

**CITY OF NEWBERG COUNCIL AGENDA
TUESDAY, SEPTEMBER 6, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

Mission Statement

The City of Newberg serves its citizens, promotes safety, and maintains a healthy community.

Vision Statement

Newberg will cultivate a healthy, safe environment where citizens can work, play and grow in a friendly, dynamic and diverse community valuing partnerships and opportunity.

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, with an opportunity to speak for no more than 5 minutes per speaker allowed)

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2971** authorizing the city manager to execute an agreement with the State of Oregon for installation of two solar-powered school zone flashing beacons along Highway 219. (Pgs. 3-11)
2. Consider a motion approving **Resolution No. 2011-2967** declaring a 2000 Ford E450 Chassis ambulance as surplus property. (Pgs. 13-16)
3. Consider a motion approving August 1, 2011, City Council minutes. (Pgs. 17-20)

VII. PUBLIC HEARINGS

1. Consider a motion approving **Ordinance No. 2011-2743** amending the Newberg Municipal Code pertaining to the Traffic Safety Commission. (Pgs. 21-36)
(Legislative Hearing – 1st Reading)

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.

2. Consider a motion approving **Ordinance No. 2011-2747** amending the Development Code pertaining to manufactured homes. (Pgs. 37-74)
(Legislative Hearing – 1st Reading)

VIII. NEW BUSINESS

1. Consider a motion approving **Resolution No. 2011-2968** authorizing the city manager to enter into a contract with First Cascade Corporation for the construction of the Fire Station 20 Remodel Project. (Pgs. 75-78)
2. Consider a motion approving the Chehalem Valley Visitor Information Center Fourth Quarter report. (Pgs. 79-82)
3. Consider a motion approving reduced City Hall hours and installing a call handling system for the main city number. (Pg. 83)

IX. COUNCIL BUSINESS

X. ADJOURNMENT

ACCOMMODATION OF PHYSICAL IMPAIRMENTS: In order to accommodate persons with physical impairments, please notify the City Recorder'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 the City Recorder at (503) 537-1283. For TTY services please call (503) 554-7793

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 land use hearings, which requires a specific public hearing process. The City Council asks written testimony be submitted to the City Recorder before 5:00 p.m. on the preceding Thursday. Written testimony submitted after that will be brought before the Council on the night of the meeting for consideration and a vote to accept or not accept it into the record.

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

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2011-2971	Motion ___	Information ___
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SUBJECT: Authorize the city manager to execute a Cooperative Improvement Agreement with the State of Oregon to install two programmable solar-powered school zone flashing beacons along Highway 219.

Contact Person (Preparer) for this Motion:
Dain Eichel, Interim Public Works Director
Paul Chiu, Senior Engineer/Project Manager
Dept.: Public Works Department
File No.:

RECOMMENDATION: Adopt Resolution No. 2011-2971.

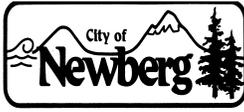
EXECUTIVE SUMMARY: State Highway 219 (also known as North College Street) is a major arterial that provides access for residents, businesses, schools and parks that are located on the north side of the city. A 20 mph school zone has been established along this highway between Columbia and Pinehurst Drives for the Open Bible Christian School that provides education for students from kindergarten to 12th grade (see the map below).



The existing signs do not have any flashing beacons and vehicles are often observed to travel at 35 mph, which is the legal speed prior to entering the school zone. To enhance safety in the school zone, the city first communicated with the Oregon Department of Transportation (ODOT) in February 2010 regarding the need for flashing beacons. ODOT was receptive to the request and estimated that the full cost would be around \$20,000. The city will pay for all the cost for this safety project. ODOT will schedule this work upon execution of the agreement. Please see the attached Cooperative Improvement Agreement between the City and ODOT (Exhibit “A”).

FISCAL IMPACT: Funding is available in FY 2011/12 budget under account number 18-5150-702169.

STRATEGIC ASSESSMENT: This project provides a much needed safety reminder for vehicles to comply with the 20 mph school zone speed limit. The installation is anticipated to bring a higher compliance rate according to traffic safety research.



RESOLUTION No. 2011-2971

A RESOLUTION AUTHORIZING THE CITY MANAGER TO EXECUTE A COOPERATIVE IMPROVEMENT AGREEMENT WITH THE STATE OF OREGON TO INSTALL TWO PROGRAMMABLE SOLAR-POWERED SCHOOL ZONE FLASHING BEACONS ALONG HIGHWAY 219

RECITALS:

1. The City of Newberg promotes pedestrian and traffic safety in school zones by raising awareness of safe driving speeds on streets adjacent to schools. One of the tools is to install flashing beacons that operate when children arrive at or leaving school.
2. The flashing beacons provide an effective visual reminder for speed compliance in school zones.
3. ODOT agreed to install the flashing beacons for the city at an estimated cost of \$20,000 through an advance deposit and reimbursement process. The work is fully funded by the city.
4. On August 5, 2011, ODOT transmitted a Cooperative Improvement Agreement to the City that requires Council approval prior to signing. The agreement is shown in Exhibit "A" which is attached and by this reference incorporated.
5. City will provide staff support and coordination with ODOT for the installation of the school zone flashing beacons and the related work. The entire project should be completed within six (6) calendar months or sooner upon execution of the IGA.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The Newberg City Council hereby authorizes the city manager to execute the Cooperative Improvement Agreement with ODOT, shown in the attached Exhibit "A", which is hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 7, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of September.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of September 2011.

Bob Andrews, Mayor

EXHIBIT "A" TO RESOLUTION NO. 2011-2971

Misc. Contracts and Agreements
No. 27936

Oregon Department of Transportation
COOPERATIVE IMPROVEMENT AGREEMENT
Oregon Route 219 (Hillsboro-Silverton Highway)
School Zone Safety Improvements (M.P. 19.33 and M.P. 19.47)
City of Newberg

THIS AGREEMENT is made and entered into by and between the STATE OF OREGON, acting by and through its Department of Transportation, hereinafter referred to as "State," and the CITY OF NEWBERG, acting by and through its designated officials, hereinafter referred to as "Agency," both herein referred to individually or collectively as "Party" or "Parties".

RECITALS

1. Oregon Route 219 (Hillsboro-Silverton Highway), is a part of the state highway system under the jurisdiction and control of the Oregon Transportation Commission (OTC), and is routed through the corporate limits of the City of Newberg. OR 219 is also known within the limits of this Project as North College Street.
2. By the authority granted in Oregon Revised Statutes (ORS) 190.110, 366.572 and 366.576, State may enter into cooperative agreements with counties, cities and units of local governments for the performance of work on certain types of improvement projects with the allocation of costs on terms and conditions mutually agreeable to the contracting parties.
3. By the authority granted in ORS 810.210, State is authorized to determine the character or type of traffic control devices to be used, and to place or erect them upon state highways at places where State deems necessary for the safe and expeditious control of traffic. No traffic control devices shall be erected, maintained, or operated upon any state highway by any authority other than State, except with its written approval. Traffic signal work on this Project will conform to the current State standards and specifications.
4. In accordance with ORS 811.106, a flashing light used as a traffic control device to indicate that children may be within a school zone may be operated only at times when children are scheduled to arrive at or leave the school.
5. By the authority granted in ORS 366.425, State may accept deposits of money or an irrevocable letter of credit from any county, city, road district, person, firm, or corporation for the performance of work on any public highway within the State. When said money or a letter of credit is deposited, State shall proceed with the Project. Money so deposited shall be disbursed for the purpose for which it was deposited.

NOW THEREFORE, the premises being in general as stated in the foregoing Recitals, it is agreed by and between the Parties hereto as follows:

EXHIBIT "A" TO RESOLUTION NO. 2011-2971

*City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 27936*

TERMS OF AGREEMENT

1. Under such authority, State and Agency agree to install programmable solar-powered flashing beacons and “School Zone Speed 20 When Flashing” signs located on state right of way at M.P. 19.33 and M.P. 19.47 (25 feet south of Columbia Drive and 200 feet south of Pinehurst Drive), hereinafter referred to as “Project”. The location of the Project is approximately as shown on the sketch map attached hereto, marked Exhibit A, and by this reference made a part hereof.
2. The Project will be financed at an estimated cost of \$20,000 in Agency funds. The estimate for the total Project cost is subject to change. Agency shall be responsible for any justifiable Project costs beyond the estimate.
3. This Agreement shall become effective on the date all required signatures are obtained and shall remain in effect for the purpose of ongoing maintenance responsibilities for the useful life of the facilities constructed as part of the Project. The useful life is defined as twenty (20) calendar years. The Project shall be completed within six (6) calendar months, or sooner, following the date of final execution of this Agreement by both Parties.

AGENCY OBLIGATIONS

1. Agency shall be responsible for all costs associated with construction and installation of the Project. The Project shall be financed with Agency funds.
2. Agency shall, upon receipt of a fully executed copy of this Agreement and upon a subsequent letter of request from State, forward to State an advance deposit or irrevocable letter of credit in the amount of \$20,000 for the Project, said amount being equal to the estimated total cost for the work performed by State at Agency’s request under State Obligations, Paragraph 1. Agency agrees to make additional deposits as needed upon request from State.
3. Agency certifies, at the time this Agreement is executed, that sufficient funds are available and authorized for expenditure to finance costs of this Agreement within Agency’s current appropriation or limitation of the current annual fiscal budget.
4. Upon completion of the Project and receipt from State of an itemized statement of the actual total cost of State’s participation for the Project, Agency shall pay any amount which, when added to Agency’s advance deposit, will equal 100 percent of actual total State costs for the Project. Any portion of said advance deposit which is in excess of the State’s total costs will be refunded or released to Agency.
5. Agency acknowledges and agrees that State, the Oregon Secretary of State's Office, the federal government, and their duly authorized representatives shall have access to the books, documents, papers, and records of Agency which are directly pertinent to the specific Agreement for the purpose of making audit, examination, excerpts, and

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*City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 27936*

transcripts for a period of six (6) years after completion of the Project. Copies of applicable records shall be made available upon request. Payment for costs of copies is reimbursable by State.

6. Agency certifies and represents that the individual(s) signing this Agreement has been authorized to enter into and execute this Agreement on behalf of Agency, under the direction or approval of its governing body, council, commission, board, officers, members or representatives, and to legally bind Agency.
7. Agency's Project Manager for this Project is Paul Chiu, P.E, Senior Engineer, City of Newberg Public Works Engineering, PO Box 970, Newberg, Oregon 97132; telephone (503) 554-1751; email: paul.chiu@newbergoregon.gov, or assigned designee upon individual's absence. Agency shall notify the other Party in writing of any contact information changes during the term of this Agreement.

STATE OBLIGATIONS

1. At the request of Agency, State shall install programmable solar-powered flashing beacons and "School Zone Speed 20 When Flashing" signs on state right of way at M.P. 19.33 and M.P. 19.47 (25 feet south of Columbia Drive and 200 feet south of Pinehurst Drive)
2. State shall, upon execution of the agreement, forward to Agency a letter of request for an advance deposit or irrevocable letter of credit in the amount of \$20,000 for payment of the purchase and installation of solar-powered flashing beacons and school zone safety signs. Requests for additional deposits shall be accompanied by an itemized statement of expenditures and an estimated cost to complete Project.
3. State shall be responsible for illumination, signing, inspection, turn-on and flashing beacon timing.
4. State shall, at its own expense, maintain the flashing beacons and signs installed as part of this Project.
5. Upon completion of the Project, State shall either send to Agency a bill for the amount which, when added to Agency's advance deposit, will equal 100 percent of the total state costs for Project or State will refund to Agency any portion of said advance deposit which is in excess of the total State costs for Project.
6. State's Project Manager for this Project is Angela Kargel, P.E., Region 2 Traffic Engineer, 455 Airport Road SE, Building A, Salem, Oregon 97301-4989; telephone (503) 986-2656; email: angela.j.kargel@odot.state.or.us, or assigned designee upon individual's absence. State shall notify the other Party in writing of any contact information changes during the term of this Agreement.

EXHIBIT "A" TO RESOLUTION NO. 2011-2971

*City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 27936*

JOINT OBLIGATIONS

1. State and Agency agree that State shall maintain the flashing beacons and signs installed as part of this Project as long as they are needed for the service of the school zone safety. If said beacons and signs are no longer used for their intended purpose, State may remove them from their Project location. Flashing beacons and signs installed as part of this Project shall remain under the ownership of Agency.

GENERAL PROVISIONS

1. This Agreement may be terminated by mutual written consent of both Parties.
2. State may terminate this Agreement effective upon delivery of written notice to Agency, or at such later date as may be established by State, under any of the following conditions:
 - a. If Agency fails to provide services called for by this Agreement within the time specified herein or any extension thereof.
 - b. If Agency fails to perform any of the other provisions of this Agreement, or so fails to pursue the work as to endanger performance of this Agreement in accordance with its terms, and after receipt of written notice from State fails to correct such failures within ten (10) days or such longer period as State may authorize.
 - c. If Agency fails to provide payment of its share of the cost of the Project.
 - d. If State fails to receive funding, appropriations, limitations or other expenditure authority sufficient to allow State, in the exercise of its reasonable administrative discretion, to continue to make payments for performance of this Agreement.
 - e. If federal or state laws, regulations or guidelines are modified or interpreted in such a way that either the work under this Agreement is prohibited or State is prohibited from paying for such work from the planned funding source.
3. Any termination of this Agreement shall not prejudice any rights or obligations accrued to the Parties prior to termination.
4. If any third party makes any claim or brings any action, suit or proceeding alleging a tort as now or hereafter defined in ORS 30.260 ("Third Party Claim") against State or Agency with respect to which the other Party may have liability, the notified Party must promptly notify the other Party in writing of the Third Party Claim and deliver to the other Party a copy of the claim, process, and all legal pleadings with respect to the Third Party Claim. Each Party is entitled to participate in the defense of a Third Party Claim, and to defend a Third Party Claim with counsel of its own choosing. Receipt by a Party of the notice and copies required in this paragraph and meaningful opportunity for the Party to participate in the investigation, defense and settlement of the Third

EXHIBIT "A" TO RESOLUTION NO. 2011-2971

*City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 27936*

Party Claim with counsel of its own choosing are conditions precedent to that Party's liability with respect to the Third Party Claim.

5. With respect to a Third Party Claim for which State is jointly liable with Agency (or would be if joined in the Third Party Claim), State shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by Agency in such proportion as is appropriate to reflect the relative fault of State on the one hand and of Agency on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of State on the one hand and of Agency on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. State's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if State had sole liability in the proceeding.
6. With respect to a Third Party Claim for which Agency is jointly liable with State (or would be if joined in the Third Party Claim), Agency shall contribute to the amount of expenses (including attorneys' fees), judgments, fines and amounts paid in settlement actually and reasonably incurred and paid or payable by State in such proportion as is appropriate to reflect the relative fault of Agency on the one hand and of State on the other hand in connection with the events which resulted in such expenses, judgments, fines or settlement amounts, as well as any other relevant equitable considerations. The relative fault of Agency on the one hand and of State on the other hand shall be determined by reference to, among other things, the Parties' relative intent, knowledge, access to information and opportunity to correct or prevent the circumstances resulting in such expenses, judgments, fines or settlement amounts. Agency's contribution amount in any instance is capped to the same extent it would have been capped under Oregon law, including the Oregon Tort Claims Act, ORS 30.260 to 30.300, if it had sole liability in the proceeding.
7. The Parties shall attempt in good faith to resolve any dispute arising out of this Agreement. In addition, the Parties may agree to utilize a jointly selected mediator or arbitrator (for non-binding arbitration) to resolve the dispute short of litigation.
8. This Agreement may be executed in several counterparts (facsimile or otherwise) all of which when taken together shall constitute one agreement binding on all Parties, notwithstanding that all Parties are not signatories to the same counterpart. Each copy of this Agreement so executed shall constitute an original.
9. This Agreement and attached exhibits constitute the entire agreement between the Parties on the subject matter hereof. There are no understandings, agreements, or representations, oral or written, not specified herein regarding this Agreement. No

EXHIBIT "A" TO
RESOLUTION NO. 2011-2971

City of Newberg / State of Oregon – Dept. of Transportation
Agreement No. 27936

waiver, consent, modification or change of terms of this Agreement shall bind either Party unless in writing and signed by both Parties and all necessary approvals have been obtained. Such waiver, consent, modification or change, if made, shall be effective only in the specific instance and for the specific purpose given. The failure of State to enforce any provision of this Agreement shall not constitute a waiver by State of that or any other provision.

THE PARTIES, by execution of this Agreement, hereby acknowledge that their signing representatives have read this Agreement, understand it, and agree to be bound by its terms and conditions.

CITY OF NEWBERG, by and through its designated officials

By _____
Mayor

Date _____

By _____
City Manager

Date _____

APPROVED AS TO LEGAL FORM

By _____
City Legal Counsel

Date _____

Agency Contact:

Paul Chiu, P.E, Senior Engineer
City of Newberg Public Works Engineering
PO Box 970
Newberg, OR 97132
Phone: (503) 554-1751
Email: paul.chiu@newbergoregon.gov

STATE OF OREGON, by and through its Department of Transportation

By _____
Region 2 Manager

Date _____

APPROVAL RECOMMENDED

By _____
Region 2 Maintenance & Operations
Manager

Date _____

By _____
District 3 Manager

Date _____

By _____
State Traffic Engineer

Date _____

State Contact:

Angela Kargel, P.E., Traffic Engineer
ODOT, Highway Division, Region 2
455 Airport Road SE, Bldg. A
Salem, OR 97301-4989
Phone: (503) 986-2656
Email: angela.i.kargel@odot.state.or.us

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REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

Order ___ No.	Ordinance ___ No.	Resolution <u>XX</u> No. 2011-2967	Motion ___	Information ___
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SUBJECT: Surplus of 2000 Ford E450 Chassis

Contact Person (Preparer) for this
Motion: Frank Douglas
Dept.: Fire
File No.:

RECOMMENDATION:

Adopt **Resolution No. 2011-2967** authorizing the surplus of Newberg Fire Department's 2000 Ford E450 ambulance chassis.

EXECUTIVE SUMMARY:

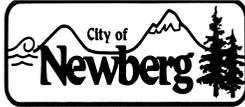
To save money, Newberg Fire Department will refurbish and reuse a 2000 Superliner ambulance module (patient compartment). The 2000 module, once refurbished, will be placed onto a new 2012 Chevrolet G4500 chassis. The City of Newberg has contracted with Hughes Fire Equipment, Inc. (vendor) for the refurbishment. Life Line Emergency Vehicles, Inc. is the ambulance manufacturer who will refurbish the ambulance module. In a remount/refurbishment, the old chassis (2000 Ford E450) becomes property of Hughes Fire Equipment, Inc.

FISCAL IMPACT:

It is estimated that this remount/refurbishment of the 2000 Superliner ambulance module and placement of it on a new chassis will save the City \$30,000 to \$40,000.

STRATEGIC ASSESSMENT:

Newberg Fire Department maintains six (6) licensed ambulances in its small fleet. The remount/refurbishment of our 2000 Ford E450 ambulance will maintain our ambulance fleet at six (6).



RESOLUTION No. 2011-2967

A RESOLUTION AUTHORIZING THE FIRE DEPARTMENT TO SURPLUS ONE (1) 2000 FORD E450 SUPERLINER AMBULANCE CHASSIS

RECITALS:

1. The City of Newberg Fire Department has been operating a fire department since 1898.
2. The City of Newberg owns a 2000 Ford E450 Superliner ambulance with an odometer reading of 195,154.
3. Pursuant to Resolution No. 2011-2958, the city manager has city council approval to contract with Hughes Fire Equipment to refurbish the 2000 Superliner ambulance module (patient compartment) and place it on a new chassis. In this transaction, the 2000 Ford E450 chassis sale price is built into the price of the remount/refurbishment contract price and becomes property of Hughes Fire Equipment, Inc., an Oregon company.
4. Newberg Fire Department recommends the surplus of the 2000 Ford E450 chassis as listed in Exhibit "A".

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

1. The City Council has reviewed the recommendation to surplus the ambulance chassis as a "trade-in" listed in Exhibit "A", which is valued at \$5,000.
2. The City Council authorizes the surplus of the ambulance chassis listed in Exhibit "A."
3. The City Council authorizes, directs, and delegates the authority to the Solicitation Agent, which is the City Manager unless authority is otherwise delegated, in accordance with the Code [Chapter 3.25] to do all necessary acts and take all necessary steps to dispose of the 2000 ambulance chassis listed in Exhibit "A" as a "trade-in" and at the highest reasonable price. Furthermore, the Solicitation Agent has the authority to reject any unreasonable offers to purchase the items in Exhibit "A." Additionally, the Solicitation Agent or his designee is authorized by City Council to advertise the items listed in Exhibit "A," as needed and/or required by the Municipal Code, Section 3.25.080(J) – Solicitation methods for classes of contracts), Surplus property.

4. City Attorney will approve any and all purchase agreements with outside parties prior to any final agreement(s) to the sale of the item listed in Exhibit "A."

➤ **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: _September 7, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of September, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 9th day of September, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through City Council at 08/01/2011 meeting. Or, ___ None.

Exhibit “A”
to Resolution No. 2011 – 2967
(page 1 of 1)

Surplus Item:

1. **2000 Ford E450 Ambulance Chassis (VIN: IFDXE45F5YHB97342) – valued at \$5,000 and is in an “as is” condition.**

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

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

SUBJECT: Approve the August 1, 2011, City Council Meeting minutes.

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

RECOMMENDATION:

Approve the August 1, 2011, City Council minutes for preservation and permanent retention in the City's historical records.

EXECUTIVE SUMMARY:

The City of Newberg City Council held a public meeting and minutes were recorded in text. In accordance to Oregon State Records Management law, the City of Newberg must preserve these minutes in hard copy form for permanent retention.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

None.

**CITY OF NEWBERG CITY COUNCIL MINUTES
AUGUST 1, 2011
7:00 P.M. MEETING
PUBLIC SAFETY BUILDING TRAINING ROOM (401 EAST THIRD STREET)**

A work session was held prior to the meeting. A presentation was given by the city manager on Council goals. No action was taken and no decisions were made.

I. CALL MEETING TO ORDER

Mayor Bob Andrews called the meeting to order at 7:15 PM.

II. ROLL CALL

Members

Present: Mayor Bob Andrews Denise Bacon Ryan Howard Stephen McKinney
 Bart Rierson Wade Witherspoon (arrived at 6:10 PM)

Members

Absent: Marc Shelton (excused)

Staff

Present: Daniel Danicic, City Manager Terrence Mahr, City Attorney
 Norma I. Alley, City Recorder Jennifer Nelson, Minutes Recorder

Others

Present: Pat Haight and Hank Grum

III. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was performed.

IV. CITY MANAGER'S REPORT

Mr. Daniel Danicic, City Manager, reported on the success of the Old Fashioned Festival and thanked all the volunteers and participants. He announced the auditors will start their process soon and if the Council is invited to ask questions; a final report will be brought forward for acceptance. He also informed the Council of the demolition of the Buckley building beginning tomorrow.

VI. PUBLIC COMMENTS

Ms. Pat Haight spoke of the Old Fashioned Festival and questioned the tent sponsored by Rivermark and City of Newberg saying it was a slam to other business owners. She also said she heard talk about Hank's initiative and that one Council member is encouraging a Political Action Committee (PAC) to fight the people. She stated Councilor Stephen McKinney discussed different ways to change the people's votes at the last meeting because it would cause problems and that Councilor Denise Bacon said something about it being better to educate the people. She wondered how they expected to educate eighteen thousand people to vote against democracy and convince them to give up the right to vote.

Councilor Denise Bacon responded a lot of things in the initiative will be very spendy and cannot be done the way it is written; she said she has nothing against the voice of people, but representative government is the voice of the people. If the amount of information is given on every issue to the voters, they will not invest the time that she does as their representative to study the issue before she places her vote.

Ms. Haight asked how they are going to tell people you will decide what to have on their water and sewer bills. She said the City cannot add money onto utilities without a vote and asked how they will convince adult voters to give you that right.

Mayor Andrews closed the discussion by stating a PAC has been organized by citizens, not by the Council.

Mr. Hank Grum said he was seeking clarification on comments regarding the affluent reuse project and the statement by the city manager that the fifty-five million dollar project did not include improvements to affluent reuse. He read an excerpt, from a document submitted to the recorder, regarding his concerns to be assigned to staff for follow-up (please see official meeting packet for full report).

VI. CONSENT CALENDAR

1. Consider a motion approving **Resolution No. 2011-2958** authorizing the city manager to enter into a contract with Hughes Fire Equipment, Inc., an Oregon company, for the refurbishment (remount) of one ambulance.
2. Consider a motion approving June 6, 2011, June 20, 2011, and July 5, 2011, City Council minutes.

MOTION: Rierson/Bacon approving the Consent Calendar including **Resolution No. 2011-2958** and City Council minutes from June 6, June 20, and July 5, 2011, as amended. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

VII. NEW BUSINESS

Consider a motion approving **Resolution No. 2011-2963** authorizing the Mayor to amend the Employment Agreement with Daniel J. Danicic on behalf of the city.

TIME – 7:34 PM

Mr. Danicic presented the staff report (see official meeting packet for full report).

Councilor Wade Witherspoon asked for clarification on the contract being indefinite without any end terms other than the city manager's resignation or a Council decision.

Councilor Ryan Howard said he looked through the document and nothing changed except the term and salary; he felt this was acceptable with the support of the city attorney.

Mr. Terrence Mahr, City Attorney, stated a lot of city manager contracts have an indefinite period to ensure severance is available and other securities such as terminating for cause. If there is a term and the contract is not renewed beforehand, the employee has no security.

Councilor McKinney asked if this was customary and if this addressed the city manager's concerns. Mr. Mahr replied two previous city managers also had contracts like this where after a certain term the contract rolls over into an indefinite one. Mr. Danicic said this does address his concerns.

Councilor Howard added this would not prevent renegotiations of the contract. He asked the city attorney if he was comfortable with all the provisions in the contract. Mr. Mahr replied he was and helped put the contract together using standards from other managers and past contracts. The severance is at a reasonable level as well.

Mayor Andrews said after several discussions he felt comfortable with the intent and will vote to support this.

MOTION: Howard/McKinney approving **Resolution No. 2011-2963** authorizing the Mayor to amend the Employment Agreement with Daniel J. Danicic on behalf of the city. (6 Yes/0 No/1 Absent [Shelton]) Motion carried.

VIII. COUNCIL BUSINESS

Discussion on the Initiative Petition

TIME – 7:48 PM

Mr. Mahr stated he had no more feedback from Council with an interest in a competing measure so he did not formally prepare one. They are prepared to file a ballot measure now and are preparing an explanation. Voter pamphlet arguments are due to the County Clerk by September 12, 2011.

Other Council Business

Mayor Andrews asked for an update to be sent to Council on how the City is doing to fill labor needs with volunteers.

Councilor McKinney asked how many registered voters are in the City of Newberg because he thought it was only a little over ten thousand, not eighteen thousand voters as mentioned in public testimony. Staff researched the question and stated 15% of active voters were around 10,208. A brief discussion continued regarding signatures for the initiative and verification of those signatures and expelling some of the misconceptions regarding water reuse and certain entities getting special treatment.

Councilor Rierson agreed they often hear information presented at council meetings as fact, even if it is not, and he appreciates the opportunity for staff to think about these things and respond for the record to get facts out there about the water reuse program benefits and fees being charged to the Chehalem Park and Recreation District.

IX. ADJOURNMENT

The meeting adjourned at 8:14 PM.

ADOPTED by the Newberg City Council this 5th day of September, 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of September, 2011.

Bob Andrews, Mayor

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2011-2743 No.

SUBJECT: Amending Municipal Code Sections 2.15.330 through 2.15.480, which established the Traffic Safety Commission, in order for more specification and clarification of membership, notices, and Traffic Safety Commission decisions.

Contact Person (Preparer) for this
Motion: Terry Mahr
Dept.: City Attorney's Office
File No.:

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt **Ordinance No. 2011-2743** amending Code Sections 2.15.330 through 2.15.480.

EXECUTIVE SUMMARY:

The City Council has requested that the code provisions for boards, commissions, and committees be updated and have an overall consistency with how boards, commissions, and committees are operated.

The Traffic Safety Commission (TSC) has also requested that their commission's code provisions undergo a major revision for clarity purposes. The TSC has met on numerous occasions to discuss proposed drafts of their commission's code provisions.

TSC recommends approval of these provisions.

Attachment: Attached to this RCA are the Code provisions with the changes showing.

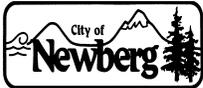
FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

Establishes policy and procedure consistency amongst boards, committees, and commissions of the City and brings such protocol in better alignment with current times and operations of boards, committees, and commissions.

Code Provisions with Changes Showing – August 23, 2011



ORDINANCE No. 2011-2743

AN ORDINANCE AMENDING MUNICIPAL CODE SECTIONS 2.15.330 THROUGH 2.15.480, THAT SETS OUT THE TRAFFIC SAFETY COMMISSION, IN ORDER FOR MORE SPECIFICATION AND CLARIFICATION OF MEMBERSHIP, NOTICES, AND TRAFFIC SAFETY COMMISSION DECISIONS

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RECITALS:

- 1. The City Council has requested that the code provisions for boards, commissions, and committees be updated and have an overall consistency with how boards, commissions, and committees are operated.
2. The Traffic Safety Commission (TSC) has also requested that their commission's code provisions undergo a major revision for clarity purposes.
3. The TSC has met on numerous occasions to discuss the proposed drafts and recommends adoption of these code provisions.

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THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1 – Adoption of Code Provisions. The provisions of the Municipal Code of the City of Newberg are added to the municipal code and have full force and effect;

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Deleted: The following provisions of the City Code of the City of Newberg are added to the city code and have full force and effect.

Article II. Traffic Safety Commission

2.15.330 Establishment.

There is established a Newberg traffic safety commission (“commission”) for the city of Newberg. [Ord. 96-2427. Code 2001 § 32.15.]

2.15.340 Membership.

The commission will consist of nine (9) voting members. The members, including the student member, will be appointed by the mayor, subject to the confirmation by the city council. The candidates for the commission will be interviewed by the current commission. The commission will then provide recommendations to the mayor for the appointment. The mayor, city manager, police chief, city engineer, and student from one of the local high schools will serve as ex-officio non-voting members of the commission. Police chief and city engineer may designate a person in their department to serve in their capacity.

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- Deleted: The mayor, city manager, police chief
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2.15.350 Terms of office.

The members of the commission will serve for a term of three (3) consecutive calendar years. All terms will begin January 1st of the first calendar year and end December 31st of the last calendar year. The terms of the members will be established in approximately equal expiration of terms each year. The term of the student members will begin September 1st of each calendar year and end August 31st of each calendar year. Members of the commission will continue after expiration of the term until such time as their successors are appointed. [Ord. 2008-2690 § 2(A), 2-4-08; Ord. 96-2427. Code 2001 § 32.17.]

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2.15.360 Appointment and qualifications.

The procedure and qualifications for appointment to positions on the commission are as follows:

A. The city will give public notice of any vacancy of the commission and accept such applications for vacancies.

B. The application for membership on the commission will state the principal occupation, residence of the applicant, and other information or qualifications the city may deem necessary.

C. All members will have their principal place of residency in the city of Newberg, except two (2) members may have their residency outside the city limits, but within the urban growth boundary of the city.

[Ord. 96-2427. Code 2001 § 32.18.]

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2.15.370 Vacancies and removals.

The city will fill vacancies and remove commissioners as follows:

A. Any vacancy on the commission will be filled by appointment by the mayor with the consent of the city council for the unexpired term of the predecessor.

B. A member of the commission may be removed by recommendation of the mayor with consent of the city council after hearing for misconduct or nonperformance of duty.

C. When a commission member has failed to attend three (3) consecutive commission meetings or has three (3) or more unexcused absences from meetings during a calendar year, the member will be rebuttably

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presumed to be in nonperformance of duty, and the chairperson will notify the mayor of such situation. [Ord. 2008-2690 § 2(A), 2-4-08; Ord. 96-2427. Code 2001 § 32.19.]

2.15.380 Presiding members.

At the commission's first meeting of each calendar year, the commission will elect a chair and a vice chair. The chair will preside at all meetings of the commission. The vice chair will preside in the absence of the chair. An election will be held thereafter on the first meeting of each calendar year for the purpose of electing a chair and a vice chair of the commission. The police chief, or designee, will act as secretary to the commission. [Ord. 96-2427. Code 2001 § 32.20.]

2.15.390 Meetings – Quorum – Official action.

Meetings of the commission will be called and conducted in the following manner:

A. Regular Meetings. The commission will hold regular meetings at a time and place designated by the commission. The commission will meet whenever business warrants but, in no event, not less than quarterly. Notice of meetings and the agenda will be published in accordance with Oregon Public Meetings Law.

B. Special and Emergency Meetings. A special meeting of the commission may be called by the chair, upon its own motion, or the police chief, upon his/her own motion, or at the request of the majority of the members of the commission. Notice of the meeting will be given in accordance with the Oregon Public Meetings Law. An emergency meeting of the commission may be called in the same manner as a special meeting. The facts constituting the emergency will be placed upon the record as the first order of business of that meeting.

C. Quorum. A majority of the voting members (five members) of the commission will constitute a quorum. A Quorum is required to be present at meetings in order to conduct official business.

D. Official Action. A vote of the majority of the quorum will be necessary to take any official action by the commission.

E. Public Meetings. The meetings of the commission will be open to the public and subject to the Oregon Public Meetings Law. Meetings other than regularly scheduled meetings may be announced at a prior meeting. [Ord. 96-2427. Code 2001 § 32.21.]

2.15.400 Purpose and duties.

A. The purpose of the commission is to promote traffic safety through investigation, study and analysis of traffic safety programs; to conduct educational efforts among the public in the matters of public safety; to consider all traffic safety programs which are referred to them for recommendation by the city council and to make reports to the city council on matters of traffic safety and traffic safety programs.

B. The commission will decide on the location of parking, crosswalks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community. [Ord. 96-2427. Code 2001 § 32.22.]

2.15.410 Authority.

The commission will conduct hearings to consider and make decisions concerning its duties and deciding upon locations of parking, crosswalks, safety zones, and traffic control signs within the community in the following procedure:

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A. Limited Traffic Decisions. The commission will make limited traffic decisions, which are traffic decisions which affect one particular location and are confined to one location, in the following manner:

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1. Notice of the commission's limited traffic decision will be given to the property owners that are within three-hundred (300) feet of the location of the traffic control change in which the decision is concerned.

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Deleted: 1. Notice of the commission's limited traffic decision shall be given to the owners of the property that is adjacent to the location of the traffic control change in which the decision is concerned.¶

- 2. In addition to the decision, the notice will state the following:
 - a. That the person can submit written comments within fourteen (14) days of the notice giving any input concerning the decision. The address where written response should be addressed will be stated.
 - b. The person may request a public hearing concerning the decision and that if two (2) or more adjacent property owners request the public hearing, a public hearing will be held.
 - c. That the respondent will give the name, address and location in which it wishes to receive the notice of public hearing and final decision when it is made.

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3. The decision, along with a copy of the notice and any written response, will be forwarded to the commission at the time and date of the meeting in which the decision will be before them.

4. If a request for a public hearing is made, public notice will be made stating that a public hearing is to be held and written notice will be given to property owners within three-hundred (300) feet.

5. The commission will meet and deliberate concerning the decision using a procedure which they have adopted.

6. When the commission makes a final decision, notice of such decision will be made to any person submitting written response. Such notice will notify the person of their right to appeal the decision.

B. General Traffic Decisions. General traffic decisions are decisions which affect the entire community, or are decisions which affect a number of locations. Such decisions are truck routes, general parking policies, parking for one-way grids affecting more than one block, general signage policies, traffic safety hazard policies and traffic safety programs. Such decisions will be made in the following manner:

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1. Notice will be given in a method reasonably calculated to give all interested parties notice.

- 2. Such notice will state the following:
 - a. The time, date and place of the hearing.
 - b. The recommended decision to be made.
 - c. The criteria to be used in making the decision.
 - d. That public testimony will be taken at the hearing.
 - e. Written comments can be made and the location where such comments can be delivered, mailed, or emailed.

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3. The commission will meet at the time and date to conduct a hearing pursuant to the process adopted by the commission.

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4. When the commission has made a decision, reasonable notification of the decision will be given and the right of any party making an appearance in the hearing, by either written form or by oral testimony, will be informed of their right to appeal. Notice of the decision may be done by announcing the decision and the right to appeal at the hearing where the decision is made.

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C. Decisions of Commission. All decisions of the commission will be final unless such decision is appealed by parties having the right to appeal such decision to the city council in accordance with NMC 2.15.450. [Ord. 96-2427. Code 2001 § 32.23.]

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2.15.420 Final decisions – Enactment.

Final decisions will be forwarded to the city manager or designee to enact the decision and do all necessary work to carry out the decisions of the commission. Such work will be performed under the direction of the city manager or designee. Specific action taken in carrying out the final decisions will be the responsibility of the city manager or designee. [Ord. 96-2427. Code 2001 § 32.24.]

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2.15.430 Log of decisions.

Decisions made by the commission will be set out in a schedule in chronological date order and in accordance with the type of decision, the date of the decision, the brief description of the decision made and the date in which the action was taken for the decision. The police chief or designee will have the authority to update the schedule. Such schedule, as soon as reasonably possible, but in no event later than quarterly, will be presented to the commission for its review and comment. [Ord. 96- 2427. Code 2001 § 32.25.]

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2.15.450 Appeals of decisions.

The decisions of the commission can be appealed to the city council. The commission will have an opportunity to reconsider its decision when a petition for appeal is filed. The following procedure is established for an appeal of a commission decision:

A. Parties Who Can Appeal. Any party appearing before the commission, either in written form or by oral testimony, the city manager, and the police chief have the authority to appeal the decision of the commission.

B. Petition for Appeal and Time of Filing. Any decision of the commission can be appealed to the city council if such appeal is made within fourteen (14) days of the date of the decision. Such appeal will be made upon the petition prescribed for and approved by the commission stating the name of the party, indicating standing of party to appeal, demonstrating where the decision was in error, and what, if any, new evidence is available that was not available at the hearing.

C. Reconsideration. Such petition will immediately be placed upon the next regular meeting of the commission for reconsideration of the decision. The commission may consider any new evidence presented, the record of the decision and any reason stated by the appellant. The commission may set the matter down for further hearing, affirm its previous decision, alter its decision in any manner it deems proper, or take no action.

D. Appeal to the Council. If the decision is reaffirmed or no action is taken, or within fourteen (14) days after the commission has altered its decision, and the appealing party is notified of the commission’s actions, the party filing the appeal will notify the city if they wish the matter to be appealed to the city council.

E. Affect of Decision While Appeal or Reconsideration Is Pending. The decision of the commission will be held in abeyance pending appeal to the city council. However, this does not affect the ability of the police chief to enact any decision under the authority granted to him/her under NMC 2.15.470. [Ord. 96-2427. Code 2001 § 32.27.]

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Decisions concerning locations of traffic control devices within the community are made through the development permit process. Such decisions and locations of traffic control devices made through that process shall be noticed to the police chief by the planning official and entered upon the schedule by the police chief or designee. [Ord. 96- 2427. Code 2001 § 32.26.¶]
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2.15.460 City council decisions.

The city council will consider any appeal of a decision by the commission using the following procedure:

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A. Record Before Council and Public Testimony. The city council will hear the appeal based upon the record filed, any written information which will consist of all documents before the commission, plus the minutes of the commission. Any written material can be submitted by the appellant or any party prior to the council meeting. The council may, upon the majority of the vote, set the matter down for a public hearing where testimony can be heard.

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B. Authority of Council. The city council, after hearing, may reverse the commission’s decision and/or completely substitute their judgment for that of the commission, and will have the authority to consider all matters, whether they were specified in the appeal or not, remand the matter back to the commission, or do whatever the council deems proper.

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C. Final Decision. The decision of the city council is final. [Ord. 96-2427. Code 2001 § 32.28.]

2.15.470 Authority of police chief.

The police chief will have the authority to make traffic decisions as follows:

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A. General Authority. The police chief will have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the police chief will designate the findings as to reasons for taking such action, will make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the traffic safety commission.

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B. Ratification by Commission. At a special meeting or the next regularly scheduled meeting, but in no event later than the next regularly scheduled meeting of the commission, the police chief will report the action to the commission and the commission will ratify, affirm, alter or change the action of the police chief. Such decision of the commission can be appealed under the same procedure as any other decision of the commission. During the period of appeal, the decision of the police chief will remain in full force and effect.

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C. The police chief and/or designee will have authority to make decisions on all temporary street closures or other temporary traffic changes due to special events, such as Old Fashioned Festival (parade) and other public functions. [Ord. 96- 2427. Code 2001 § 32.29.]

2.15.480 Legal advice.

The city attorney will give legal advice to the commission. The commission has the authority to request legal advice from the city attorney, including attendance at meetings. [Ord. 96-2427. Code 2001 § 32.30.]

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Section 2 –Repeal of Present Code Provisions and Replacement.

a. Repeal – Section 1 of this ordinance adopts the entire code provisions pertaining to the Traffic Safety Commission. Some of the provisions have not changed from the present provisions. The present provisions are hereby repealed, and all provisions are readopted.

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b. Replacement – The provisions set out in Section 1 are placed in the Newberg Municipal Code with

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the numbers as assigned. The code publishing company contracted by the City to update and maintain the Municipal Code has the authority to change the numbering, format, and grammatical structure of the provisions. Any substantive changes have to be adopted by the City Council.

Section 3 – Present Membership of Commission. The Council hereby affirms the present membership and terms of each member.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: October 6, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of September, 2011, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

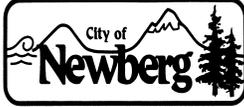
ATTEST by the Mayor this 8th day of September, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Traffic Safety Commission at 05/10/2010 meeting. Or, ___ None.
By and through Traffic Safety Commission at 07/12/2010 meeting. Or, ___ None.
By and through Traffic Safety Commission at 03/14/2011 meeting. Or, ___ None.
By and through Traffic Safety Commission at 04/11/2011 meeting. Or, ___ None.
By and through Traffic Safety Commission at 07/11/2011 meeting. Or, ___ None.
By and through Traffic Safety Commission at 08/08/2011 meeting. Or, ___ None.

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A member who is absent from two consecutive		
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meetings without an excuse as approved by the		
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commission is rebuttably presumed to be in nonperformance		
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of duty and the city council shall declare the position vacant unless finding otherwise		
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required to conduct official business		
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prior to meeting, to allow members and the public		
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reasonable notice of said meeting		
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to the members of the commission,		
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call a special meeting of the commission, for a time		
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not earlier than 24 hours after the notice is given,		
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notice of the special meeting shall be posted at City		
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Hall and to the extent feasible provided to interested		
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persons, and the local newspaper at least 24		
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, and notice shall be given to all members and provided to interested		
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persons in the local newspaper as reasonably possible.		
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membership (five members) shall		
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and thereby made a part of the meeting record		



ORDINANCE No. 2011-2743

AN ORDINANCE AMENDING MUNICIPAL CODE SECTIONS 2.15.330 THROUGH 2.15.480, THAT SETS OUT THE TRAFFIC SAFETY COMMISSION, IN ORDER FOR MORE SPECIFICATION AND CLARIFICATION OF MEMBERSHIP, NOTICES, AND TRAFFIC SAFETY COMMISSION DECISIONS

RECITALS:

1. The City Council has requested that the code provisions for boards, commissions, and committees be updated and have an overall consistency with how boards, commissions, and committees are operated.
2. The Traffic Safety Commission (TSC) has also requested that their commission's code provisions undergo a major revision for clarity purposes.
3. The TSC has met on numerous occasions to discuss the proposed drafts and recommends adoption of these code provisions.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

Section 1 – Adoption of Code Provisions. The provisions of the Municipal Code of the City of Newberg are added to the municipal code and have full force and effect:

Article II. Traffic Safety Commission

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members will begin September 1st of each calendar year and end August 31st of each calendar year. Members of the commission will continue after expiration of the term until such time as their successors are appointed. [Ord. 2008-2690 § 2(A), 2-4-08; Ord. 96-2427. Code 2001 § 32.17.]

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C. All members will have their principal place of residency in the city of Newberg, except two (2) members may have their residency outside the city limits, but within the urban growth boundary of the city.

[Ord. 96-2427. Code 2001 § 32.18.]

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The city will fill vacancies and remove commissioners as follows:

A. Any vacancy on the commission will be filled by appointment by the mayor with the consent of the city council for the unexpired term of the predecessor.

B. A member of the commission may be removed by recommendation of the mayor with consent of the city council after hearing for misconduct or nonperformance of duty.

C. When a commission member has failed to attend three (3) consecutive commission meetings or has three (3) or more unexcused absences from meetings during a calendar year, the member will be rebuttably presumed to be in nonperformance of duty, and the chairperson will notify the mayor of such situation. [Ord. 2008-2690 § 2(A), 2-4-08; Ord. 96-2427. Code 2001 § 32.19.]

2.15.380 Presiding members.

At the commission's first meeting of each calendar year, the commission will elect a chair and a vice chair. The chair will preside at all meetings of the commission. The vice chair will preside in the absence of the chair. An election will be held thereafter on the first meeting of each calendar year for the purpose of electing a chair and a vice chair of the commission. The police chief, or designee, will act as secretary to the commission. [Ord. 96-2427. Code 2001 § 32.20.]

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Meetings of the commission will be called and conducted in the following manner:

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B. Special and Emergency Meetings. A special meeting of the commission may be called by the chair, upon its own motion, or the police chief, upon his/her own motion, or at the request of the majority of the

members of the commission. Notice of the meeting will be given in accordance with the Oregon Public Meetings Law. An emergency meeting of the commission may be called in the same manner as a special meeting. The facts constituting the emergency will be placed upon the record as the first order of business of that meeting.

C. Quorum. A majority of the voting members (five members) of the commission will constitute a quorum. A Quorum is required to be present at meetings in order to conduct official business.

D. Official Action. A vote of the majority of the quorum will be necessary to take any official action by the commission.

E. Public Meetings. The meetings of the commission will be open to the public and subject to the Oregon Public Meetings Law. Meetings other than regularly scheduled meetings may be announced at a prior meeting. [Ord. 96-2427.Code 2001 § 32.21.]

2.15.400 Purpose and duties.

A. The purpose of the commission is to promote traffic safety through investigation, study and analysis of traffic safety programs; to conduct educational efforts among the public in the matters of public safety; to consider all traffic safety programs which are referred to them for recommendation by the city council and to make reports to the city council on matters of traffic safety and traffic safety programs.

B. The commission will decide on the location of parking, crosswalks, safety zones, traffic lanes, truck routes and all manner of traffic control devices within the community. [Ord. 96-2427. Code 2001 § 32.22.]

2.15.410 Authority.

The commission will conduct hearings to consider and make decisions concerning its duties and deciding upon locations of parking, crosswalks, safety zones, and traffic control signs within the community using the following procedure:

A. Limited Traffic Decisions. The commission will make limited traffic decisions, which are traffic decisions which affect one particular location and are confined to one location, in the following manner:

1. Notice of the commission's limited traffic decision will be given to the property owners that are within three-hundred (300) feet of the location of the traffic control change in which the decision is concerned.

2. In addition to the decision, the notice will state the following:

- a. That the person can submit written comments within fourteen (14) days of the notice giving any input concerning the decision. The mailing address and email address where written response should be sent will be stated.

- b. The person may request a public hearing concerning the decision and that if two (2) or more adjacent property owners request the public hearing, a public hearing will be held.

- c. That the respondent will give the name, address and location in which it wishes to receive the notice of public hearing and final decision when it is made.

3. The decision, along with a copy of the notice and any written response, will be forwarded to the commission at the time and date of the meeting in which the decision will be before them.

4. If a request for a public hearing is made, public notice will be made stating that a public hearing is to be held and written notice will be given to property owners within three-hundred (300) feet.
5. The commission will meet and deliberate concerning the decision using a procedure which they have adopted.
6. When the commission makes a final decision, notice of such decision will be made to any person submitting written response. Such notice will notify the person of their right to appeal the decision.

B. General Traffic Decisions. General traffic decisions are decisions which affect the entire community, or are decisions which affect a number of locations. Such decisions are truck routes, general parking policies, parking for one-way grids affecting more than one block, general signage policies, traffic safety hazard policies and traffic safety programs. Such decisions will be made in the following manner:

1. Notice will be given in a method reasonably calculated to give all interested parties notice.
2. Such notice will state the following:
 - a. The time, date and place of the hearing.
 - b. The recommended decision to be made.
 - c. The criteria to be used in making the decision.
 - d. That public testimony will be taken at the hearing.
 - e. Written comments can be made and the location where such comments can be delivered, mailed, or emailed.
3. The commission will meet at the time and date to conduct a hearing pursuant to the process adopted by the commission.
4. When the commission has made a decision, reasonable notification of the decision will be given and the right of any party making an appearance in the hearing by either written form or by oral testimony will be informed of their right to appeal. Notice of the decision may be done by announcing the decision and the right to appeal at the hearing where the decision is made.

C. Decisions of Commission. All decisions of the commission will be final unless such decision is appealed by parties having the right to appeal such decision to the city council in accordance with NMC 2.15.450. [Ord. 96-2427. Code 2001 § 32.23.]

2.15.420 Final decisions – Enactment.

Final decisions will be forwarded to the city manager or designee to enact the decision and do all necessary work to carry out the decisions of the commission. Such work will be performed under the direction of the city manager or designee. Specific action taken in carrying out the final decisions will be the responsibility of the city manager or designee. [Ord. 96-2427. Code 2001 § 32.24.]

2.15.430 Log of decisions.

Decisions made by the commission will be set out in a schedule in chronological date order and in accordance with the type of decision, the date of the decision, the brief description of the decision made and the date in which the action was taken for the decision. The police chief or designee will have the authority to update the schedule. Such schedule, as soon as reasonably possible, but in no event later than quarterly, will be presented to the commission for its review and comment. [Ord. 96- 2427. Code 2001 § 32.25.]

2.15.450 Appeals of decisions.

The decisions of the commission can be appealed to the city council. The commission will have an opportunity to reconsider its decision when a petition for appeal is filed. The following procedure is established for an appeal of a commission decision:

A. Parties Who Can Appeal. Any party appearing before the commission, either in written form or by oral testimony, the city manager, and the police chief have the authority to appeal the decision of the commission.

B. Petition for Appeal and Time of Filing. Any decision of the commission can be appealed to the city council if such appeal is made within fourteen (14) days of the date of the decision. Such appeal will be made upon the petition prescribed for and approved by the commission stating the name of the party, indicating standing of party to appeal, demonstrating where the decision was in error, and what, if any, new evidence is available that was not available at the hearing.

C. Reconsideration. Such petition will immediately be placed upon the next regular meeting of the commission for reconsideration of the decision. The commission may consider any new evidence presented, the record of the decision and any reason stated by the appellant. The commission may set the matter down for further hearing, affirm its previous decision, alter its decision in any manner it deems proper, or take no action.

D. Appeal to the Council. If the decision is reaffirmed or no action is taken, or within fourteen (14) days after the commission has altered its decision, and the appealing party is notified of the commission's actions, the party filing the appeal will notify the city if they wish the matter to be appealed to the city council.

E. Affect of Decision While Appeal or Reconsideration Is Pending. The decision of the commission will be held in abeyance pending appeal to the city council. However, this does not affect the ability of the police chief to enact any decision under the authority granted to him/her under NMC 2.15.470. [Ord. 96-2427. Code 2001 § 32.27.]

2.15.460 City council decisions.

The city council will consider any appeal of a decision by the commission using the following procedure:

A. Record Before Council and Public Testimony. The city council will hear the appeal based upon the record filed, any written information which will consist of all documents before the commission, plus the minutes of the commission. Written material can be submitted by the appellant or any party prior to the council meeting. The council may, upon the majority of the vote, set the matter down for a public hearing where testimony can be heard.

B. Authority of Council. The city council, after hearing, may reverse the commission's decision and/or completely substitute their judgment for that of the commission, and will have the authority to consider all matters, whether they were specified in the appeal or not, remand the matter back to the commission, or do whatever the council deems proper.

C. Final Decision. The decision of the city council is final. [Ord. 96-2427. Code 2001 § 32.28.]

2.15.470 Authority of police chief.

The police chief will have the authority to make traffic decisions as follows:

A. General Authority. The police chief will have the authority to establish, maintain, remove or alter any traffic control device. Such orders of the police chief will designate the findings as to reasons for taking such action, will make entry into the schedule of decisions, and submit a report and findings as to reasons for taking such action to the traffic safety commission.

B. Ratification by Commission. At a special meeting or the next regularly scheduled meeting, but in no event later than the next regularly scheduled meeting of the commission, the police chief will report the action to the commission and the commission will ratify, affirm, alter or change the action of the police chief. Such decision of the commission can be appealed under the same procedure as any other decision of the commission. During the period of appeal, the decision of the police chief will remain in full force and effect.

C. The police chief and/or designee will have authority to make decisions on all temporary street closures or other temporary traffic changes due to special events, such as Old Fashioned Festival (parade) and other public functions. [Ord. 96- 2427. Code 2001 § 32.29.]

2.15.480 Legal advice.

The city attorney will give legal advice to the commission. The commission has the authority to request legal advice from the city attorney, including attendance at meetings. [Ord. 96-2427. Code 2001 § 32.30.]

Section 2 –Repeal of Present Code Provisions and Replacement.

- a. Repeal – Section 1 of this ordinance adopts the entire code provisions pertaining to the Traffic Safety Commission. Some of the provisions have not changed from the present provisions. The present provisions are hereby repealed, and all provisions are readopted.
- b. Replacement – The provisions set out in Section 1 are placed in the Newberg Municipal Code with the numbers as assigned. The code publishing company contracted by the City to update and maintain the Municipal Code has the authority to change the numbering, format, and grammatical structure of the provisions. Any substantive changes have to be adopted by the City Council.

Section 3 – Present Membership of Commission. The Council hereby affirms the present membership and terms of each member.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: October 6, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of September, 2011, by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of September, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Traffic Safety Commission at 05/10/2010 meeting. Or, ___ None.
By and through Traffic Safety Commission at 07/12/2010 meeting. Or, ___ None.
By and through Traffic Safety Commission at 03/14/2011 meeting. Or, ___ None.
By and through Traffic Safety Commission at 04/11/2011 meeting. Or, ___ None.
By and through Traffic Safety Commission at 07/11/2011 meeting. Or, ___ None.
By and through Traffic Safety Commission at 08/08/2011 meeting. Or, ___ None.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

Order ___ Ordinance XX Resolution ___ Motion ___ Information ___
No. No. 2011-2747 No.

SUBJECT: Development Code amendment
regarding manufactured housing

Contact Person (Preparer) for this
Motion: Barton Brierley, AICP
Dept.: Planning and Building Department
File No.: DCA-11-001

HEARING TYPE: LEGISLATIVE QUASI-JUDICIAL NOT APPLICABLE

RECOMMENDATION:

Adopt **Ordinance No. 2011-2747**, which amends the Newberg Development Code regulations on manufactured housing to do the following:

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

EXECUTIVE SUMMARY:

The amendments proposed have two purposes:

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

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

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

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

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

manufactured housing, and Newberg has yet to update its code to match these requirements.

The amendments do the following:

1. Adopt the state definitions for manufactured housing. State statutes have a number of definitions for terms such as manufactured dwelling, recreational vehicle, and mobile home park. The proposed amendments incorporate these definitions into Newberg's Code. See Attachment 1 for illustrated definitions.
2. Reorganize some sections, for example to clearly separate regulations for recreational vehicles and manufactured homes.
3. Resolve a few inconsistencies, such as clearly determining the procedure type for some approvals.
4. Implement clear and objective standards for placement of manufactured dwellings as required by state law.
5. Allow recreational vehicles in manufactured dwelling parks and RV parks with no residency time limits. This is a requirement of state law.

FISCAL IMPACT: No direct impact.

STRATEGIC ASSESSMENT: The proposed amendments would encourage the creation of additional manufactured housing in the community, which is a good source of affordable housing. It also would bring Newberg's Code into line with state law and current industry practices.

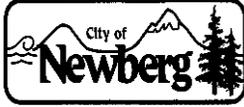
Attachments:

Ordinance 2011-2747 with:

Exhibit A: Development Code Text Amendments

Exhibit B: Findings

1. Illustrated definitions
2. Excerpts from ORS 197
3. Excerpts from ORS 446
4. Planning Commission Resolution 2011-293 (exhibits by reference)
5. Planning Commission Minutes from July 14, 2011



ORDINANCE No. 2011-2747

**AN ORDINANCE AMENDING NEWBERG’S DEVELOPMENT CODE AND
COMPREHENSIVE PLAN POLICIES REGARDING MANUFACTURED
HOUSING**

RECITALS:

1. Manufactured housing is a source of affordable housing for many families in Newberg.
2. The Affordable Housing Action Plan recommends creating manufactured dwelling district where manufactured housing is allowed.
3. The Newberg Development Code regulations regarding manufactured housing need updating to meet state laws and industry practices.
4. The Code of Newberg is amended and shown in Exhibit "A." Exhibit "A" is hereby attached and by this reference incorporated.

THE CITY OF NEWBERG ORDAINS AS FOLLOWS:

1. The Code of Newberg and Newberg Comprehensive Plan Policies are amended and shown in Exhibit "A," which is attached. Exhibit "A" is hereby adopted and by this reference incorporated.
2. The findings shown in Exhibit “B” are hereby adopted and by this reference incorporated.

➤ **EFFECTIVE DATE** of this ordinance is 30 days after the adoption date, which is: October 6, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of September, 2011,
by the following votes: **AYE:** **NAY:** **ABSENT:** **ABSTAIN:**

Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of September, 2011.

Bob Andrews, Mayor

LEGISLATIVE HISTORY

By and through Newberg Planning Commission at the 07/14 /2011 meeting. Or, None.
(committee name) *(date)* *(check if applicable)*

By and through Newberg Affordable Housing Action Committee 10/27 /2010 meeting. Or,
 None.
(committee name) *(date)* *(check if applicable)*

Exhibit “A” to Ordinance 2011-2747 Manufactured Housing Amendments

Note: Added text is shown in double underline.
Deleted text is shown in ~~strikeout~~.

SECTION 1. NEWBERG COMPREHENSIVE PLAN POLICY I.3.e. SHALL BE AMENDED AS FOLLOWS:

Manufactured homes shall be permitted in the following locations: 1) manufactured dwelling and mobile home parks, 2) ~~mobile~~manufactured home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in manufactured dwelling parks, mobile home parks and ~~manufactured~~mobile home subdivisions when units meet the provisions of the ~~Zoning Ordinance~~Development Code. (As amended by Ord. 2380, 6-6-94)

SECTION 2. NEWBERG COMPREHENSIVE PLAN POLICY III.2 SHALL BE AMENDED AS FOLLOWS:

Residential land is divided into three categories. Density rather than housing type is generally the most important development criteria used to classify residential areas. Manufactured dwelling parks, ~~Mobile~~ mobile home parks and ~~mobile~~manufactured home subdivisions are permitted outright in the medium density residential zone. Manufactured homes on individual single family lots are permitted.

SECTION 3. THE DEFINITIONS IN NMC 15.05.030 SHALL BE MODIFIED AS FOLLOWS:

“Accessway” means a drive or roadway which provides vehicular access within a ~~mobile home Park~~development other than a street.

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

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

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

“Manufactured dwelling park space” means an area, tract of land, or portion of a manufactured dwelling park that is designed or used for occupancy by one manufactured dwelling or recreational vehicle.

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

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

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

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

~~A vehicle or structure constructed for movement on the public highways, that has sleeping, cooking, and plumbing facilities, is intended for human occupancy and is being used for residential purposes. A manufactured relocatable living unit.~~

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

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

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

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

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

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

“Mobile home park space” means an area, tract of land, or portion of a manufactured dwelling park that is designed or used for occupancy by one manufactured structure.

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

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

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

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

“Recreational vehicle park” or “RV park”

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

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

2. Does not mean:

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

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

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

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

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

and manufactured dwelling and mobile home parks.

SECTION 4. NEWBERG MUNICIPAL CODE SECTION 15.100.030, TYPE II PROCEDURE – EXCEPT SUBDIVISIONS, SHALL BE AMENDED AS FOLLOWS

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

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

SECTION 5. NEWBERG MUNICIPAL CODE SECTION 15.220.050(B)(6), CRITERIA FOR DESIGN REVIEW (TYPE II PROCESS), SHALL BE AMENDED AS FOLLOWS

6. Manufactured HomeDwelling, Mobile Home and RV Parks. Manufactured homedwelling and, mobile home, ~~and recreational vehicle~~ parks shall also comply with the standards listed in 15.445.075 through 15.445.100 in addition to the other clear and objective criteria listed in this section. RV parks also shall comply with NMC 15.445.170~~15.445.050 et seq.~~ in addition to the other criteria listed in this section.

SECTION 6. NEWBERG MUNICIPAL CODE SECTION 15.250.080 COMPREHENSIVE PLAN AND ZONING DESIGNATION (UPON ANNEXATION), SHALL BE AMENDED AS FOLLOWS:

15.250.080 Comprehensive plan and zoning designations.

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

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

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

PQ Any zoning classification

P/PP ~~Any zoning classification~~CF

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

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

SECTION 7. NEWBERG MUNICIPAL CODE CHAPTER 15.304.030(H), PERMITTED BUILDINGS AND USES (IN THE R-1 DISTRICT) SHALL BE AMENDED AS FOLLOWS:

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

SECTION 8. NEWBERG MUNICIPAL CODE SECTION 151.306.020 K-L, PERMITTED BUILDINGS AND USES IN THE R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT, SHALL BE AMENDED AS FOLLOWS

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

L. Manufactured homes, subject to the following:

1. Manufactured homes on individual lots, provided the homes meet the development standards set forth in NMC 15.445.~~020-050~~ through 15.445.~~070040~~.

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

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

SECTION 9. NEWBERG MUNICIPAL CODE CHAPTER 15.308.020(L), PERMITTED BUILDINGS AND USES (IN THE R-3 DISTRICT) SHALL BE AMENDED AS FOLLOWS:

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

SECTION 10. THE FOLLOWING SHALL BE ADDED AS NEWBERG MUNICIPAL CODE
CHAPTER 15.309:

Chapter 15.309

R-4 MANUFACTURED DWELLING DISTRICT

15.309.010 Description and purpose.

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

B. This district allows manufactured homes, mobile home parks, or manufactured home subdivisions at a density of up to 12 dwellings per acre. The R-4 District is intended to be consistent with the medium density residential or high density residential designation of the comprehensive plan.

15.308.020 Permitted buildings and uses.

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

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

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

C. Home occupations using existing dwellings or manufactured dwellings.

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

E. Manufactured home subdivisions, including manufactured homes (one per lot) within the subdivision.

F. Manufactured dwelling parks.

G. Mobile home parks.

H. Open space.

I. Private and public parks, playgrounds.

J. Parking areas.

K. Public or private parking garages.

L. Transportation facilities and improvements.

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

15.309.030 BUILDINGS AND USES PERMITTED CONDITIONALLY.

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

A. Churches.

B. Community centers.

C. Day nurseries.

D. Duplexes.

E. Group care facilities.

F. Multiple-family dwellings.

G. Planned unit developments.

H. Private clubs, lodges and meeting halls.

I. Telecommunication facility, including radio towers and transmitters which are incorporated into an existing structure or an existing utility pole, and which will not extend above the existing structure or utility pole more than 18 feet. Top hat antenna installations are prohibited.

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

SECTION 11. NEWBERG MUNICIPAL CODE CHAPTER 15.310.020(M), PERMITTED BUILDINGS AND USES (IN THE RP DISTRICT) SHALL BE AMENDED AS FOLLOWS:

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

SECTION 12. NEWBERG MUNICIPAL CODE CHAPTER 15.352.050(A), RESIDENTIAL DESIGN STANDARDS (IN THE RIVERFRONT DISTRICT) SHALL BE AMENDED AS FOLLOWS:

A. Single-Family Dwellings.

1. For single-family dwellings, including manufactured ~~dwellings-homes~~ on individual lots, at least two of the following design features must be provided on the street-facing facade:
 - a. Covered front porch at least six feet in width and length.
 - b. Eaves (minimum 12-inch overhang).
 - c. Bay or bow windows.
 - d. Dormers.
 - e. Window shutters.
 - f. Cupolas.
 - g. Horizontal lap siding.
2. T1-11 and all other wood-based “full sheet” or panel-type siding is prohibited on elevations visible from public rights-of-way.

SECTION 13. NMC 151.445.020 – 151.445.170 shall be amended as follows:

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

15.445.~~050010~~ Description and purpose.

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

15.445.~~060020~~ Applicability.

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

electrical, fire safety, sanitation, certification and inspection requirements.

15.445.070030 Permitted locations.

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

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

15.445.020 through 15.445.040.

D. In newly annexed areas or within manufactured dwelling districts on individual lots not meeting the standards of 15.445.050~~20~~ through 15.445.070~~40~~ not located in a mobile home park, manufactured dwelling park, or manufactured mobile home subdivisions, provided:

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

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

~~———— (1) Within 90 days of annexation the owner or Director of the park submits to the Director an application for a license, a plot plan, and such additional related information as may be required by the Director; and~~

~~———— (2) Within 120 days of annexation a written agreement is executed between the Director and park owner or Director specifying the modifications that will be accomplished to provide that compliance to a degree satisfactory to the Director with current statutes, rules and regulations.~~

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

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

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

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

1. The director finds that such use will be reasonably compatible with and have minimal impact on uses on abutting property and in the surrounding neighborhood and grants approval based thereon; and
2. Within six months from the date approval is granted on application for a building permit for a permanent structure or the permit is filed with the director. Failure to submit the application within the specified time will terminate the approval.

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

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

property security and issues a permit therefor.

Article II. Manufactured Homes on Individual Lots

15.445.05020 Manufactured homes on individual lots - Purpose.

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

15.445.030060 Manufactured homes on individual lots - Uses.

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

15.445.040070 Manufactured homes on individual lots -- Development standards.

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

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

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

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

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

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

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

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

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

A. Minimum area. Five acres.

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

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

D. Perimeter treatment. Except as required for vision clearance, the outer perimeter of each

park shall be improved with:

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

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

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

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

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

A. The services of an architect, a landscape architect and an engineer, all licensed to practice in Oregon, shall be employed in the preparation and execution of all plans. Upon proof by the applicant that the scope of the proposal does not require the services of an architect, the director may waive that requirement.

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

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

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

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

15.445.100 Mobile Home and manufactured dwelling parks -- Maintenance

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

~~15.445.100 LICENSE OF MOBILE HOME PARK.~~

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

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

~~(C) — Revocation of license.~~

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

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

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

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

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

15.445.110 APPLICATION FOR LICENSE TO OPERATE.

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

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

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

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

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

any permit for construction in the mobile home park.

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

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

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

B. ~~Minimum number of lots. Eighteen.~~ Lot size. The average size of lots in the subdivision shall not exceed 5,000 square feet.

C. Minimum size. Five acres per subdivision.

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

E. Perimeter treatment.

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

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

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

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

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

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

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

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

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

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

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

Article III. Recreational Vehicles

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

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

A. Temporary use.

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

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

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

B. Residential use.

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

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

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

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

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

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

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

city.

15.445.130 Prohibited occupancy of recreational vehicles.

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

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

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

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

A. Site development plan. A site plan shall be submitted which conforms with the site development plan standards listed in NMC 15.220.030.

B. Development standards.

1. Park density. Maximum density shall not exceed 25 spaces per acre.

2. Space size. Each recreational vehicle space shall be at least 1,000 square feet in size.

3. Setbacks. No recreational vehicle space or park structure shall be located within 25 feet of a property line. When abutting a residential district, the setback shall be 50 feet.

4. Roadways. Roadways shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas. The roadway widths shall be as follows:

a. A one-way roadway shall be a minimum of 12 feet in width, posted "no parking - fire lane."

b. A two-lane road shall be a minimum of 20 feet wide, posted "no parking - fire lane."

5. Parking. One parking space shall be provided at each recreational vehicle space. The parking space shall be finished with a durable dust free surface. Asphalt or concrete may be required adjacent to residential areas or commercial areas.

6. Common facilities. The park shall provide toilets, lavatories, and showers in accordance to the Oregon Revised Statutes.

7. Perimeter treatment. In addition to other landscaping improvements required by this code, the park shall screen all areas, other than entrances and landscaped street frontages, with the following:

a. A sight-obscuring fence or wall six feet in height; or

b. A maintained landscape hedge that will mature within three years and reach at least six feet in height; or

c. A combination of subsections (B)(7)(a) and (b) of this section.

C. Miscellaneous provisions.

1. Length of stay. ~~The length of use shall be limited to no more than three months during any 12 month period.~~ To remain in the park for more than 30 days, a recreational vehicle shall be equipped with plumbing facilities and shall be connected with the water and sewer systems of the park.

2. Accessory uses. Accessory commercial operations shall cater only to the residents of the park. Such operations shall present no visible evidence from any street of their commercial character which would attract customers from outside the park.

**Exhibit “B” to Ordinance 2011-2747
Findings**

Newberg Comprehensive Plan Housing Policies I.3. c, d, and e.:

c. Manufactured dwellings shall be recognized as a source of affordable housing.

d. Modular housing (prefabricated structures) meeting all building codes and placed on permanent foundations shall be treated as single-family units. They will be subject to the same location and density requirements as other single-family dwellings. Manufactured housing on individual lots shall be subject to special development standards to assure design consistency and compatibility.

e. Manufactured homes shall be permitted in the following locations: 1) mobile home parks, 2) mobile home subdivisions, and 3) individual lots within all residential districts when units meet manufactured home standards. Manufactured dwellings shall be allowed in mobile home parks and mobile home subdivisions when units meet the provisions of the Zoning Ordinance.

Finding: The amendments promote the placement of manufactured homes in areas found to be appropriate through the zone changes process. The amendments allow modular housing where traditional single family homes are allowed.

ORS 197.307:

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

(2) Many persons of lower, middle and fixed income depend on government assisted housing as a source of affordable, decent, safe and sanitary housing.

(3)(a) When a need has been shown for housing within an urban growth boundary at particular price ranges and rent levels, needed housing, including housing for farmworkers, shall be permitted in one or more zoning districts or in zones described by some comprehensive plans as overlay zones with sufficient buildable land to satisfy that need.

(b) A local government shall attach only clear and objective approval standards or special conditions regulating, in whole or in part, appearance or aesthetics to an application for development of needed housing or to a permit, as defined in ORS 215.402 or 227.160, for residential development. The standards or conditions may not be attached in a manner that will deny the application or reduce the proposed housing density provided the proposed density is otherwise allowed in the zone.

(c) The provisions of paragraph (b) of this subsection do not apply to an application or permit for residential development in an area identified in a formally adopted central city plan, or a regional center as defined by Metro, in a city with a population of 500,000 or more.

(d) In addition to an approval process based on clear and objective standards as provided in paragraph (b) of this subsection, a local government may adopt an alternative approval process for residential applications and permits based on approval criteria that are not clear and objective provided the applicant retains the option of proceeding under the clear and objective standards or the alternative process and the approval criteria for the alternative process comply with all applicable land use planning goals and rules.

(e) The provisions of this subsection shall not apply to applications or permits for residential development in historic areas designated for protection under a land use planning goal protecting historic

areas.

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

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.

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

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

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

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

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

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

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

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

(6) Any approval standards, special conditions and the procedures for approval adopted by a local government shall be clear and objective and may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.

Finding: The proposed amendments comply with the above statutes by establishing clear and objective standards for locating manufactured dwelling parks, mobile home parks, and manufactured homes on individual lots.



Residential Vehicle

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



Residential Trailer

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



Mobile Home

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



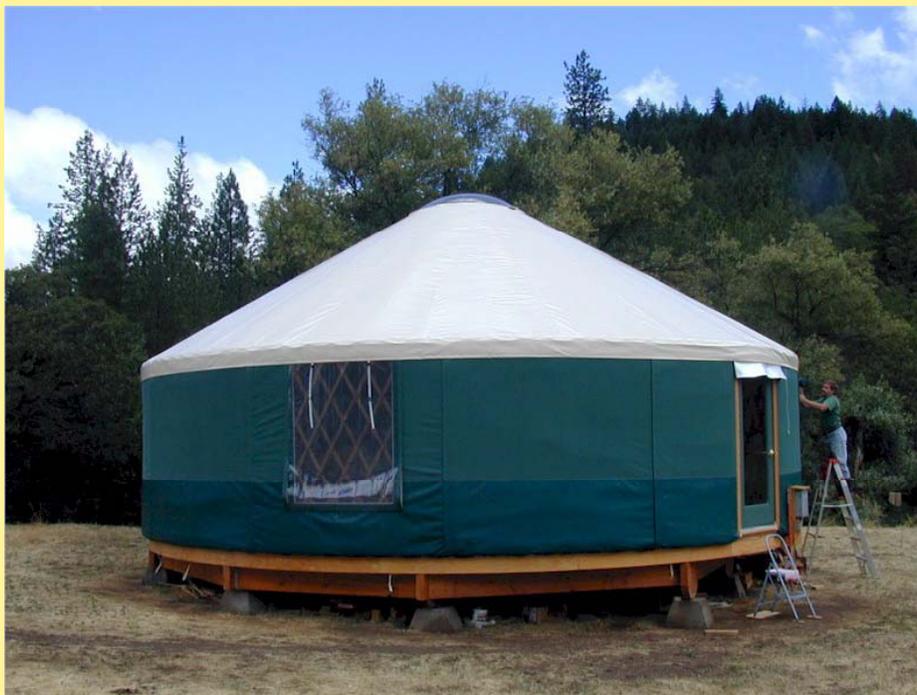
Manufactured Home

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



Modular Home

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



Recreational Structure

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

Manufactured Dwelling

- A residential trailer, mobile home, or manufactured home



Manufactured Structure

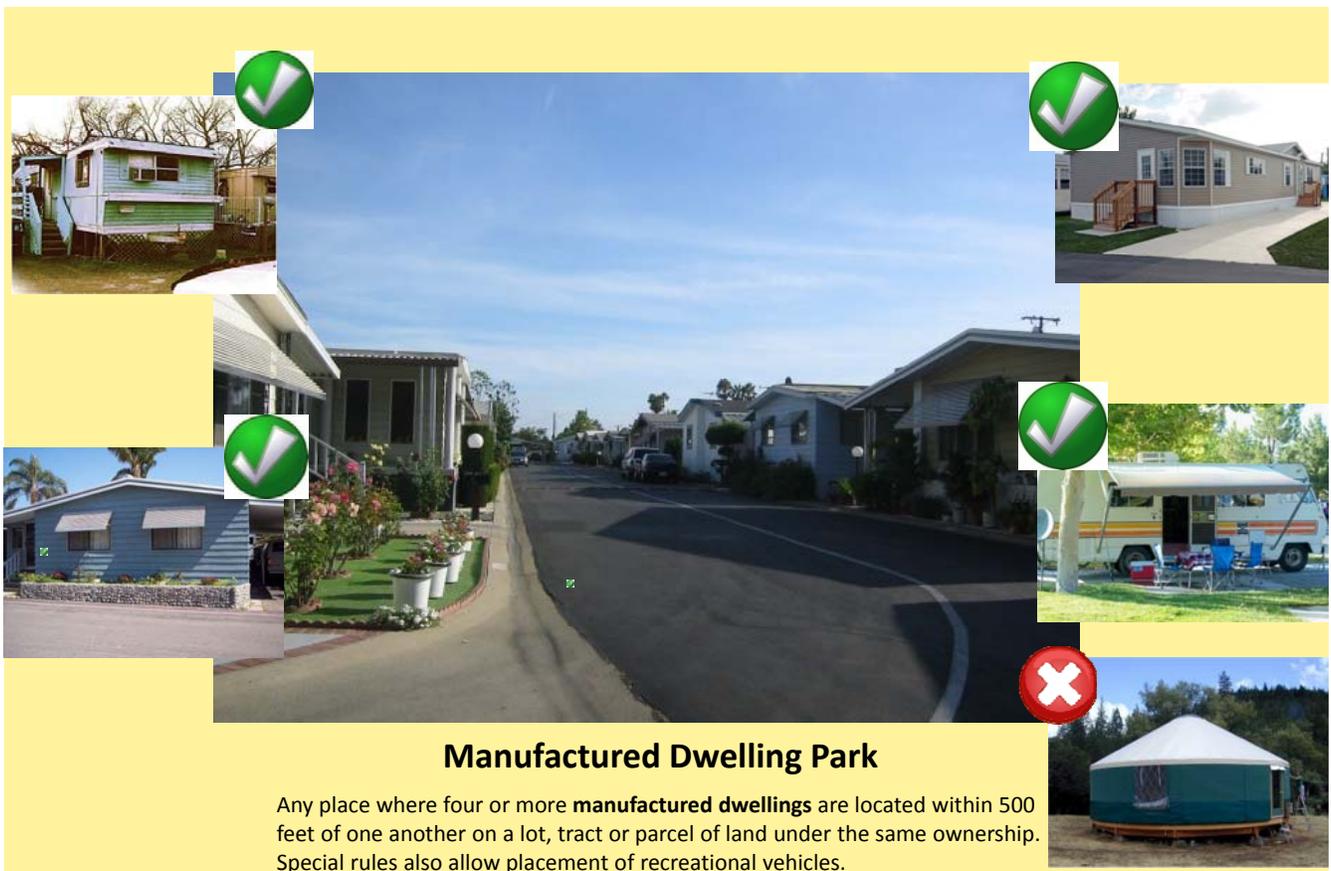
- A Recreational Vehicle, Manufactured Dwelling, or Recreational Structure





Mobile Home Park

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



Manufactured Dwelling Park

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



Manufactured Home Subdivision

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



Recreational Vehicle Park

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

dwellings in the same zone.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MOBILE HOME, MANUFACTURED DWELLING AND RECREATIONAL VEHICLE PARKS

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

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

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

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

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

(a) Population projections;

(b) Household income levels;

(c) Housing market trends of the region; and

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

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

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

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

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

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

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

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

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

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

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

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

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

(2) "Recreational vehicle park":

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

(A) The renting of space and related facilities for a charge or fee; or

(B) The provision of space for free in connection with securing the patronage of a person.

(b) Does not mean:

(A) An area designated only for picnicking or overnight camping; or

(B) A manufactured dwelling park or mobile home park. [2005 c.619 §11]

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

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

(a) Located in a manufactured dwelling park, mobile home park or recreational vehicle park;

(b) Occupied as a residential dwelling; and

(c) Lawfully connected to water and electrical supply systems and a sewage disposal system.

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

Note: See note under 197.492.

MOBILE HOME AND MANUFACTURED DWELLING PARKS

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

- (1) "Accessory building or structure" means any portable, demountable or permanent structure established for use of the occupant of the manufactured structure and as further defined by rule by the Director of the Department of Consumer and Business Services.
- (2)(a) "Alteration" means any change, addition, repair, conversion, replacement, modification or removal of any equipment or installation that may affect the operation, construction or occupancy of a manufactured structure.
- (b) "Alteration" does not include:
 - (A) Minor repairs with approved component parts;
 - (B) Conversion of listed fuel-burning appliances in accordance with the terms of their listing;
 - (C) Adjustment and maintenance of equipment; or
 - (D) Replacement of equipment or accessories in kind.
- (3) "Approved" means approved, licensed or certified by the Department of Consumer and Business Services or its designee.
- (4) "Board" means the Residential and Manufactured Structures Board.
- (5) "Cabana" means a stationary, lightweight structure that may be prefabricated, or demountable, with two or more walls, used adjacent to and in conjunction with a manufactured structure to provide additional living space.
- (6) "Certification" means an evaluation process by which the department verifies a manufacturer's ability to produce manufactured structures to the department rules and to the department approved quality control manual.
- (7) "Conversion" or "to convert" means the process of changing a manufactured structure in whole or in part from one type of vehicle or structure to another.
- (8) "Dealer" means any person engaged in selling or distributing manufactured structures or equipment, or both, primarily to persons who in good faith purchase or lease manufactured structures or equipment, or both, for purposes other than resale.
- (9) "Department" means the Department of Consumer and Business Services.
- (10) "Director" means the Director of the Department of Consumer and Business Services.
- (11) "Distributor" means any person engaged in selling and distributing manufactured structures or equipment for resale.
- (12) "Equipment" means materials, appliances, subassembly, devices, fixtures, fittings and apparatuses used in the construction, plumbing, mechanical and electrical systems of a manufactured structure.
- (13) "Federal manufactured housing construction and safety standard" means a standard for construction, design and performance of a manufactured dwelling promulgated by the Secretary of Housing and Urban Development pursuant to the federal National Manufactured Housing Construction and Safety Standards Act of 1974 (Public Law 93-383).
- (14) "Fire Marshal" means the State Fire Marshal.
- (15) "Imminent safety hazard" means an imminent and unreasonable risk of death or severe personal injury.
- (16) "Insignia of compliance" means:
 - (a) For a manufactured dwelling built to HUD standards for such dwellings, the HUD label; or
 - (b) For all other manufactured structures, the insignia issued by this state indicating compliance with state law.
- (17) "Inspecting authority" or "inspector" means the Director of the Department of Consumer and Business Services or representatives as appointed or authorized to administer and enforce provisions of ORS 446.111, 446.160, 446.176, 446.225 to 446.285, 446.310 to 446.350, 446.990 and this section.
- (18) "Installation" in relation to:
 - (a) Construction means the arrangements and methods of construction, fire and life safety, electrical, plumbing and mechanical equipment and systems within a manufactured structure.
 - (b) Siting means the manufactured structure and cabana foundation support and tiedown, the structural, fire and life safety, electrical, plumbing and mechanical equipment and material connections and the installation of skirting and temporary steps.
- (19) "Installer" means any individual licensed by the director to install, set up, connect, hook up, block, tie down, secure, support, install temporary steps for, install skirting for or make electrical, plumbing or mechanical connections to manufactured dwellings or cabanas or who provides consultation or supervision for any of these activities, except architects licensed under ORS 671.010 to 671.220 or engineers registered under ORS 672.002 to 672.325.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

PLANNING COMMISSION RESOLUTION NO. 2011-293

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF NEWBERG
RECOMENDING THAT THE CITY COUNCIL ADOPT AMENDMENTS TO THE NEWBERG
DEVELOPMENT CODE AND COMPREHENSIVE PLAN RELATING TO MANUFACTURED
HOUSING**

RECITALS:

- 1. The Newberg Affordable Housing Action Plan recommends creation of a manufactured dwelling zone to promote placement of manufactured housing in appropriate locations.
- 2. Newberg’s manufactured housing regulations are in need of update to conform to state laws and current industry practices.
- 3. On July 14, 2011, the Newberg held a hearing to consider the amendments, heard testimony, and deliberated.

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

This recommendation is based on the findings shown in Exhibit B and on testimony.

Adopted by the Newberg Planning Commission this 14th day of July, 2011.

AYES: 5 NAYS: 0 ABSTAIN: 0 ABSENT: 2 (Bliss, Stuhr)

ATTEST:

Karen Bevil
Planning Commission Secretary

Philip T. Smith
Planning Commission Chair

Exhibit A: Development Code Text Amendments
Exhibit B: Findings

PLANNING COMMISSION MINUTES**July 14, 2011****7 p.m. Regular Meeting****Newberg Public Safety Building****401 E. Third Street**

TO BE APPROVED AT THE AUGUST 11, 2011 PLANNING COMMISSION MEETING

I. ROLL CALL:

Present: Philip Smith, Chair Thomas Barnes, Vice Chair
 Lon Wall Allyn Edwards
 Art Smith
 Kale Rogers, Student PC (arrived 7:08 p.m.)

Absent: Gary Bliss (excused) Cathy Stuhr (excused)

Staff Present: Barton Brierley, Building & Planning Director
 Steve Olson, Associate Planner
 DawnKaren Bevill, Minutes Recorder

II. OPEN MEETING:

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

III. CONSENT CALENDAR:

Vice Chair Smith entertained a motion to accept the minutes of the June 9, 2011 meeting.

MOTION #1: Art Smith/Edwards approve the minutes from the Planning Commission Meeting of June 9, 2011. (5 Yes/ 0 No/ 2 Absent [Bliss, Stuhr]) Motion carried.

IV. COMMUNICATIONS FROM THE FLOOR:

None.

V. LEGISLATIVE PUBLIC HEARINGS:

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code definitions and requirements for manufactured dwellings, and create a new manufactured dwelling district.
FILE NO. DCA-11-001 **RESOLUTION NO.:** 2011-293
CRITERIA: 15.302.030(C)

Opening of the Hearing:

Chair Smith opened the hearing and asked for the staff report.

Barton Brierley gave the staff report and the Manufactured Housing PowerPoint presentation.

What the Amendments Do:

Create a manufactured dwelling district where only manufactured housing is allowed (does not apply to anywhere on the map at this point)

Adopt state definitions for manufactured housing.

Update, reorganize, and resolve inconsistencies

Purpose of Amendments:

Encourage creation of new areas for manufactured housing

Clean up existing rules regarding manufactured housing to match state law and current practices

New R-4 Manufactured Housing District

New zone that allows:

Manufactured homes on individual lots (single or double wide)

Mobile home parks

Manufactured dwelling parks

Manufactured dwelling subdivisions

Not tied to any specific site at this time

Updates to Meet State Laws:

RVs allowed in manufactured dwelling or mobile home park indefinitely.

Clear and objective standards applied to manufactured housing.

Other Updates:

Current codes mix recreational vehicles and mobile home rules. Changes clearly separate them.

Mobile Home Park “license” no longer required.

Manufactured homes in manufactured dwelling subdivision need not be owner occupied

Conflicts removed (Mobile home park Type I vs. Type II)

Rules updated allowing temporary placement of an RV or manufactured dwelling during home construction.

Staff Recommendation:

Staff recommends adoption of Resolution 2011-293, recommending that the City Council adopt the proposed amendments.

Questions:

Commissioner Wall asked if the City has an actual RV definition. Barton Brierley referred to the definition on page 15 of the meeting packet; *“The unit shall be identified as a recreational vehicle by the manufacturer and meet applicable federal standards for construction.”* Commissioner Wall is concerned with that definition, as it is broad and does not factor in condition.

Chair Smith asked staff if recreational vehicles must be allowed as dwellings that take up a space in a park. Mr. Brierley replied that a manufactured dwelling space can be occupied by a manufactured home, mobile home, or recreational vehicle. State law does not allow the local government to prohibit RVs in manufactured dwelling spaces. You cannot require a certain age for mobile homes in a mobile home park but he is unsure about recreational vehicles.

Commissioner Barnes stated an RV would not be allowed to take up a space in most manufactured home parks because it is private property, and the park management would not allow it. Mr. Brierley stated the

park can set rules to not allow RVs but the City code cannot prohibit the RVs. Commissioner Barnes asked if the existing manufactured home parks in the City could apply for a zone change to the R-4 zone. Mr. Brierley replied, yes the park owner could apply.

Chair Smith asked why the word “district” is used instead of R-4 zone. Mr. Brierley explained that all the zones in the code are referred to as a district.

Kale Rogers asked what percentage of lot coverage the R-4 zone falls under. Mr. Brierley explained that the R-4 zone would not have a coverage limit as currently proposed. Commissioner Barnes stated there is 60% coverage (structures and parking) in existing mobile home parks.

Chair Smith opened public testimony.

Undecided:

Rene Garoutte lives in Springbrook Estates. She asked why a park would want to change to an R-4 zone and, if the zone change was approved, would that increase or decrease the property taxes. Commissioner Smith replied that the reason the city is considering creating an R-4 zone is because the Taskforce on Affordable Housing recognized manufactured housing as an important source of affordable housing in the City which should be encouraged. They thought having a zone specifically designed to encourage manufactured housing would help to increase and maintain this kind of housing in the City. Mr. Brierley stated that if the park wanted to be zoned R-4 they would need to apply and go through the normal zone change process. Only the County Tax Assessor could answer the property tax question, but he does not believe their taxes will be affected. Commissioner Barnes stated the taxes are on the home and not on the land. Mr. Brierley explained it could facilitate long-term maintenance of the park, which would provide some stability to the area.

Chair Smith closed public testimony.

Deliberation:

Commissioner Edwards stated the age of an RV is not the concern but instead the safety and functionality of the vehicle or the unit.

Chair Smith does not think specifying lot coverage for manufactured home parks is needed due to the density and design of the typical park. On the matter of dilapidated housing or recreational vehicles, he believes it would be difficult to write a rule and suggested passing this resolution as currently written and see if difficulties arise in the future.

Commissioner Edwards agreed that concerns about vehicle condition and lot coverage could be addressed if needed in the future. He is in favor of the resolution.

MOTION #2: Barnes/Wall moved to approve Planning Commission Resolution No. 2011-293. (5 Yes/ 0 No/ 2 Absent [Bliss, Stuhr]) Motion carried.

APPLICANT: City of Newberg
REQUEST: Amend the Newberg Development Code lot coverage limit in the R-1 zone from 30% to 40% for one story homes, and modify lot coverage requirements.
FILE NO: DCA-11-001 **RESOLUTION NO.:** 2011-294

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

Order ___ Ordinance ___ Resolution XX Motion ___ Information ___
No. No. No. 2011-2968

SUBJECT: A resolution authorizing the City Manager to enter into a contract with First Cascade Corporation for the construction of the Fire Station 20 Remodel Project.

Contact Person (Preparer) for this Motion: Jason Wuertz, PE, Project Manager and Dain Eichel, Interim Public Works Dir.
Dept.: Public Works Department - Engineering
File No.:
(if applicable)

RECOMMENDATION:

Adopt **Resolution No. 2011-2968**, authorizing the City Manager to enter into a contract with First Cascade Corporation for the construction of the Fire Station 20 Remodel Project.

EXECUTIVE SUMMARY:

The existing fire station poses several health and safety hazards as well as limited space for the housing of firefighters. This project will address firefighter health and safety concerns as well as allow additional space to increase firefighter staffing.

An American Recovery and Reinvestment Act (ARRA) Assistance to Firefighters Fire Station Construction Grant has been awarded to the Newberg Fire Department in the amount of \$764,225.00. As part of this grant, \$676,327.00 is allotted for Construction.

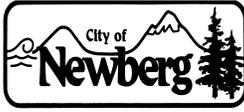
On April 4, 2011, the City Council adopted a resolution authorizing the City Manager to enter into a professional services agreement with Group Mackenzie to provide the design services for this project. The design was completed in July and advertised for construction. A design elevation sketch and floor plan can be seen as Exhibit A & B. On August 17, 2011, six bids for the construction of the Fire Station 20 Remodel Project were received with base bid prices ranging from \$549,322.00 to \$710,174.00. The lowest responsive bidder was First Cascade Corporation with a base bid of \$549,322.00, compared to the engineer's estimate of \$730,000.00 - \$780,000.00.

The low bid by First Cascade Corporation allows the City to select all additive bid alternates. These alternates have a total price of \$42,706.00 bringing the total contract price to \$592,028.00.

The other elements of the construction budget include permit fees, special inspection, and construction contingency. Prior to the completion of the project, the remainder of the grant funding will be used to upgrade surfaces, fixtures, or fund the purchase of new furniture or equipment.

FISCAL IMPACT: The FY 11/12 budget, under account number 1-2220-610534, can support this contract amount while receiving reimbursements from the approved ARRA grant.

STRATEGIC ASSESSMENT: This project will address firefighter health and safety concerns as well as allow additional space to increase firefighter staffing which will improve the firefighter's ability to serve the citizens of Newberg.



RESOLUTION No. 2011-2968

**A RESOLUTION AUTHORIZING THE CITY MANAGER TO ENTER INTO A
CONTRACT WITH FIRST CASCADE CORPORATION FOR THE
CONSTRUCTION OF THE FIRE STATION 20 REMODEL PROJECT**

RECITALS:

1. The City has received a grant totaling \$764,225.00 from the American Recovery and Reinvestment Act (ARRA) Assistance to Firefighters Fire Station Construction. The allotted construction portion of this grant is \$676,327.00.
2. On April 4, 2011, the City Council adopted a resolution authorizing the City Manager to enter into a professional services agreement with Group Mackenzie to provide the design services for this project. The design was advertised for construction in July and bids were received on August 17, 2011. The lowest responsive bidder was First Cascade Corporation with a bid in the amount of \$592,028.00 (including selected alternates).
3. This project is included in the FY 2011-2012 budget with reimbursement for all expenses coming from the ARRA grant.

THE CITY OF NEWBERG RESOLVES AS FOLLOWS:

The City Council, acting as Contract Review Board for the City, does hereby authorize the City Manager to enter into a construction contract in an amount of \$592,028.00 with First Cascade Corporation, the low bid contractor for the Fire Station 20 Remodel Project.

- **EFFECTIVE DATE** of this resolution is the day after the adoption date, which is: September 7, 2011.

ADOPTED by the City Council of the City of Newberg, Oregon, this 6th day of September 2011.

Norma I. Alley, City Recorder

ATTEST by the Mayor this 8th day of September 2011.

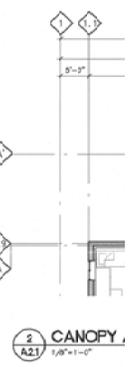
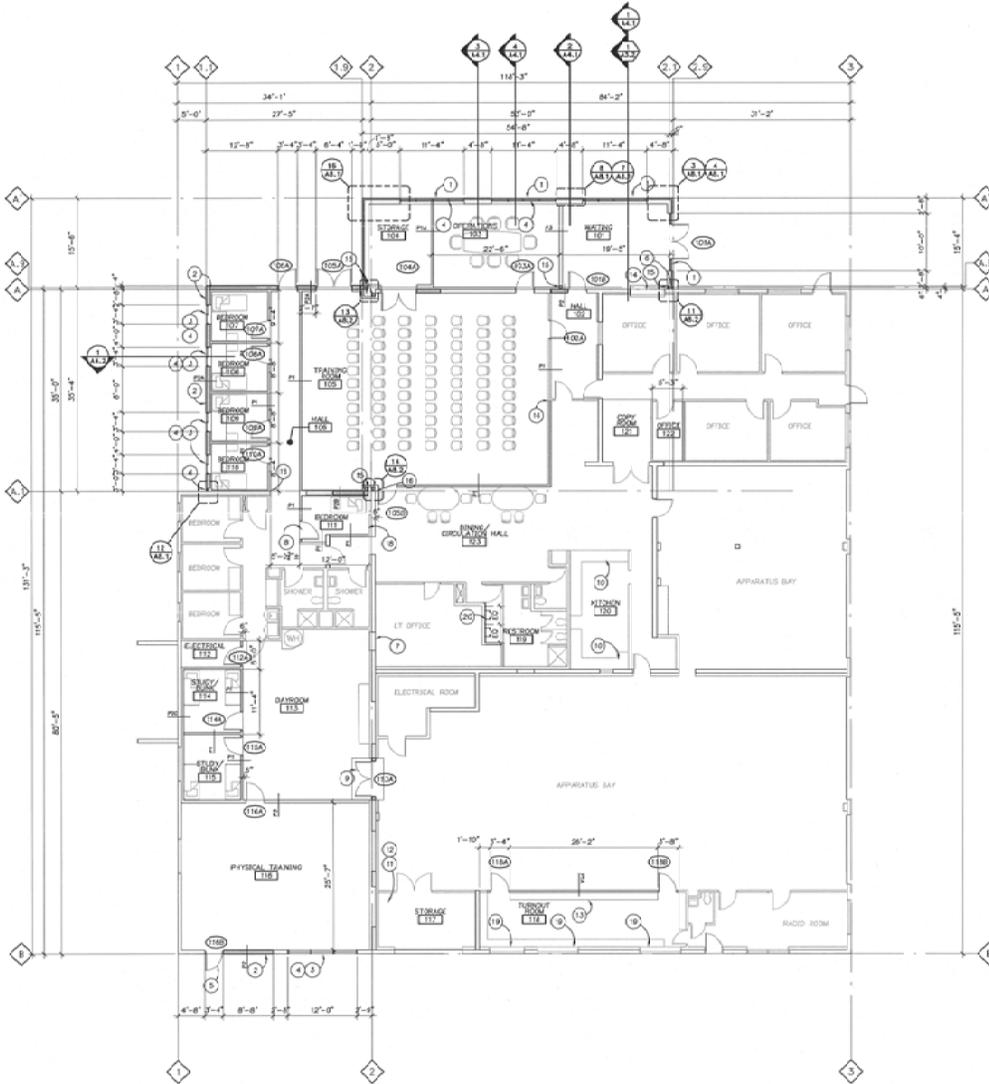
Bob Andrews, Mayor



View point of the North West corner of the fire station as viewed from 2nd Street, between Howard & Blain Street.

EXHIBIT "B"

To Resolution No.2011-2968



1 FLOOR PLAN
A21 1/8"=1'-0"

LEGEND

- EXISTING WALLS TO REMAIN --- SEE A02.C FOR DEMOLITION WORK
- CMU WALL w/ FURRING— SEE DETAIL P2/A1.1
- NEW EXTERIOR CMU WALL— SEE DETAIL P2/A1.1
- NEW EXTERIOR WALLS --- SEE SHEET A1.7
- NEW EXTERIOR VENEER WALL
- WALL TYPE, SEE A1.1

GENERAL NOTES

- A. ALL NOTED DIMENSIONS ARE FROM GRID LINE OR FACE OF FINISH UNLESS NOTED OTHERWISE.
- B. WALL THICKNESS ARE NOMINAL UNO.
- C. SEE ENLARGED PLANS FOR ADDITIONAL DIMS AND NOTATIONS
- D. ITEMS DASHED ON PLAN ARE FURNITURE AND EQUIPMENT PURCHASED AND INSTALLED BY OWNER UNLESS NOTED OTHERWISE. THEY ARE DETICED ON PLANS FOR REFERENCE AND COORDINATION ONLY.
- E. SEE ROOF FRAMING PLAN FOR ADDITIONAL INFORMATION.

KEYNOTES

- 1. NEW ALUMINUM WINDOW FRAMED SYSTEM
- 2. NEW EXTERIOR CMU WALL
- 3. NEW EXTERIOR VINYL OPERABLE WINDOW SYSTEM
- 4. NEW WINDOW SYSTEM TO HAVE NEW BLINDS
- 5. NEW EXTERIOR DOOR
- 6. EXPANSION CONTROL JOINT FOR ADDITION
- 7. INFILL EXISTING OPENING IN EXISTING WALL
- 8. ORIGINAL DOOR TO BE SALVAGED AND REUSED
- 9. NEW DOUBLE BOWLS
- 10. NEW CABINERY FOR KITCHEN TO MATCH EXISTING LAYOUT (ALTERNATE #2)
- 11. RELOCATE EXISTING COMMERCIAL WASHING IN APPARATUS BAY/STAIRWAY NEAR WATER HEATER TO THIS LOCATION
- 12. RELOCATE AIR PURIFICATION MACHINE TO THIS LOCATION --- MINIMIZE THE AMOUNT OF TIME MACHINE IS NOT OPERATIONAL
- 13. NEW FURNITURE LOOKING --- TO MATCH EXISTING
- 14. NEW DOWNER WINDOW TO INFILL EXISTING OPENING --- SEE 1/A01.1 (ALTERNATE #6)
- 15. NEW STEEL COLUMNS --- SEE STRUCT
- 16. ALIGN NEW WALL WITH EXISTING CORNER
- 17. PRICE AS PART OF ALTERNATE #1. STEEL CANOPY/W STEEL TUBE COLUMNS SEE ELEVATIONS AND DETAILS ON A8.3
- 18. INFILL AND FIN OUT WALL AS RECT. TO HAVE SMOOTH WALL FINISH
- 19. PROVIDE ON INTERIOR SURFACE OF EXISTING WINDOWS UV SOLAR PROTECTION FILM
- 20. RELOCATE NEW URINALS ON SAME WALL, PROVIDING EQUAL SPACE BETWEEN EA URINAL. --- SEE PLUMBING FOR MORE INFO

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

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

SUBJECT: Approve the Chamber of Commerce quarterly report for the Chehalem Valley Visitor Information Center.

Contact Person (Preparer) for this Motion: Norma Alley, City Recorder
Dept.: Administration
File No.:

RECOMMENDATION:

Approve the Chamber of Commerce 2010-2011 fourth quarter report for the Chehalem Valley Visitor Information Center.

EXECUTIVE SUMMARY:

The City of Newberg helps financially support the Chehalem Valley Visitor Information Center. As part of that support, the City Council has requested the Visitor Information Center provide budget reports.

FISCAL IMPACT:

The City of Newberg is currently funding the Visitor Information Center with a contribution of 25% of the Transient Lodging Tax revenue.

STRATEGIC ASSESSMENT:

The City Council has determined that the operation of a Visitor Information Center is in the best interests of the city's business community and promotes tourism and economic development in the Newberg area.

	Q4	YTD 10-11	Budget
REVENUE:			
City of Newberg	\$15,375.00	\$56,125.00	\$56,000.00
Newberg Chamber contribution	\$19,686.49	\$49,474.34	\$40,725.00
TOTAL REVENUES:	\$35,061.49	\$105,599.34	\$96,725.00
EXPENSES:			
Personnel	\$10,258.35	\$41,308.94	\$44,975.00
Marketing	\$6,525.18	\$17,343.66	\$14,000.00
Overhead/Utilities, etc.*	\$18,277.96	\$46,946.74	\$37,750.00
TOTAL EXPENSES:	\$35,061.49	\$105,599.34	\$96,725.00

*Variance: Office Rent and associated expenses was an unbudgeted expense for the 2010-2011 Fiscal Year

Chehalem Valley Chamber Visitors Center Report

July 2011



Visitor Center Highlights

Fourth Quarter

- 832 Walk-in Visitors, 13,531 Website Visits & 2218 Phone Calls
- The Visitors Center has relocated to 115 N. College Street. The visible location on Hwy 99W has resulted in an immediate increase in visitor center walk-in traffic. The spacious floor-plan features a large sitting area with plenty of room for visitors to browse the collection of over 900 brochures and to plan their itinerary in and around the area. The comfortable seating area also conveniently has wifi. We worked with ODOT to change signage to the center and are currently waiting for Chehalem Signs to replace the lighted signs on the side of the building with the new international I signs.
- I have submitted a grant application to Travel Oregon to fund two flat-panel screens and the production of a local tourism video with an Events Calendar.

- In May I started negotiations with an Oregon Festival that would like to relocate to Newberg in the winter of 2013. The plan for that move is currently underway. The festival attracts over 1,000 attendees including international visitors. I am hopeful I can make a formal announcement in the next 60 days.



- 7500 copies of The 2011-2012 Community Directory has been published along with 17,500 copies of a 16 page tourism insert. Both publications are available in an electronic format that can be accessed on the chamber website or forwarded inexpensively to visitors requesting information on the area. The digital format allows the reader to turn pages like a printed guide.

2011 Visitor Center Services

Trolley Funded for Newberg ArtWalk

The Chehalem Valley Chamber of Commerce and Visitors Center has expended its financial support Of Newberg's First Friday ArtWalk to include the Wine Country Trolley in April . The Trolley operates from 5pm to 9 pm and makes 5 stops in a loop around downtown to pick up and drop off Art Walk attendees.



Economic Impact of Oregon Wine Industry Announced



A study for the Oregon Wine Industry finds its economic impact has nearly doubled since 2005 and now stands at \$2.7 billion. The study was released last month by the Oregon Wine Board by Full Glass Research. The study found that Oregon's 419 wineries and 849 vineyards accounted for 13,000 jobs in 2010.



Chef Paul Bachand and business partner Dustin Wyant opened Recipe in April of this year. Check out this recent review from a visitor from Dallas, Texas:

We happened upon Recipe driving to some wineries on vacation. After some tasting, we decided to go back there for dinner. It was fabulous. We had such a good time. The service was outstanding. We loved the recommendations from the server. The menu was small and lovely. We split several dishes. We asked the chef to make us an entree of his choice, which was a creamy, comforting skillet of nettle, pasta, mushrooms and cheese. Oyster stew, fresh seasonal salmon.... whatever you order, it's going to be fresh and seasonal. Corkage was a reasonable \$20, so we had a bottle purchased earlier in the day.

Newberg Oregon Represented at Oregon Destination Marketing Conference

I attended the Oregon Destination Marketing Conference and Oregon tourism Commission meeting in Enterprise Oregon in June. The two day conference provides educational workshops on "best practices" in visitors center services. The conference is also attended by Travel Oregon staff and provides an excellent opportunity to pitch story ideas about our area. The semi-annual conference which is held in association with the Tourism Commission Meeting will be held in Newberg in December 2012.

REQUEST FOR COUNCIL ACTION

DATE ACTION REQUESTED: September 6, 2011

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

SUBJECT: Reduce City Hall open hours and implement a call handler system for the main city number.

Contact Person (Preparer) for this Motion: Dan Danicic, City Manager
Dept.: Administration
File No.:

RECOMMENDATION:

Approve adjusted City Hall hours and implement a call handler system for the main city number.

EXECUTIVE SUMMARY:

During the budget process, the cities had to lay-off and reduce employment hours of front counter staff in the Planning and Building, Finance, and Engineering Departments. Due to these personnel changes, there is limited staff available for morning hours.

I propose the following city hall open hours. Full time staff will continue to work 40-hour weeks avoiding scheduling meetings that start before 8:30AM. To help accommodate the needs of those that are not able to make it during the day, the City Hall will provide limited Planning, Building, Utility Billing and Engineering services on Wednesdays between 5 and 6pm.

Monday 8:30 – 4:30
Tuesday 8:30 – 4:30
Wednesday 8:30 – 6:00
Thursday 8:30 – 4:30
Friday 8:30 – 4:30

The Public Safety Building will remain open Monday through Friday from 8:00AM to 4:30PM.

FISCAL IMPACT:

None.

STRATEGIC ASSESSMENT:

This accommodates the need of serving the public in the best manner possible with the current staffing levels.