

Council accepts comments on agenda items during the meeting. Fill out a form identifying the item you wish to speak on prior to the agenda item beginning and turn it into the City Recorder. (The exception is formal land use hearings, which requires a specific public hearing process.)

**CITY OF NEWBERG  
CITY COUNCIL AGENDA  
TUESDAY, SEPTEMBER 7, 2010  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM  
401 EAST THIRD STREET**

**I. CALL MEETING TO ORDER\***

**II. ROLL CALL**

**III. PLEDGE OF ALLEGIANCE**

**IV. CITY MANAGER'S REPORT**

**V. APPOINTMENTS**

Consider a motion to appoint Kale Rogers to the Planning Commission as the student representative. (Pgs. 3-6)

**VI. PUBLIC COMMENTS**

(30 minutes maximum which may be extended at the Mayor's discretion; an opportunity to speak for no more than 5 minutes per speaker allowed)

**VII. CONSENT CALENDAR**

1. Consider a motion approving **Resolution No. 2010-2917** initiating an evaluation and establishment of the City's Stormwater Management and Erosion Control Ordinance. (Pgs. 7-8)
2. Consider a motion approving **Resolution No. 2010-2918** authorizing the city manager to sign an intergovernmental agreement with the City of Springfield for ambulance billing services. (Pgs. 9-11)
3. Consider a motion approving a **Sound Permit** for Eric Cisneros' non-profit community event to be held on September 18, 2010, celebrating Mexico's Independence Day. (Pgs. 13-14)
4. Consider a motion approving **City Council Minutes** for August 2, 2010. (Pgs. 15-18)

**VIII. PUBLIC HEARING**

1. Consider a motion adopting **Order No. 2010-0027** affirming the Planning Commission's denial of the Fred Meyer gas station conditional use permit/design review application.  
**(Quasi-Judicial Hearing)**
2. Consider a motion adopting **Ordinance No. 2010-2730** amending the Newberg Comprehensive Plan and Newberg Development Code to promote affordable housing and to create residential design standards. (Pgs. 19-250)  
**(Legislative Hearing)**

\*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

**IX. COUNCIL BUSINESS**

**X. ADJOURNMENT**

**INDEX OF ORDERS, ORDINANCES AND/OR RESOLUTIONS:**

**ORDERS:**

**Order No. 2010-0027** finding that the conditional use permit/design review application for the proposed Fred Meyer gas station at 3300 Portland Road does not meet the applicable Newberg Development Code criteria, affirming Planning Commission Resolution 2010-262, and therefore denying the application.

**ORDINANCES:**

**Ordinance No. 2010-2730** amending the Newberg Comprehensive Plan and Newberg Development Code to promote affordable housing and to create residential design standards.

**RESOLUTIONS:**

**Resolution No. 2010-2917** initiating an evaluation and establishment of the City's Stormwater Management and Erosion Control Ordinance.

**Resolution No. 2010-2918** authorizing the city manager to enter into a two year (2010-2012) intergovernmental agreement with the City of Springfield for the purposes of performing ambulance billing and collections services.

*ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Manager's office of any special physical or language accommodations you may need as far in advance of the meeting as possible and no later than 48 hours prior to the meeting. To request these arrangements, please contact Norma Alley, City Recorder, at (503) 537-1283.*

Public testimony will be heard on all agenda items at the Council meeting. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

\*The Mayor reserves the right to change the order of items to be considered by the Council at their meeting. No new items will be heard after 11:00 p.m., unless approved by the Council.

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 7, 2009

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion XX Information \_\_\_  
No. No. No.

**SUBJECT:** Appoint Kale Rogers as the student representative to the City of Newberg Planning Commission.

Contact Person (Preparer) for this Motion: **Bob Andrews, Mayor**

Dept.: **Administration**  
File No.:

## RECOMMENDATION:

To consent to the appointment, by the Mayor, of Kale Rogers as the student representative with a term expiring August 31, 2011, on the Newberg Planning Commission.

## EXECUTIVE SUMMARY:

The Newberg Planning Commission has a vacancy of its Student Planning Commissioner. The applicant, Kale Rogers, has expressed interest in serving on the Committee and has submitted his application. No other applications have been submitted at this time.

For privacy purposes, the original application is retained in the City Recorder's Office. Please call (503) 537-1283 to request a copy.

## FISCAL IMPACT:

None

## STRATEGIC ASSESSMENT:

The Newberg Planning Commission serves a very important role in the betterment of our community and downtown.

# KALE ROGERS

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Jessica Nunley  
Assistant Planner  
City of Newberg  
414 E First Street  
Newberg, OR 97132

May 31, 2010

Dear Ms. Nunley,

I am very interested in being the student representative for the Planning Commission. Enclosed is an application. If you have any questions feel free to contact me at (503) 554 9382.

Thank you for your time.

Sincerely,



Kale Rogers

**Kale Rogers**  
**Application for Student Planning Commissioner**  
**City of Newberg**  
**May 31, 2010**

It seems that high school students today are not concerned or interested in the planning or politics of the area they inhabit. Social reputations consume their brains making them more worried about a Facebook status than the future of the town, state country even world that they live in. As a high school student, the abilities to make connections and friends, play sports, and keep grades up are important but I find a want to learn and contribute to the community I reside in. I am interested in the planning of cities; finding a balance between industrial, commercial and residential areas and land used for agricultural, parks and the natural aesthetics of a landscape.

I would also like to bring a student/ teenager's perspective to the Planning Commission. It is important to listen to the youth of the world because as a member you shape the land and city that we will inherit. I look forward to making my opinion known even though I know my role will not entail a vote. I would be thrilled if I could see the decisions the community is making and have the chance to influence and add bring a different view to the voters.

All in all I feel volunteerism is important. Kids today do not realize the benefits gained from helping. It not only creates a better life for another, it gives the volunteer a self satisfaction more valuable than any paid task. My name is Kale Rogers, I currently have a 4.0 GPA at Newberg High School and I am a member of the Water Polo, Swim and Rugby teams. Both my parents work in the nonprofit sector and have given me a base knowledge of how the Planning Commission works. All these things compile making me believe I would be a great addition to the Planning Commission.



Jessica Nunley  
Assistant Planner  
Newberg Planning Commission  
414 E. First Street  
Newberg, OR 97132

To Whom It May Concern:


I am very pleased to recommend Kale Rogers for consideration for the position of student representative on the Newberg Planning Commission. Kale has the skills, drive and personality to do amazing things, and this position would be a wonderful opportunity to help prepare himself for the next step in his education.

I have known Kale for two years, through multiple classes he has taken with me as well as through Newberg High School's advisory program. Kale has been one of the most rewarding students I've ever worked with. He has a huge capacity for intellectual discovery and a real sense of compassion that leads him to try to see the other side in any situation. He also has a personality that helps him keep potentially tense situations light, and is an integral and important part of what makes him a unique individual.

I have been very impressed with how much Kale has matured the last two years, more so than most students I have worked with. He has taken on the challenge of advanced classes and involvement in extracurricular activities in an effort to round out his high school experience, and I believe this has worked greatly to his benefit.

Thank you for your time, and your consideration of Kale for this position. I believe that his dedication to his work, his positive attitude, and his consideration and care for others will be a valuable addition to the planning commission's work. Please feel free to contact me if you have any further questions.

Sincerely,

  
Dan Julian  
Newberg High School

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 7, 2010

Order \_\_\_\_ Ordinance \_\_\_\_ Resolution XX Motion \_\_\_\_ Information \_\_\_\_  
No. No. No. 2010-2917

**SUBJECT:** A resolution initiating an evaluation and establishment of the City's Stormwater Management and Erosion Control Ordinance.

Contact Person (Preparer) for this  
Resolution: **Sonja Johnson**

Dept.: **Public Works Department**

File No.:  
*(if applicable)*

## RECOMMENDATION:

Consider **Resolution No. 2010-2917**, initiating an evaluation and establishment of the City's Stormwater Management and Erosion Control Ordinance.

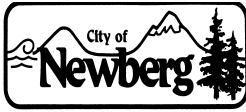
**EXECUTIVE SUMMARY:** The United States Environmental Protection Agency, under the authority of the Clean Water Act, delegated the development of Total Maximum Daily Load (TMDL) limits to the Oregon Department of Environmental Quality (DEQ) in order to improve and restore the water quality of Oregon's rivers and streams. As part of that process, the DEQ developed TMDLs for the Willamette River and subsequently provided a Notice of Willamette Basin TMDL Order to the City on October 17, 2006. The Order required the City to develop and submit, to the DEQ, a Willamette TMDL Implementation Plan (hereafter referred to as the "Plan") listing strategies that the City would implement to improve the quality of discharges from the City's streams and waterways to the Willamette River.

The City provided the DEQ with a proposed Plan to manage sediment, mercury, and bacteria in City streams and rivers discharging to the Willamette River. The Plan was approved by DEQ in October 2008 and formally accepted by the City Council on December 1, 2008. Under the authority of City Code 53.04, the City has the "authority and responsibility for the planning, design, construction, maintenance, administration, and operation of the stormwater system." By this legal authority, the City may establish a Stormwater Management and Erosion Control Code to minimize runoff at construction sites and at developments that are in the post-construction phase.

Public education and participation are important components of the Plan and, as such, it is requested that the City Council refer the proposed Stormwater Management and Erosion Control Ordinance to the Planning Commission for their review, evaluation, and recommendation to the Council.

**FISCAL IMPACT:** Staff time to facilitate this public hearing process will be minimal.

**STRATEGIC ASSESSMENT:** By referring this proposal to the Planning Commission for their review, evaluation, and recommendation, the Council is inviting the public's participation and expertise in this matter.



# RESOLUTION No. 2010-2917

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**A RESOLUTION INITIATING AN EVALUATION AND ESTABLISHMENT  
OF THE CITY'S STORMWATER MANAGEMENT AND EROSION CONTROL  
ORDINANCE**

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**RECITALS:**

1. The City created a Willamette TMDL Implementation Plan (hereafter referred to as the "Plan") after receiving a Notice of Willamette Basin Total Maximum Daily Loading (TMDL) Order on October 17, 2006 from the Oregon Department of Environmental Quality (DEQ). The City's proposed Plan was approved by the DEQ in October 2008. The City adopted the Plan on December 1, 2008.
2. As part of the Plan, the City must manage the amount of sediment entering the Willamette River from City streams and waterways. The most economical method of managing sediment is to prevent it from entering streams and waterways using stormwater best management practices and erosion control.
3. Newberg citizens can provide valuable expertise and assistance in the adoption of a Stormwater Management and Erosion Control Ordinance. A public hearing conducted by the Planning Commission will provide practical and beneficial public input.

**THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The Planning Commission shall hold hearings to consider the Stormwater Management and Erosion Control Ordinance and forward a recommendation to the City Council for consideration. The City Attorney shall review the recommendation for legal sufficiency.
2. The Council hereby directs staff to initiate an evaluation and establishment of the Stormwater Management and Erosion Control Ordinance through the Planning Commission public hearing process.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 8, 2010.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 7<sup>th</sup> day of September 2010.

\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of September 2010.

\_\_\_\_\_  
Bob Andrews, Mayor

**LEGISLATIVE HISTORY**

By and through \_\_\_\_\_ Committee at \_\_\_ / \_\_\_ /200x meeting. Or,  X  None.



# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: Month Day, Year

Order \_\_\_\_ Ordinance \_\_\_\_ Resolution XX Motion \_\_\_\_ Information \_\_\_\_  
No. No. No. 2010-2918

**SUBJECT: Ambulance Billing Contract with City of Springfield**

Contact Person (Preparer) for this  
Resolution: Frank Douglas, EMS Division Chief

Dept.: Fire  
File No.:

## RECOMMENDATION:

Adopt **Resolution No. 2010-2918** authorizing the City Manager to enter into a two year (2010-2012) Intergovernmental Agreement with the City of Springfield for the purposes of performing ambulance billing and collections services.

## EXECUTIVE SUMMARY:

The City of Newberg has contracted with the City of Springfield since 1994 for ambulance billing and collection services. The City of Springfield also provides ambulance billing and collection services for 18 ambulance services in Oregon (see Attachment "A"). Of the eighteen ambulance services, the City of Newberg is charged the lowest per patient fee of \$35.85 per patient. The 2010-2012 agreement includes no fee increase from the 2008-2010 per patient fee. The City of Springfield provides expertise in many areas including Medicare, Medicaid, Oregon Health Plan, HIPAA, new regulations, and special collection matters. Over the last 15 years the City of Newberg has experienced top notch expert services with high collection rates. Current collection rate is 85%, which is very good.

## FISCAL IMPACT:

The 2010-2011 Emergency Medical Services (EMS) budget includes a billing services line item of \$70,000.00 for ambulance billing and collections that covers the per patient fee. This budget line item is unique, in that it correlates directly with "User Fees" in the Revenue side of the EMS budget. The higher the volume of "per patient fees" we pay, the more revenue is generated. The \$70,000.00 line item amount is a best estimate based on ambulance transport volume of the previous year.

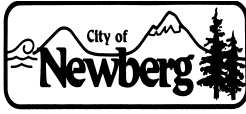
## STRATEGIC ASSESSMENT:

Expert ambulance billing and collection services are critically important in sustaining Newberg Fire Department's ability to provide outstanding service. The City of Newberg does not have the financial resources to conduct ambulance billing services in-house. We know of no private ambulance billing companies in Oregon with Springfield's expertise, staff size, and long history of great service.

## City of Springfield Ambulance Billing Clients

The City of Springfield provides ambulance billing and collections for the following agencies:

- City of Springfield Fire Department
- City of Newberg
- Hermiston Fire and EMS
- City of Ashland
- Lane Rural Fire and Rescue
- City of La Grande
- Mid-Columbia Fire and Rescue (The Dalles)
- Polk County Fire District
- Hood River Fire Department
- Central Oregon Coast Ambulance
- City of Oakridge
- North Douglas Fire and EMS
- Umatilla Tribal Ambulance
- Elgin Ambulance
- Crooked River Ranch Fire District
- Cascade Locks Ambulance
- St. Paul Fire District
- Union Emergency Services



## **RESOLUTION No. 2010-2918**

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**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A TWO YEAR (2010-2012) INTERGOVERNMENTAL AGREEMENT WITH THE CITY OF SPRINGFIELD FOR THE PURPOSES OF PERFORMING AMBULANCE BILLING AND COLLECTIONS SERVICES**

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### **RECITALS:**

1. The Newberg Fire Department (NFD) is operating an ambulance service.
2. The approved 2010-2011 Emergency Medical Services (EMS) budget includes \$70,000.00 for ambulance billing services.
3. The City of Springfield has provided ambulance billing and collection service for the City of Newberg since 1994.
4. The cost of providing “in house billing” by the City employing the appropriate staff to provide the same level of service received by the City of Springfield would exceed the \$70,000.00 per year cost.”
5. Oregon Revised Statue 190.010 provides that units of local government may enter into agreements for the performance of any and all functions and activities that any party to the agreement, its officers, or agents have authority to perform.
6. NFD would like to use the City of Springfield for its ambulance billing and collection services.

### **THE CITY OF NEWBERG RESOLVES AS FOLLOWS:**

1. The 2010-2011 City of Newberg EMS budget includes a line item of \$70,000.00 for ambulance billing services.
2. The City Manager is authorized and empowered to sign all necessary documents, due all necessary acts, and enter into all necessary agreements ambulance billing and collection services provided by the City of Springfield.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 8, 2010.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 7<sup>th</sup> day of September, 2010.

\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of September, 2010

\_\_\_\_\_  
Bob Andrews, Mayor

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# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 7, 2010

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion XX Information \_\_\_  
No. No. No.

**SUBJECT: Consideration of a sound permit application for Eric Cisneros' non-profit community event celebrating Mexico's Independence Day.**

Contact Person (Preparer) for this Motion: **Chris Bolek, Captain**

Dept.: Police

File No.:  
*(if applicable)*

## RECOMMENDATION:

Approve a sound permit for Eric Cisneros for a non-profit community event celebrating Mexico's Independence Day.

## EXECUTIVE SUMMARY:

This is an outdoor community event that is scheduled for one day, Saturday September 18, 2010 between the hours of 10:00 am and 9:00 pm to be held at the Newberg Memorial Park.

There will be no alcoholic beverages available or sold during this event and a fee will not be charged for entry. This outdoor music event will feature amplified live instruments / bands and singing.

The City Manager is authorized to approve sound permits for events where the sound will be kept at 200 feet or less (Title IX: General Regulation, Chapter 95.39 (B) (3) *Nuisance, permitted exceptions of the Newberg City Code.*) However, because sound from this concert will travel **more than 200 feet**, we are seeking approval from the City Council.

This community event is sponsored by Eric Cisneros of 639 N. Morton Street, Newberg, OR. Mr. Cisneros estimates approximately 500 or more individuals will be in attendance throughout the hours of the event.

Eric Cisneros has obtained approval from the Chehalem Park and Recreation District (CPRD) as signified by the signature of Kathleen Wood, CPRD representative.

Eric Cisneros has met all the requirements for a sound permit. Seeing no reason to deny, the Newberg-Dundee Police Department recommends approval of the permit.

## FISCAL IMPACT:

None.

## STRATEGIC ASSESSMENT:

None.



DANCE PERMIT APPLICATION

SOUND PERMIT APPLICATION

(Allow a minimum of 10 working days to process)

Fee: \$10.00 per dance

Newberg-Dundee Police Department
401 E. 3rd Street
Newberg, Oregon 97132
(503) 537-1280

APPLICANT: Eric Cisneros DRIVERS LICENSE # 6166285 DATE: 8-16-10

ADDRESS (street, city, zip code): 637 N Morton St

TELEPHONE: HOME (503) 307-5997 BUSINESS:

EVENT SPONSOR:

ADDRESS (street, city, zip code):

EVENT LOCATION: Memorial Park (Newberg)

DATE OF EVENT: 9-18-10 DANCE TIME: to SOUND TIME: 10 to 8:30

TYPE OR NATURE OF EVENT (please choose one of the following):

- Public Commercial or Noncommercial event with audible sound OVER 200 ft. (requires City Council approval, allow 30 working day minimum to process)
Noncommercial event with audible sound of 200 ft. or less
Public
Private/Invitational

NUMBER OF PEOPLE EXPECTED: 500+

(All events are subject to Newberg Police Department Reserve personnel or other private security personnel)

WILL A FEE BE CHARGED FOR ADMITTANCE TO THE EVENT? Yes No

WILL ALCOHOLIC BEVERAGES BE PRESENT ON THE PREMISES? Yes No

TYPE AND AMOUNT OF SECURITY PROVIDED FOR THE EVENT: None

DESCRIBE PROVISIONS FOR THE CONTROL AND DISPENSING OF ALCOHOLIC BEVERAGES
(Will a licensed OLCC server be on site or will alcohol be dispensed without consumption controls and oversight?)

I have read and understand the rules contained on the back of this form. The statements and information provided above are in all respects complete and correct to the best of my knowledge and belief. Tentative plans must substantially conform to all standards, regulations and procedures officially adopted by the City of Newberg.

Eric Cisneros Applicant Signature

Kathleen M. Wood CPRD Property Owner Signature

CITY OF NEWBERG USE ONLY (comments & conditions)

Police Services Request attached See Copy of City Code attached. MUST Be Approved By Council. Bolo Date: 081710

Manager approved denied Signature Date:

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 7, 2010

Order \_\_\_ Ordinance \_\_\_ Resolution \_\_\_ Motion XX Information \_\_\_  
No. No. No.

SUBJECT: Approve the August 2, 2010, City Council Meeting minutes.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder

Dept.: Administration

File No.:  
*(if applicable)*

## RECOMMENDATION:

Approve the August 2, 2010, City Council minutes for preservation and permanent retention in the City's official records.

## EXECUTIVE SUMMARY:

On August 2, 2010, the City of Newberg City Council held public meetings. At those meetings, minutes were recorded in text.

## FISCAL IMPACT:

None.

## STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES  
AUGUST 2, 2010  
7:00 P.M. MEETING  
PUBLIC SAFETY BUILDING TRAINING ROOM  
401 EAST THIRD STREET**

An Executive Session pursuant to ORS 192.660(2)(h) was held during the Work Session to consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed. No decisions were made.

**I. CALL MEETING TO ORDER**

Mayor Bob Andrews called the meeting to order at 7:00 PM.

**II. ROLL CALL**

Members

Present:	Mayor Bob Andrews	Denise Bacon	Stephen McKinney
	Bart Rierson	Wade Witherspoon	Ryan Howard

Members

Absent: Marc Shelton

Staff

Present:	Daniel Danicic, City Manager	Terrence Mahr, City Attorney
	Barton Brierley, Planning and Building Director	Dain Eichel, Acting Public Works Director
	Larry Fain, Senior Engineer/CIP Manager	Norma Alley, City Recorder
		Jennifer Nelson, Recording Secretary

Others

Present: Roger Wiltshire, Randolph Lytle, and Steve Watt

**III. PLEDGE OF ALLEGIANCE**

The Pledge of Allegiance was performed.

**IV. CITY MANAGER'S REPORT**

Mr. Daniel Danicic, City Manager, stated the County Fair will be held this week from Wednesday, August 4-7, 2010. The Public Works Director position advertisement closes this Friday. He read a letter from Dr. Jack Vining, MD, of McMinnville praising Fire Department personnel whom responded to a fatal accident. It was requested to contact the writer of the letter and ask if it could be printed in The Newberg Graphic.

**V. PUBLIC COMMENTS**

None.

**VI. CONSENT CALENDAR**

1. Consider a motion approving **Resolution No. 2010-2915** authorizing the City Manager to enter into agreement with the State of Oregon to exchange federal funds for state funds.



2. Consider a motion approving **City Council Minutes** for June 28, 2010, and July 6, 2010.

**MOTION: Rierson/Bacon** approving the Consent Calendar including **Resolution No. 2010-2915** authorizing the City Manager to enter into agreement with the State of Oregon to exchange federal funds for state funds and the City Council Minutes for June 28, 2010, and July 6, 2010, as amended. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

## VII. PUBLIC HEARING

Consider a motion to approve **Order No. 2010-0026** approving the findings that the proposed annexation and concurrent zone change meet the applicable Newberg Development Code criteria and approve **Ordinance No. 2010-2729** annexing two adjacent parcels located at 308 Hwy 99W and 612 W. 3<sup>rd</sup> Street and scheduling this item for the November 2, 2010, General Election.

TIME – 7:14 PM

Mayor Andrews called for any abstentions, biases, ex parte contact, or objections to jurisdiction; none appeared.

Mr. Terrence Mahr, City Attorney, made the required legal announcements for quasi-judicial hearings.

Mr. Barton Brierley, Planning and Building Director, presented the staff report including a power point visual (see official meeting packet for full report).

Mr. Roger Wilshire asked for clarification of the location of the parcel and if it was contiguous to the east or west of the city limits. Staff replied the city limits are to the west of the considered parcel, so the parcel is to the east of the city limits.

Mayor Andrews opened and closed the public testimony. No citizens were present to testify; no written testimony had been received. Staff stated the Planning Commission recommended adoption.

Mr. Mahr asked if the applicant wished to waive their right to an additional seven days to submit further written testimony.

Mr. Randolph Lytle, representing the applicant Mr. Steve Watt with Airgas, stated they would like to waive their rights to additional time to submit further written material to the public record.

Mayor Andrews closed the public hearing.

Councilor Bart Rierson mentioned they Planning Commission unanimously supported adopting the annexation.

**MOTION: Rierson/Bacon** approving **Order No. 2010-0026** approving the findings that the proposed annexation and concurrent zone change meet the applicable Newberg Development Code criteria. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

**MOTION: Rierson/Bacon** approving **Ordinance No. 2010-2729** annexing two adjacent parcels located at 308 Hwy 99W and 612 W. 3<sup>rd</sup> Street and scheduling this item for the November 2, 2010, General Election, read by title only. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

## VIII. COUNCIL BUSINESS

TIME – 7:33 PM

Mr. Danicic led a discussion on sustainable budgeting and discussed a proposed survey. He requested their approval to convene the Budget Committee to review the process of the survey and town hall gathering. There were concerns about the cost of the survey when other programs are being forced to accept significant cutbacks; the pros and cons will be explored further with the entire Budget Committee.

Mayor Andrews discussed an emailed received by him and another councilor regarding a zone change for some property on North Meridian Street. Staff indicated there was some property purchased by the Yamhill County Housing Authority and they have discussed a possible zone change with the City; they were encouraged to talk with the surrounding neighbors before filing an application for the zone change. Staff has not been involved in this process and citizens coming to Council with questions or comments would be considered ex parte contact and must be declared if and when Yamhill County Housing Authority decides to apply for the zone change and it comes to the Council as a quasi-judicial public hearing. No application has been filed yet, but discussions on the matter with citizens and Council would be inappropriate at this time.

Mr. Danicic asked Council for further direction concerning the Daytime Curfew issue with the school district and how they would like to continue with the matter. Councilors were still anticipating a meeting with the school district on neutral territory to discuss their reasons and supporting data from both the schools and police department.

Councilor Rierson expressed concerns for accidents at 2<sup>nd</sup> Street and Hwy 219 and the anticipated “right in, right out only” intersection to be installed by the Oregon Department of Transportation (ODOT). He wished to discuss an interim solution with ODOT in the interest of public safety. The Mayor suggested he bring up the matter at his next Mid-Willamette Valley Area Commission on Transportation (MWACT) meeting.

## IX. ADJOURNMENT

The meeting adjourned at 8:16 PM.

**ADOPTED** by the Newberg City Council this 7<sup>th</sup> day of September, 2010.

\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this \_\_\_\_ day of September, 2010.

\_\_\_\_\_  
Bob Andrews, Mayor

# REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 7, 2010

Order \_\_\_\_ Ordinance XX Resolution \_\_\_\_ Motion \_\_\_\_ Information \_\_\_\_  
No. No. 2010-2730 No.

**SUBJECT: Proposed amendments to:  
(1) Comprehensive Plan policies and Development Code to support affordable housing; and, (2) Development Code with new residential design standards.**

Contact Person (Preparer) for this Ordinance: David Beam, AICP

Dept.: Planning and Building

File No.: Gen file 09-007  
*(if applicable)*

HEARING TYPE:  LEGISLATIVE  QUASI-JUDICIAL

**RECOMMENDATION:** Adopt Ordinance No. 2010-2730, which would (1) amend the Comprehensive Plan policies and Development Code to support affordable housing; and, (2) amend the Development Code with new residential design standards to promote the development of attractive, livable and functional neighborhoods.

## EXECUTIVE SUMMARY:

### Project History

#### Ad Hoc Committee on Newberg's Future

The genesis of the proposed amendments comes from recommendations from the Ad Hoc Committee on Newberg's Future in 2005. The committee recommended that the City take steps to encourage housing of all types and levels of affordability, to encourage development to occur closer to planned densities through a variety of positive incentives, and to encourage the development of affordable housing. The City Council directed staff to implement the Committee's recommendations.

#### Affordable Housing through Density and Design

In 2006, Newberg was able to obtain a grant to develop Development Code amendments to implement the recommendations of the Ad Hoc Committee on Newberg's Future. Staff held three public events to develop draft amendments. These amendments were further refined from 2006-2008 through five Planning Commission workshops, one Planning Commission hearing, and one City Council workshop.

As a result of this process, the Planning Commission recommended, and the City Council concurred, that the City develop an Affordable Housing Action Plan that would look comprehensively at ways to promote affordable housing, not just code amendments.

#### Affordable Housing Action Plan

In 2008, the City Council appointed the Affordable Housing Ad Hoc Committee. The Committee met for a year from 2008 to 2009 to develop a comprehensive strategy for promoting affordable housing in Newberg.

As part of this process, the committee held twelve meetings and one open house. The committee looked in great detail at the proposed code amendments proposed in the previous process. The committee recommended a number of specific changes as well as making some general recommendations for code changes. These recommendations, along with many other strategies, were included in the committee's proposed Affordable Housing Action Plan. The City Council accepted the plan in May, 2009. The plan

received the Betty Niven Award for Distinguished Leadership in Affordable Housing Advocacy from the Oregon Chapter of the American Planning Association.

### **Planning Commission review of Development Code Amendments**

Following adoption of the Action Plan, the Planning Commission resumed its review of the proposed Development Code amendments. The Planning Commission held seven hearings from June 2009 to March 2010 to review and refine the proposed amendments. On March 11, 2010, the Commission voted to recommend adoption of the code amendment package.

### **Newberg City Council Workshop**

A workshop was held with the City Council at a work session on June 7, 2010. The Council provided input on the proposed amendments.

### **Town Hall Meeting**

A Town Hall meeting was held with the general public on June 9, 2010. The Council provided input on the proposed amendments.

### **Summary of Proposed Amendments**

The Development Code amendment package includes a wide variety of changes intended to promote both affordable housing and development at planned densities. Following is a summary of the proposed amendments:

#### **Comprehensive Plan Policies**

The proposal would add several comprehensive plan policies in support of affordable housing.

#### **Lot size and dimensions**

- Reduce the minimum lot size in R-1 zones from 7,500 sf to 5,000 sf.
- Reduce the minimum lot size in R-2 and R-3 zones from 5,000 sf to 3,000 sf.
- Require that R-2 and R-3 lots over 15,000 sf be developed to at least one dwelling per 5,000 sf.
- Allow lot size averaging for subdivisions, where some lots may be lower than the minimum lot size as long as the average size of lots is at least the minimum size.
- Reduce the minimum lot width from 50 feet to 30 feet.
- Increase the maximum lot coverage in the R-2 zone from 40% to 50%.

#### **Building heights**

- Allow 2-story accessory buildings
- Create an alternate building height standard that allows taller buildings in the middle of a lot.

#### **Flexible Development Track**

Amend the Newberg Development Code regarding an optional “Flexible Development Track” that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units remain affordable in the long-term, and/or in-lieu credits though cash contributions to a City of Newberg Housing Trust Fund.

## Allowable Uses

- Permit duplexes in the Low Density Residential (R-1) zone as an allowed use on lots over 10,000 sf;
- Allow accessory dwelling units (ADUs) in R-1 zones under a Type II process rather than a conditional use permit.
- Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided;
- Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs);
- Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed.

## Parking

- Allow reduced parking requirements for “special needs housing”
- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit.
- Allow use of “tandem” parking spaces in some cases.

## Design Standards

The proposal would add design standards for single family residential housing to promote the development of attractive, livable, and functional neighborhoods. The proposal would create a menu of design features. Developers could choose which of those design features to incorporate into the development. A minimum number of features would be required. The list of elements includes:

- Subdivision Design Elements: Providing pathways, additional on-street parking, antique street light, common open spaces, benches or other furnishings, and preserve natural features.
- Site Design: Bringing buildings close to the street, narrowing driveways, providing yards, having uniform fence designs, and increasing setbacks between buildings.
- Building Design: Using porches, de-emphasizing the garage, using pitched roofs, varying siding materials, providing shutters, limiting building heights next to other buildings, and varying building designs.

**FISCAL IMPACT:** None to the City. However, if adopted, these actions should contribute to lowering the cost of housing construction.

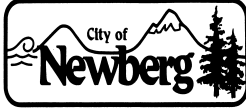
**STRATEGIC ASSESSMENT:** Last year, the City Council accepted the Newberg Affordable Housing Action Plan that was developed by an ad hoc advisory committee that consisted of a broad range of housing interests in our community. The basis of these proposed changes were an important component of that plan. In addition, these changes have been thoroughly vetted through an extensive public hearing process by the Planning Commission. Adoption of these changes should support the development of more affordable housing for the citizens of Newberg.

## Attachments:

Ordinance 2010-2730

Exhibit A: Amendments

Attachment 1	Planning Commission Resolutions
Attachment 2	Planning Commission Minutes
Attachment 3	Planning Commission Staff Reports
Attachment 4	Public Testimony



# ORDINANCE No. 2010-2730

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**AN ORDINANCE AMENDING THE NEWBERG COMPREHENSIVE PLAN  
AND NEWBERG DEVELOPMENT CODE TO PROMOTE AFFORDABLE  
HOUSING AND TO CREATE RESIDENTIAL DESIGN STANDARDS**

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**RECITALS:**

1. In 2005, the Ad Hoc Committee on Newberg’s Future recommended that the City adopt standards to encourage affordable housing.
2. In 2009, the City Council accepted the *Newberg Affordable Housing Action Plan*, which recommended, among other things, certain amendments to the Newberg Development Code.
3. The Newberg Planning Commission held seven hearings to consider the changes, and recommended that the City Council adopt the amendments.
4. The Newberg City Council held a hearing on September 7, 2010, to consider the amendments.
5. The amendments would help in creating and maintain safe, decent, affordable housing in Newberg, and would help maintain Newberg’s livability.

**THE CITY OF NEWBERG ORDAINS AS FOLLOWS:**

The Code of Newberg is amended as shown in Exhibit "A", which is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: October 7, 2010.

**ADOPTED** by the City Council of the City of Newberg, Oregon, this 7<sup>th</sup> day of September, 2010, by the following votes: **AYE:**      **NAY:**      **ABSENT:**      **ABSTAIN:**

\_\_\_\_\_  
Norma I. Alley, City Recorder

**ATTEST** by the Mayor this 9<sup>th</sup> day of September, 2010.

\_\_\_\_\_  
Bob Andrews, Mayor

**LEGISLATIVE HISTORY**

By and through Newberg Planning Commission at 3 /11/2010 meeting. Or,    None.

# Exhibit A to Newberg Ordinance 2010-2730

## Proposed Newberg Comprehensive Plan Goal and Policy Amendments and Development Code Amendments

Editorial Key:

Normal = existing text

~~Strikethrough~~ = proposed text deletion

Underline = proposed text additions

*Italicized* = comment

### Section 1. The Newberg Comprehensive Plan Housing Goals and Policies shall be amended as follows:

#### I. Housing

GOAL: To provide for a diversity in the type, density and location of housing within the City to ensure there is an adequate supply of affordable housing units to meet the needs of City residents of various income levels. (Ordinance 2006-2534)

##### 1. Density Policies

a. *(no change)*

b. Target densities shall be as follows

<u>Classification</u>	<u>Units Per Gross Acre*</u>
Urban Low Density	4.4
Urban Medium Density	9
Urban High Density	16.5

\*Includes a 25 percent allowance for streets, walkways and other right-of-ways, utilities, small open spaces, preservation of resources, and similar features.

c. In determining net residential densities, developers may be given density credit for land donated and accepted by the City for needed public facilities.

d. The City encourages the creation of affordable housing through density bonuses. Developers may be given density bonuses for projects meeting minimum City standards for housing affordability and design, as defined under subsection 3, Housing Mix and Affordability.

2. Location Policies *(no change)*

3. Housing Mix and Affordability Policies

AFFORDABLE HOUSING means a dwelling unit that provides housing for a family or individual(s) with a

no more than 30 percent of its annual income on housing (rent/mortgage, utilities, property taxes). Affordable housing may include a care home for low-income individuals. Affordability can be assured through deed-restriction or other recorded documents that specify qualifying income of buyers or renters, and limiting sales price, rent levels and appreciation. Affordable housing may also include small, market-rate dwelling units (e.g., studios, apartments and accessory dwelling units).

a. – h. (no change)

i. The City shall encourage the provision of affordable subsidized housing for low- and very low-income households, which are defined as those earning between 50 percent and 80 percent, and those earning 50 percent or less, of the median household income in Newberg. low income people

j. – n. (no change)

~~o. The City shall encourage incentive-based affordable\* housing for low and very low income households in the R-2 and R-3 zones.\* (Ordinance 2006-2634, January 3, 2006). The City has adopted a comprehensive approach to meeting local housing needs that balances density, design, and flexibility in code standards and procedures. The City shall use development incentives such as density bonuses, flexible development standards, and streamlined review procedures to stimulate or require the production and preservation of affordable housing. (replaces old policy "o")~~

~~p. The City shall create a local housing trust fund for the purpose of encouraging the production and retention of affordable housing in Newberg.~~

~~\_\_\_\_\_ \* Affordable housing is generally considered to cost no more than 30% of gross household income. Low and very low income households are generally defined as those earning 80% and 60%, respectively, of the median gross household income of an area.~~

~~q. The City shall provide financial incentives for affordable housing, such as system development charge deferrals or waivers, permit application fee reductions or waivers, and land cost write-downs or donations for qualified affordable housing developments. These incentives could be paid by a housing trust fund.~~

~~r. The City shall support the retention of affordable housing through public education, planning, zoning and community development programs.~~

~~s. The City shall support state legislative efforts that strengthen tenant rights, for example, by ensuring relocation costs and replacement housing are addressed when manufactured home parks close and when low-income housing is converted to other uses.~~

~~t. The City shall support state legislative efforts to expand the range of regulatory tools (e.g., inclusionary housing) and non-regulatory tools available to cities in meeting local housing needs.~~

~~u. The City shall build understanding and support for affordable housing through educational forums with residents and employers, pre-application consultations with developers, and through local housing studies.~~

~~v. The City shall work with local affordable housing providers in developing an overall strategy for meeting Newberg's housing needs.~~

~~w. City resources shall be directed toward assisting public and private entities in producing and preserving affordable housing throughout the community.~~



- x. Where large residentially designated parcels are to be annexed, the City shall apply a mixture of zoning, to include some R-3 zoned lands, consistent with the policy of distributing affordable housing throughout the community. Such zoning shall be applied to portions of the property that are most suitable for high density development.
- y. The City shall promote and support employer programs that assist employees to secure affordable housing.
- z. To the extent possible, the City shall zone residential housing near employment centers.
- aa. The City shall promote and support public and/or private transit systems that connect housing to employment centers.

**Section 2. Newberg Development Code Section 151.565 shall be amended as follows:**

***LOT REQUIREMENTS***

**151.565 LOT AREA; LOT AREAS PER DWELLING UNIT.**

- (A) In the following districts, each lot or development site shall have an area as shown below except as otherwise permitted by this code.
  - (1) In the R-1 District, each lot or development site shall have a minimum area of ~~7,500~~ 5,000 square feet or as may be established by a sub-district. The average size of lots in a subdivision intended for single family development shall not exceed 10,000 square feet.
  - (2) In the ~~AI, AR, R-2, R-3, and RP, C-1, C-2, and C-3~~ Districts, each lot or development site shall have a minimum area of ~~5,000~~ 3,000 square feet or as may be established by a sub-district. In the R-2 and R-P Districts, the average size of lots in a subdivision intended for single family development shall not exceed 5,000 square feet.
  - (3) In the AI, AR, C-1, C-2, and C-3 Districts, each lot or development site shall have a minimum area of 5,000 square feet or as may be established by a sub-district.
  - ~~(3)~~ (4) In the M-1, M-2 and M-3 Districts, each lot or development site shall have a minimum area of 20,000 square feet.
  - ~~(4)~~ (5) Institutional Districts shall have a minimum size of five contiguous acres in order to create a large enough campus to support institutional uses; however, additions to the district may be made in increments of any size.
  - ~~(5)~~ (6) Within the commercial zoning district(s) of the Riverfront Overlay Sub-district, there is no minimum lot size required, provided the other standards of this code can be met.
- (B) Lot or development site area per dwelling unit.
  - (1) In the R-1 District, there shall be a minimum of ~~7,500~~ 5,000 square feet per dwelling unit.
  - (2) In the R-2, AR, and R-P Districts, there shall be a minimum of ~~3,750~~ 3,000 square feet of lot or development site area per dwelling unit. In the R-2 and R-P Districts, lots or development sites in excess of 15,000 square feet used for multiple single family, duplex or multiple family dwellings shall be developed at a minimum of one dwelling per 5,000 square feet lot area.
  - (3) In the R-3 District, there shall be a minimum of 1,500 square feet of lot or development site area per dwelling unit. Lots or development sites in excess of 15,000 square feet used for multiple single family, duplex or multiple family dwellings shall be developed at a minimum of one dwelling per 2,500 square feet lot area.

(C) In calculating lot area for this section, lot area does not include land within public or private streets. In calculating lot area for maximum lot area/minimum density requirements, lot area does not include land within stream corridors, land reserved for public parks or open spaces, commons buildings, land for preservation of natural, scenic, or historic resources, land on slopes exceeding 15 percent or for avoidance of identified natural hazards, land in shared access easements, public walkways, or entirely used for utilities, land held in reserve in accordance with a future development plan, or land for uses not appurtenant to the residence.

(D) Lot size averaging is allowed for any subdivision. Some lots may be a under the minimum lot size required in the zone where the subdivision is located, as long as the average size of all lots is at least the minimum lot size.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [99-2507](#), passed 3-1-99; Am. Ord. [2002-2564](#), passed 4-15-02; Am. Ord. [2006-2647](#), passed 6-5-06) Penalty, see § [151.999](#)

### **Section 3. Newberg Development Code Section 151.567-568 shall be amended as follows:**

#### **151.567 LOT DIMENSIONS AND FRONTAGE.**

(A) Width. Widths of lots shall conform to the standards of this code.

(B) Depth to width ratio. Each lot and parcel shall have an average depth between the front and rear lines of not more than two and one-half times the average width between the side lines. Depths of lots shall conform to the standards of this code. Development of lots under 15,000 square feet are exempt from the lot depth to width ratio requirement.

(C) Area. Lot sizes shall conform to standards set forth in this code. Lot area calculations shall not include area contained in public or private streets as defined by this code.

(D) Frontage.

(1) No lot or development site shall have less than the following lot frontage standards:

(a) Each lot or development site shall have either frontage on a public street for a distance of at least 25 feet or have access to a public street through an easement that is at least 25 feet wide. No new private streets, as defined in § [151.003](#), shall be created to provide frontage or access.

(b) Each lot in an ~~R-1, R-2, and R-3, AI, or RP~~ Zone shall have a minimum width of ~~50~~ 30 feet at the front building line.

(c) Each lot in an R-1, AI, or RP Zone shall have a minimum width of 50 feet at the front building line.

~~(d)~~ (d) Each lot in an AR Zone shall have a minimum width of 45 feet at the front building line.

(2) The above standards apply with the following exceptions:

(a) Legally created lots of record in existence prior to the effective date of this code.

(b) Lots or development sites which as a process of their creation, were approved with sub-standard widths in accordance with provisions of this code.

(c) Existing private streets may not be used for new dwelling units, except private streets that were created prior to March 1, 1999, including paving to fire access roads standards and installation of necessary utilities, and private streets allowed in the Airport Residential and Airport Industrial Districts.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [99-2507](#), passed 3-1-99; Am. Ord. [2006-2647](#), passed 6-5-06) Penalty, see § [151.999](#)

## **151.568 LOT COVERAGE AND PARKING COVERAGE REQUIREMENTS.**

(A) For all buildings and uses the following shall mean the maximum permitted lot coverage, maximum coverage of public or private parking areas or garages, and/or combined maximum lot and parking combined coverage required in the various districts expressed in percentage of the area of the lot or development site in which district such coverage is permitted or required (Fig. IV).

(1) Maximum lot coverage.

(a) R-1: 30%.

(b) R-2 and RP: ~~40%~~ 50%.

(c) AR and R-3: 50%.

(2) Maximum coverage for parking lots; aisles and access; and parking structures, where 50% or more of the perimeter of such structure is open on its sides: R-1, R-2, R-3, and RP: 30%.

(3) Combined maximum lot and parking area coverage:

(a) R-1, R-2 and RP: 60%.

(b) R-3: 70%.

(B) All other districts not listed in division (A) of this section shall not be limited as to lot coverage and parking area coverage.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [2006-2647](#), passed 6-5-06) Penalty, see § [151.999](#)

## **Section 4. Newberg Development Code Section 151.536-537 shall be amended as follows:**

### **151.536 BUILDING HEIGHT LIMITATION.**

(A) Residential:

(1) In the R-1, R-2, AR, and RP Districts, no main building shall exceed ~~two and one-half stories, or 30 feet in height, whichever is lesser.~~ Accessory buildings in the R-1, R 2, R-3, AR, and RP Districts are limited to ~~one story, or 16 feet in height, whichever is lesser,~~ except that as follows:

(a) up to 800 square feet of an accessory building may have a height of up to 24 feet.

(b) aircraft hangars in the AR District may be the same height as the main building.

(2) In the R-3 District, no main building shall exceed ~~three stories or 45 feet in height, whichever is lesser,~~ except where an R-3 district abuts upon an R-1 District, the maximum permitted building height shall be limited to ~~two and one-half stories or 30 feet, whichever is the lesser,~~ for a distance of 50 feet from the abutting boundary of the aforementioned district.

(3) Single family dwellings permitted in commercial or industrial districts shall not exceed ~~two and one-half stories or 30 feet in height, whichever is the lesser.~~

(B) Commercial and industrial:

(1) In the C-1 District no main building or accessory building shall exceed ~~two and one-half stories or 30 feet in height, whichever is the lesser.~~

(2) In the AI, C-2, C-3, M-1, M-2, and M-3 Districts there is no building height limitation, ~~except when~~ where said districts abut upon a residential district, the maximum permitted building height shall not exceed the maximum building height permitted in the abutting residential district for a distance of 50 feet from the abutting boundary.

(3) In the C-4 District, building height limitation is described in § [151.527.4\(J\)\(1\)](#) of this code.

(C) The maximum height of buildings and uses permitted conditionally shall be stated in the conditional use permits.

(D) Institutional:

(1) The maximum height of any building or structure will be 75 feet except as follows:

(a) Within 50 feet of an interior property line abutting a C-1, R-1, R-2 or R-P District, no

main building may exceed 30 feet.

(b) Within 50 feet of an interior property line abutting an R-3 District, no main building may exceed 45 feet.

(c) Within 100 feet of a property line abutting a public street or railroad right-of-way, or within 100 feet of property lines abutting parcels with an R-1, R-2, R-3, R-P, C-1, C-2, C-3, M-1, M-2, or M-3 zoning designation, no main building may exceed 50 feet in height.

(d) To utilize the maximum permitted height standard, at least 80% of the building's ground coverage must be beyond the setback area designated in subdivision (c) above. The maximum encroachment may not exceed 25 feet.

(E) Alternative building height standard: As an alternative to the building height standards above, any project may elect to use the following standard (See Figure XXIV). To meet this standard:

(1) Each point on the building must be no more than 20 feet higher than the ground level at all points on the property lines, plus one vertical foot for each horizontal foot of distance from that property line; and

(2) Each point on the building must be no more than 20 feet higher than the ground level at a point directly north on a property line, plus one vertical foot for each two horizontal feet of distance between those points. This second limit does not apply if the property directly to the north is a right-of-way, parking lot, protected natural resource, or similar unbuildable property.

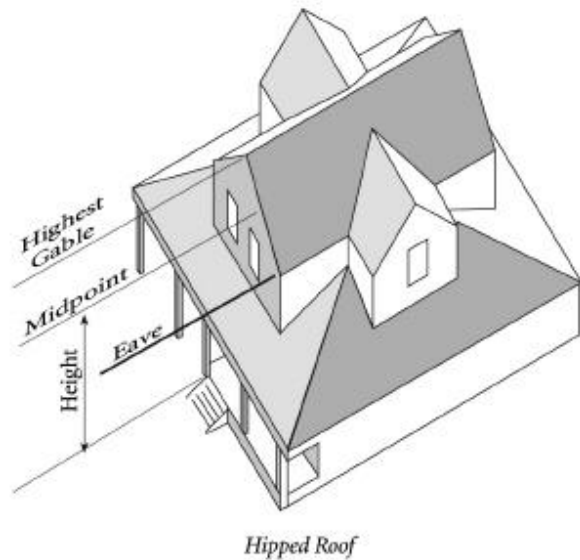
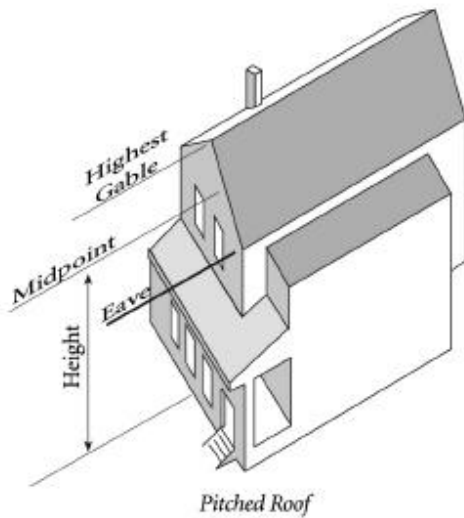
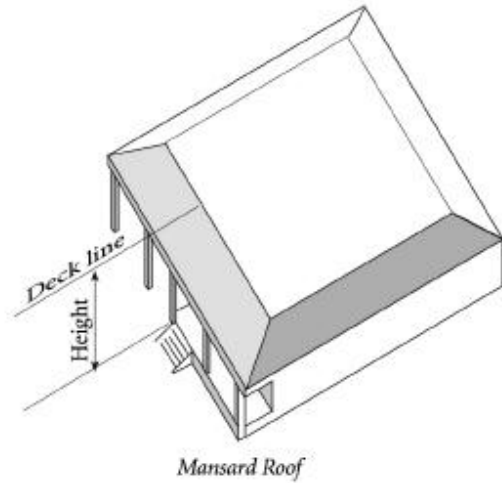
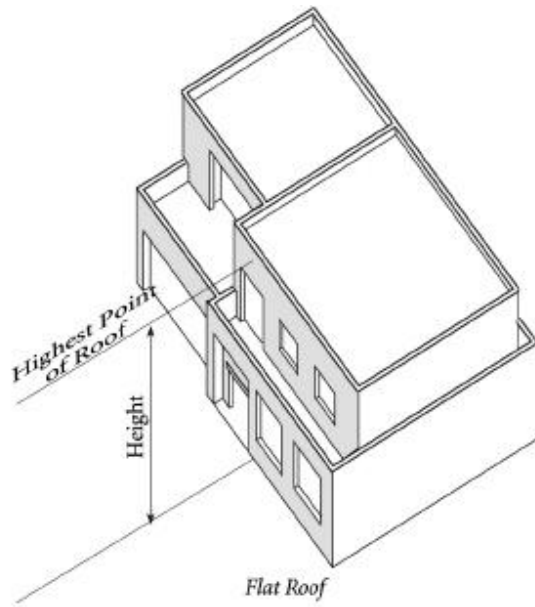
(F) Buildings within the Airport Overlay Sub-district are subject to the height limits of that sub-district.

### **151.537 BUILDING HEIGHT EXEMPTIONS.**

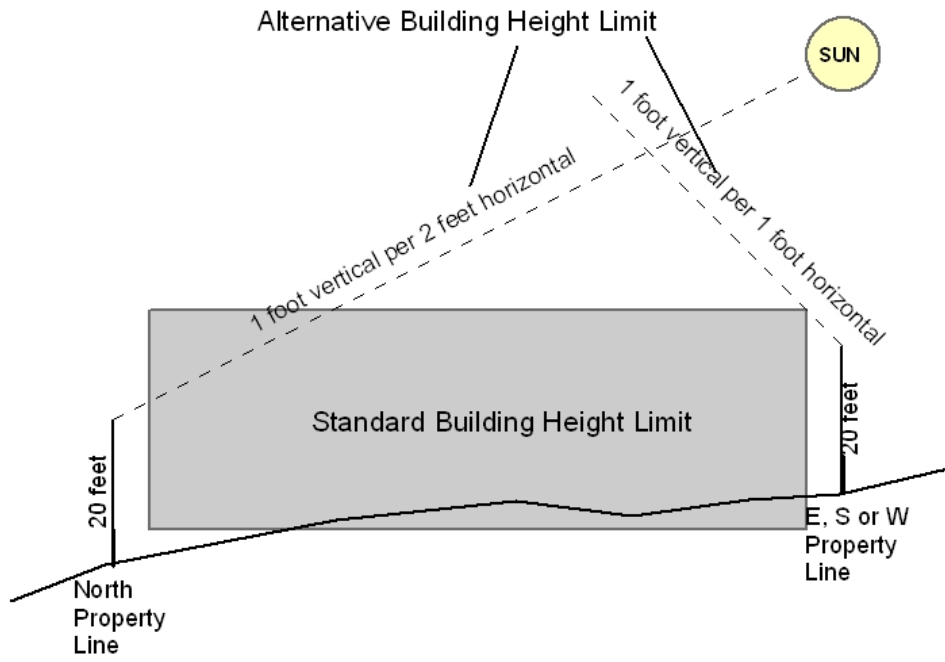
Roof structures and architectural features: ~~For~~ for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, T.V. antennas, steeples and similar structures may be erected above the height limits prescribed in this code, provided that no roof structure, feature or any other device above the prescribed height limit shall be allowed or used for the purpose of providing additional floor space. ~~Provided, further, that~~ Further, no roof structure or architectural feature under this exemption shall be erected more than 18 feet above the height of the main building, whether such structure is attached to it or freestanding, nor shall any such structure or feature exceed the height limits of the Airport Overlay Sub-district.

**Section 5. Add Figures XXIII and XXIV below to the Development Code:**

**XXIII. BUILDING HEIGHT AND ROOF TYPES**



# XXIV. ALTERNATIVE BUILDING HEIGHT STANDARD



**Section 6. The definitions in Newberg Development Code 151.003 shall be amended as follows:**

**BUILDING HEIGHT.** The vertical distance from the grade to the highest point of the coping of a flat roof or the deck line of a mansard roof or to the average height of the highest gable of a pitch or hip roof. See Figure XXIII.

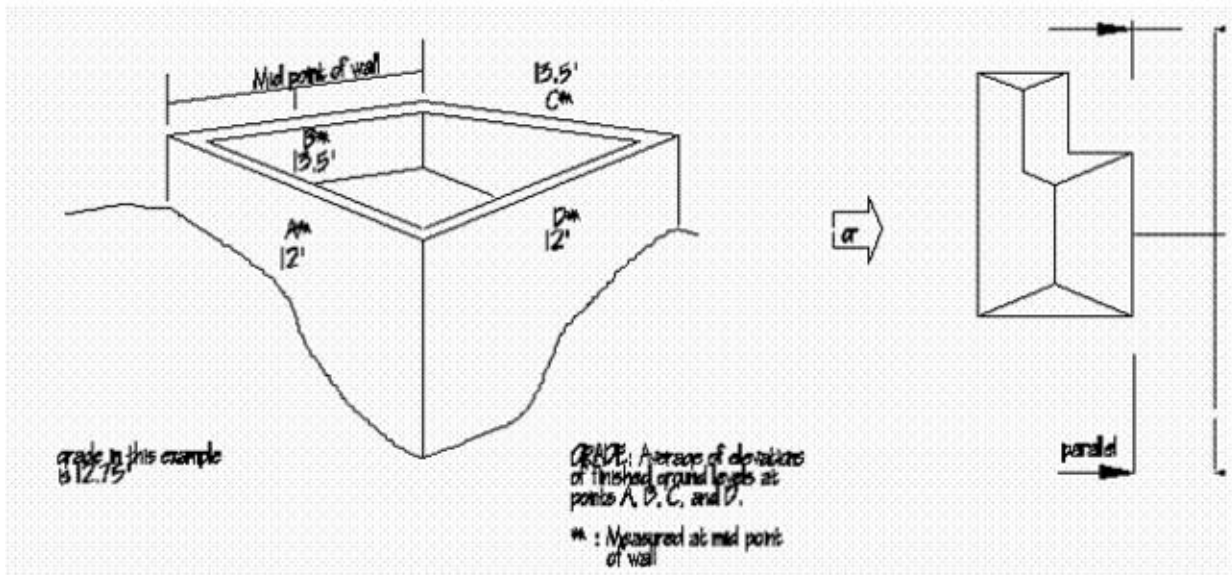
*[Note Figure XXIII would be added to the Development Code]*

**SPECIAL NEEDS HOUSING.** Group housing specially designed or adapted for those with particular physical, developmental disability, or social needs.

**GRADE (ADJACENT GROUND ELEVATION).** The average elevation of the finished surface of the ground at the midpoints of all walls or edges of a structure, or The-the lowest point of elevation of the finished surface of the ground between the exterior wall of a building or edge of a structure and the property line, if it is less than five feet distance from said wall or edge. In case walls are parallel to and within five feet of, or the edge of a structure with no walls is within five feet of a public sidewalk, alley or public way, the grade shall be the elevation of the sidewalk, alley or public way.

*[Note: Figure III below is existing in the Development Code]*

**III. GRADE.**



**Section 7. The following shall be added as Section 151.230-232 of the Newberg Development Code:**

**151.230 FLEXIBLE DEVELOPMENT TRACK PURPOSE AND INTENT**

The purpose of this section is to provide an optional “Flexible Development Track” that would allow developers flexibility in some development standards, provided they commit to providing some

affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with any combination of market-rate housing, provision of affordable housing units guaranteed to remain affordable in the long-term, and/or in-lieu credits though cash contributions to the City of Newberg Housing Trust Fund.

### **§ 151.231 FLEXIBLE DEVELOPMENT STANDARDS**

Developers choosing this option may elect to use any/all of the following flexible development standards. Use of this option will require the developer to make provisions for affordable housing as described in § 151.232.

#### (A) Lot Standards:

(1) Street frontage. Lot frontage or easement width required may be reduced from 25 feet to 20 feet.

(2) Lot depth to width ratio. Lot depth to width ratio may exceed standards otherwise permitted.

(3) Other lot dimensions. Other required lot dimensions, such as lot width, may be reduced without limit.

(4) Rounding up credit for “partial” lots. Where the maximum number of lots allowed is a fraction the number of lots allowed may be rounded (with decimals 0.5 or over rounded up). For example, where zoning allows 10.8 lots, applicant may round up to 11 lots. Lot sizes within the development may be reduced by up to 25% in order to attain the partial lot.

(5) Multi-unit density bonus. Multi-unit residential developments may increase the allowed number of units by up to 5 percent beyond the maximum density otherwise allowed in the zone.

(6) Minimum lot size. Minimum lot sizes may be reduced as follows:

(a) R-2: Reduce from 3,000 square feet to 2,500 square feet

(b) R-3: Reduce from 3,000 square feet to 1,500 square feet

(c) R-P Reduce from 3,000 square feet to 2,500 square feet

#### (B) Site Design Standards.

(1) Side yard setback. Side yard setback may be reduced to 3 feet.

(2) Front yard setback. Front yard setbacks may be reduced to 10 feet.

(3) Coverage. Lot coverage, parking coverage or combined coverage may be increased an additional 10% beyond the applicable standard (for example, from 30% to 40%).

#### (C) Street and Sidewalk Standards.

(1) Sidewalk location. Sidewalks may be constructed on one side only of local streets.

(2) Sidewalk type. Curb-side sidewalks, 6-feet in width, may be constructed on local streets, eliminating required planter strips.

(3) Street width. Subject to Fire Marshal and City Engineer approval, street width may be reduced to 28-feet with parking on both sides where, in their determination, adequate emergency access, large vehicle access, and parking can be maintained.

(4) Right-of-way width. Right-of-way width may be reduced, depending upon the street/planter strip/sidewalk configuration. In no case shall the right-of-way width be less than 38 feet.

### **§ 151.232 FLEXIBLE DEVELOPMENT STANDARDS – AFFORDABLE HOUSING PROVISION**



A developer that chooses to utilize the flexible development standards described in § 151.231 shall provide affordable housing, as detailed below. The required amount of affordable housing to be provided will be at least 50% of the extra units above what would normally be expected in the development. “What would normally be expected” would be calculated as 80% of the target density. The formula is as follows:

50% x [#dwelling units in development – (target density in zone {du/ac} x lot size in acres x 80%)] = required Equivalent Affordable Dwelling Units (EADUs).

The following describe affordable dwelling units:

(A) *Long-term Affordable Dwellings*

(1) *Moderate income units.* One moderate income unit equals 0.75 EADUs. Moderate income units are defined as residential units on the subject property reserved for qualifying buyers or renters with incomes at or below one hundred percent (100%) of Newberg area median income.

(2) *Low income units.* One low income unit equals 1.0 EADUs. Low income units are defined as residential units on the subject property reserved for qualifying buyers or renters with incomes at or below eighty percent (80%) of Newberg area median income.

(3) *Very low income units.* One very low income unit equals 1.25 EADUs. Very low income units are defined as residential units on the subject property reserved for qualifying buyers or renters with incomes at or below fifty percent (50%) of Newberg area median income.

(4) In order to use this option, the applicant must ensure a legal mechanism is in place to guarantee that the requisite long-term affordable housing units remain affordable for a period of not less than 25 years. Potential tools to guarantee long-term affordability of the units include deed restrictions, mortgage encumbrances, or agreements made in order to receive federal funding. The agreement must be approved by the City Attorney.

(5) The applicant also may meet this obligation by transferring title to a sufficient amount of buildable land for development of equivalent number of affordable housing units, as prescribed in subsections (A)(1), (A)(2) and/or (A)(3) above, to a non-profit (IRC 501(c)(3)) affordable housing developer or comparable development corporation for the purpose of complying with subsections (A)(1), (A)(2) and/or (A)(3), above. The land shall be located within the project, except as provided in § 151.232 (C), and all needed public facilities shall be extended to the area or areas proposed for transfer. If to be transferred, ownership of the land shall be transferred to the affordable housing developer or development corporation in accordance with said development agreement.

(6) The Director shall determine the Newberg area median income, using the best available data.

(7) The maximum monthly rental rates for moderate, low, and very low income units shall be determined as follows:

(a) For moderate income units, the maximum monthly rental rate shall be 30 percent of the area monthly median income minus estimated average monthly tenant paid utility costs.

(b) For low income units, the maximum monthly rental rate shall be 24 percent of the area monthly median income minus estimated monthly tenant paid utility costs.

(c) For very low income units, the maximum monthly rental rate shall be 15 percent

of the area monthly median income minus estimated monthly tenant paid utility costs.

(8) For for-sale, long term affordable dwelling units, the seller shall demonstrate that the sales price does not exceed the following:

(a) For moderate income units, the maximum sales price shall be set such that a typical purchaser's total annual mortgage, homeowner's insurance, and property tax payments will not exceed 30 percent of the annual area median income.

(b) For low income units, the maximum sales price shall be set such that a typical purchaser's total annual mortgage, homeowner's insurance, and property tax payments will not exceed 24 percent of the annual area median income.

(c) For very low income units, the maximum sales price shall be set such that a typical purchaser's total annual mortgage, homeowner's insurance, and property tax payments will not exceed 15 percent of the annual area median income.

(9) The maximum rental rates and maximum sales prices described in (A)(7) and (A)(8) above shall be adjusted for inflation. In addition, they may be adjusted uniformly each year such that the rates/prices equal market value at the end of the 25-year period. For example, the price of a unit that initially has a maximum sales price that is 75 percent of market value may be sold at 85 percent of market value after 10 years, and at 95 percent of market value after 20 years.

(B) Market rate affordable units. Market rate affordable units are dwellings on the subject property that, by virtue of their size, are more likely to be affordable on the open market. Such market rate units must meet one or more of the following criteria:

(1) studio or one-bedroom dwellings with less than 600 square feet gross floor area.

(2) two-bedroom dwellings with less than 800 square feet gross floor area.

(3) dwellings containing three or more bedrooms and containing less than 1,000 square feet floor area.

(4) accessory dwelling units.

Market rate affordable units equal 0.5 EADUs.

(C) Construction of off-site units. At the Planning and Building Director's discretion, long-term affordable dwellings or market rate affordable units may be constructed at an alternate location in the City and equal 75% of the EADUs of on-site units. The off-site unit may not be used as affordable dwelling points for any other project. If this option is selected, the applicant shall file an agreement with the City stating the election to use the off-site unit as credit for the applicant's project. A property for construction of the off-site units must be secured and platted in a reasonable time frame, as determined at the Planning and Building Director's discretion. The off-site units must be constructed within 2 years of the completion of the principal on-site development.

(D) Purchase of affordable dwelling in-lieu credits. In-lieu of constructing affordable dwelling units, the applicant may purchase affordable dwelling in-lieu credits by paying a fee to the City of Newberg Housing Trust Fund. The fee shall be assessed at the time of final plat for a subdivision, or at time building permit issuance for other projects. The price of each credit shall be established by resolution of the City Council. The price of a credit shall be calculated based on the following:

The estimated average purchase price for a market-rate dwelling unit suitable for a median sized family

in Newberg, minus the estimated average purchase price affordable to a median sized low-income family in Newberg.

**Section 8. Newberg Development Code Section 151.145 shall be amended as follows:**

**151.145 SINGLE FAMILY NON-CONFORMING USE EXEMPTION.**

(A) Where a single family, duplex, or multi-family dwelling is a legal, non-conforming use in any zoning district, it may be rebuilt if partially or completely destroyed. ~~This does not apply to any other type of residential use or other non single family use (see § 151.146 for other types of uses).~~ If a single family, duplex, or multi-family dwelling is completely or partially destroyed, it may be rebuilt either in conformance with the setback, height restriction, and other regulations of the district in which it is located or with the standards of the R-2 Zoning District. The minimum lot area requirement does not apply.

**Section 9. Newberg Development Code Section 151.226 (F) shall be amended as follows:**

**PD PLANNED UNIT DEVELOPMENT REGULATIONS**

**151.226 GENERAL PROVISIONS.**

(F) Density. Except as provided in Section 151.123 relating to sub-districts, dwelling unit density provisions for residential planned unit developments shall be as follows:

(1) Maximum density.

(a) Except as provided in adopted refinement plans, the maximum allowable density for any project shall be as follows:

<u>District</u>	<u>Maximum Density per Gross Acre</u>	<u>Density Points</u>
R-1	175 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
R-2	310 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
R-3	640 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
RP	310 density points <del>as calculated below</del> <u>per gross acre, as calculated in section (b) below</u>	
C-1	As per required findings	
C-2	As per required findings	
C-3	As per required findings	

(b) Density point calculations in the following table are correlated to dwellings based on the number of bedrooms, which for these purposes is defined as an enclosed room which is commonly used or capable of conversion to use as sleeping quarters. Accordingly, family rooms, dens, libraries, studies, studios, and other similar rooms shall be considered bedrooms if they meet the above definitions, are separated by walls or doors from other areas of the dwelling and are accessible to a bathroom without passing through another bedroom. Density points may be reduced at the applicant's discretion by 25% for deed-restricted affordable dwelling units as follows:

Density Point Table

Dwelling Type	Density Points: Standard Dwelling	<u>Density Points:</u> <u>Income-Restricted Affordable Dwelling Unit</u>
Studio and efficiency	12	<u>9</u>
One bedroom	14	<u>11</u>
Two bedroom	21	<u>16</u>
Three bedroom	28	<u>21</u>
Four or more bedrooms	35	<u>26</u>

The density points in the right hand column are applicable to income-restricted affordable dwelling units, provided the dwelling units meet the affordability criteria under § 151.XXX regarding affordable housing requirements for developments using the Flexible Development Standards.

**Section 10. Newberg Development Code Section 151.280-282 shall be amended as follows:**

**ZONING DISTRICTS**

**Part 1. R-1 LOW DENSITY RESIDENTIAL DISTRICT**

**151.280 DESCRIPTION AND PURPOSE.**

**151.281 PERMITTED BUILDINGS AND USES.**

In the R-1 Low Density Residential District the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

- (A) Accessory buildings and uses normal and incidental to the uses permitted in this section and § [151.282](#).
- (B) Agricultural uses, limited to the following:
  - (1) Berry and bush crops.
  - (2) Flower gardening.
  - (3) Orchards, tree crops, the raising and harvesting of.
  - (4) Truck gardening, the raising and harvesting of vegetables for home consumption.

- (C) Churches, subject to the following conditions:
    - (1) Dedication and improvements of public streets.
    - (2) Conveyance or dedication of public utility easements, as determined by the city.
  - (D) Churches, when using existing buildings.
  - (E) Day nurseries.
  - (F) Duplex, subject to density restrictions.
  - ~~(G)~~ Group care homes.
  - ~~(H)~~ Home occupation.
  - ~~(I)~~ Manufactured homes on individual lots provided the homes meet the development standards set forth in §§ [151.640](#) through [151.642](#).
  - ~~(J)~~ Modular homes.
  - ~~(K)~~ Open space.
  - ~~(L)~~ Private and public parks, playgrounds and golf courses.
  - ~~(M)~~ Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
  - ~~(N)~~ Single family dwellings (one per lot).
  - ~~(O)~~ Schools; elementary, junior high and high schools and colleges, and related buildings in conjunction therewith, subject to the following conditions:
    - (1) Dedication and improvement of public streets.
    - (2) Conveyance or dedication of public utility easements as determined by the city.
  - ~~(P)~~ Transportation facilities and improvements.
  - ~~(Q)~~ Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.
- (Ord. [96-2451](#), passed 12-2-96; Am. Ord. [99-2505](#), passed 2-1-99; Am. Ord. [99-2513](#), passed 8-2-99; Am. Ord. [2000-2537](#), passed 11-6-00; Am. Ord. [2005-2619](#), passed 5-16-05)

**151.282 BUILDING AND USES PERMITTED CONDITIONALLY.**

In addition to the buildings and uses permitted conditionally, listed in § [151.211](#), the Planning Commission may grant a conditional use permit for the following buildings and uses in accordance with a Type III procedure.

- (A) Accessory dwelling units (subject to the provisions of § [151.678](#)).
- (B) Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).

- (C) Bed and breakfast establishments.
- (D) Community centers.
- (E) Driving range.
- (F) ~~Duplex and m~~Multi-family housing, including multiple single family dwellings on a single lot, subject to density restrictions and permanent open space provisions of the comprehensive plan.
- (G) Group care facilities.
- (H) Hospitals.
- (I) Nursing homes.
- (J) Planned unit developments.
- (K) Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure or utility pole more than 18 feet. Top hat antenna installations are prohibited.
- (L) Any building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [99-2505](#), passed 2-1-99; Am. Ord. [2000-2536](#), passed 11-6-00; Am. Ord. [2000-2537](#), passed 11-6-00)

**Section 11. Newberg Development Code Section 151.326 shall be amended as follows:**

**Part 4. RP RESIDENTIAL-PROFESSIONAL DISTRICT**

**151.326 PERMITTED BUILDINGS AND USES.**

In the RP Residential-Professional District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth by this code. All uses permitted in this district except parking areas shall be contained entirely within an enclosed building.

- (A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § [151.327](#).
- (B) Accessory dwelling units (subject to the provisions of § [151.678](#)).
- ~~(B)~~ Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).
- ~~(D)~~ Bed and breakfast establishment (two or fewer guest sleeping rooms).
- ~~(E)~~ Churches; subject to the following conditions:
  - (1) Dedication and improvement of public streets.
  - (2) Conveyance or dedication of public utility easements as determined by the city.

- (~~EF~~) Clinics.
- (~~FG~~) Day nurseries.
- (~~GH~~) Dormitories.
- (~~HI~~) Duplexes.
- (~~IJ~~) General office use, provided that the use does not involve any retail activities.
- (~~JK~~) Group care homes.
- (~~KL~~) Home occupations.
- (~~LM~~) Laboratories, biochemical and X-ray.
- (~~MN~~) Manufactured homes on individual lots provided the homes meet the development standards as set forth in §§ [151.640](#) through [151.642](#).
- (~~NO~~) Multiple family dwellings.
- (~~OP~~) Offices for the following:
  - (1) Accountants.
  - (2) Attorneys.
  - (3) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.
  - (4) Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.
  - (5) Insurance brokers.
  - (6) Lumber brokers.
  - (7) Real estate sales.
  - (8) Stockbrokers.
- (~~PQ~~) Open space.
- (~~QR~~) Planned unit developments.
- (~~RS~~) Private and public parks, playgrounds or community centers.
- (~~ST~~) Private parking area. These areas shall exist only as an accessory to a use already provided for within the RP District.
- (~~TU~~) Public and semi-public buildings essential to the physical and economic welfare of an area, such as fire stations, substations, and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
- (~~UV~~) Single family dwellings (one or more per lot subject to density restrictions).

(~~V~~W) Studios for the following:

- (1) Interior decorating.
- (2) Photographers.
- (3) Artists.

(~~W~~X) Schools; elementary, junior high and high schools and colleges, subject to the following conditions:

- (1) Dedication and improvement of public streets.
- (2) Conveyance or dedication of public utility easements as determined by the city.

(~~X~~Y) Transportation facilities and improvements.

(~~Y~~Z) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any a different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [2000-2537](#), passed 11-6-00; Am. Ord. [2005-2619](#), passed 5-16-05)

**Section 12. Newberg Development Code Section 151.341 shall be amended as follows:**

**Part 5. C-1 NEIGHBORHOOD COMMERCIAL DISTRICT**

**151.341 PERMITTED BUILDINGS AND USES.**

In the C-1 Neighborhood Commercial District, the following buildings and uses are permitted as hereinafter specifically provided, subject to the general provisions and exceptions set forth in this code:

- (A) Accessory buildings and uses normal and incidental to the buildings and uses permitted in this section and § [151.342](#).
- (B) Ambulance service (satellite facility only, excluding central dispatch and maintenance functions).
- (C) Bakeries (retail only).
- (D) Banks.
- (E) Barber and beauty shops.
- (F) Bed and breakfast establishments (two or fewer guest sleeping rooms).
- (G) Bicycle shops.
- (H) Book stores.
- (I) Chapels.
- (J) Christmas tree sales (outdoor sales) in accordance with this code.
- (K) Churches; subject to the following conditions:



- (1) Dedications and improvements of public streets.
- (2) Conveyance or dedication of public utility easements as determined by the city.
- (L) Clinics.
- (M) Confectionery stores with fountains (no drive-ins or walk-ups).
- (N) Dairy products stores (retail only).
- (O) Day nurseries.
- (P) Delicatessen stores.
- (Q) Dry cleaners, coin operated.
- (R) Dwelling units - ( On the ground floor, one per lot in conjunction with any other use permitted or conditional use in the C-1 zone). On upper floors, dwelling units are unlimited and one parking space per dwelling unit is required.
- (S) Fireworks sales (outdoor sales) from June 24 to July 6.
- (T) Florist shops.
- (U) Gift shops.
- (V) Grocery stores or markets.
- (W) Group care homes.
- (X) Laundromats, hand laundries, and self-service laundries.
- (Y) Meat markets.
- (Z) Offices for the following:
  - (1) Accountants.
  - (2) Attorneys.
  - (3) Physicians, osteopaths, dentists, optometrists, opticians, chiropractors and others licensed by the state to practice the healing arts.
  - (4) Engineers, architects, landscape architects, surveyors and those engaged in the practice of drafting or graphics.
  - (5) Insurance brokers.
  - (6) Lumber brokers.
  - (7) Real estate brokers.
  - (8) Savings and loans.
  - (9) Stockbrokers.
- (AA) Open space.

- (BB) Pharmacy or drug stores.
- (CC) Planned unit developments.
- (DD) Post offices.
- (EE) Public and semi-public buildings essential to the physical and economic welfare of an area such as fire stations, substations and pump stations. Interior yards for these uses shall be a minimum of 25 feet in width. No stockpiling or storage of materials shall be allowed.
- (FF) Restaurants, except drive-through.
- (GG) Shoe repair shops.
- (HH) Small animal clinics.
- (II) Studios for the following:
  - (1) Interior decorators.
  - (2) Photographers.
  - (3) Artists.
- (JJ) Tailor or dressmaking shops.
- (KK) Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure more than 18 feet.
- (LL) Telephone and telegraph exchanges.
- (MM) Transportation facilities and improvements.
- (NN) Variety shops.
- (OO) Any other building or uses determined to be similar to those listed in this section. Such other uses shall not have any different or more detrimental effect upon the adjoining neighborhood area than the buildings and uses specifically listed in this section.

(Ord. [96-2451](#), passed 12-2-96; Am. Ord. [2000-2536](#), passed 11-6-00; Am. Ord. [2005-2619](#), passed 5-16-05)

**Section 13. Newberg Development Code Section 151.612 shall be amended as follows:**

**OFF-STREET PARKING REQUIREMENTS**

**151.612 PARKING SPACES REQUIRED**

Use	Minimum Parking Spaces Required
<b>RESIDENTIAL TYPES</b>	

Dwelling, multiple or two family or single family	2 for each dwelling unit; where fractioned, next highest full unit
Studio or 1 bedroom unit	1 per dwelling unit
2 bedroom unit	1.5 per dwelling unit
3 and 4 bedroom unit	2 per dwelling unit
5 or more bedroom unit	0.75 spaces per bedroom
Unassigned spaces	If a development is required to have more than 10 spaces on a lot then it must provide some unassigned spaces. At least 15% of the total required parking spaces must be unassigned and be located for convenient use by all occupants of the development. The location shall be approved by the Director.
Visitor spaces	If a development is required to have more than 10 spaces on a lot then it must provide at least 0.2 visitor spaces per dwelling unit.
On-street parking credit	On-street parking spaces may be counted toward the minimum number of required spaces for developments required to have more than 10 spaces on a lot. The on-street spaces must be directly adjoining and on the same side of the street as the subject property, must be legal spaces that meet all City standards, and cannot be counted if they could be removed by future street widening or a bike lane on the street.
<u>Available transit service</u>	<u>At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10% if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting periods or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.</u>
<u>Commercial Neighborhood District (C-1)</u>	<u>1 for each dwelling</u>
Dwelling, single family or two family	2 for each dwelling unit on a single lot
Fraternities, sororities, cooperatives and dormitories	1 for each three occupants for which sleeping facilities are provided
Hotels, motels, motor hotels, etc.	1 for each guest room
Rooming or boarding houses	1 for each guest room
<u>Special needs housing</u>	<u>1 space per 3 beds or actual parking needs as</u>

**Section 14. Newberg Development Code Section 151.615 shall be amended as follows:**

**151.615 PARKING AREA AND SERVICE DRIVE IMPROVEMENTS.**

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

- (A) All parking areas and service drives shall have surfacing of asphaltic concrete or portland cement concrete or other hard surfacing such as brick or concrete pavers. Other durable and dust-free surfacing materials may be approved by the Director for infrequently used parking areas. All parking areas and service drives shall be graded so as not to drain storm water over the public sidewalk or onto any abutting public or private property.
- (B) All parking areas shall be designed not to encroach on public streets, alleys, and other right-of-ways. Parking areas shall not be placed in the area between the curb and sidewalk or, if there is no sidewalk, in the public right-of-way between the curb and the property line. The Director may issue a permit for exceptions for unusual circumstances where the design maintains safety and aesthetics.
- (C) All parking areas, except those required in conjunction with a single family or two family dwelling, shall provide a substantial bumper which will prevent cars from encroachment on abutting private and public property.
- (D) All parking areas, including service drives, except those required in conjunction with single family or two family dwellings shall be screened in accordance with § [151.580\(B\)](#).
- (E) Any lights provided to illuminate any public or private parking area or vehicle sales area shall be so arranged as to reflect the light away from any abutting or adjacent residential district.
- (F) All service drives and parking spaces shall be substantially marked and comply with § [151.616](#).
- (G) Parking areas for residential uses shall not be located in a required front yard, except as follows:
  - (1) Attached or detached single family or two family - parking is authorized in a front yard on a service drive which provides access to an improved parking area outside the front yard.
  - (2) Three or four family - parking is authorized in a front yard on a service drive which is adjacent to a door at least seven feet wide intended and used for entrance of a vehicle (Fig. XII).
- (H) A reduction in size of the parking stall may be allowed for up to a maximum of 30% of the total number of spaces to allow for compact cars. For high turn-over uses, such as convenience stores or fast-food restaurants, at the discretion of the Director, all stalls will be required to be full-sized.
- (I) Affordable housing projects may use a tandem parking design, subject to approval of the Planning and Building Director.

**Section 15. Newberg Development Code Section 151.678.2 and 151.678.3 shall be amended as follows:**

## Part 5. ACCESSORY DWELLING UNITS

### 151.678.2 DEVELOPMENT STANDARDS.

(A) Location. Accessory dwelling units are permitted as conditional uses in the R-1 zone and as outright permitted uses in the R-2 and R-3 zones.

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

(1) An accessory dwelling unit may be created within or as an addition to a detached or attached single family structure or as a free-standing accessory building.

(2) An accessory dwelling unit may not exceed 50% of the size of the primary unit, up to a maximum of ~~800~~ 1,000 square feet.

(3) The number of residents permitted to inhabit the accessory dwelling unit is regulated by the Uniform Building Code.

~~(4) Either the primary or accessory dwelling unit must be owner-occupied.~~

~~(5)~~ In addition to the number of parking spaces required for the primary residence, as established in § [151.612](#), one on-site parking space shall be provided for the accessory dwelling unit. This parking space shall be paved and/or covered.

~~(6)~~ The front door of the accessory dwelling unit shall not be located on the front facade of the primary residence unless the door is already existing.

~~(6) Second story windows 10 feet or less from the property line must be opaque.~~

(7) There shall be compliance with all of the development standards established in the base zone.

(Ord. [99-2505](#), passed 2-1-99)

### 151.678.3 APPROVAL.

To obtain approval to create an accessory dwelling unit, the applicant must demonstrate compliance with all of the requirements of § [151.678.2](#). ~~If the proposed use is outright permitted in the zone, the application shall be processed as a Type I or II procedure as regulated by § [151.044](#). If the proposed use is conditionally permitted in the zone, the application shall be processed as a Type III procedure as regulated by § [151.046](#) and subject to conditional use criteria identified in § [151.046](#).~~

## Section 16. Newberg Development Code Section 151.191(A)(2) shall be amended as follows:

### 151.191 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 a Type I or Type II, as noted below.

(2) Type II.

- (a) Any new development or remodel which is not specifically identified within § [151.191\(A\)\(1\)](#) above.
- (b) Telecommunication facilities.
- (c) Accessory dwelling units.

**Section 17. The following shall be added as Newberg Development Code Section 151.195.1:**

**151.195.1 SINGLE FAMILY RESIDENTIAL DESIGN STANDARDS**

The purpose of this section is to ensure that residential developments provide good design, provide a healthy and attractive environment for those who live there, and are compatible with surrounding development. As part of the review process, an applicant for a residential subdivision must demonstrate that some of the following site and building design elements, each of which has a point value, have been incorporated into the design of the project. For more information and illustrations of the following design elements, refer to *Newberg Residential Development Design Guidelines (July 1997)*.

Developers of attached single family projects, projects with multiple single family dwelling on one lot, or projects with combinations of single family attached, single family detached, and multi-unit developments may elect to use either the standards in § 151.195 or § 151.195.1.

Projects subject to these design standards shall achieve at least the minimum number of design points describe below. Each project shall achieve at least 20% of its required minimum total project design points through the use of subdivision design elements and/or site design elements listed below. Each individual dwelling unit in a project shall achieve at least 3 design points from the building design elements listed below. Any development of 10 units or more must obtain at least 5% of the required project point total from each of the 3 design element categories.

Projects of 20 dwelling units or more must achieve at total number of design points equal to 10 design points multiplied by the number of dwelling units (10 points x # of dwelling units).

Projects of 19 dwelling units or fewer must achieve at total number of design points equal to 7 design points multiplied by the number of dwelling units (7 points x # of dwelling units).

Where the applicant is using design elements that will be achieved when future building permits are issued, the applicant shall submit a design sheet with the subdivision preliminary plat that explains which design elements must be incorporated into the dwellings when they are constructed.

The applicant shall develop appropriate Covenants, Codes and Restrictions which include design requirements that meet the standards of this section of the Code to be recorded at the time of final plat.

**(A) Subdivision design elements**

- (1) The project achieves over 80 percent of the target density for the zone. (5 design points for each dwelling above 80% of target density using the following formula: (Proposed # of dwellings – (Target # of dwellings x 80%)) x 5 points = # points, rounded to nearest whole number.)
- (2) Use public walkways or multi-use paths not adjacent to streets in side yards or common areas connecting to a park or collector or arterial street (1 design point per 100 linear feet of walkway or path)
- (3) Provide additional on-street parking (1 design point per on-street parking space provided beyond 1 per unit)
- (4) Use antique street lighting styles as approved by City (1 design point per lighting fixture used.)

(5) Use site furnishings to enhance open space. Communal amenities such as benches, gazebos, playground equipment, fountains, and/or common patios enhance the outdoor environment and comprise not less than one-half percent of the estimated construction cost of all building(s). Estimated costs are subject to city review and approval. (1 design point per \$1,000 in furnishings)

(6) Provide usable common recreational area, including but not limited to play fields, walking trails, exercise circuit, playgrounds, common patios, gardens, and/or similar functional and age-appropriate common facilities, a central green or pocket park(s) in a subdivision. (1 design point per 500 square feet of area)

(7) Provide a natural feature and tree preservation/replacement plan, including provisions for its future maintenance. (1 point per 1,000 square feet of natural area, up to 20% of the required design point total.)

## **(B) Site design elements**

(1) Bring dwelling close to street by keeping dwelling at most 25 feet from the front property line. (1 design point per dwelling)

(2) Use a single narrow (10 to 14 feet width) driveway per unit, or single shared driveway (20 feet to 24 feet width) for two units (1 design points per dwelling)

(3) Provide increased setbacks between buildings. Increase side yard setbacks (perpendicular to street) so that there is minimum 15-foot separation between buildings on at least one side. (1 design points per separation)

(4) Provide a useable interior yard or courtyard of at least 1000 square feet. (1 design point per dwelling)

(5) Use a uniform front yard fence design for the development. (1 design point per lot with fence design)

## **(C) Building design elements**

(1) Use entry features and accents such as distinctive building or paving materials and detailing (e.g., unenclosed and covered porch (minimum depth of 6 feet and minimum width of 8 feet), roof overhang or recessed entry with distinctive arch or gable, pergola, arbor, pathway pavers, or similar feature) to mark major entries to multi-unit buildings or individual units. (1 design point per dwelling)

(2) De-emphasize the garage on the front façade

(a) If on front façade, limit garage to single car entrance (16 feet entrance width or less) (2 design points per dwelling)

(b) If on front façade, limit garage to two car entrance (28 feet entrance width or less) (1 design points per dwelling)

(c) Garage even with or setback up to 10 feet from front façade of dwelling. (1 design point per dwelling)

(d) Garage setback 10-19 feet from front façade of dwelling (2 design point per dwelling)

(e) Garage setback 20 or more feet from front façade. (3 design point per dwelling)

(f) Garage entrance not facing street. If side of garage faces the street, then windows, doors, shutters, or similar architectural features are placed that comprise at least 20 percent of the side wall, or landscaping that will upon maturity obscure at least 30 percent of the side wall (2 design point per dwelling)

(3) Orient buildings toward the street. This means orienting individual entries and porches to the street, with front entry not more than 25 feet from the street. In cluster cottage developments with internal circulation and grounds, this means that at least 50% of the units have main entries facing a street or common private drive, rather than be oriented toward a parking lot or the interior. (1 design point per

*dwelling)*

(4) Incorporate architectural elements of one of the city’s historical styles (Queen Anne, Dutch Colonial Revival, or Bungalow style) into the design to reinforce the city’s cultural identity. Typical design elements which should be considered include, but are not limited to, “crippled hip” roofs, Palladian-style window, roof eave brackets, dormer windows, and decorative trim boards. (1 design point per dwelling)

(5) Use roof pitches 5:12 to 6:12 (1 design point per dwelling)

(6) Use at least two (2) different types of contrasting siding materials on the front street-facing elevation. Siding materials may including, but are not limited to wood, wood composite (wood-appearance siding), board and batten (not more than 24 inches between batts), brick masonry, stone masonry, shake (cedar or concrete-fiber shake applied on upper portions of exterior walls and gable ends), stucco, and similar materials at the discretion of the review body. Each material or pattern used to meet this standard shall comprise at least 20 percent of the subject elevation (1 design point per dwelling).

(7) Use architectural features to create interest in the façade such exterior wood or wood-appearance shutters or false shutters, pergolas or trellis work, curved windows or windows with divided or simulated divided lights. (1 design point per dwelling).

(8) On boundaries with lots outside the development that have existing dwellings, limit the height of new dwellings to not more than 5 feet higher than the existing dwelling, unless new dwelling or portion of the new dwelling would be separated from the existing dwelling by 15 feet or more (2 design points per dwelling on the boundary).

(9) To promote privacy, on upper floors facing and within 10 feet of an interior property line outside the development, any windows must be either placed above the sight line from interior, or must be of a frosted or opaque type (1 design point per dwelling).

(10) Use multiple, non-repetitive dwelling designs. Where substantially similar dwelling designs are repeated within a subdivision, they are separated by at least two dwellings of different designs on the same side of any street frontage. Dwellings designs that vary at least three dominant façade features (such as façade materials, roof orientation, reversed orientation, porch or garage features) are not considered substantially similar (1 design point per dwelling).



**PLANNING COMMISSION RESOLUTION NO. 2009-265**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG  
RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG  
COMPREHENSIVE PLAN GOALS AND POLICIES TO SUPPORT AFFORDABLE HOUSING**

**RECITALS:**

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. One of the recommended actions within the *Newberg Affordable Housing Action Plan* is that the City consider the adoption of goal and policy amendments to the Newberg Comprehensive Plan that are designed to support affordable housing.
4. On May 27, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on May 21, 2009.
5. On June 11, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments.

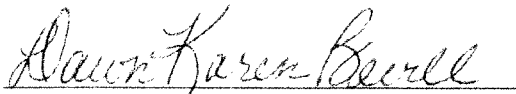
**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Comprehensive Plan as shown in Exhibit A, contingent upon the Planning Commission's review of the recommended Newberg Development Code amendments described in the Newberg Affordable Housing Action Plan.

This recommendation is based on the staff report and testimony.

Dated this 11<sup>th</sup> day of June, 2009.

AYES: 5    NAYES: 0    ABSTAIN: 0    ABSENT: 2    T.L. SIMPSON

ATTEST:

  
\_\_\_\_\_  
Planning Commission Secretary

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

Exhibit A: Proposed Newberg Comprehensive Plan Goal and Policy Amendments

## PLANNING COMMISSION RESOLUTION NO. 2009-266

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE STANDARDS REGARDING RESIDENTIAL LOT DIMENSIONS, SIZES, SETBACKS AND BUILDING HEIGHTS TO SUPPORT AFFORDABLE HOUSING

#### RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. One of the recommended actions within the *Newberg Affordable Housing Action Plan* is that the City consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing, including standards regarding residential lot dimensions, sizes, setbacks and building heights.
4. On June 24, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on June 18, 2009 and mailed to interested parties on June 18, 2009.
5. On July 9, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments.

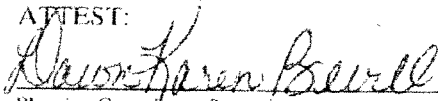
**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A, contingent upon the Planning Commission's review of additional proposed development code amendments described in the Newberg Affordable Housing Action Plan.

This recommendation is based on the staff report and testimony.

**DATED** this 9<sup>th</sup> day of July, 2009

AYES: 7      NAYS: 0      ABSTAIN: 0      ABSENT: 0

ATTEST:

  
\_\_\_\_\_  
Planning Commission Secretary

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

Exhibit A: Proposed Newberg Development Code Amendments

Z:\H.F.S.CAG 2009\Gen File 09-007 Affordable Housing Phase 2\PC Resolution 2009-266.lot standards.070909.doc

## PLANNING COMMISSION RESOLUTION NO. 2009-267

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE STANDARDS BY ADDING AN OPTIONAL "FLEXIBLE DEVELOPMENT TRACK" THAT WOULD ALLOW DEVELOPERS FLEXIBILITY IN SOME DEVELOPMENT STANDARDS, PROVIDED THEY COMMIT TO PROVIDING SOME AFFORDABLE HOUSING

#### RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. One of the recommended actions within the *Newberg Affordable Housing Action Plan* is that the City should consider the adoption of various amendments to the Newberg Development Code. Action 4.1 of the Plan proposes an optional "Flexible Development Track" that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing.
4. On July 29, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on July 23, 2009 and mailed to interested parties on July 23, 2009.
5. On August 13, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments. At that meeting, the Planning Commission decided to continue the public hearing at their September 9, 2009 meeting.
6. On August 26, 2009, notice of the continued public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on August 19, 2009 and mailed to interested parties on August 20, 2009.
7. On September 10, 2009, the Newberg Planning Commission held the continued public hearing on the proposed amendments.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A, contingent upon the Planning Commission's review of additional proposed development code amendments described in the Newberg Affordable Housing Action Plan.

This recommendation is based on the staff report and testimony.

**DATED** this 10<sup>th</sup> day of September, 2009

AYES: 4      NAYS: 0      ABSTAIN: 0      ABSENT: 3

ATTEST:

  
\_\_\_\_\_  
Planning Commission Secretary

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

Exhibit A: Proposed Newberg Development Code Amendments

## PLANNING COMMISSION RESOLUTION NO. 2009-272

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE STANDARDS REGARDING DUPLEXES IN THE R-1 ZONE, ACCESSORY DWELLING UNITS (ADUs), HOUSING IN THE C-1 ZONE, PLANNED UNIT DEVELOPMENTS (PUDs), LEGAL NON-CONFORMING HOUSING RECONSTRUCTION, AND PARKING REQUIREMENTS

#### RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. The *Newberg Affordable Housing Action Plan* recommends that the City should consider the adoption of various amendments to the Newberg Development Code regarding duplexes in the R-1, accessory dwelling units (ADUs), housing in the C-1 zone, planned unit developments (PUDs), legal non-conforming housing reconstruction, and parking requirements.
4. On October 24, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on October 22, 2009 and mailed to interested parties on October 22, 2009.
5. On November 12, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A, contingent upon the Planning Commission's review of additional proposed Development Code amendments described in the Newberg Affordable Housing Action Plan.

This recommendation is based on the staff report and testimony.

**DATED** this 12<sup>th</sup> day of November, 2009

AYES: 5      NAYS: 2      ABSTAIN: 0      ABSENT: 0  
ATTEST: (Haug, Stahr)

  
\_\_\_\_\_  
Planning Commission Secretary

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

Exhibit A: Proposed Newberg Development Code Amendments

## PLANNING COMMISSION RESOLUTION NO. 2009-273

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT CODE STANDARDS REGARDING THE ADDITION OF A DEFINITION OF "SPECIAL NEEDS HOUSING"; CHANGE THE PLANNING REVIEW PROCESS FOR ACCESSORY DWELLING UNITS TO TYPE II; AND ADD AN OPTION TO REDUCE PARKING REQUIREMENTS FOR RESIDENTIAL DEVELOPMENTS NEAR TRANSIT.**

### RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. The *Newberg Affordable Housing Action Plan* recommends that the City should consider the adoption of various amendments to the Newberg Development Code. The Planning Commission has considered amendments regarding the following: the addition of a definition of "special needs housing"; a change to the planning review process for accessory dwelling units in the R-1 and R-P zones; and, the addition of an option to reduce parking requirements for affordable housing developments near transit.
4. On November 25, 2009, notice of a public hearing on the proposed amendments was published in the Newberg Graphic. The same notice was posted in four public places on November 19, 2009 and mailed to interested parties on November 19, 2009.
5. On December 10, 2009, the Newberg Planning Commission held a public hearing on the proposed amendments. The Newberg Planning Commission continued that public hearing on the proposed amendments at the January 14, 2010 meeting.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A, contingent upon the Planning Commission's review of additional proposed Development Code amendments described in the Newberg Affordable Housing Action Plan.

This recommendation is based on the staff report and testimony.

**Approved by the Planning Commission on this 14<sup>th</sup> day of January, 2010**

AYES: 6      NAYS: 0      ABSTAIN: 0      ABSENT: 1 (Tri)

ATTEST:

  
\_\_\_\_\_  
Planning Commission Secretary

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

Exhibit A: Proposed Newberg Development Code Amendments



## PLANNING COMMISSION RESOLUTION NO. 2009-274

### A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG COMPREHENSIVE PLAN TEXT AND NEWBERG DEVELOPMENT TO SUPPORT AFFORDABLE HOUSING

#### RECITALS:

1. On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families."
2. On May 4, 2009, the Housing for Working Families Ad Hoc Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.
3. The *Newberg Affordable Housing Action Plan* recommends that the City should consider the adoption of various amendments to the Newberg Comprehensive Plan Text and Newberg Development Code.
4. In 2009 and 2010, the Planning Commission held a series public hearings regarding recommended development code changes intended to support affordable housing from the Newberg Affordable Housing Action Plan. As a result of those public hearings, the Planning Commission the following resolutions:

*Resolution No. 2009-265 (passed June 11, 2009)*

**Recommended changes:** Amend the Newberg Comprehensive Plan Text goals and policies

*Resolution No. 2009-266 (passed July 9, 2009)*

**Recommended changes:** Amend the Newberg Development Code regarding residential lot dimensions, sizes, setbacks and building heights.

*Resolution No. 2009-267 (passed September 10, 2009)*

**Recommended changes:** Amend the Newberg Development Code regarding an optional "Flexible Development Track" that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units remain affordable in the long-term, and/or in-lieu credits through cash contributions to a City of Newberg Housing Trust Fund.

*Resolution No. 2009-272 (passed November 12, 2009)*

**Recommended changes:** Amend the Newberg Development Code as follows:

- Permit duplexes in the Low Density Residential (R-1) zone as an allowed use;
- Allow greater flexibility to the use of accessory dwelling units (ADUs);
- Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided;
- Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs);
- Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed; and,
- Reduce and provide flexibility to parking requirements for affordable housing projects.

*Resolution No. 2009-273 (passed January 14, 2010)*

**Recommended changes:** Amend the Newberg Development Code as follows:

- Add a definition regarding "special needs housing";
- Clarify that the planning process for the recommendation that accessory dwelling units be an allowed use in the R-1 and R-P zones instead of the current conditional use would be an administrative Type II;
- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit.

**NOW THEREFORE, BE IT RESOLVED** by the Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Comprehensive Plan Text and the Newberg Development Code as shown in Exhibit A.

This recommendation is based on the staff report and testimony.

**DATED** this 11<sup>th</sup> day of March, 2010

AYES: 6      NAYS: 0      ABSTAIN: 0      ABSENT: 1 (Stuhr)

ATTEST:

  
\_\_\_\_\_  
Planning Commission Secretary

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

Exhibit A - Proposed Newberg Comprehensive Plan Text and Newberg Development Code Amendments

**PLANNING COMMISSION RESOLUTION NO. 2010-278**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG  
RECOMMENDING THAT THE CITY COUNCIL AMEND THE NEWBERG DEVELOPMENT  
CODE STANDARDS REGARDING NEW HOUSING DESIGN STANDARDS**

**RECITALS:**

1. The *Newberg Affordable Housing Action Plan* recommends that the City should "Create design standards that promote the development of attractive, livable, and functional neighborhood, taking care not to increase costs of housing or reduce the number of dwelling." The recommended standards would apply to all future residential developments, not just affordable housing projects.
2. On January 30, 2010, notice of a public hearing on the proposed amendments was published in the *Newberg Graphic*. The same notice was posted in four public places on January 26, 2010 and mailed/mailed to interested parties on January 25, 2010.
3. On February 11, 2010, the Newberg Planning Commission held a public hearing on the proposed amendments. The public hearing was continued to the March 11, 2010 Planning Commission meeting.

**NOW THEREFORE, BE IT RESOLVED:**

1. The Planning Commission of the City of Newberg that it recommends that the City Council approve the amendments to the Newberg Development Code as shown in Exhibit A.
2. If the City Council adopts the recommended amendments, city staff will report how future residential developments perform under the new design standards point system so that the Planning Commission can gauge the effectiveness of the standards and recommend adjustments as necessary.

This recommendation is based on the staff report and testimony.

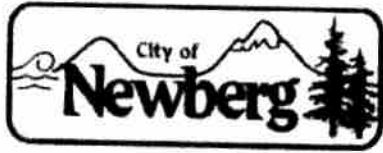
**DATED** this 11<sup>th</sup> day of March, 2010

AYES: 5      NAYS: 1 (Wall)      ABSTAIN: 0      ABSENT: 1 (Stuhr)

ATTEST:

  
\_\_\_\_\_  
Planning Commission Secretary

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



PLANNING COMMISSION MINUTES  
June 11, 2009  
7:00 p.m. Regular Meeting  
Newberg Public Library Meeting Room  
503 E. Hancock Street

TO BE APPROVED AT THE JULY 9, 2009 PLANNING COMMISSION MEETING

**I. ROLL CALL:**

Present: Thomas Barnes      Derek Duff  
          Philip Smith         Matson Haug  
          Lon Wall

Absent: Nick Tri (excused)    Cathy Stuhr (excused)  
          Amanda Golson (excused)

Staff Present: Barton Brierley, Planning & Building Director  
                  David Beam, Economic Development Coordinator/Planner  
                  Crystal Kelley, Recording Secretary

**II. OPENING:**

Chair Wall opened the meeting at 7:00 pm.

**III. CONSENT CALENDAR**

**Motion #1: Haug/Barnes** to approve the minutes from the Planning Commission meeting of May 14, 2009. (5 Yes/0 No/2 Absent [Tri/Stuhr]). Motion Carried.

**IV. COMMUNICATIONS FROM THE FLOOR:**

None.

**V. LEGISLATIVE PUBLIC HEARING:**

1. **APPLICANT:**           City of Newberg  
**REQUEST:**            Consider adding and modifying specific policies to the Newberg  
                                  Comprehensive Plan to encourage affordable housing  
**FILE NO.:**             G-09-007                                   **RESOLUTION NO: 2009-265**

Mr. David Beam, Economic Development Planner, presented the staff report (see meeting packet for full report).

Chair Wall opened the public hearing.

Mr. Charlie Harris, Affordable Housing Ad-hoc Committee member, stated the proposal is the Planning Commission's first step toward implementing the Affordable Housing Plan. The City Council adopted the plan about a month ago. He thinks it is important that the Planning Commission show a commitment to Affordable Housing and think about using the word "shall" in place of "should" in section I.3.o. (Pg. 22 of packet). The word "should" does not give the impression of a commitment.

Commissioner Smith asked Mr. Harris if he is in favor of the policies.

Mr. Harris stated that yes, he is in favor of them

Mr. Rick Rogers, Affordable Housing Ad-hoc Committee member, said his intent is to underscore what has been said. He explained that when the Ad-hoc Committee started, some committee members were saying affordable housing might happen and others were saying it must happen. In the course of the year, they were able to come to a consensus in the group that actually started out with very different views. They believe they have a good chance of getting something done through the implementation of the plan.

Commissioner Smith reminded the Commission that he took part in the Ad-hoc Committee. He stated the Ad-hoc Committee had a unanimous vote in favor of the plan.

**Motion #2:** **Haug/Barnes** motioned that the Commission adopt Resolution 2009-2652 recommending that the City Council adopt the proposed Newberg Comprehensive Plan goal and policy amendments as shown in Exhibit A, contingent upon the Commissions review of other proposed Development Code changes describe in the *Newberg Affordable Housing Action Plan*.

Chair Wall clarified that just because there is a motion to approve this, they have not voted on anything. Therefore, they can change the wording of the motion before they vote. He is concerned about the issue of whether the City should provide financial incentives for affordable housing. Chair Wall was uncomfortable with parts of page 23 and cautioned about defining affordable housing too widely. He mentioned if you cast a wide enough net, at some point a large percentage of future developments could be qualified as affordable. Suddenly you may many developments in town that do not have to follow the development standards anymore – an obvious, red flag.

Commissioner Smith reminded the committee that these are policy statements that will need to be completed with concrete language in order to be implemented.

Commissioner Haug expressed his concern in the language of section “q” and asked who comes out ahead when someone gets a density bonus. Does it benefit everyone? How much would this bonus cost our community? Commissioner Haug was concerned about side effects that may come into play. He asked if anyone gets an unfair advantage if the proposed development code standards in the Plan were adopted? He asked what the financial impact on the density bonuses would be? Will the developers come out making more money? Would we be putting money in the pockets of the developers without knowing it? Who will pay for everything?

Chair Wall stated he didn't care if a developer makes more money, provided the primary goal of getting more affordable housing developed is met.

Commissioner Barnes said the developer passes the savings on to whoever buys the property and the homeowner ends up winning because he pays a less for the home.

Commissioner Haug stated we need a good systems development charges program in order to pay for the infrastructure as it expands. If the City doesn't have that right amount of money coming in, everybody's water rates have to be increased. The optimal plan for utility rates is to make sure they are fair to all concerned. If you stop collecting the SDC fees, the money for the infrastructure needs to come from somewhere.

Commissioner Smith stated that section "d" is there to try to encourage the development of affordable housing through the use of density bonuses.

**Motion #3:** **Haug/Smith** moved to change section I.3.o. to read "The City should use development incentives such as density bonuses, flexible development standards, and streamlined review procedures to stimulate or require the production and preservation of affordable housing." Also, the last sentence in this section should be dropped.

Chair Wall asked for clarification on the places they would like to change from "shall" to "should." He questioned whether it needs to be addressed in here or in other verbiage also. He suggested that it might be better to identify all the spots they want to make the changes and include them all in one motion.

**Vote on Motion #3:** (5 Yes/0 No/2 Absent [Haug/Smith]). Motion Carried.

**Motion #4:** **Smith/ Duff** move to amend Motion #2 to change the language in all policies in Exhibit A from "should" to "shall".

Commissioner Haug expressed concern that "Q" asked to provide a lot of discounts and reductions to charges without stating exactly how it is to be paid for, what the impacts are, and recommends changing the last sentence to read "These incentives should be paid by a housing trust fund."

Commissioner Smith answered the general policy the Ad-hoc Committee recommended is that it be done by assessing a broad-based payer. If it is going to do this reduction of referrals, it needs to be based on a broad-based income stream so everyone who benefits from it will pay for it.

Chair Wall asked if there is a problem with the amendment as it is right now.

Commissioner Haug said he supports changing all the "shoulds" to "shalls" and come back and address some of the other concerns.

**Vote on Motion #4:** (5 Yes/0 No/2 Absent [Smith/Duff]). Motion Carried.

**Motion # 5:** **Duff/Haug** motion to amend the language on policies "r" and "s" in Exhibit A to read the City shall "support" rather than "supports". and on item S the language "shall" support rather than the City supports. (5 Yes/0 No/2 Absent [Duff/Haug]). Motion Carried.

**Vote on Motion #2, as amended:** (5 Yes/0 No/2 Absent [Smith/Haug]). Motion Carried.

## 2. **Workshop on Affordable Housing Action Plan's Proposed Design Standards**

David Beam presented the staff report (see meeting packet for full report).

Chair Wall asked if the Action Plan pertains to increased densities or affordable housing.

Mr. Beam answered Action Plan is about affordable housing, with increased densities being on tool to achieve that goal. A higher density does not automatically translate to more affordability, but it can be a factor. It is a livability issue as well. The proposed standards ensures that new housing is attractive and is compatible with existing surrounding developments.

Commissioner Smith stated when you start talking about affordable housing, you start coming up with plans that get more dense housing and/or less expensive housing. They are starting with the safeguards to ensure that more affordable housing does not mean unattractive housing. If you want affordable housing, you have to make sure the design standards don't add too much cost. If the safeguards are too prescriptive, they will work against the overall goal of affordability.

Commissioner Haug stated he was concerned because that is the benchmark for today with single dwellings. The point system is different from what he is proposing.

Commissioner Smith asked staff how they came up with the numbers in the point system.

Barton Brierley replied that staff reviewed various design standards and then crafted a draft point system of the design standards. Then staff tested a number of existing developments to see how they would score under the point system. Staff then brought the proposed design standards to the Affordable Housing Ad Hoc Committee for their review and refinement.

Chair Wall called a five-minute break at 9:00 p.m.

Commissioner Smith asked the status of item #7 on page 32.

Barton Brierley answered staff thought if one tree is saved in a 20-acre development there should be some credit for that. There will be more credit for certain enhancements. It would be hard to nail down to a specific point.

David Beam added that to get the design points, all the homes in the subdivision will have to apply to the standards.

Commissioner Smith stated that larger developments have more opportunities to achieve the points it needs.

Chair Wall asked what benefit there is for the developer to use the point system. Commissioner Smith answered that those developers who don't achieve the required points would be told they can not build their houses in Newberg unless they redesign the proposed project adequately enough to achieve the required points.

Chair Wall asked if the design points enter into a compromise whereas some development fees will be waived if you get enough design points.

Barton. Brierley answered that is not the plan coming from the Affordable Housing Ad-hoc Committee.

Chair Wall stated he is still not clear why they are dealing with this design issue in an affordable housing package. He understands there are already a number of codes and design requirements existing in the City to prevent poorly or cheaply constructed houses. Chairman Wall was concerned about requiring design standards that will impact all new developments. He asked why it is in the affordable housing package and wondered if that could sink the affordable housing plan.

Mr. Beam said the committee went through potential design standards and tried to identify the ones that helped the livability of the development while having a minimal impact on the housing development cost. The Committee felt that there would be pushback from the community on the affordable housing effort if good design standards were not part of the package.

Chair Wall clarified that some folks are afraid that affordable housing might be unattractive. He asked why we need standards greater than the ones already in place.

Mr. Brierley replied the issue of good design standards has been a part of the affordable housing discussion over the last two years. There have been public workshops where individuals have been saying they were not going to support anything to do with affordable housing if they do not address the livability and design issues. If that impression is incorrect, then it would be appropriate for the Planning Commission to propose putting the design issue aside for now till the Commission deals with all the other proposed development code changes to support affordable housing. They can decide later if they want to include the proposed design standards.

Chair Wall asked if the people understood this was going to be enacted citywide for all developments. Commissioner Smith stated the Committee recommended the City adopt them across the board.

Commissioner Haug said the Planning Commission needs to know what they are voting on. They need to get a presentation from staff with more details on how these design standards would work.

Chair Wall stated that he was still not convinced. This, in itself, is a big deal. He felt that the design standards were a huge distraction in trying to address affordable housing.

Commissioner Haug stated he thinks this is an important step toward affordable housing.

Commissioner Smith recommended they table the discussion of the 4.2 J for a later time. They will have many meetings to work through the affordable housing action plan and then at the end they can bring back the 4.2 J design standards feature.

Commissioner Barnes stated the design standards are the implementation for policy "o".

Chair Wall said that they would only be only if the Commission decided that they pertain to affordable housing.

**Motion #6:** Smith/Haug directed staff to provide a visual presentation on the effects of the design standards on developments and to postpone the design standards decision to a later meeting; date unknown. (5 Yes/0 No/2 Absent [Smith/Haug]). Motion Carried.

## V. ITEMS FROM STAFF:

### 1. Update on Council items

Mr. Brierley reported the Council has been dealing with the issue of housing development fees. Due to the current recession, the Council is trying to help developers financially to encourage the development of and create jobs. Monday night, they will consider a resolution to grant a limited fee reduction for up to 10 affordable dwellings if they are constructed within the next year. Also, city staff participated in the URA hearing before the Land Conservation and Development Commission (LCDC) on Tuesday of last week. A special meeting regarding the URA will be held on July 21, 2009. The debate now is focused on the idea that not all land is the same. Mr. Brierley is still optimistic the URA expansion request will prevail.

The next Planning Commission meeting: July 9, 2009.

## VII. ITEMS FROM COMMISSIONERS:



Commissioner Barnes brought along some pictures, which he shared and discussed via a PowerPoint presentation. They were examples of design elements for housing in the Villebois development in Wilsonville.

**VIII. ADJOURN:**

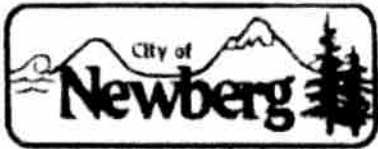
Meeting adjourned at 10:02 p.m.

**Approved by the Planning Commission this 9<sup>th</sup> day of July, 2009.**

AYES: 7    NAY: 0    ABSENT: 0    ABSTAIN: 0  
(List Name(s))                                      (List Names(s))

  
\_\_\_\_\_  
Dawn Karen Burrell  
Planning Recording Secretary

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



**PLANNING COMMISSION MINUTES**  
**July 9, 2009**  
**7 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

*TO BE APPROVED AT THE AUGUST 13, 2009 PLANNING COMMISSION MEETING*

**I. ROLL CALL:**

Present: Thomas Barnes                      Derek Duff                      Matson Haug  
                    Lon Wall, Chair                      Cathy Stuhr                      Philip Smith  
                    Nick Tri, Vice Chair                      Amanda Golson, student PC

Staff Present: Barton Brierley, Planning & Building Director  
                    David Beam, Economic Development Planner  
                    Steve Olson, Associate Planner  
                    Dawn Karen Bevill, Recording Secretary

**II. OPENING MEETING:**

Chair Wall opened the meeting at 7:00 p.m. and asked for roll call.

**III. CONSENT CALENDAR:**

Chair Wall entertained a motion to accept the minutes of the June 11, 2009 meeting. Commissioner Haug motioned to accept the minutes and Commissioner Barnes seconded the motion. Chair Wall asked for any corrections or changes. Commissioner Stuhr noted corrections were needed as to the Commissioners who were listed as absent on many of the motions.

**Motion #1** Haug/Barnes to approve the minutes from the Planning Commission meeting of June 11, 2009 as corrected (7 Yes/ 0 No/ 0 Absent), unanimous voice vote.

**IV. COMMUNICATIONS FROM THE FLOOR:**

Chair Wall offered an opportunity for non-agenda items to be brought forth.

Mr. Larry Anderson stated that he was surprised to find nothing included in the proposed revisions of the development standards regarding public street standards. He believes changes are needed. Mr. Anderson hopes that this topic will be discussed in the future and he offered his help in any way he can. Newberg's rigid public street standards have as much to do with the poor planning and livability of neighborhoods as anything. It leads to more expensive housing. Creativity is needed in gaining access to develop many potential infill home sites in the community.

Commissioner Smith said the taskforce for affordable housing does recommend taking a look at street standards and making changes in the future. He asked Mr. Anderson to come back and give testimony when that issue is reviewed by the Commission. His input would be very helpful.

Commissioner Haug agrees there will be recommendations in the future and asked Mr. Anderson for a few examples of what he'd like to see changed. Mr. Anderson replied Jaquith Park Estates has private streets that work well, but would not be allowed today. The streets and right-of-way are narrower. The nicer neighborhoods have front yards but wide expansive streets take away from that. Each development parcel is unique and should be planned individually, allowing for creative design.

Chair Wall said this exact type of change regarding street standards was requested several years ago and he asked what has changed since then. Mr. Anderson said the price of land and the number of homes on a property have gone up. Lots are smaller and builders are placing large houses on those parcels to maximize profit.

Commissioner Haug stated private street standards for public streets would solve many problems.

Barton Brierley pointed out that the Affordable Housing Committee completed Phase I, which was to create an action plan; Phase II will look at potential changes to various development standards, including street standards.

#### **V. LEGISLATIVE PUBLIC HEARING:**

<b>APPLICANT:</b>	City of Newberg
<b>REQUEST:</b>	Consider adding and modifying specific standards in the Newberg Development Code to encourage affordable housing.
<b>FILE NO.:</b>	G-09-007
<b>RESOLUTION:</b>	2009-266

Chair Wall opened the hearing and asked for any abstentions, conflicts of interest, and objections to jurisdiction from the Planning Commission. None were brought forward.

David Beam gave the staff report (see meeting packet for details.) Mr. Beam announced there were members from the Affordable Housing Ad Hoc Committee in the audience, including Mike Willcuts, Charles Harris, and Dennis Russell, people who are directly involved with affordable housing development. They would be willing to answer questions posed by the Planning Commission.

Changes to Action 4.2A, Action 4.2K and Action 4.2M of the Newberg's Affordable Housing Action Plan (AHAP) were reviewed by Mr. Beam and the Planning Commission (Exhibit A to Resolution 2009-266 of the meeting packet (pages 14 – 20).

Commissioner Stuhr asked about the lot area per dwelling unit – 151.565 and asked if it encourages developers to reserve more areas for parks. David explained it should create more housing. Barton Brierley says it does encourage parks and open spaces because it helps with the density requirements.

Barton Brierley stated the Affordable Housing Committee wanted some changes regarding building heights; (pp 16 – 20). They recommended a change be made to allow for a second story on a garage for an accessory dwelling unit. Also, the committee wanted to provide an option for a residential development to go higher than allowed, based on the distance of the building from the property line and solar access.

Mr. Brierley discussed the example showing how the proposed optional standard building height limit (P18 of the packet) would work.

Chair Wall stated the shading calculations would be based on the angle of the sun in February.

Commissioner Smith likes the general idea of the proposal, but was unclear how standards E1 and E2 worked (P-17 of the meeting packet). Barton Brierley tried to clarify, using the graphic on page 18 of the meeting packet.

David Beam pointed out that graphic on page 19 did not print for some reason (under the “XXIII Building Height” title). Each Commissioner was given a handout that showed the missing graphic.

Thomas Barnes asked about the recent cell tower code amendments made by the Commission; did they allow for towers to be 18 feet above the main building? Barton Brierley replied yes.

#### **Public Comments:**

Mike Willcuts stated the information presented in the meeting packet is what was discussed at the Affordable Housing Committee meetings and he is in support of this plan. Mr. Willcuts also agreed with the comments stated by Mr. Anderson regarding the need to modify street standards.

Charles Harris also supports this resolution. He’d like to see a change on page 14 of the meeting packet, Exhibit A; 151.565 Section (A) - (1) changed from an average lot size in a subdivision for single family development not to exceed 10,000 square feet to 7,500 square feet in an R-1 District. This change is needed to promote higher density.

Chair Wall asked Mr. Harris if what is done with affordable housing should affect all scales of housing or just lower income housing. Mr. Harris replied we need to keep in mind the needs of all ranges of housing.

Dennis Russell commented he has been on a number of task forces and work groups during the length of his career. He complimented committee Chairman Philip Smith on the wonderful job he and City Staff did serving on the Affordable Housing Committee. Initiatives were put forward in “bites”. A number of recommendations can be acted on now, even though there is

more refinement work to be done on other actions. Mr. Russell stated that providing affordable housing options for senior citizens is a challenge. Finding ways to incentivize developers to preserve and build affordable housing for seniors is difficult. Bringing more senior citizens into the community would be an asset to Newberg. Finding housing in Newberg with reasonable transportation options is needed for those of low income. One caveat, Charles Harris' recommendation for 7,500 square foot is Mr. Harris' recommendation; the Ad Hoc Committee voted and agreed upon 10,000 square feet figure. Mr. Russell said there are definite downward pressures on the price of a home today. Mike Willcuts and Mike Gougler, local developers and member of the Ad Hoc Committee, initiated discussion citing examples of what the market wants and what will most likely happen in the future. Market forces and development in the City was discussed and the 10,000 square feet figure was agreed upon.

Chair Wall closed the public testimony.

**Closing Comments from Staff:**

Barton Brierley stated that citizen participation is encouraged in Newberg and he thanked those who have been involved in those various committees that have tried to deal with the affordable housing issue. In the Committee on Newberg's Future, which Commissioner Stuhr served on, density was discussed and they recommended an increase that would move towards the established target densities.

The Affordable Housing Ad Hoc Committee looked at the density issue thoroughly. Mr. Brierley believes one of the toughest issues was regarding square footage of lot sizes -- what the maximum should be and whether the provision of affordable housing should be forced or chosen by the developer/builder.

Commissioner Haug asked about what was the profile of lot sizes for homes in Newberg. Barton Brierley replied that in the old core of Newberg, which are where there are the numbered streets, are around 5,000 square feet. The lots developed in the 1970s- 1980s are 7,500 – 9,000 square foot range. The lots developed in the 1990s in northwest Newberg area averaged at about 6,000 square feet.

**Motion #2: Tri/Stuhr** moved to accept the Planning Commission Resolution 2009-266.

**Discussion:**

Commissioner Haug stated his concern that lowering the square footage would put more pressure to create an R-0 District, which has been propose in the past.

Commissioner Smith inquired about the R-0 District. Commissioner Haug explained he remembered that there would be no limit on how big a lot could be in an R-0 District. Barton Brierley stated the proposal was years ago (1997?) and he remembered the proposal to be a lot size minimum 10,000 SF size with no maximum.

Chair Wall is in favor of the Resolution 2009-266. He would like to see making housing less expensive for people but not across the board, just on the lower income scale. This is a good move forward.

Commissioner Haug asked at what point Resolution 2009 – 266 would be forwarded to the City Council. Barton Brierley estimated five more meetings before going to the City Council.

<p><b>Vote on Motion #2: Smith/Duff</b> to approve Resolution 2009-266. (7 Yes/ 0 No/0 Absent) Motion carried.</p>
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## **VI. WORKSHOP: RESIDENTIAL DESIGN STANDARDS**

**Barton Brierley** discussed the Affordable Housing Committee's recommendation that standards would apply across the board. The motion last month at the Planning Commission meeting asked staff to come back with examples and the intention at this meeting is to explain how the point system works. This is the same presentation Mr. Brierley gave to the Affordable Housing Committee. Mr. Brierley walked through the examples regarding subdivision design elements, site design elements, and building design elements using existing developments.

### **Creekside Development:**

Commissioner Haug asked if there are points for walking paths or amenities. Barton Brierley stated some points are given for open spaces on this project. Commissioner Haug asked if there is any additional parking in the Creekside Development. Barton Brierley answered that there was some on-street parking. Commissioner Haug asked what the dimensions are of the backyards. Mr. Brierley replied most are an average of 20 feet deep and 30 feet wide; an average 600 sq. ft. back yard. Commissioner Haug asked about points for diversity of look and feel and Mr. Brierley replied none, since they are repetitive in this development.

Commissioner Haug stated this neighborhood is not attractive to him.

Chair Wall agreed, but stated it is attractive to other people. Commissioner Haug stated to some extent, different building styles makes the neighborhood more valuable and livable and many of the points aren't increasing the aesthetics of the neighborhood. Cathy Stuhr stated this area was constrained by the creek.

Commissioner Smith commented architectural features listed on the back page of the meeting handout are good; all are useful and you can't be too restrictive, but rather the scoring has to include more topics or a maximum on one particular item. Commissioner Haug believes the points should be spread out into more categories.

Commissioner Duff suggested meeting a minimum certification such as on site design.

### **Clifford Court:**

Commissioner Haug asked about the street width and could it have been built with smaller widths. Mr. Brierley replied it is a 32-foot-wide street; much larger than needed for cars, but the extra width was needed to meet emergency vehicle standards.

Mr. Brierley added the Ad Hoc Committee thought this was a nice subdivision and that it would receive a quite a few points.

Cathy Stuhr said it lacks any points in category "A," and she likes the Creekside Subdivision better.

Chair Wall understands, but the purpose of the point system and what those points are worth to the developer is the concern at this time. He wants to hear the specifics from staff.

Commissioner Tri stated he sees only garage doors and pitched roofs when viewing this neighborhood, with no variety.

**Mary Lou Lane:**

Commissioner Haug stated the streets are too wide in this development, although the garages and porches are better placed.

Chair Wall stated personally he likes the Clifford Court development better.

Steve Olson stated this cul-de-sac is quite different from Clifford Court, which is a shorter cul-de-sac demanding the garage placement in front because of the pie-shaped lots with narrow frontages.

Commissioner Smith said due to the nature of the pie-shaped lots in Clifford Court, points were earned for the back yards which weren't visible on the overhead.

Barton Brierley stated many points would be earned from the architectural design and one story homes in this development.

**Arlington:**

Commissioner Haug stated this is an example of what Larry Anderson referred to during his comments early on at this meeting. He pointed out the overall feel and quality is nice due to the trees in the neighborhood.

**Deborah/Douglas:**

Barton Brierley stated this development didn't meet the standards at all; it only earned points for density and some homes are close to the street.

Commissioner Haug asked about the setback in this development. Barton Brierley said 5 -6 feet between the homes.

Commissioner Smith agrees with Chair Wall's statement that it's difficult to take aesthetic judgments and build them into a city code, but in spite of that, this point system can be helpful and useful. There will be no perfect system. It may need to be "tweaked" into more categories. There's a lot of flexibility for builders. Doing more than what this offers would be difficult.

Chair Wall asked City Staff what the developers get for their points. Barton Brierley said that they earned approval to build the project. In another sense, had the Deborah Project been built like the Arlington Project, it would be much more valuable since the densities are comparable. Chair Wall asked what they will get besides that. Mr. Brierley replied, per the code, it doesn't matter if it's one point over or many points over the threshold. He believes they get a more sellable product that will appreciate in value over time. Chair Wall asked if it would naturally be in the developer's interest to build something attractive to the buyer and is going to get as much money as possible; so why is a system needed to encourage them to do that, if there isn't any other trade off anywhere else. Shouldn't the points be based on better material benefit to the community than just personal aesthetics? Barton Brierley explained when the Planning Commission last saw these six to nine months ago there was something like that built in. There was a 3-prong system giving flexibility and different standards and in exchange for that flexibility, more design points needed to be met. In other words, if a lot of aesthetics were added to a project there would be more substantive flexibility; more density and the ability to have narrower lots. The Affordable Housing Committee recommended against that system and simply took the design standards out and moved them aside. Chair Wall stated if that's the case, this is much ado about nothing.

Commissioner Haug stated in order to have requirements for density, let's safeguard the community with an attractive place to live with inter connectivity between neighborhoods and contour with walkways, etc. which adds quality and comfort of livability to the community. Unfortunately, he's disappointed in the slide show due to lack of diversity in the presentation. He wants to be able to look at all the features at one time. In order to have more density, it's appropriate to make the best attempt possible to protect the livability, and he believes this can be made to work with enough flexibility. It will need to be a living document that changes over time.

Commissioner Smith reiterated that to have greater density, which should translate to greater affordability, there needs to be design elements to prevent "ugly" housing. One would hope the design scale would be so great and work so well a builder could not only make the scale but double the scale and use it to promote their houses. That's why the Affordable Housing Committee moved in this direction. He believes it's a livability approach with flexibility to the developer.

Commissioner Stuhr agrees with Commissioner Smith and stated these are the things valued in the community.

Steve Olson stated that he has some experience as a planner working with Newberg's point systems for multifamily homes and signs. Developers typically don't design around the standards but come in with a good idea of what they want to do and then see how the point system fits the



project. If they need to earn more points then they usually try to find the least costly way to do so. Developers only want to build projects that they think are marketable, so that is their starting point when they approach the city.

Barton Brierley asked for Amanda Golson's opinion, as well as any from the audience. Amanda Golson stated the developers want to make money and may do the bare minimum to make a profit. A "carrot" is needed in this process. The grouping system may work in the listed categories. Variety is needed in Newberg.

Commissioner Duff asked in terms of recent developments, are there any close to what is actually needed. Barton Brierley replied his feeling is that virtually every development over the last 5 years would have met these standards.

Councilor Denise Bacon, who was in attendance in the audience, stated that when the point system was originally developed and brought to the Planning Commission there were many who were upset about the notion; but as the Affordable Housing Committee continued discussions this concept became more acceptable.

Loriel Stutsman, audience member, asked what the cumulative effect will be and how to co-exist with more historic structures. Are we setting ourselves up to change every 30 years?

Commissioner Haug stated he has been on the Planning Commission for over 12 years and the Development Code and Comprehensive Plan are living documents, constantly evolving.

Commissioner Smith stated her question is a good one; the history of the City affects us whether we like it or not. At the same time, as time goes on, we have to be flexible. One of the criteria is design points for architectural element requirements. There will be change; yet parts of the City's past will continue to shape what is built.

Chair Wall stated he's been on the Planning Commission for nine years and there is a great deal in urban planning that is very arrogant and assumes we know how people should live, commute, what they should do - such as "Smart Planning", which can prejudice their point of view. The planning community nationally is bad about this; this is not a criticism of Newberg's City Staff. An awful lot of urban planning is based on opinion. He agrees with Commissioner Haug concerning gaining more information on this process.

Loriel Stutsman commented the points seem reasonable.

Chair Wall asked the Commissioners what they'd like to do at this point.

Commissioner Haug asked staff if they have the time and resources it would take to put together a handful of slides that show the variety of examples in the different categories. He feels the Commissioners do not have the aesthetic training on these features and values.

Commissioner Barnes suggested some Commissioners could take pictures on their own time and he volunteered as one of them. The Commissioners agreed and Mr. Barnes will take the time to do this.

Chair Wall asked if staff could help in this process. Barton Brierley stated staff could take tonight's discussion and work on a revision with more slides. They can incorporate that with the work Commissioner Barnes will do.

Commissioner Haug stated there may be some benefit to the community if the standards are more flexible.

**VII. ITEMS FROM STAFF:**

**Update on Council Items:**

Barton Brierley stated the City Council discussed the McClure property annexation at their last meeting, which has been appealed to the Land Use Board of Appeals. The question was whether to go forward with the election while the appeal is pending. The Council decided to set it aside for now and see if the appeal picture becomes clearer.

At the next meeting on July 20, 2009 they'll consider creating the structure for Phase II of the Affordable Housing Committee with an umbrella committee which will meet quarterly and a number of sub-committees that will meet more frequently.

The property at the corner of Mountainview and Alice Way has requested a one year extension to correct their non-conforming use. Some work has been done already. The City Council will be considering that extension on July 20, 2009.

**Other Reports, Letters, or Correspondence:**

Staff has made contact with Kentucky Fried Chicken regarding cleaning up their landscaping, and Steve Olson has received a call from the landscaper who will be working on it. We expect that the site will soon be improved by the owner/operator.

Next Planning Commission Meeting will be held on August 13, 2009.

**VIII. ITEMS FROM COMMISSIONERS:** None heard at this time.


**IX. ADJOURN:**

Chair Wall adjourned the meeting at 9:55 p.m.

Approved by the Planning Commission this 13<sup>th</sup> day of August, 2009.

AYES: 7      NO: 2      ABSENT: 2      ABSTAIN: 2  
(List Name(s))      (List Name(s))

  
Dawn Karen Baurle  
Planning Recording Secretary

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

**PLANNING COMMISSION MINUTES**

**August 13, 2009**

**7 p.m. Regular Meeting**

**Newberg Public Safety Building**

**401 E. Third Street**

TO BE APPROVED AT THE SEPT. 10, 2009 PLANNING COMMISSION MEETING

**I. ROLL CALL:**

Present: Thomas Barnes Derek Duff Matson Haug  
Lon Wall, Chair Cathy Stuhr Philip Smith  
Nick Tri, Vice Chair Amanda Golson, student PC

Staff Present: Barton Brierley, Planning & Building Director  
David Beam, Economic Development Planner  
Steve Olson, Associate Planner  
Dawn Karen Bevill, Recording Secretary

**II. OPENING MEETING:**

Chair Wall opened the meeting at 7 p.m. and asked for roll call.

**III. CONSENT CALENDAR:**

Chair Wall entertained a motion to accept the minutes of the July 9, 2009 meeting.  
Commissioner Haug motioned to accept the minutes and Commissioner Tri seconded the motion.  
Chair Wall asked for any corrections or changes. There were none.

**Motion #1 Haug/Tri** to approve the minutes from the Planning Commission meeting of July 9, 2009 as submitted. (7 Yes/ 0 No/ 0 Absent), unanimous voice vote.

**IV. COMMUNICATIONS FROM FLOOR:**

Chair Wall offered an opportunity for non-agenda items to be brought forth. No other topics were brought forward.

**V. LEGISLATIVE PUBLIC HEARING:**

**APPLICANT:** City of Newberg  
**REQUEST:** Amend Newberg Development Code regarding proposed flexible development standards to support affordable housing.  
**FILE NO.:** G-09-007  
**RESOLUTION:** 2009-267

Chair Wall opened the hearing and asked for any abstentions, conflicts of interest, or objections to jurisdiction from the Planning Commission. None were brought forward.

Mr. Beam gave the staff report (see meeting packet for details.) In summary, one of the recommended actions within the Newberg Affordable Housing Action Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support

affordable housing. This meeting is in regard to the proposed flexible development standards; to provide an optional "Flexible Development Track" that would allow developers flexibility in some development standards provided they commit to providing some affordable housing.

In 2007, the Planning Commission looked at another proposal involving a flexible development track concept. The proposal at that time was that the developer could receive flexible design standards if in return the developer would provide some affordable housing and would meet higher design standards for the development. The current development proposal states if a developer chooses the flexible design standards option, the developer would have to provide affordable housing only.

Mr. Beam continued on to summarize 151.231 Flexible Development Standards.

Commissioner Smith asked about the current front yard setback, as the flexible standard would allow a reduction to 10 feet. Mr. Beam replied 15 feet.

Commissioner Haug asked if he was correct in understanding that if there are 20 units; 2.8 of those units need to be affordable housing and asked how the fractional units are figured. Mr. Beam replied yes and explained it could be achieved in various ways: on-site, off-site, market rate, long-term affordable housing units, or in lieu of credits.

Commissioner Stuhr restated the question was 'how can you build 2.8?' Mr. Beam explained the EADUs can be received under the moderate, low, and very low income units and stated the more you provide for lower income, the more EADUs will be given (as listed in the meeting packet page 21.) After adding together the EADUs of all the built affordable units, the developer must exceed 2.8. Commissioner Stuhr asked where that is stated in the proposal. Mr. Beam replied it isn't stated anywhere.

Commissioner Smith stated that the specific amount of required housing needs to be clearly spelled out. Barton Brierley stated the following language will be added to line 3 of § 151.232 opening paragraph: "...will be **at least 50% of the extra units.**" Commissioner Smith suggested adding language stating the developer can use a combination of ways of reaching the required EADU total. So if the total is 2.8, the developer may build 2 houses that give him credit for 2.0 and the rest as a cash payment in-lieu into the trust fund, or satisfy the requirement completely as a payment in-lieu into the trust fund.

Commissioner Stuhr referred to the last sentence in the opening paragraph under § 151.230 (page 20 of the meeting packet) which stipulates the various ways the obligation to provide affordable housing can be achieved. Commissioner Smith agreed.

Commissioner Duff agreed with Mr. Brierley's suggested language modification of line 3 in § 151.232 of the opening paragraph. The Commissioners also agreed.

Commissioner Haug stated the developers will make more money and believes that amount should be quantified to keep the process transparent in order to allow a better understanding by the community.

Commissioner Stuhr stated the paragraphs are somewhat confusing under the definitions for long-term affordable dwellings as listed in 151.232 (page 21 of the meeting packet.) She suggested the following – "*Residential units on the subject property reserved for qualifying buyers or renters with income at or below one hundred percent (100%) of the Newberg area median income. One moderate income unit equals 0.75 EADUs.*" Mr. Beam stated he will also modify the numbered subsections under section (A) accordingly.

Commissioner Smith asked about section (A) number 4 (page 21 of the meeting packet) and what is needed in terms of an agreement. Mr. Beam replied the long-term vision for management of the affordable housing units will be working with the Yamhill County Housing Authority. Commissioner Smith asked if an agreement could also be obtained through, as an example, condominium rules. Mr. Beam replied working along with the City Attorney, the best agreement tools will be identified.

Commissioner Stuhr asked how a developer guarantees 25 years of affordable housing. She believes this will scare away developers from using this option since they have no control over the median income and how you define it. Barton Brierley explained a project was built recently at Springbrook & Middlebrook Road that guarantees affordable housing for 60 years. Non-profits would take advantage of this, as well as for-profit, if the housing intention was for HUD Section 8.

Commissioner Smith stated the developers and builders that sat on the Affordable Housing Task Force did not have Commissioner Stuhr's objection, but some did object to certain ways of guaranteeing affordability. Deed restriction was one of them because some felt it's a legal document that is hard to change once the deed restriction expires. They did however agree to the option of placing the restrictions as part of a loan document which states the unit is for affordable housing, and the price must retain the affordable housing characteristics when sold so the price increase has to be restricted to a certain formula. Commissioner Stuhr asked why make the developer responsible? Commissioner Smith replied the developer can make sure there is a deed restriction or that it's written into the document at the time of purchase.

David Beam suggested changing the language in section (A) number four as follows: *"In order to use this option, the applicant must ensure a legal mechanism is in place to guarantee the long-term affordable housing units remain affordable for a period of not less than 25 years."* He explained the agreement guarantees it, not the developer.

Commissioner Stuhr agreed with Mr. Beam's suggestion.

Commissioner Smith stated there are some situations where affordable housing could be built into a market rate condo development. In that case, the agreement could be put into the association rules instead of a loan agreement. Leaving an agreement at the discretion of the City Attorney enables many ways of accomplishing it.

Commissioner Duff is concerned about the consumer purchasing a home without fully understanding a brand new caveat in an agreement such as what is being discussed.

Commissioner Stuhr asked what if the buyer purchases an affordable home, makes improvements in the home, and then realizes they won't be able to sell it for the amount they expect. Commissioner Smith believes that the allowed sale price will depend on many things, including how long they have live in the home. A sliding scale will be used to help determine that. Commissioner Smith stated a deed restriction is solid, but the developers believed if it's in the loan language it would be transferable from one owner to another, but the City Attorney would have to approve it.

Mr. Beam noted a correction will be made to section (A) number five (page 21 of the meeting packet) changing the subsections *"a, b, and/or c"* to *"1, 2, and/or 3."*

Commissioner Smith asked why the phrase "within the project" is in section (A) number 5. Mr. Beam replied the language could be changed to, *"on project site or off project site."*

Commissioner Haug is concerned about the location where developments will be placed and stated it needs to be a bilateral decision; not chosen just by the developer. Commissioner Barnes commented any zone change would have to come before the Planning Commission.

Commissioner Stuhr referred to section (A) number seven and stated the wording was unclear. Is it 30% of the monthly or yearly household income? Chair Wall suggested looking at the wording of number four. Mr. Beam suggested the wording, "...as appropriate does not pay more than 30% of its monthly income on rent and utilities."

David Beam noted in the proposed policy changes section of the Action Plan, it states that the 30% number of income pertains to the cost of rent and tenant paid utilities.

Commissioner Haug referred to section (A) number seven and asked what if the income of a tenant goes up and the renter raises the rent because of it. Commissioner Smith replied the rent shouldn't be changed. Staff can check wording on that. Amanda Golson asked if that would already be regulated since the rent has been already set by the Director. Commissioner Stuhr replied she doesn't believe so due to the change in criteria in section (A) number seven. Barton Brierley referred to section (A) number nine where it states the housing sales price and rent levels shall be at the time of purchase or execution of rental contract.

In section (A) number eight (page 22 of the meeting packet) the wording will be changed as follows: "*Housing sales prices for-sale, long-term affordable dwelling units shall be established so that a household at the moderate, low, or very low income levels as appropriate does not pay more than thirty percent (30%) of their annual gross household income on a mortgage, homeowners insurance, and property taxes at the time of purchase.*" Mr. Beam will change the wording in section (A) number seven to "annual" as well.

Mr. Beam noted the correction to be made to section (A) number nine from the letters "(f) and (g) to seven and eight."

Mr. Beam continued on to review Market Rate Affordable Units (page 22 of the meeting packet).

Commissioner Stuhr referred to letter (D) and asked for clarification regarding the estimated average cost. Mr. Beam explained it isn't defined for a purpose at this point. The actual formula will be developed with City Council. Commissioner Smith suggested replacing the word "cost" with "*purchase price*" along with finishing that sentence by adding the wording, "*in Newberg.*"

Commissioner Stuhr asked staff to explain how this applies to property that will be annexed to the City. Mr. Beam replied it's optional for the developer. The original proposal in 2007 had a provision requiring some affordable housing in annexation areas; now it's voluntary. Commissioner Smith added the taskforce heard many comments regarding this topic and they believed it unfair to put the burden on new property owners and thus backed away from this proposed policy.

**Public Comment:**

Mr. Ken Austin posed several questions. He understands affordable housing is voluntary. Mr. Beam replied the flexible development standards are optional. If a developer so chooses that route, they are required to build some affordable housing.

Mr. Austin asked if the City will reduce taxes on these units. Barton Brierley explained the Affordable Housing Committee developed an Action Plan with multiple actions to help provide affordable housing. The Planning Commission is only discussing one of those strategies at this meeting. Examining property tax abatements were recommended as well as possibly modifying development fees for affordable housing. The City Council has created another committee to look at those issues, which will go through the Citizen Rate Review Committee (CRRC).

Mr. Austin asked what percentage of the population needs affordable housing. Barton Brierley replied by definition, about 60% of the households in Newberg make less than the median income, although the Portland Metropolitan median income numbers which are higher than Newberg's numbers are being used. Some information from the census states that around 40% of renters are paying more than 30% of their income on housing costs. The City has issued 90 permits in the last six months for homes that will accommodate people at or below the median income.

Mr. Austin asked what amount is considered median income. David Beam replied around \$50,000 for Newberg.

Commissioner Smith explained when the Affordable Housing Task Force began they looked at many numbers and reports and found the different levels of housing being built compared to the kind of housing households could afford weren't matching up. There is a definite need to increase affordable ownership and rental housing in Newberg.

Mr. Austin asked if Newberg will become a more affordable housing city to live in than its neighboring cities. Commissioner Haug stated the demand indicates the need for affordable housing and this proposal is voluntary by the developers. This is all experimental.

Commissioner Smith posed the following question: How do we know, if ever, if the problem has been adequately answered? It needs to be monitored but the need now is evident. Important employers in town have workers who can't afford to live in Newberg and have made that known to the Housing Committee. It would be fair to say that there are hard numbers that demonstrate we need more affordable housing.

Commissioner Barnes stated 5,000 people per day come into Newberg to work but don't live here.

Commissioner Smith added it will never be the case that all who work here will live here for various reasons, but there is still a need for low-income people who can't afford to live here.

Mr. Austin is concerned as a citizen. He believes that the general population community which he believes doesn't know what's going on. Commissioner Haug replied cable television used to film the meetings but no longer does. Mr. Austin is the only community member here tonight, which is a concern. The public doesn't attend many of the Commission's meetings.

Commissioner Smith stated the Planning Commission has repeatedly had many opportunities for the public to come and testify.

Commissioner Stuhr commented that there have been hundreds of meetings, open houses, etc. and the public sometimes hasn't attended. You can't force the public to come.

Commissioner Haug posed a statement and question to Mr. Austin. The 400 acre Springbrook development his family has is beautiful, but the following question has been raised along the way: shouldn't some units be in that development be affordable housing? Mr. Austin replied the cost to

develop is high, since much of the acreage is on the hillside where services need to be extended. Much of the cost they pass on to the developers is just the costs passed on to them by the City. A new reservoir, septic system, etc. for that area is needed, which is costly.

Mr. Austin is concerned that a nice development will have an undesirable unit built next door.

Chair Wall stated the City is in its current position because of the push for higher density. However, every recent application that came in front of the Planning Commission, our job wasn't done in providing affordable housing and now the question has to be answered on how the problem should be solved.

Commissioner Haug stated development standards are needed for livability and the Planning Commission has tried to set a point system so affordable housing won't look poorly built.

Mr. Austin stated there must be a balance. He applauds the work the Planning Commission is doing but wishes he had been better informed.

Commissioner Smith stated many policies require City Council and voter action and will be presented to the public continually.

Chair Wall believes if citizens are concerned, they need to keep a close eye on decisions and discussions being made.

**Chair Wall closed the public hearing.**

Staff recommends the adoption of Resolution 2009-267 with the changes that have been discussed at this point.

**Deliberation:**

Commissioner Haug suggested the hearing be continued in order to be sure staff understands the changes. The Planning Commission can make a decision to adopt at the next meeting.

David Beam reviewed the suggested changes in language to the Resolution.

Commissioner Wall would like to see specific alternatives available regarding section (A) #4 (pg. 21 of the meeting packet.) He would like examples listed. Chair Stuhr agreed and would like to see a neutral explanation of the pros and cons of each one also. Commissioner Stuhr believes this is the same section the discussion began in regard to guaranteeing affordability.

David Beam continued by suggesting phraseology be changed in section (C) (page 22 of the meeting packet) by adding, "...at the Director's discretion" in regards to construction at an alternate location in the City. Chair Wall stated that's fine under the direction of Barton Brierley, but is it a good decision placing all that authority in one person's hands? Commissioner Smith added there is a public appeal process that can be used if the decision needs to be debated.

Commissioner Stuhr would like the language in section (A) #6 changed to the following: "*The Director shall determine annually the Newberg area median income...*" The time period and source of data should be clearly stated.



Commissioner Smith stated a mechanism is needed for who moves into affordable housing. There are experts out there and the Housing Authority determines that also. The price of the rental housing is tied to a class of renters. Commissioner Stuhr stated that's exactly what Amanda Golson brought up earlier in the meeting. She's concerned with establishing levels of rent for the different levels of income. Mr. Beam suggested it say rent established for long-term affordable dwelling units as described in (A) sections 1, 2, & 3. Commissioner Stuhr doesn't believe that will work and is concerned with the percentage. The suggested change was not made.

Commissioner Haug feels this should be continued as a public hearing.

**Motion #2 Haug/Stuhr** to continue the public hearing to the September 10, 2009 Planning Commission Meeting. (7 Yes/ 0 No/ 0 absent), unanimous roll call vote.

## **VI. ITEMS FROM STAFF:**

### **Update on Council Items:**

Barton Brierley stated on September 8, 2009 the City Council will hear an appeal of a denial of a sign/billboard at Newberg Auto Electric on First Street.

The City Council did create the Affordable Housing Action Committee Phase II and is looking for volunteers.

### **Other Reports, Letters, or Correspondence:**

Staff has been working on a Welcome Sign to downtown; working with the Newberg Rotary and George Fox University who have both contributed funds for the sign. That project should be finished in the fall.

An Electronic Sign Ad- Hoc Committee has been formed; the first meeting is on September 3, 2009 from 3:00 – 5:00 p.m.

The next Planning Commission meeting will be held on September 10, 2009. The Planning Commission will have a hearing on the South Industrial Master Plan as well as a continuation from this meeting.

NUAMC will begin soon to hear an application for a zone change for property on Wynooski Street just outside the city limits, as well as another property next to it for a zone change and UGB amendment.

Commissioner Haug will be away from September 5<sup>th</sup> – 30<sup>th</sup> and will not be in attendance for the next Planning Commission meeting.

Commissioner Smith asked the status of the Fred Meyer Gas Station. Steve Olson explained they're in the process of application for access permits and should come back to the Planning Commission within a couple months.

The Animal Shelter will have an annexation application in November for the Baker Rock Property. The shelter, if approved will be located on the southeast corner of that property.

## **VII. ITEMS FROM COMMISSIONERS:**

Commissioner Barnes stated that on South Springbrook Road Harris Thermal Products has just about finished their street widening and landscaping.

Commissioner Barnes has taken hundreds of pictures of several neighborhoods he selected in R-1, R-2, & R-3 zones as was discussed at the July 9, 2009 Planning Commission meeting. He will present those photos to the Planning Commission at the appropriate time.

**VIII. ADJOURN:**

Chair Wall adjourned the meeting at 9:25 p.m.

Approved by the Planning Commission this 10<sup>th</sup> day of September, 2009.

AYES: 4

NO: 0

ABSENT: 3

ABSTAIN:

(List Name(s))

(List Name(s))

Thomas Barnes

Madison Haig

Cynthia Kelley

[Signature]

7-10-09 Dixie Peft

Planning Recording Secretary

Planning Commission Chair

Date

**PLANNING COMMISSION MINUTES**  
**September 10, 2009**  
**7 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

TO BE APPROVED AT THE OCT. 8, 2009 PLANNING COMMISSION MEETING

**I. ROLL CALL**

Present: Lon Wall, Chair Cathy Stuhr  
Nick Tri, Vice Chair Philip Smith

Staff Present: Barton Brierley, Planning & Building Director  
David Beam, Economic Development Planner  
Steve Olson, Associate Planner  
Jessica Nunley, Assistant Planner  
Crystal Kelley, Recording Secretary

Absent: Thomas Barnes (excused) Derek Duff (excused) Matson Haug(excused)  
Amanda Golson, student PC (excused)

**II. OPEN MEETING**

Chair Lon Wall opened the meeting at 7:03 p.m. and asked for roll call.

**III. CONSENT CALENDAR**

Chair Wall entertained a motion to accept the minutes of the August 13, 2009 meeting.

<p><b>Motion #1 Tri/Stuhr</b> to approve the minutes from the Planning Commission meeting of August 13, 2009 as submitted. (4 Yes/ 0 No/ 3 Absent – Barnes, Duff, Haug), unanimous voice vote.</p>
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**IV. COMMUNICATIONS FROM THE FLOOR**

Chair Wall offered an opportunity for non-agenda items to be brought forth. No other topics were brought forward.

**V. LEGISLATIVE PUBLIC HEARING**

- APPLICANT: City of Newberg**  
**REQUEST: Accept the South Industrial Area Master Plan as a vision plan for the area located south of Newberg, on either side of Highway 219**  
**FILE NO.: G-08-004 Resolution No. 2009-268**

Chair Wall opened the hearing and asked for any abstentions, conflicts of interest, or objections to jurisdiction from the Planning Commission. None were brought forward.

*Hearing continued from August 13, 2009*

**APPLICANT: City of Newberg**

**REQUEST: Amend Newberg Development Code regarding proposed flexible development standards to support affordable housing**

**FILE NO.: G-09-007**

**RESOLUTION NO.: 2009-267**

Mr. Beam presented the staff report. (see official meeting packet for full report). He pointed out they added the language to the resolution recommended by the Planning Commission.

Chair Wall brought up a concern he has with the income numbers used in the material presented indicating it did not sound realistic. Mr. Beam reminded the committee they used the numbers given by HUD for the Portland MSA rather than the numbers specific for Newberg. The Ad Hoc Committee for Affordable Housing recommended that HUD be the source for the income numbers. Commissioner Smith pointed out early in the process the affordable housing committee adopted the HUD standards for low to moderate income. Mr. Beam pointed out the HUD numbers were revised once per year, which allowed for more current numbers. Newberg specific numbers come out every ten years, although the Census' American Community Survey can provide numbers averaged over a three-year period.

The commissioners made multiple recommendations for language changes at the previous meeting. The recommended changes were noted by Mr. Beam. Discussion ensued in regards to the changes and how they would best support the material. The commissioners were in agreement on the changes to the language.

Chair Wall asked the commissioners how they would like to proceed with the resolution. Mr. Beam pointed out he sent the Commissioners a series of emails earlier this week from citizens in regards to this issue. He also had copies of another email he received just prior to the meeting that the Commissioners had not seen. He asked if they would like to consider the emails in their decision. They determined they would accept the emails as public comments but would like to move forward with a decision. Mr. Brierley stated to the commissioners that staff would include the emails in the next meeting packet.

**Motion #4: Stuhr/Smith to approve RESOLUTION NO.: 2009-267 to amend Newberg Development Code regarding proposed flexible development standards to support affordable housing with the language changes (4 Yes/ 0 No/ 3 Absent), unanimous voice vote.**

## **VI. ITEMS FROM STAFF**

Mr. Brierley announced they had the first meeting of the Electronic Sign Ad Hoc Committee. He went on to report there is some new industrial development coming into the area. They are located on Ninth Street, near the airport and in the airport industrial district, where they will make wind turbines. Mr. Brierley reminded the commissioners of the new City website. He recommended the commissioners take the time to review the new site. There is a new page for the Planning Commission on the site, as well.

## **VII. ITEMS FROM COMMISSIONERS**

Commissioner Stuhr and Commissioner Tri asked for an excused absence for the October 8<sup>th</sup> meeting.

VIII. ADJOURN

Chair Wall adjourned the meeting at 10:24 p.m.

Approved by the Planning Commission this 8th day of October, 2009.

AYES: 5      NO: ~~0~~      ABSENT:      ABSTAIN: ~~0~~

(List Name(s))

Cathy Stuhl  
Rick Ste

(List Name(s))

*Dawn Karen Bevell*  
Planning Recording Secretary

*[Signature]*  
Planning Commission Chair

10/8/09  
Date

**PLANNING COMMISSION MINUTES  
November 12, 2009  
7 p.m. Regular Meeting  
Newberg Public Safety Building  
401 E. Third Street**

TO BE APPROVED AT THE DEC. 10, 2009 PLANNING COMMISSION MEETING

**I. ROLL CALL:**

Present:	Lon Wall, Chair	Derek Duff	Thomas Barnes
	Nick Tri, Vice Chair	Matson Haug	Philip Smith
	Cathy Stuhr		

Absent: Amanda Golson, student PC

Staff Present: Barton Brierley, Planning & Building Director  
David Beam, Economic Development Planner  
Steve Olson, Associate Planner  
Dawn Karen Bevill, Recording Secretary

**II. OPEN MEETING:**

Chair Wall opened the meeting at 7 p.m. and asked for roll call.

**III. CONSENT CALENDAR:**

Chair Wall entertained a motion to accept the minutes of the October 8, 2009 meeting.

**MOTION #1: Haug/Duff** to approve the minutes from the Planning Commission Meeting of October 8, 2009. (7Yes/ 0 No/) Motion carried.

**IV. COMMUNICATIONS FROM THE FLOOR:**

Chair Wall offered an opportunity for non-agenda items to be brought forth. No topics were brought forward.

**V. QUASI-JUDICIAL PUBLIC HEARING:**

<b>APPLICANT:</b>	City of Newberg		
<b>REQUEST:</b>	Annexation of a 19.68 acre parcel		
<b>LOCATION:</b>	1409 S. Sandoz Road (new animal shelter will be located on southeast corner)		
<b>TAX LOT:</b>	3229-100		
<b>FILE NO.:</b>	ANX-09-001	<b>RESOLUTION NO.:</b>	2009-271
<b>CRITERIA:</b>	Newberg Development Code §151.262		

Opening of the Hearing:

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Chair Wall opened the public hearing and read ORS 197.763. He asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. Steve Olson, Associate Planner, presented the staff report (see official meeting packet for full report) and passed out Exhibit B Annexation Map & Exhibit C Legal Description that will become an official part of the resolution if approved.

**Public Testimony:**

Chair Wall opened the public testimony portion of the hearing. There were no proponents or opponents present. Councilor Bart Rierson, who also serves on the Animal Shelter Sub-Committee, was in attendance and made himself available for any questions. Councilor Rierson explained there is expansion room available for growth at the shelter. The Planning Commission discussed the zone change for this property and the future changes south of Wynooski.

**Deliberation:**

Chair Wall opened the deliberation portion of the hearing and asked for final comments and recommendation from staff. Staff concluded with a recommendation to approve Resolution 2009-271, which recommends to the City Council approval of the requested annexation with concurrent zone change, withdrawal of the parcel from the Newberg Rural Fire Protection District, and that if the annexation is approved by the voters then recommend Council initiate a request to Yamhill County to transfer jurisdiction of Sandoz Road to Newberg. Chair Wall asked for additional comments from Commissioners and after hearing none, closed the public hearing.

**MOTION #2: Haug/Tri** to adopt **Resolution 2009-271**, recommending to the City Council approval of the requested annexation. (7Yes/ 0 No) Motion carried.

**VI. LEGISLATIVE PUBLIC HEARINGS:**

**APPLICANT:** City of Newberg  
**REQUEST:** Consider changes to the Newberg Development Code to support the development of more affordable housing: allow duplexes in R-1; allow more flexibility for accessory dwelling units; allow multiple second-story residences in C-1; incentivize more affordable dwelling units in PUDs; allow legal non-conforming duplex and mutli-family units to be reconstructed if destroyed; and reduce and provide flexibility to parking standards for affordable housing projects.

**FILE NO.:** G-09-007 **RESOLUTION NO.:** 2009-272  
**CRITERIA:** Newberg Development Code § 151.122(B)

TIME: 7:42 PM

**Opening of the Hearing:**

Chair Wall opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report) and handed out the proposed December 2007 Newberg Development Code Changes as reference for the Commissioners. This was the same information sent to them by email earlier in the week. Commissioner Haug commented that he liked the staff presentation, as it clarified many points. He expressed he wished he had this information prior to the meeting. He also asked how affordable housing affect property values of surrounding development. Beam handed out a copies of an item printed

off the internet from Habitat for Humanity. The handout lays out a collection of studies from various groups regarding how affordable housing affects property values. The vast majority of the studies have shown that affordable housing does not negatively affect existing property values. Mr. Haug stated he would like to have seen other viewpoints about this issue other than Habitat for Humanity.

TIME – 8:10 PM

**Public Testimony:**

Chair Wall opened the public testimony portion of the hearing. Roger Grahn stated he is both a proponent and opponent. His belief is that low-income housing will never be built in Newberg under current conditions. He's tried to build affordable housing himself, without success. Land is too expensive, as well as the cost of permits. Building affordable housing is a worthwhile cause, but the City needs to participate in the effort financially by subsidizing the land cost and/or reducing fees. It's more beneficial for him to build in Portland because the permit fees are significantly less. Portland offers density bonuses for certain issues, such as safety. Mr. Grahn suggested using a method by which a builder would write a check to the City for a portion of the fees and then pay to the City a certain percentage of the gross for 10 years after the project has been built and keeps its deed restriction. Mr. Grahn will write down his suggestions and forward to City staff. Mr. Grahn doesn't believe affordable housing will have a serious effect on property values, if managed properly.

Proponent Lee Means, Executive Director of YCAP, which is a social services agency serving low-income seniors and disabled individuals and families in Yamhill County. They run Harvest House, which is a transitional shelter home in Newberg for homeless families, and are the managing owners of Camelia Court, an affordable housing complex in Newberg. There is a lot to be said for spreading out affordable housing and not concentrating it all in one area. Ms. Means spoke to the humanitarian side, stating that as wonderful as Yamhill County is, people don't realize the extent of the low-income housing problem. In the last three months, they've seen a 48% increase in the number of people seeking help so they can stay in their homes. This county is in desperate need of affordable housing. YCAP is a funnel for state and federal housing to assist people with paying rent. Ms. Means just did a study on how much of that money is spent in each of the communities and it showed Newberg has significantly less affordable housing to refer people in need to. She spoke to the parking issue and stated many families have single parents and normally only have one car if any at all, as well as disabled individuals with one or no car.

**Closing Comments from Staff:**

Chair Wall asked for final comments from the Commissioners and recommendations from staff. Mr. Beam stated staff recommends the adoption of Resolution 2009-272 that recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution. Staff will also define "special needs housing" and will bring that definition back to the Commission for their consideration in the near future.

Commissioner Haug suggested moving some of these suggested development code changes along more slowly. For example, for ADUs in the R-1 zone, we could loosen some of the rules, but we should keep the conditional use in place so individual neighborhoods can be involved in these changes. If successful, then later we could make them outright permitted. This proposal has a number of changes all at once.

Barton Brierley explained that the change before the Planning Commission tonight would be changing accessory dwelling units in the R-1 zone from a conditional use to a permitted use. About eight years

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ago, ADUs were put into the Development Code and at that time, they were made a conditional use in the R-1 zone. In essence, it already has been a gradual process. The recommendation before the Commission came from the Affordable Housing Ad Hoc Committee. Mr. Brierley noted there are two sides to this story. On one side, a conditional use would give opportunities for neighbors to comment and issues could be addressed. On the other hand; the conditional use process costs the applicant time and money. There have only been three requests for ADUs in R-1 in the last eight years. Concerning duplexes in R-1 there hasn't been any in the last 8-year period.

Chair Wall closed the public hearing and recessed at 9:04 PM for a five-minute break.

**Deliberation:**

TIME – 9:09 PM

Chair Wall opened the deliberation portion of the hearing.

**MOTION #3: Haug/Tri** to adopt **Resolution 2009-272**, recommending the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A.

The Planning Commission reviewed the proposed changes and actions (pages 73 – 74 of the official meeting packet).

Commissioner Haug referred to Action 4.2I and believes it's more reasonable to reduce the square footage, but keep that change as a conditional use in order to see how it impacts neighborhoods.

**MOTION #4: Commissioner Haug** amended the motion; and moved to change Action 4.2I allowing duplexes in R-1, keeping them as a conditional use. No second was given; motion failed.

Commissioner Stuhr is concerned with Action 4.2C and the possibility of everyone adding accessory dwelling units, which can add demands to sewer, parking, water, etc. This application to existing homes where this wasn't anticipated or planned is something different from planning for future developments. She isn't convinced this won't affect livability.

Commissioner Smith stated he isn't persuaded by the Habitat for Humanity study, as many of the studies are too dated. He referred to Mr. Grahn's testimony and is intrigued by his idea of spreading payments for fees out over time. He noted that Lee Means spoke regarding the homeless count and it would be a great mistake to equate the need for the homeless with the need for affordable housing, since it is far larger and includes many different income levels. The Affordable Housing Action Plan is large and complicated and that is why the Commission is only hearing it bit by bit and not as a whole. ADUs only address a small part of the need for affordable housing. Also, keeping affordable housing all in the same area is a social disaster and is better to place it within other housing stock. He doesn't agree with the comments in Roger Currier's letter (see official meeting packet). Commissioner Smith is sympathetic to Commissioner Haug and Commissioner Stuhr's concerns, but is in support of this proposal. He also stated he believes the proposed parking standards are sufficient.

Chair Wall will vote for this resolution but understands the concerns voiced. City Council will need to make the political decision on this.

Commissioner Haug stated when you waive fees and permits, you do it on new development SDCs. However, that cost to build new systems is still there, and therefore, those costs are just transferred to existing residents living in the city. Mr. Haug is also the Chair of the Citizen Rate Review Committee and stated there is a lack of reserve funds for the Wastewater Treatment Plant. A 20% annual rate increase is needed per year over the next several years and asked the Commission to keep the SDCs needs in mind.

**Vote on Motion #3:** (5 Yes / 2 No [Haug, Stuhr]) Motion carried.

**VIII. ITEMS FROM STAFF:**

Update on Council items:

Barton Brierley stated the City Council did approve one small UGB amendment on the south side of Wyooski Rd. for 1.2 acres. At the next City Council meeting on December 7, 2009, they will be considering the Planning Commissioner appointments; there are two spots available and three applicants.

The next Planning Commission Meeting: December 10, 2009 and the Commission will be hearing more of the affordable housing amendments and an update to the Economic Opportunities Analysis.

Holiday Dinner Plans:

Barton Brierley stated the Commission needs to discuss the date and place for the holiday dinner. Commissioner Smith suggested the Yamhill Grill where they can have a private room for dinner. Mr. Brierley will suggest dates and the Commissioners can respond by email.

Other reports, letters, or correspondence:

The Electronic Sign Committee has had three meetings so far and Mr. Brierley is pleased with the group and the variety of opinions, thoughts, and interests. At this point, they've focused time on reviewing other cities' codes and interviewed three of the pilot program participants. At least three to four meetings are left, including a field trip to see existing signage.

**IX. ITEMS FROM COMMISSIONERS:**

None.

**X. ADJOURN:**

Chair Wall adjourned the meeting at 10:14 PM.

**Approved by the Planning Commission this 10<sup>th</sup> day of December, 2009.**

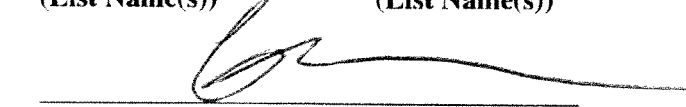
AYES: 7

NO: 0

ABSENT: 2  
(List Name(s))

ABSTAIN: 2  
(List Name(s))

  
\_\_\_\_\_  
Planning Recording Secretary

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

**PLANNING COMMISSION MINUTES**  
**December 10, 2009**  
**7 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

TO BE APPROVED AT THE JAN. 14, 2010 PLANNING COMMISSION MEETING

**I. ROLL CALL:**

Present: Lon Wall, Chair                      Derek Duff                      Thomas Barnes  
            Nick Tri, Vice Chair                  Matson Haug                  Philip Smith  
            Cathy Stuhr                              Amanda Golson, student PC

Staff Present: David Beam, Economic Development Planner  
                  Steve Olson, Associate Planner  
                  Jessica Nunley, Assistant Planner  
                  Dawn Karen Bevill, Recording Secretary

Others Present: Sid Friedman              Lee Does                      Saj Jivanjee                  Ken Wegler  
                      Robert & Dorothy Roholt              Maryann Tack                  Craig Markham

**II. OPEN MEETING:**

Chair Wall opened the meeting at 7:00 p.m. and asked for roll call.

**III. CONSENT CALENDAR:**

Chair Wall entertained a motion to accept the minutes of the November 12, 2009 meeting.

<p><b>MOTION #1: Haug/Duff</b> to approve the minutes from the Planning Commission Meeting of November 12, 2009. (7Yes/ 0 No/) Motion carried.</p>
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**IV. COMMUNICATIONS FROM THE FLOOR:**

Chair Wall offered an opportunity for non-agenda items to be brought forth. No topics were brought forward.

**V. LEGISLATIVE PUBLIC HEARING:**

**APPLICANT:** City of Newberg  
**REQUEST:** Consider revisions to Newberg's Economic Opportunities Analysis (EOA). The EOA revisions include updated buildable land inventories for commercial and industrial land, updated demographic and economic statistics, updated information regarding Newberg's economic development strategy, and updates to the Comprehensive Plan land need and supply tables.

**FILE NO.:** CPTA4-09-001

**RESOLUTION NO.:** 2009-275

**CRITERIA:** Newberg Development Code §151.122(B)

**MOTION #5: Smith/Tri** moved to table the discussion on Resolution 2009-275 until the January 14, 2010 Planning Commission Meeting. (7 Yes/ 0 No) Motion carried.

TIME – 10:35 PM

**VI. NUAMC POSITION RECOMMENDATION:**

Mayor Andrews has requested that the Planning Commission make a recommendation on which commissioner should be appointed to Newberg Urban Area Management Committee. Commissioner Haug has been reappointed to the Planning Commission and will serve on the NUAMC committee unless another Planning Commissioner is interested.

**MOTION #6: Haug/Smith** moved to recommend Commissioner Lon Wall for the Newberg Urban Area Management Committee position; Commissioner Thomas Barnes as the Alternate. (7 Yes/ 0 No) Motion carried.

**MOTION #7: Haug/Stuhr** moved to continue Resolution 2009-273 until the January 14, 2010 Planning Commission Meeting. (7 Yes/ 0 No) Motion carried.

**MOTION #8: Haug Stuhr** moved to continue Resolution 2009-274 until the January 14, 2010 Planning Commission Meeting. (7 Yes/ 0 No) Motion carried.

**VIII. ITEMS FROM STAFF:**

Update on Council items: Steve Olson stated the Animal Shelter Annexation will be going to City Council on December 21, 2009.

The Holiday Dinner will take place on December 14, 6:30 p.m. at the Yamhill Grill.

Other reports, letters, or correspondence: None.

The next Planning Commission Meeting is scheduled for January 14, 2010

**IX. ITEMS FROM COMMISSIONERS:** None.

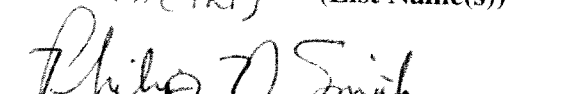
**X. ADJOURN:**

Chair Wall adjourned the meeting at 10:52 p.m.

Approved by the Planning Commission this 14<sup>th</sup> day of January, 2010.

AYES: 6      NO: 2      ABSENT: 1      ABSTAIN: 2  
(List Name(s)) (Tri)      (List Name(s))

  
Dawn Karen Bewick  
Planning Recording Secretary

  
Philip D Smith  
Planning Commission Chair

**PLANNING COMMISSION MINUTES**  
**January 14, 2010**  
**7 p.m. Regular Meeting**  
**Newberg Public Safety Building**  
**401 E. Third Street**

TO BE APPROVED AT THE FEB. 11, 2010 PLANNING COMMISSION MEETING

**I. ROLL CALL:**

Present: Lon Wall, Chair                      Derek Duff                      Thomas Barnes  
              Matson Haug                         Philip Smith                    Cathy Stuhr

Absent: Nick Tri (excused)

Staff Present: Barton Brierley, Planning & Building Director  
                  David Beam, Economic Development Planner  
                  Steve Olson, Associate Planner  
                  Jessica Nunley, Assistant Planner  
                  Dawn Karen Bevel, Recording Secretary

Others Present: Denise Bacon (Councilor)                      Lee Does  
                      Sydney Wermlinger                                 Sid Friedman  
                      Marvin Schneider

**II. OPEN MEETING:**

Chair Wall opened the meeting at 7:00 p.m. and asked for roll call.

**III. ELECTIONS FOR CHAIR AND VICE CHAIR:**

**MOTION #1: Haug/Barnes** moved to nominate Commissioner Nick Tri as Chair and Commissioner Philip Smith as Vice Chair. (6 Yes/ 0 No/ 1Absent [Tri]) Motion carried.

Vice Chair Smith continued the meeting.

**IV. CONSENT CALENDAR:**

Vice Chair Smith entertained a motion to accept the minutes of the December 10, 2009 meeting.

**MOTION #2: Haug/Barnes** to approve the minutes from the Planning Commission Meeting of December 10, 2009. (6 Yes/ 0 No/ 1Absent [Tri]) Motion carried.

**V. COMMUNICATIONS FROM THE FLOOR:**

Vice Chair Smith offered an opportunity for non agenda items to be brought forth. No topics were brought forward.

**Deliberation:**

Commissioner Barnes asked if George Fox University will be expanding. Barton Brierley replied George Fox has developed a Campus Master Plan for the future. Their vision is to accommodate the growth within their current ownership. Commissioner Barnes does not see the senior health care industry growing in Newberg since Astor House is in need of residents now. Healthcare businesses in Newberg are failing. Commissioner Barnes sees tourism expanding in the future.

Commissioner Stuhr stated the charge of the Planning Commission is to do a reasonable, justified, fact-based job on planning for the future and she does not want to see Newberg unprepared. She is confident this is a middle of the road approach in preparing for the future.

Commissioner Haug stated Newberg needs to pay attention to improving the economy with better job balance. There is no more functional land than what has been identified and presented. Commissioner Haug believes half of the congestion problem is due to traffic going through Newberg, not from within Newberg. This document is going to try to protect Newberg for the future.

Vice Chair Smith recessed the meeting for a five-minute break at 9:19 PM.

TIME - 9:24 PM

**Continuation of Deliberation:**

Commissioner Wall does not remember a time when staff has ever misled him or given him incorrect information. Everyone has different perceptions. He does not want to embark on projections that are not in line with what the Ad Hoc Committee for Newberg's Future concluded, but that does not seem to be the case. Predicting the future is difficult but Newberg needs to prepare for growth.

Commissioner Duff stated he has lived in Newberg for only three years. His hope is he will be able to work in Newberg in the future instead of commuting to Portland every workday. The facts presented by the Newberg staff are good and they have done a thorough job.

Vice Chair Smith is in favor of the motion. This is an Economic Opportunity Analysis on which the Planning Commission and staff have spent much time. It identifies four main areas of Newberg's employment now and states 80% of new employment ought to be in the areas where Newberg is strong and then develop other areas of business along the way. This is certainly a reasonable methodology for predicting the future.

**Vote on Motion #5:** (6 Yes/ 0 No/ 1 Absent [Tri]) Motion carried.

TIME - 9:35 PM

**APPLICANT:** City of Newberg

**REQUEST (Hearing continued from December 10, 2009):** Consider changes to the Newberg Development Code to support the development of more affordable housing. The changes would do the following:

- Add a definition regarding “special needs housing”;
- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit;
- Modify current driveway standard to allow more than two lots per driveway; and,
- Define the process for allowing accessory dwelling units

FILE NO.: G-09-007

RESOLUTION NO.: 2009-273

CRITERIA: Newberg Development Code § 151.122(B)

**Opening of the Hearing:**

Vice Chair Smith opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report). Staff recommends adopting the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

TIME - 9:52 PM

**Deliberation:**

The Planning Commission deliberated on the proposed changes (see official meeting packet).

Commissioner Stuhr pointed out a typographical error on Exhibit A, page 20 under §151.003 Definitions under **Special Needs Housing** as follows: the word “*developmental*” should replace “*developmentally*”

**Clarify the planning process for construction of accessory dwelling units:**

Commissioner Haug is not comfortable with Type I and believes Type II is more appropriate. There is no reason to be so aggressive and doing this will take the rights of the local community away.

Commissioner Wall stated it may cost a lot of money to the property owner if there is an appeal. This counters our goal of more affordable housing.

Commissioner Stuhr is concerned that this particular issue is beyond the issue of affordable housing. She agrees with Commissioner Haug.

**Reduce parking requirements for affordable housing projects with nearby transit access:**

Commissioner Smith asked staff if 10% reduction is enough to interest a developer or would 20% be better. David Beam replied it depends on how large the project is; the bigger the project, the more of an incentive it would be for the developer. Barton Brierley stated the main cost with providing parking is space.

Commissioner Haug asked how tightly the proposed parking reduction ties into affordable housing. If we allow a reduction in parking, there should be a requirement to provide some affordable housing. Barton Brierley replied that the proposal not restricted to affordable housing projects. Granting the reduction is at the review body’s discretion. Vice Chair Smith stated there is a conflict between what Mr. Brierley stated and the actual wording on page 16 of 284 in the staff recommendation. That discrepancy was noted and will be corrected.

Commissioner Duff asked in terms of mass transit, where would such developments logistically go. He is a proponent of mass transit. Vice Chair Smith stated there needs to be a change in the language stating less than one hour regular service intervals during commuting hours. Although this change won't likely change much today, someday it will.

**Modify current driveway standard to allow more than two lots per driveway:**

Vice Chair Smith stated that if this comes out of a desire for affordable housing, he suggested increasing the number of houses on a driveway, thus tying the two together making it more appetizing for a developer.

The width of the driveway also needs to be taken into consideration due to the need for emergency vehicle access. Commissioner Haug clarified by stating there are currently two homes allowed per driveway. If that number is increased to 3 – 6 homes, there needs to be a requirement that some of those will be affordable units. He continued to explain he is not in favor of private streets.

Commissioner Wall stated his only objection to private streets is the accessibility of emergency vehicles. The street standards need to be changed or better yet, have a specific variance street standard. If it meets affordable housing guidelines, a public street can be just as narrow and inexpensive as putting in a private street and the City would have jurisdiction over it. He is concerned that currently there is no requirement of a maintenance agreement. Newberg has a poor record of enforcing maintenance agreements of all kinds.

Commissioner Barnes asked how alleys are classified, such as those in the Orchard Lair development. Barton Brierley replied most of them are public alleys and frontage is required on a public street for the homes in Orchard's Lair. Commissioner Haug stated there are many opportunities to develop flexibility.

Vice Chair Smith entertained a motion for Resolution 2009-273.

**MOTION#6: Stuhr/Duff** moved to adopt Resolution 2009-273 with the following changes: Section 151.003 make the typographical change to “*developmental*” from “*developmentally*”; Section 151.191 request the Type II process; Section 151.612 change language as follows: “At the review body’s discretion, affordable housing projects may reduce the required off-street parking by 10% if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service intervals during commuting hours or where the development provides its own transit.”; and table Section 151.703 to be reviewed further by staff. (6 Yes/ 0 No/ 1 Absent [Tri]) Motion carried.

TIME – 10:30 PM

**VII. ITEMS FROM STAFF:**

Update on Council items:

Barton Brierley stated Resolution 2009-275 will go before the City Council on February 1, 2010.

Other reports, letters, or correspondence:

The City has received money to do an Infrastructure Financing Plan for industrial land along Wynoski Road and other areas that may be added to the Urban Growth Boundary.



The next Planning Commission meeting is scheduled for February 11, 2010 at which time the Commission will be considering the new flood plain maps for Newberg submitted by the Federal Emergency Management Agency (FEMA) for adoption, as well as a Flood Plain Ordinance that has been drafted by staff.

Commissioner Wall learned that apparently audience members and/or interested parties can request copies of personal notes that have been written by the Commissioners because they are part of the record. Terrence Mahr, City Attorney will be explaining the guidelines in the near future. Commissioner Haug stated he sees no harm in it as long as he has a copy himself.

Commissioner Haug stated the Citizen's Rate Review Town Hall Meeting took place last evening. There will be a public hearing on January 27, 2010 at 7 pm in the Public Safety Building.

Commissioner Stuhr asked for an update on Fred Meyer. Barton Brierley has received recent correspondence from them and anticipates they will be back in the next few months.

**VIII. ITEMS FROM COMMISSIONERS:**

**IX. ADJOURN:**

Vice Chair adjourned the meeting at 10:38 PM.

**Approved by the Planning Commission this 11<sup>th</sup> day of February, 2010.**

AYES: 7      NO: 0      ABSENT: 0      ABSTAIN: 0  
(List Name(s))      (List Name(s))

  
\_\_\_\_\_  
Planning Recording Secretary

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



**APPLICANT:** City of Newberg

**REQUEST:** Affordable Housing Plan Implementation. Consider changes to the Newberg Development Code to support the development of more affordable housing. The changes would:

- Add design standards for housing that promote the development of attractive, livable, and functional neighborhoods.

**FILE NO.:** G-09-007

**RESOLUTION NO.:** 2010-278

**CRITERIA:** Newberg Development Code § 151.122(B)

**Opening of the Hearing:**

Chair Tri opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objections to jurisdiction. None were brought forward. David Beam, Economic Development Planner, presented the staff report (see official meeting packet for full report). Barton Brierley reviewed the proposed Single Family Residential Design Standards and how points would apply to the various existing housing examples. Mr. Beam reminded the Commission that Commissioner Barnes had presented a series of design slides of existing developments to the Commissioners at the October 8, 2009 Planning Commission Meeting. Staff recommends the adoption of Planning Commission Resolution 2010-278 that recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

Chair Tri closed public testimony at 10:05 PM

Mr. Beam asked the Planning Commission to adopt Option 1 or Option 2 on page 102 of the meeting packet regarding natural features design standard.

**MOTION #5:** Huff/Haug to adopt Option 2; “1 point per 1,000 square feet of natural area, up to 20% of the required design point total”: Exhibit A to Resolution 2010-278. (7 Yes/0 No/ 0 Absent) Motion carried.

**MOTION #6:** Barnes/Smith to adopt Resolution 2010-278 as amended with option 2. No vote was taken, due to this agenda item being tabled to the next Planning Commission meeting.

**Deliberation:**

Commissioner Haug stated the need to raise the standards and have a hearing if the developers do not meet them. He suggested if the developer cannot reach the 5% minimum in each category then perhaps it needs a public review, as well as an appeal process. He is concerned with the point system for compatibility in communities. Commissioner Smith stated if they have a standard with a minimum amount in all three categories and they are unable to reach it in one, they can waive that part if they overshoot the minimum by 20% or 25% of the total.

David Beam stated that late written testimony has been received from Mr. Rydell regarding design points. Chair Tri stated he received it from Mr. Rydell by email as did the other Commissioners. Barton Brierley stated it should not have been sent to the Commissioners but to staff.

**MOTION #7:** Haug/Duff moved not to include Mr. Rydell’s late correspondence. (7 Yes/ 0 No/ 0 Absent) Motion carried.

**MOTION #8:** Smith/Haug moved to amend Motion #6 and adopt Resolution 2010-278; on 10 units or more, at least 5% of the points can be earned in all 3 design element categories. (5 Yes/ 2 No [Duff, Wall]/ 0 Absent) Motion carried.

**MOTION #9: Wall/Duff** moved to modify the language on Agenda Item #3; Resolution 2010 -- 278; deleting the first work "Affordable" and to read as follows: "*Housing Plan Implementation. Consider changes to the Newberg Development Code to support the development of attractive, livable, and functional neighborhoods.* No vote was taken, due to this agenda item being tabled to the next Planning Commission meeting.

Commissioner Wall wants it worded more strongly or clearer so it shows the end result has nothing to do with affordable housing.

**MOTION#10: Smith/Barnes** moved to tentatively approve Resolution 2009-278; staff returning with language modifications to the resolution at the March 11, 2010 Planning Commission Meeting. (7 Yes/ 0 No/ 0 Absent) Motion carried.

**APPLICANT: City of Newberg**

**REQUEST: Affordable Housing Plan Implementation. Consider changes to the Newberg Development Code to support the development of more affordable housing:**

- **Make an overall recommendation on a set of affordable housing Development Code and Comprehensive Plan amendments to the City Council.**

**FILE NO.: G-09-007**

**RESOLUTION NO.: 2009-274**

**CRITERIA: Newberg Development Code § 151.122(B)**

**MOTION #9: Smith/Duff** to table Agenda Item #4; Resolution 2010-274 until the March 11, 2010 Planning Commission Meeting. (7 Yes/ 0 No/ 0 Absent) Motion carried.

TIME – 10:49 PM

## **VII. ITEMS FROM STAFF:**

Update on Council items:

Barton Brierley stated at the last City Council meeting the Council approved the Economic Opportunities Analysis (EOA) unanimously and voiced their appreciation to the Planning Commission for their work.

Other reports, letters, or correspondence: None.

The next Planning Commission Meeting is scheduled for March 11, 2010

## **VIII. ITEMS FROM COMMISSIONERS:**

None.

**IX. ADJOURN:**

Chair Tri adjourned the meeting at 10:54 PM.

Approved by the Planning Commission on this 11<sup>th</sup> day of March, 2010.

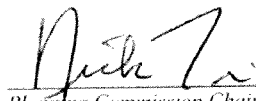
AYES: 5

NO:  $\emptyset$

ABSENT: 2  
(Wall/Stehr)

ABSTAIN:  $\emptyset$

  
\_\_\_\_\_  
Planning Recording Secretary

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



**Criteria: Newberg Development Code § 151.122(B)**

David Beam presented the staff report (see official meeting packet for full report)

**Opening of the hearing:**

Chair Tri opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objectives to jurisdiction. None were stated. There was no public testimony offered.

Commissioner Lon Wall stated he is going to vote against the resolution. The Affordable Housing Committee was asked to find ways to create affordable housing. With the design standards, he feels they did not do that, but wound up doing the exact opposite. The point system was intended to encourage people to build affordable housing, but he does not feel it provided the encouragement they needed. If the proposed standards do not have some sort of negative financial impact, why does it need to be put into code? He does not feel it is what the City should be doing right now if they are trying to make housing less expensive.

Commissioner Matson Haug stated that this effort started with Newberg's Future committee and one of the recommendations that they had was that higher density standards need to be adopted. His first response to that recommendation was increased densities requires more attention to the aesthetics. We already have a point system that appears to be working well with multifamily housing, but needs to be expanded. He feels they should do whatever they can to offer less expensive housing.

Commissioner Philip Smith agreed that we need to have higher densities in Newberg for many reasons. One important way to provide more affordable housing is to increase densities. The design standards provide a reasonable balance, and were supported by the developers on the committee. Most of the changes being proposed came out of the Affordable Housing Committee. He is going to vote for the resolution.

Commissioner Haug stated they are not going to be one-hundred percent correct on the plan up front. They are going to need to keep an eye on things along the way. Once things are in place, there is a lot of follow up that can be done to improve the effort.

Commissioner Wall asked if the standards would make housing more expensive or less expensive. It will have to make it at least slightly more expensive. The Commission has a limited amount of time and resources to accomplish things in a given year. They have not done anything to make housing less expensive in Newberg yet.

Commissioner Smith stated if you look at the resolution, it does nothing to increase housing costs. As for affordable housing, they need to look at it in terms of the bigger picture. For example, in order to promote affordable housing, you have to increase the densities in Newberg. You have to convince people they need to have a more dense community. The design standards are a necessary part of the comprehensive package.

Commissioner Haug stated the Commission is trying to represent the community. They are not proposing their own personal values. Newberg do not want to fall behind the standards of other cities.

Commissioner Derek Duff stated that almost all recent developments met the design standards. He does not feel the design standards will increase the cost of developments. They can show their plans to the City and prove they have done their due diligence. It will provide a safety net for the City.

Commissioner Wall stated it would be presumptuous to state that these are the standards of the community. What they are doing here is taking their own specific tastes regarding site and building design and they are choosing to impose it on everyone else. We are in a serious economic crisis. Unemployment in Yamhill County is higher than it has ever been. A great deal of the rest of the community is thinking that these are the issues we should be addressing. Those who are not feeling a financial pinch will agree with the standards because they want the community to be a certain way.

Commissioner Thomas Barnes stated they have heard the argument that you cannot build in Newberg because the land is too expensive. The overall affordable housing recommendations include reducing one of the primary costs of building, which is the cost of the land.

Commissioner Haug stated again that the Affordable Housing Committee and the Planning Commission are a representation of the community. They are looking out for the best interest of the community rather than their own personal interest. When the Committee was established, they intended for a diverse representation.

<b>Motion #2 Smith/Haug</b> moved to adopt Resolution NO: 2009-278 (Yes 5 /NO 1 [Wall], 1 absent [Stuhr])
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2. **APPLICANT: City of Newberg**  
**REQUEST: Affordable Housing Plan Implementation: Overall Recommendation (cont. from 2/11/2010) Make an overall recommendation to the City Council on a set of Development Code and Comprehensive Plan Amendments to support the development of affordable housing.**  
**FILE NO.: G-09-007 RESOLUTION NO: 2009-274**  
**Criteria: Newberg Development Code § 151.122(B)**

David Beam presented the staff report (see official meeting packet for full report)

Commissioner Haug asked staff if there is any other ways to make housing more affordable that has not been considered yet. Is there any additional work that can be done to make affordable housing more affordable? Mr. Beam stated that the City's effort to achieve more affordable housing is not done. There are other avenues they are working on.



Mr. Beam presented late correspondence in the form of a letter from Leonard Rydell, dated March 8, 2010. A copy of the letter was distributed for the committee to review and added to the official meeting packet. Mr. Beam read the letter out loud to the Commission.

**Opening of the Public Hearing:**

Chair Tri opened the public hearing and asked the Commissioners for any abstentions, conflicts of interest, and objectives to jurisdiction. None were stated.

**Proponents:**

Denise Bacon wanted to thank the commissioners for their work on this affordable housing project. She knows they will continue to work on this topic but she is grateful for the work that has been done.

Staff recommends the commissioners adopt the proposed resolution.

Commissioner Wall stated, in regard to the letter and street widths, if a fire truck is not able to get to a burning house, that is an issue. Also, he too looks out his own window and all the street parking is full of cars.

Commissioner Haug stated some streets are unnecessarily wide. There is some good value in the letter.

Commissioner Smith stated the City may never adopt all of the author's opinions, but we are moving in that direction. The City is going to take the time to think long and hard about this issue first. He predicted that most or all of the requested changes will come through eventually.

Commissioner Duff stated the letter's author should be encouraged to take part in more of the planning with regard to his concerns. It would benefit him as well as the City to have his viewpoint addressed in another setting.

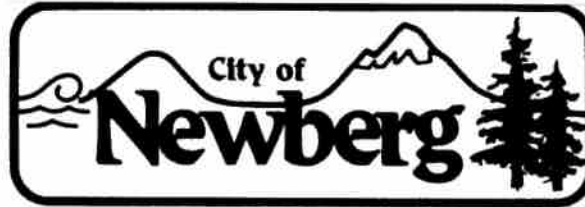
<p><b>Motion #3 Smith/ Wall</b> moved to adopt resolution NO. 2009-274 (Yes 6 /NO 0, 1 absent [Stuhr])</p>
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Chair Tri recessed for a five minute break at 8:05.

**VI. WORKSHOP: FEE STRUCTURES DISCUSSION**

Barton Brierley presented the staff report (see official meeting packet for full report) and explained what the development fees are for. They do have one affordable housing subcommittee that is discussing where some fee changes can be made to promote affordable housing.

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## Planning and Building Department

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### CITY OF NEWBERG COMPREHENSIVE PLAN AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend Newberg Comprehensive Plan policies regarding affordable housing

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** June 11, 2009

#### ATTACHMENTS:

Planning Commission Resolution No. 2009-265:

Exhibit A: Proposed Goal and Policy Amendments

1. Comparison with December 2007 Goal and Policy Amendments
2. General approach to accomplishing tasks
3. Outline of Planning Commission review of Development Code Amendments
4. Design Standards Draft
5. Public Comment
6. *Newberg Affordable Housing Action Plan* (by reference)

#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. The Plan was created by the Housing for Working Families Ad Hoc Committee, which was formed by the City Council in 2008. One of the recommended actions within the Plan is for the City to consider the adoption of goal and policy amendments to the Newberg Comprehensive Plan that are designed to support affordable housing. On June 11, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed goal and policy amendments supporting affordable housing to the Newberg Comprehensive Plan. The proposed Planning Commission Resolution No. 2009-265 recommends that the City Council adopt the proposed amendments.

At the meeting, we also will discuss

- (1) A general approach to accomplishing each of the tasks in the affordable housing action plan;
- (2) A general approach to accomplishing each of the tasks assigned to the Planning Commission
- (3) The first item on the task list: design standards

## BACKGROUND

In recent years, the City of Newberg has been extensively examining the community's land needs to accommodate future growth. In July 2005, a detailed report by the Ad Hoc Committee on Newberg's Future was delivered to the Newberg City Council regarding that issue. The report found that if current housing construction trends continue into the future, affordable housing in Newberg will likely continue to be a significant issue.

On August 15, 2005, the Newberg City Council authorized city staff to submit a grant application to the State of Oregon for technical assistance to develop an incentive program that encouraged affordable housing and that would help the city achieve its target densities. Newberg was awarded a grant in through the Oregon Transportation and Growth Management ("TGM") Code Assistance Program to complete an evaluation of the city's housing policies and regulations, and recommend improvements. The grant funds were used to hire Siegel Planning in a consulting capacity to help the city draft proposed amendments to Newberg's comprehensive plan and development code to achieve the project goal. The project was named Affordable Housing Through Density and Design. To help shape the recommended amendments, three public forums were held during October 2006, January 2007, and April 2007. Attendees included the project consultant, city staff, members of the planning commission, social service providers, for-profit and non-profit housing developers, and other interested citizens.

On June 28, 2007, a workshop with the Newberg Planning Commission was held to present draft amendments and solicit preliminary feedback from planning commissioners. Between December 2007 and March 2008, the Newberg Planning Commission held a series of public hearings and workshops concerning proposed affordable housing amendments. At the end of this process, the Newberg Planning Commission recognized that the proposed amendments were just a few of the possible tools to encourage affordable housing. The Planning Commission felt that if the City wanted to make a significant impact on the housing affordability issue, it should do so through a comprehensive approach involving a wide range of affordable housing tools. In recognition of this, at their April 10, 2008 meeting, the Newberg Planning Commission passed Resolution No. 2008-249 recommending that the Newberg City Council establish an ad hoc task force for the purpose of creating an action plan that will encourage housing for working families.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." Members of the Committee were appointed by Mayor Bob Andrews. The committee consisted of local community citizens that represent a wide range of interests on the affordable housing issues.

The Committee met twice a month since July 2008 to develop the action plan. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

One of the recommended actions within the Plan is for the City to consider the adoption of goal and policy amendments to the Newberg Comprehensive Plan that are designed to support affordable housing. On June 11, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed goal and policy amendments supporting affordable housing to the Newberg Comprehensive Plan. The proposed Planning Commission Resolution No. 2009-265 recommends that the City Council adopt the proposed amendments.

At the May 14, 2009 Planning Commission, city staff provided an overview of the Newberg Affordable Housing Action Plan. At that meeting, the Commission asked to see the Comprehensive Plan goal and policy amendments were previously proposed in December 2007. Those amendments are shown in Attachment 1.

**PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-265** which recommends that the City Council adopt the proposed goal and policy amendments to the Newberg Comprehensive Plan, as detailed in the *Newberg Affordable Housing Action Plan*.

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## Planning and Building Department

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### CITY OF NEWBERG COMPREHENSIVE PLAN AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend Newberg Development Code regarding various residential lot and building height standards to support affordable housing

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** July 9, 2009

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-266:  
Exhibit A: Proposed Development Code Amendments

1. Proposed December 2007 Development Code Amendments regarding building heights
2. Design Standards Draft
3. Public Comment
4. *Newberg Affordable Housing Action Plan* (by reference)

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#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing. On July 9, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed amendments regarding residential lot dimensions, sizes, setbacks and building heights. The proposed Planning Commission Resolution No. 2009-266 recommends that the City Council adopt these proposed amendments.

At the meeting, we also will continue our discussion from the last Planning Commission meeting regarding proposed residential design standard amendments to the Development Code. A presentation will be made illustrating how some existing developments would fare under the proposed design standards.

## BACKGROUND

In recent years, the City of Newberg has been taking examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

One of the recommended actions within the Plan is for the City to consider the adoption of goal and policy amendments to the Newberg Development Code that are designed to support affordable housing, including standards regarding residential lot dimensions, sizes, setbacks and building heights. On June 9, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed amendments supporting affordable housing to the Newberg Development Code. The proposed Planning Commission Resolution No. 2009-266 recommends that the City Council adopt the proposed amendments.

For reference, Attachment 1 provides a comparison of the current proposed building height standards to the amendments previously proposed in December 2007.

## PRELIMINARY STAFF RECOMMENDATION

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-266** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

Newberg Planning Committee

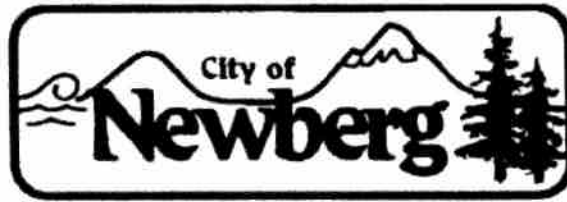
Date: July 9, 2009

Re: 2009-266  
Draft 1/8/2009

Residential Design Points - Example Scoring

No.:	Development	Creekside		Clifford Court		Mary Lou Lane		Arlington		Deborah/Douglas		
		# Dwellings	48	Total Points	12	Total Points	16	Total Points	36	Total Points	14	Total Points
<b>(A) Subdivision design elements</b>												
1	The subdivision achieves at least 80 percent of the target density for the zone. (5 design points for each dwelling above 80% of target density using the following formula: Proposed # of dwellings - Target # of dwellings x 80% x 5 points = # points, rounded to nearest whole number)	5	23	115	3	0	1	5	10	50	5	25
2	Use public walkways or multi-use paths not adjacent to streets in side yards or common areas connecting to a park or collector or arterial street (1 design point per 100 linear feet of walkway or path)	1	1	1	0	0	0	0	0	0	0	0
5	Provide additional on-street parking (1 design point per on-street parking space provided beyond 1 per unit)	1	0	0	0	0	0	0	0	0	0	0
6	Use antique street lighting styles as approved by City (Note: we will investigate whether there is a cost effective design available) (1 design point per lighting fixture used)	1	0	0	0	0	0	0	0	0	0	0
7	Use site furnishings to enhance open space. Communal amenities such as benches, gazebos, playground equipment, fountains, and/or common patios enhance the outdoor environment and comprise not less than one-half percent of the estimated construction cost of all building(s). Estimated costs are subject to city review and approval. (1 design point per \$1,000 in furnishings)	1	1	1	0	0	0	0	0	0	0	0
8	Provide usable common recreational area, including but not limited to play fields, walking trails, exercise circuit, playgrounds, common patios, gardens, and/or similar functional and age-appropriate common facilities, a central green or pocket park(s) in a subdivision. (1 design point per 500 square feet of area)	1	4	4	0	0	0	0	0	0	0	0
9	Provide a natural feature and tree preservation/replacement plan.	10	1	10	0	0	1	10	0	0	0	0
<b>(B) Site design elements</b>												
1	Bring dwelling close to street by keeping dwelling at most 25 feet from the front property line. (1 design point per dwelling)	1	48	48	11	11	16	16	36	36	7	7
2	Use a single narrow (10 to 14 feet width) driveway per unit, or single shared driveway (20 feet to 24 feet width) for two units (1 design points per dwelling)	1	44	44	0	0	16	16	20	20	0	0
3	Provide increased setbacks between buildings. Increase side yard setbacks (perpendicular to street) so that there is minimum 15-foot separation between buildings on at least one side. (1 design points per separation)	1	2	2	1	1	0	0	0	0	0	0
4	Provide a useable interior yard or courtyard of at least 1000 square feet. (1 design point per dwelling)	1	9	9	7	7	0	0	0	0	0	0
6	Use a uniform front yard fence design for the development. (1 design point per lot with fence design)	1	40	40	0	0	0	0	0	0	0	0
<b>(C) Building design elements</b>												
1	Use entry features and accents such as distinctive building or paving materials and detailing (e.g., unenclosed and covered porch (minimum depth of 6 feet and minimum width of 8 feet), roof overhang or, recessed entry with distinctive arch or gable, pergola, arbor, pathway pavers, or similar feature) to mark major entries to multi-unit buildings or individual units. (1 design point per dwelling)	1	48	48	12	12	16	16	36	36	0	0
2	De-emphasize the garage on the front facade											
	(a) If on front facade, limit garage to single car entrance (16 feet entrance width or less) (2 design points per dwelling)	2	40	80	0	0	16	32	20	40	0	0
	(b) If on front facade, limit garage to two car entrance (28 feet entrance width or less) (1 design points per dwelling)	1	8	8	12	12	0	0	30	30	0	0
	(c) Garage even with or setback up to 10 feet from front facade of dwelling. (1 design point per dwelling)	1	48	48	0	0	16	16	30	30	0	0
	(d) Garage setback 10-19 feet from front facade of dwelling (2 design point per dwelling)	2	0	0	0	0	0	0	0	0	0	0
	(e) Garage setback 20 or more feet from front facade. (3 design point per dwelling)	3	0	0	0	0	0	0	0	0	0	0
	(f) Garage entrance not facing street. If side of garage faces the street, then windows, doors, shutters, or similar architectural features are placed that comprise at least 20 percent of the side wall, or landscaping that will upon maturity obscure at least 30 percent of the side wall (2 design point per dwelling)	2	0	0	0	0	0	0	0	0	0	0
3	Orient buildings toward the street. This means orienting individual entries and porches to the street, with front entry not more than 25 feet from the street. In cluster cottage developments with internal circulation and grounds, this means that at least 50% of the units have main entries facing a street or common private drive, rather than be oriented toward a parking lot or the interior. (1 design point per dwelling)	1	48	48	11	11	16	16	36	36	0	0

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### CITY OF NEWBERG COMPREHENSIVE PLAN AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend Newberg Development Code regarding proposed flexible development standards to support affordable housing

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** August 13, 2009

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-267:  
Exhibit A: Proposed Development Code Amendments

1. Proposed December 2007 Development Code Amendments regarding flexible development standards
2. Public Comment - None
3. *Newberg Affordable Housing Action Plan* (by reference)

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#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing. On August 13, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed flexible development standards. The proposed Planning Commission Resolution No. 2009-267 recommends that the City Council adopt these proposed amendments.



## **BACKGROUND**

In recent years, the City of Newberg has been taking examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing. Action 4.1 of the Plan proposes an optional "Flexible Development Track" that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units remain affordable in the long-term, and/or in-lieu credits though cash contributions to a City of Newberg Housing Trust Fund.

In regards to the most appropriate legal tool(s) to ensure that any provided affordable housing units that must remain affordable in the long-term, the Newberg Affordable Housing Action Plan recommends that these tools be developed in consultation with the City Attorney. It should also be noted that the City of Newberg Housing Trust Fund will need to be established.

On August 13, 2009, the Newberg Planning Commission will hold a public hearing regarding the proposed amendments supporting affordable housing to the Newberg Development Code. The proposed Planning Commission Resolution No. 2009-267 recommends that the City Council adopt the proposed amendments.

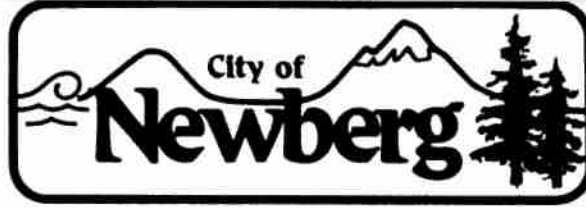
For reference, Attachment 1 describes the flexible development standard amendments previously proposed in December 2007. It should be noted that the current proposal does not include the design requirements element that was included in the 2007 version. The proposal is that the design standards would apply to all development, not just those using the flexible development track. That is why they are being considered separately.

## **PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-267** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend Newberg Development Code regarding proposed flexible development standards to support affordable housing

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** September 10, 2009

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-267:  
Exhibit A: Proposed Development Code Amendments

1. Public Comment - None
2. *Newberg Affordable Housing Action Plan* (by reference)

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#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing.

On August 13, 2009, the Newberg Planning Commission held a public hearing regarding the proposed flexible development standards. At that meeting, the Planning Commission decided to continue the public hearing at their September 10, 2009 meeting.

The proposed Planning Commission Resolution No. 2009-267 recommends that the City Council adopt these proposed amendments.

## BACKGROUND

In recent years, the City of Newberg has been taking examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing. Action 4.1 of the Plan proposes an optional "Flexible Development Track" that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units remain affordable in the long-term, and/or in-lieu credits though cash contributions to a City of Newberg Housing Trust Fund.

On August 13, 2009, the Newberg Planning Commission held a public hearing regarding the proposed amendments supporting affordable housing to the Newberg Development Code. At that meeting, the Planning Commission decided to continue the public hearing at their September 10, 2009 meeting.

### Proposal Update

At the August 13, 2009 public hearing, the Planning Commission recommended multiple language changes to the proposed development code changes. Staff has incorporated those changes in Exhibit A.

The Planning Commission also requested that specific sections of the proposal substantially modified and/or clarified. The following are the areas of concern by the Commission and staff's response.

**Issue 1:** Proposed § 151.232(A)(5) states that a developer who decides to provide long-term affordable dwelling units to fulfill his affordable housing requirement must execute a development agreement that ensures that the units will remain affordable for no less than 25 years. In addition, the agreement must be approved by the City Attorney. The Commission asked what sort of legal instruments are available to accomplish this and what are their advantages and disadvantages.

*Response: The Affordable Housing Ad Hoc Committee identified two main instruments in which the long term affordability of the units would be ensured: (1) restrictions placed on the property deed; and, (2) encumbrances on the property mortgage. The Committee had some long discussions about these*

*instruments and received substantial input (via email) from real estate lawyers about the pros and cons of using these two instruments to ensure long-term affordability of the units. Essentially, the strength of the deed restriction seemed to be that it is a reliable method of ensuring the affordable housing restriction would have stay with the property till it expired. However, there was some concern expressed that once the restriction time period expired, it would be hard to have it removed from the deed. As for the mortgage encumbrance instrument, some felt that the restrictions were easier to remove after they expired than compared to the deed restriction method. However, many expressed concern that ensuring the inclusion of the restrictions from one mortgage to another during the restriction period. There may be certain conditions where changing the instrument to ensure affordable housing during the restriction period would be appropriate (e.g. exchanging a mortgage restriction to a deed restriction.) Finally, some projects built with certain types of money (i.e. federal money) may require that the affordable housing restrictions may need to be ensured with a specific type of legal instrument.*

*The Affordable Housing Ad Hoc Committee determined that further research on this issue was needed and recommended that the City Attorney perform that task and identify the best instrument(s) for specific conditions.*

**Issue 2:** Proposed § 151.232(A)(5) allows a developer to transfer a portion of land from a project site to the affordable housing developer or development corporation for the development of the required affordable housing units. The Commission expressed concern that land conveyed by the developer may be located inappropriately and that the public would need to have input into this decision. They also suggested that transference of the land should need the approval of the Planning and Building Director

*Response: The land conveyed by the developer would need to be zoned appropriately to allow the construction of the affordable housing units. Zoning of land is accomplished through a public hearing process.*

*Example: A developer wants to construct a new subdivision on land zoned R-1 on the eastern end of the city using the flexible standards. The developer has a piece of property on the west side of town zoned R-3 that is large enough to allow a fourplex. He would like to transfer the property to the housing authority for them to build the fourplex, which would meet his obligation to provide affordable housing units. Whether or not this could be allowed would depend upon the project design and property zoning. The types of housing, density and number of units would be regulated by the R-3 zoning. Staff feels that requiring that Director approve the location of the affordable housing development would be a duplicative step of the zoning process, as the Director would not approve a project design not allowed on a property where the zoning did not permit it: a zone that was designated through a public process. On the other hand, it is hard to contemplate a situation where the fourplex met all the zoning requirements, but would not be allowed to be used as credit.*

*It should be noted in the example above that the number of units needed to be developed would be higher than if the units were to be built on in the R-1 area. However, as stated earlier, the off-site property would need to be large enough to accommodate the number of affordable housing units and that density limits in the R-3 would permit.*

**Issue 3:** Proposed § 151.232(A)(7) states that the Planning and Building Director shall set limits on the amount of rent that may be charged for long-term affordable dwelling units. The Commission felt that the language in this section was unclear.

Response: Exhibit A includes revised language in the section that is intended to be more clearly written. Below is graphic example of how the Director would determine the rental cap rates.

	Moderate Income Units (100% or below Local Median Household Income Level at \$70,000)	Low Income Units (80% or below Local Median Household Income Level at \$56,000)	Very low Income Units (50% or below Local Median Household Income Level at \$35,000)
Monthly rental rate cap at 30% allowed income level (including average tenant paid utilities)	\$1,750 (\$300 utilities; \$1,450 rent)	\$1,400 (\$300 utilities; \$1,400 rent)	875 (\$300 utilities; \$575 rent)

Tenants would initially need to qualify for entry into the units. However, if a qualifying tenant's income subsequently increases, they would still be allowed to remain in the unit. There may be exceptions to this. For example, if the unit is under the federal Section 8 program, then a tenant whose income exceed the maximum income level, they would be required to move. However, if their income drops lower, the Section 8 program would make up for that loss toward housing costs.

**Issue 4:** Proposed § 151.232(A)(9) states that the Planning and Building Director shall determine sale prices and rental rates of long-term affordable housing units with consideration of current market prices and length of tenure (equity) of the property owner. The Commission expressed that it was unsure of how this would work.

Response: Recent history in Newberg has shown that growth in median household incomes has been far less than the increase of housing costs. Requiring an owner of long-term affordable housing property to sell at a price no higher than what a median income family or lower can afford may present some problematic issues. The property owner may have less incentive to maintain the home to the highest level as well as make improvements to the property, as they would reap a relatively low equity growth income from the sale of their property. In addition, if the property passed through multiple owners during the restriction period, the seller of the property after the restriction has expired will reap a disproportionate income windfall from the sale of the property at the market rate. To mitigate some of these concerns, it is recommended that the maximum affordable unit property sale prices during this period be set on a sliding scale. In other words, the farther into the restriction period, the greater percentage of the market rate equity the property owner could gain. The following is an example of how this could work:

Future Sales Price of Low-Income Restricted Affordable Unit With 25 - year Phase Out						
Year	0	5	10	15	20	25
Appraised value	\$250,000	\$319,070	\$407,223	\$519,731	\$663,323	\$846,587
Restricted price	\$200,000	\$268,019	\$358,356	\$478,153	\$636,790	\$846,587
Percent of market	80%	84%	88%	92%	96%	100%
Price relative to market	\$(50,000)	\$(51,051)	\$(48,867)	\$(41,578)	\$(26,533)	\$ -
Assumed Appraised Value increase:			5%	per year		

Future Rental Rates of Low-Income Restricted Affordable Unit With 25 - year Phase Out						
Year	0	5	10	15	20	25
Market rental value	\$1,400	\$1,787	\$2,280	\$2,910	\$3,714	\$4,741
Restricted rental rate	\$1,120	\$1,501	\$2,006	\$2,677	\$3,565	\$4,741
Percent of market	80%	84%	88%	92%	96%	100%
Price relative to market	\$(280)	\$(286)	\$(274)	\$(233)	\$(149)	\$ -
Assumed rental rate increase:			5%	per year		

**Issue 5:** The Planning Commission was unclear how a developer would comply with the required affordable housing units, when the number of EADUs (Equivalent Affordable Dwelling Units) required is a fraction.

*Response:* The developer must build the number of affordable units that meets or exceeds the required EADU requirements. Example: A developer is required to build 2.8 affordable housing units. The developer could comply with the following combinations:

- Build 4 moderate income units (each unit with a value of 0.75 EADU; total value of 3 EADUs)
- Build 1 moderate income unit (value of 0.75 EADU), 1 very low income unit (value of 1.25 EADU), and 1 low income unit (value of 1.0 EADU). Total = 3 EADUs.
- Build 2 low income units (value of 1.0 EADU each) and a payment in-lieu to the housing trust fund for the value of 0.8 EADU. Total = 2.8 EADUs.

All the examples above would meet or exceed the 2.8 EADU's required, thus satisfy the developer's obligation.

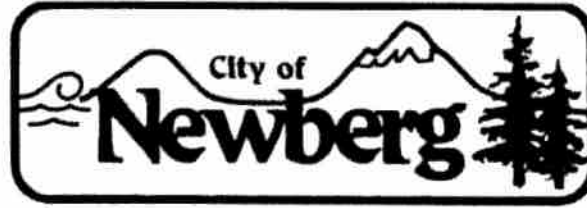
**PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-267** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.



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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend Newberg Development Code to support affordable housing regarding duplexes in the R-1, accessory dwelling units (ADUs), housing in the C-1 zone, planned unit developments (PUDs), legal non-conforming housing reconstruction, and parking requirements.

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** November 12, 2009

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-272:  
Exhibit A: Proposed Development Code Amendments

1. Public Comment – Email from Roger Currier (via Commissioner Haug)
2. *Newberg Affordable Housing Action Plan* (by reference)

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#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing.

On November 12, 2009, the Newberg Planning Commission will hold a public hearing regarding the following proposed flexible development standards intended to help support affordable housing:

- Permit duplexes in the Low Density Residential (R-1) zone as an allowed use;
- Allow greater flexibility to the use of accessory dwelling units (ADUs);
- Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided;
- Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs);

- Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed; and,
- Reduce and provide flexibility to parking requirements for affordable housing projects.

The proposed Planning Commission Resolution No. 2009-272 recommends that the City Council adopt these proposed amendments.

## BACKGROUND

In recent years, the City of Newberg has been taking examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

On November 12, 2009, the Newberg Planning Commission will hold a public hearing regarding various proposed *Newberg Development Code* amendments supporting affordable housing from the *Newberg Affordable Housing Action Plan*. The following is a description and the rationale for these various proposed changes.

1. **Action 4.2I - Permit duplexes in the Low Density Residential (R-1) zone as an allowed use.** Duplexes are currently allowed in the R-1 zone as a conditional use on lots at least 15,000 square feet. They can be an efficient use of land, thereby can lower the cost of housing. To help make duplexes more in keeping with the density of the R-1 zone, the recommendation includes that the allowed duplexes would need to be sited on lots at least 10,000 square feet in size.
2. **Action 4.2C - Allow greater flexibility to the use of accessory dwelling units (ADUs.)** Accessory dwelling units are a good way to provide additional affordable housing. They are relatively small dwelling units and usually increase density on a given lot. In addition, if the ADU is rented, the rental funds can be used by the primary home owner to pay their housing costs, making their home more affordable as well. However, in constructing an ADU, consideration for the needs of surrounding neighbors must be given to ensure compatibility.

The *Action Plan* recommends the following changes to the development code:

- Allow accessory dwelling units as an outright permitted use in all R-1 or R-P zoned lands. Currently, ADUs are allowing in the R-1 zone as a conditional use and not allowed in the R-P zone.
- Allow ADUs with single family attached housing as well as detached housing. Currently, ADUs must be created within or as an addition to a detached, single family structure or as a free standing accessory building.
- Eliminate current restriction on a two-story accessory buildings so that accessory dwelling units may be constructed above detached garages or other structures (NOTE: The Planning Commission took action on this recommendation in July 2009 through Resolution No. 2009-266.) To protect neighbors, require windows on second stories close to property lines to be opaque.

- Eliminate current requirement that either primary house or ADU be owner-occupied. Elimination of this requirement will not supersede any existing or future homeowner association regulations regarding this subject.
  - Increase the current maximum allowed size of an ADU from 800 square feet to 1,000 square feet.
3. **Action 4.2D - Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided.** Currently, only one dwelling unit per lot is allowed in this zone, in conjunction with another allowed or conditional use in the zone. Also, two parking spaces per dwelling unit are required. Housing in this type of development tends to be relatively high in density, lowering housing costs. The housing is limited to upper stories, preserving the ground floor that is critical for the success of commercial activity. In addition, housing located within a commercial area provides nearby customers for businesses and improves safety (“eyes on the street”.) Requiring only one parking space per dwelling unit also lowers housing costs. Since multifamily developments tend to be smaller units, parking needs are reduced. Additional parking needs should be able to be accommodated with available on-street parking. With residents usually at work and not at home in the daytime and businesses open in the daytime, conflicts for on-street parking should be minimal.
4. **Action 4.2B - Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs).** Currently, the number of dwelling units allowed in a PUD development is determined by the type dwelling units, e.g. more units are allowed if smaller units are proposed as opposed to larger dwelling units. Smaller dwelling units tend to be more affordable. The proposed development code change would permit higher densities for proposed dwelling units that are income-restricted.
5. **Action 4.2H - Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed.** Currently, only single family units that are legal non-conforming can be rebuilt. This change will help preserve higher density developments, which tend to be relatively affordable.
6. **Action 4.2G - Reduce and provide flexibility to parking requirements for affordable housing projects.** Space used for parking adds to housing costs. Under certain types of developments, the current standards tend to create more parking spaces than is needed. The following changes are intended to address the overbuilding of unnecessary parking spaces:
- For special needs housing, reduce parking requirements to one space per 3 beds, or allow parking numbers to be reduced, where actual parking needs can be demonstrated through a parking analysis. Currently, allowing this action would require a variance.
  - Allow for tandem parking, which is currently not permitted. This allows more flexibility in design of a project.

It should be noted that the *Action Plan* did recommend more changes on this issue. However, the City recently took action on those remaining recommended changes through Ordinance No. 2009-2710.

The proposed Planning Commission Resolution No. 2009-272 recommends that the City Council adopt the proposed amendments.

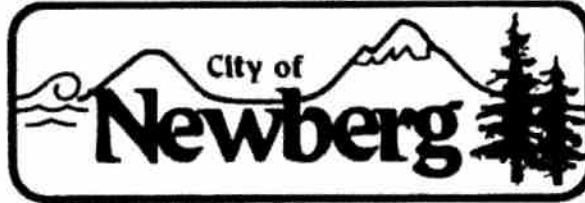
For reference, Attachment 1 describes the currently proposed development standard amendments as they were previously proposed in December 2007.

**PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-272** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend the Newberg Development Code to support affordable housing regarding: adding a definition of “special needs housing”; clarifying planning review process for accessory dwelling units; reducing parking requirements near transit stops; increasing the number of lots allowed per driveway; and creating housing design standards.

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** December 10, 2009

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-273:  
Exhibit A: Proposed Development Code Amendments

1. Comparison of current proposed housing design standards and December 2007 standards
2. Fire Apparatus Access Roads – 2007 Oregon Fire Code
3. *Newberg Affordable Housing Action Plan* (by reference)

#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing.

On December 10, 2009, the Newberg Planning Commission will hold a public hearing regarding the following proposed development standards intended to help support affordable housing:

- Add a definition regarding “special needs housing”;
- Clarify that the planning process for the recommendation that accessory dwelling units be an allowed use in the R-1 and R-P zones instead of the current conditional use would be an administrative Type I.

- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit;
- Modify current driveway standard to allow more than two lots per driveway; and,
- Add design standards for housing that promote the development of attractive, livable, and functional neighborhoods.

The proposed Planning Commission Resolution No. 2009-273 recommends that the City Council adopt these proposed amendments.

## BACKGROUND

In recent years, the City of Newberg has been examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

On December 10, 2009, the Newberg Planning Commission will hold a public hearing regarding various proposed *Newberg Development Code* amendments supporting affordable housing. The following describes the proposed changes.

- 1. Definition of "special needs housing."** At the November 12, 2009 meeting, the Planning Commission requested that city staff to develop a proposed definition for "special needs housing." The Commission felt this was needed, since at that same meeting, the Commission recommended some new parking requirements for adoption by the City Council that referred to this term. Therefore, city staff would like to propose the following definition for "special needs housing": *Group housing specially designed or adapted for those with particular physical, developmental disability, or social needs.*
- 2. Clarify the planning process for construction of accessory dwelling units.** At the last Planning Commission meeting, the Commission recommended that ADUs be allowed as an outright permitted use in the R-1 and R-P zones instead of a conditional use. The Commission asked what planning process would be used under this change. Staff recommends that a Type 1 administrative process be used for this type of land use. Decisions on Type I planning application are made by the Planning and Building Director. No public notice or public hearing is required for this process.
- 3. Reduce parking requirements for affordable housing projects with nearby transit access.** At the last Planning Commission meeting, the Commission considered changes to off-street parking requirements for affordable housing projects. The proposed changes were derived from Action 4.2G of the *Newberg Affordable Housing Action Plan*. One of the suggested changes under Action 4.2G was inadvertently left off the last meeting's agenda. That suggested change from the *Action Plan* is as follows: *Reduce parking requirements where the development is within 1,500 feet of a transit stop or where the development provides its own transit.*

City staff performed a brief search on the internet to see if there is a "conventional wisdom" regarding how far people are willing walk to get to a transit stop. From that research, the proposed standard of 1,500 feet appeared to be fairly common standard. However, staff found the quality of that route was also an important factor. In other words, the route pedestrians take must also be safe, such as a continuous sidewalk from the housing to the transit stop. In some



cases, a disconnected sidewalk from a transit stop could be made continuous through the construction of sidewalk in gaps missing from the route. Given this information, staff would like to propose the following development code language: *At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10% if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with and average of less than one hour regular service during the daytime or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.*

4. **Modify current driveway standard to allow more than two lots per driveway.** This recommendation comes from Action 4.2L of the *Newberg Affordable Housing Action Plan*. Prior to 1999, the City allowed 6 lots per driveway. The current standard was established because the Planning Commission felt that driveways connecting multiple lots often experienced issues with cars parking on the relatively narrow driveways. They felt that this situation created a safety issue by limiting the access width of the driveway for public safety vehicles to reach homes in need. By limiting the number of houses per driveway to two, rectification of any parking problem on with the driveway became much simpler by dealing with a person's one and only neighbor. In addition to lowering the number lots allowed on a driveway, the City also eliminated the ability of developers to create new private streets. The Planning Commission felt that private streets projected exclusivity and did not promote a sense of community in Newberg.

However, the current standard has brought its own set of issues. Access to a piece of property can produce multiple parallel driveways, taking up additional land and therefore driving up cost of housing. Also, multiple parallel driveways require additional landscaping between them, taking up additional valuable land. In addition, these landscaped areas may be difficult to maintain.

Driveways are often used where access to developable land is not large enough to accommodate a public street (private streets are no longer allowed in Newberg.) The use of driveways instead of public streets is one way to support affordable housing, as driveways are much cheaper to construct than public streets. In addition, private driveways do not have to be maintained by the city, funds that can be put to better use in the community.

The Planning Commission can recommend to the City Council a standard allowing any number of lots per driveway or recommend no change at all. Staff recommends that any proposed change be between 2 lots per driveway (current standard) and 6 lots per driveway (previous limit.) Staff also recommends that each lot on a driveway must provide an additional off-street parking space, with intent that this action will alleviate the illegal parking issue. In any case, lots will still be required to be large enough to meet current total lot coverage standards and driveways must meet fire access standards and provide required turnarounds (please see Attachment 2.) In addition, staff recommends that any driveway that serves multiple lots must include a maintenance agreement regarding the driveway and its associated landscaping.

5. **Create designs standards that promote the development of attractive, livable, and functional neighborhoods, taking care not to increase costs of housing or reduce the number of dwellings.** This recommendation is from Action 4.2J of the *Newberg Affordable Housing Action Plan*. The Affordable Housing Ad Hoc Committee felt that good design need not

necessarily create additional costs. However, care should be taken not to require items that do increase development costs or reduce the amount of housing that can be created. Design standards should provide a wide menu design options to choose from, rather than prescribing that certain elements be used. Some elements which may be feasible in larger developments, such as creating common areas or walking paths, may not be feasible in smaller developments. Thus, the Committee recommended a two-tier approach to design standards: one for smaller and one for larger developments.

The proposed standards provide a menu of choices, such as:

- In larger developments, incorporating pathways or common areas.
- Narrowing driveways to provide greater front yard greenspace and additional on-street parking.
- De-emphasizing the garage on the front façade to promote human scale and feel in the neighborhood.
- Orienting the building and entrances toward the street and minimizing the front setback to promote human scale neighborhoods, neighbor interaction and eyes on the street.
- Using entry features and accents, such as porches or recessed entries, to make buildings inviting.
- Using historical architectural styles to blend with Newberg.
- Varying dwelling designs to create interest and avoid monotony.
- Creating small, useable yards for outdoor living space.
- Adding interest to building architecture by incorporating features such as pitched roofs, contrasting siding materials, and interesting window designs.
- Limiting heights of buildings near neighboring property boundaries.

The proposed design standards were presented to the Planning Commission in a workshop at their July 11, 2009 meeting. Staff has revised the proposed design standards to address comments made by the Commission at that meeting as follows:

- The Commission asked how the points from the residential design system would be applied. Staff is recommending that of the total number of design points required for a project, at least at least 20% of those points should be achieved through the use of subdivision design elements and/or site design elements. In addition, each individual dwelling unit in a project shall achieve at least 3 design points from the building design elements. The intent of this distribution is to ensure that all projects will achieve a more balanced design, having some attention paid to good design of the subdivision, site, and building elements.
- Under the subdivision design elements section, one option to achieve points is through the preservation of natural features on the site. The Commission asked how points would be awarded regarding this option. Staff proposes two options for the Commission. Language for Option 1 would be as follows: *The review body may award design points of 0.1 to 1 point per dwelling unit, base upon the quality of those natural features and relative size of the preserved area to the project.* Option 2 would be as follows: *1 point per 1,000 square feet of natural area, up to 20% of the required design point total.* This language was the same as was proposed in December 2007.

In addition, Commissioner Barnes made a presentation to the Commission on October 8<sup>th</sup> showing design elements of existing developments in Newberg and nearby communities.

The proposed Planning Commission Resolution No. 2009-273 recommends that the City Council adopt the proposed amendments.

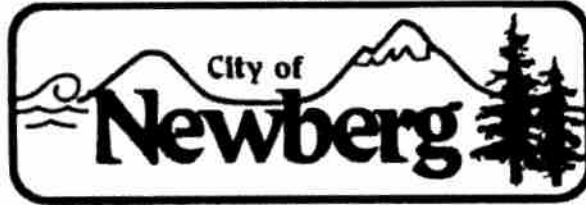
For reference, Attachment 1 compares the current proposed housing design standards to those previously proposed in December 2007.

#### **PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-273** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Adopt Resolution 2009-274, which summarizes the Planning Commission's actions in 2009 recommending Comprehensive Plan Text and Newberg Development Code changes to support affordable housing.

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** December 10, 2009

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-274:  
Exhibit A: Proposed Comprehensive Plan Text and Development Code Amendments

1. *Newberg Affordable Housing Action Plan* (by reference)

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#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Comprehensive Plan Text and Newberg Development Code that are designed to support affordable housing.

In 2009, the Planning Commission held a series public hearings regarding recommended Comprehensive Plan Text and Development Code changes from the Newberg Affordable Housing Action Plan intended to support affordable housing. As a result of those public hearings, the Planning Commission passed the following resolutions recommending that the City Council adopt the following changes:

***Resolution No. 2009-265 (passed June 11, 2009)***

**Recommended changes:** Amend the Newberg Comprehensive Plan Text goals and policies

Page 115 of 153

***Resolution No. 2009-266 (passed July 9, 2009)***

**Recommended changes:** Amend the Newberg Development Code regarding residential lot dimensions, sizes, setbacks and building heights.

***Resolution No. 2009-267 (passed September 10, 2009)***

**Recommended changes:** Amend the Newberg Development Code regarding an optional “Flexible Development Track” that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units remain affordable in the long-term, and/or in-lieu credits though cash contributions to a City of Newberg Housing Trust Fund.

***Resolution No. 2009-272 (passed November 12, 2009)***

**Recommended changes:** Amend the Newberg Development Code as follows:

- Permit duplexes in the Low Density Residential (R-1) zone as an allowed use;
- Allow greater flexibility to the use of accessory dwelling units (ADUs);
- Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided;
- Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs);
- Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed; and,
- Reduce and provide flexibility to parking requirements for affordable housing projects.

***Resolution No. 2009-273 (passed December 10, 2009)***

**Recommended changes:** Amend the Newberg Development Code as follows:

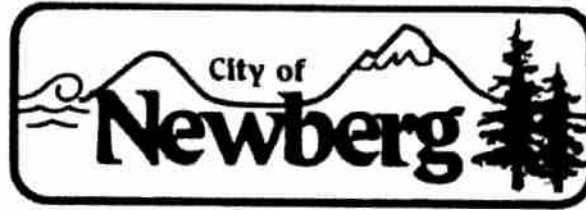
- Add a definition regarding “special needs housing”;
- Clarify that the planning process for the recommendation that accessory dwelling units be an allowed use in the R-1 and R-P zones instead of the current conditional use would be an administrative Type 1.
- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit;
- Modify current driveway standard to allow more than two lots per driveway; and,
- Add design standards for housing that promote the development of attractive, livable, and functional neighborhoods.

**PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-<sup>274</sup>~~273~~** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend the Newberg Development Code to support affordable housing regarding: adding a definition of “special needs housing”; clarifying planning review process for accessory dwelling units; reducing parking requirements near transit stops; and increasing the number of lots allowed per driveway.

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** January 14, 2010

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-273:  
Exhibit A: Proposed Development Code Amendments

1. Fire Apparatus Access Roads – 2007 Oregon Fire Code
2. Email from Roy Gathercoal
3. Staff PowerPoint presentation
4. *Newberg Affordable Housing Action Plan* (by reference)

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#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing.

On January 14, 2010, the Newberg Planning Commission will continue its public hearing held on December 10, 2009 regarding the following proposed development standards intended to help support affordable housing:

- Add a definition regarding “special needs housing”;

- Clarify that the planning process for the recommendation that accessory dwelling units be an allowed use in the R-1 and R-P zones instead of the current conditional use would be an administrative Type 1.
- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit;
- Modify current driveway standard to allow more than two lots per driveway.

It should be noted that the residential design standard amendments proposed at the December 10, 2009 will be brought before the Planning Commission at a future public hearing.

The proposed Planning Commission Resolution No. 2009-273 recommends that the City Council adopt these proposed amendments.



## BACKGROUND

In recent years, the City of Newberg has been examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

On December 10, 2009, the Newberg Planning Commission will hold a public hearing regarding various proposed *Newberg Development Code* amendments supporting affordable housing. The Planning Commission continued that hearing to the January 14, 2010 meeting. The following describes the proposed changes.

- 1. Definition of "special needs housing."** At the November 12, 2009 meeting, the Planning Commission requested that city staff to develop a proposed definition for "special needs housing." The Commission felt this was needed, since at that same meeting, the Commission recommended some new parking requirements for adoption by the City Council that referred to this term. Therefore, city staff would like to propose the following definition for "special needs housing": *Group housing specially designed or adapted for those with particular physical, developmental disability, or social needs.*
- 2. Clarify the planning process for construction of accessory dwelling units.** At the last Planning Commission meeting, the Commission recommended that ADUs be allowed as an outright permitted use in the R-1 and R-P zones instead of a conditional use. The Commission asked what planning process would be used under this change. Staff recommends that a Type I administrative process be used for this type of land use. Decisions on Type I planning application are made by the Planning and Building Director. No public notice or public hearing is required for this process.
- 3. Reduce parking requirements for affordable housing projects with nearby transit access.** At the last Planning Commission meeting, the Commission considered changes to off-street parking requirements for affordable housing projects. The proposed changes were derived from Action 4.2G of the *Newberg Affordable Housing Action Plan*. One of the suggested changes under Action 4.2G was inadvertently left off the last meeting's agenda. That suggested change from the *Action Plan* is as follows: *Reduce parking requirements where the development is within 1,500 feet of a transit stop or where the development provides its own transit.*

City staff performed a brief search on the internet to see if there is a "conventional wisdom" regarding how far people are willing walk to get to a transit stop. From that research, the proposed standard of 1,500 feet appeared to be fairly common standard. However, staff found the quality of that route was also an important factor. In other words, the route pedestrians take

must also be safe, such as a continuous sidewalk from the housing to the transit stop. In some cases, a disconnected sidewalk from a transit stop could be made continuous through the construction of sidewalk in gaps missing from the route. Given this information, staff would like to propose the following development code language: *At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10% if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with and average of less than one hour regular service during the daytime or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.*

4. **Modify current driveway standard to allow more than two lots per driveway.** This recommendation comes from Action 4.2L of the *Newberg Affordable Housing Action Plan*. Prior to 1999, the City allowed 6 lots per driveway. The current standard was established because the Planning Commission felt that driveways connecting multiple lots often experienced issues with cars parking on the relatively narrow driveways. They felt that this situation created a safety issue by limiting the access width of the driveway for public safety vehicles to reach homes in need. By limiting the number of houses per driveway to two, rectification of any parking problem on with the driveway became much simpler by dealing with a person's one and only neighbor. In addition to lowering the number lots allowed on a driveway, the City also eliminated the ability of developers to create new private streets. The Planning Commission felt that private streets projected exclusivity and did not promote a sense of community in Newberg.

However, the current standard has brought its own set of issues. Access to a piece of property can produce multiple parallel driveways, taking up additional land and therefore driving up cost of housing. Also, multiple parallel driveways require additional landscaping between them, taking up additional valuable land. In addition, these landscaped areas may be difficult to maintain.

Planning staff has solicited comments from the Police and Fire Departments regarding this proposal. They expressed concerns in two areas. First, the Fire Department's main concern is maintaining adequate access for emergencies. Where multiple lots share common driveways, that driveway may be the only access for fire trucks, ambulances, and other emergency vehicles to reach the house. Fire access standards require a minimum 20 feet wide clear access where a home is more than 150 feet from the main street. While providing a 20-foot wide access is not usually an issue, keeping that access clear can be. Residents may see this fire access driveway as convenient place to park boats, RVs, or other equipment. When this occurs, emergency vehicles may be unable to immediately reach the location of the emergency, and those in the residence may have difficulty exiting the area. Second, the Police Department has expressed concerns that allowing shared driveways to access greater than 2 lots may potentially create more neighbor conflicts that would require police intervention. How shared driveways are to be used and maintained are not always fully understood or agreed upon by those using the driveway, creating the possibility of conflicts. In addition, police actions may be required to insure that designated fire lanes remain clear.

Driveways are often used where access to developable land is not large enough to accommodate a public street (private streets are no longer allowed in Newberg.) The use of driveways instead of public streets is one way to support affordable housing, as driveways are much cheaper to

construct than public streets. In addition, private driveways do not have to be maintained by the city, funds that can be put to better use in the community.

The Planning Commission can recommend to the City Council a standard allowing any number of lots per driveway or recommend no change at all. Staff recommends that any proposed change be between 2 lots per driveway (current standard) and 6 lots per driveway (previous limit.) Staff also recommends that each lot on a driveway must provide an additional off-street parking space, with intent that this action will alleviate the illegal parking issue. In any case, lots will still be required to be large enough to meet current total lot coverage standards and driveways must meet fire access standards and provide required turnarounds (please see Attachment 2.) In addition, staff recommends that any driveway that serves multiple lots must include a maintenance agreement regarding the driveway and its associated landscaping. Another option would be to allow whatever number of lots the Planning Commission may decide over 2 lots under a conditional use permit process.

It should be noted that the residential design standard amendments proposed at the December 10, 2009 will be brought before the Planning Commission at a future public hearing.

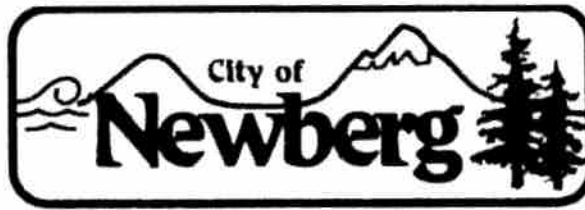
The proposed Planning Commission Resolution No. 2009-273 recommends that the City Council adopt the proposed amendments.

#### **PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-273** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend the Newberg Development Code to support affordable housing through the creation of housing design standards.

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** February 11, 2010

**ATTACHMENTS:**

Planning Commission Resolution No. 2010-278:

Exhibit A: Proposed Development Code Amendments

1. Comparison of current proposed housing design standards and December 2007 standards
2. Local subdivision housing design standards scores and pictures
3. *Newberg Affordable Housing Action Plan* (by reference)

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### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Development Code that are designed to support affordable housing.

On February 11, 2010, the Newberg Planning Commission will hold a public hearing regarding the following proposed development standards intended to help support affordable housing:

- Add design standards for housing that promote the development of attractive, livable, and functional neighborhoods.

The proposed Planning Commission Resolution No. 2010-278 recommends that the City Council adopt these proposed amendments.

## BACKGROUND

In recent years, the City of Newberg has been examining the community's future land needs and taking steps to accommodate the anticipated future growth. The City's analysis of future land needs has found that if current housing construction trends continue into the future, lack of affordable housing in Newberg will likely continue to be a significant issue.

On May 8, 2008, the Newberg City Council passed Resolution No. 2008-2781, establishing the Housing for Working Families Ad Hoc Committee. The charge of the Committee was to "... identify and recommend tools appropriate for the Newberg community that are intended to encourage the development of housing for working families." The Committee met twice a month from July 2008 to April 2009 with the goal to create an action plan to support the development and retention of affordable housing. On May 4, 2009, the Committee presented the *Newberg Affordable Housing Action Plan* to the City Council. At that meeting, City Council passed Resolution No. 2009-2843, stating their acceptance of the Plan.

On February 11, 2010, the Newberg Planning Commission will hold a public hearing regarding various proposed *Newberg Development Code* amendments supporting affordable housing. The following describes the proposed changes.

**Create design standards that promote the development of attractive, livable, and functional neighborhoods, taking care not to increase costs of housing or reduce the number of dwellings.** This recommendation is Action 4.2J of the *Newberg Affordable Housing Action Plan*. The Affordable Housing Ad Hoc Committee felt that good design need not necessarily create additional costs. However, care should be taken not to require items that do increase development costs or reduce the amount of housing that can be created. Design standards should provide a wide menu design options to choose from, rather than prescribing that certain elements be used. Some elements which may be feasible in larger developments, such as creating common areas or walking paths, may not be feasible in smaller developments. Thus, the Committee recommended a two-tier approach to design standards: one for smaller and one for larger developments.

The proposed standards provide a menu of choices, such as:

- In larger developments, incorporating pathways or common areas.
- Narrowing driveways to provide greater front yard greenspace and additional on-street parking.
- De-emphasizing the garage on the front façade to promote human scale and feel in the neighborhood.
- Orienting the building and entrances toward the street and minimizing the front setback to promote human scale neighborhoods, neighbor interaction and eyes on the street.
- Using entry features and accents, such as porches or recessed entries, to make buildings inviting.
- Using historical architectural styles to blend with Newberg.
- Varying dwelling designs to create interest and avoid monotony.
- Creating small, useable yards for outdoor living space.
- Adding interest to building architecture by incorporating features such as pitched roofs, contrasting siding materials, and interesting window designs.
- Limiting heights of buildings near neighboring property boundaries.

The proposed design standards were presented to the Planning Commission in a workshop at their July 11, 2009 meeting. Staff has revised the proposed design standards to address comments made by the Commission at that meeting as follows:

- The Commission asked how the points from the residential design system would be applied. Staff is recommending that of the total number of design points required for a project, at least at least 20% of those points should be achieved through the use of subdivision design elements and/or site design elements. In addition, each individual dwelling unit in a project shall achieve at least 3 design points from the building design elements. The intent of this distribution is to ensure that all projects will achieve a more balanced design, having some attention paid to good design of the subdivision, site, and building elements.
- Under the subdivision design elements section, one option to achieve points is through the preservation of natural features on the site. The Commission asked how points would be awarded regarding this option. Staff proposes two options for the Commission. Language for Option 1 would be as follows: *The review body may award design points of 0.1 to 1 point per dwelling unit, base upon the quality of those natural features and relative size of the preserved area to the project.* Option 2 would be as follows: *1 point per 1,000 square feet of natural area, up to 20% of the required design point total.* This language was the same as was proposed in December 2007.

In addition, Commissioner Barnes made a presentation to the Commission on October 8<sup>th</sup> showing design elements of existing developments in Newberg and nearby communities.

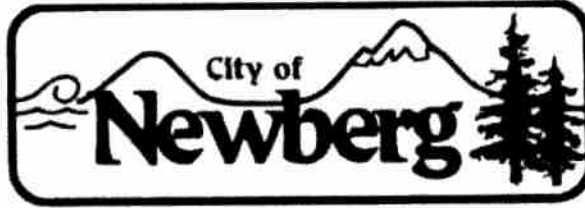
The proposed Planning Commission Resolution No. 2010-278 recommends that the City Council adopt the proposed amendments.

#### **PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2010-278** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

City of Newberg  
414 E First Street  
P.O. Box 970  
Newberg, OR 97132



City Manager  
(503) 538-9421  
(503) 538-5013 Fax

## Planning and Building Department

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P.O. Box 970 • 414 E First Street • Newberg, Oregon 97132 • (503) 537-1240 • Fax (503) 537-1272

### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Adopt Resolution 2009-274, which summarizes the Planning Commission's actions in 2009 and 2010 recommending Comprehensive Plan Text and Newberg Development Code changes to support affordable housing.

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** February 11, 2010

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-274:  
Exhibit A: Proposed Comprehensive Plan Text and Development Code Amendments

1. *Newberg Affordable Housing Action Plan* (by reference)

---

#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Comprehensive Plan Text and Newberg Development Code that are designed to support affordable housing.

In 2009 and 2010, the Planning Commission held a series public hearings regarding recommended Comprehensive Plan Text and Development Code changes from the Newberg Affordable Housing Action Plan intended to support affordable housing. As a result of those public hearings, the Planning Commission passed the following resolutions recommending that the City Council adopt the following changes:

*Resolution No. 2009-265 (passed June 11, 2009)*

**Recommended changes:** Amend the Newberg Comprehensive Plan Text goals and policies

***Resolution No. 2009-266 (passed July 9, 2009)***

**Recommended changes:** Amend the Newberg Development Code regarding residential lot dimensions, sizes, setbacks and building heights.

***Resolution No. 2009-267 (passed September 10, 2009)***

**Recommended changes:** Amend the Newberg Development Code regarding an optional “Flexible Development Track” that would allow developers flexibility in some development standards, provided they commit to providing some affordable housing. Under this proposal, a developer who voluntarily chooses to use this track would be given flexibility in development standards intended to make it easier and less expensive to create housing. In exchange for this flexibility, the developer would have to provide at least a certain amount of affordable housing. The obligation to provide affordable housing can be achieved with market-rate housing, provision of affordable housing units remain affordable in the long-term, and/or in-lieu credits though cash contributions to a City of Newberg Housing Trust Fund.

***Resolution No. 2009-272 (passed November 12, 2009)***

**Recommended changes:** Amend the Newberg Development Code as follows:

- Permit duplexes in the Low Density Residential (R-1) zone as an allowed use;
- Allow greater flexibility to the use of accessory dwelling units (ADUs);
- Allow unlimited residential dwelling units above the ground floor in the Neighborhood Commercial (C-1) zone, provided private parking (one space per unit) is provided;
- Provide incentives for the development of more affordable dwelling units in Planned Unit Developments (PUDs);
- Allow any legal non-conforming duplex or multi-family dwelling unit to be reconstructed if destroyed; and,
- Reduce and provide flexibility to parking requirements for affordable housing projects.

***Resolution No. 2009-273 (passed January 14, 2010)***

**Recommended changes:** Amend the Newberg Development Code as follows:

- Add a definition regarding “special needs housing”;
- Clarify that the planning process for the recommendation that accessory dwelling units be an allowed use in the R-1 and R-P zones instead of the current conditional use would be an administrative Type II.
- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit.

***Resolution No. 2009-278 (passed February 11, 2010)***

**Recommended changes:** Amend the Newberg Development Code as follows:



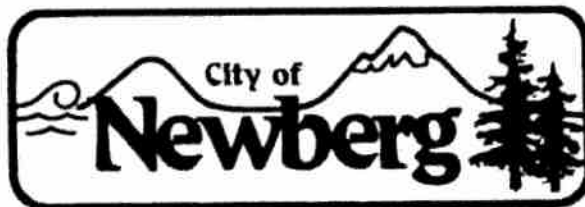
- Add design standards for housing that promote the development of attractive, livable, and functional neighborhoods.

#### **PRELIMINARY STAFF RECOMMENDATION**

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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

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**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** March 11, 2010 (continued from February 11, 2010 meeting)

**ATTACHMENTS:**  
Planning Commission Resolution No. 2009-274:  
Exhibit A: Proposed Comprehensive Plan Text and Development Code Amendments

1. *Newberg Affordable Housing Action Plan* (by reference)

---

#### SUMMARY

On May 4, 2009, the Newberg City Council passed Resolution No. 2009-2843, accepting the Newberg Affordable Housing Action Plan. One of the recommended actions within the Plan is for the City to consider the adoption of amendments to the Newberg Comprehensive Plan Text and Newberg Development Code that are designed to support affordable housing.

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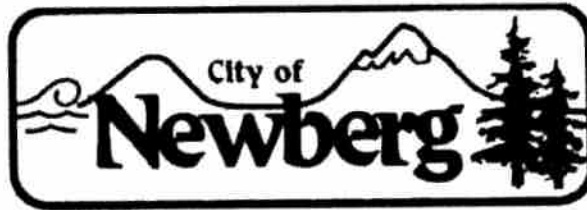
- Add a definition regarding “special needs housing”;
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- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit.

**PRELIMINARY STAFF RECOMMENDATION**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2009-274** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

City of Newberg  
414 E First Street  
P.O. Box 970  
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### CITY OF NEWBERG DEVELOPMENT CODE AMENDMENT STAFF REPORT

**FILE NO:** GEN FILE 09-007

**REQUEST:** Amend the Newberg Development Code with new residential housing design standards intended to promote developments that are attractive, livable and functional neighborhoods.

**APPLICANT:** City of Newberg

**PREPARED BY:** City of Newberg Planning Staff

**DATE OF HEARING:** March 11, 2010 (continued from February 11, 2010 meeting)

#### ATTACHMENTS:

Planning Commission Resolution No. 2010-278:

Exhibit A: Proposed Development Code Amendments

1. Written testimony from Leonard Rydell
2. *Newberg Affordable Housing Action Plan* (by reference)

---

#### SUMMARY

On February 11, 2010, the Newberg Planning Commission held a public hearing regarding the following proposed development standards intended to help support affordable housing:

- Add design standards for housing that promote the development of attractive, livable, and functional neighborhoods.

At that public hearing, the Planning Commission recommended the following changes to the proposed amendments:

- In § 151.195.1, the third paragraph regarding design point allocation, add the following language: *Any development of 10 units or more must obtain at least 5% of the required project point total from each of the 3 design element categories.*
- In § 151.195.1(A)(7), regarding design points awarded plans that "Provide a natural feature and tree preservation/replacement plan, including provisions for its future maintenance.", add the following language: *1 point per 1,000 square feet of natural area, up to 20% of the required design point total.*

- Add language in Resolution No. 2010-289 regarding the *Newberg Affordable Housing Action Plan* recommendation to remove the design standard element from the proposed original 2007 flexible development standards and then create system of design standard that would apply to all residential developments. In addition, delete all references in this resolution regarding affordable housing.
- Add language in Resolution No. 2010-289 stating that city staff will report how future residential developments perform under the new design standards point system so that the Planning Commission can gauge the effectiveness of the standards and recommend adjustments as necessary.

### **Public Testimony**

At the February 11, 2010 meeting, the Planning Commission denied accepting written testimony by Leonard Rydell on the same day just prior to the public hearing. Subsequently, the Planning Commission decided to continue the public hearing to the March 11, 2010 meeting. Therefore, the Planning Commission decided that Mr. Rydell's testimony could be included in the next Planning Commission meeting packet for the March 11, 2010 meeting.

### **Preliminary Staff Recommendation**

The preliminary staff recommendation is made in the absence of public hearing testimony, and may be modified subsequent to the close of the public hearing. At this writing, staff recommends the following motion:

Move to adopt **Planning Commission Resolution 2010-278** which recommends that the City Council adopt the proposed amendments to the Newberg Development Code, as detailed in Exhibit A in the resolution.

**Barton Brierley****Subject:** FW: Affordable Housing**From:** dkrussell@comcast.net [mailto:dkrussell@comcast.net]**Sent:** Wednesday, June 03, 2009 6:02 PM**To:** David Beam**Subject:** Affordable Housing

We do not feel affordable ( or what it will turn out to be low income housing. ) It is not what Newberg needs. My husband and my self moved here from a small town that had started affordable housing. When we moved we had gang's, graffiti, drugs, and a trashy looking small town. We had seen it happen over a 15 year period. The town tryed to keep up with the problem to no avel. It was not a happy feeling. It was not what we had looked forward to as we were getting older and thinking about retiring in this small community. So we were very happy to find this small town and would feel it would we be in Newberg best interest to keep affordable out of tjhis beautiful small town. Thank you Joellen and Danny Russell

503-554-6646



Newberg Planning Committee

Date: June 11, 2009

Re: 2009-265

No.: 1-09-007

## Community And Shelter Assistance Corp.

212 East First Street, Newberg, OR 97132  
Phone: (503) 537-0319 ext, 305/Fax: (503) 537-0558  
charris@casaoeforegon.org

To: Newberg Planning Commission  
From: Charlie Harris  
Date: June 10, 2009  
Re: Comprehensive Plan Amendments for Affordable Housing

As the initial step in carrying out the Affordable Housing Action Plan ("Plan"), the Planning Commission needs to show a true commitment to affordable housing. The Planning Commission can show this commitment not by adopting policies that the city "should" carry out, but rather by adopting policies that the city shall carry out. If "should" means "I ought to, but I don't have to," is that any commitment at all?

There are 11 proposed paragraphs that use the word should. One paragraph, paragraph 3i, is actually *a step backward*. The proposed amendment says "The City should encourage the provision of affordable housing..." The *existing* policy says the City shall encourage such housing. Leave in the word "shall"; don't change it to "should".

For 6 of the 10 other proposed amendments using "should", the policies are simply aimed at the city supporting affordable housing. Replacing "should" with "shall" does not require any financial commitment for these policies, but it would show at least a commitment to affordable housing:

- Paragraph t (support state legislative efforts),
- Paragraph u (build understanding and support for affordable housing),
- Paragraph v (work with local housing providers),
- Paragraph y (promote employer-assisted affordable housing programs),
- Paragraph z (to extent possible, zone residential housing near employment centers), and
- Paragraph aa (promote transit systems connecting housing and employment).

Even changing paragraph 3p, which if it said the city *shall* create a housing trust fund, would not commit the city to putting any money into it. But it does set one up, so that, if the city identifies sources of funds in the future for the trust fund, it's already there. Simply having a housing trust fund will put the city well ahead of other local jurisdictions in its commitment to affordable housing. If the city were able to deposit \$2000 into the fund, better yet, because then the city could boast that it has a housing trust fund with thousands of dollars in it.

Only three policies could be considered at all controversial if "should" is changed to "shall."

- Paragraph q would say that the City shall provide financial incentives for affordable housing. Perhaps this is controversial, but the city is already doing it. Saying the city shall provide financial incentives does not require any minimum level of incentives, it simply, again, shows the city has a commitment.
- Paragraph w: The city should or shall direct city resources toward assisting in production or preservation of affordable housing. Again, the city's already doing this.
- Paragraph x: The city should or shall apply a mixture of zoning, including R-3, when annexing large residentially designated parcels. The city is not already doing this, which is why the Affordable Housing Committee was set up in the first place. **JUST DO IT.**







P.O. BOX 1083  
MCMINNVILLE, OR 97128

Attachment 3

helping to shape the use of our natural resources to protect the quality of life in Yamhill County.

---

June 19, 2009

Chair and Newberg Planning Commission Members  
City of Newberg  
P.O. Box 970  
Newberg, OR

Dear Planning Commission Chair and Members:

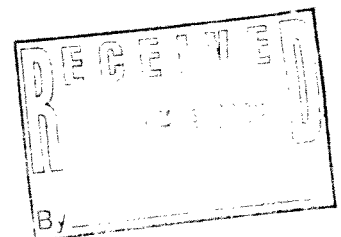
Friends of Yamhill County appreciates your work on the Affordable Housing Action Plan. Regarding the proposed amendments to the Comprehensive Plan, it is important that wording be specific so that future decision-makers understand that meeting citizen needs for affordable housing is not just an aspirational goal, but a requirement. We support the proposed word changes which strengthen the Affordable Housing Action Plan. FYC supports inserting the word "shall" in the place of a vague term like "should".

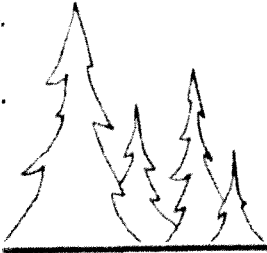
Please keep FYC informed of future hearings or opportunities for comment on the Affordable Housing Action Plan.

Sincerely,

Ilisa Perse, President

Meryl B. Reeves, Land Use Chair





**LEONARD A. RYDELL, P.E., P.L.S., W.R.E.** Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625  
(503) 538-5700 FAX 538-9167  
larydell@teleport.com8

4 September 2008

To the Editor  
The Newberg Graphic  
P. O. Box 110  
Newberg, Oregon 97132

Re: Affordable Housing Changes

To the Editor:

Thursday, 10 September 2009, the Newberg Planning will consider "Flexible Development Standards" that are baby steps to the changes that Newberg should be making for the future long term growth, health and livability of our community. This "flexibility" has strings attached that will render their "solution" ineffective at solving our affordable housing shortage.

The "flexible standards" listed in the proposed ordinance are more stringent than more forward looking communities have been doing for decades as standard practice. "More of the same" seems to be Newberg's only development options.

Unfortunately, once we trash our land with wasteful development practices, we can't afford to undo the damage.

Newberg needs to stop thinking on a planning horizon of ten to twenty years, but 100 to 250 years and actually do planning, not more regulation. Currently we are irrevocably committed on a path of slowly converting our downtown areas to fewer buildings and more parking lots, maintaining our existing developed areas "as is" and converting our outlying farm and orchards to cookie cutter tract homes. This needs to change now. Not making a decision is making a decision towards expansion into our surrounding farms, orchards and vineyards.

Thank you.

Sincerely yours,

Leonard A. Rydell, P.E., P.L.S., W.R.E.  
LAR/lar

**PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS  
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS  
LAND SURVEYS • WATER RIGHTS**

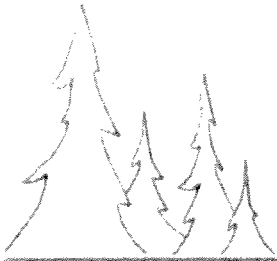
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LAR/lar



**LEONARD A. RYDELL, P.E., P.L.S., W.R.E.** Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

(503) 538-5700 FAX 538-9167

larydell@teleport.com8

4 September 2008

Newberg Planning Commission  
City of Newberg  
P. O. Box 970  
Newberg, Oregon 97132

Re: Exhibit A-Affordable Housing

Dear Planning Commission,

I reviewed Exhibit "A" of your resolution and have several concerns, some of which are specific to the exhibit, and several that reflect Newberg's long term inability to address future growth issues.

Regarding Exhibit A, I recommend:

**Reduce R-2 Lot Standards Further** - I have designed projects with lots under 1200 square feet, so I feel that your lot sizes are still 20% too large. If you actually think about it, what is important is creating nice places to live, and lot areas generally have nothing to do with existing parcel sizes, topography or creating attractive places for people.

**Side Yard Setbacks** - A 3' yard is applicable for single family detached houses, but there needs to be a clause for single family attached houses or row houses. Since a 3 foot setback is virtually unusable alongside a house, you should allow a zero setback with a six foot maintenance easement on one side of the house with a six foot yard on the other side.

**Lot Coverage** - Land is a finite resource so lot coverages should be increased, but the environmental impact can be lessened by pervious walks and pavement, rain gardens, and vegetated roofs. Environmentally friendly development should allow increased densities.

**Street Widths** - I recommend that the minimum street width be decreased to 20 feet for a two lane road per the "NEIGHBORHOOD STREET DESIGN GUIDELINES" handbook and Oregon's Model Development Code for Small Cities (DEQ standards recommend 18 feet). Please note that this handbook is endorsed by The Office of the State Fire Marshall, the Oregon fire Chief's Association and the Oregon Fire Marshall's Association.

**Right-of-Way Width** - Right-of-way widths control density, i.e. units per acre, and are used to measure front setbacks. There is no reason for right-of-way width standard as sidewalks and utilities can be places in public easements. The City already requires homeowners to maintain sidewalks and planter strips, so why is there a need for it to be public?. As an example, the private street in "JAQUITH PARK ESTATES" is 24 feet, i.e. gutter to gutter.

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS  
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS  
LAND SURVEYS • WATER RIGHTS

In Charbonneau, much of the project was 30 feet. The general public is unaware where the right-of-way is, and it has no effect on community standards or liveability. Right-of-way widths should be flexible based on the specific design of the project, particularly when we are dealing with odd parcel sizes and urban infill. You are recommending 38 feet for affordable housing only, but the Washington County standard residential width is 34 feet. I recommend a minimum guideline of 30 feet, but flexibility should be allowed on a project by project basis. We need to also get rid of the insane requirement that only two dwelling units can be served by one driveway (see attached).

**Applicability of Flexible Standards** - I would delete section 151.232 in its entirety and allow the flexible standards to apply to all development. As David Beam so eloquently stated in one of the first meetings of the original task force, "Affordable" affects all income ranges, so we should apply the standards to all housing, not just that which meets your three pages of requirements.

As one example of flexible standards, several suggestions for change are included in the attached handout from the Minnesota urban Small Sties BMP Manual. I find it significant that Newberg has adopted the gridiron development practice that results in the most lineal feet of pavement per unit area. Coupling that with our wide curbed street standards maximizes environmental destruction of our surrounds.

I have been in the community design business for 37 years and have had the privilege of working on several of Oregon's signature projects, many of which would never be currently allowed in Newberg. We need to stop thinking on a planning horizon of ten to twenty years, but 100 to 250 years. Currently we are irrevocably committed on a path of slowly converting our downtown areas to fewer buildings and more parking lots, maintaining our existing developed areas "as is" and converting our outlying farm and orchards to cookie cutter tract homes. This needs to change, and now.

Adopting the recommendations above will not reverse our path, but it will be a step in the right direction.

Thank you.

Sincerely yours,



Leonard A. Rydell, P.E., P.L.S., W.R.E.  
LAR/lar  
encl: as stated

# Parking on Pinehurst Drive



**Length = 1400'**

**No. Lots = 36**

**Garage Parking = 73**

**Driveway Parking = 127**

**Street Parking = 84**

**Total Parking = 284**

**Assume 2.78 People/Lot**

**Spaces/House = 7.89**

**Spaces/Person = 2.78**

**Cars on Street = 6**

**Street Parking Use = 7%**

**Excess Unused Impervious Areas = 0.87 Acres**

Street Constructed in 1976

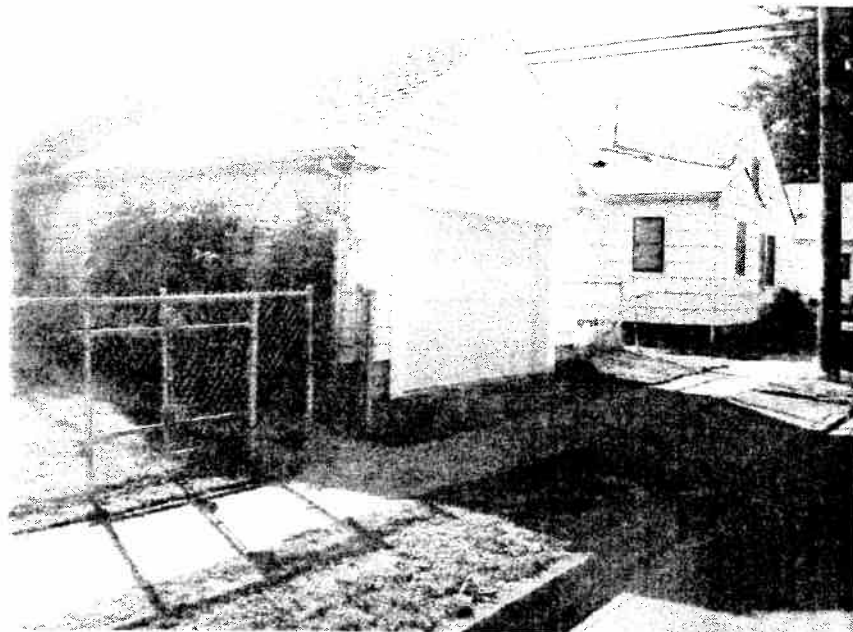
Never Maintained

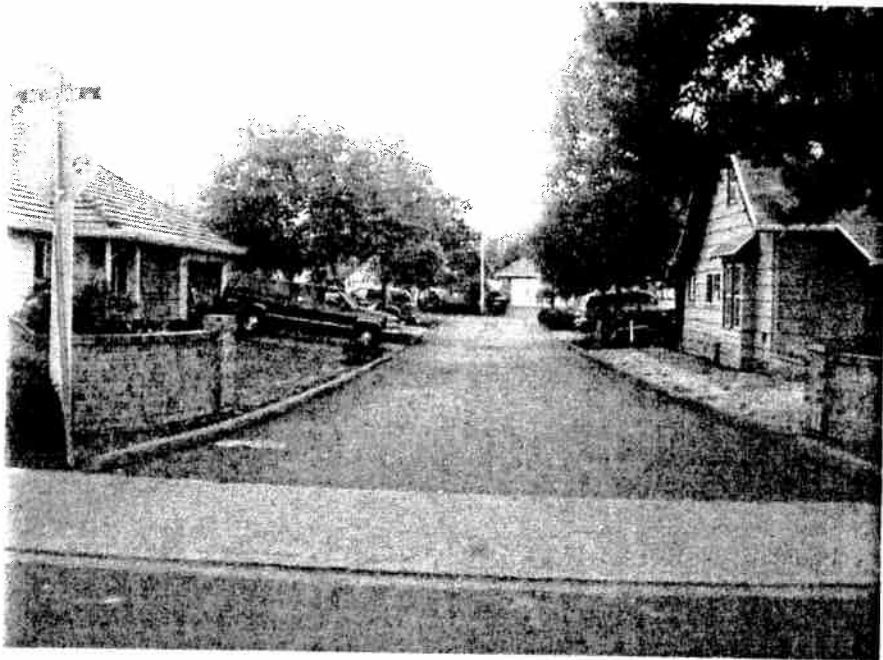
Cost of 2-inch Overlay \$96,444

Do all projects need on-site parking? This one in Newberg doesn't have any.

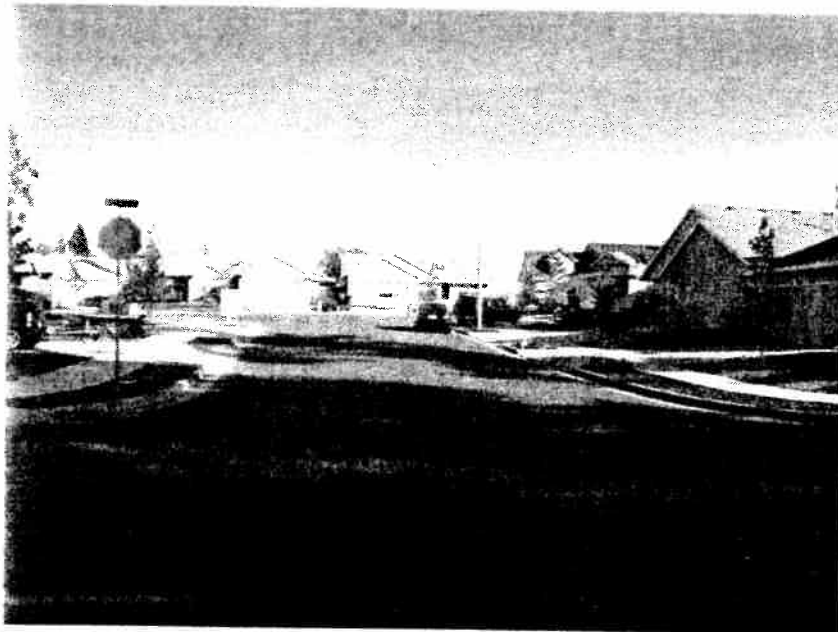


Do all garages need a 20' setback?





**We Prohibited This**

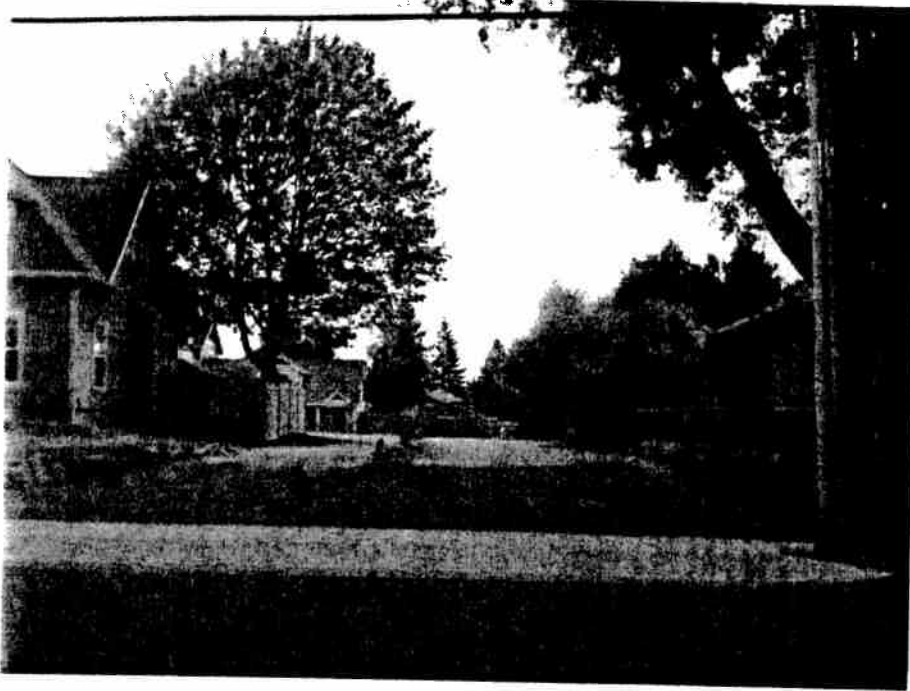


**To Do This**



**CITY CODE**

**(3) No more than two lots may access one shared driveway.**



On Illinois Street, we required two driveways for four houses.

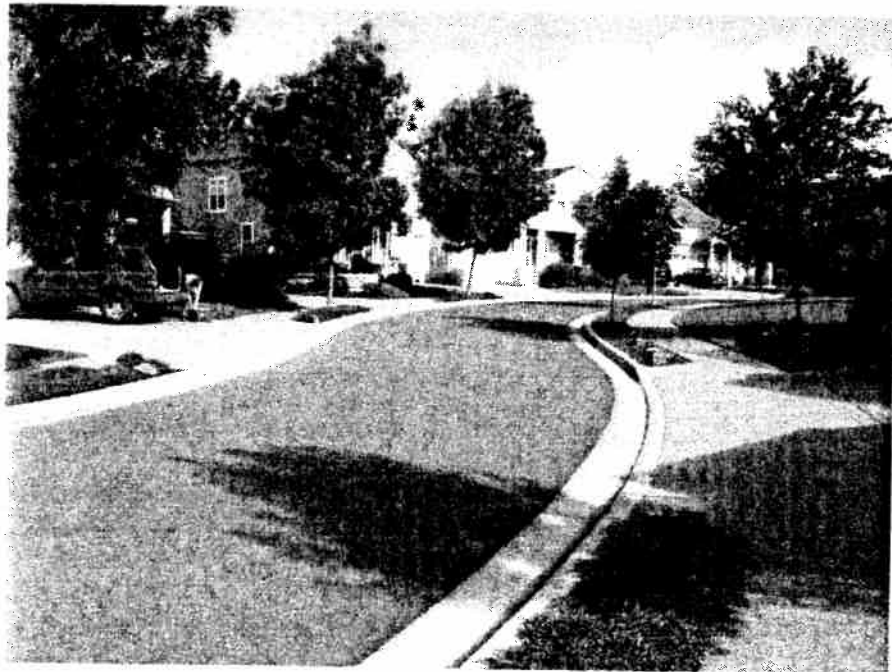
In "TESKY PARK", the third house has to back out a steep uphill driveway into College Street instead of a private driveway to Columbia Street.



**Which street do you want to live on?**

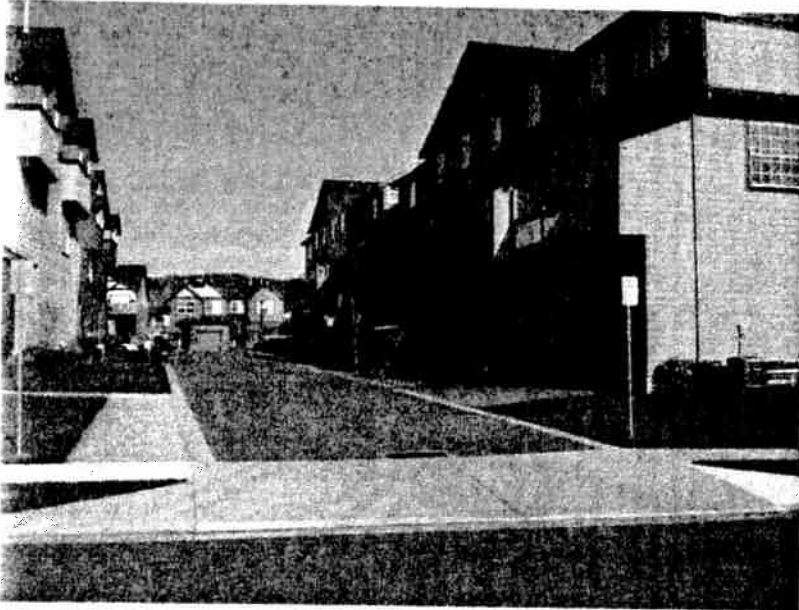


This one in Newberg, or.....



This one in Jacksonville, Oregon

An Alley in Newberg



An Alley in "NUNAN SQUARE"



Which do you prefer?

Which is allowed in Newberg?

Check out <http://www.oregon.gov/LCD/TGM/Nunan.shtml>

**409-3.3 All streets proposed to be of private ownership inside the UGB shall conform to the following standards:**

A. Local Residential Streets:

	FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	<b>One-way</b>				
(1)	1-2 units	10 ft.	(1)	None	None
(2)	3-8 units	15 ft.	(2)	None	None
(3)	9 or more units	15 ft.	(3)	Yes	Both Sides
	<b>Two-way</b>				
(4)	1-2 units (Less than 150 feet in length)	10 ft.	(1)	None	None
(5)	1-2 units (Over 150 feet in length)	15 ft.	(1)	None	None
(6)	3-4 units (Less than 150 feet in length)	15 ft.	(1)	None	None
(7)	3-4 units (Over 150 feet in length)	20 ft.	(1)	None	None
(8)	5-8 units	22 ft.	(2)	One Side	One Side
(9)	9 or more units	24 ft.	(3)	Yes	Both Sides
	Alleys (One-way or two-way)				
(10)	1-8 units	16 ft.	(1)	***Yes	None
(11)	9 or more units	16 ft.	(2)	***Yes	None

\*\* MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

\*\*\*Curbs shall be required only if they are needed for drainage

B. Private Commercial and Industrial Streets:

	FUNCTION	**MIN. PAVEMENT WIDTH	STRUCTURAL STANDARDS		
			SECTION	CURBS	SIDEWALKS
	<b>One-way</b>				
(10)	300 Max ADT	12 ft.	(2)	Yes	Both Sides
(11)	1,500 Max ADT	15 ft.	(3)	Yes	Both Sides
(12)	3,000 Max ADT	15 ft.	(4)	Yes	Both Sides
(13)	<b>3,000 Plus ADT</b>	22 ft.	(4)	Yes	Both Sides
	<b>Two-way</b>				
(14)	300 Max ADT	22 ft.	(2)	Yes	Both Sides
(15)	1,500 Max ADT	28 ft.	(3)	Yes	Both Sides
(16)	3,000 Max ADT	36 ft.	(4)	Yes	Both Sides
(17)	<b>3,000 Plus ADT</b>	40 ft.	(4)	Yes	Both Sides

	Alleys (One-way or two-way)				
(18)	1,500 Max ADT	16 ft.	(3)	***Yes	None
(19)	1,500 Plus ADT	16 ft.	(4)	***Yes	None

\*\* MINIMUM PAVEMENT WIDTH DOES NOT INCLUDE PARKING. IF PARKING IS PERMITTED FOR DEVELOPMENT OF A PRIVATE STREET, THE PAVED WIDTH OF THE PRIVATE STREET SHALL BE CONSTRUCTED TO MEET THE APPLICABLE PUBLIC STREET WIDTH STANDARD.

\*\*\*Curbs shall be required only if they are needed for drainage

C. Private Street Length:

For the purpose of this Section, private street length shall be measured as the distance between the near side curb line of the intersecting street and the far edge of pavement of the private road, including any turnaround.

409-3.4 Private Street Design and Construction

A. Construction Plans

- (1) Construction plans for private streets constructed per Sections 409-3.3 A(3), or (8-17) shall be prepared by a registered civil engineer. Prior to final approval, written certification shall be provided by the engineer that the proposed design complies with the applicable requirements of Sections 409-3.3, 409-3.5 and 409-3.6, any modifications approved pursuant to Section 409-3.8 and in accordance with the preliminary approval.
- (2) Construction plans for private streets constructed per Sections 409-3.3 A. (1, 2, 4, 5, 6 or 7) are not required to be prepared by a civil engineer unless the applicant chooses to construct the street in accordance with the County road standards as provided by Section 409-3.6 A. (1).
- (3) Final construction plans for all private streets shall be submitted prior to final approval.

B. Private Street Construction

- (1) Private streets constructed per Section 409-3.3 A. (3), or (8 through 17) shall be constructed prior to final plat approval for land divisions; or prior to occupancy or issuance of a certificate of occupancy for commercial, industrial, institutional or multi-family development, whichever occurs first. The applicant's engineer shall provide written certification that the street(s) has been constructed in accordance with the certified final construction plans.
- (2) Private streets constructed per Section 409-3.3 A. (1, 2, 4, 5, 6, or 7) shall be constructed prior to final plat approval unless approved otherwise by the Director. The applicant's engineer or contractor shall provide written certification that the street was constructed in accordance with the final

409-3.5 Private Street Tracts

The pavement width, and curbs, if any, of all private streets, except private streets serving one or two single-family residential lots or parcels, shall be located in a tract which meets the provisions of Section 409-4. Sidewalks may be located outside a tract on individual lots or parcels when approved by the Review Authority provided the following standards are met:

- A. The sidewalk shall be located in an easement; and
- B. Except in transit oriented districts, a minimum twenty (20) foot setback to the garage vehicle entrance, measured from the sidewalk or easement for public travel, whichever is closest shall be provided. In transit oriented districts, the minimum setback to the garage vehicle entrance shall be no less than the minimum setback required by Section 375 or Section 431.

409-3.6 Structural Section Key:

All private streets shall be constructed to the following minimum standards as identified in Section 409-3.3:

A. Structural Section Type:

- (1) Three (3) inch Type "C" AC over six (6) inches compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (2) Three (3) inch Type "C" AC over two (2) inches of three-quarter ( $\frac{3}{4}$ ) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (3) Two (2) inch Type "C" AC over two (2) inch Type "B" AC over two (2) inches of three-quarter ( $\frac{3}{4}$ ) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.
- (4) Two (2) inches Type "C" AC over three (3) inches Type "B" AC over two (2) inches of three-quarter ( $\frac{3}{4}$ ) minus and six (6) inches of two (2) inch minus compacted crushed rock or in accordance with the standards of the Washington County Uniform Road Improvement Design Standards.

B. Curb Standards Type:

- (1) Standard curb and gutter, six (6) inches exposed (see standard drawings of County Road Standards).
- (2) Mountable curbs.

C. Sidewalks:

Concrete sidewalks, minimum five (5) feet width (see standard drawings of County Road Standards), and sidewalk ramps at street corners.

D. Drainage:

All roadways shall be drained pursuant to the requirements of the Drainage Standards, Section 410.

E. Additional Street Design Requirements:

Street design characteristics not otherwise addressed in this section such as intersections, sight distance, and vertical and horizontal alignments, shall be designed to meet nationally accepted specifications and standards, and shall be approved by the appropriate fire district.

409-3.7 Emergency Access:

A dead-end private street exceeding one hundred-fifty (150) feet in length shall have an adequate turn around facility approved by the appropriate Fire Marshal or, if the Fire Marshal fails to review the private street, approval by the Building Official or his designee.

409-3.8 Modification of Private Road Standards

A variance to the provisions of Section 409-3.3 may be approved by the Review Authority in accordance with Section 435 and the following:

- A. The design has been approved by the appropriate Fire Marshal;
- B. The design has been prepared, submitted and certified by a registered engineer (Oregon); and
- C. The design has been documented and references nationally accepted specifications or standards.

**409-4 General Provisions For Urban Private Streets**

- 409-4.1 A recorded document providing for the ownership, use rights, and allocation for liability for maintenance of all private streets shall be submitted to the Review Authority prior to or in conjunction with final approval.
- 409-4.2 When streets are proposed to be private, access easements shall be provided to all properties needing access to the private street.
- 409-4.3 A traffic signing plan shall be provided for proposed private streets. At a minimum, the Review Authority shall require a standard "stop sign" at the intersection of private and public streets, "No Parking" signs as applicable, and a sign stating "private street, not maintained by Washington County" at the entrance to the public street. Dead end streets shall be so signed.

- 409-4.4 Private streets which access public or County roads shall be located, designed and constructed (within the public right-of-way) in accordance with adopted standards for County roads.
- 409-4.5 Private street access to a County or public road shall be permitted only upon issuance of an access permit upon demonstration of compliance with the provisions of the County road standards, the standards of this Section and Section 501-8.5. Additional sight distance may be required where a safety hazard exists.





# NEIGHBORHOOD STREET DESIGN GUIDELINES

*An Oregon Guide  
for Reducing Street Widths*

**A Consensus Agreement  
by the Stakeholder Design Team**

**November  
2000**

**Prepared by the  
Neighborhood Streets  
Project Stakeholders**

*This guidebook is dedicated to the memory of*

**Joy Schetter**

*who passed away before she could see the remarkable success of this project.*

*Joy's leadership, hard work, calm manner, and ability to work with all of the stakeholders were key factors in that success.*



*Funding for this project was provided from two State of Oregon programs:*

the Public Policy Dispute Resolution Program  
and  
the Transportation and Growth Management  
(TGM) Program.

TGM is a joint program between the Oregon Department of Transportation and the Department of Land Conservation and Development.

The TGM Program relies on funding from the Federal Transportation Efficiency Act for the Twenty-First Century (TEA -21) and the State of Oregon.

2nd Printing - June 2001

*Includes minor clarifications to the sections on residential fire sprinklers (pages 9 and 16.)*

**JOHN A. KITZHABER, M.D.**  
GOVERNOR



February 16, 2001

To the Citizens of Oregon:

I am pleased to present to Oregon's communities a new publication called *Neighborhood Street Design Guidelines*. This handbook is a valuable tool for local governments. In workbook style, it recommends a process for development of street standards, provides important information to help communities consider and decide on the standards, and includes model designs as a starting point.

Street design, in particular street width, has been an important issue in Oregon for the past decade. Oregon's award-winning Transportation Planning Rule, adopted in 1991, requires local governments to minimize street width considering the operational needs of the streets. Also, citizens and planners in many Oregon communities, as well as towns across the country, have advocated for narrower streets as part of a larger movement to build more livable neighborhoods.

The desire to reduce the standards for street widths raises concerns about large vehicle access, especially emergency service providers who need to reach their destinations fast. The issue has resulted in heated debate in some communities and among state agencies and statewide organizations.

This document is the result of hard work and commitment of individuals who joined in a collaborative process to reconcile the multiple uses of our neighborhood streets. Many thanks to the Neighborhood Streets Project Stakeholders, Design Team members, and reviewers for the time and expertise they contributed to this effort.

A handwritten signature in black ink, appearing to read "John A. Kitzhaber".

John A. Kitzhaber, M.D.  
Governor

## PROJECT STAKEHOLDERS

### *These Guidelines have been endorsed by . . .*

- Office of the State Fire Marshal
- Oregon Fire Chiefs Assoc.
- Oregon Fire Marshal's Assoc.
- Oregon Chiefs of Police Assoc.
- Oregon Refuse and Recycling Assoc.
- Oregon Building Industry Assoc.
- Oregon Chapter of the American Planning Assoc.
- Oregon Chapter of the American Public Works Assoc.
- Assoc. of Oregon City Planning Directors
- Livable Oregon, Inc.
- 1000 Friends of Oregon
- Oregon Department of Land Conservation & Development
- Oregon Department of Transportation
  
- Metro also supports the guidelines and has adopted a specific set of guidelines for the Portland metropolitan region.

### **\* Design Team Members**

*The Design Team was responsible for the overall collaborative process with assistance from a facilitator and DLCD staff. The Design Team vested themselves with responsibility for negotiating the issues and guiding the development of this agreement.*

## **Fire/Emergency Response**

- \* Bob Garrison (Office of State Fire Marshal)
- \* Jeff Grunewald (Tualatin Valley Fire & Rescue)
- \* Burton Weast (Oregon Fire District Directors' Association)  
Gary Marshall (City of Bend Fire Marshal)  
Ken Johnson (for Michael Sherman, Oregon Fire Chiefs Association)  
Debbie Youmans (Oregon Chiefs of Police Association)

## **Service Providers**

- Ron Polvi (NW Natural)
- Kristan Mitchell (Oregon Refuse and Recycling Association)
- John Fairchild (School Board Association)

## **Developers/Consultants**

- \* Ernie Platt (Oregon Building Industry Association)
- Rod Tomcho (Tennant Developments)
- Ryan O'Brien (LDC Design Group)

## **Transportation Engineers/Planners**

- \* Jim West (Institute of Transportation Engineers: Kimley-Horn Inc.)  
Peter Fernandez (City of Salem)

## **Public Works**

- \* Byron Meadows (American Public Works Association, Oregon Chapter; Marion County Public Works Operations Supervisor)

## **Non-Profit Groups**

- \* Amber Cole Hall (Livable Oregon, Inc.)  
Lynn Petersen (1000 Friends of Oregon)

## **City Representatives**

- \* John McLaughlin (City Planning Directors' Association;  
Community Development Director, City of Ashland)  
Cameron Gloss (City of Klamath Falls)  
Jan Fritz (City Councilor of Sublimity)  
Allen Lowe (City of Eugene Planning)  
John Legros (City of Central Point Planning Commissioner)  
Bob Dean (City of Roseburg Planning Commission Chair)  
Margaret Middleton (for Randy Wooley, City of Beaverton Engineering)

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Tom Kloster (and Kim White, Metro)

## **State Government**

\* Eric Jacobson (Department of Land Conservation and Development)  
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Elaine Smith, AICP (Department of Land Conservation & Development)

## **Project Mediator/Facilitator**

Keri Green (Keri Green and Associates, Ashland, Oregon)

---

*Many thanks to the  
Neighborhood Streets Project Stakeholders,  
Design Team Members, and the  
Community of Reviewers  
for the time and expertise  
they contributed to this effort.*

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## I. Introduction

The standards for the design of local streets, in particular the width of streets, has been one of the most contentious issues in local jurisdictions in Oregon for the past decade. The disagreements have also been fought at the state level among state agencies and advisory, advocacy, and professional groups that have sought to influence decisions made at the local level. Previous efforts of these groups to provide guidance have failed because of lack of consensus.

This document is the result of the hard work of a group of diverse stakeholders that finally developed that consensus. *Neighborhood Street Design Guidelines* was developed to help local governments consider and select neighborhood street standards appropriate for their communities. As the title attests, the handbook provides guidelines and is not prescriptive. The authors hope that the consideration of the guidelines and examples will stimulate creative ideas for street designs in local communities.

This guidebook explains the issues surrounding the width of neighborhood streets with respect to livability and access for emergency and other large vehicles. It recommends a community process for developing neighborhood street width standards, a checklist of factors that should be addressed in that process, street cross-sections, and a list of resources that provide additional information. The guidelines are intended for *local* jurisdiction streets that carry limited traffic, not collectors or arterials. They are not intended, nor are they to be used on state highways.

## II. The Issues

### *Why Narrow Streets?*

Streets are key determinants of neighborhood livability. They provide access to homes and neighborhood destinations for pedestrians and a variety of vehicle types, from bicycles and passenger cars to moving vans and fire apparatus. They provide a place for human interaction: a place where children play, neighbors meet, and residents go for walks and bicycle rides. The design of residential streets, together with the amount and speed of traffic they carry, contributes significantly to a sense of community, neighborhood feeling, and perceptions of safety and comfort. The fact that these may be intangible values makes them no less real, and this is often reflected in property values.

The width of streets also affects other aspects of livability. Narrow streets are less costly to develop and maintain and they present less impervious surface, reducing runoff and water quality problems.

The topic of automobile speeds on neighborhood streets probably tops the list of issues. Where streets are wide and traffic moves fast, cities often get requests from citizens to install traffic calming devices, such as speed humps. However, these can slow response times of emergency service vehicles creating the same, or worse, emergency response concerns than narrow streets.

Oregon's Land Conservation and Development Commission recognized the values associated with narrow street widths when it adopted the Transportation Planning Rule. The rule requires local governments to establish standards for local streets and accessways that minimize pavement width and right-of-way. The rule requires that the standards provide for the operational needs of streets, including pedestrian and bicycle circulation and emergency vehicle access.

### *Why Are Emergency Service Providers Concerned?*

Street width affects the ability of emergency service vehicles to quickly reach a fire or medical emergency. Emergency service providers and residents alike have an expectation that neighborhood streets provide adequate space for emergency vehicles to promptly reach their destination and for firefighters to efficiently set up and use their equipment.

Fire equipment is large and local fire departments do not have full discretion to simply "downsize" their vehicles. Efforts by some departments to do this have generally not been successful, since these smaller vehicles did not carry adequate supplies for many typical emergency events.

The size of fire apparatus is driven, in part, by federal Occupational Health and Safety Administration (OSHA) requirements and local service needs. The regulations require that fire trucks carry considerable equipment and that firefighters ride completely enclosed in the vehicle. In addition, to save money, fire departments buy multi-purpose vehicles that can respond to an emergency like a heart attack or a traffic accident, as well as a fire. These vehicles typically provide the



first response to an emergency. An ambulance will then provide transport to a hospital, if needed. To accommodate the need to move the vehicles and access equipment on them quickly, the Uniform Fire Code calls for a 20-foot wide clear passage.

The risk of liability also raises concerns about response time and the amount of equipment carried on trucks. A successful lawsuit in West Linn, Oregon found that a response time of eight minutes was inadequate. The National Fire Protection Association, which is the national standard-setting body for the fire service, is proposing new rules that would require a maximum four-minute response time for initial crews and eight-minute response for full crews and equipment for 90% of calls. Fire departments have also been sued for not having the proper equipment at the scene of an accident. This puts pressure on departments to load all possible equipment onto a vehicle and increases the need to use large vehicles.

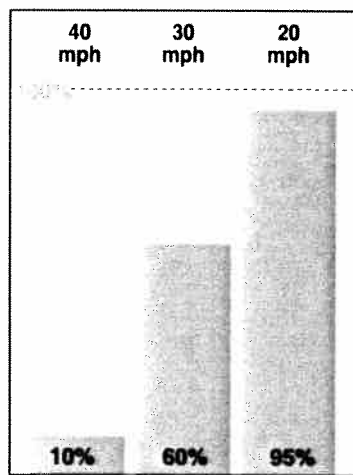
### **III. Background**

Residential streets are complex places that serve multiple and, at times, competing needs. Residents expect a place that is relatively quiet, that connects rather than divides their neighborhood, where they can walk along and cross the street relatively easily and safely, and where vehicles move slowly. Other street users, including emergency service providers, solid waste collectors, and delivery trucks, expect a place that they can safely and efficiently access and maneuver to perform their jobs. Clearly, balancing the needs of these different users is not an easy task.

Oregon's cities reflect a variety of residential street types. In many older and historic neighborhoods built between 1900 and 1940, residential streets typically vary in width in relation to the length and function of the street. In many cases, a typical residential street may be 24 feet to 28 feet in width with parking on both sides. However, it is not uncommon to find streets ranging from 20 feet to 32 feet in width within the same neighborhood. Newer subdivisions and neighborhood streets built since 1950 tend to reflect a more uniform design, with residential streets typically 32 feet to 36 feet in width with parking on both sides and little or no variation within a neighborhood.

**Designs For Livability.** Over the last decade, citizens, planners, and public officials throughout the United States have expressed increased interest in development of compact, pedestrian-friendly neighborhoods. The design of neighborhood streets is a key component in this effort. Nationally, the appropriate width and design of neighborhood streets has been the subject of numerous books and articles targeted not just to the planning and development community, but also the general population. In May 1995, *Newsweek* magazine featured an article on neotraditional planning that listed reducing the width of neighborhood streets as one of the "top 15 ways to fix the suburbs." In addition, developments such as Kentlands in Maryland and Celebration in Florida have gained fame by incorporating many of the features of traditional, walkable neighborhoods and towns, including narrow neighborhood streets.

**Chances of a Pedestrian Surviving a Traffic Collision**



**Survival Rates**  
 Graphic adapted from "Best Management Practices," Reid Ewing, 1996; data from "Traffic Management and Road Safety," Durkin & Pheby, 1992.

**Safe and Livable.** There is growing appreciation for the relationship between street width, vehicle speed, the number of crashes, and resulting fatalities. Deaths and injuries to pedestrians increase significantly as the speed of motor vehicles goes up. In 1999, planner Peter Swift studied approximately 20,000 police accident reports in Longmont, Colorado to determine which of 13 physical characteristics at each accident location (e.g., width, curvature, sidewalk type, etc.) accounts for the crash. The results are not entirely surprising: the highest correlation was between collisions and the width of the street. A typical 36-foot wide residential street has 1.21 collisions/mile/year as opposed to 0.32 for a 24 foot wide street. The safest streets were narrow, slow, 24-foot wide streets.

**Award-Winning Neighborhoods.** In Oregon, citizens, non-profit organizations, transportation advocates, and state agencies interested in the livability of our communities have advocated reducing the width of neighborhood streets. Several new developments that include narrow neighborhood streets such as Fairview Village in Fairview, West Bend Village in Bend, and Orenco Station in Hillsboro have received *Governor's Livability Awards* (See Appendix A for contact

information). Although cited as models of livable communities, the narrow street widths included in these developments are not allowed in many of Oregon's cities, often because of concerns about emergency service access.

**Emergency Response.** The movement to reduce street standard widths raised concerns with emergency service providers. Thus, the most controversial issue facing Oregon's fire departments in the past decade has been street width. Fire departments must move large trucks, on average, 10 feet wide mirror-to-mirror.

Response times can be slowed depending upon the amount of on-street parking and traffic encountered. Narrow streets lined with parked cars may not provide adequate space for firefighters to access and use their equipment once they have reached the scene of an emergency. In addition, emergency vehicle access can be completely blocked on streets that provide less than 10 feet of clear travel width.

**Authority to Establish Standards.** Prior to 1997, there had been some confusion over who had the authority to establish street standards. Oregon's land use laws grant local governments the authority to establish local subdivision standards, which include street widths (ORS 92.044). However, the *Uniform Fire Code*, which was adopted by the State Fire Marshal and is used by many local governments to establish standards for the prevention of and protection from fires, includes standards which affect the width and design of streets. The *Uniform Fire Code* is published by the Western Fire Chiefs and the International Congress of Building Officials as partners.

This question of authority was clarified in 1997 when ORS 92.044 was amended to state that standards for the width of streets established by local governments shall *"supersede and prevail over any specifications and standards for roads and streets set forth in a uniform fire code adopted by the State Fire Marshal, a municipal fire department or a county firefighting agency."* ORS 92.044 was also amended to establish a consultation requirement for the local governments to *"consider the needs of the fire department or fire-fighting agency when adopting the final specifications and standards."*

#### IV. Collaborative Process

This project was undertaken to:

*“Develop consensus and endorsement by stakeholders on a set of flexible guidelines for neighborhood street designs for new developments that result in reduced street widths.”*

The collaborative process relied on two groups of stakeholders. A larger group was comprised of a broad cross-section of interest groups and numbered about thirty people from around the state. A core team of nine members, a subset of the larger group, was convened to guide the collaborative problem-solving process, working in conjunction with the consultant and staff. This “Design Team” consisted of representatives from these groups: special districts, fire service, state fire marshal, non-profit advocacy, traffic engineering, builder/developer, city planner, public works, and a representative from the Department of Land Conservation and Development.

The Design Team’s responsibilities were to recommend participants for the larger collaborative working group, determine the priority interests, recommend a statewide endorsement and implementation process, and provide input on technical presentations required. At the Design Team’s first meeting, they decided to assign themselves the task of creating the draft street design guidelines. They would take their products to the larger group for input, recommendations, and eventual endorsement. Consensus would be sought within the Design Team before going to the large group. Likewise, consensus at the large group would be fundamental to achieving the project’s goals.

The large group was instrumental in providing actual scenarios of community experiences to the Design Team. They also helped enlarge the scope of affected parties and corresponding issues by including other service providers that use large vehicles, such as school busses and solid waste haulers. Members of the large group provided valuable reference materials to the Design Team. They provided substance that had been over-looked on more than one occasion. Large group members were pleased to know that a core team of well-respected stakeholders was representing their interests. The Design Team engaged the large group at significant junctures in its work.

**V. A Community Process for Adopting Standards**

Unique issues will arise in each community, whether related to hills, higher density neighborhoods, or existing street patterns. Close collaboration with fire and emergency service providers, public works agencies, refuse haulers, and other neighborhood street users must be maintained throughout the process. This will ensure that the standards developed to meet the general goals of the community will also meet the specific needs of different stakeholder groups.

*Through broad-based involvement, educational efforts, and sensitive interaction with stakeholders, a community can adopt new street standards that will meet the transportation needs of the citizens, while providing and encouraging a very livable residential environment.*

The following steps reflect a realistic process development and local government adoption of standards for narrow neighborhood streets.

- Steps for Local Government Consideration and Adoption of Neighborhood Street Standards**
1. Determine stakeholders
  2. Inform/Educate: What is the value of narrow residential street standards?
  3. Ensure dialogue among stakeholders
  4. Identify specific issues, such as seasonal needs and natural features
  5. Prepare draft standards
  6. Review draft with stakeholders/officials /public
  7. Revise, conduct public review, and adopt standards
  8. Implement and ensure periodic evaluation

**Determine stakeholders.** There are many benefits to a community adopting narrow street standards. Many stakeholders share an interest in residential transportation issues. These stakeholders must be included from the outset of any new street standard adoption process.

**Inform and Educate.** A community or jurisdiction considering the adoption of narrow residential street standards must conduct an open and information-intensive process. Narrow streets have many advantages for a community, including slower traffic speeds and increased neighborhood livability. But there are some access trade-offs. A strong educational component involving city council members, planning commissioners, community groups, developers and emergency service providers must be conducted at the beginning of the process. Agreement about the value of narrow streets, i.e., slow speeds, safer pedestrian environments, and more livable neighborhoods must be understood and agreed to prior to beginning to develop specific standards. There are many educational resources available including printed materials, videos, and professional speakers willing to share their experience.

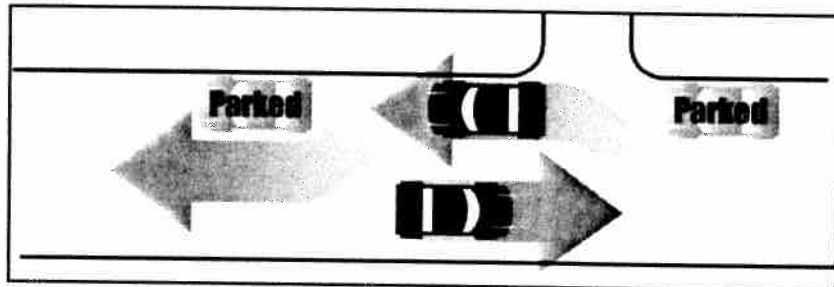
**Develop standards that reflect local concerns.** Once a jurisdiction has determined that more narrow street standards will be beneficial, the development of specific standards, unique to the community where they will be implemented, is the next step. Many cities and counties have adopted narrow street standards, and their efforts can provide a model for the initial drafts. Review and input from stakeholders, the public, and community officials will help identify local issues and provide the opportunity to tailor standards to local needs.

**VI. Checklist for Neighborhood Streets**

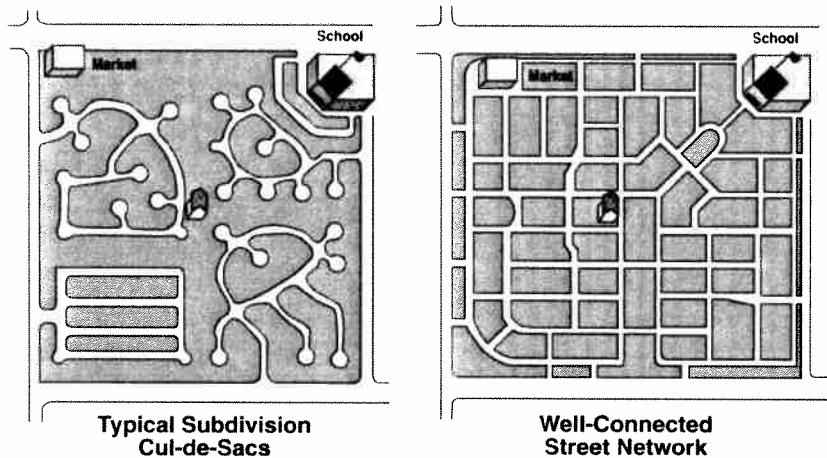
*Key Factors*

The checklist is based on five key factors listed below:

✓ **Queuing.** Designing streets so that moving cars must occasionally yield between parked cars before moving forward, as shown below, permits development of narrow streets, encourages vehicles to move slower, and allows for periodic areas where a 20-foot wide clear area is available for parking of fire apparatus.



- ✓ **Connected Street Networks.** Connected street networks provide multiple ways for emergency response vehicles to access a particular location and multiple evacuation routes. In addition, a connected street system encourages slow, cautious driving since drivers encounter cross traffic at frequent intervals.



- ✓ **Adequate Parking.** When parking opportunities are inadequate, people are more likely to park illegally in locations that may block access by emergency service vehicles. Communities need to review their parking standards when they consider adopting narrow street standards to make sure that adequate on-street and off-street parking opportunities will be available.
- ✓ **Parking Enforcement.** The guidelines are dependent on strict enforcement of parking restrictions. Communities must assure an on-going commitment to timely and effective parking enforcement by an appropriate agency. In the absence of such a commitment, these narrow street standards should not be adopted.
- ✓ **Sprinklers Not Required.** The checklist and model cross-sections provided in this guidebook do not depend upon having fire sprinklers installed in residences. More flexibility in street design may be possible when sprinklers are provided. However, narrow streets still need to accommodate fire apparatus that respond to non-fire, medical emergencies. Other types of vehicles (such as moving vans, public works machinery, and garbage/recycling trucks) also need to be able to serve the neighborhood.

*The Checklist*



Community stakeholder groups should systematically proceed through the checklist below as part of their decision making process. Also, your community may wish to add to this checklist. The format of the checklist includes room for comments: encourage stakeholders to make notes regarding their concerns and record decisions about how the items in the checklist have been addressed.

The factors are interrelated and are best considered together. The items are grouped by category in a logical order, but are not weighted.

<b>Community Process/Decision-Making</b>		<i>Notes</i>
<input type="checkbox"/>	<p><b>Good City Department Working Relations</b></p> <p>Develop good, close working relationships between the fire/emergency response professionals, public works, building officials, land use and transportation planners, engineers, and other large vehicle operators. The goal is to achieve trusting working relationships that lead to effective accommodation of each other's needs related to agreements about neighborhood street standards.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Consistency of Ordinances</b></p> <p>Review all applicable codes and ordinances and make them consistent with the narrow neighborhood street standards you are adopting. Consider performance-based codes and ordinances to address the larger development issues, of which street design is just one part. Amend ordinances only when you have the concurrence of emergency and large service vehicle providers.</p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Uniformly Allowed</b></p> <p>Uniformly allow narrow neighborhood streets by code and ordinance rather than requiring a special process, such as a variance or planned unit development. Or consider a modification process similar to the City of Beaverton's that uses a multi-disciplinary committee review and approval process during the development review process. <i>See Appendix A for more info.</i></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Community Process</b></p> <p>Determine what your community process will be for developing and adopting neighborhood street standards including following legal requirements, gaining political support, and encouraging public education and involvement. Teamwork and involvement of all large vehicle service providers is a critical component for success. Consider the potential benefits of narrow streets, such as slower traffic, less stormwater runoff, and lower costs. Look for ways to minimize the risk that fire apparatus will not be able to quickly access an emergency and minimize possible inconvenience for other large vehicles. <i>For more information see Chapter V, "A Community Process for Adopting Standards."</i></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>



## Users of the Street

Notes

### Use of Street

Recognize the needs of all of the "everyday" users of the street, including autos, pedestrians, and bicycles. Street standards typically provide for easy maneuverability by autos. It is very important that neighborhood streets also provide a comfortable and safe environment for pedestrians. Consideration should be given to pedestrians both moving along and crossing the street.

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### Fire/Emergency Response and Large Service Vehicle Access

Provide access to the street for Fire/Emergency Response and large service vehicles to meet their main objectives. Consider the maneuvering needs of all large vehicles such as fire/emergency response, refuse/recycling trucks, school buses, city buses, delivery vehicles, and moving trucks. Fire trucks are generally 10-feet wide from mirror to mirror and room adjacent to a truck is necessary to access equipment from the truck. Recognize that for some service providers, the federal government has requirements that affect vehicle size such as fire trucks, school buses, and ambulances.

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### Utility Access

Provide utility access locations regardless of whether utilities are in the street, the right-of-way adjacent to the street, utility easements, or some combination thereof. Consider utility maintenance requirements.

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## Street Design

### Traffic Volume and Type

Relate street design to the traffic that will actually use the street and the expected demand for on-street parking. Generally, on streets that carry less than 1,000 vehicles per day, a clear lane width of 12 to 14 feet is adequate for two-way traffic, if there are frequent pull-outs to allow vehicles to pass. Where there is on-street parking, driveways typically provide gaps in parking adequate to serve as pull-outs. If there is a high percentage of trucks or buses, wider streets or longer pull-outs may be needed. For street design, consider both the current traffic volume and the projected long-term traffic volume.

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### Provision for Parking

Make sure that adequate parking is provided so that on-street parking is not the typical primary source of parking. The objective is to have space between parked cars so that there are queuing opportunities. Also, parking near intersections on narrow streets should not be permitted because it can interfere with the turning movements of large vehicles (*see illustration at the end of the checklist*). This can be accomplished by a lack of demand for on-street parking or by design. The design option requires place-

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ment of no-parking locations (i.e., driveways, fire hydrants, mailboxes) at appropriate intervals to provide the needed gaps.

Notes

**Parking (con't)**

When determining the number of parking spaces required, consider adjoining land uses and the availability of off-street parking. Parking demand is likely to be less where an adjoining land use is one that will create little or no parking demand (e.g., wetlands, parks, floodplains) or if adjoining development will provide off-street parking adequate for residents and guests. On-street parking demand may be affected by recreational vehicle/equipment if parking of such equipment is allowed. Parking availability will be affected by whether a neighborhood has alleys, if parking is allowed in the alley, or if visitor parking bays are provided in the area.

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**Self-Enforcing Design....perceptions count!**

The design of the street should encourage the desired speed, traffic flow, parking, and use of the street. When this is the case, a design is said to be self-enforcing. This means that a driver would discern an implied prohibition against parking by the visual appearance of the street. A self-enforcing design intended to reduce speed might, for example, use trees in parkrows or strategically placed curb extensions.

- Unless traffic volumes are very low, 21 to 22-foot streets with parking on one side can be problematic for large vehicles.
- 21 to 24-foot streets with no on-street parking should not be considered because they invite parking violations.
- 26 and 27-foot streets where parking is permitted on one side can result in chronic violations because the street will look wide enough for parking on both sides.

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**Parking Enforcement**

With adequate parking and proper street design, enforcement should not be a problem. Where parking is prohibited, provide signs that clearly indicate this, even on streets with a self-enforcing design. Enforcement is essential and can be done in a variety of ways. Consider tow zones or using volunteers to write parking tickets. (The City of Hillsboro allows both police and fire personnel to write traffic tickets.)

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**Public and Private Streets**

Build public and private streets to the same standard. The need for access by emergency and other large vehicles is the same on private streets as for public. (In addition, private streets not built to the same construction standards may end up being a maintenance problem later if the local jurisdiction is forced to assume maintenance because homeowners do not fulfill their responsibilities.)

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**Hierarchy of Residential Streets**

Provide a hierarchy of neighborhood streets by function including a range of streets such as residential boulevard, residential collectors with parking on one or both sides, local residential streets with parking on one or both sides, access lanes, and alleys.

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**Connected Street System**

Provide a connected street system with relatively short blocks. Blocks should be no longer than 600 feet. (Make sure also that each phase of a subdivision provides connectivity). This provides at least two means of access to a residence. Also, frequent intersections encourage slow, cautious driving since drivers encounter cross-traffic at regular intervals. In case of the need to evacuate a neighborhood, a grid system of interconnected streets will provide many routes that help residents leave the area safely.

Include alleys where appropriate. Alleys can provide access to the rear of homes, and an evacuation route. Require and protect street stub-outs and discourage road closures to ensure future street connections. Cul-de-sacs should be avoided both from a connectivity and public safety point-of-view. If a cul-de-sac is used and it is longer than 150 feet, it may need to be wider in order to assure there is adequate space for access and maneuverability of large vehicles, including fire apparatus.

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**Right-of-way**

Address not only pavement width, but what happens from the curb to the property line and utility easements. Consider what will happen to the extra land that is no longer needed for the street or right of way; should it go to extra residential lots, neighborhood amenities or both? Consider balancing extra land required for the right-of-way from the developer (for park rows, for example) with a reduction of other requirements such as building setback, or lot size.

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**Streetscape (Landscaping and Hardscape)**

Design the street to be a neighborhood amenity that will increase livability. Landscaping with trees and parkrows considerably improves the appearance of a street and the comfort of pedestrians. (Make sure that tree species and location do not interfere with large vehicle access). Sidewalks/trails, curb extensions, textured crosswalks, some traffic calming features, and the preservation of natural features can reinforce optimal function of the narrow neighborhood street. Consider that curb design and the amount of impervious surface affect water quality and infiltration rates for the surrounding area. The *street cross-section designs provided* are intended to function with or without raised curbs, given an appropriate, compatible drainage system or adequate infiltration.

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**Block Length**

Design block length to enhance street connectivity. Block lengths should generally not exceed 600 feet. As block lengths increase from 300 feet, attention to street width and other design features becomes more important. This is because fire apparatus preconnected hoses are 150 feet in length. With a connected street system and 300-foot block lengths, the fire apparatus can be parked at the end of the block where a fire is located and the hose can reach the fire.

Coordinate block length requirements with spacing requirements for connection to arterial streets. Preserve integrity, capacity, and function of the neighborhood's surrounding arterials and collectors by adhering to access management standards.

*Notes*


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**Local Issues****Evacuation Routes for Wildfire Hazard and Tsunami Zones**

Designated wildfire hazard or tsunami zones may need wider streets to provide for designated evacuation routes, including 20 feet of clear and unobstructed width. Different communities may have different street standards depending on whether a neighborhood is located in one of these zones or is in a designated evacuation route.

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**Agricultural Equipment**

If your community is a regional agricultural center, consider adequate passage for agricultural equipment. Discourage passage on residential streets.

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**Preserving Natural Features**

If your community has sensitive natural features, such as steep slopes, waterways, or wetlands, locate streets in a manner that preserves them to the greatest extent feasible. Care should be taken to preserve the natural drainage features on the landscape. Street alignments should follow natural contours and features, whenever possible, so that visual and physical access to the natural feature is provided as appropriate.

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**Snow**

If snow removal and storage is an issue in your community, consider snow storage locations, and whether temporary parking restrictions for snow plowing or storage will be required. Some communities may consider providing auxiliary winter parking inside neighborhoods (though not on residential collectors). Work with your public works and engineering departments to see if any adjustments may be made in terms of operations or street design that would make narrow neighborhood streets work better for your community (wider parkrows to store snow, for instance).

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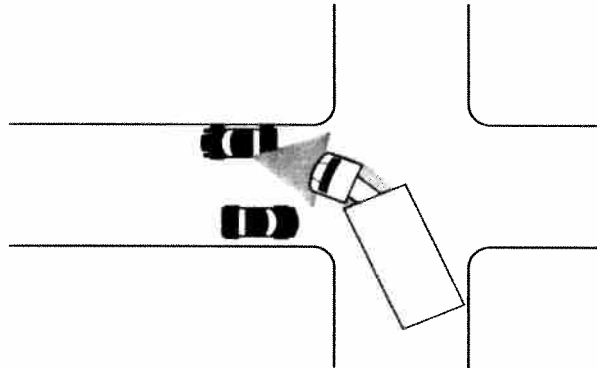
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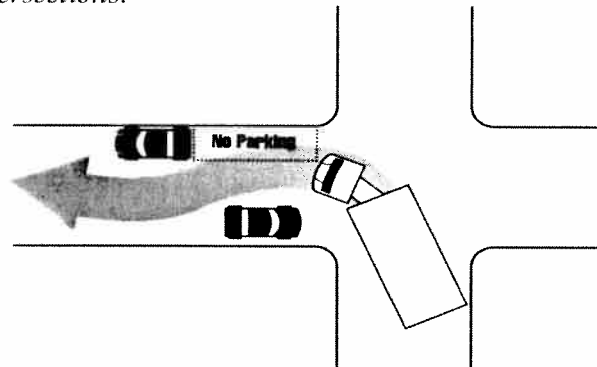
		<i>Notes</i>
<input type="checkbox"/>	<p><b>Ice</b>            If maneuvering on icy roads is an issue in your community, consider parking restrictions near street corners, auxiliary winter parking at the base of hills, wider street cross-sections on hills, or seasonal parking restrictions on hills.</p>	<hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b>Sloping or Hilly Terrain</b>            If your community has steep slopes, make special design provisions. This can be done through utility placement, connected streets, sidewalk placement, provision of one-way streets, property access, and minimizing cut and fill slopes.</p>	<hr/> <hr/> <hr/>
<input type="checkbox"/>	<p><b><i>Other Community Concerns?</i></b></p>	<hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/> <hr/>

## No Parking At Intersections

*On narrow streets, parked cars near the intersection can interfere with the turning movements of large vehicles.*



*The solution is to prohibit on-street parking within 20 - 50 feet of intersections.*



### VII. Model Cross-Sections

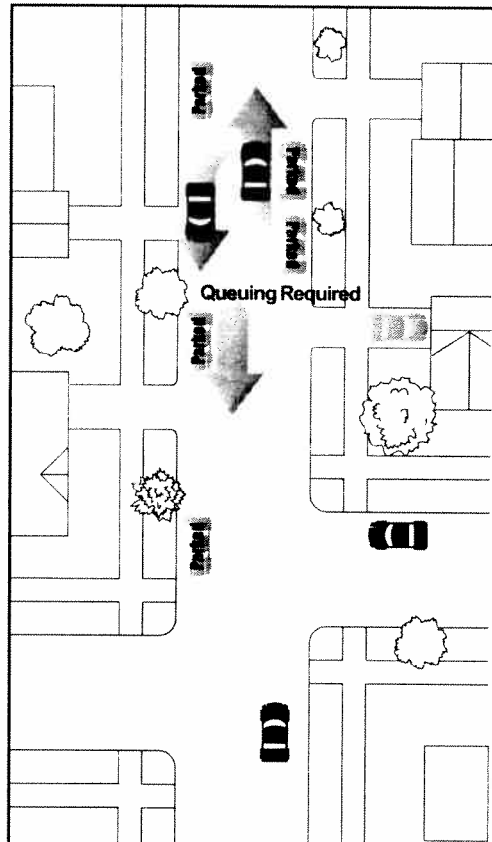
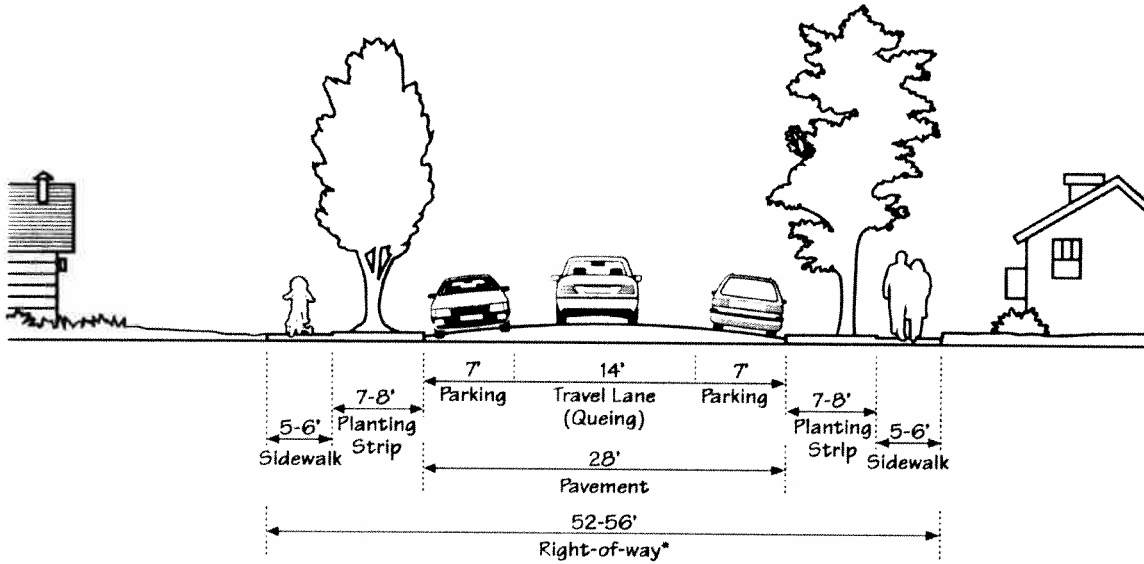
The following three scenarios are presented as “model standards.” However, *they do not represent the full range of possible solutions.* Communities are encouraged to use these as a starting point; innovative solutions can be designed for local situations. Here are a few key points to keep in mind:

- ✓ Streets **wider than 28 feet** are NOT, by definition, a “narrow street.”
- ✓ **Two-way streets under 20 feet** are NOT recommended. If, in a special circumstance, a community allows a street **less than 20 feet**, safety measures such as residential sprinklers\*, one-way street designations, and block lengths less than 300 feet may be needed.

\* Fire sprinklers in one and two family structures must be approved by the local building department in accordance with standards adopted by the Building Codes Division under ORS 455.610.

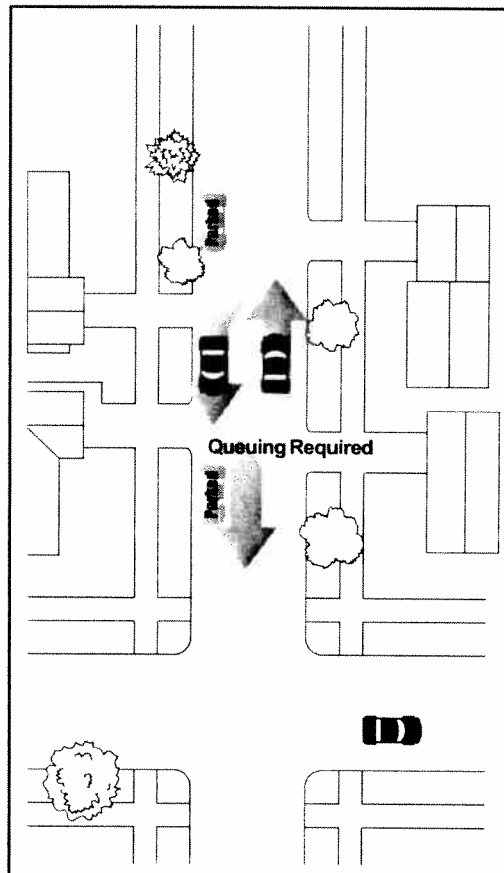
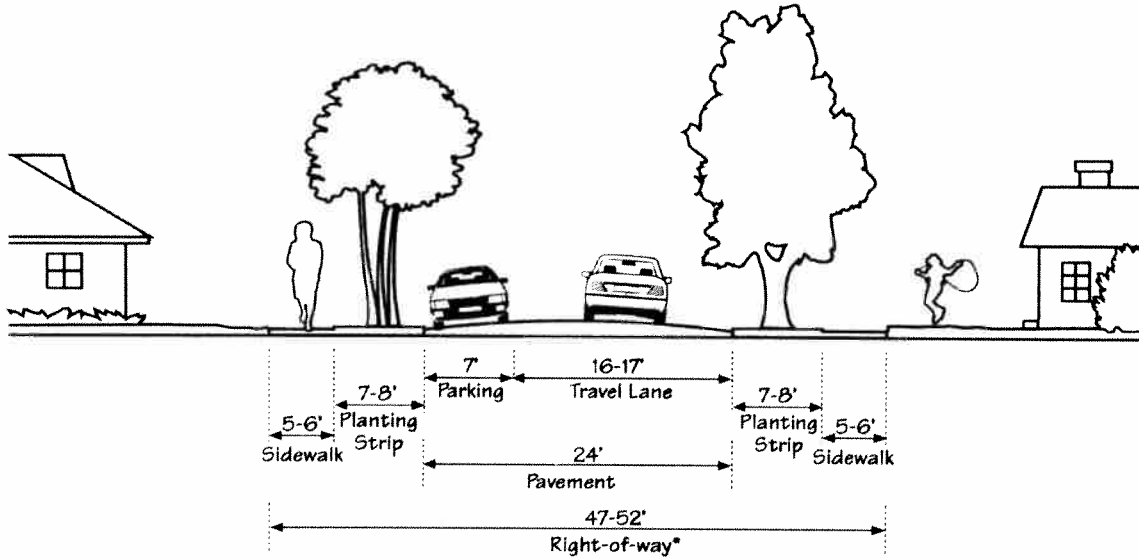
Scenario 1

# 28 Ft. Streets Parking on both sides



Scenario 2

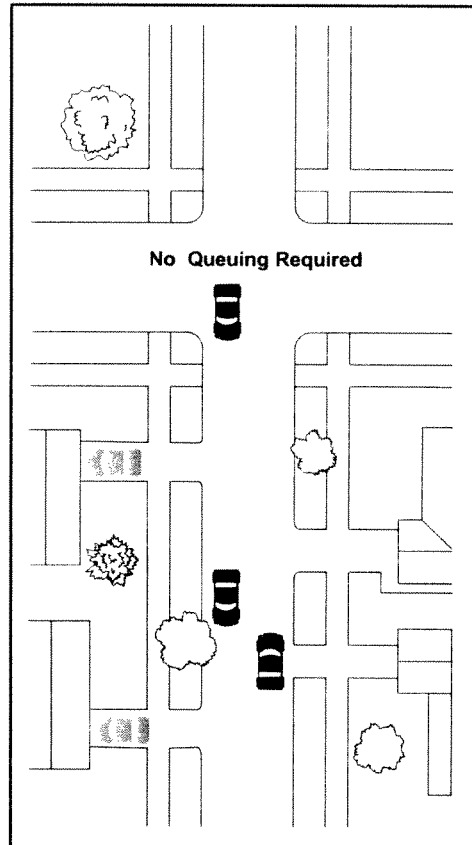
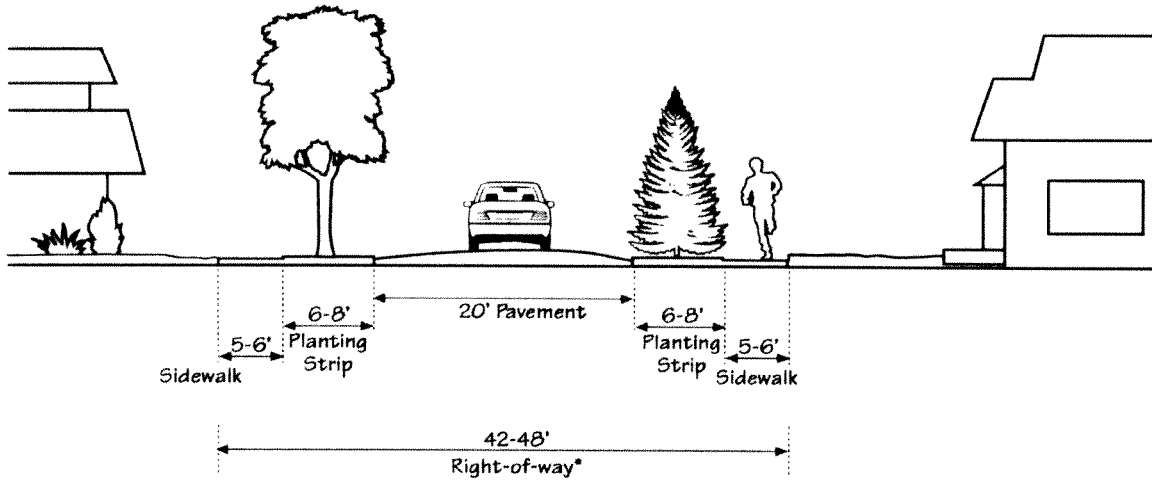
## 24 Ft. Streets Parking on one side only





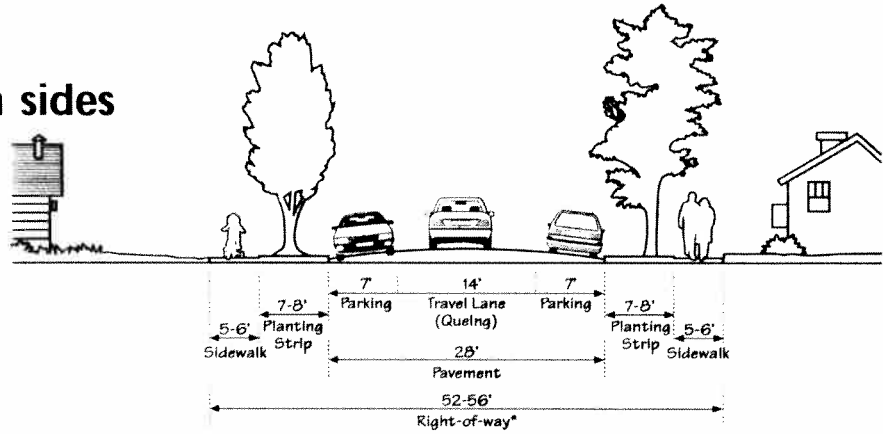
Scenario 3

**20 Ft. Streets**  
**No parking allowed**

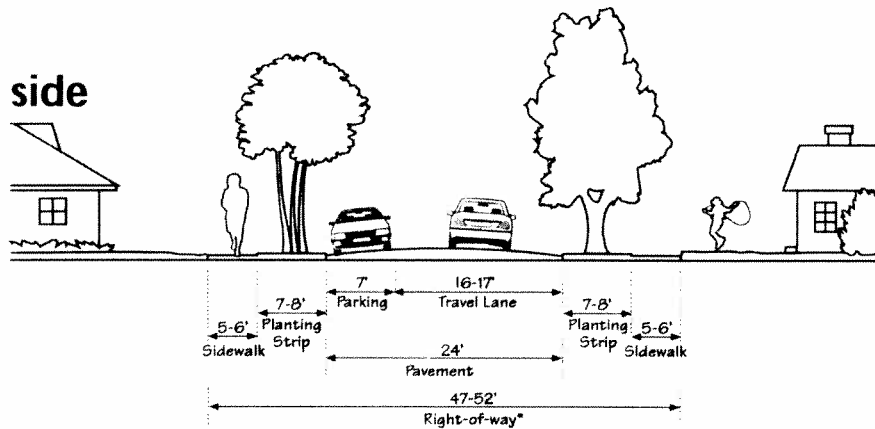


## Summary of Three Potential Scenarios

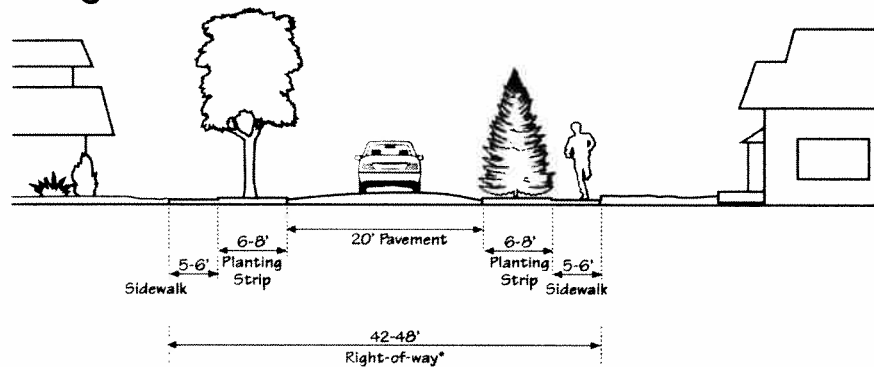
### 28 Ft Street Parking on both sides



### 24 Ft Street Parking on one side



### 20 Ft Street No on-street parking allowed



## Appendix A - References and Resources

### *Annotated References*

*AASHTO - The Policy on Geometric Design of Highways and Streets*, also known as the "*Green Book*," is published by the American Association of State Highway and Transportation Officials (AASHTO) and is considered to be the principle authority on street geometrics. Narrow streets are sometimes cited as being contrary to traffic engineering practices because they may hinder the free-flowing movement of vehicular traffic. However, the *Green Book* supports the notion of using narrow residential streets. For example, the *Green Book* states: "On residential streets in areas where the primary function is to provide land service and foster a safe and pleasant environment, at least one unobstructed moving lane must be ensured even where parking occurs on both sides. The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low in areas where single-family units prevail...In many residential areas a 26-ft.-wide roadway is typical. This curb-face-to-curb-face width provides for a 12-ft. center travel lane and two 7-ft. parking lanes. Opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass."

*Residential Streets - Residential Streets* is published jointly by the American Society of Civil Engineers, the National Association of Homebuilders, and the Urban Land Institute. This book was published to encourage a flexible approach to designing residential streets to respond to the street's function in the transportation system as well as part of the community's living environment. *Residential Streets* is a hierarchy of residential streets, including 22'-24' access streets with parking on both sides, 26' subcollector street with parking on both sides, and a 28' subcollector with parking on both sides where "on-street parking lines both sides of the street continuously."

*ITE* - The Institute of Transportation Engineers (ITE) has published several documents that refer to the recommended width of neighborhood streets. The 1993 publication *Guidelines for Residential Subdivision Street Design* states that a 28-foot curbed street with parking on both sides is an acceptable standard "based upon the assumption that the community has required adequate off-street parking at each dwelling unit." In addition, the 1994 publication *Traffic Engineering for Neo-Traditional Neighborhood Design, (NTND)*, states that the recommended width of a basic NTND residential street "may be as narrow as 28 to 30 feet."

*Street Design Guidelines for Healthy Neighborhoods* - Published by the Local Government Commission's Center for Livable Communities, *Street Design Guidelines for Healthy Neighborhoods* was developed by a multi-disciplinary team based upon field visits to over 80 traditional and 16 neo-traditional neighborhoods. When combined with other features of traditional neighborhoods, the guidelines recommend neighborhood streets ranging from 16-26 feet in width. The team found 26-foot-wide roadways to be the most desirable, but also "measured numerous 24-foot and even 22-foot wide roadways, which had parking on both sides of the street and allowed delivery, sanitation and fire trucks to pass through unobstructed."

## *Oregon Resources*

*Fairview Village.* Holt & Haugh, Inc., phone: 503-222-5522, fax: 503-222-6649, [www.fairviewvillage.com](http://www.fairviewvillage.com)

*West Bend Village.* Tennant Developments, 516 SW 13<sup>th</sup> St., Suite A, Bend, Oregon 97702, phone: 541-388-0086

*Orenco Station.* Mike Mehaffy, Pac Trust, 15350 SW Sequoia Pkwy, Suite 300, Portland, Oregon 97224, 503-624-6300, [www.orencostation.com](http://www.orencostation.com)

*Street Standard Modification Process.* The City of Beaverton has a modification process similar to an administrative variance procedure. If you would like information on this process contact: Margaret Middleton, City of Beaverton, Engineering Department, P.O. Box 4755, Beaverton, Oregon 97076-4755, 503-526-2424, [mmiddleton@ci.beaverton.or.us](mailto:mmiddleton@ci.beaverton.or.us)

## *Additional References*

*Street Design Guidelines for Healthy Neighborhoods.* Dan Burden with Michael Wallwork, P.E., Ken Sides, P.E., and Harrison Bright Rue for Local Government Commission Center for Livable Communities, 1999.

*A Policy on Geometric Design of Highways and Streets.* American Association of State Highway and Transportation Officials (ASSHTO), 1994.

*Guidelines for Residential Subdivision Street Design.* Institute of Transportation Engineers (ITE), 1993.

*Traffic Engineering for Neo-Traditional Neighborhood Design.* Institute of Transportation Engineers (ITE), 1994.

*Residential Streets.* American Society of Civil Engineers (ASCE), National Association of Home Builders (NAHB), Urban Land Institute (ULI), 1990.

*A Handbook for Planning and Designing Streets.* City of Ashland, 1999.

*Eugene Local Street Plan.* City of Eugene, 1996.

*Skinny Streets, Better Streets for Livable Communities.* Livable Oregon, Inc. and the Transportation and Growth Management Program, 1996.

*The Technique of Town Planning, Operating System of the New Urbanism.* Duany Plater-Zyberk & Company, 1997.

*Narrow Streets Database.* A Congress for the New Urbanism. Alan B. Cohen AIA, CNU, Updated 1998.

*Washington County Local Street Standards.* Revision Project No. 2455. McKeever/Morris, Inc., Kittleson & Associates, Inc. and Kurahashi & Associates, Inc., 1995.

*Washington County Uniform Road Improvement Design Standards.* Washington County Department of Land Use and Transportation, 1998.

*Livable Neighborhoods Community Design Code.* A Western Australian Government Sustainable Cities Initiative. Ministry for Planning.

*Woonerf.* Royal Dutch Touring Club, 1980.

*Creating Livable Streets: Street Design Guidelines for 2040.* Prepared by Fehr & Peers Associates, Inc. Calthorpe Associates, Kurahashi & Associates, Julia Lundy & Associates for Metro, 1997.

*Model Development Code & User's Guide for Small Cities.* Transportation and Growth Management Program by Otak, 1999.

*APA Recommendations for Pedestrians, Bicycle and Transit Friendly Development Ordinances.* TPR Working Group Oregon Chapter APA, 1993.

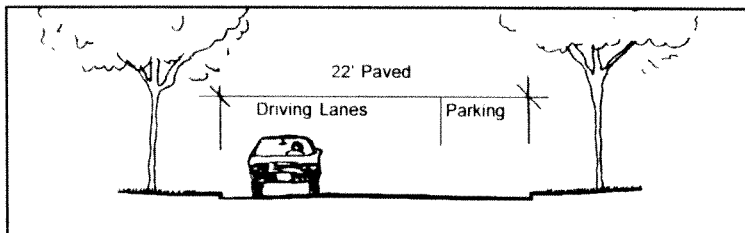
*Residential Street Typology and Injury Accident Frequency.* Swift & Associates, Longmont, CO, Peter Swift, Swift and Associates, Longmont, CO., 1998.

**Appendix B**  
**Oregon Community Street Widths**

City/County	No Parking	Parking One Side	Parking Both Sides	Contact Information
Ashland		22'	25'-28'	Maria Harris, Associate Planner, 541-552-2045
Albany		28'		Rich Catlin, Senior Planner, Albany Community Development, 541-917-7564
Beaverton	20'	25.5' "infill option," with rolled curb on other	28'	Margaret Middleton, Engineering Department, 503-526-2424
Brookings			30'	John Bischoff, Planning Director, 541-469-2163,x237
Clackamas County			28'	Joe Marek, County Engineer, 503-650-3452
Coburg			28'	Harriet Wagner, City Planner, 541-682-7858
Corvallis			28'	Kelly Schlesener, Planning Manager - Community Development, 541-766-6908
Eugene		24'	28'	Allen Lowe, Eugene Planning, 541-682-5113
Forest Grove			26'	Jon Holan, Community Dev. Director, 503-992-3224
Gresham			26'	Brian Shetterly, Long Range Planner, 503-618-2529; Ronald Papsdorf, Lead Transportation Planner, 503-618-2806
Happy Valley			26'	Jim Crumley, Planning Director, 503-760-3325
Lincoln City			28'	Richard Townsend, Planning Director 541-996-2153
McMinnville			26'	Doug Montgomery, Planning Director, 503-434-7311
Milton-Freewater		28'		Gina Hartzheim, City Planner, 503-938-5531
Portland		20'	26'	Steve Dotterer, Portland Department of Transportation, 503-823-7731
Redmond			28'	Bob Quitmeier, Community Development Director, 541-923-7716
Seaside		20'	26'	Kevin Cupples, Planning Director, 503-738-7100
Sherwood			28'	John Morgan, City Manager, 503-625-5522
Washington County		24'	28'	Tom Tushner, Principal Engineer, 503-846-7920
Wilsonville		28'		Stephan Lashbrook, Planning Director, 503-682-1011.

Source: February 2000, Livable Oregon, Inc.

# Street Design



## Description

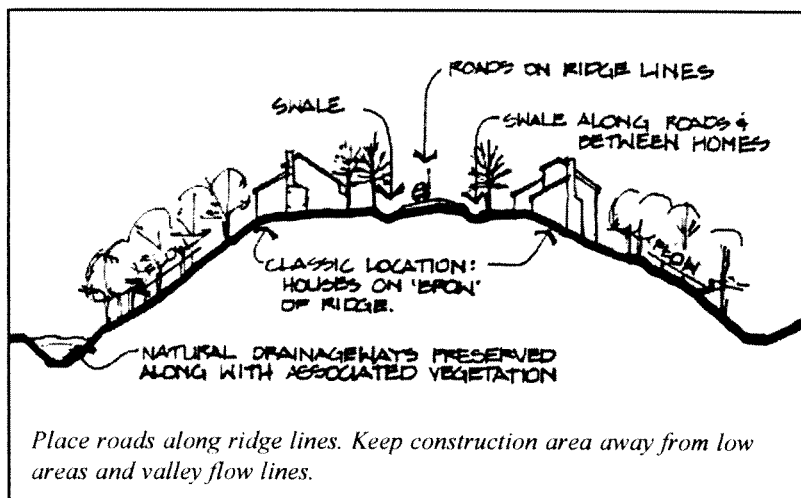
Street design offers numerous opportunities to reduce impervious surfaces and thus decrease runoff and associated stormwater management requirements. Areas of opportunity include the siting of streets, street width and drainage design.

## Siting Streets

In new developments, road siting and street network layout are important considerations. To maximize stormwater filtration and infiltration, municipalities should aim to preserve natural drainage patterns whenever possible and avoid locating streets (and other impervious surfaces) in low areas or on highly permeable soils.

For example, locate roads on ridge lines, allowing water to drain naturally downhill. (See Fig. 1.) Whenever possible, choose sites with the least permeable soils for roads.

While designers must consider development character and context when designing a street system, they also should be aware that the



**Figure 1**

Source: MPCA, 2000

## Purpose

	Water Quantity
Flow attenuation	<input type="checkbox"/>
Runoff volume reduction	<input checked="" type="checkbox"/>
	Water Quality
Pollution prevention	<input type="checkbox"/>
Soil erosion	<input type="checkbox"/>
Sediment control	<input checked="" type="checkbox"/>
Nutrient loading	<input checked="" type="checkbox"/>

<input checked="" type="checkbox"/>	Primary design benefit
<input type="checkbox"/>	Secondary design benefit
<input type="checkbox"/>	Little or no design benefit

# Street Design

type of network selected affects the total amount of pavement. A typical grid system, for example, results in approximately 20,800 lineal feet of pavement, while a scheme of “loops and lollipops” (cul-de-sacs) results in 15,300 lineal feet of pavement. (See Fig. 2.)

## Design Width

Many residential streets are wider than necessary. They should be designed with the minimum pavement width that will support the area’s traffic volume; on-street parking needs; and emergency, maintenance and service vehicles.

A simple way to narrow a suburban residential street is to provide for one parking lane rather than two. In especially low traffic areas, sidewalks may be restricted to one side of street or, in certain situations, eliminated.

## Street Drainage

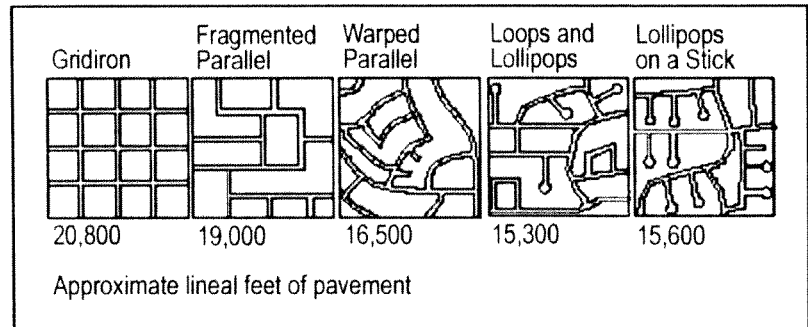
While curb-and-gutter is often considered the “standard” in road design, it tends to amplify stormwater volume and velocity while discouraging infiltration and groundwater recharge. Curbless road design, such as the so-called “rural residential section,” encourages infiltration via roadside swales. (See Fig. 3.) On low-traffic streets without curbs, grass shoulders can serve as an occasional parking lane, allowing a narrower paved area.

## Advantages

- Thoughtful siting and design of streets helps achieve stormwater control “at the source,” which means less runoff requiring management, less stormwater infrastructure, and less impact on downstream water bodies.
- Reducing paving lowers development and maintenance costs.
- Forgoing curb-and-gutter in favor of a rural residential section results in major cost savings.
- Rural-section streets can incorporate attractive “rain garden” plantings in low areas adjacent the roadway, when soils permit.
- Narrower streets tend to slow traffic and create a more pedestrian-friendly environment.
- Reducing pavement lessens the urban heat island effect—the increase in air temperature that occurs when highly developed areas are exposed to the sun.

## Limitations

- Local ordinances may preclude narrowed or curbless street design.
- Cities’ desire to design roads to accommodate future growth may impede innovations.



**Figure 2**

Source: Prince George’s County, 2000 (adapted from ULI, 1980)

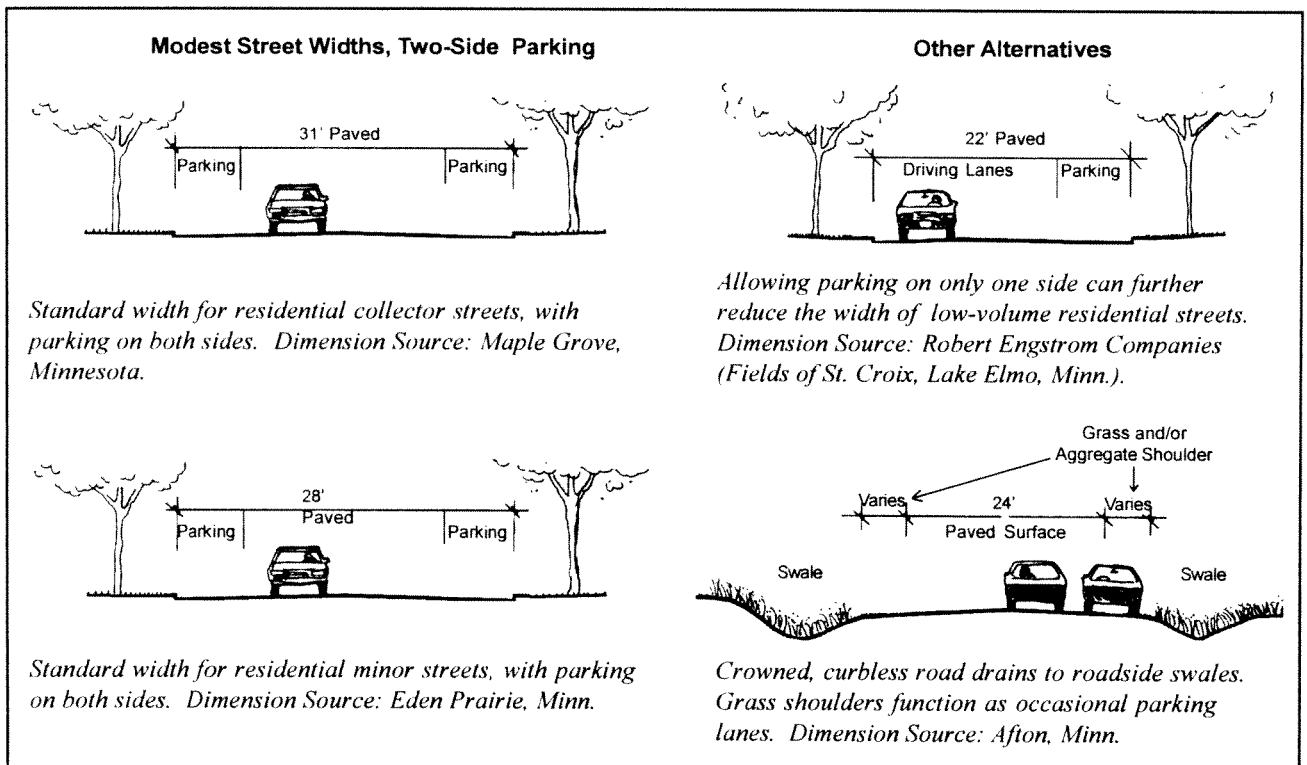


# Street Design

- Roadside swales are difficult to accommodate in single family residential developments with net densities above 8 units per acre.
- Good drainage for road subgrade must be provided when using roadside infiltration methods.
- Soil and topography may limit street siting opportunities.

## Design

- Design residential streets with the minimum pavement width necessary to support: the traffic volume; on-street parking needs; and emergency, maintenance, and service vehicles.
- Use shallow, grassed roadside swales (rural residential cross-section) instead of curb and gutter when net densities are 6 to 8 units per acre or less.
- Swales to catch road runoff should be sloped no more than 3:1 (See Lot Level Infiltration and Rain Gardens.)



**Figure 3**

Source: Valley Branch Watershed District, 2000

# Street Design

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## Design

- Limit sidewalks to one side on roads with less than 400 Average Daily Traffic (ADT) (or 200 ADT for cul-de-sacs).
- Resist designing for distant future growth.

## Construction

- Take care not to compact adjacent, permeable soils during road construction.
- Protect swales and other infiltration areas from sediment influx during construction, or remove sediment after construction is complete.
- For subgrade drainage options, see Lot Level Infiltration BMP.

## Maintenance

- Swales planted with perennials grasses and wildflowers rather than turfgrass must be weeded at least monthly during the first two to three years. After that, weeding once or twice a growing season may suffice.
- Swales will need periodic sediment removal to maintain volume and filtering ability (see Rain Garden BMP).

## Sources

1. Massachusetts Department of Environmental Protection. 1997. *Stormwater Management: Vol. 2*. Boston.
2. Minnesota Pollution Control Agency. 2000. *Protecting Water Quality in Urban Areas*. St. Paul.
3. Prince George's County Department of Environmental Resources, Programs and Planning Division. 2000. *Low-Impact Development Design Strategies*. Largo, MD.
4. Schueler, Tom. 1995. *Site Planning for Urban Stream Protection*. Center for Watershed Protection, Silver Spring, MD.
5. Valley Branch Watershed District. 2000. *Alternative Stormwater Best Management Practices Guidebook*. Lake Elmo, MN.

## Steve Olson

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**From:** David Beam  
**Sent:** Wednesday, September 09, 2009 1:31 PM  
**To:** Barton Brierley  
**Cc:** Steve Olson  
**Subject:** FW: Comments for Planning Commission Agenda File G-09-007  
**Attachments:** Newberg-Affordable4Sept09.pdf; ATT00001.txt

Barton: We sent these to the PC members via email yesterday. Should we print them it out for them as well for tomorrow's PC meeting?

David A. Beam, AICP  
City of Newberg  
Economic Development Planner  
PO Box 970  
414 E. First Street  
Newberg, OR 97132  
Phone: 503-537-1213  
Fax: 503-537-1272  
Email: [david.beam@ci.newberg.or.us](mailto:david.beam@ci.newberg.or.us)  
Web: [www.ci.newberg.or.us](http://www.ci.newberg.or.us)

-----Original Message-----

**From:** Leonard A. Rydell, PE, PLS, WRE [mailto:[larydell@teleport.com](mailto:larydell@teleport.com)]  
**Sent:** Monday, September 07, 2009 5:13 PM  
**To:** Bob Andrews; Bob Larson; Bart Rierson; [mark.shelton@ci.newberg.or.us](mailto:mark.shelton@ci.newberg.or.us); Wade Witherspoon; Denise Bacon; Stephen McKinney; [thegraphic@eaglenewspapers.com](mailto:thegraphic@eaglenewspapers.com); Allen Gary; Barton Brierley; Dan Danicic; David Beam  
**Cc:** Larry Anderson; [dew@gofreewire.com](mailto:dew@gofreewire.com); Rick & Lisa Rogers; Lawrence Fain  
**Subject:** Comments for Planning Commission Agenda File G-09-007

Barton,

Here is my input to the Planning Commission.

Please see that they get my comments in their entirety.

I feel like a broken record, but Newberg's staff and planning commission is not taking a long term view and addressing future growth or innovative development. Larry Anderson feels the same. Please in particular read my next to last paragraph in my letter.

Your changes are tied to "affordable", but don't even approach the levels of common normal practice elsewhere. It is time for the Planning Commission and Staff to rethink their approach. If you delete the affordable requirements and apply the reductions to the standards only, you will have made a baby step for change, but it is not enough.

Thanks,

Leonard

## Steve Olson

---

**From:** David Beam  
**Sent:** Thursday, September 10, 2009 8:29 AM  
**To:** Steve Olson  
**Subject:** FW: Comments for Planning Commission Agenda File G-09-007

Stever: Please forward to PC. Thanks.

David A. Beam, AICP  
City of Newberg  
Economic Development Planner  
PO Box 970  
414 E. First Street  
Newberg, OR 97132  
Phone: 503-537-1213  
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Web: [www.ci.newberg.or.us](http://www.ci.newberg.or.us)

-----Original Message-----

**From:** Larry Anderson [<mailto:andeng1@comcast.net>]  
**Sent:** Thursday, September 10, 2009 8:15 AM  
**To:** Bob Andrews; Bob Larson; Bart Rierson; [mark.shelton@ci.newberg.or.us](mailto:mark.shelton@ci.newberg.or.us); Wade Witherspoon; Denise Bacon; Stephen McKinney; [thegraphic@eaglenewspapers.com](mailto:thegraphic@eaglenewspapers.com); Allen Gary; Barton Brierley; Dan Danicic; David Beam; Leonard A. Rydell, PE, PLS, WRE  
**Cc:** [dew@gofreewire.com](mailto:dew@gofreewire.com); Rick & Lisa Rogers; Lawrence Fain  
**Subject:** Re: Comments for Planning Commission Agenda File G-09-007

Thanks Leonard but I prefer to speak for myself.

I personally think it's the lack of competition in home building that has driven Newberg prices up and quality down. It started when a national builder tied up the largest block of available land at what at the time, an exceptional price per acre. Then they proceeded to buy up all the small parcels in the area at incredibly high prices. Those small parcels became the comps for the appraisal of the large block, driving it's value up and also driving away the competing builders who could not afford to buy land at those prices.

Because there is no development competition, you all have to impose regulations to force down the price of housing down. Where there is competition, developers have to keep their quality up and prices down or they will lose sales to their competitors.

Most of the development going on in Newberg today is not being done to the current development standards. Developers will almost always work with the City to modify the standards through a PUD or a condominium or some kind of variance.

For most small landowners, this process is too complicated. There's too much upfront costs and risk and frustration and so they sell to a developer.

A landowner partnering with local contractors will develop better neighborhoods and better quality homes and put them on the market at lower prices than a production builder will. Newberg will bring back the competition when they take away the unnecessary obstacles and make it easier for small land owners to develop their own property.

Larry Anderson

----- Original Message -----

From: "Leonard A. Rydell, PE, PLS, WRE" <larydell@teleport.com>  
To: <Bob.Andrews@ci.newberg.or.us>; <bob.larson@ci.newberg.or.us>;  
<bart.rierson@ci.newberg.or.us>; <mark.shelton@ci.newberg.or.us>;  
<wade.witherspoon@ci.newberg.or.us>; <denise.bacon@ci.newberg.or.us>;  
<stephen.mckinney@ci.newberg.or.us>; <thegraphic@eaglenewspapers.com>; "Allen Gary"  
<GAllen@Eaglenewspapers.com>; <barton.brierley@ci.newberg.or.us>; "Dan Danicic"  
<dan.danicic@ci.newberg.or.us>; "David Beam" <David.Beam@ci.newberg.or.us>  
Cc: "Larry Anderson" <andengl@comcast.net>; <dew@gofreewire.com>; "Rick & Lisa Rogers"  
<rlrckrogers@comcast.net>; "Larry Fain"  
<lawrence.fain@ci.newberg.or.us>  
Sent: Monday, September 07, 2009 5:13 PM  
Subject: Comments for Planning Commission Agenda File G-09-007

> Barton,  
>  
> Here is my input to the Planning Commission.  
>  
> Please see that they get my comments in their entirety.  
>  
> I feel like a broken record, but Newberg's staff and planning  
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> not enough.  
>  
> Thanks,  
>  
> Leonard  
>

---

> Leonard A. Rydell, P.E., P.L.S., W.R.E.  
> 601 Pinehurst Drive  
> Newberg, Oregon 97132-1625

## Steve Olson

---

**From:** David Beam  
**Sent:** Thursday, September 10, 2009 1:21 PM  
**To:** Steve Olson  
**Cc:** Barton Brierley  
**Subject:** FW: Comments for Planning Commission Agenda File G-09-007

Please forward to PC via email if you think appropriate at this late date. As we discussed, would you please make copies of this for tonight's meeting. Thanks.

David A. Beam, AICP  
City of Newberg  
Economic Development Planner  
PO Box 970  
414 E. First Street  
Newberg, OR 97132  
Phone: 503-537-1213  
Fax: 503-537-1272  
Email: [david.beam@ci.newberg.or.us](mailto:david.beam@ci.newberg.or.us)  
Web: [www.ci.newberg.or.us](http://www.ci.newberg.or.us)

---

**From:** Leonard A. Rydell, PE, PLS, WRE [mailto:larydell@teleport.com]  
**Sent:** Thursday, September 10, 2009 12:35 PM  
**To:** Larry Anderson; Bob Andrews; Bob Larson; Bart Rierson; mark.shelton@ci.newberg.or.us; Wade Witherspoon; Denise Bacon; Stephen McKinney; thegraphic@eaglenewspapers.com; Allen Gary; Barton Brierley; Dan Danicic; David Beam  
**Cc:** dew@gofreewire.com; Rick & Lisa Rogers; Lawrence Fain  
**Subject:** Re: Comments for Planning Commission Agenda File G-09-007

Larry,

Thanks for taking the time to read my comments. I hope that by mentioning you that I did not offend you. If so, I apologize.

My reference to you was regarding your comments on Clifford Court where the wide street is inappropriate. I thought that your presentation was well done. I also appreciated your comments to me that we need more design flexibility in developing projects, particularly with in fill. I totally agreed with your comments as they were consistent with mine.

I am unsure of what your message below is stating, are you advocating more regulations to force the cost of housing down or less obstacles for smaller developers to develop their property?

I think that we both agree that our regulations stifle development options.

My biggest point is that Newberg is very unimaginative regarding long range impacts to present day policies, and that our present course prevents us from growing as a vibrant community with a strong downtown.

Thanks,

Leonard

At 08:14 AM 9/10/2009, Larry Anderson wrote:

Thanks Leonard but I prefer to speak for myself.

I personally think it's the lack of competition in home building that has driven Newberg prices up and quality down. It started when a national builder tied up the largest block of available land at what at the time, an exceptional price per acre. Then they proceeded to buy up all the small parcels in the area at incredibly high prices. Those small parcels became the comps for the appraisal of the large block, driving it's value up and also driving away the competing builders who could not afford to buy land at those prices.

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Larry Anderson

----- Original Message ----- From: "Leonard A. Rydell, PE, PLS, WRE" <larydell@teleport.com>  
To: <Bob.Andrews@ci.newberg.or.us>; <bob.larson@ci.newberg.or.us>;  
<bart.rierson@ci.newberg.or.us>; <mark.shelton@ci.newberg.or.us>;  
<wade.witherspoon@ci.newberg.or.us>; <denise.bacon@ci.newberg.or.us>;  
<stephen.mckinney@ci.newberg.or.us>; <thegraphic@eaglenewspapers.com>;

Page 71<sub>2</sub> of 122

"Allen Gary" <GAllen@Eaglenewspapers.com>;  
<barton.brierley@ci.newberg.or.us>; "Dan Danicic"  
<dan.danicic@ci.newberg.or.us>; "David Beam" <David.Beam@ci.newberg.or.us>  
Cc: "Larry Anderson" <andengl@comcast.net>; <dew@gofreewire.com>; "Rick &  
Lisa Rogers" <rlrckrogers@comcast.net>; "Larry Fain"  
<lawrence.fain@ci.newberg.or.us>  
Sent: Monday, September 07, 2009 5:13 PM  
Subject: Comments for Planning Commission Agenda File G-09-007

Barton,

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Thanks,

Leonard

---

Leonard A. Rydell, P.E., P.L.S., W.R.E.  
601 Pinehurst Drive  
Newberg, Oregon 97132-1625  
Phone: (503) 538-5700  
FAX: (503) 538-9167  
Cell: (503) 781-4138

Leonard A. Rydell, P.E., P.L.S., W.R.E.  
601 Pinehurst Drive  
Newberg, Oregon 97132-1625  
Phone: (503) 538-5700  
FAX: (503) 538-9167  
Cell: (503) 781-4138



# Attachment 1

## David Beam

**From:** Haug, Matson [matson\_haug@mentor.com]  
**Sent:** Monday, October 26, 2009 5:36 PM  
**To:** Barton Brierley  
**Cc:** Steve Olson; Jessica Nunley; Luke Pelz; David Beam  
**Subject:** FW: Parking requirements reduction for affordable housing  
**Attachments:** Parking requirements for affordable housing.doc  
to whom it may concern... passing along a comment from Roger Currier

**From:** Roger Currier [mailto:rcurrier@hevanet.com]  
**Sent:** Monday, October 26, 2009 5:29 PM  
**To:** Haug, Matson  
**Subject:** Parking requirements reduction for affordable housing

Matson,  
Could you please see that the Planning Commission gets a copy of this letter.  
Thank You  
Roger Currier  
P. O. Box 45  
503-538-9058  
Newberg, Oregon 97132  
[rcurrier@hevanet.com](mailto:rcurrier@hevanet.com)

**To the Newberg Planning Commission Members**

Re: The item of ---Reduce and providing flexibility to parking requirements for affordable housing projects on your agenda.

Please consider maintaining at least what regulations that we have concerning this item. If you will at least go out and take the time to view just three examples of the mess we have now, I believe that you will agree!

Example 1 ---- look at the street and mess just north of the train tracks on North Meridian Street across from Spalding Oaks Condos. This is an area of cars in various stages of repair or not parked all over. Several have been towed from here. I was one of the supporters of this development and wish that I had been able to see the future first!

Example 2----- Look at Ninth Street after 5 PM between River Street and College Street. This is used for parking the extra cars of the more than one tenant in the surrounding residence that are living together (multiple persons in one).

Example 3---- Check out in the evenings between Church Street and Everest rd. on East 3<sup>rd</sup> street. Another mess of overcrowded vehicles parked every where from the rental over flows.

I believe that most all of the above qualify for the “affordable” housing status designation since most are rentals and #1 being a Habitat for Humanity home area.

My point being that if you just look at this mess that we the tax payer must pay for their free parking; while we are required to meet different standards for our homes. This is wrong to make us not only let subsidize their way of life with food, housing, etc., but now we pay for streets that they use for meeting the required parking codes!

Some have already received a reduced SDC allowance that we the taxpayers must make up for now. Yes it has to come from someone else when the City reduces it! Why can't the developers take a cut in their profit margins and maybe drive older trucks instead of us the taxpayers always having to help the ones who continue to move here because we help them pay their way.

Please take the time to at least view these 3 areas. There are many more and I believe that you need only spend 30 minutes driving and looking. Please take the time before you take away the rules or even lighten them!

Thank You for taking the time to read  
Roger Currier  
Newberg

**David Beam**

---

**From:** Barton Brierley  
**Sent:** Monday, December 14, 2009 8:19 AM  
**To:** David Beam  
**Subject:** FW: Affordable Housing

Please forward to the PC and Housing Committees in their packets.

Barton Brierley, AICP  
Planning and Building Director  
City of Newberg  
P.O. Box 970, Newberg, OR 97132  
503-537-1212 Fax 503-537-1272  
barton.brierley@newbergoregon.gov

-----Original Message-----

From: Roy Gathercoal [mailto:rgathercoal@verizon.net]  
Sent: Friday, December 11, 2009 8:42 PM  
To: Barton Brierley  
Subject: Affordable Housing

Hi, Barton.

I do miss seeing you.

Thank you for sending me the meeting notice for the next stage in planning, tonight's (last night?'s) meetings about affordable housing.

I had planned on making an Herculean effort to get there, but I just can't make it up and out of the house. So I'm stuck on the sidelines.  
As you know I am extremely concerned about the effects the lack of affordable housing on our town. This is not in my role as former Habitat for Humanity person, but as citizen, husband, wife, friends and participant in our neighborhood.

I do appreciate seeing the parking space reduction being reduced as a very good thing. That will likely help a lot. My understanding (more-or-less complete before my February 2002 departure from work and nearly non-existent since then) is that this parking thing is the piece that ended up compromising our East 2nd Street project?

This was a hard blow for us. We believed that by buying medium-density property we would be able to take advantage of the economies of scale, thus reducing the cost-per-family for each home built. At six homes, the \$250,000 price for a lot works out to \$41,666; the price per/lot for a lot dividable into 4 lots would be \$62,500. There are many families currently living in rental units who could stretch a bit and save ahead a bit to afford a lot at \$41,666--once you add in permits and assessments, first year taxes and the cost of actually building the house, we are still within reach of a \$95,000 house. Once you jump to the \$62,500 lot price, however, you now are at about \$106,000. That is a big jump when you are trying to secure financing. Further, many of the add-ons will increase in price as well, for they are based at least in part on a sliding scale based on estimated final house sale price.

It might be wise to look at the issue from a different perspective. Temporarily setting aside all arguments about ethical issues, strategic use of codes to prevent integration of different Socio-economic strata into the community, and the impossible fantasy of a community of a shrinking population--to return us to a misremembered 1957,

we end up with a very straightforward problem. The number of people who work in Newberg and who cannot afford to live in Newberg is rising and the number of people who live in Newberg who work in the metro area also is increasing. Thus we have traffic problems, as well as hard situations for our local businesses, difficulties in raising funds for city, CPRD, fire, public safety and library facilities and a general apathy toward the community

which is an understandable response to a place "where my bed happens to be. . ."

This overall comment is a plea to making all the decision-making bodies aware that every policy and decision (one aspect of "policy" being "to decide in advance") that fails to narrow the gap between what people in Newberg earn and what they will have to pay for housing, must be of serious concern.

-----  
A second concern is the way that our planning goals are established. I might be entirely off, here, so I'll ask your pardon in advance. I don't have access to many of the records required to figure this out, and frankly, don't have the time, energy or inclination to invest the energy it would probably require.

I understand that the State of Oregon has a strategic plan, in which future estimated needs for industrial, residential, commercial, etc. land must be factored in and available land in each category tallied separately. Thus if our projections are for a 20% growth rate in 10 years, our plan must show that we have at least 20% more land available for new residential construction.

The two major urbanized areas in the state, Tri-met and Eugene-Springfield, exceed the cut-off size and so must submit their own plans. All geographically bound government units in the state must likewise submit their own area's information so that the State Plan may be compiled with local data.

This is one of the central pillars of Oregon's Land Use Laws in that it forces communities to look ahead and to ensure they are prepared for expected growth without making mid-stream decisions that will result in people being squeezed out. At least at the city level, a citizen can go to a map and see just where the next generation of housing will begin, and which areas will be further served by new commercial building.

Yet is it the case--as it appears to this novice--that the housing assumptions for Newberg's future growth make the assumption that R-2 lots will have two family units per 5,000 sq. ft lot. The situation with occupied houses in these large R-2 zones seems to be just one house per 5,000 sq. ft. lot.

Am I correct in this?

If so, we need to do some quick re-thinking about city zones and their power to support or to obscure our land's ability to sustain houses. I am concerned that as the ten-year period winds down, and if we are in the ballpark with estimates of population growth then we vulnerable to a systemic shock--our available zoned land will not be sufficient for our population!

The thing I find most troubling about this issue is that most people won't even know what is happening, or rather, will see the sudden influx of multi-family units and will blame the city for not preventing these from being built. Or, we will simply ignore the situation and pour thousands of people into the backyards of Yamhill, Carlton, Dayton and even Amity. Thus we end up with insufficient policy directly and negatively impacting the quality of life in our area and its environs.

-----  
The planning and permits areas conduct an informal self study to evaluate how the permit process could be restructured to make it easier for folks to build affordable housing. I do realize, of course, that building a home is a complicated thing, but if we want to provide an extra emphasis to projects with substantial affordable housing components this has got to be a piece of the picture.

The process of going through the planning and permits lines is daunting for most people; experienced builders in and from this area perhaps excluded. If affordable housing is to occur organically in our community, rather than by legislative fiat, either the planning and permitting costs need to be substantially dropped, much experienced competence in working with the City of Newberg on planning/building residential projects needs to be provided at no or low cost to parties working to build more affordable housing, or the governmental units themselves will need to step in and provide direct assistance.

The third of these three options is the most likely to have the biggest impact, although if affordable housing goals in the city are to be seriously pursued, some combination of all three will be the best course.

In communities across the nation, especially where the latest recession hit while still reeling from the recessions of the 1970s and 1980s, city governments have come to realize the tremendous cost to their city of a lack of housing for the people who live there. As a result they have consciously decided to move ahead with aggressive projects designed to turn around neighborhoods, to get people's living and working addresses closer to one another, and to ensure that disease, illness and exposure-related medical conditions do not negatively impact the community's overall health.

Some of these cities have donated land to not-for-profit groups pledged to build affordable housing for the residents or workers of that city. Some have even installed all of the hook-ups to water, electricity, telephone, sewer and storm sewer systems so that when the group assembles to start building, much of the more technically challenging and time consuming work has been completed; the builders simply need to mount their sills into the concrete slab and start hammering.

There are people, no doubt, in the community who would oppose such a plan. Yet after visiting many of these Habitat communities--long after many of the original occupants have moved on for one reason or another and the property has been sold and resold--I am convinced that a few solid "missionary plants" of working families who are already established in the neighborhood (but forced, because of cost, to commute from their apartments elsewhere to work here in Newberg) will make a lasting positive impact on the surrounding neighborhood.

It is in the interest of the City of Newberg to promote the construction of housing which is affordable for the people who work here. Large "rush hour" traffic jams expressed in intermittent clogs from Rex Hill to the Western city limits of Dundee are not healthy for the people stuck in the commute, unhealthy to our children breathing all the fumes kicked out of idling cars and trucks, and it is clearly in the interest of Newberg's citizens to be able to offer up-to-date and satisfactory fire, public safety, recreational and library services to one another. It is good for all of us to see our downtown core area flourish and our businesses able to make a go of their investments and efforts.

The chronic shortage of affordable housing makes each of these aspects of the interests of Newberg less likely.

I hope to see the day when a group of people, energetic about the future of our town, are able to do some fund raising to buy a buildable lot on which to build one or more homes. I hope they will be able to walk into the city building office and be greeted by a city employee whose job it is to shepherd the process of permitting and planning of affordable housing projects. The criteria for what constitutes "affordable housing" would be stated and public--probably based somehow on the mean income of families working in Newberg.

The idea, and justification for each of these is that there is a legitimate and actual public policy benefit for the city in specifically working to close the horrendous gap between "what people who work here can afford" and "what jobs are available to people who live here." It would be tragic if we were to end up looking like a tourist town or ski town, where the employees are transferred by bus to and from their homes--several miles away from and out of sight of those who come here to ski.

I hope you see me as an ally, Barton, if not a particularly effective ally. I will be able to help as I can, if there is some task I could complete from bed.

Thank you for your work here in our town.

Roy

PS what is the status of the big N. College accessible transportation project? Did we get funded? If not, to whom will we be applying next?  
This is a project of massive importance to Newberg. If we can provide a safe walkway from all the new building clustered around College--to schools, the Senior Center and to

downtown--people will have many more factors encouraging them to walk or bike to do a few errands rather than driving.

--

Roy Gathercoal

2504 Haworth Avenue  
Newberg, Oregon 97132  
United States of America

503.537.1162

---

avast! Antivirus: Outbound message clean.

Virus Database (VPS): 091211-0, 12/11/2009 Tested on: 12/11/2009 8:42:29 PM

**Affordable Housing Action Plan**

**Proposed Development  
Code Amendments**

**Planning Commission  
January 14, 2010**

January 14, 2010



# Affordable Housing Action Plan

## Proposed Changes

- Add a definition regarding “special needs housing”;
- Clarify that the planning process for the recommendation that accessory dwelling units be an allowed use in the R-1 and R-P zones instead of the current conditional use would be an administrative Type 1.

January 14, 2010

# Affordable Housing Action Plan

## Proposed Changes

- Allow reduction of parking requirements where an affordable housing development is near a transit stop or where the development provides its own transit; and,
- Modify current driveway standard to allow more than two lots per driveway.

January 14, 2010

**Proposed definition of “special needs housing”**

*Group housing specially designed or adapted for those with particular physical, developmental disability, or social needs.*

January 14, 2010

**Action 4.2G - Reduce and provide flexibility to parking requirements for affordable housing projects.**

*Reduce parking requirements where the development is within 1,500 feet of a transit stop or where the development provides its own transit.*

January 14, 2010

## **Suggested Development Code language**

*At the review body's discretion, affordable housing projects may reduce the required off-street parking by 10% if there is an adequate continuous pedestrian route no more than 1,500 feet in length from the development to transit service with an average of less than one hour regular service during the daytime or where the development provides its own transit. A developer may qualify for this parking reduction if improvements on a proposed pedestrian route are made by the developer, thereby rendering it an adequate continuous route.*

January 14, 2010

**Action 4.2L – Modify driveway standard to allow more than two lots per driveway**

*Advantages*

- **Driveways cheaper to build than public streets**
- **City doesn't maintain private driveways**
- **Access to "odd" lots**

*Issues*

- **Parking on driveway can impede fire access**
- **Potential for more neighbor conflicts**
- **Multiple parallel driveways**
- **Landscaping maintenance**

January 14, 2010

**Action 4.2L – Modify driveway standard to allow more than two lots per driveway**

**Proposed development code change**

- *Allow 3 to 6 lots per shared driveway*

**Proposed mitigation measures**

- *Require 1 additional parking space for a single family or a duplex on a single lot*
- *Require recorded maintenance agreement*

January 14, 2010

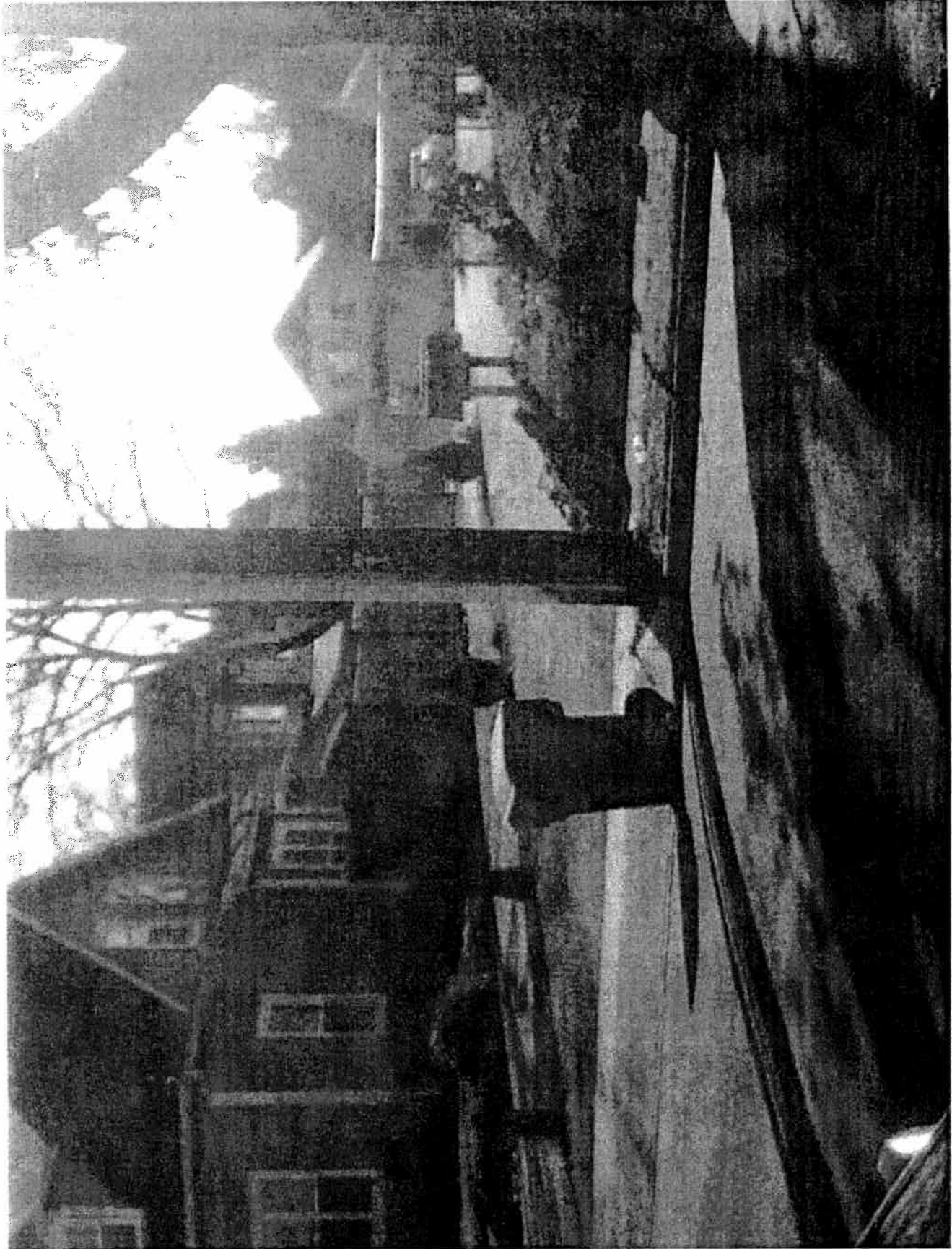
Current driveways



Illinois St.

January 14, 2010



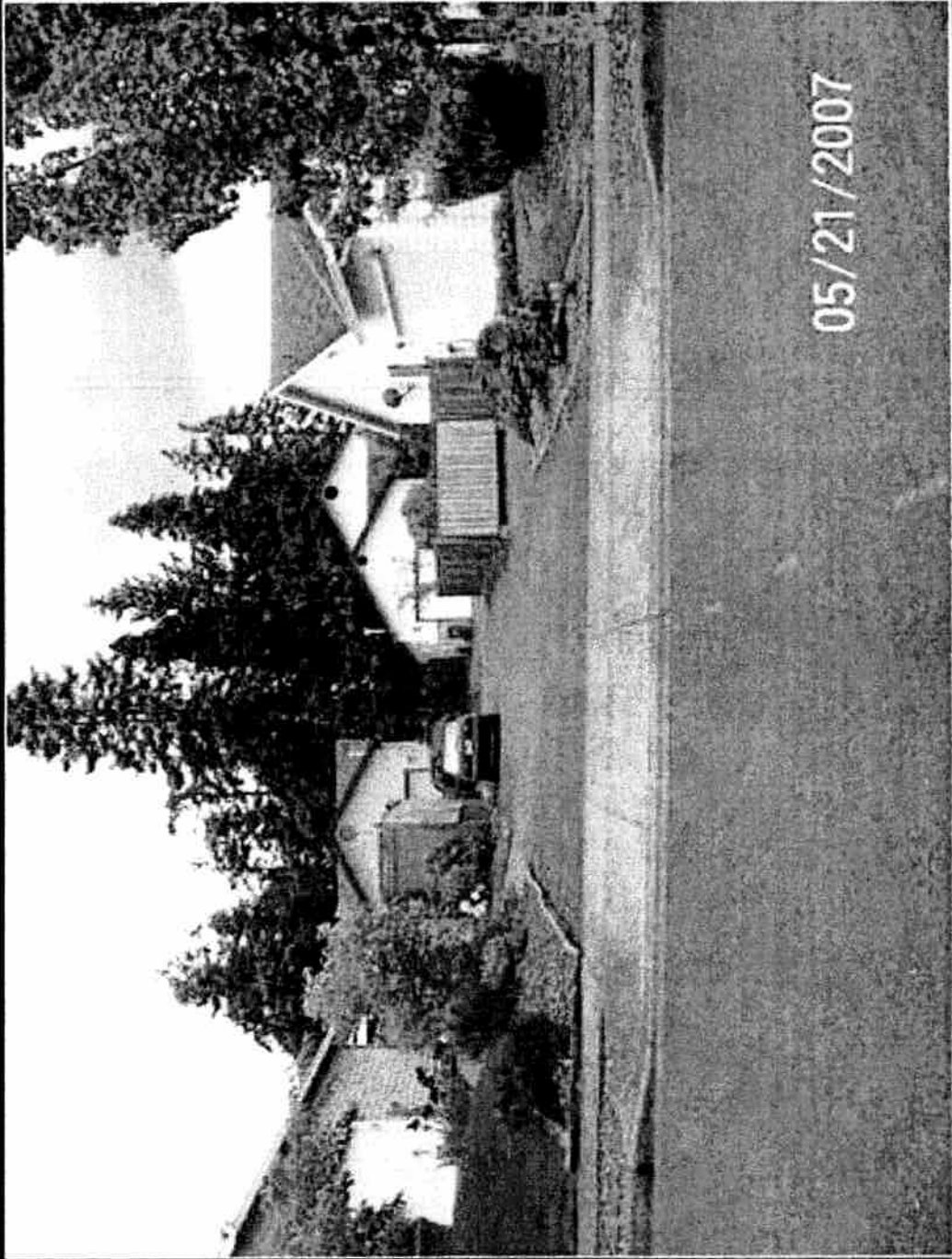


Current driveways



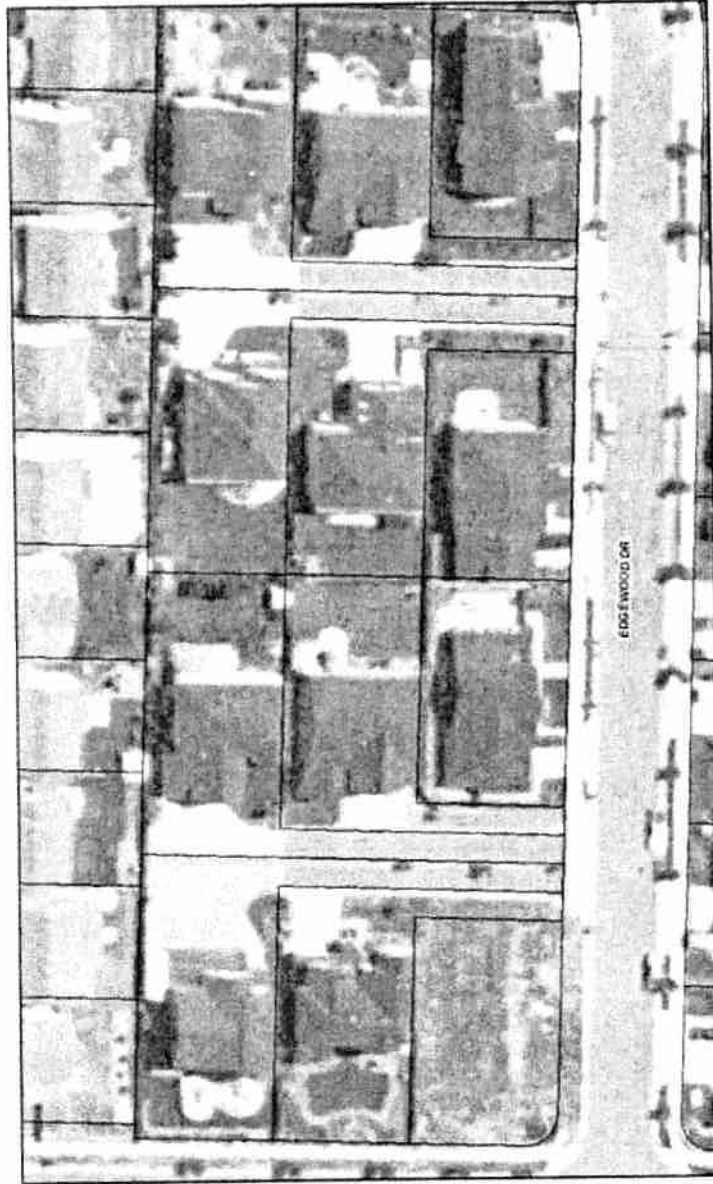
E. Edgewood Drive

January 14, 2010



January 14, 2010

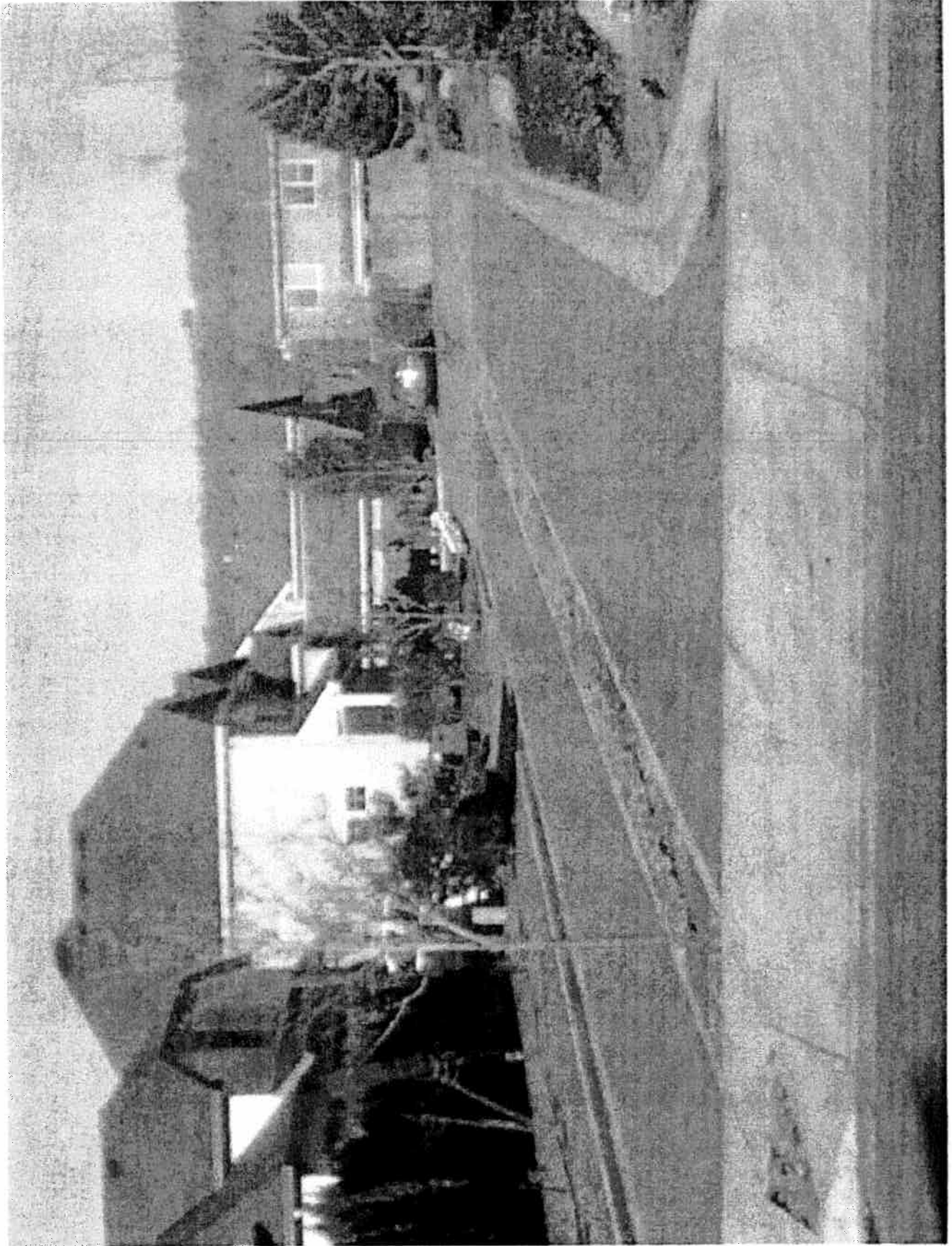
Current driveways



0 15 30 60  
Feet

Edgewood Drive

January 14, 2010



Current driveways

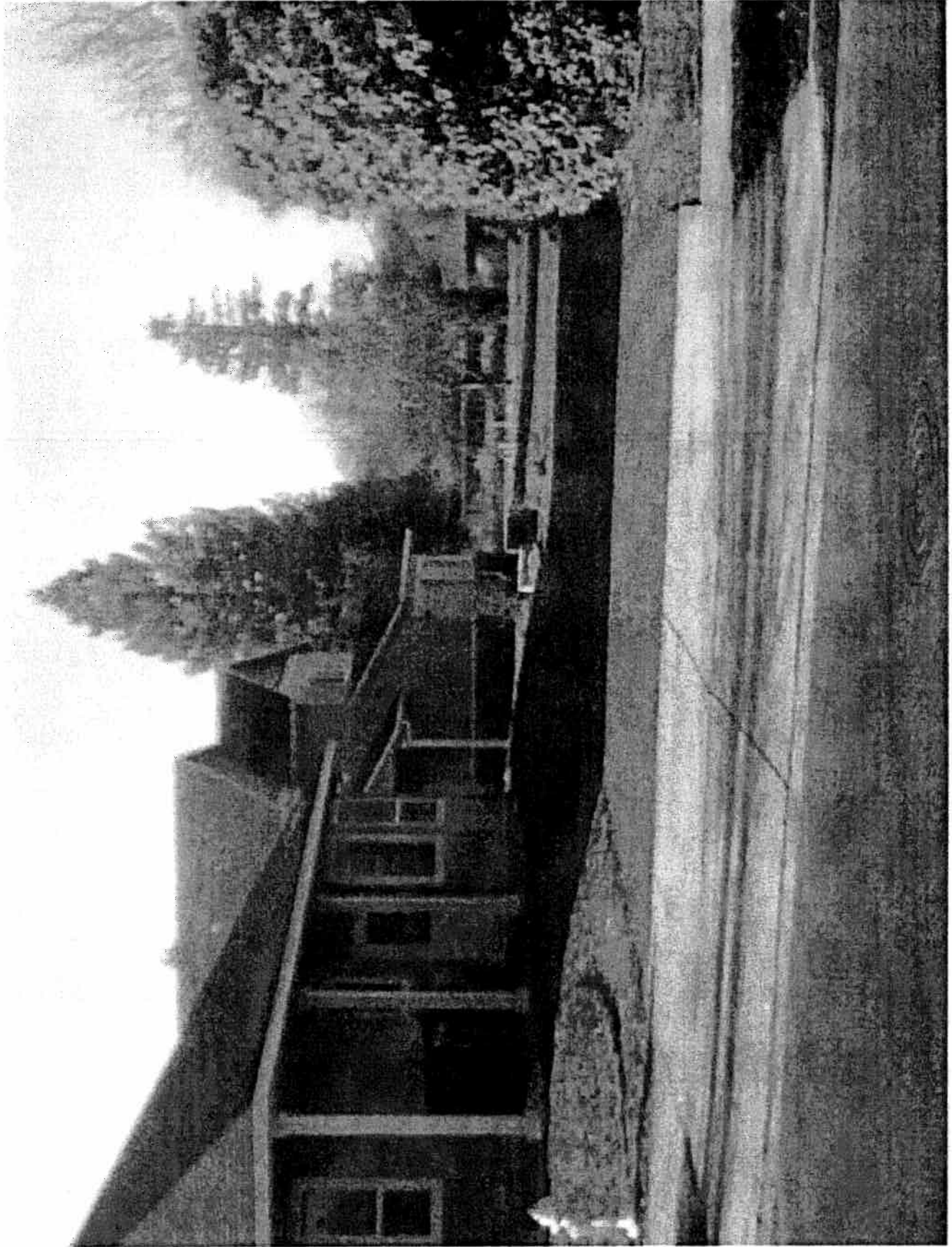


0 15 30 60  
feet

N. Main St.



January 14, 2010



# Current driveways

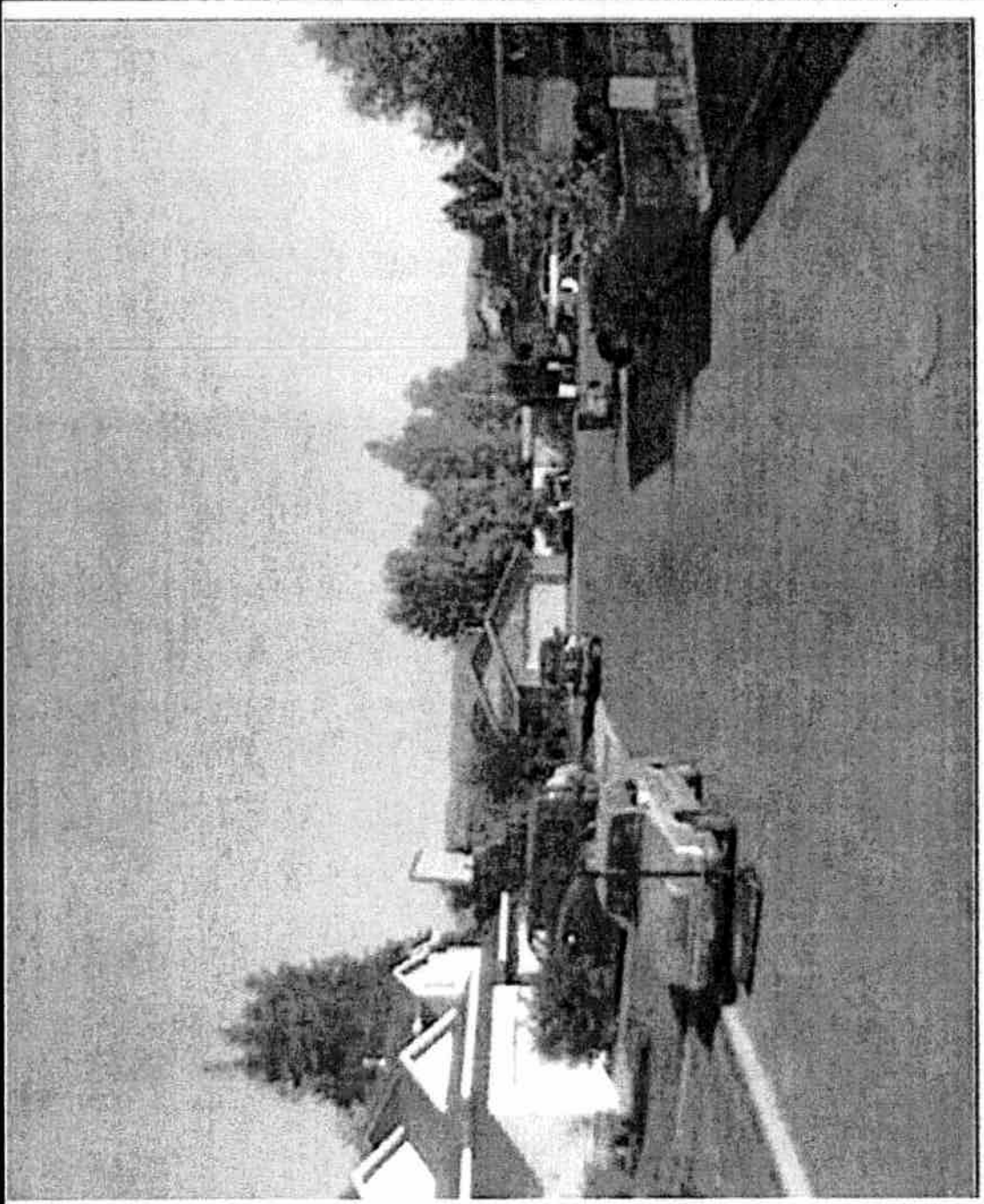


0 15 30 60  
Feet

Paradise Dr.

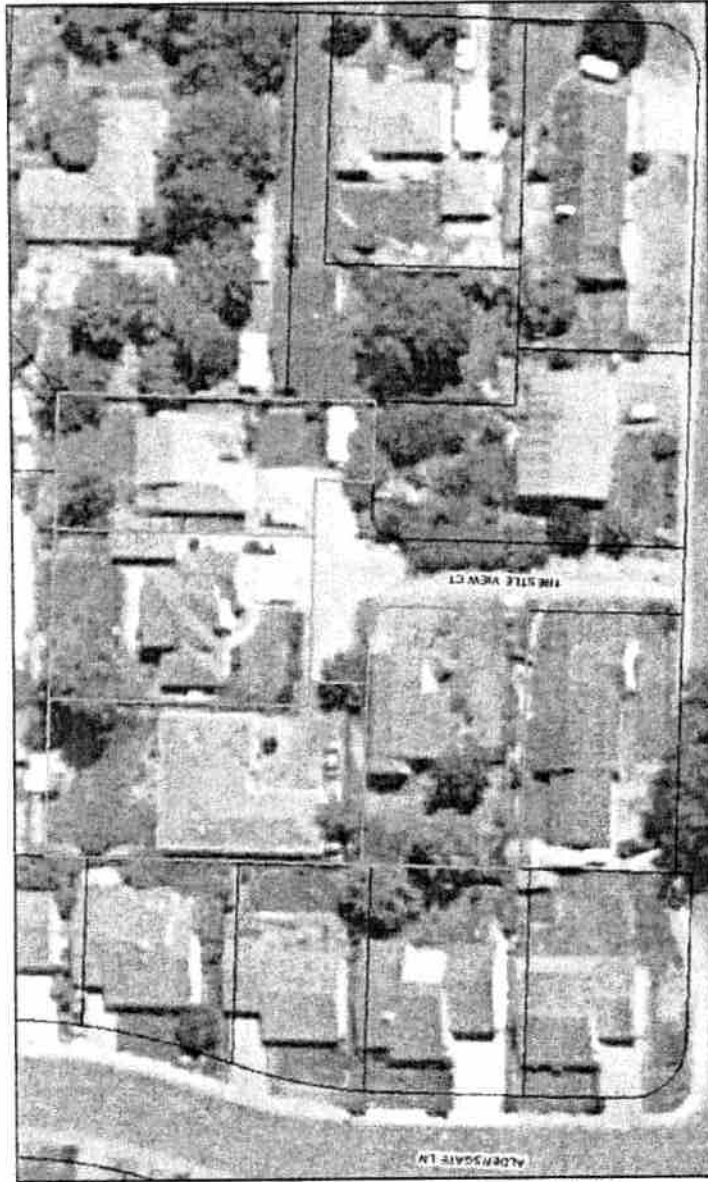
January 14, 2010





January 14, 2010

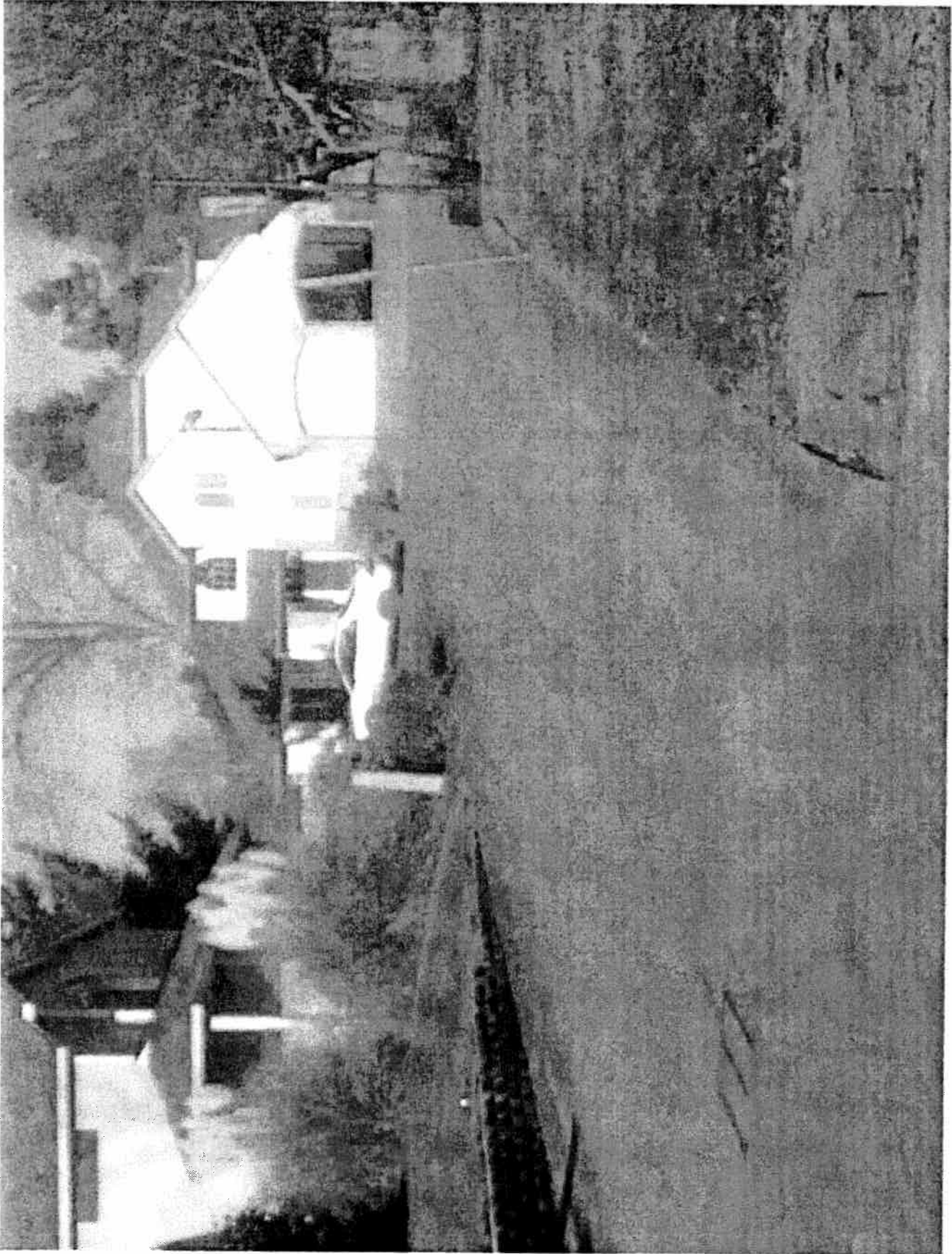
Current driveways



0 15 30 60  
FEET

Trestle View Ct.

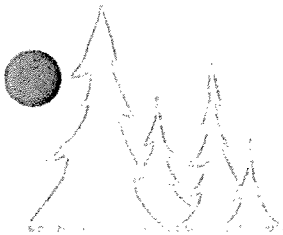
January 14, 2010



# Questions?

January 14, 2010

December 10, 2009



**LEONARD A. RYDELL, P.E., P.L.S., W.R.E.** Consulting Civil Engineer - Land Surveyor  
601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625  
(503) 538-5700 FAX 538-9167  
larydell@teleport.com

11 February 2010

Newberg Planning Commission  
City of Newberg  
P. O. Box 970  
Newberg, Oregon 97132

Re: Affordable Housing 11 February 2010 Agenda

Dear Planning Commission,

I will be attending the Yamhill Basin Council Meeting tonight, so will be unable to make your meeting. However, I would like to take this opportunity to make my comments.

- 1. Resolution No. 2010-278.** I do not think that this Resolution should be adopted. The packet showed several examples of how the standards can be met with only one project not passing the standards. The one that failed happens to be the one that provides the most units of affordable housing, i.e. 14 housing units instead of six units fronting the back of that property. Two that passed (Twin Cedars and Clifford Court) have excessive paved streets and driveway. It appears that we are encouraging what we don't need versus what we need. I do not understand how we can meet a "design standard" with double and triple street frontage lots. When the original land regulation system was passed, the goal was to never have double frontage lots. Why should anyone ever get "points" for only having 80% of the allowable density? Do we think that our land supply is unlimited?
- 2. Accessory Dwelling Units** - I agree that these should be an outright use, but they should be a Type I, not Type II application. A Type II application cost \$680 whereby a Type I application costs \$340. We need to keep the fees and paperwork down so that we can encourage more affordable housing. I note that a Partition Plat application in Newberg (Type II) costs \$680 and requires a map, an application form and a written narrative to address code criteria. It can cost hundreds of dollars to prepare a written narrative, depending upon the details of the application. A partition plat in McMinnville requires a map, an application form and \$335. If we want to bring down housing costs, we should reduce the application requirements and fees, and let the planners determine if the code requirements are met.
- 3. Resolution 2009-266.** I recommend that you pass this as a baby step to where you should be. After passing, I recommend that you send it back to the affordable

housing committee for further reductions in lot requirements. Items to consider include allowing residential in all zones (subject to a non-remonstrance agreement to commercial uses), and we should start having serious discussions of going up instead of out.

4. **Flexible Development Standards.** I recommend that you delete the words "provided they commit to providing some affordable housing" so that the terms of the flexible track apply to all development. Since these standards are again a baby step to where we should be, apply it to everyone and send the ordinance back to the affordable housing committee for future reductions to encourage affordable housing. My reasoning is that over 35 years of designing projects, I have personally been involved in several projects with much small lots, and these smaller lots were not to provide "affordable" housing, but to just provide a different type of housing for people in different situations in life. If we want to change current practice, we need to change current practice.

In conclusion, you are making progress, but you have a long ways to go.

If your goal is to keep Newberg like it is with no vibrant downtown, stay on track as you have been doing, then expect that are outlining farms and orchards will all become tract homes. Think of traffic clogging College, Main, Villa and Springbrook streets.

If you goal is to encourage a vibrant downtown, you need to figure out how to convert parking lots to more housing and businesses.

Thank you for considering my comments.

Sincerely yours,



Leonard A. Rydell, P.E., P.L.S., W.R.E.  
LAR/lar

# Safety

## Local Residential Streets

A presentation to the Dallas  
City Council and  
Planning Commission



By Matt Crall  
State of Oregon



July 26, 2007

## Narrow Standards for Local Residential Streets

### Topics:

- Benefits of Narrow Streets
- Principles of Narrow Streets
- Recent Examples
- State Involvement: Transportation Planning Rule

## Benefits of Narrow Streets



- Safer
- Traffic calming - lower speeds
- Multi-modal - encourage walking & biking
- High quality neighborhood - encourages socializing
- Less costly to build and maintain
- Less land used - less land taken off tax rolls
- Less pavement - less stormwater runoff
- Less heat build up - better tree canopy

### Benefits of Narrow Streets

Narrow streets are safer:

- Shorter crossing distance --> Fewer pedestrian crashes
- Slower speeds --> Crashes less fatal

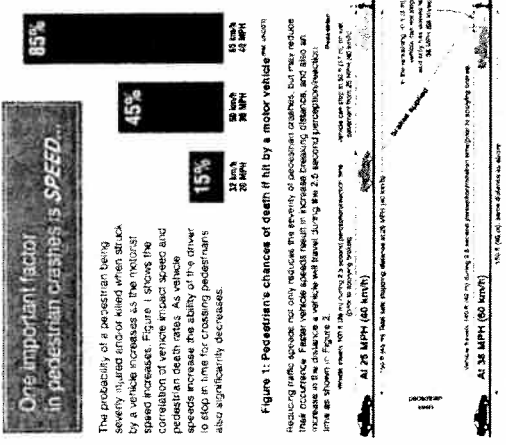
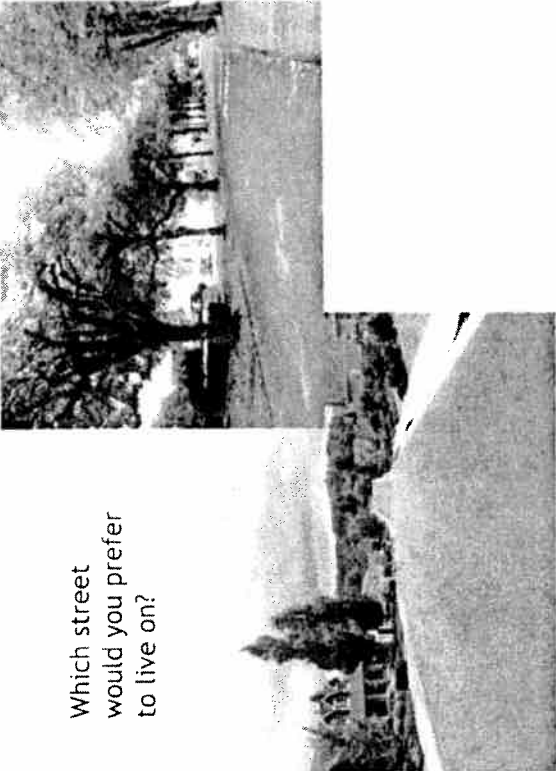


Figure 2: Relationship between safe stopping distance and travel speed

### Benefits of Narrow Streets

Which street would you prefer to live on?

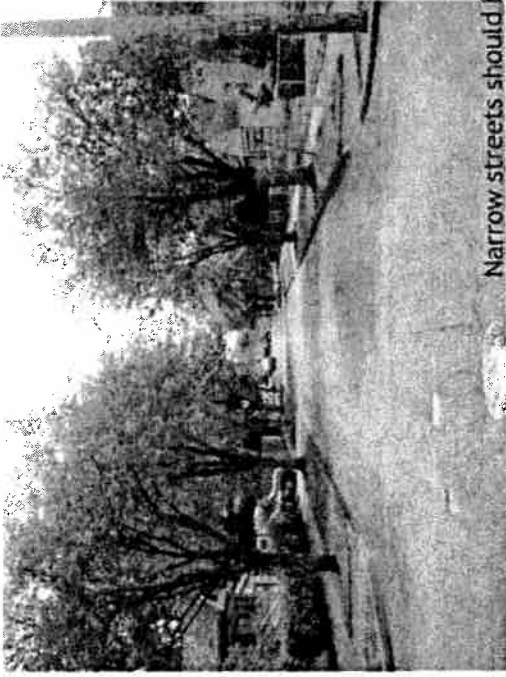


### Principles of Narrow Streets

- Grid network
- Emergency access
- Queuing
- Parking
- Cross sections from Neighborhood Street Design Guidelines
- Where to go Wider



### Principles of Narrow Streets

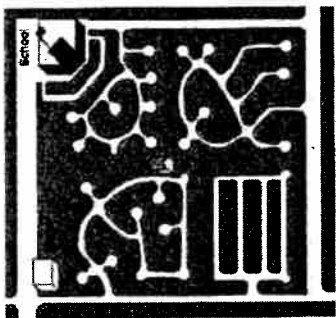


Narrow streets should be well connected with relatively short blocks.

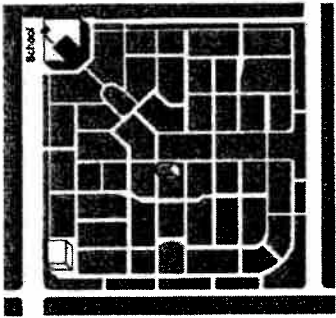


Principles of Narrow Streets

Street Connectivity



Limited Street Connections

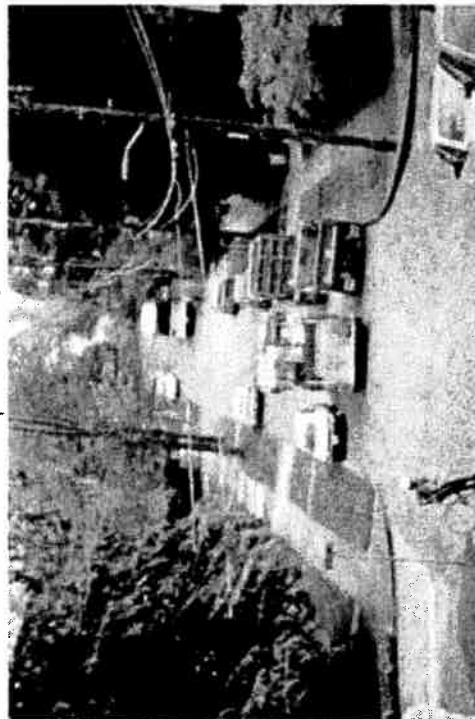


Well-Connected Street Network

Principles of Narrow Streets



Principles of Narrow Streets



Emergency vehicles should have room to access streets and set up equipment.

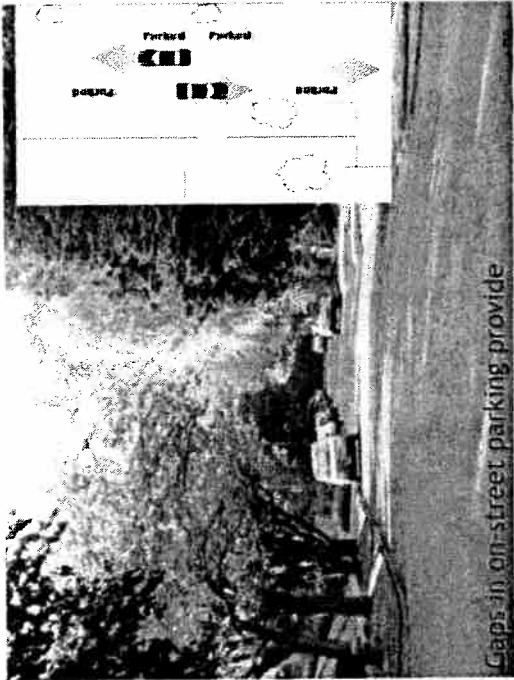
Queuing

- How can one lane serve traffic both ways?  
"Opposing conflicting traffic will yield and pause on the parking lane area until there is sufficient width to pass."
- Does it work?  
"The level of user inconvenience occasioned by the lack of two moving lanes is remarkably low"

Principles of Narrow Streets

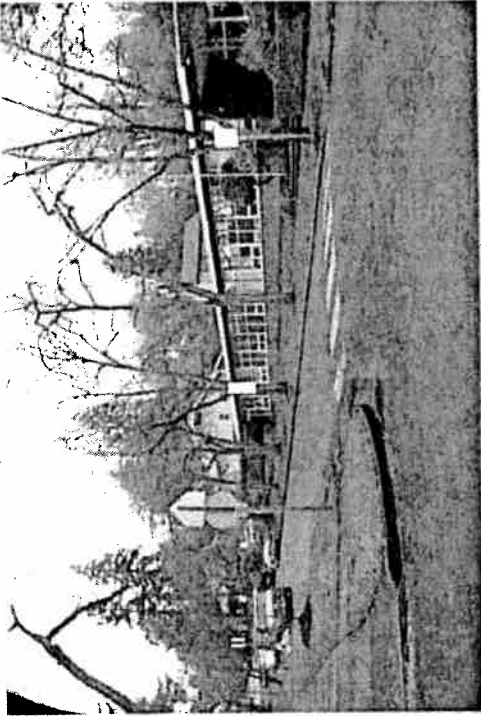


Principles of Narrow Streets



Gaps in on-street parking provide room to pass an oncoming car, if any.

Principles of Narrow Streets



Parking should be prohibited at intersections.

Principles of Narrow Streets

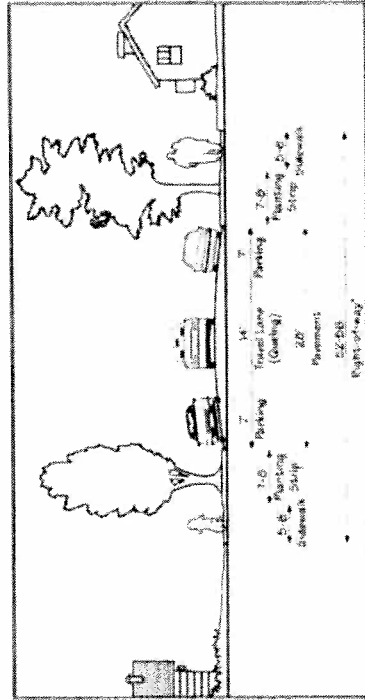
Neighborhood Street Design Guidelines



28-foot wide - Parking on both sides

Principles of Narrow Streets

Neighborhood Street Design Guidelines



28-foot wide - Parking on both sides

Principles of Narrow Streets

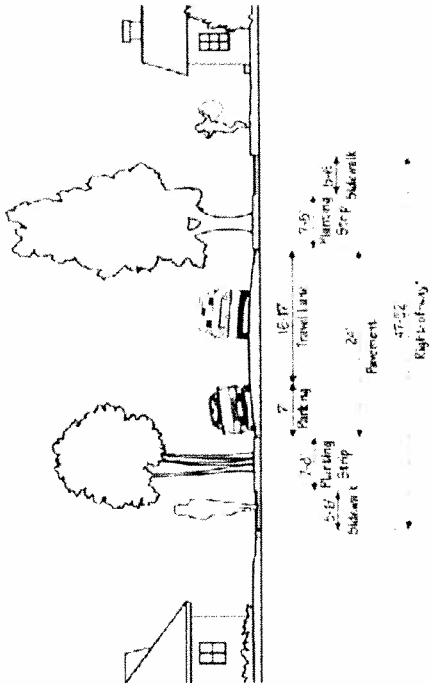
Neighborhood Street Design Guidelines



24-foot wide - Parking on one side

Principles of Narrow Streets

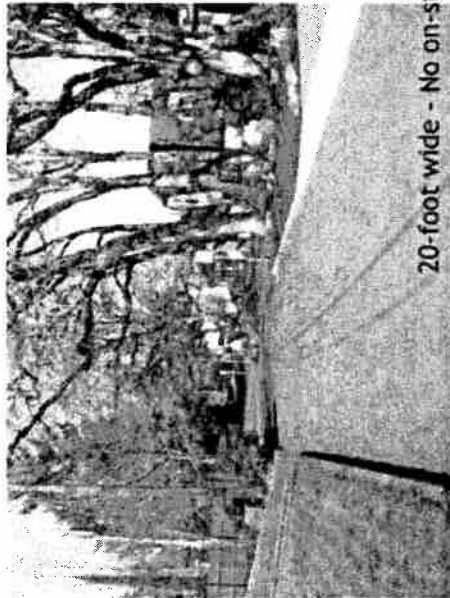
Neighborhood Street Design Guidelines



24-foot wide - Parking on one side

Principles of Narrow Streets

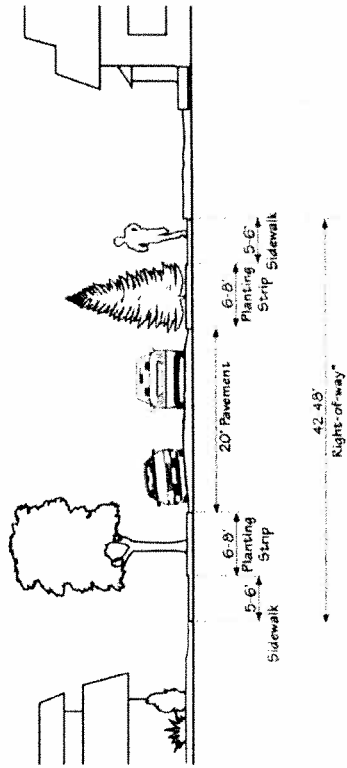
Neighborhood Street Design Guidelines



20-foot wide - No on-street parking  
(less dense neighborhood)

Principles of Narrow Streets

Neighborhood Street Design Guidelines

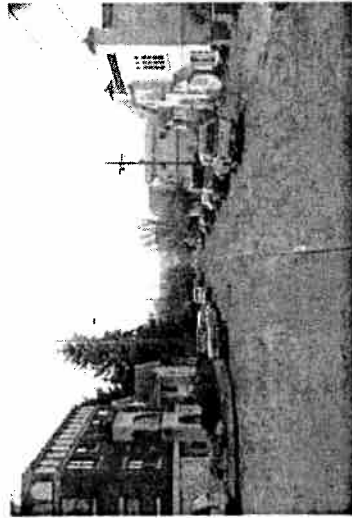


20-foot wide - No on-street parking  
(less dense neighborhood)

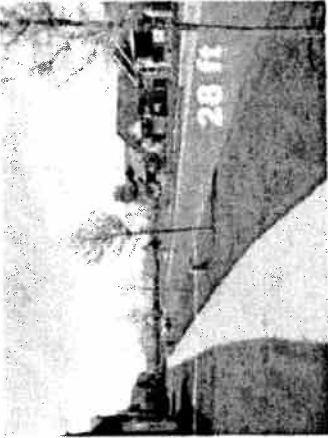
Principles of Narrow Streets

### Wider Streets are Appropriate for:

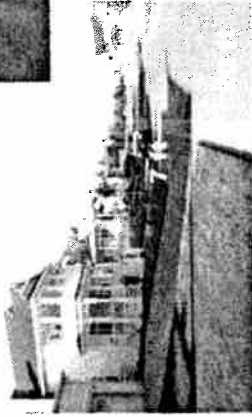
- High-density neighborhoods
- Higher-volume, "neighborhood" collector or "subcollector"
- Evacuation routes
- Farm equipment access roads



Recent Examples



Redmond



Jacksonville

Recent Examples

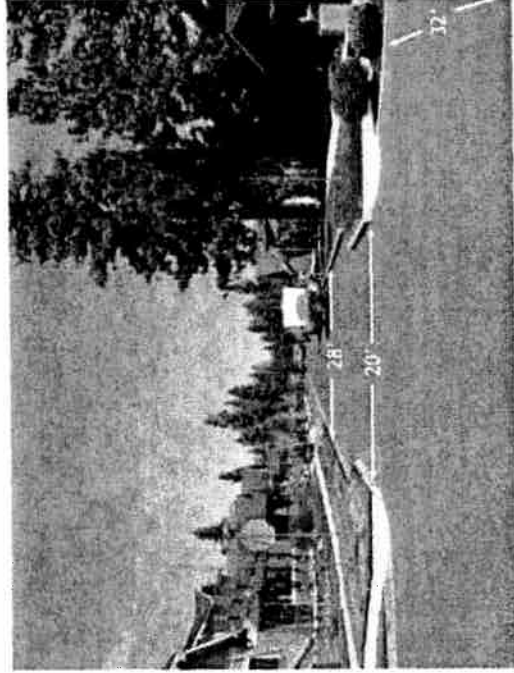


Bend



Fairview

Recent Examples



Northwest Crossing, Bend

State Involvement :

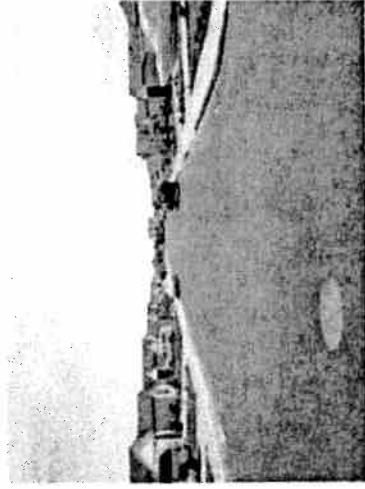
## Transportation Planning Rule (TPR)

- Adopted 1991 by the Land Development and Conservation Commission (LCDC)
- Consistent planning for land use and transportation
- Planning for all modes
- Encourage pedestrian-friendly development
- No specific mention of local street standards



## State Involvement: 1995 TPR Update

Local governments  
requiring wide local  
residential streets



State Involvement: 1995 TPR Update

## National research recommending narrow streets



ITE  
ULI  
ASCE  
NAHB  
APA  
AASHTO

State Involvement: 1995 TPR Update

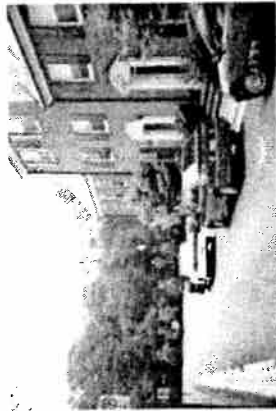
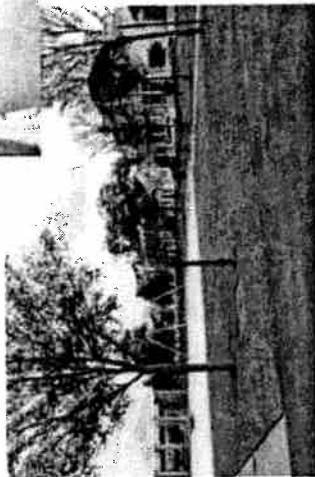
## AASHTO recommends narrow streets:

- Where?  
"On residential streets where the primary function of the street is to:
  - provide access to adjacent development and
  - foster a safe and
  - pleasant environment"
- What is required?  
"at least one unobstructed moving lane must be ensured even where parking occurs on both sides."



State Involvement: 1995 TPR Update

National Examples



Kentlands

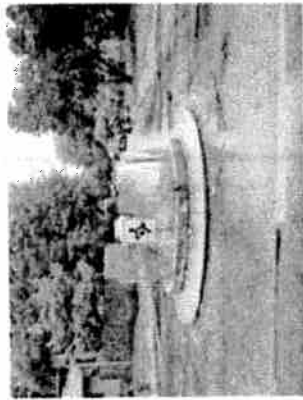
Celebration

State Involvement: 1995 TPR Update

Oregon Examples



Yamhill



Corvallis

### Transportation Planning Rule (TPR)

-1995 Update -

#### Requirement

"Local governments shall establish standards for local streets and accessways that minimize pavement width and total right-of-way consistent with the operational needs of the facility."

Oregon Administrative Rule 660-012-0045 (7)

### Transportation Planning Rule (TPR)

-1995 Update -

#### Intent

- "...consider and reduce excessive standards for local streets and accessways in order to
- reduce the cost of construction,
- provide for more efficient use of urban land,
- provide for emergency vehicle access while
- discouraging inappropriate traffic volumes and speeds, and which
- accommodate convenient pedestrian and bicycle circulation."

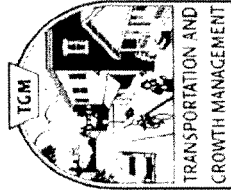
Oregon Administrative Rule 660-012-0045 (7)

## Guidance to local governments

- Avoid “one size fits all” approach
- Allow as little as 28-foot street for most residential streets
- Justify local residential standards based on operational needs
- Eliminate code barriers to narrow streets

## Further Information

- Transportation & Growth Management  
[www.oregon.gov/LCD/TGM/](http://www.oregon.gov/LCD/TGM/)  
(look for Local Street Planning)
- Matt Crall  
[matthew.crall@state.or.us](mailto:matthew.crall@state.or.us)  
503-373-0050 x272  
Department of Land Conservation  
and Development  
635 Capitol St. NE, Suite 150  
SALEM OR 97301-2564



Newberg Planning Committee

Date: 3-11-10

Re: \_\_\_\_\_

No.: 2109-274

**LEONARD A. RYDELL, P.E., P.L.S., W.R.E.** Consulting Civil Engineer - Land Surveyor

601 PINEHURST DRIVE, NEWBERG, OREGON 97132-1625

(503) 538-5700 FAX 538-9167

larydell@teleport.com

8 March 2010

To the Editor  
The Newberg Graphic  
P. O. Box 110  
Newberg, Oregon 97132

Re: Street Standards

To the Editor:

Thank you Newberg Graphic for your front page article on the issue of street standards in Newberg. You correctly identified that the accident rate per mile on 24 foot wide streets is 26% of the accident rate for 36 foot wide streets. However, there are numerous other issues that were not addressed.

Since it is human nature to drive at one's comfort level, speeding on our residential streets increases with width leading to the increased accident rate. It also means an increase in property damage and injury or death. The chances of a pedestrian surviving a traffic collision are 95% at a speed of 25 mph, 60% at 30 mph, and 10% at 40 mph. This is reflected in part by the fact that the energy in a moving vehicle increases by the square of the velocity (think  $E=mc^2$ ).

Since your article focuses on fire department response time, it begs the question, "Is the person we save in a fire the person we kill in a car wreck?" I have been unable to get any representative of any fire department to answer that question. The Affordable Housing Committee should ask City Staff that question.

However, since safety is a major concern, perhaps it would be better to install residential sprinkler systems with the money saved by building narrower streets. The Affordable Housing Committee should ask City Staff for a cost comparison over the life of a residence.

Newberg currently only allows a maximum of two houses on a private driveway. Tualatin Fire and Rescue allow up to 30 one or two family dwellings before a second access is required. The Affordable Housing Committee should change our current requirement.

Asphalt pavement, typically installed, has a design life of 20 years. This life can be extended with maintenance, however, our pavement standards barely last the typical 30 year mortgage. Allowing 24 foot wide streets instead of the present standard of 32 feet would lower Newberg's street maintenance costs by 25%. Developers (actually new home owners) pay the development costs, all of us pay to maintain them forever.

PLANNED DEVELOPMENTS • RESIDENTIAL SUBDIVISIONS  
WATER, SANITARY SEWER AND DRAINAGE SYSTEMS  
LAND SURVEYS • WATER RIGHTS



When one considers the environmental impacts, wider streets use more of our earth's resources (rock, asphalt, fuel, street sweeping) to construct, and is a major contributor to the degradation of our streams. Our local streams already have down cut channels, and we seems to be intent creating more damage by adding more square miles of impervious area.

The City of Newberg has yet to take a realistic look at parking utilization on our existing streets to justify the need for our present wide street standards. In the examples that I have counted, Pinehurst Drive has 7.9 parking spaces per house and 2.8 parking spaces per person with a usage rate 7% for on-street parking. "OAKS AS SPRINGBROOK" has six parking spaces per house and 2 spaces per person with an on-street parking usage rate of 13%. My response to pointing this out has been either "none", or "where did you get your figures?" I looked out my window.

Safety, affordability, conservation of resources and the environment are all important issues, but I save the most important to the last, and that is community liveability. People are more comfortable in subdivisions with narrow streets. You can talk to your neighbor across the street in a normal voice. Traffic is slower. Your children are safer playing outside. We have more green space instead of more asphalt and concrete. Our relentless expansion into our neighboring farms and orchards is slowed. We feel more comfortable is a less car dominated environment.

I encourage the Graphic , City Staff and the Affordable Housing Committee to consider all of these issues before making a decision.

Thank you.

Sincerely yours,

*Leonard A. Rydell*

Leonard A. Rydell, P.E., P.L.S., W.R.E.  
LAR/lar

We became Newberg residents because of the small town feeling and decided to raise our children here, moving from Seattle to get away from the heavy traffic, noise and crime.

In the past 2 months everything has changed by the beautiful property on 1103 N. Meridian being sold to Housing Authority of Yamhill County. Along with friends and neighbors, we starting exploring what was going on in our city. It is quite an eye opener to the residents in Newberg who are just finding out what is really going on. A lot of our community is unaware of the changes that are being proposed to the re-zoning of our land. Our City Council along with the Housing Authority of Yamhill County are making decisions without us that will affect homeowners and business owners. Our politicians are not making favorable decisions for our residents. We have many senior citizens that freely walk around in nice weather. This is a impeachment on their privacy and well being.

Their proposals are to buy land and resize and rezone to build multi-level structures which will cause Newberg's population over the next decade to explode, forcing residents to reach in their own pockets at some time when streets need to be widened and additional storm drains are put in for their proposed "Affordable housing." No one will benefits from this! Except for HAYC. Our tax dollars and the business owner's tax dollars will be increased to pay for these projects. The amendment includes; Business's will pay for their employee's housing if they live in the "Affordable Housing." Traffic will only increase to cause more congestion than we already are faced with bringing with it as well as more crime, more polices and more expenses to the community. Government and State subsidies will not help us but will hurt us all.

Our small town will slowly fade out and the residents of Newberg will realize over population, which will only affect our pocket books but also one's health. Hypertension, anxiety, helplessness and aggression will increase with the added stress their proposals of land use and permits bring to our city. Struggling business owners will not be able to keep their doors open when they are going to help pay for the multi level buildings that will be taking place.

We have so many houses that are sitting empty due to foreclosures, unemployment, and our struggling economy. Building more won't help! This will create a recipe for disaster that everyone will feel in the coming years.

We need to hear the voice of the people that reside in our home town of Newberg, our opinions need to count. Who really benefits? Newberg residents need to start being scared at what is about to take place in our neighborhoods. I strongly urge all residents in our community to get involved by writing or speaking up to the City of Newberg, City Council and the Planning Department. An important City Council meeting will be held September 7<sup>th</sup> at 7:00 at the Newberg Public Safety Building, 401 E. Third Street, Newberg, OR to evaluate the following proposals:

Sincerely,

Pat and Barb Brown