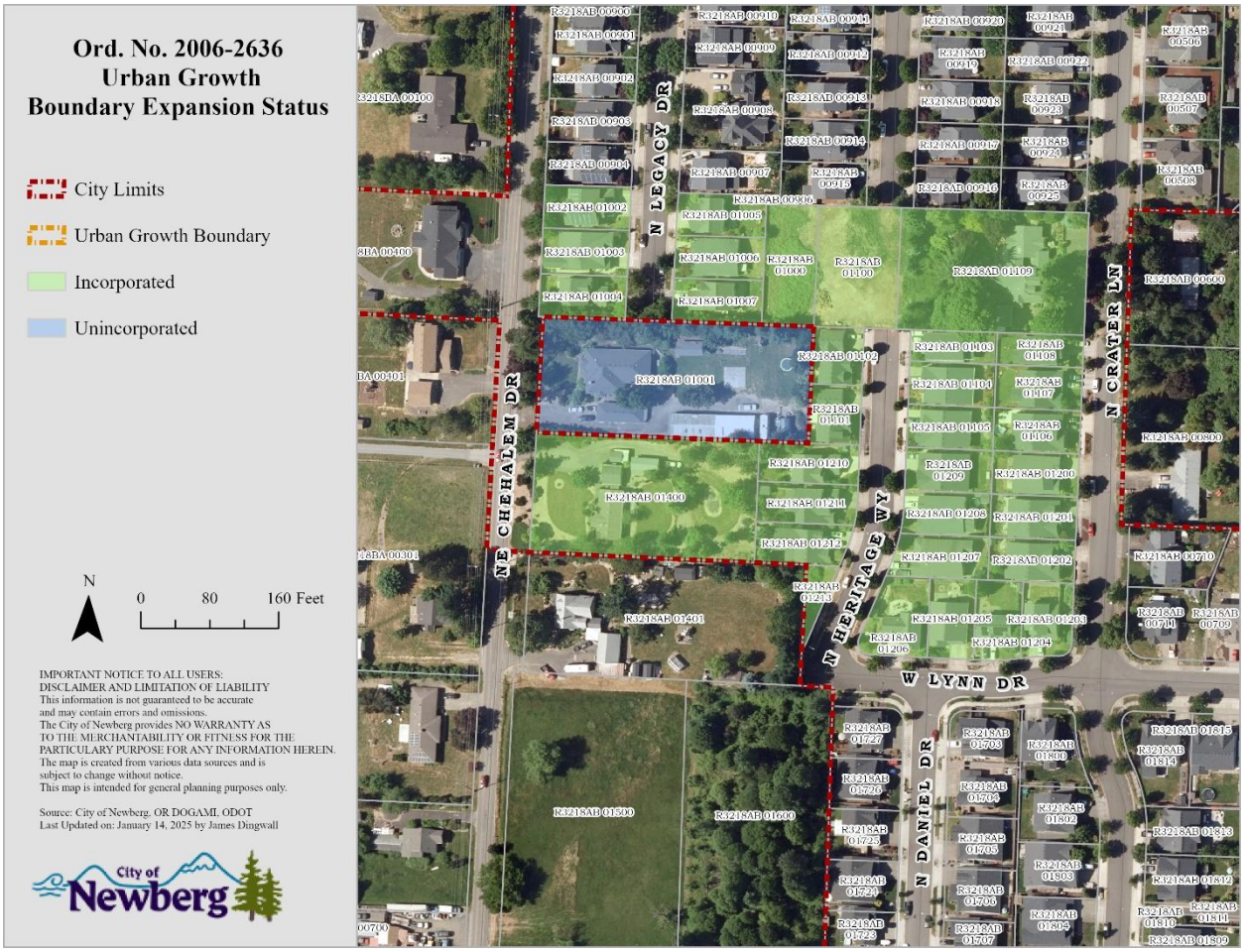
File No. ***Ordinance No.*** **Date**	**Description**	**NUAMC** ***Resolution No.*** **Date**	**Development Status (Acres)**
UGB-05-11 *2006-2661* 11/6/2006	Amending the urban growth boundary to add approximately 200 additional acres and applying the following comprehensive plan designations: PQ (public/quasi-public), LDR (low density residential, one unit per acre), MDR (medium density residential) and HDR (high density residential) (*City*)	Approve *2006-17* 9/21/2006	Developed – Rural Residential development and zoning (approx. 200 acres)
UGB-05-13 *2006-2636* 1/17/2006	Declaring certain territory be included in the city urban growth boundary together with a comprehensive plan change from a Yamhill County VLDR designation to a city of Newberg MDR comprehensive plan designation. The site is located between Crater Lane and Chehalem Drive, at Lynn Drive, Yamhill County Tax Lots 3218AB-1000, -1001, -1100, -1101, -1200, -1300, and 1400 (*Elizabeth & David Hancock, Kristine & David Nelson, Brett & Serena Martin, William Whalen and Coyote Homes, Inc.*)	Approve *2005-012* 12/14/2005	Developed - Unincorporated & Incorporated (7.6 acres)
UGB-05-14 *2006-2637* 1/17/2006	Declaring that certain territory be included in the city urban growth boundary together with a comprehensive plan change from Yamhill County AFSH and urban reserve area designation to city of Newberg LDR comprehensive plan designation. The site is located at 2908 North Aspen Way, Yamhill County Tax Lot 3208-1100 (*Austin*)	Approve *2005-13* 12/14/2005	Undeveloped - Incorporated (18.83 acres)
UGB-06-01 *2006-2660* 10/19/2006	Including certain property in the 4200 block Portland Road, Yamhill County Tax Lot 3216AC-13800, in the urban growth boundary and in the COM, LDR, and MDR comprehensive plan districts (*Guldner/Smith*)	Approve *2006-15* 9/21/2006	Developed [under construction] - Incorporated (approx. 30 acres)
UGB-06-02	Including certain property located at 4505, 4813, 4821 & 4825 E. Portland Rd, Yamhill	Approve *2006-18*	Developed [under

Order 2007-0001 1/2/2007	County tax lots 3216-900, -1000, -1100, in the Urban Growth Boundary and in the COM, MDR and LDR Comprehensive Plan districts (*Speakman*)	12/6/2006	construction] - Incorporated (14.74 acres)

UGB Expansion	*Developed Acres*	*Undeveloped Acres*
UGB-05-11	200	
UGB-05-13	7.6	
UBG-05-14		18.83
UGB-06-01	30	
UGB-06-02	14.74	
Total	**252.34**	**18.83**
271.17 combined acres	**93.1%**	**6.9%**

Newberg qualifies under the demonstration of need for land (1)(b)(A). Approximately **93.1 percent** of UGB expansions for residential use in the last 20 years are developed.




Ord. No. 2006-2636
Urban Growth
Boundary Expansion Status
City Limits
Urban Growth Boundary
Incorporated
Unincorporated
N
0
80
160 Feet
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This map is intended for general planning purposes only.
Source: City of Newberg, OR DOGAMI, ODOT
Last Updated on: January 14, 2025 by James Dingwall
City of Newberg
N LEGACY DR
NE CHEHALEM DR
N HERITAGE WY
N CRATER LN
W LYNN DR
N DANIEL DR

Ord. No. 2006-2661 NW Newberg Urban Growth Boundary Expansion Status
City Limits
Urban Growth Boundary
Incorporated
N
0
145
290 Feet
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Source: City of Newberg, OR DOGAMI, ODOT
Last Updated on: January 14, 2025 by James Dingwall
City of Newberg
R3208 01400
R3208 01301
R3208 01300
R3208 01200
R3208 00800
R3208 01000
R3208 05900
R3208AD 00700
R3208AD 00600
R3208AD 00800
R3208AD 01100
R3208AD 01201
R3208AD 01202
R3208AD 01300
R3208 06000
05700

Ord. No. 2006-2660
Order No. 2007-0001
Urban Growth Boundary
Expansion Status

UGB

City Limit

UGB Expansions

Coordinate System: NAD 1983 HARN State Plane
Oregon North FIPS 3601 Feet Intl
Projection: Lambert Conformal Conic
Datum: North American 1983 HARN
False Easting: 8,202,099.7375
False Northing: 0.0000
Central Meridian: -120.5000
Standard Parallel 1: 44.3333
Standard Parallel 2: 46.0000
Latitude of Origin: 43.6667
Units: Foot

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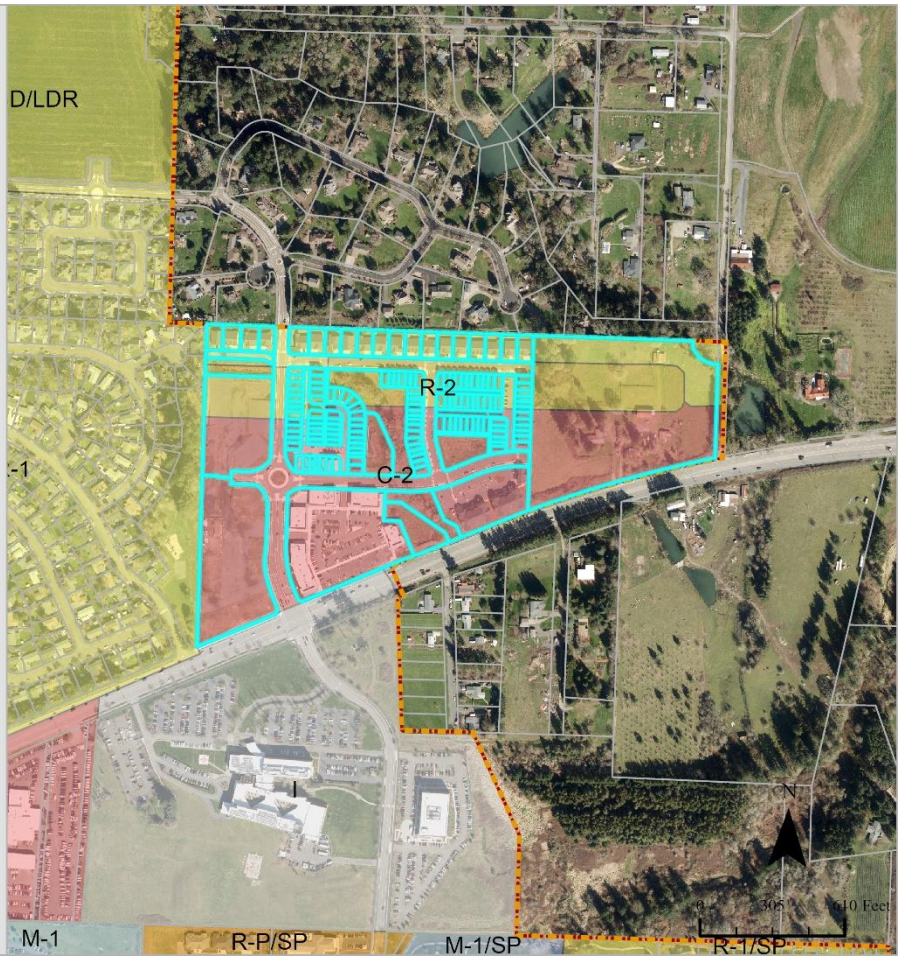
Source: City of Newberg, OR DOGAMI, ODOT
Last Updated on: August 2, 2023 by JD

City of Newberg



Gross Rent as a Percentage of Household Income in the Past 12 Months

United States® Census Bureau

Note: The table shown may have been modified by user selections. Some information may be missing.

DATA NOTES	
TABLE ID:	B25070
SURVEY/PROGRAM:	American Community Survey
VINTAGE:	2024
DATASET:	ACSDT5Y2024
PRODUCT:	ACS 5-Year Estimates Detailed Tables
UNIVERSE:	Renter-occupied housing units
MLA:	U.S. Census Bureau. "Gross Rent as a Percentage of Household Income in the Past 12 Months." American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25070, https://data.census.gov/table/ACSDT5Y2024.B25070?q=B25070:+Gross+Rent+as+a+Percentage+of+Household+Income+in+the+Past+12+Months&g=160XX00US4152100. Accessed on 24 Apr 2026.
FTP URL:	None
API URL:	https://api.census.gov/data/2024/acs/acs5
USER SELECTIONS	
TABLES	B25070
GEOS	Newberg city, Oregon
EXCLUDED COLUMNS	None
APPLIED FILTERS	None
APPLIED SORTS	None
PIVOT & GROUPING	
PIVOT COLUMNS	None
PIVOT MODE	Off
ROW GROUPS	None
VALUE COLUMNS	None
WEB ADDRESS	https://data.census.gov/table/ACSDT5Y2024.B25070?q=B25070:+Gross+Rent+as+a+Percentage+of+Household+Income+in+the+Past+12+Months&g=160XX00US4152100
TABLE NOTES	
Key Table Information	
Table Title	Gross Rent as a Percentage of Household Income in the Past 12 Months
Table ID	ACSDT5Y2024.B25070
Survey/Program	American Community Survey
Year	2024
Dataset	ACS 5-Year Estimates Detailed Tables
Source	U.S. Census Bureau, 2024 American Community Survey, 5-Year Estimates
Dataset Universe	The dataset universe of the American Community Survey (ACS) is the U.S. resident population and housing. For more information about ACS residence rules, see the ACS Design and Methodology Report. Note that each table describes the specific universe of interest for that set of estimates.
Methodology	
Unit(s) of Observation	American Community Survey (ACS) data are collected from individuals living in housing units and group quarters, and about housing units whether occupied or vacant. For more information about ACS sampling and data collection, see the ACS Design and Methodology Report.

Geography Coverage	ACS data generally reflect the geographic boundaries of legal and statistical areas as of January 1 of the estimate year. For more information, see Geography Boundaries by Year. Estimates of urban and rural populations, housing units, and characteristics reflect boundaries of urban areas defined based on 2020 Census data. As a result, data for urban and rural areas from the ACS do not necessarily reflect the results of ongoing urbanization.
Sampling	The ACS consists of two separate samples: housing unit addresses and group quarters facilities. Independent housing unit address samples are selected for each county or county-equivalent in the U.S. and Puerto Rico, with sampling rates depending on a measure of size for the area. For more information on sampling in the ACS, see the Accuracy of the Data document.
Confidentiality	The Census Bureau has modified or suppressed some estimates in ACS data products to protect respondents' confidentiality. Title 13 United States Code, Section 9, prohibits the Census Bureau from publishing results in which an individual's data can be identified. For more information on confidentiality protection in the ACS, see the Accuracy of the Data document.
Technical Documentation/Methodology	Information about the American Community Survey (ACS) can be found on the ACS website. Supporting documentation including code lists, subject definitions, data accuracy, and statistical testing, and a full list of ACS tables and table shells (without estimates) can be found on the Technical Documentation section of the ACS website. Sample size and data quality measures (including coverage rates, allocation rates, and response rates) can be found on the American Community Survey website in the Methodology section. Data are based on a sample and are subject to sampling variability. The degree of uncertainty for an estimate arising from sampling variability is represented through the use of a margin of error. The value shown here is the 90 percent margin of error. The margin of error can be interpreted roughly as providing a 90 percent probability that the interval defined by the estimate minus the margin of error and the estimate plus the margin of error (the lower and upper confidence bounds) contains the true value. In addition to sampling variability, the ACS estimates are subject to nonsampling error (for a discussion of nonsampling variability, see ACS Technical Documentation). The effect of nonsampling error is not represented in these tables. Users must consider potential differences in geographic boundaries, questionnaire content or coding, or other methodological issues when comparing ACS data from different years. Statistically significant differences shown in ACS Comparison Profiles, or in data users' own analysis, may be the result of these differences and thus might not necessarily reflect changes to the social, economic, housing, or demographic characteristics being compared. For more information, see Comparing ACS Data.
Weights	ACS estimates are obtained from a raking ratio estimation procedure that results in the assignment of two sets of weights: a weight to each sample person record and a weight to each sample housing unit record. Estimates of person characteristics are based on the person weight. Estimates of family, household, and housing unit characteristics are based on the housing unit weight. For any given geographic area, a characteristic total is estimated by summing the weights assigned to the persons, households, families or housing units possessing the characteristic in the geographic area. For more information on weighting and estimation in the ACS, see the Accuracy of the Data document. Although the American Community Survey (ACS) produces population, demographic and housing unit estimates, the decennial census is the official source of population totals for April 1st of each decennial year. In between censuses, the Census Bureau's Population Estimates Program produces and disseminates the official estimates of the population for the nation, states, counties, cities, and towns and estimates of housing units and the group quarters population for states and counties.
Table Information	
API Information	American Community Survey (ACS) data is available via API. For more information on available APIs, please see Census Developers page at API Information.

Symbols	Explanation of Symbols:- The estimate could not be computed because there were an insufficient number of sample observations. For a ratio of medians estimate, one or both of the median estimates falls in the lowest interval or highest interval of an open-ended distribution. For a 5-year median estimate, the margin of error associated with a median was larger than the median itself.N The estimate or margin of error cannot be displayed because there were an insufficient number of sample cases in the selected geographic area. (X) The estimate or margin of error is not applicable or not available.median- The median falls in the lowest interval of an open-ended distribution (for example "2,500-")median+ The median falls in the highest interval of an open-ended distribution (for example "250,000+").** The margin of error could not be computed because there were an insufficient number of sample observations.*** The margin of error could not be computed because the median falls in the lowest interval or highest interval of an open-ended distribution.***** A margin of error is not appropriate because the corresponding estimate is controlled to an independent population or housing estimate. Effectively, the corresponding estimate has no sampling error and the margin of error may be treated as zero.
Additional Information	
Contact Information	Contact the Census Bureau Customer Help Center at 1-800-923-8282 or submit a question at ask.census.gov.
Suggested Citation	U.S. Census Bureau. "Gross Rent as a Percentage of Household Income in the Past 12 Months" American Community Survey, ACS 5-Year Estimates Detailed Tables, Table B25070, 2024, https://data.census.gov/table/ACSDT5Y2024.B25070?q=B25070: Accessed on April 24, 2026.
COLUMN NOTES	None

Table: ACSDT5Y2024.B25070

	Newberg city, Oregon			
Label	**Estimate**	**Margin of Error**		**% Severe Rent Burden (50% or more)**
Total:	3,959	±522		
Less than 10.0 percent	30	±34		
10.0 to 14.9 percent	288	±180		
15.0 to 19.9 percent	407	±194		
20.0 to 24.9 percent	484	±170		
25.0 to 29.9 percent	407	±177		
30.0 to 34.9 percent	428	±211		
35.0 to 39.9 percent	330	±248		
40.0 to 49.9 percent	250	±129		
50.0 percent or more	1,258	±355		**31.8%**
Not computed	77	±77		

APPLICATION FOR A ONE-TIME SITE ADDITION TO THE CITY OF NEWBERG'S URBAN GROWTH BOUNDARY UNDER SENATE BILL 1537 (2024, AS AMENDED)

Application Requirements

I. Site Eligibility -- Section 50(1)(a)&(b)

- ❑ Demonstrate how the site meets the eligibility requirements of Section 50(a)&(b). Include maps and/or legal descriptions as appropriate.

II. Application Requirements -- Section 54(2)

The application must:

- ❑ (a) Be completed for each property owner or group of property owners that are proposing an urban growth boundary amendment under sections 49 to 59
- ❑ (b) Be in writing in a form and format as required by the city, including:
  - Written narrative demonstrating how the proposal meets the requirements for each of the sections in this application.
  - Conceptual level maps or diagrams that include the requirements outlined in section III below and the following information, as applicable:
    - Development boundary;
    - Phasing plan;
    - General land uses; and
    - North arrow and scale.
  - *Optional*: *Existing site conditions map (see NMC 15.220.030(B)(2) for suggested contents)*
- ❑ (c) Specify the lots or parcels that are the subject of the application
- ❑ (d) Be signed by all owners of lots or parcels included within the application.
- ❑ (e) Include each owner's signed consent to annexation of the properties if the site is added to the urban growth boundary.

III. Application Requirements -- Draft Conceptual Plan, Section 55(3)

In order to be complete, an application for a site over 15 acres must include a draft conceptual plan demonstrating substantial compliance with the requirements in Section 55(3)a-f, including the following. Applications smaller than 15 acres are encouraged to submit a draft conceptual plan addressing the **Land Use** components of their proposal.

Section 55(3)(a)&(b) -- Land Use

- ❑ The total net number of proposed residential acres within the site, not to exceed 150 net buildable acres
- ❑ The number and approximate location of units (market rate and affordable) by:

- Unit type (including middle housing, accessible housing and other needed housing)
- Approximate unit sizes by square footages and bedroom count

❑ Proposed unit mix by unit type demonstrating a diversity of housing types and sizes, including middle housing, accessible housing and other needed housing
❑ Proposed net residential density (minimum six units per net residential acre)
❑ General location and size (acreage) of proposed zoning designations
❑ General location and size (acreage) of areas to be used for recreation and open space, including areas to be conveyed for public use (e.g., schools, recreational areas, parks, fire stations, and/or other public uses)
❑ General location and size (acreage) of proposed lands for commercial uses, either separate or as a mixed-use meeting Section 55(3)(b)(B), and a narrative of how the proposed lands for commercial use meet the requirements in Section 55(3)(b)(B) including how the lands
- Primarily serve the immediate surrounding housing;
- Provide goods and services at a smaller scale than provided on typical lands zoned for commercial use; and
- Are provided at the minimum amount necessary to support and integrate viable commercial and residential uses

Section 55(3)(c) -- Transportation

❑ A conceptual transportation network for the site demonstrating compliance with Section 55(3)(c) including:
- The general location of transportation facilities for transit and transit routes, vehicle, biking, and walking circulation systems
- Sufficient connectivity to existing and planned transportation network facilities as shown in the City of Newberg Transportation System Plan including transit routes and facilities; proposed right-of-way extensions and classifications; and connections to existing and proposed low-stress networks and key routes
- Known impacts to existing transportation network, key intersections, necessary mitigation and potential required improvements, if any

Section 55(3)(d) -- Statewide Land Use Planning Goals [only the protective measure goals that apply to Newberg's UGB are listed]

❑ Compliance with Section 55(3)(d), demonstrating that protective measures will be applied to the site consistent with the statewide land use planning goals (as applicable) for:

(A) Open spaces, scenic and historic areas or natural resources;
(B) Air, water and land resources quality;

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(C) Areas subject to natural hazards;
(D) The Willamette River Greenway;

Section 55(3)(e) -- Urban Services

- ❑ Include sufficient information to determine adequate serviceability including:
  - a conceptual plan of how the site will be served by all necessary urban services as defined in ORS 195.065, including sanitary sewer collection, domestic water, transportation, schools, and parks, consistent with the City's adopted public facility plans, transportation system plan, and applicable district plans.
  - a conceptual plan for any known public facility and service impacts and proposed mitigation, including as applicable: on- and off-site improvements, construction and modernization of existing infrastructure (water, sewer, stormwater, transportation) to City standards and specifications, and impacts to existing infrastructure inside the City's current city limits.
  - if there is no adopted transportation and/or street network planned on surrounding properties, a conceptual plan for the surrounding existing and future transportation network, including street and trail connections and extensions. Plan must include adjoining lands contiguous to the site, and within a minimum of 500 feet of the site.
- ❑ A signed acknowledgement that a binding agreement will be required prior to annexation between the city, each owner within the site and any other necessary public or private utility provider, local government or district, as defined in ORS 195.060, or combination of local governments and districts that the site will be served with all necessary urban services as defined in ORS 195.065, or an equivalent assurance.

***Section 55(3)(e)* -- Housing Affordability**

Demonstrate compliance with affordability requirements as outlined in Section 55(3)(f), including:

- ❑ Number, overall percentage, and general location of the residential units (by unit type) that are subject to affordability restrictions, including but not limited to affordable housing covenants, as described in ORS 456.270 to 456.295, for a period of not less than 60 years
- ❑ Affordability ranges for all units (affordable rental, affordable ownership, market rate, other), number of ownership and/or rental units by unit type
- ❑ Phasing plan showing relative timing of affordable housing construction related to overall site
- ❑ Size, location, and description of all common areas and amenities available to affordable and market rate units

DRAFT

- ❑ List of potential partnerships, mechanisms, and/or proposed use of city incentives or financial tools available, if any, to meet affordability requirements
- ❑ Additional information demonstrating how required affordable units will be financially viable (i.e. proformas, examples of affordable housing developments delivered by the project team, etc.)

IV. Optional: Supplemental Information

Applicants are encouraged to provide any information in addition to the requirements in this application to demonstrate compliance with the bill. Additional, optional information may include:

- ❑ Future annexation will be required to meet the approval criteria in the Newberg Municipal Code, including NMC 15.250.030. Applicants are encouraged to include any additional information demonstrating how they will meet these criteria, as well as any additional information regarding potential modifications to uses and proposed services to the site (i.e. summary of coordination, if any, to-date with service providers, acknowledgement from service provides such as will serve letters; general location of streets and water and sewer lines on abutting vacant land and developable land and all contiguous property under common ownership, etc.)
- ❑ Title report and/or property deeds

V. Submittal Instructions

Site applications must be submitted electronically via the City's OpenGov Permit Portal by **4:30 PM PST Friday, July 31st, 2026**. For questions related to the application or submittal process please contact James Dingwall at james.dingwall@newbergoregon.gov or (971) 281-9450.

Staff Contact Information:

Scot Siegel, Community Development Director
scot.siegel@newbergoregon.gov
(503) 537-1212

James Dingwall, Associate Planner
james.dingwall@newbergoregon.gov
(971) 281-9450

City of Newberg Planning Department
planning@newbergoregon.gov
(503) 537-1240

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SB 1537 UGB Expansion Solicitation Process

City Council Briefing

May 4, 2026

City Council Goals

- *Goal 4. Implement a careful and prudent fiscal policy.*
  - *Objective 3. Ensure that the city has a long-term financial plan that supports its goals and objectives.*
- *Continuous Goal E. Further strategic planning and growth with local taxing districts.*

Staff Recommendation

- Approve Resolution No. 2026-4023 directing staff to conduct public notice for a formal solicitation for SB 1537 “one-time” Urban Growth Boundary (UGB) expansion sites and establishing associated fees. Provide direction on the solicitation.

Background

- In August 2025, City Council directed staff to prepare a solicitation of applications for a “one-time” UGB expansion under SB 1537 (2024) after receiving interest from potential eligible properties.

- DLCD has provided an updated interpretation of “developed land” to include any rural residential lands brought inside the UGB, even if not developed further. This allows Newberg to meet the demonstration of need for land and affordable housing.

HB 4035 (2026)

- Increased the maximum UGB expansion size from 100 to 150 acres and clarified that the 150 acres is of “net buildable acres”, to include other recreation or commercial (complete community) requirements.

Process

- Before selecting a site, the city must provide public notice that includes:
  - The city's intent to select a site for inclusion in the UGB;
  - Each basis under which the city has determined that it qualifies to include a site under SB 1537; and
  - A deadline for submission of applications under SB 1537 (2024) that is at least 45 days after the date of the notice.

- The notice will also be sent to Yamhill County, each special district providing urban services within the City's UGB, and the Department of Land Conservation and Development.

Process

- Following the application deadline, the City shall review the application for compliance with the bill, provide notice to any property owners of a proposed site not signatories to the application, and provide an opportunity for public participation in selecting a site.

- Public participation must include at least:
  - A public comment period
  - A meeting of the city's Planning Commission or City Council at which public testimony is considered, or one open house
  - Notice on the city's website or published in a paper of record
  - Consultation with any special districts or public/private utilities

Process

- DLCD Land Exchange Alternative
  - On July 21, 2025, City Council discussed a potential de-annexation and UGB land swap alternative provided in SB 1537. The land swap would be in lieu of the “one-time” UGB expansion. The City may explore both simultaneously, but City Council must choose one pathway at the time of site review and selection.

- The City is not required to select a site and may re-issue the solicitation.
  - SB 48 (2025) clarified that the City’s eligibility is vested at the time of public notice for the solicitation, and a re-issuance would require an updated evaluation of eligibility.

SB 1537 (2024) Solicitation Process

	SB 1537 (2024) Solicitation Step	Tentative Timing
Step 1	Public Notice	June 1, 2026
	Solicitation Applications Due	July 31, 2026
	City Review of Submitted Applications (completeness and compliance)	August 2026
	Site Selection	September – October 2026
	Public Comment Period	September 2026
	City Council Work Session	September 2026
	City Council Public Hearing (site selection by resolution)	October 2026
	Applicant required to apply for Comp Plan & UGB Amendment within 1 year.	
Step 2	Concept Plan Refinement Open House City Council Work Session	Fall/Winter 2026
	Concept Plan Adoption (fees due after site selection) (Comprehensive Plan Amendment, UGB Amendment – with NUAMC)	Winter 2026/ Spring 2027
	DLCD Approval	Within 21 days of adoption

Process

- Application Submittals
  - Site Eligibility
  - Application Requirements
    - written narrative, maps or diagrams, proposed lots, consent of annexation
  - Conceptual Plan
    - Larger than 15 net acres – land use, transportation network, compliance with Statewide Land Use Goals, provision of urban services, and housing affordability.
    - *Less than 15 net acres – not required if City has agreements with each landowner to comply with affordability requirements and agreements with utilities/districts to ensure site serviceability.*

Fees

- 2025 Fee Schedule (+5% technology fee)
  - *Comprehensive Plan Text Amendment - $3,224*
  - *Urban Growth Boundary Amendment - $5,136*
  - *Future Annexation - $3,010 + $286 per acre*
    - *20 acres: $8,730*
    - *60 acres: $20,170*
    - *100 acres: $31,610*
- Propose a “SB 1537” fee based on land use fees in site selection resolution to include a portion for the Concept Plan refinement and portion for the adoption.
  - Site Submittal: $214
  - Refinement: $5,275 (non-refundable) / Adoption: $3,311 (refundable)

Thank you!

Questions?

REQUEST FOR COUNCIL ACTION

Order ☐ Ordinance ☐ Resolution ☐ Motion ☐ Information ☒ Proclamation ☐	
Subject: De-annexation if 1828 and 1835 Waterfront Street	Staff: James Dingwall Department: Community Development
Business Session	Order On Agenda: New Business
Hearing Type: Legislative ☐ Quasi-Judicial ☐ Administrative ☐ Not Applicable ☒	

Date Action Requested: May 4, 2026

Is this item state mandated? Yes ☐ No ☒
If yes, please cite the state house bill or order that necessitated this action: N/A

Recommendation: No action is requested at this time. Receive information on the property owner's request to de-annex 1828 and 1835 Waterfront Street and provide any initial feedback prior to the public hearing.

Executive Summary: On February 5, 2025, the Community Development Department held a pre-application meeting with Del Boca Vista LLC to discuss development of single-family dwellings and storage units on and potential de-annexation of three tax lots in southwest Newberg (Attachment 4). The properties were originally annexed in 2006 through Ordinance No. 2006-2651. The tax lots are approximately 20.05, 2.38, 5.02, and 0.93 acres in size and are zoned Medium Density Residential/Riverfront Subdistrict (R-2/RD). Significant portions of the properties are within the Stream Corridor Overlay and Areas of Special Flood Hazard Overlay, which restrict development through provisions in the Newberg Municipal Code. The Applicant has also cited that the properties cannot be developed to City standards and has submitted a Utility Memo describing the location of existing public utilities and infrastructure requirement feasibility for proposed development. Figures 1-3 show the subject properties, site zoning, and City utility extension in adjacent areas.

An application for de-annexation was submitted on September 2, 2025, however following discussions with staff the Applicant agreed to put review of the application on hold while the City received clarification on the concurrent SB 1537 "One-Time" Urban Growth Boundary (UGB) Amendment process and associated potential UGB "land swap." In March 2026 the Applicant requested to continue the application process for the de-annexation. The application materials are included in Attachment 1.

The Applicant provided materials for the pre-application meeting describing the request and proposed development plans following a potential de-annexation (Attachment 4). The development plans are informational only as any development following de-annexation would be under the jurisdiction of Yamhill County, which has not reviewed or provided comments on the plans to our knowledge.

Oregon Revised Statues 222.460, 222.465, and 222.524 provide the procedure for withdrawing a part of a district from a district. The process includes:

- City Council adopting a resolution initiating the withdrawal from the territory.
- City Council holding a public hearing on the withdrawal no later than 30 days after the adoption of the resolution.
- City Council consideration of entering an order on the withdrawal.
- City Council holding a final public hearing on the withdrawal not less than 20 days or more than 50 days after the date of the order.
- City Council by resolution or ordinance declares the territory detached from the City.

Concurrent referral and notice would be sent to Yamhill County. Initial conversations with the Yamhill County Planning Director indicate that the previous County zoning designation prior to annexation may be applied to the site. A Post-Acknowledgement Plan Amendment would be sent to the Department of Land Conservation and Development to provide notice for the proposed map changes. The withdrawn area would remain subject to any bonded or other indebtedness existing at the time of the de-annexation. De-annexation would be processed using the annexation land use process, a Type III application with a $3,010 + $286 per acre fee (plus 5% technology fee).

Background:
The parcels were annexed into the city limits as part of an approximately 98-acre annexation (Ordinance No. 2006-2651, see Attachment 3) adopted by City Council on August 7, 2006, and approved by the voters. The site contained a portion of Ewing Young Park, and the remainder included land within the Newberg Riverfront Master Plan area, which envisioned medium- and low-density residential development, trails, a stream corridor, and the Newberg-Dundee Bypass in the general area. Per the findings of Ordinance No. 2006-2651, at the time of annexation, various property owners had raised Measure 37 claims with Yamhill County, which may have resulted in rural residential uses inconsistent with the City's Comprehensive Plan and Riverfront Master Plan. These property owners agreed to hold these claims pending annexation and application of the R-2 residential zoning designation.

The Riverfront Master Plan, updated in 2019 envisioned five development alternatives for the master plan area (See Attachment 2). The development alternatives largely show little or no envisioned development on the sites proposed to be de-annexed. Alternatives B, C, D, and E indicate limited residential development on the unconstrained portion of the southern parcel, and C also envisions limited mixed employment on the unconstrained portion of the northern parcels. The majority of the development in the annexation area include park space and trails at Ewing Young Park, the Newberg-Dundee Bypass, and medium- and high-density residential development to the east of the subject parcels. In 2018, the Riverrun subdivision was approved and has since been developed, including 133 residential units, and Phase 1 of the Newberg-Dundee Bypass has been completed. Given this development, staff believes that the 2006 annexation area has been developed to urban levels consistent with the Riverfront Master Plan and that the public utility serviceability constraints warrant de-annexation.

The parcels are also within the Newberg Urban Renewal Area (north parcels – Riverfront Sub-Area: C, south parcels – Riverfront Sub-Area: B), as shown in Figure 4. ORS 457.010 and 457.035 provides that Counties may create or be part of urban renewal agencies, so staff does not believe that withdrawal from the urban renewal area would be required, however approval by the Yamhill County Board of Commissioners may be required to maintain unincorporated area in the urban renewal area. The Newberg Urban Renewal Plan indicates that the Yamhill County Board of Commissioners approved the urban renewal plan with the condition that it be presented to the electorate for a vote. The City subsequently revised the urban renewal area boundary and annexed certain parcels to remove any unincorporated parcels from the urban renewal area and not require Yamhill County approval. If the de-annexation proceeds, staff will consult with the City Attorney to determine required approvals if the de-annexed area remains in the urban renewal area. The City Attorney has confirmed that withdrawal from the Newberg Urban Renewal District would require a minor amendment and notes the following:

…the de-annexation will likely lead to Plan-related issues that go beyond just the Zoning Map amendment. For example, removing the de-annexed land from the Plan may implicate the maximum indebtedness authorized under Section III of the Plan (and ORS Chapter 457). It may also limit the scope and costs of the Plan projects. Addressing all of these issues in a Minor Amendment approved by NURA will help avoid ambiguity (and disputes) related to the status of the de-annexed land under the Plan.

The 2025 assessed values for the tax lots were:

- R3230B 06000: $3,684
- R3230B 06100: $47,399
- R3230B 02300: $52,560
- R3230 01400: $2,694

Minor amendments to the Newberg Urban Renewal Plan require approval by the Newberg Urban Renewal Agency by resolution. There are no urban renewal projects identified in the Newberg Urban Renewal Plan located on the subject parcels (See Attachment 2).

If the de-annexation is approved, staff would recommend a condition of approval requiring the Owner to sign a non-remonstrance waiver for any future removal of the property from the UGB, as the site's potential development to Yamhill County rural residential standards would likely preclude future development to urban standards and densities. That UGB amendment could be included in a future amendment related to housing needs following the 2027-2028 housing planning work currently scheduled or through the one-time UGB amendment process allowed by SB 1537 (2024). SB 1537 provides for one of two types of "one-time" UGB expansion: 1) for affordable housing purposes, or 2) a UGB land exchange. The City may amend its UGB under the "land exchange" option (#2) by adding one or more sites and concurrently removing one or more tracts of land, provided that:

- The acreage of the added site and removed lands are roughly equivalent,

- The removed lands must be zoned for residential uses, and
- The added site must be zoned for residential uses at the same or greater density than the removed lands.

If the City did not pursue one of these options under SB 1537, it could still use the conventional UGB land swap process, as noted above. Under either the SB 1537 one-time land exchange process or the conventional land swap approach, if the City Council were to de-annex the subject properties, the site could facilitate an approximately 27.5 acre UGB land swap subject to applicable procedures.

Fiscal Impact: Staff time will be required to process the land use applications and amendment to the Newberg Urban Renewal Plan. Removing the tax lots from the city limits would diminish the tax base and urban renewal district revenues though the current assessment, summarized above, is small and future development potential minimal due to natural resource constraints. If a UGB swap under SB 1537 is successful, additional tax base would be generated by residential development at higher densities elsewhere in the city.

Council Goals: This item is related to:

Goal 4. Implement a careful and prudent fiscal policy.

Objective 3. Ensure that the city has a long-term financial plan that supports its goals and objectives.

Continuous Goal E. Further strategic planning and growth with local taxing districts.

Attachments:
- Attachment 1: Applicant Narrative and Materials
- Attachment 2: Maps and Figures
- Attachment 3: Ordinance No. 2006-2651
- Attachment 4: PRE25-0004 Notes

DEL BOCA VISTA
A LIMITED LIABILITY COMPANY

De-Annexation Narrative
1835 and 1828 Waterfront Street – Tax Lots – 2300, 6100, 6000, and 1400

The applicant proposes to de-annex 1835 Waterfront Street (South) – Tax Lots - 2300-6100, 6000, and 1828 Waterfront Street (North) - Tax Lot 1400 (R2/RD) from the City of Newberg limits.

The reference lots will be challenging to serve with existing utilities, sanitary sewer, and stormwater. (See Memo from Emerio Engineering).

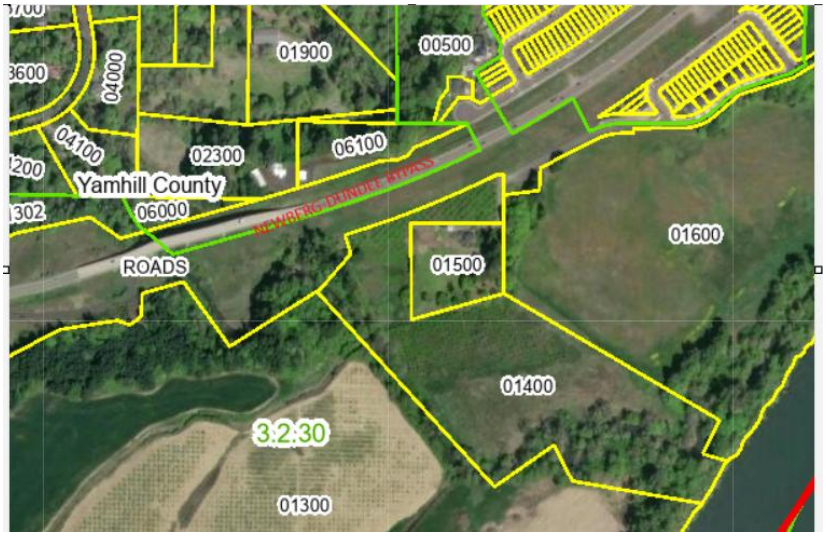
Both the north and south parcels are subject to the Stream Corridor Subdistrict Overlay and the Special Flood Hazard Overlay. See attached zoning map showing the floodplains.

April 13, 2026

RE: Yamhill Waterfront Utilities
Emerio Project Number 0416-012

The purpose of this memorandum is to describe the existing utilities and the possibility of connecting to those utilities for the following tax lots, located inside the City Limits of the City of Newberg, to inform the discussion of de-annexation of these properties.

Yamhill County Map #	Tax Lot	APN
3.2.30B	2300	67554
3.2.30B	6000	560572
3.2.30B	6100	560575
3.2.30	1400	640393



Current public utilities, including water, stormwater and sanitary sewer, have been installed to the east of the subject properties, please see the exhibit titled “Existing Utilities”. These utilities were likely installed to service the subdivision along E. Wayno Way. Due to elevation differences, it is impractical to connect to these utilities.

The nearest sanitary sewer connection is shown on GIS to have an invert out of 152.38 feet. Using the same GIS information, the topography shows many of the subject properties have existing ground elevations below that elevation, especially tax lot 1400 that has elevations down to 68 feet.

A series of lift stations would be required to connect and pump the sewer from these homes in the area and in some cases, over 100 feet of vertical elevation change. While this is theoretically possible, it is impractical due to the cost to build and maintain.

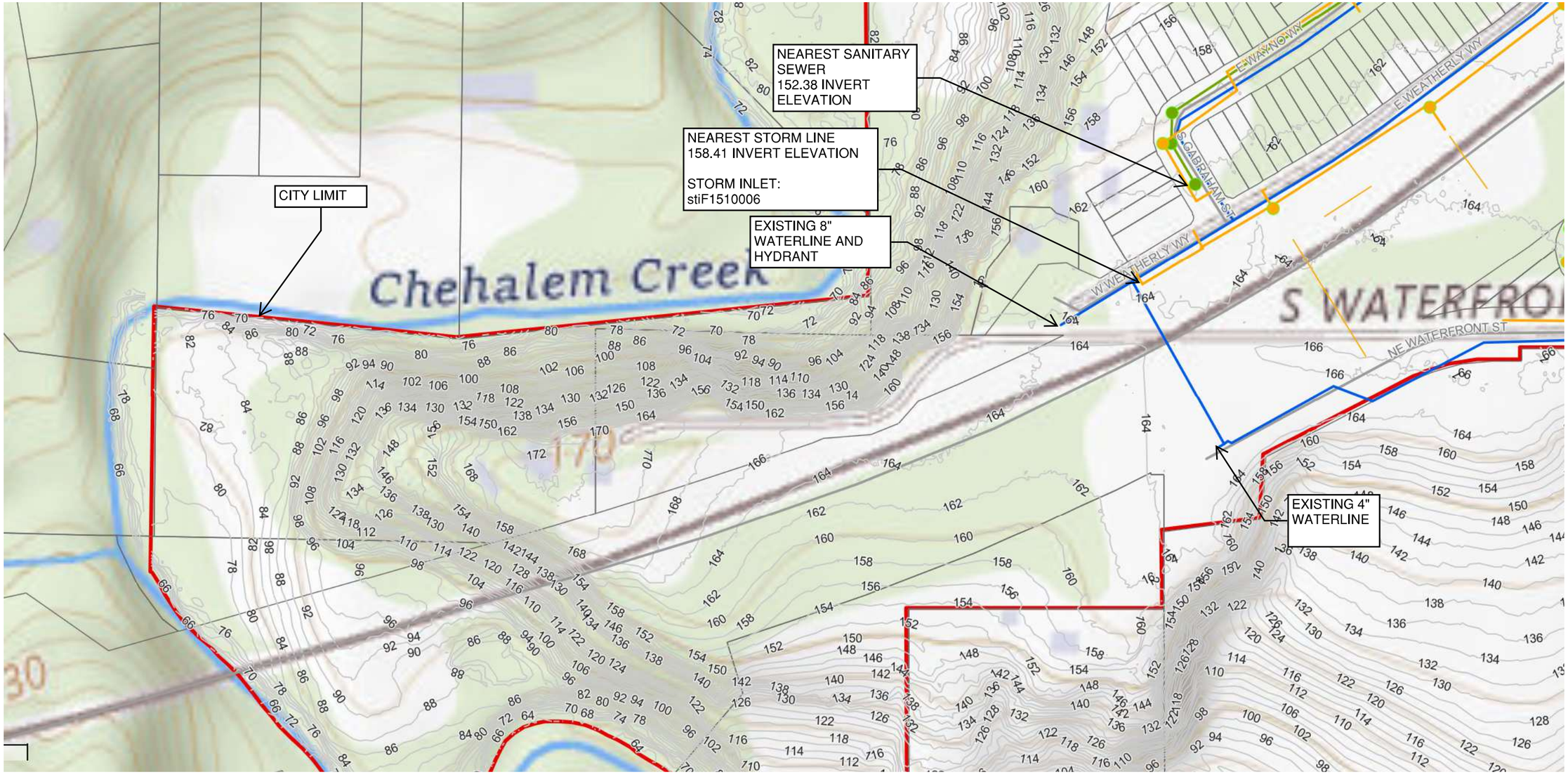
Similarly, due to topography, connecting to the existing storm infrastructure from these properties would be challenging. However, from a review of the soil types in the area, onsite infiltration would be a feasible option and would remove the need to tie into City stormwater infrastructure.

The City of Newberg Water Master Plan Technical Update (Dated May 2021) shows potable water lines running to their current location, and no further extensions appear to be planned to serve the subject properties. It is possible that these plans did not include a capacity analysis for the subject lot and future development. In that case, connecting these lots to existing water lines would not be possible due to capacity issues.
However, there are currently several well records available in the area that show potable water is available.

In summary, these lots will be challenging to serve with existing utilities, especially sanitary sewer and stormwater.

Scott Zelenka, PE

Emerio Design



https://map-newberg.hub.arcgis.com/apps/31555166a877409bbbfa3e1eee11be7d/explore

EXISTING UTILITIES

REVISIONS

NO.	DATE	DESCRIPTION

EMERIO
ENGINEERING • SURVEYING • DESIGN
6445 SW FALLBROOK PLACE, SUITE 100
BEAVERTON, OREGON 97008
TEL: (503) 746-8812
FAX: (503) 639-9160
www.emeriodesign.com

SHEET
OF

FILE P: \0416-012 Yamhill Waterfront \dwg \civil \title block base, Layout: 03 GRADING & EROSION CONTROL, Plot Date: 4/6/2026 2:27 PM, by: Scott Zelenka

Date: 3/16/2021

Document Path: L:\2020-014\3-Plan-Report\Figures\3-1 Labeled Flooding Areas.mxd Drawn by: KRCS

Legend

- Floods at 2 - year event
- Floods at 10 - year event
- Floods at 25 - year event
- Existing Pipe, Channel, or Culvert

Improvement Location

- C-A
- C-B
- C-C
- C-D
- C-E
- C-F
- C-G
- C-H
- C-I
- C-J
- C-K
- C-L
- C-M
- C-N
- C-O
- C-P
- C-Q
- C-R
- C-S
- C-T
- C-U
- C-V
- C-W
- County
- ODOT
- ODOT/COUNTY
- ODOT/PRIVATE
- Private
- UGB

N

0 0.125 0.25 0.5 0.75 1 Miles

STORM INLET stiF1510006

EXTENT OF STORM SYSTEM PER 2021 MASTER PLAN

Service Layer Credits: Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus DS, USDA, USGS, AeroGRID, IGN, and the GIS User Community

Figure 3-1

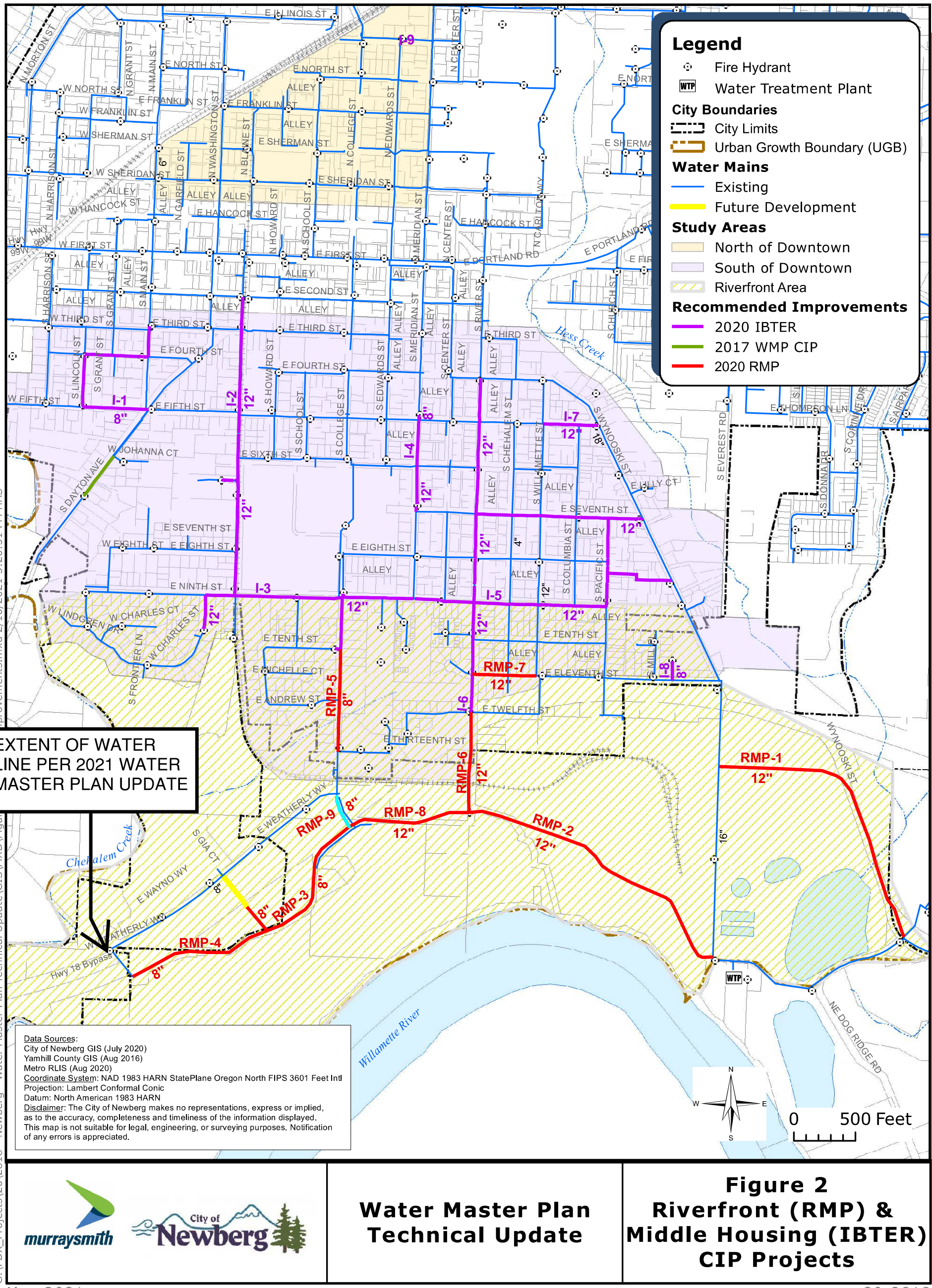
2020 City of Newberg Stormwater Master Plan

Model Capacity Problem Areas

City of Newberg

HBH CONSULTING ENGINEERS

https://www.newbergoregon.gov/Documents/Department/Engineering/Master%20Plans/newberg_swmp_june_2021.pdf?t=20250211094238O



murraysmith

City of Newberg

Water Master Plan Technical Update

Figure 2 Riverfront (RMP) & Middle Housing (IBTER) CIP Projects

May 2021

20-2818

G:\PDX_Projects\20\2818 - Newberg - Water Master Plan Technical Update\GIS\MXD\Figure 2 - Riverfront and Middle Housing Improvements.mxd 2/10/2021 3:20:51 PM HAS

https://www.newbergoregon.gov/Documents/Department/Engineering/Master%20Plans/newberg_water_master_plan_-_addendum_riverfront_master_plan_2021_w_appendicies.pdf?t=20250211094238O

De- ANNEXATION CONSENT

TO THE HONORABLE MAYOR AND COUNCIL OF THE CITY OF NEWBERG, OREGON:

The undersigned Cindy Christensen

being the sole owner of the real premises described in Exhibit A attached hereto and incorporated by reference herein, and generally known as (address) 1828 NE Waterfront Street and (tax lot) 230B 02300 and 6100, does hereby consent to the annexation of such territory above described to the City of Newberg, Oregon.

The undersigned does hereby respectfully petition that the real premises described in Exhibit A be annexed to the City of Newberg, Oregon, in the manner provided by the laws of the State of Oregon and the Charter and Ordinances of the City of Newberg, Oregon.

This consent is binding upon the heirs, successors, and assigns of the above listed property.

In construing this consent, the singular includes the plural as circumstances may require.

IN WITNESS WHEREOF, Petitioner has caused these presents to be executed this July 24th day of July, 20 25.

STATE OF Oregon, County of Yamhill ss 07/24/2025.
Month / day / year

Personally appeared the above named Cindy Christensen

and acknowledged the foregoing instrument to be her voluntary act and deed.

OFFICIAL STAMP
Teresa Gilmore
NOTARY PUBLIC - OREGON
COMMISSION NO. 1017850
MY COMMISSION EXPIRES October 12, 2025

Before me:

Notary Public for Oregon

My commission expires 10-12-25

First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

Order No.: 1032-4313968
September 30, 2025

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:
KATIE OLHEISER**,** Escrow Officer/Closer
Phone: (503)538-7361 - Fax: (866)800-7290 - Email:kolheiser@firstam.com
First American Title Insurance Company
515 E Hancock, Newberg, OR 97132

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:
Clayton Carter, Title Officer
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Preliminary Title Report

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

Please be advised that any provision contained in this document, or in a document that is attached, linked or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

County Tax Roll Situs Address: 1828 NE Waterfront St, Newberg, OR 97132

2021 ALTA Owners Standard Coverage	Liability $	TBD	Premium $		
2021 ALTA Owners Extended Coverage	Liability $		Premium $		
2021 ALTA Lenders Standard Coverage	Liability $	TBD	Premium $		TBD
2021 ALTA Lenders Extended Coverage	Liability $		Premium $		
Endorsement			Premium $		
Govt Service Charge			Cost $		75.00
Other			Cost $		

Proposed Insured Lender: Lender To Be Determined

Proposed Borrower: Del Boca Vista LLC

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of September 23, 2025 at 8:00 a.m., title to the fee simple estate is vested in:

Larry D. Christenson and Cindy A. Christenson, Co-Trustees of the Larry D. Christenson Trust dated February 28, 2022, as to an undivided 25% interest;
Cindy A. Christenson and Larry D. Christenson, Co-Trustees of the Cindy A. Christenson Trust dated February 28, 2022, as to an undivided 25% interest;

Launa Jeffery and John A. Jeffery, Trustees, John and Launa Jeffery Trust u/i/d November 16, 2023, as to an undivided 50% interest

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

A. Survey or alternative acceptable to the company
B. Affidavit regarding possession
C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
   i. Satisfactory evidence that no construction liens will be filed; or
   ii. Adequate security to protect against actual or potential construction liens;
   iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon

6. Water rights, claims or title to water, whether or not shown by the public record.

7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records.

8. Taxes for the fiscal year 2025-2026 a lien due, but not yet payable

9. City liens, if any, of the City of Newberg.

Note: There are no liens as of September 29, 2025. All outstanding utility and user fees are not liens and therefore are excluded from coverage.

10. Loss or damage by reason that there appears to exist no insurable right of access to and from the land herein described to a public right-of-way. Unless this matter is solved to the satisfaction of the company, the forthcoming policy/endorsement will contain an exception to coverage for loss or damage by reason of **lack** of right of access to and from the land.

11. A legal description was not included in the application for Title Insurance. The legal description contained herein was taken from the record and the presumed intention of the parties to the transaction. Said description must be examined and approved by all parties prior to closing.

12. The Company will require a Certification of Trust from the vestees named herein, providing information about the Larry D. Christenson Trust dated February 28, 2022, Cindy A. Christenson Trust dated February 28, 2022 and John and Launa Jeffery Trust u/i/d November 16, 2023 and confirming the powers of the trustees and the continuing existence of the trust.

13. With respect to Del Boca Vista LLC:
    a. A copy of its operating agreement or similar document and any amendments thereto;
    b. A official copy of its articles of organization or similar incorporation document and any corrections, amendments or restatements thereto;
    c. Evidence that the limited liability company is properly formed and is in good standing in the state of its domicile;
    d. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

TRACT 1:

14. Potential taxes due to disqualification in the amount of $ 1,801.01

15. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Chehalem Creek.

16. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Chehalem Creek.

17. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Chehalem Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

18. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

19. Terms, conditions and effect, if any, of that certain order, No. 05-947, issued by City/County Planning Department, dated November 09, 2005, recorded Instrument No. 200525468, Deed and Mortgage Records.

    The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)", as set forth in the policy issued (or to be issued) hereunder.

20. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded September 29, 2015, Instrument No. 201515432, Deed and Mortgage Records, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

TRACT 2:

21. Potential taxes due to disqualification, in the amount of $ 2,963.97

22. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Chehalem Creek.

23. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Chehalem Creek.

24. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Chehalem Creek or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

25. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

26. Terms, conditions and effect, if any, of that certain order, No. 05-947, issued by City/County Planning Department, dated November 09, 2005, recorded November 14, 2005, Instrument No. 200525468, Deed and Mortgage Records.

    The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)", as set forth in the policy issued (or to be issued) hereunder.

27. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded September 29, 2015, Instrument No. 201515432, Deed and Mortgage, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

TRACT 3:

28. Potential taxes due to disqualification in the amount of $ 6,462.82

29. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

30. Terms, conditions and effect, if any, of that certain order, No. 05-947, issued by City/County Planning Department, dated November 09, 2005, recorded November 14, 2005, Instrument No. 200525468, Deed and Mortgage Records.

    The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)", as set forth in the policy issued (or to be issued) hereunder.

31. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded September 29, 2015, Instrument No. 201515432, Deed and Mortgage, which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Bargain and Sale Deed recorded November 20, 2023, Instrument No. 202310560, Launa Jeffery and John A. Jeffery to Launa Jeffery and John A. Jeffery, Trustees, or the survivor, or in the event of a vacancy in the office of Trustee, the successor Trustee of the John and Launa Jeffery Trust u/i/d November 16, 2023.

A document recorded November 20, 2023 as Instrument No. 202310561 of Official Records From Launa Jeffery and John A. Jeffery To Launa Jeffery and John A. Jeffery, Trustees, or the survivor, or in the event of a vacancy in the office of Trustee, the successor Trustee of the John and Launa Jeffery Trust u/i/d November 16, 2023.

NOTE: We find no matters of public record against Del Boca Vista LLC that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2024-2025 PAID IN FULL
Tax Amount: $57.18
Map No.: R3230B 06000
Property ID: 560572
Tax Code No.: 29.52
(Affects TRACT 1)

NOTE: Taxes for the year 2024-2025 PAID IN FULL
Tax Amount: $815.70
Map No.: R3230B 02300
Property ID: 67554
Tax Code No.: 29.52
(Affects TRACT 2)

NOTE: Taxes for the year 2024-2025 PAID IN FULL
Tax Amount: $735.60
Map No.: R3230B 06100
Property ID: 560575
Tax Code No.: 29.52
(Affects TRACT 3)

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

Situs Address as disclosed on Yamhill County Tax Roll:

1828 NE Waterfront St, Newberg, OR 97132

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

Recording Information

For county recording requirements and fees visit
https://www.yamhillcounty.gov/746/Recording

NOTE: Non-standard Document Fee of $20.00, if applicable, will be imposed by the county clerk for documents presented for recording that fail to meet the requirements established by ORS 205.27

You can also calculate fees by using our Title Fee Calculator at https://facc.firstam.com/.

cc: Del Boca Vista LLC
cc: Larry and Cindy Christensen Trust
cc: Lender To Be Determined
,
cc: Chandler Willcuts, Willcuts Company Realtors
600 E. 2nd Street, Newberg, OR 97132

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

TRACT 1: [3230B 6000]

All of the following described property lying NORTHERLY of the State Highway as awarded in Stipulated General Judgment in Yamhill County Circuit Court Case 14CV07218, and recorded September 29, 2015 as Instrument No. 201515432:

All that portion of the following described tract lying Northeasterly of Chehalem Creek: Part of the Levi Hagey Donation Land Claim No. 41 and No. 61 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northeast corner of said Claim; thence South along the East line thereof, 31.10 chains to an iron gas pipe; thence North 89° West 21.10 chains to an iron gas pipe; thence North parallel with the East line of said Claim 30.52 chains; thence North 88°38' East 21.10 chains to the Place of Beginning.

TRACT 2: [3230B-2300]

All of the following described property lying NORTHERLY of the State Highway as awarded in Stipulated General Judgment in Yamhill County Circuit Court Case 14CV07218, and recorded September 29, 2015 as Instrument No. 201515432:

That portion of Lot 8, SOUTH NEWBERG SUBURBAN ACRES which lies South of Chehalem Creek and being a part of the land described in contract dated November 6, 1963 and recorded November 18, 1963 in Film Volume 33, Page 957, Deed and Mortgage Records, between Harold H. Miller and Martin VerMulm, in Yamhill County, Oregon.

TRACT 3: [3230B-6100]

All of the following described property lying NORTHERLY of the State Highway as awarded in Stipulated General Judgment in Yamhill County Circuit Court Case 14CV07218, and recorded September 29, 2015 as Instrument No. 201515432:

Beginning at a stake on the right bank of Chehalem Creek and on the East line of the Levi Hagey Donation Land Claims No. 41 and No. 61 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian, Yamhill County, Oregon, 4.80 chains South of the Northeast corner of said Claim, from which a cedar 36 inches in diameter bears South 40° West 100 links distant and a maple 6 inches in diameter bears North 40° West 82 links distant; thence North on the East boundary of said Claim (intersect the left bank of said Creek at 0.18 of a chains, intersect the Northeast corner of the Hagey Donation Land Claim at 4.80 chains) 9.60 chains to a stake from which a maple tree 8 inches in diameter bears South 1° West 64 links distant and a maple 6 inches in diameter bears North 89° East 45 links distant; thence East (at 6.32 chains intersect the Southwest corner of the Joseph B. Rogers Donation Land Claim) 12.17 chains to a stake on the South boundary of said Rogers Claim from which a fir 8 inches in diameter bears North 38°30' West 53 links distant and a fir 6 inches in diameter bears North 52° East 47 links distant; thence South 10.50 chains to stake from which a maple 6 inches in diameter bears North 40° East 92 links distant; thence South 59°30' East (at 15.50 chains intersect Chehalem Creek) 15.65 chains to a stake on the right bank of Creek from which an ash tree 4 inches in diameter bears South 83' West 10 links distant; thence South 26° West along right bank, 2.33 chains to stake from which an ash 10 inches in diameter bears North 42° East 60 links distant; thence South 73°30' East 1.50 chains to a stake on the left bank of the Willamette River from which an ash 24 inches in diameter bears North 70° East 18 links distant; thence South 45° West along left bank 3.46 chains to a stake from which a balm tree 24 inches in diameter bears North 60° East 29 links distant; thence North 79°15' West 7.25 chains to stake on right bank of Chehalem Creek from which a maple 24 inches in diameter bears South 30° West 13 links

distant; thence meandering the right bank of said Creek as follows: North 26°30' West 2.80 chains; South 56° West 4.50 chains; North 41°30' West 17.50 chains to the Place of Beginning.

SAVE AND EXCEPT that portion conveyed to George James Barton and Christa Renante Barton in Warranty Deed recorded June 1, 1972 in Film Volume 89, Page 1390, Deed and Mortgage Records.

First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (07/01/21)

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
      i. the occupancy, use, or enjoyment of the Land;
      ii. the character, dimensions, or location of any improvement erected on the Land;
      iii. the subdivision of land; or
      iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury law or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 13.b.
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

ALTA OWNER'S POLICY (07/01/21)

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
      i. the occupancy, use, or enjoyment of the Land;
      ii. the character, dimensions, or location of any improvement on the Land;
      iii. the subdivision of land; or
      iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien" or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST Rev. 07-01-21

Privacy Notice

Last Updated and Effective Date: December 1, 2024

First American Financial Corporation and its subsidiaries and affiliates (collectively, "First American," "we," "us," or "our") describe in our full privacy notice ("Notice"), which can be found at https://www.firstam.com/privacy-policy/, how we collect, use, store, sell or share your personal information when: (1) you access or use our websites, mobile applications, web-based applications, or other digital platforms where the Notice is posted ("Sites"); (2) you use our products and services ("Services"); (3) you communicate with us in any manner, including by e-mail, in-person, telephone, or other communication method ("Communications"); (4) we obtain your information from third parties, including service providers, business partners, and governmental departments and agencies ("Third Parties"); and (5) you interact with us to conduct business dealings, such as the personal information we obtain from business partners and service providers and contractors who provide us certain business services ("B2B"). This shortened form of the Notice describes some of the terms contained in the full Privacy Notice. Personal information is sometimes also referred to as personal data, personally identifiable information or other like terms to mean any information that directly or indirectly identifies you or is reasonably capable of being associated with you or your household. However, certain types of information are not personal information and thus, not within the scope of our Notice, such as: (1) publicly available information; and (2) de-identified and aggregated data that is not capable of identifying you. If we use de-identified or aggregated data, we commit to maintain and use the information in a non-identifiable form and not attempt to reidentify the information, unless required or permitted by law.

This Notice applies wherever it is posted. To the extent a First American subsidiary or affiliate has different privacy practices, such entity shall have their own privacy statement posted as applicable.

Please note that this Notice does **not** apply to any information we collect from job candidates and employees. Our employee and job candidate privacy notice can be found here.

What Type Of Personal Information Do We Collect About You? We collect a variety of categories of personal information about you. To learn more about the categories of personal information we collect, please visit https://www.firstam.com/privacy-policy/.

How Do We Collect Your Personal Information? We collect your personal information: (1) directly from you; (2) automatically when you interact with us; and (3) from other parties, including business parties and affiliates.

How Do We Use Your Personal Information? We may use your personal information in a variety of ways, including but not limited to providing the services you have requested, fulfilling your transactions, complying with relevant laws and our policies, and handling a claim. To learn more about how we may use your personal information, please visit https://www.firstam.com/privacy-policy/.

How Do We Disclose Your Personal Information? We may disclose your personal information, including to subsidiaries, affiliates, and to unaffiliated parties, such as service providers and contractors: (1) with your consent; (2) in a business transfer; and (3) for legal process and protection. Although we do not "sell" your information in the traditional sense, the definition of "sale" is broad under the CCPA that some disclosures of your information to third parties may be considered a "sale" or "sharing" for targeted advertising. To learn more about how we disclose your personal information, please visit https://www.firstam.com/privacy-policy/.

How Do We Store and Protect Your Personal Information? The security of your personal information is important to us. We take all commercially reasonable steps to make sure your personal **i**nformation is protected. We use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your personal information.

How Long Do We Keep Your Personal Information? We keep your personal information for as long as necessary in accordance with the purpose for which it was collected, our business needs, and our legal and regulatory obligations.

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Your Choices We provide you the ability to exercise certain controls and choices regarding our collection, use, storage, and disclosure of your personal information. You can learn more about your choices by visiting https://www.firstam.com/privacy-policy/.

International Jurisdictions: Our Services are offered in the United States of America (US), and are subject to US federal, state, and local law. If you are accessing the Services from another country, please be advised that you may be transferring your information to us in the US, and you consent to that transfer and use of your information in accordance with the Notice. You also agree to abide by the applicable laws of applicable US federal, state, and local laws concerning your use of the Services, and your agreements with us.

Changes to Our Notice: We may change the Notice from time to time. Any and all changes to the Notice will be reflected on this page and in the full Notice, and where appropriate provided in person or by another electronic method.

YOUR CONTINUED USE, ACCESS, OR INTERACTION WITH OUR SERVICES OR YOUR CONTINUED COMMUNICATIONS WITH US AFTER THIS NOTICE HAS BEEN PROVIDED TO YOU WILL REPRESENT THAT YOU HAVE READ AND UNDERSTOOD THE NOTICE.

For California Residents If you are a California resident, you may have certain rights under California law, including but not limited to the California Consumer Privacy Act of 2018, as amended by the California Privacy Rights Act and its implementing regulations. To learn more, please visit https://www.firstam.com/privacy-policy/.

Contact Us: dataprivacy@firstam.com or toll free at 1-866-718-0097.

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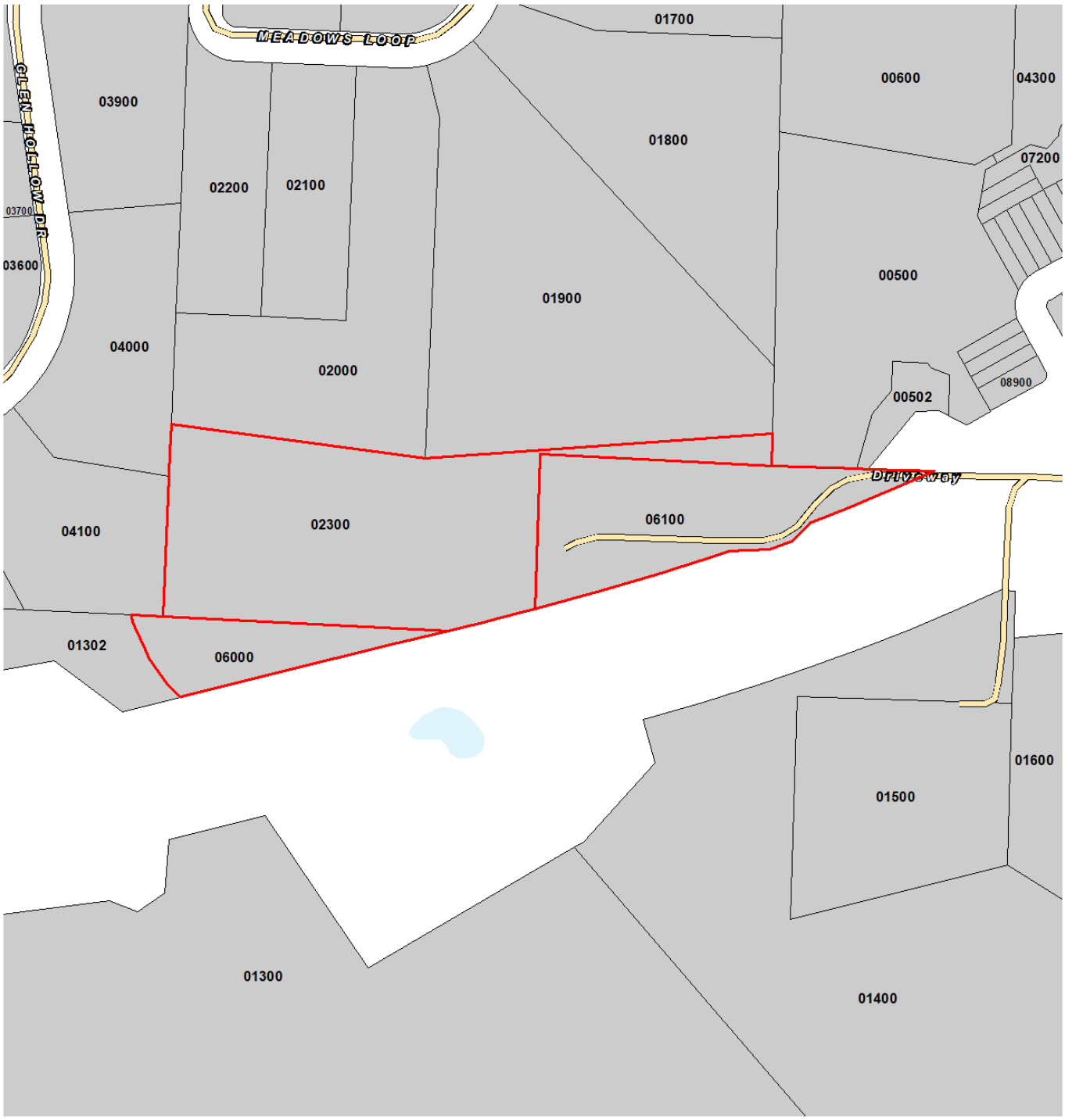
First American Title

R3230B 06100,R3230B 06000,R3230B 06100,R3230B 02300
No Site Address
, OR



Taxlot

Subject Taxlot

9/26/2025

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First American Title Insurance Company

775 NE Evans Street
McMinnville, OR 97128
Phn - (503)376-7363
Fax - (866)800-7294

Order No.: 1032-4313967
September 30, 2025

FOR QUESTIONS REGARDING YOUR CLOSING, PLEASE CONTACT:

KATIE OLHEISER**,** Escrow Officer/Closer
Phone: (503)538-7361 - Fax: (866)800-7290 - Email:kolheiser@firstam.com
First American Title Insurance Company
515 E Hancock, Newberg, OR 97132

FOR ALL QUESTIONS REGARDING THIS PRELIMINARY REPORT, PLEASE CONTACT:

Clayton Carter, Title Officer
Phone: (503)376-7363 - Fax: (866)800-7294 - Email: ctcarter@firstam.com

Preliminary Title Report

This report is for the exclusive use of the parties herein shown and is preliminary to the issuance of a title insurance policy and shall become void unless a policy is issued, and the full premium paid.

Please be advised that any provision contained in this document, or in a document that is attached, linked or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

County Tax Roll Situs Address: 1835 Waterfront St, Newberg, OR 97132

2021 ALTA Owners Standard Coverage	Liability $	TBD	Premium $		
2021 ALTA Owners Extended Coverage	Liability $		Premium $		
2021 ALTA Lenders Standard Coverage	Liability $	TBD	Premium $		TBD
2021 ALTA Lenders Extended Coverage	Liability $		Premium $		
Endorsement			Premium $		
Govt Service Charge			Cost $		25.00
Other			Cost $		

Proposed Insured Lender: Lender To Be Determined

Proposed Borrower: Del Boca Vista LLC

We are prepared to issue Title Insurance Policy or Policies of First American Title Insurance Company, a Nebraska Corporation in the form and amount shown above, insuring title to the following described land:

The land referred to in this report is described in Exhibit A attached hereto.

and as of September 23, 2025 at 8:00 a.m., title to the fee simple estate is vested in:

Larry D. Christenson and Cindy A. Christenson, Co-Trustees of the Larry D. Christenson Trust dated February 28, 2022, as to an undivided 25% interest;
Cindy A. Christenson and Larry D. Christenson, Co-Trustees of the Cindy A. Christenson Trust dated February 28, 2022, as to an undivided 25% interest;

Launa Jeffery and John A. Jeffery, Trustees, John and Launa Jeffery Trust u/i/d November 16, 2023, as to an undivided 50% interest

Subject to the exceptions, exclusions, and stipulations which are ordinarily part of such Policy form and the following:

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.

2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.

3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.

4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

The exceptions to coverage 1-5 inclusive as set forth above will remain on any subsequently issued Standard Coverage Title Insurance Policy.

In order to remove these exceptions to coverage in the issuance of an Extended Coverage Policy the following items are required to be furnished to the Company; additional exceptions to coverage may be added upon review of such information:

A. Survey or alternative acceptable to the company
B. Affidavit regarding possession
C. Proof that there is no new construction or remodeling of any improvement located on the premises. In the event of new construction or remodeling the following is required:
   i. Satisfactory evidence that no construction liens will be filed; or
   ii. Adequate security to protect against actual or potential construction liens;
   iii. Payment of additional premiums as required by the Industry Rate Filing approved by the Insurance Division of the State of Oregon

6. Water rights, claims or title to water, whether or not shown by the public record.

7. Any claim to (a) ownership of or rights to minerals and similar substances, including but not limited to ores, metals, coal, lignite, oil, gas, uranium, clay, rock, sand, and gravel located in, on, or under the Land or produced from the Land, whether such ownership or rights arise by lease, grant, exception, conveyance, reservation, or otherwise; and (b) any rights, privileges, immunities, rights of way, and easements associated therewith or appurtenant thereto, whether or not the interests or rights excepted in (a) or (b) appear in the Public Records.

8. Taxes for the fiscal year 2025-2026 a lien due, but not yet payable

9. The assessment roll and the tax roll disclose that the within described premises were specially zoned or classified for Farm use. If the land has become or becomes disqualified for such use under the statute, an additional tax or penalty may be imposed.

10. City liens, if any, of the City of Newberg.

    Note: There are no liens as of September 29, 2025. All outstanding utility and user fees are not liens and therefore are excluded from coverage.

11. The rights of the public in and to that portion of the premises herein described lying within the limits of streets, roads and highways.

12. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the high water mark of Chehalem Creek and Willamette River.

13. Governmental rights in connection with flood control and propagation of anadromous fish and public rights of fishing and recreational navigation in and to the water, bed and shoreline of the Chehalem Creek and Willamette River.

14. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Chehalem Creek and Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.

15. Easement, including terms and provisions contained therein:
    Recording Information: December 17, 1936, Book 112, Page 77, Deed Records
    In Favor of: J.S. Walters

16. Easement, including terms and provisions contained therein:
    Recording Information: March 27, 1969, Film Volume 75, Page 013, Deed and Mortgage Records
    In Favor of: Portland General Electric Company
    For: Distribution Line

17. Easement, including terms and provisions contained therein:
    Recording Information: March 27, 1969, Film Volume 75, Page 014, Deed and Mortgage Records
    In Favor of: Portland General Electric Company
    For: Distribution Line

18. An easement reserved in a deed, including the terms and provisions thereof;
    Recorded: June 01, 1972
    Recording Information: Film Volume 89, Page 1390, Deed and Mortgage Records
    From: Larry M. Christenson and Lois A. Christenson
    To: George James Barton and Crista Renate Baron

19. Easement, including terms and provisions contained therein:
    Recording Information: March 25, 1981, Film Volume 159, Page 1554, Deed and Mortgage Records
    In Favor of: Portland General Electric Company
    For: Electric Power Line

20. Easement Agreement and Declaration of Restrictions Agreement and the terms and conditions thereof:

Between:	Larry M. Christenson and Lois A. Christenson
And:	Yamhill County, a political subdivision of Oregon
Recording Information:	January 23, 2004, Instrument No. 200401142, Deed and Mortgage Records

21. Terms, conditions and effect, if any, of that certain order, No. 05-947, issued by City/County Planning Department, dated November 09, 2005, recorded November 14, 2005, Instrument No. 200525468, Deed and Mortgage Records.

The Company expressly does not insure the validity or enforceability of the order set forth above and coverage regarding this matter is subject to the "Exclusions from Coverage 1 (a)", as set forth in the policy issued (or to be issued) hereunder.

22. Limited access provisions contained in Deed to the State of Oregon, by and through its Department of Transportation recorded September 29, 2015, Instrument No. 201515432, Deed and Mortgage Records , which provides that no right of easement or right of access to, from or across the State Highway other than expressly therein provided for shall attach to the abutting property.

23. Unrecorded leases or periodic tenancies, if any.

24. The Company will require a Certification of Trust from the vestees named herein, providing information about the Larry D. Christenson Trust dated February 28, 2022, Cindy A. Christenson Trust dated February 28, 2022 and John and Launa Jeffery Trust u/i/d November 16, 2023 and confirming the powers of the trustees and the continuing existence of the trust.

25. With respect to Del Boca Vista LLC:
    a. A copy of its operating agreement or similar document and any amendments thereto;
    b. A official copy of its articles of organization or similar incorporation document and any corrections, amendments or restatements thereto;
    c. Evidence that the limited liability company is properly formed and is in good standing in the state of its domicile;
    d. Other requirements which the Company may impose following its review of the material required herein and other information which the Company may require.

- END OF EXCEPTIONS -

NOTE: According to the public record, the following deed(s) affecting the property herein described have been recorded within 24 months of the effective date of this report: Bargain and Sale Deed recorded November 20, 2023, Instrument No. 202310560, Launa Jeffery and John A. Jeffery to Launa Jeffery and John A. Jeffery, Trustees, or the survivor, or in the event of a vacancy in the office of Trustee, the successor Trustee of the John and Launa Jeffery Trust u/i/d November 16, 2023.

A document recorded November 20, 2023, Instrument No. 202310561 of Official Records From Launa Jeffery and John A. Jeffery To Launa Jeffery and John A. Jeffery, Trustees, or the survivor, or in the event of a vacancy in the office of Trustee, the successor Trustee of the John and Launa Jeffery Trust u/i/d November 16, 2023.

NOTE: We find no matters of public record against Del Boca Vista LLC that will take priority over any trust deed, mortgage or other security instrument given to purchase the subject real property as established by ORS 18.165.

NOTE: Taxes for the year 2024-2025 PAID IN FULL

Tax Amount:	$34.01

Map No.:	R3230 01400
Property ID:	640393
Tax Code No.:	29.2

NOTE: Taxes for the year 2024-2025 PAID IN FULL

Tax Amount:	$183.20
Map No.:	R3230 01400
Property ID:	67661
Tax Code No.:	29.52

NOTE: This Preliminary Title Report does not include a search for Financing Statements filed in the Office of the Secretary of State, or in a county other than the county wherein the premises are situated, and no liability is assumed if a Financing Statement is filed in the Office of the County Clerk covering Crops on the premises wherein the lands are described other than by metes and bounds or under the rectangular survey system or by recorded lot and block.

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

Situs Address as disclosed on Yamhill County Tax Roll:

1835 Waterfront St, Newberg, OR 97132

THANK YOU FOR CHOOSING FIRST AMERICAN TITLE!
WE KNOW YOU HAVE A CHOICE!

Recording Information

For county recording requirements and fees visit
https://www.yamhillcounty.gov/746/Recording

NOTE: Non-standard Document Fee of $20.00, if applicable, will be imposed by the county clerk for documents presented for recording that fail to meet the requirements established by ORS 205.27

You can also calculate fees by using our Title Fee Calculator at https://facc.firstam.com/.

cc: Del Boca Vista LLC
cc: Larry and Cindy Christensen Trust
cc: Lender To Be Determined
,
cc: Chandler Willcuts, Willcuts Company Realtors
600 E. 2nd Street, Newberg, OR 97132

Exhibit "A"

Real property in the County of Yamhill, State of Oregon, described as follows:

All of the following described property lying SOUTHERLY of the State Highway as awarded in Stipulated General Judgment in Yamhill County Circuit Court Case 14CV07218, and recorded September 29, 2015 as Instrument No. 201515432:

Parcel 1:
Beginning at a stake on the right bank of Chehalem Creek and on the East line of the Levi Hagey Donation Land Claims No. 41 and No. 61 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian, Yamhill County, Oregon, 4.80 chains South of the Northeast corner of said Claim, from which a cedar 36 inches in diameter bears South 40° West 100 links distant and a maple 6 inches in diameter bears North 40° West 82 links distant; thence North on the East boundary of said Claim (intersect the left bank of said Creek at 0.18 of a chains, intersect the Northeast corner of the Hagey Donation Land Claim at 4.80 chains) 9.60 chains to a stake from which a maple tree 8 inches in diameter bears South 1° West 64 links distant and a maple 6 inches in diameter bears North 89° East 45 links distant; thence East (at 6.32 chains intersect the Southwest corner of the Joseph B. Rogers Donation Land Claim) 12.17 chains to a stake on the South boundary of said Rogers Claim from which a fir 8 inches in diameter bears North 38°30' West 53 links distant and a fir 6 inches in diameter bears North 52° East 47 links distant; thence South 10.50 chains to stake from which a maple 6 inches in diameter bears North 40° East 92 links distant; thence South 59°30' East (at 15.50 chains intersect Chehalem Creek) 15.65 chains to a stake on the right bank of Creek from which an ash tree 4 inches in diameter bears South 83' West 10 links distant; thence South 26° West along right bank, 2.33 chains to stake from which an ash 10 inches in diameter bears North 42° East 60 links distant; thence South 73°30' East 1.50 chains to a stake on the left bank of the Willamette River from which an ash 24 inches in diameter bears North 70° East 18 links distant; thence South 45° West along left bank 3.46 chains to a stake from which a balm tree 24 inches in diameter bears North 60° East 29 links distant; thence North 79°15' West 7.25 chains to stake on right bank of Chehalem Creek from which a maple 24 inches in diameter bears South 30° West 13 links distant; thence meandering the right bank of said Creek as follows: North 26°30' West 2.80 chains; South 56° West 4.50 chains; North 41°30' West 17.50 chains to the Place of Beginning.

SAVE AND EXCEPT that portion conveyed to George James Barton and Christa Renante Barton in Warranty Deed recorded June 1, 1972 in Film Volume 89, Page 1390, Deed and Mortgage Records.

Parcel 2:
All that portion of the following described tract lying Northeasterly of Chehalem Creek:

Part of the Levi Hagey Donation Land Claim No. 41 and No. 61 in Township 3 South, Ranges 2 and 3 West of the Willamette Meridian in Yamhill County, Oregon, described as follows:

Beginning at the Northeast corner of said Claim; thence South along the East line thereof, 31.10 chains to an iron gas pipe; thence North 89° West 21.10 chains to an iron gas pipe; thence North parallel with the East line of said Claim 30.52 chains; thence North 88°38' East 21.10 chains to the Place of Beginning.

First American Title Insurance Company

SCHEDULE OF EXCLUSIONS FROM COVERAGE

ALTA LOAN POLICY (07/01/21)

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
      i. the occupancy, use, or enjoyment of the Land;
      ii. the character, dimensions, or location of any improvement erected on the Land;
      iii. the subdivision of land; or
      iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser or encumbrancer had been given for the Insured Mortgage at the Date of Policy.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business law.
5. Invalidity or unenforceability of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury law or Consumer Protection Law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction creating the lien of the Insured Mortgage is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the Insured Mortgage is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 13.b.
7. Any claim of a PACA-PSA Trust. Exclusion 7 does not modify or limit the coverage provided under Covered Risk 8.
8. Any lien on the Title for real estate taxes or assessments imposed by a governmental authority and created or attaching between the Date of Policy and the date of recording of the Insured Mortgage in the Public Records. Exclusion 8 does not modify or limit the coverage provided under Covered Risk 2.b. or 11.b.
9. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

ALTA OWNER'S POLICY (07/01/21)

The following matters are excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. a. any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) that restricts, regulates, prohibits, or relates to:
      i. the occupancy, use, or enjoyment of the Land;
      ii. the character, dimensions, or location of any improvement on the Land;
      iii. the subdivision of land; or
      iv. environmental remediation or protection.
   b. any governmental forfeiture, police, regulatory, or national security power.
   c. the effect of a violation or enforcement of any matter excluded under Exclusion 1.a. or 1.b.

   Exclusion 1 does not modify or limit the coverage provided under Covered Risk 5 or 6.
2. Any power of eminent domain. Exclusion 2 does not modify or limit the coverage provided under Covered Risk 7.
3. Any defect, lien, encumbrance, adverse claim, or other matter:
   a. created, suffered, assumed, or agreed to by the Insured Claimant;
   b. not Known to the Company, not recorded in the Public Records at the Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
   c. resulting in no loss or damage to the Insured Claimant;
   d. attaching or created subsequent to the Date of Policy (Exclusion 3.d. does not modify or limit the coverage provided under Covered Risk 9 or 10); or
   e. resulting in loss or damage that would not have been sustained if consideration sufficient to qualify the Insured named in Schedule A as a bona fide purchaser had been given for the Title at the Date of Policy.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights law, that the transaction vesting the Title as shown in Schedule A is a:
   a. fraudulent conveyance or fraudulent transfer;
   b. voidable transfer under the Uniform Voidable Transactions Act; or
   c. preferential transfer:
      i. to the extent the instrument of transfer vesting the Title as shown in Schedule A is not a transfer made as a contemporaneous exchange for new value; or
      ii. for any other reason not stated in Covered Risk 9.b.
5. Any claim of a PACA-PSA Trust. Exclusion 5 does not modify or limit the coverage provided under Covered Risk 8.
6. Any lien on the Title for real estate taxes or assessments imposed or collected by a governmental authority that becomes due and payable after the Date of Policy. Exclusion 6 does not modify or limit the coverage provided under Covered Risk 2.b.
7. Any discrepancy in the quantity of the area, square footage, or acreage of the Land or of any improvement to the Land.

SCHEDULE OF STANDARD EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien" or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

NOTE: A SPECIMEN COPY OF THE POLICY FORM (OR FORMS) WILL BE FURNISHED UPON REQUEST Rev. 07-01-21

Privacy Notice

Last Updated and Effective Date: December 1, 2024

First American Financial Corporation and its subsidiaries and affiliates (collectively, "First American," "we," "us," or "our") describe in our full privacy notice ("Notice"), which can be found at https://www.firstam.com/privacy-policy/, how we collect, use, store, sell or share your personal information when: (1) you access or use our websites, mobile applications, web-based applications, or other digital platforms where the Notice is posted ("Sites"); (2) you use our products and services ("Services"); (3) you communicate with us in any manner, including by e-mail, in-person, telephone, or other communication method ("Communications"); (4) we obtain your information from third parties, including service providers, business partners, and governmental departments and agencies ("Third Parties"); and (5) you interact with us to conduct business dealings, such as the personal information we obtain from business partners and service providers and contractors who provide us certain business services ("B2B"). This shortened form of the Notice describes some of the terms contained in the full Privacy Notice. Personal information is sometimes also referred to as personal data, personally identifiable information or other like terms to mean any information that directly or indirectly identifies you or is reasonably capable of being associated with you or your household. However, certain types of information are not personal information and thus, not within the scope of our Notice, such as: (1) publicly available information; and (2) de-identified and aggregated data that is not capable of identifying you. If we use de-identified or aggregated data, we commit to maintain and use the information in a non-identifiable form and not attempt to reidentify the information, unless required or permitted by law.

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Please note that this Notice does **not** apply to any information we collect from job candidates and employees. Our employee and job candidate privacy notice can be found here.

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First American Title

R3230 01400
1835 NE Waterfront St
Newberg, OR 97132

Taxlot

Subject Taxlot

9/26/2025

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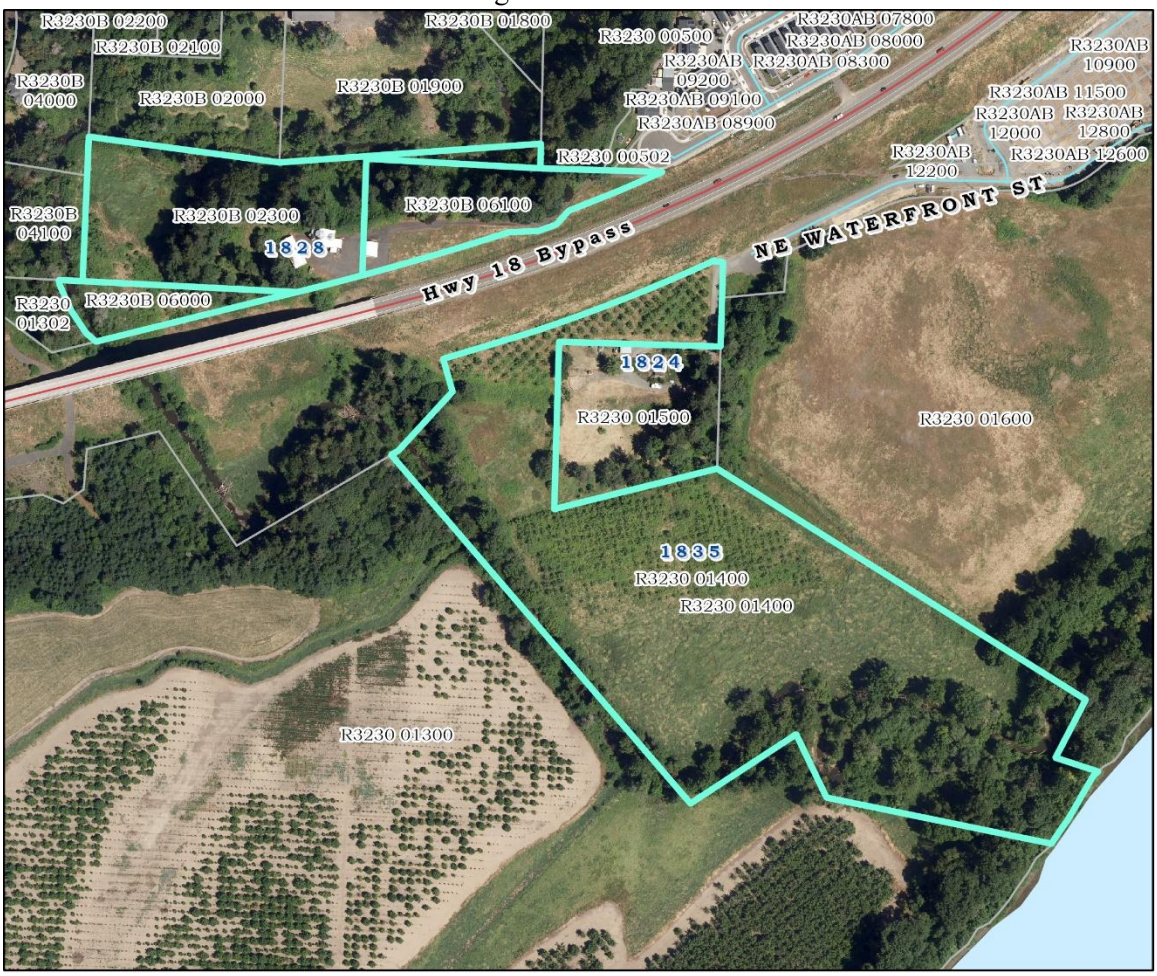
Attachment 2: Maps and Figures

Figure 1. Site Plan



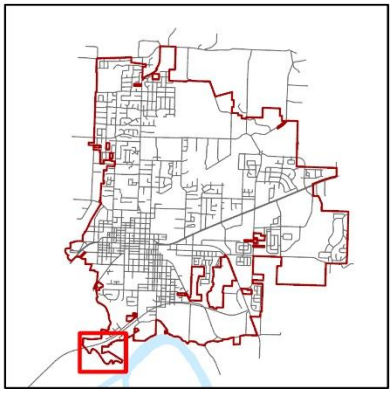
Aerial Map

Subject Property

Taxlots

N
W E
S

0 362.5 725 Feet



City of Newberg

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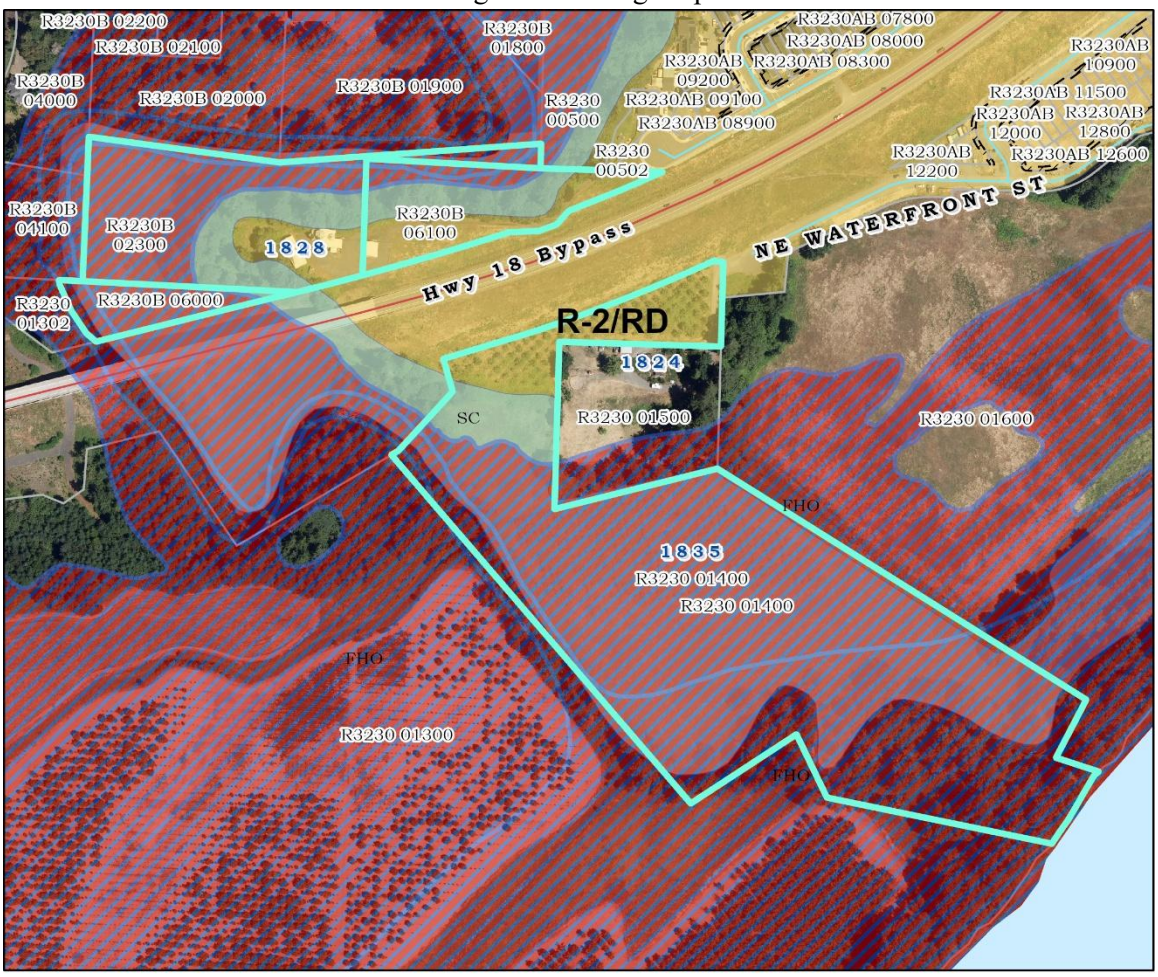
This map is intended for general planning purposes only.
Map updated: 9/21/2023

Figure 2. Zoning Map



Zoning Map

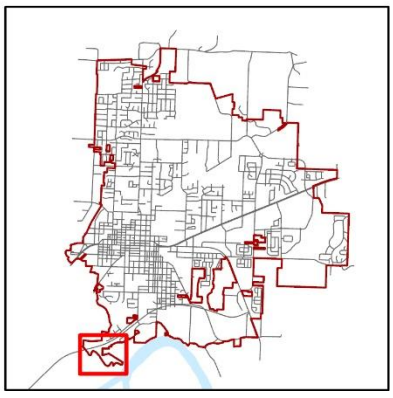
- Subject Property
- Taxlots
- Special Flood Hazard
- Stream Corridor

ZONING

- R-2/RD Riverfront District

N
W E
S

0 362.5 725 Feet



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Map updated: 9/21/2023

Figure 3. Utilities Map

Utilities Map

- Subject Property
- Taxlots
- Sewer CleanOut
- Sewer Manholes
- Sewer Laterals
- Gravity Main
- Storm Manhole
- Active Storm Inlet
- Collector Storm Pipe
- Water Meter
- Water Valves
- CITY OF NEWBERG, Potable Main
- Hydrant Lateral
- Service Lateral

N W E S

0 362.5 725 Feet

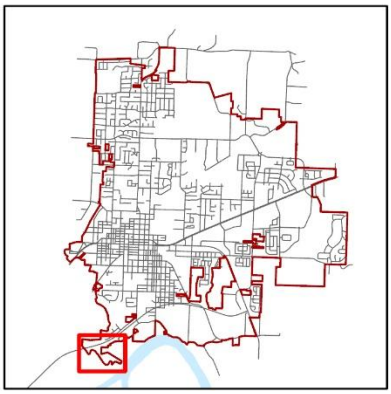

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Figure 4. Newberg Riverfront Master Plan Development Alternatives

FIGURE 11. PRELIMINARY DEVELOPMENT ALTERNATIVES OF THE RIVERFRONT MASTER PLAN

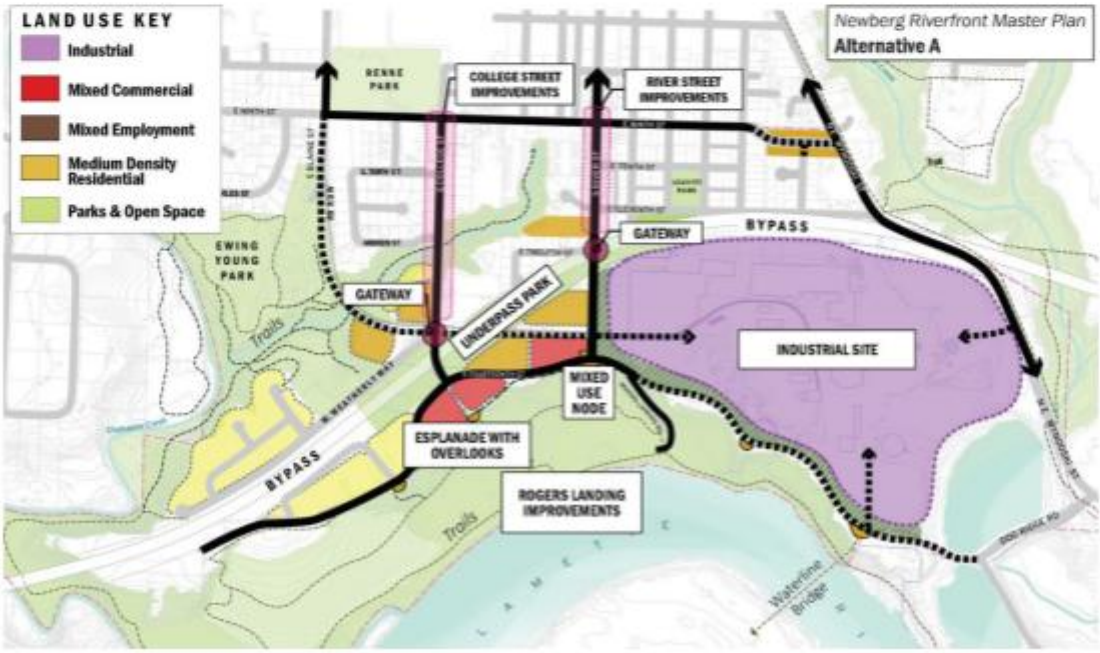


FIGURE 12. LAND USE AND TRANSPORTATION ALTERNATIVE A

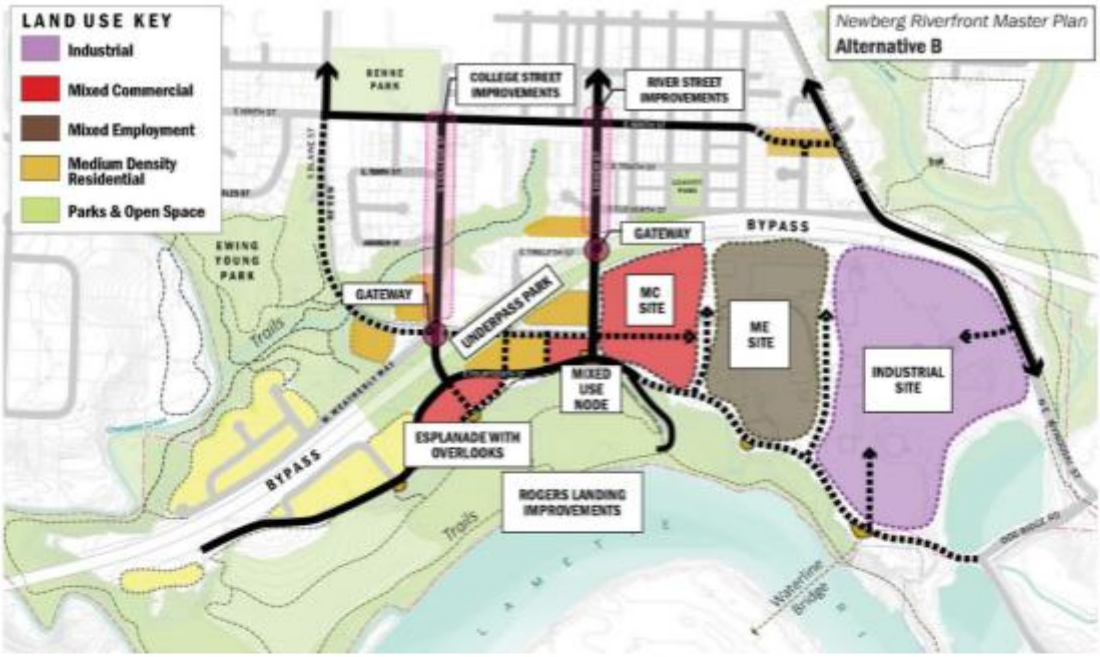


FIGURE 13. LAND USE AND TRANSPORTATION ALTERNATIVE B

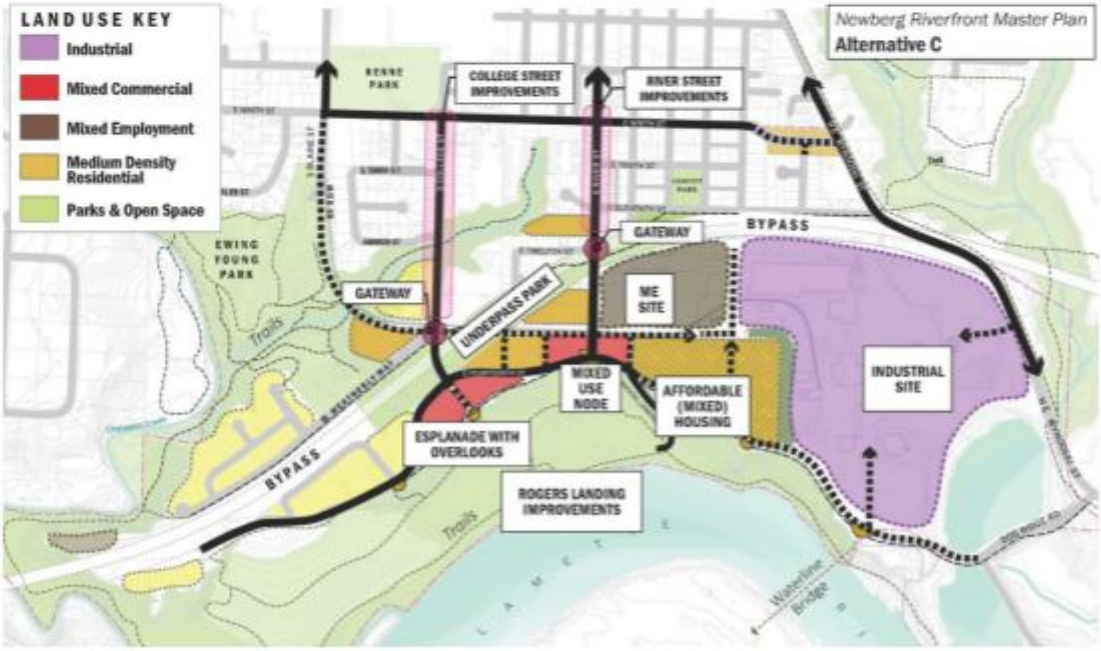


FIGURE 14. LAND USE AND TRANSPORTATION ALTERNATIVE C

FIGURE 15. LAND USE AND TRANSPORTATION ALTERNATIVE D

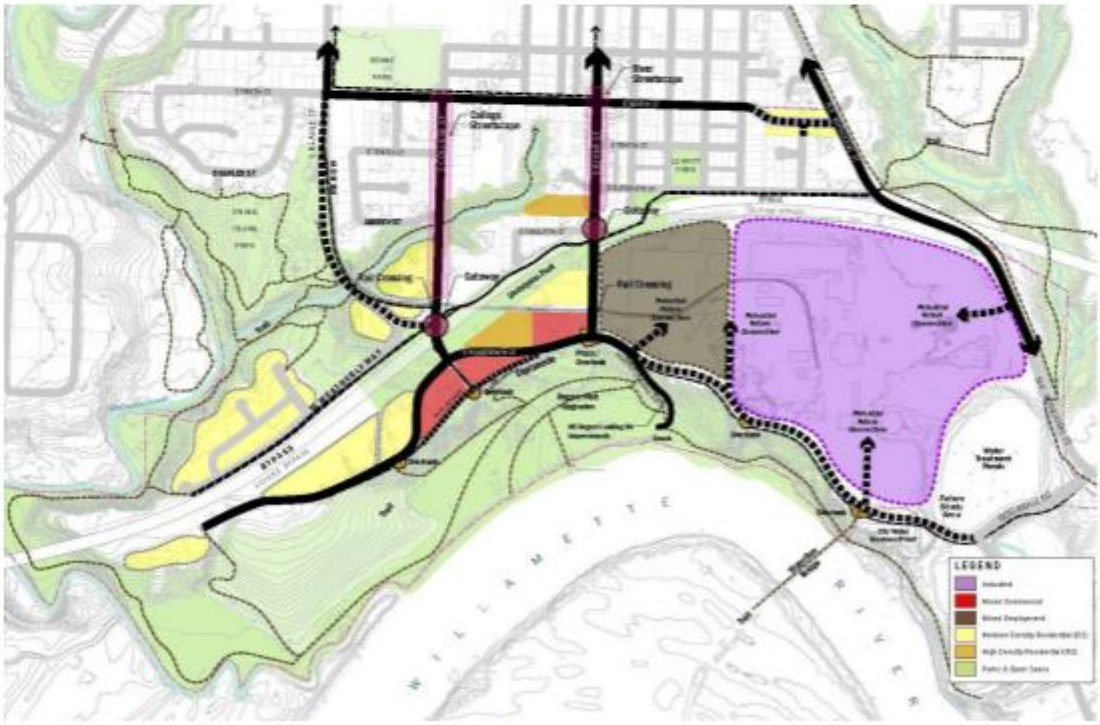
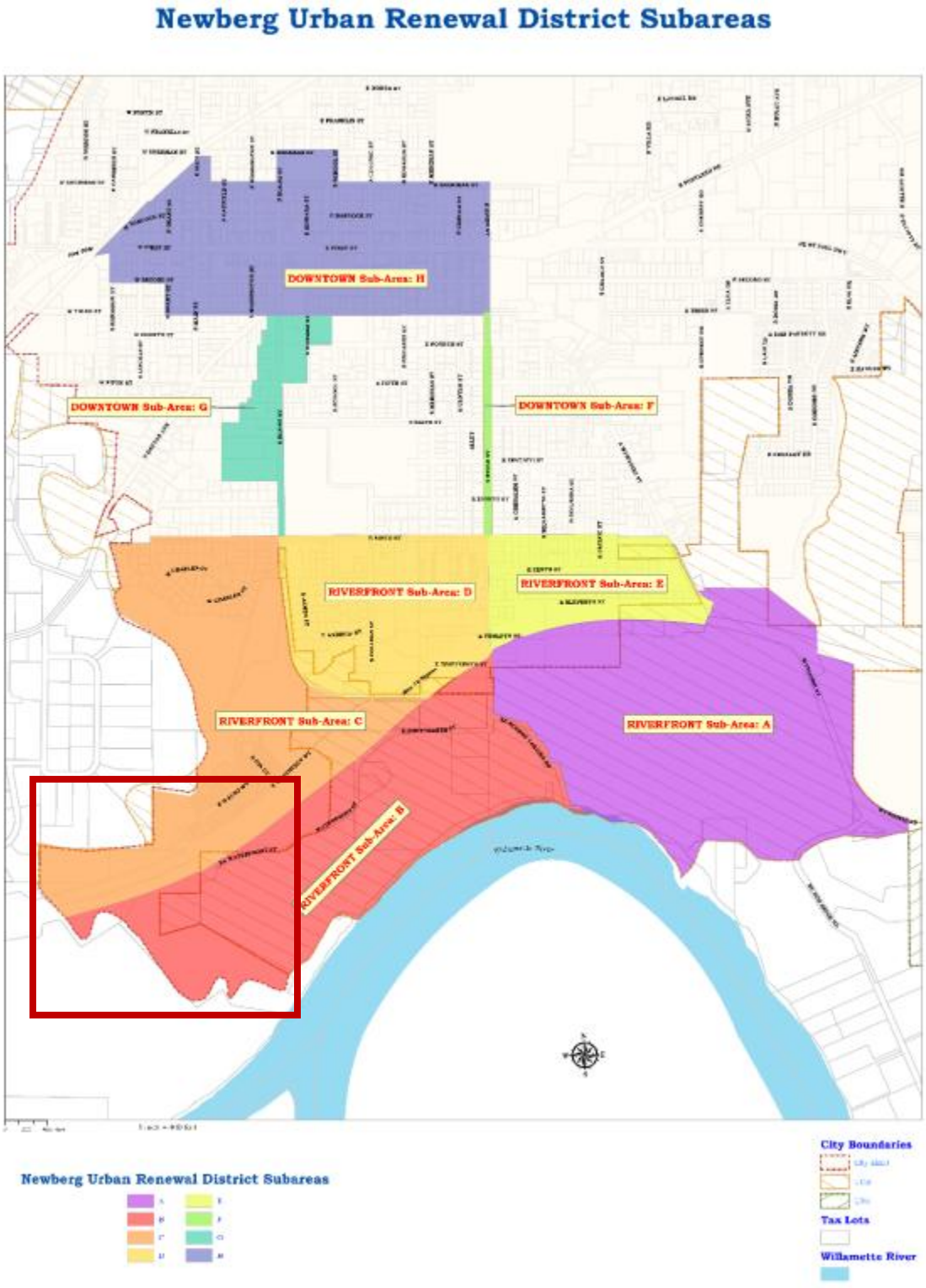
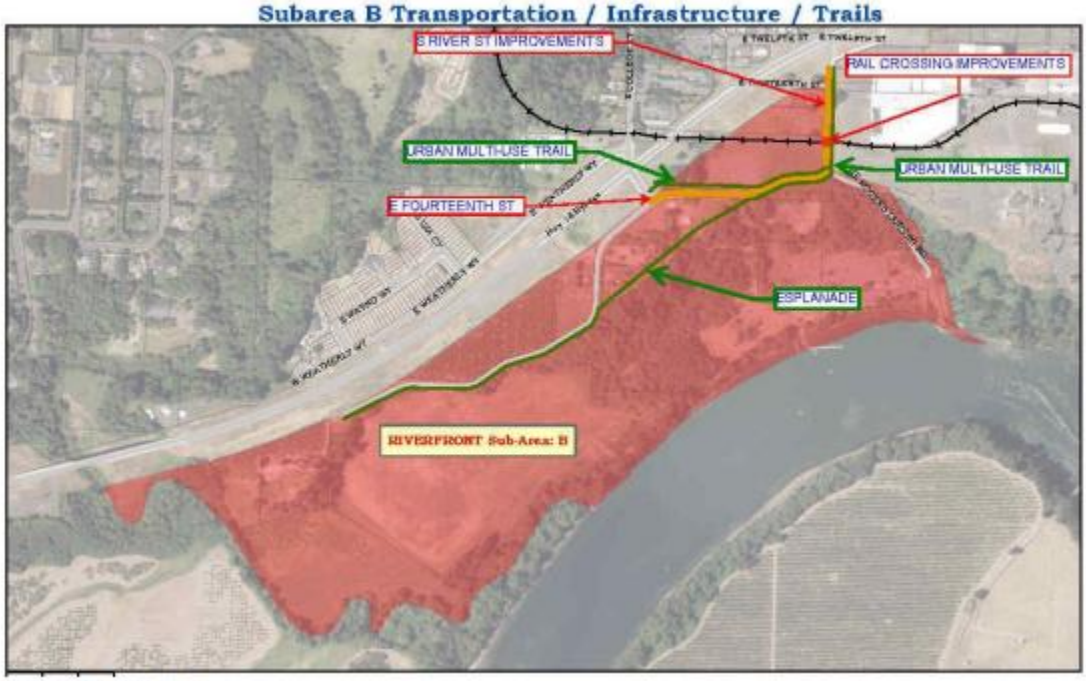


FIGURE 16. LAND USE AND TRANSPORTATION ALTERNATIVE E

Figure 5. Newberg Urban Renewal Plan Maps

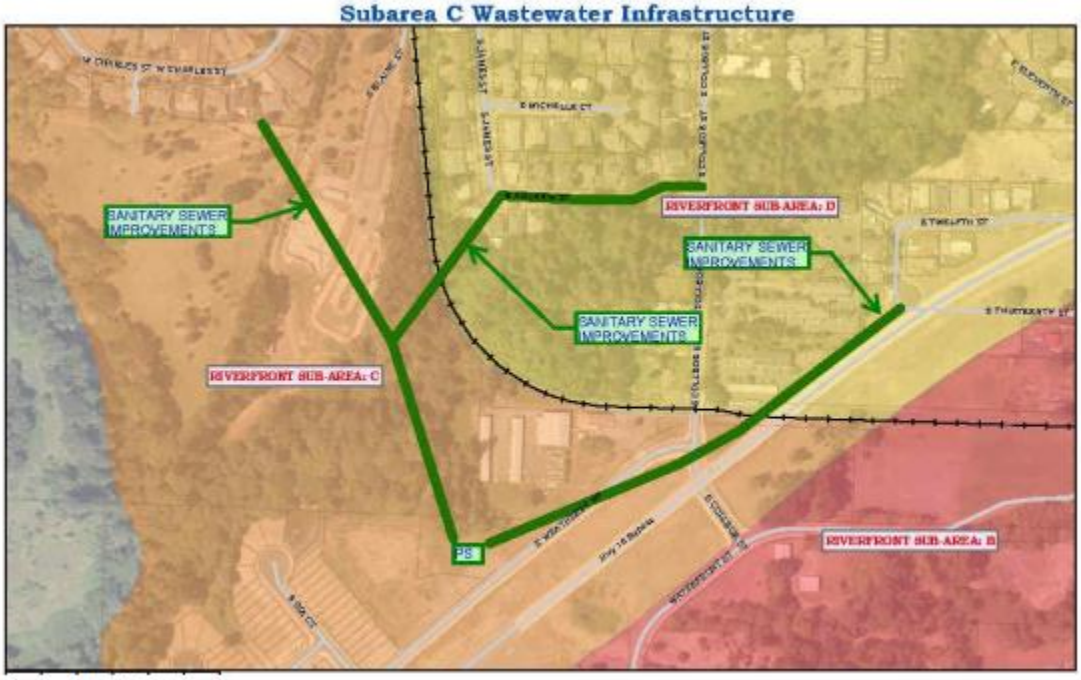


Subarea B Transportation / Infrastructure / Trails



Source: City of Newberg

Subarea C Wastewater Infrastructure



Source: City of Newberg

ORDINANCE NO. 2006-2651

AN ORDINANCE DECLARING THAT APPROXIMATELY 98 ACRES ALONG WATERFRONT STREET AND ALL OR PARTS OF EWING YOUNG PARK AND YAMHILL COUNTY TAX LOTS 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400, BE ANNEXED INTO THE CITY, THAT THE COMPREHENSIVE PLAN MAP BE CHANGED FROM LDR TO MDR (MEDIUM DENSITY RESIDENTIAL) FOR A PORTION OF THE AREA, THAT THE ZONE BE CHANGED TO R-2 AND CF (COMMUNITY FACILITY), AND THAT THE AREA BE WITHDRAWN FROM THE NEWBERG RURAL FIRE PROTECTION DISTRICT

SUBJECT TO A PUBLIC VOTE

RECITALS:

1. On January 17, 2006, the Newberg City Council initiated annexation proceeding for the subject properties.

2. On June 22, 2006, the Newberg Planning Commission held a hearing on the application, and recommended approval.

3. After proper notice, on August 7, 2006 at the hour of 7:00 PM in the Newberg Public Safety Building, 401 E. Third, the City Council held a public hearing on the item: accurately stated objections to jurisdiction, bias, and ex-parte contact; considered public testimony; examined the record; heard the presentation from staff and the applicant; examined and discussed the appropriate criteria to judge the project (as listed in the staff report); considered all relevant information regarding the item; and deliberated.

4. The Council finds that the requirements of the City of Newberg Comprehensive Plan and Newberg Development Code regarding annexations and comprehensive plan amendments have been met.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The City Council adopts the findings, which are attached hereto as Exhibit A and incorporated herein by reference.

2. Owners understand that annexation in to the city must be approved by the voters of the City. The City may place the matter before the voters of the City at a biennial General Election (held in May and November of each even numbered year), unless otherwise approved by

resolution of the City Council.

3. Should this annexation request be approved by a majority of the electorate of the City of Newberg at the election date as identified by resolution of the City Council, the property shall be annexed and the following events shall occur:

   A. It is hereby ordered and declared that the property shown in Exhibit B and described in Exhibit C, is annexed and withdrawn from the Newberg Rural Fire Protection District.

   B. The Newberg Comprehensive Plan map shall be amended as shown in Exhibit D.

   C. The "Newberg, Oregon Zoning Map" shall be amended as shown in Exhibit E.

   D. The Recorder of the City of Newberg is hereby authorized and directed to make and submit to the Secretary of State, the Department of Revenue, the Yamhill County Elections Officer, and the Assessor of Yamhill County, a certified copy of the following documents:
      1. A copy of this ordinance.
      2. A map identifying the location of said territory.

4. The existing houses must be connected to sanitary sewer and water when available. Costs of extending and connecting to utilities and other services will be borne by the owners.

- **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: September 6, 2006.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of August, 2006, by the following votes:

AYE: 5 **NAY: 2** **ABSENT: 0** **ABSTAIN: 0**

James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of August, 2006.

Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through Planning Commission at 6/22/2006 meeting.

Exhibits:

Exhibit A: Findings
Exhibit B: Annexation Map
Exhibit C: Legal Description
Exhibit D: Revised Comprehensive Plan Map

Exhibit E: Revised Zoning Map

EXHIBIT A: FINDINGS

SECTION 1: ANNEXATION FINDINGS

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

1. *The subject site must be located within the Newberg Urban Growth Boundary or Newberg Urban Reserve Areas.*

Finding: All the property proposed for annexation is within the Newberg Urban Growth Boundary (UGB). Chehalem Creek is the Urban Growth Boundary on the west side. The creek, and thus the UGB, divides two of the properties. In these instances, only that portion of the property within the UGB is proposed for annexation.

2. *The subject site must be contiguous to the existing City limits.*

Finding: The properties are contiguous to the existing City limits on the north side.

An application for an annexation may be granted through a Type III procedure only if the proposal conforms to the annexation criteria found in NDC § 151.262, as follows:

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

Finding: A portion of the area proposed for annexation is a portion of Ewing Young Park. It is owned by the Chehalem Park and Recreation District (CPRD). This area has a comprehensive plan designation of P (Park). The skate park and most of the BMX track are within the Newberg City limits. The portion of the park proposed for annexation is largely undeveloped, but does contain some uses. It contains a portion of the BMX track, and a disc golf course. It also contains a few small farm structures. Chehalem Creek borders the property to the west, and a branch of the creek borders it to the south. This area is used for passive recreation.

Upon annexation, the park would continue to be used much the same as it is today. At some point in the future, the park could present opportunities to further develop a historic interpretative area, or for additional recreation facilities. This is in compliance with the Comprehensive Plan.

Much of the remainder of the annexation area is within the Newberg Riverfront Master Plan area. The plan envisions the area being developed with Medium and Low Density Residential development, trails, a stream corridor, and the Newberg-Dundee bypass. Annexation of this property would facilitate development in accordance with this plan. In

fact, if the area is not annexed, the area possibly could be developed under Measure 37 as rural residential uses, which would be a severe violation of the City's and County's comprehensive plans.

One change in the plan is requested to change the existing area designated Low Density Residential (LDR) to Medium Density Residential (MDR). Findings addressing this change are noted below. This change will actually increase the ability to implement the Riverfront Master Plan, as additional residential development would be possible in areas not affected by the Newberg-Dundee bypass.

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

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

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

Finding: The Newberg Riverfront Master plan details the utility and street improvements needed to serve the area. See Attachment L. The following in a summary of these needs:

Water: Water service is planned to be provided to this area by extending existing water lines in River Street and College Street.

Sanitary sewer: Sewer service is planned to serve this area by extending sewer lines from the main in River Street. A sanitary sewer pump station will need to be installed to serve a portion of this area.

Stormwater: The City's storm drainage master plan envisions that this area will flow largely to the Willamette River through storm drains. A storm water treatment facility (such as a biofiltration swale or pond) is planned to serve the area.

Roads: Various transportation facilities are needed to serve the area. These include improvements to College Street, River Street, 14th Street, Waterfront Street, and the extension of Blaine Street.

The above improvements are not likely to be completed within the next three years. Criterion E. below provides for an exception to the above criterion. See the findings below.

(C) Findings documenting the availability of police, fire, parks, and school facilities

and services shall be made to allow for conclusionary findings either for or against the proposed annexation. The adequacy of these services shall be considered in relation to annexation proposals.

Finding: Police services are currently provided to the area by Yamhill County Sheriff's Office. Newberg Rural Fire District currently provides fire service. The proposed annexation will shift police and fire services to the City. The current development includes only two houses. This will add only a minimal addition to the police and fire services needed. The property taxes collected after development are roughly estimated to pay for the additional services needed. When development occurs, additional police and fire services will be needed, and additional property taxes will be generated to offset these costs.

The Chehalem Park and Recreation District owns property within the annexation area – Ewing Young Park (Note that the skate park and most of the BMX track are already within the City limits). The use of this park is not anticipated to change due to the annexation. Annexation could perhaps allow additional facilities, such as a restroom, at the park at some future time if this were desirable.

The property will generate additional needs for school facilities. The Newberg School District receives state funding on a per student basis. Thus, with the additional population, the school district will receive additional funding for school services. Development of the property will also generate additional property tax revenue that will go to fund school services.

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

Finding: The applicant is the City of Newberg. These findings have been prepared by City staff.

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

Finding: In this circumstance, annexation is needed to address specific legal issues. The property owners in the area have filed Measure 37 claims with Yamhill County. The property owners have agreed to hold these claims pending a decision on the annexation. This agreement is contingent upon having the property annexed as R-2. Annexing per this request is a specific legal or contractual constraint that would preclude placement of a limited use overlay on the property. If the claims are successful and development occurs, the development would be without City water and sewer services. It would be nearly impossible

to develop the area as envisioned by the Newberg Riverfront Master Plan. Development would consist of rural residential development, not the urban residential development envisioned by the plan. By annexing the property, the area could be developed as envisioned by the Riverfront Master Plan. Development would occur concurrent with the provision of utility services.

Also, note that the provision of adequate services in relation to development of this area is addressed through the adopted Riverfront Master Plan.

SECTION 2: COMPREHENSIVE PLAN AMENDMENT FINDINGS

NDC § 151.122 (3) COMPREHENSIVE PLAN MAP AND ZONING MAP AMENDMENT CRITERIA. ***The applicant must demonstrate compliance with the following criteria:***

(a) The proposed change is consistent with and promotes the goals and policies of the Newberg Comprehensive Plan and this Code;

The following goals apply:

I. Housing, Goal 2 b. The City will encourage medium density housing in an adjacent to the commercial core of the Riverfront District and lower intensity residential uses in the western portion of the Riverfront District.

J. Urban Design 6. a. The City will encourage a mix of employment, housing and retail uses serving the neighborhood and the surrounding community to enhance the riverfront's identity as a vital and attractive City asset and to ensure an active, pedestrian friendly, and thriving riverfront area.

Finding: The plan amendment would help promote the objectives of the Newberg Riverfront Master Plan. The plan envisions housing supporting the riverfront commercial area. The total amount of housing on the property, however, will be limited by the bypass. The plan amendment will help encourage mix of housing envisioned in the plan. It also will help provide the critical mass of development necessary to provide the facilities and services needed to serve the area.

(b) Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change.

Finding: The property is within the Riverfront Master Plan area. The master plan details the public facilities and services that are needed to serve the area. Due to land needed for the Newberg Dundee bypass, the total amount of residential development will be limited. The change to Medium Density Residential will allow additional residential development in the area, consistent with the goal of the riverfront master plan. The public facilities planned will serve Medium Density Residential property.

EXHIBIT B: ANNEXATION MAP

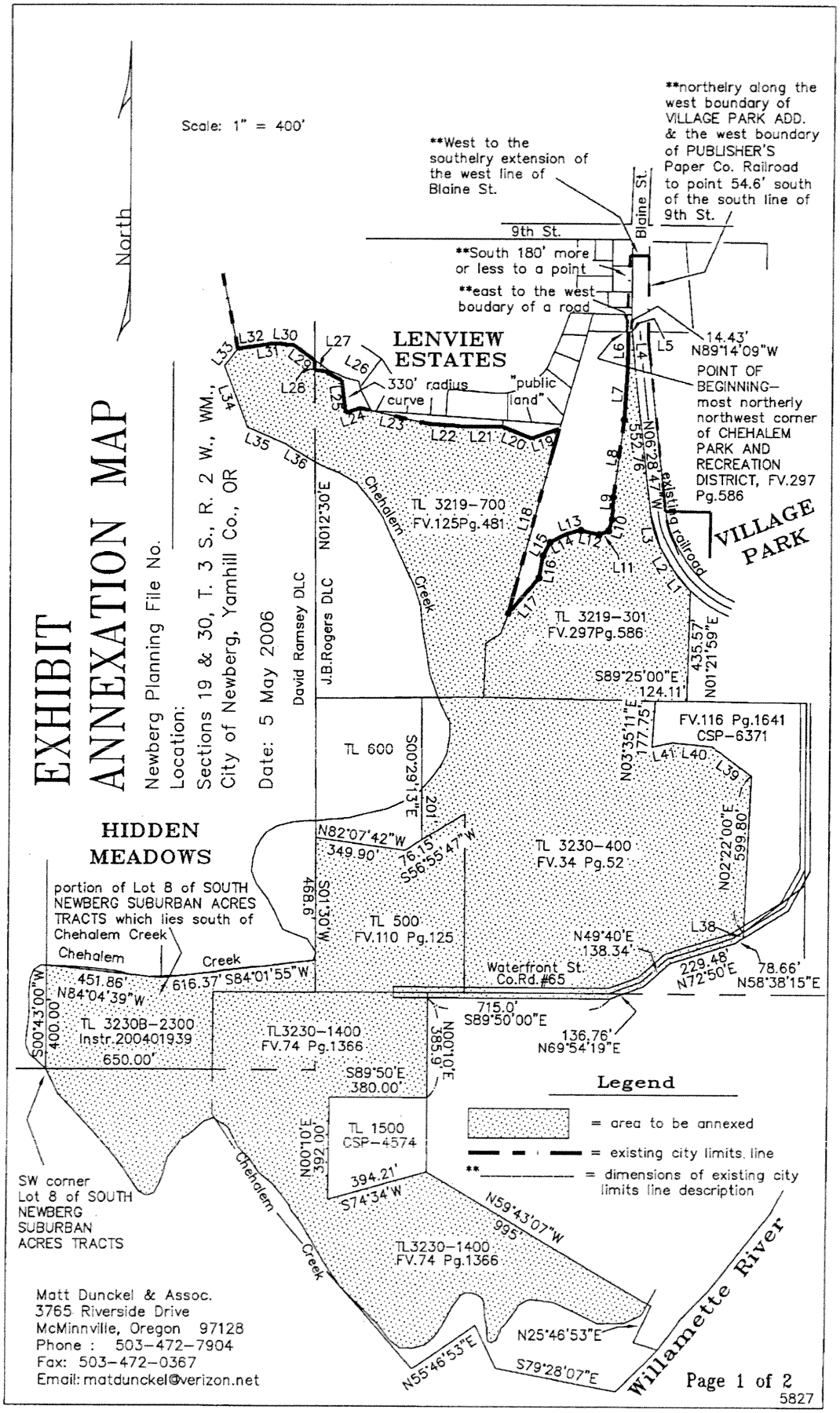


EXHIBIT
ANNEXATION MAP

Newberg Planning File No. _____

Location:

Sections 19 & 30, T. 3 S., R. 2 W., WM.,
City of Newberg, Yamhill Co., OR

Date: 5 May 2006

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N39°46'30"W	105.38
L2	N30°17'02"W	100.56
L3	N16°42'37"W	136.02
L4	N04°57'55"W	148.19
L5	N89°14'09"W	14.43
L6	Southeasterly	200.00
L7	S03°20'00"W	200.00
L8	S07°35'00"W	300.00
L9	S03°14'00"W	85.00
L10	S17°01'00"W	47.00
L11	S67°59'00"W	40.00
L12	N76°52'00"W	78.00
L13	S72°12'00"W	60.00
L14	S63°21'00"W	64.80
L15	S28°06'00"W	60.00
L16	S09°50'00"W	86.00
L17	S41°37'00"W	182.00
L18	N15°28'00"E	736.00
L19	S70°49'30"W	114.35
L20	N68°25'00"W	123.50
L21	N89°55'00"W	144.00
L22	N86°10'00"W	142.50
L23	N77°10'00"W	274.00
L24	S71°35'00"W	60.00
L25	N07°17'30"W	127.34
L26	N62°00'00"W	75.00
L27	N83°25'00"W	39.0
L28	N01°30'E	55.0
L29	N53°35'00"W	98.55
L30	N85°02'00"W	78.82
L31	S81°45'14"W	51.96
L32	S81°45'14"W	91.99
L33	S38°03'15"W	83.27
L34	S20°36'46"E	253.83
L35	S67°11'25"E	155.70
L36	S59°25'53"E	141.76
L38	S02°22'00"W	22.55
L39	N54°03'20"W	189.40
L40	N84°06'00"W	156.00
L41	S77°53'00"W	81.54

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
July 13, 1981
MATTHEW E. DUNCKEL
1942

Renewable 31 December 2007

Matt Dunckel & Assoc.
3765 Riverside Drive
McMinnville, Oregon 97128
Phone : 503-472-7904
Fax: 503-472-0367
Email: matdunckel@verizon.net

Page 2 of 2
5827

EXHIBIT C - LEGAL DESCRIPTION

Matt Dunckel & Assoc.
Land Surveyors
3765 Riverside Drive
McMinnville, OR 97128
Phone: 503-472-7904
Fax : 503-472-0367

Date: April 25, 2006

City of Newberg – Legal Description of Annexation of TL 3219-301 & 700, 3230-400,500 & 1400, 3230B-2300

A tract of land in Sections 19 & 30, Township 3 South, Range 2 West, Yamhill County, Oregon, being more particularly described as follows:

Beginning at the most northerly northwest corner of that tract of land described in deed from SMURFIT NEWSPRINT CORPORATION to CHEHALEM PARK AND RECREATION DISTRICT and recorded November 5, 1993 in Film Volume 297 Page 586, said point being on the existing city limits line and also being North 89°14'09" West 14.43 feet from the westerly margin of the existing railroad; thence along the existing city limits line the following bearings and distances, southeasterly 200 feet along the west line of a roadway; thence South 03°20' West 200 feet to an iron pipe; thence South 07°35' West 300 feet to an iron pipe; thence South 03°14' West 85 feet to an iron pipe;
thence South 17°01' West 47 feet to an iron pipe; thence South 67°59' West 40 feet to an iron pipe; thence North 76°52' West 78 feet leaving said roadway to an iron pipe; thence South 72°12' West 60 feet to an iron pipe; thence South 63°21' West 64.8 feet to an iron pipe; thence South 28°06' West 60 feet to an iron pipe; thence South 09°50' West 86 feet to an iron pipe; thence South 41°37' West 182 feet to an iron pipe; North 15°28' East 736 feet to the southeast corner of the "Public Land" represented on the vacation plat of "French's Addition to the City of Newberg; thence South 70°49'30" West 114.35 feet; thence North 68°25' West 123.50 feet; thence North 89°55' West 144.00 feet; North 86°10' West 142.50 feet; thence North 77°10' West 274.00 feet; thence South 71°35' West 60 feet; thence northerly 128.15 feet along a curve right having a radius of 330 feet through a central angle of 22°15' (chord bears North 7°17'30" West 127.34 feet); thence North 62°00' West 75 feet; thence North 83°25' West 39 feet to the west line of the Joseph B. Rogers Donation Land Claim; thence North 1°30' East 55 feet more or less to a point on the west line of said Rogers DLC that is South 1°30' West 409.1 feet from an iron pipe on the west line of Ninth Street and the west line of said Rogers DLC; thence North 53°35' West 98.55 feet; thence North 85°02' West 78.82 feet; thence South 81°45'14" West 51.96 feet;

Date: April 25, 2006

City of Newberg – Legal Description of Annexation of TL 3219-301 & 700, 3230-400,500 & 1400, 3230B-2300

thence South 81°45'14" West 91.99; thence leaving said existing city limits line South 38°03'15" West 83.27 feet to the center of Chehalem Creek; thence South 20°36'46" East 253.83 feet along Chehalem Creek; thence South 67°11'25" East 155.70 feet along Chehalem Creek; thence South 59°25'53" East 141.76 feet along Chehalem
Creek; thence continuing southerly along the center of Chehalem Creek to the south line of that tract of land described in deed from ROBERT SWIFT, personal representative of the LEONARD C. FRENCH Estate to CHEHALEM PARK AND RECREATION DISTRICT and recorded December 12, 1977 in Film Volume 125 Page 481; thence continuing southerly and southwesterly to the west line of that tract of land described in deed from MAURICE E. CRONIN and ELIZABETH H. CRONIN to KENNETH I. WEATHERLY and MILDRED A. WEATHERLY and recorded November 21, 1963 in Film Volume 34 Page 52; thence South 00°29'13" east 201 feet along the west line of said WEATHERLY tract to the north line of that tract of land described in deed from WEATHERLY to WOZNIAK and recorded January 8, 1976 in Film Volume 110 Page 125; thence South 56°55'47" West 76.15 feet along the north line of said WOZNIAK tract; thence North 82°07'42" West 349.90 feet along said north line to the northwest corner of said tract; thence South 01°30" West 468.6 feet along the west line of said tract to the center of Chehalem Creek and the northeast corner of that tract of that tract of land described in deed from LORENCE M. CHRISTENSON and LOIS A. CHRISTENSON to LORENCE M. CHRISTENSON and LOIS A. CHRISTENSON as co-Trustees of the CHRISTENSON FAMILY TRUST and recorded in Instrument No. 200401939; thence South 84°01'55" West 616.37 feet along the north line of said CHRISTENSON tract; thence North 84°04'39" West 451.86 along said north line to the west line of Lot 8 of SOUTH NEWBERG SUBURBAN ACRE TRACTS; thence South 00°43' West 400 feet more or less to the southwest corner of said Lot 8 and the center of Chehalem Creek; thence southeasterly and easterly along the center of Chehalem Creek to the northeasterly line of that tract of land described in deed from MELLINGER to CHRISTENSON (Parcel 1) February 26, 1967 in Film Volume 74 Page 1366; thence North 59°43'07" West 955 feet more or less to an angle corner in said northeasterly line; thence South 74°34' West 394.21 feet along said line; thence North 00°10' East 392.00 feet along said line; thence South 89°50' East 380.00 feet along said line; thence North 00°10' East 385.9 feet along said line to the south margin of the County Road No. 65; thence South 89°50' East 715.0 feet along said south margin; thence

Date: April 25, 2006

City of Newberg – Legal Description of Annexation of TL 3219-301 & 700, 3230-400,500 & 1400, 3230B-2300

North 69°54'19" East 136.76 feet along said south margin; thence North 49°40' East 138.34 feet along said line; thence North 72°50' East 229.48 feet along said south line to a point that is South 02°22'00' West 22.55 feet from the southwest corner of that tract of land described in Land Sales Contract from WEATHERLY to HOLLIS and executed December 16, 1976 and recorded in Film Volume 116 Page 1641; thence North 02°22'00" East 22.55 feet to said southwest corner; thence North 02°22'00" East 599.80 feet along the west line of said HOLLIS tract; thence North 54°03'20" West 189.40 feet along said west line; thence North 84°06'00" West 156.00 feet along said line; thence South 77°53'00" West 81.54 feet along said line; thence North 03°35'11" East 177.75 feet along said line to the northwest corner of said tract; thence South 89°25'00" East 124.11 feet along the north line of said tract to the southeast corner of that tract of land described in deed from SMURFIT NEWSPRINT CORPORATION to CHEHALEM PARK AND RECREATION DISTRICT and recorded November 5, 1993 in Film Volume 297 Page 586; thence North 01°21'59" East 435.57 feet along the east line of said CHEHALEM PARK AND RECREATION DISTRICT tract to a point that is 30 feet southerly of the centerline of the existing railroad tracts, when measured at right angles; thence northwesterly parallel with and 30 feet southerly and westerly of said existing railroad tracts, chord bearings and distanced are North 39°46'30" West 105.38 feet, North 30°17'02" West 100.56 feet, North 16°42'37" West 136.02 feet, North 06°28'47" West 552.76, North 04°57'55" West 148.19 feet to the northeast corner of said CHEHALEM PARK AND RECREATION DISTRICT tract; thence North 89°14'09" West 14.43 feet to the point of beginning.

EXHIBIT D: REVISED COMPREHENSIVE PLAN MAP

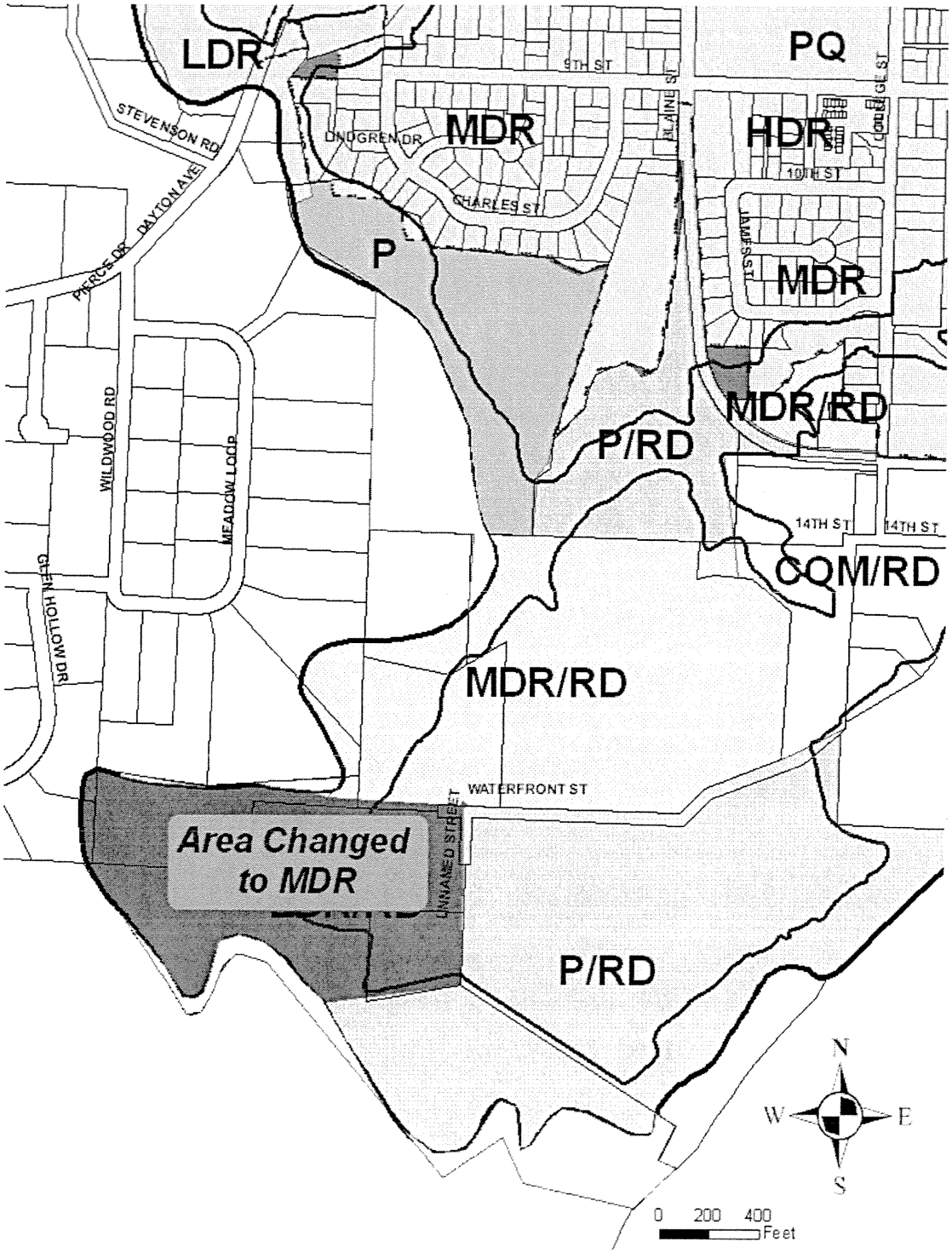


EXHIBIT E: REVISED ZONING MAP

RESOLUTION NO. 2006-2664

A RESOLUTION AUTHORIZING AND DIRECTING THE CITY ELECTIONS OFFICER TO CERTIFY TO THE YAMHILL COUNTY CLERK A BALLOT TITLE FOR THE MEASURE TO BE SUBMITTED TO THE ELECTORATE OF THE CITY OF NEWBERG FOR THEIR APPROVAL OF AN ANNEXATION FOR PROPERTY LOCATED ALONG WATERFRONT STREET AND EWING YOUNG PARK, YAMHILL COUNTY TAX LOTS 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400

RECITALS:

1. On August 7, 2006 the City Council adopted Ordinance No. 2006-2651, annexing the property along Waterfront Street and Ewing Young Park, Yamhill County tax lots 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400, subject to a public vote.

2. The City of Newberg Charter requires that territory may be annexed into the City of Newberg only upon approval by a majority vote among the electorate of the City.

3. The City Council has requested that this matter be placed before the voters at the general election in November, 2006.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Attorney of the City of Newberg is hereby authorized and directed to prepare in proper form a ballot title placing before the voters the question of the annexation of the property along Waterfront Street and Ewing Young Park, Yamhill County tax lots 3219-700, 3219-301, 3230-400, 3230-500, 3230B-2300, 3230-1400, as described in Ordinance No. 2006-2651, and file such ballot title with the City Elections Officer.

2. The City Elections Officer of the City of Newberg is hereby authorized and directed to certify to the Yamhill County Clerk the ballot title for the annexation measure to be placed before the voters at the next general election in November, 2006. Further, the City Elections Officer is directed to give all necessary notices of the ballot title and do all other necessary acts and deeds which may be required to place the matter before the voters of the City of Newberg at said election.

3. The City Attorney is directed to have prepared and review the explanatory statement which shall be submitted to the Yamhill County Clerk with the ballot title. Such explanatory statement shall be filed with the City Elections Officer and the City Elections Officer is

further directed to certify this explanatory statement to the Yamhill County Clerk.

4. The City Elections Officer is authorized to do all other necessary acts and deeds which may be required to conduct the election concerning this measure.

➢ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: August 8th, 2006.

ADOPTED by the City Council of the City of Newberg, Oregon, this 7th day of August, 2006.

James H. Bennett, City Recorder

ATTEST by the Mayor this 9th day of August, 2006.

Bob Stewart, Mayor

LEGISLATIVE HISTORY

By and through Planning Commission (*committee name*) at 6/22/06 (*date*) meeting.

PRE-APPLICATION MEETING NOTES

DATE OF PRE-APPLICATION MEETING: 2/5/25, PRE25-0004

MEETING TYPE: Video Conference call

SUBJECT PROPERTY ADDRESS: 1835 Waterfront Street

TAXMAP ID: R3230 01400, R3230B 06100, R3230B 02300

LOT SIZE: approximately 20.05, 2.38, and 5.02 acres, 873,489, 103,790, and 218,646 square feet

ZONING DISTRICT: M-2 Light Industrial

REQUESTOR'S NAME/BUSINESS: Del Boca Vista LLC

REQUEST DECRIPTION: De-annex south property and develop 2-3 single-family dwellings, develop storage units on north tax lots.

PARTICIPANTS

APPLICANT	CITY STAFF
Del Boca Vista LLC	James Dingwall – Community Development Department, Planning Division (Host)
	Brett Musick – Public Works Engineering
	Mariah Lemen – Building Division
	OTHER AGENCIES
	Ken Spencer - Portland General Electric
	Jason Arn – Tualatin Valley Fire & Rescue

APPLICANT DESCRIPTION OF PROJECT: The application materials state:

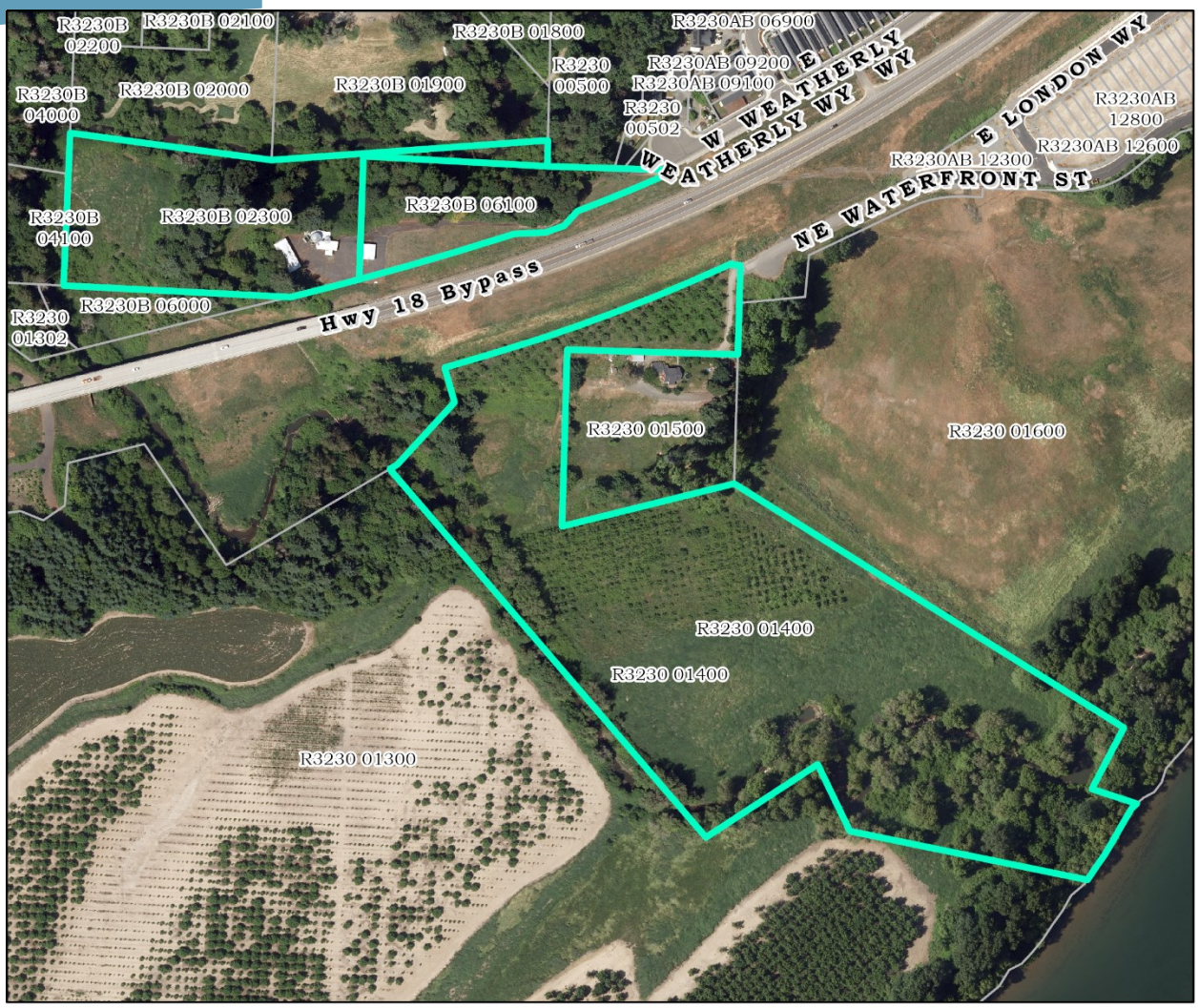
"Del Boca Vista LLC proposed 2 or 3 single-family dwellings on site 1835 Waterfront Street (South) with an average house size of approximately 2,400 sf and with private septic. Del Boca Vista LLC also proposes storage units on tax lots R3230B 02300 and R3230B 06100 (North) without sewer service.

The 3 tax lots are zoned R-2/RD.

Water would be provided by wells. The sewer would be private septic. Power would be PGE.

The north side landscaping is overgrown filbert trees, and the south is partially in the Willamette Valley Flood Plan with a shed.

Del Boca Vista LLC would like to discuss the de-annexation of 1832 Waterfront Street (R3230 01400) from the City of Newberg."



Aerial Map

Taxlots

Subject Property

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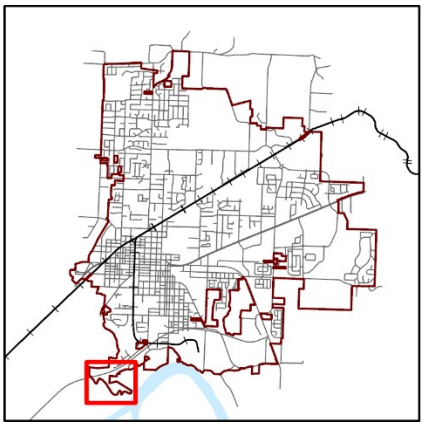

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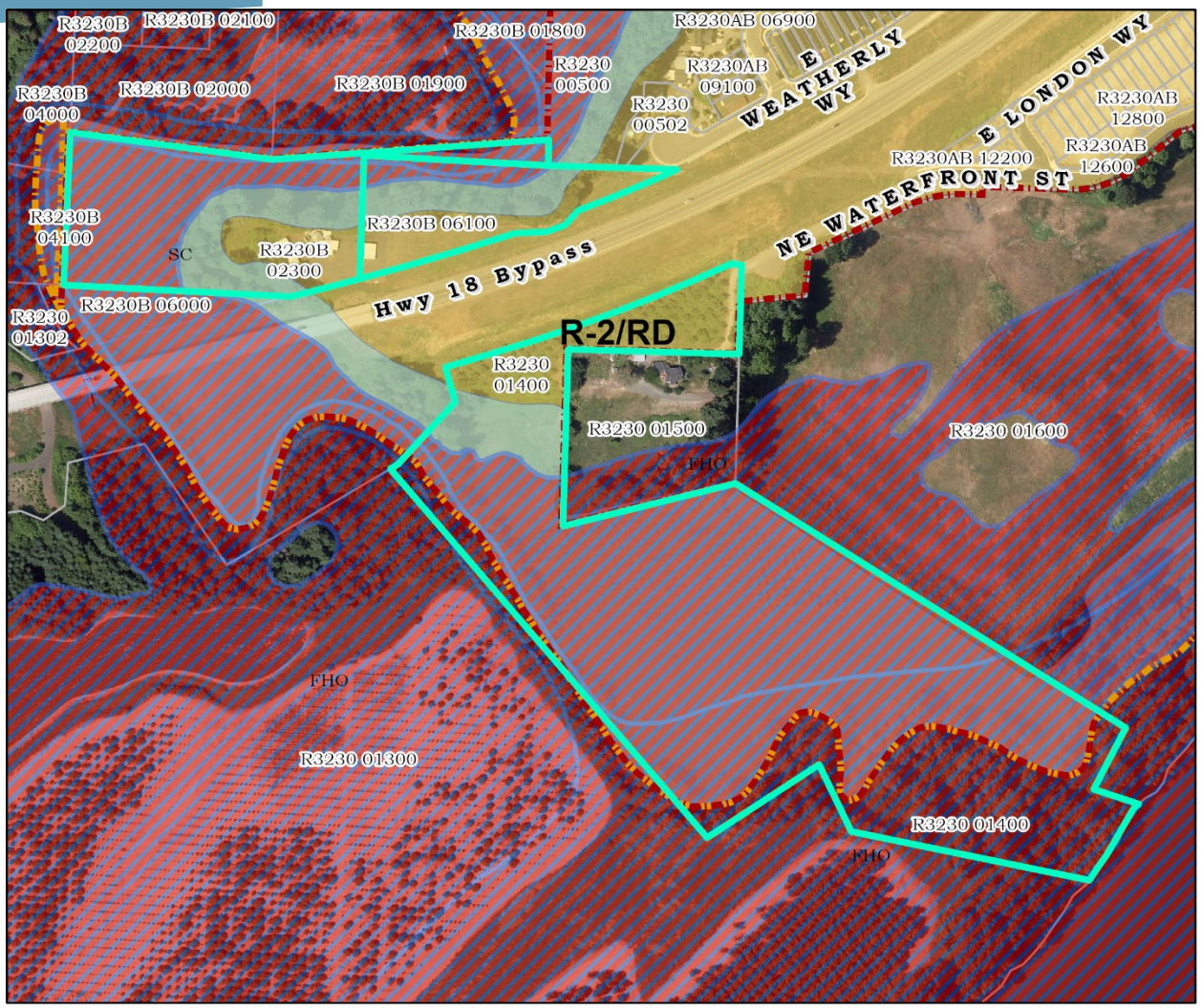
Map updated: 11/13/2023



Zoning Map

- Subject Property
- Taxlots
- City Limits
- Urban Growth Boundary

ZONING

- R-2/RD Riverfront District
- Stream Corridor
- Special Flood Hazard

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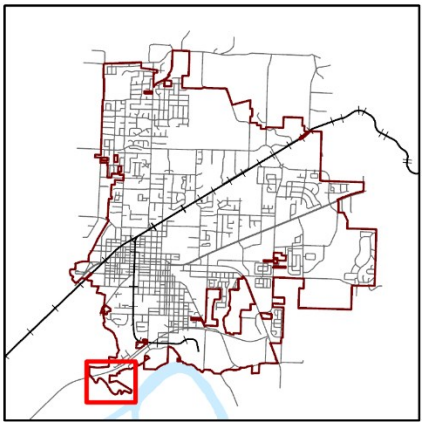

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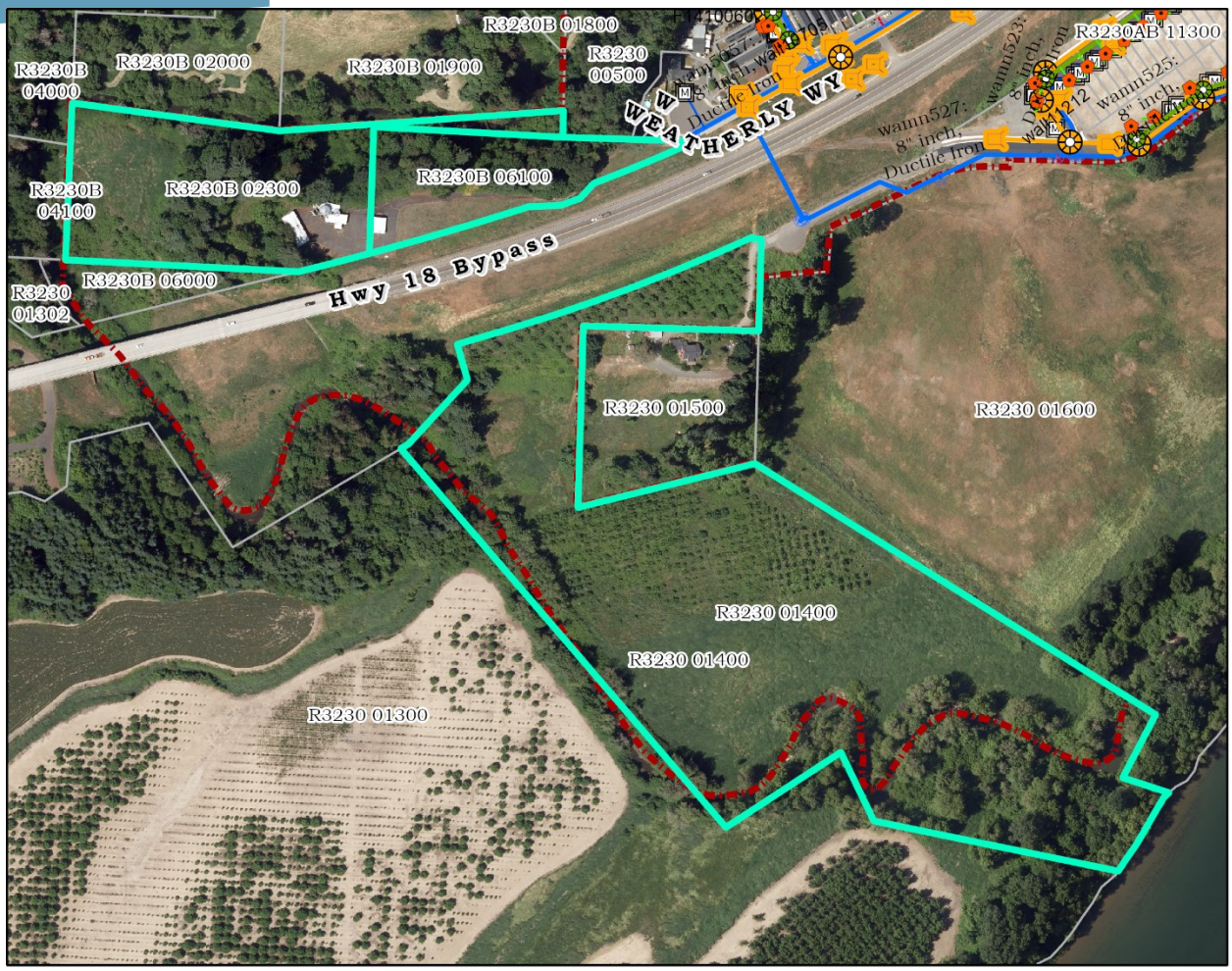

Utilities Map

- Subject Property
- Taxlots
- Sewer CleanOut
- Sewer Manholes
- Sewer Laterals
- Gravity Main
- Storm Manhole
- Active Storm Inlet
- Collector Storm Pipe
- Water Meter
- Water Valves
- CITY OF NEWBERG, Potable Main
- Hydrant Lateral
- Service Lateral
- City Limit
- City Limits

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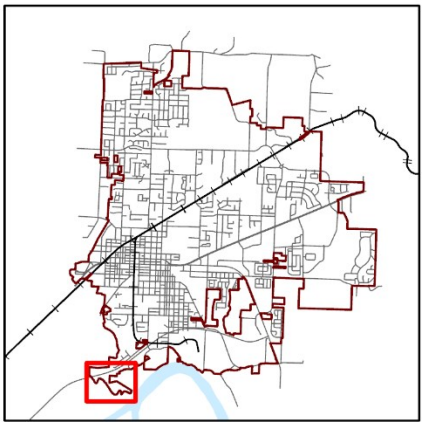

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APPLICATIONS AND REVIEW FEES:

The application packets have the fees schedule. Fees typically increase on April 1st of each year.

Planning Application and Fees: Potential de-annexation would require a Type III approval from City Council and removal of the parcels from the Newberg Urban Renewal District. If developed while in the City limits, the self-storage use would require a zone change. Both north and south parcels are partially within the Stream Corridor Subdistrict Overlay and Special Flood Hazard Overlay, and may require additional permitting if development occurs in those areas. Please see the Planning comment section for further details on application fees, timing, and approval criteria.

Engineering Construction/Site Development Plan Review Fees
Please see Engineering comment section for further details on Engineering Fees.

Building Application and Fees:
Building Permit: https://www.newbergoregon.gov/building/page/permit-application
Building Fees: https://www.newbergoregon.gov/building/page/permit-fees

City of Newberg Master Fee Schedule: https://www.newbergoregon.gov/finance/page/master-fee-schedule

GENERAL COMMENTS:

The pre-application notes provided are preliminary based on the information provided by the applicant and may not cover all of the development issues or requirements for the project. When a complete application is received and a full review is conducted, it may be determined that additional information or other regulations within the Municipal Code apply that were not determined during the limited pre-application review.

TUALATIN VALLEY FIRE & RESCUE:

- The residential homes will require a fire hydrant within 600' feet of the most remote portion of each single-family residence. Fire access should not be an issue. If this project was in the County no water supply would be required, just compliant fire access.
- For the proposed storage facility, it will require a fire hydrant within 400' feet of the most remote portion of the proposed facility and have approved fire department access.
- **Contact**: Jason Arn at 503-259-1510 or Jason.Arn@tvfr.com
- 503-259-1550 or FireLifeSafety@tvfr.com

BUILDING SAFETY DIVISION COMMENTS:

- Development in the floodplain will require additional requirements to meet floodplain building code standards.
- **Contact:** Mariah Lemen at 503-537-1286 or mariah.lemen@newbergoregon.gov

ENGINEERING COMMENTS:

- **Contact:** Brett Musick at 503-554-1631 or brett.musick@newbergoregon.gov

Street:

The proposed project sites have frontages on W Weatherly Way for tax lot R3230B 06100 and frontage on NE Waterfront Street for tax lot R3230 01400. Tax lot R3230B 02300 does not have direct access to a public street but does adjoin tax lot R3230B 06100. Both streets are classified as Local-Residential and are under the jurisdiction of the City of Newberg.

Information regarding existing right-of-way and cross-sections can be seen below and is consistent with the City's Transportation System Plan, Municipal Code and Public Works Design and Construction Standards.

Roadway	Functional Classification	Existing Right-of-way	Existing Pavement Width	Minimum Right-of-way	Minimum Pavement Width	Typical Cross-Section (per Transportation System Plan)

W Weatherly Way	**Local Residential** (54-feet to 60-feet)	~56-feet	~26-feet	56-feet For typical section per TSP.	32-feet	• 1-foot from back of walk to right-of-way** • 5-foot sidewalk • 5.5-foot planter* • 0.5-foot curb • 7-foot parking lane • 9-foot travel lane • 9-foot travel lane • 7-foot parking lane • 0.5-foot curb • 5.5-foot planter* • 5-foot sidewalk • 1-foot from back of walk to right-of-way**

*5-foot minimum inclusive of the curb per NMC 15.505.030(G)(8), **Per PWDCS 5.14

Roadway	Functional Classification	Existing Right-of-way	Existing Pavement Width	Minimum Right-of-way	Minimum Pavement Width	Typical Cross-Section (per Transportation System Plan)
NE Waterfront Street	**Local Residential** (54-feet to 60-feet)	~58.5-feet	~26-feet	56-feet For typical section per TSP.	32-feet	• 1-foot from back of walk to right-of-way** • 5-foot sidewalk • 5.5-foot planter* • 0.5-foot curb • 7-foot parking lane • 9-foot travel lane • 9-foot travel lane • 7-foot parking lane • 0.5-foot curb • 5.5-foot planter* • 5-foot sidewalk • 1-foot from back of walk to right-of-way**

*5-foot minimum inclusive of the curb per NMC 15.505.030(G)(8), **Per PWDCS 5.14

If more than $30,000 of improvements are made to the property, street/frontage improvements can be required, see NMC 12.05.090.

> ***12.05.090 Permits and certificates.***
> *A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is $30,000 or more except as the city engineer may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:*
> > *1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.*
> > *2. Dedicate right-of-way in accordance with the city transportation plan.*

The proposed development will be accessed via driveways connected to the existing public streets. The applicant should indicate where the three proposed dwellings will be located on tax lot R3230B 06100 so that the driveway access can be properly configured.

There appears to be adequate existing right-of-way along the project site's frontage. Right-of-way dedication is not needed.

Street Lights:
There is no street lighting along NE Waterfront Street; however, there does appear to be street lighting along W Weatherly Way.

With a type 2 design review, partition, or subdivision it would typically be required to provide a street lighting analysis to determine if street lighting along the property frontages meets city standards or if additional PGE Option A street lights are required. The lighting analysis will need to extend to the centerline of the property frontage. If additional street lighting is needed, plans submitted with permit applications are to include any additional PGE Option A street lights necessary to meet City standards.

Traffic Study:
Per Newberg Development Code 15.220.030(B)(14) a traffic study is required or may be required based on the following criteria:

> *14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study may be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]*

Based on the proposed project, a traffic study is not required by the City of Newberg; however, it is recommended that at a minimum any land use application include a trip generation memorandum for the proposed project.

> **Trip Rates/Transportation SDCs**: To develop Transportation System Development Charges (TSDC), the city currently uses the Institute of Transportation Engineers, Trip Generation Manual, 10th Edition in coordination with the City's TSDC Methodology document which can be found on the City's website.
>
> The proposed use for the single family homes is most consistent with ITE Trip Code 210 Single Family Housing. The transportation SDC would be approximately $6,266 per dwelling unit. These city SDC fees would be eliminated if tax lot R3230 01400 was de-annexed from within City limits.

The proposed use for the storage units is most consistent with ITE Trip Code 150 Warehousing or ITE Trip Code 151 Mini-Warehousing depending upon the details of the proposed use. The transportation SDC will depend on the square footage of the proposed storage unit.

The City's Transportation SDC calculator can be found online within the System Development Charge Model available online at: https://www.newbergoregon.gov/engineering/page/systems-development-charges

Wastewater:
The City's online GIS mapping shows that there is an existing 8-inch wastewater main located in S Gabraham Street which is east of tax lots R3230B 06100 and R3230B 02300. There are also existing 8-inch wastewater mains present in NE Waterfront Street and E London Way which are east of tax lot R3230 01400.

The applicant will need to provide wastewater service to each lot/dwelling subject to NMC 13.10.070(K).

> *NMC 13.10.070 (K) - Independent Drainage Systems. Every dwelling and/or building under separate ownership shall have an independent wastewater system connection with a public or private collection system. Additionally, each parcel shall be served by individual laterals.*

The applicant desires to install septic systems for the proposed single family homes to be constructed on tax lots R3230 01400, and does not plan to establish a wastewater service connection for the storage units proposed to be constructed on tax lots R3230B 06100 and R3230B 02300.

If tax lot tax lot R3230 01400 remains within the City limits, the following applies to the proposed single family homes:

Each lot must have separate private utility laterals to the main or to a double wye service where allowed per the Public Works Design and Construction Standards. For additional information refer to NMC section 13.10.

Each lot or dwelling unit under separate ownership must have its own service laterals to the main or to a double wye service where allowed per the Public Works Design and Construction Standards. This also applies to a future Middle Housing Land Division should one occur, or is anticipated.

A Wastewater Analysis which evaluates connection of the proposed single-family homes to the existing public wastewater system needs to be included with any city land use or permit applications.

The current City of Newberg Wastewater Master Plan prepared in 2018 and amended in 2021, includes proposed capital improvement projects (CIP) to establish a wastewater lift station and conveyance piping which would likely serve the areas within the proposed development. The timeline of execution for these CIP are uncertain.

Water:
The City's online GIS mapping shows that there is an existing 8-inch water main located in W Weatherly Way which is immediately east tax lots R3230B 06100 and R3230B 02300. There is also an existing 8-inch water main present in NE Waterfront Street which is immediately east of tax lot R3230 01400.

Fire flows will need to be verified (confirm with TVF&R). Show closest existing fire hydrant on preliminary plans. Additional fire hydrants may need to be installed.

Any onsite fire hydrants will be required to be public and served by public water mains within a 15-foot wide easement.

Confirm with the Fire Marshal (TVF&R) if fire flow test results will need to be submitted with permit applications to be reviewed by the Fire Marshall for approval. If so, the applicant will need to hire a private testing firm to conduct the fire flow test and coordinate with the Public Works Maintenance Division.

The applicant intends to de-annex tax lot R3230 01400 and would construct drinking water wells for the single family homes proposed to be constructed on this property. The applicant did not specify whether each single family home would have its own dedicated water well.

If tax lot tax lot R3230 01400 remains within the City limits, the following applies to the proposed single family homes:

Water service will need to be provided to each lot/dwelling. Water service for the proposed development on tax lot R3230 01400 shall connect to the existing 8-inch main present in NE Waterfront Street. Water service for the proposed development on tax lots R3230B 06100 and R3230B 02300shall connect to the existing 8-inch main present in W Weatherly Way. For additional information refer to NMC section 13.15.

If a future Middle Housing Land Division were to occur or is anticipated each dwelling unit to be under separate ownership will be required to have its own service lateral to the public main or to a double water service where allowed by the Public Works Design and Construction Standards. Water meters are required to be located at the right-of-way/property line.

Stormwater:
The City's online GIS mapping shows that there is an existing 12-inch water main located in W Weatherly Way which is immediately east of tax lots R3230B 06100 and R3230B 02300. There is also an existing 12-inch water main present in NE Waterfront Street which is east of tax lot R3230 01400.

If the applicant is proposing to create more than 500 square feet of impervious area, the quantity and quality of stormwater will need to be treated in accordance with the Newberg Municipal Code (NMC) and the Public Works Design and Construction Standards (PWDCS). Refer to NMC 13.25.28 and PWDCS Section 4. Section 4.9 of the PWDCS describes Low Impact Development Approaches (LIDA) that might be applicable for the proposed project.

Include in the land use submittal and permit submittals a narrative and plans/exhibits that clearly describe existing and proposed impervious areas.

Erosion and Sedimentation Control (ESC):
A DEQ 1200-C permit will be required if 1-acre or more is disturbed. If less than 1-acre is disturbed the City will require a City issued Erosion Control and Sedimentation Plan/Permit. The permit can be found online here:
https://www.newbergoregon.gov/engineering/page/erosion-sedimentation-control-permit-application

Other Utilities:
Undergrounding of existing overhead utilities along the project site's frontage may be required if operating at less than 50,000 volts or if any poles need to be relocated. Any new service connection to the property is required to be undergrounded. See NMC 15.430.010 for additional requirements and exception provisions.

A 10-foot wide PUE (public utility easement) will be required if one does not already exist along the property frontage.

Notes: The City's GIS System can be accessed online to view utility and planning maps:

City of Newberg Maps (arcgis.com)

Within the land use application materials, the applicant should clearly indicate sidewalk locations and widths, the driveway approach location and width, parking areas, building setbacks, and utility connections on the existing conditions plan and the preliminary plans.

General Comment:
The engineering pre-application notes provided are preliminary based on the information provided by the applicant and may not cover all of the development issues or requirements for the project. When a complete application is received and a full review is conducted, it may be determined that additional requirements to meet the Municipal Code or the Public Works Design and Construction Standards exist.

Applicant Questions:
The applicant provided the following questions with pre-application. Responses are below.

- What are the steps for de-annexation? Planning division to address the process for de-annexation request.

- Can the applicant install septic tanks for new construction on the parcels being considered for development? If not de-annexed then the notes provided above for the wastewater section would apply to the proposed development.

The Engineering Division also administers/assigns System Development Charges (SDCs) for the following utilities:

- Transportation System Development Charge
- Water System Development Charge
- Wastewater System Development Charge
- Stormwater System Development Charge
- Non-Potable Water System Development Charge

***ALL SDC FEES BELOW ARE SUBJECT TO CHANGE – See City's Current Fees for exact costs available at:** Permit Fees | Newberg Oregon and in the Master Fee Schedule | Newberg Oregon These rates below are current as of April 1, 2024 through March 31, 2025.

- Additional information regarding current System Development Charges (SDCs) is available at:

Systems Development Charges | Newberg Oregon

Posting Notice for Ordinance 2024.2922 | Newberg Oregon

***Transportation SDC** – Transportation SDC is based on the land use and the associated PM peak hour person trip rate.

- Transportation SDC = Unit x ITE Vehicle Trip Rate x 1.68 x $3,656.67.
    - *Per the new 2024 Transportation SDC Model, the TSDC cost multiplier (TSDC per PMPHPT) is $3,656.67.*
    - ITE Trip Rate is based on the PM Peak Hour using the "Trip Generation Manual, 10th Edition" published by the Institute of Transportation Engineers.
    - ITE Trip Rate = PM Peak Hour Vehicle Trip End.
    - PMPHPT (PM Peak Hour Person Trip End) = ITE Vehicle Trip Rate x 1.68 person trip ends per vehicle trip ends.

- Single Family[1] per dwelling unit $6,266.08
- Multi Family, per dwelling unit $4,115.95
- Commercial/Industrial See Transportation SDC Calculation Formula
    - Transportation SDC = Unit x ITE Vehicle Trip Rate x 1.68 x $3,656.67.

[1]Includes Accessory Dwelling Unit (ADU), Duplex, Triplex, Quadplex and Cottage Cluster per dwelling unit.

***Water SDC** – Water SDCs are based on the meter size.

- 3/4" Meter $7,846.12

- 1" Meter $13,338.40
- 1.25" Meter $19,615.30
- 2" Meter $41,584.43

***Wastewater SDC** – Wastewater SDCs are based on fixture units which are defined in the Uniform Plumbing Code.

- For the first 18 fixture units $6,039.00
- Per each fixture unit over 18 $335.50

***Stormwater SDC** – Stormwater SDCs are based on net new impervious surface areas on the property.

- Single Family 1 EDU (Equivalent Dwelling Unit) = $629.57
- Other Than Single Family (Impervious Area/2877 = #EDU) x $629.57

***Non-Potable Water SDC** – Non-Potable Water SDCs are based on the meter size.

- 3/4" Meter $4,066.00
- 1" Meter $6,912.20
- 1.25" Meter $10,165.00
- 1.5" Meter $13,417.80
- 2" Meter $21,549.80
-

INCENTIVE PROGRAMS TO ENCOURAGE DEVELOPMENT

- ***Refer to Ordinance 2024-2922 Attachment B***

Posting Notice for Ordinance 2024.2922 | Newberg Oregon

Recent amendments to Newberg Municipal Code (NMC) Section 13.05

13.05.040 (C)

For residential developments where dwelling units, as defined by the Oregon Residential Specialty Code, are one thousand square feet or less, except for multifamily housing as defined in ORS 456.515(8), the city will, at the election of the developer, modify the system development charge owed by applying a factor of twenty percent to the system development charge computed for the development. For multi-parcel developments, a factor of twenty percent may be applied only to those parcels whose only above grade improvements are single-family houses with dwelling units that are 1000 square feet or less. Developers that claim this system development charge modifier cannot claim any other waiver or discount for system development charges.

13.05.120 (D)

No transportation system development charges shall be charged for applications that only request a change in use for improvements existing at the time of application submission.

13.05.120 (E)

Development of child care facilities as defined by ORS 329A.250(5) and certified per ORS 329A.300 are exempt from all system development charges established under this Chapter.

13.05.125 (B)
Partial waivers of twenty-five percent for each category of system development charge shall be applied to developments starting or expanding enterprises that provide family wage jobs as further described in this subsection. No developer may claim any other waiver, modifier, or discount for system development charges in addition to the partial waiver described in this subsection. No partial waiver shall be applied unless the city council affirmatively finds that:

1. The enterprise will create at least twenty family wage jobs.
2. The developer will also be the employer of each individual receiving a family wage job.
3. The family-wage jobs will not pay less than one hundred and fifty percent of the applicable minimum wage rate provided under ORS 653.025(1).
4. The enterprise has been reviewed and endorsed by the Strategic Economic Development Corporation of the Mid-Willamette Valley, Oregon or another outside Oregon economic development agency.
5. The duration of each family wage job is permanent in nature and will likely last three or more years.
6. A staff report by the city's community development department supports the award of a partial waiver.

SYSTEM DEVELOPMENT CHARGES DEFINITIONS

Accessory Dwelling Unit (ADU): An interior, attached or detached residential structure (https://www.codepublishing.com/OR/Newberg/cgi/defs.pl?def=273) that is used in connection with or that is accessory to a single-family dwelling. An Accessory Dwelling Unit may not exceed 50 percent of the size of the primary unit, up to a maximum of 1,000 square feet. See Newberg Municipal Code 15.05.030.

Dwelling Unit: a single unit of one or more habitable rooms providing complete independent facilities for occupants, including permanent provisions for living, sleeping, eating, cooking and sanitation. See Newberg Municipal Code 15.05.030.

Wastewater Development Fee: Revenues are used to maintain the City's Wastewater System. This fee is collected for any new connections to the City's Wastewater System and is determined by the number of fixture units i.e. sink, bathtub, etc. in the unit. Conversion factors for converting plumbing fixtures to fixture units are from the Uniform Plumbing Code (UPC).

Water Development Fee: Revenues are used to maintain the City's Water System. This fee is collected for each new connection to the City's water system and is determined by the size of the water meter. Standard single family meter size is ¾".

Storm System Development Fee: Revenues are used to maintain the City's Stormwater System. This fee is collected for each new development that connects to or otherwise uses the City Stormwater System and is determined by the square feet of impervious area. Impervious surface is the hard surface area which either prevents or retards entry of water into the soil

mantel and/or causes water to run off the surface in greater quantities or at an increased rate of flow from that present under natural conditions. Impervious surface areas include, but are not limited to, rooftops, concrete or asphalt paving, walkways, patios, driveways, parking lots or storage areas and trafficked gravel or other surfaces which impede the natural infiltration or runoff of surface water.

The amount of impervious area per equivalent dwelling unit (EDU) is defined in the new 2024 Stormwater SDC Model that assumes 2,877 square feet as an average amount of impervious area per single family residence. An equivalent dwelling unit (EDU) is equal to 2,877 square feet of impervious area.

Transportation System Development Fee: Revenues are used for future expansion of the City's Streets. This fee is collected for each new development that connects to the City's current street system and is determined by a methodology utilizing a PM peak hour person trip-end (PMPHPT) basis for calculating future trip growth. The transportation charge is calculated based on the "land use", "units", and trips during pm peak hours both in a vehicle and as a pedestrian. Land use references the type of development, from a hotel to a golf course to a library to a single-family home, and so on. Units are determined by the land use – municipalities can calculate units based on square footage size, the amount of acreage, or on the number of rooms.

The City of Newberg uses the Institute of Transportation Engineers Trip Generation Manual (ITE) to determine trip rates for peak hours. Therefore, different types of development are charged different rates per square foot, or other Unit, as defined in the ITE. The ITE typically provides PM peak hour vehicle trip-ends for the various types of land use categories, or ITE Code designations.

The conversion of PM peak hour vehicle trip-ends (PMPHVT) to PM peak hour person trip-end (PMPHPT) is: PMPHVT X 1.68 PMPHPT/PMPHVT = PMPHPT. The TSDC cost multiplier (TSDC per PMPHPT) is $3,656.67 per the new 2024 Transportation SDC Model.

The formula used to calculate the fee is: Transportation SDC Fee = UNIT X ITE PMPH Vehicle Trip Rate X 1.68 X $3,656.67.

PLANNING COMMENTS:

- **Contact:** James Dingwall at (971) 281-9450 or james.dingwall@newbergoregon.gov
- Site land use history: Originally annexed in 2006 via Ordinance No. 2006-2651.
- De-annexation procedures:
    - Per Oregon Revised Statue, the process for withdrawing territory from a district includes the following:
        - Request for City Council resolution initiating the withdrawal from the territory.
        - Not later than 30 days after the adoption of the resolution, the City shall hold a public hearing on the withdrawal.

- After the public hearing, the City Council shall consider an order on the withdrawal.
- Not less than 20 days or more than 50 days after the date of the order, a final hearing shall held on the resolution for withdrawal.
- After the final public hearing, the City Council shall by resolution or order declare the territory detached from the city.
- Concurrent referral and notice to Yamhill County – likely that the County would apply surrounding county zoning to the property.
- Post-Acknowledgment Plan Amendment (PAPA) submittal to the Department of Land Conservation and Development – 35 day notice prior to the first public hearing.
- Withdrawn area shall still remain subject to any bonded or other indebtedness existing at the time of the order.

  - The de-annexation would be a Type III application and would incur the same fee as the annexation process. The current fee is $2,926 + $278 per acre (plus the City's 5% technology fee).
  - The parcels are also currently within the Newberg Urban Renewal Area (north parcels – Riverfront Sub-Area: C, south parcels – Riverfront Sub-Area: B). With de-annexation the property would also be withdrawn from the Urban Renewal Area. City staff is consulting with Agency Staff to identify the procedures and fees for this withdrawal. **Additional information will be provided in supplemental pre-application notes.**

- The following notes are for development if the parcels remain within the City Limits:
  - North parcels: The self-service storage use category is not permitted in the R-2 zoning district (permitted in C-2, M-1, M-2, M-3, M-4-I) and would require a zoning map/comprehensive plan map change, both Type III applications. Development of the self-storage facility would require a Type II Site Design Review, and if the proposed development is located in the Stream Corridor Overlay or Special Flood Hazard Overlay, Stream Corridor and Floodplain Development Permits would also be required. There are procedures available to amend or adjust (to a maximum of 15 percent) the Stream Corridor Overlay if desired.

Process Type:

Zoning Map Change – Type III
Comprehensive Plan Map Change – Type III

Site Design Review – Type II
Stream Corridor – Miscellaneous Type III (uses otherwise allowed in base zone)
Floodplain Development Permit – Miscellaneous Type III

Adjust Stream Corridor (maximum 15 percent) – Type II

	Amend Stream Corridor – Type III
Fee: ***(typically increase April)***	Zoning Map Change - $2,772 Comprehensive Plan Map Change - $2,742 Site Design Review – 0.6% of project cost ($1,048 minimum) Stream Corridor Type III - $2,226 Floodplain Development Permit - $2,226 Adjust Stream Corridor - $1,048 Amend Stream Corridor - $2,226
Timing:	Type III: Approximately 11-17 weeks after application deemed complete. - 14-30 days to deem complete. - Public noticing - Planning Commission Hearing (recommendation to City Council) - City Council Hearing (final decision) - 21-day appeal period (appeals to LUBA). Type II: Approximately 6-8 weeks after application deemed complete. - 14-30 days to deem complete - Public noticing - Director Decision (within 60 days after complete) - 14 day appeal period (appeals to Planning Commission
Public Notice:	Mailed (500 ft) and posted notice required.

Zoning Map/Comprehensive Plan Map Amendment Review Criteria

A. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;
B. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;
C. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

Stream Corridor Adjustment (<= 15%) Review Criteria

- Maximum of 15 percent of the corridor width as measured from the centerline of the stream to the upper edge of the stream corridor boundary.
- The location of the delineated stream corridor boundary is not reduced to less than 50 feet from the edge of a wetland or 100-year flood elevation, whichever is higher; and
- The lands to be eliminated do not contain sloped areas in excess of 20 percent; and
- The lands to be eliminated do not significantly contribute to the protection of the remaining stream corridor for water quality, stormwater control and wildlife habitat; and

- A stream corridor impact report which complies with the provisions of this chapter is provided; and
- The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this chapter.

- *Stream Corridor Boundary Amendment (>15%) follows the zoning map change criteria.*

Type II Site Design Review Criteria

- Design Compatibility
- Parking and On-site Circulation
- Setbacks and General Requirements
- Landscaping Requirements
- Signs
- Manufactured dwelling, mobile home, RV parks – NOT APPLICABLE
- Zoning district compliance
- Subdistrict compliance – zone change would likely request removal from riverfront district
- Alternative circulation, roadway frontage improvements, and utility improvements
- Traffic study improvements

Stream Corridor Type III Modification

- Uses and Activities otherwise allowed in the base zone shall be processed as a Type III. The Applicant shall submit a stream corridor impact report.
- Stream Corridor Impact Report
    - Physical analysis
    - Ecological analysis
    - Enhancement proposal
- Review Criteria
    - Where possible, avoid impact altogether.
    - Minimize the impact on the stream corridor by using appropriate technology or affirmative steps to avoid, reduce, or mitigate impacts.
    - Impacts shall be rectified by restoring, rehabilitating, or creating comparable resources on the site or within the same stream corridor.
    - Remaining resource values shall be protected and enhanced.
    - Fill requirements.
    - Amount of fill.
    - Maintain flood storage capacity if within designated floodway.
    - Fill or grading shall not significantly increase existing or create new hazardous conditions.
    - Stream turbidity shall not be significantly increased by a change in watercourse resulting.
    - Removal of trees over six inches shall minimized to the extent possible.

Floodplain Permit

- Review

    - That the permit requirements and conditions of the Floodplain chapter have been satisfied.
    - That all necessary permits have been obtained from those federal, state, or local government agencies from which prior approval is required.
    - That if the floodplain development is located in the floodway, those criteria are met.
- Limited variances are available.
- Criteria
    - Anchoring
    - Construction materials and methods
    - Utilities
    - Specific nonresidential construction standards

- Additional development standards:
    - NMC 15.425 Exterior lighting standards for proposed lighting for the commercial facility.
    - NMC 15.430 Utility undergrounding
        - All new utility lines shall be placed underground.
        - Existing utility lines shall be placed underground when relocated or when a Type II design review addition or remodel is proposed.
        - Director may make exceptions to undergrounding requirement based on one or more criteria:
            - The cost of undergrounding is extraordinarily expensive
            - There are physical factors that make undergrounding extraordinarily difficult
            - Existing utility facilities in the area are primarily overhead and unlikely to be changed.
    - NMC 15.352 Riverfront Overlay Subdistrict Commercial design standards would apply

- South parcels: Single-family residential planning review consolidated with building permit review.
    - If on the same lot, even if detached single dwellings, if on same lot planning would consider duplex or triplex (could use middle housing land division) and duplex/triplex design standards would apply.
    - Riverfront Overlay Subdistrict residential design standards would apply.
    - If in Stream Corridor:
        - Type II process – One Single family or duplex dwelling, coverage are not to exceed 1,500 sq ft of area, located to minimize impacts to stream corridor, not located within 100-year flood boundary, has 75 percent of

land located within SC overlay land less than 5,000 sq ft of buildable land outside the SC overlay (approx. 75k from GIS?)

- Type III process – additional dwellings, more than 5,000 sq ft

PORTLAND GENERAL ELECTRIC COMMENTS:

- **Contact:** Ken Spencer at Kenneth.Spencer@pgn.com
- A transformer is located on the north site, and could serve development on these parcels. If extended power needs are projected for the storage units, service upgrades may be required.
- Power is available to an overhead pole at the NE corner of the southern parcels, and service could be extended from there if needed for development of the southern parcels.
- Submit plans through portlandgeneral.com → Power Partners. The project will be assigned a project number and project manager.

Applicable Newberg Municipal Code Sections:

When a complete application is received and a full review is conducted, it may be determined that additional information or other regulations within the Municipal Code apply that were not determined during the limited pre-application review. The full Development Code can be found here.

- *NMC 15.220 Site Design Review*
- *NMC 15.302 Districts and Their Amendment*
- *NMC 15.342 Stream Corridor Overlay (SC) Subdistrict*
- *NMC 15.323 Areas of Special Flood Hazard Overlay (FHO)*
- *NMC 15.352 Riverfront (RD) Overlay Subdistrict*
- *NMC 15.425 Exterior Lighting*
- *NMC 15.430 Underground Utility Installation*

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.

a. Single-family dwellings;

b. Duplex dwellings;

c. Triplex dwellings;

d. Quadplex dwellings;

e. Townhouse dwellings;

f. Cottage cluster projects;

g. Institutional, commercial or industrial additions which do not exceed 1,000 square feet in gross floor area;

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

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

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

k. Modifications, paving, landscaping, restriping, or regrading of an existing multifamily, institutional, commercial or industrial parking lot;

l. Fences and trash enclosures;

m. Accessory dwelling units.

2. Type II.

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

b. Telecommunications facilities.

3. Type III.

a. Multifamily dwellings in the R-2, RP or C-4 zone not meeting the objective process requirements of NMC 15.220.060.

b. Multifamily dwellings in the R-1, R-4 or C-2 zone (conditional use permit also required).

c. Multifamily dwellings in the C-3 zone along Hancock Street (conditional use permit also required).

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

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

b. Plumbing and/or mechanical alterations which are completely internal to an existing structure.

B. Development in Accord with Plans. Construction, site development, and landscaping shall be carried out in substantial accord with the plans, drawings, sketches, and other documents approved as part of a final decision on a site design review.

C. Site Design Review Time Limit. An approved site design review plan intended to be constructed in a single phase shall be valid for one year from the date of the notice of final decision. A building permit must be acquired within this time period or the design review approval shall terminate. The director under a Type I procedure may grant an extension for up to six months if the applicant files a request in writing prior to the expiration of the approval and demonstrates compliance with the following:

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

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

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

1. The applicant may provide all of the detailed information for a Type II site design review approval, per the requirements of NMC 15.220.030(B), for all phases of the project. Once the master site development plan is approved:

a. Each subsequent phase of development is permitted outright upon a showing that the proposed phase is being constructed in substantial compliance with the approved plan. This review of substantial compliance will be undertaken by means of a Type I procedure. A phase of development will be considered to be within substantial compliance if the actual characteristics of the project, e.g., total gross square feet of development, employees, vehicle trips, parking spaces, are within five percent of those projected in the approved master site development plan; providing, that the project still is in compliance with all applicable development standards in effect at the time of the approval, or existing applicable development standards,

if these are less stringent than the standards in effect at the time of approval. In lieu of minor modifications by the five percent rule established above, the applicant may request minor adjustments through the administrative adjustment provisions in NMC 15.210.010 et seq.

b. If at the time of construction a subsequent phase of development is not in substantial compliance with the approved plan as defined above, the proposed changes will be subject to review by means of a Type II procedure, including any necessary variances to the applicable development standards in effect at the time of the new application. Those aspects of the phase which do not vary from the approved plan will be reviewed under the provisions of subsection (D)(1)(a) of this section, and not subject to the review required in this subsection.

2. Institutions and other large developments that anticipate significant development over time, but cannot provide detailed information about future projects or phases of development in advance, can develop a concept master site development plan which addresses generic site development and design elements including but not limited to general architectural standards and materials, landscaping standards and materials, on-site vehicular and pedestrian circulation, institutional sign program, and baseline traffic and parking studies and improvement programs. The applicant will be required to undergo Type II site design review, per the requirements of NMC 15.220.030(B), for each project or phase of development at the time of construction, including demonstration of substantial compliance with the generic development and design elements contained within the approved concept master site development plan. The more detailed and comprehensive the generic elements in the concept master site development plan are, the more reduced is the scope of discretionary review at the time of actual construction of a project or phase of development. For purposes of this subsection, "**substantial compliance**" will be defined as noted in subsection (D)(1)(a) of this section.

3. An applicant that submits a concept master site development plan which meets the requirements of subsection (D)(2) of this section may at the same time submit a master site development plan for one or more of the initial phases contained in the concept master site development plan, which are described in sufficient detail to receive complete design review approval in advance, under the provisions of subsection (D)(1) of this section. The concept master site development plan and master site development plan will be filed as separate applications but reviewed concurrently.

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

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

b. Institutions submitting a concept master site development plan shall be held to the same requirement provided in subsection (D)(2)(a) of this section, unless the plan specifically includes an expiration date. In no case shall a concept master site development plan cover a period exceeding 10 years.

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

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

2. Other modifications are major modifications. A change in the whole application or substantive parts of an application shall be considered a new application. The modified application shall be reviewed under the same procedure as the original application. The criteria for approval shall be those for design review.

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

4. The city council shall establish a fee for modification of approved design review by resolution. [Ord. 2913 § 2 (Exh. B § 4), 4-17-23; Ord. 2889 § 2 (Exh. B § 5), 12-6-21; Ord. 2880 § 2 (Exh. B § 6), 6-7-21; Ord. 2832 § 1 (Exh. A), 7-2-18; Ord. 2730 § 1 (Exh. A (16)), 10-18-10; Ord. 2590, 11-6-03; Ord. 2536, 11-6-00; Ord. 2451, 12-2-96. Code 2001 § 151.191.]

15.220.030 Site design review requirements.

A. Type I. Applications for Type I permit decisions shall be submitted upon forms established by the director. The application shall include a site development plan, drawn to scale, with the following as appropriate to the nature of the use:

1. Access to site from adjacent right-of-way, streets and arterials;

2. Parking and circulation areas;

3. Location and design of buildings and signs;

4. Orientation of windows and doors;

5. Entrances and exits;

6. Private and shared outdoor recreation spaces;

7. Pedestrian circulation;

8. Outdoor play areas;

9. Service areas for uses such as mail delivery, trash disposal, above-ground utilities, loading and delivery;

10. Areas to be landscaped;

11. Exterior lighting;

12. Special provisions for handicapped persons;

13. Other site elements and spaces which will assist in the evaluation of site development;

14. Proposed grading, slopes, and proposed drainage;

15. Location and access to utilities; and

16. Streets, driveways, and sidewalks.

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

1. Site Development Plan. A site development plan shall be to scale and shall indicate the following as appropriate to the nature of the use:

a. Access to site from adjacent right-of-way, streets and arterials;

b. Parking and circulation areas;

c. Location and design of buildings and signs;

d. Orientation of windows and doors;

e. Entrances and exits;

f. Private and shared outdoor recreation spaces;

g. Pedestrian circulation;

h. Outdoor play areas;

i. Service areas for uses such as mail delivery, trash disposal, aboveground utilities, loading and delivery;

j. Areas to be landscaped;

k. Exterior lighting;

l. Special provisions for handicapped persons;

m. Other site elements and spaces which will assist in the evaluation of site development;

n. Proposed grading, slopes, and proposed drainage;

o. Location and access to utilities including hydrant locations; and

p. Streets, driveways, and sidewalks.

2. Site Analysis Diagram. A site analysis diagram shall be to scale and shall indicate the following characteristics on the site and within 100 feet of the site:

a. Relationship of adjacent lands;

b. Location of species of trees greater than four inches in diameter at four feet above ground level;

c. Existing and proposed topography;

d. Natural drainage and proposed drainage and grading;

e. Natural features and structures having a visual, or other significant relationship with the site.

3. Architectural Drawings. Architectural drawings shall be prepared which identify floor plans and elevations.

4. Landscape Plan. The landscape plan shall indicate:

a. The size, species and approximate locations of plant materials to be retained or placed on the site together with a statement which indicates the mature size and canopy shape of all plant materials;

b. Proposed site contouring; and

c. A calculation of the percentage of the site to be landscaped.

5. Special Needs for Handicapped. The design review plan shall indicate compliance with all handicapped accessibility requirements including, but not limited to, the location of handicapped parking spaces, the location of accessible routes from the entrance to the public way, and ramps for wheelchairs.

6. Existing Features and Natural Landscape. The plans shall indicate existing landscaping and existing grades. Existing trees or other features intended to be preserved or removed shall be indicated on the plans.

7. Drives, Parking and Circulation. Proposed vehicular and pedestrian circulation, parking spaces, parking aisles, and the location and number of access points shall be indicated on the plans. Dimensions shall be provided for all elements.

8. Drainage. The direction and location of on- and off-site drainage shall be indicated on the plans. This shall include, but not be limited to, site drainage, parking lot drainage, size and location of storm drain lines, and any retention or detention facilities necessary for the project as identified in the submitted preliminary stormwater report.

9. Buffering and Screening. Buffering and screening of areas, structures and facilities for storage, machinery and equipment, services (mail, refuse, utility wires, and the like), loading and parking and similar accessory areas and structures shall be shown on the plans.

10. Signs and Graphics. The location, colors, materials, and lighting of all exterior signs, graphics or other informational or directional features shall be shown on the plans.

11. Exterior Lighting. Exterior lighting within the design review plan shall be indicated on the plans. The direction of the lighting, size and type of fixtures, and an indication of the amount of lighting shall be shown on the plans.

12. Trash and Refuse Storage. All trash or refuse storage areas, along with appropriate screening, shall be indicated on the plans. Refuse storage areas must be constructed of brick, concrete block or material matching the material used on other proposed structures on the site.

13. Roadways and Utilities. The proposed plans shall indicate any public improvements that will be constructed as part of the project, including, but not limited to, roadway and utility improvements.

14. Traffic Study. A traffic study shall be submitted for any project that generates in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed which adequately mitigate any traffic impacts and/or the proposed use is not in a location which is adjacent to an intersection which is functioning at a poor level of service. A traffic study shall be required by the director for projects below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards. [Ord. 2913 § 2 (Exh. B § 5), 4-17-23; Ord. 2619, 5-16-05; Ord. 2451, 12-2-96. Code 2001 § 151.192.]

15.220.050 Criteria for design review.

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

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

2. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions, public access, residential development standards and home occupations; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

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

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

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

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

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

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

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

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

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

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. 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.

3. Setbacks and General Requirements. The proposal shall comply with NMC 15.415.010 through 15.415.060 dealing with height restrictions, public access, residential development standards and home occupations; and NMC 15.405.010 through 15.405.040 and 15.410.010 through 15.410.070 dealing with setbacks, coverage, vision clearance, and yard requirements.

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

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

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

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

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

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

10. Traffic Study Improvements. If a traffic study is required, improvements identified in the traffic study shall be implemented as required by the director. [Ord. 2913 § 2 (Exh. B § 6), 4-17-23; Ord. 2889 § 2 (Exh. B § 6),

12-6-21; Ord. 2763 § 1 (Exh. A § 7), 9-16-13; Ord. 2747 § 1 (Exh. A § 5), 9-6-11; Ord. 2451, 12-2-96. Code 2001 § 151.194.]

15.302.030 Procedures for comprehensive plan map and zoning map amendments.
This section describes the procedures and criteria that apply to any application to amend the land use designations identified on the comprehensive plan map, zoning map and land use regulations.

A. Type III Plan and Zoning Map Amendments – One Parcel or Small Group of Parcels.

1. Property owners or the city may initiate a map amendment for one parcel or a small group of parcels under the Type III procedure. May be initiated by a resolution of the planning commission or city council. Unlike other Type III procedures, the decision of the planning commission on a Type III plan map amendment shall be in the form of a recommendation to the city council. The city council shall hold another new hearing and make a final decision.

2. Where an application has been denied, no new application for the same purpose shall be filed within one year of the date of the previous denial unless the city council for good cause shall grant permission to do so.

3. Amendment Criteria. The owner must demonstrate compliance with the following criteria:

a. The proposed change is consistent with and promotes the goals and policies of the Newberg comprehensive plan and this code;

b. Public facilities and services are or can be reasonably made available to support the uses allowed by the proposed change;

c. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

4. The property owner who desired to have their property reclassified has the burden of establishing that the requested classification meets the requirements of this section. As part of the application, the property owner requesting a change shall file a waiver stating that the owner will not file any demand against the city under Ballot Measure 49, approved November 6, 2007, that amended ORS Chapters 195 and 197.

5. A traffic study shall be submitted for any proposed change that would significantly affect a transportation facility, or that would allow uses that would increase trip generation in excess of 40 trips per p.m. peak hour. This requirement may be waived by the director when a determination is made that a previous traffic study adequately addresses the proposal and/or when off-site and frontage improvements have already been completed, which adequately mitigate any traffic impacts and/or the proposed use is not in a location, which is adjacent to an intersection, which is functioning at a poor level of service. A traffic study may be required by the director for changes in areas below 40 trips per p.m. peak hour where the use is located immediately adjacent to an intersection functioning at a poor level of service. The traffic study shall be conducted according to the City of Newberg design standards.

B. Type IV Plan and Zoning Map Amendments – Large Area of the City and Multiple Ownerships.

1. The city may initiate plan map amendments affecting large areas and multiple ownerships under the Type IV procedure. No public notice is required to initiate the amendment. Initiation must be done by resolution of the planning commission or city council. These map changes include those that have widespread and significant impact beyond the immediate area of change.

2. Amendment Criteria. The city must demonstrate:

a. The proposed change is consistent with and promotes the objectives of the Newberg comprehensive plan and this code;

b. There is a public need for a change of the kind in question;

c. The need will be best served by changing the classification of the particular piece of property in question as compared with other available property;

d. Compliance with the State Transportation Planning Rule (OAR 660-012-0060) for proposals that significantly affect transportation facilities.

C. Amendment of Land Use Regulation. A change in requirements, general provisions, exceptions or other provisions of a land use regulation may be initiated by a resolution of the planning commission or the city council. No notice is required to initiate the amendment. Amendments to land use regulation shall be reviewed under the Type IV procedure. [Ord. 2733 Att. A, 2-7-11; Ord. 2693 § 1 (Exh. A(5)), 3-3-08; Ord. 2619, 5-16-05; Ord. 2612, 12-6-04; Ord. 2451, 12-2-96. Code 2001 § 151.122.]

Chapter 15.342

STREAM CORRIDOR OVERLAY (SC) SUBDISTRICT

Sections:

15.342.010 Purpose.
15.342.020 Where these regulations apply.
15.342.030 General information.
15.342.040 Activities exempt from these regulations.
15.342.050 Activities requiring a Type I process.
15.342.060 Restoration standards for Type I process.
15.342.070 Activities requiring a Type II process.
15.342.080 Plan submittal requirements for Type II activities.
15.342.090 Mitigation requirements for Type II activities.
15.342.100 Type III process for exceptions and variances.
15.342.110 Prohibited uses and activities.
15.342.120 Density transfer.
15.342.130 Procedure for adjusting and amending the delineated stream corridor.
15.342.140 Stream corridor impact report (SCIR) and review criteria.

15.342.010 Purpose.

The purpose of the stream corridor (SC) overlay subdistrict is to implement the goals and policies of the comprehensive plan relating to open space, scenic, and natural resources which are intended to ". . . ensure that adequate land shall be retained in permanent open space use and that natural scenic and historic resources are protected." Furthermore, this subdistrict is intended to ". . . protect, conserve, enhance, and maintain the Willamette River Greenway." The subdistrict allows for a balance of protection of open space, scenic and natural resources and environmentally sensitive development. The designation of lands within this subdistrict is used to provide reasonable regulation of development in or adjacent to stream corridors. This subdistrict does not provide for or authorize public access to private properties designated within this subdistrict. Additionally, the provisions of this subdistrict do not provide measures for the public acquisition of private property. [Ord. 2451, 12-2-96. Code 2001 § 151.465.]

15.342.020 Where these regulations apply.

The regulations of this chapter apply to the portion of any lot or development site which is within an SC overlay subdistrict. Unless specifically exempted by NMC 15.342.040, these regulations apply to the following:

A. New structures, additions, accessory structures, decks, addition of concrete or other impervious surfaces;

B. Any action requiring a development permit by this code;

C. Changing of topography by filling or grading;

D. Installation or expansion of utilities including but not limited to phone, cable TV, electrical, wastewater, storm drain, water or other utilities;

E. Installation of pathways, bridges, or other physical improvements which alter the lands within the stream corridor overlay subdistrict. [Ord. 2451, 12-2-96. Code 2001 § 151.466.]

15.342.030 General information.

The delineated stream corridor overlay subdistrict is described by boundary lines delineated on the City of Newberg zoning map indicated with an SC symbol. The boundaries of the SC areas were established by an ecologist analyzing several environmental values including erosion potential, wildlife habitat, riparian water quality protection, floodplain water quality protection, natural condition, and ecological integrity. This information is contained in more detail in a document titled "City of Newberg, Stream Corridors as a Goal 5 Resource." This document includes a Goal 5 ESEE (economic, social, environment and energy consequences) analysis and was the basis for the preparation of this chapter. The boundaries of the SC overlay subdistrict are typically located at a

logical top of bank, or where no obvious top of bank exists, are located at a distance 50 feet from the edge of the wetland. [Ord. 2451, 12-2-96. Code 2001 § 151.467.]

15.342.040 Activities exempt from these regulations.
The following public or private uses and activities are exempt from the regulations of this chapter:

A. Emergency procedures or emergency activities undertaken by public or private parties which are necessary for the protection of public health, safety and welfare.

B. Maintenance and repair of buildings, structures, yards, gardens or other activities or uses that were in existence prior to the effective date of the ordinance codified in these regulations.

C. Alterations of buildings or accessory structures which do not increase building coverage.

D. The expansion of an existing structure, building, improvements, or accessory structures, provided the expansion is located completely outside of the stream corridor delineation boundary.

E. The following agricultural activities lawfully in existence as of December 4, 1996:

1. Mowing of hay, grass or grain crops.

2. Tilling, discing, planting, seeding, harvesting and related activities for pasture, trees, food crops or business crops; provided, that no additional lands within the stream corridor boundary are converted to these uses.

F. Operation, maintenance and repair of existing irrigation, drainage ditches, ponds, wastewater facilities, stormwater detention or retention facilities, and water treatment facilities.

G. Normal and routine maintenance of existing streets and utilities.

H. Normal and routine maintenance of any public improvement or public recreational area.

I. Measures to remove or abate hazards and nuisances including but not limited to removal of fallen, hazardous or diseased trees.

J. Roadway and related improvements associated with a final alignment of the Newberg bypass road project.

K. Maintenance and repair of existing railroad trackage and related improvements.

L. Airport Area.

1. The removal or pruning of trees or other vegetation located within the airport overlay subdistrict, as established on the City of Newberg zoning map, that either exceed the height limits established by the overlay subdistrict or are otherwise demonstrated to pose a threat to the health, safety, welfare, and general operation of the airport.

2. The removal of undergrowth, within 500 feet east and west of the runway and 1,000 feet south of the runway, as necessary to maintain the safe operation of the airport facilities and activities.

M. Utilities installed above or below existing street rights-of-way.

N. Utility services using an existing pole or installation of other utilities where no more than 100 square feet of ground area is disturbed, no native trees are removed, and the area is replanted to preconstruction conditions using native plants selected from the Newberg plant list.

O. Utility services within existing access roads or other previously improved areas where the utility service can be installed without expanding the previously improved area.

P. The removal of any plant identified on the Newberg plant list as a nuisance plant such as Himalayan blackberry, English ivy, periwinkle, poison oak, or Scotch broom.

Q. The planting or propagation of any plant identified as native on the Newberg plant list.

R. The planting or propagation of any nonnative plant; provided, that the area to be planted covers less than 10 percent of the total site area within the SC overlay subdistrict and does not include any nuisance plants as identified on the Newberg plant list. [Ord. 2451, 12-2-96. Code 2001 § 151.468.]

15.342.050 Activities requiring a Type I process.
The following uses shall be processed as a Type I decision and shall be approved by the director upon submittal of a plan indicating compliance with the accompanying criteria and the restoration standards indicated in NMC 15.342.060.

A. The expansion of an existing single-family, duplex, triplex or quadplex dwelling, structure, building, improvements, or accessory structures inside the corridor delineation boundary, including any expansion associated with conversion of an existing single-family dwelling into a duplex, triplex or quadplex dwelling; provided, that the following criteria have been satisfied:

1. The expansion of a single-family, duplex, triplex or quadplex dwelling, structure or improvement (including decks and patios); provided, that it is located no closer to the stream or wetland area than the existing structure or improvement;

2. The coverage of all structures within the SC overlay subdistrict on the subject parcel shall not be increased by more than 1,000 square feet of the coverage in existence as of December 4, 1996;

3. The disturbed area is restored pursuant to NMC 15.342.060; and

4. No portion of the improvement is located within the 100-year flood boundary.

B. Private or public service connection laterals and service utilities extensions where the disturbed area shall be restored pursuant to NMC 15.342.060.

C. Private or public sidewalks, stairs and related lighting where the disturbed area is restored pursuant to NMC 15.342.060.

D. Bicycle and pedestrian paths; provided, that the area is restored pursuant to NMC 15.342.060.

E. Temporary construction access associated with authorized Type I uses. The disturbed area associated with temporary construction access shall be restored pursuant to NMC 15.342.060.

F. The removal of nonnative vegetation (such as blackberries) by mechanical means; provided, that the site is restored pursuant to NMC 15.342.060.

G. Single-family, duplex, triplex or quadplex dwellings or structures which are nonconforming to the standards of this chapter may be rebuilt in the event of damage due to fire or other natural hazard; provided, that the single-family, duplex, triplex or quadplex dwelling or structure is placed within the same foundation lines. [Ord. 2889 § 2 (Exh. B §§ 17, 18), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 20, 21), 6-7-21; Ord. 2451, 12-2-96. Code 2001 § 151.469.]

15.342.060 Restoration standards for Type I process.
A plan shall be approved only if the following standards can be met. This shall be shown on a plan submitted along with a Type I application.

A. Disturbed areas, other than authorized improvements, shall be regraded and contoured to appear natural. All fill material shall be native soil. Native soil may include soil associations commonly found within the vicinity, as identified from USDA Soil Conservation Service, Soil Survey of Yamhill Area, Oregon.

B. Replanting shall be required using a combination of trees, shrubs and grasses. Species shall be selected from natives on the Newberg plant list.

C. Removed trees over six inches in diameter, as measured at breast height, shall be replaced at a ratio of three new trees for every one removed. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any caliper may be used to further enhance the mitigation site.

D. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year.

E. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.

F. Except as provided below, all restoration work must occur within the SC overlay subdistrict and be on the same property. The director may authorize work to be performed on properties within the general vicinity or adjacent to the overlay subdistrict; provided, that the applicant demonstrates that this will provide greater overall benefit to the stream corridor areas. [Ord. 2451, 12-2-96. Code 2001 § 151.470.]

15.342.070 Activities requiring a Type II process.

The installation, construction or relocation of the following improvements shall be processed as a Type II decision. The proposal shall be accompanied by a plan as identified in NMC 15.342.080 and conform to the mitigation standards contained in NMC 15.342.090.

A. Public or private street crossings, sidewalks, pathways, and other transportation improvements that generally cross the stream corridor in a perpendicular manner.

B. Bridges and other transportation improvements that bridge the wetland area.

C. Railroad trackage crossings over the SC overlay subdistrict that bridge the wetland area.

D. Water, wastewater, and stormwater systems already listed within approved City of Newberg master infrastructure plans.

E. New single-family or duplex dwellings which meet all of the following requirements:

1. The lot was created prior to December 4, 1996, is currently vacant, has at least 75 percent of the land area located within the SC overlay subdistrict and has less than 5,000 square feet of buildable land located outside the SC overlay subdistrict.

2. No more than one single-family or duplex dwelling and its expansion is permitted on the property, which shall occupy a coverage area not to exceed 1,500 square feet in area.

3. The single-family or duplex dwelling shall be sited in a location which minimizes the impacts to the stream corridor.

4. The improvements and other work are not located within the 100-year flood boundary.

F. Reduced front yard setback. Properties within the SC subdistrict may reduce the front yard setback for single-family or duplex dwellings or additions where the following requirements are met:

1. The reduction in the front yard setback will allow no less than five feet between the property line and the proposed structure.

2. The reduction in the setback will allow the footprint of the proposed dwelling or addition to be located entirely out of the SC overlay subdistrict.

3. Two 20-foot-deep off-street parking spaces can be provided which do not project into the street right-of-way.

4. Maximum coverage within the stream corridor subdistrict shall not exceed 1,500 square feet.

G. Temporary construction access associated with authorized Type II uses. The disturbed area associated with temporary construction access shall be restored pursuant to NMC 15.342.090.

H. Grading and fill for recreational uses and activities, which shall include revegetation, and which do not involve the construction of structures or impervious surfaces.

I. Public parks.

J. Stream corridor enhancement activities which are reasonably expected to enhance stream corridor resource values and generally follow the restoration standards in NMC 15.342.060. [Ord. 2880 § 2 (Exh. B §§ 22, 23), 6-7-21; Ord. 2451, 12-2-96. Code 2001 § 151.471.]

15.342.080 Plan submittal requirements for Type II activities.
In addition to the design review plan submittal requirements, all applicants for Type II activities within the SC overlay subdistrict shall submit the following information:

A. A site plan indicating all of the following existing conditions:

1. Location of the boundaries of the SC overlay subdistrict.

2. Outline of any existing features including, but not limited to, structures, decks, areas previously disturbed, and existing utility locations.

3. Location of any wetlands or water bodies on the site and the location of the stream centerline and top of bank.

4. Within the area to be disturbed, the approximate location of all trees that are more than six inches in diameter at breast height must be shown, with size and species. Trees outside the disturbed area may be individually shown or shown as crown cover with an indication of species type or types.

5. Topography shown by contour lines at five-foot vertical intervals or less.

6. Photographs of the site may be used to supplement the above information but are not required.

B. Proposed development plan including all of the following:

1. Outline of disturbed area including all areas of proposed utility work.

2. Location and description of all proposed erosion control devices.

3. A landscape plan prepared by a landscape architect, or other qualified design professional, shall be prepared which indicates the size, species, and location of all new vegetation to be planted. [Ord. 2451, 12-2-96. Code 2001 § 151.472.]

15.342.090 Mitigation requirements for Type II activities.
The following mitigation requirements apply to Type II activities. The plans required pursuant to NMC 15.342.080 shall be submitted indicating the following mitigation requirements will be met.

A. Disturbed areas, other than authorized improvements, shall be regraded and contoured to appear natural. All fill material shall be native soil. Native soil may include soil associations commonly found within the vicinity, as identified from USDA Soil Conservation Service, Soil Survey of Yamhill Area, Oregon.

B. Replanting shall be required using a combination of trees, shrubs and grass. Species shall be selected from the Newberg native plant list. Planting shall be as follows:

1. At least eight species of plants shall be used.

2. At least two species must be trees and two species must be shrubs.

3. No more than 50 percent of any seed mix used can be grass.

4. A minimum of one tree and three shrubs shall be used for every 500 square feet of planting area.

5. Areas to be replanted must be completed at the time of final inspection or completion of the work, except as otherwise allowed by this code.

6. Existing vegetation that can be saved and replanted is encouraged, although not required.

C. Removed trees over six inches in diameter, as measured at breast height, shall be replaced as follows:

1. Trees from six to 18 inches in diameter shall be replaced with a minimum of three new trees for every tree removed.

2. Trees over 18 inches but less than 30 inches shall be replaced with a minimum of five trees for every tree removed.

3. Trees over 30 inches shall be replaced with a minimum of eight trees for every tree removed.

4. All trees replaced pursuant to this section shall have an average caliper measurement of a minimum of one inch. Additional trees of any size caliper may be used to further enhance the mitigation site.

D. All disturbed areas, other than authorized improvements, shall be replanted to achieve 90 percent cover in one year. The director may require a bond or other form of security instrument to insure completion of the restoration plan. The director shall authorize the release of the bond or other security instrument when, after one year, the restoration site has achieved the purposes and standards of this section.

E. All disturbed areas shall be protected with erosion control devices prior to construction activity. The erosion control devices shall remain in place until 90 percent cover is achieved.

F. Except as provided below, all restoration work must occur within the SC overlay subdistrict and be on the same property. The director may authorize work to be performed on properties within the general vicinity or adjacent to the overlay subdistrict; provided, that the applicant demonstrates that this will provide greater overall benefit to the stream corridor areas. [Ord. 2451, 12-2-96. Code 2001 § 151.473.]

15.342.100 Type III process for exceptions and variances.

A. Exceptions. Except as provided in NMC 15.342.040, 15.342.050, and 15.342.070, uses and activities otherwise allowed under the applicable base zone regulations shall be processed as a Type III. The applicant shall submit a stream corridor impact report (SCIR) and meet the criteria set forth in NMC 15.342.140:

1. If the application of this chapter would prohibit a development proposal by a public agency or public utility, the agency or utility may apply for an exception pursuant to this section.

2. The expansion of a single-family, duplex, triplex or quadplex dwelling, including expansion associated with the conversion of an existing single-family dwelling into a duplex, triplex or quadplex dwelling, is permitted within the SC overlay subdistrict, provided:

a. The single-family, duplex, triplex or quadplex dwelling shall occupy a coverage area not to exceed a maximum of 1,500 square feet in area; and

b. The single-family, duplex, triplex or quadplex dwelling shall be placed in a location which is located no closer to the wetland.

3. The expansion of any existing use or structure, other than single-family, duplex, triplex or quadplex dwellings, that is otherwise permitted within the base zoning district. The hearing body may authorize the expansion of an existing non-single-family use, provided the following criteria are met:

a. The expansion is limited to no more than 1,500 square feet of coverage;

b. The proposal does not pose an unreasonable threat to the public health, safety or welfare on or off the development proposal site;

c. Any alterations to a delineated stream corridor shall be the minimum necessary to allow for the reasonable use of the property;

d. The development conforms to the regulations of the Newberg development code; and

e. The expansion shall be placed in a location which is no closer to the wetland.

B. Variance. A variance to the standards of this chapter may be granted under the Type III process. A variance to this chapter shall be processed as a Type III procedure and shall only be subject to the following criteria:

1. A stream corridor impact report (SCIR) shall be submitted which meets the criteria indicated in NMC 15.342.140; and

2. The proposed development will result in equal or greater conservation of the identified resources and functional values on the site and will, on balance, be consistent with the purpose of the applicable regulation.

C. Nothing contained herein shall be deemed to require a hearing body to approve a request for a Type III permit under this section. [Ord. 2889 § 2 (Exh. B § 19), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 24, 25), 6-7-21; Ord. 2451, 12-2-96. Code 2001 § 151.474.]

15.342.110 Prohibited uses and activities.
The following activities or uses are prohibited within this subdistrict:

A. Except as provided in NMC 15.342.040(R), the planting or propagation of any plant identified as a nuisance plant as determined by a qualified botanist or indicated as a nuisance plant on the Newberg plant list.

B. The removal of native trees that are greater than six inches in diameter at breast height, except as is otherwise permitted within this chapter.

C. Any use dealing with hazardous substances or materials, including but not limited to gas service stations.

D. Public pathways, except those in conjunction with public lands, public parks or public easements that have been acquired by other than eminent domain.

E. Recreational marijuana producer and recreational marijuana processor.

F. Recreational marijuana wholesalers, laboratories, research certificates and retailers.

G. Recreational marijuana dispensaries. [Ord. 2809 § 1 (Exh. A § 3), 9-19-16; Ord. 2801 § 1 (Exh. A § 4), 6-6-16; Ord. 2798 § 1 (Exh. A § 4), 4-4-16; Ord. 2451, 12-2-96. Code 2001 § 151.475.]

15.342.120 Density transfer.
For residential development proposals on lands which contain the SC overlay subdistrict, a transfer of density shall be permitted within the development proposal site. The following formula shall be used to calculate the density that shall be permitted for allowed residential use on the property:

A. Step 1. Calculate expected maximum density. The expected maximum density (EMD) is calculated by multiplying the acreage of the property by the density permitted within the Newberg comprehensive plan.

B. Step 2. The density that shall be permitted on the property shall be equal to the EMD obtained in Step 1, provided:

1. The density credit can only be transferred to that portion of the development site that is not located within the designated stream corridor; and

2. The minimum lot size required for residential dwellings, in the base zone, shall not be reduced by more than 20 percent; and

3. The maximum dwelling units per net acre of buildable land, outside the SC boundary, shall not be increased by more than 20 percent; and

4. The types of residential uses and other applicable standards permitted in the zone shall remain the same; and

5. All other uses shall comply with applicable standards and criteria of the Newberg development code. [Ord. 2451, 12-2-96. Code 2001 § 151.476.]

15.342.130 Procedure for adjusting and amending the delineated stream corridor.

A. Type II Process. The manager shall authorize an adjustment to the delineated stream corridor by a maximum of 15 percent of the corridor width as measured from the centerline of the stream to the upper edge of the stream corridor boundary (from the boundary location originally adopted as part of this chapter), provided the applicant demonstrates that the following standards are met:

1. The location of the delineated stream corridor boundary is not reduced to less than 50 feet from the edge of a wetland or 100-year flood elevation, whichever is higher; and

2. The lands to be eliminated do not contain sloped areas in excess of 20 percent; and

3. The lands to be eliminated do not significantly contribute to the protection of the remaining stream corridor for water quality, stormwater control and wildlife habitat; and

4. A stream corridor impact report which complies with the provisions of this chapter is provided; and

5. The line to be adjusted has not been previously adjusted from the boundary location originally adopted as part of this chapter.

B. Type III Process. The applicant may propose to amend the delineated stream corridor boundary through a Type III quasi-judicial zone change proceeding consistent with the provisions of this code (see standard zone change criteria). [Ord. 2451, 12-2-96. Code 2001 § 151.477.]

15.342.140 Stream corridor impact report (SCIR) and review criteria.

A stream corridor impact report (SCIR) is a report which analyzes impacts of development within delineated stream corridors based upon the requirements of this section. The director shall consult with a professional with appropriate expertise to evaluate the report prepared under this section, in order to properly evaluate the conclusions reached in it. If outside consulting services are required to review the report, the cost of such review shall be paid by the applicant. By resolution, the city council shall establish a maximum fee which will be paid by the applicant.

A. Application Requirements. In addition to required materials for the site design review application, a stream corridor impact report (SCIR) must be submitted. The SCIR shall be conducted and prepared by experienced professionals who are knowledgeable and qualified to complete such a report. The qualifications of the person or persons preparing each element of the analysis shall be included with the SCIR. The SCIR shall include the following:

1. Physical Analysis. The analysis shall include, at a minimum, a description of the soil types, geology, and hydrology of the site plus related development limitations. The analysis shall include development recommendations including grading procedures, soil erosion control measures, slope stabilization measures, and methods of mitigating hydrologic impacts. For projects which affect possible wetlands, a copy of the state wetland inventory map pertaining to the site shall be provided. Notice of the proposal shall be given to the Oregon Division of State Lands and the Army Corp of Engineers.

2. Ecological Analysis. The analysis shall include, at a minimum, an inventory of plant and animal species occurring on the site, a description of the relationship of the plants and animals with the environment, and

recommended measures for minimizing the adverse impacts of the proposed development on unique and/or significant features of the ecosystem, including but not limited to migratory and travel routes of wildlife.

3. Enhancement Proposal. The applicant must propose a stream corridor or wetland enhancement to be completed along with the proposed development. The enhancement shall increase the natural values and quality of the remaining stream corridor lands located on the lot.

B. SCIR Review Criteria. The following standards shall apply to the issuance of permits requiring an SCIR, and the SCIR must demonstrate how these standards are met in a manner that meets the project purpose.

1. Where possible, the applicant shall avoid the impact altogether.

2. Impact on the stream corridor shall be minimized by limiting the degree or magnitude of the action, by using appropriate technology, or by taking affirmative steps to avoid, reduce or mitigate impacts.

3. The impacts to the stream corridor will be rectified by restoring, rehabilitating, or creating comparable resource values on the site or within the same stream corridor.

4. The remaining resource values on the stream corridor site shall be protected and enhanced, with consideration given to the following:

a. Impacts to wildlife travel and migratory functions shall be maintained to the maximum extent possible; and

b. Native vegetation shall be utilized for landscaping to the extent practicable; and

c. The stream bed shall not be unnecessarily or detrimentally altered.

5. The fill shall primarily consist of natural materials such as earth or soil aggregate, including sand, gravel, rock, and concrete. Culverts, bridges, reinforced retaining walls, or other similar structures which require manmade structural materials shall be permitted.

6. The amount of fill used shall be the minimum required to practically achieve the project purpose.

7. If the fill or grading is within a designated floodway, the proposed action shall maintain the flood storage capacity of the site.

8. The proposed fill or grading shall not significantly increase existing hazardous conditions or create significant new hazardous conditions related to geology, hydrology, or soil erosion.

9. Stream turbidity shall not be significantly increased by any change in a watercourse that results from the fill. Measures shall be taken to minimize turbidity during construction.

10. The removal of trees over six inches in diameter shall be minimized to the extent possible to provide the necessary improvements authorized by this chapter. [Ord. 2451, 12-2-96. Code 2001 § 151.478.]

Chapter 15.343

AREAS OF SPECIAL FLOOD HAZARD OVERLAY (FHO)

Sections:

15.343.010 Purpose.
15.343.020 General provisions.
15.343.030 Floodplain development permit procedures.
15.343.040 Provisions for flood hazard reduction.
15.343.050 Before regulatory floodway.
15.343.060 Floodways.
15.343.070 Standards for shallow flooding areas (AO zones).
15.343.080 Critical facilities.

15.343.010 Purpose.

A. It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;

2. To minimize expenditure of public money and costly flood control projects;

3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

4. To minimize prolonged business interruptions;

5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;

6. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and

8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

B. In order to accomplish its purposes, this chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

4. Controlling filling, grading, dredging, and other development which may increase flood damage;

5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or may increase flood hazards in other areas;

6. Coordinating and supplementing the provisions of the State Building Code with local land use and development ordinances. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.481.]

15.343.020 General provisions.

A. Lands to Which This Chapter Applies. This chapter shall apply to all areas of special flood hazard within the jurisdiction of Newberg, Oregon, as designated in the Flood Insurance Study for Yamhill County and Incorporated Areas and on the Federal Emergency Management Agency (FEMA) flood insurance rate maps (FIRM) dated March 2, 2010.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Yamhill County, Oregon and Incorporated Areas," dated March 2, 2010, with accompanying flood insurance maps are hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file at Newberg City Hall. The best available information for flood hazard area identification as outlined in subsection (F)(1) of this section shall be the basis for regulation until a new flood insurance rate map is issued which incorporates the data utilized under subsection (F)(1) of this section.

C. Penalties for Noncompliance. No affected structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) are subject to enforcement. Nothing herein contained shall prevent the City of Newberg from taking such other lawful action as is necessary to prevent or remedy any violation.

D. Relation to Other Regulations. Most areas of special flood hazard in Newberg are within the existing stream corridor subdistrict, the Willamette Greenway, or in wetlands or waterways subject to federal and state regulations. Therefore, it is expected that floodplain development and use of these regulations will be rare. This chapter should not be read as allowing development that is otherwise restricted or prohibited by other city, state, or federal laws.

E. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Newberg, any officer or employee of the city, or the Federal Insurance Administration, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

F. Duties of the Local Administrator. The director is hereby appointed to administer and implement this chapter by granting or denying floodplain development permit applications in accordance with its provisions. The director's duties are outlined below:

1. Information to Be Obtained and Maintained.

    a. Where base flood elevation data is provided through the Flood Insurance Study, FIRM, or required as in NMC 15.343.030(B), obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basements and below-flood grade crawlspaces) of all new or substantially improved affected structures, and whether or not the affected structure contains a basement.

    b. For all new or substantially improved floodproofed affected structures where base flood elevation data is provided through the Flood Insurance Study, FIRM, or as required in NMC 15.343.030(B):

        i. Verify and record the actual elevation (in relation to mean sea level); and

        ii. Maintain the floodproofing certifications.

    c. Maintain for public inspection all records pertaining to the provisions of this chapter.

    d. When base flood elevation data has not been provided (A and V zones) in accordance with subsection (B) of this section, Basis for Establishing the Areas of Special Flood Hazard, the director shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state

or other source, in order to administer NMC 15.343.040(B), Specific Standards, and NMC 15.343.060, Floodways.

2. Alteration of Watercourses.

a. Notify adjacent communities, the Department of Land Conservation and Development and other appropriate state and federal agencies, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

3. Interpretation of FIRM Boundaries. Make interpretations, where needed, as to exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in NMC 15.343.030(E). [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.482.]

15.343.030 Floodplain development permit procedures.

A. Floodplain Development Permit Required. Any person shall obtain a floodplain development permit before constructing or developing within any area of special flood hazard established in NMC 15.343.020(B). The permit shall be for all affected structures including manufactured homes, as set forth in NMC 15.05.030, and for all floodplain development including fill and other activities, also as set forth in NMC 15.05.030.

B. Application for Floodplain Development Permit. Application for a floodplain development permit shall be made on forms furnished by the planning and building department and may include but not be limited to plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed affected structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation, in relation to mean sea level, of the lowest floor (including basement) of all affected structures;

2. Elevation in relation to mean sea level of floodproofing in any affected structure;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential affected structure meet the floodproofing criteria in NMC 15.343.040(B); and

4. Description of the extent to which a watercourse will be altered or relocated as a result of proposed floodplain development.

C. Floodplain Development Permit Application Review. The director shall review all floodplain development permit applications. Floodplain development permits shall be reviewed as part of the review of applicable design review, building permit application, grading permit application, other application, or as a Type I review if no other application is concurrent. The review shall determine:

1. That the permit requirements and conditions of this chapter have been satisfied.

2. That all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.

3. That if the floodplain development is located in the floodway, the encroachment provisions of NMC 15.343.060(A) are met.

D. Floodplain Development Variance Procedure.

1. Procedure.

a. Any person proposing floodplain development may request a variance to the provisions of this section. The application shall be on forms and include such information as determined by the director. Variance requests shall be processed as a Type II land use action.

b. The decision shall be based upon the criteria established in subsection (D)(3) of this section.

c. Those aggrieved by the decision of the director may appeal the decision to the planning commission.

d. The director shall report any variances to the Federal Insurance Administration upon request.

e. Any applicant to whom a variance is granted shall be given written notice that the affected structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

2. Eligibility.

a. A variance from the elevation standard may be issued for new construction and substantial improvements.

b. Variances as interpreted in the National Flood Insurance Program are based on the general zoning law principle that they pertain to a physical piece of property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare. Generally, the only condition under which a variance from the elevation standard may be issued is for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

c. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria, and otherwise complies with NMC 15.343.040(A)(1) through (3), General Standards.

d. Variances shall not be issued within a designated floodway if any increase in flood levels during the base flood discharge would result.

e. The review body may approve variances for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the Statewide Inventory of Historic Properties, notwithstanding the application may not meet all the criteria set forth in subsection (D)(3) of this section.

3. Criteria. The review body may approve, approve with conditions, or deny a floodplain development variance, provided all the following criteria are met:

a. Exceptional hardship would result to the applicant if the variance were not granted.

b. Granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, nuisances, victimization of the public, or conflict with existing local laws or ordinances.

c. No reasonable alternative location(s) exists which is not subject to flooding or erosion that may accommodate the proposed use.

d. The variance is the minimum necessary, considering the flood hazard, to afford relief.

e. The characteristics are compatible with neighboring development.

E. Appeal Procedure.

1. Appeal Board. The planning commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the director in the enforcement or administration of this section. Those aggrieved by the decision of the planning commission may appeal such decision to the city council.

2. Appeal Procedures. Appeals shall follow the Type III procedures outlined in NMC 15.100.160.

3. Scope of Review. The planning commission shall follow the scope of review procedures established in NMC 15.100.180. The decision shall follow the procedures in NMC 15.100.190. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.483.]

15.343.040 Provisions for flood hazard reduction.

A. General Standards. In all areas of special flood hazard, the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the affected structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse, or lateral movement, and shall be installed using methods and practices that minimize flood damage. Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebook for additional techniques).

2. Construction Materials and Methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

c. Electrical, heating, ventilation, plumbing, and air-conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Utilities.

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.

c. On-site waste disposal systems, if allowed, shall be located to avoid impairment to them or contamination from them during flooding consistent with the Oregon Department of Environmental Quality.

4. Tentative Subdivision and Partition Plat Proposals.

a. Where floodplain development is proposed or reasonably likely, all tentative subdivision and partition plat proposals shall be consistent with the need to minimize flood damage.

b. All tentative subdivision and partition plat proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize or eliminate flood damage.

c. All tentative subdivision and partition plat proposals shall have adequate drainage provided to reduce exposure to flood damage.

d. For any proposed affected structure, proposed subdivision or partition, and other proposed floodplain development which contains at least 50 lots or five acres (whichever is less), flood elevation data shall be provided.

5. Review of Building Permits. Where elevation data is not available either through the Flood Insurance Study, FIRM, or from another authoritative source (NMC 15.343.020(F)(1)(d)), applications for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

6. AH Zone Drainage. Adequate drainage paths are required around structures on slopes to guide floodwaters around and away from proposed affected structures. AH zones are areas that have a one percent annual chance of shallow flooding, usually in the form of a pond, with an average depth ranging from one to three feet.

B. Specific Standards. In all areas of special flood hazard where base flood elevation data has been provided (Zones A1 – 30, AH, and AE) as set forth in NMC 15.343.020(B), Basis for Establishing the Areas of Special Flood Hazard or NMC 15.343.020(F)(1)(d), use of other base flood data (in A and V zones), the following provisions are required:

1. Residential Construction.

a. New construction and substantial improvement of any residential affected structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.

b. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:

i. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.

ii. The bottom of all openings shall be no higher than one foot above grade.

iii. Openings may be equipped with screens, louvers, or other coverings or devices; provided, that they permit the automatic entry and exit of floodwaters.

2. Nonresidential Construction.

a. New construction and substantial improvement of any commercial, industrial or other nonresidential affected structure shall either have the lowest floor, including basement, elevated at or above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

i. Be floodproofed so that below the base flood level the affected structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

iii. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in NMC 15.343.020(F)(1);

iv. Nonresidential affected structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection (B)(1)(b) of this section;

v. Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building floodproofed to the base flood level will be rated as one foot below).

3. Manufactured Homes.

a. All manufactured homes to be placed or substantially improved on sites:

i. Outside of a manufactured home park or subdivision;

ii. In a new manufactured home park or subdivision;

iii. In an expansion to an existing manufactured home park or subdivision; or

iv. In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood;

shall be elevated on a permanent foundation such that the finished floor of the manufactured home is elevated to a minimum 18 inches (46 centimeters) above the base flood elevation and be securely anchored to an adequately designed foundation system to resist flotation, collapse and lateral movement.

b. Manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 – 30, AH, and AE on the community's FIRM that are not subject to the above manufactured home provisions be elevated so that either:

i. The finished floor of the manufactured home is elevated to a minimum of 18 inches (46 centimeters) above the base flood elevation; or

ii. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately designed foundation system to resist flotation, collapse, and lateral movement.

4. Recreational Vehicles.

a. Recreational vehicles placed on sites are required to either:

i. Be on the site for fewer than 180 consecutive days;

ii. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

iii. Meet the requirements of subsection (B)(3) of this section and the elevation and anchoring requirements for manufactured homes.

5. Below-Flood Grade Crawlspaces.

a. Below-flood grade crawlspaces are allowed subject to the following standards as found in FEMA Technical Bulletin 11-01, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas:

i. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the affected structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and the effects of buoyancy can usually be addressed through the required openings stated in subsection (B)(5)(a)(ii) of this section. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second

unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.

ii. The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.

iii. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.

iv. Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.

v. The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.

vi. The height of the below-flood grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall, must not exceed four feet at any point. The height limitation is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.

vii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event. The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

viii. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For velocities in excess of five feet per second, other foundation types should be used. For more detailed information refer to FEMA Technical Bulletin 11-01. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.484.]

15.343.050 Before regulatory floodway.

In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other floodplain development (including fill) shall be permitted within Zones A1 – 30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed floodplain development, when combined with all other existing and anticipated floodplain development, will not increase the water surface elevation of the base flood more than one foot at any point within the community. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.485.]

15.343.060 Floodways.

Located within areas of special flood hazard established in NMC 15.343.020(B) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments are prohibited unless evidence is provided by a registered professional civil engineer demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection (A) of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of NMC 15.343.040, Provisions for flood hazard reduction.

C. Projects for stream habitat restoration may be permitted in the floodway, provided:

1. The project qualifies for a Department of the Army, Portland District, Regional General Permit for Stream Habitat Restoration (NWP-2007-1023); and

2. A qualified professional (a registered professional engineer; or staff of NRCS, the county, or fisheries, natural resources, or water resources agencies) has provided a feasibility analysis and certification that the project was designed to keep any rise in 100-year flood levels as close to zero as practically possible given the goals of the project; and

3. No affected structures would be impacted by a potential rise in flood elevation; and

4. An agreement to monitor the project, correct problems, and ensure that flood carrying capacity remains unchanged is included as part of the local approval.

D. New installations of manufactured dwellings are prohibited (2002 Oregon Manufactured Dwelling and Park Specialty Code). Manufactured dwellings may only be located in floodways according to one of the following conditions:

1. If the manufactured dwelling already exists in the floodway, the placement was permitted at the time of the original installation, and the continued use is not a threat to life, health, property, or the general welfare of the public; or

2. A new manufactured dwelling is replacing an existing manufactured dwelling whose original placement was permitted at the time of installation and the replacement home will not be a threat to life, health, property, or the general welfare of the public and it meets the following criteria:

a. As required by 44 CFR Chapter 1, Subpart 60.3(d)(3), it must be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the manufactured dwelling and any accessory buildings, accessory affected structures, or any property improvements (encroachments) will not result in any increase in flood levels during the occurrence of the base flood discharge;

b. The replacement manufactured dwelling and any accessory buildings or accessory affected structures (encroachments) shall have the finished floor elevated a minimum of 18 inches (46 centimeters) above the BFE as identified on the flood insurance rate map;

c. The replacement manufactured dwelling is placed and secured to a foundation support system designed by an Oregon professional engineer or architect and approved by the authority having jurisdiction;

d. The replacement manufactured dwelling, its foundation supports, and any accessory buildings, accessory affected structures, or property improvements (encroachments) do not displace water to the degree that they cause a rise in the water level or divert water in a manner that causes erosion or damage to other properties;

e. The location of a replacement manufactured dwelling is allowed by local ordinances; and

f. Any other requirements deemed necessary by the director as having jurisdiction. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.486.]

15.343.070 Standards for shallow flooding areas (AO zones).

Shallow flooding areas appear on FIRMs as AO zones with depth designations. The base flood depths in these zones range from one to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions apply:

A. New construction and substantial improvements of residential affected structures and manufactured homes within AO zones shall have the lowest floor (including basement) elevated above the highest grade adjacent to the building

a minimum of one foot above the depth number specified on the FIRM (at least two feet if no depth number is specified).

B. New construction and substantial improvements of nonresidential affected structures within AO zones shall either:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM (at least two feet if no depth number is specified); or

2. Together with attendant utility and sanitary facilities, be completely floodproofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer or architect as in NMC 15.343.040(B)(2)(a)(iii).

C. Require adequate drainage paths around affected structures on slopes to guide floodwaters around and away from proposed structures.

D. If allowed, recreational vehicles placed on sites within AO zones on the community's FIRM either:

1. Be on the site for fewer than 180 consecutive days; and

2. Be fully licensed and ready for highway use, on its wheels or jacking system, be attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or

3. Meet the requirements of this section and the elevation and anchoring requirements for manufactured homes. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.487.]

15.343.080 Critical facilities.

Construction of new critical facilities shall be, to the extent possible, located outside the limits of the special flood hazard area (SFHA) (100-year floodplain). Construction of new critical facilities shall be permissible within the SFHA if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor elevated three feet above BFE or to the height of the 500-year flood, whichever is higher. Access to and from the critical facility should also be protected to the height utilized above. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities to the extent possible. [Ord. 2719 § 2 (Exh. B), 3-1-10. Code 2001 § 151.488.]

Chapter 15.352

RIVERFRONT (RD) OVERLAY SUBDISTRICT

Sections:
15.352.010 Purpose.
15.352.020 Where these regulations apply.
15.352.030 The Riverfront Plan general provisions.
15.352.040 Commercial design standards.
15.352.050 Residential design standards.
15.352.060 Mixed employment design standards for commercial development.
15.32.070 Mixed employment design standards for industrial development.

15.352.010 Purpose.
The purpose of the riverfront overlay subdistrict is to create a unique identity based on the district's special character as a result of its proximity to the Willamette River. The riverfront overlay subdistrict is also intended to encourage access to and enjoyment of the Willamette River and to protect and enhance views of and connections to the river. Specific building design standards for commercial, residential, and industrial buildings, streetscapes, and parking within the riverfront overlay subdistrict are included to achieve development that is consistent with the vision identified in the 2019 Riverfront Master Plan. This vision includes, but is not limited to, attractive pedestrian-oriented streets; an integrated mix of residential, commercial and industrial development; preservation of natural spaces along the riverfront; a network of off-street paths and trails; and space for large group activities such as concerts, cultural gatherings, or sporting events. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.1.]

15.352.020 Where these regulations apply.
The regulations of the chapter apply to the portion of any lot or development site which is within an RD overlay subdistrict. The delineation of the RD overlay subdistrict is described by boundary lines delineated on the City of Newberg zoning map indicated with an RD symbol. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.2.]

15.352.030 The Riverfront Plan general provisions.
A. Report Accepted. The 2019 Newberg Riverfront Master Plan was accepted by the city council on September 16, 2019 (Resolution No. 2019-3596). The development standards listed in this chapter shall take precedence over those listed in the report. If ambiguity exists, this code shall govern.

B. Permitted Uses and Conditional Uses. The permitted and conditional uses allowed under the RD overlay subdistrict shall be the same as those uses permitted in the base zoning districts, subject to the provisions of subsection (I) of this section.

C. Street, Bike Path, and Pedestrian Walkway Standards. All development improvements shall comply with standards contained in the 2019 Newberg Riverfront Master Plan.

D. View Corridors. Key views of the Willamette River shall be protected. Key views include the view from the top of the bluff, on the south side of the intersection of E Fourteenth Street and S River Street, and the view from the top of the bluff south of E Fourteenth Street generally between S College and S River Streets. These key views shall be protected as follows:

1. Any development on the south side of the intersections of E Fourteenth Street and S River Street, E Fourteenth Street and S College Street, and NE Waterfront Street shall provide a public viewing area accessible from E Fourteenth Street and NE Waterfront Street that allows views from the top of the bluff to the river. Any viewing area at this location shall be connected to the public esplanade or the E Fourteenth Street public sidewalk.

2. Development south of E Fourteenth Street and NE Waterfront Street shall protect views of the river by providing a public esplanade with a public walkway.

3. Development on the Riverfront Mill Site shall protect views of the river from the top of the bluff along the southern edge of the site, including at the northern terminus of the waterline bridge. Developments shall provide a public viewing area accessible from the future extension of E Fourteenth Street that allows views from the top of the bluff to the river and connects to a public sidewalk.

4. Additional key views of the Willamette River may be identified through the land use approval process. Additional views identified through the land use process may be protected through conditions of approval.

E. Significant Tree Grove. Oregon White Oaks within the significant tree grove located north of E Fourteenth Street and between S College and S River Streets shall be preserved, with the exception of removal necessary for a public infrastructure project or removal of trees deemed hazardous by a certified arborist.

F. Separate Rail Traffic from Other Modes. Transportation improvements to collector and arterial streets shall be designed with considerations intended to mitigate conflicts between rail traffic and other modes such as at-grade rail crossings.

G. Esplanade Development. Prior to the development of the riverfront esplanade, a slope stability and flood study shall be performed.

H. Limits to the Floor Area of Commercial and Office Development within the M-E/RD subdistrict. Within the M-E/RD subdistrict, limits to total floor area shall be imposed in order to (a) preserve the predominantly employment-focused nature of the district east of S River Street and (b) limit traffic impacts of development within the M-E/RD subdistrict on nearby intersections, as identified in the 2019 Riverfront Master Plan and its Transportation Planning Rule (TPR) findings. The limits are as follows:

1. Commercial Retail Development. Within the M-E/RD Subdistrict, the total combined floor area for development within the categories of commercial sales and rental uses, eating and drinking establishments, commercial services, and commercial recreation shall not exceed 60,000 square feet.

2. Commercial Office Development. Within the M-E/RD subdistrict, the total combined floor area for development in the category of commercial office shall not exceed 60,000 square feet. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.3.]

15.352.040 Commercial design standards.

A. General. The commercial design standards apply to any development located within the commercial zoning district(s) within the riverfront overlay subdistrict. These standards are in addition to the standards and requirements of the Newberg development code. The development standards listed in this chapter shall take precedence over those listed elsewhere in this code.

B. Minimum Lot Size. Within the commercial zoning district(s) of the riverfront overlay subdistrict, there is no minimum lot size required, provided the other standards of this code can be met.

C. Lot Coverage. The development site is permitted to have 100 percent lot coverage.

D. Building Maximum Square Footage Requirements. Except as otherwise may be approved through a conditional use permit, the ground floor of buildings shall not exceed 15,000 square feet.

E. Setbacks.

1. Minimum. No front yard setbacks are required. No side or rear yard setbacks are required, except where adjacent to residentially zoned property. Where interior lot lines are common with residentially zoned property, setbacks of not less than 10 feet shall be required.

2. Maximum.

a. The maximum front yard setback shall be 10 feet for at least 50 percent of the length of the street-facing lot line. A building must be constructed that is located within 10 feet of the street-facing lot line for at least

50 percent of the length of the street-facing lot line. If the development is on a corner lot, this standard applies to both streets.

b. The maximum front yard setback may be increased to 20 feet if the following conditions are met:

i. Landscaping or a hard-surfaced expansion of the pedestrian path must be provided between the front of the building and the sidewalk.

ii. For each 100 square feet of hard-surfaced area between the building and the street lot line, at least one of the following amenities must be provided:

(A) A bench or other seating that will accommodate at least three people.

(B) A tree with a minimum caliper of two and one-half inches.

(C) A landscape planter not less than 20 square feet in area.

(D) A drinking fountain.

(E) Similar pedestrian-scale amenities.

F. Vision Clearance. There is no vision clearance requirement within the commercial zoning districts located within the RF overlay subdistrict.

G. Signs. Signs shall comply with sign standards for the C-3 zone under this code, NMC 15.435.040 through 15.435.120.

H. Parking.

1. Interior Lots. Within a development site, parking is not permitted between a building and a public street. Parking must be located to the side or rear of buildings.

2. Corner Lots. Parking may be located no closer than 40 feet from the intersection of two public streets.

3. Minimum Required Off-Street Parking. The minimum number of required off-street parking spaces shall be 50 percent of the number required by NMC 15.440.030, except that no reduction is permitted for residential uses.

4. Off-Site Parking. Required off-street parking is permitted to be located off-site, as long as the off-street parking is located within 400 feet of the development.

5. Shared Parking. Shared parking facilities shall be exempt from setback and building square footage requirements, provided the parking facility does not abut Fourteenth Street. An intervening building must be provided between Fourteenth Street and the parking facility, or the facility must be set back a minimum of 40 feet from Fourteenth Street. Accessways to Fourteenth Street are permitted.

6. Bicycle Parking. Two bicycle parking spaces, or one per 5,000 square feet of building area, must be provided, whichever is greater.

7. Loading. Except as permitted in this subsection, loading areas shall be set back at least 10 feet from property lines and screened from the street and neighboring properties. Loading areas that are directly visible from the street or neighboring properties shall be screened using one of the following ways:

a. The loading area shall be incorporated into the building design and located internally to the building, with a door to the exterior.

b. The loading area shall be screened by a hedge, fence, or wall at least six feet in height. A hedge must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted as a form of screening loading areas.

I. Screening.

1. Refuse and Recycling. Refuse collection containers (dumpsters) and recycling areas shall be screened from the street and neighboring properties. Trash receptacles for pedestrian use are exempt from this requirement. One of the following standards must be met for refuse collection screening:

a. Refuse collection and recycling areas may be screened by being located completely within a building.

b. If located outside of a building, refuse collection and recycling areas must be located within an enclosure at least six feet in height. The enclosure shall be a sight-obscuring masonry wall or nonflammable sight-obscuring fence. The material selected for the enclosure must be consistent with the building materials permitted on the surrounding buildings. Slatted chain link fencing is not permitted.

2. Roof-Mounted Mechanical Equipment. All roof-mounted mechanical equipment (e.g., air conditioning, heating, ventilation ducts and exhaust vents, swimming pool and spa pumps and filters, transformers and generators, communications equipment, and similar equipment, excluding solar panels) must be screened from public view in one of the following ways:

a. A parapet as tall as the tallest part of the equipment;

b. A screen around the equipment that is as tall as the tallest part of the equipment; or

c. The equipment is set back from the street-facing perimeters of the building three feet for each foot of height of the equipment.

d. The review body may allow exemptions for equipment that contributes to the architectural design of the structure, such as piping in a brewery.

3. Ground-Mounted Equipment. Mechanical equipment on the ground must be screened from view by walls, fences, or vegetation as tall as the tallest part of the equipment. Any vegetation must be 95 percent opaque year-round. Fences or walls must be totally sight-obscuring. Slatted chain link fencing is not permitted.

J. Building Design.

1. Building Height. Maximum building height in the C-4 zone in the riverfront overlay subdistrict is 45 feet. Maximum building height in the C-1 zone in the riverfront overlay subdistrict is 30 feet. Minimum building height for all commercial zones in the riverfront overlay subdistrict is 16 feet on the exterior elevation, and a parapet can be included in the measurement.

2. Street-Facing Building Facades. Street-facing facades shall be varied and articulated to provide visual interest to pedestrians.

a. Street-facing building facades shall extend no more than 30 feet without providing a variation in building material or building offsets. Building offsets must articulate at least two feet.

b. Street-facing building facades shall be articulated into planes of 500 square feet or less either by setting part of the facade back at least two feet from the rest of the facade, or by the use of fascias, canopies, arcades, windows, breaks in relief, or other similar features.

c. Buildings must include changes in relief on 10 percent (in area) of facades facing public rights-of-way. Relief changes include cornices, bases, arcades, setbacks of at least two feet, canopies, awnings, projecting window features, or porticos.

3. Building Length. Building length shall not exceed 200 feet without a pedestrian connection through the building or between buildings. This is applicable to both a single building and to a group of individual buildings connected by common walls.

4. Building Materials. Building materials for all exterior sides with a primary or secondary entrance, excluding loading zones, shall convey an impression of durability.

a. Masonry, stone, stucco, and wood are permitted as the primary material for exterior appearance. Metal is not permitted as a primary exterior building material but may be used as an accent or awning.

b. Where concrete masonry units (concrete block) are used for exterior finish, decorative patterns must be used, such as split-face concrete block or by incorporating layering or patterns.

c. Where brick, rusticated concrete block, or stone masonry is used as a veneer material, it must be at least two and one-half inches thick. Brick and stone street-facing facades shall return at least 18 inches around exposed side walls.

d. Wood or wood-look siding must be lap siding, board and batten, shingle siding or channel siding and is not permitted to be applied in a diagonal or herringbone pattern. T1-11 and all other wood-based "full sheet" or panel-type siding is prohibited. Lap siding, shingles, and shakes shall be exposed a maximum of six inches to the weather. In board and batten siding, battens shall be spaced a maximum of eight inches on center.

e. Preferred colors for exterior building finishes are earth tones, creams, and pastels of earth tones. High-intensity primary colors, metallic colors, and black may be used for trim or accent colors but are not permitted as primary wall colors.

5. Ground-Floor Windows. Exterior walls on the ground level which face a street lot line or other public right-of-way must have windows at least 50 percent of the length and 25 percent of the ground-level wall area. Ground-level wall areas include all exterior wall areas up to nine feet above the finished grade. To qualify as ground-floor windows, window sills must be no more than four feet above exterior grade. The ground-floor window requirement does not apply to the walls of residential units. Qualifying window features must be either windows or doors that allow views into working areas or lobbies, pedestrian entrances, or display windows set into the wall. See Appendix A, Figure 25.

6. Window Glazing. Any windows facing public rights-of-way on the ground floor shall have clear glazing. Restroom windows are exempt from this requirement. On any floor, tinted or reflective glass shall not be visible from public rights-of-way, other than ornamental stained glass windows.

7. Main Building Entrance. Within the riverfront commercial district, the main building entrance shall connect to adjacent public rights-of-way with a paved walkway at least six feet in width. For buildings with more than one major entrance, only one entrance is required to meet the main building entrance standard. The walkway must not be more than 120 percent or 20 feet longer than the straight line distance between the entrance and the closest improved right-of-way, whichever is less.

8. Pedestrian Access to Esplanade. Buildings on properties adjacent to the esplanade shall provide pedestrian access to and a door facing the esplanade.

K. Landscaping. Where 100 percent of a lot is covered by a building, no landscaping is required.

1. All setback areas and lands not otherwise developed shall be landscaped. Courtyards, plazas and pedestrian walkways, esplanades and natural riparian vegetation are considered to be landscaping.

2. Parking Lot Landscaping. In addition to other Newberg development code standards for interior parking lot landscaping, special screening standards shall apply to parking lots. Parking areas shall be screened from neighboring properties and public rights-of-way. Perimeter landscaping at least five feet in width shall be provided. The following standards must be met for the perimeter landscaping areas:

a. Enough low shrubs to provide a continuous screen at least three feet high and 95 percent opaque year-round.

b. One tree per 30 linear feet or enough trees to provide a tree canopy over the landscaped area.

c. Ground cover plants, perennials, or shrubs must fully cover the remainder of the landscaped area.

d. A three-foot-high masonry wall may substitute for the shrubs, but trees and ground cover at the above-cited rates are still required.

L. Outdoor Storage and Display.

1. Outdoor Storage. Outdoor storage of merchandise or materials directly or indirectly related to a business is prohibited.

2. Outdoor Display. Outdoor display of merchandise is permitted during business hours only. A minimum pedestrian walkway of six-foot clear width must be maintained at all times.

M. Outdoor Seating. Outdoor seating is encouraged on public sidewalks and the esplanade. A minimum pedestrian walkway of six-foot clear width must be maintained at all times. [Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2564, 4-15-02. Code 2001 § 151.527.4.]

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

A. Facade Design Features.

1. For single-family detached dwellings, duplex dwellings, triplex dwellings, quadplex dwellings, townhouse dwellings, and manufactured homes on individual lots, at least two of the following design features must be provided on the street-facing facade:

a. Covered front porch at least six feet in width and length.

b. Eaves (minimum 12-inch overhang).

c. Bay or bow windows.

d. Dormers.

e. Window shutters.

f. Cupolas.

g. Horizontal lap siding.

2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

3. Townhouse dwellings shall be exempt from the unit definition standards of NMC 15.415.050(B)(3).

B. Standards for Garage Doors and Parking in Residential Zones.

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

a. The garage must not be more than 40 percent of the length of the street-facing facade or 12 feet wide, whichever is greater.

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

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

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

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

3. If carports are provided on surface lots, they must be of an architectural design that is compatible with the dwelling structure, and be constructed of similar materials. [Ord. 2889 § 2 (Exh. B § 25), 12-6-21; Ord. 2880 § 2 (Exh. B §§ 34, 35), 6-7-21; Ord. 2868 § 1 (Exh. A), 11-16-20; Ord. 2747 § 1 (Exh. A § 12), 9-6-11; Ord. 2564, 4-15-02. Code 2001 § 151.527.5.]

Chapter 15.425

EXTERIOR LIGHTING

Sections:
15.425.010 Purpose.
15.425.020 Applicability and exemptions.
15.425.030 Alternative materials and methods of construction, installation, or operation.
15.425.040 Requirements.

15.425.010 Purpose.
The purpose of this chapter is to regulate the placement, orientation, distribution patterns, and fixture types of on-site outdoor lighting. The intent of this section is to provide minimum lighting standards that promote safety, utility, and security, prevent glare on public roadways, and protect the privacy of residents. [Ord. 2537, 11-6-00. Code 2001 § 151.585.]

15.425.020 Applicability and exemptions.
A. Applicability. Outdoor lighting shall be required for safety and personal security in areas of assembly, parking, and traverse, as part of multifamily residential, commercial, industrial, public, recreational and institutional uses. The applicant for any Type I or Type II development permit shall submit, as part of the site plan, evidence that the proposed outdoor lighting plan will comply with this section. This information shall contain but not be limited to the following:

1. The location, height, make, model, lamp type, wattage, and proposed cutoff angle of each outdoor lighting fixture.

2. Additional information the director may determine is necessary, including but not limited to illuminance level profiles, hours of business operation, and percentage of site dedicated to parking and access.

3. If any portion of the site is used after dark for outdoor parking, assembly or traverse, an illumination plan for these areas is required. The plan must address safety and personal security.

B. Exemptions. The following uses shall be exempt from the provisions of this section:

1. Public street and airport lighting.

2. Circus, fair, carnival, or outdoor governmentally sponsored event or festival lighting.

3. Construction or emergency lighting, provided such lighting is discontinued immediately upon completion of the construction work or abatement of the emergency necessitating said lighting.

4. Temporary Lighting. In addition to the lighting otherwise permitted in this code, a lot may contain temporary lighting during events as listed below:

a. Grand Opening Event. A grand opening is an event of up to 30 days in duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event.

b. Other Events. A lot may have two other events per calendar year. The events may not be more than eight consecutive days in duration, nor less than 30 days apart.

5. Lighting activated by motion sensor devices.

6. Nonconforming lighting in place as of September 5, 2000. Replacement of nonconforming lighting is subject to the requirements of NMC 15.205.010 through 15.205.100.

7. Light Trespass onto Industrial Properties. The lighting trespass standards of NMC 15.425.040 do not apply where the light trespass would be onto an industrially zoned property. [Ord. 2720 § 1(18), 11-2-09; Ord. 2537, 11-6-00. Code 2001 § 151.586.]

15.425.030 Alternative materials and methods of construction, installation, or operation.
The provisions of this section are not intended to prevent the use of any design, material, or methods of installation or operation not specifically prescribed by this section, provided any such alternate has been approved by the director. Alternatives must be an approximate equivalent to the applicable specific requirement of this section and must comply with all other applicable standards in this section. [Ord. 2537, 11-6-00. Code 2001 § 151.587.]

15.425.040 Requirements.
A. General Requirements – All Zoning Districts.

1. Low-level light fixtures include exterior lights which are installed between ground level and six feet tall. Low-level light fixtures are considered nonintrusive and are unrestricted by this code.

2. Medium-level light fixtures include exterior lights which are installed between six feet and 15 feet above ground level. Medium-level light fixtures must either comply with the shielding requirements of subsection (B) of this section, or the applicant shall show that light trespass from a property has been designed not to exceed one-half foot-candle at the property line.

3. High-level light fixtures include exterior lights which are installed 15 feet or more above ground level. High-level light fixtures must comply with the shielding requirements of subsection (B) of this section, and light trespass from a property may not exceed one-half foot-candle at the property line.

B. Table of Shielding Requirements.

Fixture Lamp Type	Shielded
Low/high pressure sodium, mercury vapor, metal halide and fluorescent over 50 watts	Fully
Incandescent over 160 watts	Fully
Incandescent 160 watts or less	None
Fossil fuel	None
Any light source of 50 watts or less	None
Other sources	As approved by NMC 15.425.030

Note: “Incandescent” includes tungsten-halogen (quartz) lamps.

[Ord. 2537, 11-6-00. Code 2001 § 151.588.]

Chapter 15.430

UNDERGROUND UTILITY INSTALLATION

Sections:
15.430.010 Underground utility installation.

15.430.010 Underground utility installation.

A. All new utility lines, including but not limited to electric, communication, natural gas, and cable television transmission lines, shall be placed underground. This does not include surface-mounted transformers, connections boxes, meter cabinets, service cabinets, temporary facilities during construction, and high-capacity electric lines operating at 50,000 volts or above.

B. Existing utility lines shall be placed underground when they are relocated, or when an addition or remodel requiring a Type II design review is proposed, or when a developed area is annexed to the city.

C. The director may make exceptions to the requirement to underground utilities based on one or more of the following criteria:

1. The cost of undergrounding the utility is extraordinarily expensive.

2. There are physical factors that make undergrounding extraordinarily difficult.

3. Existing utility facilities in the area are primarily overhead and are unlikely to be changed. [Ord. 2537, 11-6-00. Code 2001 § 151.589.]

De-annexation Discussion

City Council Briefing

May 4, 2026

City Council Goals

- *Goal 4. Implement a careful and prudent fiscal policy.*
  - *Objective 3. Ensure that the city has a long-term financial plan that supports its goals and objectives.*
- *Continuous Goal E. Further strategic planning and growth with local taxing districts.*

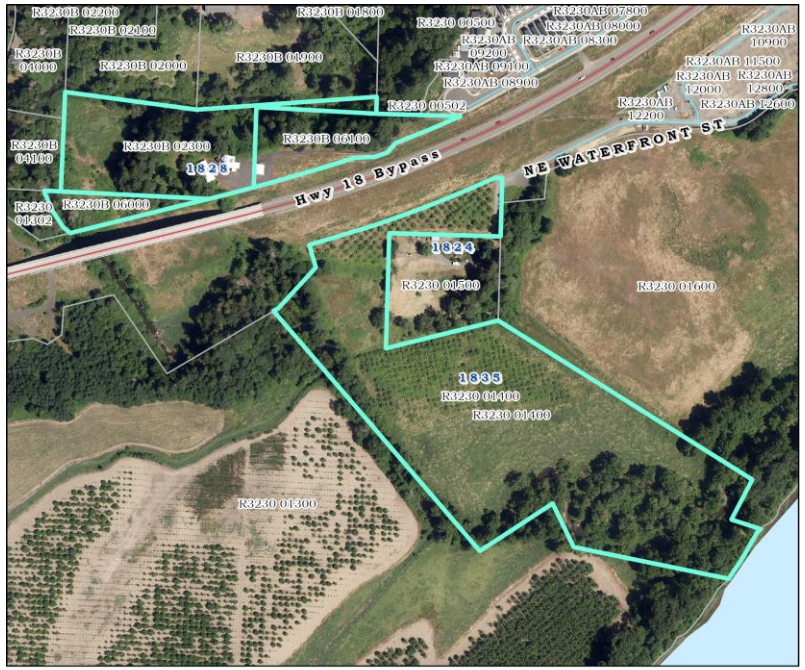
Staff Recommendation

- No action is requested at this time. Receive information on the property owner's request to de-annex 1828 and 1835 Waterfront Street and provide any initial feedback prior to the public hearing.

Background

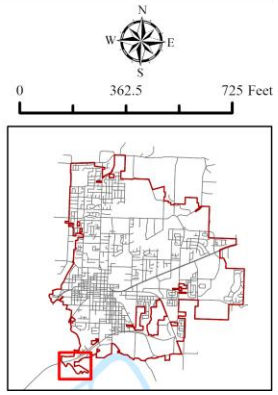
- CDD held a pre-application meeting regarding the development of single-family dwellings, a storage facility, and potential de-annexation.
- The properties were annexed in 2006 through Ordinance No. 2006-2651.
- The sites are zoned R-2/RD and contain significant areas of the Stream Corridor Overlay and Areas of Special Flood Hazard Overlay, and are approximately 20.05, 2.38, 5.02, and 0.98 acres in size.

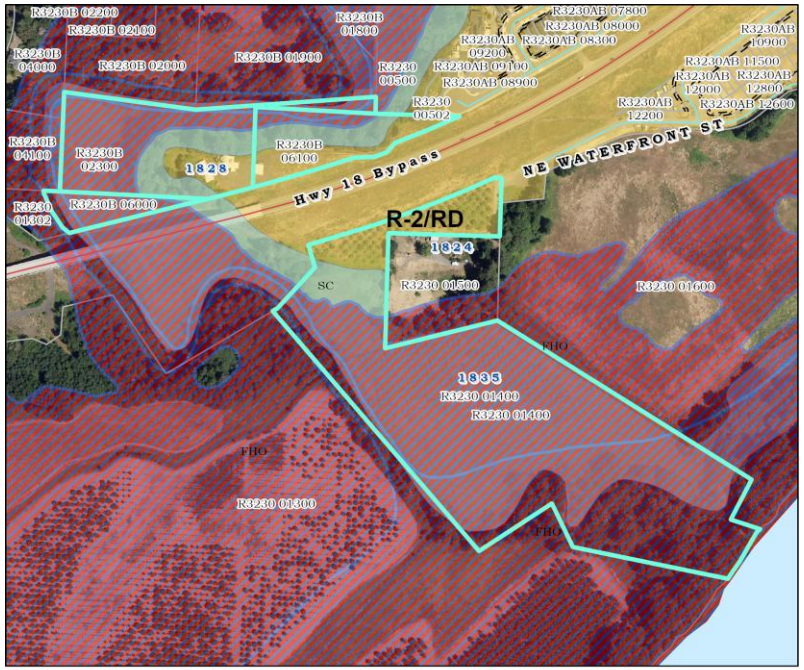
De-annexation discussion



Aerial Map

- Subject Property
- Taxlots



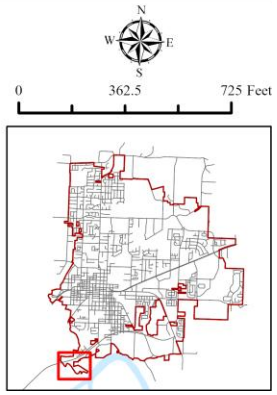


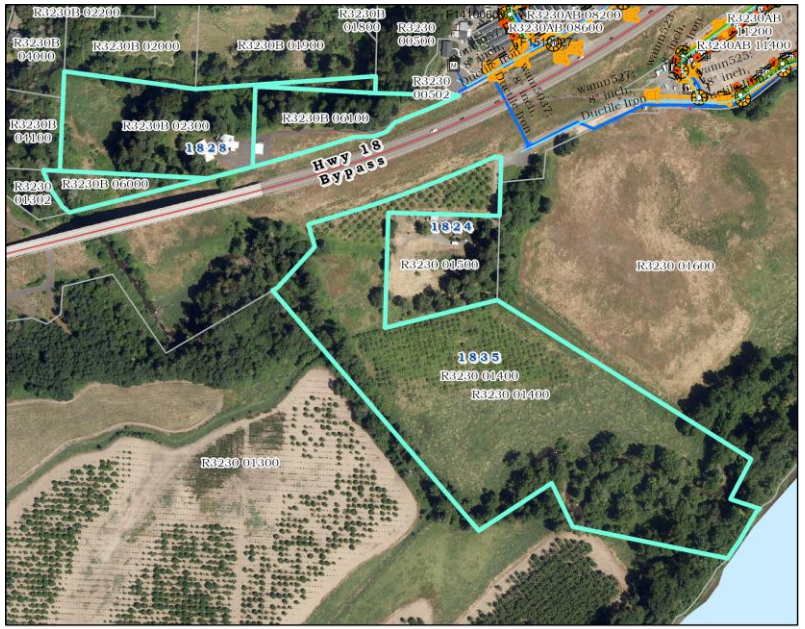
Zoning Map

- Subject Property
- Taxlots
- Special Flood Hazard
- Stream Corridor

ZONING

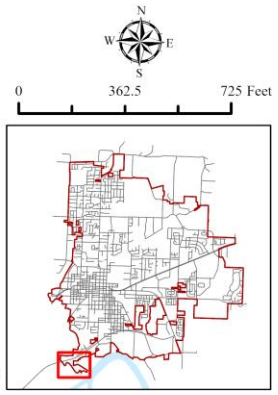
- R-2/RD Riverfront District



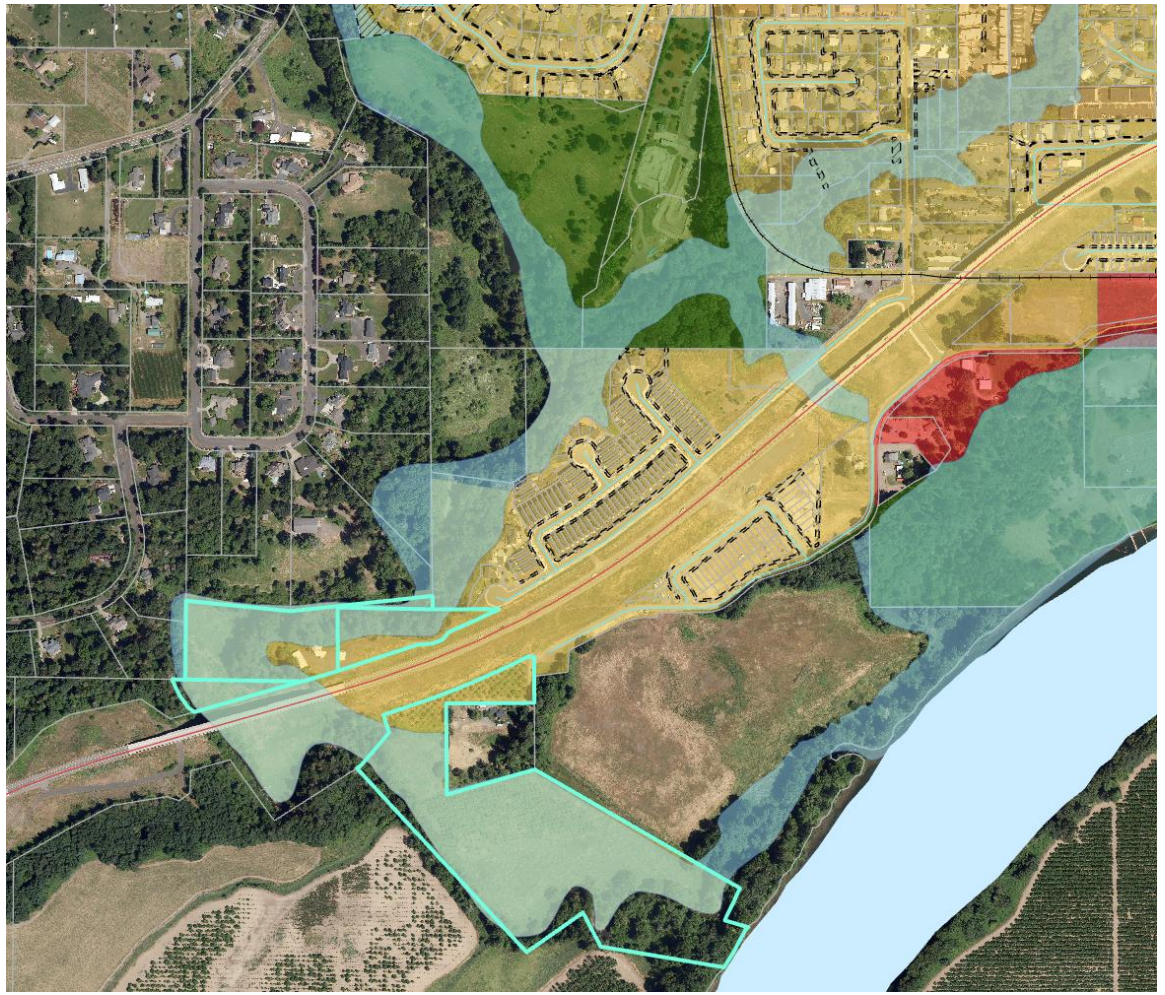


Utilities Map

- Subject Property
- Taxlots
- Sewer CleanOut
- Sewer Manholes
- Sewer Laterals
- Gravity Main
- Storm Manhole
- Active Storm Inlet
- Collector Storm Pipe
- Water Meter
- Water Valves
- CITY OF NEWBERG, Potable Main
- Hydrant Lateral
- Service Lateral



De-annexation discussion

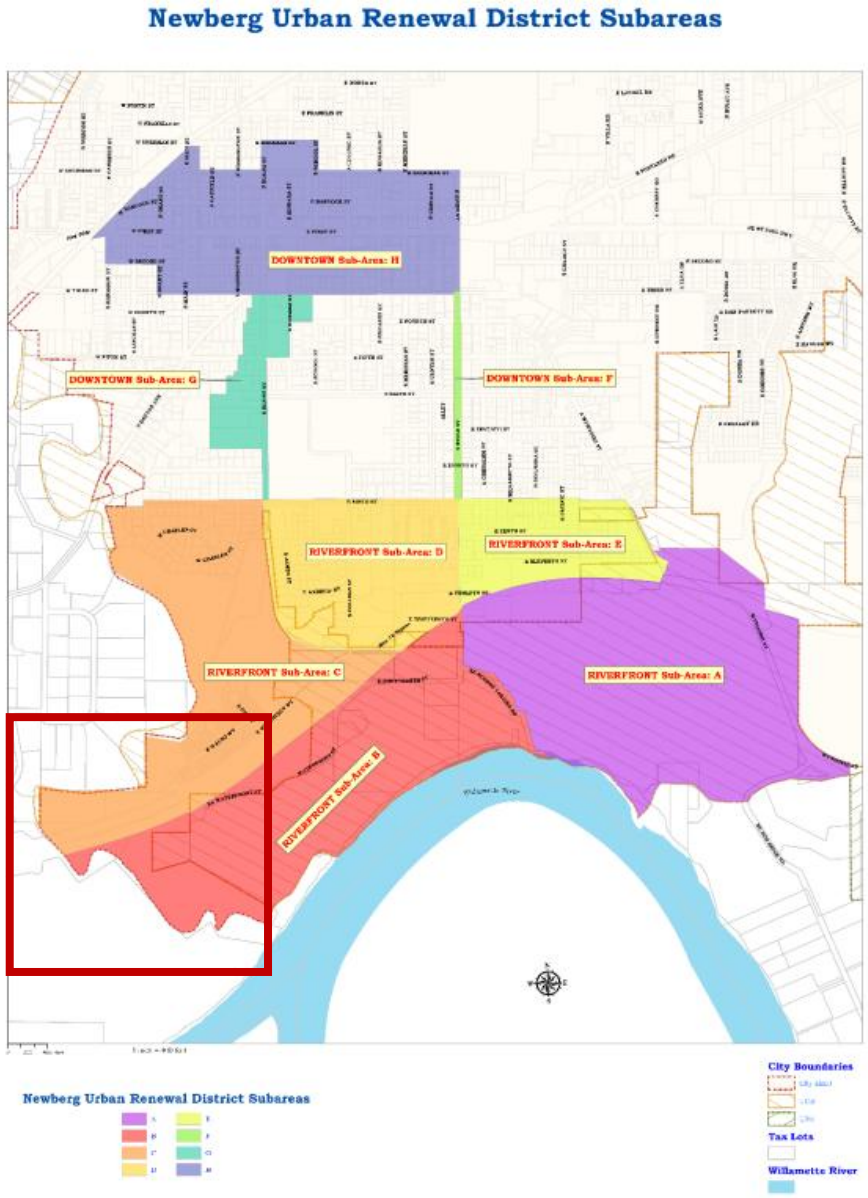


Process – ORS 222.460, 465, and 524

- City Council adopting a resolution initiating the withdrawal from the territory.
- City Council holding a public hearing on the withdrawal no later than 30 days after the adoption of the resolution.
- City Council consideration of entering an order on the withdrawal.
- City Council holding a final public hearing on the withdrawal not less than 20 days or more than 50 days after the date of the order.
- City Council by resolution or ordinance declares the territory detached from the City.

Process

- Would be referred to/coordinated with Yamhill County. Initial discussions indicate that the sites would revert to the previous county zoning prior to annexation.
- The withdrawn area would remain subject to any bonded or other indebtedness existing at the time of the de-annexation.
- The sites are also within the Newberg Urban Renewal Area, which would require a Minor amendment and approval by the Newberg Urban Renewal Agency by resolution if removed.
- Staff recommends condition of approval requiring a non-remonstrance or other agreement regarding removal of the land from the Newberg UGB.



The 2025 assessed values for the tax lots were:

- R3230B 06000: $3,684
- R3230B 06100: $47,399
- R3230B 02300: $52,560
- R3230 01400: $2,694

SB 1537

- If de-annexation is approved, staff would recommend amending the city's UGB, as development in the county would likely preclude development at urban densities in the future.
- This could occur standalone, with the 2027-2028 housing planning, or through SB 1537 "one-time" provisions.
  - SB 1537 allows a lands swap *in lieu* of other "one-time" UGB expansion for affordable housing provisions.
  - The land swap areas must be roughly equivalent in size, the removed lands must be zoned for residential uses, and the added site must be zoned for residential uses at the same or greater density than the removed lands.

Thank you!

Questions?

REQUEST FOR COUNCIL ACTION

Date Action Requested: May 4, 2026

Order ☐ Ordinance ☐ Resolution ☐ Motion ☐ Information ☒ Proclamation ☐	
Subject: Street Closure and Regulation of Rights-of-Way in Newberg Municipal Code	Staff: Jeremiah Cromie Department: Community Development
Work Session ☒ Business Session ☐	Order On Agenda: New Business

Is this item state mandated? Yes ☒ No ☒

If yes, please cite the state house bill or order that necessitated this action: HB2658 (2025) which limits a city's authority to require street frontage improvements in some circumstances.

Executive Summary:

The City's current street closure process and right-of-way procedures currently have conflicting code language regarding who has authority over certain right-of-way permits and the criteria and procedures that apply to street closures and frontage improvements. This has resulted in confusion among departments and the public including the Wednesday Night Market street closure application in 2025. The result of that application indicated the need for changes to the Newberg Municipal Code and permitting processes.

As such, Community Development staff convened a work group comprised of staff in Planning, Development Engineering, Capital Engineering, Police (Code Compliance), Public Works Operations, and City Administration. While the team continues to work together to refine the process, the proposed code amendments accomplish the following:

1. Clarify and streamline the permit process for all special events and street closures. The Police Department will be the decision maker on all special events permits and street closures that are not related to construction, including non-consecutive day events (will include Public Works Maintenance and Capital Engineering as part of review process).
2. Establish clear criteria for where streets can be closed (not on arterials, major collector streets).
3. Establish separate criteria for temporary encroachments (i.e. dumpsters/storage containers), including how long they can stay on street.

Staff are seeking feedback from Council regarding street closures and the right-of-way permit process. Staff is also requesting direction regarding fees, if any, that should be required for street closure permits. Any fee proposal may be incorporated into the update to the Master Fees Schedule that is currently in process.

Fiscal Impact: No direct fiscal impact. The updated permit process and OpenGov automation should improve customer service and reduce staff workload.

Council Goals:

Goal 1: Continue to create and maintain a high level of customer service
Goal 4: Create and maintain a high level of transparency with our residents in order to build trust

Attachment 1: Potential DRAFT Code Amendments of Title 2, 10 and 12

ATTACHMENT 1.
DRAFT Right-of-Way and Street Closure Code Amendments

Formatting of amendments:

- Code edits and revisions are indicated using double underline for text additions and ~~strike-outs~~ text for deletions.

2.15.040 Chief of police – Powers and duties generally.

The powers and duties of the chief of police shall generally be as follows:

A. Establish departmental objectives in line with city council goals. Plan and develop law enforcement policies, procedures, standards and programs based on an analysis of city growth, crime patterns, workload, staffing levels and related economic, legislative and judicial influences to provide appropriate and effective law enforcement services to the community.

B. Have authority and responsibility for the fiscal management of the department, including developing justification for and presentation of department budget requests.

1. Manage and monitor approved department budgets.

2. Prepare and/or review department requests for proposals.

3. Review, prepare and approve department expenditures.

C. Assign, supervise and evaluate the work of subordinates.

1. Hear grievances from and administer disciplinary action to department personnel.

2. Interview and effectively recommend department hiring and termination actions.

3. Ensure provision of adequate training within the department.

D. Supervise and assist in major departmental problems, crimes or accidents and perform such additional duties as may be assigned by the city manager.

E. Prepare reports and advise the city manager and city attorney in regard to resolutions and ordinances pertaining to public safety matters for city council information or action.

F. The chief of police or their designee is authorized to make decisions on all temporary street closures or other temporary traffic changes due to special events, such as Old Fashioned Festival (parade) and other public functions.

D. Permits for closure of the Newberg cultural district festival street are issued under NMC 12.05.245.

Staff Comment: City Engineer was never found in record from ordinances. Ord. 2427 gives the authority for street closures to the "chief of police". Engineering Department will still be part of review process for closures of streets. This is to update that the Chief of Police and/or designee has the authority for all temporary street closures (moved from 2.15.470)

2.15.470 Authority of city engineer.

The city engineer will have the authority to make traffic decisions as follows:

A. General Authority. The city engineer will have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the city engineer will designate the findings as to reasons for taking such action, will make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the traffic safety commission.

B. Appeal to Commission. At the next regularly scheduled meeting, the city engineer will ratify, affirm, alter or change the action.

~~C. The city engineer and/or designee will have authority to make decisions on all temporary street closures or other temporary traffic changes due to special events, such as Old Fashioned Festival (parade) and other public functions.~~

~~D. Permits for closure of the Newberg cultural district festival street are issued under NMC 12.05.245. [Ord. 2829 § 1 (Exh. B), 4-2-18; Ord. 2779 § 3, 2-17-15; Ord. 2743 § 1, 10-3-11; Ord. 2427. Code 2001 § 32.29.]~~

Staff Comment: City Engineer was never found in record from ordinances. Ord. 2427 gives the authority for street closures to the "chief of police". Engineering Department will still be part of review process for closures of streets. Moved these sections to chief of police powers in 2.15.040

Article IV. Parades

10.10.140 Prohibited activity.

No person shall organize or participate in a parade which may disrupt or interfere with traffic without obtaining a permit. A permit shall always be required of a procession of people utilizing

the public right-of-way and consisting of 100 or more persons or 25 or more vehicles, other than funerals. [Ord. 1712, 9-17-73. Code 2001 § 71.45.]

Penalty: See NMC 10.10.400.

10.10.150 Parade permit.

A. Application for a parade permit shall be made to the chief of police or their designee at least ~~15~~ 45 days prior to the intended date of the parade, unless the time is waived by the chief of police or their designee.

B. Applications shall include the following information:

1. The name and address of the person responsible for the proposed parade.

2. The date of the proposed parade.

3. The desired route, including assembling points.

4. The number of persons, vehicles and animals which will be participating in the parade.

5. The proposed starting and ending time.

6. The application shall be signed by the person designated as chairman.

C. If the chief of police or their designee, upon receipt of the application, determines that the parade can be conducted without endangering public safety and without ~~seriously~~ significantly inconveniencing the general public, the chief of police shall approve the route and issue the permit.

D. If the chief of police or their designee determines that the parade cannot be conducted without endangering public safety or significantly ~~seriously~~ inconveniencing the general public, the chief of police or their designee may:

1. Propose an alternate route.

2. Propose an alternate date.

3. Refuse to issue a parade permit.

E. The chief of police or their designee shall notify the applicant of the chief of police or their designee's decision within ~~five~~ fifteen days of receipt of the application.

F. If the chief of police or their designee denies the permit, proposes alternatives to the proposed route, or refuses to issue a permit, the applicant shall have the right to appeal the chief of police or their designee's decision to the city council. [Ord. 1712, 9-17-73. Code 2001 § 71.46.]

Penalty: See NMC 10.10.400.

10.10.160 Appeal to city council.

A. An applicant may appeal the decision of the chief of police or their designee by filing a written request of appeal with the city recorder within five days after the chief of police or their designee has proposed alternatives or refused to issue a permit.

B. The city council shall schedule a hearing date following the filing of the written appeal with the city recorder and shall notify the applicant of the date and time that the applicant may appear either in person or by a representative. [Ord. 1712, 9-17-73. Code 2001 § 71.47.]

10.10.170 Offenses against parade.

A. No person shall unreasonably interfere with a parade or parade participant.

B. No person shall operate a vehicle that is not part of a parade between the vehicles or persons comprising a parade. [Ord. 1712, 9-17-73. Code 2001 § 71.48.]

Penalty: See NMC 10.10.400.

10.10.180 Permit revocable.

The chief of police or their designee may revoke a parade permit if circumstances clearly show that the parade can no longer be conducted consistent with public safety. [Ord. 1712, 9-17-73. Code 2001 § 71.49.]

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Chapter 12.05
STREETS AND SIDEWALKS

Sections:

Article I. Street and Sidewalk Construction

12.05.010 Sidewalks.
12.05.020 Permits.
12.05.030 *Deleted*.
12.05.040 Construction and maintenance of sidewalks.
12.05.050 Notice.
12.05.060 Repair permits and enforcement.
12.05.070 Assessment.
12.05.080 Liability for damages.
12.05.090 Permits and certificates.
12.05.100 Closing of streets during construction.
12.05.110 Barriers.
12.05.120 Prohibited action.

Article II. Excavations

12.05.130 *Repealed.*
12.05.140 *Repealed.*

Article III. Driveway, Curb, and Gutter Construction

12.05.150 Definitions.
12.05.160 Permits.
12.05.170 Supervision.
12.05.180 Construction.
12.05.190 Maintenance and removal.
12.05.200 Variances.

Article IV. Street and Sidewalk Obstructions

12.05.210 Structures placed on streets.
12.05.220 Construction.
12.05.230 Merchandise on sidewalks or parking strips.
12.05.240 Permits.
12.05.245 Permit for use of the cultural district festival street.

Article V. Maintenance of Planter Strips, Landscaping, and Trees in the Right-of-Way

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12.05.250 Required maintenance of planter strips.
12.05.260 Tree removal and pruning.

Article VI. Managing the Reasonable Access to the Public Right-of-Way, Establishing a Privilege Tax, and Setting Out Terms and Conditions for Performing Work in Rights-of-Way

12.05.270 Purpose and intent.
12.05.280 Jurisdiction and management of the public rights-of-way.
12.05.290 Regulatory fees and compensation not a tax.
12.05.300 Definitions.
12.05.310 Licenses.
12.05.320 Construction and restoration.
12.05.330 Location of facilities.
12.05.340 Leased capacity.
12.05.350 Maintenance.
12.05.360 Vacation.
12.05.370 Privilege tax.
12.05.380 Audits.
12.05.390 Insurance and indemnification.
12.05.400 Compliance.
12.05.410 Confidential/proprietary information.
12.05.420 Severability and preemption.
12.05.430 Application to existing agreements.

Article VII. Penalty

12.05.440 Penalty.

Article I. Street and Sidewalk Construction

12.05.010 Sidewalks.

All sidewalks within the city shall be constructed or reconstructed in compliance with the city standard specifications and drawings as adopted by resolution or resolutions of the city council. [Ord. 2156, 12-3-84; Ord. 1831, 10-4-76; Ord. 1656, 6-5-72; Ord. 992, 11-4-46; Ord. 929, 7-2-40. Code 2001 § 96.01.]

Penalty: See NMC 12.05.440.

12.05.020 Permits.

A. ~~Any person who may desire~~A permit is required to construct or that is required by the city engineer or their designee to construct any sidewalk or curb upon public right-of-way ~~property~~

in the city, except that no permit is required for sidewalk or curb construction by City staff or the City's contractors on City projects. ~~shall, before commencing work, apply to the city engineer for a permit; and such application~~

B. Applications for permits under this section shall specify the property along which such walk or curb is to be laid, the name of the person for whom same is to be constructed, by whom the same is to be done, and the time within which same is to be completed.

C~~B~~. It is made the duty of the city engineer or their designee to issue permits for public sidewalks in the city. No person shall construct or cause to be constructed any walk or curb in the city without such permit [Ord. 2048, 3-2-81; Ord. 929, 7-2-40. Code 2001 § 96.02.]

Penalty: See NMC 12.05.440.

12.05.030 Records and reports.

Deleted during 2011 recodification. [Ord. 2048, 3-2-81; Ord. 929, 7-2-40. Code 2001 § 96.03.]

Penalty: See NMC 12.05.440.

12.05.040 Construction and maintenance of sidewalks.

It shall be the duty of the owners of land adjoining any street or highway within the city to construct a portland cement sidewalk when directed by the city engineer or their designee. It shall be the duty of the city engineer or their designee to serve written notice to the property owner in accordance with NMC 12.05.050. It shall be the duty of the owners of land adjoining any sidewalk or curb, if the two are integral, to maintain both the sidewalk or curb in good repair to provide safe public access. [Ord. 2089, 7-7-82; Ord. 929, 7-2-40. Code 2001 § 96.04.]

Penalty: See NMC 12.05.440.

12.05.050 Notice.

~~If the owner of any such land adjoining any street in the city shall fail to have and keep in good repair the sidewalk and/or curb in front of, along and abutting upon such land and/or where no sidewalk or curb exists and in the opinion of the city engineer a sidewalk and/or curb or both is needed, the city engineer shall post a notice of such land describing the sidewalk to be constructed, repaired or reconstructed by termini or otherwise and directing such owner, owner's agent or the occupant of such land to immediately construct, reconstruct or repair such sidewalk in a good and substantial manner and in accordance with the provisions of this chapter. Such notice shall describe such land by street number or otherwise shall state the date~~

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~~of posting same, shall require such owner, occupant or agent to complete such construction, reconstruction and/or repair within 90 days after such date of posting and shall state that a lien may be levied and assessed upon such land for the cost of the construction, reconstruction and/or repair of such sidewalk and that such owner, occupant or agent may be subjected to the penalties provided by this chapter in the event of failure to so construct, reconstruct and/or repair said sidewalk within the time specified by said notice. Said notice shall also set forth the provisions of NMC 12.05.080 as amended. The city engineer shall file with the city an affidavit of posting stating the date and place of such posting and send a similar notice by mail to the owner of such land if known or to the agent of such owner if known, directed to the last known post office address of such owner or agent. A mistake in the name of the owner or agent or a name other than that of the true owner or agent of such property shall not render void such notice, but in such case, the posted notice shall be sufficient. [Ord. 2733 Att. A, 2-7-11; Ord. 2048, 3-2-81; Ord. 1145, 2-1-54; Ord. 929, 7-2-40. Code 2001 § 96.05.]~~

A. Upon finding the owner of land abutting any sidewalk and/or curb has failed to maintain and keep in good repair that sidewalk and/or curb and in the opinion of the city engineer or their designee, maintenance or repair of the a sidewalk and/or curb is needed, the city engineer or their designee shall post a notice of such land describing the sidewalk to be constructed, repaired or reconstructed by termini or otherwise and directing such owner, owner's agent or the occupant of such land to immediately construct, reconstruct or repair such sidewalk in a good and substantial manner and in accordance with the provisions of this chapter.

B. Where in the opinion of the city engineer or their designee a sidewalk and/or curb is needed, and the property abutting the street where said sidewalk and/or curb is needed is subject to an agreement with the city requiring the construction of a sidewalk and/or curb, the city engineer or their designee shall post a notice of such land describing the sidewalk to be constructed or reconstructed by termini or otherwise and directing such owner, owner's agent or the occupant of such land to immediately construct, reconstruct or repair such sidewalk in a good and substantial manner and in accordance with the provisions of this chapter.

C. Notices issued under this section shall describe such land by street number or otherwise shall state the date of posting same, shall require such owner, occupant or agent to complete such construction, reconstruction and/or repair within 90 days after such date of posting and shall state that a lien may be levied and assessed upon such land for the cost of the construction, reconstruction and/or repair of such sidewalk and that such owner, occupant or agent may be subjected to the penalties provided by this chapter in the event of failure to so construct, reconstruct and/or repair said sidewalk within the time specified by said notice. Said notice shall also set forth the provisions of NMC 12.05.080 as amended. The city engineer or their designee shall file with the city an affidavit of posting stating the date and place of such posting and send a similar notice by mail to the owner of such land if known or to the agent of such owner if known, directed to the last known post office address of such owner or agent. A mistake in the name of the owner or agent or a name other than that of the true owner or agent of such property shall not render void such notice, but in such case, the posted notice shall be sufficient.

Staff Comment: Restructured for clarity and that outside of repair requirements, city engineer or designee can only require new sidewalk where subject to an agreement. This is typically a non-remonstrance agreement to forming a local improvement district (LID) or make improvements at Owner's cost if required by City. This is most often used when there is a localized project where there are not adjacent improvements at this time.

12.05.060 Repair permits and enforcement.

Before reconstructing and/or repairing any such sidewalks, such owner, agent or occupant shall obtain a permit from the city engineer or their designee describing the nature and type of construction, repair and/or reconstruction which is to be done, together with the materials and specifications, and the name of the contractor who will do the work, all in accordance with the provisions of this chapter. Said owner, agent or occupant shall proceed to complete such construction, repair and/or reconstruction in accordance with such permit in this article within the said period of 90 days of posting such notice. If the owner, agent or occupant of such land shall fail, neglect or refuse to so complete such construction, repairs and/or reconstruction within said time, the city engineer or their designee shall make and complete the same keeping an accurate record and account of cost of labor and materials for the work done on the sidewalk or sidewalks in front of or abutting each parcel of land. The city engineer shall report to the city council the cost of such construction, repairs and/or reconstruction, segregated as to the sidewalk or portion of the sidewalk in front of, adjacent or abutting upon each separate lot or parcel of land. Said report shall also describe each lot or parcel of land in a manner sufficient for identification. [Ord. 2048, 3-2-81; Ord. 1145, 2-1-54; Ord. 929, 7-2-40. Code 2001 § 96.06.]

12.05.070 Assessment.

The city engineer or their designee ~~council~~ shall exercise general supervision and authority over all sidewalk construction, repairs and/or reconstruction within the city., ~~and it~~The city council shall ~~inspect and~~ examine all reports of sidewalk construction, reconstruction and/or repair made by the city engineer or their designee. ~~and if it~~ If the city council deems the cost of the construction, reconstruction and/or repair to be reasonable, it ~~shall approve the same. Thereafter, the city council~~ may ~~shall~~ assess each lot, tract or parcel of land fronting on or abutting or adjoining such sidewalk so constructed, repaired and/or reconstructed in accordance with state law the cost of such construction, repairs and/or reconstruction ~~as approved by the city council~~, together with the additional sum of 15 percent of such cost to defray cost of notice, engineering and advertising. Such assessment shall be entered on the docket of the city liens and collected in the same manner as is provided for special assessments for street improvements. [Ord. 2048, 3-2-81; Ord. 1145, 2-1-54; Ord. 929, 7-2-40. Code 2001 § 96.07.]

Cross-reference: See ORS Chapter 308 pertaining to assessments.

12.05.080 Liability for damages.

All owners of land within the corporate limits of the city who shall fail to keep and maintain in good repair all sidewalks constructed or existing along, abutting or adjacent to their said land shall be liable for all damages to any person or property resulting or arising from their fault or negligence in failing to so keep and maintain such sidewalks in good repair. A failure of said city, its officers or agents to give any notice in this chapter provided shall not constitute a defense to any cause of action for damages to persons or property arising under this article. [Ord. 1145, 2-1-54; Ord. 929, 7-2-40. Code 2001 § 96.08.]

Penalty: See NMC 12.05.440.

12.05.090 Permits and certificates.

A. Concurrent with the issuance of a building permit for the construction of a building for residential use or business structures or an addition to a dwelling or business structure, the value of which is $30,000 or more except as the city engineer or their designee may require on building permits of lesser value in accordance with NMC 12.05.040, the owner, builder or contractor to whom the building permit is issued shall meet the following requirements:

1. Construct a sidewalk within the dedicated right-of-way for the full frontage in which a sidewalk in good repair does not exist. The sidewalk construction shall be completed within the building construction period or prior to issuance of an occupancy permit, whichever is the lesser.

2. Dedicate right-of-way in accordance with the city transportation plan.

B. The city engineer or their designee may issue a permit and certificate allowing noncompliance with all or some of the provisions of subsection (A) of this section to the owner, builder or contractor when, in the city engineer's or their designee's opinion, the construction of a sidewalk is impractical for one or more of the following reasons:

1. Sidewalk grades have not and cannot be established for the property in question within a reasonable period of time.

2. Future installation of public utilities or street paving would, of necessity, cause severe damage to existing sidewalks.

3. Topography or contours make the construction of a sidewalk impractical.

4. The noncompliance provided in subsection (B)(1) of this section shall be temporary and shall cease to exist when grades are established for sidewalks by the public works department or when public utilities or street paving have been constructed. The permit shall indicate the reason for its issuance.

5. The building permit is for renovation of an existing building that is not adding any square footage or footprint or changing the occupancy of the building and the alteration cost does not exceed $150,000 of the effective date of Ordinance 2026-XX as annually adjusted to the Consumer Price Index for All Urban Consumers, West Region (All Items), as published by the Bureau of Labor Statistics of the United States Department of Labor

C. If the owner, builder or contractor considers any of the requirements impractical for any reason, they may appeal the decision to the ~~planning commission~~ City Council.

D. If a sidewalk is not constructed within the time required by this section, then the city may construct it for the full street frontage in front of the property and proceed with the construction, assessment and collection of costs as provided for in NMC 12.05.070. [Ord. 2048, 3-2-81; Ord. 1857, 5-2-77; Ord. 929, 7-2-40. Code 2001 § 96.09.]

Staff Comment: B(5) was added to address HB2658 (2025) which states the City can't require sidewalks for existing businesses remodeling if the cost does not exceed $150,000 except for certain circumstances (i.e. ADA), but the city still can require right-of-way dedication as part of the permit.

12.05.100 Closing of streets and sidewalks during construction.

Whenever new construction work or repair work is underway upon a street or part of a street, the contractor or person directly in charge of the work shall obtain a permit. With the consent of the ~~chief of police~~ city engineer or their designee, the street and/or sidewalk may be closed, by reason that the street and/or sidewalk is made dangerous for public traffic due to the work. The ~~chief of police~~ city engineer and/or designee may also close the street and/or sidewalk or part of a street and/or sidewalk to public traffic, whenever such closing is necessary to properly carry on the work of construction or repair; and the street and/or sidewalk or part of a street and/or sidewalk shall remain closed during the period of work. Proper notice shall be sent to all public services including emergency services.

[Ord. 1711, 9-17-73. Code 2001 § 96.10.]

Staff Comment: Designee made to match other spaces for closing of streets. Changed chief of police to city engineer for construction work. Sidewalk added for clarity about closure of sidewalks

12.05.110 Barriers.

Whenever a street or a part of a street and/or sidewalk is closed, the contractor or person directly in charge of the work shall construct and maintain at either end of the construction work, and other places as the city shall direct, proper and suitable barriers and signs notifying the public of the construction work and that the street and/or sidewalk or part of a street and/or sidewalk is closed to public traffic and closed to parking. [Ord. 1711, 9-17-73. Code 2001 § 96.11.]

Penalty: See NMC 12.05.440.

Staff Comment: Sidewalk language is added for clarity as often sidewalks also need to be closed during construction for safety purposes.

12.05.120 Prohibited action.

A barrier, as provided in NMC 12.05.110, is a traffic control device, as the definition of that term in NMC Title 10 indicates; and violation of the instructions of the barriers or signs is punishable under the provisions of NMC 10.05.120. [Ord. 1711, 9-17-73. Code 2001 § 96.12.]

Article II. Excavations

12.05.130 Permit.

Repealed by Ord. 2703. [Ord. 1765, 3-3-75. Code 2001 § 96.30.]

12.05.140 Refilling trenches.

Repealed by Ord. 2703. [Ord. 1765, 3-3-75. Code 2001 § 96.31.]

Article III. Driveway, Curb, and Gutter Construction

12.05.150 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"**Business driveway approach**" means a driveway approach providing ingress and egress to any property other than residential property.

"**Corner**" means the point of intersection of the lines of two street curb faces extended into the street intersection.

"**Curb parking space**" means a length equal to 18 feet where an automobile or other vehicle can park.

"**Driveway**" means that portion of a street providing access to private property from the edge of the roadway or traveled portion of the street to the property line intended and used for ingress and egress of vehicles to a public street from private property.

"**Driveway approach**" means an area, construction or facility between the roadway of a public street and private property intended to provide access for vehicles from a roadway of a public street to private property. For clarification, a driveway approach must provide access to something definite on private property such as a parking area, a driveway or a door at least seven feet wide, intended and used for the entrance of a vehicle.

"**Parcel of land**" means a lot or lots, or a tract officially registered under one ownership.

"**Person**" means every natural person, firm, partnership, association or corporation.

"**Resident driveway approach**" means a driveway approach providing ingress and egress to residential property. [Ord. 1772, 4-7-75. Code 2001 § 96.40.]

12.05.160 Permits.

A. Permit Required. No person shall remove, alter or construct any curb, driveway or gutter on or in any public street, alley or other property owned by or dedicated to or used by the city and over which it has jurisdiction to regulate the matters covered by this chapter without first obtaining a permit from the city.

B. Application for Permit. An application for a permit shall be filed with the city engineer or their designee ~~recorder~~ on a form prescribed by the city and shall contain such information and data as required by it.

C. Fees for Permits. Before any permit is issued, the applicant shall pay to the city a permit fee as set by city council resolution. [Ord. 1772, 4-7-75. Code 2001 § 96.41.]

Penalty: See NMC 12.05.440.

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12.05.170 Supervision.

All work done under a permit issued in compliance with this article shall be under the direction and supervision of the city engineer or their designee ~~inspector~~. A permit issued under the provisions of this article may be revoked by the city engineer or their designee ~~inspector~~ at any time the city ~~inspector~~ engineer or their designee is satisfied that the work is not being performed according to the provisions of this article. [Ord. 1772, 4-7-75. Code 2001 § 96.42.]

Staff Comment: City inspector is not a job title or designated position elsewhere in code. Updated for clarity.

12.05.180 Construction.

All driveways, curbs and approaches within the city shall be constructed in compliance with the city standard specifications and drawings adopted by resolution or resolutions of the city council. [Ord. 2156, 12-3-84; Ord. 1772, 4-7-75. Code 2001 § 96.43.]

Penalty: See NMC 12.05.440.

12.05.190 Maintenance and removal.

A. Every driveway approach or entrance to abutting property shall be maintained and kept in safe condition by the owner of the abutting property; and any such driveway approach shall not be so maintained and kept, or which shall interfere with or obstruct the drainage carried by such street or the use of said street for the purpose of travel, shall be repaired to conform with the specifications of this article and the city engineer or their designee ~~inspector~~, or be removed. Upon the termination of any driveway, whether by revocation of permit or expiration of term, or abandonment or otherwise, the authority, rights and privileges granted shall cease. The owner of the property to which said driveway leads shall, within six months after receiving notice by registered mail from the city, remove or modify the driveway improvements; and the sidewalks, parkway, curb and other areas where said improvements were located shall be restored or reconstructed to the end that the portion of said sidewalk space, parkway and curb areas which were used for said driveway shall be made safe for public travel and be placed in the same condition as the adjacent sidewalk space, parkway and curb areas. Said restoration work shall be done by said property owner at the property owner's own expense.

B. In the event of the failure, neglect or refusal on the part of any property owners to remove driveways and restore the sidewalk spaces, parkways and curb areas to the restoration condition heretofore mentioned, the city may proceed to restore the same and charge the expense of the restoration to the properties to which said driveways have led; and the cost of

the restoration shall become liens upon said properties, and shall be entered as liens upon the same lien docket of the city. [Ord. 1772, 4-7-75. Code 2001 § 96.44.]

Penalty: See NMC 12.05.440.

~~12.05.200 Variances.~~

~~Upon written application for a variance, the city council may grant variances from the requirements of this article if it determines that the following conditions are present:~~

~~A. The exception or variance desired arises from peculiar physical conditions not ordinarily existing in similar districts in the city, or is due to the nature of the business or operation on the abutting property.~~

~~B. That the exception or variance desired is not against the public interest, particularly safety, convenience and general welfare.~~

~~C. That the granting of the permit for the exception or variance will not adversely affect the rights of adjacent property owners or tenants.~~

~~D. The strict application of the terms of this article will work unnecessary hardship on the property owner or tenant. [Ord. 1772, 4-7-75. Code 2001 § 96.45.]~~

Staff Comment: Provisions for this are handled with public works design standards for design exceptions

Article IV. Street and Sidewalk Obstructions

12.05.205 Definitions.

For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

"Dumpster" *is* any portable container used or designed for collection of, transportation of, or disposal of solid waste or the like. ***Dumpsters*** shall include, but are not limited to, roll-off containers, collection bins, and tubs.

"Portable storage container" *is a* portable, weather-resistant receptacle designed and used for the storage or shipment of household goods, wares, building materials or merchandise.

12.05.210 Structures and encroachments placed on streets.

It shall be unlawful for any person, firm, association, or corporation to place or maintain any structure or other encroachment of any nature whatsoever in any right-of-way of the street~~, or~~ alley, or sidewalk within the corporate limits of the city or to cause any structure or other encroachment to be placed therein without first obtaining a permit, from the city, to do so as outlined in this article.

Exemptions to permits for structures and other encroachments into the right-of-way from this article include:

1. Mailboxes approved by the United States Postal Service Postmaster
2. Signs that are in compliance with NMC 15.435.110.
3. Emergencies as declared by the Chief of Police or City Manager or designee
4. Transit Shelter approved with a public improvement permit
5. Franchise Utilities properly permitted under NMC 12.05.320
6. Street and Sidewalk furniture that meets the requirements of NMC 12.05.225
7. Allowed encroachments that are provided elsewhere in this code

Staff Comment: Updated to more than structures for all items that are encroachments into the City's ROW

Penalty: See NMC 12.05.440.

12.05.215 Special events using public right-of-way.

A. A person wishing to use the right-of-way for a special event must apply for and obtain a special event permit from the City. Special Events include but are not limited to the following: farmers markets, block parties, and athletic events. Parades are subject to the rules and permits of NMC Title 10 Article IV Parades Sections 10.10.140 through 10.10.180

B. An application for a special event permit must be on the form provided by the city and include any fee as set by council resolution. All special events must be applied for at least 45 days prior to the event(s) with all fees paid. The Chief of Police or their designee will take final action on a permit no more than 15 business days after a receipt of a completed application.

C. Special Events will not be permitted on any arterial or collector street as functionally classified by the City's Transportation System Plan unless otherwise approved by the Chief of Police

D. The following must be submitted with the special event permit:

1. Location(s) of proposed event
2. Date(s) of events
3. Hours of event(s)
4. Anticipated number of persons expected to participate
5. Traffic control plan
6. Any musical or amplified noise expected to be used
7. If alcohol will be provided in any manner
8. Any other information that the Chief of Police or designee deems necessary

E. Criteria for approval:
1. Does not create a public safety concern

F. The chief of police or designee may require conditions of approval for a special event permit

G. Issuance of a special event permit neither obligates nor requires the city to provide any support to the special event.

Penalty: See NMC 12.05.440.

Staff Comment: New section for special events since none existed including criteria and additional details.

12.05.220 Construction.

Whenever during the course of the construction of any building or otherwise it shall become necessary for construction purposes or otherwise to use all or a part of said public street or alley adjoining said real property for said purposes, the contractor, owner, or person causing

said public street or alley, or both, to be so used shall obtain a permit, from the city, authorizing to do so. [Ord. 2310, 11-4-91. Code 2001 § 96.56.]

Penalty: See NMC 12.05.440.

12.05.225 Street and Sidewalk Closures (Non-Construction)

A. Street and sidewalk closures that are not pursuant to Article 1. Street and Sidewalk Construction, a special event as seen in NMC 12.05.215, a franchise utility as seen NMC 12.05.310 through 15.320, or a parade as seen in NMC Title 10 Article IV Parades, shall obtain an encroachment permit pursuant to NMC 12.05.240 before any street or sidewalk can be closed.

The encroachment permit shall contain a traffic control plan for all street and sidewalk closures.

12.05.225 Street Furniture and Sidewalk Dining

A. All street furniture and sidewalk dining must meet all applicable ADA standards. A 4-foot access pathway and vertical clearance of at least 7 feet from the ground level for umbrellas (any portion) or other elements protruding into the pedestrian through zone. This section does not apply to permanent structures.

Staff Comment: To clear confusion around outdoor seating and making sure there is a through pedestrian zone

12.05.230 Merchandise on sidewalks or parking strips.

It shall be unlawful for any person, firm, or corporation to use either the sidewalks, or the land lying between the sidewalk line and the curb line known as a parking strip, for the purpose of displaying or storing wares, goods, or merchandise, or for any other commercial or other purposes without first obtaining a permit, from the city, to do so. [Ord. 2310, 11-4-91. Code 2001 § 96.57.]

12.05.235 Portable Storage Containers and Dumpsters

A. Portable storage containers and dumpsters placed on the street or right-of-way must meet the following conditions:

1. Portable Storage Containers and/or Dumpsters are not to be stored on any right-of-way for more than 30 calendar days

2. Must not be placed in the following locations*:

    a. In location that may interfere with emergency services;
    b. A location that interferes with mailboxes;
    c. In a no-parking, loading, or other time-limited zone;
    d. Within 6 feet from any driveway;
    e. Within an existing striped bike lane;
    f. Within 20 feet from a crosswalk or crossing area, marked or unmarked;
    g. Within 15 feet from a fire hydrant;
    h. In a location that obstructs regulatory signage;
    i. On any sidewalk;
    j. Within a vision clearance triangle setback as seen in NMC 15.410.060;
    k. On any arterial or major collector roads

**This list is not all-inclusive and other factors or circumstances may be considered by the Chief of Police or designee and Capital Engineering Department when reviewing an encroachment permit application.*

3. Corners of the portable storage container or dumpster must have retroreflective tape

4. Must not exceed 20 feet in length and 8 feet in width

5. A site plan showing compliance with the above conditions must be submitted with the encroachment permit or the permit will be denied.

Staff Comment: There are currently no standards for putting portable storage containers or dumpsters in the City ROW including any time limits. This section provides location placement and time limits for safety and livability for all residents.

Penalty: See NMC 12.05.440.

12.05.240 Structure and Encroachment Permits.

DRAFT

Encroachment and structure permit applications shall be made not less than 15 business days prior to the encroachment being placed and shall be accompanied by an application fee, should the city council set such fee by resolution.

The ~~city planning and building director~~ chief of police or their designee is authorized to issue a permit for the use of public right-of-way to place and maintain structures, for construction activities required to construct structures on private property, ~~and~~ for allowing merchandise on the sidewalk or parking strip, and for any other encroachment with certain conditions as listed below and outlined previously in this article:

A. That the permit may be revoked at any time by the ~~city planning and building director~~ chief of police or designee;

B. That any structure, construction activity or other activity will not interfere with the public health and safety of the public;

C. That the area will be maintained in a safe manner at all times;

D. That the owner will hold the city harmless for any damage or injuries caused by the permitted use (proof of insurance may be required);

E. That the permitted use will be for a specific time period as stated in the permit;

F. Plans shall be submitted with any application to demonstrate that the above conditions can be met;

~~G. Use of the sidewalk or parking strip for merchandise will be limited to special events. business hours only.~~[Ord. 2310, 11-4-91. Code 2001 § 96.58.]

Staff Comment: Basic changes to chief of police and to be consistent with other changes for the permits.

12.05.245 Permit for use of the cultural district festival street.

It is the intention of the city to created a single, unified permit for use of the Newberg cultural district festival street. Holders of the festival street permit shall not be required to obtain separate permits (block party, noise, parade/special event, or temporary merchant), notwithstanding the code provisions requiring such permits. This permit is in addition to any rental or use agreement between the applicant and the cultural district executive board or

designee. The festival street permit shall be issued according and subject to the following procedures:

A. The "**Newberg cultural district festival street**" is defined as the following area, and this area only: East Sheridan Street between North School and North Blaine Streets; and North Howard Street between East Hancock and East Sheridan Streets. Events beyond this area will be subject to general code permit requirements.

B. The city manager shall designate a festival street permit administrator. The administrator will review applications, submitted on a form supplied by the city, and issue permits in conformance with code provisions. The administrator may condition such permit on evidence of compliance with federal, state, or municipal law. Decisions of the administrator shall be appealable to the city manager, whose decisions shall be final.

C. Festival street permit applications shall be made not less than 10 business days prior to the event and shall be accompanied by an application fee, should the city council set such fee by resolution.

D. Applications submitted less than 10 business days prior to the event shall be processed at the sole discretion of the administrator. If a late application is accepted and a permit issued, the applicant shall pay a late fee, should the city council set such fee by resolution.

E. The administrator shall ensure that notification of the closure and the nature of the event will be given to residents or operators of facilities on the street(s) to be closed and the following city of Newberg departments: police department, fire department, engineering division, planning (community development), public works-maintenance, and the city manager's office.

F. Property owners immediately adjacent to the street to be closed may appeal the closure to the administrator, who shall consider the basis of appeal and render a decision. Such decision shall be in the sole discretion of the administrator.

G. A permit issued under this section shall be equivalent to a permit issued under NMC 8.15.150(C)(2), but all other applicable provisions of NMC 8.15.150 that are not in conflict with this section shall apply.

H. A permit issued under this section shall be equivalent to a permit issued under NMC 2.15.470(C) and the chief of police shall designate the festival street permit administrator to make street closures decisions for the festival street in conjunction with issuance of permits under this section.

I. A permit issued under this section shall be equivalent to a license issued under NMC 5.25.010, but all other applicable provisions of Chapter 5.25 NMC that are not in conflict with this section shall apply.

DRAFT

J. Temporary merchants operating in the festival street pursuant to a permitted event shall be considered exempt under NMC 5.15.100(C), but shall otherwise comply with Chapter 5.15 NMC.

K. All applicants for a permit under this section for an event serving food, alcohol or both, shall obtain the required permits from the OLCC, health department, or other agency. Copies of such permits shall be provided to the administrator upon request. Failure to provide proof of such permits may be cause to revoke any permit granted under this section.

L. A permit issued under this section may be revoked by the city manager or designee in the case of an emergency or safety hazard.

M. Nothing in this section affects the city's ability to protect the public against harmful acts or effects under remedies supplied in other sections of this code or other applicable provisions of law. [Ord. 2779 § 1, 2-17-15.]

Article VII. Penalty

12.05.440 Penalty.

A. Any person violating any of the provisions of this chapter for which no penalty is otherwise provided shall have committed a city Class 4 civil infraction and shall be processed in accordance with the procedure set forth in Chapter 2.30 NMC, Article IV, Uniform Civil Infraction Procedure. Each day that a violation of this chapter shall continue shall be considered a separate violation.

B. Any person violating any of the provisions of NMC 12.05.210 through 12.05.2405 shall have committed a city Class 5 civil infraction and shall be processed in accordance with the procedures set forth in Chapter 2.30 NMC, Article IV, Uniform Civil Infraction Procedure.

C. Any person violating any of the provisions of NMC 12.05.270 through 12.05.430 shall have committed a city Class 1 civil infraction and shall be processed in accordance with the procedure set forth in Chapter 2.30 NMC, Article IV, Uniform Civil Infraction Procedure.

D. Nothing in this chapter shall be construed as limiting any judicial or other remedies the city may have at law or in equity for enforcement of this chapter. Each violation of the provisions of this chapter constitutes a separate civil infraction in accordance with the class above indicated.

Staff Comment: Added Cultural district to penalty in B as it was previously not included.

DRAFT

Street Closures and Right-of-Way Permit Process Amendments

City Council Work Session

May 4, 2026

Background

- During the permitting process for the 2025 Wednesday Night Market, there was considerable discussion around criteria used for closure of streets or partial closures and encroachments into the ROW. The proper department authority to issue such permits was also a major issue raised.

- Staff reviewed current city code and found conflicting authority and little to any criteria in code or policies related to closures of streets or encroachment of streets outside of construction projects.

- Staff convened a meeting with Police, Community Development, Public Works, Engineering, TVFR and Administration in the fall of 2025 to discuss issues raised and to commit to easier and understandable processes and code for all involved with follow up meetings as needed.

Proposal

- The following came from the meeting:

1. Police Department to be the final decision maker for all non-construction street closures and temporary street encroachment permits such as storage containers/dumpsters
2. Added criteria for street closures and other encroachments into City rights-of-way.
3. Clean up existing code to have the right departmental staff added.
4. Make sure that departments and public are properly notified.

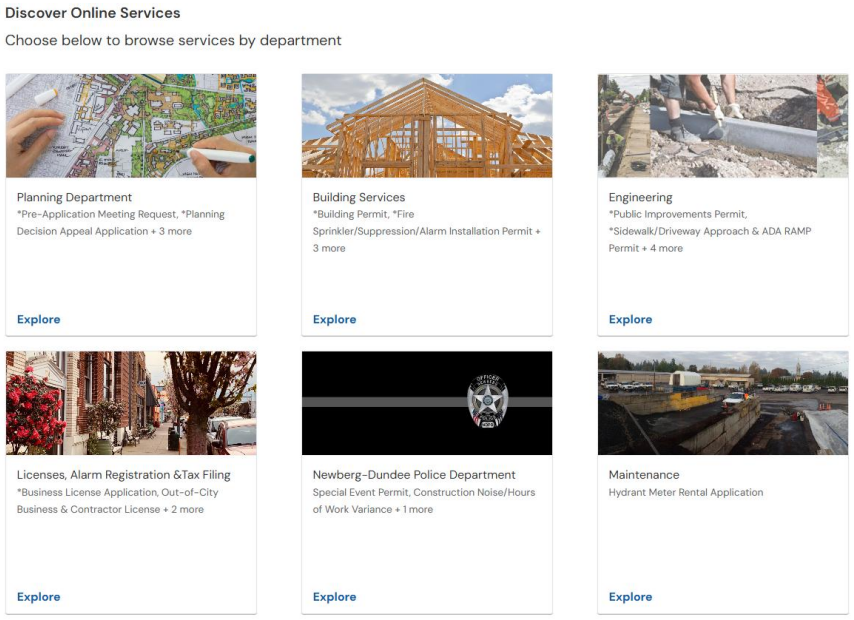
Code Language Changes

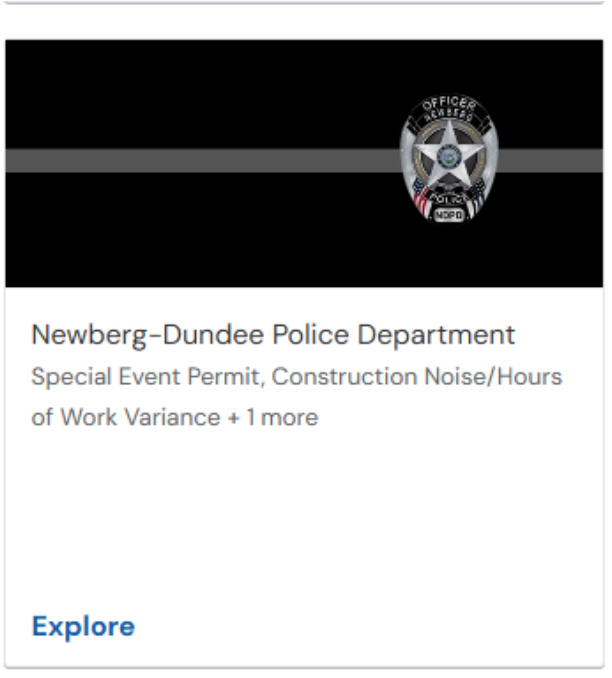
Snapshot of Proposed Code Amendments to Title 2 (Administration and Personnel), 10 (Vehicles and Traffic), and 12 (Streets and Sidewalks):

1. Adds “or their designee” to Chief of Police and City Engineer.
2. Increases the amount of time that parades or street closure permits need to be submitted before event (45 days) to avoid conflicts.
3. Added application process and criteria for closures of events including not allowing on arterial or collector streets in Newberg unless otherwise approved by Police Chief.
4. Add criteria for encroachment permits and time limits for dumpsters/storage containers on the street and exemptions to such permit.
5. Updated frontage improvement requirement for compliance with HB2658 (2025) which limits required improvements in most cases if building permit for remodel is $150,000 or less and not changing occupancies or adding to the footprint.
6. Other cleanup language including variances that are currently found in public works design standards, including sidewalks in street closures (if needed).

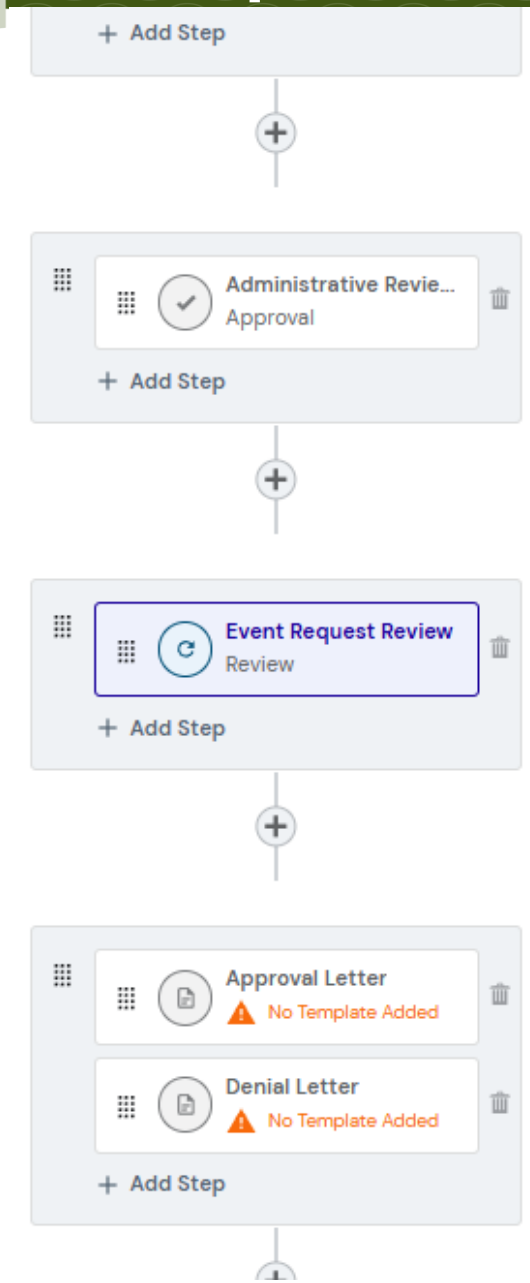
Proposed Process Changes

- Permits including Special Event Permits, Parades will go to new OpenGov system.
- Review process will be in OpenGov with multiple departments reviewing permit including Police, Public Works Maintenance and Capital Engineering.





Proposed Process Changes



Assign a Review Coordinator

Select a user to manually coordinate which Departments will need to be included in each subsequent Review Round

Assign To *

PBS-Cameron Ferguson

+ Add Condition

+ Add Assignee

Department & Reviewer Settings

Create the Required Departmental Reviews and assign Reviewers to each

Capital Engineering — Show 1 Condition

Public Works Maintenance — Show 1 Condition

+ Add a Review

Include Reviewer Contact Info

Select contact info for Reviewers to include on the Letter to the applicant.

- [x] Reviewer Name
- [x] Reviewer Phone Number
- [x] Reviewer Email

Feedback Requested

Staff would like direction and feedback on the following:

1. Proposed Code Amendments
2. Process Improvements
3. Fees associated with street closures/encroachments

Note: The Street Seats policy will be reviewed separately in a future Council meeting.

REQUEST FOR COUNCIL ACTION

Date Action Requested: (May 4, 2026)

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐ Proclamation ☐ No. 2026-4025	
Subject: A resolution declaring the 2026 Newberg delegation visit to our sister city, Poysdorf, Austria an officially sanctioned economic development trip and allowing city officials to accept coverage of reasonable expenses.	Staff: Rachel Thomas Department: Administration
Business Session – Continuing Business	Order On Agenda: Continuing Business
Hearing Type: Administrative	

Is this item state mandated? Yes ☒ No ☐

If yes, please cite the state house bill or order that necessitated this action:
ORS Chapter 244, OAR 199-005-0020

Recommendation:
To comply with the listed statute and rules staff recommend approval of Resolution 2026-4025

Executive Summary:
Historically there has been a lack of formality around elected official travel both domestically and overseas to sister city destinations. At the January 20, 2026, council instructed staff to develop a resolution allowing for city officials to accept reasonable costs for this travel in live with OGEC requirements. Given the requirements of ORS Chapter 244 this resolution is needed to publicly accept meals, lodgings and other things of value that may be provided to elected council members serving as delegates during domestic or foreign travel.

Fiscal Impact:
No fiscal impact will occur as the result of these arrangements.

Council Goals:
Goal 4: Create and maintain a high level of transparency with our residents in order to build trust.

RESOLUTION NO. 2026-4025

A resolution declaring the 2026 Newberg delegation visit to our sister city, Poysdorf, Austria an officially sanctioned economic development trip and allowing city officials to accept coverage of reasonable expenses.

Recitals:

1. ORS Chapter 244 restricts the ability of city officials to accept gifts from sources with a legislative or administrative interest; and

2. Gifts related to reasonable food, travel or lodging expenses are exempt from the restrictions of ethics laws outlined in ORS Chapter 244, if the gift is given to a public official who is representing the city (or the official's family member) on an officially sanctioned trade-promotion or factfinding mission, or is related to officially designated negotiations or economic development activities, with receipt of the expenses having been approved in advance; and

3. OAR 199-005-0020 grants the City Council the authority to officially sanction trade-promotion or fact-finding missions and officially designate negotiations or economic development activities; and

4. OAR 199-005-0020 provides that the payment of expenses for public officials who attend officially sanctioned trade-promotions or fact-finding missions must be approved by either the City Council or a person authorized by the City Council to grant such approval; and

5. OAR 199-005-0020 provides that the payment of expenses for officially designated negotiations or economic development activities is appropriate if the City Council, or a person authorized by the City Council, approves the expenses in advance.

The City of Newberg Resolves as Follows:

1. The City of Newberg hereby authorizes the City Council, acting as a body, to officially sanction the Newberg delegation visit to Poysdorf, Austria in 2026 as a trade-promotion and fact-finding mission trip.

2. The City of Newberg hereby authorizes the City Council, acting as a body, to designate negotiations, and economic development activities.

3. The City of Newberg hereby authorizes the City Council, acting as a body, to approve acceptance of payment for elected officials' and city employees reasonable expenses for attending or participating in officially designated or officially sanctioned activities described in this Resolution.

4. The City of Newberg hereby authorizes the City Council, acting as a body, to approve acceptance of sister city gifts in kind for elected officials and city employees for attending or participating in officially designated or officially sanctioned activities described in this Resolution. It is anticipated that these gifts may include hotel accommodation, meals and other small sundry items.

Effective Date of this resolution is the day after the adoption date, which is: May 5, 2026.
Adopted by the City Council of Newberg, Oregon, this 4th day of May, 2026.

_____
Rachel Thomas, City Recorder

Attest by the Mayor this 4th day of May, 2026.

_____
Bill Rosacker, Mayor

Poysdorf Diplomatic Travel

Why are we talking about Poysdorf again?

- Procedural requirement to allow city officials to accept travel, lodging, food, and other arrangements without an ethics violation.

This resolution…

- Gives council the authority to declare diplomatic fact finding and economic promotion travel.
- Allows Council to approve acceptance of payment for reasonable expenses during the trip.
- Allows for acceptance of gifts in kind.

Why is this needed?

Some gifts can be accepted…

- Food
- travel
- lodging

But only if…

- representing the city
- officially sanctioned
- fact finding
- economic development mission.

Staff Recommendation

- Adopt Resolution 2026-4025 declaring the 2026 Newberg delegation visit to Poysdorf, Austria an officially sanctioned economic development trip and allowing city officials to accept coverage of reasonable expenses.

Date Action Requested: May 18, 2026

Order ☐ Ordinance ☒ Resolution ☐ Motion ☐ Information ☐ Proclamation ☐ No. 2026-2943	
Subject: An Ordinance to align council nomination filing deadlines with state law in accordance with House Bill 4024.	Staff: Rachel Thomas Department: Administration
Business Session	Order On Agenda: Public Hearing
Hearing Type: Legislative ☒ Quasi-Judicial ☐ Administrative ☐ Not Applicable ☐	

Is this item state mandated? Yes ☐ No ☐

If yes, please cite the state house bill or order that necessitated this action:
House Bill 4024 changed filing deadlines for incumbent and non-incumbent candidates.

Recommendation:
To adopt Ordinance 2026-2943 to align council nomination filing deadlines with state law in accordance with House Bill 4024.

Executive Summary:
House Bill 4024 section 17b requires elected incumbent candidates to file 7 days prior to non-incumbent candidates and appointed incumbent candidates. NMC currently requires all candidates to file 80 days prior to a general election. This creates some challenging deadlines and abbreviated filing periods when the new deadline requirements are followed.

With the current code, the 2026 Newberg filing deadlines would be:

Filing opens: June 3rd
Incumbent Deadline: August 8th
Non-incumbent Deadline: August 15th

Staff suggest that a change to the code to align with the state filing deadlines will increase transparency and eliminate confusion in the process.

If this ordinance is adopted the 2026 filing deadlines would be:

Filing opens: June 3rd
Incumbent Deadline: August 18th
Non-Incumbent Deadline: August 25th

Fiscal Impact: Budgeted cost of less than $1000 for code amendment publication.

Council Goals:
Goal 3: Create and maintain a high level of transparency to build trust.

ORDINANCE NO. 2026-2943

An Ordinance to align council nomination filing deadlines with state law in accordance with House Bill 4024.

Recitals:

1. House Bill 4024 section 17b requires elected incumbent candidates to file 7 days prior to non-incumbent candidates and appointed incumbent candidates.

2. NMC currently requires all candidates to file 80 days prior to a general election.

3. The differing deadlines create confusion in the filing process.

The City of Newberg Ordains as Follows:

1. Adjust the filing deadlines in the Newberg Municipal Code to match the state schedule.

Effective Date of this ordinance is the day after the adoption date, which is: _____, 2026.
Adopted by the City Council of Newberg, Oregon, this _____ day of _____, 2026, by the following votes: **AYE:** **NAY:** **ABSTAIN:**

_____
Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of _____, 2026.

_____
Bill Rosacker, Mayor

2.05.060 Filing.

A. All certificates of nomination and petitions shall be filed with the city in accordance with the deadlines set by the state.

B. The city recorder shall accept for filing any certificate of nomination or petition for nomination, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the county clerk or the receipt of a filing fee as prescribed in NMC 2.05.030

C. If a sufficient number of qualified electors are found to have signed the certificate of nomination or petition for nomination, the city recorder shall file the same, and transmit the same to the county clerk in the manner required by law. [Ord. 2733 Att. A, 2-7-11; Ord. 2446, 7-8-96; Ord. 1027, 4-5-48. Code 2001 § 30.19.]

2.05.060 Filing.

A. All certificates of nomination and petitions shall be filed with the city ~~recorder no later than 80 days prior to the day fixed by law for the election.~~in accordance with the deadlines set by the state.

B. The city recorder shall accept for filing any certificate of nomination or petition for nomination, subject to the verification of the number and genuineness of the signatures and voting qualifications of the persons signing the same by reference to the registration books in the office of the county clerk or the receipt of a filing fee as prescribed in NMC 2.05.030~~.~~

C. If a sufficient number of qualified electors are found to have signed the certificate of nomination or petition for nomination, the city recorder shall file the same ~~within 10 days after its presentation thereto~~, and transmit the same to the county clerk in the manner required by law. [Ord. 2733 Att. A, 2-7-11; Ord. 2446, 7-8-96; Ord. 1027, 4-5-48. Code 2001 § 30.19.]

REQUEST FOR COUNCIL ACTION

Date Action Requested: May 18, 2026

Order ☐ Ordinance ☐ Resolution ☐ Motion ☒ Information ☐ Proclamation ☐	
Subject: Appointment of Councilor Mike McBride to the Ad-Hoc Committee on River Street	Staff: Rachel Thomas Department: Administration
Business Session	Order On Agenda: Council Business
Hearing Type: N/A	

Is this item state mandated? Yes ☐ No ☒

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

Recommendation:

Motion to approve the appointment of Councilor Mike McBride to the Ad-Hoc Committee on River Street.

Executive Summary:

Mayor Rosacker desires to appoint Mike McBride to the Ad-Hoc Committee on River Street alongside the previously appointed members. Council consent is needed for this decision.

Fiscal Impact: N/A

REQUEST FOR COUNCIL ACTION

Date Action Requested: May 18, 2026

Order ☐ Ordinance ☐ Resolution ☒ Motion ☐ Information ☐ Proclamation ☐ No. 2026-4026	
Subject: A resolution amending the council rules around adding items to the agenda.	Staff: Rachel Thomas Department: Administration
Business Session	Order On Agenda: New Business
Hearing Type: Administrative	

Is this item state mandated? Yes ☐ No ☒

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

Recommendation:

Consider proposed amendments to the council rules, make a motion

Executive Summary:

In 2025 new Council and Committee rules were adopted to clarify processes and streamline the rules document for council and committees. In January 2026, this document was amended to make changes to public comment and decorum standards. At the request of the mayor, staff is presenting a proposed change to Chapter 1, Section V, Item F regarding adding items to the agenda. The mayor has proposed this change to allow items to be added by councilors to a future agenda, with the intention of allowing staff time to prepare any relevant information.

Fiscal Impact: N/A

RESOLUTION NO. 2026-4026

A Resolution amending the council rules around adding items to the agenda.

Recitals:

1. As Council and Committee Rules were adopted in 2025, and

2. These rules were amended in January 2026 to reflect changes to public comment and decorum standards, and

3. Council desires to amend the rules around adding items to the agenda.

The City of Newberg Resolves as Follows:

1. To adopt the proposed amendments to the Council and Committee rules regarding adding items to the agenda.

2. To allow council and committee members to vote to add items to future agendas.

Effective Date of this resolution is the day after the adoption date, which is: May 19, 2026.
Adopted by the City Council of Newberg, Oregon, this 18th day of May 2026.

_____
Rachel Thomas, City Recorder

Attest by the Mayor this _____ day of _____, 2026.

_____
Bill Rosacker, Mayor

Newberg City Council, Board, Committee & Commission Guidelines 2025

Contents

CHAPTER 1 – General Governance 2

CHAPTER 2 – Meeting Time, Location and Frequency 7

CHAPTER 3 – Ordinances and Resolutions 10

CHAPTER 4 – Land Use Hearings 11

CHAPTER 5 – Motions, Debate, Public Comment and Voting 16

CHAPTER 6 – Minutes 21

CHAPTER 7 – Appointments 21

CHAPTER 8 – Ethics, Decorum, Outside Statements 24

CHAPTER 9 – Interactions with Staff & City Attorney 25

CHAPTER 10 – Censure 26

CHAPTER 11 – Amendment and Repeal 26

OUTLINES FOR PUBLIC HEARINGS 28

CHAPTER 1 – General Governance

I. Rules of Procedure

A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.

B. Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.[1] These rules are adopted according to NMC, Charter, Ch III, Section 11.

C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.

D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum

A. A quorum is required to conduct official city business.[2]

B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.

C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.

D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.

1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a

[1] Robert's Rules of Order Newly Revised, 12th edition, section 49:21.
[2] NMC Charter, CH 3, Section 13.

certain time while attendance is being compelled.

III. Presiding Officer

A. City Council:

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.[3]
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.[4]
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
    a. The city recorder shall call the council to order and call the roll of the members.
    b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
    c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
    d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
    e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

B. Standing and Ad-Hoc Committees:

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
    a. The staff liaison shall call the meeting to order and call the roll of the

[3] (NMC, Charter, Ch III, Section 9)

[4] (NMC, Charter, Ch III, Section 10).

members.

b. Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.

c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.

e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

IV. Other Elected and Appointed Officers

A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.[5]

B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.

C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

V. Agendas

A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.

B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.[6]

C. The mayor's approval shall be required for the publication of an agenda of any council meeting.

D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer

[5] (NMC, Charter, Ch VIII, Section 34, e, 1.)

[6] Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

shall announce such removal under announcements/proclamations.

E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.

F. If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on a future agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on a future agenda.

G. Notwithstanding anything to the contrary above, the council may consider items which are not listed on a published agenda.

H. Written Communications to Council

1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.

2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.

I. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.

J. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

VI. Order of Business

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

A. **Call to order**

B. **Roll call**

C. **Pledge of Allegiance**

D. **Announcements**

E. **Proclamations and Awards**

F. **City Manager's Report**

G. **Public comment on items not on the agenda**

H. **Consent Agenda**

I. **Continued Business**

J. **New Business**

K. **Council Business**

L. **Adjournment**

A. Call to Order. The presiding officer shall call all meetings of the council to order.

B. Roll Call. The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.

C. Pledge of Allegiance This will be led by the presiding officer.

D. Announcements. Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.

E. Proclamations and Awards. Proclamations are awards or recognition of individuals by the council.

F. City Manager's Report. The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.

G. Public Comment - See Chapter 5, Section III.

H. Consent Agenda. To expedite the council's business, routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

2. Any item on the consent agenda may be removed for separate consideration by any member.

3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.

I. Continued Business. This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a recent meeting.

J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.

K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.

L. Adjournment. Meetings will be adjourned by the presiding officer.

CHAPTER 2 – Meeting Time, Location and Frequency

I. City Council

A. Regular meetings

1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.[7] Regular meetings will limited to 4 hours and will be adjourned by 10pm except by majority vote of the body.

B. Special meetings

1. Special meetings may be called by the presiding officer or by request of three members.

2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.

3. Special meetings shall be noticed in accordance with Oregon's public

[7] NMC, Charter, Chapter 3, Section 12

meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.
6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
4. Cameras, tape recorders, and other recording devices may not be used in executive sessions, except for any official executive session recording made by city staff.
5. All executive sessions will be held in person only, without a virtual attendance option, unless a virtual option is approved by a majority vote in open session.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions may be called by the presiding officer, at the request of three members of Council, by the city manager, or by the city attorney.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

II. Board, Commission, and Committee Meetings

A. Shall meet according to the schedule produced by the city recorder's office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings or reschedule meetings if necessary.

B. Must be properly noticed in accordance with Oregon Public Meetings Law.

C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

III. Location

A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.

B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.

C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)

D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.

E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but

should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

IV. Notice

A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

V. Attendance

A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.

B. Under Article VII, Section 32 of the charter, a council position becomes vacant upon declaration of the council if the member of council is absent from the city for 30 days or more without council consent, or from all meetings of the council within a 60-day period without council consent.

C. Committee members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.

D. Members may attend meetings in person or virtually by phone or video conferencing.

CHAPTER 3 – Ordinances and Resolutions

I. Ordinances

A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.

B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.

C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.

E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.

F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.

H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.

1. The following shall take effect immediately upon its passage:
   a. Ordinances making appropriations and the annual tax levy; and
   b. Emergency ordinances.

II. Resolutions

A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.

B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.

C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month window.

D. Reconsideration

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

E. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings

A. Any party may speak in person or through their attorney.

B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.

C. If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days ahead for all other meetings.[8] If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.

D. No person may speak more than once without obtaining permission from the presiding officer.

E. Upon being recognized by the presiding officer, any member may question any person who testifies.

F. As directed by the presiding officer, staff may question any person who testifies.

G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.

H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.

I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.[9]

II. Quasi-Judicial Land Use Matters

A. Scope of Review

1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.

B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications

1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

   a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.

[8] (see Chapter 5, Section 3

[9] (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.

c. The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.

2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) and (c) above.

1. "Ex parte contact" means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

2. The decision shall be based on the applicable standards and criteria as set forth in the city's municipal code, including if applicable the city's comprehensive plan and any other land use standards imposed by state law or administrative rule.

3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

a. A list of the applicable criteria;

b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use

regulation which the person believes to apply to the decision;

c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council or other hearing body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and

d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. *Call for ex-parte contacts*

   a. The presiding officer shall inquire whether any member has had ex-parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.

   b. "Ex parte contact" means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.

2. *Call for recusals*

   a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.

   b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.

   c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.

   d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

3. *Staff summary*

   a. Planning staff shall present a summary and recommendation concerning the proposal.

4. *Presentation of the Case*

   a. Proponent's case. Twenty minutes total.

b. Persons in favor. Five minutes per person.

c. Persons opposed. Five minutes per person.

d. Other interested persons. Five minutes per person.

e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

5. *Close of hearing*

a. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

6. *Deliberations*

a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*

a. The body may approve or reject the proposal.

b. The body shall adopt findings to support its decision.

c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statues. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.

d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation. [10]

III. Legislative Land Use Matters

A. Hearings Procedures

1. The order of procedures for hearings on legislative land use matters shall be:

2. *Call for abstentions*

a. Inquire whether any member wishes to abstain from participation in the

[10] *See* ORS 227.178.

hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.

3. *Staff summary*
   a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.
4. *Presentation of the Case*
   a. Staff Presentation or Proponent's case. As approved by the presiding officer.
   b. Persons in favor. Five minutes per person.
   c. Persons opposed. Five minutes per person.
   d. Other interested persons. Five minutes per person.
5. *Close of hearing*
   a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
6. *Deliberations*
   a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.
7. *Reopening Hearing*
   a. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

CHAPTER 5 – Motions, Debate, Public Comment and Voting

I. Motions

A. The following rules shall apply to motions:

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.

7. No motion shall be received when a question is under debate except for the following:
    a. To lay the matter on the table; (Put the issue on indefinite hold.)
    b. To call for the previous question; (End debate and immediately vote.)
    c. To postpone; (Delay until a specified time.)
    d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
    e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
    a. A call for the question fails without a majority vote.
    b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

II. Debate

A. The following rules shall govern the debate of any item being discussed by the council or committee:

1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

III. Public Comment and Decorum

A. Decorum during a meeting

In order to provide for efficient and safe public meetings that allow for peaceful civil discourse, the following rules are set to ensure decorum.

1. All persons in attendance at a public meeting should avoid conduct which is unreasonably loud, disruptive, or profane. Rude, slanderous, or threatening remarks will not be permitted. Any noise or disturbance from the audience which interrupts the proceedings is not permitted. Anyone doing so may be removed from the meeting.

2. Should an individual violate appropriate conduct for a meeting, the presiding officer may dismiss them from the meeting

3. If an individual is asked to leave after violating conduct standards, and will not, the individual may be trespassed under ORS 164.245.

IV. Public Comment

1. Public comment may be received at regular council meetings, standing committee meetings, and certain ad hoc committee meetings. The public shall have the right to comment at City Council meetings on all items that require a vote by the City Council, and all items on the agenda; the City Council will not accept public comment unrelated to agenda items. Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives. .
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.
4. The maximum time allowed for public comments on any given item, including all speakers, is thirty 30 minutes. The mayor has the discretion to extent or reduce the time allotted to each speaker or may extend the comment period beyond the allotted 30 minutes to accommodate the needs of the meeting.

V. Public Comment Registration

1. Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before

making comments and/or providing input at the meeting.

2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.
   a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
   b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
   c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
   a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom or other virtual meeting platforms or phone comments will be received without prior registration.

VI. Comment on Agenda Items

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Time limits may be changed for a meeting to accommodate the number of speakers. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

VII. Written Materials

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.

3. Written comments will not be read into the record.

VIII. Electronic Materials

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

IX. Council or Member Inquiries

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.

X. Voting

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except as otherwise set forth in these rules or when the charter requires approval by a majority of the council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

A. Consent Agenda

A majority of quorum present is required to approve the matters on a consent agenda.

B. Resolutions

A majority of quorum present shall be required to pass a resolution.

C. An Ordinance

A majority of all council members is required to pass an ordinance.

D. Emergency Ordinance

An emergency ordinance shall require the majority of quorum present.

E. Budget

The budget shall require majority of quorum present to pass.

F. Suspension of Rules

A majority of quorum present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

G. All votes shall be recorded in the minutes and may not be by secret ballot.

H. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

CHAPTER 6 – Minutes

I. Generally

A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.

B. The minutes shall be action minutes and contain the following information:

1. The date, time and place of the meeting;
2. The members present and absent;
3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
4. The results of all votes and the vote of each member by name; and
5. The substance of any discussion.

CHAPTER 7 – Appointments

I. Appointments of City Staff

A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.

B. Appointments and Removals

All appointments and removals require a majority vote of the entire council.

C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

II. Appointments of Members to Boards, Commissions and Committees

A. Unless otherwise mandated by applicable law, the mayor shall appoint the

members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.

1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.
2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.
3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two 2 consecutive meetings of the committee without being excused prior to the meeting.
4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.
5. The mayor will designate the chairperson and the vice chair. Members will continue to serve until their mission is accomplished, replacement or reappointment.
6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

Except as otherwise required by applicable law, all appointed board,

committee, or commission persons may be removed by the mayor with the consent of council.

CHAPTER 8 – Ethics, Decorum, Outside Statements

I. Ethics

A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

1. Disclosing confidential information.
2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
3. Expressing an opinion contrary to the official position of the council or committee without so saying.
4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

II. Decorum

A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.

B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

III. Statements to the Media and Other Organizations

A. Representing the City

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

B. Personal Opinions

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as “This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body).”

CHAPTER 9 – Interactions with Staff & City Attorney

I. Staff

A. All members of the council and committees shall respect the separation between their role and the city’s manager’s responsibility by:

1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
2. Refraining from actions that would undermine the authority of the city manager or a department head.
3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
4. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.
    a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
    b. Members of the council shall share any information obtained from staff with the entire council.
    c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
    d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

II. City Attorney

A. Council members may make requests to the City Attorney for information and advice in relation to council business.

1. Council members should understand that the City Attorney must prioritize the city’s legal issues and may not be able to respond immediately to Council requests.
2. Requests for legal advice that require greater than two hours of attorney time

will require the concurrence of the majority of the Council.

CHAPTER 10 – Censure

I. Rules Violations

A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.

B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:

1. Public reprimand;
2. Removal from committee assignments; and/or
3. The removal from the position of council president.

II. Investigating Violations

A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.

B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 11 – Amendment and Repeal

I. Amendment

A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.

B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.

C. All amendments to these rules require a majority vote.

D. Amended rules shall not go into effect until the meeting after the rule is approved.

II. Repeal

A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.

B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.

C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

D. Any repeal and replacement of these rules requires a majority of the full council vote.

E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► LEGISLATIVE HEARING ◄◂

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	**Presiding Officer:** This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits **Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.**	**Presiding Officer:** I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. ORDINANCE DECISIONS

Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.

ORDINACE ACTION GUIDE

First action: Waive the second reading.	
If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.	**Script** **Presiding Officer:** I move to waive the second reading of Ordinance [####].

Second action can be one of 4 steps:	
1. Motion for Approval	**Script** **Presiding Officer:** I move to approve Ordinance [####], [Title]
2. Motion to Read in Full	**Script** **Presiding Officer:** I move to approve Ordinance [####], [Title] and ask that it be read in full.
3. Motion to Approve Amended Ordinance Amended ordinance must be read in full if approved in the same meeting as amendments are made.	**Script** **Presiding Officer:** I move to approve Ordinance [####], [Title] with amendments and ask that amendments be read in full.
4. Motion to Table the Ordinance Motion:	**Script** **Presiding Officer:** I move to table this ordinance to be considered at our next meeting.

Third Action: Roll Call Vote
Script
Presiding Officer: A motion has been made to (repeat the motion). **Presiding Officer to the city recorder or meeting clerk:** Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.) **Presiding officer:** The motion [passes **or** passes unanimously **or** fails]

Majority of Entire Membership	
Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, <u>not of the quorum present.</u>	
7 members	4 votes required for passage
6 members	4 votes required for passage
5 members	3 votes required for passage
4 members	3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► ADMINISTRATIVE HEARING ◄

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	**Presiding Officer:** This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits **Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.**	**Presiding Officer:** I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. DECISIONS

Resolutions - Action usually requires passage of a resolution; the relevant motion should be:

Vote: voice vote is permitted	Script
	Motion: I make a motion to approve Resolution [####], [Title]. **Presiding Officer:** A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously **or** passes **or** fails.]

Majority of Quorum	
Resolutions require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◄

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	**Presiding Officer:** This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

	Script
City Attorney Legal Announcements: Read "quasi-judicial announcements" sheet	**Presiding Officer:** Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex-parte contact or an objection to the jurisdiction? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits **Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.**	**Presiding Officer:** I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	Script
	Presiding Officer: Do any members of the council have questions for those who have given testimony?

6. PUBLIC AGENCY LETTERS OR COMMENTS

	Script
	Presiding Officer: Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

7. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close. **City Attorney Legal Announcements**

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

10. ACTION BY THE COUNCIL

Orders - Action usually requires passage of an order; the relevant motion should be:

	Script
Vote: voice vote is permitted	**Motion:** I make a motion to approve Order [####], [Title]. **Presiding officer:** A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no **Presiding officer:** The motions [passes **or** passes unanimously **or** fails]
Majority of Quorum	
Orders require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

Newberg City Council, Board, Committee & Commission Guidelines 2025

Contents

CHAPTER 1 – General Governance 2

CHAPTER 2 – Meeting Time, Location and Frequency 7

CHAPTER 3 – Ordinances and Resolutions 10

CHAPTER 4 – Land Use Hearings 11

CHAPTER 5 – Motions, Debate, Public Comment and Voting 16

CHAPTER 6 – Minutes 21

CHAPTER 7 – Appointments ..... 21~~22~~

CHAPTER 8 – Ethics, Decorum, Outside Statements 24

CHAPTER 9 – Interactions with Staff & City Attorney 25

CHAPTER 10 – Censure 26

CHAPTER 11 – Amendment and Repeal 26

OUTLINES FOR PUBLIC HEARINGS 28

CHAPTER 1 – General Governance

I. Rules of Procedure

A. These rules are intended to govern City Council and all boards, committees, and commissions (hereafter referred to as standing committees) of the city.

B. Unless otherwise provided by charter or ordinance, Council meetings, and the meetings of any board, commission, or committee of city council, shall be guided by Robert's Rules of Order for Small Boards.[1] These rules are adopted according to NMC, Charter, Ch III, Section 11.

C. Members of the council or governing body are encouraged to avoid invoking the finer points of parliamentary procedure found within Robert's Rules of Order when such points will obscure the issues before the council and confuse members of the public.

D. Whenever these rules and Robert's Rules of Order conflict, these rules shall govern.

II. Quorum

A. A quorum is required to conduct official city business.[2]

B. The members of the council are the city councilors and mayor. The members of a standing committee are as defined at their creation. Fifty percent plus one of the members of the council or a standing committee shall constitute a quorum. Vacancies in office do not count towards determining a quorum.

C. In the event a quorum is not present, the members of the governing body present shall adjourn the meeting, or a smaller number may meet and compel attendance of absent members as outlined in Rule II D.

D. When a quorum is not present at the time set for a meeting or when a quorum has been present and a meeting has commenced, but a quorum is no longer present, any member may move for a call of the house.

1. The motion will be put in the following form: "I move for a call of the house." That motion will take precedence over all other business. The motion need not be seconded, but it is subject to discussion. At least two members present must concur for the call of the house motion to pass. If the motion is passed, then all unexcused absent members will be requested to attend or return to the meeting. The city manager will provide the administrative staff assistance necessary to compel the attendance of the unexcused absent members at the meeting. The presiding officer is authorized to recess the meeting to a

[1] Robert's Rules of Order Newly Revised, 12th edition, section 49:21.
[2] NMC Charter, CH 3, Section 13.

certain time while attendance is being compelled.

III. Presiding Officer

A. City Council:

1. The mayor shall preside over all meetings. The mayor shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.[3]
2. If the mayor is absent or otherwise unable to preside, the president of the council shall preside over the meeting. The president of the council shall retain all rights and privileges of the office of the mayor as set out in the city charter when acting in this capacity.[4]
3. If both the mayor and the president of the council are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
    a. The city recorder shall call the council to order and call the roll of the members.
    b. Those members of council present shall elect, by majority vote, a temporary presiding officer for the meeting.
    c. Should either the mayor or the president of the council arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.
    d. The presiding officer shall retain all rights and privileges of a member of council when acting in this capacity.
    e. This process may be used to elect a presiding officer for a portion of a meeting if the mayor or council president is unable to preside over a single item.

B. Standing and Ad-Hoc Committees:

1. The chair shall preside over all meetings.
2. In the chair's absence the vice chair shall preside over the meeting.
3. If both the chair and vice chair are absent from the meeting or otherwise unable to preside, the following procedure shall be utilized to determine who is the presiding officer:
    a. The staff liaison shall call the meeting to order and call the roll of the

[3] (NMC, Charter, Ch III, Section 9)

[4] (NMC, Charter, Ch III, Section 10).

members.

b. Those members present shall elect, by majority vote, a temporary presiding officer for the meeting.

c. Should either the chair or vice chair arrive, the temporary presiding officer shall relinquish control of the meeting immediately upon the conclusion of the item presently being discussed.

d. The presiding officer shall retain all rights and privileges of a member when acting in this capacity.

e. This process may be used to elect a presiding officer for a portion of a meeting if the chair or vice chair is unable to preside over a single item.

IV. Other Elected and Appointed Officers

A. City Manager. The city manager is required to attend all meetings of the council, unless excused by council, and is permitted to participate in any discussion; however, the city manager has no authority to cast a vote on any decision rendered by the council.[5]

B. City Attorney. The city attorney may attend any meeting of the council, and will, upon request, give an opinion on legal questions, either written or oral.

C. City Recorder. The city recorder or designee shall be the parliamentarian and shall advise the presiding officer on any questions of order. Additionally, the city recorder shall keep the official minutes of the council.

V. Agendas

A. The city recorder or designee shall prepare an agenda for every regular meeting, and for every special meeting. Staff liaisons serve as the designee for all standing committee meetings.

B. Agendas and informational material for meetings shall be distributed to the council at least 7 days preceding the meeting. Supplemental items will be distributed at least 2 days prior to the meeting. Agendas and informational materials for standing committees should be distributed at least 7 days prior to the meeting and are required to be distributed more than 48 hours in advance of the meeting.[6]

C. The mayor's approval shall be required for the publication of an agenda of any council meeting.

D. With the consent of the mayor, the city manager may remove any items on the council agenda at any time prior to a meeting convening. The presiding officer

[5] (NMC, Charter, Ch VIII, Section 34, e, 1.)

[6] Note: Some actions taken by council and or standing committees may require even more notice. All legal requirements for notice shall be followed.

shall announce such removal under announcements/proclamations.

E. A member of the council who wishes to have an item placed on the agenda shall advise the city manager and get the approval of the mayor at least 10 days prior to the meeting. A member of a standing committee who wishes to have an item placed on the agenda shall advise their staff liaison and get the approval of the chair at least 10 days prior to the meeting.

F. If a request to include an agenda item is denied, written explanation shall be provided by the presiding officer to the requesting council member at least seven days prior to the meeting. If denied, the requesting council member may request, during the meeting and in open session, that the item be placed on ~~the~~ a future agenda. If the requesting council member obtains the support of at least one other council member, the item will be included on ~~the~~ a future agenda.

G. Notwithstanding anything to the contrary above, the council may consider items which are not listed on a published agenda.

H. Written Communications to Council

1. Unsolicited communications to the mayor and/or council concerning matters that are not on an agenda shall be forwarded to the mayor and/or council but shall not be included in the agenda packet.

2. The city manager may, under their discretion, bring any matter raised by unsolicited communication to the attention of the council as an agenda item, provided that such communication is accompanied by a staff report which sets forth the reason the matter should be considered by the council, and making a recommendation for council action.

I. All items submitted to the council packet will require an executive summary of the decision before the council, and items over 100 pages in length will require an index, or hyperlinks, to the specific sections and attachments.

J. Items that are legislative in nature, or that are deemed complex, will have a work session before the hearing, resolution, or main decision point is brought before the council. This may be waived by a majority of council.

VI. Order of Business

The order of business for all regular meetings of City Council shall be as follows. However, when it appears to be in the best interest of the public, the order of business may be changed for any single meeting with the approval of the mayor. Agendas for special meetings may follow this order or be adjusted according to the purpose of the meeting. Committees may follow this order or set their own agenda order as desired.

A. **Call to order**

B. **Roll call**

C. **Pledge of Allegiance**

D. **Announcements**

E. **Proclamations and Awards**

F. **City Manager's Report**

G. **Public comment on items not on the agenda**

H. **Consent Agenda**

I. **Continued Business**

J. **New Business**

K. **Council Business**

L. **Adjournment**

A. Call to Order. The presiding officer shall call all meetings of the council to order.

B. Roll Call. The city recorder or staff liaison shall conduct a roll call to determine which members of the body are present and which are absent.

1. The attendance shall be properly reflected in the minutes.
2. If roll call determines that a quorum is not present, this shall be addressed by Rule II.

C. Pledge of Allegiance This will be led by the presiding officer.

D. Announcements. Announcements are intended to be procedural in nature, such as an item being removed from the agenda, motions to reorder, insert or change agenda items. This also includes motions to remove items from the consent calendar.

E. Proclamations and Awards. Proclamations are awards or recognition of individuals by the council.

F. City Manager's Report. The City Manager will give a report at each regular council meeting with updates from all departments of the city. The first report of each month will include narrative information, the second report of each month will include statistical information. The council may ask questions of the city manager upon conclusion of the report being given. The city manager may call upon his staff to assist in answering questions.

G. Public Comment - See Chapter 5, Section III.

H. Consent Agenda. To expedite the council's business, routine agenda items shall be placed on the consent agenda.

1. All items on the consent agenda shall be approved by a single motion, unless an item is pulled for further consideration.

2. Any item on the consent agenda may be removed for separate consideration by any member.

3. For the purposes of this rule, separate consideration means any proposal to adopt a different course of action than that recommended in the request for council action, a determination that debate on a proposed course of action is deemed desirable, any questions to staff on an item, and any item where a member must declare a conflict of interest.

I. Continued Business. This section of the agenda will include items that are being returned to council after previous introduction, work session, or consideration at a recent meeting.

J. New Business. This section of the agenda will include items that are being considered for the first time. This may include topics freshly presented to council after a period of more than six months.

K. Council Business. To include appointments, reports from councilors on standing committees, nominations and similar council business.

L. Adjournment. Meetings will be adjourned by the presiding officer.

CHAPTER 2 – Meeting Time, Location and Frequency

I. City Council

A. Regular meetings

1. The council shall meet every first and third Monday evening of each month, except for meetings falling on designated holidays, which will be held on the next business day. Regular meetings shall begin at 6 p.m. Should there be a lack of business, lack of quorum, or other conflict, the meeting may be cancelled, with consent of the mayor, providing at least one meeting occurs in the given month.[7] Regular meetings will limited to 4 hours and will be adjourned by 10pm except by majority vote of the body.

B. Special meetings

1. Special meetings may be called by the presiding officer or by request of three members.

2. Notice of a special meeting of council shall be given to all members of the council and the city manager via email. Should the meeting occur within 72 hours of the notice, all attempts will be made to reach the council and city manager by telephone.

3. Special meetings shall be noticed in accordance with Oregon's public

[7] NMC, Charter, Chapter 3, Section 12

meetings law, and, at a minimum, shall be noticed at least 24 hours prior to the meeting taking place. Notice of the special meeting shall be given to each member, the city manager or staff liaison, and each local newspaper, radio, and television station which has requested notice of special meetings.

C. Emergency meetings

1. Emergency meetings are those meetings called with less than 24 hours' notice and the council shall identify why the meeting could not be delayed 24 hours immediately after calling the meeting to order.
2. Emergency meetings may be called by the mayor by the request of three members of council, or by the city manager.
3. Emergency meetings may only be held by City Council.
4. Notice of the emergency meeting shall be given to each member of the council, the city manager, and all reasonable attempts will be made to inform each local newspaper, radio, and television station which has requested notice of meetings.
5. Notice of the emergency meeting shall be given to all members of council and the city manager via telephone and email.
6. The minutes for any emergency meeting shall specifically identify why the meeting constituted an emergency and was necessary.

D. Executive Sessions.

1. Executive sessions may only be held by City Council. Executive sessions may be called by the presiding officer, at the request of three members of council, by the city manager, or by the city attorney.
2. Only members of the council, the city manager and persons specifically invited by the city manager or the council shall be allowed to attend executive sessions. Generally, the city recorder will be present to take minutes, if excused, another minute taker will be identified.
3. Representatives of recognized news media may attend executive sessions, other than those sessions during which the council conducts deliberations with persons designated to carry on labor negotiations, or where the matter involves litigation, and the news media is a party to the litigation.
4. Cameras, tape recorders, and other recording devices may not be used in executive sessions, except for any official executive session recording made by city staff.
5. All executive sessions will be held in person only, without a virtual attendance option, unless a virtual option is approved by a majority vote in open session.

E. Work Sessions

1. Work sessions are permitted to present information in preparation for regular or special meetings.
2. All work sessions are subject to Oregon's public meetings law and must be noticed accordingly.
3. Work sessions are intended to allow for preliminary discussions, and the council or committee is not permitted to take formal or final action on any matter at a work session.
4. Work sessions may be called by the presiding officer, at the request of three members of Council, by the city manager, or by the city attorney.
5. The city manager is to invite any relevant staff to work sessions so that the sessions are as productive as possible.

II. Board, Commission, and Committee Meetings

A. Shall meet according to the schedule produced by the city recorder's office each year. This will be developed in accordance with the code, resolution, law, and necessity. Committees may add additional meetings or reschedule meetings if necessary.

B. Must be properly noticed in accordance with Oregon Public Meetings Law.

C. Meetings may be canceled due to lack of quorum or lack of business by the presiding officer.

III. Location

A. Council meetings shall be held in the Denise Bacon Room in the Public Safety Building and simultaneously through Zoom or other virtual meeting platforms. Board, commission, and committee meetings will be held in various locations as appropriate, as noticed on the meeting agenda, and simultaneously through Zoom or another virtual meeting platform.

B. In the event the regular meeting room is not available for a meeting, the meeting shall occur at a venue open to the public which is located within the jurisdictional limits of the city. All meeting locations shall meet the requirements of Oregon's Public Meeting Law.

C. At the direction of the presiding officer, the meeting may also move to a fully virtual format. (For example: In the case of inclement weather.)

D. Training sessions may be held outside of the city's jurisdictional limits, provided no deliberations toward a decision are made.

E. Interjurisdictional meetings may be held outside of the city's jurisdictional limits but

should be held as close as practical to the city, and such meetings shall be located within the jurisdictional boundaries of the other government entity.

IV. Notice

A. The city recorder or designee shall provide notice of all meetings in accordance with Oregon's public meeting law.

V. Attendance

A. Members of council or committees shall advise the presiding officer and city manager/city recorder/staff liaison if they will be unable to attend any meetings.

B. Under Article VII, Section 32 of the charter, a council position becomes vacant upon declaration of the council if the member of council is absent from the city for 30 days or more without council consent, or from all meetings of the council within a 60-day period without council consent.

C. Committee members may be excused from their position if they are not present for at least 75% of meetings in a year in accordance with Title II, Chapter 2.15.005 (D.) of the Newberg Municipal Code.

D. Members may attend meetings in person or virtually by phone or video conferencing.

CHAPTER 3 – Ordinances and Resolutions

I. Ordinances

A. All ordinances considered by and voted upon by the council shall adhere to the rules outlined herein. Sections 16 and 17 of city charter provide that the council exercises its legislative authority by adoption of ordinances.

B. Except as authorized by subsection (C), adoption of an ordinance shall, before being put upon its final passage, be fully and distinctly read in open council meeting.

C. The reading may be by title only if no council member present at the meeting requests to have the ordinance read in full, provided the proposed ordinance is available in writing to the public at least one week before the meeting.

D. Any substantive amendment to a proposed ordinance must be read aloud or made available in writing to the public before the council adopts that ordinance.

E. Upon the final vote on an ordinance, the ayes and nays of the members shall be taken and entered in the record of proceedings. The concurrence of a majority of the entire membership of the council shall be required for the passage of an ordinance.

F. After adoption of an ordinance, the city recorder must endorse it with the date of adoption and the city recorder's name and title.

G. A script for the adoption of an ordinance will be followed to ensure compliance with these rules. See attachments.

H. Effective Date: An ordinance shall take effect 30 days after adoption or at a later date to be specified in the ordinance.

1. The following shall take effect immediately upon its passage:
   a. Ordinances making appropriations and the annual tax levy; and
   b. Emergency ordinances.

II. Resolutions

A. Resolutions considered by and voted upon by the council or committee shall adhere to the rules outlined here.

B. An affirmative vote of a majority of the council or committee present shall be necessary to pass a resolution.

C. When a resolution is rejected, and is not reconsidered as provided by these rules, neither the resolution, nor any other resolution which contains substantially the same provisions, shall be considered for a period of not less than three months, unless at least three members petition for early consideration. Resolutions containing substantial amendments may return for consideration within the 3 month window.

D. Reconsideration

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

E. Effective date. A resolution shall become effective upon adoption unless otherwise stated in the resolution.

CHAPTER 4 – Land Use Hearings

I. General Conduct of Hearings

A. Any party may speak in person or through their attorney.

B. A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the city recorder at the time the party makes his or her presentation. The party must also bring 10 copies of the written testimony for the council/commission and staff.

C. If a party desires to make its testimony or evidence available as part of the meeting's agenda packet, it must be submitted to the city recorder or designated staff by noon the Friday before the meeting for council meetings, or 2 days ahead for all other meetings.[8] If the testimony or evidence is not submitted to the city recorder or designated staff by this deadline, it still may be submitted to the city recorder or designated staff at the time of the hearing and included in the record, but it shall not be included in the meeting's agenda packet.

D. No person may speak more than once without obtaining permission from the presiding officer.

E. Upon being recognized by the presiding officer, any member may question any person who testifies.

F. As directed by the presiding officer, staff may question any person who testifies.

G. Testimony shall be directed towards the applicable standards and criteria which apply to the proposal before the council.

H. To expedite hearings, the presiding officer may call for those in favor and those in opposition to rise, and the city recorder or staff liaison shall note the numbers of such persons for the record in the minutes. Persons testifying are asked to avoid repeating testimony already entered into the record and instead indicate support if they are in agreement with such testimony.

I. The presiding officer may reduce time limits for testimony equally based on the number of people signed up to speak, respectively, "in favor" or "opposed", to ensure all parties have an opportunity to speak and to ensure compliance with statutory shot clocks for land use decision making.[9]

II. Quasi-Judicial Land Use Matters

A. Scope of Review

1. All appeals of quasi-judicial land use proceedings shall be conducted pursuant to NMC 15.100.160 through 5.100.190, Appeals.

B. Conflicts of Interest, Abstention, Recusal, Ex Parte Communications

1. A member of the council or commission shall not participate in a discussion or vote in a quasi-judicial land use proceeding if:

   a. The member has an actual conflict of interest, as defined by the Oregon Revised Statutes or the city charter/rules and must recuse from participation. The disclosure and recusal must be noted in the minutes.

[8] (see Chapter 5, Section 3

[9] (See also, Part II, Quasi-Judicial Land Use Matters - Hearing Procedures)

b. The member was not present during the public hearing and must abstain from participation. However, the member may participate if they reviewed. The evidence, including recordings of the hearing, and declared such fact for the record.

c. The member has a bias, as determined by applicable law, that prevents them from considering evidence and applying applicable criteria in making an impartial decision on the application.

2. Members shall disclose all ex parte contacts regarding the proceeding at the commencement of any quasi-judicial land use proceeding. If the disclosed ex parte communication results in bias and/or a conflict of interest, the member shall recuse from participation as stated in (II)(B)(1)(a) and (c) above.

1. "Ex parte contact" means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view.

C. Burden of Proof

1. The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.

2. The decision shall be based on the applicable standards and criteria as set forth in the city's municipal code, including if applicable the city's comprehensive plan and any other land use standards imposed by state law or administrative rule.

3. Proponents, any opponents, and those who are neutral on the proposal may submit written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

4. City staff may submit supplemental written findings in response to testimony and as requested by the hearing body to address questions raised during the hearing.

D. Hearing Procedures

The order of hearings in quasi-judicial land use matters shall be:

1. *Land Use Hearing Disclosure Statement*

The city attorney, presiding officer, or their designee, shall read the land use hearing disclosure statement, which shall include:

a. A list of the applicable criteria;

b. A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use

regulation which the person believes to apply to the decision;

c. A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the council or other hearing body and the parties an opportunity to respond to the issue precludes appeal to the Land Use Board of Appeals based on that issue; and

d. If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

2. *Call for ex-parte contacts*

   a. The presiding officer shall inquire whether any member has had ex-parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.

   b. "Ex parte contact" means contact from one side of an issue affecting a land use proceeding without the benefit of hearing the other point of view. Ex parte contact can also be access to evidence or information that is not available to the public or the hearing body, which may include visiting the site of a land use application.

2. *Call for recusals*

   a. The presiding officer shall inquire whether any member must recuse from participating in the hearing due to a conflict of interest.

   b. Actual Conflict of Interest: If a member announces an actual conflict of interest, as outlined by Oregon Revised Statutes or the city charter/rules, that member must recuse themselves and leave the hearing. The recusal is recorded in the minutes.

   c. Potential Conflict of Interest: If a member has a potential conflict of interest, they can declare the potential conflict and continue participation in the matter. The declared potential conflict is recorded in the minutes.

   d. Any member announcing a conflict of interest shall state the nature of the conflict, and if the conflict requires recusal, shall not participate in the proceeding unless the person's vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue of which the conflict arises.

3. *Staff summary*

   a. Planning staff shall present a summary and recommendation concerning the proposal.

4. *Presentation of the Case*

   a. Proponent's case. Twenty minutes total.

b. Persons in favor. Five minutes per person.

c. Persons opposed. Five minutes per person.

d. Other interested persons. Five minutes per person.

e. Rebuttal. Ten minutes total. Rebuttal may be presented by the proponent. The scope of rebuttal is limited to matters which were introduced during the hearing.

5. *Close of hearing*

a. No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of additional factual evidence, all parties shall be afforded an opportunity for simultaneous written rebuttal.

6. *Deliberations*

a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.

7. *Findings and Order*

a. The body may approve or reject the proposal.

b. The body shall adopt findings to support its decision.

c. The body may incorporate findings proposed by the proponent, the opponent or staff in its decision.

B. Continuances

1. A party can request either a hearing continuance or an open record period as provided by Oregon Revised Statues. However, nothing in this section shall restrict the council, in its discretion, from granting additional continuances.

d. There is a 120-day time limitation for the city to make a final land use decision, imposed by the Oregon Revised Statutes, and this 120-day period is not extended unless the applicant requested the continuance or if the applicant otherwise agrees to the extension of the time limitation. [10]

III. Legislative Land Use Matters

A. Hearings Procedures

1. The order of procedures for hearings on legislative land use matters shall be:

2. *Call for abstentions*

a. Inquire whether any member wishes to abstain from participation in the

[10] *See* ORS 227.178.

hearing. Any member announcing an abstention shall identify the reason therefore and shall not participate in the proceedings. The City Recorder or designated staff shall record the abstention in the minutes.

3. *Staff summary*
   a. Staff shall present a summary of the proposal, statement of the applicable criteria, and recommendations concerning the proposal.
4. *Presentation of the Case*
   a. Staff Presentation or Proponent's case. As approved by the presiding officer.
   b. Persons in favor. Five minutes per person.
   c. Persons opposed. Five minutes per person.
   d. Other interested persons. Five minutes per person.
5. *Close of hearing*
   a. No further information shall be received after the close of the hearing, except for responses to specific questions directed to staff.
6. *Deliberations*
   a. Deliberations shall immediately follow the hearing. The body may delay deliberations to a subsequent time to be specified.
7. *Reopening Hearing*
   a. Prior to second reading of an ordinance relating to a legislative land use matter, and upon majority vote of the body, a hearing may be reopened to receive additional testimony, evidence or argument. The same notice requirements shall be met for the reopened hearing as were required for the original hearing.

CHAPTER 5 – Motions, Debate, Public Comment and Voting

I. Motions

A. The following rules shall apply to motions:

1. All motions shall be distinctly worded using plain language.
2. If a motion does not receive a second, it dies.
3. The body will discuss a motion only after the motion has been moved and seconded. Nothing in this section prevents general discussion or expression of opinions before a motion is made.
4. Any motion shall be reduced to writing if requested by a member.
5. A motion to amend can be made to a motion that is on the floor and has been seconded.
6. Amendments are voted on first, then the main motion if voted on as amended.

7. No motion shall be received when a question is under debate except for the following:
    a. To lay the matter on the table; (Put the issue on indefinite hold.)
    b. To call for the previous question; (End debate and immediately vote.)
    c. To postpone; (Delay until a specified time.)
    d. To refer; or (Send the matter to another committee or person for more information or a recommendation.)
    e. To amend. (To change the motion on the table.)
8. A motion may be withdrawn by the mover at any time without the consent of the body.
9. A member may have a motion which contains several elements divided, but the mover shall have the right to designate which element will be voted on first.
10. A call for the question is intended to close the debate on the main motion; does not require a second and is not debatable.
    a. A call for the question fails without a majority vote.
    b. Debate on the main subject resumes if the motion fails.
11. A motion that receives a tie vote fails.
12. The presiding officer shall cause the motion to be stated before the vote.
13. A motion to adjourn cannot be amended.

B. Motion to Reconsider

1. A motion to reconsider may only be made by a member of the prevailing side. Any member may second the motion.
2. No motion shall be made more than once.
3. The motion shall be made before the final adjournment of the meeting when the item goes out of possession of the body.

II. Debate

A. The following rules shall govern the debate of any item being discussed by the council or committee:

1. Every member desiring to speak shall address the presiding officer, and, upon recognition by the presiding officer, shall confine him/herself to the question under debate, at all times acting and speaking in a respectful manner.
2. A member, once recognized, shall not be interrupted when speaking unless it is to be called to order, or as herein otherwise provided.

III. Public Comment and Decorum

A. Decorum during a meeting

In order to provide for efficient and safe public meetings that allow for peaceful civil discourse, the following rules are set to ensure decorum.

1. All persons in attendance at a public meeting should avoid conduct which is unreasonably loud, disruptive, or profane. Rude, slanderous, or threatening remarks will not be permitted. Any noise or disturbance from the audience which interrupts the proceedings is not permitted. Anyone doing so may be removed from the meeting.

2. Should an individual violate appropriate conduct for a meeting, the presiding officer may dismiss them from the meeting

3. If an individual is asked to leave after violating conduct standards, and will not, the individual may be trespassed under ORS 164.245.

IV. Public Comment

1. Public comment may be received at regular council meetings, standing committee meetings, and certain ad hoc committee meetings. The public shall have the right to comment at City Council meetings on all items that require a vote by the City Council, and all items on the agenda; the City Council will not accept public comment unrelated to agenda items. Because of the limited role, purpose, and authority of standing committees and ad hoc committees, and in order to promote efficiency and maintain order, standing committees will only receive public comment related to the subject of the committee or topics at that meeting, while ad hoc committees will receive public comment only to the extent it is specifically included in their directives. .
2. When an interested person addresses the council or gives oral comments, that person should state their name and indicate if they are a resident of the city.
3. Public comment is a time for comment; it is not a time for debate, nor is it a time for members of the public to ask questions of and receive answers from the council or city staff.
4. The maximum time allowed for public comments on any given item, including all speakers, is thirty 30 minutes. The mayor has the discretion to extent or reduce the time allotted to each speaker or may extend the comment period beyond the allotted 30 minutes to accommodate the needs of the meeting.

V. Public Comment Registration

1. Those giving public comment are required to register on the city website (by noon on the day of the meeting) or in person at the public meeting before

making comments and/or providing input at the meeting.

2. Registration is due before the meeting is called to order, except in the case of public hearings. An interested person shall register separately for each subject under which they wish to provide comment.
   a. For public hearings, public comment registration will close when the public testimony portion of the hearing is closed.
   b. The public comment registration forms will be made part of the meeting records in accordance with OPML. The registration forms will contain a provision by which a person may indicate that they do not wish for their address, phone number, and email address to be released in any public records request.
   c. A form complying with this rule will be available at all meetings. The city recorder is delegated the authority to draft, revise, and produce the necessary form that complies with this rule.
3. Those desiring to give public comment over the phone or through the virtual meeting option (Zoom or other virtual meeting platforms) are required to register by noon the day of the meeting.
   a. Should the meeting take place before 3pm, registration will be required by noon the day before the meeting, should this registration deadline fall on a weekend, registration will be due the Friday prior to the meeting. No Zoom or other virtual meeting platforms or phone comments will be received without prior registration.

VI. Comment on Agenda Items

1. Except as required by state statute, the following procedure will apply to comments on agenda items, other than those on the consent calendar. People will be given the opportunity to speak no more than five (5) minutes following the introduction of the item. Time limits may be changed for a meeting to accommodate the number of speakers. Speakers may share their time at the discretion of the mayor. The mayor has the discretion to extend these time limits. Speakers may address the council for less than their allotted time.

VII. Written Materials

1. Comments including any attachments (written comment, images, etc.), can be emailed to the City Recorder or dropped off at City Hall by 12:00 p.m. (noon) the Friday before the meeting. Materials more than 10 pages long should be submitted as early as possible to ensure sufficient time for council review. Written comment must be accompanied by a public comment registration form.
2. If written comment cannot be provided prior to the deadline, members of the public are to bring 10 printed copies of the item to the meeting and provide one copy to the City Recorder or staff member taking public comment registrations.

3. Written comments will not be read into the record.

VIII. Electronic Materials

1. Speakers may submit electronic audio or visual material to be played during the time permitted for their comment.
2. Speakers must provide the materials in a format compatible with city software to the City Recorder on the Friday prior to the council meeting by 12:00 p.m. so that it may be installed on the city's equipment to avoid delays or disruption of the meeting. All items will be virus screened and will not be used should a threat be detected.

IX. Council or Member Inquiries

1. Councilors or committee members may, upon recognition by the presiding officer, ask questions of speakers during public comment. Members shall use restraint when exercising this option and shall limit questions to no more than three minutes. The presiding officer may intervene if a member is violating the spirit of this guideline.

X. Voting

The following rules shall apply to voting on matters before the council. The express approval of a majority of a quorum of the council is necessary for any council decision, except as otherwise set forth in these rules or when the charter requires approval by a majority of the council. For standing committees, the express approval of a majority of the quorum is necessary for any decision.

A. Consent Agenda

A majority of quorum present is required to approve the matters on a consent agenda.

B. Resolutions

A majority of quorum present shall be required to pass a resolution.

C. An Ordinance

A majority of all council members is required to pass an ordinance.

D. Emergency Ordinance

An emergency ordinance shall require the majority of quorum present.

E. Budget

The budget shall require majority of quorum present to pass.

F. Suspension of Rules

A majority of quorum present shall be required to suspend or rescind a rule contained in these rules of procedure, however, rules which also appear in the city's charter shall not be suspended or rescinded.

G. All votes shall be recorded in the minutes and may not be by secret ballot.

H. Ties

Tie votes shall indicate a denial of the proposal. If the tie is a matter that has been appealed from a lower city body or commission, a tie shall render the lower body's decision approved.

CHAPTER 6 – Minutes

I. Generally

A. All minutes shall be in written form, in addition, an electronic copy of the meeting recording will be maintained by the city recorder in accordance with the appropriate record retention schedule.

B. The minutes shall be action minutes and contain the following information:

1. The date, time and place of the meeting;
2. The members present and absent;
3. The motions, proposals, resolutions, orders, ordinances, and measures proposed and their disposition;
4. The results of all votes and the vote of each member by name; and
5. The substance of any discussion.

CHAPTER 7 – Appointments

I. Appointments of City Staff

A. The council appoints and can remove those positions identified in the city's charter. This includes City Attorney and Municipal Judge.

B. Appointments and Removals

All appointments and removals require a majority vote of the entire council.

C. Interference

If the council appoints a municipal judge, the council may meet with the judge, but in no instance shall the council be permitted to interfere with the judge's exercise of judicial authority or discretion.

II. Appointments of Members to Boards, Commissions and Committees

A. Unless otherwise mandated by applicable law, the mayor shall appoint the

members of any standing board, commission, or committee with the consent of the council in accordance with the code, resolution, or law that governs them.

1. Standing boards, commissions or committees are those established by the municipal code, resolution, or state law, intended to be permanent or long-term, to fulfill an ongoing need of the city. (ex. Budget Committee, Historic Preservation Commission, Planning Commission)

B. Ad-Hoc Committees

1. The mayor may form ad-hoc committees to deal with specific tasks within specific timeframes and make recommendations to the council. Ad-hoc committees are intended to be temporary.
2. The mayor will establish the membership criteria for the ad-hoc committees. Residency does not have to be a required criterion. The mayor will appoint members of the ad-hoc committees, subject to council ratification.
3. The mayor may remove any member of the ad-hoc committee at any time. Members of the committee will be removed if the member fails to attend two 2 consecutive meetings of the committee without being excused prior to the meeting.
4. The mayor has the authority to grant an excused absence, and in the mayor's absence, the committee chair has the authority.
5. The mayor will designate the chairperson and the vice chair. Members will continue to serve until their mission is accomplished, replacement or reappointment.
6. Each member of the ad-hoc committee will have an equal vote on the committee. The reports of the ad-hoc committee will have only the authority of recommendations to the council.
7. The meeting time and place of the committee will be decided by the chair with the consent of the committee. The meeting time and place may be changed provided there is adequate notice. The chair will have the authority to cancel any meeting of the committee for lack of business or necessity to meet.
8. A majority of the committee may request a meeting. All meetings are public meetings and will be conducted in accordance with the OPML.
9. The city manager will have the responsibility to furnish the necessary staff support for each ad-hoc committee.
10. The committee will not have the authority to assign specific tasks to any staff person of the city but will work through the city manager.

C. Removals

Except as otherwise required by applicable law, all appointed board,

committee, or commission persons may be removed by the mayor with the consent of council.

CHAPTER 8 – Ethics, Decorum, Outside Statements

I. Ethics

A. All members of the council and committees shall review and observe the requirements of state ethics law. In addition to complying with state ethics law, all members of the council shall refrain from:

1. Disclosing confidential information.
2. Taking action which benefits special interest groups or persons at the expense of the city as a whole.
3. Expressing an opinion contrary to the official position of the council or committee without so saying.
4. Conducting themselves in a manner so as to bring discredit upon the government of the city.

II. Decorum

A. The presiding officer shall preserve decorum during meetings and shall decide all points of order, subject to appeal of the council or committee.

B. Members shall preserve decorum during meetings, and shall not, by conversation or action, delay or interrupt the proceedings or refuse to obey the orders of the presiding officer or these rules.

C. Members of the city staff and all other persons attending meetings shall observe the council's rules of proceedings and adhere to the same standards of decorum as members.

III. Statements to the Media and Other Organizations

A. Representing the City

If a member of the council or committee, including the mayor, appears as a representative of the city before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member may only state the official position of the city, as approved by a majority of the council or committee.

B. Personal Opinions

If a member of the council or committee, including the mayor, appears in their personal capacity before another governmental agency, the media (including social media) or an organization to give a statement on an issue, the member must state they are expressing their own opinion and not that of the city before giving their statement.

C. Suggested Language

Councilors and committee members are encouraged to use statements such as “This is my personal opinion and not the official opinion of the Newberg City Council (or relevant body).”

CHAPTER 9 – Interactions with Staff & City Attorney

I. Staff

A. All members of the council and committees shall respect the separation between their role and the city’s manager’s responsibility by:

1. Not interfering with the day-to-day administration of city business, which is the responsibility of the city manager.
2. Refraining from actions that would undermine the authority of the city manager or a department head.
3. Refraining from contacting the City Manager or Department Heads from 6pm Friday- 6am Monday, except in the case of an emergency.
4. Limiting individual inquiries and requests for information from staff to those questions that may be answered readily as part of staff’s day-to-day responsibilities. Questions of a more complex nature shall be directed to the city manager.
    a. Questions from individual members of the council requiring significant time or resources (2 hours or more) shall require the approval of the council.
    b. Members of the council shall share any information obtained from staff with the entire council.
    c. This section is not intended to apply to questions by members of the council acting in their individual capacity. Inquiries of a personal nature (i.e. utility billing issues, personal permits) shall be handled through the avenues available to all citizens.
    d. This section is not intended to apply to questions regarding conflict of interest or similar issues particular to a member of the council.

II. City Attorney

A. Council members may make requests to the City Attorney for information and advice in relation to council business.

1. Council members should understand that the City Attorney must prioritize the city’s legal issues and may not be able to respond immediately to Council requests.
2. Requests for legal advice that require greater than two hours of attorney time

will require the concurrence of the majority of the Council.

CHAPTER 10 – Censure

I. Rules Violations

A. The council may enforce these rules and ensure compliance with city ordinances, charter, and state laws applicable to governing bodies.

B. If a member of council violates these rules, city ordinances, the city charter, or state laws applicable to governing bodies, the council may take action to protect the integrity of the council and discipline the member via:

1. Public reprimand;
2. Removal from committee assignments; and/or
3. The removal from the position of council president.

II. Investigating Violations

A. The council may investigate the actions of any member of council and meet in executive session under ORS 192.660(2)(b) in order to discuss any finding that reasonable grounds exist that a violation of these rules, local ordinance, the city charter, or state laws applicable to governing bodies has occurred.

B. Sufficient notice must be given to the affected member to afford them the opportunity to request an open hearing under ORS 192.660(2)(b).

CHAPTER 11 – Amendment and Repeal

I. Amendment

A. These rules of procedure are subject to amendment by the council in accordance with the rules noted herein.

B. Any proposed amendment to these rules shall be noted on an agenda for a regular meeting, wherein the same shall be discussed and open for comment by the public.

C. All amendments to these rules require a majority vote.

D. Amended rules shall not go into effect until the meeting after the rule is approved.

II. Repeal

A. These rules of procedure are subject to repeal and replacement by the council in accordance with the rules noted herein.

B. Any proposed repeal of these rules shall be accompanied by a proposed replacement.

C. Any proposed repeal and replacement of these rules shall be done by resolution, noted on an agenda for a regular meeting, wherein the same shall be discussed, and open for comment by the public.

D. Any repeal and replacement of these rules requires a majority of the full council vote.

E. Any repeal and replacement of these rules shall not go into effect until 30 days after the replacement rule was approved unless otherwise noted in the resolution.

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► LEGISLATIVE HEARING ◄◂

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	**Presiding Officer:** This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits **Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.**	**Presiding Officer:** I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. ORDINANCE DECISIONS

Ordinances - Action usually requires passage of an ordinance; the relevant motions are listed in the Ordinance Action Guide.

ORDINACE ACTION GUIDE

First action: Waive the second reading.	
If this is the first meeting in which this ordinance is considered, council should waive the second reading through the following motion.	**Script** **Presiding Officer:** I move to waive the second reading of Ordinance [####].

Second action can be one of 4 steps:	
1. Motion for Approval	**Script** **Presiding Officer:** I move to approve Ordinance [####], [Title]
2. Motion to Read in Full	**Script** **Presiding Officer:** I move to approve Ordinance [####], [Title] and ask that it be read in full.
3. Motion to Approve Amended Ordinance Amended ordinance must be read in full if approved in the same meeting as amendments are made.	**Script** **Presiding Officer:** I move to approve Ordinance [####], [Title] with amendments and ask that amendments be read in full.
4. Motion to Table the Ordinance Motion:	**Script** **Presiding Officer:** I move to table this ordinance to be considered at our next meeting.

Third Action: Roll Call Vote
Script
Presiding Officer: A motion has been made to (repeat the motion). **Presiding Officer to the city recorder or meeting clerk:** Please take a roll call vote. (The city recorder or meeting clerk calls the roll and announces the number of ayes and nos.) **Presiding officer:** The motion [passes **or** passes unanimously **or** fails]

Majority of Entire Membership	
Ordinances require majority of the entire membership for passage, this means a majority of all of the councilors, <u>not of the quorum present.</u>	
7 members	4 votes required for passage
6 members	4 votes required for passage
5 members	3 votes required for passage
4 members	3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► ADMINISTRATIVE HEARING ◄

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	**Presiding Officer:** This hearing is to consider [topic of hearing]. At this time, I will open the public hearing. Citizens will be able to testify on this issue by first submitting a public comment registration at the back table should they wish to speak.

2. DECLARATION OF CONFLICTS OF INTEREST OR ABSTENTIONS

	Script
	Presiding Officer: Do any members of this [council, board, committee, or commission] need to declare a conflict of interest, abstention, or ex-parte contact? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits **Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.**	**Presiding Officer:** I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close.

6. RECOMMENDATIONS FROM STAFF

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

7. COUNCIL DELIBERATION

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

8. DECISIONS

Resolutions - Action usually requires passage of a resolution; the relevant motion should be:

Vote: voice vote is permitted	Script
	Motion: I make a motion to approve Resolution [####], [Title]. **Presiding Officer:** A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no. (Pause) The motion [passes unanimously **or** passes **or** fails.]

Majority of Quorum	
Resolutions require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage

OUTLINE FOR PUBLIC HEARINGS

Newberg City Council

► QUASI-JUDICIAL LAND-USE & NON-LAND-USE ◄

1. CALL TO ORDER

	Script
Open the public hearing, announce the purpose, discuss testimony, procedure, and time allotments	**Presiding Officer:** This hearing is to consider (topic of hearing). At this time, I will open the public hearing. Citizens will be able to testify on this issue and should submit a public comment registration at the back table should they wish to speak.

2. CALL FOR ABSTENTIONS, BIAS, EX-PARTE CONTACT, AND OBJECTIONS TO JURISDICTION

	Script
City Attorney Legal Announcements: Read "quasi-judicial announcements" sheet	**Presiding Officer:** Do any members of this [council board, committee or commission] need to declare a conflict of interest, abstention, or ex-parte contact or an objection to the jurisdiction? (If yes, a member should be acknowledged by the presiding officer and state their declaration.)

3. STAFF REPORTS

	Script
	Presiding Officer: Now we will hear a report from our staff on this item.

4. PUBLIC TESTIMONY

	Script
The presiding officer announces time limits **Generally, five minutes is allowed for each individual. The presiding officer can make changes to this should there be a large number of testimonies.**	**Presiding Officer:** I will now open public testimony. Written testimony has been entered into the record and provided to members of the council and staff. We will hear from those in favor first, then opponents, and finally those who are undecided. At the end the principal proponent will have a chance to offer a rebuttal. Each person will be given 5 minutes to speak. I will call you to the table to speak. Please first turn on the microphone and state your name.

5. QUESTIONS OF PROPONENTS AND OPPONENTS FROM THE FLOOR OR THE CITY COUNCIL DIRECTED THROUGH THE CHAIR

	Script
	Presiding Officer: Do any members of the council have questions for those who have given testimony?

6. PUBLIC AGENCY LETTERS OR COMMENTS

	Script
	Presiding Officer: Now we will receive testimony from any public agencies. Written testimony has been entered into the record and provided to members of the Council and staff.

7. CLOSE OF PUBLIC TESTIMONY

	Script
	Presiding Officer: Public testimony is called to a close. **City Attorney Legal Announcements**

8. FINAL COMMENTS FROM STAFF AND RECOMMENDATION

	Script
	Presiding Officer: Could we please hear the recommendation from staff on this issue?

9. DELIBERATION OF COMMISSION INCLUDING DISCUSSION OF CRITERIA WITH FINDINGS OF FACT

Councilors should seek acknowledgement and then speak on the issue.	Script
	Presiding Officer: Now I'll open the floor for council deliberation. Would anyone like to speak on this matter?

10. ACTION BY THE COUNCIL

Orders - Action usually requires passage of an order; the relevant motion should be:

	Script
Vote: voice vote is permitted	**Motion:** I make a motion to approve Order [####], [Title]. **Presiding officer:** A motion has been made to (repeat motion). Is there any further discussion? (Pause for discussion.) I'll now take a vote on the motion to (repeat motion). All those in favor please say aye. (Pause) Those opposed please say no **Presiding officer:** The motions [passes **or** passes unanimously **or** fails]
Majority of Quorum	
Orders require majority of the quorum for passage.	
7 members present	4 votes required for passage
6 members present	4 votes required for passage
5 members present	3 votes required for passage
4 members present	3 votes required for passage