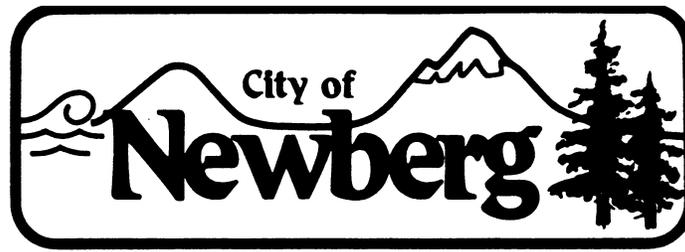


City Manager
(503) 537-1207

City Attorney
(503) 537-1206



414 East First St.
PO Box 970
Newberg, OR 97132

**CITY OF NEWBERG
CITY COUNCIL WORK SESSION
OCTOBER 18, 2010
6:00 P.M.
NEWBERG PUBLIC SAFETY BUILDING
401 EAST THIRD STREET**

THE CITY COUNCIL OF THE CITY OF NEWBERG WILL HOLD A WORK SESSION TO REVIEW THE COUNCIL AGENDA ITEMS. NO ACTION WILL BE TAKEN ON THE AGENDA ITEMS AND NO DECISIONS WILL BE MADE. THE COUNCIL MAY HEAR REPORTS FROM BOARDS, COMMISSIONS, AND COMMITTEES.

CONTINUED DISCUSSIONS ON COUNCIL GUIDELINES AND RULES.

DATED THIS 7TH DAY OF OCTOBER, 2010.

DANIEL DANICIC
CITY MANAGER

ACCOMMODATION OF PHYSICAL IMPAIRMENTS:

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

● City Manager's Office: e-mail: dan.danicic@newbergoregon.gov Fax: 537-5013 ●
Admin: 537-1261 ● Building: 537-1240 ● Public Works: 537-1273 ● Finance: 538-9421 ● Fire: 537-1230
Library: 538-7323 ● Municipal Court: 537-1203 ● Police: 538-8321 ● Maintenance: 537-1234 ● Utilities: 537-1205
Municipal Court Fax: 538-5393 ● Public Works Fax: 537-1277 ● Library Fax: 538-9720

"Working Together For A Better Community-Serious About Service"

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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
OCTOBER 18, 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. 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)

VI. CONSENT CALENDAR

Consider a motion approving [City Council Minutes](#) for September 20, 2010. (Pgs. 3-10)

VII. PUBLIC HEARING

1. Consider a motion adopting [Ordinance No. 2010-2730](#) amending the Newberg Comprehensive Plan and Development code to meet planned densities and encourage needed housing types. (Pgs. 11-38) **(Legislative Hearing) (Record Closed, Council Deliberation Only)**
2. Consider a motion adopting [Ordinance No. 2010-3732](#) amending the residential design standards in the Development Code. (Pgs. 39-44) **(Legislative Hearing) (Record Closed, Council Deliberation Only)**
3. Consider a motion adopting [Ordinance No. 2010-2731](#) amending the Development Code pertaining to electronic signs. (Pgs. 45-52) **(Legislative Hearing)**

VIII. COUNCIL BUSINESS

IX. ADJOURNMENT

*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.

INDEX OF ORDERS, ORDINANCES AND/OR RESOLUTIONS:

ORDINANCES:

Ordinance No. 2010-2730 amending the Newberg Comprehensive Plan and Newberg Development Code to meet planned densities and encourage needed housing types.

Ordinance No. 2010-2731 amending the Newberg Development Code to allow more flexibility to operate animated signs, depending on the zone, sign size, and operating method.

Ordinance No. 2010-2732 amending the Newberg Development Code to create residential design standards.

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: October 18, 2010

Order ___ Ordinance ___ Resolution ___ Motion XX Information ___
No. No. No.

SUBJECT: Approve the September 20, 2010, City Council Meeting minutes.

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

Dept.: **Administration**

File No.:
(if applicable)

RECOMMENDATION:

Approve the September 20, 2010, City Council minutes for preservation and permanent retention in the City's official records.

EXECUTIVE SUMMARY:

On September 20, 2010, the City of Newberg City Council held a public meeting. At that meeting, minutes were recorded in text.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
SEPTEMBER 20, 2010
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM
401 EAST THIRD STREET**

Work Session was held prior to the meeting. A general discussion occurred. 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	Ryan Howard
	Stephen McKinney	Bart Rierson	Marc Shelton
	Wade Witherspoon		

Staff

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

Others

Present: Roger Wiltshire, Pat Haight, Hank Grum, Lynn Weygandt, Jessica Cain, Sara Starnes, Gregg Mindt, Loni Parrish, Sheryl Kelsh, and John Bridges

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, announced the League of Oregon Cities (LOC) Annual Conference will be at the end of this week; he and others will be out of the office to attend, please discuss travel arrangements with the City Recorder. He also spoke about the upcoming scheduled Budget Committee meeting will be held to discuss the sustainable budgeting presentation.

V. PUBLIC COMMENTS

Mr. Roger Wiltshire spoke of the time restrictions for the public comments portion of the agenda. He stated if there were thirty minutes allotted for public comments and only one or two people signed up to speak then they should be able to have more than five minutes, or several people should be able to allocate their speaking time to allow one person to speak for the full thirty minutes. He also took issue with the council process at a previous meeting when the opponents were allowed to speak before the proponents; he did not feel each side had been allowed equitable process.

Ms. Pat Haight mentioned she asked the city manager and attorney if any money had been spent and how much was left from the animal shelter fund and they did not have an answer for her. She spoke of people donating money to this cause to build a new shelter and improve living conditions of the animals there. She said the money was not the City's to spend and wanted it all given back to the animal shelter committee.

Mr. Danicic said her passion is admirable and he appreciates the desire for construction. He asked if the Newberg Animal Shelter Friends (NASF) was making the request to have the money returned. Ms. Haight replied no, it was her request to have the money turned back over to NASF to be managed and put in the bank so it is not spent erroneously. Mr. Danicic continued by explaining funding have been budgeted to be spent, but not a dime has been spent without NASF knowing and agreeing with it.

Mr. Hank Grum expressed concerns that Council has split legislative powers to set rates by resolution, and his objections to the way the City does business. He was concerned about burdens being passed along to the taxpayers and felt water distribution should be in the hands of a private contractor.

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2010-2919** supporting the submission of a grant application to the State of Oregon to fund bike/pedestrian improvements along College Street.
2. Consider a motion approving **Resolution No. 2010-2920** supporting Chehalem Park and Recreation District's grant application to the State of Oregon to fund construction of a multi-use path along Dayton Avenue.
3. Consider a motion approving a **proclamation** recognizing Police Canine Akay for his seven and one-half (7.5) years of distinguished service to the citizens of Newberg and Dundee as a member of the Newberg-Dundee Police Department.
4. Consider a motion approving a **proclamation** declaring September 17-23, 2010 as Constitution Week.

MOTION: Shelton/McKinney approving the Consent Calendar including **Resolution No. 2010-2919** supporting the submission of a grant application to the State of Oregon to fund bike/pedestrian improvements along College Street, **Resolution No. 2010-2920** supporting Chehalem Park and Recreation District's grant application to the State of Oregon to fund construction of a multi-use path along Dayton Avenue, a **Proclamation** recognizing Police Canine Akay for his seven and one-half (7.5) years of distinguished service to the citizens of Newberg and Dundee as a member of the Newberg-Dundee Police Department, and a **Proclamation** declaring September 17-23, 2010 as Constitution Week. (7 Yes/0 No) Motion carried.

Mayor Andrews read and presented the proclamations.

VII. PUBLIC HEARING

Consider a motion adopting **Order No. 2010-0028** finding the conditional use permit/design review application for the proposed Fred Meyer gas station at 3300 Portland Road meets the applicable Newberg Development Code criteria, reversing the Planning Commission decision and approving the application.

TIME – 7:28 PM

Mayor Andrews opened the deliberation portion of the quasi-judicial public hearing as the record had been closed. He asked if there had been any further comments received.

Mr. Terrence Mahr, City Attorney, said there were no further comments, the draft findings were published and nothing was heard from either parties wanting the record reopened. There was a question of an article printed in the newspaper, but it offered no new information to enter into the record.

Mayor Andrews reminded everyone the motion was denied to deny the application at the previous council meeting and staff was asked to return with a re-write of the order with findings to support the application.

Mr. Barton Brierley, Planning and Building Director, presented the staff report noting this was originally presented to the Planning Commission (PC) with conditions; the PC agreed with the conditions, but not with the criteria being met, which is why they denied the request. He explained those same conditions were brought back in with an additional condition from the applicant to construct a fence on the west side of the canopy to block the headlights (see official meeting packet for full report).

MOTION: Shelton/Rierson adopting **Order No. 2010-0028** finding the conditional use permit/design review application for the proposed Fred Meyer gas station at 3300 Portland Road meets the applicable Newberg Development Code criteria, reversing the Planning Commission decision and approving the application.

Councilor Wade Witherspoon stated he voted to support the PC decision, but he is not against adding a gas station to Newberg or to Fred Meyer. He supports infill development as long as it does not result in overall detrimental impacts; but, he believes the layout of this property is not conducive for a gas station and there will be major traffic impacts to the neighborhoods and adjacent intersections. He said he could vote yes if there were at least a four-way stop at the Springbrook Road exit, but the concrete barrier prevents left turns in or out of the parking lot which will cause drivers to go around into the neighborhood and behind the store. He is also concerned for the future costs of improvements to the Springbrook Road/99W and the Brutscher Road/99W intersections and what portion the City will be responsible for when the Oregon Department of Transportation (ODOT) decides they must be completed. He is not willing to put the City into the position to contribute to an estimated three million dollars for improvements at ODOT's whim. Mr. Mahr agreed his point was correct and the City would be partly responsible for those improvement estimates.

Mr. Brierley added the traffic is not attributed to one particular site and as the city grows over time the improvements will need to be made whether this is approved or not. It is hard to determine what percentage of the trips would actually be using the new gas station, however, since it would be partly gas station traffic and partly state highway traffic there could be some eligibility of funding through the state gas tax and federal funds; System Development Charges (SDCs) have been identified as the source for the remainder.

Councilor Bart Rierson is also concerned about the impacts to the neighborhoods and traffic because of the inability to turn off of Springbrook Road. He was also apprehensive about light coming through, but he felt it could be mitigated by the plantings and fence. He still does not support the application because of the traffic impacts.

Councilor Denise Bacon did not see a huge issue with not being able to turn off of Springbrook Road because she felt drivers will just move on to the next station rather than driving all the way around. She was sure Fred Meyer has thoroughly looked at this and since they are spending the money, they do not want to make customers trying to shop there angry or their customers will go elsewhere.

Councilor Marc Shelton appreciated having the conditions from the PC presentation and noted that since this is a Conditional Use Permit (CUP) those conditions need to be verified before the building permit can be issued by the City, so there is still a way to check those conditions are in place, especially with ODOT requirements. The City has no control over Highway 99W, but it has brought goods to our community and the addition of the concrete island on Springbrook Road reduces accidents. He supports the application because many groups have looked at this, including ODOT, and though there are concerns the final say has to come from the City only if conditions are met. He mentioned Portland Community College (PCC) will be in that area in less than a year anyway so improvements to the Brutscher/99W intersection are already anticipated; this is why the Southeast Transportation Plan is being worked on.

Councilor McKinney appreciated the mitigation of this problem between the previous meeting and this one and he is still in favor of denial of the PC decision. He thinks a gas station there is a good idea, past councils made this recommendation to them because it made sense then, and he would hate to hold Fred Meyer to higher standard than other vendors. He is uncomfortable telling any business what they may and may not vend. He added Fred Meyer is not the sole business contributing to these intersections; lots of businesses depend on them.

Councilor Ryan Howard reaffirmed this gas station will cause foreseen impacts, such as driving behind the building and deliveries being made from Portland, as well as unforeseen ones with traffic circulation once there is more development in the area. He will support this motion and will affirm this permit with these conditions.

Mayor Andrews had some reservations based on the idea that people will not do what is inconvenient. He believes consumers will drive further down the road to alternative fueling stations since turning left is not easy. He felt more commercial drivers are using other routes such as Hwy 219 already and they will catch Springbrook Road and come up from there. He has concerns with circulation, but feels they will occur with or without this addition. He will support this order because he does not believe there will be a detriment and as it is conditioned, it cannot be built if those issues are not met. The problems already exist today and will continue regardless of there being a fueling station at Fred Meyer or not.

MOTION: Adopting **Order No. 2010-0028** finding the conditional use permit/design review application for the proposed Fred Meyer gas station at 3300 Portland Road meets the applicable Newberg Development Code criteria, reversing the Planning Commission decision and approving the application. (5 Yes/2 No [Rierson, Witherspoon]) Motion carried.

Mayor Andrews called a recess at 8:01 PM.

VIII. NEW BUSINESS

Consider a motion establishing the funding methodology for a Visitor Information Center.

TIME – 8:09 PM

Mr. Danicic presented the staff report (see official meeting packet for full report). With the recommendation that the City enter into a five (5) year contract with the Chamber for \$35,000.00 per year including an annual CPI adjustment.

Ms. Lynn Weygandt, Windrose Conference and Meeting Center, said her first client in 2003 was from the Visitor Center and she has since averaged two to three referrals every couple of weeks from them or more. She said if it were not for the people at the Chamber of Commerce and the Visitor Center, she would not be doing as well as she is; they have made a huge impact on her business.

Ms. Jessica Cain, President of the Chamber of Commerce Board of Directors, reported the current budget for the entire organization is \$300,000.00 with 10% or \$30,000.00 being contributed by Newberg. Because of budget constraints and staff cutbacks they are not able to market Newberg at the same level they have been. She spoke of their role in bringing tourism to Newberg and said a direct contribution from the hotel taxes received as a result makes sense. She urged the council to consider the Chamber's budget needs for helping the city.

Councilor McKinney asked when the free rent from the Chehalem Park and Recreation District (CPRD) ceases. Ms. Cain said they have until the end of this year in December.

Mayor Andrews asked what portion of their \$300,000.00 Chamber budget is contributed to the Visitor Center.

Ms. Sheryl Kelsh, Executive Director of the Chehalem Valley Chamber of Commerce, replied 18% of total budget this year is used to support the Visitor Center.

Ms. Sara Starnes, Distinctive Destinations, deals with lodging and hospitality in Newberg and supports additional funding for the operations of the Visitor Center. She said it is an essential amenity for guests at the inn and they use the Visitor Center's services to refer guests for things to do and places to go as well as historic information. She has received many positive comments about the friendly and knowledgeable staff and would love to see the center grow and expand.

Mr. Gregg Mindt, Travel Yamhill Valley (formerly Yamhill Valley Visitors Association), spoke of the benefits of tourism as an economic drive for a community and how it was a good use of funds to fund the Visitor Center and other Chamber activities. He spoke of 22% being the baseline or minimum contribution to tourism and spoke of what other cities are doing, noting the City of Albany went beyond that because they saw a need to sustain tourism activity. He said The Allison Inn & Spa is an example of what tourism can do for a community and he urged council to work with the industry and the Chamber to look what can be done beyond what is being done for tourism as the economic fabric of the community.

Councilor Witherspoon asked what mechanism other cities are using to fund visitor centers and if they are percentage based or allocated on an annual basis. Mr. Mindt replied percentage based contributions with three to five year contracts work best for the facilities to do well; he said it is a turnaround investment.

Councilor McKinney asked if it was usually customary to participate at the level of 50%. Mr. Mindt said it is common to see 50% or more for marketing purposes more than for facilities.

Ms. Loni Parrish said the Chamber does a great job and as the wine industry grows it will be more competitive and we need to stay ahead. The Chamber has really reached out for group advertising and marketing and The Allison is part of the package now. It is important to support them to bring in more business and every guest spends money here; occupancy rates will go up and bring more money in.

Ms. Kelsh spoke of national and international media representation that occurred for Newberg as a result of The Allison being built and said the Visitor Center attracts all these visitors through volumes of articles and information about our community. She urged Council to reconsider the proposal to fund the Visitor Center with a fixed percentage of the TRT because it is fair to both parties. She said they cannot continue to sustain the services they have been providing if they continue to cut operations costs and staff at their current funding level.

Councilor Witherspoon asked for clarification on the percentage of the TRT they are seeking. They are seeking 25% of the TRT, not the previously mentioned 22%.

Councilor Howard asked if any other cities contribute to their budget. Ms. Kelsh replied the City of Dundee made a small contribution, but not more than three thousand dollars. Councilor Howard asked if this funding would directly add to the services provided. Ms. Kelsh replied it would go to restore the 50% of staff hours already cut and balance out what was already contributed.

Mayor Andrews asked if the Chamber is marketing primarily for Newberg or the entire area it serves. Ms. Kelsh replied they market for the entire area. He asked for clarification on the contributions they receive from Yamhill County and other cities including Dundee, Sherwood, and Dayton. Ms. Kelsh replied the County does not collect a TRT and there were no contributions other than one from Dundee.

Councilor McKinney did not feel the City has done the best job with the TRT in regards to the Chamber because of reliance on business licenses to fill in for costs, so business owners get tacked twice which is not the best solution. He also felt it is important to fuel the talent, especially with a return on their investment of revenue coming into the city.

Mr. John Bridges, Attorney, spoke of laws surrounding the TRT and the percentage contributed as a result of the 2002-2003 budget critical year when the law came into play and how the City must pay the same amount paid in that year. The law says you have to pay what you spent on July 1, 2003, which was 22%. He does not know where staff comes up with the 17.6% figure because of \$18,000.00 given to the Visitor Center as well as \$5,000.00 for the Old Fashioned Festival which is not counted towards this percentage. He said the Visitor Center and the Chamber are good partners with the City and they give a voice to the community the City cannot communicate. He spoke of the impact on traffic to the area and the economy to businesses in the area, recapturing the traditional downtown, and the future of the community. Adequately contributing to the Visitor Center is a natural way to partner with them at an appropriate level for the job they do.

Mayor Andrews asked about other sources of funds for the Chamber. Mr. Bridges spoke of County elected officials supporting through membership dues and that all commissioners are members, chamber members sponsor events and advertise in the directory and newsletters as well, there was a grant from the Cultural Center, donations from Tunes on Tuesday.

Discussions followed on the discrepancy between the 17.6% and 22% figure and the details of the law pertaining to the baseline being set in 2003. Mr. Mahr felt the argument was not relevant because an ordinance was in place which does not require the City to do more than the 17.6%. Discussions continued on maintaining fiscal flexibility rather than being locked into a set percentage as well as investing in other groups that promote Newberg other than the Chamber and Visitor Center.

MOTION: Rierison/Witherspoon to establish a funding methodology for the Chehalem Valley Chamber of Commerce Visitor Information Center by decoupling the business license and the Transient Room Tax (TRT) funding to pay fully out of TRT revenue, increase funding to 25% from TRT, and draft a 5 year contract.

Councilor McKinney asked how much 25% would be. Councilor Rierison replied it would be \$56,000.00.

Councilor Bacon agreed with the motion because she did not want to end up with some kiosk somewhere with a bunch of flyers. The work the Chamber and Visitor Center does can be seen in the economy and tourism creates jobs. She felt this offered something back to the business owners and wished to get needed funding to them as soon as possible.

Councilor Witherspoon spoke of increasing tourism as being part of the top three council goals and felt no one can do it better than the Chamber. Their track record has proven it is a good investment.

Councilor Howard said he is in favor of decoupling the business license from the TRT but he was not in favor of funding at a set percentage because although it is only \$56,000.00 now this figure can increase greatly because of The Allison and it needs to be considered how much an appropriate amount to be contributing is. He would like to have a condition for the Chamber to attempt to get contributions from other cities. He also felt the City should be funding the Visitor Center, but this should not reduce the Chamber's contribution to it.

Councilor Shelton felt the City would be losing flexibility if this passes and supported taking smaller steps to get there. Since we do not know what 25% will look like in five years he is not ready to jump into that kind of a plan. He would not support the motion as it stands.

Discussions followed on what the contribution could look like down the road, the current fiscal contingency availability, and possibly approving a scope of work associated with the expenditure of the funding received. Some suggested funding the \$56,000.00 this year and dealing with the action of decoupling later while working out goals they would like to see achieved or worked towards within the five year contract before the percentage is set.

VOTE: To establish a funding methodology for the Chehalem Valley Chamber of Commerce Visitor Information Center by decoupling the business license and the Transient Room Tax (TRT) funding to pay fully out of TRT revenue, increase funding to 25% from TRT, and draft a 5 year contract. (5 Yes/2 No [Howard, Shelton]) Motion carried.

IX. COUNCIL BUSINESS

TIME – 10:14 PM

Mr. Mahr gave updates on current litigation.

Discussions commenced on accessibility of public records online and records requests and safety concerns and the recent accident at 2nd Street and Hwy 219.

X. ADJOURNMENT

The meeting adjourned at 10:30 PM.

ADOPTED by the Newberg City Council this 18th day of October, 2010.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of October, 2010.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 18, 2010

Order ____ Ordinance XX Resolution ____ Motion ____ Information ____
No. No. 2010-2730 No.

SUBJECT: Proposed amendments to the Newberg Comprehensive Plan policies and Development Code to meet planned densities and encourage needed housing types

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 amend the Newberg Comprehensive Plan policies and Development Code to meet planned densities and encourage needed housing types.

EXECUTIVE SUMMARY:

Summary of Proposed Amendments

The Development Code amendment package includes a wide variety of changes intended to promote affordable housing and will allow future developments to reach or be near the City's planned densities and housing types. 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 through 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.

Project Background

In 2005, the City’s Ad Hoc Committee on Newberg’s Future 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, to encourage the development of affordable housing, and to maintain the City’s livability and quality of life. The City Council directed staff to implement the Committee’s recommendations. With this directive, the City has worked on multiple projects to improve housing issues in the community, including the *Affordable Housing through Density and Design* project as well as the development of the *Affordable Housing Action Plan*. Both of these efforts included elements of residential design standard improvements.

Following the acceptance of the *Affordable Housing Action Plan* by the City Council in May, 2009, the Planning Commission held a series of public hearings regarding multiple proposed development code amendments within the *Plan* intended to support affordable housing, including amendments for residential design standards. On March 11, 2010, the Commission voted to recommend adoption of a code amendment package. Regarding these code amendments, the City Council held a workshop on June 7, 2010 and a Town Hall Meeting on June 9, 2010.

On September 7, 2010, the City Council held a public hearing on the proposed adoption of 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. After a report by city staff and hearing public testimony, the City Council closed the public testimony portion of the public hearing. In consideration of the information they had received during the public hearing, the City Council felt that the proposed residential design standards should be considered separately from the proposed amendments to the Comprehensive Plan policies and Development Code to support affordable housing. Therefore, the City Council directed city staff to prepare two separate ordinances for these issues. The public hearing was continued to the October 18, 2010 City Council meeting.

Changes to Proposed Development Code Amendments at September 7, 2010 meeting

Page 25 of 9/7/10 meeting packet. Section 151.565(D) regarding lot area: ...*Some lots may be a under the minimum lot size...*

Page 43 of the 9/7/10 meeting packet. Section 151.612 regarding on-street parking credit: ...*cannot be counted if they could be removed by planned future street widening or a bike lane on the street.*

Page 45 of the 9/7/10 meeting packet. Section 151.678.2 regarding development standards for accessory dwelling units: *Second story windows 10 feet or less from the property line must be ~~opaque~~ made of privacy glass.*

Optional Ordinance language

If the Council wants to totally separate this code amendment from decisions on any pending zone change applications or existing development agreements, it could add the following language under the “The City of Newberg ordains as follows” section:

2. This ordinance does not apply to properties where a zone change application is approved pursuant to an application pending at the time of adoption of this ordinance. The ordinance shall not apply where the applicable provisions have been modified by or are governed by a development agreement or specific plan.

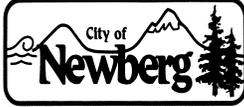
FISCAL IMPACT: None to the City. However, if adopted, these actions should contribute to lowering the cost of housing construction.

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 our 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



ORDINANCE No. 2010-2730

**AN ORDINANCE AMENDING THE NEWBERG COMPREHENSIVE PLAN
AND NEWBERG DEVELOPMENT CODE TO MEET PLANNED DENSITIES
AND ENCOURAGE NEEDED HOUSING TYPES**

RECITALS:

1. In 2005, the Ad Hoc Committee on Newberg’s Future recommended that the City adopt standards to encourage development close to planned densities and 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. At that meeting, the City Council felt it best to consider separately the proposed adoption of the residential design standards from the proposed affordable housing amendments.
5. The amendments would help in creating and maintain safe, decent, affordable housing in Newberg, and allow future developments to reach or be near the City’s planned densities and housing types.
6. The Code of Newberg is amended and shown in Exhibit "A", which is attached.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

The Code of Newberg is amended and 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: November 17, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of October, 2010, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of October, 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

household income less than the median household income for the Newberg area, such that a household pays 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 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.

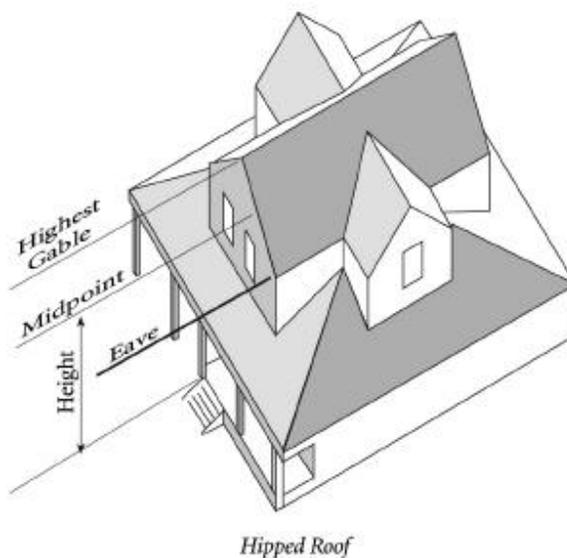
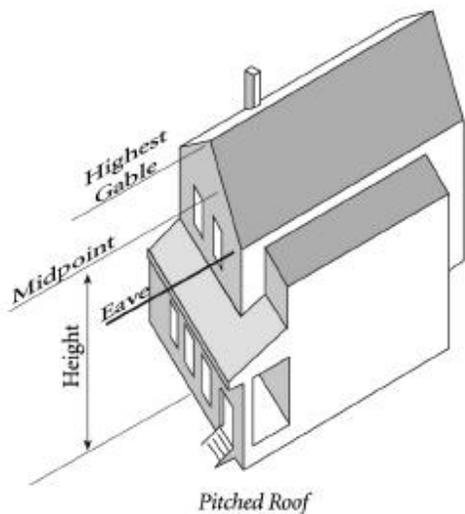
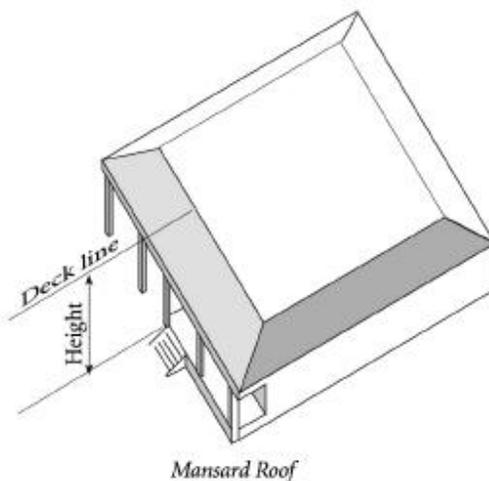
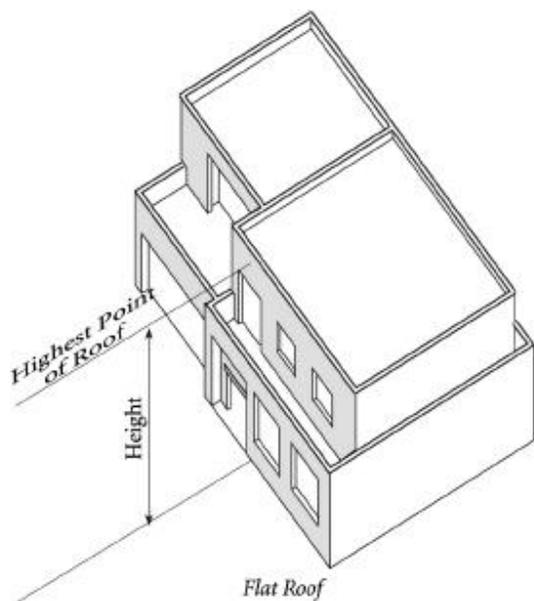
(F) Buildings within the Airport Overlay Sub-district are subject to the height limits of that sub-district.

151.537 BUILDING HEIGHT EXEMPTIONS.

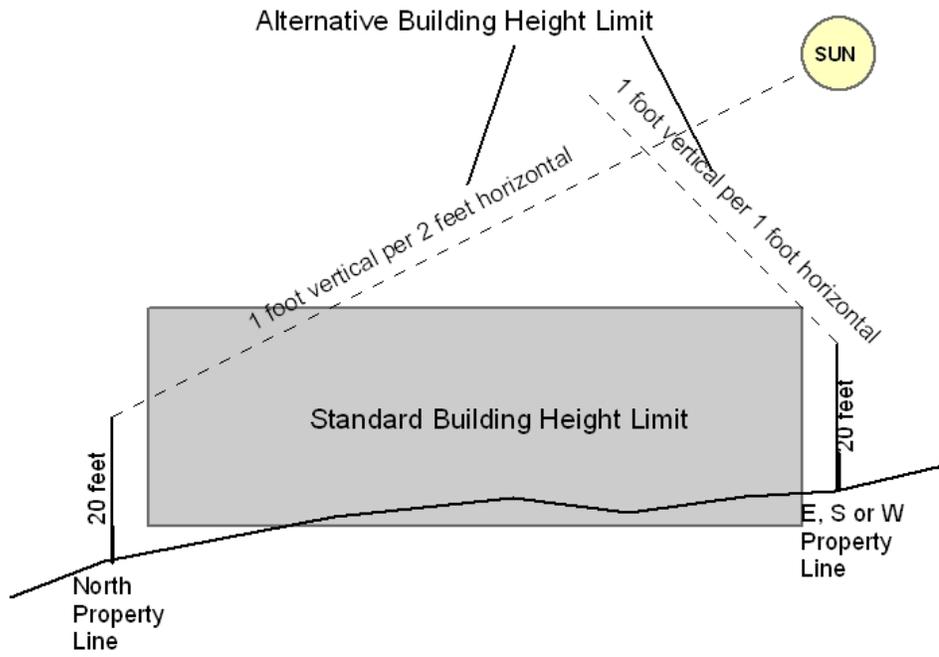
Roof structures and architectural features. ~~For~~ for the housing of elevators, stairways, tanks, ventilating fans and similar equipment required to operate and maintain the building, fire or parapet walls, skylights, towers, flagpoles, chimneys, smokestacks, wireless masts, T.V. antennas, steeples 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.

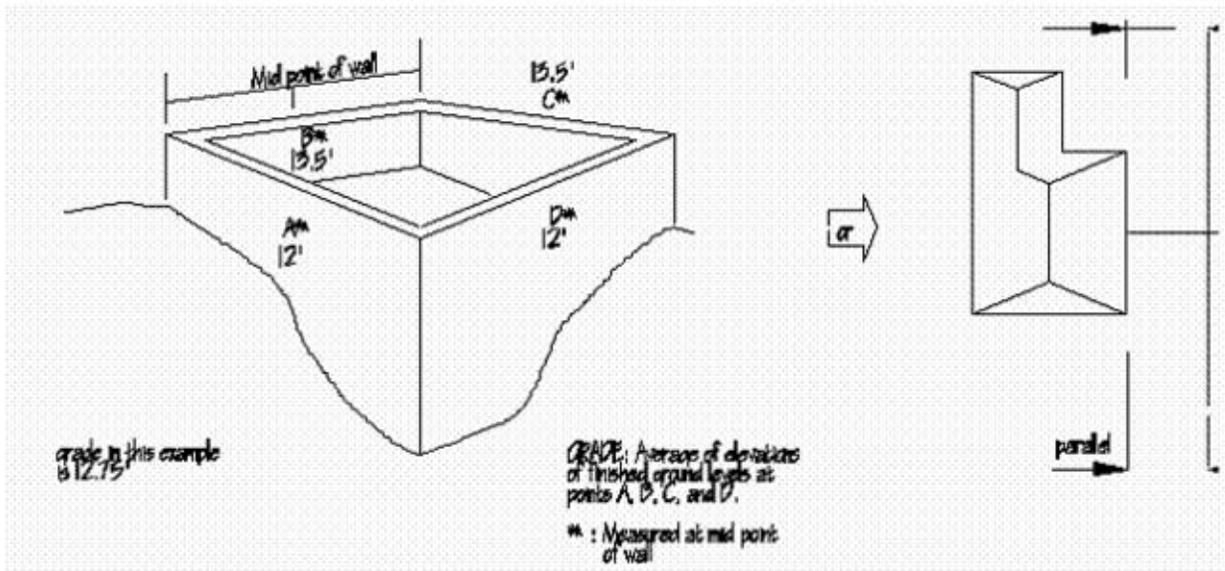
[Note Figure XXIII would be added to the Development Code]

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 as calculated below <u>per gross acre, as calculated in section (b) below</u>	
R-2	310 density points as calculated below <u>per gross acre, as calculated in section (b) below</u>	
R-3	640 density points as calculated below <u>per gross acre, as calculated in section (b) below</u>	
RP	310 density points as calculated below <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 §151.232 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
RESIDENTIAL TYPES	

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 <u>planned</u> 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 made of privacy glass.~~

(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 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.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 18, 2010

Order _____ Ordinance XX Resolution _____ Motion _____ Information _____
No. No. 2010-2732 No.

SUBJECT: Proposed amendments to Newberg 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

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION: Adopt Ordinance No. 2010-2732, which would amend the Newberg Development Code with new residential design standards to promote the development of attractive, livable and functional neighborhoods.

EXECUTIVE SUMMARY:

Summary of Proposed Residential Design Standards Amendments

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.

Project Background

In 2005, the City's Ad Hoc Committee on Newberg's Future 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, to encourage the development of affordable housing, and to maintain the City's livability and quality of life. The City Council directed staff to implement the Committee's recommendations. With this directive, the City has worked on multiple projects to improve housing issues in the community, including the *Affordable Housing through Density and Design* project as well as the development of the *Affordable Housing Action Plan*. Both of these efforts included elements of residential design standard improvements.

Following the acceptance of the *Affordable Housing Action Plan* by the City Council in May, 2009, the Planning Commission held a series of public hearings regarding multiple proposed development code amendments within the *Plan* intended to support affordable housing, including amendments for residential design standards. On March 11, 2010, the Commission voted to recommend adoption of a code amendment

package. Regarding these code amendments, the City Council held a workshop on June 7, 2010 and a Town Hall Meeting on June 9, 2010.

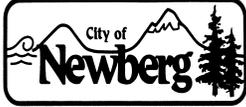
On September 7, 2010, the City Council held a public hearing on the proposed adoption of Ordinance No. 2010-2730, which would (1) amend the Comprehensive Plan policies and Development Code to support affordable housing; and, (2) amend the Development Code with new residential design standards to promote the development of attractive, livable and functional neighborhoods. After a report by city staff and hearing public testimony, the City Council closed the public testimony portion of the public hearing. In consideration of the information they had received during the public hearing, the City Council felt that the proposed residential design standards should be considered separately from the proposed amendments to the Comprehensive Plan policies and Development Code to support affordable housing. Therefore, the City Council directed city staff to prepare two separate ordinances for these issues. The public hearing was continued to the October 18, 2010 City Council meeting.

FISCAL IMPACT: None to the City.

STRATEGIC ASSESSMENT: The quality of life within a community includes positive aesthetic values. The proposed residential design standards should help ensure the development of attractive, livable and functional neighborhoods at a relatively low cost to homeowners.

Attachments:

Ordinance 2010-2732



ORDINANCE No. 2010-2732

AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE TO CREATE RESIDENTIAL DESIGN STANDARDS

RECITALS:

1. In 2005, the Ad Hoc Committee on Newberg’s Future recommended that the City adopt standards to maintain the City’s livability and quality of life.
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 that would maintain livability and quality of life.
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. At that meeting, the City Council felt it best to consider separately the proposed adoption of the residential design standards from the proposed affordable housing amendments.
5. The residential design standards amendments would help the development of attractive, livable and functional neighborhoods at a relatively low cost to homeowners.
6. The Code of Newberg is amended and shown in Exhibit "A", which is attached.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

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

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 17, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of October 18, 2010, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of October, 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

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

Exhibit “A” to Newberg Ordinance 2010-2732

Proposed Newberg Development Code Amendments

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 (1 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).

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: October 18, 2010

Order ____ Ordinance XX Resolution ____ Motion ____ Information ____
No. No. 2010-2731 No.

SUBJECT: Consider a Development Code text amendment to allow more flexibility to use electronic signs, depending on the zone, sign size, and mode of operation.

Contact Person (Preparer) for this Ordinance: Steve Olson, AICP

Dept.: Planning & Building

File No.: DCA-09-002
(if applicable)

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL

RECOMMENDATION: Adopt Ordinance No. 2010-2731, approving a development code text amendment to allow more flexibility to use electronic signs, depending on the zone, sign size, and mode of operation.

EXECUTIVE SUMMARY:

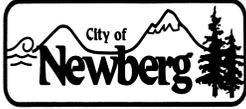
The City Council heard the staff report and public testimony on October 4, and continued the hearing at the point of deliberation to October 18, 2010. The Council should deliberate on the proposed code amendment and take action on the ordinance.

FISCAL IMPACT: No fiscal impact to the City.

STRATEGIC ASSESSMENT: The proposed changes may help local businesses prosper, and may help local community groups through voluntary public service messages run by the electronic sign owners. The limitations on mode of operation and size, based on the zone, will protect residential areas from potential negative impacts.

Attachments

- Ordinance 2010-2731
- Exhibit A: Findings
- 1. Planning Commission Minutes – August 12, 2010



ORDINANCE No. 2010-2731

**AN ORDINANCE AMENDING THE NEWBERG DEVELOPMENT CODE
TO ALLOW MORE FLEXIBILITY TO OPERATE ANIMATED SIGNS,
DEPENDING ON THE ZONE, SIGN SIZE, AND OPERATING METHOD**

RECITALS:

1. The Newberg Development Code limits the size of animated signs to 10 square feet, regardless of the zone the sign is located in. Some sign owners felt this was overly restrictive, and that larger animated signs could benefit both businesses and the larger community.
2. The Electronic Sign Ad Hoc Committee was established by the City Council to identify and recommend appropriate changes to the sign code to balance business and community needs. Their final recommendation was that electronic signs provide a valuable means of communication for the community and for businesses, and that the sign code could allow more flexibility to use electronic signs, depending on the zone and the sign size, while protecting the livability of residents. The recommendation included a proposed development code amendment.
3. On July 8, 2010, the City Council accepted the recommendation of the Electronic Sign Ad Hoc Committee and initiated a development code amendment to consider the potential changes to the Newberg sign ordinance.
4. On August 12, 2010 the Newberg Planning Commission held a public hearing and approved Resolution 2010-281, which recommended that the City Council adopt the code amendment as proposed by the Electronic Sign Ad Hoc Committee, with the addition of one sentence clarifying the definition of a business.
5. On October 4, 2010, after proper notice, the City Council held a public hearing to consider the proposed changes, heard the staff report and public testimony, and continued the hearing at the point of deliberation.
6. On October 18, 2010 the City Council continued the hearing, deliberated on the proposed changes and found that the code amendment was in the best interests of the city and consistent with the Newberg Comprehensive Plan and State-wide planning goals.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Newberg Development Code is amended to add the new text and table below after section § 151.597:

§ 151.597.5 ELECTRONIC MESSAGE CENTERS

- (A) Electronic message center (EMC) signs are permitted subject to the limitations shown in the table below.

Electronic Message Center Standards by Display Method, Size, Zoning, and Review Process

Zoning	Size of EMC [1]	Display Method				
		Static Message	Alternating Message	Animated Message	Extended Video Message	Flashing or rapid scrolling
Community Commercial and Industrial (C-2, M-1, M-2, M-3, M-4); other zones not listed	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Allowed	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Site element review	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Allowed	Site element review	Prohibited	Prohibited
Central Business District (C-3)	Up to 30 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
	> 30 sq. ft. up to 100 sq. ft.	Allowed	Prohibited	Prohibited	Prohibited	Prohibited
Institutional (I), Neighborhood Commercial (C-1), and Residential-Professional (R-P)	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed	Allowed	Allowed[2] or Site element review	Prohibited	Prohibited
	> 50 sq. ft. up to 100 sq. ft.	Allowed	Site element review	Site element review	Prohibited	Prohibited
All Residential Zones (Including R-1, R-2, & R-3) [3]	Up to 30 sq. ft.	Allowed	Allowed	Allowed	Prohibited	Prohibited
	> 30 sq. ft. up to 50 sq. ft.	Allowed[2]	Allowed[2]	Allowed[2]	Prohibited	Prohibited

[1] Maximum size of EMC is limited by the maximum size of sign allowed in that zone. Therefore, EMCs of the size shown may or may not be allowed.

[2] Allowed if setback from front property line is greater than 30 feet.

[3] Must be turned off between the hours of 11 p.m. and 6 a.m.

(B) Review process for allowed EMC:

The table above lists the zones where EMCs are allowed, based on the display method, size, and review process. EMCs that are allowed in the zone will use the standard Type I administrative review process.

- (C) Review process for EMCs that require site element review:
 Site element review is a Type I process with a decision by the Planning Director.
- (1) Criteria: The review body must find that the sign will be compatible with surrounding uses, based on all of the following factors:
 - (a) Proposed sign operation complies with the code.
 - (b) Setback: At least 15 feet from the front property line
 - (c) Hours of operation: May be required to be turned off between the hours of 11 p.m. and 6 a.m. if sign is abutting and visible from a residential district.
 - (d) Site landscaping is maintained and is up to code. If the site is nonconforming and cannot be brought up to code then efforts have been made to bring the site as close to code as practical.
 - (e) Freestanding signs include 3 of the following design elements:
 1. Includes prominent brickwork, masonry, naturally-finished wood, or naturally-finished metal in frame or supports.
 2. Includes neon type tube lighting on portions of the sign outside the EMC.
 3. Uses two support poles or a full-width support structure.
 4. Outline or top of the frame is predominantly non-rectangular or curved.
 5. Includes landscaping around the base equal in area to the size of the sign.
 6. More than 40% of sign is EMC.
 7. Height is 20% lower than otherwise required.
 8. Setback is 20% greater than otherwise required.
 9. Sign will be used by two or more businesses on site. Each business must have two or more employees on site at least 15 hours per week.
 - (2) Appeals: Appeal of the Director's decision will be to the Planning Commission.
- (D) Size incentive:
 If any freestanding EMC sign includes 4 of the design elements in (C)(1)(e) above then the allowable sign area is increased by 10%. If any freestanding EMC sign includes 5 or more of the design elements in (C)(1)(e) above then the allowable sign area is increased by 20%.
- (E) Electronic Scoreboards: Electronic scoreboards with electronic message centers in stadiums or at sports fields are not considered signs or limited in size or display method if they are oriented inward to the playing field.
- (F) Sign maintenance: All electronic message centers shall be kept in a good state of repair. Any burned out lights or LEDs shall be replaced as soon as possible.
- (G) Brightness: Each electronic message center shall be equipped with dimming technology that automatically varies the brightness of the electronic message display according to ambient light conditions. This standard shall only apply to signs approved after October 4, 2010.

2. Section § 151.003 of the Newberg Development Code is amended to add the following new definitions:

ELECTRONIC MESSAGE CENTER (EMC). A sign that is capable of displaying words, symbols, figures or images that can be electronically or mechanically changed by remote or automatic means.

ELECTRONIC MESSAGE CENTER DISPLAY METHODS:

- (1) **Static message.** The display on the entire electronic message center stays constant for a period of at least ten minutes, and does not appear to change, move, scroll, vary color, or vary light intensity.

- (2) **Alternating message.** The display on the entire electronic message center is held constant for a period of at least 5 (five) seconds, and does not appear to change, move, scroll, vary color, or vary light intensity during that period, and where the image transitions to another image instantly or in a transition of less than ½ second.
- (3) **Animated message.** The display on all or part of the electronic message center changes or appears to move, scroll, vary color, or vary light intensity. *Animated message* excludes static messages, alternating messages, extended video messages and flashing or rapid scrolling.
- (4) **Extended video message.** A display on an electronic message center that contains images that vary in a continuous, non repeating fashion, similar to television viewing. It includes messages or patterns of images that repeat in segments over ten seconds in duration. It excludes images that serve as a background display, where a foreground display comprising at least 50 percent of the EMC surface is held constant for continuous one second intervals. It also excludes flashing or rapid scrolling displays.
- (5) **Flashing or rapid scrolling.** *Flashing* means a display that includes a pattern of sudden alteration (less than ½ second) between an illuminated EMC face and a face without illumination, or an EMC face where the copy color and the background color alternate or reverse color schemes rapidly (in less than ½ second). *Rapid scrolling* means any letter or character in a message moves or appears to move across an EMC face faster than 10 feet in two seconds. *Flashing or rapid scrolling* excludes a transition of less than ½ second between messages on an alternating message display. Flashing or rapid scrolling is prohibited.
- (6) **Strobe lights.** *Strobe lights* are high intensity flashing lights that may impair vision. Strobe lights are prohibited on signs.

3. Sections § 151.593, 151.594, 151.596 and 151.599 of the Newberg Development Code are amended as follows:

Note: deletions are ~~struck through~~, additions are underlined.)

151.593 GENERAL REQUIREMENTS; ALL SIGNS.

(C) ~~No animated sign shall exceed ten square feet in area.~~ In the C-3 Zone, animated signs are prohibited.

151.594 MAJOR FREESTANDING SIGNS.

(B) Size.

(1) Residential Zones: No major freestanding sign shall be larger than 0.2 square foot per foot of street frontage, up to a maximum of ~~30~~ 50 square feet. At least six square feet of signage will be allowed. Major freestanding signs are not allowed on lots containing only one single family dwelling or duplex.

151.596 MAJOR ATTACHED.

(B) Size:

(1) R-1, R-2, and R-3 Zones: The total of all major attached signs on any building frontage shall not exceed 0.2 square foot for each foot of building frontage. At least six square feet of signage will be allowed up to a maximum of ~~30~~ 50 square feet. Major attached signs are not allowed on lots containing only one single family dwelling or duplex.

151.599 TEMPORARY SIGNS FOR EVENTS.

In addition to the portable signs otherwise permitted in this code, a lot may contain temporary signs in excess of the number and size allowed by § 151.598 above, during events as listed below:

(A) Grand opening event: A grand opening is an event of up to 30 days duration within 30 days of issuance of a certificate of occupancy for a new or remodeled structure, or within 30 days of change of

business or ownership. No lot may have more than one grand opening event per calendar year. The applicant shall notify the city in writing of the beginning and ending dates prior to the grand opening event. If there are no freestanding signs on a frontage after the grand opening event, one of the temporary signs may remain on the property for the 60 days immediately after the end of the grand opening event. A temporary electronic message center may be used during a grand opening event.

(B) Election event: An election event begins 90 days prior to and end 14 days after any public election. During this event a lot may contain up to two additional temporary signs not to exceed 12 square feet total area for both signs. These signs shall not be located in the public right-of-way.

(C) Other events: A lot may have two other events per calendar year. The events may not be more than eight consecutive days duration, nor less than 30 days apart. A temporary electronic message center may be used during the event.

(D) Flag displays: One flag display is permitted on each street frontage. An unlimited number of displays is permitted on any legal holiday or Newberg City Council designated festival.

4. The findings in Exhibit “A” are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: November 17, 2010.

ADOPTED by the City Council of the City of Newberg, Oregon, this 18th day of October, 2010, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 21st day of October, 2010.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Planning Commission Committee at the 8/12/10 meeting. Or, ___ None.
(committee name) (date) (check if applicable)

Exhibit “A”: Findings

Newberg Development Code § 151.590 PURPOSE.

- (A) *The citizens of Newberg desire a clean, attractive, economically vibrant, and safe community. Well planned and constructed signs can contribute to the community's success by directing and informing the public about commercial and other activities, and by creating attractive commercial and other neighborhoods. On the other hand, unregulated signage can create clutter, distractions, and hazards.*
- (B) *These regulations are designed:*
- (1) *To improve, maintain and preserve Newberg as a pleasing environment so as to improve the quality of life of all residents.*
 - (2) *To enhance the attractiveness of Newberg as a place to conduct business.*
 - (3) *To enable the identification of places of residences and business.*
 - (4) *To allow the freedom of expression.*
 - (5) *To reduce distractions and obstructions from signs which would adversely affect safety.*
 - (6) *To reduce the hazards from improperly placed or constructed signs.*

Newberg Comprehensive Plan

H. THE ECONOMY

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

POLICIES:

1. General Policies

- p. *The City shall strive to develop and promote a high quality of life in the community in order to attract and retain a diverse and highly skilled workforce.*
- q. *The City shall foster an environment of business innovation so that the community may remain economically competitive.*

J. URBAN DESIGN

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

POLICIES:

1. General Policies

- c. *Non-residential uses abutting residential areas should be subject to special development standards in terms of setbacks, landscaping, sign regulations, building heights and designs.*
- g. *Community appearance should continue to be a major concern and subject of a major effort in the area. Street tree planting, landscaping, sign regulations and building improvements contribute to community appearance and should continue to be a major design concern and improvement effort.*

Findings: As stated in the above policies, visual appearance and economic vitality are both very important to the community. Signs are by their nature designed to be visible and are therefore a significant part of the city's visual appearance. Sign regulations are necessary to control the visual impact of signs. Local businesses and institutions need sufficient signage to communicate with the public and help their businesses or organizations prosper. The proposed code regulations would allow more animated messages on signs, which would aid local businesses and institutions but could have a negative visual impact if unlimited. The code would limit the impact, however, by keeping existing controls on the overall height and size of all signs, and by limiting the operating method of the animated sign based on the size of the sign and the zone it was located in. Signs in or near residential areas would have the most limitations on animated signs, thus protecting the livability of residential neighborhoods. The proposed development code amendment therefore conforms to the Newberg Comprehensive Plan by balancing the goals of protecting the visual character of Newberg and fostering a strong economic environment.